

A. CALL TO ORDER

A regular meeting of the Palmer City Council was held on May 26, 2009, at 7 pm in the council chambers, Palmer, Alaska.

Mayor John Combs called the meeting to order at 7:06 pm.

B. ROLL CALL

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

| | |
|------------------|------------------|
| Brad Hanson | John Combs |
| Richard Best | Mike Chmielewski |
| Kathrine Vanover | Kevin Brown |

The following council member was absent and excused by the council:

Ken Erbey

Public Safety Director Jon Owen introduced new Fire Chief John McNutt.

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 Council Member Vanover.

D. APPROVAL OF AGENDA

1. Approval of Consent Agenda
 - a. Introduction – Ordinance No. 09-010: Amending Chapter 3.08, Special Assessments, to Clarify the Description of a Local Improvement District and Provide for Deadlines for Submitting a Petition in Protest of the Formation of a Local Improvement District (IM 09-029)
2. Minutes of Previous Meetings
 - a. May 12, 2009, Special Meeting
 - b. May 12, 2009, Regular Meeting

E. COMMUNICATIONS AND APPEARANCE REQUESTS

F. AUDIENCE PARTICIPATION

G. PUBLIC HEARINGS

Item 1 – Ordinance No. 09-011-Z-3: Amending the Zoning Map to Revise the Zoning Designation of Tract C, Cope RSB, Section 4, Township 17 North, Range 2 East, S.M. from P, Public Use District to C-G, General Commercial District (IM 09-021)

Mayor Combs opened the public hearing for Ordinance No. 09-011-Z-3.

The public hearing was closed and the matter was brought before the council.

| | | |
|--------------|-------------|-----------------------------------|
| MOVED BY: | Hanson | To adopt ordinance no. 09-011-Z-3 |
| SECONDED BY: | Chmielewski | |

Council Members Hanson and Chmielewski remarked favorably on the legislation.

Mayor Combs concurred with Council Member Hanson and Council Member Chmielewski's comments.

| | | | |
|--|-------|--------|-----|
| VOTE ON MAIN MOTION: Carried by unanimous roll call vote | | | |
| Yes: | | | No: |
| Chmielewski | Combs | Brown | |
| Vanover | Best | Hanson | |

Item 2 – Ordinance No. 09-012: Amending Palmer Municipal Code Chapter 17.08 Definitions, to Enact Section 17.08.467 Winery; Section 17.28.030 Conditional Uses in the Limited Commercial District, to Enact Subsection 17.28.030 E. Wineries; and Amending Subsection 3 of 17.32.020 Permitted Uses in the General Commercial District, to Include Wineries (IM 09-022)

Mayor Combs opened the public hearing for Ordinance No. 09-012.

The public hearing was closed and the matter was brought before the council.

| | | |
|--------------|-------------|-------------------------------|
| MOVED BY: | Chmielewski | To adopt ordinance no. 09-012 |
| SECONDED BY: | Vanover | |

| | | | |
|--|-------|--------|-----|
| VOTE ON MAIN MOTION: Carried by unanimous roll call vote | | | |
| Yes: | | | No: |
| Chmielewski | Combs | Brown | |
| Vanover | Best | Hanson | |

Item 3 - Ordinance No. 09-009: Amending the City of Palmer Personnel Regulation in the Following Sections: Section 1.00 Definitions, to Reduce the Number of At Will Employees, to Provide the Definition Certified Trainer, and to Designate the Human Resource Specialist as the Personnel Officer; Subsection 3.30 Residency, to Repeal the Residency Requirement for Department Directors and to Add a Requirement for the Public Safety Director to Live within 15 Miles of the City; Subsection 4.05 Holidays With Pay, to Define the Actual Holiday Observation Day For Employees with a Non-Standard Work Week and to Eliminate the Practice of Payment

of Floating Leave Days for Terminated Employees; Subsection 4.10 Overtime and Holiday Pay, to Clarify Overtime Wages and to Define Standby and Callout Pay; Enacting Subsection 4.12 Shift Differential, to Provide for a Shift Differential Rate; Enacting Subsection 4.13 Certified Trainers, to Recognize Additional Pay for Certified Trainers; Subsection 5.00 Personal Leave, to Reduce the Maximum Amount Of Accrued Leave; Subsection 5.20 Payment In Lieu of Leave, to Reduce the Amount of Required Leave Following a Payment In Lieu of Leave; Subsection 7.05 Suspension, to Provide for Five Working Days for the Investigative Processes; and Subsection 7.20 Category 1: Infractions That May Result in Disciplinary Actions, to Include the Language "Other Employees, and the Public" Concerning Inappropriate Conduct (IM 09-024)

Mayor Combs opened the public hearing for Ordinance No. 09-009.

