

A. CALL TO ORDER

A regular meeting of the Palmer City Council was held on December 13, 2005, 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:

Brad Hanson	Tony Pippel
Ken Erbey	Kathrine Vanover
Larry Hill	John Combs
Jim Wood	

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 former Mayor Jim Cooper.

D. APPROVAL OF AGENDA

The agenda was approved as presented.

1. Approval of Consent Agenda
 - a. Action Memorandum 05-126: Accept \$1044.82 from State of Alaska, Department of Transportation for an Alaska Highway Mini-Grant to Fund Drug Recognition Expert Instructor Training and Direct the City Manager to Prepare an Amendment to the 2005 Fiscal Year Budget to Appropriate the Funds
 - b. Action Memorandum 05-127: Non-Objection Statement to Liquor License No. 3696 Transfer to La Fiesta Mexican Restaurant
 - c. Action Memorandum 05-128: Authorize City Manager to Enter Into a Joint Purchase Agreement with the Matanuska-Susitna Borough for the Purchase of Fire Department Bunker Gear and Equipment
 - d. Action Memorandum 05-129: Authorize City Manager to Advertise for the Lease of Palmer Airport Property for Growing and Harvesting of Hay
 - e. Introduction – Ordinance No. 05-041: Adopting Chapter 3.10 of the Palmer Municipal Code Authorizing Business Improvement Districts, Specifying Services Provided Thereby, Providing Controls on Related Contracts, Establishing the Terms Thereof, and Specifying Taxation as a Means for Funding (IM 05-107)
 - f. Introduction - Ordinance No. 05-042: Enacting a Definition for Senior Citizen

- (17.08.398) and Senior Citizen Housing (17.08.399) in Title 17 Zoning; Adding Senior Citizen Centers as a Permitted Use in Commercial Limited Zoning Districts (17.28.020); and Adding Senior Citizen Centers, Senior Citizen Housing, Assisted Living Facilities and Hospice Facilities as Conditional Uses in Public Use Zoning Districts (17.40.030) (IM 05-109)
- g. Introduction - Ordinance No. 05-043: Amending Conditional Uses in an Industrial Zoning District (17.36.030) to Require Fences for Junk Yards and Maintenance Yards When Next to Residential Zones and Arterial Roads (IM 05-110)
- 2. Minutes of Previous Meetings – *the minutes were approved as presented.*
 - a. December 13, 2005, Regular Meeting

E. COMMUNICATIONS AND APPEARANCE REQUESTS

- 1. Joe Lawton – Alaska State Fair
 - Mr. Lawton reported on the following items:
 - Explained his role in the Comprehensive Plan and future annexation boundaries;
 - Hoskins roof and Sheldon Building restroom improvements;
 - Farm Exhibit Building – completed the enclosure study, the cost for project completion is \$14 million, the building has been at the Fair for a number of years, the next step is to begin to share the needs with the council, asked if the expansion or completion of the building make sense to the council;
 - Discussion ensued regarding other options for the building.
- 2. George R. Boatright – Palmer Police Department Chief of Police
 - Chief Boatright reported on the following items:
 - Department is doing well – as of January 12 all positions will be filled;
 - Highlighted the prosecution process with the McCrary case;
 - Working with the Department of Transportation to identify funding to provide for DUI training for high school students;
 - Extended an invitation to the council to accompany the officers during a shift.

F. AUDIENCE PARTICIPATION

Janet Kincaid and Jeff Johnson voiced their support of the “Business Improvement District” ordinance. Mr. Johnson explained the group of property owners who have come together to request enabling language which would allow the formation of a business improvement district. He explained the group’s membership consisting of 19 properties, with assessed values of \$14 – 15 million. He stated the desire for the BID to be fully operational by May. Ms. Kincaid expressed her appreciation of Community Development Coordinator Sara Jansen.

G. PUBLIC HEARINGS

Item 1 – Public Hearing – Ordinance No. 05-038: Amending Palmer Municipal Code Sections 17.08.247 (Large Retail Establishment), 17.28.040 (Prohibited Uses), 17.32.025 (Standards for a Large Retail Establishment Permit), and 17.32.026 (Procedures for a Large Retail Establishment Permit) (IM 05-101)

MOVED BY:	Pippel	To adopt ordinance no. 05-038
SECONDED BY:	Vanover	

Mayor Combs opened the public hearing for ordinance no. 05-038. There being no persons who wished to testify, the public hearing was closed and the matter was brought back before the council.

Council Member Pippel requested an explanation of the Planning & Zoning Commission's intent regarding the ordinance. Ms. Jansen explained the ordinance's origination and recommendations by Dave LeClaire of Carr-Gottstein. She explained that the Commission found the recommended language to be confusing. Ms. Jansen explained the language recommended by the attorney and the Commission's action to remove the language. She expressed concern regarding the extension of City standards on roads that are not controlled by the City.

