



MAYOR

Dianne M. Keller

COUNCIL

Howard O'Neil, Seat A
Diana L. Straub, Seat B
Verdie A. Bowen, 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.

AUGUST 8, 2005

1. CALL TO ORDER

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

A. Presentation Of Colors By Boy Scout Troop 300.

4. APPROVAL OF AGENDA

5. SPECIAL ORDERS

A. Proclamation Presentation:

1. Proclamation in Support of the Boy Scouts of America.

2. Proclamation in Support of the "ICE" Campaign.

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

A. Planning Commission

B. Parks and Recreation Commission

C. Airport Advisory Commission

D. Matanuska-Susitna Borough

7. CONSENT AGENDA

A. Minutes of Preceding Meeting:

1. Regular Meeting: July 25, 2005

B. Introductions (Public Hearing To Be Scheduled For: August 22, 2005)

1. **Ordinance Serial No. 05-61:** Accepting And Appropriating A Training Grant In The Amount Of \$6,000 From The State Of Alaska, Department Of Public Safety's Alaska Police Standards Council For Tactical Dispatch Training.

2. **Ordinance Serial No. 05-62:** Adopting WMC 2.04.045, Appointment Of A Council Member. (Requested by Council Member Straub)

C. Resolutions

D. Action Memorandums

1. **AM No. 05-47:** Contract Amendment For Hattenburg, Dilley And Linnell In The Amount Of \$173,158 For The Airport Apron Phase 1C Design Services.

8. PUBLIC HEARING (Three minutes per person.)

A. **Ordinance Serial No. 05-58:** To Amend The FY-06 Police Department Budget By Moving The FY-05 Balance Of The Matanuska-Susitna Borough Homeland Security Grant Funds In The Amount Of \$1,132.

B. **Ordinance Serial No. 05-59(SUB):** Adopting WMC 3.55.115 Special Incentive Pay; To Provide Incentive Pay Programs Upon Approval Of City Council.

C. **Ordinance Serial No. 05-60:** To Amend The FY-06 Police Department Budget By Accepting And Appropriating Funds From The State Of Alaska, Alaska Highway Safety Office In The Amount To Of \$1,990.

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

10. UNFINISHED BUSINESS

- A. **AM No. 05-41(SUB):** Notice Of Appeal And Appointment Of Hearing Officer In Accordance With Wasilla Municipal Code 16.36.010. (Postponed from the July 25, 2005 Regular City Council Meeting)

11. NEW BUSINESS

- A. **AM No. 05-46:** Request For Sales Tax Penalty Waiver.
- B. **AM No. 05-48:** Council Policy On Appointment Of A Council Member. (Requested by Council Members Bowen and Cox)
- C. **AM No. 05-45:** Renewal Of Contract With Robertson, Monagle, Eastaugh In An Amount Not To Exceed \$42,500 To Provide Federal Lobbyist Services Through June 30, 2006.

12. COMMUNICATION

- A. Commission Meeting Minutes
 - 1. Planning Commission: July 12, 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, August 8, 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. Verdie Bowen, Seat C
Mr. Ron Cox, Seat E
Mr. Mark Ewing, Seat F

Council Member Rob Sande, Seat D, was absent and excused.

Staff in attendance were:

Ms. Kristie Smithers, City Clerk
Ms. Jamie Newman, Deputy Clerk
Mr. Kim Doyle, Attorney, Birch, Bittner, and Cherot
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, Manager of Recreation and Cultural Services

3. PLEDGE OF ALLEGIANCE

A. Presentation Of Colors By Boy Scout Troop 300.

Boy Scout Troop 300 led the Pledge of Allegiance.

4. APPROVAL OF AGENDA

Mayor Keller requested the following adjustments to the agenda:

- to add the following under persons to be heard: Mr. John Jones; Mr. Steve Stoll; Mr. Jesse Hale; Mr. Wyatt Weinstein; Ms. Dixie Griffith; Ms. Mickey Weber; Ms. Melanie Camargo; and Ms. Kathie Preheim.

MOTION: Council Member Straub moved address as the first order of business the possible violation of the Open Meetings Act from the previous meeting and to direct council members to write their name on the ballots and then have the clerk read them into the record. (Clerk note: the ballots referred to in the motion are the ballots used to appoint Council Member Verdie Bowen at the July 25, 2005 Regular City Council Meeting. See AM No. 05-42)

Discussion followed and the city attorney answered questions from the council.

