

City Council Minutes

City of Palmer, Alaska

Regular Meeting
January 27, 2004

A. CALL TO ORDER

A regular meeting of the Palmer City Council was held on January 27, 2004, at 7:00 p.m. in the council chambers, Palmer, Alaska.

Mayor Pro-Tempore Pippel 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:

Ken Erbey	Steve Carrington
Tony Pippel	Kathrine Vanover
John Combs	

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 approved as presented.

D. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Vanover.

E. MINUTES OF PREVIOUS MEETINGS

Unanimous consent – to approve the minutes of the 1-13-04 regular meeting.

F. CONSENT AGENDA

1. Introduction – Ordinance No. 611-Z-56: Ratifying the Recommendation of the City of Palmer Planning and Zoning Commission Concerning Requested Amendment to the Zoning Map by Petitioners to Rezone E.J. LeDuc Subdivision, Block 13, Lots 6-10
2. Introduction – Ordinance No. 612-Z-54: An Ordinance to Rezone Alaska State Fair, Inc. Property, Tax Parcel D-8, from R-1, Single Family Residential, to I, Industrial
3. Authorize Advertisement for Bids: Fire Safety House Trailer

G. COMMUNICATIONS AND APPEARANCE REQUESTS

1. Allan Ossakow, City of Palmer Finance Director
Mr. Ossakow reported on the following items:
 - W-2's and 1099's are in the process of being mailed out to employees;
 - The 2004 budget is finished and each council member has been given a copy; and
 - Due to GASB 34 regulations, Mr. Ossakow expects the audit season to be more intense.

Discussion ensued regarding the audit and GASB regulations.

Mayor Pro-Tempore Pippel requested the administration to draft ordinances regarding the following three subjects:

- To amend the conditional use procedure for significant developments, allowing the council to act as the appeal body rather than a hearing officer.
- To streamline zoning procedures without significantly reducing public input.
- To create a more efficient annexation zoning process, to include a possible redraft of the transitional-zone ordinance.

Council Member Vanover joined in the request and further requested a change to the height restrictions in the current ordinances, at least concerning certain structures, such as steeples and antennas.

H. BOROUGH REPRESENTATIVE'S REPORT

I. AUDIENCE PARTICIPATION

1. Stu Graham, President of the Greater Palmer Chamber of Commerce

Mr. Graham stated that the mission of the Chamber is to promote economic development and stated that due to excessive costs, the Chamber has determined they no longer have the capability to maintain the Visitor Information Center in its current state and will cease gift shop operations. Mr. Graham explained that the Chamber has spent a great deal of time managing a non-profitable gift shop and a very successful information center. Mr. Graham stated that during the Board of Director's retreat, the board decided on the following four options for the Visitor Information Center:

- The Chamber would find an alternate office space to conduct operations;
- The Chamber would remain in the current office space and the City would find another use for the remaining portion of the building;
- The Chamber would remain in the current office space and work with the City to consign a Visitor Information Center and gift shop with the Chamber providing oversight;
- The Chamber would remain in the current facility, keep the current operation intact, administer the Visitor's Information Center without the gift shop and the City and Chamber divide the costs of the Center.

2. Mary Ann Cockle, Alaska's Finest

Ms. Cockle spoke as a member of the Downtown Merchant Association and stated that the merchants do not feel Palmer needs another gift shop in the area. Ms. Cockle stated that the merchants would like to see the Visitor Center actively promote businesses in the area and stock their shelves with brochures, photos and maps. Ms. Cockle suggested that the center be staffed with volunteers and further suggested that area seniors be enlisted as volunteers. As an avenue for increased revenue, Ms. Cockle stated that downtown merchants are willing to pay for kiosk space to maintain forms of advertising and maintenance of the space would be the merchant's responsibility. Ms. Cockle asked that any availability in the current building be advertised so that others in the area are aware of the availability.

3. Steve Agni, State Fair Representative

Mr. Agni spoke of inherent power of city council's who retain zoning powers to impose conditions and limitations on properties. Mr. Agni read from the Rathkopf Treatise, paragraph 44.4, reiterating the inherent power of the council. Mr. Agni stated that he will submit for consideration further language and conditions for an ordinance.

J. HEARINGS, ORDINANCES AND RESOLUTIONS

Item 1 – Resolution No. 1334: Accepting a FY 03 Assistance to Firefighters Grant Program Grant From the Department of Homeland Security

MOVED BY:	Combs	To adopt resolution no. 1334
SECONDED BY:	Carrington	

Chief Contini explained the grant and the use of the trailer.