Council Member Pippel asked of traffic standards. Ms. Jansen explained tables developed by the International Traffic Engineers Association. Council Member Pippel asked of the application of the standards. Ms. Jansen explained the standards are fairly scientific. Ms. Jansen explained the authority of the city manager to deny a permit based on the traffic standards. Attorney Snodgrass clarified the position that on a State road, should the recommended language not be included in the ordinance and the State chooses not to enforce traffic regulations, the City would not hold the power to say no to a permit based on the traffic issue. Council Member Pippel voiced his desire to include the language in the ordinance.

Council Member Hanson asked of the City's ability to negotiate with developers to improve the level of service on a road outside of the City should the recommended language be included in the ordinance. Attorney Snodgrass stated that the City would not hold that ability.

Mayor Combs voiced his desire for the ordinance to contain the language.

Council Member Wood stated that without the language, the City does not hold the authority for recourse. He stated that the language provides for the protection of the community.

Primary Amendment #1 to Main Motion		
Moved by:	Pippel	To amend section 17.32.025 B.2.b. to read as follows: b. The minimum acceptable LOS at intersections and on road segments both on the development's opening date and 10 years after the development opens are as follows. Subject to 17.32.025C5, if these minimums are not met for non-city roads, then the city need not grant the LRE permit, except in its best interests.
Seconded by:	Wood	

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

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

Item 2 – Public Hearing – Ordinance No. 05-039: Amending Palmer Ordinance No. 623-Z-63 to Extend the Time for Property Owner Consent and Ratifying the Rezoning of Tax Parcels 18N02E32C019, 18N02E32C020, 18N02E32C021, and 18N02E32C024 From R-1, Single Family Residential, to C-G, General Commercial, With Specials Limitations (IM 05-102)

MOVED BY:	Hanson	To adopt ordinance no. 05-039
SECONDED BY:	Pippel	

Mayor Combs opened the public hearing for ordinance no. 05-039. There being no persons who wished to testify, the public hearing was closed and the matter was brought back before the council.

City Manager Healy explained the council’s former approval of the rezoning action and the special limitations placed on the zoning action. He explained that one of the owners did not sign the written consent within the required timeframe. City Manager Healy spoke of the question of whether the zoning action was in effect. He explained his obtained opinions from Attorney Snodgrass and Attorney Tans. City Manager Healy highlighted the solution to retroactively extend the period to obtain the written consents to 65 days.

Council Member Hanson asked of the reason to execute the consent. Attorney Snodgrass explained the purpose to encompass all of the property owners who may object to the action.

Council Member Pippel asked if the action passes, would the issue be resolved. Attorney Snodgrass explained the resolution of the issue as being solved as well it could be solved.

Mayor Combs asked of the 65 day timeframe. Attorney Snodgrass explained the underlying ordinance which includes a time specific date to resolve the issue.

Council Member Vanover asked if the property has changed hands. Attorney Snodgrass stated that the property has changed and explained the new owner’s willingness to sign the document.

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

Item 3 – Resolution No. 1365 (D): Amending the City of Palmer Fiscal Year 2005 Budget (IM 05-108)

MOVED BY:	Pippel	To adopt resolution no. 1365 (D)
SECONDED BY:	Hanson	

Mayor Combs opened the public hearing for resolution no. 05-044. There being no persons who wished to testify, the public hearing was closed and the matter was brought back before the council.

Council Member Pippel asked of the transfers. Mr. Dean Baugh, Finance Director stated that he reviewed all of the 2005 AM's and resolutions to identify those which were passed but had not been reflected in the budget and provided an explanation for the addition errors.

Council Member Vanover stated the overall change of \$135,000.

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

H. BIDS

Item 1 – Action Memorandum 05-130: Authorize City Manager to Enter Into a Professional Services Agreement with Mat-Su Valley Frontiersman for Advertising Services

MOVED BY:	Hanson	To authorize the city manager to enter into a professional services agreement with Mat-Su Valley Frontiersman for advertising services
SECONDED BY:	Pippel	

City Clerk Bower explained the bid process and the receipt of two bids, one of which was received late and deemed non-responsive. She highlighted the bid received by the Mat-Su Valley Frontiersman and their bid of \$7.95 per column inch.

Council Member Pippel asked of the average price spent per year for advertising. Ms. Bower explained last year's costs of \$30,000 and due to the decrease costs, the expectation of spending \$19,000 in the upcoming year.

City Manager Healy explained the addendum issued and the irregularity caused by the bidder not acknowledging the receipt of the addendum. He stated that the addendum did not change any of the terms of the bid.

Council Member Wood asked if the addendum contained a signature requirement. City Manager Healy explained the revised bid sheet was not sent to the bidders. Attorney Snodgrass explained the one significant change indicated by the addendum and compliance by the bidder.

Council Member Pippel asked of the requirement to sign for bid specifications. City Manager Healy stated that signatures were not required when requesting the bid specifications and explained the process for forwarding an addendum to the bidders. Council Member Pippel asked if in this case, the bidder did not acknowledge receipt of the addendum because a specific place to do so was not indicated. The response was yes.