GENERAL CONSENT: The motion passed without objection.

The city clerk noted AM No. 05-41(SUB) was handed out and will replace AM No. 05-41.

Council Member Straub requested to move AM No. 05-45 from the consent agenda to new business.

Council Member Straub requested the following amendments to the July 25, 2005 Regular Meeting Minutes: under page 4, fourth paragraph from the top of the page, as follows: Council Member Straub noted that she is a member of Wasilla Bible Church, however, she has no direct financial [INTEREST] gain in AM No. 05-44, and to add the following to page 6, eighth paragraph from the top of the page, as follows: Discussion moved to the council and the clerk spoke about the appointment process. **(Clerk note: Council Member Straub requested to discuss the matter because only one name had been brought forward to the council.)** (Clerk note: bold and underline is language added and caps and bracket is language deleted)

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

As directed by the council, the city clerk distributed the ballots used to appoint Council Member Bowen at the July 25, 2005 Regular City Council Meeting. Each council member identified their ballot and signed their name to it and returned the ballot to the clerk.

The clerk read the results from the July 25, 2005 meeting into the record as follows:

Council Member Straub ranked each applicant as follows: 1st Verdie Bowen; 2nd Clifford Silvers; 3rd Steven Menard; and 4th Marty Metiva.

Council Member Cox ranked each applicant as follows: 1st Verdie Bowen; 2nd Marty Metiva; 3rd Steven Menard; 4th Clifford Silvers.

Council Member O'Neil ranked each applicant as follows: 1st Verdie Bowen; 2nd Clifford Silvers; 3rd Steven Menard; 4th Marty Metiva.

Council Member Ewing ranked each applicant as follows: 1st Marty Metiva; 2nd Steven Menard; 3rd Clifford Silvers; 4th Verdie Bowen.

The clerk announced that she assumes the remaining ballot belongs to Council Member Sande and announced the ranking of each applicant as follows: 1st Verdie Bowen; 2nd Marty Metiva; 3rd Steve Menard; 4th Clifford Silvers. (Clerk note: although Council Member Sande participated in the vote on July 25, 2005, he was not able to identify his ballot due to his absence from the meeting this evening.)

The council did not comment and no objection was raised to the results of the July 25, 2005 city council appointment as reported by the city clerk.

5. SPECIAL ORDERS

A. Proclamation Presentation:

1. Proclamation in Support of the Boy Scouts of America.

Mayor Keller read a Proclamation in Support of Boy Scouts of America into the record.

2. Proclamation in Support of the In Case of Emergency "ICE" Campaign.

Mayor Keller read the proclamation in support of the "ICE" Campaign into the record.

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

A. Planning Commission

City Planner:

- reported that the commission is drafting the Hazard Mitigation Plan Phase II.

B. Parks and Recreation Commission

Recreation and Cultural Services Manager:

- reported that the commission continues to review park rules; and
- noted the commission is considering a resolution to change their meeting location from city hall to the multi-use sports complex.

C. Airport Advisory Commission

The public works director noted that the commission had not met since its last report to the council.

D. Matanuska-Susitna Borough

No report was presented.

7. CONSENT AGENDA

A. Minutes of Preceding Meeting:

1. Regular Meeting: July 25, 2005

B. Introductions (Public Hearing To Be Scheduled For: August 22, 2005)

1. **Ordinance Serial No. 05-61:** Accepting And Appropriating A Training Grant In The Amount Of \$6,000 From The State Of Alaska, Department Of Public Safety's Alaska Police Standards Council For Tactical Dispatch Training.
2. **Ordinance Serial No. 05-62:** Adopting WMC 2.04.045, Appointment Of A Council Member. (Requested by Council Member Straub)

C. Resolutions

D. Action Memorandums

1. **AM No. 05-47:** Contract Amendment For Hattenburg, Dilley And Linnell In The Amount Of \$173,158 For The Airport Apron Phase 1C Design Services.

The city clerk read the items from the consent agenda into the record.

MOTION: Council Member Cox moved to approve the consent agenda.

GENERAL CONSENT: The motion passed without objection.

