



MAYOR

Dianne M. Keller

COUNCIL

Stephanie Massie, Seat A

Douglas W. Holler, Seat B

Steve Menard, Seat C

Marty Metiva, Seat D

Dianne Woodruff, Seat E

Kristofer Larson, Deputy Mayor, 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.

JUNE 23, 2008

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

VI. COMMISSION AND AGENCY REPORTS

A. Airport Advisory Commission

B. Parks and Recreation Commission

C. Planning Commission

D. Matanuska-Susitna Borough

- E. Denali Law Group: Richard Payne and Jon-Marc Petersen
 - 1. **IM No. 08-16:** Report Of Findings Prepared By Denali Law Group For Review Of The Development Process Involving Two Properties Located Within The Wasilla City Limits That Are Adjacent To The Parks Highway.

VII. PUBLIC PARTICIPATION

- A. Public Hearings
 - 1. **Ordinance Serial No. 08-24:** Amending The FY-08 Budget By Accepting And Appropriating \$1,000 In State Of Alaska Department Of Natural Resources Division Of Forestry Grant Funds For The 2008 Arbor Day Program.
 - 2. **Ordinance Serial No. 08-25:** To Amend The FY-08 Library Budget By Accepting And Appropriating \$969 From The Alaska State Library Continuing Education Grant Funded By Federal Monies From The Institute For Museum And Library Services.
 - 3. **Ordinance Serial No. 08-27:** Amending The FY-08 Budget By Accepting And Appropriating \$1,500 In Donations From Wal-Mart And The Frontiersman For The Annual Clean-Up Days Program And The Arbor Day Celebration.
- B. Persons to be Heard

VIII. CONSENT AGENDA

- A. Minutes of Preceding Meetings:
 - 1. Regular Meeting: June 9, 2008
 - 2. Special Meeting: June 9, 2008
- B. Introduction of Ordinances: Recommended for Public Hearing on July 14, 2008:
 - 1. **Ordinance Serial No. 08-31:** To Amend The FY-08 Library Budget By Accepting And Appropriating \$1,500 From The Alaska State Library First Time Public Library Association Conference Attendee Grant Funded By Federal Monies From The Institute For Museum And Library Services.

2. **Ordinance Serial No. 08-32:** To Amend The FY-09 Police Department Budget By Appropriating From The State Of Alaska Department Of Transportation Funds In An Amount Up To \$50,000 For Construction Zone Enforcement.

C. Resolutions

1. **Resolution Serial No. 08-21:** Approving The Official Name Of The Equestrian Trail Located At The Bumpus Recreation Area The *Maureen McCombs Equestrian Trail*.
2. **Resolution Serial No. 08-22:** Authorizing The Mayor To Execute A Two-Year Agreement With The State Of Alaska For Group Health Care And Life Insurance Benefits.

D. Action Memorandums

1. **AM No. 08-40:** Contract Award To GMC Contracting, Inc. In The Amount Of \$2,530,603 For Garden Terrace Water Main Extension Phase 2.
2. **AM No. 08-41:** Contract Award To Kennerson Excavating In The Amount Of \$699,546 For The Mission Hills Water Main Extension.

IX. UNFINISHED BUSINESS

- A. **AM No. 08-29:** Renewal Of Contract With The City Of Houston In The Amount Of \$60,000 To Provide Animal Control Services For FY-2009. (Postponed from the June 9, 2008, Regular City Council Meeting; Motion on the floor to adopt.)
- B. **Resolution Serial No. 08-17:** Prohibiting The Use Of Tobacco Products In Vehicles Owned By The City Of Wasilla. (Sponsored by Council Member Menard) (Postponed from the June 9, 2008, Regular City Council Meeting; Motion on the floor to adopt.)

X. NEW BUSINESS

- A. **Resolution Serial No. 08-20:** Supporting All Grant Requests Submitted To The Alaska State Legislature By Wasilla Area Seniors, Incorporated (WASI). (Sponsored by Council Member Menard)

B. **Resolution Serial No. 08-24:** Adopting The FY-09 Salary Structure And Pay Ranges In Accordance With WMC 3.55.040 And Repealing Resolution Serial No. 07-24.

