

A. CALL TO ORDER

A regular meeting of the Palmer City Council was held on June 12, 2007, at 7 p.m. in the council chambers, Palmer, Alaska.

Mayor Combs called the meeting to order at 7:12 p.m.

B. ROLL CALL

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

Tony Pippel	Jim Wood	Ken Erbey
Richard Best	Brad Hanson	John Combs

Also in attendance were the following:

Tom Healy, City Manager
Michael Gatti, City Attorney
Janette Bower, City Clerk

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Erbey.

D. APPROVAL OF AGENDA

1. Approval of Consent Agenda
 - a. Introduction – Ordinance No. 07-015: Repealing Palmer Municipal Code Chapter 5.21, Massage Licenses and Massage Services (IM 07-026)
 - b. Introduction – Ordinance No. 07-016-Z-1: Rezoning Matanuska-Susitna Borough Tax Parcel ID No. 17N02E04C003, From R1, Single Family Residential District to CG, Commercial General District (IM 07-028)
 - c. Action Memorandum 07-057: Authorize City Manager to Amend the Current Employee Assistance Program Agreement with Magellan Behavioral Health, Inc.
2. Minutes of Previous Meetings
 - a. May 22, 2007, Special Meeting (5 p.m.)
 - b. May 22, 2007, Special Meeting (6 p.m.)
 - c. May 22, 2007, Regular Meeting
 - d. May 29, 2007, Special Meeting

E. COMMUNICATIONS AND APPEARANCE REQUESTS

1. Chief George Boatright – Palmer Police Department
Chief Boatright reported on the following items:

- Colony Days;
- Bicycle Safety Program;
- Valley Senior Friendship Program;
- Dispatch Upgrades;
- Homeland Security Grant; and
- Increased crime related activities.

F. AUDIENCE PARTICIPATION

Jim Ward:

- spoke to resolution no. 07-008;
- requested clarification of a water service connection bill;
- commented on the variable rate previously quoted and the installed waterline; and
- thanked the Palmer Police Department for their helpfulness.

Myra Almindinger:

- expressed an issue with the manner in which Esty Drive had been graded; and
- requested the City examine the issue.

G. PUBLIC HEARINGS

Item 1 – Public Hearing – Resolution No. 07-008: Confirming the Special Assessment Roll for Special Assessment District 05-1-ST; Known as Helen Drive and Palmer West Subdivision, and Setting the Date of Payment, Providing for Penalties and Interest in the Event of Delinquency (IM 07-025)

Mayor Combs opened the public hearing for resolution no. 07-008. The following persons addressed the council:

Wayne Walker:

- stated he had not been previously informed of the assessment;
- expanded on the removal of culverts and drainage through road reconstruction;
- spoke of the contractor's indication that the drainage would be replaced and stated it had not been replaced;
- stressed the original project language included sewer system work;
- voiced his unwillingness to pay the assessments until corrections were made;
- expanded on placement of fire hydrants and their subsequent burial in snow during the winter months; and
- stressed that since completion of the road work his driveway floods.

David Walker:

- asked when the work would be completed;
- spoke of the lack of rock removal;
- commented on the grass seed type and damage to his lawn mower;
- voiced concern regarding the lack of drainage;

- stated he had not been informed of the assessment; and
- voiced concern regarding fire hydrants being buried in snow during the winter months.

Janet Jacob:

- stated she was thrilled with the water;
- described the road on her side of Esty Drive as higher than her driveway which caused problems during the winter months;
- commented on the culvert and lowering of the ditch;
- voiced concern over the fire hydrants which were below grade and covered with snow;
- spoke of neighbors who had water in their basements;
- voiced appreciation of police department services;
- stated that she liked the improvements made in the City; and
- stressed the road issues would cause hardship in the area.

Daniel Barnett:

- spoke on behalf of himself and the Meekins;
- stated they had yet to receive water services;
- reported that due to his location he would be unable to receive water; and
- asked that he either be removed from the assessment or have water brought to him.

There being no one else who wished to speak, the public hearing was closed and the matter was brought before the council.

MOVED BY:	Hanson	To adopt resolution no. 07-008
SECONDED BY:	Erbey	

Mayor Combs:

- commented on the issues brought forward and stated the issues would be addressed by the City Manager.

City Manager Healy:

- stated the LID did not include a sewer element;
- highlighted the City's inheritance of the area through the annexation process; and
- explained the current survey regarding drainage.

