

A. CALL TO ORDER

A regular meeting of the Palmer City Council was held on March 27, 2007, at 7 p.m. in the council chambers, Palmer, Alaska.

Mayor Combs called the meeting to order at 7:02 p.m.

B. ROLL CALL

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

Ken Erbey	James Wood	Richard Best
Brad Hanson	Kathrine Vanover	John Combs
Tony Pippel		

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 Best.

D. APPROVAL OF AGENDA

1. Approval of Consent Agenda
 - a. Introduction – Ordinance No. 07-009: Amending Title 6; Terminating the Animal Control Board, Granting the Chief of Police the Authority for Animal Determination and Classification, Enacting Language Regarding Appeal Procedures and Amending the Fees for Penalties (IM 07-014)
 - b. Introduction – Ordinance No. 07-010: Amending Palmer Municipal Code Section 2.10.030 of Chapter 2.10 (City Manager); Specifically to Implement a Date for Introduction of the Fiscal Year Budget (IM 07-013)
 - c. Action Memorandum 07-024: Authorize City Manager to Amend and Extend the Professional Services Agreement for an Additional Two Years with Don Carling for Gardening Services
 - d. Action Memorandum 07-029: Confirm the Mayor’s Appointment of Mike Meekins to the Airport Advisory Commission
2. Minutes of Previous Meetings
 - a. March 6, 2007, Special Meeting
 - b. March 13, 2007, Regular Meeting – *were unavailable.*

E. COMMUNICATIONS AND APPEARANCE REQUESTS

1. Roscoe Barrett – City of Palmer Public Works Department
Mr. Barrett reported on the following items:

- commented on the record amount of snow and thanked Greg Wickham, Superintendent and the Public Works Department crew for their efforts;
- thanked the police department for their vehicle removal efforts;
- spoke of frozen waterlines and water mains;
- reported the waster water treatment plant operator position had been filled;
- announced the resignation of Mr. Brett Talmadge and stated that the position will remain vacant due to changes in refuse service;
- spoke of the upcoming bid opening for janitorial services;
- commented on action memorandums 07-025 and 07-026 and the involved timeframes of the projects;
- reported on the closed and current public works department projects;
- noted the upcoming and future public works department projects;
- highlighted the status of the steel water main grant funding; and
- commented on the issue of fire hydrant jacking occurring in Anchorage.

F. AUDIENCE PARTICIPATION

Mike Madar:

- commented on the transition of garbage service to a private source;
- stated the service was \$7.50 more a month and three months of payment was required at a time;
- spoke of the unfairness of having to pay more for garbage service;
- stated that outsourcing of City services was the wrong direction for the City;
- highlighted the City cleanup service dates and stated that those services would be a loss to the citizens and City;
- encouraged the City to contact RCA to include the new City limits in the garbage service area;
- commented on the Mat-Su Borough School District's loss of janitors;
- commented on Golf Director Jeff Barnhart's leaving and described it as a loss;
- asked when the council would discuss annexation of the Palmer-Wasilla Highway area.

G. PUBLIC HEARINGS

Item 1 – Public Hearing – Resolution No. 07-003: Supporting Extension of the Southcentral Railroad Line (IM 07-015)

MOVED BY:	Hanson	To adopt resolution no. 07-003
SECONDED BY:	Vanover	

Mayor Combs opened the public hearing for resolution no. 07-003. There being no one who wished to speak, the public hearing was closed and the matter was brought back before the council.

Council Member Pippel:

- asked if there was something in the resolution for the City of Palmer;

- commented on the Usibeli Mines in the Healy area;
- questioned the relevance of the resolution to Palmer.

Mayor Combs:

- described the action in support of the Mat-Su Borough;
- commented on the legislators who support of the action; and
- highlighted contact made with Borough Assembly Members regarding Library and bed tax funding.

Council Member Wood:

- inquired of the value of the rail spur to Palmer;
- noted that the railroad tie from Palmer to Anchorage was not addressed in the action;
- asked of railroad access to the Willow area; and
- inquired of the quid pro quo nature of the conversations held with the Borough.

Council Member Best:

- commented on the coal offloading facility stating revenues would be brought into the Mat-Su Borough; and
- stated that the resolution lends support to the Kenai Peninsula Borough area.

