

A. CALL TO ORDER

A regular meeting of the Palmer City Council was held on October 13, 2009 at 7 pm in the council chambers, Palmer, Alaska.

Mayor John Combs called the meeting to order at 7:12 pm.

B. ROLL CALL

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

Brad Hanson	John Combs
Richard Best	Mike Chmielewski
Kevin Brown	Ken Erbey

The following member was absent and excused by the Council:

Kathrine Vanover

Also in attendance were the following:

Sara Jansen, Acting City Manager
Michael Gatti, City Attorney - via teleconference
Janette Bower, City Clerk
Shelly Acteson, Deputy City Clerk

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Palmer Citizen Joshua Villanueva.

D. APPROVAL OF AGENDA

1. Approval of Consent Agenda
 - a. Introduction – Ordinance No. 09-017: Amending the City of Palmer Personnel Regulations by Amending Section 1.00 Definitions, to include “Eligible Same-Sex Domestic Partner” in the Definition of Family and Section 1.15 Equal Opportunity Employer, to Include Language Regarding Unlawful Discrimination Against Qualified Applicants or Employees Due to Sexual Orientation (IM 09-037)
 - b. Introduction – Ordinance No. 09-021-Z-4: Amending the Zoning Map to Revise the Zoning Designation of Lot 3, Raven’s Ridge Subdivision, Section 5, Township 17 North, Range 2 East, S.M., from R-1, Single-Family Residential District, to R-1E, Single-Family Residential Estate District (IM 09-081)
 - c. Introduction – Ordinance No. 09-023-Z-5: Amending the Zoning Map to Revise the Zoning Designation of Lot 2, Willow Pointe Subdivision, From C-L Limited Commercial to P-Public Use District; and Lots 9, 10, 11, and 12, Block 1, Rempel

- Subdivision, From R-1 Single-Family Residential to P-Public Use District; all Located within Section 4, Township 17 North, Range 2 East, S.M., Alaska (IM 09-071)
- d. Resolution No. 09-051: Accepting and Appropriating the Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program Local Solicitation, Award 2009-DJ-BX-0967 in the Amount of \$17,106, and Authorizing the City Manager to Purchase Police Patrol Equipment and Dispatch Unit Chairs (IM 09-079)
2. Minutes of Previous Meetings
 - a. September 22, 2009, Regular Meeting

E. COMMUNICATIONS AND APPEARANCE REQUESTS

Palmer Golf Course Manager George Collum:

- provided Council with a synopsis of the End Of Year Report;
- introduced Golf Course Assistant Manager Katie Conner; and
- expressed thanks to the Public Works Department employees, the City Council and Manager Allen for their support.

Council Member Best:

- commended Golf Course Manager Collum for his staff selections; and
- expressed accolades for the greens condition.

F. REPORTS

Item 1 - City Manager's Report

Acting City Manager Sara Jansen reported on the following item:

- Sales tax

Item 2 - City Clerk's Report

City Clerk Janette Bower reported on the following items:

- Upcoming Special Meetings on October 27, Nov 3, and Nov 10; and
- No meeting on November 17.

Item 3 - Mayor's Report

Mayor John Combs reported on the following items:

- Sharon Barton with Rise Alaska;
- Gravel extraction Mat-Su Borough (MSB) ordinance;
- Borough and City Mayors meeting;
- Chamber Dinner Auction;
- Downtown Merchants meeting;
- City Website;
- Downtown brochure;
- Phone directory additions;
- Cost to upgrade the railroad tracks from the depot to downtown;
- 30/50 project; and
- Assistance to merchants on Alaska Street.

G. AUDIENCE PARTICIPATION

Beth Green, Realtor:

- voiced concern with the lack of directional signs during construction periods; and
- commented on political involvement.

Joseph Hawkins:

- expressed gratitude to the Public Works employees;
- commented on the importance of well-placed signage; and
- voiced concern with Ordinance 09-017.

Ruth Villanueva, Co-owner of Infusion Boutique;

- expounded on the social impact of the summer road construction;
- commented on sales tax fines assessed by the City;
- commented disparagingly concerning the City's lack of a payment installment policy;
- spoke in favor of the City utilizing positive signage during construction periods; and
- noted the positive retail environment in Wasilla.

Denise Stotz:

- submitted and read aloud a letter regarding track removal from Ms. Keeling;
- commented positively on the meeting with the Mayor and the Downtown Merchants Association;
- remarked on the Council's obtuse attitude; and
- questioned Council's "rubber stamping" projects and legislation.

Gary Adams:

- spoke in opposition to Ordinance 09-017; and
- stated the legislation promotes a certain agenda that he does not agree with.

Delena Johnson:

- suggested changes to verbiage in Ordinance 09-017; and
- commented on the effect of construction on the retail sector's bottom line.

