



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
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 11, 2009

- 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. Matanuska-Susitna Borough
 - D. Dorothy Page Museum
 - E. Friends of Mat-Su

VII. PUBLIC PARTICIPATION

A. Public Hearings

1. **Ordinance Serial No. 09-12:** Amending WMC 16.24.010 regarding density and dimensional requirements; amending WMC 16.24.020 regarding maximum residential density and minimum lot area; and enacting WMC 16.24.025 to permit deviations from the residential density and dimensional requirements where additional open space is created under an approved conservation subdivision design, and establishing the procedure for approval of a conservation subdivision.
2. **Ordinance Serial No. 09-32:** Amending for traffic impact analysis as follows: WMC 16.04.070, Definitions; WMC 16.16.050, General Approval Criteria to amend (A)7, Traffic; and add a new provision "B" table of average trip generation factors.
3. **Ordinance Serial No. 09-39:** Amending the fiscal year 2009 budget by appropriating \$2,000,000 in State of Alaska grant funding for South Mack Drive Extension.
4. **Ordinance Serial No. 09-40:** Amending the fiscal year 2009 budget by accepting and appropriating \$1,000 in donations from Wal-Mart for the annual Clean-Up Days program.
5. **Ordinance Serial No. 09-42:** Amending the fiscal year 2009 library budget accepting and appropriating \$500 from the BP Fabric of America Fund.
6. **Ordinance Serial No. 09-43:** Amending WMC 3.85.010, Scope, to provide a current designation of confidential/managerial positions.

B. Persons to be Heard

VIII. CONSENT AGENDA

A. Minutes of Preceding Meetings:

1. Regular Meeting: April 27, 2009
2. Special Meeting: April 20, 2009; April 22, 2009

B. Introduction of Ordinances: Recommended for Public Hearing on June 8, 2009:

1. **Ordinance Serial No. 09-41:** Amending WMC 5.16.050, Exemptions, and WMC 6.04.025, Application Fee, to exempt sales by veterans organizations and qualifying churches from city sales tax and business license requirements. *(Requested by Council Member Harris)*
2. ~~**Ordinance Serial No. 09-44:** Amending WMC 3.50.060, Selection of Current and Former Employees; WMC 3.55.010, General Policy – Annual Focal Review Process; WMC 3.55.070, Pay Rates; WMC 3.55.080, Advancements Within a Pay Range; WMC 3.85.050, Compensation; and WMC 3.85.070, Supervision and Performance Appraisals; enacting WMC 3.55.070, Annual Performance Evaluation; and repealing the definition of “Focal Review” in WMC 3.45.010, Definitions; and repealing WMC 3.90.010, Performance Appraisal; regarding Salary Administration and Employee Performance Evaluation. [CLERK’S NOTE: Advertised but removed by Administration prior to meeting.]~~
3. **Ordinance Serial No. 09-45:** Amending the fiscal year 2009 budget by appropriating \$575,000 in Alaska Department of Environmental Conservation Loan Funding, available to the City of Wasilla as part of the American Recovery and Reinvestment Act of 2009, for the Garden Terrace Water Main Project on Abby Boulevard.

C. Resolutions¹

D. Action Memorandums

1. **AM No. 09-20:** Authorization to extend one-year for banking services to Wells Fargo, beginning August 1, 2009, through July 31, 2010.

IX. UNFINISHED BUSINESS

X. NEW BUSINESS

- A. **Resolution Serial No. 09-13:** A resolution declaring gratitude and appreciation to Former Police Chief Long. *(Requested by Council Member Larson)*

¹ Resolution Serial No. 09-13 was removed from the consent agenda and addressed separately under new business.

XI. COMMUNICATIONS

A. Informational Memorandums

1. **IM No. 09-06:** Monthly financial reports for the period ending March 2009 to include the month to date expenditure report, expenditures greater than \$5,000 and the quarterly report of businesses receiving a penalty waiver for sales tax.
2. **IM No. 09-07:** Updating the funding description for the vector truck in the fiscal year 2010 budget.

B. Commission Minutes

1. Planning Commission: April 14, 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, May 11, 2009, at the Wasilla City Council Chambers, Wasilla, Alaska. Mayor Verne E. Rupright called the meeting to order at 7 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

Mayor Rupright noted that Mr. Kristofer Larson, Seat F, was absent and excused, unless objection was noted. No objection was noted.

Staff in attendance were:

Ms. Kristie Smithers, MMC, City Clerk
Ms. Amanda E. Charles, Deputy Clerk
Ms. Holly Suozzo, City Attorney
Mr. Troy Tankersley, Director of Finance
Mr. Archie Giddings, Director of Public Works
Mr. Craig Robinson, Acting Chief of Police
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.

Council Member Harris requested that Resolution Serial No. 09-13 be removed from the consent agenda and moved to new business.

