



- D. Matanuska-Susitna Borough
- E. Mr. Charlie Fannon: Matanuska-Susitna Regional Communications Center Grant Awards And Progress

**7. CONSENT AGENDA**

- A. Minutes of Preceding Meeting:
  - 1. Regular Meeting: January 10, 2005
- B. Introductions (Public Hearing To Be Scheduled For: February 14, 2005)
- C. Resolutions
- D. Action Memorandums

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

**8.A NEW BUSINESS** (see page 3 for continuation of New Business)

- A. **AM No. 05-01:** Council Member Use Of Teleconferencing As A Form Of Participation During Council Meetings.

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

- A. **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.
- B. **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.

**10. UNFINISHED BUSINESS**

- A. **Resolution Serial No. 04-45:** Authorizing The Execution Of An Intersection Cost Agreement With Lowe's HIW, Inc. (Postponed From The November 22 and December 13, 2004 Regular City Council Meetings)
  - 1. **IM No. 04-17:** Herman Road Traffic Signal.

**11. NEW BUSINESS**

- A. **AM No. 05-02:** Contract Award To Reven Engineering Inc. In The Amount Of \$90,000 For The Garden Terrace Water Main Extension Design Services.
- B. **Resolution Serial No. 05-03:** Supporting The 2005 Capital Improvement Program Legislative Funding Request For Fiscal Year 2006.
- C. **AM No. 05-03:** Approval Of Conflict Waiver For City Attorney To Work On Negotiations Between The City Of Wasilla And The Matanuska-Susitna Borough Concerning Operation Of The Wasilla Public Library.

**11. NEW BUSINESS**

**12. COMMUNICATION**

- A. **IM No. 05-02:** Expenses Greater Than 5,000 For October Through December 2004.
- B. **IM No. 05-03:** Report of Expenditures: November 2004.
- C. Draft Commission Meeting Minutes:
  - 1. Planning Commission: January 11, 2005.

**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 24, 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  
Mr. Noel Lowe, Seat C  
Mr. Rob Sande, Seat D  
Mr. Ron Cox, Seat E  
Mr. Mark Ewing, Seat F

Staff in attendance were:

Ms. Kristie Smithers, City Clerk  
Ms. Jamie Newman, Deputy Clerk  
Mr. Tom Klinkner, City Attorney  
Ms. Sandra Garley, City Planner  
Mr. Archie Giddings, Public Works Director  
Mr. Ted Leonard, Director of Finance and Administrative Services  
Mr. Craig Robinson, Police Lieutenant  
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**

Council Member Ewing requested to move AM No. 05-02 from the Consent Agenda to New Business, item A.

Council Member Straub requested to adjust the agenda by moving Persons to be Heard and AM No. 05-01 before public hearings.

Council Member O'Neil requested to move Resolution Serial No. 05-03 from the Consent Agenda to New Business, item B.

Council Member Straub requested to move AM No. 05-03 from the Consent Agenda to New Business, item C.

GENERAL CONSENT: The agenda was approved, as amended, without objection.

## 5. SPECIAL ORDERS

There were no special orders.

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

### A. Planning Commission

Commissioner Jessie Elkins:

- discussed items considered by the planning commission at their last regular meeting; and
- noted items on the upcoming planning commission meeting agenda.

### B. Parks and Recreation Commission

Commissioner Maureen McCombs:

- noted the commission is developing summer activity programs;
- reported on future events including, the Iditarod restart and an Arbor Day celebration; and
- stated the commission is considering a public awareness campaign for local parks.

### C. Airport Advisory Commission

No report was presented. *(Clerk's Note: The commission had not met since it last reported to the city council)*

### D. Matanuska-Susitna Borough

No report was presented.

- E. Mr. Charlie Fannon: Matanuska-Susitna Regional Communications Center Grant Awards And Progress

Mr. Fannon:

- updated the council on the status of grant funds received for the dispatch center; and
- discussed how grant funds have been allocated to date.

**7. CONSENT AGENDA**

A. Minutes of Preceding Meeting:

1. Regular Meeting: January 10, 2005

B. Introductions (Public Hearing To Be Scheduled For: February 14, 2005)

C. Resolutions

D. Action Memorandums

GENERAL CONSENT: The consent agenda was approved as presented with no objection raised.

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

A. Ms. Laura Chase (resides outside city limits)

Ms. Chase:

- spoke about her past employment for a member of the Alaska State Legislature;
- discussed duties and responsibilities of a legislative staff member; and
- raised ethical questions related to a council member working as a legislative aide while serving on the city council. (*comments made in regard to AM No. 05-01, see page 5 of the meeting minutes*)

B. Mr. Norm Fuller (city resident)

Mr. Fuller:

- stated his belief that teleconferencing is not an effective way for local elected officials to participate in council meetings (*comment made in regard to AM No. 05-01, see page 5 of the meeting minutes*); and
- stated his support of Resolution Serial No. 04-45.

C. Anne Kilkenny (city resident)

Ms. Kilkenny:

- stated it is not the duty of the council to remove fellow council members, however, it is the duty of the voting public (*comment made in regard to AM No. 05-01, see page 5 of the meeting minutes*); and
- encouraged the city to annex Garden Terrace as the area will receive city water in the near future.

