

**A. CALL TO ORDER**

A regular meeting of the Palmer City Council was held on February 23, 2010 at 7 pm in the council chambers, Palmer, Alaska.

Mayor Combs called the meeting to order at 7:00 pm.

**B. ROLL CALL**

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

Mike Chmielewski	Richard Best
Kevin Brown	Ken Erbey
John Combs	

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

Brad Hanson and Kathrine Vanover

Also in attendance were the following:

Bill Allen, 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 Fire Chief John McNutt.

**D. APPROVAL OF AGENDA**

1. Approval of Consent Agenda
  - a. Introduction – Ordinance No. 10-005: Amending Title 17, Zoning, Chapter 17.58 BP, Business Park District, To Delete 17.58.010.C. Intent; Amend 17.58.020 Permitted Uses, Permitted Commercial and Industrial Uses; Delete First Sentence in 17.58.050 Prohibited Uses and Structures; Amend 17.58.050.A. and B. Prohibited Uses and Structures to Permit Residency For Caretakers or Guards For Security Purposes; Amend 7.58.060 Building and Structure Height Limit; Amend 17.58.080 Parking and Loading to Correct the Code Citation; Delete 17.58.100 Open Storage and Fences In Its Entirety; and Amend 17.58.110.A. and B. Landscaping (IM 10-015)
  - b. Action Memorandum 10-013: Non-Objection Statement to Renewal of Liquor License, License #3058, for Moosehead Saloon Located at 810 S. Colony Way
  - c. Action Memorandum 10-014: Non-Objection Statement to Renewal of Liquor License, License #4351, for Inn Café Located at 325 Elwood Avenue

- d. Action Memorandum 10-015: Non-Objection Statement to Renewal of Liquor License, License #4366, for Fred Meyer Stores at 650 Cobb Street
2. Minutes of Previous Meetings
  - a. February 9, 2010, Regular Meeting

## **E. COMMUNICATION AND APPEARANCE REQUESTS**

## **F. REPORTS**

### **Item 1 – City Manager’s Report**

City Manager Bill Allen reported on the following items:

- Representative Gatto’s attendance at the Transportation Meeting;
- Alaska Municipal League winter meeting;
- Vehicle safety near the Commercial Park Business Center;
- National Executive Leadership webcast;
- Capital Project flow chart;
- Economic Development strategy; and
- Recent resignations.

Council Member Best:

- requested clarification regarding the Commercial Park Business Center traffic redirection.

### **Item 2 - City Clerk’s Report**

City Clerk Janette Bower reported on the following items:

- lack of a meeting March 2.

### **Item 3 - Mayor’s Report**

Mayor Combs reported on the following items:

- Town Hall Meeting hosted by Representative Gatto;
- Lobbying efforts in Juneau;
- Beluga Whale Endangerment Meeting;
- Media request to discuss the history of the railroad tracks in Palmer;
- Upcoming trip to Saroma, Japan;
- Letter of support for Valley Mover;
- Senior Center Fundraising meeting; and
- Dana Stabenow book signing.

## **G. AUDIENCE PARTICIPATION**

Pamela Stephen:

- spoke in favor of massage therapist regulations; and
- voiced concern with verbiage in Sections 5.21.060 and 5.21.070 of the draft massage therapist licensing ordinance.

Fred Pollard:

- pointed out a typo in Section 5.21.010;
- expressed concern with undue restrictions on massage therapists; and

- voiced concern with Section 5.21.060.

Gerry Keeling:

- reminded council of the Administration's oversight responsibilities; and
- urged Council to stay in tune with the community.

Delena Johnson:

- thanked Council for opportunities provided by City funding;
- provided Council with a work plan for the Palmer Museum of History and Art; and
- stressed the importance of public trust.

