

**A. CALL TO ORDER**

A regular meeting of the Palmer City Council was held on January 25, 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, DETERMINATION OF A QUORUM**

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

Kathrine Vanover

Tony Pippel

Ken Erbey

Jim Wood

John Combs

Steve Carrington

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 amended as follows:

- Item J.1. was postponed to the February 8 meeting

**D. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Council Member Vanover.

**E. APPROVAL OF MINUTES**

Item 1 – January 11, 2005, Regular Meeting – were approved as presented.

**F. CONSENT AGENDA**

1. Liquor License Review – Oaken Keg Spirit Shop #1814 (AM 05-003)

**G. COMMUNICATIONS AND APPEARANCE REQUESTS**

**H. BOROUGH REPRESENTATIVE'S REPORT**

**I. AUDIENCE PARTICIPATION**

**J. HEARINGS, ORDINANCES AND RESOLUTIONS**

**Item 1 – 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)

*Clerk's note: Ordinance No. 648 was postponed to the February 8 meeting during the adoption of the agenda.*

**Item 2 – Public Hearing – Public Hearing – Ordinance No. 05-001:** 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	

Council Member Pippel declared a conflict of interest due to his ownership of numerous 50' lots within the zoning district affected by the ordinance. After confirmation by Mayor Combs, Council Member Pippel was recused.

Mayor Combs opened the public hearing for ordinance no. 05-001.

Kevin Sorenson stated that upon examination of the proposed ordinances, he was unable to determine the goal of the ordinances. He stated that the City should not consider continuing to make small changes to the code and commented on the history of the zoning code. Mr. Sorenson voiced his opinion a major overhaul of the code is required. He suggested hiring a person who could accomplish that goal and to involve the community in the issue.

Mike Madar voiced his agreement with Mr. Sorenson and stated that the adoption of the ordinances should be postponed until after the completion of the University Washington project and approval of the new comprehensive plan. Mr. Madar stated that the City should listen to the experts and table the issue.

Bill Pippel also suggested that the vote be postponed for an additional two weeks to give the University of Washington team a chance to be heard. He stated that the City may be in bind if the information provided by the University and the proposed ordinances do not blend together.

Tony Pippel reminded the council that the reason the ordinance is before the council is because of the current incompleteness of the code. He stated that the council should take action at this time. Mr. Pippel spoke of his lots and asked that reasonable allowances be made for development of the lots.

Mark Cotini explained that he owns several 50' lots, highlighted his building plans and asked that the council strive to ensure that development requirements are kept simple to reduce development costs. He voiced his desire to not create a non-conforming use status if something were to happen to the developments.

Council Member Vanover stated that by adopting the ordinance, nothing precludes the City from adding the University of Washington information at a later date.

Sara Jansen, Community Development Coordinator stated her agreement that the City does need to look at the UW information and coordinate the information at a later date. She stated that ordinance development begin 2-3 years ago and explained the history of the ordinance. She stated that the Council and Planning & Zoning Commission first examined the ordinance in August. Ms. Jansen explained the involved timeframes with the completion of the Comprehensive plan. She

explained that the administration and council have requested ordinance changes be in place before the next building season.

Attorney Snodgrass explained the process for postpone and reconsideration.

Primary Amendment to Main Motion		
Moved by:	Wood	To postpone to the February 8 meeting
Seconded by:	Carrington	

Vote on amendment:	Motion carried by unanimous voice vote.
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VOTE ON MAIN MOTION:	Motion pending to the February 8 meeting.
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**Item 3 - Public Hearing – Ordinance No. 05-002:** 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	

Mayor Combs opened the public hearing for ordinance no. 05-002.

Noel Woods explained his ownership of a subdivision near the middle school and gave an explanation of the lot sizes. He stated that the ordinance would down-grade his allowable uses from multi-family to single family. Mr. Woods stated that the changes suggested in the ordinance are not in the best interest of the city. He explained the cost of utility maintenance and stated that commercial activities in the proximity of single family dwellings are inappropriate. He expressed the difficulties replatting lots.

Frank Garcia, Jr. suggested that nursing and similar senior care facilities be changed from a conditional use to a permitted use. He read a written statement regarding the down-sizing of his property on S. Cobb and stated that he intends to use the lot to its highest and best use. Mr. Garcia explained what his losses were to be if he were unable to build the previously planned multi-family residences. He explained his submission of “intent to build” documents to the Building Department.

Bob Goodman expressed his appreciation with the council’s involvement and explained that from an investor’s standpoint, he will be materially affected. He stated that he has spent considerable funds to build a multi-family residence. Mr. Goodman explained the previously granted conditional use permit, funds expended and his expected losses with the adoption of the ordinance.

