

**A. CALL TO ORDER**

A regular meeting of the Palmer City Council was held on February 8, 2005, at 7:00 p.m. in the council chambers, Palmer, Alaska.

Mayor Combs called the meeting to order at 7:06 p.m.

**B. ROLL CALL, DETERMINATION OF A QUORUM**

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

Kathrine Vanover	Brad Hanson
Tony Pippel	John Combs
Ken Erbey	Steve Carrington
Jim Wood – <i>in attendance via teleconference</i>	

Also in attendance were the following:

Tom Healy, City Manager  
Jack Snodgrass, City Attorney  
Janette Persinger, City Clerk

**C. APPROVAL OF AGENDA**

The agenda was approved as presented.

**D. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Council Member Erbey.

**E. APPROVAL OF MINUTES**

Item 1 – January 25, 2005, Regular Meeting – were approved as presented.

**F. CONSENT AGENDA**

1. Introduction – Ordinance No. 05-008: Amending Chapter 2.24 (Fire Department) of the Palmer Municipal Code (IM 05-009)
2. Introduction – Ordinance No. 05-009: Amending Subsection 2.36.040 (Services to Residents Outside City) of Chapter 2.36 (Library Department) (IM 05-010)
3. Introduction – Ordinance No. 05-010: Amending Chapter 17.44 (A-C Airport Commercial District) of Title 17 (Zoning) (IM 05-011)
4. Introduction – Ordinance No. 05-011: Amending Chapter 17.48 (A-I Airport Industrial District) of Title 17 (Zoning) (IM 05-012)
5. Introduction – Ordinance No. 05-012: Amending Section 6.04.010 (Definitions) of Title 6 (Animals) of the Palmer Municipal Code (IM 05-014)

## G. COMMUNICATIONS AND APPEARANCE REQUEST

## H. BOROUGH REPRESENTATIVE'S REPORT

## I. AUDIENCE PARTICIPATION

**Donna Massey** stated that when Spinnell began development of Brittany estates, a trash problem existed. She explained that the issue was resolved between Mr. Smith, former City Manager, and the developer. Ms. Massey stated that earlier in the day trash was blowing around the area and called city hall for assistance. She was informed of the City's lack of authority to demand building site clean up. She explained that she feels that it is not the role of citizens to become trash police and recommended that the trash enforcement issue become a part of the code. Ms. Massey stated that after speaking with the builder; the builder cleaned up the site within two hours.

## J. HEARINGS, ORDINANCES AND RESOLUTIONS

**Item 1** – Resolution No. 05-002: Amending the Policy Established in June 1984, Regarding the Payment of Business Related Expenses for the Mayor, Council Members and Employees of the City (IM 05-013)

MOVED BY:	Hanson	To adopt resolution no. 05-002
SECONDED BY:	Erbey	

Mayor Combs opened the public hearing on resolution no. 05-002. There were no members of the public who wished to testify.

Ms. Persinger explained that the prior policy regarding business related expenses was established in 1984 and had not been updated since that time.

Primary Amendment to Main Motion		
Moved by:	Pippel	To amend #4 to read as follows:  4. Use of a personal vehicle in relation to official City business shall be paid at the current business standard mileage rate of the Internal Revenue Service.
Secoded by:	Hanson	

Vote on amendment:	Motion carried by unanimous voice vote.
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VOTE ON MAIN MOTION:	Motion carried by unanimous roll call vote.
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## K. BIDS

## L. UNFINISHED BUSINESS

**Item 1** – Ordinance No. 651-Z-79 (*Postponed from the January 11 meeting*): Rezoning Tax Parcel T17N, R2E, S-4, D-24, (NHN N. Thuma St.) From R-1, Single Family Residential District to R-2, Medium Residential District (IM 04-025)

MOVED BY:	Pippel	To adopt ordinance no. 651-Z-79, as presented
SECONDED BY:	Vanover	

*Clerk's note: Ordinance no. 651-Z-79 was adopted and subsequently reconsidered during the*

January 11 meeting. During reconsideration a motion was made to postpone.

Council Pippel explained the main controversy surrounding the issue - the private roadway rather than a public roadway. He asked the opinion of administration with regards to the roadway issue.

Sara Jansen, Community Development Coordinator explained the receipt of a site plan shifting the entrance to the development from the railroad. She explained the meeting held with the developer regarding the private roadway and further explained the proposed parking spaces. Discussion ensued regarding the parking spaces and the authority of the City to enforce parking in the area.

Council Member Vanover asked how vehicles would be towed if necessary and what powers the City would have to tow the vehicles.

Officer Turney, Palmer Police Department, stated that the police department does not have the authority to tow vehicles located on private property.

