



MAYOR
Verne E. Rupright

COUNCIL
Ron Cox, Seat A
Douglas W. Holler, Deputy Mayor, Seat B
Leone Harris, Seat C
Nancy R. Hall, Seat D
Dianne Woodruff, Seat E
Kristofer Larson, Seat F

**WASILLA CITY COUNCIL
AMENDED MEETING AGENDA
WASILLA CITY COUNCIL CHAMBERS**

Wasilla City Hall, 290 E. Herning Avenue, Wasilla, AK 99654 (907) 373-9090

REGULAR MEETING

7 P.M.

APRIL 13, 2009

I. CALL TO ORDER

II. ROLL CALL

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF AGENDA¹

V. SPECIAL ORDERS OF THE DAY

A. Presentation to the City of Wasilla from Wal-Mart for Wasilla Clean-Up Days.

VI. COMMISSION AND AGENCY REPORTS

A. Planning Commission

B. Parks and Recreation Commission

C. Matanuska-Susitna Borough

D. Friends of the Library

E. Mat-Su Convention and Visitors Bureau

¹ Special Orders of the Day was added to the agenda.

VII. PUBLIC PARTICIPATION

A. Public Hearings

1. **Ordinance Serial No. 09-28:** Amending WMC 4.04.110, Sale of Liquor on Election Day, specifically to allow the sale, barter, giving, consumption, or disposal of alcoholic beverages on all election days.
2. **Ordinance Serial No. 09-29:** Amending the fiscal year 2009 library budget by accepting and appropriating \$1,000 from the Veterans of Foreign Wars Susitna Post No. 9365, community activities account.
3. **Ordinance Serial No. 09-30:** Authorizing the purchase of property known as lot one block eight Wasilla Townsite Subdivision; authorizing the Mayor to execute and deliver a contract for purchase and providing for related matters; and authorizing the lease of said property to the seller, the Wasilla-Knik Historical Society.
4. **Ordinance Serial No. 09-26:** Amending WMC 9.12.010, Discharge Of Firearms Prohibited; WMC 9.12.020, Discharge Of Firearms Permitted; WMC 16.04.070, Definitions; WMC 16.20.020, District Use Chart; and WMC 16.16.060, to add a subsection K to provide for outdoor firing ranges in the City Of Wasilla.
 - a. **Ordinance Serial No. 09-26(SUB):** Amending WMC 9.12.010, Discharge of Firearms Prohibited; WMC 9.12.020, Discharge of Firearms Permitted; WMC 16.04.070, Definitions; WMC 16.20.020, District Use Chart; and WMC 16.16.060, to add a subsection K to provide for outdoor firing ranges in the City of Wasilla.
5. **Ordinance Serial No. 09-13:** Adopting WMC 16.20.030, Planned Unit Development Overlay District; repealing WMC 16.16.060.K, Specific Approval Criteria-Planned Unit Development; and amending WMC 16.04.070, Definitions; WMC 16.12.010, Approval by Planner; WMC 16.16.070, Rezoning; and WMC 16.20.020, District Use Chart; to provide for a planned unit development to be approved as an overlay zone instead of as a conditional use, and providing for related matters.

6. **Ordinance Serial No. 09-14:** Amending WMC 16.04.070, Definitions; amending WMC 16.08.060, Application Fees; to provide for fees for all applications under WMC Title 16; amending WMC 16.12.010.A, Approvals by Planner, to delete the reference to subdivision approval under WMC 16.28.030; repealing WMC 16.28.030 through WMC 16.28.100; and adopting WMC 16.30, Subdivisions; to establish design and construction standards for subdivisions in the City.
7. **Ordinance Serial No. 09-24:** Enacting WMC 16.04.15, to establish the Wasilla Municipal Boundary as the Wasilla Planning District encompassing all territory within the Wasilla Municipal Boundary.
8. **Ordinance Serial No. 09-25:** Amending WMC 16.24.030, Setbacks And Height; Section A(6) Regarding Building Height In The (C) Commercial And (I) Industrial Zoning Districts.
9. **Ordinance Serial No. 09-27:** Amending WMC 16.36.060, Appeals from Planning Commission, to clarify that commission recommendations to the Council are not subject to appeal, increase the amount of time to file an appeal and to authorize refunds of the filing fee and fees associated with the preparation cost to prevailing appellants. *(Sponsored by Council Member Woodruff)*