Bill Pippel stated that the council should strive to accommodate the property owners who own narrow lots. He stated that the ordinance limits development to four units and suggested density be addressed rather the unit limitation.

Ron Payne explained his ownership of several properties within the City affected by the ordinance. He stated that a denser City is a more efficient City and explained a correlation between farmland development and urban development.

Council Member Pippel stated that the current set of rules have been ineffective and voiced the need to pass the ordinance as a measure to hinder further undesired development.

Council Member Vanover stated that the intention of the council is treat property owners fairly and stated that the council must do something and cannot wait for an additional three years to address the issue. She stated that the council is trying to define Palmer and maintain the value of the town.

Primary Amendment to Main Motion		
Moved by:	Wood	To postpone to the February 8 meeting
Seconded by:	Pippel	

Vote on amendment:	Motion carried by unanimous voice vote.
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VOTE ON MAIN MOTION:	Motion pending to the February 8 meeting.
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**Item 4 – Public Hearing – Ordinance No. 05-003:** 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	

Mayor Combs opened the public hearing for ordinance no. 05-003.

Bill Pippel stated that the parking language should be addressed to lessen vehicle noises and lighting. He stated that parking should be allowed in the front of the buildings.

Kevin Sorensen opposed the setbacks contained in the ordinance due to topographical issues. He explained the requirements to develop the buildings and voiced his agreement with Mr. Pippel regarding the front parking issues.

Ron Payne stated that further constraints are being placed on existing land within the City. He urged the council to take their time to prevent a knee-jerk reaction to the zoning requirements. He stated that the parking issues contained within the ordinance were totally inadequate.

Council Member Pippel explained that the issue comes to density and higher density brings a larger investment within the City. He stated that the suburban swath is eating up the farmland as opposed to urban development. He stated his desire to provide an acceptable area for every person within the City.

Council Member Carrington asked of the origination of the parking restrictions. Ms. Jansen explained that the parking issue was addressed from an aesthetic standpoint.

Council Member Pippel stated the possibility of going overboard with the aesthetics however, aesthetic values define Palmer.

Primary Amendment to Main Motion		
Moved by:	Wood	To postpone to the February 8 meeting
Seconded by:	Carrington	

Vote on amendment:	Motion carried by unanimous voice vote.
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VOTE ON MAIN MOTION:	Motion pending to the February 8 meeting.
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**Item 5 – Public Hearing – Ordinance No. 05-004:** 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	

Mayor Combs opened the public hearing for ordinance no. 05-004.

Bill Pippel stated that a portion of the R-4 area should be shrunk down to fit the actual uses in the area. He expanded on the types of housing developments within R-4 areas.

Mark Cotini stated that his birthplace as the City and is a third generation developer in the area. He stated that zoning makes the City a better place to live. Mr. Contini commented on his property on Auklet St. and the lot widths contained in the ordinance. He encouraged the council to add the suggested amendments regarding the widths. He explained that he was the engineer who developed Mr. Payne’s development and explained the placement of Mr. Payne’s development.

Ron Payne suggested that existing developments be grandfathered in to lessen the developers losses and explained his potential losses. He commented on his receipt of legal counsel and the possibility of a class action lawsuit.

Frank Garcia, Jr. voiced his concurrence regarding grandfather rights and explained the ramifications of the lack of lead time regarding the changes. He suggested that the proposed changes take effect in five years.

Council Member Pippel stated that he would like to see Mr. Payne’s figures regarding his losses.

Mayor Combs summarized the activities which lead up the creation of the ordinance.

Primary Amendment to Main Motion		
Moved by:	Wood	To postpone to the February 8 meeting
Seconded by:	Carrington	

Vote on amendment:	Motion carried by unanimous voice vote.
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VOTE ON MAIN MOTION:	Motion pending to the February 8 meeting.
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**Item 6 – Public Hearing – Ordinance No. 05-005-Z-1:** 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	

Mayor Combs opened the public hearing for ordinance no. 05-005-Z-1. There no persons who wished to offer testimony.

Primary Amendment to Main Motion		
Moved by:	Wood	To postpone to the February 8 meeting
Seconded by:	Carrington	

Vote on amendment:	Motion carried by unanimous voice vote.
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VOTE ON MAIN MOTION:	Motion pending to the February 8 meeting.
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**Item 7 – Public Hearing – Ordinance No. 05-006-Z-2:** 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	

Mayor Combs opened the public hearing for ordinance no. 05-006-Z-2. There no persons who wished to offer testimony.