Council Member Hanson:

- questioned water access by Mr. Barnett.

MOVED BY:	Wood	To suspend the rules to allow Mr. Barnett to address the council
SECONDED BY:	Erbey	

VOTE ON MOTION: Carried by unanimous voice vote.			
		Yes:	No:
Pippel	Erbey	Wood	
Best	Hanson	Combs	

Daniel Barnett:

- stated that his property did not front Helen Drive and explained the location on Pat-Mar Circle;

- explained his access to Helen Drive;
- noted the water access was appropriately three hundred feet from his property; and
- highlighted the understanding that the City would provide a water extension to his property.

City Manager Healy:

- suggested the resolution be postponed to provide time for additional research on the matter.

Council Member Pippel:

- asked of the City’s responsibility regarding promises made by the City’s contractor, drainage, and fire hydrants.

MOVED BY:	Hanson	To postpone resolution no. 07-008 to the next regular meeting to ensure the accuracy of the assessment roll
SECONDED BY:	Wood	

VOTE ON MOTION: Carried by unanimous voice vote.		
	Yes:	No:
Pippel	Erbey	Wood
Best	Hanson	Combs

VOTE ON MOTION: Carried by unanimous voice vote.		
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Item 2 – Public Hearing – Resolution No. 07-009: Opposing the Adoption of an Areawide Borough Wide Sales Tax (IM 07-027)

Mayor Combs opened the public hearing for resolution no. 07-009. There being no one who wished to speak, the public hearing was closed and the matter was brought back before the council.

MOVED BY:	Pippel	To adopt resolution no. 07-009
SECONDED BY:	Best	

Council Member Pippel:

- stated sales taxes were not favorable for the citizens of the Borough;
- described the top property owners as outside corporations;
- stated sales taxes would make up financial differences caused by the Borough’s reduction of property taxes;
- expanded on the City’s ability to effectively collect taxes;
- voiced the Borough’s need to conduct an election to enact the taxes;
- stated the issue should be opposed in the best interest of residents and City government;
- commented on the valuation of properties within the Borough;
- mentioned the Borough’s reliance on grant funding; and
- suggested the introduction of an increased bed tax.

Mayor Combs:

- questioned the issue of economic development; and
- commented on increased revenue by the tourist industry.

Council Member Best:

- voiced concurrence with Council Member Pippel.

VOTE ON MOTION: Carried by 5-1 voice vote.				
Yes:			No:	
Pippel	Erbey	Wood	Combs	
Best	Hanson			

Item 3 – Public Hearing – Resolution No. 07-010: Electing to Participate in the Alaska Municipal League Joint Insurance Association Loss Control Incentive Program (IM 07-029)

Mayor Combs opened the public hearing for resolution no. 07-010. There being no one who wished to speak, the public hearing was closed and the matter was brought back before the council.

MOVED BY:	Pippel	To adopt resolution no. 07-010
SECONDED BY:	Best	

City Manager Healy:

- highlighted the program; and
- explained the reduction in premiums.

VOTE ON MOTION: Carried by unanimous voice vote.				
Yes:			No:	
Pippel	Erbey	Wood		
Best	Hanson	Combs		

Item 4 – Public Hearing – Ordinance No. 07-013: Increasing the Required Notification Distance for a Proposed Zoning Map Amendment, Conditional Use Permit, Variance, or Property Owners Protest as Defined in Title 17, Zoning, From 600’ to 1200’ (IM 07-021)

Mayor Combs opened the public hearing for ordinance no. 07-013. There being no one who wished to speak, the public hearing was closed and the matter was brought back before the council.

MOVED BY:	Pippel	To adopt ordinance no. 07-013
SECONDED BY:	Wood	

Council Member Hanson questioned the language regarding twenty percent of the protest area.

Primary Amendment #1 to the Main Motion		
Moved by:	Hanson	To strike the language regarding twenty percent and insert thirty-three percent
Seconded by:	Pippel	

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

VOTE ON MOTION: Carried by unanimous voice vote.			
	Yes:		No:
Pippel	Erbey	Wood	
Best	Hanson	Combs	

Item 5 – Public Hearing – Ordinance No. 07-014: Amending Palmer Municipal Code Section 6.08.065, Animals at Large and Enacting Section 6.08.067, Animal Annoyance (IM 07-022)

Mayor Combs opened the public hearing for ordinance no. 07-014. There being no one who wished to speak, the public hearing was closed and the matter was brought back before the council.

