

A. CALL TO ORDER

A regular meeting of the Palmer City Council was held on May 23, 2006, at 7 p.m. in the council chambers, Palmer, Alaska.

Mayor Combs called the meeting to order at 7 p.m.

B. ROLL CALL

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

John Combs	Larry Hill
Tony Pippel	Kathrine Vanover

Also in attendance were the following:

Tom Healy, City Manager
Jack Snodgrass, City Attorney
Janette Bower, City Clerk

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mr. Lyle Busby.

D. SPECIAL ORDER OF BUSINESS

Item 1 – Proclamation of the City of Palmer, Proclaiming the Week of June 12 – 19, 2006, to be Childhood Cancer Awareness Week

Item 2 – Presentation of the Best Investigation of the Year Award to Detective Kelly J. Turney.

E. APPROVAL OF AGENDA

The agenda was approved as presented.

1. Approval of Consent Agenda
 - a. Action Memorandum 06-057: Accept \$26,490.54 from the Alaska Highway Safety Office for the Alaska Strategic Traffic Enforcement Partnership Enforcement Plan Grant and Direct the City Manager to Prepare an Amendment to the 2006 Fiscal Year Budget to Appropriate the Funds
 - b. Action Memorandum 06-048: Non-Objection Statement to the Transfer of Liquor License #3357 (Gold Miner's Hotel)
2. Minutes of Previous Meetings – *the minutes were amended and approved*
 - a. May 9, 2006, Regular Meeting
 - b. May 16, 2006, Special Meeting

F. COMMUNICATIONS AND APPEARANCE REQUESTS

1. Pat Kilmain – City of Palmer Library Director

Ms. Kilmain reported on the following items:

- Estimated annual increase of 3,500 patrons this year;
- Increase in library hours;
- Matanuska-Susitna Borough purchase of computer management program;
- Staff training in cataloging;
- Summer reading begins on June 12;
- Float in Colony Days parade;
- Library closure for Colony Days;
- Computer usage;
- Palmer service area and correspondence with the Borough;
- Building adequacy.

G. AUDIENCE PARTICIPATION

Lyle Busby spoke of his valley roots and employment as a teacher at Sherrod Elementary. He spoke of the Borough proposal to pave Busby Field. He highlighted the historic value of the ballfield and of its original creation. Mr. Busby expanded on the work by his family and spoke of the field's current use. He stated that there are two girls fast pitch softball leagues in the Valley and only two fields they can play on. He spoke of the future growth of the program and explained that it is easier to maintain a field than to create one. He urged the council's support to keep the ballfield.

Renee Larson spoke on her residence in an R1 residential neighborhood, the intent of an R1 district and code compliance within the zoning district. She spoke of the 200 plus kids per week who attend the Refuge and its operation of three nights per week. Ms. Larson stated that some kids have spit up blood and vomited in her yard. She highlighted the nuisance code and stated that her driveway has been blocked by the Refuge attendees. She voiced opposition to the Refuge's events and stated the location does not support the activities. Ms. Larson voiced her opposition to being forced to deal with the situation. She spoke of the facility's violence and the trash left in her yard. She asked the council to ask the Refuge to find a different location.

City Manager Healy announced a meeting to be held on May 24 with the owner of the property and a Refuge representative and spoke of the noise ordinance and enforcement of the code.

H. PUBLIC HEARINGS

Item 1 – Public Hearing – Ordinance No. 06-011-Z-3: Ratifying the Recommendation of the City Planning and Zoning Commission Concerning Requested Amendment to the Zoning Map Instituted by the Commission to Rezone Tax Parcel 2723000T00A (349 E. Arctic Avenue) From R-4 (High Density Residential) to C-G (Commercial General District) (IM 06-023)

MOVED BY:	Pippel	To adopt ordinance no. 06-011-Z-3
SECONDED BY:	Vanover	

Mayor Combs opened the public hearing for ordinance no. 06-011-Z-3. There being no persons who wished to testify, the public hearing was closed and the matter was brought back before the council.

