



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. Herring Avenue, Wasilla, AK 99654 (907) 373-9090

REGULAR MEETING

7 P.M.

JUNE 8, 2009

I. CALL TO ORDER

II. ROLL CALL

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF AGENDA

V. SPECIAL ORDERS OF THE DAY

A. Presentation To Arbor Day Contest Winner - Ms. Grace Meyer

VI. COMMISSION AND AGENCY REPORTS

A. Planning Commission

B. Airport Advisory Commission

C. Matanuska-Susitna Borough

D. Friends of Wasilla Public Library

VII. PUBLIC PARTICIPATION

A. Public Hearings

1. **Ordinance Serial No. 09-41:** Amending WMC 5.16.050, Exemptions, to exempt sales to qualifying veterans organizations and churches, and sales by qualifying veterans organizations, from City sales tax, amending WMC 5.16.080, Certificate of Exemption, regarding documentation of an organization's qualification for exemption, and amending WMC 6.04.025, Application Fee, to exempt qualifying veterans organizations from the payment of a business license fee. *(Requested by Council Member Harris)*
2. **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.

B. Persons to be Heard

VIII. CONSENT AGENDA

A. Minutes of Preceding Meetings:

1. Regular Meeting: May 11, 2009
2. Special Meeting: May 11, 2009

B. Introduction of Ordinances: Recommended for Public Hearing on June 22, 2009:

1. **Ordinance Serial No. 09-44 :** Repealing sections 3.55.010 through 3.55.090 of WMC Chapter 3.55, Salary Administration Plan, and WMC 3.90.010, Performance Appraisal; enacting sections 3.55.010 through 3.55.070 of WMC Chapter 3.55, Salary Administration Plan; and amending WMC 3.45.010, Definitions, WMC 3.45.040, Scope of Coverage and amendment of rules, WMC 3.50.060, Selection of Current and Former Employees, WMC 3.50.070, Probationary Period, WMC 3.65.020, Coverage, Use Accrual and Other Aspects of PTO, WMC 3.85.050, Compensation, and WMC 3.85.070, Supervision and Performance Appraisals; regarding the salary administration plan, employee performance evaluation, the classified status of the Deputy City Clerk, and conflicts between the personnel rules and collective bargaining agreements.

2. **Ordinance Serial No. 09-47:** Amending WMC 12.08.090, Posting of Assigned Street Addresses, to clarify the street address posting requirement, and amending WMC 1.20.030, Disposition of Scheduled Offenses - Fine Schedule, to establish a scheduled fine of \$30 for a violation of WMC 12.08.090. *(Requested by Deputy Mayor Holler)*
3. **Ordinance Serial No. 09-48:** Amending the fiscal year 2009 library budget by accepting and appropriating \$1,000 from the Alaska State Library Continuing Education Grant funded by federal monies from the Institute for Museum and Library Services.
4. **Ordinance Serial No. 09-50:** Amending WMC 7.08, Animal Control Board, WMC 7.20.080, Animal Classification and Written Release Order Review by Borough Animal Control Board, and WMC 7.28.010, Impoundment Procedure, to replace the Animal Control Board with a Hearing Officer.
5. **Ordinance Serial No. 09-51:** Adopting WMC 10.08.030, Two-Way Left-Turn Lanes, to establish limitations on their use.

C. Resolutions

1. **Resolution Serial No. 09-14:** Authorizing the Mayor to apply for and execute a loan agreement with the Alaska Department of Environmental Conservation through the American Recovery and Reinvestment Act of 2009 in the amount of \$575,000 for the Garden Terrace Water Main Extension on Abby Boulevard.
2. **Resolution Serial No. 09-15:** Extending the duration of the Library Steering Committee 150 days.
3. **Resolution Serial No. 09-17:** Authorizing the Mayor to apply for and execute a loan agreement with the Alaska Department of Environmental Conservation through the American Recovery and Reinvestment Act of 2009 in the amount of \$300,000 for a replacement vector truck.
4. **Resolution Serial No. 09-18:** Supporting Alaska's veterans, consumers, and small businesses by opposing the Medical Device Safety Act of 2009, proposed in the U.S. Senate as S.540 and in the U.S. House as H.R.1346.