## H. PUBLIC HEARINGS

**Item 1 - Ordinance No. 10-001:** Amending the October 2009 City of Palmer Personnel Regulations Section 2.15 Pay Ranges and Merit Increases; Section 2.25 Salary Adjustments on Transfer, Promotion and Demotion; and Section 3.25 Probationary Period, to Limit the Amount of Step Increases Following Successful Completion of a Probationary or Evaluation Period (IM 10-003)

A staff report was provided by Director of Administration Kelli Veech.

City Manager Bill Allen:

- explained the legislation.

Mayor Combs opened the public hearing for Ordinance No. 10-001.

Mayor Combs closed the public hearing and the matter was brought before the Council.

MOVED BY:	Chmielewski	To adopt Ordinance No. 10-001
SECONDED BY:	Erbey	

Council Member Best:

- requested clarification regarding future job description amendments.

VOTE ON MAIN MOTION: Carried by unanimous voice vote			
Yes:			No:
Chmielewski	Combs	Brown	
Erbey	Best		

**Item 2 - Ordinance No. 10-007:** Amending Palmer Municipal Code Sections 2.30.080 Meetings; 2.30.090 Public Meeting Notification; and 2.30.140 Cause for Removal of Chapter 2.30 Board of Economic Development, to Change the Meeting Night to the Fourth Monday of the Month, to Clarify the Method of Posting the Meeting Agenda, and to State the City Council's Role in the Cause for Removal (IM 10-019)

A staff report was provided by City Manager Allen.

City Manager Allen:

- requested status quo concerning the Board's meeting day.

Mayor Combs opened the public hearing for Ordinance No. 10-004.

Mayor Combs closed the public hearing and the matter was brought before the Council.

MOVED BY:	Chmielewski	To adopt Ordinance No. 10-007
SECONDED BY:	Erbey	

Primary Amendment #1 to Main Motion		
Moved by:	Chmielewski	To amend Ordinance 10-007, Section 2.30.080 B, by deleting "and report its findings to the mayor and council", and add "The Board shall reports to the city council at the next regularly scheduled city council meeting".
Seconded by:	Erbey	

Council Member Chmielewski:

- justified the amendment.

City Manager Allen:

- shed some light on the amendment.

Secondary Amendment #1		
Moved by:	Brown	To amend the primary amendment by deleting "The Board shall reports to the city council at the next regularly scheduled city council meeting" from 2.30.080 B, and add the verbiage as 2.30.080 G.
Seconded by:	Erbey	

Vote on secondary amendment #1: Motion carried by a unanimous voice vote
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Yes:	No:
Chmielewski      Best      Combs Brown              Erbey	

Vote on primary amendment #1: Motion carried by unanimous voice vote
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Yes:	No:
Erbey      Brown      Best Chmielewski      Combs	

Primary Amendment #2 to Main Motion		
Moved by:	Brown	To amend by changing Section 2.30.080 B from the fourth Monday back to the first Monday of the month.
Seconded by:	Best	

Vote on primary amendment #2: Motion carried by unanimous voice vote
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Yes:	No:
Erbey      Brown      Best Chmielewski      Combs	

VOTE ON MAIN MOTION: Carried by unanimous voice vote			
	Yes:		No:
Chmielewski	Combs	Brown	
Erbey	Best		

**I. ACTION MEMORANDA**

**Item – 1** Action Memorandum 10-004: Authorize the City Manager to Enter into Amendment No. 4 Between the City of Palmer and the Palmer Museum of History and Art

MOVED BY:	Chmielewski	To approve Action Memoranda 10-004
SECONDED BY:	Erbey	

Council Member Chmielewski:

- commented favorably on recent upgrades to the Museum.

VOTE ON MAIN MOTION: Carried by unanimous voice vote			
	Yes:		No:
Chmielewski	Combs	Brown	
Erbey	Best		

**Item 2 –** Action Memorandum 10-016: Authorize the City Manager to Enter into Amendment No. 1 to the Professional Services Contract for Visitor Information Services between the City of Palmer and Palmer Museum of History and Art

MOVED BY:	Erbey	To approve Action Memoranda 10-016
SECONDED BY:	Chmielewski	

VOTE ON MAIN MOTION: Carried by unanimous voice vote			
	Yes:		No:
Chmielewski	Combs	Brown	
Erbey	Best		

**Item 3 -** Action Memorandum 10-017: Amend the City Manager’s Contract to add Section 7. Credit Card Purchases

MOVED BY:	Chmielewski	To approve Action Memoranda 10-017
SECONDED BY:	Erbey	

A staff report was provided by City Manager Allen.