B. Persons to be Heard

VIII. CONSENT AGENDA²

A. Minutes of Preceding Meetings:

1. Regular Meeting: March 23, 2009
2. Special Meeting: March 23, 2009

B. Introduction of Ordinances: Recommended for Public Hearing on April 27, 2009:

1. **Ordinance Serial No. 09-34:** Providing for the adoption of the annual budget for the fiscal year 2010 and appropriating funds to carry out said budget.

² Ordinance Serial No. 09-38, AM Nos. 09-16 and 09-17 were removed from the consent agenda and placed under new business.

2. **Ordinance Serial No. 09-31:** Amending WMC 13.04, Water Services, specifically by amending WMC 13.04.010, Definitions, and by adopting WMC 13.04.150-180, regarding Cross Connection Control.
3. **Ordinance Serial No. 09-33:** Amending the fiscal year 2009 Police Department budget by accepting and appropriating funds from the Alaska Department of Transportation and Public Facilities Highway safety office in the amount of \$20,260 to cover expansion of the Wasilla Police Department's Motorcycle Enforcement Program.
4. **Ordinance Serial No. 09-35:** Amending WMC 5.08.100.B.6, Competitive Sealed Bidding Required; Exceptions.
5. **Ordinance Serial No. 09-36:** Amending the fiscal year 2009 Mat-Su Youth Court budget by accepting and appropriating funds from the Alaska Bar Association Law Related Education Committee in the amount of \$800.
6. **Ordinance Serial No. 09-37:** Amending the fiscal year 2009 budget by accepting and appropriating E-911 surcharge funds as an alternate revenue source for dispatch services.

C. Resolutions

1. **Resolution Serial No. 09-11:** Authorizing the Mayor to execute a utility agreement with the Alaska Railroad to rebuild road crossings at Jude Street and Glenwood Avenue in the amount of \$110,000.
2. **Resolution Serial No. 09-12:** Authorizing the City of Wasilla to apply for an Edward Byrne Memorial Justice Assistance Grant in the amount of \$57,250 for Wasilla Police Department personnel service and equipment.

D. Action Memorandums

1. **AM No. 09-13:** Contract amendment to Big Dipper Construction in the amount of \$20,000 for road maintenance services through the end of fiscal year 2009.
2. **AM No. 09-14:** Partial vacation of Hurley Circle right-of-way.

3. **AM No. 09-15:** Contract award to USKH, Inc. in the amount of \$305,098 for the Comprehensive Plan update and the Wasilla to Big Lake Trail scoping project contingent upon fiscal year 2010 budget funding.
4. **AM No. 09-18:** International Institute of Municipal Clerks Region IX Director endorsement.

IX. UNFINISHED BUSINESS

- A. **AM No. 09-11:** Deciding on an In-house City Attorney or General Legal Counsel.

X. NEW BUSINESS

1. Introduction of Ordinance: Recommended for Public Hearing on April 27, 2009:
 - a. **Ordinance Serial No. 09-38:** Approving a request from Nick Fonov; representing Fonov Investments, LLC, K & K Enterprises, and the 42143 Trust; to rezone 10.7 acres from rural residential to commercial and including lot 8D, block 1, Wasilla Woods RSB; and lots 9 and 10, block 1, Wasilla Woods Subdivision within section 3, township 17 north, range 1 west, Seward Meridian, Alaska.
2. **AM No. 09-16:** Refunding the variance application fee paid by Nicolay Fonov.
3. **AM No. 09-17:** Award of contract to Tekmate to provide information technology support services to the City of Wasilla.

