

A. CALL TO ORDER

A regular meeting of the Palmer City Council was held on March 22, 2005, at 7:00 p.m. in the council chambers, Palmer, Alaska.

Mayor Combs called the meeting to order at 7:00 p.m.

B. ROLL CALL

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

Brad Hanson	
Ken Erbey	John Combs
Jim Wood	Steve Carrington – arrived at 7:07
Tony Pippel	

Also in attendance were the following:

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

C. APPROVAL OF AGENDA

The following items were approved with the approval of the consent agenda:

1. Approval of Consent Agenda
 - a. Introduction – Ordinance No. 05-016: Amending Section 17.68.030 (Non-Conforming Lots of Record) of Title 17 (Zoning) to Remove the Stipulation Continuous Frontage Lots in Single Ownership Be Considered an Unsubdivided Parcel for Purposes of the Zoning Code (IM 05-021)
 - b. Introduction – Ordinance No. 05-017: Amending Section 17.64.020 (Development Requirements for Parking Lots) of Title 17 (Zoning) to Require Landscaping to Occupy the First Five Feet From the Property Line (IM 05-022)
 - c. Introduction – Ordinance No. 05-018: Amending Section 17.08 (Definitions) of Title 17 (Zoning) to Add Definition for District (IM 05-023)
 - d. Introduction – Ordinance No. 05-019-Z-4: Rezoning Tax Parcel Palmer West Subdivision, Lot 9, Block 1, From R-1 (Single Family Residential District) to the Adopted R-1E (Single Family Residential Estate District) (IM 05-024)
 - e. Liquor License Review – Palmer Municipal Golf Course (AM 05-021)
2. Minutes of Previous Meetings
 - a. March 8, 2005, Regular Meeting

D. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Erbey.

E. COMMUNICATIONS AND APPEARANCE REQUESTS

1. Rick Koch, Director – Palmer Public Works Department

Mr. Koch reported on the following items:

- The progress of the Southwest Utility Extension project;
- South Chugach waterline development – the portion between Fireweed and Elmwood will be completed this summer, the remaining portion of the project will be completed in coordination of the Department of Transportation (DOT);
- Daron Drive Park – the Mayor will work with residents to determine improvements to occur this year;
- A-Moose-Ment Park and Sherrod Fields Restrooms;
- Palmer Skateboard Park;
- Airport – R/W9-27 RPZ Property Acquisition and Grader Acquisition;
- Public Safety projects;
- Palmer Ice Rink Parking Lot Paving & Landscaping – in receipt of a proposal from Wolverine for gravel and will receive informal bids for paving – discussion ensued regarding the aesthetics involved with the entrance to the facility;
- Palmer Tree Planting;
- Painting of City Buildings;
- Library HVAC Controls;
- Felton Street Construction – design process this year and construction next year;
- Wastewater Water Treatment Plant Outfall & Sludge Bed Upgrades – 50% match with DEC for the project;
- Visitor Center Borough Grant – outstanding grant that provides for garden improvements inside the garden walkways;
- The Mayor asked that Welcome to Palmer Signs be added to the list for completion during this year;
- Palmer Ice Arena income/expenses – the net profit for the Ice Arena is \$40,000, explained the closure of the arena during April through June and the expenses incurred for utilities.

2. Sergeant Lance Ketterling – Byrne Grant

Sgt. Ketterling reported on the following items:

- Stated that grant funds are no longer being offered, traditionally the entire salary for the officer is paid for by the grant,
- It is expected that \$12,000 will be received this year for the position;
- Monies should be redistributed around June;
- If it is the desire for the City to continue participation with the Mat-Su Drug Unit, the position will require funding by the City or another means;
- In 2003, there were ten known meth labs, in 2004, there were 40 known meth labs;
- Discussion ensued regarding the vacant patrol position and funding of the position;
- The council requested that a budget response/review be provided at the next meeting regarding funding the position;
- Discussion ensued regarding the school zone and use of excess speed.

F. AUDIENCE PARTICIPATION

Verda Louis, Verda's Cakes and Things – Wal-Mart Development

Ms. Louis explained the petitions circulated regarding the stoppage of Wal-Mart. She stated that she has contacted Fred Meyer regarding building a larger store and use of the current building. She explained that a new Wal-Mart is not needed in the community.

Leonard Shushka – Wolf Country – Wolf Hybrids

Mr. Shushka explained his involvement in raising wolves during the past 50 years and stated that all dogs are wolf hybrids. He stated that there is no such thing as a pure wolf and explained the gentleness of the animals. Mr. Shushka asked that due to the fact that there is no such thing as a pure dog and that each dog is a wolf hybrid, that something is done regarding the code revision prohibiting wolf hybrids. He stated currently that 100-200 persons in Palmer own wolf hybrids.

