

A. CALL TO ORDER

A regular meeting of the Palmer City Council was held on October 27, 2009 at 7 pm in the council chambers, Palmer, Alaska.

Mayor John Combs called the meeting to order at 7:05 pm.

B. ROLL CALL

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

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

Also in attendance were the following:

Bill Allen, City Manager
Michael Gatti, City Attorney
Janette Bower, City Clerk
Shelly Acteson, Deputy City Clerk

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Palmer resident Lorie Koppenberg.

D. APPROVAL OF AGENDA

1. Approval of Consent Agenda
 - a. Resolution No. 09-029: Extending the Special Committee to Focus Upon and To Determine the Feasibility of a Community Center in the City of Palmer Until December 2010, Re-appointing Committee Members and Addressing the Number of Members which Constitute a Quorum (IM 09-049)
2. Minutes of Previous Meetings
 - a. September 22, 2009, Special Meeting
 - b. October 12, 2009, Special Meeting
 - c. October 13, 2009, Special Meeting
 - d. October 13, 2009, Regular Meeting

City Manger Allen:

- requested Council postpone Item J. 2;
- commented on the non-existing relationship between Items K 1 and 2 and Item J 2; and
- recommended Council take action on Item K.

MOVED BY:	Combs	To amend the agenda by postponing Item K. in its entirety
SECONDED BY:	Hanson	

Council Member Hanson:

- questioned the relationship between project Item K and Item J 2; and
- requested clarification concerning the City competing with the public sector for construction projects.

Mayor Combs:

- spoke against the motion.

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

MOVED BY:	Brown	To amend the agenda by postponing Item K 2. to the December 8, 2009 Council Meeting
SECONDED BY:	Chmielewski	

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

E. COMMUNICATIONS AND APPEARANCE REQUESTS

F. REPORTS

Item 1 - City Manager's Report

City Manager Bill Allen reported on the following items:

- Ordinance 09-017;
- Davis-Bacon wages;
- Fiscal note regarding changing speed limit signs in subdivisions;
- Accounting Tech I accomplishments; and
- Sales tax amnesty ordinance.

Council Member Best:

- requested clarification regarding Davis-Bacon wages.

Mayor Combs:

- suggested a reprieve for the delinquent merchants until after January 2, 2010.

Council Member Chmielewski:

- stressed the importance of abiding by the Code.

Council Member Brown:

- requested clarification concerning City-initiated Permanent Fund Dividend garnishments; and
- commented on merchant tax reprieves.

Item 2 - City Clerk's Report

City Clerk Janette Bower reported on the following items:

- Upcoming meetings: November 3 Special Meeting, November 10 Special Meeting and Regular Meeting, November 24 Regular Meeting, and December 8 Regular Meeting;
- Last year only one regular council meeting was held in December; and
- Upcoming Alaska Municipal League (AML) Conference in November in Anchorage.

MOVED BY:	Chmielewski	To declare the December 8, 2009 Regular Council meeting the last Council meeting of 2009.
SECONDED BY:	Vanover	

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

Item 3 - Mayor's Report

Mayor John Combs reported on the following items:

- Palmer Marketing Plan meetings;
- Legislative Session;
- Mayor's Meeting;
- Mayor's Corner article; and
- Downtown Merchants.

G. AUDIENCE PARTICIPATION

Rosemary Miroshnichenko:

- spoke against Ordinance 09-017; and
- coined the verbiage "abomination" in reference to the legislation.

Gary Adams:

- spoke against Ordinance 09-017;
- commented on the definition of family;
- voiced concern with the long-term ramifications of the legislation; and
- expressed unease with the perceived preference set by the legislation.

Ruth Villanueva, Downtown Merchants Association Representative:

- thanked Council Member Brown and Mayor Combs for their participatory spirit;
- remarked unfavorably on the City's aggressive collection efforts;
- requested Council consider a marketing budget for 2010;
- recommended the City hire a Marketing Specialist; and
- highlighted the November 21 downtown gala.

Lorie Koppenberg

- expounded on the effect of construction on the retail sector's bottom line; and
- encouraged Council to formulate appropriate decisions regarding community planning.

Denise Stotz:

- commented on the couplet project;
- expressed frustration with Council's mounting sense of arrogant disregard; and
- requested the Council work toward restoring the City's relationship with the Alaska Railroad.

Ann Knobbe:

- remarked on the LID (Local Improvement District); and
- requested the project proceed quickly and neatly.

