



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. Herring Avenue, Wasilla, AK 99654 (907) 373-9090

REGULAR MEETING

7 P.M.

MAY 23, 2005

1. CALL TO ORDER

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

A. Mr. Glacier Griffin

4. APPROVAL OF AGENDA

5. SPECIAL ORDERS

A. American Legion Auxiliary and Jr. Auxiliary of Susitna Valley Unit 35.

1. Poppy Girls

B. Proclamation Presentation: 4th Annual Curtis C. Menard Memorial Run.

C. Proclamation Presentation: Honoring Mayor John C. Stein.

D. Character Awards: Wasilla High School Honor Students.

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

- A. Planning Commission
- B. Parks and Recreation Commission
- C. Airport Advisory Commission
- D. Matanuska-Susitna Borough
- E. Matanuska-Susitna Borough School District: Ms. Kim Floyd, Video Presentation Regarding Mat-Su Schools.

7. **COUNCIL MEMBER QUALIFICATION ISSUE**

8. **CONSENT AGENDA**

- A. Minutes of Preceding Meeting:
 - 1. Regular Meeting: May 9, 2005.
- B. Introductions (Public Hearing To Be Scheduled For: June 13, 2005)
 - 1. **Ordinance Serial No. 05-37:** Accepting And Appropriating A Police Training And Thinking Driver Training Grant In The Amount Of \$3,800 From The State Of Alaska, Department Of Public Safety's Alaska Police Standards Council.
 - 2. **Ordinance Serial No. 05-38:** To Amend The FY-05 Police Department Budget By Appropriating \$3,240.82 From The State Of Alaska Department Of Transportation And Public Facilities For Click It Or Ticket Enforcement 2005.
- C. Resolutions
 - 1. **Resolution Serial No. 05-23:** Authorizing The Mayor To Accept And Execute Grant Agreements With The Federal Aviation Administration In The Amount Of \$250,000 And With The Alaska Department Of Transportation In The Amount Of \$6,579 For The Wasilla Airport Apron Phase 1C Engineering Design.

2. **Resolution Serial No. 05-24:** Requesting Acceptance Of An Alaska Division Of Homeland Security And Emergency Management Grant In The Amount Of \$242,500 Under The Law Enforcement Terrorism Prevention Program From April 26, 2005 Through March 31, 2007.

D. Action Memorandums

1. **AM No. 05-23:** Approval Of Airport Lease Lot Applications For Lots 11, 12, And 15 Pursuant To WMC 5.32.120.C.3 For The New Apron Phase 1A.

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

- A. **Ordinance Serial No. 05-29:** Amending The FY-05 Police Department Budget By \$7,518 To Roll Forward The FY-04 Grant Balances For The Bulletproof Vest And Reduce The FY-05 Bulletproof Vest By \$5,000.
- B. **Ordinance Serial No. 05-32(SUB):** Amending The Wasilla Comprehensive Plan By Including The Wasilla All Hazard Mitigation Plan Phase 1 – Natural Hazards And Amending WMC 16.04.040 Comprehensive Plan.
- C. **Ordinance Serial No. 05-33:** Amending The FY-05 Budget By Appropriating \$2,000 In State Of Alaska Department Of Natural Resources Division Of Forestry Grant Funds For The 2005 Community Forestry Program.
- D. **Ordinance Serial No. 05-34:** Amending The FY-05 Budget By Appropriating \$1,000 In State Of Alaska Department Of Natural Resources Division Of Forestry Grant Funds For The 2005 Arbor Day Program.
- E. **Ordinance Serial No. 05-35 :** Amending The FY-05 Budget By Accepting And Appropriating \$3,500 In Youth Litter Patrol Funds For The 2005 Alaskans For Litter Prevention And Recycling (ALPAR) Program.
- F. **Ordinance Serial No. 05-36:** Providing For The Adoption Of The Annual Budget For The Fiscal Year 2006 And Appropriating Funds To Carry Out Said Budget.