8. PUBLIC HEARING (Three minutes per person.)

- A. **Ordinance Serial No. 05-58:** To Amend The FY-06 Police Department Budget By Moving The FY-05 Balance Of The Matanuska-Susitna Borough Homeland Security Grant Funds In The Amount Of \$1,132.

Mayor Keller opened the public hearing on Ordinance Serial No. 05-58 and there being no one who wished to present testimony the public hearing closed.

MOTION: Council Member Cox moved to adopt Ordinance Serial No. 05-58.

GENERAL CONSENT: The motion passed without objection.

- B. **Ordinance Serial No. 05-59(SUB):** Adopting WMC 3.55.115 Special Incentive Pay; To Provide Incentive Pay Programs Upon Approval Of City Council.

Mayor Keller opened the public hearing on Ordinance Serial No. 05-59(SUB) and there being no one who wished to present testimony the public hearing closed.

MOTION: Council Member Cox moved to adopt Ordinance Serial No. 05-59(SUB).

Discussion followed and staff answered questions from the council.

GENERAL CONSENT: The motion passed without objection.

- C. **Ordinance Serial No. 05-60:** To Amend The FY-06 Police Department Budget By Accepting And Appropriating Funds From The State Of Alaska, Alaska Highway Safety Office In The Amount To Of \$1,990.

Mayor Keller opened the public hearing on Ordinance Serial No. 05-60 and there being no one who wished to present testimony the public hearing closed.

MOTION: Council Member Cox moved to adopt Ordinance Serial No. 05-60.

GENERAL CONSENT: The motion passed without objection.

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

- A. John Jones: Kennel Issue

Mr. Jones:

- requested that the city uphold city code and move forward with enforcement of the city planner's decision to deny Use Permit U05-13, A request to permit a kennel in an RR-Rural Residential District, at Block 5, Lot 3, Bay View Gardens Subdivision (700 E. Eden Court, Wasilla).

- B. Mr. Steve Stoll: Council Vacancy Appointment Process

Mr. Stoll:

- spoke in opposition to the city council using the Borda Count Method to appoint vacant council seats; and

- expressed his concern with the way the city is addressing the development identified in the Shadowood Valley Estates Master Plan.

C. Mr. Jesse Hale: Kennel Issue

Mr. Hale:

- spoke in opposition to the city changing its current kennel licensing requirement.

D. Mr. Wyatt Weinstein: Kennel Issue

Mr. Weinstein:

- encouraged the city to enforce its code related to kennel licensing.

E. Ms. Dixie Griffin

Ms. Griffith:

- spoke in opposition to the city changing its codes as they relate to kennel licensing.

F. Ms. Mickey Weber

Ms. Weber:

- expressed concern over the lack of enforcement over a denied kennel permit at Block 5, Lot 3, Bayview Gardens Subdivision (700 E. Eden Court, Wasilla).

G. Ms. Melanie Camargo

Ms. Camargo:

- encouraged the city to enforce its codes; and
- expressed concern about an unlicensed kennel operating at 700 E. Eden Court, Wasilla.

H. Ms. Kathie Preheim

Ms. Preheim:

- encouraged the city to enforce its codes as they relate to kennel licensing.

Discussion moved to the council and staff answered questions.

The council requested that code compliance work with animal control to enforce applicable codes at 700 E. Eden, Wasilla.

The city attorney answered questions from the council.

MOTION: Council Member Ewing moved to direct the attorney to research animal control fines, the frequency and severity of the fine. (Clerk note: the research pertains to the enforcement of the city planner's decision to deny Use Permit No. U05-13 – A request to permit a kennel in an RR-Rural Residential District, at Block 5, Lot 3, Bay View Gardens Subdivision, more commonly known at 700 E. Eden Court, Wasilla.)

MOTION: Council Member Bowen moved a primary amendment to include land use fines as they relate to kennels.

GENERAL CONSENT: The primary amendment passed without objection.

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

10. UNFINISHED BUSINESS

- A. **AM No. 05-41(SUB):** Notice Of Appeal And Appointment Of Hearing Officer In Accordance With Wasilla Municipal Code 16.36.010. (Postponed from the July 25, 2005 Regular City Council Meeting)

PENDING MOTION: Council Member Straub moved to adopt AM No. 05-41. (Motion on the floor from the July 25, 2005 Regular City Council Meeting)

MOTION: Council Member Ewing moved to Adopt AM No. 04-51 by substitution.

