

VIII. CONSENT AGENDA

- A. Minutes of Preceding Meetings:
 - 1. Regular Meeting: September 28, 2009
- B. Introduction of Ordinances: Recommended for Public Hearing on October 26, 2009:
 - 1. **Ordinance Serial No. 09-68:** Amending the fiscal year 2010 library budget by accepting and appropriating \$6,350 from the Alaska State Library Public Library Assistance Grant.
 - 2. **Ordinance Serial No. 09-69:** Amending Title 7, Animal Control, of the Wasilla Municipal Code, to update the process and rename the code to be Animal Care and Regulation.
- C. Resolutions
- D. Action Memorandums

IX. UNFINISHED BUSINESS

X. NEW BUSINESS

- A. **AM No. 09-50:** Request for protest of the John Emmi and Ernest Emmi liquor license application.
- B. **Resolution Serial No. 09-32:** Accepting the Certificate of Canvass Board Results and certifying the October 6, 2009, Regular City Of Wasilla Election. (*Clerk Note: This item will be a handout at the meeting.*)

XI. COMMUNICATIONS

- A. Informational Memorandums
 - 1. **IM No. 09-19:** Monthly financial reports for the period ending August 2009 to include the month-to-date expenditure report and expenditures greater than \$5,000.
- B. Commission Minutes
 - 1. Planning Commission: August 11, 2009; August 25, 2009; September 8, 2009; September 22, 2009

XII. AUDIENCE COMMENTS

XIII. MAYOR, CLERK AND ATTORNEY COMMENTS

XIV. COUNCIL COMMENTS

XV. EXECUTIVE SESSION

- A. For matters which by law, municipal charter, or ordinance, which are required to be confidential; specifically to discuss a collection issue.

XVI. ADJOURNMENT

I. CALL TO ORDER

The Regular Meeting of the Wasilla City Council was held on Monday, October 12, 2009, at the Wasilla City Council Chambers, Wasilla, Alaska. Mayor Verne E. Rupright called the meeting to order at 7:03 p.m.

II. ROLL CALL

Council Members present and establishing a quorum were:

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

Mayor Rupright noted that Ms. Leone Harris, Seat C, was absent and excused. No objection was noted.

Staff in attendance were:

- Ms. Kristie Smithers, City Clerk
- Ms. Amanda E. Charles, Deputy Clerk
- Mr. Richard K. Payne, City Attorney
- Mr. Troy Tankersley, Finance Director
- Mr. Archie Giddings, Public Works Director
- Mr. Craig Robinson, Acting Police Chief
- Mr. James Hastings, Recreation and Cultural Services Manager
- Mr. Marvin Yoder, Interim Deputy Administrator

III. PLEDGE OF ALLEGIANCE

Mayor Rupright led the Pledge of Allegiance.

IV. APPROVAL OF AGENDA

Mayor Rupright:

- added an executive session to the agenda for matters which by law, municipal charter, or ordinance, which are required to be confidential; specifically to discuss a collection issue; and
- asked if there were any additional changes to the agenda.

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. Dan Kelly, Commissioner:

- provided an update of their last meeting where they discussed what services USKH will be providing for the Comprehensive Plan;
- informed the Council that Mr. Neal Fried, Economist III with the State of Alaska, Department of Labor, will be at their meeting of October 13, 2009;
- stated that at the meeting of October 27, 2009, there will be a review of request for a conditional use permit for Coming Attractions Theaters, a 12-plex movie theater; and
- spoke to a resolution going forward to allow Alaska Industrial Hardware to utilize an existing six foot planter in the Commercial Drive right-of-way to replace a ten foot required perimeter planter.

B. Friends of the Library

Ms. Jeanne Troshynski:

- explained the five programs for young readers that take place at the Wasilla Public Library;
- spoke to a home school tour at the library;
- commented on their last meeting which was held on September 21, 2009; and
- spoke to the upcoming meeting schedule for the library and associated boards.

