



MAYOR
Dianne M. Keller

COUNCIL
Howard O'Neil, Seat A
Diana L. Straub, Seat B
Noel H. Lowe, Seat C
Robert Sande, Seat D
Ron Cox, Seat E
Mark A. Ewing, Seat F

**WASILLA CITY COUNCIL
MEETING AGENDA
WASILLA CITY COUNCIL CHAMBERS**

Wasilla City Hall, 290 E. Herning Avenue, Wasilla, AK 99654 (907) 373-9090

REGULAR MEETING

7 P.M.

JANUARY 10, 2005

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **PLEDGE OF ALLEGIANCE**
 - A. Presentation Of Colors By Boy Scout Troop No. 300.
4. **APPROVAL OF AGENDA**
5. **SPECIAL ORDERS**
6. **COMMISSION/AGENCY REPORT (Five minutes per agency.)**
 - A. Planning Commission
 - B. Parks and Recreation Commission
 - C. Airport Advisory Commission
 - D. Matanuska-Susitna Borough
 1. Ms. Linda Schwankl, Citizen Corps Coordinator: Community Emergency Response Team Program. (10-minute presentation)

- E. Fetal Alcohol Resource Project: Sandy Lane and Cathy Petrie; Regarding Fetal Alcohol Spectrum Disorder (10-Minute Presentation/5-Minute Question And Answer)
- F. Fiscal Year 2004 Audit Report: Mr. John Bost, Mikunda Cottrell.

7. **CONSENT AGENDA**

- A. Minutes of Preceding Meeting:
 - 1. Regular Meeting: December 13, 2004
- B. Introductions (Public Hearing To Be Scheduled For: January 24, 2005)
 - 1. **Ordinance Serial No. 05-10:** To Amend The FY-05 Police Budget By Appropriating \$5,000 In Order To Accept The Driving Under The Influence (DUI) Holiday Enforcement Grant From The State Of Alaska Highway Safety Office.
 - 2. **Ordinance Serial No. 05-12:** Repealing Chapter 6.12 Of The Wasilla Municipal Code And Amending WMC 1.20.030, Disposition Of Scheduled Offenses – Fine Schedule In Regard To Taxicab And Chauffeurs.
- C. Resolutions
 - 1. **Resolution Serial No. 05-01:** Authorizing A 20-Year Lease For MASCOT To Construct An Office/Maintenance Building On City Property, Tax Parcel D9, Section 9, Township 17 North, Range 2 West Seward Meridian, Alaska.
 - 2. **Resolution Serial No. 05-02:** Adopting A New Fee Schedule For The Multi-Use Sports Complex And Repealing Resolution Serial No. 03-40.
- D. Action Memorandums

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

- A. **Ordinance Serial No. 05-01:** To Amend The FY-05 Police Department Budget By Reducing The Balance Of The FY-04 Impaired Driving Grant To The Actual Cost.
- B. **Ordinance Serial No. 05-02:** Amending The FY-05 Budget By Reducing The State Stormwater Pumping And Treatment System Grant In The Amount Of \$15,943.

- C. **Ordinance Serial No. 05-03:** Amending The FY-05 Budget By Appropriating Mat-Su Borough Paving Match Funding In The Amount Of \$138,616.66.
- D. **Ordinance Serial No. 05-04:** Denying A Rezone Request From RR-Rural Residential To R2-Residential For Valley View Estates Addition 2, Lots 2, 3, 4, 5, 6, 7, 8, And 9 Of Block 1; Lots 2, 3, 4 And 5 Of Block 2; Lots 1A And 1B Of Valley View Estates Addition 2 Resubdivision Of Block 2, Lot 1 All Within Section 14, T17N, R1W, Seward Meridian, Alaska.
- E. **Ordinance Serial No. 05-05:** Denying A Rezone Request From RR-Rural Residential To C-Commercial, For Lot 1, Block 3, Indian Hills I Subdivision And Tract A-1, Indian Hills I Resubdivision, Both Within Section 3, T17N, R1W, Seward Meridian, Alaska.
- F. **Ordinance Serial No. 05-06:** Adopting Wasilla Municipal Code Chapter 6.16, Liquor Licenses.
- G. **Ordinance Serial No. 05-07:** Amending The FY-05 Budget By Appropriating \$90,000 For The Garden Terrace Water Main Extension.
- H. **Ordinance Serial No. 05-08:** Amending The FY-05 Budget By Appropriating \$90,000 For The Airport Apron Phase 1C.
- I. **Ordinance Serial No. 05-09:** To Amend The FY-05 Youth Court Budget By Accepting The Increase Of \$6,000 For The Department Of Juvenile Justice Grant From The United Youth Courts Of Alaska.