D. Action Memorandums

1. **AM No. 09-21:** Contract award to Premier Earthwork in the amount of \$665,183 for the Garden Terrace Water Main Extension on Abby Boulevard.
2. **AM No. 09-22:** Contract award to USKH, Inc., in the amount of \$62,000 for Lucille Street repaving engineering services.
3. **AM No. 09-23:** Vacation of Anderson Road right-of-way.
4. **AM No. 09-24:** Amending the fiscal year 2010 Budget Goals and Initiatives to add a firing range.
5. **AM No. 09-25:** Contract award for the purchase of non-alcoholic beverages for resale at the Curtis D. Menard Memorial Sports Center.
6. **AM No. 09-27:** Contract award for Animal Control service to the Matanuska-Susitna Borough in an amount not to exceed \$105,000 per year for the City of Wasilla.
7. **AM No. 09-28:** Confirmation of Kris Hovila to the Airport Advisory Commission.

IX. UNFINISHED BUSINESS

X. NEW BUSINESS

A. Mayor's Vetoes issued on May 11, 2009

1. **Ordinance Serial No. 09-38:** Amending the zoning map to change the zoning district from RR-Rural Residential to C-Commercial for approximately 10.7 acres, consisting of 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; generally located near the corner of Lucille Street and Aspen Lane.
2. **Budget Amendment No. 7,** to removing funding for one full time employee, Administrative Assistant position in the Community and Economic Development Department for the fiscal year 2010 budget, adopted by **Ordinance Serial No. 09-34.**

XI. COMMUNICATIONS

A. Informational Memorandums

1. **IM No. 09-08:** Water and sewer utility rate analysis for proposed rate increase.
2. **IM No. 09-09:** Monthly financial reports for the period ending April 2009 to include the month-to-date expenditure report and expenditures greater than \$5,000.

B. Commission Minutes

1. Library Steering Committee: April 7, 2009
2. Parks and Recreation Commission: March 19, 2009
3. Planning Commission: April 28, 2009

XII. AUDIENCE COMMENTS

XIII. MAYOR, CLERK AND ATTORNEY COMMENTS

XIV. COUNCIL COMMENTS

XV. EXECUTIVE SESSION

A. Labor Negotiations With An Employee Bargaining Unit Or Its Representative (Resolution Serial No. 09-16).

1. **Resolution Serial No. 09-16:** Ratifying the Collective Bargaining Agreement between the City of Wasilla and the Teamsters Union, Local 959, dated June 8, 2009, through May 31, 2012.

XVI. ADJOURNMENT

I. CALL TO ORDER

The Regular Meeting of the Wasilla City Council was held on Monday, June 8, 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
- Mr. Kristofer Larson, Seat F

Staff in attendance were:

- Ms. Kristie Smithers, City Clerk
- Ms. Sandi Connolly, Public Works Clerk
- Mr. Thomas Klinkner, City Attorney
- Mr. Troy Tankersley, Finance Director
- 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
- Ms. Gwen Brew, Human Resources Generalist

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.

The City Clerk stated that it has been requested that the executive session be held after the public participation portion of the agenda.

Mayor Rupright asked if there was any objection. There was no objection noted.

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

V. SPECIAL ORDERS OF THE DAY

A. Presentation To Arbor Day Contest Winner - Ms. Grace Meyer

Mr. Urban introduced Ms. Meyer.

Mayor Rupright presented Ms. Meyer with her original poster which had been professionally framed.

VI. COMMISSION AND AGENCY REPORTS

A. Planning Commission

No report was provided.

B. Airport Advisory Commission

No report was provided.

