

A. CALL TO ORDER

A regular meeting of the Palmer City Council was held on June 23, 2009, at 7 pm in the council chambers, Palmer, Alaska.

Mayor John Combs called the meeting to order at 7:17 pm.

B. ROLL CALL

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

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

The following members were absent and excused by the council:

Kathrine Vanover

Also in attendance were the following:

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

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Erbey.

D. APPROVAL OF AGENDA

1. Approval of Consent Agenda
 - a. Introduction – Ordinance No. 09-014: Amending Palmer Municipal Code Section 2.04.110 Order of Business by Modifying the City Council Agenda (IM 09-030)
2. Minutes of Previous Meetings
 - a. June 9, 2009, Special Meeting
 - b. June 9, 2009, Regular Meeting

E. COMMUNICATIONS AND APPEARANCE REQUESTS

The clerk read into the minutes a letter from Jim Beck.

Public Works Director Carter Cole:

- provided Council with an update of the Wastewater Treatment Plant project;
- spoke in favor of the valuable data gained through a regional study;

- stressed the importance of covering the sewer lagoon; and
- theorized covering the lagoon would bring the Plant into compliance.

Council Member Best:

- questioned the Plant compliance; and
- spoke in favor of technology flexibility at the Plant.

Council Member Hanson:

- spoke in favor of utilizing an engineering firm to evaluate the options;
- questioned the evaluation process; and
- commented on the lack of analytical data.

Council Member Chmielewski:

- reminded Council of the phased approach of the project; and
- articulated Phase I.

F. AUDIENCE PARTICIPATION

Noel Kopperud:

- requested Council refer the track removal project to the Planning and Zoning Commission; and
- spoke in favor of a comprehensive greenbelt plan.

Sue Welton:

- requested more timely notification; and
- provided Council with a Chamber of Commerce resolution.

Marcie Benti:

- commented on the lack of open communication;
- questioned the impact of removing the railroad tracks;
- described the septic stench; and
- requested the City be more mindful of providing public notification.

Michelle Kincaid:

- asked Council to postpone the railroad track project; and
- requested additional time to receive more public input.

Helen Munoz:

- noted the upcoming wastewater meeting;
- commented on the importance of clean water; and
- recognized the value of planned economic development.

Teresa Roy:

- questioned the future benefit of retaining the tracks; and
- indicated a preference for compromise relating to removing the tracks.

Greg Gusse:

- spoke in favor of walking trails;
- questioned the validity of preserving the tracks;
- expressed reservation with the downtown restroom project; and

- requested Council continue to procure public input.

Delena Johnsen:

- commented on the caring attitude of the residents.

James Chesbro:

- voiced preference for removing the tracks;
- commented on the hominess of Palmer; and
- questioned the location of the downtown restroom.

Bonnie Allen:

- commented positively on a greenbelt; and
- expressed displeasure with the lack of public notice.

Gerry Keeling:

- commented on the historical significance of the tracks; and
- requested Council consider retaining the tracks.

Joann Utt:

- commented on the historical nature of the tracks.

Charles Griffin:

- urged Council to postpone the track project; and
- commented on the City obtaining title to the track.

Mike Madar:

- encouraged Council not to increase ice rental rates; and
- requested additional public hearings concerning the track removal project.

Alex Kopperud:

- expressed concern with the track removal project;
- stated the legislation was nebulous; and
- requested additional public hearings.

G. PUBLIC HEARINGS

Item 1 - Ordinance 09-016: Amending Palmer Municipal Code Section 8.36.025 Certain Acts Prohibited, to Exempt Public Construction and Maintenance Projects from City Permits to Allow Operation Between the Hours of 10:00 p.m. and 6:00 a.m. (IM 09-036)

MOVED BY:	Chmielewski	To adopt Ordinance 09-016
SECONDED BY:	Erbey	

Mayor Combs opened the public hearing for Ordinance 09-016. There being no one who wished to speak, the public hearing was closed and the matter was brought before the council.

