

7. CONSENT AGENDA

A. Minutes of Preceding Meeting:

1. Regular Meeting: August 11, 2003.

B. Introductions (Public Hearing To Be Scheduled For: September 8, 2003)

1. **Ordinance Serial No. 03-53:** Amending The FY-04 Budget By Appropriating \$45,000 For Replacement Of The Wasilla Police Department Roof.
2. **Ordinance Serial No. 03-54:** Amending The FY-04 Budget By Appropriating \$52,000 For The Lucille Lake Boat Launch Project.
3. **Ordinance Serial No. 03-55:** Amending The FY-04 Budget By Appropriating \$95,000 For The Multi-Use Sports Complex Water Utilities.
4. **Ordinance Serial No. 03-56:** Amending WMC 16.24.040, Parking, To Provide For Technical Revisions Relating To Off-Street And On-Street Parking Requirements.
5. **Ordinance Serial No. 03-57:** Amending 12.20.020, Limitation Of Motorized Uses On Lake Lucille And Wasilla Lake, To Decrease Hours Of Operation For Motorized Uses And To Amend 12.20.030, Prohibition Of Motorized Uses, To Only Allow Watercraft To Use The E. Susitna Avenue Right Of Way To Access Lake Lucille Between May 1 And November 1 Of Each Year.
6. **Resolution Serial No. 03-29:** Prohibiting On-Street Parking In Designated Areas Of S. Lake Street And E. Susitna Avenue And Providing For The Installation Of Gates At The Public Access Area Located On E. Susitna Avenue And S. Lake Street.

C. Resolutions

1. **Resolution Serial No. 03-25:** Accepting Alaska Department Of Environmental Conservation Municipal Grant In The Amount Of \$271,500 For The Storm Water Pumping And Treatment Facility.
2. **Resolution Serial No. 03-26:** Accepting Alaska Department Of Environmental Conservation Municipal Grant In The Amount Of \$945,100 For The Water Main Improvement Program Phase 2.

3. **Resolution Serial No. 03-27:** Recognizing September 9, 2003 As International Fetal Alcohol Syndrome (FAS) Awareness Day.
4. **Resolution Serial No. 03-28:** Authorizing A Loan Application For The Bumpus Reservoir Facility In The Amount Of \$3,309,000 And Designating An Official Authorized To Accept And Manage An Alaska Drinking Water Fund Loan.
5. **Resolution Serial No. 03-30:** Accepting A Federal Aviation Administration Grant In The Amount Of \$200,000 For Additional Airport Lease Lots.

D. Council Memorandums

1. **CM No. 03-44:** Contract Amendment For USKH In The Amount Of \$100,500 For South Mack Drive Water And Sewer Extension Construction Phase Services.

8. **PUBLIC HEARING** (Three minutes per person.)

- A. **Ordinance Serial No. 03-43:** Amending WMC 3.60.060.B, To Address Holiday Pay And Amending WMC 3.55.100, To Provide For Emergency Call Out Pay.
- B. **Ordinance Serial No. 03-49:** Amending The FY-04 Police Department Budget By \$60,102 To Roll Forward The FY-03 Grant Balances.
- C. **Ordinance Serial No. 03-50:** Amending The FY-04 Budget By Appropriating \$134,000 In City Funding For The Alaska Railroad Crossing Signalized Warning At South Mack Drive.
- D. **Ordinance Serial No. 03-51:** Amending The FY-04 Budget By Reducing The State Funding Portion For South Mack Drive In The Amount Of \$12,375.

9. **PERSONS TO BE HEARD** (Three minutes per person.)

10. **UNFINISHED BUSINESS**

11. **NEW BUSINESS**

12. **COMMUNICATION**

- A. Status Report For The Wasilla Airport

- 13. MAYOR, CLERK, AND ATTORNEY COMMENTS**
- 14. COUNCIL COMMENTS**
- 15. AUDIENCE COMMENTS (Three minutes per person.)**
- 16. EXECUTIVE SESSION**
 - A. Gary Lundgren Case.
 - B. A Policy On Waiving Or Reducing Penalties In Connection With Settling Claims For Delinquent Sales Tax.
- 17. ADJOURNMENT**

1. CALL TO ORDER

The regular meeting of the Wasilla City Council was held on Monday, August 25, 2003, at the Wasilla City Council Chambers, Wasilla, Alaska. Mayor Keller called the meeting to order at 7 p.m.