VOTE ON MAIN MOTION: Motion carried by unanimous voice vote.
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Yes: Pippel Vanover Hill Combs	No:
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Item 2 – Public Hearing – Ordinance No. 06-012-Z-4: Ratifying the Recommendation of the City Planning and Zoning Commission Concerning Requested Amendment to the Zoning Map Instituted by the Commission to Rezone the Tax Parcels 18N02E33B011 (425 E. Arctic Avenue) and 18N02E33B012 (413 E. Arctic Avenue) from R-4 (High Density Residential) to C-G (Commercial General District) (IM 06-024)

MOVED BY:	Pippel	To adopt ordinance no. 06-012-Z-4
SECONDED BY:	Vanover	

Mayor Combs opened the public hearing for ordinance no. 06-012-Z-4. There being no persons who wished to testify, the public hearing was closed and the matter was brought back before the council.

VOTE ON MAIN MOTION: Motion carried by unanimous voice vote.
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Yes: Pippel Vanover Hill Combs	No:
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Item 3 – Resolution No. 06-013: Supporting Construction of a Permanent Recycling Facility in the Matanuska Susitna Valley (IM 06-025)

MOVED BY:	Pippel	To adopt resolution no. 06-013
SECONDED BY:	Hill	

Mayor Combs opened the public hearing for resolution no. 06-013. There being no persons who wished to testify, the public hearing was closed and the matter was brought back before the council.

Council Member Vanover asked of the facility’s actual location and voiced her desire to support recycling center but not a designated location.

City Manager Healy stated that the resolution does not designate the location of the recycling center.

Council Member Pippel spoke of the generic nature of the resolution to support the future location of the center.

VOTE ON MAIN MOTION: Motion carried by unanimous voice vote.
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Yes: Pippel Vanover Hill Combs	No:
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I. BIDS

J. ACTION MEMORANDUMS

Item 1 – Action Memorandum 06-052: Authorize City Manager to Amend the Palmer Airport Lease 05-03 Construction Deadline to June 2008, Waive the Performance Guarantee Requirement, and Change the Use to “Construct a Hangar for Airport Dependent Use”

MOVED BY:	Pippel	To accept the action of action memorandum 06-052
SECONDED BY:	Vanover	

Attorney Snodgrass explained the administration’s recommendation and suggested that the main motion be amended to reflect the recommendation.

Mayor Combs spoke of the incomplete nature of the lease and intent to make a special deal with Mr. Silva.

City Manager Healy spoke of the insurance requirements and Mr. Silva’s lack of compliance. He stated that a lessee possess the ability to address the council on issues within the lease.

Attorney Snodgrass explained the response to Mr. Silva’s letter as a sense of negotiation. He stated that Mr. Silva has asked that the insurance matter be taken to the council prior to further city action. Attorney Snodgrass voiced concern regarding the permission received to begin construction on the parcel prior to posting the insurance bond. He expanded on the legal ramifications should the matter go to court.

Council Member Pippel asked of the requirement to provide proof of insurance at the time of the execution of the lease. Attorney Snodgrass spoke of the continued insurance lapses. Council Member Pippel asked of penalties for lapses of insurance. Attorney Snodgrass stated that there are several remedies.

Council Member Pippel objected to the demands of the lessee and voiced concern regarding the ability of the lessee to act in good faith.

Attorney Snodgrass spoke of the building date extension and the actions of the council in good faith.

Council Member Pippel asked of the language regarding use. Attorney Snodgrass spoke of the particular use of the lessee, the sale of the use and approval of the council for future use of the property.

Primary Amendment #1 to Main Motion		
Moved by:	Vanover	To amend the main motion to insert “not to waive the performance guarantee requirement” and change the use to “construct a hangar for an airport dependent use subject to approval by the Palmer City Council. The facility will employ 1 FTE”.
Seconded by:	Pippel	

Vote: Motion carried by unanimous voice vote.		
Yes:		No:
Pippel	Vanover	Hill
Combs		

Council Member Hill spoke of the City’s best interest and precedence. He suggested that housekeeping be done to ensure that the actions do not occur again.