Joseph Hawkins:

- spoke in support of Council addressing the systemic problems within the City;
- conveyed displeasure when dealing with the City for business matters; and
- commented on Code interpretation.

Delena Johnson:

- suggested different verbiage for Ordinance 09-017;
- commented on the City pursuing past due sales tax offenders; and
- suggested the Council not become penny-wise and pound-foolish.

Steve Johnson:

- described the difficult nature of working with the City; and
- requested the City Manager implement changes which do not leave potential businesses stonewalled.

H. PUBLIC HEARINGS

Item 1 - 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)

A staff report was provided by Public Safety Director and Risk Manager Jon Owen.

Mayor Combs opened the public hearing for Ordinance No. 09-017.

Chief of Police George Boatwright:

- stated sexuality has no bearing on an employee's ability to perform their job;
- expounded on "doing things right versus doing the right thing"; and
- spoke in favor of the legislation.

Gary Adams:

- spoke against amending the long-standing definition of family; and
- stated the legislation provided special rights to same-sex domestic partners.

Joseph Hawkins:

- questioned the logic of the legislation;
- spoke in support of equality;
- recommended employees choose one person to receive benefits regardless of gender;
- suggested recusal of a Council Member; and
- questioned the reality of the no-fiscal impact statement in the legislation.

Amy Nash:

- commented on the significance of the legislation; and
- stated the legislation provides equal rights not special rights to same-sex domestic partners.

Steve Johnson:

- described marriage as a legal contract; and
- suggested the Council was putting the cart before the horse if they were to adopt the legislation.

MOVED BY:	Chmielewski	To adopt Ordinance No. 09-017
SECONDED BY:	Brown	

Mayor Combs:

- explained Council Member recusal requirements;
- stated Council Members were not covered by the City's health insurance plan;
- reminded Council the legislation determines whether to extend health benefits to same-sex domestic partners; and
- questioned the revenue neutral statement in the legislation.

Director of Administration Kelli Veech:

- explain the revenue neutrality of the legislation; and
- responded to Council Member inquiries.

Council Member Brown:

- questioned utilizing the verbiage all domestic partners instead of same-sex domestic partner;
- inquired of the formation of the definition of "family"; and
- questioned the possibility and cost of offering benefits to opposite sex domestic partners.

Public Safety Director Jon Owen:

- responded to Council Member questions.

Council Member Best:

- inquired if other Municipalities offer benefits to same-sex domestic partners; and
- requested Attorney input.

City Attorney Michael Gatti:

- remarked favorably on Director Owen's overview of the legislation; and
- recommended Council focus on the legislation as presented.

Council Member Chmielewski:

- questioned the benefit eligibility process.

Council Member Vanover:

- recognized the resonance of the legislation;
- stated her vote would be driven by her beliefs and her love for the Lord and fellow man; and
- expressed anguish over the legislation.

VOTE ON MAIN MOTION: Carried by 6 to 1 voice vote				
Yes:			No:	
Chmielewski	Combs	Hanson	Vanover	
Erbey	Best	Brown		

Item 2 - 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)

A staff report was provided by Community Development Director Sandra Garley.

Mayor Combs opened the public hearing for Ordinance No. 09-017.

City Clerk Janette Bower:

- provided Council with a letter of non-objection from Richard Stryken.

MOVED BY:	Brown	To adopt Ordinance No. 09-021-Z-4
SECONDED BY:	Erbey	

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

Item - 3 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)

A staff report was provided by Community Development Director Garley.

Mayor Combs opened the public hearing for Ordinance No. 09-023-Z-5. There were no comments.

MOVED BY:	Erbey	To adopt Ordinance No. 09-023-Z-5
SECONDED BY:	Hanson	

Council Member Best:

- queried Director Garley regarding future ramifications of the proposed zoning change.

Community Development Director Garley:

- explained the legislation.

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

I. ACTION MEMORANDA

Item 1 - Action Memoranda 09-049: Authorize the City Manager to Execute Amendment One with Hattenburg Dilley and Linnell for the Palmer Southwest Utility Extension, Phase II in amount of \$254,962

MOVED BY:	Hanson	To authorize Action Memoranda 09-049
SECONDED BY:	Best	

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

Council Member Chmielewski:

- requested clarification concerning the language highlighted by the City Attorney.

City Attorney Michael Gatti:

- recommended Council amend page 9, Assumption 7, regarding providing legal services.

