



**MAYOR**

Dianne M. Keller

**COUNCIL**

Greg Koskela, Seat A

Douglas W. Holler, Seat B

Steven Menard, Seat C

Marty Metiva, Seat D

Ron Cox, Deputy Mayor, 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.**

**MAY 14, 2007**

**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. Proclamation Presentation: National Police Memorial Week.

B. Proclamation Presentation: Proclaiming May 19 and 20, 2007 As Drunk Driving Victims Remembrance Days.

**VI. COMMISSION AND AGENCY REPORTS**

A. Planning Commission

B. Parks and Recreation Commission

C. Airport Advisory Commission

D. Matanuska-Susitna Borough

E. Central Mat- Su Fire Department: Budget Overview  
(15 minute presentation)

F. Friends of Wasilla Public Library: Ms. Jeanne Troshynski, President

## VII. PUBLIC PARTICIPATION

### A. Public Hearings

pp 001 1. **Ordinance Serial No. 07-28:** Amending The FY-07 Police Department Budget By Accepting And Appropriating Funds From The State Of Alaska, Department Of Public Safety, Division Of Alaska State Troopers, Alaska Bureau Of Alcohol And Drug Enforcement In The Amount Of \$1,438 From Federal Forfeiture.

pp 003 2. **Ordinance Serial No. 07-29:** Amending The FY-07 Police Department Budget By Appropriating Funds From The State Of Alaska, Division Of Homeland Security And Emergency Management 2005 Law Enforcement Terrorism Prevention Program In The Amount Of \$1,331 For The Communications Tower.

pp 005 3. **Ordinance Serial No. 07-30:** Amending WMC 5.16.130, Duties Upon Cessation Or Transfer Of Business, WMC 5.16.190, Violations—Remedies, And Adopting WMC Sections 6.04.015 Through 6.04.085, To Establish Uniform Provisions For The Enforcement Of Sales Tax And Business License Requirements, And To Strengthen The Business License Requirement As An Aid To Sales Tax Collection And Repealing WMC Sections 6.04.010 Through 6.04.100.

### B. Persons to be Heard

## VIII. CONSENT AGENDA

### A. Minutes of Preceding Meetings:

pp 027 1. Regular Meeting: April 23, 2007

pp 039 2. Special Meeting: April 23, 2007

B. Introduction of Ordinances: Recommended Public Hearing on June 11, 2007:

- pp 043 1. **Ordinance Serial No. 07-31:** Amending The FY07 Budget By Carrying Forward And Appropriating \$1,750 In Institute Of Museum And Library Services Grant Funds For The Museum Assessment Program.
- pp 045 2. **Ordinance Serial No. 07-32:** Adoption Of The Annual Budget For The Fiscal Year 2008 And Appropriating Funds To Carry Out Said Budget.
- pp 047 3. **Ordinance Serial No. 07-33:** Amending The FY-07 Budget By Accepting And Appropriating Grant And Match Funding From The Federal Aviation Administration And State Of Alaska In The Amount Of \$1,657,894 For The Wasilla Airport Taxiway B Construction Project.
- pp 051 4. **Ordinance Serial No. 07-34:** Authorizing Annexation Of Certain Properties Into The Corporate Boundaries Of The City Of Wasilla To Include Portions Of Meadow Ridge Subdivision, Maney Acres, Lakebrook Subdivision And An Area Near The Wasilla Airport.

C. Resolutions

- pp 077 1. **Resolution Serial No. 07-15:** Authorizing The Mayor To Execute A Grant Agreement With The Matanuska-Susitna Borough In The Amount Of \$230,000 For Lucille Street Improvements.
- pp 091 2. **Resolution Serial No. 07-17:** In Support Of Alaska State Legislature House Bill 229 As Amended To Include \$300 Million In Funding To Construct A Rail Line From Point Mackenzie To Willow To Transport Coal From Healy To Kenai For The Agrium Gasification Project. (Sponsored by Mayor Keller)
- pp 095 3. **Resolution Serial No. 07-18:** Authorizing The Mayor To Accept A Conservation Easement On Approximately Three Acres Of Land Located Along The Eastern Bank Of Cottonwood Creek South Of The Palmer-Wasilla Highway In The NE1/4 Of Section 11, T17N, R1W, Seward Meridian.

