

A. CALL TO ORDER

A regular meeting of the Palmer City Council was held on December 14, 2010 at 7 pm in the council chambers, Palmer, Alaska.

Mayor Johnson called the meeting to order at 7 pm.

B. ROLL CALL

Comprising a quorum of the Council, the following were present:

Ken Erbey	Richard Best
Kevin Brown	DeLena Johnson
Kathrine Vanover	Edna DeVries

The following council members were absent and excused by the council:

Brad Hanson

Also in attendance were the following:

Doug Griffin, City Manager
Michael Gatti, City Attorney
Janette Bower, City Clerk
Shelly Acteson, Deputy City Clerk

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Combs.

D. APPROVAL OF AGENDA

1. Approval of Consent Agenda
 - a. Introduction – Ordinance No. 10-017: Amending Palmer Municipal Code Section 5.04 Business Licenses to Add Clarity for Businesses and Improve Collections (IM 10-075)
2. Minutes of Previous Meetings
 - a. November 23, 2010, Special Meeting
 - b. November 23, 2010, Regular Meeting
 - c. November 30, 2010, Special Meeting
 - d. December 4, 2010, Special Meeting

Council Member DeVries requested to move item I. 3, Ordinance No. 10-023 to Item I. 1. There were no objections.

E. SPECIAL ORDER OF BUSINESS

Item 1 - Proclamation – Thanking the Public Works Department for their Dedicated Efforts to the City of Palmer and Congratulating the Department for their Receipt of the Wastewater System of the Year Award

Mayor Johnson read the proclamation and presented the award to Public Works Department employees John Berberich and Dane Shaver.

John Berberich thanked Public Works Director Carter Cole for his vision and commitment to the Treatment Plant Upgrade Project.

F. COMMUNICATION AND APPEARANCE REQUESTS

Director of Public Works Carter Cole:

- presented an overview of the Public Works Department semi-annual report.

G. REPORTS

Item 1 – City Manager’s Report

City Manager Doug Griffin reported on the following items:

- City contracts information;
- Cost of renovations at the Depot;
- Colony Christmas; and
- Employee Pay Plan.

Item 2 – City Clerk’s Report

City Clerk Janette Bower reported on the following items:

- Election Code changes;
- Initiative and Referendum process;
- 44,000 hits on the City website in one month;
- Airport Advisory Commission and Board of Economic Development vacancies; and
- Methods of absentee voting.

Council Member DeVries:

- suggested a Code change addressing the addition of an election grace period allowing residents to remove their name from the ballot.

Item 3 – Mayor’s Report

Mayor Johnson reported on the following items:

- Colony Christmas; and
- Parade Float judging responsibilities.

H. AUDIENCE PARTICIPATION

Jesse Jones, Mat Su Technical Services owner, and Greater Palmer Chamber of Commerce Board Member:

- commented favorably on the Public Works Department employees assistance during Colony Christmas;
- offered recommendations concerning Ordinance 10-017; and
- recommended the City website be updated to accept sales tax payments online.

I. PUBLIC HEARINGS

Item 1 – Ordinance No. 10-023: Amending Palmer Municipal Code Chapter 17.68 to Allow Replacement of Damaged or Destroyed Legal Nonconforming Residences in Any Residential District, Replacement of Damaged or Destroyed Legal Nonconforming Buildings or Structures Listed on the National Register of Historic Places, and Exempting Buildings or Structures on the National Register from the Limitations of Palmer Municipal Code 17.68.080 Repairs and Maintenance (IM 10-099)

A staff report was provided by Community Development Director Sandra Garley.

Mayor Johnson opened the public hearing.

Mayor Johnson declared a conflict of interest based on property ownership and requested recusal. There were no objections.

Deputy Mayor Best presided over the portion of the meeting involving Ordinance No. 10-023.

Ronald Baird, Attorney and Allied Pacific Development Representative:

- provided historical data concerning the Forest Apartments Rehabilitation Project;
- spoke in favor of Ordinance No. 10-023; and
- noted the significant community resource provided by the Project.

City Clerk Janette Bower stated Council had received three written comments supporting Ordinance No. 10-023.