Dave Cortis, property developer and Bob Durst, architect explained traffic issues inherent to any location. Mr. Cortis stated all developments rely on good management to ensure that property accesses are not blocked. He explained the road's design to provide access in dual points and the provision of more than adequate parking. Mr. Cortis explained the driveway placement in relation to the railroad spur located in the area. He explained the site plan and dual access to the property.

Mr. Durst stated that the code requirement for parking in the development is 66 and there are over 80 spaces planned. He explained the placements of units, open and green space.

City Manager Healy asked that the management structure used in the development be explained. Mr. Cortis explained that the ownership entity will be the same as Willow Pointe and Hunter Creek. He stated that there will be an on-site manager and the managers from the prior two locations will be on-call to cover in the instances of vacations, etc. He explained the snow storage areas and the history of the management companies. Mr. Durst expanded on the history of the management companies.

Council Member Hanson inquired of the width history of the street. City Manager Healy explained the required width of 26'.

VOTE ON MAIN MOTION:	Motion carried by 6-1 (Pippel) roll call vote.
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**Item 2 – Ordinance No. 648 (Postponed from the December 28 meeting):** Amending Chapter 2.04 (City Council) and 2.44 (Records Retention), Adopting Chapters 2.04 (Mayor), 2.06 (Council Rules), 2.07 (Legislation), 2.08 (Council Meetings), 2.10 (City Manager), 2.11 (City Clerk), 2.12 (City Attorney), Repealing Chapters 2.08 (Council Meetings) and 2.12 (Legislation) of Title 2 (Administration and Personnel) of the Palmer Municipal Code (IM 04-018)

MOVED BY:	Pippel	To adopt ordinance no.648
SECONDED BY:	Erbey	

Mayor Combs opened the public hearing for ordinance no. 648. There were no members of the public to be heard.

Primary Amendment to Main Motion		
Moved by:	Pippel	To remove the attendance language in sections
Seconded by:	Hanson	2.04.051 and 2.05.050

Council Member Vanover voiced her disagreement with council members being paid for their lack of attendance at special meetings and work sessions.

Council Member Carrington voiced his concurrence.

Council Member Pippel stated that although he understands the lack of attendance concern, a majority of the council's job is performed outside of the meeting setting. He explained his contact with members of the public and City staff.

Council Member's Erbey, Hanson and Wood voiced their concurrence with Council Member Pippel.

Vote on amendment:	Motion carried by unanimous roll call vote.
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Primary Amendment to Main Motion		
Moved by:	Wood	To strike "two" and insert "any" into subsection
Seconded by:	Hanson	2.04.100 A.

Council Member Wood voiced his concerns over the requirement that two members must present a written request to place an item on the agenda.

Council Member Pippel explained that the reason for the current language is to prevent council members "with an ax to grind, clogging up the process".

Ms. Persinger explained she has spoken to other municipalities regarding their code requirements for agenda items and stated several have the same provision and of those who do not, they voiced their desired to have them. She further explained she understands Council Member Wood's concerns regarding contact with other members and the potential for an open meetings act violation.

Mayor Combs explained his willingness to support other member's requests for agenda items.

Vote on amendment:	Motion failed by 6-1 (Wood) roll call vote.
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VOTE ON MAIN MOTION:	Motion carried by unanimous roll call vote.
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**Item 3 - Ordinance No. 05-001 (*Postponed from the January 25 meeting*):** Amending Chapter 17.20 (R-1 Single Family Residential District) Increasing Minimum Lot Size (IM 05-001)

MOVED BY:	Vanover	To adopt ordinance no. 05-001
SECONDED BY:	Erbey	

*Clerk's note: A public hearing was held on January 25. The motion to adopt was made at that time.*

Council Member Pippel declared a conflict of interest and was recused from the discussion and vote.

Ms. Jansen explained the recommended amendments.

Primary Amendment to Main Motion		
Moved by:	Wood	To include the following amendments
Seconded by:	Vanover	(amendments are in italics):

**17.20.020 Permitted Uses.**

D. Accessory buildings and uses not used or operated for gain nor used as a dwelling.

**17.20.020 Permitted uses.**

F. Storage of travel trailers, campers, pleasure boats and motor homes neither used nor occupied as living quarters.

**17.20.030 Conditional uses.**

A. Churches, synagogues, temples, chapels, mosques or similar places of religious worship, and related ~~buildings—structures~~, provided that no part of any ~~church~~ building or structure used for such purposes shall be located nearer than thirty feet to an adjoining lot or street line;

**17.20.050 Building height.**

The maximum building height shall be twenty-five feet above grade, excluding chimneys, steeples, antenna and similar appurtenances which have no floor area. Appurtenances shall not exceed thirty five in height.