C. **AM No. 08-39:** Notice Of Appeal And Appointment Of Hearing Officer In Accordance With Wasilla Municipal Code 16.36.010.

XI. COMMUNICATIONS

A. Information Memorandums

1. **IM No. 08-17:** Monthly Financial Reports For The Period Ending May 2008 To Include The Month To Date Expenditure Report And The Expenditures Greater Than \$5,000.

B. Commission Minutes

1. Parks and Recreation Commission: May 14, 2008

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, June 23, 2008, 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:

- Ms. Stephanie Massie, Seat A
- Mr. Steve Menard, Seat C
- Mr. Marty Metiva, Seat D (participated telephonically)
- Ms. Dianne Woodruff, Seat E
- Mr. Kristofer Larson, Deputy Mayor, Seat F

Mayor Keller noted that Council Member Doug Holler, Seat B was absent excused.

No objection was noted.

Mayor Keller noted that Council Member Metiva is participating in the meeting telephonically.

No objection was noted.

Staff in attendance were:

- Ms. Kristie Smithers, City Clerk
- Ms. Jamie Newman, Deputy Clerk
- Mr. Tom Klinkner, City Attorney
- Mr. Archie Giddings, Director of Public Works
- Ms. Angella Long, Police Chief
- Ms. Cheryl Deariso, Chief Financial Officer
- Mr. Bruce Urban, Recreation and Cultural Services Manager
- Mr. Marvin Yoder, Interim Deputy Administrator

III. PLEDGE OF ALLEGIANCE

Mayor Keller led the Pledge of Allegiance.

IV. APPROVAL OF AGENDA

Mayor Keller stated the executive session scheduled to take place this evening has been canceled and asked if there were further amendments to the agenda as presented.

Council Member Menard requested to move IM No. 08-16 from Communications to Commission and Agency Reports. No objection was noted.

Council Member Woodruff requested to move Resolution Serial Nos. 08-20 and 08-24 and AM No. 08-39 from the Consent Agenda to New Business. No objection was noted.

GENERAL CONSENT: The agenda was approved, as amended, without objection by Deputy Mayor Larson and Council Members Massie, Menard, Metiva, and Woodruff. *(Clerk note: Council Member Holler was absent and excused.)*

V. SPECIAL ORDERS OF THE DAY

There were no Special Orders of the Day.

VI. COMMISSION AND AGENCY REPORTS

A. Airport Advisory Commission

Mr. Archie Giddings, Public Works Director, reported the Commission had not met since its last report to the Council.

B. Parks and Recreation Commission

Commissioner Dave Tuttle:

- reported on the recent activities of the Parks and Recreation Commission to include planning upcoming Independence Day activities; and
- encouraged the adoption of Resolution Serial No. 08-21.

C. Planning Commission

Mr. Marvin Yoder, Deputy Administrator:

- reported the Commission continues to review proposed amendments to the subdivision development code.

D. Matanuska-Susitna Borough

Assembly Member Kvalheim:

- reported the Borough Assembly is considering transportation bonds to be placed on the upcoming regular election ballot.

E. Denali Law Group: Richard Payne and Jon-Marc Petersen

1. **IM No. 08-16:** Report Of Findings Prepared By Denali Law Group For Review Of The Development Process Involving Two Properties Located Within The Wasilla City Limits That Are Adjacent To The Parks Highway.

Mayor Keller relinquished the gavel to Deputy Mayor Larson.

Mr. Payne and Mr. Petersen answered questions regarding the report of findings they prepared in regard to the development process and the parties involved in the development of two parcels located adjacent to the Parks Highway in Wasilla. (*Clerk note: the report was prepared in response to AM No. 08-12.*)

Discussion continued.

Deputy Mayor Larson asked the Council if they wished to schedule another meeting to continue discussion on the Denali Law Report.