D. Action Memorandums

- pp 115 1. **AM No. 07-23:** Contract Amendment To Raven Engineering In The Amount Of \$37,934 For The Garden Terrace Water Main Extension Engineering Services.

**IX. UNFINISHED BUSINESS**

**X. NEW BUSINESS**

- pp 119 A. **AM No. 07-21:** Council Requests The Purchasing Officer To Renegotiate A Contract, Based Upon The Proposal To Establish A Wasilla Visitor And Tourism Bureau Received In Response To RFP 0643-0-2007/WM, Not To Exceed \$50,000 For FY 2007 With The Wasilla Chamber Of Commerce. (Sponsored by Council Member Koskela)

**XI. COMMUNICATIONS**

A. Information Memorandums

B. Commission Minutes

**XII. AUDIENCE COMMENTS**

**XIII. MAYOR, CLERK AND ATTORNEY 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, May 14, 2007, 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. Greg Koskela, Seat A
- Mr. Doug Holler, Seat B
- Mr. Steve Menard, Seat C
- Mr. Marty Metiva, Seat D
- Mr. Ron Cox, Deputy Mayor, 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. Susan Colligan, Director of Finance
- Ms. Sandra Garley, Deputy Administrator
- Mr. Archie Giddings, Director of Public Works
- Ms. Angella Long, Police Chief
- Mr. Bruce Urban, Recreation and Cultural Services Manager

**III. PLEDGE OF ALLEGIANCE**

- A. Presentation of Colors by Boy Scout Troop 300

Boy Scout Troop 300 led the Pledge of Allegiance.

**IV. APPROVAL OF AGENDA**

Mayor Keller noted that Ordinance Serial No. 07-34 is presented for substitution and inquired if there were further adjustments to the agenda as presented.

Council Member Ewing requested to move Ordinance Serial No. 07-34(SUB) from the Consent Agenda to New Business.

**GENERAL CONSENT:** There being no further adjustments to the agenda, the agenda was approved, as amended, with no objection raised.

**V. SPECIAL ORDERS OF THE DAY**

- A. Proclamation Presentation: National Police Memorial Week.

Mayor Keller read a Proclamation in honor of National Police Memorial Week.

- B. Proclamation Presentation: Proclaiming May 19 and 20, 2007, As Drunk Driving Victims Remembrance Days.

Mayor Keller read a Proclamation, proclaiming May 19 and 20, 2007 as Drunk Driving Victims Remembrance Days.

**VI. COMMISSION AND AGENCY REPORTS**

- A. Planning Commission

Ms. Sandra Garley, Deputy Administrator:

- reported on items from the May 8, 2007 Planning Commission Meeting.

- B. Parks and Recreation Commission

Commissioner Dave Tuttle:

- reported on the success of Wasilla Clean-Up Days;
- reported that plans for the 4<sup>th</sup> of July festivities are underway;
- reported that the Arbor Day celebration is scheduled to take place on May 21, 2007; and
- mentioned the need for park land acquisition for future park expansion.

- C. Airport Advisory Commission

Mr. Archie Giddings, Public Works Director:

- reported that the Airport Advisory Commission had not met since its last report.

- D. Matanuska-Susitna Borough

No report was presented.

- E. Central Mat- Su Fire Department: Budget Overview  
(15 minute presentation)

- a. Mr. Gene Wiseman, Chief, Central Ambulance Service:

Mr. Wiseman highlighted the accomplishments of the Central Ambulance in FY-07 and presented an overview of the proposed FY-08 budget.

b. Mr. Mike Keenan, Acting Fire Chief, Central Fire Department:

Mr. Keenan highlighted the accomplishments of the Wasilla-Lakes Fire Department in FY-07 and presented an overview of the proposed FY-08 budget.