Lance Ketterling:

- voiced concern with the 320 hour personal leave cap;
- expressed concern with the residency mileage requirement;
- articulated concern regarding the shift differential; and
- stressed the importance of maintaining employee morale.

Heather Kelly:

- mirrored Mr. Ketterling's concerns; and
- expressed accolades for the current field of policeofficers.

The public hearing was closed and the matter was brought before the council.

| | | |
|--------------|-------------|-------------------------------|
| MOVED BY: | Chmielewski | To adopt ordinance no. 09-009 |
| SECONDED BY: | Hanson | |

City Manager Bill Allen:

- stated his request to remove Police Officers from the residency requirement.

Special Assistant Sara Jansen:

- explained the legislation.

Council Member Chmielewski:

- requested Council focus on the residency issue first; and
- questioned the current residency situation.

Council Member Hanson

- spoke in favor of a residency requirement.

| Primary Amendment #1 to Main Motion | | |
|-------------------------------------|-------------|---|
| MOVED BY: | Hanson | To amend Section 3.30, by retaining 3.30 B. which would require Department Directors to become a resident of the City or reside within 10 miles of the city limits within 180 days of hire. |
| SECONDED BY: | Chmielewski | |

City Manager Allen:

- disagreed with Council Member Hanson's motion;
- stressed the archaic nature of the requirement;

- commented on the recently hired Directors; and
- discussed the hiring process.

Council Member Brown:

- requested details of the Directors and their residency;
- questioned the Director of Administration's role during a disaster;
- remarked favorably concerning Director Cole's presence in the community; and
- requested clarification concerning the City Manager's Code breach.

Department of Administration Director Kelli Veech:

- responded to Council Member Brown's inquiries.

Council Member Vanover:

- indicated preference for removal of the residency requirement; and
- commented on utilizing the requirement as a control mechanism.

Council Member Best:

- questioned the City Manager's hiring of Directors who live outside the City.

City Attorney Gatti:

- discussed the discretionary hiring action undertaken by City Manager Allen.

Council Member Chmielewski:

- suggested Council review other methods of defining residency; and
- extrapolated the 10 mile radius from the City boundary.

Council Member Hanson:

- recognized the value of policy makers possessing a sense of community demonstrated by living in the community; and
- communicated tribulation with the City Manager's indifference to the Code.

Mayor Combs:

- spoke against the amendment.

| | | | |
|--|--|-------------|-------|
| VOTE ON PRIMARY AMENDMENT #1 failed with a 2 to 4 roll call vote | | | |
| Yes: | | No: | |
| Best | | Vanover | Brown |
| Hanson | | Chmielewski | Combs |

| | | |
|-------------------------------------|-------------|---|
| Primary Amendment #2 to Main Motion | | |
| MOVED BY: | Hanson | To amend Section 3.30, by striking "and police officers" from 3.30 B. |
| SECONDED BY: | Chmielewski | |

| | | | |
|---|---------|-------|-----|
| VOTE ON PRIMARY AMENDMENT #2 approved with a unanimous roll call vote | | | |
| Yes: | | | No: |
| Chmielewski | Best | Combs | |
| Hanson | Vanover | Brown | |

| Primary Amendment #3 to Main Motion | | |
|-------------------------------------|-------------|--|
| MOVED BY: | Hanson | To amend Section 5.00 H., by changing the maximum personal leave hours accrual cap from 320 to 500 hours |
| SECONDED BY: | Chmielewski | |

Council Member Hanson:

- advocated for the amendment.

Council Member Chmielewski:

- agreed with Council Member Hanson; and
- requested clarification.

Special Assistant Jansen:

- further expounded on personal leave accrual.

City Manager Allen:

- spoke in support of the amendment; and
- suggested an amendment pertaining to required leave usage.

Council Member Brown:

- questioned leave usage methods.

Mayor Combs:

- remarked favorably on the amendment.

Director of Administration Kelli Veech:

- voiced concern with the lack of budgeted funds for leave pay outs; and
- described the recent large leave pay outs.

| VOTE ON PRIMARY AMENDMENT #3 approved with a unanimous roll call vote | | | |
|---|---------|-------|-----|
| Yes: | | | No: |
| Chmielewski | Best | Combs | |
| Hanson | Vanover | Brown | |

| Primary Amendment #4 to Main Motion | | |
|-------------------------------------|-------------|--|
| MOVED BY:: | Vanover | To amend Section 5.00 I., by changing the five (5) consecutive days to ten (10) days, and delete "consecutive" |
| SECONDED BY: | Chmielewski | |

Council Member Best:

- questioned the repercussions of the amendment.