The Council directed the Clerk to schedule a Special Meeting on Monday, June 30, 2008, at 7 p.m. to resume discussion on IM No. 08-16 and other related matters. They requested that Mr. Payne and Petersen attend, as well, as Mayor Keller; Archie Giddings, Public Works Director; and Casey Reynolds, Economic Development Planner. No objection was noted.

With no further questions the Council excused Mr. Payne and Mr. Petersen, and Deputy Mayor Larson returned the gavel to Mayor Keller.

VII. PUBLIC PARTICIPATION

A. Public Hearings

1. **Ordinance Serial No. 08-24:** Amending The FY-08 Budget By Accepting And Appropriating \$1,000 In State Of Alaska Department Of Natural Resources Division Of Forestry Grant Funds For The 2008 Arbor Day Program.

Mayor Keller opened the public hearing on Ordinance Serial No. 08-24.

Mr. Steve Glos spoke in favor of Ordinance Serial No. 08-24.

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

MOTION: Deputy Mayor Larson moved to adopt Ordinance Serial No. 08-24.

VOTE: The motion to adopt Ordinance Serial No. 08-24, passed unanimously with Deputy Mayor Larson and Council Members Massie, Menard, Metiva, and Woodruff voting in favor. *(Clerk note: Council Member Holler was absent and excused.)*

2. **Ordinance Serial No. 08-25:** To Amend The FY-08 Library Budget By Accepting And Appropriating \$969 From The Alaska State Library Continuing Education Grant Funded By Federal Monies From The Institute For Museum And Library Services.

Mayor Keller opened the public hearing on Ordinance Serial No. 08-25. There being no one who wished to present testimony the public hearing closed.

MOTION: Council Member Woodruff moved to adopt Ordinance Serial No. 08-25.

VOTE: The motion to adopt Ordinance Serial No. 08-25, passed unanimously with Deputy Mayor Larson and Council Members Massie, Menard, Metiva, and Woodruff voting in favor. *(Clerk note: Council Member Holler was absent and excused.)*

3. **Ordinance Serial No. 08-27:** Amending The FY-08 Budget By Accepting And Appropriating \$1,500 In Donations From Wal-Mart And The Frontiersman For The Annual Clean-Up Days Program And The Arbor Day Celebration.

Mayor Keller opened the public hearing on Ordinance Serial No. 08-27. There being no one who wished to present testimony the public hearing closed.

MOTION: Council Member Woodruff moved to adopt Ordinance Serial No. 08-27.

VOTE: The motion to adopt Ordinance Serial No. 08-27, passed unanimously with Deputy Mayor Larson and Council Members Massie, Menard, Metiva, and Woodruff voting in favor. *(Clerk note: Council Member Holler was absent and excused.)*

B. Persons to be Heard

1. Ms. Annette Andres

Ms. Andres:

- thanked the City Council for having the courage to initiate the investigation by the Denali Law Group in regard to the development of two parcels located adjacent to the Parks Highway (IM No. 08-16);
- thanked the Denali Law Group for their review; and
- chastised Mayor Keller for her handling of the development, noting if safety had been the real issue she and her husband (owners of the Windbreak Café) would have worked with the City to address safety concerns.

2. Mr. Steve Stoll

Mr. Steve Stoll:

- compared the handling of the development of Creekside Town Square to Shadowood Subdivision;
- spoke in opposition to city employees performing consulting work for developers;
- requested a list of city employees who are currently consulting for other entities; and
- chastised Mayor Keller for her actions in regard to the development of two parcels located adjacent to the Parks Highway (IM No. 08-16).

3. Mr. Karl Lund

Mr. Lund:

- stated Administration has a consistent pattern of ignoring local property owners in favor of large scale developers;
- thanked the Council for commissioning the report from the Denali Law Group (IM No. 08-16); and
- encouraged the Council to reprimand Mayor Keller for her actions in the development of two parcel located adjacent to the Parks Highway.