Maryann Cockle – Wal-Mart Development

Ms. Cockle stated that she is not against development but would like controlled and planned development. She stated that the petition mentioned by Ms. Louis contains over 100 signatures in protest of a Wal-Mart in Palmer. She asked that citizens be kept informed of any planning of the site so they may be involved. Ms. Cockle explained that she is in the process of completing research on the affects of Wal-Mart on a community of this size. She stated that she understands that land owners have a right to sell their property to whomever they want, but as a community, the citizens have a right to provide input on the development of their community.

Gabriel Layman – Palmer Senior Center

Mr. Gabriel stated that the Center has acquired 11 acres in the City with the plans to develop affordable senior housing. He explained the first development phase and stated that the location provides close proximity to the Pioneer Home and Palmer Senior Center which allows for integration of services. Mr. Layman stated that the Center is asking for verbal support from the council.

Rick Shields – Wal-Mart Development

Mr. Shields stated that he has begun a website with an on-line petition protesting Wal-Mart development. He stated that in his conversation with a council member, he understands that due to the potential increase of traffic and crime created by Wal-Mart, new officers would need to be hired. He questioned as to why the council would desire to spend money on the officers rather than to stop the development of Wal-Mart. Mr. Shields stated that rather than encourage the development of large store, he would like to see growth attributed to homes and families. He expressed his opinion that Wal-Mart would destroy Palmer and explained that 248 other communities have successfully stopped Wal-Mart from coming to their communities. Mr. Shields explained the informal telephone poll conducted in which half of the persons contacted were against Wal-Mart.

Marie Dollma – Wal-Mart Development

Ms. Dollma explained her negative response to the development of Wal-Mart in Palmer because of the increase in traffic, unemployment due to the closing of local businesses, and the 75-85% of Wal-Mart employees who fall below the poverty level. She stated that those employees will need a place to live and will be unable to find affordable housing. She expressed her fears in connection with the need for additional safety officers. Ms. Dollma stated that Palmer should retain its status as a nice little country town and described her willingness to drive an additional 20 minutes to shop.

Ruth Hulbert – Wal-Mart Development

Ms. Hulbert voiced her concerns regarding the proposed store and stated that she is emphatically against it. She explained the University of California study which estimates that the State of California incurs an \$80 million debt each year due to the lack of pay to Wal-Mart employees and the costs associated with supplementing incomes. Ms. Hulbert stated that the long term costs are of concern because of her intent and desire to live in the community for the next 60-70 years.

Kathy Wells – Executive Director, Friends of Mat-Su – Wal-Mart Development

Ms. Wells expressed her distress regarding Wal-Mart and stated that currently all of the Palmer business fronts are filled. She suggested that the City revisit the large retail establishment ordinance and to consider former Mayor Cooper’s recommendation of a moratorium regarding big box stores. Ms. Wells further stated that a great deal of thought, ingenuity and work was accomplished by the University of Washington students and suggested that their recommendations be recognized. She asked the council to consider saying no to Wal-Mart.

Patty Gibbler – Sidekicks and Gifts – Wal-Mart Development

Ms. Gibbler stated that having a Wal-Mart in Palmer is a horrible mistake and explained that the reason she relocated in Palmer is the small hometown feel. She suggested that Wal-Mart would change that image. Ms. Gibbler stated that Downtown Merchants have projected an image to attract visitors to Palmer and those visitors enjoy Palmer in its current state.

G. ACTION MEMORANDUMS

Item 1 – Action Memorandum 05-019: Authorizing the Extension of Water Utility Service to Mountain Ranch Subdivision

MOVED BY:	Pippel	To authorize the extension of water utility service to Mountain Ranch Subdivision
SECONDED BY:	Erbey	

City Manager Healy explained the request made by Hall Quality Homes. He stated that the Public Works Department has asked that pipe oversizing be provided by the contractor. City Manager Healy stated that the pipe oversizing would involve an agreement with the developer. He explained that the pipe costs will be brought back to the council for approval.

Council Member Pippel inquired of the timeframe involved in the City’s take over of the utility system. City Manager Healy explained the involved timeframes and acceptance by the city. Council Member Pippel asked that the phase development be made clear and voiced his pleasure over the developer’s provision of fire hydrants.

Council Member Carrington asked if the agreement would require an annexation agreement. City Manager Healy explained the proximity of the development in response to the annexation. He stated that utility agreements cannot be made contingent upon annexation agreements.