Council Member Chmielewski:

- requested clarification concerning losing personal leave at the end of each year.

Council Member Brown:

- objected to removing "consecutive".

City Manager Bill Allen:

- indicated preference for removing "consecutive".

| | | | | | |
|---|---------|-------|-----|--|--|
| VOTE ON PRIMARY AMENDMENT #4 approved with a unanimous roll call vote | | | | | |
| Yes: | | | No: | | |
| Chmielewski | Best | Combs | | | |
| Hanson | Vanover | Brown | | | |

Council Member Hanson:

- questioned the shift differential section of the legislation.

Special Assistant Sara Jansen:

- explained the incentive breakdown.

Public Safety Director Jon Owen:

- outlined the shifts utilized by the Public Safety Department.

Council Member Vanover:

- questioned the payroll costs associated with the legislation.

| | | |
|-------------------------------------|-------------|---|
| Primary Amendment #5 to Main Motion | | |
| MOVED BY:: | Chmielewski | To amend Section 4.12 C. by removing "started on and/or" and add "began on" |
| SECONDED BY: | Vanover | |

| | | | | | |
|---|---------|-------|-----|--|--|
| VOTE ON PRIMARY AMENDMENT #5 approved with a unanimous roll call vote | | | | | |
| Yes: | | | No: | | |
| Chmielewski | Best | Combs | | | |
| Hanson | Vanover | Brown | | | |

| | | |
|-------------------------------------|---------|---|
| Primary Amendment #6 to Main Motion | | |
| MOVED BY:: | Vanover | To amend Section 4.05 by adding "A" to the beginning of sentence two, striking "his or her", and replace with "the" |
| SECONDED BY: | Brown | |

| | | | | | |
|---|---------|-------|-----|--|--|
| VOTE ON PRIMARY AMENDMENT #6 approved with a unanimous roll call vote | | | | | |
| Yes: | | | No: | | |
| Chmielewski | Best | Combs | | | |
| Hanson | Vanover | Brown | | | |

| | | |
|-------------------------------------|---------|---|
| Primary Amendment #7 to Main Motion | | |
| MOVED BY:: | Vanover | To amend Section 4.10 by deleting "and", and add ""standby and call out" pay. |
| SECONDED BY: | Combs | |

| |
|---|
| VOTE ON PRIMARY AMENDMENT #7 approved with a unanimous roll call vote |
|---|

| | | |
|-------------|---------|-------|
| | Yes: | |
| Chmielewski | Best | Combs |
| Hanson | Vanover | Brown |

No:

| |
|--|
| VOTE ON MAIN MOTION: Carried by unanimous roll call vote |
|--|

| | | |
|-------------|-------|--------|
| | Yes: | |
| Chmielewski | Combs | Brown |
| Vanover | Best | Hanson |

No:

H. BIDS

I. ACTION MEMORANDA

Item 1 – Action Memorandum 09-029: Authorize the City Manager to Enter into a Rent Agreement with the Greater Palmer Chamber of Commerce to Reimburse the Chamber Half of their Monthly Rent at a Cost of \$450 per Month for a Three Year Period

| | | |
|--------------|-------------|---------------------------------------|
| MOVED BY: | Chmielewski | To authorize Action Memorandum 09-029 |
| SECONDED BY: | Brown | |

City Manager Allen:

- explained the contract;
- spoke in favor of the legislation; and
- discussed the financial impact of the Chamber relocation.

| | | |
|--------------|---------|---|
| MOVED BY: | Combs | To suspend the rules to allow a member of the public to address the Council |
| SECONDED BY: | Vanover | |

| |
|--|
| VOTE : Carried by unanimous roll call vote |
|--|

| | | |
|-------------|-------|--------|
| | Yes: | |
| Chmielewski | Combs | Brown |
| Vanover | Best | Hanson |

No:

Stu Graham, Greater Palmer Chamber of Commerce:

- reminded Council that the Chamber was a not-for-profit business; and
- advocated for council approval.

Council Member Vanover:

- expressed hesitation with funding the third year.

Council Member Chmielewski:

- spoke in support of the Chamber; and
- expressed disappointment with the lack of a more detailed contract.

Mayor Combs:

- spoke in support of the Chamber and its activities; and
- spoke in favor of the legislation.

| | | |
|-------------------------------------|---------|--|
| Primary Amendment #1 to Main Motion | | |
| MOVED BY: | Combs | To amend the contract to two years, and revisit the issue after two years. |
| SECONDED BY: | Vanover | |

Council Member Hanson:

- questioned if the funding was an unending occurrence.