There was no objection noted.

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

V. SPECIAL ORDERS OF THE DAY

There were no special orders of the day.

VI. COMMISSION AND AGENCY REPORTS

A. Planning Commission

Mr. Stan Tucker:

- spoke regarding the selection process for the Planning Commission Chair;
- noted that he was elected the Planning Commission Chair for the 2009 year;
- stated that they had begun the process of reviewing their fee structure;
- added that they are reviewing their sign ordinance;
- reported that a Planning Commissioner will be in attendance at each regular Council meeting;
- advised that they would be aligning their bylaws with those of the Matanuska-Susitna Borough's;
- stated that they would be reviewing the firing range permit request on May 12, 2009; and
- noted that they were looking forward to the joint meeting on June 9, 2009, regarding the comprehensive plan.

B. Parks and Recreation Commission

Ms. Randy Robinson:

- reported on recent events at the Sports Center;
- spoke to the Annual Wasilla Clean-Up Days; and
- commented on upcoming City events.

C. Matanuska-Susitna Borough

There was no report provided.

D. Dorothy Page Museum

Ms. Bethany Buckingham, Curator:

- spoke regarding the three galleries at the Dorothy Page Museum;
- commented on the Town Site; and
- reported on the upcoming exhibits.

E. Friends of Mat-Su

Ms. Kathy Wells, Director of Friends of Mat-Su, spoke regarding past and future Green Infrastructure efforts within the Matanuska-Susitna Borough.

VII. PUBLIC PARTICIPATION

A. Public Hearings

1. **Ordinance Serial No. 09-12:** Amending WMC 16.24.010 regarding density and dimensional requirements; amending WMC 16.24.020 regarding maximum residential density and minimum lot area; and enacting WMC 16.24.025 to permit deviations from the residential density and dimensional requirements where additional open space is created under an approved conservation subdivision design, and establishing the procedure for approval of a conservation subdivision.

Mayor Rupright opened the public hearing.

The following person spoke regarding his concerns with Ordinance Serial No. 09-12, such as minimum lot size, paving and buffering requirements, the purpose of rural residential zoning, the lack of standards, useable ground within the open space, the failure of home owners associations and that effect on the open space, lack of public notice, and requiring rezoning: Mr. Steve Stoll.

The following person spoke regarding the interest of developers in Ordinance Serial No. 09-12, and opined that most people supporting this ordinance were not Wasilla residents: Ms. Colleen Cottle.

The following persons spoke regarding their support of Ordinance Serial No. 09-12: Mr. Bill Klebesadel, Matanuska-Susitna Borough Project Management and Engineering Division Manager; and Mr. Ralph Baldwin.

The following person spoke regarding his concern with water and sewer treatment as it pertains to Ordinance Serial No. 09-12: Mr. John Lueberger.

The following person spoke regarding how developers would analyze and use the various development capabilities within Ordinance Serial No. 09-12: Mr. Jess Hall, developer.

The following persons spoke regarding their support of Ordinance Serial No. 09-12: Mr. Murph O'Brien, Mr. Bill Kramer, commercial and residential developer; Ms. Kathy Wells, Director of Friends of Mat-Su; and Mr. Curt Holler.

The following person spoke against Ordinance Serial No. 09-12: Ms. Colleen Cottle.

The following person spoke regarding responsible development and the freedoms for developing responsibly which are within Ordinance Serial No. 09-12: Mr. John Shadrach, surveyor.

The following person spoke regarding his support of Ordinance Serial No. 09-12: Mr. Gary LoRusso, surveyor.

The following person spoke regarding his concerns with Ordinance Serial No. 09-12: Mr. Steve Stoll.

The following person spoke against Ordinance Serial No. 09-12: Mr. John Dewar.

The following person spoke regarding the negative effects of having a higher population density in a smaller livable area: Mr. Mike Newman.

Mayor Rupright asked counsel if Ordinance Serial No. 09-12 is classified as a rezone ordinance.

Ms. Suozzo clarified that this is not a rezone ordinance, simply another development tool.

Mayor Rupright closed the public hearing and discussion moved to the Council.

MOTION: Council Member Hall moved to adopt Ordinance Serial No. 09-12.

Discussion ensued.

MOTION: Council Member Woodruff moved a primary amendment to WMC 16.24.025.G, to add the word "buffer" after the word "property" and before the word "or" to read as follows: *G. Minimum Open Space Dimensions*. The smallest dimension of each lot that is to be open space under this section shall not be less than 100 feet. Exceptions to this 100 foot minimum may be permitted for linear features such as stream and trail corridors which extend over the length of the property, buffers, or where there are unusual topographical constraints or irregularly shaped property boundaries which the subdivider could not reasonably be expected to change. The minimum area of any single open space lot is one acre unless the area of the lot plus that of all contiguous open space is at least one acre.