XI. COMMUNICATIONS

- A. Informational Memorandums
 1. **IM No. 09-05:** Monthly financial reports for the period ending February 2009 to include the month to date expenditure report and expenditures greater than \$5,000.
- B. Commission Minutes
 1. Airport Commission: January 20, 2009, and February 17, 2009
 2. Library Steering Committee: February 3, 2009
 3. Planning Commission: February 24, 2009;

- 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, April 13, 2009, at the Wasilla City Council Chambers, Wasilla, Alaska. Mayor Verne E. Rupright called the meeting to order at 7:04 p.m.

II. ROLL CALL/APPROVAL OF AGENDA

Council Members present and establishing a quorum were:

Mr. Ron Cox, Seat A
Deputy Mayor Doug Holler, Seat B
Ms. Leone Harris, Seat C
Ms. Nancy R. Hall, Seat D
Ms. Dianne Woodruff, Seat E
Mr. Kristofer Larson, Seat F

Staff in attendance were:

Ms. Amanda E. Charles, Deputy Clerk
Ms. Tahirih Klein, Planning Clerk
Mr. Tom Klinkner, City Attorney
Mr. Troy Tankersley, Director of Finance
Mr. Archie Giddings, Director of Public Works
Ms. Angella Long, Police Chief
Mr. Bruce Urban, Recreation and Cultural Services Manager
Mr. Marvin Yoder, Deputy Administrator

III. PLEDGE OF ALLEGIANCE

Mayor Rupright led the Pledge of Allegiance.

IV. APPROVAL OF AGENDA

Mayor Rupright asked if there were any changes to the agenda.

Deputy Mayor Holler requested that Ordinance Serial No. 09-38 and AM No. 09-16 be removed from the consent agenda and placed under new business.

Council Member Larson requested that AM No. 09-17 be removed from the consent agenda and placed under new business.

Mayor Rupright asked that Marlene Munsell, from Walmart, be added to Special Orders of the Day.

GENERAL CONSENT: The agenda was approved as amended without objection.

V. SPECIAL ORDERS OF THE DAY

A. Presentation to the City of Wasilla from Wal-Mart for Wasilla Clean-Up Days.

Ms. Marlene Munsell, Store Manager, presented Mayor Rupright with a \$1,000 check in support of the 2009 Wasilla Clean-Up Days.

Mayor Rupright thanked Ms. Munsell, and Wal-Mart, for their donation and continued support.

VI. COMMISSION AND AGENCY REPORTS

A. Planning Commission

Mr. Dan Kelly noted that at the last meeting the Planning Commission approved the recommendation of Ordinance Serial No. 09-38 regarding refunds as it pertains to appeals to a hearing officer.

Council Member Hall requested that the Planning Commission analyze Title 16 as it pertains to signs and the requirements therein.

B. Parks and Recreation Commission

Ms. Randy Robinson:

- commented on a presentation by Donna Hickle as it pertains to an equestrian center;
- noted that the kitchen at the Curtis D. Menard Memorial Center was used for the first time by the Our Ladies of the Valley;
- advised that the Wasilla Clean-Up Days will be May 4 through May 9, 2009;
- stated that May 14 is Arbor Day; and
- reported that they had passed Resolution Serial No. 09-01, supporting the removal of the tennis courts from Nunley Park.

C. Matanuska-Susitna Borough

No report was provided.

D. Friends of Wasilla Library

Ms. Jeanne Troshynski, President:

- commented that this week was National Library Week;
- reported on the Altered Books Contest;
- spoke to the donation boxes for the library located around the community; and
- reported on a Latin Dance Party to be held at Hacienda.

E. Mat-Su Convention and Visitors Bureau

Bonnie Quill, Executive Director, spoke regarding how tourism affects the Mat-Su Valley.

VII. PUBLIC PARTICIPATION

A. Public Hearings

1. **Ordinance Serial No. 09-28:** Amending WMC 4.04.110, Sale of Liquor on Election Day, specifically to allow the sale, barter, giving, consumption, or disposal of alcoholic beverages on all election days.

