

A. CALL TO ORDER

A regular meeting of the Palmer City Council was held on August 23, 2005, at 7 p.m. in the council chambers, Palmer, Alaska.

Mayor Combs called the meeting to order at 7:02 p.m.

B. ROLL CALL

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

Tony Pippel	Katherine Vanover
Jim Wood	Steve Carrington
John Combs	Brad Hanson
Ken Erbey	

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 Council Member Erbey.

D. APPROVAL OF AGENDA

The agenda was approved as presented.

1. Approval of Consent Agenda
 - a. Action Memorandum 05-094: Accept Department of Transportation Grant Reimbursement for One Hundred Hours of Overtime Money Spent to Support the Strategic Evaluation States Initiative to Reduce Traffic Related Deaths and Injuries Through Impaired Driver Enforcement
2. Minutes of Previous Meetings – *the minutes were amended and approved.*
 - a. August 9, 2005, Regular Meeting
 - b. August 16, 2005, Special Meeting

E. COMMUNICATIONS AND APPEARANCE REQUESTS

1. Business Improvement District Representatives

Mr. Jeff Johnson and Ms. Janet Kincaid reported on the following items:

- Formation of group to address the need for a Business Improvement District;
- The goal of the group is to improve the downtown district;
- The origination of the group;
- City of Anchorage Downtown Partnership;

- The goal over the next six months to form the district and to work in hand in hand with the City to complete improvement projects in the downtown area;
- Sign project, working with local architect and sign maker for a prototype sign, would like to see one of the four signs placed in the fall;
- Fifteen properties are currently represented in the group;
- Seeking permission from the council to proceed with the sign project; will bring prototype back to the council for approval, asked that the City Manager be directed to accomplish the work;
- Meet every other Thursday at 8:30 a.m.;
- Council Member Pippel spoke in support of the Business Improvement District and the sign project. He asked of potential future ordinances. Mr. Johnson explained the Anchorage ordinances and the hiring of a person by the group to review the by-laws and necessary paperwork. He stated that their initial focus will be the signs and spoke of the sign process;
- Ms. Kincaid spoke of positive partnerships with government entities to accomplish the desire of the Business Improvement District representatives;
- Discussion regarding involved timeframes and administrative direction to support the sign project ensued; and
- Discussion ensued regarding cooperation with the Borough to acquire the appropriate permits in a timely fashion.

2. Dan Contini – City of Palmer Fire Chief

Chief Contini reported on the following items:

- The Building Department and funding of the Department;
- Highlighted the number of permits and fees collected;
- The permit process is requiring additional time and in the future additional personnel will be needed;
- Building permit fees and the manner in which fees are set;
- The occurrence of revisions to the building code every 3-5 years;
- Fire insurance rates;
- The fire rating of four;
- To date there have been 118 fire calls, 62 rescue calls;
- The \$119,000 grant for new rescue vehicle;
- The \$69,000 grant for fire prevention protection project;
- The \$134,000 grant for equipment;
- Currently negotiating a \$104,000 grant for personal protection equipment;
- Volunteer staffing level – the levels are good however, there have been a significant increase in calls; currently only one business allows their employees to respond during the daytime hours; Borough is attempting to reimburse the volunteers who are now being referred to a paid on-call employee.

3. Pat Kilmain – Palmer Library Director

Ms. Kilmain reported on the following items:

- Handed out paperwork regarding the Harry Potter Party and the Summer Reading Program;
- This year over 100 more children participated in the summer reading program versus last year, with over 600 total;
- Researching grants which will fund a nutrition project for the after school program;

- Discussion ensued regarding grants for capital improvement projects.

F. AUDIENCE PARTICIPATION

Donna and Glenn Massey spoke of the noise levels at the race track and played a recording taken at their home during one of the recent races. Mr. Massey stated that they are one mile from the race track and expressed their displeasure with the noise.

G. ACTION MEMORANDUMS

Item 1 – Action Memorandum 05-095: Approve Design and Construction of an Extension to the Storm Water Collection System in Valley Trails Subdivision; Specifically On and In the Vicinity of Anna Street

Council concurred to allow discussion on the Action Memorandum prior to action.