Mayor John Combs:

- commented favorably on Ordinance No. 10-023.

MOVED BY:	Vanover	To adopt Ordinance No. 10-023
SECONDED BY:	DeVries	

Council Member Vanover:

- questioned the negative consequences of the legislation; and
- spoke favorably of the refurbished Forest Apartments.

Community Development Director Garley:

- responded to Council questions and concerns.

Council Member Brown:

- inquired of height and rebuilding restrictions; and

- requested clarification concerning parking space requirements.

City Attorney Michael Gatti:

- noted the National Historic Register had building requirements; and
- commented on City maximum density requirements.

Council Member Best:

- requested clarification concerning parking space requirements.

VOTE ON MAIN MOTION: Carried by unanimous voice vote			
	Yes:		No:
Best Erbey	Brown Vanover	DeVries	

MOVED BY:	Brown	To request the Planning and Zoning Commission and Staff review the issue of expansion of facilities in a non-conforming use situation
SECONDED BY:	DeVries	

VOTE ON MAIN MOTION: Carried by unanimous voice vote			
	Yes:		No:
Best Erbey	Brown Vanover	DeVries	

Item 2 - Resolution No. 11-002: Approving the City of Palmer Employee Pay Plan

Mayor Johnson opened the public hearing.

Mayor John Combs, Alliance for Certified Positions and Salaries for the City of Palmer:

- expressed concern with the Employee Pay Plan as presented;
- provided a historical perspective of the 2010 Employee Pay Plan;
- commented on the former Manager’s decision to forgo Council approval for any new positions;
- recommended Council use the 2010 Pay Plan and positions described therein as the 2011 Pay Plan;
- suggested the City Manager review the positions that were added without Council approval, and present justification of the positions to Council; and
- reminded Council of their fiscal responsibility to the public.

MOVED BY:	Best	To adopt Resolution No. 11-002
SECONDED BY:	Erbey	

Council Member Vanover:

- requested clarification concerning the legislation.

City Manager Doug Griffin:

- provided Council with the Administration’s perspective of the issue;
- explained the imperfectly upgraded positions listed in the legislation;
- stated the promotions were not listed in the 2010 Employee Pay Plan adopted by Council December 8, 2009; and

- provided Council with four alternatives to remedy the situation.

City Attorney Gatti:

- reiterated the City Manager's commentary;
- extrapolated the implementation of the Pay Plan and the Personnel Regulations; and
- commented on the Public Employees Retirement System (PERS) relationship occurring with the upgraded positions.

Council Member DeVries:

- inquired if the eight upgraded positions had passed their probationary period; and
- remarked favorably on reverting back to the 2010 Pay Plan, and requested the Manager provide justifications for the imperfectly upgraded positions;
- reminded Council the employees in the upgraded positions were not at fault; and
- suggested the Administration ask the individuals in the upgraded positions if they were willing to revert to the 2010 Pay Plan job title and wage, and if they were not willing, ask for their resignation.

Human Resource Specialist Alice Williams:

- responded to Council inquiries; and
- explained the probationary period and merit increase process.

Council Member Brown:

- put forth the proposal to adopt the Pay Plan as presented, designate the eight upgraded positions "temporary", and set an effective date of 90 days from today;
- explained the 90 day effective date would allow Council time to review the upgraded positions.

City Manager Griffin:

- voiced apprehension with designating the upgraded positions as "temporary".

Mayor Johnson:

- indicated preference for taking action to rectify the imperfectly upgraded positions;
- reminded Council of their fiscal responsibility to the residents;
- commented on the perpetuities nature of the upgraded positions; and
- questioned the effect grant funded positions would have on PERS costs.

Discussion ensued regarding the pros and cons of reverting to the 2010 Pay Plan.

Director of Administration, Kelli Veech:

- responded to Council's fiscal questions.

Human Resource Specialist Alice Williams:

- responded to Council concerns; and
- explained the process if the Council decided to revert to the 2010 Pay Plan.

Council Member Best:

- questioned the PERS requirement for the upgraded positions.

City Attorney Gatti:

- commented on the uncertain nature of PERS' financial obligations; and

- reminded Council of their role in the process.

Council Member Erbey:

- spoke in favor of adopting the legislation.