VOTE ON MOTION:	Motion carried by unanimous voice vote.
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Item 2 – Resolution No. 1326 (A): Amending the City of Palmer Fiscal Year 2004 Budget

MOVED BY:	Combs	To adopt resolution no. 1326
SECONDED BY:	Vanover	

Allan Ossakow, City of Palmer Finance Director explained the budget modification.

Discussion ensued on the requested increase for ADA compliance at the library.

VOTE ON MOTION:	Motion carried by unanimous voice vote.
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Item 3 – Second Public Hearing – Ordinance No. 609: Repealing PMC 17.08.315 (Definition of Nonconforming Buildings), Adopting PMC 17.08.316 (Definition of Nonconforming Uses and Structures), and Amending PMC Chapter 17.68 (Nonconforming Uses and Structures), of PMC Title 17 (Zoning)

MOVED BY:	Carrington	To adopt ordinance no. 609
SECONDED BY:	Combs	

City Manager Healy explained the ordinance history and the proposed amendments.

Jack Snodgrass, City of Palmer Attorney explained the proposed amendments.

The following amendments were moved by Council Member Carrington, seconded by Council Member Vanover. Motion passed unanimously. (Amended language is bolded).

A portion of the title was amended to read: (DEFINITION OF NONCONFORMING USE[**S AND STRUCTURES**]),

17.68.010 Intent.

B. It is the intent of this title to permit these nonconformities to continue until they are removed, but not to **unreasonably** encourage their survival. It is further the intent of this title that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

17.68.030 Nonconforming lots of record.

A. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this title, a single-family dwelling and customary accessory buildings may be erected on any single lot of record as of **January 17, 1978, or as of the date of annexation for land annexed to the city after that date.** This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located.

B. If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record as of **January 17, 1978, or as of the date of annexation for land annexed to the city after that date,** and if all or part of the lots do not meet the requirements for lot width and area as established by this zoning code, the lands involved shall be considered to

be an undivided parcel for the purposes of this zoning code and no portion of said parcel shall be used which does not meet lot width, and area requirements established by this zoning code, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this zoning code.

17.68.050 Nonconforming uses of land.

C. Subsection B hereof notwithstanding, if a single-family dwelling in a residential district is damaged by any involuntary change, including fire, flood, or earthquake, so that the cost of renewal of the damaged parts exceeds 60 percent of the assessed value of the entire building, then such building may be replaced or reconstructed to the same footprint on the original location, subject to the following:

- 1. the owner duly applies to the building department to replace or reconstruct the building within one year of the involuntary change;**
- 2. no part of the structure may encroach into public rights-of-way or adjacent property;**
- 3. the intended use of the building is the same as, or less intensive than, the prior use and is a permissible use in the district;**
- 4. a professional engineer, duly licensed as such by the State of Alaska, certifies to the city that the foundation of the building is structurally reusable as is and the building official does not object to the certification; or a professional engineer, duly licensed as such by the State of Alaska, certifies to the city that the foundation of the building is structurally reusable subject to economic repairs and the engineer provides plans and specifications for the reconstruction, and the building official does not object to the certification, the plans and specifications, or the subsequent reconstruction;**
- 5. projections beyond the footprint including architectural features, roof eaves, foundation footings, porches, decks, terraces, patios, unenclosed stairways, and fire escapes, and attached structures, may also be replaced or reconstructed as they existed on the original building, so long as they do not encroach into public rights-of-way or adjacent property;**
- 6. the owner provides the building official with an as-built survey by a land surveyor, duly licensed as such the State of Alaska, of the footprint and location of the original building and projections beyond the footprint;**
- 7. the building may be replaced or reconstructed under this subsection with no fewer than the number of off-street parking spaces as were provided for the original building, provided that if it is feasible to eliminate any non-compliance with the off-street parking requirements, such non-compliance must be eliminated to the extent feasible; and**
- 8. the building as reconstructed will not pose any significant risk to health or safety as may be determined by the building official and the fire chief.**

Nothing in this subsection constitutes an approval or waiver of an encroachment of the building or its footprint or projections beyond the footprint into a public right-of-way or adjacent property. Nothing in this subsection waives any other applicable laws or regulations including without limitation this title or the building code.

17.68.090 Curative application.

A. The city recognizes that between January 17, 1978, and January 27, 2004 (the effective date of this ordinance), the city annexed areas into the city and the city also increased zoning restrictions on some parcels inside the city.

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

L. OLD BUSINESS

Item 1 – Discussion of Visitor Center Use

Mayor Pro-Tempore Pippel highlighted the Visitor Information Center work session and stated the City's interest in preservation of a legitimate use of the public building and the desire to provide quality service out of the building. Mayor Pro-Tempore Pippel and Council Member Combs sponsored a request to direct the administration to issue a Request for Proposal (RFP) stipulating the use, hours, months, staffing levels and non-profit status.