City Manager Healy explained the drainage in the Scott Road and Valley Trail Subdivision area and the crossing of the drainage on Anna Street. He stated that the issue occurs each spring and explained the water contamination. He explained that approval of the action memorandum would allow the extension of the existing system and stated that currently the administration is not prepared to proceed with the project due to forthcoming information from DOT. He spoke of an additional option to build a drainage system and explained the need for a larger type of drainage system. City Manager Healy requested that the action be postponed until the next meeting.

Council Member Pippel asked of liability. City Manager Healy explained the route as a traditional drainage route and stated that the issue is water quality.

Council Member Wood asked of the land type and discussions held with the property owners. He asked of relief from the federal government. City Manager Healy stated that the city has been in conversation with one of the large property owners and at this time, federal grants have not been explored.

Mayor Combs asked of the water route. City Manager Healy explained that the water comes off of the lot on Anna Street and fills both ditches and lanes with flow. He stated that it continues down the Anna Street intersection and at times, plugs the basins, and often runs during the day and freezes at night. Mayor Combs asked of the conversations held with DEC and possible discussion with EPA. City Manager Healy explained that the issue is addressed at the state level with DEC.

Council Member Pippel spoke of the traditional areas of runoff and water quality.

Council Member Hanson asked of future recommendations. City Manager Healy stated that the City would recognize the recommendations of DOT and DEC.

Council Member Hanson asked of the surface water permit. City Manager Healy stated the State installed the original system and the permits are not in jeopardy.

Council Member Wood asked of the drainage problem and the possibility of the Bogard extension as a remedy to the issue. City Manager Healy stated that it would depend on where the extension would be placed and spoke of the improvements on Arctic Rd. He described the Bogard extension project as five to six years from completion.

Discussion ensued regarding the provision of storm drainage by the State.

MOVED BY:	Pippel	To postpone action memorandum 05-095 until September 13, 2005
SECONDED BY:	Carrington	

VOTE ON MAIN MOTION:	Motion carried by unanimous voice vote.
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Item 2 – Action Memorandum 05-097: Authorize City Manager to Execute Change Order No. One with Premier Alaska, Inc., for Construction of Curb and Gutter, and a Twenty-Four Foot Wide Asphalt Roadway on East Caribou Avenue, Between North Alaska Street and North Bonanza Street in Amount Not to Exceed \$22,896.00

MOVED BY:	Hanson	To authorize the city manager to execute change order no. one with Premier Alaska, Inc., for construction of curb and gutter, and a 24 foot wide asphalt roadway on East Caribou Avenue, between N. Alaska Street and N. Bonanza Street in an amount not to exceed \$22,896
SECONDED BY:	Wood	

Council Member Pippel asked of the number of properties affected by the change order. City Manager Healy explained four involved properties. Council Member Pippel voiced his concern that approval of the change order would provide the property owners with free paving. He asked of the possibility of negotiating an LID with the property owners and stated his unwillingness to support the action without property owner input.

Discussion ensued regarding future LID’s and previous contributions made by property owners for road improvements.

Mayor Combs spoke of change order costs and the economy of scale for the property owners.

City Manager explained the price as the cost for asphalt paving. He stated that there may be an economy of scale but even with a larger number of lots, the project cost would increase significantly.

Council Member Hanson recommended that the property owners be approached as a financial participant and recommended the Borough be approached for dust abatement funds. He stated that the property owners currently live on paved streets in which they have already been assessed for and spoke of the process of only being charged one and a half times for improvements. Council Member Hanson suggested that an agreement be extended to the home owners to garner their participation in the project.

Primary Amendment #1 to Main Motion		
Moved by:	Vanover	To amend the main motion to include the language, “on the condition that all of the owners of the four parcels adjacent to the project agree to pay one-eighth of the cost per lot of the amount of the change order, with notification to the City Manager of their approval by September 1. The property owners will be afforded repayment terms as if the project were an assessment and the amounts owing to the City
Seconded by:	Wood	

	will be secured by a deed of trust in whatever priority position exists. The City will not demand first priority.”
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Vote on Amendment:	Motion carried by unanimous voice vote.
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VOTE ON MAIN MOTION:	Motion carried by unanimous voice vote.
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H. HEARINGS, ORDINANCES AND RESOLUTIONS

Item 1 – Public Hearing – Ordinance No. 05-030: Amending 17.20.060, Set Back Requirements, of Title 17, Zoning, to Define Dates of Preliminary Plat, Recorded Plat and Master Plans (IM 05-076)

MOVED BY:	Pippel	To adopt ordinance no. 05-030
SECONDED BY:	Hanson	

Mayor Combs opened the public hearing for ordinance no. 05-030. There were no persons who wished to testify.