C. Matanuska-Susitna Borough

Mr. Tom Smayda, Emergency Manager, spoke regarding hazard mitigation training, emergency preparedness and disaster recovery.

VII. PUBLIC PARTICIPATION

A. Public Hearings

1. **Ordinance Serial No. 09-67:** Adopting WMC 2.76, Administrative Hearing Officers.

Mayor Rupright opened the public hearing.

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

MOTION: Council Member Cox moved to adopt Ordinance Serial No. 09-67.

MOTION: Deputy Mayor Holler moved a primary amendment to WMC 2.76.040.A.2 to insert the words "Written Administrative Order" after the word "Classification" and before the words "and forfeiture" to read as follows: Classification, Written Administrative Orders, and Forfeiture of Animals pursuant to Title 7.

VOTE: The primary amendment passed unanimously.

Discussion ensued.

MOTION: Council Member Woodruff moved a primary amendment to WMC 2.76.060.B to strike the word "unsolicited" and to delete the words "and shall not take information contained in an exp-parte communication into consideration" and to insert in its place the words "The administrative hearing officer shall only take information brought forward in an appropriate manner into consideration" to read as follows: If an ex parte communication occurs, the administrative hearing officer shall disclose the communication on the record prior to rendering a decision. The administrative hearing officer shall only take information brought forward in an appropriate manner into consideration.

VOTE: The primary amendment passed unanimously

VOTE: The motion to adopt Ordinance Serial No. 09-67 as amended passed unanimously.

B. Persons to be Heard

Ms. Rhonda Weinrich:

- spoke regarding her involvement with pet rescue; and
- requested a code change to allow her to continue her pet rescue efforts.

Ms. Victoria Nagely spoke regarding Ms. Weinrich's involvement with pet rescue and the importance therein.

Mr. George Brown:

- spoke regarding the annexation;
- queried the due process involved with the annexation;
- commented on the extension of Peck Street to Wasilla Lake and an associated access.

Mr. Payne and Mr. Yoder provided an explanation.

Mr. Skip Hrin:

- thanked the City for the parking lot that was placed at the corner of Boundary Street and Herning Avenue; and
- requested that the City provide lighting for the parking lot.

Mr. Giddings noted that lighting would be placed at the parking lot.

Mr. Steve Stoll:

- spoke to high density housing within the City and spoke against allowing that sort of development within the City; and
- opined that every City resident should get a public notice regarding the comprehensive plan meetings.

Mr. John Dewer offered his support for a firing range within the City.

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C. Resolutions

D. Action Memorandums

Council Member Hall moved to approve the Consent Agenda as read into the record by the Clerk.

There was no objection noted.

IX. UNFINISHED BUSINESS

There was no unfinished business.

X. NEW BUSINESS

- A. **AM No. 09-50:** Request for protest of the John Emmi and Ernest Emmi liquor license application.

MOTION: Council Member Cox moved to adopt AM No. 09-50.

Discussion ensued.

MOTION: Council Member Woodruff moved a primary amendment to AM No. 09-50 to select option number 2 with the following amendments:

- A. Bring the following City of Wasilla Accounts into current status:
1. City of Wasilla Sales Tax account for Glacier Canyon Grill is delinquent or has not been filed for the period July and August, 2009.
 2. City of Wasilla Sales Tax account for The Great Bear is delinquent or has not been filed for the period April 2008 through November 2008; balance due is \$24,497.37.
 3. City of Wasilla Utility account 793-53234 for The Great Bear is delinquent \$495.46; Utility account 3145-185 for Emmi Properties has a balance due of \$3.88; Utility account 745-2353 for John Emmi has a balance due of \$4.41.
- B. Obtain a City of Wasilla Business License for the proposed new business.
- C. All delinquencies must be rectified by way of certified funds delivered to the Finance Department.

Discussion ensued.

VOTE: The primary amendment passed unanimously.