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

- A. Kurt VanTosky, Advertising Director, Anchorage Daily News

- B. Kari Sleight, Publisher, Frontiersman
- C. Nancy Sault: Cannon Hill Cemetary

11. UNFINISHED BUSINESS

- A. **AM No. 05-16:** Award Of RFP To The Anchorage Daily News For Newspaper Advertising. (Postponed From The May 9, 2005 Regular City Council Meeting; Motion To Adopt Pending)
- B. **AM No. 05-19:** Appointment Of Two Council Members To The Joint Tri-Cities Sub-Committee On Transportation. (Postponed From The May 9, 2005 Regular City Council Meeting; Motion To Adopt Pending)

12. NEW BUSINESS

- A. **AM No. 05-24:** Irrigation Meter Grant Program. (Sponsored by Council Member Straub)
- B. **AM No. 05-22:** Authorization For City Inspector As Contract Employee In The Amount Of \$65,000 Through FY-05 and FY-06.

13. COMMUNICATION

- A. Commission Meeting Minutes
 - 1. Planning Commission: April 26, 2005.
 - 2. Airport Advisory Commission: April 19, 2005

14. MAYOR, CLERK, AND ATTORNEY COMMENTS

15. AUDIENCE COMMENTS (Three minutes per person.)

16. EXECUTIVE SESSION

- A. Pending Eminent Domain Litigation. (Potential Or Pending Litigation To Which The City Of Wasilla May Become Or Is A Party)

17. COUNCIL COMMENTS

18. ADJOURNMENT

1. CALL TO ORDER

The regular meeting of the Wasilla City Council was held on Monday, May 23, 2005 at the Wasilla City Council Chambers, Wasilla, Alaska. Mayor Dianne M. 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. 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. Don Savage, Police Chief
Mr. Ron Singel, Economic Development Director
Mr. Bruce Urban, Director of Recreation and Cultural Services

Council Member Ewing called a point of order and requested to revisit Council Member Lowe's residency issue and his qualifications for office.

Mayor Keller requested that the city attorney speak to the issue. The city attorney suggested it may be appropriate to address the issue further into the agenda and before any matters are voted on. No objection was raised.

3. PLEDGE OF ALLEGIANCE

Mr. Glacier Griffin led the Pledge of Allegiance.

4. APPROVAL OF AGENDA

Mayor Keller requested the following adjustments to the agenda:

- to add under special orders the Poppy Girls;
- to address the council member qualification issue before the consent agenda; and
- to add under persons to be heard, Ms. Kari Sleight and Ms. Nancy Sault.

Council Member Ewing requested to move AM No. 05-22 from the consent agenda to new business.

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

5. SPECIAL ORDERS

A. American Legion Auxiliary and Jr. Auxiliary of Susitna Valley Unit 35.

1. Poppy Girls

Mayor Keller recognized the Poppy Girls and invited contributions to fund the efforts of the organization.

B. Proclamation Presentation: 4th Annual Curtis C. Menard Memorial Run.

Mayor Keller presented Ms. Carole Menard with a proclamation in support of the 4th Annual Curtis C. Menard Memorial Run.

C. Proclamation Presentation: Honoring Mayor John C. Stein.

Mayor Keller noted the proclamation was a joint proclamation from the City of Wasilla and Kids Are People, Inc. Mayor Keller invited Ms. Anne Drago from Kids Are People to assist in the proclamation presentation.

Mayor Keller and Ms. Drago presented Mayor Stein with a proclamation in honor of his dedication and distinguishing years of service to the community.

D. Character Awards: Wasilla High School Honor Students.

Mayor Keller invited Council Members Ewing, Lowe, and Sande (alumni of Wasilla High School) to assist in presenting Character Award to Wasilla High School Students who hold a 4.0 Cumulative Grade Point Average for the 2004 – 2005 school year.

Mr. Dwight Probasco, Wasilla High School Principal, presented plaques to each student recognizing their outstanding academic accomplishment.

Mayor Keller requested an at-ease. No objection was raised.

The council recessed at 7:45 p.m. and reconvened at 7:50 p.m.

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

A. Planning Commission

Commissioner John Vinette:

- reported on the activities of the planning commission to include a joint meeting with the airport advisory commission to discuss airport lease lots.

B. Parks and Recreation Commission

Commissioner Joan Matthews:

- reported the commission continues to review park rules and the fine structure for park violations.

C. Airport Advisory Commission

Archie Giddings, Public Works Director:

- reported that the commission continues to review the airport lease lot process.