H. PUBLIC HEARINGS

Item 1 - Resolution No. 09-054: Establishing Local Improvement District No. 09-03-L.I.D. for the South Bonanza Area and Determining the Need and Necessity for Construction of Same (IM 09-084)

A staff report was provided by Public Works Director Carter Cole.

Acting City Manager Sara Jansen:

- apologized for holding a public hearing on this issue at the same time as the Special Council Meeting.

Mayor Combs opened the public hearing for Resolution 09-054.

Arlene Cohen

- stated 3 people expressed concern with the proposed LID during the public hearing held earlier today;

- questioned why the City would pay Davis-Bacon wages to certain employees;
- stated the City Council had a horrendous problem with making rational decisions for the residents; and
- requested Council do a better job with decision making by thinking before approving.

The matter was brought before the Council.

MOVED BY:	Chmielewski	To adopt Resolution No. 09-054
SECONDED BY:	Erbey	

Council Member Brown:

- reminded Council of his place of residence in relation to the legislation.

Council Member Best:

- expressed concern with the possibility of city employees being paid Davis-Bacon wages during the project.

Public Works Director Carter Cole:

- stated the portion of the LID outlined in the legislation would be paid by the Contractor not the City;
- commented on the time-sensitive nature of the Local Improvement District (LID); and
- stated there were no objections to the LID during the public meeting.

Council Member Hanson:

- reminded Council LID's were combined with other projects to obtain a lowered cost to residents;
- questioned the City competing against local businesses for construction projects;
- expressed concern with policy changes without Council approval; and
- recommended Council be apprised of wage determinations relating to City projects.

City Clerk Janette Bower:

- suggested responses to questions posed by council concerning the legislation be brought forth at a later date; and
- stated the decision to proceed or not was up to the Council.

Mayor Combs:

- requested clarification concerning the cost methodology;
- concurred with Council Member Hanson's concerns related to wages; and
- spoke in favor of proceeding.

Council Member Chmielewski:

- questioned the relationship between the legislation and wage determinations; and
- spoke in favor of proceeding with the legislation.

Council Member Brown:

- questioned the project time-line.

Primary Amendment #1 to Main Motion		
Moved by:	Combs	To postpone action on the legislation until the October 27, 2009 Regular Council Meeting pending response to the following: a determination of whether Davis-Bacon wages are necessary for city employees working on public construction jobs, such as the Alaska Street Project and the Bonanza Street project; and analysis of city employees versus private contractors completing the LID.
Seconded by:	Hanson	

Council Member Best:

- questioned who would make the Davis-Bacon wage determination.

Acting City Manager Sara Jansen:

- stated the City is awaiting a response from Environmental Protection Agency (EPA).

Council Member Chmielewski:

- requested clarification of the motion.

Council Member Brown:

- expressed concern with Council approving the second step of the project first.

Vote: Motion carried by unanimous voice vote			
Yes:			No:
Erbey	Brown	Best	
Hanson	Combs	Chmielewski	

Item 2 - Resolution No. 09-055: Establishing Local Improvement District No. 09-04-L.I.D. for West Dolphin and Caribou Area and Determining the Need and Necessity for Construction of Same (IM 09-085)

Mayor Combs opened the public hearing for Resolution 09-055.

Arlene Cohen:

- stated the opposition expressed during the public hearing related to both LIDs.

The matter was brought before the Council.

MOVED BY:	Chmielewski	To adopt Resolution No. 09-055
SECONDED BY:	Erbey	

Primary Amendment #1 to Main Motion		
Moved by:	Chmielewski	To postpone action on the legislation until the October 27, 2009 meeting
Seconded by:	Best	

Vote: Motion carried by unanimous voice vote			
Yes:			No:
Erbey	Brown	Best	
Hanson	Combs	Chmielewski	

Item 3 - Ordinance No. 09-022: Approving the Granting of a Natural Gas Easement on the Palmer Airport Property Beginning at the Eastern Terminus of Evergreen Avenue and More Specifically Over All of that Part of Tract B, Palmer Municipal Airport Subdivision, According to Plat No. 2006-15, Records of the Palmer Recording District, Third Judicial District, State of Alaska Providing that Said Easement Shall Reduce to a Ten Foot wide Natural Gas Easement, Centered on All Natural Gas Pipelines Installed On, Under, Over and Through the Property (IM 09-077)

A staff report was provided by Airport/Marketing Manager Chris Gates.

Mayor Combs opened the public hearing for Ordinance 09-022.

There were no comments. The matter was brought before the Council.

