

A. CALL TO ORDER

A regular meeting of the Palmer City Council was held on June 13, 2006, at 7 p.m. in the council chambers, Palmer, Alaska.

Mayor Pro-Tempore Pippel called the meeting to order at 7 p.m.

B. ROLL CALL

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

Brad Hanson	Larry Hill
Tony Pippel	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 Hill.

D. APPROVAL OF AGENDA

The agenda was approved as presented.

1. Approval of Consent Agenda
 - a. Introduction – Ordinance No. 06-013: Amending Palmer Municipal Code Title 18, Elections (IM 06-027)
 - b. Action Memorandum 06-059: Authorize the Location of a Temporary Structure at 1256 S. Chugach Street
 - c. Action Memorandum 06-062: Authorize City Manager to Extend the Agreement with Code Publishing, Inc. for Codification Services for an Additional Three Year Period
2. Minutes of Previous Meetings – *the minutes were approved*
 - a. May 23, 2006, Regular Meeting
 - b. June 6, 2006, Special Meeting

E. COMMUNICATIONS AND APPEARANCE REQUESTS

1. Joe Lawton, AK State Fair Manager, Debbie Retherford, AK State Fair President, Jacky McGahan, Race Coordinator

Mr. Lawton, Ms. Retherford, and Mr. McGahan reported on the following items:

- Expanded on the early activities, the asset and impact of the Fair to the community;
- Change in relationship between the Fair and City;
- Uniqueness and constraints placed on the Fair by the City;

- Impacts of public hearings on the Fair;
- Recommendation to establish a government to government relationship;
- Media concerns regarding sprint car races;
- Noise issues with the trial races, agreement to suspend the events until the issue is resolved;
- Discussion ensued regarding the status of race track operations for the year;
- Discussion regarding implementation of methods to lower the effects of race track noise.

2. Chief George Boatright – Palmer Police Department was not in appearance.

F. AUDIENCE PARTICIPATION

Helen Dolenc described her residence on one of the oldest streets in Palmer and her snow shoveling responsibilities. She explained a proposed extension of her garage and the requirements regarding construction. Ms. Dolenc spoke of setback requirements and the request for a variance. She asked if there was a mechanism which would allow her to rebuild. Ms. Dolenc passed out pictures of the potholes on her street and the lack of maintenance regarding the potholes. She stated that she was not asking that the City pave the street but asked that the pothole issue be addressed.

Former Mayor George Carte stated that the Sister City Program is in its 26th year. He stated that Saroma has attempted to enhance their English program by beginning a team teaching program. He spoke of the Palmer teachers and the emphasis on foreign languages in the Mat-Su Borough School District. Mayor Carter introduced Chi Ozaki as a Japanese teacher from Saroma. Ms. Ozaki explained her background and intent of the program.

G. PUBLIC HEARINGS

Item 1 – Public Hearing – Ordinance No. 06-014: Amending Palmer Municipal Code 2.58.251 (Residency); Specifically to Remove the Residency Requirement for Department Heads (IM 06-026)

MOVED BY:	Hill	To adopt ordinance no. 06-014
SECONDED BY:	Erbey	

Mayor Pro-Tempore Pippel opened the public hearing for ordinance no. 06-014. 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 highlighted the current code requirements and described the purpose of the ordinance to remove residency requirements for department heads. He spoke of the residency requirement as an impediment to receiving employment applications and expanded on the current hiring process for the Public Works Director position.

Council Member Hanson spoke of the wage element of hiring. City Manager Healy described the wage scale for department heads as within the mid-range and stated that applicants are often required to take a pay cut to work for the City. He expanded on the civil engineering degree requirement for the public works director position and the ability to make more money within the private sector.

Mayor Pro-Tempore Pippel described one of the City's strengths as the employees who live within the city. He stated that if an employee lives within a place they are responsible for, there is more care for the city.

Council Member Erbey spoke of the luxury of the lower 48 which has a Palmer sized town every five miles. He stated that it would be nice if all candidates for employment were from Palmer but recognized the issue of trying to recruit from within a town the size of Palmer.

Council Member Hanson voiced his opposition and stated that department heads should be willing to live within the community. He spoke of better response and management by the employees who live within the city. Council Member Hanson questioned if the hiring issue was candidates who do not desire to live within Palmer because they were not committed to Palmer or if the underlying issue was the wage scale.

