

City Council Minutes City of Palmer, Alaska

Regular Meeting
February 10, 2004

A. CALL TO ORDER

A regular meeting of the Palmer City Council was held on February 10, 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:

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

Also in attendance were the following:

Tom Healy, City Manager
Jack Snodgrass, City Attorney
Janette Persinger, City Clerk
Gordon Tans, Perkins Coie – *via telephone*

C. APPROVAL OF AGENDA

Item G. 2 – George Carte – Sister City Program was added to the agenda. The amended agenda was passed with unanimous consent.

D. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Combs.

E. MINUTES OF PREVIOUS MEETINGS

Unanimous consent – to approve the amended minutes of the 1-27-04 regular meeting.

F. CONSENT AGENDA

1. Liquor License Renewal – Valley Hotel/Iron Horse Liquor #1195
2. Liquor License Renewal – Valley Hotel/Caboose Lounge #1194
3. Liquor License Renewal – Liquor Station #2872
4. Liquor License Transfer – Liquor Station to Fred Meyer
5. Introduction – Ordinance No. 613: Amending Palmer Municipal Code Subsection 3.16.050 S, (A Subsection of the Exceptions to the Sales Tax Code)

G. COMMUNICATIONS AND APPEARANCE REQUESTS

1. Dan Contini, Fire and Building Department
Chief Contini reported on the following items:
 - Highlighted the building department report included in the packet;
 - Anticipates a March 3, 2004 opening date for Fred Meyer;

- Stated that there were 204 fire calls taken in 2003, 78 of those calls were to rescue service;
 - There were 72 presentations of the fire prevention program to 7,000 students and 650 adults in 2003;
 - The Fire Department currently has 39 volunteers and is recruiting new volunteers;
 - Stated that the month of January was busy for the fire department;
 - Discussion ensued regarding the level of calls the fire department handles.
2. George Carte – Sister City Program
- Mr. Carte provided an update on the Sister City Program:
- Stated that thus far, twenty-two students from Saroma have traveled to Palmer, 5 Palmer students have traveled to Japan, currently there are 6 Saroma students in Palmer, and 1 Palmer student is in Saroma for the next six months;
 - On June 1, 2004, a group of middle school students will travel to Saroma;
 - Stated that although Japan is experiencing difficult economic situations and anticipates Saroma to combine its city with other cities in the area, the future of the Sister City program is healthy;
 - A Sister City celebration will be held in Palmer on July 16 – 25, 2004. Twenty members of the program from Saroma will travel to Palmer;
 - A source of funding for a Japanese garden has been identified and expects garden planting to begin next year. Mr. Carte stated that the garden will be an authentic Japanese garden and anticipates the garden to attract visitors.

H. BOROUGH REPRESENTATIVE’S REPORT

I. AUDIENCE PARTICIPATION

J. HEARINGS, ORDINANCES AND RESOLUTIONS

Item 1 –Public Hearing – Ordinance No. 611-Z-56: Ratifying the Recommendation of the City of Palmer Planning and Zoning Commission Concerning Requested Amendment to the Zoning Map by Petitioners to Rezone E.J. LeDuc Subdivision, Block 13, Lots 6 - 10

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| MOVED BY: | Pippel | To adopt ordinance no. 611-Z-56 |
| SECONDED BY: | Hanson | |

Mayor Cooper opened for public hearing ordinance no. 611-Z-56.

There were no persons to speak to the ordinance.

Mayor Cooper closed the public hearing.

Primary Amendment - by Pippel to amend the language in the first whereas clause – delete the first E.J. LeDuc and replace with Darrin Hamming.

Second by Hanson. Motion carried by unanimous voice vote.

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| VOTE ON MAIN MOTION: | Motion carried by unanimous voice vote. |
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Item 2 – Public Hearing – Ordinance No. 612-Z-57:

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| MOVED BY: | Pippel | To adopt ordinance no. 612-Z-57 |
| SECONDED BY: | Hanson | |

Mayor Cooper opened for public hearing ordinance no. 612-Z-57.

The following persons spoke in support of ordinance no. 612-Z-57: Steve Agni, Representative for the Applicant, Joe Lawton, Alaska State Fair, Matt Hemry, Shannon & Wilson Consultants,

Ron Tharaldson, General Manager for Alaska Demolition, Justin Green, Owner of Alaska Demolition, Ed Kern, Alaska State Fair Board of Directors, Bonnie Allen, Alaska State Fair Board of Directors, Cora Simon-Moses, Bob Mauldin, Richard Stryken, Mary Jo Parks, Alaska State Fair Board of Directors, Thomas Fiddler, Mike Wadel, Norm McDonald, Helen Munoz, Michael Janecek, Alaska State Fair Staff Member, Scott Hamilton, Phillip Ried, Vice President of First National Bank, Ralph Holbert and Guy AlLee.

The following persons spoke in conditional opposition of ordinance no. 612-Z-57: Jess Hall, Bob Mauldin, David Hendrickson, Sharon Jones and Detlef Wanke.

Some of the questions raised by council are as follows. Mr. Agni, Mr. Lawton, Mr. Henry, Mr. Green and Mr. Tharaldson addressed the questions.