Questions were asked of Acting Chief Keenan regarding the fire station on Trunk Road and the future plans for the maintenance shop located on Main Street.

Discussion continued and additional questions were asked regarding the proposed FY-08 budget.

F. Friends of Wasilla Public Library: Ms. Jeanne Troshynski, President

Ms. Troshynski:

- shared recent activities of the Friends Group to include the "Race for Technology" and the Summer Reading Program;
- reported that the Friends Group continues to lobby the Borough Assembly to fully fund city libraries;
- spoke about the economic benefits brought to communities from libraries; and
- spoke about the need to continue to work with the Mat-Su Borough on establishing a long-range funding formula for city libraries.

Questions were asked of Ms. Troshynski and discussion ensued.

Mayor Keller invited the Friends Group to participate in a joint meeting with the cities of Palmer and Wasilla and the Mat-Su Borough to discuss library issues. No objection was raised.

## VII. PUBLIC PARTICIPATION

A. Public Hearings

1. **Ordinance Serial No. 07-28:** Amending The FY-07 Police Department Budget By Accepting And Appropriating Funds From The State Of Alaska, Department Of Public Safety, Division Of Alaska State Troopers, Alaska Bureau Of Alcohol And Drug Enforcement In The Amount Of \$1,438 From Federal Forfeiture.

Mayor Keller opened the public hearing on Ordinance Serial No. 07-28 and there being no one who wished to present testimony the public hearing closed.

MOTION: Deputy Mayor Cox moved to adopt Ordinance Serial No. 07-28.

GENERAL CONSENT: The motion passed without objection.

2. **Ordinance Serial No. 07-29:** Amending The FY-07 Police Department Budget By Appropriating Funds From The State Of Alaska, Division Of Homeland Security And Emergency Management 2005 Law Enforcement Terrorism Prevention Program In The Amount Of \$1,331 For The Communications Tower.

Mayor Keller opened the public hearing on Ordinance Serial No. 07-29 and there being no one who wished to present testimony the public hearing closed.

MOTION: Deputy Mayor Cox moved to adopt Ordinance Serial No. 07-29.

GENERAL CONSENT: The motion passed without objection.

3. **Ordinance Serial No. 07-30:** Amending WMC 5.16.130, Duties Upon Cessation Or Transfer Of Business, WMC 5.16.190, Violations—Remedies, And Adopting WMC Sections 6.04.015 Through 6.04.085, To Establish Uniform Provisions For The Enforcement Of Sales Tax And Business License Requirements, And To Strengthen The Business License Requirement As An Aid To Sales Tax Collection And Repealing WMC Sections 6.04.010 Through 6.04.100.

Mayor Keller opened the public hearing on Ordinance Serial No. 07-30 and there being no one who wished to present testimony the public hearing closed.

Deputy Mayor Cox moved to adopt Ordinance Serial No. 07-30.

Discussion followed.

VOTE: The motion passed unanimously.

B. Persons to be Heard

1. Ms. Robin Hall, Director, Wasilla Area Senior Center

Ms. Hall:

- talked about the donation of the Senior Center property by Mr. Frank Smith;
- shared a conversation between herself and Council Member Menard, which took place after the last regular council meeting; and
- requested funds to cover operational expenses at the Senior Center.



