

A. CALL TO ORDER

A regular meeting of the Palmer City Council was held on February 13, 2007, at 7 p.m. in the council chambers, Palmer, Alaska.

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

B. ROLL CALL

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

Ken Erbey	Richard Best	Brad Hanson
John Combs	Tony Pippel	Jim Wood

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 Erbey.

D. APPROVAL OF AGENDA

1. Approval of Consent Agenda
 - a. Introduction – Ordinance No. 07-006: Enacting Palmer Municipal Code Chapter 1.10, City Boundaries; Specifically to Provide a Boundary Description of the City of Palmer City Limits (IM 07-007)
 - b. Introduction – Ordinance No. 07-007: Authorizing a Proposal for Annexation of Territory, Approximately 3,817 Acres, to the City of Palmer (IM 07-008)
 - *Clerk's note: item D.1.b was moved to K.1. The council confirmed a substantial financial conflict of issue on the part of Council Member Pippel.*
 - c. Introduction – Ordinance No. 07-008: Amending Subsection 3.16.055 (F) (Sales Tax Certificate of Exemption) to Adjust the Fees for a Contractor Sales Tax Exemption Certificate; Establishing an Effective Date Retroactive to January 1, 2007 and Providing for a Refund of a Fee Paid in Excess of the Adjusted Amount of Thirty Dollars Established by Section 3 of Ordinance No. 07-008 (IM 07-009)
 - d. Action Memorandum 07-012: Non-Objection Statement to the Renewal of Liquor License #3768 – Peking Garden
 - e. Action Memorandum 07-013: Authorize Advertisement for Bids to Rehabilitate Runway 9/27
 - f. Action Memorandum 07-014: Confirm the Mayor's Appointment of William Kerslake to the Planning and Zoning Commission

2. Minutes of Previous Meetings
 - a. January 17, 2007, Special Meeting
 - b. January 23, 2007, Regular Meeting

E. COMMUNICATIONS AND APPEARANCE REQUESTS

Larry Hill – Citizen Concerns

Mr. Hill reported on the following items:

- Conflict of interest declaration;
- Ordinance review process;
- On-street parking during periods of snow;
- City building structure security;
- Need for a Code of Ethics for elected official and city employees.

F. AUDIENCE PARTICIPATION

Pam Bue:

- voiced concern regarding the designated agricultural acreage contained in the annexation petition;
- described the City as a high density area and questioned the mix of agriculture within the City;
- spoke of the overall percentage of her agricultural land;
- stated that zoning would not be of benefit to her;
- stated the City must be willing to promote agricultural uses; and
- voiced opposition to being annexed.

Dr. Bert Gore:

- voiced concern regarding the annexation boundaries;
- spoke of the City's southern boundary and voiced concern regarding representation by an Eagle River delegate in State matters;
- spoke of the previous ability to purchase sundries in the City; and
- commented on the increased mil rate.

Jamie Barrett-Wise:

- echoed the comments of Dr. Gorr;
- spoke of the previous facilities within the City;
- voiced displeasure of the continued display of Christmas decorations;
- highlighted pride in the community of Palmer;
- commented on the Industrial Park; and
- stated that the City was in need of better planning.

Monty Hotchkiss:

- highlighted the Local Boundary Commission requirements regarding the reasonable need for City government;
- spoke of the increased mil rate;
- commented on the services supplied by the Matanuska-Susitna Borough;
- spoke of City density;

- commented on the PERS indebtedness and voiced concern regarding the City's revenues in the annexed area; and
- stated residents in the Springer Loop area were not offered anything in return for the proposed annexation.

Tom Sojka:

- voiced concern over the proposed annexation;
- spoke of annexation as a means for the City to gain revenue and control;
- described revenue generated from the farmlands as exempt from taxation;
- asked the council to examine the main core area as a source of revenue and suggested the council consider annexing to Trunk Road;
- stated the council still had the right to amend the annexation boundaries; and
- asked the council to consider speaker and microphone options in the Depot for the public hearing so that the citizens may hear the council members.

