

A. CALL TO ORDER

A regular meeting of the Palmer City Council was held on December 13, 2005, at 7 p.m. in the council chambers, Palmer, Alaska.

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

Clerk's note: Due to a case of laryngitis by Mayor Combs, Mayor Pro-Tempore Pippel presided over the meeting.

B. ROLL CALL

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

Brad Hanson	Tony Pippel
Ken Erbey	Kathrine Vanover
Larry Hill	John Combs – <i>excused at 7:15 due to illness</i>

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. SPECIAL ORDER OF BUSINESS

Item 1 – Outstanding Citizen Award

Mayor Combs presented Audrey Michaelson with an Outstanding Citizen award for her contributions to the community of Palmer.

E. APPROVAL OF AGENDA

The agenda was approved as presented.

1. Approval of Consent Agenda
 - a. Introduction – Ordinance No. 05-038: Amending Palmer Municipal Code Sections 17.08.247 (Large Retail Establishment), 17.28.040 (Prohibited Uses), 17.32.025 (Standards for a Large Retail Establishment Permit), and 17.32.026 (Procedures for a Large Retail Establishment Permit) (IM 05-101)
 - b. Introduction – Ordinance No. 05-039: Amending Palmer Ordinance No. 623-Z-63 to Extend the Time for Property Owner Consent and Ratifying the Rezoning of Tax Parcels 18N02E32C019, 18N02E32C020, 18N02E32C021, and 18N02E32C024 From R-1, Single Family Residential, to C-G, General Commercial, With Specials

Limitations (IM 05-102)

- 2. Minutes of Previous Meetings – *the minutes were approved as presented.*
 - a. November 22, 2005, Regular Meeting
 - b. November 29, 2005, Special Meeting
 - c. December 6, 2005, Special Meeting

F. COMMUNICATIONS AND APPEARANCE REQUESTS

G. AUDIENCE PARTICIPATION

John Leiner requested that the City of Palmer execute work order no. 2 to cease and desist with the condemnation of Grand View and to enter into negotiations with Quality Asphalt as was previously promised. He expanded on the questions asked of City Manager Healy and City Manager Healy’s response. He stated that Mr. Hattenburg and Mr. Koch had lived and worked on the North Slope during the time of excess money and stated that he found ironic that they both work for the City. He described Mr. Dave Williams as a right-of-way expert who was hired by the City of Palmer and explained his conversation with Mr. Williams regarding the rights of property owners. He commented on his conversation with Mr. Hattenburg regarding alteration of the route and compensation. Mr. Lenier spoke of the consent to easement and described the easement as a general utility easement. He expanded on his conversation with Mr. Hattenburg regarding stockpiles. Mr. Lenier spoke of the USDA grant and their concurrence regarding negotiations with Quality Asphalt.

H. PUBLIC HEARINGS

Item 1 – Public Hearing (2 of 2) – Resolution No. 05-042: Adopting the Budget for the City of Palmer for the Fiscal Year 06, Beginning January 1, 2006 and Ending December 31, 2006 and Appropriating Monies (IM 05-100)

MOVED BY:	Hanson	To adopt resolution no. 05-042
SECONDED BY:	Vanover	

Mayor Pro-Tempore Pippel opened the public hearing for resolution no. 05-042. There being no persons who wished to testify, the public hearing was closed and the matter was brought back before the council.

Council Member Hanson asked of the 2 percent adjustment to the pay scale and it’s inclusion in the resolution. City Manager Healy stated that it was included. Council Member Hanson asked of the titles for the capital improvements. City Manager Healy explained their alteration.

Mayor Pro-Tempore Pippel explained his involvement in previous budgets and the ease of the current budget session.

Council Member Vanover thanked Mr. Dean Baugh, Finance Director for the new budget format.

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

Item 2 – Resolution No. 05-043: Amending the City of Palmer Employee Pay Plan (IM 05-103)

MOVED BY:	Hanson	To adopt resolution no. 05-043
SECONDED BY:	Hill	

Mayor Pro-Tempore Pippel opened the public hearing for resolution no. 05-043. There being no persons who wished to testify, the public hearing was closed and the matter was brought back before the council.

