



**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

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**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.**

**OCTOBER 24, 2005**

**I. CALL TO ORDER**

**II. ROLL CALL**

**III. PLEDGE OF ALLEGIANCE**

A. Presentation of colors by Boy Scout Troop 300

**IV. APPROVAL OF AGENDA**

**V. SPECIAL ORDERS OF THE DAY**

A. Swearing in of Newly Elected Council Members.

**VI. COMMISSION AND AGENCY REPORTS**

A. Planning Commission

B. Parks and Recreation Commission

C. Airport Advisory Commission

D. Matanuska-Susitna Borough

## VII. PUBLIC PARTICIPATION

### A. Public Hearings

1. **Ordinance Serial No. 05-71:** Amending WMC 1.20.030.C To Include Penalties For Theft In The Fine Schedule, And Amending WMC Chapter 9.08 Property Offenses By Adopting WMC 9.08.030 Theft.
2. **Ordinance Serial No. 05-77:** To Amend The FY-06 Youth Court Budget By Increasing Personnel Services In The Amount Of \$13,169 From The Youth Court Fund Balance.
3. **Ordinance Serial No. 05-78:** Amending Wasilla Municipal Code 1.08.030, Eminent Domain.

### B. Persons to be Heard

1. Roy and June Burkhart.
2. James "Biggie" Allen Wooden I.

## VIII. CONSENT AGENDA

### A. Minutes of Preceding Meeting

1. Regular Meeting: October 10, 2005

### B. Introduction of Ordinances: Recommended Public Hearing on November 14, 2005 .

1. **Ordinance Serial No. 05-79:** To Amend The FY-06 Police Department Budget By Appropriating \$4,388 In Funds From The State Of Alaska, Alaska Highway Safety Office For Overtime Expended In Participating In The Strategic Evaluation States DUI Enforcement Grant Program.
2. **Ordinance Serial No. 05-80:** To Amend The FY-06 Police Department Budget By Appropriating \$9,050 In Funds From The State Of Alaska, Alaska Highway Safety Office For Overtime Expended In Participating In The DUI Holiday Enforcement Grant Program.

3. **Ordinance Serial No. 05-81:** To Amend The FY-06 Police Department Budget By Appropriating Funds From The Click It Or Ticket Seatbelt Enforcement Incentive Program From The State Of Alaska, Alaska Highway Safety Office For The Purchase Of A Rifle For The Department's Motorcycle In The Amount Of \$1,000.
4. **Ordinance Serial No. 05-82:** Repealing WMC 9.08.010, Strict Liability For Damage To Private Property, And WMC 9.08.020, Remedies.
5. **Ordinance Serial No. 05-83:** Amending WMC 13.04.190 Water Main Extensions By Private Developers And WMC 13.08.100 Sewer Extensions By Private Developers To Provide That A Water Main Or Sewer Extension Agreement Is Subject To Council Approval Only When The Extension Benefits Other Properties.

C. Resolutions

1. **Resolution Serial No. 05-39:** Authorizing Incentive Pay Programs For City Police Officers Under WMC 3.55.115.

D. Action Memorandums

1. **AM No. 05-63:** Authorization To Destroy Ballots Pursuant To WMC 4.28.060.

**IX. UNFINISHED BUSINESS**

- A. **AM No. 05-61:** Airport Lease Lots Pursuant To WMC 5.32.120.C (3).  
(Postponed from the October 10, 2005 Regular City Council Meeting)

**X. NEW BUSINESS**

**XI. COMMUNICATIONS**

A. Information Memorandums

1. **IM No. 05-15:** List of Waivers of Sales Tax Penalty for 3<sup>rd</sup> Quarter Ending September 30, 2005.
2. **IM No. 05-16:** Revisor of Ordinance.