MOVED BY:	Pippel	To adopt ordinance no. 07-014
SECONDED BY:	Wood	

VOTE ON MOTION: Carried by unanimous voice vote.			
	Yes:		No:
Pippel	Erbey	Wood	
Best	Hanson	Combs	

H. BIDS

I. ACTION MEMORANDA

Item 1 – Action Memorandum 07-058: Authorize City Manager to Enter Into a Professional Services Contract with Hattenburg, Dilley and Linnell for Engineering Services Related to the Palmer Skateboard Park

MOVED BY:	Combs	To approve action memorandum 07-058
SECONDED BY:	Pippel	

Mayor Combs:

- highlighted the contract;
- stated there would be zero cost to the City for the engineering services.

Council Member Pippel:

- asked if it were necessary to place a dollar amount within the contract for consideration.

Attorney Gatti:

- voiced concern regarding the contract language;
- stated the necessity to address the issue of free services; and
- asked Mayor Combs for a written report of all of the items currently taking place with the project.

MOVED BY:	Wood	To postpone action memorandum 07-058 to the next regular meeting
SECONDED BY:	Pippel	

VOTE ON MOTION: Carried by unanimous voice vote.			
	Yes:		No:
Pippel	Erbey	Wood	
Best	Hanson	Combs	

VOTE ON MOTION: Postponed to June 26, 2007.

Item 2 – Action Memorandum 07-060: Amending the Easement Acquisition Policy for the Arctic Avenue and Transmission Main Water System Improvements Project

MOVED BY:	Pippel	To approve action memorandum 07-060
SECONDED BY:	Best	

City Manager Healy:

- highlighted the amendment setting the value the easement to 25% of the market value; and
- expanded on the adoption of the policy for specific projects.

Primary Amendment #1 to the Main Motion		
Moved by:	Pippel	To delete “from May 1, 2007, through November 30, 2007” from the last sentence of the third paragraph of the Easement Policy
Seconded by:	Erbey	

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

Primary Amendment #2 to the Main Motion		
Moved by:	Hanson	To extend the policy expiration date to December 31, 2008
Seconded by:	Best	

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

Council Member Hanson:

- inquired of the necessity of writing a policy with specific dates and times; and
- commented on the need for an overall easement acquisition policy.

VOTE ON MOTION: Carried by unanimous voice vote.		
Yes:		No:
Pippel	Erbey	Wood
Best	Hanson	Combs

Item 3 – Action Memorandum 07-061: Authorize the City Manager to Enter Into a Services Agreement with the Matanuska Telephone Association for Wide Area Network Computer Services

MOVED BY:	Pippel	To approve action memorandum 07-061
SECONDED BY:	Best	

Clerk’s note: Council Member Hanson declared a substantial financial interest and was recused by the council from discussion and action regarding action memorandum 07-061.

City Manager Healy:

- highlighted the current system and need for additional system capacity;
- expanded on the increased capacity and speed offered by MTA;
- commented on the reduction of maintenance costs;
- suggested a five year agreement with MTA; and
- explained the need for sole source and lack of additional providers.

Council Member Wood:

- inquired of the sole source language and other entities who may have the ability to provide the service.

Council Member Erbey:

- commented on the transfer of data to the MTA servers; and
- voiced concern regarding encryption between the City server and MTA servers.

VOTE ON MOTION: Carried by unanimous voice vote.			
	Yes:		No:
Pippel	Erbey	Wood	
Best	Combs		

Item 4 – Action Memorandum 07-062: Authorize the City Manager to Amend a Professional Services Agreement with Hattenburg, Dilley and Linnell for Design, Easement Acquisition and Construction Administration Services for the Arctic Avenue and Water Main Transmission Improvement Project

MOVED BY:	Pippel	To approve action memorandum 07-062
SECONDED BY:	Erbey	

VOTE ON MOTION: Carried by unanimous voice vote.			
	Yes:		No:
Pippel	Erbey	Wood	
Best	Hanson	Combs	

J. UNFINISHED BUSINESS

Item 1 – Ordinance No. 07-012: Amending Palmer Municipal Code Section 2.58.170 of Chapter 2.58 (Personnel Regulations); To Establish a Travel Policy for Elected Officials and City Employees (IM 07-019)