2. ROLL CALL

Council Members present and establishing a quorum were:

Mr. Howard O'Neil, Seat A, Deputy Mayor
Ms. Diana L. Straub, Seat B
Mr. Noel Lowe, Seat C (arrived at 7:15 p.m.)
Mr. Rob Sande, Seat D
Mr. Ron Cox, Seat E
Ms. Colleen Sullivan-Leonard, Seat F

Staff in attendance were:

Ms. Kristie L. Smithers, City Clerk
Ms. Jamie Newman, Deputy City Clerk
Mr. Tom Klinkner, City Attorney
Mr. Tim Krug, City Planner
Mr. Ted Leonard, Finance Director
Mr. Don Savage, Police Chief
Mr. Don Shiesl, Public Works Director

3. PLEDGE OF ALLEGIANCE

A. Presentation Of Colors By Boy Scout Troop No. 300.

Boy Scout Troop No. 300 led the Pledge of Allegiance.

4. APPROVAL OF AGENDA

Mayor Keller requested to postpone the proclamation presentation. No objection was raised.

GENERAL CONSENT: The agenda was approved as amended. No objection was raised.

5. SPECIAL ORDERS

- A. Proclamation Presentation: Honoring May Carter.

The proclamation presentation was postponed until further notice.

6. COMMISSION/AGENCY REPORT (Five minutes per agency.)

- A Planning Commission

No report was presented.

- B. Parks And Recreation Commission

Commissioner Dave Tuttle:

- reported that the commission canceled their August meeting in light of the joint work-session which was held with the city council and planning commission; and
- stated that the commission is available to work on issues as directed by the city.

- C. Matanuska-Susitna Borough.

No report was presented.

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D. Council Memorandums

1. **CM No. 03-44:** Contract Amendment For USKH In The Amount Of \$100,500 For South Mack Drive Water And Sewer Extension Construction Phase Services.

The city clerk read the following grammatical correction to Ordinance Serial No. 03-57 into the record: to strike the word "land" from section 3 of the ordinance as it appears twice. No objection was raised.

MOTION: Council Member O'Neil moved to adopt the consent agenda.

GENERAL CONSENT: No objection was raised. (Council Member Lowe was not present and did not participate.)

8. PUBLIC HEARING (Three minutes per person.)

- A. **Ordinance Serial No. 03-43:** Amending WMC 3.60.060.B, To Address Holiday Pay And Amending WMC 3.55.100, To Provide For Emergency Call Out Pay.

Mayor Keller opened the public hearing on Ordinance Serial No. 03-43 and there being no one who wished to present testimony the public hearing closed.

MOTION: Council Member Sullivan-Leonard moved to adopt Ordinance Serial No. 03-43.

VOTE: The motion passed without objection. (Council Member Lowe was not present and did not participate.)

- B. **Ordinance Serial No. 03-49:** Amending The FY-04 Police Department Budget By \$60,102 To Roll Forward The FY-03 Grant Balances.

Mayor Keller opened the public hearing on Ordinance Serial No. 03-49 and there being no one who wished to present testimony the public hearing closed.

MOTION: Council Member Sande moved to adopt Ordinance Serial No. 03-49.

Council Member Sande requested clarification on the source of funds as noted in the ordinance. The finance director spoke to the issue and clarified the matter.

VOTE: The motion passed without objection. (Council Member Lowe was not present and did not participate.)

- C. **Ordinance Serial No. 03-50:** Amending The FY-04 Budget By Appropriating \$134,000 In City Funding For The Alaska Railroad Crossing Signalized Warning At South Mack Drive.

Mayor Keller opened the public hearing on Ordinance Serial No. 03-50 and there being no one who wished to present testimony the public hearing closed.

Council Member Lowe entered the meeting at 7:15 p.m.

MOTION: Council Member O'Neil moved to adopt Ordinance Serial No. 03-50.

VOTE: The motion passed without objection.