D. Matanuska-Susitna Borough

Assembly Member Mary Kvalheim:

- noted the activities of the borough assembly.

E. Matanuska-Susitna Borough School District: Ms. Kim Floyd, Video Presentation Regarding Mat-Su Schools.

Ms. Kim Floyd presented a video featuring program opportunities in local schools.

F. State of Alaska, Department of Transportation and Public Facilities.

1. Mr. Brad Swarts: Review Of Current And Future Road Construction Projects In The Mat-Su Valley.

Mr. Swarts was not present.

7. COUNCIL MEMBER QUALIFICATION ISSUE

Mayor Keller invited Council Member Ewing to speak to the issue he raised regarding the residency of Council Member Lowe. Council Member Ewing noted that Council Member Lowe announced at the May 16, 2005 Special City Council Meeting that he had

been residing outside the city temporarily while looking for a new house to purchase within the city. However, because he has been unable to find suitable property within city limits to purchase he may be forced to resign from the council.

The city attorney noted that WMC 2.04.040 includes three provisions related to this situation. A council member who ceases to maintain the city as his domicile would cease to be a city voter, thus forfeiting office automatically. In addition, the council may declare a council member's seat vacant where the member is absent from the city for more than 90 days without excuse, or where the member ceases to physically reside in the city. The council must take action to declare a vacancy, and to do so the council must first place the action on its agenda as required by WMC 2.04.110.

Council Member Lowe reiterated that he temporarily moved outside city limits, although his intent has always been to purchase a new home within city limits. He noted that he will have exhausted all known opportunities to procure property within the city as of June 27, which is the date on which he proposed to resign if he has been unsuccessful in purchasing a home within city limits.

Discussion continued.

The city attorney stated that he does not believe Council Member Lowe has forfeited office at this time because his intent is to remain a resident of the city of Wasilla. Neither state law nor the city code provides a procedure for determining whether an office has been forfeited, so a dispute over this subject probably could be resolved only by litigation.

MOTION: Council Member Sande moved to place the subject of Council Member Lowe's residency on the June 27, 2005 Regular City Council Meeting Agenda, to address the issue of Council Member Lowe's seat.

Discussion continued.

GENERAL CONSENT: The motion passed without objection.

8. CONSENT AGENDA

A. Minutes of Preceding Meeting:

1. Regular Meeting: May 9, 2005.

B. Introductions (Public Hearing To Be Scheduled For: June 13, 2005)

1. **Ordinance Serial No. 05-37:** Accepting And Appropriating A Police Training And Thinking Driver Training Grant In The Amount Of \$3,800 From The State Of Alaska, Department Of Public Safety's Alaska Police Standards Council.

2. **Ordinance Serial No. 05-38:** To Amend The FY-05 Police Department Budget By Appropriating \$3,240.82 From The State Of Alaska Department Of Transportation And Public Facilities For Click It Or Ticket Enforcement 2005.

C. Resolutions

1. **Resolution Serial No. 05-23:** Authorizing The Mayor To Accept And Execute Grant Agreements With The Federal Aviation Administration In The Amount Of \$250,000 And With The Alaska Department Of Transportation In The Amount Of \$6,579 For The Wasilla Airport Apron Phase 1C Engineering Design.
2. **Resolution Serial No. 05-24:** Requesting Acceptance Of An Alaska Division Of Homeland Security And Emergency Management Grant In The Amount Of \$242,500 Under The Law Enforcement Terrorism Prevention Program From April 26, 2005 Through March 31, 2007.

D. Action Memorandums

1. **AM No. 05-23:** Approval Of Airport Lease Lot Applications For Lots 11, 12, And 15 Pursuant To WMC 5.32.120.C.3 For The New Apron Phase 1A.

The deputy clerk read the consent agenda into the record.

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

GENERAL CONSENT: The motion passed without objection.

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

- A. **Ordinance Serial No. 05-29:** Amending The FY-05 Police Department Budget By \$7,518 To Roll Forward The FY-04 Grant Balances For The Bulletproof Vest And Reduce The FY-05 Bulletproof Vest By \$5,000.

Mayor Keller opened the public hearing on Ordinance Serial No. 05-29 and there being no one who wished to present testimony the public hearing closed.