Ms. Suozzo:

- stated that the primary amendment would be substantive which would require additional notice; and
- suggested that the amendment be brought forward for proper public notice if the ordinance passes.

Council Member Woodruff requested to withdraw her amendment.

There was no objection by the Council.

MOTION: Deputy Mayor Holler moved to postpone Ordinance Serial No. 09-12 to a time certain of June 8, 2009.

VOTE: The motion failed with Council Members Woodruff, Cox and Hall in objection and Deputy Mayor Holler and Council Member Harris in support. *[Clerk note: Four affirmative votes shall be required to carry any measure before the Council. WMC 2.04.130.A]*

MOTION: Deputy Mayor Holler moved a primary amendment to WMC 16.24.010.B, to strike the words “expressed in decimal form, truncated at two digits to the right of the decimal point, and rounded: 1. To the next larger whole number where the digits to the right of the decimal are .50 or greater. 2. To the next smaller whole number where the digits to the right of the decimal are less than .50.” and to replace it with the words “rounded down to the next whole number” to read as follows: “B. Where the number of dwelling units that is permitted on a lot or the number of parking, loading or storage spaces that is required under the provisions of this chapter is not a whole number, the number shall be rounded down to the next whole number.”

Discussion ensued.

VOTE: The primary amendment passed without objection.

Discussion resumed.

MOTION: Deputy Mayor Holler moved a primary amendment to section 5, effective date to delete the words “upon adoption by the Wasilla City Council” and to replace it with the words “a day after the adoption of the new Comprehensive Plan” to read as follows: “Section 5. Effective date. This ordinance shall take effect a day after the adoption of the new Comprehensive Plan.”

Discussion ensued.

VOTE: The primary amendment failed with Council Members Woodruff and Hall in objection and Deputy Mayor Holler and Council Members Harris, and Cox in favor. *[Clerk note: Four affirmative votes shall be required to carry any measure before the Council. WMC 2.04.130.A]*

Discussion resumed.

VOTE: The main motion to adopt Ordinance Serial No. 09-12 failed with Deputy Mayor Holler and Council Member Harris in objection and Council Members Woodruff, Cox and Hall in support. *[Clerk note: Four affirmative votes shall be required to carry any measure before the Council. WMC 2.04.130.A]*

(The regular meeting recessed at 8:42 p.m. and reconvened at 8:55 p.m.)

2. **Ordinance Serial No. 09-32:** Amending for traffic impact analysis as follows: WMC 16.04.070, Definitions; WMC 16.16.050, General Approval Criteria to amend (A)7, Traffic; and add a new provision "B" table of average trip generation factors.

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. 09-32.

Discussion ensued.

VOTE: The motion passed without objection

3. **Ordinance Serial No. 09-39:** Amending the fiscal year 2009 budget by appropriating \$2,000,000 in State of Alaska grant funding for South Mack Drive Extension.

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. 09-39.

VOTE: The motion passed without objection

Mayor Rupright asked if there was any objection to taking Ordinance Serial Nos. 09-40 and 09-42 together. There was no objection noted.

4. **Ordinance Serial No. 09-40:** Amending the fiscal year 2009 budget by accepting and appropriating \$1,000 in donations from Wal-Mart for the annual Clean-Up Days program.
5. **Ordinance Serial No. 09-42:** Amending the fiscal year 2009 library budget accepting and appropriating \$500 from the BP Fabric of America Fund.

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

MOTION: Deputy Mayor Holler moved to adopt Ordinance Serial Nos. 09-40 and 09-42.

VOTE: The motion passed without objection

6. **Ordinance Serial No. 09-43:** Amending WMC 3.85.010, Scope, to provide a current designation of confidential/managerial positions.

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 Hall moved to adopt Ordinance Serial No. 09-43.

Discussion ensued.

MOTION: Council Member Woodruff moved to strike "Director of Finance" and replace it with "Finance Director."

VOTE: The primary amendment passed without objection.

VOTE: The motion passed as amended without objection

B. Persons to be Heard

The following person spoke regarding his support of Ordinance Serial No. 09-41: Mr. Tim Kimbrough.

VIII. CONSENT AGENDA

1. Regular Meeting: April 27, 2009

2. Special Meeting: April 20, 2009; April 22, 2009

B. Introduction of Ordinances: Recommended for Public Hearing on June 8, 2009:

1. **Ordinance Serial No. 09-41:** Amending WMC 5.16.050, Exemptions, and WMC 6.04.025, Application Fee, to exempt sales by veterans organizations and qualifying churches from city sales tax and business license requirements.
(Requested by Council Member Harris)

~~2. **Ordinance Serial No. 09-44:** Amending WMC 3.50.060, Selection of Current and Former Employees; WMC 3.55.010, General Policy Annual Focal Review Process; WMC 3.55.070, Pay Rates; WMC 3.55.080, Advancements Within a Pay Range; WMC 3.85.050, Compensation; and WMC 3.85.070, Supervision and Performance Appraisals; enacting WMC 3.55.070, Annual Performance Evaluation; and repealing the definition of "Focal Review" in WMC 3.45.010, Definitions; and repealing WMC 3.90.010, Performance Appraisal; regarding Salary Administration and Employee Performance~~

~~Evaluation.~~ [CLERK'S NOTE: Advertised but removed by Administration prior to meeting.]

