

# City Council Minutes City of Palmer, Alaska

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Regular Meeting  
June 22, 2004

## A. CALL TO ORDER

A regular meeting of the Palmer City Council was held on June 22, 2004, at 7:00 p.m. in the council chambers, Palmer, Alaska.

Mayor Cooper called the meeting to order at 7:00 p.m.

## B. ROLL CALL, DETERMINATION OF A QUORUM

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

Ken Erbey	Brad Hanson
Tony Pippel	Kathrine Vanover
John Combs	Steve Carrington
Jim Cooper	

Also in attendance were the following:

Tom Healy, City Manager  
Jack Snodgrass, City Attorney  
Pam Whitehead, Recording Secretary

## C. APPROVAL OF AGENDA

The agenda was amended as follows: Delete G1, Rick Koch—City of Palmer Public Works Director, move G2, Willis of Alaska Presentation to G1, and move M1, Approve 2004-2005 Insurance Coverage, to G2. There were no objections.

## D. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Erbey.

## E. MINUTES

The minutes of the June 8, 2004 Regular Meeting were approved as presented.

## F. CONSENT AGENDA

1. Introduction – Ordinance No. 632: Amending Title 17 (Zoning) By Amending Section 17.16.060 (Annexation Zoning) and Adding Chapter 17.59 (Transitional District) of the Palmer Municipal Code.

## G. COMMUNICATIONS AND APPEARANCE REQUESTS

1. Willis of Alaska – Presentation of 2004-2005 Insurance Coverage Proposal

Kurt Imig of Willis of Alaska presented Willis' recommendations for insurance coverages for the period July 1, 2004 through July 1, 2005, including proposals for General Liability, Property & DIC, Automobile, Workers Compensation, Law Enforcement Liability, Airport Owners & Operators Liability, and Other Supplemental Coverage.

2. Approve 2004-2005 Insurance Coverage

MOVED BY:	Pippel	To authorize the city manager to direct the City's broker to obtain the coverages as proposed; that if better options become available prior to the renewal deadline, the city manager is authorized to obtain coverages that would be to the best advantage of the City.
SECONDED BY:	Combs	

VOTE ON MOTION:	Motion carried by unanimous voice vote.
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**H. BOROUGH REPRESENTATIVE'S REPORT**

**I. AUDIENCE PARTICIPATION**

**Mike Madar** requested the city review and change its current ordinance regarding future development, specifically Ordinance 17.80.081, as it relates to a property owner's protest; described his recent efforts to submit a rezoning protest petition containing the signatures of a total of 202 Brittany Estates property owners and surrounding registered voters, only to find out that the petition was not acceptable because it did not represent one-third of the lands within 300 feet of the land being rezoned; said the list provided by the City was terribly out of date as to "current" property owners; that because the petition was not accepted, the number of people in protest of the rezoning was not recorded. Mr. Madar submitted a site map of Brittany Estates and the surrounding area with yellow highlighting representing property owners who signed the petition in protest.

**J. HEARINGS, ORDINANCES, AND RESOLUTIONS**

**Item 1 – Public Hearing** – Ordinance No. 626: Repealing Section 17.32.060 (Lot Area) and Adopting Section 17.32.062 (Lot Area Restrictions), Section 17.32.064 (Set Back Requirements), Section 17.32.066 (Open Space Requirements), and Section 17.32.068 (Fencing Requirements) of Chapter 17.32 (General Commercial District) of Title 17 (Zoning) of the Palmer Municipal Code.

MOVED BY:	Carrington	To adopt Ordinance No. 626.
SECONDED BY:	Hanson	

Mayor Cooper opened the public hearing on Ordinance No. 626.

The following person spoke in favor of Ordinance 626 as well as Ordinance 627:

- Peter J. Probasco, on behalf of St. John's Lutheran Church

Mayor Cooper closed the public testimony.

Discussion ensued regarding:

- Setback requirements in a commercial district.

VOTE ON MOTION:	Motion carried by unanimous voice vote.
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**Item 2 – Public Hearing** – Ordinance No. 627: Repealing Section 17.28.060 (Lot Area) and Adopting Section 17.28.062 (Lot Area Restrictions), Section 17.28.064 (Set Back Requirements), Section 17.28.066 (Open Space Requirements), and Section 17.28.068 Fencing Requirements) of Chapter 17.28 (Limited Commercial District) of Title 17 (Zoning) of the Palmer Municipal Code

MOVED BY:	Combs	To adopt Ordinance No. 627.
SECONDED BY:	Carrington	

There were no members of the public, other than Mr. Probasco, who wished to offer testimony.

