



MAYOR

Dianne M. Keller

COUNCIL

Greg Koskela, Seat A

Douglas W. Holler, Seat B

Steve Menard, Seat C

Marty Metiva, Seat D

Ron Cox, Deputy Mayor, 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.

JULY 23, 2007

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. PLEDGE OF ALLEGIANCE**
- IV. APPROVAL OF AGENDA**
- V. SPECIAL ORDERS OF THE DAY**
- VI. COMMISSION AND AGENCY REPORTS**
 - A. Planning Commission
 - B. Parks and Recreation Commission
 - C. Airport Advisory Commission
 - D. Matanuska-Susitna Borough
 - E. Greater Wasilla Chamber of Commerce

VII. PUBLIC PARTICIPATION

A. Public Hearings

1. **Ordinance Serial No. 07-42:** Authorizing The Sale To The Alaska Live Steamers, LLC Of Tax Parcel A6, Section 16, Township 17 North, Range 1 West Seward Meridian, Alaska, Under WMC 5.32, Sale Or Lease Of Public Lands; Authorizing The Mayor To Execute And Deliver A Contract For The Sale; And Providing For Related Matters.
2. **Ordinance Serial No. 07-43:** Amending WMC 13.08.040 Regarding The General Conditions Of Construction Of Sewer Connections.
3. **Ordinance Serial No. 07-44:** Amending WMC 1.20.030 Disposition Of Scheduled Offenses--Fine Schedule And WMC 9.08.030 Theft, To Change The Names Of The Offenses Of Theft In The Third And Fourth Degree To Petty Theft In The First And Second Degree.

B. Persons to be Heard

VIII. CONSENT AGENDA

A. Minutes of Preceding Meetings:

1. Regular Meeting: July 9, 2007

B. Introduction of Ordinances: Recommended for Public Hearing on August 13, 2007:

C. Resolutions

D. Action Memorandums

1. **AM No. 07-43:** Renewal Of Contract With Robertson, Monagle And Eastaugh In An Amount Not To Exceed \$42,500 To Provide Federal Lobbyist Services Effective July 1, 2007 Through June 30, 2008.
2. **AM No. 07-45:** Contract Award Amendment To Howdie Inc. In The Amount Of \$85,000 For The MASCOT Transit Building.

IX. UNFINISHED BUSINESS

X. NEW BUSINESS

- A. **AM No. 07-44:** Request For Sales Tax Penalty Waiver For Regis Corp #112.

XI. COMMUNICATIONS

- A. Information Memorandums

- 1. **IM No. 07-17:** List Of Waivers Of Sales Tax Penalty For 2nd Quarter Ending June 30, 2007.

- B. Commission Minutes

- 1. Planning Commission: July 10, 2007
- 2. Employee Relations Committee: June 7, 2007

XII. AUDIENCE COMMENTS

XIII. MAYOR, CLERK AND ATTORNEY COMMENTS

XIV. COUNCIL COMMENTS

XV. EXECUTIVE SESSION

- 1. Lundgren Eminent Domain Case
- 2. Annual Evaluation of City Clerk

XVI. ADJOURNMENT

I. CALL TO ORDER

The regular meeting of the Wasilla City Council was held on Monday, July 23, 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, Finance Director
- Ms. Sandra Garley, Deputy Administrator
- Mr. Archie Giddings, Director of Public Works
- Ms. Angella Long, Police Chief

III. PLEDGE OF ALLEGIANCE

Mayor Keller invited Mrs. Alice Massie to lead the Pledge of Allegiance.

IV. APPROVAL OF AGENDA

Mayor Keller inquired if there were adjustments to the agenda as presented, hearing none, the agenda was approved as presented.

V. SPECIAL ORDERS OF THE DAY

There were no special orders.