4. Mr. Steve Gloss

Mr. Glos:

- stated the behavior of Mayor Keller and staff in regard to the development of two parcels located adjacent to the Parks Highway in Wasilla (IM No. 08-16) is intolerable; and
- encouraged the Council to write a letter to the real estate licensing board regarding the actions of realtor Jim Wood in the development of Creekside Town Square and Gateway Town Crossing.

5. Mr. Verne Rupright

Mr. Rupright:

- commended the Denali Law Group on the report they prepared (IM No. 08-16); and
- encouraged the Council to review the facts of the investigation objectively.

VIII. CONSENT AGENDA

A. Minutes of Preceding Meetings:

1. Regular Meeting: June 9, 2008
2. Special Meeting: June 9, 2008

B. Introduction of Ordinances: Recommended for Public Hearing on July 14, 2008:

1. **Ordinance Serial No. 08-31:** To Amend The FY-08 Library Budget By Accepting And Appropriating \$1,500 From The Alaska State Library First Time Public Library Association Conference Attendee Grant Funded By Federal Monies From The Institute For Museum And Library Services.
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2. **Resolution Serial No. 08-22:** Authorizing The Mayor To Execute A Two-Year Agreement With The State Of Alaska For Group Health Care And Life Insurance Benefits.

D. Action Memorandums

1. **AM No. 08-40:** Contract Award To GMC Contracting, Inc. In The Amount Of \$2,530,603 For Garden Terrace Water Main Extension Phase 2.

2. **AM No. 08-41:** Contract Award To Kennerson Excavating In The Amount Of \$699,546 For The Mission Hills Water Main Extension.

The City Clerk read the Consent Agenda into the record.

MOTION: Council Member Woodruff moved to adopt the Consent Agenda as read.

VOTE: The motion to adopt the Consent Agenda as read, passed unanimously with Deputy Mayor Larson and Council Members Massie, Menard, Metiva, and Woodruff voting in favor. *(Clerk note: Council Member Holler was absent and excused.)*

IX. UNFINISHED BUSINESS

- A. **AM No. 08-29:** Renewal Of Contract With The City Of Houston In The Amount Of \$60,000 To Provide Animal Control Services For FY-2009. (Postponed from the June 9, 2008, Regular City Council Meeting; Motion on the floor to adopt.)

PENDING MOTION: Council Member Menard moved to adopt AM No. 08-29. *(Motion on the floor from the June 9, 2008, Regular Meeting.)*

The Council invited Ms. Marian Ramano, Assistant Matanuska-Susitna (Mat-Su) Borough Manager, to come forward to discuss information she provided in a memorandum dated June 16 2008, regarding animal care and regulation services for the City of Wasilla by the Mat-Su Borough.

Questions were asked of Ms. Ramano regarding the estimated cost of animal care and regulation services.

Discussion moved to the Council and questions were asked of Chief Long.

The City attorney spoke about liability issues.

The Council requested a ten-minute recess. No objection was noted.

The Council recessed at 8:36 p.m. and reconvened at 8:50 p.m.

MOTION: Council Member Woodruff moved a primary amendment to AM No. 08-29, as follows: **Contract approved, subject to Wasilla reviewing facility and operation and recommended improvements to same, which will be subject for negotiation of a contract amendment.** *(Clerk note: bold and underline is language added.)*

GENERAL CONSENT: The primary amendment passed without objection by Deputy Mayor Larson and Council Members Massie, Menard, Metiva, and Woodruff. *(Clerk note: Council Member Holler was absent and excused.)*

VOTE: The motion to adopt AM No. 08-29, as amended, passed unanimously with Deputy Mayor Larson and Council Members Massie, Menard, Metiva, and Woodruff voting in favor. *(Clerk note: Council Member Holler was absent and excused.)*

- B. **Resolution Serial No. 08-17: Prohibiting The Use Of Tobacco Products In Vehicles Owned By The City Of Wasilla.** *(Sponsored by Council Member Menard) (Postponed from the June 9, 2008, Regular City Council Meeting; Motion on the floor to adopt.)*

PREVIOUS MOTION: Council Member Menard moved to adopt Resolution Serial No. 08-17. *(Motion on the floor from the June 9, 2008, Regular Meeting.)*

Discussion followed.