~~Lot area shall be as follows:~~

~~A. Minimum lot width: sixty feet;~~

~~B. Minimum lot area: seven thousand two hundred square feet;~~

~~C. Minimum setback requirements:~~

~~1. Front yard: twenty five feet,~~

~~2. Side yard: six feet,~~

~~3. Side yard on street side of corner lot: ten feet,~~

~~4. Rear yard: twenty five feet;~~

~~D. Maximum lot coverage by all buildings shall not exceed thirty percent.~~

**17.20.060 ~~Lot areas.~~ Set back requirements.**

~~Lot area shall be as follows:~~

A. Minimum lot width: ~~sixty feet;~~

~~1. For a lot of record as of January 17, 1978, fifty (50) feet;~~

~~2. For a lot of record created after January 17, 1978, sixty (60) feet.~~

B. Minimum lot area: ~~seven thousand two hundred square feet;~~

~~1. For a lot of record as of January 17, 1978, five thousand (5,000) square feet;~~

~~2. For a lot of record created after January 17, 1978, but before July 1, 2005, seven thousand two hundred (7,200) square feet;~~

~~3. For a lot of record created after June 30, 2005, eight thousand four hundred (8,400) square feet.~~

C. Minimum set back requirements:

1. Front yard, twenty-five (25) feet;

2. Side yards: ~~six feet, excluding side yard on street side of corner lot:~~

~~a. For a lot of record as of January 17, 1978, six (6) feet;~~

~~b. For a lot of record created after January 17, 1978, but before July 1, 2005, where actual construction has begun as of June 30, 2005, six (6) feet;~~

~~c. For all other lots, ten (10) feet.~~

3. Side yards on street side of corner lot: ten (10) feet.

4. Rear yard: twenty-five (25) feet.

D. Maximum lot coverage by all buildings shall not exceed thirty (30%) percent.

Vote on amendment:	Motion carried by 6-1 (Hanson) roll call vote.
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VOTE ON MAIN MOTION:	Motion carried by 6-1 (Hanson) roll call vote.
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**Item 4 – Ordinance No. 05-002 (*Postponed from the January 25 meeting*):** Amending Chapter 17.24 (R-2 ~~Low Medium~~ Density Residential District), Changing its Title, Downzoning its Uses To No More Than Four Dwelling Units Per Lot, Removing Mobile Home Courts and Hospitals as a Conditional Use, Increasing Minimum Lot Width, Decreasing Density, Decreasing Maximum Lot Coverage, and, For Buildings Built After June 30, 2005, Increasing Side Yard Setbacks (IM 05-002)

MOVED BY:	Vanover	To adopt ordinance no. 05-002
SECONDED BY:	Pippel	

*Clerk’s note: A public hearing was held on January 25. The motion to adopt was made at that time.*

Ms. Jansen explained the proposed amendments.

Primary Amendment to Main Motion		
Moved by:	Vanover	To include the following amendments (amendments are italics):
Seconded by:	Wood	

**17.24.020 Permitted uses.**

Permitted principal uses and structures in the R-2 district are:

- A. ~~One family dwellings~~ *No more than a total of four dwelling units per lot. This may be a combination of single family dwellings, two family dwellings and/or multiple family dwellings with four or fewer units;*
- ~~B. Two family dwellings;~~
- ~~C. Multiple family dwellings with three or more units;~~
- B. Boarding and rooming houses with four or fewer units;
- C. Home occupations;
- D. Parks and playgrounds;
- E. Child care facilities and preschools, both operating as day care only;
- F. Other compatible uses;
- G. Storage of travel trailers, campers, *pleasure boats* and motor homes neither used nor occupied as living quarters;
- H. Gardens and greenhouses when incidental to residential use;
- I. Churches, synagogues, temples, chapels, mosques or similar places of religious worship, and related structures, provided that no part of any building or structures used for such purposes shall be located nearer than thirty feet to any adjoining lot or street line.

**17.24.030 Conditional uses.**

Uses which may be permitted in an ~~by the~~ R-2 district by obtaining a conditional use permit are:

- A. Public and private schools;
- B. Public buildings and structures;
- C. Residential planned unit development;
- ~~D. Mobile home courts;~~
- ~~ED. Hospitals and homes for the elderly;~~
- FD. Residential care facilities for four or fewer patients and special needs day care facilities;

- GE. Child care facilities; ~~provided that no part of any building shall be located nearer than thirty feet to an adjoining lot or street line;~~
- HF. Utility substation.

**17.24.061 Lot area restrictions.**

*Lot areas shall be subject to the following restrictions:*

A. Minimum lot width:

- 1. For a lot of record as of January 17, 1978, fifty (50) feet;
- 2. For a lot of record created after January 17, 1978, sixty (60) feet.