Council Member Brown:

- commented on the fiscal impacts of one of the alternatives.

Primary Amendment #1 to Main Motion		
Moved by:	DeVries	To amend Resolution No. 11-002 by striking the following positions and levels listed in the 2011 Pay Plan:
Seconded by:	Vanover	
		Job Title
		Level
		Library Tech-Part Time
		1
		Ice Arena Attendant
		Library Assistant; Library Specialist
		Janitor
		2
		Groundskeeper
		Library Sr. Assistant
		Receptionist Cashier PT
		3
		Admin Asst - CD, Library, PW
		Solid Waste Collector
		Receptionist/ UT Cashier
		4
		Arena Specialist
		Admin Asst - Police, PW Laborer
		Ice Arena Operations/Groundskeeper Foreman
		Maintenance Worker
		Planning & Code Compliance Tech
		5
		Library Services Coordinator
		Accounting Tech I, Dispatch I, Police Evidence Clerk
		W/WW Operator I
		6
		Dispatch II, Building Inspector
		Equipment Operator, Mechanic
		Grants/Contracts Coordinator-PW
		Police Officer I
		W/WW Operator II, Utility Meter Reader
		7
		Accounting Tech II, Deputy Clerk
		Assistant Dispatch Supervisor
		Executive Secretary - City Manager
		Ice Arena Manager
		8
		Streets & Roads Foreman, Fleet Manager,
		Fire Training Coordinator, Dispatch Supervisor
		Electrician, Water Foreman,
		WW Foreman, QA & Project Controller, Police Officer II
		Parks & Rec Manager, Librarian
		9
		Police Detective
		Police Sergeant
		10

Police Lieutenant Deputy Dir- Admin & PW Human Resource Specialist	11
Fire Chief Police Chief	12
Deputy City Manager Directors, Admin, CD, PS, PW	13

And replacing the positions and levels with the following:

Level Classification by Job Title	Level/Step
<ul style="list-style-type: none"> Library Technician – Part-time 	1
<ul style="list-style-type: none"> Ice Arena Attendant Janitor Library Assistant Library Specialist 	2
<ul style="list-style-type: none"> Ice Arena Attendant – Part-time Groundskeeper Public Works/Solid Waste Laborer Receptionist Cashier - Part-Time 	3
<ul style="list-style-type: none"> Administrative Assistant – Community Development, Library, Public Works Receptionist Utility Cashier Solid Waste Collector 	4
<ul style="list-style-type: none"> Administrative Assistant – Public Safety Ice Arena Operations/Groundskeeper Foreman Maintenance Worker Planning and Code Compliance Technician 	5
<ul style="list-style-type: none"> Accounting Technician I Dispatch I Library Services Coordinator Police Evidence Clerk Water/Wastewater Operator I 	6
<ul style="list-style-type: none"> Building Inspector Dispatch II Equipment Operator Grants Coordinator – Public Works Mechanic Police Officer I Utility Meter Reader Water/Wastewater II 	7
<ul style="list-style-type: none"> Accounting Technician II Assistant Dispatch Supervisor Deputy City Clerk Executive Secretary – City Manager Ice Arena Manager Utility Foreman 	8

	<ul style="list-style-type: none"> Dispatch Supervisor Electrician Fire Training Coordinator Police Officer II Quality Assurance and Project Coordinator 	9
	<ul style="list-style-type: none"> Librarian Police Detective Police Sergeant 	10
	<ul style="list-style-type: none"> Deputy Director – Public Works and Administration Human Resources Specialist Police Lieutenant Special Assistant 	11
	<ul style="list-style-type: none"> Fire Chief Police Chief 	12
	<ul style="list-style-type: none"> Director – Administration, Community Development, Public Safety, Public Works 	13

Council Member Erbey and Council Member Brown:

- spoke against the amendment.

Council DeVries:

- spoke in favor of the amendment.

Council Member Vanover:

- expressed angst with the issue.

Secondary Amendment #1 to Main Motion		
Moved by:	Best	To amend by striking the Special Assistant to the City Manager from the Pay Plan
Seconded by:	DeVries	

Council Member Best:

- stated the City did not have the funds for the position.