GENERAL CONSENT: The motion to adopt AM No. 05-41(SUB), appointing Robert (Bert) Hall as hearing officer in Appeal No. 05-01, passed without objection.

11. NEW BUSINESS

- A. **AM No. 05-46:** Request For Sales Tax Penalty Waiver.

MOTION: To approve AM No. 05-46 by granting the sales tax waiver in the amount of \$381.46 to the McDonald's Corporation for the period ending March 2005.

Discussion followed.

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

- B. **AM No. 05-48:** Council Policy On Appointment Of A Council Member.
(Requested by Council Members Bowen and Cox)

MOTION: Council Member Bowen moved to postpone AM No. 05-48 until the September 12, 2005 Regular City Council Meeting.

GENERAL CONSENT: The motion to postpone passed without objection.

- C. **AM No. 05-45:** Renewal Of Contract With Robertson, Monagle, Eastaugh In An Amount Not To Exceed \$42,500 To Provide Federal Lobbyist Services Through June 30, 2006.

MOTION: Council Member Straub moved to adopt AM No. 05-45.

MOTION: Council Member Straub moved to postpone AM No. 05-45 until the August 22 City Council Meeting and requested that a copy of the original contract be included in the council meeting packet.

GENERAL CONSENT: The motion to postpone passed without objection.

12. COMMUNICATION

- A. Commission Meeting Minutes

1. Planning Commission: July 12, 2005.

No action was taken on the communication item.

13. MAYOR, CLERK, AND ATTORNEY COMMENTS

City Clerk:

- reported on the council's upcoming meeting schedule.

Mayor Keller:

- handed out a written report to the council; and
- spoke about a training opportunity titled "Quality in the Boardroom" and encouraged the council to attend.

14. AUDIENCE COMMENTS (Three minutes per person.)

Ms. Anne Kilkneny:

- stated she is appalled at the lack of enforcement related to the kennel licensing case (Use Permit No. U05-13);
- spoke in support of the city's request to have the borough platting board reconsider the Shadowood Valley Estates Master Plan;

- encouraged the council to own up to their responsibility regarding the process used to appoint Council Member Bowen; and
- welcomed guest attorney Kim Doyle to the meeting.

Mr. Carl Lund:

- expressed his concern with the process leading up to the approval of the Shadowood Valley Estates Master Plan by the Borough Platting Board; and
- thanked city staff for their assistance in getting the Borough Platting Board to reconsider the Shadowood Valley Estates Master Plan.

Ms. Joyce Lund:

- requested detailed information on the city sewer system; and
- spoke in support of thoughtful and responsible development.

Discussion moved to the council and staff answered questions.

Mr. Steve Stoll:

- reiterated that the current code requires that a developer obtain a permit from the city before development begins.

15. EXECUTIVE SESSION

No executive session was held.

16. COUNCIL COMMENTS

Council Member Cox:

- thanked the audience for their participation; and
- thanked the attorney for attending the meeting.

Council Member Ewing:

- thanked the audience for their participation;
- stated he appreciates the questions raised by Joyce Lund; and
- supports the council improving the council vacancy appointment process.

Council Member Straub:

- thanked the council for correcting any appearance of a violation of the Open Meeting Act;
- thanked the public works director for working out an agreement with a local family to acquire right-of-way;
- thanked the attorney for attending the meeting;
- thanked the audience for attending the meeting;
- reported on a Borough Platting Board meeting she attended; and
- supports the city purchasing lap top computers for council members to use while serving on the city council.

Council Member O'Neil:

- thanked the audience for attending the meeting;
- directed a statement to the Frontiersman regarding recent articles published regarding the appointment process used to appoint Council Member Bowen.

Council Member Bowen:

- commented on the council vacancy appoint process;
- talked about the seriousness of taking an oath of office;
- commented on articles published in the Frontiersman regarding his appointment to the council; and
- stated that due to an unexpected professional commitment he will endorse Steve Menard in the upcoming election.

17. ADJOURNMENT

The meeting adjourned at 9:06 p.m.


DIANNE M. KELLER, Mayor

ATTEST:


KRISTIE L. SMITHERS, MMC
City Clerk

Adopted by the Wasilla City Council on August 22, 2005.