C. Matanuska-Susitna Borough

Assemblymember Ewing:

- informed the Council regarding the adoption of the Borough budget;
- spoke regarding access to Wasilla Lake;
- commented on the Borough's proposed sales tax; and
- spoke regarding the upcoming prison groundbreaking ceremony.

D. Friends of Wasilla Public Library

Ms. Jeanne Troshynski, President:

- recapped the summer reading program and other library activities;
- thanked the community for their donations; and
- advised about the dates for the annual library book sale and technology run.

VII. PUBLIC PARTICIPATION

A. Public Hearings

1. **Ordinance Serial No. 09-41:** Amending WMC 5.16.050, Exemptions, to exempt sales to qualifying veterans organizations and churches, and sales by qualifying veterans organizations, from City sales tax, amending WMC 5.16.080, Certificate of Exemption, regarding documentation of an organization's qualification for exemption, and amending WMC 6.04.025, Application Fee, to exempt qualifying veterans organizations from the payment of a business license fee. *(Requested by Council Member Harris)*

Mayor Rupright opened the Public Hearing.

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

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

MOTION: Council Member Cox moved to adopt Ordinance Serial No. 09-41

Discussion ensued.

MOTION: Council Member Hall moved to divide the question on Ordinance Serial No. 09-41 taking the church exemptions and veteran's exemptions separately.

Discussion ensued.

VOTE: The motion to divide the question failed with Council Members Harris, Cox and Deputy Mayor Holler opposed and Council Members Hall, Woodruff and Larson in favor.

Discussion continued.

VOTE: The motion to adopt Ordinance Serial No. 09-41 passed without objection.

2. **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.

Mayor Rupright opened the Public Hearing and there being no one who wished to speak, discussion moved to the Council.

MOTION: Council Member Larson moved to adopt Ordinance Serial No. 09-45.

VOTE: The motion passed without objection.

B. Persons to be Heard

Mr. Brad Laybourn:

- spoke against the proposed firing range;
- stated that there should be more public discussion; and
- asked for a review of other options for placement of the firing range.

Mr. Steve Stoll:

- spoke supporting the firing range; and
- pointed out that the athletic nature of the firing range makes the sports center a natural location.

Ms. Debby Ryan:

- spoke against the firing range;
- spoke against the noise level of the sound of shooting all day;
- asked for a show of hands in opposition to the range [*CLERK'S NOTE: approximately 10 persons raised their hands*]; and
- stated that the City should continue with the original master plan for the sports center area.

Ms. Peaches Hamilton:

- spoke against the firing range;
- stated that there has not been enough public input;
- commented that, as a former Planning Commissioner, she believes that if the master plan is to be changed it should go to the public;
- noted that the City sent out the minimum requirement for mail-outs as only seven persons fell into the minimum notice radius required; and
- stated that last year there were discussions concerning minimum input into issues of planning permits.

XV. EXECUTIVE SESSION

A. Labor Negotiations With An Employee Bargaining Unit Or Its Representative (Resolution Serial No. 09-16).

1. **Resolution Serial No. 09-16:** Ratifying the Collective Bargaining Agreement between the City of Wasilla and the Teamsters Union, Local 959, dated June 8, 2009, through May 31, 2012.

MOTION: Council Member Holler moved to enter executive session for the purpose of labor negotiations with an employee bargaining unit, specifically Resolution Serial No. 09-16.

GENERAL CONSENT: The motion passed without objection.

The entire Council, Mayor Rupright, Kristie Smithers, City Clerk; Troy Tankersley, Finance Director; Gwen Brew, Human Resource Generalist; Tom Klinkner, City Attorney; Marvin Yoder, Interim Deputy Administrator; and Kimberly Garity, Labor Attorney (via teleconference) entered executive session in the council conference room at 8 p.m. The executive session exited at 8:31 p.m.

MOTION: Council Member Cox moved to adopt Resolution Serial No. 09-16.

GENERAL CONSENT: The motion passed without objection.