Mayor Pro-Tempore Pippel spoke of the critical nature of the positions and stated that additional funds may attract more qualified candidates.

Council Member Hill spoke of a mobile society and his previous commute. He stated that the boundaries should not be the only issue that should be addressed when hiring department heads, the wage scale should be addressed as well.

VOTE ON MAIN MOTION: Motion failed by unanimous voice vote.		
Yes:	No:	
	Erbey Pippel	Hill Hanson

Item 2 – Resolution No. 06-014: Designating the Community Center (Depot) Parking Lot as a Public Parking Lot for Fee-In-Lieu of Parking Spaces (IM 06-028)

MOVED BY:	Erbey	To adopt resolution no. 06-014
SECONDED BY:	Hill	

Mayor Pro-Tempore Pippel opened the public hearing for resolution no. 06-014. The following persons testified:

Marjorie Hubbard explained her residency in downtown Palmer and expressed concern regarding downtown area parking. She spoke of her daughter's education and return to Palmer to practice law the community. She described the parking issues at the courthouse and the Fosselman building. Ms. Hubbard spoke of the parking proposed at the Depot and asked of the scheduled events at the Depot. She stated that businesses, who desire to go into business within the community, should be required to provide the necessary parking. She stated that they should not be allowed to take all of the parking spaces for their employees. She asked that the City consider building a parking garage.

Candice Bales explained her education in the Valley. She stated she is a business and homeowner in downtown Palmer. Ms. Bales stated she deals with the parking issue at the courthouse on a constant basis. She expanded on the increasingly difficult traffic at the four way stop and stated that if the fee-in-lieu program was implemented, it would cause an additional burden on the four way stop. She voiced opposition to designating the Depot parking lot into a fee-in-lieu parking area.

City Manager Healy spoke of the adopted changes to the parking ordinance and the language which established a fee-in-lieu of program. He explained the fee-in-lieu program and intent of the resolution to designate the Depot parking lot as one of the public parking lots for any business within 400 feet of the lot as a designation for parking.

Council Member Hanson asked if there were any other lots which could be designated as a fee-in-lieu parking lot. Following discussion of the railroad right-of-way, no other lots were identified.

Sara Jansen, Community Development Coordinator spoke of the special joint meeting held with the Planning & Zoning Commission and the issues addressed at the meeting. She stated that the resolution was brought forward out of the discussion and the code requirement to designate a parking lot for the fee-in-lieu program. Ms. Jansen spoke of the Commission's recommendation that the Council have the ability to waive all parking requirements in the central business district and expanded on their suggestion that the council establish a set of findings to address the issues.

Council Member Hanson asked of the requirement to establish a central business district and the ability of the council to reduce, eliminate and/or waive parking within the district. Ms. Jansen highlighted the recommendations of the Commission and stated that the involved documents would be forwarded to the Council in the near future.

City Manager Healy spoke of the railroad right-of-way and the gazebo area. Ms. Jansen spoke of the different uses within the Depot and gazebo area.

Attorney Snodgrass suggested that the matter be postponed until the other proposed legislation could be brought forward.

Council Member Erbey asked of the mechanism for additional parking spaces and the businesses who would receive the parking and those who get excluded. City Manager Healy stated that in order to activate a fee-in-lieu program, a parking lot must be designated.

Council Member Erbey asked of the ability to "give up" the Blueberry crossing and creating a new extension at the Dogwood intersection. City Manager Healy explained the identification of street crossing at the railroad right-of-way and stated that crossings have been identified in the Comp Plan.

VOTE ON MAIN MOTION: Motion postponed to allow the resolution to run concurrent with future legislation.
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H. BIDS

I. ACTION MEMORANDUMS

Item 1 – Action Memorandum 06-063: Authorize City Manager to Purchase an 8.4 Cubic Yard Sander Box for the Public Works Department Using a Joint Purchase Arrangement with the State of Alaska Contract and Bob's Services, Inc.

MOVED BY:	Hanson	To accept the action of action memorandum 06-063
SECONDED BY:	Hill	

VOTE ON MAIN MOTION: Motion carried by unanimous voice vote.
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Yes: Erbey Pippel	No: Hill Hanson
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Item 2 – Action Memorandum 06-064: Authorize City Manager to Enter into a Memorandum of Understanding with the Alaska Department of Environmental Conservation for Air Quality Monitoring

MOVED BY:	Hanson	To accept the action of action memorandum 06-064
SECONDED BY:	Erbey	

City Manager Healy spoke of the program funding and the partnership for an air monitoring network in South Central Alaska. He voiced concerns regarding the monitoring being a Borough wide issue. He stated that the City of Palmer will assist in the program at no cost to the City for their participation.