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

Item 3 – Resolution No. 05-044: Supporting Interim Improvements on the Palmer-Wasilla Highway (IM 05-104)

MOVED BY:	Hanson	To adopt resolution no. 05-044
SECONDED BY:	Vanover	

Mayor Pro-Tempore Pippel opened the public hearing for resolution no. 05-044. 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 explained the receipt of Mr. Gordon Keith’s letter regarding the Palmer-Wasilla Highway interim improvements. City Manager Healy explained the areas affected and spoke in support of the improvements. He explained that significant improvements would be conducted at a later date and spoke of the resolution’s support for the project.

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

Item 4 – Resolution No. 05-045: Honoring the Memory of One of Their Own Citizens Who Made the Ultimate Sacrifice – His Life (IM 05-105)

MOVED BY:	Vanover	To adopt resolution no. 05-045
SECONDED BY:	Hanson	

Mayor Pro-Tempore Pippel opened the public hearing for resolution no. 05-045. There being no persons who wished to testify, the public hearing was closed and the matter was brought back before the council.

Primary Amendment #1 to Main Motion		
Moved by:	Hill	To hyphenate the last name “Arcala-Berberich”
Seconded by:	Vanover	

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

Council Member Hanson voiced his support of naming the soccer fields after Sgt. Arcala-Berberich.

Mayor Pro-Tempore Pippel spoke of his desire for a policy to be in place to address the issue.

Council Member Vanover stated that she does not wish to see the issue addressed legislatively.

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

I. BIDS

J. ACTION MEMORANDUMS

Item 1 – Action Memorandum 05-125: Authorize City Manager to Enter Into a Utility Agreement with the Alaska Department of Transportation and Public Facilities for the S. Chugach Rehabilitation Project (*Removed from the agenda*)

K. UNFINISHED BUSINESS

Item 1 – Ordinance No. 05-036: Enacting Section: Special Needs Housing (17.08.424); Amending Chapter 17.64, Off-Street Parking and Loading; Specifically Repealing Sections: Space Required (17.64.010), Development Requirements (17.64.020), General Conditions (17.64.030) and Off-Street Parking (17.64.040) and Enacting Sections: Intent (17.64.005), General Provisions (17.64.015), Parking Lot Design Standards (17.64.021), Parking Spaces Required (17.64.031), Off Site Parking (17.64.035), Shared Use Parking (17.64.041), Downtown Parking District (17.64.050), Fee-In-Lieu Parking Program (17.64.055), Off Street Loading (17.64.060), Development Plan Requirements (17.64.070) and Landscape Requirements (17.64.080) of Title 17, Zoning (IM 05-092)

MOVED BY:	Pippel	To adopt ordinance no. 05-036
SECONDED BY:	Erbey	

Council Member Hanson voiced his approval of the structural changes within the ordinance. He voiced his disagreement with section 17.64.080 E., stating that the defined area is not large enough to maintain the landscaping and plowing requirements.

Primary Amendment #1 to Main Motion		
Moved by:	Hanson	To strike section 17.64.080 E.
Seconded by:	Erbey	

Council Member Hanson spoke of the associated costs regarding the landscaping requirements. He provided an example of a 29 space parking lot. He stated that 10 percent of parking areas must be maintained and stated that the additional requirement “goes over the top”.

Council Member Erbey voiced his agreement with Council Member Hanson and stated that the landscaping requirements are addressed elsewhere within the code.

Council Member Hill voiced his agreement with Council Member’s Erbey and Hanson.

City Manager Healy spoke of section 17.64.080 D. and the effect of removing E. He provided an example of a large building with a large lot and the affect of only landscaping around the perimeter of the parking lot.

Ms. Jansen explained the landscaping requirement for a large retail establishment. She stated that the affect of the amendment would eliminate interior parking lot landscaping. She stated that if the language was left in, the interior landscaping would count towards the total 10 percent required.

Mayor Pro-Tempore Pippel asked if a larger amount rather than the 20 contiguous parking spaces would be accepted. He spoke of LRE’s and suggested that a larger amount be required. Attorney Snodgrass provided suggestions for various amounts. Mayor Pro-Tempore stated that 50 spaces would be more appropriate.