VOTE ON MAIN MOTION: Motion carried by unanimous voice vote.			
	Yes:		No:
Pippel	Vanover	Hill	
Combs			

Item 2 – Action Memorandum 06-058: Authorize City Manager to Execute Change Order Number One to the 2006 Palmer Street Crack Sealant Contract with Alaska Sure Seal in the Amount of \$19,800 for an Additional 6,600 Pounds of Installed Crack Sealant

MOVED BY:	Pippel	To accept the action of action memorandum 06-058
SECONDED BY:	Hill	

VOTE ON MAIN MOTION: Motion carried by unanimous voice vote.			
	Yes:		No:
Pippel	Vanover	Hill	
Combs			

Item 3 – Action Memorandum 06-060: Authorize City Manager to Execute Change Order Number Four with Nippo Corporation/International Bridge Corporation, J.V., for the Southwest Utility Extension Project

MOVED BY:	Pippel	To accept the action of action memorandum 06-060
SECONDED BY:	Vanover	

Primary Amendment #1 to Main Motion		
Moved by:	Vanover	To amend the main motion to insert the language “in the amount of \$17,679.15 for the Southwest Utility Extension Project”
Seconded by:	Pippel	

Vote: Motion carried by unanimous voice vote.			
	Yes:		No:
Pippel	Vanover	Hill	
Combs			

Council Member Hill asked of the MEA power line extension and how the issue could have been missed. He asked why the City paid the extra cost for the flushing of the hydrant boxes. City Manager Healy spoke of the additional sleeve for future power lines.

Mayor Combs spoke of the floating figure of the contingency fund.

VOTE ON MAIN MOTION: Motion passed by unanimous voice vote.			
	Yes:		No:
Pippel	Vanover	Hill	
Combs			

Item 4 – Action Memorandum 06-061: Authorize City Manager to Enter Into an Agreement with Matanuska Electric Association for Electric Utility Extensions for the Southwest Utility Extension Project

MOVED BY:	Pippel	To accept the action of action memorandum 06-061
SECONDED BY:	Vanover	

Council Member Pippel suggested that the city not pay the cost at one time and asked that the costs be attributed to the user in as much as possible.

VOTE ON MAIN MOTION: Motion passed by unanimous voice vote.		
Yes:		No:
Pippel	Vanover	Hill
Combs		

K. UNFINISHED BUSINESS

L. NEW BUSINESS

M. CITY MANAGER’S REPORT

City Manager Healy reported on the following items:

- Public Works Director position and code amendment regarding residency requirement for department head positions;
- Southwest Utility Extension;
- Utility rate study;
- Seatbelt tickets and donations to the fire department.

N. CITY CLERK’S REPORT

O. MAYOR’S REPORT

Mayor Combs reported on the following items:

- Memo contained within the packet;
- Bed tax testimony;
- Attendance of military family

P. RECORD OF ITEMS PLACED ON THE TABLE

The following items were placed on the table:

- June 6 special meeting agenda.

Q. AUDIENCE PARTICIPATION

R. COUNCIL COMMENTS

Council Member Pippel spoke of the need for commercial appraisals and of the first Friday Fling event. He spoke of his playing in the first league on Busby Field. Council Member Pippel commented on the Refuge and the placement of the facility within a residential neighborhood. He spoke of the standards of peace and quiet within a residential neighborhood and stated that the amount of cars and people within the area on a Saturday night is unacceptable. He spoke of the entitlement of the residences within the R-1 neighborhood and spoke of enforcement efforts by the police department.

S. ADJOURNMENT

With no further business before the Council, the meeting adjourned at 8:37 p.m.

APPROVED THIS 13th day of June, 2006.

/s/

John C. Combs, Mayor

/s/

Janette M. Bower, City Clerk