- D. **Ordinance Serial No. 03-51:** Amending The FY-04 Budget By Reducing The State Funding Portion For South Mack Drive In The Amount Of \$12,375.

Mayor Keller opened the public hearing on Ordinance Serial No. 03-51 and there being no one who wished to present testimony the public hearing closed.

MOTION: Council Member Sande moved to adopt Ordinance Serial No. 03-51.

VOTE: The motion passed without objection.

9. PERSONS TO BE HEARD (Three minutes per person.)

No comments were made.

10. UNFINISHED BUSINESS

There was no unfinished business.

11. NEW BUSINESS

There was no new business.

12. COMMUNICATION

- A. Status Report For The Wasilla Airport

13. MAYOR, CLERK, AND ATTORNEY COMMENTS

Clerk:

- spoke about the need to confirm attendance at the AML Conference to be held in Nome in November 2003; and
- pointed out that correspondence received from Mr. Merle Frank regarding the public access area on E. Susitna Avenue was distributed to the council.

Tom Klinkner:

- announced that the Federal District Court issued an adverse ruling in the Lundgren Case.

Mayor Keller gave a power point presentation on the topic of "City of Wasilla Partnership Projects."

Mayor Keller:

- announced that the Sports Complex Project Manager, Don Moore, has submitted his resignation effective September 5, 2003; and
- credited Mr. Moore with the success of the project to date and thanked him for his service to the city.

14. COUNCIL COMMENTS

Council Member Straub:

- congratulated Mayor Keller on the power point presentation she prepared.

Deputy Mayor O'Neil:

- commented on how much he enjoyed the power point presentation prepared by Mayor Keller.

Council Member Sande:

- expressed how much he appreciated the power point presentation prepared by Mayor Keller;
- commended on an animal control issue he witnessed and stated he was pleased with the way Houston Animal Control handled the situation; and
- stated that he supports the city establishing fees that are in line with the private sector.

Council Member Sullivan-Leonard:

- thanked Mayor Keller for preparing the power point presentation and for sharing it with area communities; and
- encouraged council members to attend a parliamentary procedure training session sponsored by the borough clerk.

Council Member Lowe:

- suggested that the mayor send her power point presentation to the city's federal lobbyist.

Council Member Cox:

- spoke in support of the mayor's power point presentation and encouraged the mayor to distribute it to interested persons.

15. AUDIENCE COMMENTS (Three minutes per person.)

Mr. John Dewar requested that the council address enforcement issues.

16. EXECUTIVE SESSION

- A. Gary Lundgren Case.
- B. A Policy On Waiving Or Reducing Penalties In Connection With Settling Claims For Delinquent Sales Tax.

MOTION: Council Member O'Neil moved to enter into executive session for the purpose of potential or pending litigation to which the City of Wasilla may become or is a party specifically the Lundgren Case and for the purpose of discussing matters, the immediate public knowledge of which would clearly have an adverse effect upon the finances of the city, specifically a policy on waiving or reducing penalties in connection with settling claims for delinquent sales tax.

Council Member Lowe requested clarification on the grounds for entering executive session to discuss a policy on delinquent sales tax. The city attorney clarified the issue raised by Council Member Lowe.

GENERAL CONSENT: No objection was raised to enter into executive session.

The following entered into executive session at 8 p.m. in the council conference room to discuss the Lundgren case: the mayor, the entire council, City Attorneys Tom Klinkner, and Ken Jacobus, the public works director, and the city planner. The executive session exited at 9 p.m.

The following entered into executive session at 9:01 p.m. in the council conference room to discuss a policy on waiving or reducing penalties in connection with settling claims for delinquent sales tax: the mayor, the entire council, finance director, and City Attorney Tom Klinkner. The executive session exited at 9:20 p.m.

MOTION: Council Member Lowe moved that the City of Wasilla file an appeal in the Federal Court Case involving Gary Lundgren.


VOTE: The motion passed unanimously.

17. ADJOURNMENT

The meeting adjourned at 9:22 p.m.


DIANNE M. KELLER, Mayor

ATTEST:


KRISTIE L. SMITHERS, CMC
City Clerk

Adopted by the Wasilla City Council on September 8, 2003.