Council Member Wood asked of the connection points and the responsibility of the developer. City Manager Healy explained that the issues would be addressed in the subdivision agreement.

Discussion ensued regarding the ability to include agreements regarding neighborhood parks, subdivision agreements, and curb and gutter requirements in a utility agreement. City Manager Healy explained that the City does not hold the ability to require non-water improvement items in the agreement.

Primary Amendment to Main Motion		
Moved by:	Carrington	To authorize the city manager to enter into an extension agreement with Hall Quality Homes in accordance with the terms that are set out in the administrative recommendations to include provisions of at least one year and the last line of the administrative recommendations read that the developer turns over the utility at no cost for operation and that the subdivision is built in accordance with the layout as presented to the council on unnumbered pages 47 & 48 in the packet
Seconded by:	Pippel	

Vote on Amendment:	Motion passed by unanimous voice vote.
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Primary Amendment to Main Motion		
Moved by:	Combs	To include the language “in discussion with the developer designation of a neighborhood park be a part of the discussion of the project”
Seconded by:	Pippel	

Council Member Pippel suggested that the City purchase a lot within the subdivision for purposes of park development.

Council Member Hanson stated that the discussion to include items that the City has no power to enforce is out of order. He stated that the items can be requested in an informal manner but not be made a requirement.

Vote on Amendment:	Motion passed by 5 – 1 (Hanson) voice vote.
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VOTE ON MAIN MOTION:	Motion carried by unanimous voice vote.
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Item 2 – Action Memorandum 05-020: Authorizing City Manager to Extend an Agreement for Insurance Brokerage Services with Willis of Alaska

MOVED BY:	Hanson	To authorize the city manager to extend an agreement for insurance brokerage services with Willis of Alaska
SECONDED BY:	Wood	

City Manager Healy explained the services by Willis of Alaska and stated that the time of performance would be extended to March 15, 2006. He stated that the annual payment remains the same.

Council Member Pippel asked of the timeframes involved in the payment of the contract and stated that generally payment is not made until services are provided.

Primary Amendment to Main Motion		
Moved by:	Pippel	To amend Section 6 Compensation to make payment for services due on July 10, 2005
Seconded by:		

Vote on Amendment:	Motion passed by unanimous voice vote.
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VOTE ON MAIN MOTION:	Motion carried by unanimous voice vote.
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Item 3 – Action Memorandum 05-022: Approving Lease Rate Increase for Palmer Airport Lease Nos. 77-1, 92-1, 92-2, and 97-2

MOVED BY:	Hanson	To approve lease rate increase for Palmer Airport Lease Nos. 77-1, 92-1, 92-2, and 97-2
SECONDED BY:	Pippel	

City Manager Healy explained the lease renewal process and the finding of several leases which were overlooked during the lease rate renewal timeframe. He explained the intent of lease adjustment, which would be effective for the remainder of the five year term. He stated that after further review, the legal issue of the authority to do so was not as clear as it first appeared. City Manager Healy explained that because of the small amounts of funds involved with the renewal and due to the lack of clear legal authority, the administration has recommended to renew the leases during the next cycle. He stated that the total amount of gained revenue would have been \$3 – 4,000 per year.

Council Member Pippel asked of the leases previously reviewed by the council. City Manager Healy explained that those leases were adjusted within the renewal period.

Attorney Snodgrass explained his process of research regarding the power of the council to raise the rates at the mid-year point. He explained the lease negotiation rates in comparison to the Borough appraised values and the option to obtain appraisals. Discussion ensued regarding the contract and language to charge the fair market value.

VOTE ON MAIN MOTION:	Motion failed by unanimous voice vote.
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H. HEARINGS, ORDINANCES AND RESOLUTIONS

Item 1 – Public Hearing – Ordinance No. 05-014: Amending Section 17.80.030 (Public Hearings) of Title 17 (Zoning) to Increase Notification Requirements for Zoning Map Amendments From 300 Feet to 600 Feet (IM 05-19)

MOVED BY:	Pippel	To adopt ordinance no. 05-014.
SECONDED BY:	Wood	

Mayor Combs opened the public hearing for ordinance no. 05-014. The following person testified:

- Mike Madar voiced his support of the ordinance and urged its passage by the council. He stated his opinion that as the city expands, twelve hundred foot notification would be appropriate.

Council Member Wood voiced his support of the ordinance and stated that as much of the public as possible should be notified. He stated that the tone of the administration memos indicate a lack of support by the staff. He explained his process of notice identification and highlighted the costs associated with the process.