Primary Amendment #1 to Main Motion		
Moved by:	Vanover	To waive the minor irregularities
Seconded by:	Hanson	
Vote: Motion carried by unanimous voice vote.		
	Yes:	No:
Vanover	Erbey	Pippel
Wood	Hill	Hanson
Combs		

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

I. ACTION MEMORANDUMS

Item 1 – Action Memorandum 05-125: Authorize City Manager to Enter Into a Utility Agreement with the Alaska Department of Transportation and Public Facilities for the S. Chugach Rehabilitation Project

MOVED BY:	Pippel	To authorize the city manager to enter into a utility agreement with the Alaska Department of Transportation and Public Facilities for the S. Chugach Rehabilitation Project
SECONDED BY:	Erbey	

City Manager Healy explained the City’s use of grant funds for the project and the need for a utility agreement and summary estimate. He expanded on the reduction of the base number.

Council Member Hanson asked of the waterline cost. City Manager Healy explained the included costs. Council Member Hanson provided clarification regarding the project being bid in the upcoming spring and built in the upcoming summer.

Council Member Vanover asked of the pipe size and future development. City Manager Healy explained the pipe diameter and future expansion.

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

J. UNFINISHED BUSINESS

Item 1 – Action Memorandum 05-131: Motion to Amend Something Previously Adopted: Ordinance No. 05-036 – Regarding 17.64.080 (E) Number of Contiguous Parking Places Without Curbed Planting Area

MOVED BY:	Pippel	To move to amend the motion adopted at the December 13 council meeting to amend section 17.64.080 E. of ordinance no. 05-036 to read: E. No parking lot shall contain 45 contiguous parking spaces without a curbed planting area. Interior landscaping planters shall be dispersed throughout the entire parking lot area. Parking lots in the Industrial and Business Park zoning districts may be exempt from interior landscaping requirements. Applications may be submitted to the commission requesting substitution of interior landscaping in exchange for common use area(s) for employees, such as a picnic or exercise areas.
SECONDED BY:	Hanson	

Primary Amendment #1 to Main Motion		
Moved by:	Pippel	To amend the main motion to read "45 or more"
Seconded by:	Wood	

Vote on Primary Amendment: Motion passed by unanimous voice vote.		
Yes:		No:
Vanover	Erbey	Pippel
Wood	Hill	Hanson
Combs		

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

K. NEW BUSINESS

L. CITY MANAGER’S REPORT

City Manager Healy reported on the following items:

- Utility Rate Study – will be before the council at the second meeting in January;
- Revised draft of the Emergency Operations Plan;
- Museum group will bring information to the Manager within the month;
- Closing out Local Improvement Districts (Discussion ensued regarding the close out process);
- Gathering comments on the Statewide Transportation Improvement Plan this week;
- Vacation – January 10 – 16, 2006;
- Discussion ensued regarding the process of the Southwest Utility Extension project.

M. CITY CLERK’S REPORT

Ms. Bower reported on the following items:

- Strategic National Stockpile Workshop invitation;
- Thanked City Manager Healy and Attorney Snodgrass for their assistance with the bid process; and
- Spoke of the hospitals opening date.

N. RECORD OF ITEMS PLACED ON THE TABLE

The following items were placed on the table:

- Information regarding AM 05-125;
- Invitation from Bea Adler regarding the Planning for the Strategic National Stockpile Workshop.

O. AUDIENCE PARTICIPATION

P. COUNCIL COMMENTS

Council Member Wood commented on his knee injury, bronchitis, and Christmas.

Council Member Vanover commented on Mayor Cooper's attendance and wished everyone a Happy New Year.

Council Member Hill wished everyone a Happy New Year and highlighted his conversation with the surveyors in the area. He stated that they indicated that they are surveying from mile 92 for the potential realignment of the Old Glenn and bi-pass in Palmer. He stated that DOT has a whole new regime of engineers working for them. He commented on the artesian well in the area and future alignments of the road.

Council Member Erbey wished everyone a Happy Holiday.

Council Member Hanson wished everyone a Merry Christmas and a Happy New Year.

Council Member Pippel thanked Frontiersman reporter Dawn DeBusk for her article. He commented on Council Member Hill's comments regarding the by-pass. He commented on his Christmas items.

Mayor Combs reported on the following items:

- Thanked Council Member Pippel for his assistance with the December 13 meeting;
- Tour with Representative Gatto on December 15;
- Community Briefing Council with Alaska Railroad;
- Ribbon cutting ceremony on December 19 for the Alaska Club located in the Carrs-Safeway Mall;
- Participation in the bed tax allocation by the Mat-Su Borough;
- Meeting with Dave Hansen, Mat-Su Borough Economic Developer on December 21;
- Mayor Mark Begich at the Chamber of Commerce on December 23.

Q. ADJOURNMENT

With no further business before the Council, the meeting adjourned at 9:17 p.m.

APPROVED THIS 10th day of January, 2006.

/s/

John C. Combs, Mayor

/s/

Janette M. Bower, City Clerk