



MAYOR
Verne E. Rupright

COUNCIL
Taffina Katkus, Seat A
Douglas W. Holler, Deputy Mayor, Seat B
Leone Harris, Seat C
Colleen Sullivan-Leonard, Seat D
Dianne Woodruff, Seat E
Steve Menard, 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

6 P.M.

MAY 9, 2011

I. CALL TO ORDER

II. ROLL CALL

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF AGENDA¹

V. SPECIAL ORDERS OF THE DAY

VI. COMMISSION AND AGENCY REPORTS

- A. Matanuska-Susitna Borough
- B. Friends of Wasilla Public Library

VII. PUBLIC PARTICIPATION

- A. Public Hearings
 - 1. **Ordinance Serial No. 11-18:** Adopting a new code section, WMC 8.12, Trash and Junk.
 - 2. **Ordinance Serial No. 11-20:** Amending WMC 2.64, Parks and Recreation Commission, to change the residency requirements of the commission.
- B. Persons to be Heard

¹ Resolution Serial Nos. 11-16 and 11-17 were removed from the Consent Agenda and addressed separately under New Business.

VIII. CONSENT AGENDA

- A. Minutes of Preceding Meetings:
 - 1. Regular Meeting: April 25, 2011
 - 2. Special Meeting: April 18, 2011
- B. Introduction of Ordinances: Recommended for Public Hearing on May 23, 2011:
- C. Resolutions
 - 1. **Resolution Serial No. 11-14:** Accepting a Federal Aviation Administration Grant in the amount of \$950,000 and State of Alaska, Department of Transportation, match funding in the amount of \$25,000 for Wasilla Airport Apron D Phase 2 Construction.
- D. Action Memorandums
 - 1. **AM No. 11-10:** Authorization to extend the lease for Arctic Rose Fine Fashions and Bridal Boutique at the Meta-Rose Square for three (3) months.
 - 2. **AM No. 11-11:** Contract amendment to R&M Consultants in the amount of \$176,100 for Swanson Avenue improvements final design, bidding and construction administration engineering services.

IX. UNFINISHED BUSINESS

X. NEW BUSINESS

- A. **Resolution Serial No. 11-16:** Amending the FY2011 budget by transferring funds within an accounting fund in the amount of \$20,000 to cover the Wasilla Police Department, Patrol Division gasoline purchases.
- B. **Resolution Serial No. 11-17:** Commemorating the Cordova Coal Party of May 4, 1911, focusing attention on the Federal Government's current stranglehold on Alaska, and calling on the President of the United States, U.S. Secretary of the Interior, U.S. Senate, and Congress to Develop Common Sense Policies that allow Alaska and the rest of the nation to utilize the nation's abundant resources in a safe, environmentally sound manner that serves the best interests of Americans; and providing for an effective date.

XI. COMMUNICATIONS

A. Informational Memorandums

B. Commission Minutes

1. Parks and Recreation Commission: April 13, 2011

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. 11-15).

1. **Resolutions Serial No. 11-15:** Ratifying the collective bargaining agreement between the City of Wasilla and the International Union of Operating Engineers, Local 302, dated April 1, 2011, through March 31, 2014.

XVI. ADJOURNMENT

I. CALL TO ORDER

The Regular Meeting of the Wasilla City Council was held on Monday, May 9, 2011, at the Wasilla City Council Chambers, Wasilla, Alaska. Mayor Verne E. Rupright called the meeting to order at 6 p.m.

II. ROLL CALL

Council Members present and establishing a quorum were:

Ms. Taffina Katkus, Seat A
Deputy Mayor Doug Holler, Seat B
Ms. Leone Harris, Seat C
Ms. Colleen Sullivan-Leonard, Seat D (*via teleconference*)
Ms. Dianne Woodruff, Seat E

Mayor Rupright noted that Mr. Steve Menard, Seat F, was absent and excused. There was no objection noted.