Primary Amendment #1 to Main Motion		
Moved by:	Chmielewski	To amend Action Memorandum 10-017, by adding “and the benefit of the expense to the City of Palmer.”
Seconded by:	Erbey	

Vote on primary amendment #1: Motion carried by unanimous voice vote			
Yes:			No:
Erbey	Brown	Best	
Chmielewski	Combs		

Primary Amendment #2 to Main Motion		
Moved by:	Brown	To amend Action Memorandum 10-017, by deleting "who the meals were purchased for", and add "for whom the meals were purchased"
Seconded by:	Chmielewski	

Vote on primary amendment #2: Motion carried by unanimous voice vote			
Yes:			No:
Erbey	Brown	Best	
Chmielewski	Combs		

VOTE ON MAIN MOTION: Carried by unanimous voice vote			
Yes:			No:
Chmielewski	Combs	Brown	
Erbey	Best		

**Item 4 – Action Memorandum 10-018: Authorize the City Manager to Execute Amendment No. 1 to the Contract for Services with Agnew::Beck LLC in the Amount of \$12,675 for the Preparation of an Annexation Strategy Plan**

MOVED BY:	Erbey	To approve Action Memoranda 10-018
SECONDED BY:	Chmielewski	

Community Development Director Sandra Garley provided Council with a staff report.

VOTE ON MAIN MOTION: Carried by unanimous voice vote			
Yes:			No:
Chmielewski	Combs	Brown	
Erbey	Best		

**J. UNFINISHED BUSINESS**

**K. NEW BUSINESS**

**Item 1 - Massage Regulations in the City of Palmer**

City Clerk Janette Bower provided Council with a staff report and recommended a "grandfather clause" be added to the draft ordinance.

Council Member Chmielewski:

- questioned the procedure of utilizing a draft ordinance.

City Clerk Bower:

- explained the procedure.

City Attorney Gatti:

- clarified the procedure; and
- stated the Clerk would provide Council with an active ordinance, similar to the draft ordinance, during the Council meeting on April 13.

**Item 2 - Resolution No. 10-020: Approving a Supplemental Appropriation not to Exceed \$50,000 from the General Fund (Fund 01) Undesignated Fund Balance to the Capital Project Fund (08) for Professional Services in Conducting a Charrette on the Future of the Downtown Railway Corridor (IM 10-027)**

MOVED BY:	Chmielewski	To adopt Resolution No. 10-002
SECONDED BY:	Erbey	

Community Development Director Garley:

- provided a staff report; and
- addressed Council questions.

Council Member Best:

- requested clarification concerning the charrette process.

Council Member Chmielewski:

- spoke in favor of the legislation and the charrette process.

City Manager Allen:

- encouraged Council to adopt the resolution.

Council Member Brown:

- questioned the financial legality of the Request For Proposal.

Motion to Postpone		
Moved by:	Best	To postpone action on this item until the next regular meeting, and hold a public hearing during the next Council Meeting
Seconded by:	Brown	

Council Member Chmielewski:

- expressed concern with postponing the legislation; and
- spoke against the amendment.

Council Member Best:

- spoke in favor of the amendment.

Mayor Combs:

- requested clarification concerning the Request for Proposals (RFP).

Director Garley:

- clarified the RFP process.

Council Member Brown:

- spoke in support of the charrette process;

- explained support of postponement;
- commented on the immorality of continuing a public process without public input; and
- requested Council allow the audience members in attendance time to comment on the legislation.