City Manager Griffin:

- strongly objected to the amendment; and
- justified the necessity of the position.

Council Member Brown:

- spoke against the reasoning behind the amendment.

Vote on Secondary Amendment #1: Motion failed by a 1 to 5 voice vote				
Yes:		No:		
Best		Johnson	Erbey	DeVries
		Brown	Vanover	

Vote on Primary Amendment #1: Motion carried by 4 to 2 voice vote				
	Yes:			No:
Johnson	Brown	DeVries	Best	Erbey
Vanover				

VOTE ON MAIN MOTION: Carried by 4 to 2 voice vote				
	Yes:			No:
DeVries	Brown	Vanover	Best	Erbey
Johnson				

Item 3 - Resolution No. 11-001: Adopting a Budget for the City of Palmer, Alaska, for the Fiscal Year Beginning January 1, 2011, and Ending December 31, 2011, and Appropriating Monies (Public Hearing 2 of 2) (Council action may be taken following the public hearing)

The motion to adopt was brought forward from the November 23, 2010 regular meeting.

Mayor Johnson opened the public hearing. There were no comments.

Kelli Veech, Director of Administration:

- explained the proposed amendment based on action taken earlier by Council concerning the Employee Pay Plan.

Primary Amendment #1 to Main Motion		
Moved by:	Best	To amend Resolution No. 11-001 by changing the general fund expenditures to \$10,145,079; and changing the water and sewer fund expenditures to \$1,553,117
Seconded by:	Erbey	

Vote on Primary Amendment #1: Motion carried by unanimous voice vote				
	Yes:			No:
Johnson	Brown	Best		
DeVries	Vanover	Erbey		

VOTE ON MAIN MOTION: Carried by unanimous voice vote				
	Yes:			No:
Best	Brown	DeVries		
Johnson	Vanover	Erbey		

J. ACTION MEMORANDA

Item 1 - Action Memorandum 10-080: Extend the Contract for Legal Services with Wohlforth, Johnson, Brecht, Cartledge and Brooking for One Additional Year as Provided for in the Original Contract Approved by the Palmer City Council on December 18, 2006, and Approve the Hourly Fee Increase

MOVED BY:	Vanover	To approving Action Memorandum 10-080
SECONDED BY:	Erbey	

Mayor Johnson:

- questioned the hourly fee increase; and
- spoke in favor of the requirement for the Attorney to appear "in person" for all required meetings.

Michael Gatti:

- responded to Council questions; and
- stated the contract was the last year of the allowable contract extensions.

Council Member DeVries:

- requested that for contracts that end in December the Council be provided with the legislation earlier so the Council could decide if a Request for Proposals (RFP) for services was warranted.

Primary Amendment #1 to Main Motion		
Moved by:	Johnson	To amend approve the contract minus the hourly increase and add "in person" as a requirement of meeting attendance on page 2 of the contract
Seconded by:	Best	

Council Member Best:

- commented on the importance of continuity with the City's legal representation.

Council Member Erbey:

- stated Council Members were allowed to attend telephonically; and
- spoke against the amendment.

Council Member Vanover:

- concurred with Council Member Erbey's comments.

Mayor Johnson:

- spoke in favor of the amendment

Vote on Primary Amendment #1: Motion failed by a 1 to 5 voice vote			
Yes:		No:	
Johnson		Brown	Best
		Vanover	DeVries
			Erbey

VOTE ON MAIN MOTION: Carried by unanimous voice vote			
Yes:			No:
Best	Brown	DeVries	
Johnson	Vanover	Erbey	

City Attorney Michael Gatti:

- thanked Council for their support; and
- expressed honor to serve as the Council's Attorney.