Council Member Pippel made an inquiry of the Attorney regarding the changing the phrase “lots of record”. Attorney Snodgrass explained the Borough’s required language regarding the terminology.

VOTE ON MAIN MOTION:	Motion passed by unanimous voice vote.
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Item 2 – Public Hearing (1 of 2) – Ordinance No. 05-031: Amending Palmer Municipal Code 2.05.040 Specifically to Establish Additional Mayoral Duties, Adopting 2.05.045 to Institute Remedies Regarding Performance, and Amending 2.05.050 to Modify the Method of Determining and Increasing the Amount of the Mayoral Compensation (IM 05-079)

Clerk’s note: The gavel was passed to Mayor Pro-Tempore to preside over the public hearing and council discussion.

MOVED BY:	Hanson	To adopt ordinance no. 05-031
SECONDED BY:	Vanover	

Mayor Pro-Tempore Pippel opened the public hearing for ordinance no. 05-031. The following person testified:

Detleff Wanke spoke in opposition to the ordinance stating that the Palmer voters elected a part-time Mayor. He asked if the Mayor would be considered a city staff member and stated that the staff member issue is in direct conflict with the Charter.

Council Member Hanson stated that the City Attorney would research Mr. Wanke’s question regarding a Charter conflict.

Council Member Wood asked the council to review 2.05.040 H. and inquired of the meaning of non-administrative and inter-governmental relations. Attorney Snodgrass stated that the key is non-administrative, if the matter is administrative; the matter resides solely with the City Manager. Attorney Snodgrass provided examples of administrative, non-administrative and political matters. Council Member Wood asked which position, Mayor or City Manager, would

determine the nature of administrative and non-administrative matters. Council Member Wood asked that language be written into the ordinance to provide clarification of the city manager's administrative authority.

Mayor Pro-Tempore Pippel voiced his agreement with Council Member Wood.

Council Member Hanson asked of the second portion of H. in relation to administrative or non-administrative. Attorney Snodgrass stated that the language would relate to non-administrative matters and the determination of the matter would reside with the manager.

Council Member Hanson asked of the Mayor's financial authority and requested that a reference to financial authority be made in the ordinance. Ms. Bower explained the budget process used by the Borough and suggested that a process similar to the Borough be used. She stated that currently the clerk prepares the council/clerk budget and retains purchasing authority over the budget. Mayor Pro-Tempore Pippel spoke of checks and balances and the requirement of the Clerk to manage the mayor's office budget.

Council Member Vanover stated that the purchasing process would run as any other department and once the budget is set through the budget process, the funds are spent at the discretion of the department.

Council Member Carrington suggested that the clerk and attorney research the Borough code to incorporate language regarding the budget process.

Council Member Wood spoke of budget control and the council's ability to make decisions regarding the budget through the budget process.

Council Member Wood spoke of 2.05.050 D. and the proposal to fully fund the position. He stated that at 1800 hours per year, the amount of time worked would equate to seven months per year. Mayor Pro-Tempore Pippel spoke of the typical work load of an employee per year and stated that the 1800 hours represents vacation and holidays as well.

Mayor Pro-Tempore Pippel voiced his support of the ordinance and stated that the work load justifies a full-time mayor. He highlighted the work session discussion regarding the mayor's pay range.

Moved by:	Vanover	To postpone action to the next regular meeting and to continue the public hearing to that meeting as well
Seconded by:	Wood	

Vote on Amendment:	Motion carried by unanimous voice vote.
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VOTE ON MAIN MOTION:	Motion postponed to September 13.
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Mayor Combs rejoined the council and presided over the remainder of the meeting.