VOTE: The motion to adopt AM No. 09-50 as amended passed unanimously.

- B. **Resolution Serial No. 09-32:** Accepting the Certificate of Canvass Board Results and certifying the October 6, 2009, Regular City of Wasilla Election.

MOTION: Council Member Cox moved to adopt Resolution Serial No. 09-32.

VOTE: The motion to adoption Resolution Serial No. 09-32 passed unanimously.

XI. COMMUNICATIONS

A. Informational Memorandums

1. **IM No. 09-19:** Monthly financial reports for the period ending August 2009 to include the month-to-date expenditure report and expenditures greater than \$5,000.

B. Commission Minutes

1. Planning Commission: August 11, 2009; August 25, 2009; September 8, 2009; September 22, 2009

There was no action taken on the communication items.

XII. AUDIENCE COMMENTS

XIII. MAYOR, CLERK AND ATTORNEY COMMENTS

Ms. Smithers:

- spoke to the expiration of current board members on December 31, 2009;
- stated that the 2009 goals and initiatives meeting on will be held on November 30, 2009; and
- noted that there will need to be a secondary date in December to conclude the decisions on the upcoming goals and initiatives.

Mayor Rupright requested that all directors ensure that their staff is appropriately supplied with hand sanitizer in their areas.

Mr. Payne:

- spoke to Ordinance Serial No. 09-69 regarding Animal Care and Regulation;
- encouraged the Council to review the ordinance;
- stated that he met with the Code Compliance Officer today regarding the ordinance; and
- stated that Duke Investments filed bankruptcy which stayed the City's collection action.

XIV. COUNCIL COMMENTS

Council Member Larson:

- noted that he had reviewed Ordinance Serial No. 09-69;
- commented on enforcement issues with the sign ordinance within the City;
- queried the permit process for signs;
- requested a copy of public notices that are sent out to citizens, excluding request for proposals; and
- commented on Ms. Weinrich's situation.

Council Member Woodruff:

- noted that a number of citizens had asked her if they could park in the new parking lot and requested signage for the parking lot to explain that it is public parking;
- spoke to concerns with the weather conditions at the time that Lucille Street was paved;
- asked the Planning Commission to consider an allowable use permit via WMC 16.20.020.A, which would allow persons performing pet rescue efforts to continue within City limits;
- noted her surprise at the firing range being taken off of the table; and
- asked for the issue to go before the Parks and Recreation Commission.

Deputy Mayor Holler:

- empathized with Ms. Wienrich's situation; and
- thanked the police reserves for their attendance at the hockey game.

Council Member Hall:

- noted her excitement with concluding the paving on Lucille Street; and
- added that she would have liked to have seen longer and larger turn lanes.

Council Member Cox:

- spoke to his tenure with the City;
- thanked the Mayor and his staff, the City Council and City Clerk;
- congratulated Deputy Mayor Holler and Taffina Katkus; and
- thanked the citizens.

(The council recessed at 8:08 p.m. and reconvened at 8:15 p.m.)

XV. EXECUTIVE SESSION

- A. For matters which by law, municipal charter, or ordinance, which are required to be confidential; specifically to discuss a collection issue.

MOTION: Deputy Mayor Holler moved to enter into executive session at 8:15 p.m. to discuss matters which by law, municipal charter, or ordinance, which are required to be confidential; specifically to discuss a tax collection issue.

VOTE: The motion to enter into executive session passed unanimously. Those in attendance were the entire council, the Mayor, the Clerk, the Finance Director, the Attorney, and the Interim Deputy Administrator.

The executive session exited at 8:33 p.m.

XVI. ADJOURNMENT

With no further business at hand, Mayor Rupright, adjourned the meeting at 8:34 p.m.


VERNE E. RUPRIGHT, Mayor

ATTEST:



KRISTIE SMITHERS, MMC, City Clerk

Minutes approved: October 26, 2009