D. Steve Stoll (city resident)

Mr. Stoll

- stated his adamant opposition to a council member working and living outside the city while serving on the city council; and
- expressed his concern with Council Member Straub representing herself as an elected official of the city while working in Juneau. (*comments made in regard to AM No. 05-01, see page 5 of the meeting minutes*)

E. Sarah Welton (city resident)

Ms. Welton:

- spoke in opposition to Resolution Serial No. 04-45; and
- encouraged the council to evaluate its priorities when expending public funds.

F. Verdie Bowen (city resident)

Mr. Bowen:

- shared his experience as a member of the city council;
- stated teleconferencing limits the ability to address issues before the council; and
- thanked Council Member Sande for sponsoring AM No. 05-01. (*comments made in regard to AM No. 05-01, see page 5 of the meeting minutes*)

G. Colleen Cottle (city resident)

Ms. Cottle:

- spoke in opposition to Resolution Serial No. 04-45; and
- expressed that the issue brought forward in AM No. 05-01 is premature and mean spirited.

H. Dave Glenn (city business owner)

Mr. Glen:

- expressed his frustration with the gates at the Wasilla Municipal Airport; and
- requested that the city address reoccurring maintenance problems associated with the gates.

I. Garvan Bucaria (city resident)

Mr. Bucaria:

- expressed his appreciation for the opportunity to comment; and
- stated there is no substitute for physical presence relative to a position on the city council. (*comments made in regard to AM No. 05-01, see page 5 of the meeting minutes*)

J. Barbara McDaniel (city resident)

Ms. Daniel:

- spoke in opposition to Resolution Serial No. 04-45.

## 8.A NEW BUSINESS

A. **AM No. 05-01:** Council Member Use Of Teleconferencing As A Form Of Participation During Council Meetings.

MOTION: Council Member Sande moved to adopt AM No. 05-01.

Discussion by the council followed and debate ensued regarding telephonic participation during council meetings.

The attorney spoke on the issue of telephonic participation and discussed state and municipal law as it relates to the council declaring a seat vacant on the city council.

The attorney advised the council to consider AM No. 05-01 in two parts; first the council must decide if Council Member Straub's telephonic participation in council meetings conflicts with the code and if so, the council would then vote to request and accept her immediate resignation.

Discussion and debate continued.

The council recessed at 9 p.m. and reconvened at 9:12 p.m.

Discussion and debate continued.

VOTE: The motion to adopt AM No. 05-01 failed with Council Members Sande and O'Neil in favor and Council Members Cox, Ewing, Lowe, and Straub opposed.



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

- A. **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.

Mayor Keller opened the public hearing and there being no one who wished to present testimony the public hearing closed.

MOTION: Council Member Ewing moved to adopt Ordinance Serial No. 05-10.

GENERAL CONSENT: The motion passed without objection.

- B. **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.

Mayor Keller opened the public hearing.

The following spoke in support of the ordinance: Mr. John Tilton, owner of Mat-Su Independent Taxi and Ms. Corky Hedrick, owner of Alaska Cab Valley.

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

MOTION: Council Member Ewing moved to adopt Ordinance Serial No. 05-12.

VOTE: The motion passed unanimously.

**10. UNFINISHED BUSINESS**

- A. **Resolution Serial No. 04-45:** Authorizing The Execution Of An Intersection Cost Agreement With Lowe's HIW, Inc. (Postponed From The November 22 and December 13, 2004 Regular City Council Meetings)  
1. **IM No. 04-17:** Herman Road Traffic Signal.

PREVIOUS MOTION: Council Member Straub moved to adopt Resolution Serial No. 04-45. (*Motion on the floor from the November 22, 2004 meeting.*)

Discussion followed.

Mr. Rick Feller, Legislative and Media Liaison, Alaska Department of Transportation and Public Facilities, Central Region (DOT): Mr. Feller stated the position of DOT in regard to the installation of traffic signals and reiterated that decisions are made in accordance with State Statute.

Mr. Scott Thomas, DOT Engineer: Mr. Thomas spoke about criteria used in determining the warrant of a traffic signal.

MOTION: Council Member Lowe moved a primary amendment to the Now Therefore Be It Resolved clause of the resolution: ...approved and confirmed, **provided that the amount payable by the city shall be \$150,000**, and the Mayor hereby is authorized... (*Clerk's Note: bold and underlined is language added*)

VOTE: The primary amendment passed with Council Member Ewing opposed.

MOTION: Council Member Lowe moved a primary amendment to the Now Therefore Be It Resolved clause of the resolution: ...approved and confirmed, provided that the amount payable by the city shall be \$150,000 **with the terms to be 10-years interest free payback**, and the Mayor hereby is authorized... (*Clerk's Note: bold and underlined is language added*)

VOTE: The primary amendment passed with Council Member Ewing opposed.