**B. Commission Minutes**

1. Planning Commission: September 27, 2005 and October 11, 2005
2. Parks and Recreation Commission : September 14, 2005

**XII. MAYOR, CLERK AND ATTORNEY COMMENTS**

**XIII. AUDIENCE COMMENTS**

**XIV. COUNCIL COMMENTS**

**XV. EXECUTIVE SESSION**

**XVI. ADJOURNMENT**

**I. CALL TO ORDER**

The regular meeting of the Wasilla City Council was held on Monday, October 24, 2005 at the Wasilla City Council Chambers, Wasilla, Alaska. Mayor Dianne M. Keller called the meeting to order at 7 p.m.

**II. ROLL CALL**

Council Members present and establishing a quorum were:

Mr. Howard O'Neil, Seat A, Deputy Mayor  
Ms. Diana Straub, Seat B  
Mr. Rob Sande, Seat D  
Mr. Ron Cox, Seat E  
Mr. Mark Ewing, Seat F

Council Member Bowen, Seat C, was absent and excused.

(Clerk note: Newly elected Council Members Steve Menard and Marty Metiva were sworn into office during Special Orders and participated in the meeting from that point forward.)

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. Don Savage, Police Chief  
Mr. Ron Singel, Economic Development Director  
Mr. Bruce Urban, Manager of Recreation and Cultural Services

**III. PLEDGE OF ALLEGIANCE**

Boy Scout Troop 300 led the Pledge of Allegiance.

**IV. APPROVAL OF AGENDA**

Mayor Keller requested to add Mr. and Mrs. Roy Burkhart to the agenda, under Persons to be Heard.

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

Mayor Keller presented an Appreciation Plaque to Council Member Sande recognizing his outstanding service on the council.

## V. SPECIAL ORDERS OF THE DAY

### A. Swearing in of Newly Elected Council Members.

The City Clerk swore in newly elected Council Members Steve Menard and Marty Metiva. (Clerk note: Council Members Metiva and Menard participated in the meeting from this point forward.)

## VI. COMMISSION AND AGENCY REPORTS

### A. Planning Commission

Commissioner Dorothy Hamilton:

- noted the commission recently denied a request to construct a 12-plex in Carter Subdivision;
- reported the commission approved the Wal-Mart expansion with conditions; and
- noted the commission will consider themes and landscaping standards for the Parks Highway Rehabilitation Project.

### B. Parks and Recreation Commission

Commission Dave Tuttle:

- reported that the sports complex continues to expand indoor soccer programs;
- noted the success of the State Firefighters Conference which was held at the sports complex; and
- stated that commission continues to draft a park rules ordinance for council consideration.

### C. Airport Advisory Commission

The public works director reported that the commission took no action at their last scheduled meeting.

### D. Matanuska-Susitna Borough

Assembly Member Mary Kvalheim:

- reported on items under consideration by the borough assembly.

### E. North America Outdoor Institute: Outdoor Safety and Avalanche Awareness Education.

1. Ms. Debra McGhan, President.

Ms. McGhan was not present at the meeting.

## **VII. PUBLIC PARTICIPATION**

### **A. Public Hearings**

1. **Ordinance Serial No. 05-71:** Amending WMC 1.20.030.C To Include Penalties For Theft In The Fine Schedule, And Amending WMC Chapter 9.08 Property Offenses By Adopting WMC 9.08.030 Theft.

Mayor Keller opened the public hearing on Ordinance Serial No. 05-71 and there being no one who wished to present testimony the public hearing closed.

**MOTION:** Council Member Cox moved to adopt Ordinance Serial No. 05-71.

**GENERAL CONSENT:** The motion passed without objection.

2. **Ordinance Serial No. 05-77:** To Amend The FY-06 Youth Court Budget By Increasing Personnel Services In The Amount Of \$13,169 From The Youth Court Fund Balance.

Mayor Keller opened the public hearing on Ordinance Serial No. 05-77 and there being no one who wished to present testimony the public hearing closed.

**MOTION:** Council Member Cox moved to adopt Ordinance Serial No. 05-77.

**VOTE:** The motion passed unanimously.

3. **Ordinance Serial No. 05-78:** Amending Wasilla Municipal Code 1.08.030, Eminent Domain.