- Question: How long will the project take?
 - Answer: The project will take 7 years. There will be balanced removal of material and balanced delivery of volume going in and out. Alaska Demolition has been successful in obtaining volume to fill the hole for the next 5 – 7 years. It is possible that project could take 10 years. Discussion ensued regarding the size of the trucks.
- Question: What will fill the hole?
 - Answer: Inert and approved mono-fill material. Discussion ensued regarding the types of approved materials and C&D cells.
- Question: What route will the trucks travel and will the travel be contained to the property?
 - Answer: Access will be through Springer road. The east end will receive materials, not all access will be contained within the property. However, the plan can be redone to limit all access to the property.
- Question: What are the permit requirements and status?
 - Answer: The permits require compliance with the local land use laws of any jurisdiction. Compliance must be granted from the local jurisdiction before compliance with the state will be granted. Exempt materials do not require a permit and are not subject to regulation. The permit process from the Department of Conservation (DEC) requires that any operation must be at least 500 feet from the nearest well.
- Question: Will the pit be lined?
 - Answer: No. Federal and state requirements do not require the pit to be lined. Discussion ensued regarding the concerns of the neighbors and the effect of the operation will have on their water. Mr. Henry explained the directional water flows and the retention pond. Mr. Henry stated that C&D mono-fills do not require monitoring of ground water.
- Question: Has the ground water testing or measurement been completed?
 - Answer: The ground water has not been tested or measured at this time.
- Question: How much of the additional 20 acres will be mined?
 - Answer: The intention is to mine 60% of the 20 acres minus a buffer that can be set by the Planning and Zoning Commission. Approximately 12 acres.
- Question: What will be the hours of operation?
 - Answer: Typically the work days would be from 6:00 a.m. to 9:00 p.m., 6 days per week.
- Question: How will access be obtained by those wishing to dispose of material?
 - Answer: If a contractor desires to dispose of mono-fill, forms will be required to be completed before entrance to the site may be gained. Exempt material will not require a form and members of the public will not be permitted in the C&D cells. No materials will be brought in without a staff member viewing the materials.
- Question: Approximately how many yards of material will be removed?

- Answer: Eight hundred and fifty thousand cubic yards is the existing volume of the hole. Extracted gravel would be approximately 60% of 850,000 cubic yards.
- Question: What does the economics of the project involve?
 - Answer: It is necessary to have a round robin method of hauling.
- Question: Would a smaller scoped project be feasible?
 - Answer: A smaller scoped project would be feasible and anticipates that a conditional use will address the extraction process.

Mayor Cooper closed the public hearing.

Council Member Combs declared a possible conflict of interest. Combs Insurance Agency is the insurer for the Alaska State Fair. Mayor Cooper stated that Council Member Combs does not have a conflict of interest.

Discussion with Attorney Gordon Tans ensued. Attorney Tans explained the council's options and the authority of the council to adopt the appropriate zoning based on the appropriate findings.

M/M by Pippel to postpone the pending motion to the February 24, 2004 meeting and direct the administration to negotiate with the petitioner to establish a set of conditions that would meet the goals of both the petitioner and the City of Palmer.

Seconded by Hanson. Motion carried by unanimous voice vote.

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| VOTE ON MAIN MOTION: | Postponed. |
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| MOVED BY: | Pippel | To suspend the rules to continue the meeting past 11:00 p.m. |
| SECONDED BY: | Carrington | |

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| VOTE ON MOTION: | Motion carried by unanimous voice vote. |
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Item 3 – Resolution No. 1335: Declaring the Intent of the City of Palmer to Reimburse Original Expenditures for Costs of the Ice Arena With Proceeds of Tax Exempt Bonds

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| MOVED BY: | Pippel | To adopt resolution no. 1335 |
| SECONDED BY: | Hanson | |

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| VOTE ON MOTION: | Motion carried by unanimous voice vote. |
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K. BIDS

Item 1 – Fire Safety Trailer

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| MOVED BY: | Pippel | To accept the bids from Surrey Fire House Safety and Mobile Concepts and award the bid to Surrey Fire House Safety in the amount of \$38,421.00 |
| SECONDED BY: | Carrington | |

City Manager Healy explained the project and the bid process.

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| VOTE ON MOTION: | Motion carried by unanimous voice vote. |
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L. OLD BUSINESS

M. NEW BUSINESS

N. CITY MANAGER'S REPORT

City Manager Healy reported on the following items:

- Testimony on the hospital utilities has been submitted;

- Highlighted the meeting held earlier in the day regarding the dispatch center. On February 6, 2004, the City of Wasilla opened their center. Discussion ensued regarding the dispatch center costs and personnel.

O. CITY CLERK'S REPORT

Ms. Persinger reported on the following items:

- Highlighted the 2004 Clerk's Conference held in Anchorage on February 5-8, 2004;
- Provided an update on the "Help America Vote Act" (HAVA);
- Provided an overview of SB 227 and HB 332;
- Highlighted the teleconferenced AML Local Government & Public Services Committee meeting;
- Spoke of the 20/20 Conference and the lack of support for any proposed new sales taxes and the support of a state income tax and the use of the permanent fund earnings.

P. AUDIENCE PARTICIPATION

Q. COUNCIL COMMENTS

Council Member Hanson stated that he would like to see the Alaska State Fair issue resolved and the council move forward on other issues.

Mayor Cooper thanked members of the public for their time and effort regarding the Alaska State Fair issue and stated that there was wisdom in the council postponing a decision until the next meeting.

S. ADJOURNMENT

With no further business before the Council, the meeting adjourned at 11:10 p.m.

APPROVED THIS 24th day of February 2004.

For a signed copy – contact the City Clerk