City Manager Healy explained that the decision of notification boundary extension as policy decision by the council. He further explained the current notification process.

Council Member Erbey stated that during a previous rezoning action, a petition was circulated with the end result of the petition being rejected because of the numerous persons who signed the petition who did not reside within the three hundred foot boundary. He voiced his support of the ordinance.

Council Member Carrington voiced his agreement with the six hundred feet perimeter and stated that the additional notification “goes the extra mile”.

Council Member Pippel voiced his agreement with the six hundred feet perimeter and explained the three hundred foot history.

Council Member Hanson voiced his support due to the scale of development. He took exception to the tone of the memorandums. He voiced his opinion that notification is critical to participation and involvement.

Primary Amendment to Main Motion		
Moved by:	Wood	To include the following language in subsection A.2. “Any property owner to which a map amendment applies or of land within six hundred feet of that land who fails to maintain a current mailing address with the Borough Tax Assessor shall be deemed to have waived this requirement for notification.”
Seconded by:	Pippel	

Discussion ensued regarding language in 17.80.030 C. Attorney Snodgrass explained that the language in subsection C addressed the issue in the amendment.

Vote on Amendment:	Motion failed by unanimous voice vote.
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Primary Amendment to Main Motion		
Moved by:	Wood	To include the following language in subsection A.1. “If any portion of a residential subdivision is within seven hundred feet of land to which a map amendment applies, a minimum of 25% of land owners selected randomly within that subdivision in addition to land owners within six hundred feet shall be notified of the proposed map amendment in the manner prescribed.”
Seconded by:	Pippel	

Council Member Wood voiced his opinion that subdivisions are an entity unto themselves and everything that everything around it, affects the entire entity.

Council Member Carrington asked of the reason for performing the random selection when the entire entity is involved. Council Member Wood explained his opinion that the 25% mark as a sufficient random sampling of the opinions of the entire subdivision.

Council Member Pippel voiced his concerns regarding random sampling and the public perception of the process.

Council Member Carrington stated that public notices of proposed rezones are published in the paper and on the City website and often notice is made by the homeowners association. He explained the sufficiency of six hundred feet notification.

Council Member Erbey explained his understanding of the amendment and

expressed his agreement with it in theory but questioned the notification logistics.

Vote on Amendment:	Motion failed by 1 – 5 (Wood) voice vote.
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VOTE ON MAIN MOTION:	Motion carried by unanimous voice vote.
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Item 2 – Public Hearing – Ordinance No. 05-015: Amending Section 17.80.081 (Property Owner’s Protest) of Title 17 (Zoning) to Increase the Property Owner’s Protest Vicinity Definition From 300 Feet to 600 Feet (IM 05-020)

MOVED BY:	Pippel	To adopt ordinance no. 05-015
SECONDED BY:	Hanson	

Mayor Combs opened the public hearing for ordinance no. 05-015. The following person testified:

- Mike Madar referred to the previous petition submitted by him regarding a rezoning action in his neighborhood. He explained that due to ownership of the property he was unable to gain an official protest. He explained that the proposed ordinance should carry some meat to the action and voiced his support of the ordinance.

Council Member Pippel voiced his agreement with the radius increase of three hundred feet to six hundred feet to allow for additional public involvement. He explained the council’s responsibility to the public for the greater good of the entire city rather than the greater good of one portion of the city.

Council Member Carrington questioned the clerk as to the process of recording a protest that does not carry the percentages required to be recognized a formal protest. Ms. Bower explained that the council holds the ability to record into the ordinance the record of the protest.

City Manager Healy voiced his concerns regarding subsection B.4. He explained that the mechanism appears to be clumsy. He raised the question of subsection B.3.

Council Member Wood explained that during a previous rezoning action, public property was included in the action. He stated that the public property held such a large portion of the action, the public property declared itself neutral and therefore the numbers required for a formal protest were unable to be reached. Council Member Wood explained that a situation involving B.3. also occurred during the action. He stated that any persons holding a position which requires neutrality, those persons should be excluded from the protest requirements.

City Manager Healy raised the question of notice requirements and allowable comment periods by the public.

Council Member Carrington explained that the language addresses the properties which are counted to determine the one-third area.

Council Member Pippel summarized the discussion by explaining the problems associated with the implementation of a notification system regarding properties in excluded areas.

City Manager Healy clarified his previous statement by stating that the subsection defines who has standing in filing a protest. He stated that it would be still unknown if persons beyond the six hundred feet area would be eligible to file a protest.