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

10. **UNFINISHED BUSINESS**

11. **NEW BUSINESS**

12. **COMMUNICATION**

- A. **IM No. 05-01:** Report Of Expenditures: September And October 2004.
- B. Draft Commission Meeting Minutes:
 - 1. Planning Commission: December 14 And 28, 2004.
 - 2. Parks And Recreation Commission: December 8, 2004
- C. Approved Commission Meeting Minutes:
 - 1. Airport Advisory Commission: November 16, 2004

13. **MAYOR, CLERK, AND ATTORNEY COMMENTS**
14. **AUDIENCE COMMENTS** (Three minutes per person.)
15. **EXECUTIVE SESSION**
16. **COUNCIL COMMENTS**
17. **ADJOURNMENT**

1. CALL TO ORDER

The regular meeting of the Wasilla City Council was held on Monday, January 10, 2005 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 Straub, Seat B (participate telephonically beginning at 8:15 p.m.)
- Mr. Rob Sande, Seat D
- Mr. Ron Cox, Seat E
- Mr. Mark Ewing, Seat F

Council Member Noel Lowe, Seat C, was absent and excused.

Staff in attendance were:

- Ms. Kristie Smithers, City Clerk
- Ms. Jamie Newman, Deputy Clerk
- Ms. Sandra Garley, City Planner
- Mr. Archie Giddings, Public Works Director
- Mr. Ted Leonard, Director of Finance and Administrative Services
- Mr. Don Savage, Police Chief
- Mr. Ron Singel, Economic Development Director
- Mr. Bruce Urban, Recreation and Cultural Services Manager

3. PLEDGE OF ALLEGIANCE

Boy Scout Troop 300 led the Pledge of Allegiance.

4. APPROVAL OF AGENDA

The agenda was approved as presented with no objection raised.

5. SPECIAL ORDERS

There were no special orders.

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

A. Planning Commission

Ms. Sandra Garley, City Planner:

- summarized the upcoming planning commission meeting agenda of January 11, 2005.

B. Parks and Recreation Commission

Mr. Bruce Urban, Recreation and Cultural Services Manager:

- spoke about items to be discussed by the parks and recreation commission at their January 12, 2005 regular meeting.

C. Airport Advisory Commission

Mr. Archie Giddings, Public Works Director:

- reported on items discussed at the December 21, 2004 airport advisory commission meeting.

D. Matanuska-Susitna Borough

1. Ms. Linda Schwankl, Citizen Corps Coordinator: Community Emergency Response Team Program. (10-minute presentation)

Ms. Scwankl:

- spoke about the Citizen Corps program;
- discussed community outreach efforts of the Citizens Corp;
- encouraged community participation in disaster preparedness; and
- noted disaster readiness training opportunities offered to the community.

E. Fetal Alcohol Resource Project: Sandy Lane and Cathy Petrie; Regarding Fetal Alcohol Spectrum Disorder (10-Minute Presentation/5-Minute Question And Answer)

Ms. Petrie:

- spoke about fetal alcohol spectrum disorders and the devastating effect they have on communities; and
- shared statistical data on fetal alcohol spectrum disorders.

F. Fiscal Year 2004 Audit Report: Mr. John Bost, Mikunda Cottrell.

Mr. Bost:

- presented the findings of the 2004 Audit Report prepared by Mikunda Cottrell; and
- noted differences in the presentation of the audit report per the requirements of GASBY 34 .

Discussion by the council followed.

Council Member Straub entered the meeting via telephonic participation at 8:15 p.m.

MOTION: Council Member Cox moved to accept the Comprehensive Annual Financial Report for Fiscal Year July 1, 2003 – June 30, 2004 as prepared by Mikunda Cottrell.

GENERAL CONSENT: The motion passed without objection.