3. **Ordinance Serial No. 09-45:** Amending the fiscal year 2009 budget by appropriating \$575,000 in Alaska Department of Environmental Conservation Loan Funding, available to the City of Wasilla as part of the American Recovery and Reinvestment Act of 2009, for the Garden Terrace Water Main Project on Abby Boulevard.

C. Resolutions¹

D. Action Memorandums

1. **AM No. 09-20:** Authorization to extend one-year for banking services to Wells Fargo, beginning August 1, 2009, through July 31, 2010.

Ms. Smithers read the Consent Agenda into the record.

MOTION: Council Member Harris moved to amend the regular meeting minutes of April 27, 2009, to strike the reference to "Deputy Mayor Woodruff" and to replace it with "Council Member Woodruff."

VOTE: The motion passed without objection. *[CLERK'S NOTE: The regular meeting minutes of April 27, 2009, were corrected.]*

Deputy Mayor Holler and Council Members Woodruff, Hall and Harris disclosed that they held accounts with Wells Fargo.

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

GENERAL CONSENT: The motion passed without objection.

IX. UNFINISHED BUSINESS

There was no unfinished business.

X. NEW BUSINESS

1. **Resolution Serial No. 09-13:** A resolution declaring gratitude and appreciation to Former Police Chief Long. *(Requested by Council Member Larson)*

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

¹ Resolution Serial No. 09-13 was removed from the consent agenda and addressed separately under New Business.

Discussion ensued.

VOTE: The motion failed with Council Members Harris and Cox voting in objection and Deputy Mayor Holler and Council Members Hall and Woodruff voting in favor. *[Clerk note: Four affirmative votes shall be required to carry any measure before the Council. WMC 2.04.130.A]*

XI. COMMUNICATIONS

A. Informational Memorandums

1. **IM No. 09-06:** Monthly financial reports for the period ending March 2009 to include the month to date expenditure report, expenditures greater than \$5,000 and the quarterly report of businesses receiving a penalty waiver for sales tax.
2. **IM No. 09-07:** Updating the funding description for the vector truck in the fiscal year 2010 budget.

B. Commission Minutes

1. Planning Commission: April 14, 2009

No action was taken on the communication items.

XII. AUDIENCE COMMENTS

The following person spoke against Ordinance Serial No. 09-12 and regarding amendments to ordinances: Ms. Colleen Cottle.

The following person spoke regarding the Mayor's Veto of Ordinance Serial No. 09-38: Mr. Nikolay Fonov.

XIII. MAYOR, CLERK AND ATTORNEY COMMENTS

Mayor Rupright thanked the Council for their work during the meeting.

Ms. Smithers noted that a meeting was requested for June 22, 2009, at 5:30 p.m., regarding the creation of an ethics code. There was no objection noted.

Ms. Smithers noted that she was informed today that the Attorney Request for Proposal has been extended to June 11, 2009.

Mayor Rupright commented on further avenues for advertising for the Attorney Request for Proposal.

Ms. Smithers noted that the June 9, 2009, meeting regarding attorney interviews would have to rescheduled.

Council Member Woodruff requested a Special Meeting regarding Attorney Interviews on June 25, 2009, at 9 a.m.

There was no objection noted.

Ms. Smithers:

- spoke regarding the Mayor's Vetos that were submitted to the Clerk's Office today, May 11, 2009; and
- advised that they would be up on the June 8, 2009, meeting agenda for consideration.

XIV. COUNCIL COMMENTS

Council Member Woodruff:

- requested that density standards and building standards be added to the Planning Commission's agenda; and
- spoke to her concerns with the Mayor's Veto regarding amendment no. 7 to the budget.

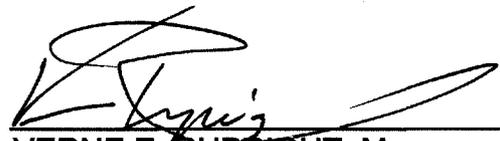
Ms. Suozzo advised against talking substantively regarding the veto.

XV. EXECUTIVE SESSION

There was no executive session held.

XVI. ADJOURNMENT

With no further business at hand, Mayor Rupright adjourned the meeting at 9:37 p.m.


VERNE E. RUPRIGHT, Mayor

ATTEST:



KRISTIE SMITHERS, MMC, City Clerk

Minutes approved: June 8, 2009