Council Member Hanson spoke of the development costs and stated that in some point in time, the economy of the parking lots must be justified.

Secondary Amendment #1 to Primary Amendment		
Moved by:	Vanover	To strike 20 from 17.64.080 E. and insert
Seconded by:	Pippel	45
Vote: Motion carried by 4 -1 voice vote.		
Yes:		No:
Hill	Erbey	Hanson
Vanover	Pippel	

Ms. Jansen spoke of previous research, development costs and the appropriateness of interior landscaping.

Mayor Pro-Tempore Pippel voiced his support the increased spaces. City Manager Healy clarified the language regarding contiguous spaces and the building size required for the increased amount of contiguous parking.

Attorney Snodgrass asked of the Ms. Jansen definition of contiguous parking spaces. She explained the definition of contiguous.

Vote on Primary Amendment #1, as amended: Motion failed by 1-4 voice vote.		
Yes:		No:
Hanson		Hill
		Erbey
		Vanover
		Pippel

Primary Amendment #2 to Main Motion		
Moved by:	Vanover	To amend the following sections to read as follows:
Seconded by:	Erbey	
		<p>17.64.015 B.</p> <p>B. Outside the Downtown Parking District, free off-street parking shall be required for any addition or enlargement of an existing building and for any change in the use of any building that would result in additional parking space being required. The number of parking spaces shall be that specified in this chapter unless it is demonstrated to the zoning administrator that the addition or enlargement of the existing building or the change in the use of any proposed</p> <p>building will not increase parking demand or reduce the total number of pre-existing required parking is within 90 percent of the total requirement for all proposed uses and structures, including the enlargement of the existing building.</p> <p>17.64.021 K.</p> <p>K. Prior to approval by the city for use, all parking facilities within the city shall be permanently surfaced with a suitable gravel base or paved with concrete or asphalt compound.</p> <p>17.64.031 A.</p> <p>A. The following minimum number of free-off-street parking spaces shall be provided in all districts for all structures and uses. For uses not specifically identified in this section, the requirement for free off-street parking shall be the same as for the use duly determined by the zoning administrator to be the most similar.</p> <p>17.64.050</p> <p>Beginning at the intersection of Evergreen Avenue and the Glenn Highway, proceed south on the Glenn Hwy one block to W. Elmwood Avenue, then east on W. Elmwood Avenue to S. Cobb Street, south on S. Cobb Street to the intersection of W. Glacier View</p>

Avenue, and S. Colony Way, then north on S. Colony Way to E. west on E. Cottonwood Street to S. Alaska Street, north on S. Alaska Street to W. Birch Avenue, west on W. Birch Avenue to the alley between S. Alaska Street and S. Bailey Street, south on the alley to W. Cottonwood Avenue, west on W. Cottonwood Avenue to the alley between S. Bailey Street and S. Cobb Street, south on the alley to W. Cedar Avenue, west on W. Cedar Avenue to S. Cobb Street, south on S. Cobb Street to W. Evergreen Avenue then west to the intersection of W. Evergreen Avenue and the Glenn Highway. The following four properties are also included in the district: 18N02E32D007, 18N02E32D008, 18N02E32D013, 2808000T00A-1.

17.64.050 C.

C. Waivers may be granted if the commission determines and cites evidence in its decision that:

1. The property is within the downtown parking district;
2. No parking spaces have been lost due to redevelopment or change of use;
3. There is a city owned, public parking area within 400 feet of the building as measured along public right-of-ways;
4. The waiver is for less than 30 percent of the required parking spaces for buildings constructed after December 13, 2005.
5. To the extent practicable, the waiver is for less than 70 percent of the required parking spaces for buildings in existence on December 13, 2005.
6. The waiver furthers the goals of the Comprehensive Plan.