Council Member Best:

- expressed concern with the scope of work for the project.

Public Works Director Carter Cole:

- explained the phases of the project.

Council Member Hanson:

- commented on the topography of the area in question.

Primary Amendment #1 to Main Motion		
Moved by:	Chmielewski	To amend the title by adding "and Authorize the City Manager to Modify the Legal Component of the Action Memorandum to State that the Legal Fees Should be Limited to the Acquisition of the Property from the University of Alaska Anchorage and the Easement through the Department of Transportation Rights-of-Way.
Seconded by:	Vanover	

Mayor Combs:

- spoke against the amendment.

Council Member Chmielewski:

- further explained the amendment.

City Manager Allen:

- expressed indifference to the non-issue issue.

Vote: Motion carried by 6 to 1 voice vote				
	Yes:			No:
Erbey	Brown	Best	Combs	
Hanson	Vanover	Chmielewski		

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

J. SPECIAL ORDER OF BUSINESS

Item 1 - Analysis of City Construction Options

City Manager Bill Allen:

- stated the City was not in the construction business.

Item 2 – Report on Davis-Bacon Wages

This item was postponed until the December 8 regular meeting.

K. UNFINISHED BUSINESS

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)

The motion to adopt was brought forth from the October 13 meeting.

Public Works Director Carter Cole fielded questions from Council.

City Attorney Michael Gatti:

- addressed the contingencies forced by the lack of funding;
- stated the Council could wait until to approve the legislation until the project was fully funded;
- pointed out the Local Improvement District (LID) documents were in proper format; and
- assured Council the LID process had been properly executed.

City Manager Allen:

- spoke in favor of the Council proceeding; and
- expressed confidence with securing future funding.

Council Member Chmielewski:

- rallied for approving the legislation.

Council Member Best:

- voiced concerns regarding the possibility of a change in cost to residents changing depending on the funding source.

Council Member Erbey:

- reminded Council of the purpose of the Resolution.

Primary Amendment #1 to Main Motion		
Moved by:	Hanson	To amend by removing "practicable" and add "funding becomes available to the project."
Seconded by:	Vanover	

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

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

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)

The motion to adopt was brought forth from the October 13 meeting.

Primary Amendment #1 to Main Motion		
Moved by:	Hanson	To amend by removing "practicable" and add "funding becomes available to the project."
Seconded by:	Best	

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

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

L. NEW BUSINESS

Item 1 - Information Memorandum 09-088: City of Palmer Marketing Plan Update

There were no comments.

Item 2 - Council Discussion Regarding Speed Limit in City of Palmer Subdivisions

Council Member Best:

- spoke in favor of changing the speed limit from 25 mph to 20 mph in various residential areas.

Police Chief Boatwright:

- commented on the concept;
- suggested an overall view of all City roads before deciding if speed limits needed to be lowered; and
- stated smaller streets could benefit from lowering the speed limit.

City Manager Allen:

- requested an inventory of City streets and recommended speed limits for each street; and
- requested Department of Transportation (DOT) address the Council during the January 12, 2010 regular council meeting.

M. RECORD OF ITEMS PLACED ON THE TABLE

Letter of non-objection from Richard Stryken

N. AUDIENCE PARTICIPATION

Laurie Koppenberg:

- provided Council with an update of the Eastern Terminus Project.

Denise Stotz:

- requested Council support Eric Deeter's son in the Iditarod Sled Dog Race.

O. COUNCIL COMMENTS

Council Member Chmielewski:

- commented on the City Code requirement to license cats.

Council Member Best:

- requested color copies of photos in the meeting packets; and
- commented on the upcoming fireworks ordinance.

Council Member Brown:

- requested color copies of graphs and photos in the meeting packets;
- commented on improving communication with the City Manager;

- requested support to implement a quarterly City Manager evaluation beginning January 2010. Council Members Vanover and Best offered concurrence. There were no objections.
- expressed excitement concerning the Community Marketing Plan;
- voiced preference for equality;
- expounded on office visits from citizens opposed to Ordinance 09-017; and
- thanked and acknowledged Council Member Vanover for her candid comments.

Mayor Combs:

- commented on marketing Palmer.

P. ADJOURNMENT

With no further business before the Council, the meeting adjourned at 10:45 pm.

Approved this tenth day of November, 2009.

/s/

John C. Combs, Mayor

/s/

Janette M. Bower, CMC, City Clerk