B. Minimum lot area:

- 1. For a lot of record as of January 17, 1978, five thousand (5,000) square feet;
- 2. For a lot of record created after January 17, 1978, but before July 1, 2005, seven thousand two hundred (7,200) square feet;
- 3. For a lot of record created after June 30, 2005, eight thousand four hundred (8,400) square feet.

C. Minimum lot area per dwelling unit:

<i>No. of Dwelling Units</i>	<i>Lot Area Per Unit</i>	<i>Minimum Total Lot Size</i>
<u>1</u>	<u>8,400 Sq. Ft.</u>	<u>8,400 Sq. Ft.</u>
<u>2</u>	<u>5,000</u>	<u>10,000</u>
<u>3</u>	<u>4,160</u>	<u>12,500</u>
<u>4</u>	<u>3,750</u>	<u>15,000</u>

D. Maximum lot coverage by all structures containing dwelling units shall not exceed thirty-five percent, exclusive of attached garages.

**17.24.064 Setback requirements.**

Minimum setback requirements are as follows:

- A. Front yard: twenty-five feet.
- B. Side yard for a lot of record created before July 1, 2005: six feet.
- C. Side yard on street side of a corner lot for created before July 1, 2005: ten feet.
- D. Side yard for a lot created after June 30 2005: fifteen feet;
- E. Rear yard: twenty-five feet.

Vote on amendment:	Motion carried by unanimous roll call vote.
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VOTE ON MAIN MOTION:	Motion carried by unanimous roll call vote.
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**Item 5 – Ordinance No. 05-003 (Postponed from the January 25 meeting):** Amending Chapter 17.26 (R-3 Medium Density Residential District), Downzoning its Uses To No More Than Eight Dwelling Units Per Lot, Removing Hospitals as a Conditional Use, Increasing Minimum Lot Width, Decreasing Density, and, For Buildings Built After June 30, 2005, Increasing Side Yard Setbacks (IM 05-003)

MOVED BY:	Pippel	To adopt ordinance no. 05-003
SECONDED BY:	Vanover	

*Clerk's note: A public hearing was held on January 25. The motion to adopt was made at that time.*

Primary Amendment to Main Motion		
Moved by:	Pippel	To include the following amendments (amendments are in italics):
Seconded by:	Vanover	

To amend the title to read: An Ordinance Amending Chapter 17.26 (R-3 Medium Density Residential District), Downzoning its Uses To No More Than Eight Dwelling Units Per Lot, Increasing Minimum Lot Width, Decreasing Density, and, for Buildings Built After June 30, 2005, Increasing Side Yard Setback, Removing Hospitals as a Conditional Use and Removing Parking in Certain Front Setbacks

**17.26.020 Permitted uses.**

Permitted principal uses and structures in the R-3 district are:

- A. ~~One family dwellings~~ *No more than a total of eight dwelling units per lot. This may be a combination of single family dwellings, two family dwellings and/or multiple family dwellings with eight or fewer units;*
- ~~B. Two family dwellings;~~
- ~~C. Multiple family dwellings with three or more units;~~
- B. Boarding and rooming houses with eight or fewer units;
- C. Home occupations;
- D. Parks and playgrounds;
- E. Child care facilities and preschools, both operating as day care only;
- F. Other compatible uses and accessory uses, such as storage structures for use by residents of the development;
- G. Storage of travel trailers, campers, pleasure boats and motor homes neither used nor occupied as living quarters;
- H. Gardens and greenhouses when incidental to residential use;
- I. Churches, synagogues, temples, chapels, mosques or similar places of religious worship, and related structures, provided that no part of any building or structure used for such purposes shall be located nearer than thirty feet to any adjoining lot or street line.

**17.26.030 Conditional uses.**

Uses which may be permitted by the R-3 district by obtaining a conditional use permit are:

- A. Public and private schools;
- B. Public buildings and structures;
- C. Residential planned unit development; meeting the requirements of Chapter 17.84 of this title;
- D. Mobile homes that are used for occupancy in a mobile home court; Mobile home courts;
- ~~E. Hospitals and homes for the elderly;~~
- F.E. Residential care facilities with eight or fewer patients and *special needs day care facilities;*
- GF. Child care facilities; ~~provided that no part of any building shall be located nearer than thirty feet to an adjoining lot or street line;~~
- HG. Utility substation.

**17.26.040 Prohibited uses.**

Prohibited uses and structures in the R-3 district are all uses and structures not specified as permitted outright, including, without limitation, the following:

- A. Parking or storage of heavy equipment, tractors, graders or trucks which are used for gain;
- B. Mobile homes which are used for occupancy outside of a mobile home court.