Mayor Keller opened the public hearing on Ordinance Serial No. 05-78 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. 05-78.

Discussion moved to the council and the city planner spoke about the U.S. Supreme Court Case Kelo vs. City of New London as it relates to eminent domain.

**GENERAL CONSENT:** The motion passed without objection.

B. Persons to be Heard

1. Roy and June Burkhart.

Ms. Burkhart presented the City of Wasilla with a plaque in honor of the victims of the World Trade Center attack that took place on September 11, 2001.

2. James "Biggie" Allen Wooden I.

Mr. Wooden questioned the need to spend \$1,000 on for a rifle for the police department's motorcycle, as referenced in Ordinance Serial No. 05-81.

**VIII. CONSENT AGENDA**

A. Minutes of Preceding Meeting

1. Regular Meeting: October 10, 2005

B. Introduction of Ordinances: Recommended Public Hearing on November 14, 2005 .

1. **Ordinance Serial No. 05-79:** To Amend The FY-06 Police Department Budget By Appropriating \$4,388 In Funds From The State Of Alaska, Alaska Highway Safety Office For Overtime Expended In Participating In The Strategic Evaluation States DUI Enforcement Grant Program.
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C. Resolutions

1. **Resolution Serial No. 05-39:** Authorizing Incentive Pay Programs For City Police Officers Under WMC 3.55.115.

D. Action Memorandums

1. **AM No. 05-63:** Authorization To Destroy Ballots Pursuant To WMC 4.28.060.

The city clerk read the consent agenda into the record.

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

GENERAL CONSENT: The motion passed without objection.

## IX. UNFINISHED BUSINESS

- A. **AM No. 05-61:** Airport Lease Lots Pursuant To WMC 5.32.120.C (3). (Postponed from the October 10, 2005 Regular City Council Meeting)

Council Member Straub questioned why public comments were not received from property owners adjacent to the hanger construction site and suggested that the city attempt to contact property owners again.

The public works director and city planner answered questions raised by the council in regard to the project.

The city attorney stated that the council may approve, disapprove, or postpone taking action on AM No. 05-61 at their discretion.

MOTION: Council Member Ewing moved to adopt AM No. 05-61.

Discussion continued by the council and staff answered questions.

MOTION: Council Member Cox moved the previous question.

GENERAL CONSENT: The motion to move the previous question passed without objection.

VOTE: The motion to adopt AM No. 05-61 passed with Council Members Cox, Menard, Metiva, and O'Neil in favor and Council Members Ewing and Straub opposed.

## X. NEW BUSINESS

There was no new business.

## XI. COMMUNICATIONS

### A. Information Memorandums

1. **IM No. 05-15:** List of Waivers of Sales Tax Penalty for 3<sup>rd</sup> Quarter Ending September 30, 2005.
2. **IM No. 05-16:** Revisor of Ordinance.

### B. Commission Minutes

1. Planning Commission: September 27, 2005 and October 11, 2005
2. Parks and Recreation Commission : September 14, 2005

No action was taken on the communication items.

## XII. MAYOR, CLERK AND ATTORNEY COMMENTS

### City Clerk:

- noted the council's upcoming meeting schedule; and
- reported arrangements for the Alaska Municipal League Conference will be finalized this week.

### City Attorney:

- reported that the appellants in Hearing Officer Appeal No. 05-01 had not filed an appeal with Superior Court; and
- noted he has been working on routine matters for the city.

### Mayor Keller:

- handed out a written report to the council;
- noted developments in the kennel issue on Eden Court in Bayview Subdivision; and
- welcomed newly elected Council Members Menard and Metiva.

Council Member Ewing questioned how many citations were issued in the kennel case and the violation amount for each citation.

The city attorney spoke to the issue.