MOTION: Deputy Mayor Larson moved to postpone indefinitely Resolution Serial No. 08-17.

Discussion followed.

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

GENERAL CONSENT: The motion to move the previous question passed without objection by Deputy Mayor Larson and Council Members Massie, Menard, Metiva, and Woodruff. *(Clerk note: Council Member Holler was absent and excused.)*

VOTE: The motion to postpone indefinitely Resolution Serial No. 08-17, failed with Deputy Mayor Larson and Council Members Massie in favor and Council Members Menard, Metiva, and Woodruff opposed. *(Clerk note: Council Member Holler was absent and excused.) (Four affirmative votes are 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 end debate.)*

GENERAL CONSENT: The motion to move the previous question passed without objection by Deputy Mayor Larson and Council Members Massie, Menard, Metiva, and Woodruff. *(Clerk note: Council Member Holler was absent and excused.)*

VOTE: The motion to adopt Resolution Serial No. 08-17, failed with Council Members Menard and Metiva in favor and Deputy Mayor Larson and Council Members Massie and Woodruff opposed. *(Clerk note: Council Member Holler was absent and excused.) (Four affirmative votes are required to carry any measure before the Council.)*

X. NEW BUSINESS

- A. Resolution Serial No. 08-20:** Supporting All Grant Requests Submitted To The Alaska State Legislature By Wasilla Area Seniors, Incorporated (WASI). (Sponsored by Council Member Menard)

MOTION: Council Member Menard moved to adopt Resolution Serial No. 08-20.

Discussion followed.

MOTION: Council Member Metiva moved a primary amendment to strike the word "all" from the title of the resolution.

VOTE: The primary amendment passed unanimously with Deputy Mayor Larson and Council Members Massie, Menard, Metiva, and Woodruff voting in favor. *(Clerk note: Council Member Holler was absent and excused.)*

Discussion continued.

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

GENERAL CONSENT: The motion to move the previous question passed without objection by Deputy Mayor Larson and Council Members Massie, Menard, Metiva, and Woodruff. *(Clerk note: Council Member Holler was absent and excused.)*

VOTE: The motion to adopt Resolution Serial No. 08-20, as amended, failed with Council Members Massie, Menard, and Metiva voting in favor and Deputy Mayor Larson and Council Woodruff opposed. *(Clerk note: Council Member Holler was absent and excused.) (Four affirmative votes are required to carry any measure before the Council.)*

- B. **Resolution Serial No. 08-24:** Adopting The FY-09 Salary Structure And Pay Ranges In Accordance With WMC 3.55.040 And Repealing Resolution Serial No. 07-24.

MOTION: Council Member Woodruff moved to adopt Resolution Serial No. 08-24.

Discussion followed.

MOTION: Council Member Menard moved a primary amendment to Resolution Serial No. 08-24, by moving the salary range for the position of Deputy City Clerk from a grade 9 to a grade 12 on the salary grades and ranges.

Discussion continued.

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

GENERAL CONSENT: The motion to move the previous question passed without objection by Deputy Mayor Larson and Council Members Massie, Menard, Metiva, and Woodruff. *(Clerk note: Council Member Holler was absent and excused.)*

VOTE: The primary amendment to move the salary range for the position of Deputy City Clerk from a grade 9 to a grade 12 on the salary grades and ranges, passed unanimously with Deputy Mayor Larson and Council Members Massie, Menard, Metiva, and Woodruff voting in favor. *(Clerk note: Council Member Holler was absent and excused.)*

VOTE: The main motion to adopt Resolution Serial No. 08-24, as amended, passed unanimously with Deputy Mayor Larson and Council Members Massie, Menard, Metiva, and Woodruff voting in favor. *(Clerk note: Council Member Holler was absent and excused.)*

- C. **AM No. 08-39:** Notice Of Appeal And Appointment Of Hearing Officer In Accordance With Wasilla Municipal Code 16.36.010.