VI. COMMISSION AND AGENCY REPORTS

A. Planning Commission

Commissioner Dorothy "Peaches" Hamilton:

- reported that the planning commission is experiencing a lull in activity;
- reported that the planning commission canceled one regular meeting in June; and
- noted the planning commission will consider a rezone at their next regular meeting.

B. Parks and Recreation Commission

Commissioner Joan Matthews:

- reported on items under consideration by the parks and recreation commission.

C. Airport Advisory Commission

Mr. Archie Giddings, Public Works Director:

- reported that the airport advisory commission canceled their July meeting.

D. Matanuska-Susitna Borough

No report was presented.

E. Greater Wasilla Chamber of Commerce

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

- noted she sent a written report to members of the city council regarding recent chamber activities; and
- reported on the upcoming Mat-Su Governor's picnic scheduled to take place on Friday, July 27, 2007, at Iditapark.

VII. PUBLIC PARTICIPATION

A. Public Hearings

1. **Ordinance Serial No. 07-42:** Authorizing The Sale To The Alaska Live Steamers, LLC Of Tax Parcel A6, Section 16, Township 17 North, Range 1 West Seward Meridian, Alaska, Under WMC 5.32, Sale Or Lease Of Public Lands; Authorizing The Mayor To Execute And Deliver A Contract For The Sale; And Providing For Related Matters.

Mayor Keller opened the public hearing on Ordinance Serial No. 07-42.

The following spoke in opposition to Ordinance Serial No. 07-42: Ms. Colleen Cottle and Mr. John Luburger.

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

MOTION: Council Member Ewing moved to adopt Ordinance Serial No. 07-42.

Discussion followed and Mayor Keller invited the Public Works Director to speak about the ordinance.

Discussion continued and debate ensued regarding the merits of the sale.

MOTION: Council Member Ewing moved the previous question.

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

TIE VOTE: The motion to adopt Ordinance Serial No. 07-42 failed in a tie vote with Deputy Mayor Cox, Council Members Koskela and Menard voting in favor and Council Members Ewing, Holler, and Menard opposed. **Mayor Keller chose to invoke her voting privilege in the affirmative thus causing the motion to pass.**

Mayor Keller stated she intends to amend the property purchase agreement to state that if the Live Steamers fail in their endeavor the property would revert back to the City of Wasilla.

The council questioned whether the mayor had the authority to amend the property purchase agreement as Ordinance Serial No. 07-42 was adopted without amendment.

The city attorney requested a five minute recess. No objection was raised.

The council recessed at 7:50 p.m. and reconvened at 7:55 p.m.

The city attorney reported that the mayor has the authority to modify the property purchase agreement.

2. **Ordinance Serial No. 07-43:** Amending WMC 13.08.040 Regarding The General Conditions Of Construction Of Sewer Connections.

Mayor Keller opened the public hearing on Ordinance Serial No. 07-43 and there being no one who wished to present testimony the public hearing closed.

MOTION: Council Member Koskela moved to adopt Ordinance Serial No. 07-43.

VOTE: The motion to adopt Ordinance Serial No. 07-43 passed unanimously with Deputy Mayor Cox, Council Members Ewing, Holler, Koskela, Menard, and Metiva voting in favor.

3. **Ordinance Serial No. 07-44:** Amending WMC 1.20.030 Disposition Of Scheduled Offenses--Fine Schedule And WMC 9.08.030 Theft, To Change The Names Of The Offenses Of Theft In The Third And Fourth Degree To Petty Theft In The First And Second Degree.

Mayor Keller opened the public hearing on Ordinance Serial No. 07-44 and there being no one who wished to present testimony the public hearing closed.

MOTION: Council Member Metiva moved to adopt Ordinance Serial No. 07-44.

Mayor Keller requested that Chief Long give an overview of the ordinance.

Chief Long presented an overview of the ordinance.

VOTE: The motion to adopt Ordinance Serial No. 07-44 passed unanimously with Deputy Mayor Cox, Council Members Ewing, Holler, Koskela, Menard, and Metiva voting in favor.