VOTE ON MAIN MOTION: Motion carried by unanimous voice vote.
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Yes: Erbey Pippel	No: Hill Hanson
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Item 3 – Action Memorandum 06-065: Authorize a Variance from the Provisions of PMC 12.12.030, 12.12.035, and 12.12.065 for Construction of an Access Road to Riverside Subdivision Block 1A, Lot 23A, a Replat of Riverside Subdivision Block 1A Lots 23-29

MOVED BY:	Erbey	To accept the action of action memorandum 06-065
SECONDED BY:	Hanson	

City Manager Healy explained the property and requirement to build a public street which would be at the cost of and benefit for one property owner. He spoke of the option to build a 12 foot private driveway in the public right-of-way and explained the property owner’s proposal to provide on-site water and sewer services.

Mayor Pro-Tempore Pippel asked of the City’s recognition of on-site water and sewer. City Manager Healy stated that along with DEC approval, the City may permit the on-site water and sewer.

Clerk’s note: the Council consented to allow the property owner Al Schlott to address the council.

Discussion ensued regarding the requirements for on-site water and sewer and the DEC requirements.

Mayor Pro-Tempore Pippel spoke of the allowance of the variance and future development of the subdivision. Attorney Snodgrass stated that the City has the power to impose a local improvement district on the development. Discussion ensued regarding the local improvement district process and the benefits to the property owners.

Primary Amendment #1 to Main Motion		
Moved by:	Hanson	To strike the language “will” and insert “may” in the sentence to reads as follows: Riverside Subdivision, Block 1A, proposed lot 23A may be included in the LID.
Seconded by:		

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

Council Member Hanson asked if there were conditions within the findings which would require a local improvement district. Attorney Snodgrass stated that there were not conditions which existed within the findings.

VOTE ON MAIN MOTION: Motion passed by unanimous voice vote.		
	Yes:	No:
Erbey Pippel	Hill Hanson	

Item 4 – Action Memorandum 06-066: Direct the City Manager to Prepare a \$20,000 Budget Amendment to the 2006 Fiscal Year Budget to Appropriate Funds and to Authorize the City Manager to Negotiate and Execute a Contract for a Landscaping Project at the Palmer Ice Arena

MOVED BY:	Hanson	To accept the action of action memorandum 06-066
SECONDED BY:	Erbey	

Mayor Pro-Tempore Pippel spoke of the budget which had previously included landscaping and stated the need to finish the project. Mayor Pro-Tempore Pippel highlighted the improvements.

Council Member Hanson spoke of the Ice Arena as a work in progress and stated the need to begin the landscaping project.

City Manager Healy asked of the funding mechanism. Council Member Hanson spoke of the fund designation as the general fund and the actions to “take care of” the asset.

VOTE ON MAIN MOTION: Motion passed by unanimous voice vote.		
	Yes:	No:
Erbey Pippel	Hill Hanson	

J. UNFINISHED BUSINESS

Item 1 – Ordinance No. 06-008: Amending Chapter 2.07 (Legislation) to Include Language Regarding Council Initiated Legislation Requests (IM 06-020)

MOVED BY:	Hanson	To adopt ordinance no. 06-008
SECONDED BY:	Vanover	

City Clerk Bower provided an explanation of her memo which spoke of the previous discussion held regarding the ordinance. She asked the council to consider an amendment to section 2.07.007 which would strike the previous language regarding the necessity for a motion and

insert language regarding the ability of the majority of the council to negate direction given to the city attorney, the manager or clerk for legislation preparation.

City Clerk Bower spoke of the council’s previous discussion regarding introduction of ordinances. She suggested that the language in section 2.07.020 A be retained which would allow an ordinance to be introduced by two council members, the mayor or manager, at any regular or special meeting of the council. She further requested that the council consider an amendment to section 2.07.050 A which would retain the language “a resolution may be introduced by any council member, including the mayor, or city manager”.