### **XIII. AUDIENCE COMMENTS**

Ms. Cheryl Metiva, Director, Greater Wasilla Chamber Commerce:

- spoke about the "Trim a Tree" program sponsored by the Chamber to benefit a local charity; and
- thanked the city's economic development director for his assistance.

Ms. Anne Kilkenny:

- welcomed the newly elected council members;
- encouraged the council to adopt an ordinance supporting the restoration of State Municipal Revenue Sharing; and
- encouraged the council to begin the process of constructing a new library.

Dr. Curtis Menard:

- introduced his grandchildren; and
- conveyed warm wishes to the city council and the newly elected council members.

Ms. June Burkhart:

- noted that Anchorage will host the 2006 Disabled American Veterans Games and encouraged volunteerism.

Ms. Patrick Cooley:

- questioned the development of condos so close to the railroad tracks on East Susitna Avenue.

Ms. Scott Johannes:

- commented on his frustration with the council in their consideration of his proposed development on Airport Lease Lot 10 at the New Wasilla Airport;
- stated his pleasure in working with the city's public works department and the planning office in developing projects; and
- cautioned the council from unnecessarily delaying projects as it may impact development in the city.

Mr. Greg Koskela:

- thanked Council Members Bowen and Sande for their service;
- congratulated Council Members Menard and Metiva on their recent election;
- thanked the council for adopting Ordinance Serial No. 05-78; and
- commented on airport lease lots that were previously approved by the council and suggested better communication between the council and staff.

Mr. Rob Sande:

- supports the council in their decision to approve AM No. 05-61.

Mr. Karl Lund:

- stated his support of responsible development; and
- encouraged the council to adopt rules to protect adjoining developed properties prior to development of new property.

The public works director spoke about permits that are issued by the city during various phases of development.

#### **XIV. COUNCIL COMMENTS**

Council Member Menard:

- thanked his family and the community at large for their support; and
- stated he is humbled to serve on the city council.

Council Member Straub:

- requested clarification from the city attorney on the subject of ex-parte contact.

The city attorney spoke on the subject and explained the difference between a legislative body and a quasi-judicial body.

Council Members Straub (comments continued)

- reported on traffic flow improvements at Wasilla Middle School;
- spoke in support of the School Resource Officer at Wasilla High and Middle Schools;
- thanked Mr. Scott Johannas for the comments he made this evening in regard to his development at the New Wasilla Airport;
- requested an e-mail response through the clerk's office from the finance director indicating when incentive pay will be included in employee paychecks; and
- congratulated the newly elected council members.

Council Member O'Neil:

- thanked the audience for attending the meeting;
- thanked Council Members Bowen and Sande for their service to the city;
- thanked Mr. and Mrs. Burkhart for their presentation to the city;
- stated he agrees with comments made by Mr. Scott Johannes in regard to his development at the New Wasilla Airport; and
- welcomed the newly elected council members.

Council Member Cox:

- thanked everyone for attending the meeting;
- thanked Council Members Bowen and Sande for their service;
- welcomed the newly elected council members; and
- stated his support for constructing a new library.

Council Member Ewing:

- welcomed the Wasilla High School Government Class to the council meeting;
- thanked Mr. Scott Johannes for the comments he made;
- states his support for constructing a new library;
- welcomed the newly elected council members; and
- thanked Council Members Bowen and Sande for their outstanding service to the city.

Council Member Metiva:

- thanked everyone for attending the meeting, especially the youth;
- expressed what an honor it is to serve on the council;
- spoke about the learning curve that comes along with a being a newly elected official; and
- thanked Council Members Bowen and Sande for their outstanding service to the city.

**XIII. EXECUTIVE SESSION**

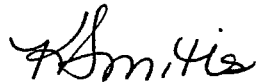
No executive session was held.

**XVI. ADJOURNMENT**

The meeting adjourned at 8:28 p.m.

  
DIANNE M. KELLER, Mayor

ATTEST:

  
KRISTIE L. SMITHERS, MMC  
City Clerk

Adopted by the Wasilla City Council on November 14, 2005.