7. CONSENT AGENDA

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2. **Ordinance Serial No. 05-12:** Repealing Chapter 6.12 Of The Wasilla Municipal Code And Amending WMC 1.20.030, Disposition Of Scheduled Offenses – Fine Schedule In Regard To Taxicab And Chauffeurs.

C. Resolutions

1. **Resolution Serial No. 05-01:** Authorizing A 20-Year Lease For MASCOT To Construct An Office/Maintenance Building On City Property, Tax Parcel D9, Section 9, Township 17 North, Range 2 West Seward Meridian, Alaska.

2. **Resolution Serial No. 05-02:** Adopting A New Fee Schedule For The Multi-Use Sports Complex And Repealing Resolution Serial No. 03-40.

D. Action Memorandums

Council Member Ewing requested clarification on Resolution Serial No. 05-02.

Mayor Keller address the inquiry to the satisfaction of Council Member Ewing.

MOTION: Council Member Sande moved to adopt the consent agenda.

GENERAL CONSENT: The motion passed without objection.

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

- A. **Ordinance Serial No. 05-01:** To Amend The FY-05 Police Department Budget By Reducing The Balance Of The FY-04 Impaired Driving Grant To The Actual Cost.

Mayor Keller opened the public hearing on Ordinance Serial No. 05-01.

Mr. Steve Stoll requested a report from the police department regarding a traffic accident involving a Wasilla Police Department vehicle.

Council Member Ewing requested information on the incident referred to by Mr. Stoll.

Mayor Keller noted the investigation on the incident continues and council will be provided a copy of the report once the investigation is complete.

There being no others who wished to present testimony the public hearing closed.

MOTION: Council Member Cox moved to adopt Ordinance Serial No. 05-01.

VOTE: The motion passed unanimously.

- B. **Ordinance Serial No. 05-02:** Amending The FY-05 Budget By Reducing The State Stormwater Pumping And Treatment System Grant In The Amount Of \$15,943.

Mayor Keller opened the public hearing on Ordinance Serial No. 05-02 and there being no one who wished to present testimony the public hearing closed.

MOTION: Council Member O'Neil moved to adopt Ordinance Serial No. 05-02.

VOTE: The motion passed unanimously.

- C. **Ordinance Serial No. 05-03:** Amending The FY-05 Budget By Appropriating Mat-Su Borough Paving Match Funding In The Amount Of \$138,616.66.

Mayor Keller opened the public hearing on Ordinance Serial No. 05-03 and there being no one who wished to present testimony the public hearing closed.

MOTION: Council Member Sande moved to adopt Ordinance Serial No. 05-03.

Council Member Ewing requested clarification on the paving projects related to the ordinance. The public works director addressed the inquiry.

VOTE: The motion passed unanimously.

- D. **Ordinance Serial No. 05-04:** Denying A Rezone Request From RR-Rural Residential To R2-Residential For Valley View Estates Addition 2, Lots 2, 3, 4, 5, 6, 7, 8, And 9 Of Block 1; Lots 2, 3, 4 And 5 Of Block 2; Lots 1A And 1B Of Valley View Estates Addition 2 Resubdivision Of Block 2, Lot 1 All Within Section 14, T17N, R1W, Seward Meridian, Alaska.

Mayor Keller opened the public hearing on Ordinance Serial No. 05-04 and there being no one who wished to present testimony the public hearing closed.

MOTION: Council Member Ewing moved to adopt Ordinance Serial No. 05-04.

Council Member Ewing requested clarification on the ordinance.

Staff addressed the inquiry to the satisfaction of Council Member Ewing.

VOTE: The motion passed unanimously.

- E. **Ordinance Serial No. 05-05:** Denying A Rezone Request From RR-Rural Residential To C-Commercial, For Lot 1, Block 3, Indian Hills I Subdivision And Tract A-1, Indian Hills I Resubdivision, Both Within Section 3, T17N, R1W, Seward Meridian, Alaska.

Mayor Keller opened the public hearing on Ordinance Serial No. 05-05.

The following spoke in opposition to the ordinance and encouraged the council to approve the rezone request: Mr. Steve Stoll.

There being no others who wished to present testimony the public hearing closed.