VOTE ON MOTION:	Motion carried by unanimous voice vote.
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**Item 3 – Public Hearing** – Ordinance No. 628-Z-65: Ratifying the Recommendation of the City of Palmer Planning and Zoning Commission Concerning An Amendment to the Zoning Map Instituted by the Commission to Rezone Tax Parcels 18N02E34B005 and 18N02E34B005, From R-1, Single Family Residential, to I, Industrial

MOVED BY:	Hanson	To adopt Ordinance No. 628-Z-65, as amended.
SECONDED BY:	Vanover	

There were no members of the public who wished to testify.

Discussion ensued regarding:

- Property owner contact regarding trails and their amenability to connecting trails from Matanuska River Park, the Matanuska Bridge, etc.

City Manager Healy noted an error in the typing of the above-stated parcel numbers, that the second number should be 18N02E34B006 instead of B005.

**M/M** by Pippel to amend the second parcel number to state: 18N02E34B006. There were no objections.

VOTE ON MOTION:	Motion carried by unanimous voice vote.
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**Item 4 – Public Hearing** – Ordinance No. 629-Z-66: Ratifying the Recommendation of the City of Palmer Planning and Zoning Commission Concerning An Amendment to the Zoning Map Instituted By the Commission to Rezone Tax Parcels Brittany Estates Subdivision, Portions of Tract B & C From R-1, Single Family Residential, to C-G, General Commercial

MOVED BY:	Pippel	To adopt Ordinance No. 629-Z-66.
SECONDED BY:	Hanson	

Mayor Cooper opened for public testimony on Ordinance No. 629-Z-66.

The following persons spoke in opposition to the ordinance:

- Jim Wood
- Mike Madar
- Penny Moser
- Mike Kolivosky
- Jeffrey Reichel
- Jody Shepard
- Donna Irsik
- Gail Burgy
- Mark Phillips
- Caleb Mullin
- Melinda Kolivosky
- Dino Del Frate
- Tiffany Kahler
- Joy Gifford
- Sigurd Kristiansen
- Stephanie Massay
- Donna Massay
- Kevin Park
- Karen Sawyer
- Angela White

The following persons spoke in favor of the ordinance:

- Rolf Dagg
- Mr. Furbush

There being no other members of the public wishing to testify, Mayor Cooper closed the public hearing and brought the issue back to the Council.

Council Members Pippel, Combs, Erbey, Hanson, and Mayor Cooper spoke to the concerns raised by the public.

Discussion points included:

- Traffic concerns and the condition of Irwin Loop and S. Felton;
- Plans to upgrade S. Felton;
- Encouragement of green space, public parks and buffers;
- Fencing and other mitigations to lessen the impact;
- Commercial zoning as a limit to increase in traffic;
- The balance between commercial and residential development;
- Slowing traffic on the Palmer-Wasilla Highway to allow Irwin and Felton to be better arterials;
- Ingress and egress from subject property without the requirement of travel on Felton or Irwin St.

**M/M** by Pippel – to amend the ordinance by adding the following special limitations:

- 1) The southern boundary of Tract C shall be fenced with a 6.5 foot solid or slatted fence prior to any commercial development being constructed on the properties.

- 2) The owner(s), prior to any commercial development of the property, shall prepare and submit to the City a driveway access plan that provides safe, efficient access to the Palmer-Wasilla Highway and that, to the extent practicable, consolidate driveways and access for all properties into the minimum number of driveways, and minimize the access and egress through Irwin Road and Felton Street. The Alaska DOT&PF must review and approve the plan.
- 3) Commercial structures on property adjacent to any residential zoning district or property utilized for residential purposes shall be set back from the property line 25 feet.
- 4) Lighting for commercial development shall be shielded to the extent practicable so no light spills onto adjacent properties.
- 5) Commercial development on properties adjacent to public streets shall comply with landscaping requirements in effect at the time of commercial construction on the properties.
- 6) The above limitations are minimum limitations and are subject to any greater restrictions and limitations required by law.
- 7) Petitioner will dedicate a portion of Tract C not less than 20,000 sf as a city park, or Petitioner may negotiate with the city manager to dedicate 20,000 sf as park land or equivalent on any adjoining properties.
- 8) In accordance with PMC 17.80.040 B.2.b, this rezoning ordinance becomes effective only upon the written consent of all the owners of all the parcels subject to this rezoning ordinance, which fully-signed written consent must be delivered to the city clerk within 60 days of Council action; otherwise, this ordinance is not effective and the properties are not rezoned.