Council Member Hanson voiced opposition to the requirement of the majority of the council language listed in section 2.07.007. City Clerk Bower expressed concern regarding direction being given by two council members which may involve a large amount of staff time and resources to accomplish and may be opposed by the council as a whole.

Mayor Pro-Tempore Pippel voiced his desire to ensure that a majority of five not have the ability to stifle a minority opinion and stated that currently a mechanism does not exist which allows the minority to establish a record of a request. He stated that two council members should have the right to have a public discussion of an issue.

Council Member Hanson spoke of the two distinct steps of initiation and introduction. He stated that the need for an opportunity for the minority members to make their case before the entire body.

Attorney Snodgrass stated that the two minority members retain the right of discussion by virtue of a motion which entails discussion and a vote. He stated that the minority members have an opportunity to discuss the merits of an ordinance or resolution.

Primary Amendment #1 to Main Motion		
Moved by:	Hanson	To amend section 3 to read as follows: At a meeting, two council members may direct the city attorney, the manager or the clerk to prepare legislation, as described in PMC 2.04.005, for action at a subsequent meeting. Provided, however, the majority of the council may by motion negate the direction. The direction and motion to negate may occur even though neither is on the agenda. To remove the “strike through” in 2.07.020 A so the sentence would read: An ordinance may be introduced by two council members, the mayor or manager, at any regular or special meeting of the council. To strike the amendment in section 5.
Seconded by:	Hill	

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

VOTE ON MAIN MOTION: Motion passed by unanimous voice vote.

	Yes:		No:
Erbey	Hill	Hanson	
Pippel			

K. NEW BUSINESS

L. CITY MANAGER’S REPORT

City Manager Healy reported on the following items:

- Utility Rate Study;
- Garbage utility service area;
- Annexation economic analysis;
- The Refuge;
- Urban Revitalization project;
- Signing of bills by Governor Murkowski;
- Selection of prison sites;
- Meeting with Borough officials regarding the Palmer-Wasilla Highway;
- Preparing for the opening of the Dogwood Intersection project;
- Discussion ensued regarding garbage cans;
- Discussion ensued regarding the Southwest Utility Extension project contingency funds and the flow testing of lines;
- Discussion regarding the need to raise the water/sewer rates ensued;
- Discussion ensued regarding the Chugach Street and Dogwood Street project.

M. CITY CLERK’S REPORT

Ms. Bower reported on the following items:

- Underage Voting Campaign.

N. MAYOR’S REPORT

O. RECORD OF ITEMS PLACED ON THE TABLE

The following items were placed on the table:

- Letter from Mr. Al Schlott.

P. AUDIENCE PARTICIPATION

Candice Bales addressed the following questions and concerns regarding the “fee-in-lieu: resolution:

- asked how many businesses in the core business area are non-compliant with the parking requirements;
- of those who are non-compliant who would actually fall into the 300-400 foot radiance and the number of spaces they are non-compliant by;
- would the resolution address the inadequacy of the spaces, if not, who would receive the available spaces and the consequences of those who are unable to receive them;
- what percentage or effect for new construction versus existing construction;

- will the resolution alleviate parking issues;
- will there be a further burden on the four-way stop sign;
- cost to converting the area into the fee-in-lieu parking lot.

Q. COUNCIL COMMENTS

Council Member Erbey stated that he had the honor of driving the Palmer Pioneer Regent through the Colony Days Parade.

Council Member Hanson stated that the downtown area looks good and spoke of the City losing some of its employees for the summer season. He strongly encouraged the administration to remain fully staffed.

Mayor Pro-Tempore Pippel spoke of Ms. Dolenc's comment and stated that she has a right to complain. He explained the right-of-way in her area which services three houses and in the middle of the right-of-way, a square manhole exists. He explained the other obstacles and suggested that the width and size of the street right-of-way be examined to determine the actual need of the street. He stated that the manhole sticks out in the summer time but is unable to be seen in the winter. Mayor Pro-Tempore Pippel spoke of the PERS funding and stated that the average municipal employee in Alaska is owed one-half of million dollars by their employers. He suggested the City examine its participation in the PERS program.

Council Member Hill asked of the crack sealing project and stated that the City Hall parking lot needs to be addressed.

S. ADJOURNMENT

With no further business before the Council, the meeting adjourned at 9:44 p.m.

APPROVED THIS 27th day of June, 2006.

/s/

John C. Combs, Mayor

/s/

Janette M. Bower, City Clerk