## VIII. CONSENT AGENDA

- A. Minutes of Preceding Meetings:
1. Regular Meeting: April 23, 2007
  2. Special Meeting: April 23, 2007
- B. Introduction of Ordinances: Recommended Public Hearing on June 11, 2007:
1. **Ordinance Serial No. 07-31:** Amending The FY07 Budget By Carrying Forward And Appropriating \$1,750 In Institute Of Museum And Library Services Grant Funds For The Museum Assessment Program.
  2. **Ordinance Serial No. 07-32:** Adoption Of The Annual Budget For The Fiscal Year 2008 And Appropriating Funds To Carry Out Said Budget.
  3. **Ordinance Serial No. 07-33:** Amending The FY-07 Budget By Accepting And Appropriating Grant And Match Funding From The Federal Aviation Administration And State Of Alaska In The Amount Of \$1,657,894 For The Wasilla Airport Taxiway B Construction Project.
- C. Resolutions
1. **Resolution Serial No. 07-15:** Authorizing The Mayor To Execute A Grant Agreement With The Matanuska-Susitna Borough In The Amount Of \$230,000 For Lucille Street Improvements.
  2. **Resolution Serial No. 07-17:** In Support Of Alaska State Legislature House Bill 229 As Amended To Include \$300 Million In Funding To Construct A Rail Line From Point Mackenzie To Willow To Transport Coal From Healy To Kenai For The Agrium Gasification Project. (Sponsored by Mayor Keller)
  3. **Resolution Serial No. 07-18:** Authorizing The Mayor To Accept A Conservation Easement On Approximately Three Acres Of Land Located Along The Eastern Bank Of Cottonwood Creek South Of The Palmer-Wasilla Highway In The NE1/4 Of Section 11, T17N, R1W, Seward Meridian.

D. Action Memorandums

1. **AM No. 07-23:** Contract Amendment To Raven Engineering In The Amount Of \$37,934 For The Garden Terrace Water Main Extension Engineering Services.

The City Clerk read items from the Consent Agenda into the record.

MOTION: Council Member Koskela moved to adopt the Consent Agenda as read by the City Clerk.

GENERAL CONSENT: The motion passed without objection.

**IX. UNFINISHED BUSINESS**

There was no unfinished business.

**X. NEW BUSINESS**

- A. **AM No. 07-21:** Council Requests The Purchasing Officer To Renegotiate A Contract, Based Upon The Proposal To Establish A Wasilla Visitor And Tourism Bureau Received In Response To RFP 0643-0-2007/WM, Not To Exceed \$50,000 For FY 2007 With The Wasilla Chamber Of Commerce. (Sponsored by Council Member Koskela)

MOTION: Council Member Koskela moved to adopt AM No. 07-21.

MOTION: Council Member Metiva declared a conflict of interest and requested to be excused from voting on AM No. 07-21. He stated that although he has no direct financial interest in the establishment of a Visitor and Tourism Bureau, a perceived conflict may exist as his wife is the Executive Director of the Greater Wasilla Chamber of Commerce.

The city attorney discussed provisions of the Wasilla Municipal Code that address Conflict of Interest and noted it is the role of the presiding officer (Mayor Keller) to affirm or deny the abstention request by Council Member Metiva.

Discussion followed and debate ensued. *(Clerk note: Council Member Metiva did not participate in discussion regarding is request to be excused from voting on AM No. 07-21.)*

Mayor Keller ruled in favor of the abstention based on Wasilla Municipal Code 5.08.200, Ethics of Contracting and Purchasing.

Council Members Ewing and Menard objected to the ruling of the Mayor.

MOTION: Council Member Ewing moved to appeal the decision of the Chair.

Discussion continued.

The Council requested a recess. No objection was raised.

The Council recessed at 8:09 p.m. and reconvened at 8:20 p.m.

Discussion continued and the City Attorney spoke about the common law, which establishes more stringent requirements for conflict of interest than the "substantial financial interest" standard for abstention in Alaska Statute 29.20.010 and Wasilla Municipal Code 2.12.010.

Discussion continued.

The City Clerk spoke about the process for appealing a decision of the chair as addressed in Roberts Rules of Order.

VOTE: The motion to appeal the decision of the chair failed with Deputy Mayor Cox and Council Member Holler in favor and Council Members Ewing, Koskela, and Menard opposed. Council Member Metiva abstained from the vote. *(Clerk note: Per WMC 2.04.130, four affirmative votes shall be required to carry any measure before the Council.)*

Discussion continued.