**Seconded** by Combs. Motion carried by unanimous voice vote.

**M/M** by Carrington – to amend special limitation 3) to change the setback from 25 feet to 35 feet.

**Seconded** by Pippel. Motion carried by unanimous voice vote.

**M/M** by Vanover – to further amend special limitation 3) to add: "...set back from all property lines 35 feet, not to include the roads."

**Seconded** by Pippel. Motion carried by unanimous voice vote.

**M/M** by Carrington – to add a "whereas" paragraph to the ordinance noting that there was significant protest or concerns from homeowners in Brittany Estates Subdivision and Greatland Terrace Subdivision, Phase II, to the requested rezone.

**Seconded** by Pippel. Motion carried by unanimous voice vote.

**M/M** by Pippel – to amend the title of Ordinance 629-Z-66 to refer only to "... A PORTION OF TRACT C ...."

**Seconded** by Carrington. Motion carried by unanimous voice vote.

**M/M** by Pippel – to further amend ordinance no. 629-Z-66 to delete the two paragraphs in the text (last two paragraphs, page 1) related to Tract B.

**Seconded** by Hanson. Motion carried by unanimous voice vote.

**M/M** by Pippel – to postpone to a time certain of July 13, 2004.

**Seconded** by Vanover. Motion carried by unanimous voice vote.

VOTE ON MAIN MOTION, as Amended:	Postponed to July 13, 2004.
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**Item 5 – Public Hearing** – Ordinance No. 630: Amending the Palmer Municipal Code by Adding Sections 17.08.216 (Definition of "Tall Structure") and 17.60.090 (Rules for Tall Structures) to Title 17 (Zoning)

MOVED BY:	Pippel	To adopt Ordinance No. 630.
SECONDED BY:	Combs	

There were no members of the public who wished to offer testimony.

Ms. Jansen explained the reasons why the motion to recommend approval by the Planning and Zoning Commission failed, noting that commissioners felt the ordinance needed to be more comprehensive and specifically addresses telecommunication towers in more depth.

Discussion ensued regarding:

- The origin of the ordinance;
- Church spires and height of a standard light pole;
- Impracticality of having to get a conditional use permit for every utility or electrical transmission pole over 50';
- Confusion over the allowance of tall structures in nonresidential zoning districts as a conditional use if the structure is inconsistent with the regulations for the district.

**M/M** by Pippel – to delete the language in section 17.08.216, Tall structure: "or electrical transmission pole or" and in section 17.60.090, Rules for tall structures, to add the word "dimensional" so the sentence reads: "...if the structure is inconsistent with the dimensional regulations for the district..."

**Seconded** by Combs. Motion carried by unanimous voice vote.

VOTE ON MAIN MOTION, as amended:	Motion carried by unanimous voice vote.
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**Item 6 – Public Hearing** – Ordinance No. 631: Amending Title 6 (Animals)

MOVED BY:	Combs	To adopt Ordinance No. 631.
SECONDED BY:	Pippel	

There were no members of the public who wished to offer testimony.

Discussion ensued regarding:

- The composition of the Animal Control Board;
- Section 6.006.010 Composition, the board shall be composed of three principal members, other members, and one alternate – what is meant by "other members?"
- Inconsistencies related to the number of animals allowed.

**M/M** by Cooper – to amend the ordinance in section 6.06.010, Composition, paragraph A, by striking the words "other members."

**Seconded** by Hanson. Motion carried by unanimous voice vote.

City Manager Healy called attention to the last two pages of the ordinance wherein City Clerk Persinger has suggested a number of amendments.

**MM** by Pippel to postpone to time certain to the meeting of July 27, 2004.  
**Seconded** by Vanover. Motion carried by unanimous voice vote.

VOTE ON MOTION:	Postponed to July 27, 2004.
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**K. BIDS**

**L. UNFINISHED BUSINESS**

**Item 1 – Authorize Advertisement for Bids – Golf Course Storage Building**

MOVED BY:	Combs	To authorize the advertisement for bids for the Golf Course Storage Building.
SECONDED BY:	Carrington	

City Manager Healy described the metal building and explained the primary purpose of the building is to provide storage and security for the golf carts; called attention to the site plan in the packet showing the proposed building location.

Discussion ensued regarding:

- The location of the metal building;
- The aesthetics of placing a large metal building next to the clubhouse;
- Suggestion to install a fenced enclosure with hedging;
- Alternate options for location of the building.