**17.26.061 Lot area restrictions.**

Lot areas shall be subject to the following restrictions:

A. Minimum lot width:

- 1. For a lot of record as of January 17, 1978, fifty (50) feet;
- 2. For a lot of record created after January 17, 1978, sixty (60) feet.

B. Minimum lot area:

- 1. For a lot of record as of January 17, 1978, five thousand (5,000) square feet;
- 2. For a lot of record created after January 17, 1978, but before July 1, 2005, seven thousand two hundred (7,200) square feet;
- 3. For a lot of record created after June 30, 2005, eight thousand four hundred (8,400) square feet.

C. Minimum lot area per dwelling unit:

<b><i>No. of Dwelling Units</i></b>	<b><i>Lot Area Per Unit</i></b>	<b><i>Minimum Total Lot Size</i></b>
<i>1</i>	<i>8,400 Sq. Ft.</i>	<i>8,400 Sq. Ft.</i>
<i>2</i>	<i>5,000</i>	<i>10,000</i>
<i>3</i>	<i>4,160</i>	<i>12,500</i>
<i>4</i>	<i>3,750</i>	<i>15,000</i>
<i>5</i>	<i>3,480</i>	<i>17,400</i>
<i>6</i>	<i>3,180</i>	<i>19,100</i>
<i>7</i>	<i>2,940</i>	<i>20,600</i>
<i>8</i>	<i>2,700</i>	<i>21,600</i>

D. Maximum lot coverage by all structures containing dwelling units shall not exceed forty percent, exclusive of attached garages.

**17.26.064 Setback requirements.**

Minimum setback requirements are as follows:

A. One to four dwelling units per lot:

- 1. Front yard: twenty-five feet,
- 2. Side yard: fifteen feet,
  - a. Side yard for a lot of record as of July 1, 2005; six feet.
  - b. Side yard on a street side of a corner lot of record before July 1, 2005; ten feet.
  - c. Side yard for a lot created after June 30, 2005; fifteen feet.
- 3. Rear yard: twenty-five feet,

B. More than four dwelling units per lot:

- 1. Front yard: twenty-five feet,
- 2. Side yard: twenty feet,
  - a. Side yard for a lot of record as of July 1, 2005; six feet.
  - b. Side yard on a street side of a corner lot of record before July 1, 2005; minimum ten feet;
  - c. Side yard for a lot created after June 30, 2005; twenty feet.
- 3. Rear yard: twenty-five feet,

- C. Subsection B notwithstanding, the setback for a lot containing more than four dwelling units with a side or rear yard abutting or immediately across an alley from property zoned R-1 or R-1E shall be at least ~~thirty-five~~ twenty-five feet on that side or sides, ~~which thirty-five~~ twenty-five feet shall include the width of any intervening ~~alley~~. The setback measurement shall begin at the R-3 property's edge of the alley right-of-way.

Vote on amendment:	Motion carried by unanimous roll call vote.
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VOTE ON MAIN MOTION:	Motion carried by unanimous roll call vote.
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**Item 6 – Ordinance No. 05-004 (*Postponed from the January 25 meeting*):** Enacting Chapter 17.27, R-4 High-Density Residential District (IM 05-004)

MOVED BY:	Pippel	To adopt ordinance no. 05-004
SECONDED BY:	Erbey	

*Clerk's note: A public hearing was held on January 25. The motion to adopt was made at that time.*

Primary Amendment to Main Motion		
Moved by:	Pippel	To include the following amendments (amendments are in italics):
Seconded by:	Vanover	

To amend the title to read as follows: An Ordinance Enacting Chapter 17.27, R-4 High-Density Residential District, Removing Parking in Certain Front Setbacks

**17.27.020 Permitted uses.**

Permitted principal uses and structures in the R-4 district are:

- A. One-family dwellings;
- B. Two-family dwellings;
- C. Multiple-family dwellings;
- D. Boarding and rooming houses;
- E. Home occupations;
- F. Parks and playgrounds;
- G. Child care facilities and preschools, both operating as day care only;
- H. Other compatible uses *and accessory uses such as storage structures for use by residents of the development;*
- I. Storage of travel trailers, campers, *pleasure boats* and motor homes neither used nor occupied as living quarters;
- J. Gardens and greenhouses when incidental to residential use;
- K. Churches *synagogues, temples, chapels, mosques or similar places of religious worship*, and related structures, provided that no part of *any building or structure used for such purposes* shall be located nearer than thirty feet to any adjoining lot or street line.