Item 2 - Action Memorandum 10-082: Authorize the City Manager to Execute Change Order No. Three to Lemna Technologies, Inc. to Supply and Install Eight Dissolved Oxygen (DO)

Sensor Units and Associated Wiring and Programming for Waste Water Treatment Plant Improvements, Phase I in the Amount of \$41,742

MOVED BY:	Vanover	To approve Action Memorandum 10-082
SECONDED BY:	Best	

VOTE ON MAIN MOTION: Carried by unanimous voice vote			
Yes:			No:
Best	Brown	DeVries	
Johnson	Vanover	Erbey	

K. UNFINISHED BUSINESS

L. NEW BUSINESS

ITEM 1 – Resolution No. 10-076: Re-appropriating \$80,000 from the General Fund (01) 2010 Budget to the Capital Project Fund (08) for Professional Services of the Mat Maid Property (IM 10-004)

MOVED BY:	DeVries	To adopt Resolution No. 10-076
SECONDED BY:	Erbey	

Council Member DeVries:

- requested the City Manager refrain from spending the funds until after the January 18, 2011 Special Council Meeting.

VOTE ON MAIN MOTION: Carried by unanimous voice vote			
Yes:			No:
Best	Brown	DeVries	
Johnson	Vanover	Erbey	

ITEM 2 – Ordinance No. 10-016: Amending Palmer Municipal Code 5.28 Vendors, to Repeal Language Regarding Sidewalk Vendors and to Clarify the Procedures for a Roving Vendor License (IM 10-071)

City Clerk Bower requested Council postpone the legislation to the January 25, 2011 Regular Council Meeting.

MOVED BY:	DeVries	To postpone Ordinance No. 10-016 until the January 25, 2011, Regular Council Meeting
SECONDED BY:	Erbey	

VOTE ON MAIN MOTION: Carried by unanimous voice vote			
Yes:			No:
Best	Brown	DeVries	
Johnson	Vanover	Erbey	

Item 3 - City Manager’s Monthly Report Concerning Construction Projects

MOVED BY:	DeVries	To postpone the City Manager’s Monthly Report until the January 11, 2011, Council Meeting
SECONDED BY:	Best	

VOTE ON MAIN MOTION: Carried by unanimous voice vote			
	Yes:		No:
Best Johnson	Brown Vanover	DeVries Erbey	

M. RECORD OF ITEMS PLACED ON THE TABLE

City Attorney Contract
 Amendments made on December 7, 2010
 Citizens input concerning Ordinance 10-025
 Information from Director Veech

N. AUDIENCE PARTICIPATION

O. COUNCIL COMMENTS

Council Member Vanover:

- commented on the unacceptable plow issues created by the City’s newer and faster plowing methods;
- questioned the remaining paving, gutters, and sidewalk placement on N. Alaska Street;
- thanked Public Works Director Carter Cole for his informative report;
- requested to move the Joint Meeting with Planning and Zoning in March; and
- wished everyone Merry Christmas.

MOVED BY:	Best	To extend the meeting past 11 pm
SECONDED BY:	Vanover	

VOTE ON MAIN MOTION: Carried by unanimous voice vote			
	Yes:		No:
Best Johnson	Brown Vanover	DeVries Erbey	

Council Member Brown:

- requested the Attorney confirm the firm’s ability to use the WebEx Program for teleconferencing;
- commented on extra early trash pick-up; and
- spoke in favor of researching an automated phone system to keep residents in the loop.

Council Member Erbey:

- shared a story of an employee going the extra mile for residents needing help with trash pick-up; and
- wished everyone Happy Holidays.

Council Member DeVries:

- requested a resolution thanking Public Works Director Carter Cole for years of service and vision;

- noted the Governor would hold a reception on the same day as the January 15, Special Meeting; and
- requested more information concerning WebEx.

Council Member Best:

- spoke in opposition to Saturday meetings; and
- informed Council of the passing of Butch Fondahn.

The Council agreed to change the January 15, 2011, Special Meeting to discuss the assessment of the Palmer District Energy System Opportunity document produced by Mr. Foster to January 4, 2011 at 5 pm.

The Council agreed to meet with Alpine Energy, Matanuska Electric Association, and Alaska State Fair Representatives at 7 pm on January 4, 2011.

Mayor Johnson:

- mentioned the passing of Butch Fondahn; and
- informed Council of a grant funded experimental interior wood project in Palmer.

P. ADJOURNMENT

With no further business before the Council, the meeting adjourned at 11:27 pm.

Approved this eleventh day of January, 2011.

DeLena Goodwin Johnson, Mayor

Janette M. Bower, MMC, City Clerk