

A. CALL TO ORDER

A meeting of the Palmer City Council was held on September 4, 2007, at 12 p.m. in the council chambers, Palmer, Alaska.

Mayor Combs called the meeting to order at 12 p.m.

B. ROLL CALL

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

Tony Pippel	Ken Erbey	Katherine Vanover
Jim Wood	Richard Best	Brad Hanson
John Combs		

Also in attendance were the following:

Tom Healy, City Manager
Janette Bower, City Clerk
Michael Gatti, City Attorney

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Erbey.

D. AUDIENCE PARTICIPATION

E. PUBLIC HEARING

Item 1 – Public Hearing – Ordinance No. 07-025: Appropriating \$5,000 for Dissemination of Public Information and to Influence an Election Concerning Matanuska-Susitna Borough Proposition 1 Scheduled for the October 2, 2007, Regular Municipal Election (IM 07-042)

Mayor Combs opened the public hearing for ordinance no. 07-025. The following persons testified:

Penny Nixon:

- described the council meeting as a secret meeting and commented on the appropriation of City money to fight a Borough proposition;
- commented on the abject voter fear and the distrust of elected Members;
- spoke of the lack of publication of the proposition language; and
- expanded on the constitutional principal of the proposition and its enactment into law.

Mike Madar:

- described the proposition as flawed;
- stated he would vote no on proposition 1;

- spoke of the protection of voter rights;
- commented on the inappropriateness of telling voters how to vote;
- highlighted council member duties and the appropriation of monies for non-profit organizations; and
- urged the city council to vote no on the appropriation.

Jean Woods:

- commented on the appropriation of funds;
- stated the ordinance did not specify how the funds would be spent;
- asked the council if they inferred that voters could not make decisions for themselves;
- spoke of all political power being inherent with the people; and
- commented on the capabilities of the people to vote.

Janet Kincaid:

- stated knowledge was a good thing and spoke of education of the people;
- commented on voter confusion;
- described the proposition as flawed; and
- stated the initiative would cost the citizens money as opposed to saving them money.

Bruce Walton:

- announced that he was a candidate on the Borough ballot;
- stated that not one thin dime had been paid out to Oregon citizens;
- announced that none of the Borough Assembly or Council members know what the Magna Carta is;
- described land confiscation;
- described Borough voters as fit to govern themselves; and
- urged the council to vote no on the ordinance.

Jay Nolfi:

- described her residency in Big Lake;
- voiced opposition to the ordinance stating the action affects the entire Borough;
- commented on the previous advertisement of the meetings regarding ordinance no. 07-025;
- spoke of the initiative rights of citizens;
- asked the council to reconsider their actions; and
- spoke of the Tax Payers in Opposition to Proposition 1 who would do the work for the council.

Lucille Fry:

- stated proposition 1 affects the entire Borough;
- cited the Borough administration as the reason for the proposition;
- commented on the taking of rights by the Borough;
- stated the council should not vote to engage the public; and
- spoke of the organization both for and against who would present the information to the public.

Mike Chmielewski:

- described the council as persons who represent a diverse set of voters; and
- applauded the council for their decision to hold the meeting to weigh the issue.

David Cheezum:

- stated the sponsors of proposition 1 did not have a clue of the implications of the propositions;
- commented on the job of city officials to gather raw data and good information;
- stated that someone needs to research the “what ifs”;
- highlighted property owner scenarios and the paying of legal fees by tax payers; and
- stated Oregon created an additional bureaucracy to address the issue.

Kevin Brown:

- commented on eminent domain and questioned what would happen to the planning and zoning powers in the City should proposition 1 pass;
- spoke of the claims filed against the City and asked if the Borough would be a party to those claims;
- questioned who would pay to administer the regulations governing proposition 1;
- stated the questions are not answered within the text of the proposition 1;
- voiced agreement with Mr. Cheezum regarding the City’s need to conduct further analysis of the implications;
- disagreed with tax payer money being spent on the issue; and
- encouraged the City to answer questions honestly and assured the council that when answered honestly, the answers would speak for themselves.

There being no one who wished to speak, the public hearing was closed and the matter was brought before the council.