MOVED BY:	Chmielewski	To suspend the rules to allow for audience participation
SECONDED BY:	Erbey	

VOTE ON MOTION TO SUSPEND THE RULES: Carried by unanimous voice vote			
Yes:			No:
Chmielewski	Combs	Brown	
Erbey	Best		

Gerry Keeling:

- reminded Council that the City of Palmer could have been the Greater Anchorage Borough; and
- expressed concern with the funds expended in the legislation.

Denise Stotz:

- encouraged Council to be fiscally responsible; and
- remarked favorably on the timbre of Director Garley's articulation of the spoken word.

Council Member Best

- reminded Council of the recent public angst with City projects.

Mayor Combs:

- spoke in favor of the amendment.

Vote on Motion to Postpone: Motion carried by a 4 to 1 voice vote			
Yes:			No:
Erbey	Brown		Chmielewski
Best	Combs		

**Item 3 – Resolution No. 10-022: Accepting and Appropriating \$32,500 from the Assistance to Firefighters Grant (AFG): Local Solicitation and Authorize the City Manager to Purchase a New Set of Hurst Heavy Hydraulic Rescue Tools to Include Tools and Pump (IM 10-029)**

MOVED BY:	Best	To adopt Resolution No. 10-022
SECONDED BY:	Erbey	

Fire Chief John McNutt provided council with a staff report.

VOTE ON MAIN MOTION: Carried by unanimous voice vote			
Yes:			No:
Chmielewski	Combs	Brown	
Erbey	Best		

**Item 4 – Palmer Municipal Code Chapter 2.30 Board of Economic Development**

City Manager Allen:

- requested Council postpone the issue until the Council Meeting on April 20; and
- appealed to Council to adopt the upcoming Board of Economic Development Subcommittee resolution.

MOVED BY:	Brown	To postpone further discussion on Item 4 until the April 20 Council meeting
SECONDED BY:	Erbey	

VOTE ON MAIN MOTION: Carried by unanimous voice vote		
	Yes:	No:
Chmielewski	Combs	
Erbey	Best	
	Brown	

**L. RECORD OF ITEMS PLACED ON THE TABLE**

Information from the Palmer Museum  
Letter from Pamela Stephens

**M. AUDIENCE PARTICIPATION**

Gerry Keeling:

- Reminded Council the City was the third city in Alaska to incorporate as a first class city.

**N. COUNCIL COMMENTS**

Council Member Erbey:

- commented favorably on page numbers referencing legislation on the agenda; and
- reminded Council of his absence from the March 23 and April 6 meetings.

Council Member Chmielewski:

- noted he would use WebEx to virtually attend the March 9 Council meeting;
- commented on massage therapists in Palmer;
- expounded on attending a technology class in Anchorage;
- spoke of better clarity concerning fiscal actions taken by the Council; and
- provided details of the upcoming trip to Saroma, Japan.

Council Member Best:

- requested Council support for a public records request to the Department of Transportation to obtain copies of all change orders relating to the Palmer Urban Revitalization Project. Mayor Combs offered support; and
- provided details of attending the Annual Fire and Rescue Awards Banquet.

Council Member Brown:

- encouraged participation in the Palmer Community Newsletter;
- recommended Council utilize “dividing the question” when dealing with several pieces of legislation;
- stressed the importance of the expressions and words used by the Council; and

- commented on the upcoming events in Palmer.

City Manager:

- commented on avalanche safety.

Mayor Combs:

- provided details of the upcoming trip to Juneau;
- informed Council of forthcoming legislation changing the title of Mayor Pro-Tempore to Deputy Mayor;
- commented on a rumor concerning a Avalanche Hockey Team;
- explained his upcoming knee surgery; and
- expressed praise for Olympic athlete Kerry Weiland.

## **O. ADJOURNMENT**

With no further business before the Council, the meeting adjourned at 10:37 pm.

**Approved this ninth of March, 2010.**

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John C. Combs, Mayor

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Janette M. Bower, MMC, City Clerk