MOTION: Council Member Menard moved to adopt AM No. 08-39.

Mayor Keller invited Mr. Hall to come forward to address the Council.

Mr. Hall spoke about his experience and noted he meets all of the requirements of the appointment of hearing officer.

VOTE: The motion to adopt AM No. 08-39, passed unanimously with Deputy Mayor Larson and Council Members Massie, Menard, Metiva, and Woodruff voting in favor. *(Clerk note: Council Member Holler was absent and excused.)*

XI. COMMUNICATIONS

A. Information Memorandums

1. **IM No. 08-17:** Monthly Financial Reports For The Period Ending May 2008 To Include The Month To Date Expenditure Report And The Expenditures Greater Than \$5,000.

B. Commission Minutes

1. Parks and Recreation Commission: May 14, 2008

No action was taken on the Communication item.

XII. AUDIENCE COMMENTS

No comments were made.

XIII. MAYOR, CLERK AND ATTORNEY COMMENTS

Ms. Kristie Smithers, City Clerk:

- asked when the council would like to schedule a tour of the city as requested by the planning commission.

The Council directed the Clerk to schedule a tour of the city on Monday, July 22, 2008, at 6 p.m. No objection was noted.

Mr. Tom Klinkner, City Attorney:

- gave an update on the Lundgren Eminent Domain case the Luper Land Use Appeal;
- noted he has been working with the city clerk on a comprehensive definitions ordinance;
- suggested the council consider a comprehensive review and amendment of WMC Title 16, Land Use; and
- reported on a recent Alaska Supreme Court Case that requires the planning commission to review zoning ordinances prior to the council taking action.

Council Member Woodruff asked the attorney for clarification on the grounds for removing the mayor from office.

The city attorney clarified the process as defined in AS 29.20.280(a).

Mayor Keller:

- thanked the council for adopting Resolution Serial No. 08-22; and
- noted she distributed a written report on the recent activities of various city departments.

XIV. COUNCIL COMMENTS

Council Member Woodruff:

- stated she is pleased the city council and planning commission will have legal representation at all of their regularly scheduled meetings;
- congratulated Council Member Holler on his recent job promotion;
- expressed the need for committed persons to serve on city commissions;
- thanked the purchasing officer for negotiating a wonderful health insurance plan for city employees; and
- expressed the need for a solid ethics code.

Council Member Metiva:

- thanked the public for attending the meeting;
- thanked Wal-Mart and the Frontiersman for financially supporting the Arbor Day celebration;
- commended the city clerk for the way she handled the distribution of the Denali Law Report (IM No. 08-16); and
- commented on the budget amendment process stating he would not have voted in favor of the FY-09 budget had he understood figures quoted to him by the controller.

Council Member Metiva ended his participation in the meeting at 9:46 p.m. No objection was noted.

Council Member Menard:

- spoke about the need to support the Wasilla Senior Center;
- encouraged council to bring forward legislation supporting the senior center;
- commended the Denali Law Group for a job well done; and
- noted he will bring back another resolution prohibiting smoking in city vehicles.

Council Member Massie:

- commended the Denail Law Group for a job well done;
- spoke in support of enacting a strong ethics code; and
- commented on the need for objectivity.

Deputy Mayor Larson:

- commented on the budget process;
- encouraged everyone to be respectful of time as time is a precious commodity;
- talked about the role of the council; and
- talked about the need for foresight and timing.

XV. EXECUTIVE SESSION

No executive session was held.

XVI. ADJOURNMENT

With no further business at hand, Mayor Keller adjourned the meeting at 9:56 p.m.



DIANNE M. KELLER
Mayor

ATTEST:



KRISTIE SMITHERS, MMC
City Clerk

Adopted by the Wasilla City Council on July 14, 2008