MOTION: Council Member Sande moved to adopt Ordinance Serial No. 05-29.

GENERAL CONSENT: The motion passed without objection.

- B. **Ordinance Serial No. 05-32(SUB):** Amending The Wasilla Comprehensive Plan By Including The Wasilla All Hazard Mitigation Plan Phase 1 – Natural Hazards And Amending WMC 16.04.040 Comprehensive Plan.

Mayor Keller opened the public hearing on Ordinance Serial No. 05-32(SUB) and there being no one who wished to present testimony the public hearing closed.

MOTION: Council Member Ewing moved to adopt Ordinance Serial No. 05-32(SUB).

GENERAL CONSENT: The motion passed without objection.

- C. **Ordinance Serial No. 05-33:** Amending The FY-05 Budget By Appropriating \$2,000 In State Of Alaska Department Of Natural Resources Division Of Forestry Grant Funds For The 2005 Community Forestry Program.

Mayor Keller opened the public hearing on Ordinance Serial No. 05-33 and there being no one who wished to present testimony the public hearing closed.

MOTION: Council Member Lowe moved to adopt Ordinance Serial No. 05-33.

GENERAL CONSENT: The motion passed without objection.

- D. **Ordinance Serial No. 05-34:** Amending The FY-05 Budget By Appropriating \$1,000 In State Of Alaska Department Of Natural Resources Division Of Forestry Grant Funds For The 2005 Arbor Day Program.

Mayor Keller opened the public hearing on Ordinance Serial No. 05-34 and there being no one who wished to present testimony the public hearing closed.

MOTION: Council Member Ewing moved to adopt Ordinance Serial No. 05-34.

GENERAL CONSENT: The motion passed without objection.

- E. **Ordinance Serial No. 05-35 :** Amending The FY-05 Budget By Accepting And Appropriating \$3,500 In Youth Litter Patrol Funds For The 2005 Alaskans For Litter Prevention And Recycling (ALPAR) Program.

Mayor Keller opened the public hearing on Ordinance Serial No. 05-35 and there being no one who wished to present testimony the public hearing closed.

MOTION: Council Member Sande moved to adopt Ordinance Serial No. 05-35.

GENERAL CONSENT: The motion passed without objection.

F. **Ordinance Serial No. 05-36:** Providing For The Adoption Of The Annual Budget For The Fiscal Year 2006 And Appropriating Funds To Carry Out Said Budget.

Mayor Keller opened the public hearing on Ordinance Serial No. 05-36.

Mr. Steve Stoll encouraged the council to plan for future sewer system upgrades and encouraged Council Member Lowe to move back into the city immediately.

Ms. Cindy Bettine, Chamber of Commerce City Enhancement Committee, encouraged the council to increase funding to the Iditarod Sled Dog Race and fund enhancements to the downtown area.

Ms. Colleen Cottle requested information on the Susitna Avenue improvement project and inquired about the general fund subsidy to the Multi-Use Sports Complex.

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

MOTION: Council Member Cox moved to adopt Ordinance Serial No. 05-36.

Discussion moved to the council.

MOTION: Council Member Straub moved the following primary amendment: to decrease account number 001.4990.499.80.03, non-departmental, animal control in the amount of \$50,000 and to increase account number 001.4233.420.3034, public safety, animal control, other professional fees, in the amount of \$50,000.

Discussion followed.

VOTE: The primary amendment passed unanimously.

MOTION: Council Member Straub moved the following primary amendment: to eliminate the position of deputy police chief by decreasing account number 001.4210.10.10.20.60, salaries and benefits, in the amount of \$94,734.

Discussion followed and the police chief answered questions from the council.

VOTE: The primary amendment failed unanimously.

MOTION: Council Member Ewing moved the following primary amendment: to increase sponsorship funding to the Iditarod Sled Dog Race in the amount of \$10,000, by increasing account no. 01.4650.465.30.34, other professional fees.

Discussion followed.

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

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

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

A. Kurt VanTosky, Advertising Director, Anchorage Daily News

Mr. VanTosky encouraged the council to award the city's advertising contract to the Anchorage Daily News.

B. Kari Sleight, Publisher, Frontiersman

Ms. Sleight encouraged the council to award the city's advertising contract to the Frontiersman.