MOVED BY:	Pippel	To adopt ordinance no. 07-025
SECONDED BY:	Vanover	

Council Member Vanover:

- asked why the Borough did not act on the issue;
- questioned how the \$5,000 appropriation would be expended;
- asked if it was ethically right to oppose an initiative;
- inquired of the judicial body who would decide matters surrounding the proposition; and
- stated there was not fear in her eyes and expressed her knowledge of the Magna Carta.

Council Member Pippel:

- stated the appropriation was allowed by law and listed in City Code;
- stated proposition 1 would be detrimental to the City;
- described the halt of land use planning because of possible claims;
- provided the example of the State Fair and future development of a power plant;
- commented on future annexation plans and governance under the new language;
- stated someone would have to decide potential claims and commented on the expense of attorneys to defend the claims;
- commented on the lack of public support for the election of the sponsors of proposition 1;
- stated the City would lose their planning and zoning powers;

- spoke of the Palmer citizens who oppose the issue;
- voiced concern of spending City funds to educate City voters;
- commented on the importance of the issue and coverage by the Press;
- inquired of staff time and internal costs to prepare a resolution; and
- asked of the City's ability to host an educational forum on the issue.

Council Member Wood:

- stated the council was not to debate the merits of proposition 1 but to debate the appropriation of money;
- stated the dissemination of information must be carried out by citizens;
- commented on the role of government to remain neutral; and
- highlighted the affects of a divided vote of the council.

Council Member Hanson:

- voiced agreement with Council Members Pippel and Wood;
- spoke of the dramatic cost of the proposition to the voters;
- stated he had been motivated by the proposition language on a personal level; and
- announced he would not support ordinance no. 07-025.

Council Member Erbey:

- spoke of the unusualness of a governing body to influence a ballot issue;
- described the proposition as Borough issue affecting the City of Palmer;
- voiced his preference to spend the funds on education of voters on its affects on the City;
- described the ordinance as an attempt to educate voters;
- stated no one was opposed to property rights and described the statements of being against property rights as a smoke screen;
- commented on the excessive use of the word "confiscation";
- stated that the beauty of Palmer was maintained through planning and zoning;
- described the duties of elected officials to maintain the standards set by code;
- commented on the restriction of planning and zoning and the negative effect of property values should the proposition pass; and
- provided a scenario of a "hit and run" developer, the City's development standards, and the costs of proposition 1.

Council Member Best:

- voiced opposition to the City's expenditure of money to influence the outcome of the election;
- commented on protection of the City; and
- inquired if the council had the ability to take action on the matter.

Attorney Gatti:

- commented on the council's ability to pass a resolution regarding the matter;
- spoke of the council's ability to make a political statement;
- described the City's ability to provide non-partisan informational material regarding propositions;
- commented on the presentation of opinions by individual council members; and
- spoke of the appropriateness of an outside entity hosting a forum on the issue.

Mayor Combs:

- announced he would vote against ordinance no. 07-025;
- stated the proposition was vague;
- commented on the language regarding new land use regulations;
- spoke of the \$17 billion in claims submitted to the State of Oregon;
- described the increased expenses to be incurred by the City of Palmer;
- stated that any claims filed would cause expenses to be incurred by all Borough citizens; and
- commented on the devaluing of property by area schools.

VOTE ON MOTION: FAILED by unanimous voice vote.		
Yes:	No:	
	Pippel	Erbe
	Wood	Best
	Combs	Vanover Hanson

Council Member Pippel requested the support of another council member to direct a resolution be written in opposition to proposition 1. (*Council Member Best voiced his support*). Following discussion, the request was withdrawn.

Council Member Wood requested the support of another council member to direct the City Attorney to research how the sanctity of the vote of individual council members was protected. Following discussion, the request was withdrawn.

Attorney Gatti recommended that due to individual concerns of council members a resolution not be drafted and stated he would further research Council Member Wood's concerns.

F. ADJOURNMENT

With no further business before the council, the meeting adjourned at 1:15 p.m.

Approved this eleventh day of September, 2007.

/s/

John C. Combs, Mayor

/s/

Janette M. Bower, CMC, City Clerk