MOVED BY:	Chmielewski	To adopt Ordinance No. 09-022
SECONDED BY:	Erbey	

VOTE ON MAIN MOTION: Carried by unanimous voice vote			
Yes:			No:
Chmielewski	Combs		
Brown	Best		
Hanson	Erbey		

Item 4 - Resolution No. 09-053: Authorizing the City Manager to Enter into a Contract with ENSTAR Natural Gas Company to Construct a Gas Main Extension at Palmer Municipal Airport and Approving a Supplemental Appropriation, Not to Exceed \$50,000 from the General Fund Undesignated Fund Balance to the Airport Enterprise Fund to Construct the Project (IM 09-073) (Note: this public hearing meets the code provision in Palmer Municipal Code 15.04.045)

A staff report was provided by Airport/Marketing Manager Chris Gates.

Mayor Combs opened the public hearing for Resolution 09-053.

There were no comments. The matter was brought before the Council.

MOVED BY:	Chmielewski	To adopt Resolution No. 09-048
SECONDED BY:	Erbey	

VOTE ON MAIN MOTION: Carried by unanimous voice vote			
Yes:			No:
Chmielewski	Combs		
Brown	Best		
Hanson	Erbey		

Item 5 - Ordinance No. 09-024: Amending the Following Sections of the City of Palmer Personnel Regulations: 4.05 Holidays with Pay; 4.10 Overtime, Holiday Pay, Standby, and Callout Pay; 4.12 Shift Differential; and 5.00 Personal Leave (IM 09-083)

A staff report was provided by Director of Administration Kelli Veech.

Mayor Combs opened the public hearing for Ordinance 09-024.

There were no comments. The matter was brought before the Council.

MOVED BY:	Chmielewski	To adopt Ordinance No. 09-024
SECONDED BY:	Best	

Mayor Combs:

- requested clarification regarding the amendments proposed in the legislation.

Public Safety Director Jon Owen:

- provided clarification.

VOTE ON MAIN MOTION: Carried by unanimous voice vote		
	Yes:	No:
Chmielewski	Combs	
Brown	Best	
Hanson	Erbey	

I. ACTION MEMORANDA

Item 1 – Action Memoranda 09-050: Authorize the City Manager to Negotiate and Execute a Professional Services Agreement with Ecological Engineering Group, Inc. for an Environmental Assessment in the Amount of \$171,250 to be Conducted on the Proposed Improvements for the Palmer Wastewater Treatment Plant

MOVED BY:	Chmielewski	To adopt Action Memoranda 09-050
SECONDED BY:	Brown	

Public Work Director Carter Cole:

- fielded questions from Council members;
- stressed the importance of planning for future wastewater needs; and
- spoke in favor of the legislation and obtaining an environmental assessment.

Mayor Combs:

- requested clarification in relation to phase two and three of the improvement project; and
- spoke against the legislation.

Council Member Best:

- expressed concern with the public's perception of the legislation; and
- concurred with Mayor Combs' concerns.

Council Member Chmielewski:

- advocated for adoption of the legislation;
- stressed the importance of the information provided by the environmental assessment; and
- stated the Council would be negligent by choosing to not procure the environmental assessment information.

Council Member Brown:

- concurred with Chmielewski's observations.

Council Member Hanson:

- stressed the importance of acquiring reliable environmental information;
- questioned if the vendor had a certified engineer on staff; and
- voiced concern with the lack of a non-proprietary review of phases two and three.

VOTE ON MAIN MOTION: Carried by 4 to 2 voice vote			
	Yes:		No:
Chmielewski	Combs	Best	Hanson
Brown	Erbey		

Item 2 - Action Memoranda 09-051: Authorize the City Manager to Award and Execute a Contract for Snow Hauling to GMG General in the amount of \$69.50 per Hour for Truck and Driver

MOVED BY:	Best	To adopt Action Memoranda 09-051
SECONDED BY:	Erbey	

VOTE ON MAIN MOTION: Carried by unanimous voice vote			
	Yes:		No:
Chmielewski	Combs		
Brown	Best		
Hanson	Erbey		

J. UNFINISHED BUSINESS

Item 1 - Resolution No. 09-041: Opposing Matanuska-Susitna Borough Ordinance Serial No. 09-110 and Encouraging the Borough to Actively Enforce their Existing Code Language Pertaining to Earth Materials Extraction Activities (IM 09-067)

Council Member Chmielewski:

- spoke in opposition to the legislation;
- noted his opposition to the Mat-Su Borough not consulting the City before attempting to impose the legislation.; and
- requested a positive advisory agenda item regarding the issue at a future meeting.

Council Member Brown:

- harmonized with Council Member Chmielewski's remarks; and
- offered support for Council Member Chmielewski's agenda item request.

Mayor Combs:

- spoke in favor of the resolution;
- indicated preference for sending a strong message to the Mat-Su Borough encouraging them to employ joint participation.