Council Member Hanson;

- stated the spur to Point MacKenzie would mean very little to Palmer; and
- mentioned that the support extended to the Borough would in turn encourage the Borough's support of the Bogard Road extension project.

Council Member Erbey:

- voiced his concurrence with Council Member Hanson regarding support of the Borough.

Council Member Vanover:

- asked Library funding be addressed by the Borough.

VOTE ON MOTION: Carried by 5-2 voice vote.				
	Yes:			No:
Erbey	Vanover	Best	Pippel	Wood
Hanson	Combs			

H. BIDS

Item 1 – Action Memorandum 07-025: Authorize the City Manager to Execute a Contract for Construction of the “Rehabilitate Runway 9/27” Project to Cruz Construction, Inc., in the Amount of \$2,146,160.16, Contingent Upon Receiving a Federal Aviation Administration Grant; Direct Administration to Prepare an Amendment to the 2007 Budget for the Project; and Authorize the City Manager to Execute a Federal Aviation Administration Grant for the Project

MOVED BY:	Erbey	To accept the action of action memorandum 07-025
SECONDED BY:	Vanover	

City Manager Healy:

- highlighted the FAA process for awarding grants; and
- expanded on the scope of the project.

Council Member Wood:

- inquired on the date the runway was last upgraded; was
- asked of the balance of the airport fund.

Council Member Pippel:

- stated that the runway had been last updated 25 years ago.

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

Item 2 – Action Memorandum 07-026: Authorize the City Manager to Execute a Contract for “Airport Crack Sealing” Project Contingent Upon Receiving a Federal Aviation Administration Grant; Direct Administration to Prepare an Amendment to the 2007 Budget for the Project; and Authorize the City Manager to Execute a Federal Aviation Administration Grant for the Project

MOVED BY:	Erbey	To accept the action of action memorandum 07-026
SECONDED BY:	Vanover	

Council Member Pippel:

- inquired of the language regarding “Airport Safety Requirement”; and
- asked if any concerns were raised due to the fact that all of the other bidders were at least five times higher than Pacific Asphalt, Inc.

City Manager Healy:

- highlighted the airport safety requirement process; and
- commented on required standards and the previous work of Pacific Asphalt, Inc.

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

I. ACTION MEMORANDA

Item 1 – Action Memorandum 07-028: Approve an “Amendment, and Consent to Assignment, of Golf Course Contract”, and Authorize the City Manager to Execute the “Instrument Regarding Assignment of Golf Course Contract”

MOVED BY:	Vanover	To accept the action of action memorandum 07-028
SECONDED BY:	Hanson	

Council Member Pippel:

- requested a definition and the value of the clause regarding “not to complete”;
- questioned the waiving of language regarding the covenant not to compete; and
- voiced concern regarding removal of the non-compete clause.

City Manager Healy:

- highlighted the recommendation of the action memorandum;
- explained the response to Mr. Barnhart's request and the protection of the City's interest;
- stressed the remaining contract obligations;
- expressed the need for a smooth transition; and
- stated that the current contract did not contain performance criteria.

Council Member Wood:

- commented on Mr. Barnhart's availability to assist Mr. Collum;
- asked how Mr. Barnhart could "serve two masters"; and
- spoke of needed performance criteria.

Council Member Vanover:

- stated that the issue did not have anything to do with the contract but with the manner in which Mr. Barnhart represents himself; and
- stated that because of Mr. Barnhart's nature, he would not "submarine" the Palmer Golf Course.

Attorney Gatti:

- provided an overview of the contract language;
- stated that under the assignment, Mr. Barnhart remains under contractual obligation should there be a failure of Mr. Collum and expanded on the legal ramifications of failure;
- commented on performance standards built into the contract;
- expanded on the premise of the non-compete clause language, stated the continuity and on-going liability of Mr. Barnhart under the contract;
- highlighted the daily operations of the golf course and the contract assignment ensuring Mr. Barnhart's liability; and
- explained the use of a novation to bind Mr. Collum to the contract terms.

Mayor Combs:

- asked of the measurable quality of Mr. Collum's performance;
- spoke of the previous contracts presented to the council for consideration; and
- commented on the standards of the non-compete language within the insurance industry.