Council Member Sande stated for the record that his place of business is located within the 1200' mail out notice for the property under consideration in Ordinance Serial No. 05-05 and inquired as to whether he should recuse himself from voting on the matter.

The council ruled that no conflict existed and Council Member Sande participated in the debate. No objection was raised.

MOTION: Council Member Cox moved to adopt Ordinance Serial No. 05-05.

MOTION: Council Member Sande moved to postpone Ordinance Serial No. 05-05 indefinitely.

VOTE: The motion to postpone indefinitely passed unanimously.

F. **Ordinance Serial No. 05-06:** Adopting Wasilla Municipal Code Chapter 6.16, Liquor Licenses.

Mayor Keller opened the public hearing on Ordinance Serial No. 05-06 and there being no one who wished to present testimony the public hearing closed.

MOTION: Council Member O'Neil moved to adopt Ordinance Serial No. 05-06.

Discussion followed by the council and staff clarified questions raised by the council.

MOTION: Council Member Ewing moved a primary amendment to strike 6.16.020.A.1.b and 6.16.020.A.2.b from Ordinance Serial No. 05-06.

Discussion followed on the amendment.

MOTION: Council Member Ewing called for the previous question.

Council Member Sande objected.

VOTE: The motion to call the previous question failed with Council Member Ewing in favor and Council Members Cox, O'Neil, Sande, and Straub opposed.

Discussion continued.

VOTE: The primary amendment failed with Council Member Ewing in favor and Council Members Cox, O'Neil, Sande, and Straub opposed.

MOTION: Council Member Sande moved a primary amendment to 6.16.020.2 as follows: By the finance department to determine whether the licensee or license transferee is delinquent in paying to [EITHER] the city [OR THE BOROUGH] any tax, assessment, business license fee, or fee or charge for utility service, **or to the Matanuska-Susitna Borough any real property tax**, for the business that operates, or will operate, under the liquor license. The finance department shall notify the applicant in writing of any delinquency that it finds. In response to the notice, the applicant may either: *(Clerk's Note: **Bold and underline added. [CAPS AND BRACKETS, DELETED.]**)*

VOTE: The primary amendment passed unanimously.

VOTE: The main motion as amended passed with Council Member Cox opposed.

- G. **Ordinance Serial No. 05-07:** Amending The FY-05 Budget By Appropriating \$90,000 For The Garden Terrace Water Main Extension.

Mayor Keller opened the public hearing on Ordinance Serial No. 05-07.

The following stated the residents of Garden Terrace Subdivision should pay a portion of the improvement: Mr. Steve Stoll and Ms. Anne Kilkenny.

There being no others who wished to present testimony the public hearing closed.

MOTION: Council Member Cox moved to adopt Ordinance Serial No. 05-07.

MOTION: Council Member O'Neil moved a primary amendment to change the source of funds in Section 4 of the ordinance from "General Fund's Fund Balance" to "Water Utility Retained Earnings."

VOTE: The primary amendment passed with Council Members Cox, O'Neil, Sande, and Straub in favor and Council Member Ewing opposed.

VOTE: The main motion as amended passed Council Members Cox, O'Neil, Sande, and Straub in favor and Council Member Ewing opposed.

- H. **Ordinance Serial No. 05-08:** Amending The FY-05 Budget By Appropriating \$90,000 For The Airport Apron Phase 1C.

Mayor Keller opened the public hearing on Ordinance Serial No. 05-08 and there being no one who wished to present testimony the public hearing closed.

MOTION: Council Member Cox moved to adopt Ordinance Serial No. 05-08.

VOTE: The motion passed unanimously.

- I. **Ordinance Serial No. 05-09:** To Amend The FY-05 Youth Court Budget By Accepting The Increase Of \$6,000 For The Department Of Juvenile Justice Grant From The United Youth Courts Of Alaska.

Mayor Keller opened the public hearing on Ordinance Serial No. 05-09 and there being no one who wished to present testimony the public hearing closed.

MOTION: Council Member Sande moved to adopt Ordinance Serial No. 05-09.

VOTE: The motion passed unanimously.

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

No comments were made under persons to be heard.

10. UNFINISHED BUSINESS

There was no unfinished business.

11. NEW BUSINESS

There was no new business.