VIII. CONSENT AGENDA

1. Regular Meeting: May 11, 2009
2. Special Meeting: May 11, 2009
- A. Introduction of Ordinances: Recommended for Public Hearing on June 22, 2009:
 1. **Ordinance Serial No. 09-44** : Repealing sections 3.55.010 through 3.55.090 of WMC Chapter 3.55, Salary Administration Plan, and WMC 3.90.010, Performance Appraisal; enacting sections 3.55.010 through 3.55.070 of WMC Chapter 3.55, Salary Administration Plan; and amending WMC 3.45.010, Definitions, WMC 3.45.040, Scope of Coverage and amendment of rules, WMC 3.50.060, Selection of Current and Former Employees, WMC 3.50.070, Probationary Period, WMC 3.65.020, Coverage, Use Accrual and Other Aspects of PTO, WMC 3.85.050, Compensation, and WMC 3.85.070, Supervision and Performance Appraisals; regarding the salary administration plan, employee performance evaluation, the classified status of the Deputy City Clerk, and conflicts between the personnel rules and collective bargaining agreements.
 2. **Ordinance Serial No. 09-47**: Amending WMC 12.08.090, Posting of Assigned Street Addresses, to clarify the street address posting requirement, and amending WMC 1.20.030, Disposition of Scheduled Offenses - Fine Schedule, to establish a scheduled fine of \$30 for a violation of WMC 12.08.090. *(Requested by Deputy Mayor Holler)*
 3. **Ordinance Serial No. 09-48**: Amending the fiscal year 2009 library budget by accepting and appropriating \$1,000 from the Alaska State Library Continuing Education Grant funded by federal monies from the Institute for Museum and Library Services.
 4. **Ordinance Serial No. 09-50**: Amending WMC 7.08, Animal Control Board, WMC 7.20.080, Animal Classification and Written Release Order Review by Borough Animal Control Board, and WMC 7.28.010, Impoundment Procedure, to replace the Animal Control Board with a Hearing Officer.
 5. **Ordinance Serial No. 09-51**: Adopting WMC 10.08.030, Two-Way Left-Turn Lanes, to establish limitations on their use.

B. Resolutions

1. **Resolution Serial No. 09-14:** Authorizing the Mayor to apply for and execute a loan agreement with the Alaska Department of Environmental Conservation through the American Recovery and Reinvestment Act of 2009 in the amount of \$575,000 for the Garden Terrace Water Main Extension on Abby Boulevard.
2. **Resolution Serial No. 09-15:** Extending the duration of the Library Steering Committee 150 days.
3. **Resolution Serial No. 09-17:** Authorizing the Mayor to apply for and execute a loan agreement with the Alaska Department of Environmental Conservation through the American Recovery and Reinvestment Act of 2009 in the amount of \$300,000 for a replacement vector truck.
4. **Resolution Serial No. 09-18:** Supporting Alaska's veterans, consumers, and small businesses by opposing the Medical Device Safety Act of 2009, proposed in the U.S. Senate as S.540 and in the U.S. House as H.R.1346.

D. Action Memorandums

1. **AM No. 09-21:** Contract award to Premier Earthwork in the amount of \$665,183 for the Garden Terrace Water Main Extension on Abby Boulevard.
2. **AM No. 09-22:** Contract award to USKH, Inc., in the amount of \$62,000 for Lucille Street repaving engineering services.
3. **AM No. 09-23:** Vacation of Anderson Road right-of-way.
4. **AM No. 09-24:** Amending the fiscal year 2010 Budget Goals and Initiatives to add a firing range.
5. **AM No. 09-25:** Contract award for the purchase of non-alcoholic beverages for resale at the Curtis D. Menard Memorial Sports Center.
6. **AM No. 09-27:** Contract award for Animal Control service to the Matanuska-Susitna Borough in an amount not to exceed \$105,000 per year for the City of Wasilla.
7. **AM No. 09-28:** Confirmation of Kris Hovila to the Airport Advisory Commission.

Ms. Smithers read the Consent Agenda into the record.