C. Nancy Sault: Cannon Hill Cemetery

Ms. Sault requested assistance from the city in preserving unmarked burial sites that are referenced in historical documents.

11. UNFINISHED BUSINESS

A. **AM No. 05-16:** Award Of RFP To The Anchorage Daily News For Newspaper Advertising. (Postponed From The May 9, 2005 Regular City Council Meeting; Motion To Adopt Pending)

MOTION: Council Member Lowe moved to adopt AM No. 05-16. (Motion on the floor from the May 9, 2005 Regular City Council Meeting)

Discussion followed.

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

B. **AM No. 05-19:** Appointment Of Two Council Members To The Joint Tri-Cities Sub-Committee On Transportation. (Postponed From The May 9, 2005 Regular City Council Meeting; Motion To Adopt Pending)

MOTION: Council Member Cox moved to adopt AM No. 05-19. (Motion on the floor from the May 9, 2005 Regular City Council Meeting)

Council Member Ewing stated he no longer wishes to serve on the sub-committee.

MOTION: Council Member Ewing moved a primary amendment to AM No. 05-19 to strike Council Member Ewing and insert Council Member O'Neil. (Clerk note: Council Member Straub and O'Neil were appointed to serve on the committee)

GENERAL CONSENT: The primary amendment passed without objection.

GENERAL CONSENT: The main motion as amended passed without objection.

12. NEW BUSINESS

- A. **AM No. 05-24:** Irrigation Meter Grant Program. (Sponsored by Council Member Straub)

MOTION: Council Member Straub moved to adopt AM No. 05-24.

Discussion moved to the council.

GENERAL CONSENT: The motion passed without objection.

- B. **AM No. 05-22:** Authorization For City Inspector As Contract Employee In The Amount Of \$65,000 Through FY-05 And FY-06.

MOTION: Council Member Cox moved to adopt AM No. 05-22.

Council Member Ewing requested further information on the contract. The public works director answered questions from the council.

GENERAL CONSENT: The motion passed without objection.

13. COMMUNICATION

- A. Commission Meeting Minutes

1. Planning Commission: April 26, 2005.
2. Airport Advisory Commission: April 19, 2005

No action was taken on the communication items.

14. MAYOR, CLERK, AND ATTORNEY COMMENTS

Deputy Clerk:

- noted the upcoming meeting schedule.

City Attorney:

- reported on his activities related to the city.

Mayor Keller:

- noted she distributed a written report regarding the activities of city departments.

15. AUDIENCE COMMENTS (Three minutes per person.)

Mr. Steve Stoll:

- encouraged the city to plan for future sewer upgrades.

Ms. Colleen Cottle:

- raised concern about a historical dirt bike trail that has been blocked off with boulders and the possible liability to the city.

Mr. Richard Matchett:

- thanked the city for addressing summer irrigation issues;
- requested better traffic signs on Knik-Goosebay Road and Riley Avenue;
- requested the installation of a dock at the Lake Lucille Boat Launch; and
- encouraged the city to better advertise events at the Multi-Use Sports Complex.

Mr. Dan Aldrich:

- spoke in opposition to the city advertising public meetings in the Anchorage Daily News; and
- raised concern about private property being condemned in relation to the Seward Meridian Road Improvement Project.

16. EXECUTIVE SESSION

- A. Pending Eminent Domain Litigation. (Potential Or Pending Litigation To Which The City Of Wasilla May Become Or Is A Party)

MOTION: Council Member Sande moved to enter into executive session for potential or pending litigation to which the City of Wasilla may become or is a party, specifically the pending eminent domain litigation.

GENERAL CONSENT: The motion passed without objection.

The mayor, entire city council, city attorney, public works director, and city planner entered the executive session at 10:24 p.m. and exited at 10:44 p.m. The executive session as held in the council conference room.

17. COUNCIL COMMENTS

Council Member Straub:

- thanked everyone for a good meeting.

Council Member O'Neil:

- thanked the deputy clerk for her assistance during the meeting.

18. ADJOURNMENT

The meeting adjourned at 10:45 p.m.


DIANNE M. KELLER, Mayor

ATTEST:


KRISTIE L. SMITHERS, MMC
City Clerk

Adopted by the Wasilla City Council on June 13, 2005.