Primary Amendment to Main Motion		
Moved by:	Pippel	To postpone to the February 8 meeting
Seconded by:	Carrington	

Vote on amendment:	Motion carried by unanimous voice vote.
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VOTE ON MAIN MOTION:	Motion pending to the February 8 meeting.
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**Item 8 – Public Hearing – Ordinance No. 05-007-Z-3:** 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	

Mayor Combs opened the public hearing for ordinance no. 05-006-Z-2.

Bill Pippel stated that one of the main conclusions from the University of Washington workshops was that the citizens desire to keep Palmer, Palmer. He stated that he doesn't feel that having a 24 unit structure in the affected area, lends itself to Palmer.

Council Member Pippel stated that the ordinances need to be passed and encouraged members to be prepared to take action at the next meeting.

Council Member Wood concurred with Council Member Pippel and asked that a work session be scheduled.

Primary Amendment to Main Motion		
Moved by:	Pippel	To postpone to the February 8 meeting
Seconded by:	Vanover	

Vote on amendment:	Motion carried by unanimous voice vote.
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VOTE ON MAIN MOTION:	Motion pending to the February 8 meeting.
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**K. BIDS**

**L. UNFINISHED BUSINESS**

**M. NEW BUSINESS**

**N. CITY MANAGER’S REPORT**

City Manager Healy reported on the following items:

- Requested that a work session be scheduled to discuss issues surrounding the Southwest Utility Extension project on February 8 at 6 p.m. and explained the intent of the work session;
- Ice Arena – grand opening is scheduled for February 5;
- S. Chugach St. project – explained the status of plans and timeframes involved regarding the project, discussion ensued regarding development in the area and future plans for expansion;
- Dogwood Ave/Glenn Highway Intersection Project – awaiting the resolution of the acquisition of property;
- Urban Revitalization Project – the categorical exclusion has been approved, allowing the final design to proceed, discussion ensued regarding the inclusion of a skateboard park, design and allocated grants funds;
- Helen Drive Water Main Extension – a local improvement district is under development for the council’s approval;
- Property Acquisition – appraisal proposals have been sought regarding property adjacent to the eastern boundary of the City wastewater treatment plant;
- Personnel – the finance director candidate declined the position, the employee who took the position of public works superintendent on a temporary basis has also declined the position, the staffing at the Ice Arena and the planning technician position;
- Population Determination – the State has determined that Palmer lost 5% of its population during the previous year and Wasilla, 9%, discussion ensued regarding the methodology for the statistics and conduction a census;
- Dispatch Service Funding – continues to work on the funding formula with the Borough and will meet with the Borough public safety director within the week;
- Airport Lease Rates – a meeting is scheduled with the lessees on February 2 regarding the proposed increases; and
- Asked that the council consider a joint resolution with the City’s of Wasilla and Houston urging support regarding Valley transportation projects.

**O. CITY CLERK’S REPORT**

Ms. Persinger reported on the following item:

- Reminded the council of the January 27 joint work session with the Planning and Zoning Commission; and
- Reminded the council of the January 29 open house with the University of Washington.

## **P. AUDIENCE PARTICIPATION**

### **Q. COUNCIL COMMENTS**

**Council Member Carrington** stated that although the council has been working on the ordinances for a great length of time, postponing the ordinances was an appropriate thing to do. He stated that perhaps the University of Washington team will be able to add vital information to the ordinances.

**Council Member Pippel** stated that he will be gone the last two of weeks February. He congratulated the clerk on her upcoming marriage and commented on his wonderful 23 year marriage.

**Council Member Wood** congratulated the clerk on her upcoming marriage and explained his receipt of information regarding the closing of city offices. He suggested that notification of office closures be made in the utility bills. He recommended that a work session be scheduled for the next week.

**Council Member Erbey** voiced his agreement regarding the work session and suggested that a policy or procedure be established for grandfather rights.

**Council Member Vanover** congratulated the clerk on her upcoming marriage. She asked about the status of the next joint work session with the City's of Wasilla and Houston. Ms. Persinger explained that there is a conflict with the scheduling and will report back when the date has been finalized. Council Member Vanover commented on the fullness of the schools and stated that the City is not shrinking but growing. She announced that she will be on vacation during the first two weeks of April.

**Mayor Combs** stated that he has no intention of enacting ordinances in five years and stated that he would like to resolve the status of the ordinance at the February 8 meeting. Discussion ensued regarding a work session. A work session was scheduled on February 1. Mayor Combs stated that the written responses regarding the ordinances were overwhelmingly in support of adoption.

### **R. ADJOURNMENT**

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

**APPROVED THIS 8<sup>th</sup> day of February, 2005.**

/s/

John C. Combs, Mayor

/s/

Janette M. Persinger, City Clerk