Mayor Rupright opened the public hearing.

There being no one present who wished to testify, the public hearing closed and discussion moved to the Council.

MOTION: Council Member Woodruff moved to adopt Ordinance Serial No. 09-28.

Discussion ensued.

VOTE: The main motion passed with Council Member Cox in objection.

2. **Ordinance Serial No. 09-29:** Amending the fiscal year 2009 library budget by accepting and appropriating \$1,000 from the Veterans of Foreign Wars Susitna Post No. 9365, community activities account.

Mayor Rupright opened the public hearing.

There being no one present who wished to testify, the public hearing closed and discussion moved to the Council.

MOTION: Council Member Harris moved to adopt Ordinance Serial No. 09-29.

Discussion ensued.

VOTE: The main motion passed without objection.

3. **Ordinance Serial No. 09-30:** Authorizing the purchase of property known as lot one block eight Wasilla Townsite Subdivision; authorizing the Mayor to execute and deliver a contract for purchase and providing for related matters; and authorizing the lease of said property to the seller, the Wasilla-Knik Historical Society.

Mayor Rupright opened the public hearing.

The following person spoke in favor of Ordinance Serial No. 09-30: Mr. Erling Nelson.

MOTION: Council Member Woodruff moved to adopt Ordinance Serial No. 09-30.

VOTE: The main motion passed without objection.

4. **Ordinance Serial No. 09-26:** Amending WMC 9.12.010, Discharge Of Firearms Prohibited; WMC 9.12.020, Discharge Of Firearms Permitted; WMC 16.04.070, Definitions; WMC 16.20.020, District Use Chart; and WMC 16.16.060, to add a subsection K to provide for outdoor firing ranges in the City Of Wasilla.
 - a. **Ordinance Serial No. 09-26(SUB):** Amending WMC 9.12.010, Discharge of Firearms Prohibited; WMC 9.12.020, Discharge of Firearms Permitted; WMC 16.04.070, Definitions; WMC 16.20.020, District Use Chart; and WMC 16.16.060, to add a subsection K to provide for outdoor firing ranges in the City of Wasilla.

Mayor Rupright opened the public hearing.

The following persons spoke in support of Ordinance Serial No. 09-26: Mr. Denny Hamann; Mr. Conrad Holler; Mr. Brad Krueger, National Rifle Association; Mr. Mike Kroner; and Mr. Ron Johnson.

MOTION: Council Member Woodruff moved to adopt Ordinance Serial No. 09-26(SUB).

Discussion ensued.

VOTE: The main motion passed without objection.

5. **Ordinance Serial No. 09-13:** Adopting WMC 16.20.030, Planned Unit Development Overlay District; repealing WMC 16.16.060.K, Specific Approval Criteria-Planned Unit Development; and amending WMC 16.04.070, Definitions; WMC 16.12.010, Approval by Planner; WMC 16.16.070, Rezoning; and WMC 16.20.020, District Use Chart; to provide for a planned unit development to be approved as an overlay zone instead of as a conditional use, and providing for related matters.

Mayor Rupright opened the public hearing.

The following person spoke in objection of Ordinance Serial No. 09-13 without the inclusion of building standards: Mr. Steve Stoll.

MOTION: Council Member Woodruff moved to adopt Ordinance Serial No. 09-13.

Discussion ensued.

VOTE: The main motion passed with Council Member Harris in objection.

6. **Ordinance Serial No. 09-14:** Amending WMC 16.04.070, Definitions; amending WMC 16.08.060, Application Fees; to provide for fees for all applications under WMC Title 16; amending WMC 16.12.010.A, Approvals by Planner, to delete the reference to subdivision approval under WMC 16.28.030; repealing WMC 16.28.030 through WMC 16.28.100; and adopting WMC 16.30, Subdivisions; to establish design and construction standards for subdivisions in the City.

Mayor Rupright opened the public hearing.

The following person spoke in objection of Ordinance Serial No. 09-14 without the inclusion of building standards: Mr. Steve Stoll.