**17.27.030 Conditional uses.**

Uses which may be permitted by the R-3 district by obtaining a conditional use permit are:

- A. Public and private schools;
- B. Public buildings and structures;

- C. Residential planned unit development;—meeting the requirements of Chapter 17.84 of this title;
- D. Mobile homes that are used for occupancy in a mobile home court;
- E. Residential care facilities with eight or fewer patients and *special needs day services facilities*;
- F. Child care facilities;
- G. Utility substation.
- ~~H. Mini storage facilities.~~

**17.26.040 Prohibited uses.**

Prohibited uses and structures in the R-3 district are all uses and structures not specified as permitted outright, including, without limitation, the following:

- A. Parking or storage of heavy equipment, tractors, graders or trucks which are used for gain;
- B. Mobile homes which are used for occupancy outside of a mobile home court.

**17.27.060 Lot area restrictions.**

Lot areas shall be subject to the following restrictions:

- A. Minimum lot width:
  - 1. For a lot of record as of January 17, 1978, fifty (50) feet;
  - 2. For a lot of record created after January 17, 1978, sixty (60) feet.
- B. Minimum lot area:
  - 1. For a lot of record as of January 17, 1978, five thousand (5,000) square feet;
  - 2. For a lot of record created after January 17, 1978, but before July 1, 2005, seven thousand two hundred (7,200) square;
  - 3. For a lot of record created after June 30, 2005, eight thousand four hundred (8,400) square feet.
- C. Minimum lot area per dwelling unit:

<i>No. of Dwelling Units</i>	<i>Lot Area Per Unit</i>	<i>Minimum Total Lot Size</i>
1	8,400 Sq. Ft.	8,400 Sq. Ft.
2	5,000	10,000
3	4,160	12,500
4	3,750	15,000
5	3,480	17,400
6	3,180	19,100
7	2,940	20,600
8	2,700	21,600
9 or more	2,700+	(as required)

- D. Maximum lot coverage by all structures containing dwelling units, exclusive of attached garages, shall not exceed forty percent, except for nine or more multiple units which may not exceed fifty percent.

**17.27.064 Setback requirements.**

Minimum setback requirements are as follows:

- A. One to four dwelling units per lot:
  - 1. Front yard: twenty-five feet,
  - 2. Side yard: fifteen feet,
    - a. Side yard for a lot of record as of July 1, 2005; six feet.

- b. Side yard on a street side of a corner lot of record before July 1, 2005; ten feet.
      - c. Side yard for a lot created after June 30, 2005; fifteen feet.
    - 3. Rear yard: twenty-five feet,
  - B. More than four dwelling units per lot:
    - 1. Front yard: twenty-five feet,
    - 2. Side yard: twenty feet,
      - a. Side yard for a lot of record as of July 1, 2005; six feet.
      - b. Side yard on a street side of a corner lot of record before July 1, 2005; ten feet.
      - c. Side yard for a lot created after June 30, 2005; twenty five feet.
    - 3. Rear yard: twenty-five feet,
  - C. Subsection B notwithstanding, the setback for a lot containing more than four dwelling units with a side or rear yard abutting or immediately across an alley from property zoned R-1 or R-1E shall be at least twenty-five feet on that side or sides. The setback measurement shall begin at the R-4 property's edge of the alley right-of-way.

**17.27.066 Open space requirements.**

*For structures with nine or more dwelling units.*

- A. All residential uses require a minimum of two hundred square feet of open space for outdoor activities per dwelling unit. No dimension of the open space shall be less than eight feet. This open space requirement does not apply to any building which has a footprint constructed before January 17, 1978 and which footprint has not been significantly altered.
- B. Open space shall not be used for storage, driveway, vehicle or other parking, above ground building utilities or services, or any structures (other than a fence). Open space may not be used to satisfy setback requirements. Open space may be used for lawn, shrubs, or trees.

**17.27.080 Site plan requirements and access control.**

Chapter 17.62 regarding site plan requirements and access control shall apply after February 8, 2005, to the construction of four or more dwelling units on a lot.

Vote on amendment:	Motion carried by unanimous roll call vote.
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VOTE ON MAIN MOTION:	Motion carried by unanimous roll call vote.
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**Item 7 – Ordinance No. 05-005-Z-1 (Postponed from the January 25 meeting):** Downzoning 162 Tax Parcels From R-2 (Medium Density Residential District) To The Adopted R-2 (Low Density Residential District) Ordinance (No. 05-002) Which Downzones Uses To No More Than Four Dwelling Units Per Lot, Removes Mobile Home Courts and Hospitals As a Conditional Use, Increases Minimum Lot Width, Decreases Density, Decreases Maximum Lot Coverage, and, for Buildings Built After June 30, 2005, Increases Side Yard Setbacks (IM 05-006)