Staff in attendance were:

Ms. Amanda E. Charles, Deputy City Clerk
Ms. Tahirih Klein, Planning Clerk
Ms. Troy Tankersley, Finance Director
Mr. Archie Giddings, Public Works Director
Mr. Gene Belden, Interim Police Chief
Mr. James Hastings, Recreation and Cultural Services Manager
Mr. Richard Payne, City Attorney

III. PLEDGE OF ALLEGIANCE

Mayor Rupright asked Mr. John Dewar to lead the Pledge of Allegiance.

IV. APPROVAL OF AGENDA

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

Council Member Woodruff requested that Resolution Serial Nos. 11-16 and 11-17 be removed from the Consent Agenda and addressed separately under New Business.

Council Member Sullivan-Leonard noted that page 66 of the packet should be transposed with page 68.

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. Matanuska-Susitna Borough

Mr. Mark Ewing, Assembly Member, District 4:

- reported on the MSB budget and discussion of a decrease of one mil;
- discussed that he will ask for \$200,000 for libraries to be funded in the Cities of Wasilla and Palmer;
- added that he asked for reductions in travel budgets;
- stated he would like to see a budget for the Borough Manager;
- spoke regarding further changes to the mil rate within the Borough; and
- asked that the junk and trash ordinance be approved with an effective date of July 1, 2011.

C. Friends of Wasilla Public Library

Ms. Jeanne Troshynski, Director:

- spoke regarding the funding of the libraries for the Cities of Wasilla and Palmer;
- noted they are gearing up for summer reading and book sale; and
- asked if the resolution through the City of Palmer passed.

VII. PUBLIC PARTICIPATION

A. Public Hearings

1. **Ordinance Serial No. 11-18:** Adopting a new code section, WMC 8.12, Trash and Junk.

Mr. Giddings provided a staff report.

Mayor Rupright opened the public hearing.

Mr. John Dewar spoke to concerns with personal property, specifically vehicles, being towed due to differing opinions of what constitutes "junk and trash."

Mr. Mark Ewing:

- requested clarification regarding the proposed amendments to Ordinance Serial No. 11-18, regarding junk and trash;
- queried when the enforcement period would begin;
- noted difficulties associated with proving a battery had been disposed of;
- opined that there needs to be something in code regarding provisions, such as properties in probate; and

- informed the Council that he has had two properties, within the Borough, which were cleaned up and discussed the issues he experienced with the process.

Mr. Payne provided points of clarification.

Mr. Robert Scott:

- stated he lives near Wal-Mart and is in support of the Junk and Trash ordinance; and
- noted concerns with the ordinance as it pertains to commercial properties appearing to be exempt from the ordinance.

Mr. Steve Glos stated he would like to see an amendment that states the complainant has used all means to enforce their covenants before contacting the City of Wasilla.

MOTION: Council Member Sullivan-Leonard moved to adopt Ordinance Serial No. 11-18.

Discussion moved to the Council.

MOTION: Deputy Mayor Holler moved to adopt the administrative amendments as follows:

- To 8.12, strike the chapter title, replace the words “Trash and Junk” with the words “Public Nuisance.”
- To 8.12.010, strike the definition of “Junk Vehicle” in its entirety and replace it with:
Junk vehicle” means a vehicle that:
 - a. Is not currently registered under AS 28.10, except for a vehicle not currently registered under AS 28.10 and used exclusively for competitive racing;
 - b. Is stripped, wrecked, or otherwise inoperable due to mechanical failure;
 - c. Has not been repaired because of mechanical difficulties or because the cost of repairs required to make it operable exceeds the fair market value of the vehicle; or
 - d. Is in a condition that exhibits more than one of the following elements:
 - i. Broken glass;
 - ii. Missing wheels or tires;
 - iii. Missing body panels or parts; or
 - iv. Missing drive train parts.
- To 8.12.010, insert the following sentence to the end of the definition for “Junk Vehicle Parts”: Each outdoor area of 200 square feet that is substantially occupied by junk vehicle parts shall be considered equivalent to a junk vehicle. Reading as follows: “Junk vehicle parts” means parts of vehicles which are removed, dismantled, wrecked, discarded, abandoned, damaged, or are no longer suitable for their original use without repair, reprocessing, reconditioning or

reinstallation. Each outdoor area of 200 square feet that is substantially occupied by junk vehicle parts shall be considered equivalent to a junk vehicle.

