

SPECIAL CITY COUNCIL MEETING  
TUESDAY, APRIL 29, 2003  
7:00 PM - CITY COUNCIL CHAMBERS

- A. CALL TO ORDER: at 7:00 p.m. by Mayor Cooper in Council Chambers.
- B. ROLL CALL, DETERMINATION OF A QUORUM. Present: Mayor Cooper and Council members Vanover, Fish, Pippel, Combs, Hanson, and Carrington. Also present: City Manager Tom Healy, Attorney Jack Snodgrass, and Recording Secretary Pam Whitehead. A quorum was established.
- C. APPROVAL OF AGENDA: The agenda was approved as presented.
- D. PLEDGE OF ALLEGIANCE: led by Council member Combs.
- E. AUDIENCE PARTICIPATION: None.
- F.. BIDS:
  - 1. 2003 Street and Water System Improvements Project.

MOVED PIPPEL, SECONDED VANOVER, to accept the bids of Pruhs Construction, Wilder Construction, and Goodfellows Brothers, Inc. and award the contract to Pruhs Corporation for \$2,044,540.21.

Lengthy discussion and questions ensued with regard to the ability of Pruhs Construction to perform within the contract construction period, based on previous experience with this contractor, and the additional cost associated with the requirement of full time inspection to ensure compliance with the plans and specifications that wouldn't ordinarily be necessary with other contractors. Upon inquiry, Mr. Koch estimated that the inspection services cost would be in the range of \$30,000 to \$50,000. He noted, in his opinion, that it is not the level of complexity of the scope of work that requires the inspections, but the city's previous experience with this low-bidder that requires full-time documentation of the work effort in order to protect the city from change orders and/or claims.

Council member Pippel stated that it really rankles him to have to shoulder an extra \$50,000 to do business with this contractor because the law says we have to award to the lowest bidder, especially when we have previous experience with the contractor's nonperformance. Other council members expressed similar frustrations. Mayor Cooper took notice of the engineer's comment in the fee proposal that if the contractor's work continues beyond the contract period, there may be additional costs for HDL's work. He inquired whether liquidated damages would cover this additional cost.

Further discussion and questions ensued regarding the city's legal position and alternatives. The attorney noted the options are: reject all bids and put the project out to bid again which would delay the project by a month, maybe two; or accept the low bid and the city protect itself as best as it can through the engineer. He cautioned that striking the low bid and going with the second low bid

would risk a lawsuit. Mr. Koch cautioned that losing a month at this point would increase the costs for all contractors because of compressed schedules.

Council member Pippel wondered if there was something we could write into our code that would prevent this type of thing from happening in the future. Discussion continued regarding debarment. Mayor Cooper brought up future utilization of bidder pre-qualification. Mayor Cooper has serious concerns as to whether this contractor is responsive, given the fact that the city currently has three projects in various stages of non-completion and the engineer has doubts that the contractor can complete the project in the 22-week time frame. Discussion continued regarding the impact of a delay in awarding the bid.

Council member Combs is also rankled at being held hostage on a \$2 million plus contract, however, it appears that it will be in the best interests of the city to award to the low bidder in this case. He recommended that the city use the pre-qualification procedure in hopes of avoiding this kind of situation in the future. Council member Hanson agreed with Combs and Pippel as to being held hostage; thinks the bidding process is flawed; advocated coming up with something that eliminates this happening again.

Question on Motion [awarding to Pruhs]: MCU.

G. NEW BUSINESS.

1. Authorize City Manager to Amend a Professional Services Agreement with Hattensburg, Dilley and Linnell for Construction Management Services for the 2003 Water and Street Improvement Project.

This action will authorize an amendment to an existing contract with HDL for this project's design to add construction management services in the amount of \$236,605.

MOVED PIPPEL, SECONDED VANOVER, to authorize the city manager to amend the Professional Services Agreement with Hattensburg, Dilley and Linnell for construction management services for the 2003 Water and Street Improvement Project in an amount not to exceed \$236,605.

Discussion ensued. Council member Hanson inquired whether the contractor would be responsible for any additional engineering services beyond 22 weeks. Mr. Koch responded that liquidated damages are the remedy and set by the contract. There was discussion on what would be a usual and customary amount to assess for liquidated damages. Council member Vanover suggested bringing the ordinance back to the council at a future meeting for review and revision as appropriate for future contracts..

Question on Motion: MCU.

2. Authorize City Manager to Amend a Professional Services Agreement with Hattenburg, Dilley and Linnell for Design Services for 2003 Street and Water Improvements.