VOTE ON MOTION:	Motion carried by unanimous voice vote.
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**M. NEW BUSINESS**

**Item 1 – Authorize City Manager to Enter Into an Agreement with Mikunda, Cottrell & Co. for 2004 and 2005 Audit Services**

MOVED BY:	Pippel	To authorize the city manager to enter into an Agreement with Mikunda, Cottrell & Co. for 2004 and 2005 Audit Services.
SECONDED BY:	Vanover	

VOTE ON MOTION:	Motion carried by unanimous voice vote.
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**Item 2 – Authorize City Manager to Report on a Proposed Council-Initiated Special Assessment District for Helen Drive Water Utility Improvements**

MOVED BY:	Hanson	To authorize the City manager to prepare a report on a proposed Council-initiated Special Assessment District for Helen Drive Water Utility Improvements.
SECONDED BY:	Carrington	

City Manager Healy explained that the First Baptist Church will extend water and sewer mains to Helen Drive adjacent to the east end of the Church property. The agreement with the Church provides that the City will reconstruct and realign the curve on Helen Drive and extend a water main (and possibly a sewer main) approximately 350 feet west so the utilities are installed under the new portion of the road. If authorized, he will prepare a report on the scope, cost, and boundary of a local improvement district project for this work and report back to the Council at the July 13, 2004 meeting.

VOTE ON MOTION:	Motion carried by unanimous voice vote.
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**Item 3 – Authorize City Manager to Enter Into an Agreement for Design Services for Helen Drive Water Utility and Road Improvements**

MOVED BY:	Pippel	To authorize the City Manager to enter into an Agreement for Design Services for Helen Drive Water Utility and Road Improvements, in an amount not to exceed \$12,565 for Phase I Design and Bidding.
SECONDED BY:	Vanover	

VOTE ON MOTION:	Motion carried by unanimous voice vote.
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**N. CITY MANAGER'S REPORT**

City Manager Healy reported on the following items:

- The Airport Taxiway in underway; Wilder Construction is the contractor;
- Hospital Utility – explained the three alternate alignments identified by HDL;
- A public Informational Meeting on the project will be scheduled probably at the Depot on July 8<sup>th</sup> and he will report on the preferred alignment at that time;
- Baptist Church utility issue – waiting on the final easements from Noel Kopperud;
- Dispatch – see letter from the Mayor of the City of Wasilla in the packet; reported he has written a letter to Wasilla, Houston, and the Borough regarding fees and who will help pay for the service for 2004; received a response from Wasilla questioning the services and whether they would be required to pay the exorbitant fees; noted he is in the process of drafting a response;
- Palmer Dispatch Center – good news that it is now fully staffed, the shifts reduced back to 8 hours; the morale is improved;
- City Manager Assistant position – he has interviewed five applicants and expects to make a selection this week;
- FYI – St. John's Lutheran Church may approach the Council with a request to consider changing the ordinance on the off-site parking requirements.

**O. CITY CLERK'S REPORT**

**P. AUDIENCE PARTICIPATION**

**Q. COUNCIL COMMENTS**

**Council Member Vanover** commented that she has noticed children on N. Bailey riding motorized little scooters; knows they are illegal, voiced concern for their safety; fears a bad accident and someone getting killed.

**Council Member Pippel** commented that he finds it pretty ironic that the Council week after week finds ways to protect R-1 neighborhoods from commercial development; pointed out that in his neighborhood, he and his wife are most unhappy with his neighbor, the City of Palmer, because they cut down every tree right up to the fence line; that now he's in an R-1 neighborhood next to an Industrial Airport and has absolutely no buffers at all; thinks that the City needs to not be exempt and have to follow the same rules as everybody else.

**Council Member Combs** commended the council in the way handled the commercial rezone tonight; thinks that the council handled it correctly and did a good job.

**Mayor Cooper** expressed appreciation for everyone's help while he was in Japan; spoke to his experiences while visiting Palmer's sister city ; noted that the Japanese delegation will be in Palmer for a week beginning July 16<sup>th</sup>; hopes that we can repay their hospitality; commented that Colony Days was a great event. In preparation for Palmer Pride coming up, he assigned areas of the city from which council members will nominate homes for the Home Beautification Award. Areas were assigned as follows: Vanover-#1; Combs-#4; Pippel-#5; Carrington-#6; Hanson-#3; Cooper-#7; Erbey-#2. He needs the nominations by next meeting. In addition, he reminded that he also needs suggestions for Citizen of the Year award.

## **R. ADJOURNMENT**

With no further business before the Council, the meeting adjourned at 11:04 p.m.

**APPROVED THIS 13<sup>th</sup> day of July, 2004.**

\_\_\_\_\_/s/\_\_\_\_\_  
Jim Cooper, Mayor

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Tom Healy, City Manager