

2. **Ordinance Serial No. 11-23:** Amending the zoning map to change the zoning district from Rural Residential (RR) to Commercial (C) for Lot A9, Section 19; Lot B4, Section 20, and Lot 2, Roger's Rooste Subdivision; Township 17 North, Range 1 West, Seward Meridian, Alaska; generally located at mile 3.5 on the north side of Knik-Goose Bay Road.
3. **Ordinance Serial No. 11-24:** Amending the zoning map to change the zoning district from Rural Residential to Commercial for Lots A14, A15, A16, A17 and D10, Township 17 North, Range 1 West, Section 10, Seward Meridian, Alaska; generally located on the north side of Palmer-Wasilla Highway and south of the Parks Highway.
4. **Ordinance Serial No. 11-26:** Amending The FY-12 Budget By Appropriating \$145,000 From The Fund Balance Vehicle Fund For The Purchase Of A New Dump Truck And Sander For The Public Works Department.

B. Persons to be Heard

VIII. CONSENT AGENDA

A. Minutes of Preceding Meetings:

1. Regular Meeting: June 13, 2011

B. Introduction of Ordinances: Recommended for Public Hearing on July 11, 2011:

C. Resolutions

1. **Resolution Serial No. 11-24:** Designating State of Alaska Department of Environmental Conservation grant funds for sewage treatment plant improvements as the number one local state funding priority for Fiscal Year 2013.
2. **Resolution Serial No. 11-26:** Authorizing the Mayor to execute an agreement with the Matanuska-Susitna School District to accept high-quality audio and visual equipment and installation of the system into the Curtis D. Menard Memorial Sports Center in exchange for facility use of approximately \$76,500 over a ten (10) year period.

D. Action Memorandums

IX. UNFINISHED BUSINESS

X. NEW BUSINESS

XI. COMMUNICATIONS

A. Informational Memorandums

1. **IM No. 11-09:** Monthly financial reports for the period ending April 2011 to include the month-to-date expenditure report, and expenditures greater than \$5,000.
2. **IM No. 11-10:** Monthly financial reports for the period ending May 2011 to include the month-to-date expenditure report, and expenditures greater than \$5,000.

B. Commission Minutes

1. Planning Commission: June 14, 2011

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, June 27, 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
- Ms. Dianne Woodruff, Seat E
- Mr. Steve Menard, Seat F

Staff in attendance were:

- Ms. Kristie Smithers, MMC, City Clerk
- Ms. Amanda E. Charles, CMC, Deputy City 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. Bert Cottle, Temporary Deputy Administrator
- Ms. Tina Crawford, City Planner
- Mr. Richard Payne, City Attorney

III. PLEDGE OF ALLEGIANCE

Mayor Rupright asked Mr. Jerry Lutz to lead the Pledge of Allegiance.

IV. APPROVAL OF AGENDA

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

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

V. SPECIAL ORDERS OF THE DAY¹

A. Letter of Appreciation

Mayor Rupright presented a letter of appreciation to former Reserve Lieutenant Micah Weinstein for his 19 years of service to the City of Wasilla as a reserve officer.

VI. COMMISSION AND AGENCY REPORTS

A. Matanuska-Susitna Borough

Mr. Mark Ewing, Assembly Member, District 4:

- spoke to his years of service as a public servant;
- stated that he intends to run for the new State Representative seat which opens in 2012;
- commented on the Matanuska-Susitna Borough (MSB) proposed bonds regarding the MSB School District; and
- spoke to room for improvement as it relates to the over population of Wasilla High School and commented on ways the over population could be remedied.

B. Planning Commission

Mayor Rupright spoke to the recent death of former Planning Commissioner Dan King and asked for a moment of silence in recognition of his life.

Ms. Glenda Ledford, Commissioner, spoke regarding their previous regular meeting where they discussed a possible sound ordinance and amendment to WMC Title 16 regarding variances.

VII. PUBLIC PARTICIPATION

A. Public Hearings

1. **Ordinance Serial No. 11-22:** Amending the FY11 budget by transferring funds from the Library Fund to the General Fund effective July 1, 2010, to facilitate the reporting requirements of Governmental Accounting Standards Board Statement 54.

Mayor Rupright opened the public hearing on Ordinance Serial No. 11-22. There being no one present who wished to speak, Mayor Rupright closed the public hearing.

MOTION: Council Member Woodruff moved to adopt Ordinance Serial No. 11-22.

VOTE: The motion to adopt Ordinance Serial No. 11-22 passed unanimously.

¹ Mayor Rupright added the Special Order of the Day during the June 27, 2011, regular meeting.

2. **Ordinance Serial No. 11-23:** Amending the zoning map to change the zoning district from Rural Residential (RR) to Commercial (C) for Lot A9, Section 19; Lot B4, Section 20, and Lot 2, Roger's Rooste Subdivision; Township 17 North, Range 1 West, Seward Meridian, Alaska; generally located at mile 3.5 on the north side of Knik-Goose Bay Road.