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

A. Mayor's Vetoes issued on May 11, 2009

1. **Ordinance Serial No. 09-38:** Amending the zoning map to change the zoning district from RR-Rural Residential to C-Commercial for approximately 10.7 acres, consisting of 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; generally located near the corner of Lucille Street and Aspen Lane.

Council Member Woodruff announced that she had a conflict of interest with this item and left the chambers; there was no objection from the Council.

Mayor Rupright announced that he had pulled his veto on Ordinance Serial No. 09-38. *[CLERK'S NOTE: The Council took no action and the adoption of Ordinance Serial No. 09-38 stood.]*

Council Member Woodruff returned to the council chambers.

2. **Budget Amendment No. 7,** to removing funding for one full time employee, Administrative Assistant position in the Community and Economic Development Department for the fiscal year 2010 budget, adopted by **Ordinance Serial No. 09-34.**

Mayor Rupright asked if the Council wished to take any action on the veto on Budget Amendment No. 7.

Mr. Klinkner gave information to the Council on the validity of the veto issued by the Mayor on Budget Amendment no. 7.

MOTION: Council Member Larson moved to override the Mayor's Veto on Budget Amendment No. 7.

Discussion ensued. Ms. Brew and Mr. Klinkner gave information to the Council in regard to the position and the veto.

VOTE: The motion to override the Mayor's Veto on Budget Amendment No. 7 failed with Council Members Larson, Woodruff and Hall voting in favor, and Council Members Cox, Harris, and Deputy Mayor Holler opposed. *[CLERK'S NOTE: Four affirmative votes shall be required to carry any measure before the Council. WMC 2.04.130.A. The Mayor's veto stands and \$81,419 was added to the operating budget, Ordinance Serial No. 09-034(AM).]*

XI. COMMUNICATIONS

A. Informational Memorandums

1. **IM No. 09-08:** Water and sewer utility rate analysis for proposed rate increase.
2. **IM No. 09-09:** Monthly financial reports for the period ending April 2009 to include the month-to-date expenditure report and expenditures greater than \$5,000.

B. Commission Minutes

1. Library Steering Committee: April 7, 2009
2. Parks and Recreation Commission: March 19, 2009
3. Planning Commission: April 28, 2009

No action was taken on the communication items.

XII. AUDIENCE COMMENTS

There were no audience comments.

XII. MAYOR, CLERK AND ATTORNEY COMMENTS

Mr. Klinkner reported that the Luper Case will be heard on Wednesday, June 10, 2009.

Mayor Rupright commented on his pleasure to have the union contract wrapped up.

Ms. Smithers reminded everyone about the upcoming Special Joint City Council and Planning Commission meeting regarding the comprehensive plan to be held on June 9, 2009.

XIV. COUNCIL COMMENTS

Council Member Hall stated that she is happy to see union negotiations come to a close.

Councilman Larson:

- said that he is glad to see union negotiations complete;
- stated that he is not opposed to the new secretarial position; and
- advised that he would like to see the firing range proposal work.

Council Member Woodruff:

- noted that the Planning Commission presentation did not include exhibits concerning the firing range; and
- stated that she hopes the Council will address concerns of the neighbors near the proposed firing range.

Mayor Rupright announced that the City has received word that DC3's will begin landing at the airport beginning this summer.

Council Member Harris:

- commented that she is glad to see the contract with the Teamsters finished; and
- noted that she is happy with the adoption of Ordinance Serial No. 09-41.

Councilman Holler:

- stated that he works at the Anchorage Airport and there is more noise from the planes at the airport than there is from it's nearby gun range; and
- commented that he is glad to see the use of ATVs within City limits will be curtailed.

XVI. ADJOURNMENT

With no further business at hand, Mayor Rupright adjourned the meeting at 9:26 p.m.


VERNE E. RUPRIGHT, Mayor

ATTEST:



KRISTIE SMITHERS, MMC, City Clerk

Minutes approved: June 22, 2009