Council Member Best:

- commented on the remaining length of time on the contract and liability of Mr. Barnhart.

Council Member Hanson:

- thanked Mr. Barnhart for his service;
- voiced concern regarding Mr. Barnhart "serving two masters";
- commented on the competitive environment of golf courses; and
- stated that should there be a change in environment, the contract with Mr. Barnhart should immediately end.

Primary Amendment #1 to Main Motion		
Moved by:	Pippel	To amend the consent to assignment of the golf course by removing the whereas clause that deletes the covenant regarding non-compete
Seconded by:		

Motion died with lack of second.

Jeff Barnhart:

- spoke of the hard nature of the decision to leave the Palmer Golf Course;
- expanded on his intent to showcase golf in the Valley;
- highlighted his 11 years at the Palmer Golf Course;
- expanded on the needs of his family;
- commented on the competency of Mr. Collum to operate the Course;
- stated that the change would be a seamless transition;
- voiced concern regarding the extraordinarily cold spring;
- commented on his career as a facilities manager and stated that Mr. Collum had worked at two other facilities with him; and
- voiced his confidence in Mr. Collum.

George Collum:

- voiced confidence in the upcoming year and strategy to build golf in the Valley;
- highlighted his career in the golf course field;
- stated that with continued growth, both golf courses would continue to grow and thrive;
- voiced his loyalty to the City of Palmer and to the contract; and
- stated the end desire was not for the two courses to beat each other up.

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

J. UNFINISHED BUSINESS

K. NEW BUSINESS

L. CITY MANAGER’S REPORT

City Manager Healy reported on the following items:

- Alaska Public Utilities Trust rates and upcoming board meeting;
- Refuse Collection; and
- Department of Labor criteria regarding the police department lieutenant position.

M. CITY CLERK’S REPORT

City Clerk Bower reported on the following items:

- Cancellation of the April 5, 2007, Joint Tri-Cities meeting; and
- Appeal record and process.

N. MAYOR'S REPORT

Mayor Combs reported on the following items:

- Annual Chamber of Commerce meeting;
- Installation of Superior Court judges;
- Meeting held with Mayor Diane Keller and Bruce Urban regarding Library funding;
- Borough proposal regarding a two percent sales tax;
- Juneau trip and meetings.

O. RECORD OF ITEMS PLACED ON THE TABLE

P. AUDIENCE PARTICIPATION

Burt Verrall:

- thanked the council for their service;
- commented on the special meeting regarding annexation and the position of the City to offer services to residents in the proposed area and the fact that services are being taken away from the current City residents;
- spoke of Mr. Barnhart's department;
- assured the council of Mr. Collum's competency;
- urged the council to continue to run the "Golf Come to Palmer" commercials.

Q. COUNCIL COMMENTS

Council Member Vanover:

- spoke of the banquet for the Volunteer Firefighters;
- voiced concern regarding the lack of an award for Chief Dan Contini;
- inquired of the status of the land where the Pathways School is located; and
- announced that she will be in surgery for the April 24 meeting.

Council Member Erbey:

- asked the City consider commissioning an ice sculpture to raise the temperature.

Council Member Pippel:

- commented on the 80 consecutive days of below freezing temperatures;

Council Member Hanson:

- asked that a letter of thanks be sent to Mr. Barnhart for his years of service; and
- asked that a letter welcoming Mr. Collum be sent as well.

Council Member Wood:

- voiced concurrence with Council Member Hanson;
- commented on the resolution of the "Alaska Grown" logo;
- spoke of the Chamber of Commerce's desire to host an economic summit in Palmer;
- stated that the council made a mistake in October 2005 when making the mayor's position a full-time position;
- stressed that it was time to correct the mistake before a new election cycle were to begin;
- asked for the support of a council member to join with him the request to draft an ordinance eliminating the mayor's salary and benefits effective October 1, 2007. *Clerk's*

note: support from another council member was not offered.

R. ADJOURNMENT

With no further business before the council, the meeting adjourned at 9:43 p.m.

Approved this tenth day of April, 2007.

/s/

John C. Combs, Mayor

/s/

Janette M. Bower, CMC, City Clerk