Mayor Rupright opened the public hearing on Ordinance Serial No. 11-23.

The following persons spoke in opposition to the adoption of Ordinance Serial No. 11-23: Mr. Bob Pettit, Ms. Kelly Dau, Mr. Kenneth L. Kucharzak, Mr. John Vinette, Mr. Jeff Koiler, Mr. Jack Zermal, Ms. Veronica McKenzie, Mr. Charlie Castello, Mr. Charley Johnson, Ms. Kathy Lucan, and Ms. Christine Castello.

(CLERK'S NOTE: Mayor Rupright asked for a show of hands for those against the adoption of Ordinance Serial No. 11-23. A majority of those persons in the audience raised their hands. Mayor Rupright then asked for a show of hands for those in favor of the adoption of Ordinance Serial No. 11-23. Three hands were raised in support of adoption.)

The following persons spoke in favor of Ordinance Serial No. 11-23: Mr. Paul Gardner and Mr. Jeff Holler.

There being no others present who wished to speak, Mayor Rupright closed the public hearing and discussion moved to the Council.

Deputy Mayor Holler declared a conflict of interest and asked to be recused from voting due to the fact that his brother, Mr. Jeff Holler, owns property at the west end of the subject property and that his brother is one of the applicants.

Council Member Sullivan-Leonard stated for the record that she lives in the neighborhood near the subject property.

Mayor Rupright accepted the recusal of Deputy Mayor Holler.

Council Member Menard objected to the recusal of Deputy Mayor Holler.

MOTION: Council Member Menard moved to appeal the ruling of the Chair.

Discussion ensued.

VOTE: The motion to appeal the ruling of the chair failed. *[CLERK'S NOTE: The Mayor's ruling was upheld and Deputy Mayor Holler was excused from voting. Deputy Mayor Holler left the dais and stood in the back of the room and did not vote on Ordinance Serial No. 11-23.]*

Council Member Woodruff stated that Mr. Gardner lives in her neighborhood and stated that Council Member Sullivan-Leonard may have a conflict of interest due to her prior testimony as a property owner.

Council Member Sullivan-Leonard opined that she did not have a conflict of interest.

Mayor Rupright did not see a conflict of interest on the part of Council Member Sullivan-Leonard.

MOTION: Council Member Sullivan-Leonard moved to adopt Ordinance Serial No. 11-23.

Ms. Crawford provided a staff report.

Discussion ensued.

VOTE: The motion to adopt Ordinance Serial No. 11-23 failed unanimously.
(Deputy Mayor Holler did not vote on the motion.)

(The regular meeting recessed at 7:35 p.m. and resumed at 7:50 p.m.)

(CLERK'S NOTE: Deputy Mayor Holler resumed his seat at the dais and voted on the remainder of the agenda items.)

- 3. Ordinance Serial No. 11-24:** Amending the zoning map to change the zoning district from Rural Residential to Commercial for Lots A14, A15, A16, A17 and D10, Township 17 North, Range 1 West, Section 10, Seward Meridian, Alaska; generally located on the north side of Palmer-Wasilla Highway and south of the Parks Highway.

Mayor Rupright opened the public hearing on Ordinance Serial No. 11-24.

Mr. Terry Ellis stated that he was present to answer any questions on behalf of the property owner.

No questions were asked of Mr. Ellis.

There being no others present who wished to speak, Mayor Rupright closed the public hearing and discussion moved to the Council.

MOTION: Council Member Woodruff moved to adopt Ordinance Serial No. 11-24.

VOTE: The motion to adopt Ordinance Serial No. 11-24 passed unanimously.

- 4. Ordinance Serial No. 11-26:** Amending The FY-12 budget by appropriating \$145,000 from the fund balance vehicle fund for the purchase of a new dump truck and sander for the Public Works Department.

Mayor Rupright opened the public hearing on Ordinance Serial No. 11-26. There being no one present who wished to speak, Mayor Rupright closed the public hearing and discussion moved to the Council.

MOTION: Council Member Sullivan-Leonard moved to adopt Ordinance Serial No. 11-26.

Discussion ensued.

VOTE: The motion to adopt Ordinance Serial No. 11-26 passed unanimously.

B. Persons to be Heard

Mr. Brad Laybourn:

- queried if the City Council had spoke to their neighbors regarding the noise ordinance and encouraged them to do so if they had not;
- asked what activity took place at the Curtis D. Menard Memorial Sports Center on Sunday afternoon;
- opined that the noise level was above the Borough's acceptable limit of 65 dp; and
- reported that the use was not harmonious with the neighborhood.