VOTE ON MAIN MOTION: failed by a 2 to 4 voice vote			
	Yes:		No:
Hanson	Best	Chmielewski	Combs
		Brown	
		Erbey	

K. NEW BUSINESS

Item 1 - Resolution No. 09-045: Authorizing the City Manager to Enter into Contract Amendment One (1) with Valley Appraisal and Analysis, Inc., and Approving a Supplemental Appropriation Not to Exceed \$30,000 from the General Fund Undesignated Fund Balance to the Airport Enterprise Fund to Perform Appraisal Services at Palmer Municipal Airport (IM 09-074)

MOVED BY:	Best	To adopt Resolution 09-045
SECONDED BY:	Brown	

A staff report was provided by Airport/Marketing Manager Chris Gates.

VOTE ON MAIN MOTION: Carried by unanimous voice vote			
	Yes:		No:
Chmielewski	Combs		
Brown	Best		
Hanson	Erbey		

Item 2 - Resolution No: 09-047: Establishing the City of Palmer's FY 2010 Programs for Progress and Fast Track Priorities Capital Improvement Project (IM 09-063)

MOVED BY:	Chmielewski	To adopt Resolution 09-047
SECONDED BY:	Brown	

Council Member Hanson:

- spoke in favor of moving item number seven, ADA Sidewalk Compliance up higher on the Fast Track Priorities Project List.

Acting Manager Sara Jansen:

- explained the Programs for Progress and Fast Track Priorities List.

Mayor Combs:

- spoke in favor of the legislation.

VOTE ON MAIN MOTION: Carried by unanimous voice vote		
	Yes:	No:
Chmielewski	Combs	
Brown	Best	
Hanson	Erbey	

Item 3 - Resolution No. 09-057: Authorizing the City Manager to Enter into and Execute a Block Grant Agreement Between the Matanuska-Susitna Borough and City of Palmer and Accepting and Appropriating the Grant in the Amount of \$118,453 (IM 09-087)

MOVED BY:	Chmielewski	To adopt Resolution 09-057
SECONDED BY:	Combs	

Community Services Director Pat Kilmain:

- explained the legislation.

Council Member Hanson:

- recommended researching additional funding methods.

Mayor Combs:

- concurred with Council Member Hanson's recommendation.

VOTE ON MAIN MOTION: Carried by unanimous voice vote		
	Yes:	No:
Chmielewski	Combs	
Brown	Best	
Hanson	Erbey	

Council Discussion Regarding Fireworks Use in the City on December 31 and January 1

Council Member Best:

- explained the request; and
- requested support to bring forth a resolution pertaining to allowing fireworks in the City on specific days and times. Council Member Chmielewski offered his support.

City Clerk Janette Bower:

- noted the proposed legislation would be on the November 10 regular meeting agenda.

L. RECORD OF ITEMS PLACED ON THE TABLE

Sales tax report
Palmer Golf Course end-of-year report

M. AUDIENCE PARTICIPATION

N. COUNCIL COMMENTS

Council Member Brown:

- described the unpleasant aesthetics of the track removal and replacement across the street from his office;

- requested a list of all City panels, committees, commissions, teams, and groups;
- asked for Council support to bring forth legislation requiring a quarterly written and verbal report from all City committees, commissions, teams, groups, and panels. Council Member Best offered his support;
- pointed out audio issues during the last meeting;
- stressed the issue of better communication with the community;
- spoke in favor of utilizing the website to ensure project updates are available to the public;
- suggested breaking down the sales tax revenue by city regions;
- recommended all City forms appear on the city website;
- mentioned the necessity of a new City form to indicate when a business was permanently closed in Palmer;
- stated Anchorage Daily News Reporter Zaz Hollander contacted him to discuss the business climate in downtown Palmer; and
- commented on volunteer efforts to produce a Marketing Plan for the Downtown Merchants Association.

Acting Manager Sara Jansen:

- commented on recent track removal; and
- stated Administration would contact the Alaska Railroad to discuss railroad track and tie refurbishment.

Council Member Best:

- described feelings of disheartenment and frustration concerning track removal without Council knowledge; and
- commented on continued coinciding meetings.

Council Member Hanson:

- communicated frustration with policy decisions without council consent; and
- concurred with Council Member Best's sense of dissatisfaction.

Council Member Chmielewski:

- spoke in favor of exploring on-line payment options for residents;
- commented on track removal and differential information; and
- expressed concern with not acidulously pursuing a clear understanding of the City's relationship with the Alaska Railroad.

Council Member Erbey:

- expressed concern with residents describing the City as uncooperative; and
- requested further review into the City providing an installment payment policy.

Mayor Combs:

- commented on the sales tax initiative failure; and
- spoke favorably of the meeting with the Downtown Merchants Association.

O. ADJOURNMENT

With no further business before the Council, the meeting adjourned at 10:55 pm.

Approved this twenty seventh day of October, 2009.

/s/

John C. Combs, Mayor

/s/

Janette M. Bower, CMC, City Clerk