VOTE: The main motion, as amended, tied with Council Members Cox, Lowe, and O'Neil in favor and Council Members Ewing, Sande, and Straub opposed. Mayor Keller invoked her voting privilege in the affirmative and the main motion, as amended, passed.

The council recessed at 10:20 p.m. and reconvened at 10:25 p.m.

## 11. NEW BUSINESS

- A. **AM No. 05-02:** Contract Award To Raven Engineering Inc. In The Amount Of \$90,000 For The Garden Terrace Water Main Extension Design Services.

MOTION: Council Member Cox moved to adopt AM No. 05-02.

Discussion followed and the public works director addressed questions from the council.

VOTE: The motion passed unanimously.

- B. **Resolution Serial No. 05-03:** Supporting The 2005 Capital Improvement Program Legislative Funding Request For Fiscal Year 2006.

MOTION: Council Member Cox moved to adopt Resolution Serial No. 05-03.

MOTION: Council Member O'Neil moved a primary amendment to add the following projects to the project list referenced in the Now Therefore Be it Resolved clause of the resolution:

- E. Susitna Avenue Extension to Home Depot  
(design) \$125,000
- Core Area Water and Sewer Master Plan  
(planning) \$250,000
- Upper Road Extension from Lake Lucille Drive to S. Mack Drive  
(design and construction 0.05 miles) \$450,000
- Collector Road Strip Paving  
(design and construction 4.0 miles) \$500,000
- South Mack Drive Extension to Knik-Goose Bay Road  
(environmental, design, and permitting) \$350,000

VOTE: The primary amendment passed unanimously.

VOTE: The main motion, as amended, passed unanimously.

- C. **AM No. 05-03:** Approval Of Conflict Waiver For City Attorney To Work On Negotiations Between The City Of Wasilla And The Matanuska-Susitna Borough Concerning Operation Of The Wasilla Public Library.

MOTION: Council Member Cox moved to adopt AM No. 05-03.

Discussion followed by the council and the attorney clarified questions.

VOTE: The motion passed unanimously.

## 12. COMMUNICATION

- A. **IM No. 05-02:** Expenses Greater Than 5,000 For October Through December 2004.
- B. **IM No. 05-03:** Report of Expenditures: November 2004.
- C. Draft Commission Meeting Minutes:
1. Planning Commission: January 11, 2005.

No action was taken on the communication items.

### 13. MAYOR, CLERK, AND ATTORNEY COMMENTS

#### City Clerk:

- announced the new digital recording system was installed in council chambers;
- reminded the council of upcoming meetings to include a budget work session on January 31<sup>st</sup>, beginning at 6 p.m.;
- reported financial disclosure statements for 2005 were distributed; and
- noted staff will be attending the Alaska Association of Municipal Clerks Conference in Juneau, February 3 – 6, 2005.

#### City Attorney:

- reported on the progress of the eminent domain action; and
- noted legal expenses spent to date on the eminent domain action (\$88,296 which includes fees and expenses).

#### Mayor Keller:

- noted general points of interest in regard to the activities of various city departments.

### 14. AUDIENCE COMMENTS (Three minutes per person.)

#### Mr. Steve Stoll:

- expressed concerned about access to the multi-use sports complex when it is used as an emergency shelter; and
- cautioned Council Member Straub about representing herself as an elected official of the city when working in Juneau for a member of the legislature.

MOTION: Council Member Cox moved to extend the meeting to 11:05 p.m.

GENERAL CONSENT: No objection was raised.

#### Mr. Garvan Bucaria:

- expressed concern about deregulated development in the city and the effects on the environment.

MOTION: Council Member O'Neil moved to extend the meeting to 11:10 p.m.

GENERAL CONSENT: No objection was raised.

#### Ms. Anne Kilkenny:

- encouraged the city to treat the Garden Terrace residents like Century Park residents in regard to water charges; and
- requested a reduction in water rates.

**15. EXECUTIVE SESSION**

No executive session was held.

**16. COUNCIL COMMENTS**

Council Member Sande:

- noted he appreciates the discussion held during the meeting; and
- requested staff address concerns raised by Mr. Dave Glenn regarding the gates at the Wasilla Airport.

MOTION: Council Member Cox moved to extend the meeting to 11:15 p.m.

GENERAL CONSENT: No objection was raised.

Council Member Ewing:

- thanked the attorney for the information provided; and
- thanked staff for clarifying issues raised during the meeting.

Council Member Cox:

- thanked the audience for their participation in the proceedings;
- recognized staff for their insight; and
- encouraged unity on the council.

Council Member O'Neil:

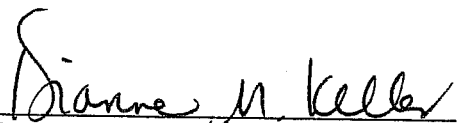
- thanked everyone for their participation in the meeting.

Council Member Lowe:


- spoke favorably about spirited debate and exchanges of ideals.

**17. ADJOURNMENT**

The meeting adjourned at 11:15 p.m.

  
DIANNE M. KELLER, Mayor

ATTEST:

  
KRISTIE L. SMITHERS, MMC  
City Clerk

Adopted by the Wasilla City Council on February 14, 2005