MOTION: Council Member Woodruff moved to adopt Ordinance Serial No. 09-14.

Discussion ensued.

MOTION: Council Member Larson moved a primary amendment to Section 8, Effective Date, to strike the words "Matanuska-Susitna Borough Ordinance Serial No. 09-___" and to replace it with the words "an ordinance of the Matanuska-Susitna Borough establishing a Wasilla Development Standards District" to read as follows: This ordinance shall take effect upon the later to occur of (i) adoption by the Wasilla City Council; and (ii) the effective date of an ordinance of the Matanuska-Susitna Borough establishing a Wasilla Development Standards District.

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended without objection.

(The regular meeting recessed at 8:24 p.m. and reconvened at 8:34 p.m.)

7. **Ordinance Serial No. 09-24:** Enacting WMC 16.04.15, to establish the Wasilla Municipal Boundary as the Wasilla Planning District encompassing all territory within the Wasilla Municipal Boundary.

Mayor Rupright opened the public hearing.

There being no one present who wished to testify, the public hearing closed and discussion moved to the Council.

MOTION: Council Member Woodruff moved to adopt Ordinance Serial No. 09-24.

VOTE: The main motion passed with Council Member Cox in objection.

8. **Ordinance Serial No. 09-25:** Amending WMC 16.24.030, Setbacks And Height; Section A(6) Regarding Building Height In The (C) Commercial And (I) Industrial Zoning Districts.

Mayor Rupright opened the public hearing.

There being no one present who wished to testify, the public hearing closed and discussion moved to the Council.

MOTION: Council Member Cox moved to adopt Ordinance Serial No. 09-25.

VOTE: The main motion passed with Council Member Cox in objection.

9. **Ordinance Serial No. 09-27:** Amending WMC 16.36.060, Appeals from Planning Commission, to clarify that commission recommendations to the Council are not subject to appeal, increase the amount of time to file an appeal and to authorize refunds of the filing fee and fees associated with the preparation cost to prevailing appellants. *(Sponsored by Council Member Woodruff)*

Mayor Rupright opened the public hearing.

There being no one present who wished to testify, the public hearing closed and discussion moved to the Council.

MOTION: Council Member Woodruff moved to adopt Ordinance Serial No. 09-28.

MOTION: Council Member Woodruff moved a primary amendment to WMC 16.36.060.D add the words "or remands" after the word "reverses" and before the word "the" to read as follows: If a final decision of the hearing officer or a court on an appeal under this chapter reverses or remands the decision or order of the commission, the city shall refund to the appellant the filing fee and costs paid by the appellant under subsection B of this section.

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended without objection.

B. Persons to be Heard

There was no one present who wished to speak.

VIII. CONSENT AGENDA

A. Minutes of Preceding Meetings:

1. Regular Meeting: March 23, 2009
2. Special Meeting: March 23, 2009

B. Introduction of Ordinances: Recommended for Public Hearing on April 27, 2009:

1. **Ordinance Serial No. 09-34:** Providing for the adoption of the annual budget for the fiscal year 2010 and appropriating funds to carry out said budget.
2. **Ordinance Serial No. 09-31:** Amending WMC 13.04, Water Services, specifically by amending WMC 13.04.010, Definitions, and by adopting WMC 13.04.150-180, regarding Cross Connection Control.
3. **Ordinance Serial No. 09-33:** Amending the fiscal year 2009 Police Department budget by accepting and appropriating funds from the Alaska Department of Transportation and Public Facilities Highway safety office in the amount of \$20,260 to cover expansion of the Wasilla Police Department's Motorcycle Enforcement Program.
4. **Ordinance Serial No. 09-35:** Amending WMC 5.08.100.B.6, Competitive Sealed Bidding Required; Exceptions.
5. **Ordinance Serial No. 09-36:** Amending the fiscal year 2009 Mat-Su Youth Court budget by accepting and appropriating funds from the Alaska Bar Association Law Related Education Committee in the amount of \$800.
6. **Ordinance Serial No. 09-37:** Amending the fiscal year 2009 budget by accepting and appropriating E-911 surcharge funds as an alternate revenue source for dispatch services.