MOVED BY:	Best	To adopt ordinance no. 07-012
SECONDED BY:	Hanson	

Primary Amendment #1 to the Main Motion		
Moved by:		To amend ordinance no. 07-012 as follows (amendments are in bold): 2.58.700 Training. Each department head shall develop and conduct such practical training programs as are suited to the special requirements of his or her department. The city manager shall institute
Seconded by:		

and provide for the conduct of training programs which are needed for efficient management of two or more departments. Training programs shall particularly emphasize accident prevention, employee safety, OSHA compliance and public relations, as well as the requirements of employment. Training time shall comply with the provisions of the Fair Labor Standards Act (C.F.R. 785.27 – 785.32). All expenses related to travel and training shall be within approved travel and training budgets, or as may be approved by the Council.

2.58.7403 Official travel.

- A. Travel time will be compensated as required under the Fair Labor Standards Act (29 C.F.R. 785.39 -785.44), and as required by the Alaska Wage and Hour Administration;
- B. Days on travel status not directly related to pre-approved travel and/or training shall be charged to leave time.

2.58.705 Travel approval.

All City employees, elected officials and appointed members of boards and commissions must have all travel approved in accordance with this code. Expenses incurred for City travel not in compliance with this policy will not be paid or reimbursed.

- A. The City Manager or designee shall approve all travel more distant from the City than 350 miles for all City employees, including board members and commission members except the City Clerk, his or her staff, the Mayor and Council Members.
- B. The City Council shall approve all travel more distant from the City than 350 miles for the City Manager, City Clerk, his or her staff, the Mayor and Council Members.

2.58.715 Travel expenses and per diem.

B. Private Vehicle Costs. The following shall apply:

1. The City will reimburse travelers for use of their privately owned vehicle at the currently approved rate not to exceed the cost of coach class airfare;
2. If two or more employees travel in the same private vehicle, the reimbursement shall not exceed the cost that would have been incurred had they all traveled by air. Only the owner of the vehicle may claim reimbursement for mileage., only the owner/operator of the vehicle may claim reimbursement for mileage, not to exceed the cost of coach class airfare for him or herself.

2.58.715 Travel expenses and per diem.

A. Per diem:

1. The City will pay up to \$60 per diem for meals. The \$60 rate includes \$15 for breakfast, \$20 for lunch and \$25 for dinner. The following shall apply:
 - a. Reimbursement shall not be allowed for alcoholic beverages.
 - b. Reimbursement shall not be allowed for room service in excess of the standard meal rate.
 - c. Sales receipts reflecting itemized costs must accompany the Travel Expense Report.
 - d. ~~Receipts must accompany City credit card charges.~~ **Itemized sales receipts must accompany City or private credit card receipts for reimbursement. Reimbursement will not be made upon presentation of credit card receipts only.**

City Manager Healy:

- inquired of the language in subsection 2.58.175 d; and
- questioned the practice of listing a specific reference to CFR numbering.

Council Member Wood:

- expanded on the need for an itemized sales receipts in addition to credit card receipts.

City Clerk Bower:

- commented on the normal practice of referring to the Fair Labor Standards Act as opposed to the CFR number.

City Attorney Gatti:

- commented on out-dated code references.

Secondary Amendment		
Moved by:	Hanson	To remove all references to numerical references to CFR
Seconded by:	Pippel	

Vote: Motion carried by unanimous voice vote.

Yes:			No:
Pippel	Vanover	Wood	
Best	Hanson	Combs	

City Manager Healy:

- referred the proposed language in subsections 2.58.705 A and B;
- questioned the necessity of council approval for travel to Juneau;
- spoke of the preclusion of travel to Juneau by the manager, mayor and council members for immediate needs and the stipulation of gaining approval at the next regular council meeting before travel could take place.

Council Member Wood:

- stated that should any member of staff or council travel to Juneau on official business, the council should have knowledge of the travel prior to the travel date.

Attorney Gatti:

- commented on the previous practice by the Mat-Su Borough;
- spoke of the necessity for language “spur of the moment” travel to both Juneau and Washington DC; and
- voiced the need for flexibility to meets the needs of the City.

Council Member Pippel:

- spoke of language which would ensure immediate travel for immediate needs; and
- highlighted a review process which would reveal abuse of the travel policy.

Council Member Erbey:

- asked of reprocutions should immediate travel be taken which did not meet with council approval.

Mayor Combs:

- highlighted a recent trip to Juneau requested by Governor Palin and the short timeframes involved with the trip.