Council Member Brown:

- questioned the City Manager's ability to negotiate a contract without consulting Council;
- spoke in favor of the supporting the chamber for two or three years; and
- congratulated the City Manager on resolving this issue.

Council Member Vanover:

- stressed the importance of the Chamber;
- thanked the City Manager for negotiating the issue; and
- remarked favorably on the amendment.

| | | | | | |
|---|---------|-------|------|--|-------------|
| VOTE ON PRIMARY AMENDMENT #1: approved with a 4 to 2 roll call vote | | | | | |
| Yes: | | | No: | | |
| Brown | Vanover | Combs | Best | | Chmielewski |
| Hanson | | | | | |

| | | | | | |
|---|--------|-------|------|--|--|
| VOTE ON MAIN MOTION: Carried by 6 to 1 roll call vote | | | | | |
| Yes: | | | No: | | |
| Chmielewski | Combs | Brown | Best | | |
| Vanover | Hanson | | | | |

Item 2 -Action Memorandum 09-031: Appropriate \$800 to the General Fund Revenue to Relocate the Palmer Public Library Phone System to the Palmer Visitor Information Center

| | | |
|--------------|---------|---------------------------------------|
| MOVED BY: | Vanover | To authorize Action Memorandum 09-031 |
| SECONDED BY: | Hanson | |

Council Member Chmielewski:

- requested more information.

Community Services Director Pat Kilmain:

- explained the legislation.

| | | | | | |
|--|-------|--------|-----|--|--|
| VOTE ON MAIN MOTION: Carried by unanimous roll call vote | | | | | |
| Yes: | | | No: | | |
| Chmielewski | Combs | Brown | | | |
| Vanover | Best | Hanson | | | |

J. UNFINISHED BUSINESS

K. NEW BUSINESS

Item 1 – Resolution No: 09-015: Appropriating Local Matching Funds of \$267,673 for an Alaska Department of Environmental Conservation (ADEC), Wastewater Treatment Plant Grant #67107 from the Water and Sewer Fund (Fund 02) Undesignated Fund Balance to the Wastewater Treatment Plant Phase III Project (IM 09-027)

| | | |
|--------------|-------------|------------------------------|
| MOVED BY: | Chmielewski | To approve Resolution 09-015 |
| SECONDED BY: | Vanover | |

City Manager Bill Allen:

- explained the legislation.

Council Member Vanover:

- requested clarification.

Director of Administration Kelli Veech:

- explained the funding source.

| | | | | | |
|--|-------|--------|--|-----|--|
| VOTE ON MAIN MOTION: Carried by a unanimous roll call vote | | | | | |
| | Yes: | | | No: | |
| Chmielewski | Combs | Hanson | | | |
| Vanover | Best | Brown | | | |

L. CITY MANAGER’S REPORT

City Manager Bill Allen reported on the following items:

- Code defiance; and
- Reception for Mayor Sullivan.

M. CITY CLERK’S REPORT

City Clerk Janette Bower reported on the following item:

- June 16 special meeting.

N. MAYOR’S REPORT

Mayor Combs reported on the following item:

- Wall of Honor.

O. RECORD OF ITEMS PLACED ON THE TABLE

P. AUDIENCE PARTICIPATION

Stu Graham:

- provided council with a history of the Chamber’s plight; and
- explained the hardship presented by unexpected rent.

Q. COUNCIL MEMBER COMMENTS

Council Member Brown:

- expressed gladness with the 500 hour cap on personal leave time;
- recognized the value of City employees;
- commented on the Chamber's relocation;
- recommended changes to the Personnel Regulations; and
- provided Council with an update concerning his father's illness.

Council Member Best:

- explained his dissenting vote concerning funding the Chamber's rent; and
- spoke in favor of establishing a process for dispersing funds to non-profits.

Council Member Chmielewski:

- spoke in support of establishing a criteria based process for funding non-profits.

Council Member Vanover:

- verbalized support of the Chamber; and
- complimented Council Member Hanson as Mayor Pro-Tempore during the last meeting.

Mayor Combs:

- thanked Council Member Hanson for his outstanding job as Mayor Pro-Tempore during the last few meetings; and
- provided council with an update on his health.

R. ADJOURNMENT

With no further business before the council, the meeting adjourned at 10:15 pm.

Approved this ninth day of June, 2009.

/s/

Janette M. Bower, CMC, City Clerk

/s/

John C. Combs, Mayor