- To 8.12.080, delete the section title "Civil penalties and remedies" and replace it with "Remedies and penalties."
- To 8.12.040, Public nuisances prohibited; enumeration; delete C in its entirety: ~~The city shall have meet its burden of proof for a public nuisance if significant smoke or odor is found to be crossing property lines in an unreasonable amount or manner and the mayor or his designee is present.~~

VOTE: The primary amendment to adopt the administrative amendments passed unanimously.

Discussion ensued.

MOTION: Council Member Sullivan-Leonard moved a primary amendment as follows:

- To 8.12.080(A)(4), Civil penalties and remedies; to strike the reference of "\$1,000" and replace it with "\$500" to read as follows: In addition to injunctive or compensatory relief, a civil penalty not exceeding \$500 for each violation and applicable attorney's fees shall be imposed."
- To 1.20.030.C, Disposition of scheduled offenses – fine schedule; to strike the amounts of "\$300 - \$1,000" and to replace it with "\$50 - \$500."

VOTE: The motion to adopt the primary amendment passed unanimously.

Discussion resumed.

VOTE: The motion to adopt Ordinance Serial No. 11-18, as amended, passed unanimously.

2. **Ordinance Serial No. 11-20:** Amending WMC 2.64, Parks and Recreation Commission, to change the residency requirements of the commission.

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 Woodruff moved to adopt Ordinance Serial No. 11-20.

Discussion moved to the Council.

VOTE: The motion to adopt Ordinance Serial No. 11-20 passed with Council Members Harris, Holler, Sullivan-Leonard and Woodruff in favor and Council Member Katkus opposed.

B. Persons to be Heard

Ms. Anne Kilkenny:

- spoke regarding concerns with Resolution Serial No. 11-17; and
- commented on Wasilla Clean Up Days 2011.

Mr. Glos asked for clarification regarding enforcement with the junk and trash complaints

VIII. CONSENT AGENDA

A. Minutes of Preceding Meetings:

1. Regular Meeting: April 25, 2011
2. Special Meeting: April 18, 2011

B. Introduction of Ordinances: Recommended for Public Hearing on May 23, 2011:

There were no ordinances for introduction.

C. Resolutions

1. **Resolution Serial No. 11-14:** Accepting a Federal Aviation Administration Grant in the amount of \$950,000 and State of Alaska, Department of Transportation, match funding in the amount of \$25,000 for Wasilla Airport Apron D Phase 2 Construction.

D. Action Memorandums

1. **AM No. 11-10:** Authorization to extend the lease for Arctic Rose Fine Fashions and Bridal Boutique at the Meta-Rose Square for three (3) months.
2. **AM No. 11-11:** Contract amendment to R&M Consultants in the amount of \$176,100 for Swanson Avenue improvements final design, bidding and construction administration engineering services.

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

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

GENERAL CONSENT: There was no objection noted and the Consent Agenda was approved as read into the record.

IX. UNFINISHED BUSINESS

There was no unfinished business.

X. NEW BUSINESS

- A. **Resolution Serial No. 11-16:** Amending the FY2011 budget by transferring funds within an accounting fund in the amount of \$20,000 to cover the Wasilla Police Department, Patrol Division gasoline purchases.

Discussion moved to the Council.

MOTION: Council Member Woodruff moved to adopt Resolution Serial No. 11-16.

VOTE: The motion to adopt Resolution Serial No. 11-16 passed unanimously.

- B. **Resolution Serial No. 11-17:** Commemorating the Cordova Coal Party of May 4, 1911, focusing attention on the Federal Government's current stranglehold on Alaska, and calling on the President of the United States, U.S. Secretary of the Interior, U.S. Senate, and Congress to Develop Common Sense Policies that allow Alaska and the rest of the nation to utilize the nation's abundant resources in a safe, environmentally sound manner that serves the best interests of Americans; and providing for an effective date.