Dave Jenkins:

- spoke in opposition to the proposed annexation;
- stated the sentiments of the people indicated the public's lack of a desire for annexation;
- commented on the unfair fiscal implications of annexation;
- stated the citizens live in the area because of the quality of life;
- commented on future areas slated for annexation;
- spoke of the City's infrastructure and closing of area businesses;
- requested the council work to preserve Palmer's quality of life;
- stated that when the farmers sell, subdivisions will be built; and
- announced the circulation of a petition in opposition to the annexation.

Roberta Toglar:

- spoke of the City's mission to provide an attractive quality of life;
- questioned how being annexed would add to her quality of life; and
- asked the council to delay the legislative annexation process and opt for a local action process.

Tony Cox, Crimson View Owners Association President:

- stated the City does not have anything to offer the subdivision;
- spoke of the petition to stop the legislative review process;
- voiced the consistent theme of the City's desire for revenue and control;
- declared the subdivision's opposition for City police services and spoke of the pettiness of the department;
- stated the public does not desire to go through any type of permitting process;
- highlighted the subdivision's water system;
- commented on the lack of clarity regarding the proposed rural residential ordinance.

G. PUBLIC HEARINGS

Item 1 – Public Hearing – Ordinance No. 07-001: Amending Title 17, Zoning, of the Palmer Municipal Code to Enact Chapter 17.54, Rural Residential District, Adding 17.08.006 Definition for Accessory Dwelling Unit, Adding 17.08.039 Definition for Bed and Breakfast and Adding 17.08.217 Definition for Home Based Commercial Business (IM 07-001)

MOVED BY:	Erbey	To adopt ordinance no. 07-001
SECONDED BY:	Best	

Mayor Combs opened the public hearing for ordinance no. 07-001. The following persons addressed the council:

Russell Joyce:

- voiced the concerns of the Valley Board of Realtors;
- asked the council to consider adopting a home based/home occupation ordinance outside of the zoning designation;
- spoke of the permitting process for home based businesses;
- suggested that an improved definition be established for home based businesses;
- voiced concern over affordability issues; and
- spoke of future development.

Dave Owens:

- voiced the concerns of the Mat-Su Homebuilders;
- stated that a zone should not be created for an allowed use; and
- voiced support for controlled growth.

There being no one who wished to speak, the public hearing was closed and the matter was brought back before the council.

Council Member Wood:

- inquired of the new definition of home based business; and
- questioned the difference between the rural residential designation and a planned unit development.

Community Development Coordinator:

- explained the definition of home occupation and differences between home based commercial and occupation businesses;
- stated that to operate a home based business, the homeowner would obtain a conditional use permit from the Planning and Zoning Commission;
- expanded on the intent of the rural residential district to provide flexibility for property owners;
- recommended the ordinance be sent to the Planning and Zoning Commission to provide stricter standards;
- commented on the desire of the Commission to address the zoning through performance based zoning language; and
- explained the planned unit development zoning designation.

Council Member Best:

- asked of the major difference between the rural residential district and R1E district;
- expanded on the intent of the public unit development zoning designation; and
- suggested that the intent of rural residential be integrated with the R1E designation.

Council Member Pippel:

- spoke in opposition to the ordinance;
- referred to section 17.54.040 and the lack of clearly defined standards and definitions;

- highlighted conversations with local developers regarding the performance based zoning language;
- expressed the discouraged attitude of developers; and
- commented on the economical feasibility of developing the mandatory lot size.

Council Member Hanson:

- stated that there were not enough differences between the R1E district and rural residential district;
- voiced concern with the subjective nature of the ordinance and language regarding performance based zoning;
- questioned the applicability of the ordinance;
- stated the ordinance should have examined existing home based businesses which were compatible with the surrounding area to determine code language;
- stated that due to the subjective nature of the language, developers would not develop in the City;
- stated that due to the restrictive nature, the ordinance did not support long term use; and
- suggested that the minimum lot size be one acre.