Primary Amendment #1 to Main Motion		
Moved by:	Wood	To delete subsection B.4.
Seconded by:	Pippel	

Vote on Amendment:	Motion carried by unanimous voice vote.
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Attorney Snodgrass followed up the discussion regarding a person requiring neutrality by stating that the Planning & Zoning Commission chair does not require neutrality. He voiced his concern regarding the rights of the chair if as an example, a garbage dump was proposed on the property next to the chair’s property. Attorney Snodgrass explained that the chair should not be required to declare neutrality; he or she would retain all rights as a citizen but must abstain from conversation at the Commission level.

Primary Amendment #2 to Main Motion		
Moved by:	Wood	To strike the word “requiring” and insert “claiming” to subsection B.3.
Seconded by:	Pippel	

Mayor Combs explained that the issue of a council member and commission member recusing themselves from a subject considered to be a possible conflict of interest was covered under the conflict of interest requirements.

Council Member Wood explained his position that the council and/or commission member’s property should not be included in the equation for calculating the eligibility of a protest.

Ms. Bower explained the requirements of council and commission members to vote on matters before them with the exception of those to which they have a direct financial gain.

Council Member Pippel stated his opinion that the language in subsection B.3. is aimed at those who protest.

City Manager Healy explained the complications involved in the notification process.

Vote on Amendment:	Motion failed by unanimous voice vote.
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Primary Amendment #3 to Main Motion		
Moved by:	Pippel	To delete item B.3. in its entirety
Seconded by:	Erbey	

Vote on Amendment:	Motion carried by unanimous voice vote.
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Primary Amendment #4 to Main Motion		
Moved by:	Hanson	To delete item B.2. in its entirety
Seconded by:	Pippel	

Council Member Hanson explained his opinion that the vote of a land owner should have the same rights as a non-land owner.

Council Member Wood stated his adamant belief that the language should remain

in the ordinance and explained the possible strategies by developers to ensure that protests fail.

Council Member Carrington stated that he understands Council Member Wood’s concerns and voiced his agreement with Council Member Hanson regarding the ability of land owners to make their determination to participate in a protest.

Attorney Snodgrass asked the council to note that the denominator involved in a protest is accomplished by area rather than number of people.

Vote on Amendment:	Motion carried by 4-2 (Wood, Pippel) roll call vote.
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Council Member Wood read a statement written by him regarding: (summarized)

- The daunting process of property rezones;
- The current process carries no meaning other than a by-line on the ordinance with a note of the protest;
- The process does not provide a mechanism for the protester to prevail and is a waste of time and effort;
- Described zoning amendments as special legislation, exempt from the referendum process;
- Absolute arbiter is the city council;
- Eight persons to approve an amendment, four on the Planning and Zoning Commission and four on the City Council;
- The decision of those eight persons could be based on individual beliefs and values, political leaning, voting preference, vested interested and whim to decide the outcome of a zoning action.

Mayor Combs asked Council Member Wood to hold the remainder of his comments to be heard under Council Member Comments.

Primary Amendment #5 to Main Motion		
Moved by:	Wood	To amend section 17.80.081 A. to read as follows: A. Property owners of land to which a map amendments applies or of land within six hundred feet of that land may protest the proposed map amendment in writing before or at the public hearing of the planning and zoning commission and may testify before the commission. If the amendment is approved by the commission, the property owner or owners in protest may bring the protest before the city council, which shall be the arbiter of the protest. The amendment shall not be scheduled for public hearing before the council earlier than twenty-five days subsequent to the commission action approving the amendment. Protests to the
Seconded by:	Hanson	

		<p>council shall be in writing delivered to the city clerk no later than four business days before the council hearing on the amendment. The council is not obligated to recognize a protest other than as provided for in this section.</p> <p>1. If the owner or owners of more than one-third (1/3) of the area to which the amendment applies or if the owner or owners of more than one-third of the area within 600 feet of that land deliver to the clerk signed written protests to the map amendment the council shall not approve the amendment unless the ordinance approving the amendment specifically notes such protest or protests.</p>
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Mayor Combs asked that a copy of the amendment be provided for each member and to consider postponing the motion.

Vote on Amendment:	Motion postponed to April 12 meeting.
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Moved by:	Wood	To postpone to a time certain to April 12 meeting
Seconded by:	Carrington	

Vote on Amendment:	Motion carried by unanimous voice vote.
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VOTE ON MAIN MOTION:	Motion postponed to April 12 meeting.
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Item 3 – Resolution No. 05-006: Designating Authorized Signatures for Check Signing Affecting Any and All Disbursements of City Monies (IM 05-025)

MOVED BY:	Pippel	To adopt resolution no. 05-006.
SECONDED BY:	Hanson	

Mayor Combs opened the public testimony period for resolution no. 05-006. There were no persons to testify.