17.64.055

For property located in the Downtown Parking District, an in-lieu parking fee shall be submitted to the city for each required free off-street parking space that is not provided and for which

		<p>a waiver has been granted. The in-lieu parking fee shall be determined annually based on the costs for planning, acquisition, design, development, construction, financing (including interest on city self-financing), maintenance and operation of off-street parking facilities within 400 feet of the subject building as measured along public right-of-ways.</p> <p>17.64.080 A. A. All off-street parking lots shall have landscaping as required by this section, except those parking lots for single-family and two-family dwellings.</p> <p>17.64.080 B. B. All required parking lots shall provide a landscape buffer at least five feet in width along any property line adjacent to or coincident with the parking lot, except for those in the Airport Commercial, Airport Industrial, and Industrial districts where they do not border a residential district.</p>
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Mayor Pro-Tempore Pippel asked of the in-put by downtown business owners and other key members. Ms. Jansen spoke of the meetings held and advertising regarding the ordinance.

Vote on Primary Amendment #2: Motion carried by unanimous voice vote.		
Yes:		No:
Hill Vanover Hanson	Erbey Pippel	

Primary Amendment #3 to Main Motion		
Moved by:	Vanover	To amend 17.64.050 C. 3. to read as follows: 3. There is a city owned, public parking area within 400 feet of the building as measured along public right-of-ways (excluding the parking lots at City Hall and the Fire Station located on W. Evergreen Avenue and S. Cobb Street).
Seconded by:	Erbey	

Attorney Snodgrass requested that a further amendment be entertained to include fee-in-lieu language. He voiced his concern regarding the use of designated of fee-in-lieu parking areas. City Manager Healy asked how the lots would be designated. Attorney Snodgrass stated that the designation would require council action. Discussion ensued regarding the review process and fee-in-lieu fees.

Secondary Amendment #1 to Primary Amendment		
Moved by:	Vanover	To amend 17.64.050 C. 3. to read as follows: 3. There is a city owned, fee-in-lieu designated public parking area (excluding the parking lots at City Hall and the Fire Station located on W. Evergreen Avenue and S. Cobb Street) within 400 feet of the building as measured along public right-of-ways;
Seconded by:	Erbey	

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

Vote on Primary Amendment #3: Motion carried by unanimous voice vote.	
Yes:	No:
Hill Vanover Hanson	Erbey Pippel

VOTE ON MAIN MOTION: Motion carried by 4 – 1 voice vote.	
Yes:	No:
Hill Vanover Hanson	Erbey Pippel Hanson

L. NEW BUSINESS

M. CITY MANAGER’S REPORT

City Manager Healy reported on the following items:

- Southwest Utility Extension project;
- S. Chugach Street Project;
- Property Sale – bids were not received on the property, the decision has been made not to remove the gravel from the site prior to installation of the utility line;
- Palmer Urban Traffic Capacity Study;
- Central Paving Products – met with representatives to address the proposed land swap improvements;
- Annexation Economic Analysis;
- Palmer Museum of History and Arts;
- University Arboretum Property – negotiations continue with the University.

N. CITY CLERK’S REPORT

O. RECORD OF ITEMS PLACED ON THE TABLE

The following items were placed on the table:

- City Manager's Memo;
- Suggested amendments to Ordinance No. 05-036.

P. AUDIENCE PARTICIPATION

Peter Probasco stated that he received a lot of assistance during the parking ordinance process and thanked City Manager Healy and Ms. Jansen for their assistance. He recognized the staff at the Palmer Ice Arena and explained his opportunity to use the property.

Q. COUNCIL COMMENTS

Mayor Pro-Tempore Pippel spoke of the University property and stated that the City has a wonderful opportunity to acquire a wonderful piece of property. He stated that it would be a great location for the Parks & Recreation Department. He commented on the activities of the of the Palmer Museum History and Art, Palmer Arts Council, radio station within Palmer.

Attorney Snodgrass spoke of his son's car broken into, the call to the credit card company, his wife shopping at the Depot and the theft and recovery of her wallet by an honest Palmer citizen.

R. ADJOURNMENT

With no further business before the Council, the meeting adjourned at 8:35 p.m.

APPROVED THIS 27th day of December, 2005.

/s/

John C. Combs, Mayor

/s/

Janette M. Bower, City Clerk