I. BIDS

J. UNFINISHED BUSINESS (*Unfinished Business was moved to Item R)

K. NEW BUSINESS

L. CITY MANAGER'S REPORT

City Manager Healy reported on the following items:

- Dogwood Avenue – DOT will bid the project next week;
- S. Chugach Street Improvement – will be bid later in the fall, DOT has asked that the City consider a four-way stop at Fireweed and S. Chugach, discussion ensued regarding the work to be completed;
- Streetlight Project;
- Southwest Utility Extension Project – the contractor has begun work on a portion of the project, grants are being finalized;
- Helen Drive – the project is proceeding, additional requests for utility services from property owners in the area have been received, discussion ensued regarding the completed work and road conditions;
- Additional Positions – revising and developing job descriptions, will begin advertising the five newly authorized positions;
- Annexation Time Line;
- State Fair Racetrack – the City has sent a letter to the Fair regarding the required conditional use permit, Council Member Wood and Council Member Vanover sponsored a request to move an Action Memorandum forward at the next regular meeting to discuss a moratorium on the use of motorized sports;
- Historic District Meetings;
- Special Meeting – FAA grant next Tuesday at 12:30 p.m.;
- Council Member Wood asked of the wheelchair accessibility near the Pioneer Home. City Manager Healy stated that he has spoken to the Public Works Director, who intends to complete a project this fall to fix the accessibility.

M. CITY CLERK'S REPORT

Ms. Bower reported on the following items:

- Preclearance has been received for the ballot Charter amendments;
- Sample ballots and election information have been placed on the website.

N. RECORD OF ITEMS PLACED ON THE TABLE

The following items were placed on the table:

- City Manager contract;
- Annexation Timeline;
- Letter from the Community Development Coordinator to the State Fair;
- Special Meeting Packet;
- Financial documents from the Finance Department;
- Letter from the Massey's;
- Summer Reading Program reports;
- Streetlight project information.

O. AUDIENCE PARTICIPATION

P. COUNCIL COMMENTS

Council Member Erbey stated that having spent the last two weeks in relatively boring 80 degree temperatures in the Badlands of Western Minnesota, it's good to be back in the 30 mile winds, torrential rains and power outages in Palmer.

Council Member Pippel spoke of the historic preservation meetings held at the Borough and the outstanding presentation by Bonnie Allen regarding the life of David Williams, the original Colony architect. He recognized Don Carling for his work at the Visitor Information Center garden. Council Member Pippel complimented Council Member Hanson on his coaching work with the Palmer High Football Team.

Mayor Combs reported on his meeting with Congressman Young and Bill Sharrow regarding the transportation priorities on the East end of the Valley.

Q. EXECUTIVE SESSION

Item 1 – Subjects That Tend to Prejudice the Reputation and Character of Any Person – City Manager Evaluation

MOVED BY:	Vanover	To enter into executive session to discuss subjects that tend to prejudice the reputation and character of any person – City Manager Evaluation
SECONDED BY:	Carrington	

Clerk's note: The council entered into executive session at 9:55 p.m. and exited at 11 p.m. to allow a motion to extend past 11 p.m..

VOTE ON MAIN MOTION:	Motion carried by unanimous voice vote.
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MOVED BY:	Pippel	To extend the meeting past 11 p.m.
SECONDED BY:	Wood	

Clerk's note: The council exited executive session to make the motion.

VOTE ON MAIN MOTION:	Motion carried by unanimous voice vote.
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MOVED BY:	Pippel	To enter back into executive session to discuss subject that tend to prejudice the reputation and character of any person – City Manager Evaluation
SECONDED BY:	Hanson	

Clerk's note: The council resumed executive session at 11 p.m. and exited at 11:18 p.m.

VOTE ON MAIN MOTION:	Motion carried by unanimous voice vote.
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R. *UNFINISHED BUSINESS

Item 1 – Action Memorandum 05-085: Personnel Action Regarding City Manager

MOVED BY:	Pippel	To extend the city manager's contract for a two year period ending on September 27, 2007, and to increase the salary to \$87,000 per year
SECONDED BY:	Wood	

Council Member Hanson asked the City Manager of the estimated length of time he would continue employment with the City. City Manager Healy stated that he was unsure of the exact length of time and clarified his position that he is not the type of person to go from job to job and

will generally remain in position when the position continues to be the correct fit for himself and the City.

VOTE ON MAIN MOTION:	Motion carried by unanimous voice vote.
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Q. ADJOURNMENT

With no further business before the Council, the meeting adjourned at 11:28 p.m.

APPROVED THIS 13th day of September, 2005.

/s/
John C. Combs, Mayor

/s/
Janette M. Bower, City Clerk