B. Persons to be Heard

Ms. Jill Carricuburu:

- noted she is an employee of the City of Wasilla;
- talked about her recent performance evaluation and the merit increase awarded;
- noted she and several other employees are confused by Resolution Serial No. 07-24;
- stated she thought employees who received a favorable evaluation would receive at least a 2.5 merit increase; and
- requested a verbatim transcript from the June 25, 2007, regular council meeting clarifying how merit increases are awarded.

Mr. Dallas Massie:

- talked about the negative impact to his property from the development of property adjacent to his parcel; and
- requested that the city enforce conditions placed on development permits. (*Clerk note: Mr. Massie refers to conditional use permit (CU 06-07) issued to Western Enterprises, Inc. by the Wasilla Planning Division.*)

Ms. Alice Massie:

- expressed concern with irresponsible development; and
- expressed concern with the lack of protection of natural vegetation as properties are being developed within the City of Wasilla.

VIII. CONSENT AGENDA

A. Minutes of Preceding Meetings:

1. Regular Meeting: July 9, 2007

B. Introduction of Ordinances: Recommended for Public Hearing on August 13, 2007:

C. Resolutions

D. Action Memorandums

1. **AM No. 07-43:** Renewal Of Contract With Robertson, Monagle And Eastaugh In An Amount Not To Exceed \$42,500 To Provide Federal Lobbyist Services Effective July 1, 2007 Through June 30, 2008.

2. **AM No. 07-45:** Contract Award Amendment To Howdie Inc. In The Amount Of \$85,000 For The MASCOT Transit Building.

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

MOTION: Deputy Mayor Cox moved to adopt the Consent Agenda as read by the City Clerk.

VOTE: The motion to adopt the Consent Agenda as read by the City Clerk passed unanimously with Deputy Mayor Cox, Council Members Ewing, Holler, Koskela, Menard, and Metiva voting in favor.

IX. UNFINISHED BUSINESS

There was no unfinished business.

X. NEW BUSINESS

A. **AM No. 07-44:** Request For Sales Tax Penalty Waiver For Regis Corp #112.

MOTION: Council Member Metiva moved to approve AM No. 07-44 by **denying** the sales tax waiver in the amount of \$25.13 to Regis Corporation for the period ending January 2007.

Discussion followed and debate ensued.

MOTION: Council Member Menard moved the previous question.

VOTE: The motion to move the previous question failed with Council Members Koskela, and Menard voting in favor and Deputy Mayor Cox, Council Members Ewing, Holler, and Metiva opposed. *(Clerk note: per WMC 2.04.130, four affirmative votes shall be required to carry any measure before the Council.)*

Discussion continued.

VOTE: The motion to approve AM No. 07-44 by **denying** the sales tax waiver in the amount of \$25.13 to Regis Corporation for the period ending January 2007, passed unanimously with Deputy Mayor Cox, Council Members Ewing, Holler, Koskela, Menard, and Metiva voting in favor.

XI. COMMUNICATIONS

A. Information Memorandums

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B. Commission Minutes

1. Planning Commission: July 10, 2007
2. Employee Relations Committee: June 7, 2007

No action was taken on the communications items.

XII. AUDIENCE COMMENTS

Ms. Cheryl Metiva:

- spoke in support of responsible development and the need to protect natural vegetation;
- spoke in support of annexation; and
- noted Wasilla city limits need be expanded to support commercial viability.

Mrs. Alice Massie:

- invited council members to visit her property to see how the adjacent development has negatively impacted her property. (*Clerk note: Mrs. Massie refers to conditional use permit (CU 06-07) issued to Western Enterprises, Inc. by the Wasilla Planning Division.*)

Mr. Dallas Massie:

- spoke about the negative impact of irresponsible development to the city; and
- stated the city's existing land use and development codes need to be amended.

