



**I. CALL TO ORDER**

The special meeting of the Wasilla City Council was held on Thursday, April 13, 2006 at the Wasilla City Council Chambers, Wasilla, Alaska. Mayor Keller called the meeting to order at 8:30 a.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. Steve Menard, Seat C  
Mr. Ron Cox, Seat E  
Mr. Mark Ewing, Seat F

Mayor Keller noted that Council Member Marty Metiva was absent and excused.

No objection was raised to the excused absence.

Staff in attendance were:

Ms. Kristie Smithers, City Clerk  
Ms. Jamie Newman, Deputy Clerk  
Mr. Archie Giddings, Public Works Director  
Mr. William Miller, Purchasing Officer

**III. PLEDGE OF ALLEGIANCE**

Deputy Mayor O'Neil led the Pledge of Allegiance.

**IV. NEW BUSINESS**

- A. General Counsel Legal Services
  - a. Discussion on Interview Process

The public works director and the purchasing officer spoke about the selection criteria score sheet and answered questions from the council regarding the scoring process.

The council discussed the interview process and approved the interview schedule as presented.

The council discussed potential interview questions. It was agreed that each council member would ask the same question to each interviewee. The following questions were agreed upon by the council:

- Describe how your knowledge, experience and skills as an attorney, would best benefit the City of Wasilla. (Council Member Cox)
- Given the differences in compensation, benefits and other perks in the private sector, what appeals to you about practicing law in the public sector? (Council Member Cox)
- We have an Eminent Domain issue that has not been resolved. And this issue has been a burr under our saddle for the past several years. We constructed a sports complex on this parcel and have invested almost 20 million of tax funds, of course the price the city has offered is not sufficient to the plaintiff. What action would you take to resolve this issue and in what time frame could your firm bring this issue to an end. (Council Member Ewing)
- On a scale of one to ten without using the same number please rate your commitment to represent the following: (Council Member Ewing)
  - A. Administration
  - B. City Council
  - C. City Residents
- Please define "Meet and Confer" as it relates to the Council's responsibility to city employees. (Council Member Menard)
- As an Anchorage law firm do you feel you know enough about Wasilla and Wasilla's issues? (Council Member Menard)
- What makes you an ideal candidate for this position and why? (Council Member O'Neil)
- Are you willing to attend 2 City Council Meetings a month at no additional charge in travel time? (Council Member O'Neil)
- How would you deal with differing (perhaps potentially conflicting) priorities among members of Council or other city leaders for any given issue? (Council Member Straub)
- Discuss the role of ethics in the legal profession. What ethical standards or guidelines do you hold yourself and your staff accountable for? (Mayor Keller)

- What approach would you take if the mayor or a council member that perhaps made a decision or took action that was not ethically sound, how would you address that? (Mayor Keller)
- The council may hold an executive session today to determine the successful firm for attorney services. Do you or your firm have objections to discuss the qualifications of your firms in executive session? (Mayor Keller)

b. Firm Interviews

1. Mr. Thomas Klinkner with Birch, Horton, Bittner & Cherot

Mayor Keller and the council interviewed Mr. Klinkner.

At the conclusion of the interview, the council recessed at 10:11 a.m. and reconvened at 10:17 a.m.

2. Joseph Levesque with Walker and Levesque, LLC

Mayor Keller and the council interviewed Mr. Levesque.

In addition to Mr. Levesque, the following were in attendance from Walker and Levesque, LLC: Mr. William Walker, Ms. Donna Walker, and Mr. Craig Richards.

At the conclusion of the interview, the council recessed at 10:52 a.m. and reconvened at 11:04 a.m.

3. Michael Gatti with Wohlforth, Johnson, Brecht, et al

Mayor Keller and the council interviewed Mr. Gatti.

In addition to Mr. Gatti the following was in attendance from Wohlforth, Johnson, Brecht, et al: Ms. Cheryl Brooking.

At the conclusion of the interview, the council recessed at 11:56 a.m. and reconvened at 12:07 p.m.

Mayor Keller requested clarification on the point values assigned in the selection criteria score sheet.

Discussion moved to the council and questions were answered by the public works director and the purchasing officer.

The council did not object to the scoring process as proposed in the selection criteria score sheet as follows: Methodology/Approach: 20-maximum points may be awarded for this category and Communication: 10-maximum points may be awarded for this category.

c. Selection of Firm, Executive Session if needed.

The city clerk shared information regarding the selection process.

Council Members Ewing, Menard and Straub questioned if Wasilla Municipal Code 2.24.010, Appointment, prohibits the Mayor from participating in the attorney selection process.

Discussion and debate followed.

**MOTION:** Council Member Straub moved to call City Attorney Tom Klinkner to ask for guidance on how the council is to utilize the process to ensure they follow city code correctly.

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

The city attorney answered questions from the council telephonically. Discussion focused on the interpretation of the Wasilla Municipal Code in relation to the appointment of the city attorney.

**MOTION:** Council Member Menard moved to include the Mayor in the numerical scoring process for the legal services request for proposal.

Discussion followed.

**MOTION:** Council Member O'Neil moved the previous question.

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

**VOTE:** The motion to include the Mayor in the numerical scoring process for the legal services request for proposal passed with Council Members Cox, Menard, O'Neil, and Straub in favor and Council Member Ewing opposed.

## **V. EXECUTIVE SESSION**

**MOTION:** Council Member Menard moved to enter into executive session to discuss subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion, specifically the general legal counsel services scoring. (Clerk note: each firm was asked during the interview process if they objected to the discussion of their qualifications in executive session. No one raised any objection.)

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

The following entered into executive session at 12:45 p.m. in the council conference room: Mayor Keller, the entire Council, Archie Giddings, Public Works Director; William Miller, Purchasing Officer; and Kristie Smithers, City Clerk. (Clerk note: staff did not participate in the scoring process.) The executive session exited at 1:02 p.m.

MOTION: Council Member O'Neil moved to offer Birch, Horton, Bittner, and Cherot the legal services contract, and to direct the purchasing officer to negotiate the contract, and to present the award of contract at the May 8, 2006, regular city council meeting.

GENERAL CONSENT: The motion passed without objection.

**VI. MAYOR, CLERK, AND COUNCIL COMMENTS**

City Clerk:

- noted the upcoming council meeting schedule.

Mayor Keller:

- thanked the council for all of their hard work in selecting an attorney.

Deputy Mayor O'Neil:


- thanked the council for participating in the process; and
- noted he felt the council made the right firm selection.

Council Member Menard:

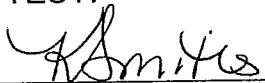
- noted all three interviewees were outstanding.

**VII. ADJOURNMENT**

The special meeting adjourned at 1:05 p.m.

  
DIANNE M. KELLER, Mayor

ATTEST:

  
KRISTIE L. SMITHERS, MMC  
City Clerk

Adopted by the Wasilla City Council on May 8, 2006