MOTION: Council Member Menard moved the previous question. *(Clerk note: The effect of this motion is to immediately stop debate.)*

GENERAL CONSENT: The motion passed without objection.

VOTE: The motion to adopt AM No. 07-21, passed unanimously, with Council Member Metiva abstaining.

- B. **Ordinance Serial No. 07-34(SUB):** Authorizing Annexation Of Certain Properties Into The Corporate Boundaries Of The City Of Wasilla To Include Portions Of Meadow Ridge Subdivision, Maney Acres, Lakebrook Subdivision And An Area Near The Wasilla Airport.

MOTION: Council Member Ewing moved to introduce Ordinance Serial No. 07-34(SUB) and set for public hearing on June 11, 2007.

Council Member Ewing requested clarification on areas to be annexed.

Discussion continued and questions were asked of the Deputy Administrator.

VOTE: The motion to introduce Ordinance Serial No. 07-34(SUB) and set for public hearing on June 11, 2007, passed unanimously.

## **XI. COMMUNICATIONS**

- A. Information Memorandums
- B. Commission Minutes

There were no communication items.

## **XII. AUDIENCE COMMENTS**

No comments were made.

## **XIII. MAYOR, CLERK AND ATTORNEY COMMENTS**

Mr. Tom Klinkner, City Attorney:

- noted that Ordinance Serial No. 07-30 was drafted as a result of direction from the Council;
- reported that a hearing on the valuation was held in the Lundgren condemnation case; and
- requested an executive session on the Luper case.

Mayor Keller:

- presented a check from Wal-Mart for prizes awarded during Clean-up Days;
- noted that many business helped to support Clean-up Days;
- gave an update on the status of funding requests made to the State Legislature;
- reported the land use permit for the demolition of the Cottonwood Creek Mall was granted;
- reported that she will attend the International Council of Shopping Centers Convention in Las Vegas;
- expressed sadness with the recent passing of former Planning Commissioner Ray McCarthy; and
- shared information about the activities of various city departments.

Ms. Kristie Smithers, City Clerk:

- reviewed agenda items for the May 21, 2007, special meeting;
- requested to schedule the clerk evaluation on June 4, 2007, at 5:30 p.m.; and
- requested to cancel May 31, 2007, special budget meeting. (Clerk note: No objection was raised to the meeting adjustments proposed by the Clerk.)

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

Council Member Ewing:

- thanked the audience for attending the meeting;
- spoke about the success of the Juneau lobbying trip he took with Council Member Holler; and
- thanked the Council and Mayor for the good meeting.

Council Member Menard:

- clarified comments made by Ms. Robin Hall earlier in the meeting regarding a conversation they had; and
- reminded the Council that Roberts Rules of Order prohibits individual attacks on members of a governing body.

Council Member Metiva:

- thanked the audience for attending the meeting;
- noted he participated in the Relay for Life; and
- congratulated Council Member Ewing on his upcoming nuptials.

Council Member Holler:

- thanked those that participated in Clean-Up Days; and
- thanked the audience for attending the meeting.

#### **XV. EXECUTIVE SESSION**

**MOTION:** Council Member Menard moved to enter Executive Session for the purpose of confidential attorney-client communications made for the purpose of facilitating the rendition of professional legal services to the city in regard to the Luper appeal.

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

The following entered executive session in the Council Conference room at 9:30 p.m.: the entire Council; Mayor Keller; the City Attorney; the Police Chief; and the Deputy Administrator. The executive session exited at 9:43 p.m. No action was taken.

#### **XVI. ADJOURNMENT**

With no further business at hand, Mayor Keller adjourned the meeting at 10:43 p.m.

ATTEST:



KRISTIE SMITHERS, MMC  
City Clerk



DIANNE M. KELLER  
Mayor

Adopted by the Wasilla City Council on June 11, 2007.