MOVED BY:	Pippel	To adopt ordinance no. 05-005-Z-1
SECONDED BY:	Erbey	

*Clerk's note: A public hearing was held on January 25. The motion to adopt was made at that time.*

VOTE ON MAIN MOTION:	Motion carried by unanimous roll call vote.
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**Item 8 – Ordinance No. 05-006-Z-2 (Postponed from the January 25 meeting):** Rezoning 43 Tax Parcels From R-2 (Medium Density Residential District) To The Adopted R-3 (Medium Density Residential District) Ordinance (No. 05-003) Which Downzones Uses To No More Than Eight Dwelling Units Per Lot, Removes Hospitals As a Conditional Use, Increases Minimum Lot Width, Decreases Density, Decreases Maximum Lot Coverage, and, for Buildings Built After June 30, 2005, Increases Side Yard Setbacks (IM 05-007)

MOVED BY:	Pippel	To adopt ordinance no. 05-006-Z-2
SECONDED BY:	Vanover	

*Clerk's note: A public hearing was held on January 25. The motion to adopt was made at that time.*

VOTE ON MAIN MOTION:	Motion carried by unanimous roll call vote.
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**Item 9 – Ordinance No. 05-007-Z-3 (Postponed from the January 25 meeting):** Rezoning 106 Tax Parcels From R-2 (Medium Density Residential District) To The Adopted R-4 (High-Density Residential District) Ordinance (No. 05-004) Which Enacts Chapter 17.27, R-4 High-Density Residential District (IM 05-008)

MOVED BY:	Pippel	To adopt ordinance no. 05-007-Z-3
SECONDED BY:	Erbey	

*Clerk's note: A public hearing was held on January 25. The motion to adopt was made at that time.*

VOTE ON MAIN MOTION:	Motion carried by unanimous roll call vote.
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**M. NEW BUSINESS**

**Item 1 – Mayor's Appointment to the Airport Advisory Commission**

MOVED BY:	Vanover	To accept the Mayor's appointments to the Airport Advisory Commission
SECONDED BY:	Carrington	

Mayor Combs read each applicants name and highlighted each applicant's affiliation with the airport.

Mayor Combs appointed the following applicants to the Airport Advisory Commission:

Applicant	Term
Jeff Helmericks	1 year
Tom Bishop	2 year
Peter Brown	2 year
Jenifer Hunter	2 year
George Angus	1 year
Allen Linn	1 year
Mike Meekin	2 year

VOTE ON MAIN MOTION:	Motion carried by unanimous roll call vote.
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**Item 2 – Authorize the Assignment of Palmer Airport Leases 91-1 and 91-2 for Security Purposes (AM 05-006)**

MOVED BY:	Pippel	To authorize the assignment of Palmer Airport Lease 91-1 and 91-2 for security purposes
SECONDED BY:	Hanson	

City Manager Healy explained the assignment of the lease and the project affected by the lease.

Mayor Combs asked about the event of default. City Manager Healy explained that the City remains the lessor and the bank’s role in the lease assignment.

Attorney Snodgrass explained his conflict of interest involving the assignment of the lease.

City Manager Healy stated that the assignment language was taken in part from the Woods Air assignment and the requirements of Merrill Field. He explained that in talking with Merrill Field, the question arose regarding the assets of the airport and stated that developed lease lots retain their value on the airport.

VOTE ON MAIN MOTION:	Motion carried by unanimous roll call vote.
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**Item 3 – Authorize City Manager to Enter Into an Agreement with the Alaska Court System for Transfer of Delinquent Fines (AM 05-004)**

MOVED BY:	Pippel	To authorize the city manager to enter into an agreement with the Alaska Court System for Transfer of Delinquent Fines
SECONDED BY:	Vanover	

Officer Kelly Turney explained the municipal code and state violation tickets written and the process for the receipt of funds from the State. He stated that currently, if a citizen chooses to not pay their fine, there are no repercussions to recoup the fines. Officer Turney stated that the mechanism in place for the receipt of the fines owed to the State of Alaska is the garnishment of PFD checks and stated that the mechanism is also available to municipalities. He highlighted a report stating that over \$40,000 is currently owed to the City of Palmer in unpaid traffic fines. He stated that \$49,000 in paid traffic tickets were received last year by the City. Officer Turney explained the blanket authority process and the process the police department would use to complete the process.

Mayor Combs asked of the timeframes involved to complete the process to garnish PFD disbursements. Officer Turney stated that he foresees 10-20 hours per year would be spent to on the project.

Council Member Hanson stated that the project is worthwhile and applauded Officer Turney for his efforts.

Council Member Erbey explained his occupation and the effectiveness of PFD garnishment for the payment of fines.