VOTE ON MAIN MOTION:	Motion carried by unanimous voice vote.
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I. BIDS

J. UNFINISHED BUSINESS

Item 1 – Ordinance No. 05-008: Amending Chapter 2.24 (Fire Department) of the Palmer Municipal Code (IM 05-009) *Postponed from February 22 meeting*

MOVED BY:	Hanson	To adopt ordinance no. 05-008
SECONDED BY:	Wood	

Primary Amendment to Main Motion		
Moved by:	Pippel	To move ordinance no. 05-008 (Substitute) for adoption in full
Seconded by:	Wood	

City Manager Healy clarified the certification language in section 2.24.020 B. He commented on the procedures regarding section 2.24.030 D and questioned the need to eliminate section 2.24.080.

Council Member Wood stated that his request to remove social officers was because of the organization's lack of a relationship with the department and that the organization is a group unto itself. He explained his amendment to move section 2.24.100 to another portion of the code. He commented on the training and certification requirements of the fire chief.

Dan Contini, Fire Chief commented on the training and certification requirements and confirmed the lack of mandated requirements by the State and City. He voiced his non-objection to the retention of the language in code, should the requirements become necessary. Chief Contini raised his concerns regarding the elimination of 2.24.080 Social Officers. He explained that the previous attorney added the language to the code and stated that Mr. Biss established it as a mechanism to recognize the social officers as a separate entity. He explained the membership requirements and activities of the entity.

Vote on Amendment:	Motion carried by unanimous voice vote.
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Secondary Amendment to Main Motion		
Moved by:	Pippel	To retain section 2.24.080 in its entirety
Seconded by:	Carrington	

Attorney Snodgrass explained the language in 2.24.080 and asked that the language be retained.

Council Member Wood voiced his desire to have the language removed and the possible liabilities involved with its retention.

Council Member Hanson commented on the recognition of the volunteers and voiced his support of the retention of the language.

Council Member Erbey asked of the City's liability in regards to the functions of the social officers. Attorney Snodgrass explained that the existence of the organization as an organization separate from the fire department.

Council Member Carrington explained his recognition of the value of volunteers and voiced his desire to continue the recognition within the department.

Vote on Amendment:	Motion carried by unanimous voice vote.
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VOTE ON MAIN MOTION:	Motion carried by unanimous voice vote.
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Item 2 – Ordinance No. 05-013: Amending Chapter 2.20 (Planning Commission) of Title 2 (Administration and Personnel) of the Palmer Municipal Code (IM 05-016) *Postponed from March 8 meeting*

MOVED BY:	Hanson	To adopt ordinance no. 05-013
SECONDED BY:	Wood	

Primary Amendment #1 to Main Motion		
Moved by:	Pippel	To amend section 2.20.321 to read as follows: 2.20.321 Cause for removal. A. A commissioner may be removed by the council upon the “occurrence” of any of the following: <ol style="list-style-type: none"> 1. expiration of the term of office; 2. death of the commissioner; 3. resignation approved by the council; 4. the commissioner’s ceasing to possess at any time the qualifications of eligibility required for the office of commissioner; 5. conviction of a felony involving moral turpitude or an offense involving a violation of an oath of office; 6. judicial determination that the commissioner is of unsound mind; 7. a decision of a competent tribunal declaring the appointment of the commissioner void; 8. failure to take an oath of office within thirty days of appointment to office or within such shorter time between appointment and the date of the commissioner’s first commission meeting; 9. no longer physically resides in the city; and 10. other just cause for removal. B. If there is reasonable possible of an “occurrence”, the council shall instruct to notify the commissioner of a “possible occurrence”. At least ten days after giving of the notice, the council shall hold a hearing for presentment of the evidence, allow the commissioner to respond and present his or her case, and vote on the matter of removal.
Seconded by:	Erbey	