C. Resolutions

1. **Resolution Serial No. 09-11:** Authorizing the Mayor to execute a utility agreement with the Alaska Railroad to rebuild road crossings at Jude Street and Glenwood Avenue in the amount of \$110,000.
2. **Resolution Serial No. 09-12:** Authorizing the City of Wasilla to apply for an Edward Byrne Memorial Justice Assistance Grant in the amount of \$57,250 for Wasilla Police Department personnel service and equipment.

D. Action Memorandums

1. **AM No. 09-13:** Contract amendment to Big Dipper Construction in the amount of \$20,000 for road maintenance services through the end of fiscal year 2009.
2. **AM No. 09-14:** Partial vacation of Hurley Circle right-of-way.
3. **AM No. 09-15:** Contract award to USKH, Inc. in the amount of \$305,098 for the Comprehensive Plan update and the Wasilla to Big Lake Trail scoping project contingent upon fiscal year 2010 budget funding.
4. **AM No. 09-18:** International Institute of Municipal Clerks Region IX Director endorsement.

The Deputy City Clerk read the Consent Agenda into the record.

MOTION: Council Member Hall moved to adopt the Consent Agenda as read into the record by the Deputy City Clerk.

GENERAL CONSENT: The motion passed without objection.

IX. UNFINISHED BUSINESS

- A. **AM No. 09-11:** Deciding on an In-house City Attorney or General Legal Counsel.

MOTION: Council Member Harris moved to adopt AM No. 09-11 with option no. 1

Discussion ensued.

MOTION: Council Member Woodruff moved to amend option no. 1 by inserting the word "part-time" after the word "an" and before the word "in-house" to read as follows: Finance Department to include in the FY-10 budget, the costs association with a part-time in-house Office of the City Attorney.

Discussion ensued.

VOTE: The primary amendment tied with Council Members Larson, Harris and Woodruff in favor and Council Members Cox and Hall and Deputy Mayor Holler and in opposition. Mayor Rupright invoked his right to vote and voted in the affirmative. The motion passed.

Discussion ensued.

MOTION: Council Member Larson moved to add a fourth bullet to option no. 1 to read as follows: If approved during the FY10 budget the position will be filled by July 14, 2009.

VOTE: The motion passed with Council Member Hall and Deputy Mayor Holler in opposition.

MOTION: Council Member Woodruff moved to strike from the second bullet the language "until July 31, 2009" to read as follows: Purchasing and Contracting Officer to negotiate with Birch, Horton, Bittner and Cherot to extend their existing contract and to bring back for Council approval; and"

Discussion ensued.

VOTE: The motion passed with Council Member Hall and Deputy Mayor Holler in opposition.

VOTE: The main motion as amended failed with Council Members Harris and Woodruff in support.

MOTION: Council Member Larson moved to adopt option no. 2.

Discussion ensued.

MOTION: Council Member Woodruff moved a primary amendment to add a fourth bullet to option no. 2 to read as follows: Direct the City Clerk to cancel the Special City Council Meeting of April 28, 2009, scheduled for attorney interviews.

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended with Council Member Harris in opposition. The Council decided that the interview team will consist of three people: Council Member Woodruff, the Human Resource Generalist and the Deputy Administrator.

(Deputy Mayor Holler was excused from the table at 9:32 p.m.)

X. NEW BUSINESS

1. Introduction of Ordinance: Recommended for Public Hearing on April 27, 2009:
 - a. **Ordinance Serial No. 09-38:** Approving a request from Nick Fonov; representing Fonov Investments, LLC, K & K Enterprises, and the 42143 Trust; to rezone 10.7 acres from rural residential to commercial and including lot 8D, block 1, Wasilla Woods RSB; and lots 9 and 10, block 1, Wasilla Woods Subdivision within section 3, township 17 north, range 1 west, Seward Meridian, Alaska.