Ms. Dianne Woodruff:

- talked about her experience in drafting proposed legislation to address the removal of trees and buffer requirements for land use development; and
- noted the proposed legislation was gutted by the planning commission and subsequently adopted by the city council.

XIII. MAYOR, CLERK AND ATTORNEY COMMENTS

Mr. Tom Klinkner, City Attorney:

- requested that the council cancel the scheduled executive session on the Lundgren Eminent Domain Case as there are no new developments to report;
- updated the council on the Luper kennel case; and
- reported that an Order Affirming Dismissal was issued by the Alaska Labor Relations Agency in regard to a complaint filed by the International Union of Operating Engineers, Local 302 vs. the City of Wasilla.

Ms. Kristie Smithers, City Clerk:

- noted there are four days left in the candidate filing period to include charter commission candidates; and
- reported that the initiative petition on collective bargaining was received by the clerks office and the petition is expected to be certified later in the week.

Mayor Keller:

- reported that a water main was hit by the contractor upgrading the Parks Highway;
- noted she has raffle tickets available for purchase for a Red Cross fundraiser; and
- reported new relocation guides have been distributed.

XIV. COUNCIL COMMENTS

Council Member Menard:

- expressed disappointment with the lack of proactive annexation recruitment.

Council Member Holler:

- noted he visited the Massie property.

Council Member Koskela:

- spoke about the apparent encroachment of the development by Western Enterprises, Inc. to the adjacent property; and
- stated the code compliance officer needs to review permit conditions to see if Western Enterprises, Inc. is in compliance with their Conditional Use (CU No. 06-07) permit granted by the Planning Commission.

Council Member Ewing:

- expressed disappointment with the adoption of Ordinance Serial No. 07-42; and
- noted his opposition to WMC 16.33, Landscaping Standards, regarding the minimum amount of trees and shrubs that are required to be planted; and
- spoke in support of the photograph selection on the cover of the Wasilla Relocation Guide.

Council Member Metiva:

- thanked the audience for attending the meeting;
- thanked staff for recent improvements at Iditapark to include the installation of an ice rink and landscaping; and
- expressed concurrence with comments made by Jill Carribuburu regarding the award of merit increases.

The deputy administrator spoke about how the city's pay for performance system works and stated she plans to draft a simple primer explaining how the system works.

Deputy Mayor Cox:

- commented on annexation;
- spoke about the lease of city land versus the sale of property;
- expressed his dissatisfaction with the unsightly condition of Bumpus Ballfields; and
- expressed concern with the lack of enforcement of development permits issued.

Mayor Keller relinquished the gavel to Deputy Mayor Cox for the remainder of the meeting and excused all department heads present except for the Deputy Administrator.

Mayor Keller exited the meeting at 9:09 p.m. No objection was raised.

XV. EXECUTIVE SESSION

A. Annual Evaluation of City Clerk

MOTION: Council Member Menard moved to enter into executive session for subjects that tend to prejudice the reputation and character of any person provided the person may request a public discussion, specifically the annual evaluation of the city clerk.

The following entered into executive session at 9:10 p.m. in the Council Conference Room: the City Clerk, Deputy Administrator and entire Council.

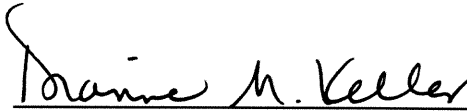
The executive session exited at 9:39 p.m. and Deputy Mayor Cox reconvened the meeting.

MOTION; Council Member Menard moved to increase the annual salary of the city clerk by 5.8 percent.

VOTE: The motion passed unanimously with Deputy Mayor Cox, Council Members Ewing, Holler, Koskela, Menard, and Metiva voting in favor.

XVI. ADJOURNMENT

With no further business at hand, Deputy Mayor Cox adjourned the meeting at 9:40 p.m.


DIANNE M. KELLER
Mayor

ATTEST:



KRISTIE SMITHERS, MMC
City Clerk

Adopted by the Wasilla City Council on August 13, 2007