City Manager Healy:

- highlighted the misconceptions regarding the language; and
- described the zoning district as another “tool in the box” to address zoning issues.

Mayor Combs:

- explained the intent to address existing home based businesses; and
- spoke of residential uses.

Primary Amendment #1 to Main Motion		
Moved by:	Best	To schedule a work session with the Planning and Zoning Commission and Council to address the language
Seconded by:	Wood	

Vote: Motion carried by unanimous voice vote.			
Yes:		No:	
Erbey	Wood	Best	Pippel
Hanson	Combs		

VOTE ON MOTION: Postponed.

Item 2 – Public Hearing – Resolution No. 07-001: Authorizing Approval of a Provisional Certificate of Public Convenience and Necessity for Wasilla Creek Commons for Public Water Utility Service (IM 07-010)

MOVED BY:	Pippel	To adopt resolution no. 07-001
SECONDED BY:	Erbey	

Mayor Combs opened the public hearing for resolution no. 07-001. There being no one who wished to speak, the public hearing was closed and the matter was brought back before the council.

City Manager Healy:

- explained the provisional certificate of need process;
- stated it was not in the City’s interest to extend utility services to the area;
- highlighted the conditions of the permit;
- described the distance between the area and the hospital as a mile and a half.

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

H. BIDS

I. ACTION MEMORANDA

J. UNFINISHED BUSINESS

K. NEW BUSINESS

Council Member Pippel was recused from item K.1.

Item 1 – Introduction – Ordinance No. 07-007: Authorizing a Proposal for Annexation of Territory, Approximately 3,817 Acres, to the City of Palmer (IM 07-008) *Note: the public hearing will be held on March 6 at 7 p.m. The location of the public hearing is the Palmer Community Center (Depot).*

MOVED BY:	Erbey	To introduce and set for public hearing on March 6 ordinance no. 07-007
SECONDED BY:	Best	

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

L. CITY MANAGER’S REPORT

City Manager Healy reported on the following items:

- Referred to the written report contained in the packet;
- Snow hauling costs;
- Bogard Road Extension Project special meeting on March 27;
- Palmer population;
- Medical insurance increase;
- Borough property;
- Urban Revitalization Project.

M. CITY CLERK’S REPORT

City Clerk Bower reported on the following items:

- Election Charter Amendments;
- March 6 Meeting regarding the Annexation Petition Ordinance;

- Vacation dates of February 15 – February 23, 2007.

N. MAYOR'S REPORT

Mayor Combs reported on the following items:

- Referred to the report contained in the packet;
- Meetings with Legislative Officials in Juneau;
- Palmer Skateboard Park;
- Bed tax;
- Annexation;
- Library funding;
- Museum Project Recognition.

O. RECORD OF ITEMS PLACED ON THE TABLE

- Written summary of Larry's Hill's comments;
- Mayor's Report;
- Memo from Attorney Gatti.

P. AUDIENCE PARTICIPATION

Dave Jenkins:

- spoke to ordinance no. 07-001;
- stated that the ordinance was a perfect example against annexation;
- asked that the council not try "out do" Wasilla.

Q. COUNCIL COMMENTS

Council Member Wood:

- thanked the members of the public for their participation;
- asked for an update on the Business Improvement District;
- requested the support of a council member to direct the preparation of a draft ordinance which addresses the city's requirements regarding overtime compensation and definitions for those eligible for overtime and an ordinance which addresses travel reimbursement for elected officials and city staff. Council Member Pippel voiced his support of the request.

Council Member Best inquired of the language regarding the existing farmland listed in the annexation petition.

Council Member Pippel inquired of the dispatch service process. City Manager Healy explained the conversations held with the Borough regarding the operation of a consolidated dispatch center.

Council Member Hanson echoed Council Member Wood's sentiments regarding audience participation.

R. ADJOURNMENT

With no further business before the council, the meeting adjourned at 9:50 p.m.

Approved this thirteenth day of March, 2007.

/s/

John C. Combs, Mayor

/s/

Janette M. Bower, CMC, City Clerk