MOVED BY:	Pippel	To suspend the rules to allow for Old Business Item 2 – Authorize City Manager to issue an RFP for Tourist Information Center services
SECONDED BY:	Combs	

VOTE ON MOTION:	Motion carried by unanimous voice vote.
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Item 2 – Authorize City Manager to Issue an RFP for Tourist Information Center Services

MOVED BY:	Vanover	To authorize the City Manager to issue an RFP for Tourist Information Center services
SECONDED BY:	Erbey	

Discussion ensued regarding the City's expectation of services and the RFP process.

VOTE ON MOTION:	Motion carried by unanimous voice vote.
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M. NEW BUSINESS

Item 1 – Approve City Manager Request to Prepare a Report on a Council-Initiated Local Improvement District for Street Improvements – Eagle Avenue

MOVED BY:	Combs	To approve the City Manager to prepare a report on Council-initiated local improvement district for street improvements – Eagle Avenue
SECONDED BY:	Carrington	

City Manager Healy explained the process and the request. Discussion ensued regarding identified sources of funding and the underground spring running under the street.

VOTE ON MOTION:	Motion carried by unanimous voice vote.
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N. CITY MANAGER'S REPORT

City Manager Healy reported on the following items:

- Explained the requests for vacation and property vacation procedures.
- Explained the Glenn Highway/Dogwood Avenue project, stated that the City is working with the Department of Transportation (DOT) and further stated the City's retention of the design portion of the project.
- Highlighted the planning meeting held with the DOT where discussion of the Glenn Highway was held. City Manager Healy explained one way couplets. Discussion ensued regarding the railroad and railway routes, traffic study plan and the Palmer-Wasilla and Bogard Extension.
- Provided an update of the Urban Revitalization project and spoke of the historic resources.
- Provided an update of the hospital utilities and stated that pre-file testimony is due on February 3, 2004. City Manager Healy further stated that on January 29, 2004, the cities of Palmer and Wasilla have been invited to participate in a discussion with hospital board.

O. CITY CLERK'S REPORT

Ms. Persinger reported on the following items:

- Continues to work on ordinance revisions and will attend a Clerk's Coalition meeting on Thursday, January 29, 2004. The subject matter of the meeting is revisions to the election code.
- Thanked Gerry Keeling (who was in attendance) for her work during the City of Palmer and Mat-Su Borough elections.
- Stated that the website home page has been completed by Gov Office. With the completion of the home page, work can progress on the site. Discussion ensued regarding the modules required to accept credit card transactions for utility billing.

P. AUDIENCE PARTICIPATION

1. Scott Hamilton, JD Steel

Mr. Hamilton reported that his company is using the rail spur at the Palmer Airport. The company is unloading 60' pieces of steel and is expecting the quantities of shipments to increase. Mr. Hamilton asked for assistance with snow removal and stated that he and his company would be happy to assist the City with the process.

Q. COUNCIL COMMENTS

Council Member Combs commented on the recent articles in the Anchorage Daily News. He stated that the first article referred to the City as a growing community and the second article commented on the utility issue. The utility issue article stated that further annexation by the City has become an issue and stated the City's assumed desire is to increase its income through taxes. Council Member Combs stated his objection over the portrayal of the City's pursuit of annexation as a tool to increase income and stated that it is the City's desire to provide a greater quality of life, to provide for the ability to get along with each other and to not build industrial concerns next to residences. He further stated that property and sales taxes are a break even issue in necessary services to the community.

Council Member Combs reported that Mayor Cooper called upon him to greet the exchange students at a full assembly at the middle school at 7:45 a.m. on Monday, January 26, 2004. Council Member Combs stated that it was a nice experience, the principal at the middle school is dynamite and that former Mayor Carte was in attendance. Council Member Combs gave the exchange students mini-mittens and a painted gold pan. He emphasized to the students that although the exchange students from Saroma and the students from Palmer have differences in culture, that all of the students are very much alike.

Council Member Pippel commented on his attendance at the Martin Luther King, Jr. service and representation of the City. Council Member Pippel stated that the City of Palmer does not annex to grasp additional revenue. He explained a call he received from Helen Munoz. Ms. Munoz inquired as to why the City does not handle its own septic waste and stated that rather than having the waste removed to Anchorage, she expressed the need for the City to operate a facility in Palmer.

Council Member Vanover requested that work sessions be set up on airport fees, capital projects, steep ordinance, addition to the traffic study, hospital and utilities and condemnation of property. The first of several work sessions was scheduled for Monday, February 2, 2004.

S. ADJOURNMENT

With no further business before the Council, the meeting adjourned at 8:50 pm.

APPROVED THIS 10th day of February 2004.

For a signed copy – contact the City Clerk