Council Member Woodruff declared a conflict of interest and asked to be recused from discussion and vote on Ordinance Serial No. 09-38.

Mayor Rupright ruled in favor of the conflict of interest as declared by Council Member Woodruff.

There was no objection noted.

MOTION: Council Member Cox moved to introduce Ordinance Serial No. 09-38 and set the public hearing for April 27, 2009.

VOTE: The motion passed without objection. *[CLERK'S NOTE: Council Member Woodruff left the table and abstained from discussion and vote on this issue.]*

2. **AM No. 09-16:** Refunding the variance application fee paid by Nicolay Fonov.

Council Member Woodruff declared a conflict of interest and asked to be recused from discussion and vote on AM No. 09-16.

Mayor Rupright ruled in favor of the conflict of interest as declared by Council Member Woodruff.

There was no objection noted.

MOTION: Council Member Harris moved to adopt AM No. 09-16.

VOTE: The motion passed without objection. *[CLERK'S NOTE: Council Member Woodruff left the table and abstained from discussion and vote on this issue.]*

3. **AM No. 09-17:** Award of contract to Tekmate to provide information technology support services to the City of Wasilla.

Ms. Charles:

- noted a technical correction to page 222 of the packet (page 2 of the contract) specifically to section 2(a); and
- stated that the clause should read "ninety (90) days" not "ninety (30) days".

MOTION: Council Member Larson moved to adopt AM No. 09-17.

Discussion ensued.

(Deputy Mayor Holler was excused from the regular meeting at 9:40 p.m.)

MOTION: Council Member Larson moved a primary amendment to 2(a) of the contract to strike the words "upon said other party's breach of this agreement" to read as follows: This agreement may be terminated by either TekMate or Client upon ninety (90) days prior written notice to the other party.

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed without objection.

XI. COMMUNICATIONS

A. Informational Memorandums

1. **IM No. 09-05:** Monthly financial reports for the period ending February 2009 to include the month to date expenditure report and expenditures greater than \$5,000.

B. Commission Minutes

1. Airport Commission: January 20, 2009, and February 17, 2009
2. Library Steering Committee: February 3, 2009
3. Planning Commission: February 24, 2009;

No action was taken on the communication items.

XII. AUDIENCE COMMENTS

There was no one present who wished to speak.

XIII. MAYOR, CLERK AND ATTORNEY COMMENTS

Mayor Rupright thanked the Council for the quick work on this evening's agenda.

Ms. Charles noted that there had been a request for a special joint meeting between the Wasilla City Council and the Planning Commission on June 9, 2009, regarding the Comprehensive Plan.

Council Member Harris requested that that a joint meeting between the Wasilla City Council and Planning Commission regarding the Comprehensive Plan take place on June 9, 2009, at 6 p.m. at the Curtis D. Menard Memorial Sports Center.

There was no objection noted.

Mr. Klinkner:

- stated that the oral arguments for the Lundgren Appeal had been scheduled for May 20, 2009; and
- advised that the oral arguments for the Luper Appeal would take place the week of June 22, 2009.

XIV. COUNCIL COMMENTS

Council Member Hall thanked the Planning Commission for all their work on the ordinances regarding Title 16 that have come before the Council.

Council Member Larson:

- asked administration to review Title 16 as it pertains to the fee schedule; and
- asked that the fee schedule be compared to the actual amount of work and mailing costs pertaining to that application.

Mayor Rupright asked administration to investigate whether or not the mail-outs are required by state statute.

Council Member Larson extended his appreciation regarding the firing range ordinance passing.

Council Member Woodruff:

- opined that the developers should be responsible for the mail-out costs; and
- thanked Ms. Klein for her time and attendance at the meeting.

XV. EXECUTIVE SESSION

There was no executive session held.

XVI. ADJOURNMENT

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


VERNE E. RUPRIGHT, Mayor

ATTEST:


KRISTIE SMITHERS, MMC, City Clerk

Minutes approved: April 27, 2009