Secondary Amendment		
Moved by:	Wood	To amend subsection 2.58.705 A to include: exigent circumstances excepted, the City Manager or designee shall approve all routine travel.
Seconded by:		

Attorney Gatti:

- spoke of exigent circumstances in relation to crime situations; and
- requested postponement to gain additional time to examine the issue.

Vote: Motion died with the lack of second.

MOVED BY:	Pippel	To postpone ordinance no. 07-012 until the June 26 regular meeting
SECONDED BY:	Wood	

VOTE ON MOTION: Carried by unanimous voice vote.

Yes:			No:		
Pippel	Erbey	Wood			
Best	Hanson	Combs			

Vote on Primary Amendment #1: Postponed to the June 26 meeting.

VOTE ON MAIN MOTION: Postponed to the June 26 meeting.

K. NEW BUSINESS

L. CITY MANAGER’S REPORT

City Manager Healy reported on the following item:

- Felton Street Project;
- Urban Revitalization Project;
- Downtown Streetlight Project;
- Alaska Far Away Film.

M. CITY CLERK’S REPORT

City Clerk Bower reported on the following items:

- June 19, Special Meeting.

N. MAYOR’S REPORT

Mayor Combs reported on the following item:

- Colony Day Events;
- Mat-Su Borough Library Funding;
- Goals and objectives for the June 19, special meeting;
- Skateboard Park;
- Mat-Su Sales Tax Issue.

O. RECORD OF ITEMS PLACED ON THE TABLE

- Financial Documents from Finance Director Baugh.

P. AUDIENCE PARTICIPATION

Mike Madar:

- spoke of the development of the soccer fields at the Ice Arena;
- requested council to direct administration to investigate the issue of ensuring handicap accessibility at the Ice Arena; and
- voiced appreciation of Council Member Pippel’s resolution regarding the Borough sales tax.

Q. COUNCIL COMMENTS

Council Member Wood:

- thanked the public works department for their efforts regarding crack sealing.

Council Member Erbey:

- commented on the issue of the fire hydrants being covered with snow on Helen Drive.

Council Member Best:

- thanked the staff for their patience and fortitude in getting connected with the State Fair Hearing; and
- spoke of his trip to California and a hands-on Science Exhibition in which a caffeinated lip balm manufactured in Kaktovik was for sale.

Council Member Pippel:

- spoke of the soccer field plans;
- highlighted Colony Days activities;
- commented on the film Alaska Far Away; and
- expressed concern over the existing sewer plant and recommended an examination of the feasibility of a tertiary plant.

Council Member Hanson:

- commented on his discussion with Superintendent Wickham regarding the soccer fields;
- thanked the Public Works Department for their involvement with Colony Days; and
- commented on the Mat-Su Borough Assembly’s picture of themselves thanking the Legislature for their contributions to the Valley.

R. EXECUTIVE SESSION

Item 1 – Subjects That Tend to Prejudice the Reputation and Character of Any Person – City Manager Evaluation (Note: Personnel action regarding the City Manager may taken following the executive session)

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

VOTE ON MOTION: Carried by unanimous voice vote.			
Yes:			No:
Pippel	Erbey	Wood	
Best	Hanson	Combs	

Clerk's note: the council entered into the executive session at 9:40 and exited at 9:41. The council consented to enter an executive (deliberative) session regarding the Alaska State Fair appeal prior to conducting the executive session regarding the City Manager. The council entered the executive (deliberative) session at 9:45 and exited at 10:50.

MOVED BY:	Pippel	To continue the meeting past 11 p.m.
SECONDED BY:	Best	

VOTE ON MOTION: Carried by unanimous voice vote.

Yes:			No:
Pippel	Erbey	Wood	
Best	Hanson	Combs	

The council entered into an executive session regarding the City Manager at 11:10 p.m. and exited at 11:58 p.m.

MOVED BY:	Pippel	To hold an additional executive session to discuss subjects that tend to prejudice the reputation and character of any person – City Manager Evaluation on June 19
SECONDED BY:	Best	

VOTE ON MOTION: Carried by unanimous voice vote.

Yes:			No:
Pippel	Erbey	Wood	
Best	Hanson	Combs	

S. ADJOURNMENT

With no further business before the council, the meeting adjourned at 11:59 p.m.

Approved this twenty-sixth day of June, 2007.

/s/

John C. Combs, Mayor

/s/

Janette M. Bower, CMC, City Clerk