		<p>The mayor shall preside at the hearing and may exclude irrelevant evidence. A council member shall vote based on the evidence presented at the hearing and may vote for removal only if, in the opinion of the council member, it is more likely than not that the “occurrence” has been proven at the hearing. The commissioner shall be removed only upon the vote of four council members.</p> <p>C. In addition a commissioner may be removed by the mayor if, during any twelve month period while in office</p> <ol style="list-style-type: none"> 1. the commissioner is absent from three regular meetings without excuse; or 2. the commissioner is absent from six regular meetings; or 3. the commissioner fails to attend two-thirds of the regular meetings. <p>D. The chair or designated staff shall keep attendance records of all regular meetings, and immediately report the failure of any commissioner to meet the attendance requirements of this section to the mayor or designee. The mayor shall notify the commissioner of the claimed delinquency, hold a hearing for presentment of the evidence at least ten days after giving of the notice, allow the commissioner to respond and present his or her case. The mayor shall decide based on the evidence presented at the hearing and may remove the commissioner only if, in the opinion of the mayor, it is more likely than not that the delinquency has been proven at the hearing.</p>
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Vote on Amendment:	Motion carried by unanimous voice vote.
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Primary Amendment #2 to Main Motion		
Moved by:	Pippel	To amend the language in sections 2.20.010, 2.20.020 and 2.20.331 to read as follows:
Seconded by:	Erbey	
		<p>2.20.010 Creation--Officers--Membership.</p> <p>A. There is created a city planning and zoning commission which shall consist of seven</p>

		<p>members who shall be nominated by the mayor and confirmed by the city council. All members must be residents of the city.</p> <p>B. A chair and vice-chair of the commission shall be selected and appointed from and by the appointive members during the first regular meeting of November each year.</p> <p>C. The mayor and council may attend all meetings, but they shall have no vote.</p> <p>2.20.020 Membership terms. The term of each appointed member of the commission shall be three years. The terms shall be staggered so that three members shall be appointed at the first regular meeting in November of the city council of every third year, and two members shall be appointed in at the first October meeting of the city council of each of the other two years of every such three-year period.</p> <p>2.20.331 Conflict of interest. (The section was retained rather than repealed) A commissioner shall declare a substantial financial interest that the member has in an official action and the commissioner shall not participate in such official action.</p>
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Vote on Amendment:	Motion carried by unanimous voice vote.
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VOTE ON MAIN MOTION:	Motion carried by unanimous voice vote.
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K. NEW BUSINESS

MOVED BY:	Pippel	To extend time remaining to midnight
SECONDED BY:	Erbey	

VOTE ON MAIN MOTION:	Motion carried by unanimous voice vote.
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Item 1 – Review and Discussion of Current Commercial and Public Parking Requirements within the City of Palmer as Required by Palmer Municipal Code Chapter 17.64 Off-Street Parking and Loading (IM 05-026) (Moved from Item 3 to Item 1)

Jonathon Rocky, Pastor of St. John Lutheran Church thanked the council for their work and attention to the details of the City. He voiced his concerns over the balance required for parking. He highlighted the resolution passed by the church regarding parking and stated his desire to preserve green space. He explained his wish to see parking requirements lessened in the best interest of the City.

Council Member Hanson asked of the differences between the fellowship hall area and

sanctuary. Pastor Rocky explained the architect's interpretation of code requiring the church to provide parking as though all areas of the building were in use at one time.

Mr. Pete Probasco encouraged the City to examine the parking requirements and explained his observation of redundancy within the code.

Council Member Hanson stated that the proper path to correct the issue is the initiation of a text amendment. He voiced his desire to provide for consistency within the like items and the criteria which drive parking requirements. Council Member Hanson asked that the text amendment include a revision of the requirement of maximum parking for maximum amount persons for an event that may only occur once per year. He stated the adequacy of retail and professional buildings parking.

Council Member Pippel explained that no matter what the rules are, someone would be inconvenienced and stated that the old school district administration building parking requirements must be re-examined. He explained the use of the Borough parking lot by the church and the use of the school for the ice arena parking.

Mayor Combs asked that the code be examined to address the issue and work to do a better job of accommodating citizens. Council Member Hanson asked that an ordinance be forwarded to the Planning and Zoning Commission revising 17.64.

Council Member Carrington commented on the disparity between the requirements for churches and dance halls.

Item 2 – Report of Proposed Council-Initiated Special Assessment District for Water Utility Extension to Helen Drive and Palmer West Subdivision (IM 05-027)

City Manager Healy explained the boundaries of the Special Assessment District (aka-LID). He stated that in the Palmer West area that the per lot formula is proposed and in the Helen Drive a percentage basis is proposed. City Manager Healy explained procedures for the LID process.

Council Member Pippel asked of the funding for the City share of the property. Mr. Koch the two grants which fund the project – a Department of Conservation grant and an EPA grant. He explained the timeframes for receipt of the grants and the perimeters for acceptance.

Council Member Hanson voiced his concerns regarding the zoning of properties in Palmer West. He stated that the majority of the R1E properties would incur the costs of the LID. He stated that the per lot equation would be more equitable to the property owners. Mr. Koch explained the defined property uses and the determination of proximity to the waterlines and the square footages of lots.