VOTE ON MAIN MOTION:	Motion carried by unanimous roll call vote.
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**Item 4 - Authorize City Manager to Enter Into a Transportation Corridor Permit with the Alaska Railroad for Water and Sewer Utilities (AM 05-007)**

MOVED BY:	Pippel	To authorize the city manager to enter into a Transportation Corridor Permit with the Alaska Railroad for water and sewer utilities
SECONDED BY:	Erbey	

City Manager Healy explained that the permit is in relationship to the Southwest Utility Extension and the cost of the permit of \$.50 per foot per pipeline, totaling \$22,000 per year. He stated that the cost would be included in the utility rates. City Manager Healy explained the conditions contained in the permit.

Council Member Hanson raised the question of non-fixed fees. City Manager Healy stated that the city has requested that the issue be narrowed. Discussion ensued regarding the entity issuing the permits.

Discussion ensued regarding the implied blanket and broad fees contained in the permit.

Council Member Wood stated that section 4.02 alarmed him with its broadness and suggested the appropriateness of restructuring the language to include a finite statement. Mayor Combs voiced his agreement and stated that the administration will address the issue.

VOTE ON MAIN MOTION:	Motion carried by unanimous roll call vote.
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**Item 5 - Identify Priorities for Capital Project Requests for the Federal FY 2006 Budget (AM 05-008)**

City Manager Healy explained the projects and the progress of the projects through the State systems. He recommended the following projects:

- Dogwood Avenue and Felton Street Construction
- Glenn Highway and Springer Loop Road Intersection
- Palmer Urban Revitalization Project
- Palmer Municipal Airport Improvements
- Downtown Palmer Glenn Highway Upgrade

Discussion ensued regarding the property acquisition and condemnation of property within the City.

**N. CITY MANAGER'S REPORT**

City Manager Healy reported on the following items:

- Population Issue – has an inquiry into the Department of Commerce requesting a review and expanded on the importance of accurate figures for the receipt of municipal revenue sharing funds;
- Finance Director – additional interviews are scheduled for next week;
- Comprehensive Plan – received three proposals for the plan and interviews are scheduled for next week; and
- Vacation – will be on vacation from Feb. 21 through March 7, 2005.

**O. CITY CLERK'S REPORT**

Ms. Persinger reported on the following item:

- Scheduled Work Sessions – Joint work session with the Planning and Zoning Commission and the City Council for February 15 and the joint work session scheduled for March 24 with the City's of Wasilla and Houston; and
- Open Meetings Act regarding work sessions.

## **P. AUDIENCE PARTICIPATION**

### **Q. COUNCIL COMMENTS**

**Council Member Carrington** commented, "We did it".

**Council Member Vanover** stated that she felt good about the work accomplished tonight and thanked the administration and the Planning and Zoning Commission for their hard work. Due to family commitments, she was unable to attend the grand opening of the Ice Arena. She welcomed the new Airport Advisory Commissioners.

**Council Member Hanson** stated that it was nice to see Rindi White in the audience. He thanked members for their attendance at the Ice Arena grand opening and stated that during a recent tournament, there were a lot of members of the public who shopped in Palmer.

**Council Member Erbey** stated that the comments made by Ms. Massey regarding the garbage are a state-wide issue. He voiced his concerns regarding the City's lack of authority to enforce the issue of cleanup. He admitted that following the recent windstorm, the City had to return his garbage can and asked administration to consider holding members of the City personally responsible for their garbage cans.

**Council Member Wood** thanked the Clerk for patching him into the meeting. He extended his apologies for missing the grand opening of the Ice Arena and recognized Council Member Hanson for all of his hard work.

**Council Member Pippel** wished Council Member Wood a speedy recovery. He voiced appreciation for all of the hard work and adoption of the R-1 through R-4 ordinances. He stated that during the tournament games at the ice area he spoke with members of the public concerning the arena and was overwhelmingly told of the wonderful conditions of the ice. Council Member Pippel expanded on the amount of people attending the Thursday tournament game and the large amount of cars parking in the area.

*City Manager Healy* explained that the City does hold the litter enforcement power and explained the contact made with the contractor.

**Mayor Combs** stated that a tremendous amount of work went into the R-1 - R-4 ordinances and stated that with their adoption, the City is moving in the right direction to accomplish the plan of the City. He expanded on his duties as Master of Ceremony at the grand opening of the Ice Arena.

### **R. ADJOURNMENT**

With no further business before the Council, the meeting adjourned at 9:55 p.m.

**APPROVED THIS 22<sup>nd</sup> day of February, 2005.**

/s/

John C. Combs, Mayor

/s/

Janette M. Bower, City Clerk