12. COMMUNICATION

- A. **IM No. 05-01:** Report Of Expenditures: September And October 2004.
- B. Draft Commission Meeting Minutes:
 1. Planning Commission: December 14 And 28, 2004.
 2. Parks And Recreation Commission: December 8, 2004
- C. Approved Commission Meeting Minutes:
 1. Airport Advisory Commission: November 16, 2004

No action was taken on the communication items.

13. MAYOR, CLERK, AND ATTORNEY COMMENTS

The city clerk requested concurrence from the council in scheduling the following council meetings:

- February 26, 2005 at 1 p.m. (joint work session with city commissions).
- March 5 from 9 a.m. to 4 p.m. (retreat for council and staff).
- March 7 and March 21 (schedule regular council meetings).
- cancel the March 14 regularly scheduled city council meeting.

No objection was raised by the council to the upcoming meeting schedule proposed by the clerk.

City Clerk:

- noted a photo session has been scheduled for the council at 5:15 p.m. prior to the January 24, 2005 city council meeting;
- inquired about which council members plan to travel for lobbying efforts in the upcoming months; and
- thanked staff for their effort in preparing items for council meeting packets in a timely manner.

MOTION: Council Member Ewing moved to authorize Council Member Cox to travel to Washington D.C. to participate in lobbying efforts for the city.

MOTION: Council Member Sande moved a primary amendment to authorize Deputy Mayor Howard O'Neil to accompany Council Member Cox on the lobbying trip to Washington D.C.

Discussion by the council followed.

VOTE: The primary amendment passed unanimously. *(The primary amendment was deemed final on the main motion and allowed to stand. No objection was raised.)*

Mayor Keller:

- distributed to the council a water master plan map;
- spoke about a ribbon cutting ceremony recently attended;
- commented on a meeting she recently attended between the borough assembly and the Municipality of Anchorage; and
- reported on the activities of various city departments.

14. AUDIENCE COMMENTS (Three minutes per person.)

Mr. Steve Stoll:

- commented on a meeting held with the city finance director to discuss the sports complex bond;
- inquired about agencies that contract with the city for dispatch services;
- questioned the need for council members to travel for lobbying purposes; and
- encouraged Council Members Lowe and Straub to resign from the council due to attendance issues.

Ms. Anne Kilkenny:

- requested an itemized list from the public works department on infrastructure improvements made to her property;
- encouraged the council to initiate immediate annexation proceedings with Garden Terrace Subdivision; and
- encouraged the council to repeal the minimum water charge to city utility customers.

15. EXECUTIVE SESSION

No executive session was held.

16. COUNCIL COMMENTS

Council Member Straub:

- shared her enthusiasm in participating in the opening ceremonies for the Alaska State Legislature; and
- stated she has no intention of resigning from the council.

Council Member Ewing:

- thanked staff for distributing the water utility map; and
- reiterated his philosophy in providing city residents with utilities before extending utilities outside of the city.

Council Member Sande:

- thanked the finance department for preparing the audit report;
- requested a list of upcoming council meetings;
- share his appreciation in receiving the council meeting packet on the Wednesday prior to the scheduled meeting; and
- raised concern over the decision of Council Member Straub to participate in council meetings telephonically. *(Clerk Note: Council Member Straub accepted a position in Juneau as a legislative aide; see the December 13, 2004 regular meeting minutes)*

MOTION: Council Member Sande moved to direct the clerk to prepare an Action Memorandum (AM) requesting the resignation of Council Member Straub for council consideration at the next regular city council meeting.

Discussion followed by the council.

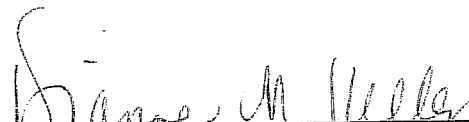
On advise of the city attorney, the clerk stated that Council Member Straub should recuse herself from participating in the vote regarding her resignation.

Discussion continued.

Council Member Sande withdrew his motion and stated he will work directly with the clerk to draft a document for council consideration regarding the resignation of Council Member Straub. No objection was raised.

17. ADJOURNMENT

The meeting adjourned at 10:10 p.m.


DIANNE M. KELLER, Mayor

ATTEST:


KRISTIE L. SMITHERS, MMC
City Clerk

Adopted by the Wasilla City Council on January 24, 2005.