This action will authorize an amendment to an existing contract with HDL to add the design of water system and street improvements for W. Evergreen Avenue between Alaska St. and the Glenn Highway in the amount of \$75,641.

MOVED HANSON, SECONDED FISH, to authorize the city manager to amend the Professional Services Agreement with Hattenburg, Dilley and Linnell for design services for 2003 Street and Water Improvements in an amount not to exceed \$75,641.

Mr. Healy reported that this project will replace the water system on Evergreen, provide new streetlights, repair sidewalks, repave the street, and change the traffic pattern and traffic controls on Evergreen and the Palmer-Wasilla Highway to address traffic impacts anticipated with the construction of the Fred Meyer store. He noted that it is necessary to begin this project now and construct this year so it will be completed by the time Fred Meyer opens its store this time next year. There was brief discussion regarding various elements of the project.

Question on Motion: MCU.

The meeting recessed for a break at 7:50 p.m.; called back to order at 8:00 p.m.

3. Interview City Clerk Candidates – Executive Session.

Mayor Cooper explained the interview procedure to the candidates: Janette Persinger, Cari Ann Ketterling, and Gaye Vaughn. Council members will ask each candidate the same 10 questions. At the conclusion of all interviews, the council will go into executive session for discussion. Upon inquiry, none of the candidates wished to exercise her right to public discussion of her qualifications.

[While one candidate was being interviewed, the other two were escorted out of council chambers.]

Highlights of each interview are as follows:

***Janette Persinger:***

- currently the City Clerk in Bethel; loves her work; has had the job for one year; worked for the city for two years prior to becoming City Clerk;
- uses MS Word daily and considers herself proficient; has used Word Perfect but wouldn't consider herself proficient; is proficient in the use of email and the internet;
- the City Clerk in rural Alaska is responsible for all state, federal, and local elections. She ran three elections last year and met all the required deadlines;
- likes to multi-task; handles stressful situations such as simultaneous deadlines by plugging away until it gets done;
- believes ethics are extremely important; that the City Clerk needs to be totally neutral and maintain a professional attitude with everyone;

- understands the meaning of confidentiality; as City Clerk she was required to sign a confidentiality statement saying that she wouldn't leak information or show documents; she is also a dispatcher for the police department on weekends; has a State of Alaska clearance;
- is familiar with all aspects of conducting an election;
- she is responsible as City Clerk for taking and writing minutes for all meetings;
- is very meticulous with matters concerning the Open Meetings Act; has attended several training sessions on the subject; likes to attend training whenever possible because there is so much to learn about it;
- works independently; noted the Bethel City Clerk is a one-person office; she recently completed a records retention schedule and is currently in the process of implementing that schedule;
- recognizing that the City Clerk is hired by the council; if a difference of opinion should arise between the council and administration, she would look to the council for direction;
- although she hasn't worked with home rule city code, she feels she has the ability to learn quickly; she also relies on the "network" of other clerks if she doesn't know something.

***Cari Ann Ketterling:***

- is interested in the position because she feels the job requirements are a fine match for the skills that she has acquired during her working career;
- lives in Palmer and is currently working as a management consultant and court reporter for Metro Court Reporting in Anchorage;
- is advanced in word processing, having been a transcriptionist and court reporter; types about 100 pages per day; has worked in all types of computer programs, including database; very proficient with email and internet functions; often tele-commutes with office in Anchorage;
- is very experienced with meeting legal deadlines; as a court reporter she works with deadlines daily; is willing to put in the time to get a job done;
- works best under pressure;
- professional ethics are very important to her; often deals with sensitive material as a court reporter in both criminal and civil matters;
- is not sure of state law regarding confidential records, although she has not worked in a political-type forum, she feels she can learn very quickly;
- does not have experience with municipal elections; has experience with union elections and following bylaws; if there is a plan of action put into place, she would be able to follow the plan, get the job done on time, as required by council bylaws;
- has been responsible for writing meeting minutes; has prepared minutes from tape recordings to the satisfaction of the client;
- has reported to boards of directors and has assisted them clerically; has no knowledge of the Open Meetings Act;
- works well independently; designed and implemented an Access database program for tracking all work coming through Metro Court Reporting; it now tracks over 5000 depositions that have been taken in the last five years;
- in differences of opinion between the council and administration, she would feel it would be her role to point out that she is receiving conflicting information; she assumes there would

be some sort of order that things flow down from; would expect there to be some sort of agreement as to how the work gets done;

- thinks this would be a wonderful job for her; believes she meets most of the qualifications; noted that although she doesn't have a Municipal Clerk certificate, she would be willing to work toward it; she is a hard worker, fast learner, and believes she would do a great job.