Discussion ensued regarding the ability of R1E and AG property owners to subdivide and develop their lots.

Council consensus was to begin the public notice process and hold the public hearing on April 26, 2005.

Item 3 – Review of Southwest Utility Extension Project Funding and Determination on Use of City Utility Reserves (IM 05-028)

MOVED BY:	Pippel	To authorize the city manager to use 1.3 million dollars of the utility fund reserves to the dedication of the Southwest Utility Extension project
SECONDED BY:	Wood	

Mayor Combs explained the additional costs associated with the project and the need to access the utility fund reserves.

Council Member Wood expressed his concerns regarding the escalating costs of the project. City Manager Healy explained the costs associated with the pipe separation issue, land acquisition and project acceleration costs.

Mayor Combs explained the contributions by USDA and the work involved in obtaining the funds.

Council Member Hanson asked of the project deficit. City Manager Healy explained the grant agreements and letter of conditions. He stated that the current bills are paid out of the utility fund and are reimbursable through the grant. City Manager Healy expressed the need to develop the project to the point of bid readiness. He explained that following the receipt of bids, the City will have the ability to assess the costs and determine which portions of the project should precede immediately and which portions should remain for additional funding.

Mr. Koch reiterated the need to prepare the project for bid to possess the ability to determine the actual costs of the project.

Discussion ensued regarding funding opportunities from the Mat-Su Borough, USDA and State of Alaska.

Council Member Hanson stated that the City has committed to the project and at this point, the City has \$500,000 invested should the project not be completed. He explained the amount as a reasonable investment.

VOTE ON MAIN MOTION:	Motion carried by unanimous voice vote.
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The following four items were postponed to the April 12 regular meeting:

Item 4 – Motion to Amend Something Previously Adopted: Ordinance No. 05-001: Amending Chapter 17.20 (R1 Single Family Residential District) Increasing Minimum Lot Size (IM 05-029)

Item 5 – Motion to Amend Something Previously Adopted: Ordinance No. 05-002: Amending Chapter 17.24 (R2 ~~Low~~ ~~Medium~~ Density Residential Zone), 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 05-030)

Item 6 – Motion to Amend Something Previously Adopted: Ordinance No. 05-003: Amending Chapter 17.26 (R3 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 Setbacks (IM 05-031)

Item 7 – Motion to Amend Something Previously Adopted: Ordinance No. 05-004: Enacting

L. CITY MANAGER’S REPORT

City Manager Healy reported on the following items:

- The sale of the “Old Deb’s Pharmacy” building;
- The comments made by a citizen regarding the hiring of additional police officers due to the new Wal-Mart facility, Council Member Pippel highlighted his conversation with the citizen regarding law enforcement officials.

M. CITY CLERK’S REPORT

Ms. Bower reported on the following item:

- Recommendations involving forwarding motions to members.

N. RECORD OF ITEMS PLACED ON THE TABLE

The following items were placed on the table:

- Total Project Cost Estimate sheet regarding Phase I Water and Sewer Utility Extensions to the Southwest Palmer Service Area;
- Public Works Department Report to City Council;
- USDA letter to City Manager Healy regarding Amendment No. 1 to Letter of Conditions dated September 10, 2004;
- March 24 Joint Work Session Agenda;
- Affidavit of Service – Notice of Special Meeting on March 29; and
- Financial Reports from Finance Director George Castaneda.

O. AUDIENCE PARTICIPATION

P. COUNCIL COMMENTS

Council Member Pippel commented on the activities at Candle Stick Park after midnight.

Mayor Combs stated that he wished that the Wal-Mart constitutes would have stayed for the remainder of the meeting. He highlighted the meeting held with Mayor Begich regarding proposed Wal-Mart stores within the municipality of Anchorage.

Q. EXECUTIVE SESSION

Item 1 - Matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the public entity – To discuss counter-proposal for purchase of property for Dogwood Avenue/Glenn Highway Intersection project

MOVED BY:	Hanson	To move into executive session to discuss: Matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the public entity – To discuss counter-proposal for purchase of property for Dogwood Avenue/Glenn Highway Intersection project
SECONDED BY:	Pippel	

The council entered into executive session at 12:15 a.m. and exited at 12:54 a.m.

VOTE ON MAIN MOTION:	Motion carried by unanimous voice vote.
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Q. ADJOURNMENT

With no further business before the Council, the meeting adjourned at 12:55 a.m.

APPROVED THIS 12th day of April, 2005.

/s/
John C. Combs, Mayor

/s/
Janette M. Bower, City Clerk