Discussion moved to the Council.

MOTON: Council Member Harris moved to adopt Resolution Serial No. 11-17.

VOTE: The motion to adopt Resolution Serial No. 11-17 passed with Council Members Harris, Holler, Katkus, and Sullivan-Leonard in favor and Council Member Woodruff in opposition.

XI. COMMUNICATIONS

- A. Informational Memorandums

There were no informational memorandums.

- B. Commission Minutes

1. Parks and Recreation Commission: April 13, 2011

There was no action taken on the communication items.

XII. AUDIENCE COMMENTS

Mr. Dewar:

- noted his appreciation for City taking action to enforce issues concerning junk and trash;
- commented on signage at the Lake Lucille boat launch; and
- spoke to a recent literature purchase he made.

Mr. Art King:

- stated he is a small business owner within Wasilla;
- expressed his concerns with homeless individuals within the City limits, specifically those residing within the right-of-way easements;
- queried how the situation could be resolved; and
- asked for the City to consider paving McKinley Street.

XIII. MAYOR, CLERK AND ATTORNEY COMMENTS

There were no comments provided.

XIV. COUNCIL COMMENTS

Council Member Katkus:

- spoke regarding Wasilla Clean Up Days 2011;
- opined that businesses should be responsible for cleaning up the right-of-ways in front of their establishments;
- thanked Mr. Hastings for his work on Wasilla Clean Up Days 2011; and
- spoke to concerns she had with the 2011 Comprehensive Plan being brought, specifically to additional plans which should be listed within it.

Deputy Mayor Holler:

- spoke regarding his concerns with enforcement of the new junk and trash ordinances;
- queried enforcement of the sign code ordinance; and
- stressed that code enforcement does not appear to be high on anyone's priority list.

Council Member Sullivan-Leonard provided the Council with a summary of the May 6, 2011, Alaska Municipal League meeting.

Council Member Woodruff:

- thanked everyone for participating in Wasilla Clean Up Days 2011;
- extended her appreciation to Council Member Katkus for providing the Wasilla Clean Up Days signs; and
- spoke to the need for thank you letters for those who donated to Wasilla Clean Up Days 2011.

Council Member Harris stated that she is in favor of the junk and trash ordinance and opined that common sense is subjective.

Mayor Rupright:

- thanked everyone for their efforts in Wasilla Clean Up Days 2011;
- stated that the Public Works Department will be picking up any full yellow bags that are left within the right-of-ways; and
- stated that his office would be sending out certificates of appreciation for those sponsors who made Wasilla Clean Up Days 2011 such a success.

XV. EXECUTIVE SESSION

A. Labor negotiations with an employee bargaining unit or its representative (Resolution Serial No. 11-15).

MOTION: Council Member Sullivan-Leonard moved to enter into executive session.

GENERAL CONSENT: There was no objection noted and the Council moved into executive session at 7:37 p.m. Those present during the executive session were the entire Council (Menard absent), Mayor Rupright, Deputy City Clerk, Public Works Director, and the Finance Director.

(The regular meeting recessed at 7:27 p.m. and reconvened at 7:37 p.m. at which time the executive session started immediately.)

MOTION: Council Member Sullivan-Leonard moved to exit the executive session.

GENERAL CONSENT: There was no objection noted and the Council exited the executive session at 7:43 p.m.

1. **Resolutions Serial No. 11-15:** Ratifying the collective bargaining agreement between the City of Wasilla and the International Union of Operating Engineers, Local 302, dated April 1, 2011, through March 31, 2014.

MOTION: Council Member Woodruff moved to adopt Resolution Serial No. 11-15.

VOTE: The motion to adopt Resolution Serial No. 11-15 passed unanimously.

XVI. ADJOURNMENT

With no further business at hand, Mayor Rupright adjourned the meeting at 7:43 p.m.

ATTEST:



KRISTIE SMITHERS, MMC, City Clerk


VERNE E. RUPRIGHT, Mayor

Minutes approved: May 23, 2011