***Gaye Vaughn:***

- has been a municipal clerk in the state of Alaska for over 20 years;
- was previously proficient in Word Perfect; but has now changed to Word because it is the most widely used; is proficient in the use of email, the internet, Excel, Power Point, and other computer programs;
- noted 20 years experience meeting deadlines for meeting notices, ordinances, resolutions, and elections; has never missed a deadline;
- regarding simultaneous deadlines, she tries to get the most distasteful task done first;
- generally works best under pressure;
- believes she is an ethical person – doesn't smoke, doesn't chew, drinks rarely; believes she lives a good life, has never been arrested;
- her understanding of confidential records is that they are to be safeguarded under lock and key with generally only the city manager and city clerk having access;
- has 20 years experience in conducting elections, 18 of which have been as a borough clerk conducting municipal elections of the cities within the borough;
- 20 years experience in working with 7-member to 16-member councils and assemblies;
- has written many pages of meeting minutes;
- Open Meetings means that meetings must be conducted in public, that there are only certain reasons why councils can meet in a closed session; closed sessions are not taped or minutes prepared;
- was primarily responsible for instituting a new records management system for the Kenai Peninsula Borough;
- her role when faced with a difference of opinion between the council and manager would be to remain at arms length away from it if at all possible.
- has lived in Alaska for almost 30 years, enjoys being the City Clerk, has always looked at this area as some day wanting to live here; thinks the city put the ad in the paper just for her.

MOVED VANOVER, SECONDED CARRINGTON, to enter into Executive Session to discuss the qualifications of the candidates. MCU.

[Off record]

[Executive Session]

[On record at 9:42 p.m.]

4. Council Selection of City Clerk.

MOVED VANOVER, SECONDED CARRINGTON, to authorize the city manager to enter into negotiations to offer the job of City Clerk to Janette Persinger.

Mayor Cooper explained that this was an agonizingly difficult decision for the council to choose among the three candidates. He applauded the wonderful qualifications of each one, stating that he has no doubt each could do a great job for the City of Palmer. He extended appreciation for taking the time to sit for the interview.

Question on Motion: MCU.

H. AUDIENCE PARTICIPATION: None.

I. COUNCIL COMMENTS:

**Council member Vanover:** wants to take another look at the bid ordinance; spoke to the problems on Blueberry; thinks that a 3-way stop is good idea but also thinks there should be 4-way stops on Bailey; commented that when she drove down Bailey, Mr. Helgeson was again cleaning up beer bottles at three different places; encouraged going forward with something to slow the traffic. Further discussion continued re possible solutions. **Council member Combs:** congratulated Ms. Persinger. **Council member Hanson:** also congratulated Ms. Persinger; encouraged working towards and recognizing that the real solution to the traffic flow and channelization in Fred Meyer area is on the Glenn Highway; emphasized that he is adamantly opposed to the restriction of the ability to turn left off of Evergreen in the future if the plan that was presented by Fred Meyer is adopted; that it should be the goal of the city to maximize the convenience and accessibility of all the businesses along its main business district. **Council member Pippel:** commented that he is glad to see some solutions to Blueberry St.; thanked the Public Works Department and the City for their help on the Little League fields; reminded the city about garbage pickup at the ballfield; congratulated Ms. Persinger; thinks she will like it in Palmer. **Council member Combs:** commented on the Blueberry St. issue, that it made him nuts to hear that it wasn't safe enough for a child to cross the street or walk to the park; is glad to hear that we're working on the problem; pointed out that Third Street, off of W. Eagle, needs a "No Outlet" or "Dead End" sign put up at the entrance to alert traffic that it is not a through street. **Mayor Cooper:** offered congratulations to Ms. Persinger; thanked Public Works for the grates and protectors on the trees; has a concern, however, that they are not flush with the sidewalk and they are very, very slick; commented on the Evergreen Median, that the thought was to shorten it further so that it would allow people to turn left off of Evergreen; reported on events at AML in Juneau last week; said he spoke to the Deputy Commissioner of DOT about the Evergreen/Glenn intersection; also spoke to Senator Green's office and their comment was they are ready to move the project ahead if we run into a stumbling block; spoke to concerns raised at AML regarding the sales tax issue and the fuel tax issue.

J. ADJOURNMENT: at 10:07 p.m.

*For a signed copy – contact the City Clerk.*