Ms. Kelly Dau:

- spoke regarding Trail 4, near Lake Lucille, which is still fenced off and cutting the trail into portions;
- opined that Alaska Live Steamers is not a worthwhile public service thereby not meeting the terms for leasing City land;
- spoke to concerns regarding development of the leased property to Alaska Live Steamers; and
- expressed her concerns with the closure of the trail.

Mr. John Katkus:

- spoke regarding noise and development as it pertains to Ordinance Serial No. 11-23;
- stated that numerous people do not want a firing range at the Curtis D. Menard Sports Center for many of the same reasons that the residents surrounding the subject property of Ordinance Serial No. 11-23;
- commented on the noise at the Curtis D. Menard Memorial Sports Center this past Sunday; and
- stated that he did not want the firing range at the Curtis D. Menard Memorial Sports Center.

VIII. CONSENT AGENDA

A. Minutes of Preceding Meetings:

1. Regular Meeting: June 13, 2011

B. Introduction of Ordinances: Recommended for Public Hearing on July 11, 2011:

There were no ordinances presented for introduction.

C. Resolutions

1. **Resolution Serial No. 11-24:** Designating State of Alaska Department of Environmental Conservation grant funds for sewage treatment plant improvements as the number one local state funding priority for Fiscal Year 2013.
2. **Resolution Serial No. 11-26:** Authorizing the Mayor to execute an agreement with the Matanuska-Susitna School District to accept high-quality audio and visual equipment and installation of the system into the Curtis D. Menard Memorial Sports Center in exchange for facility use of approximately \$76,500 over a ten (10) year period.

D. Action Memorandums

The 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

There was no new business.

XI. COMMUNICATIONS

A. Informational Memorandums

1. **IM No. 11-09:** Monthly financial reports for the period ending April 2011 to include the month-to-date expenditure report, and expenditures greater than \$5,000.
2. **IM No. 11-10:** Monthly financial reports for the period ending May 2011 to include the month-to-date expenditure report, and expenditures greater than \$5,000.

B. Commission Minutes

1. Planning Commission: June 14, 2011

There was no action taken on the communication items.

XII. AUDIENCE COMMENTS

There were no comments provided.

XIII. MAYOR, CLERK AND ATTORNEY COMMENTS

Mayor Rupright:

- stated that he will be 60 years old on Thursday, June 30, 2011; and
- thanked the Council for their patience this evening.

XIV. COUNCIL COMMENTS

Council Member Katkus:

- stated that she was having family photos taken on Sunday at her property and spoke to the noise she could hear at her house which were coming from the Curtis D. Menard Memorial Sports Center; and
- expressed her displeasure at the noise level.

Deputy Mayor Holler

- supported Mr. Katkus' statements regarding how the public does not want a firing range at the Curtis D. Menard Memorial Sports Center based on the public input he had received;
- noted that if he could have voted on Ordinance Serial No. 11-23 he would have voted in support of the rezone;
- added that the Council unanimously adopted the rezone within Ordinance Serial No. 11-24 and noted the disparity with the vote on Ordinance Serial No. 11-23; and
- expressed his displeasure at the disparity and the associated reasons why Ordinance Serial No. 11-23 was voted down.

Council Member Sullivan-Leonard:

- commended administration, specifically Mr. Cottle and Mayor Rupright, on their communication and approachability; and
- spoke to the upcoming Independence Day festivities.

Council Member Harris spoke regarding supporting the residents and their opposition to the rezone proposed within Ordinance Serial No. 11-23.

Council Member Menard:

- stated he would speak with Mr. Hastings regarding the noise levels associated to events at the Curtis D. Menard Memorial Sports Center;
- opined that a majority of the property alongside Knik Goose Bay will eventually be zoned commercial within the next five years due to the highway expansion;
- noted that as a council member he had to support the residents' desires for development, or the lack thereof, in areas near them at this time; and
- spoke to his internal conflict as it pertains to voting on Ordinance Serial No. 11-23.

Council Member Woodruff spoke to the prior residential development of the area surrounding the subject property within Ordinance Serial No. 11-23.

Mr. Payne:

- informed the Council that administration had conceded to a 60 day extension of time for filing of appellants' briefs regarding the firing range appeal in the Superior Court; and
- noted that they are hoping to come to a resolution with the appellants.

Mayor Rupright:

- noted that he spoke with Mr. John Moosey, Matanuska-Susitna Borough Manager, regarding the contention of having an outdoor firing range at the Curtis D. Menard Memorial Sports Center;
- added that Mr. Moosey stated that he was unaware of the issue; and
- informed the Council that Mr. Moosey did not see a reason why Lake Lucille Park could not be transferred to the City of Wasilla.

XV. EXECUTIVE SESSION

There was no executive session held.

XVI. ADJOURNMENT

With no further business at hand, Mayor Rupright adjourned the meeting at 8:28 p.m.

ATTEST:



KRISTIE SMITHERS, MMC, City Clerk


VERNE E. RUPRIGHT, Mayor

Minutes approved: July 11, 2011