Special Assistant Sara Jansen:

- explained the legislation; and
- provided a history of the legislation.

Council Member Best:

- expressed concern with late-night noise in residential neighborhoods.

Council Member Chmielewski:

- questioned the history of the legislation.

Mayor Combs:

- reiterated Council Member Best's concerns.

Council Member Hanson:

- spoke against the legislation.

Council Member Brown:

- requested elucidation.

City Manager Bill Allen:

- clarified the purpose and intent of the legislation.

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

Item 2 - Information Memorandum No. 09-043: City of Palmer Department of Public Safety (Police) Application for Edward Byrne Memorial Justice Assistance (JAG) Local Solicitation

Mayor Combs opened the public hearing for Information Memorandum 09-043. There being no one who wished to speak, the public hearing was closed and the matter was brought before the council.

Public Safety Director Jon Owen:

- expounded on the legislation.

Mayor Combs:

- requested clarification.

Council Member Brown:

- questioned the budgeted items.

Item 3 - Information Memorandum No. 09-046: City of Palmer Restrooms on the Visitor Center Property owned by the City

Mayor Combs opened the public hearing for Information Memorandum 09-046. There being no one who wished to speak, the public hearing was closed and the matter was brought before the council.

Public Works Director Carter Cole:

- provided Council with a progress report;
- expounded on the cost increase to add log siding; and

- reminded Council of the issues in question were placement and the exterior of the facility.

City Manager Allen:

- reminded Council of the priority of the project;
- addressed concerns with tree removal;
- explained the site selection process; and
- delineated the project time-line.

Council Member Chmielewski:

- expressed confusion with the process.

Mayor Combs:

- discussed utilizing log siding for the restrooms; and
- stated any additions to the project would be addressed during a subsequent meeting.

Council Member Hanson:

- explained the history of the process.

Council Member Best:

- questioned the project time-line.

MOVED BY:	Erbey	To suspend the rules and reopen the public hearing on Informational Memorandum 09-046
SECONDED BY:	Combs	

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

Delena Johnson:

- discussed property values;
- requested Council rethink the location of the restrooms; and
- stated the importance of planning.

Jason Collins:

- expressed concern with heating cost; and
- stressed the importance of long-term investment decisions.

Greg Gusse:

- questioned the policing cost.

Mayor Combs closed the public hearing and the matter was brought before the council.

Council Member Chmielewski:

- requested clarification concerning heating and maintenance costs.

Public Work Director Cole:

- addressed concerns relating to dimensions and maintenance costs.

Mayor Combs:

- recognized the value of unobtrusive restrooms; and
- stated the legislation would be added to the July 14 meeting agenda.

Council Member Brown:

- relayed the importance of aesthetics;
- questioned maintaining the cleanliness of the restroom; and
- inquired of restroom placement on Alaska Railroad land.

Council Member Erbey:

- spoke in favor of the restroom site; and
- expressed concern with the hours of operation.

City Manager Allen:

- quelled Council Member Erbey's concerns; and
- stated the Alaska Railroad had denied the request.

Council Member Chmielewski:

- questioned the site selection.

Council Member Best:

- reminded Council of the economic feasibility of the site.

Council Member Hanson:

- voiced concern with the site selection evaluation; and
- requested additional public input and interaction.

H. BIDS

I. ACTION MEMORANDA

Item 1 - Action Memorandum 09-037: Amend the City of Palmer Fee Schedule to Increase Ice Rental Rates for the Palmer Ice Arena

MOVED BY:	Erbey	To authorize Action Memorandum 09-037
SECONDED BY:	Chmielewski	

Community Services Director Pat Kilmain:

- justified the legislation.

Council Member Hanson:

- stated numerous positive factions of preserving the current fee schedule; and
- verbally considered amending the legislation.

Council Member Chmielewski:

- expressed parallel sympathies with Council Member Hanson's concerns.

City Manager Allen:

- questioned the effective date of the increase;

- suggested different effective dates; and
- commented on the economic impact created by the ice arena.

Primary Amendment #1 to Main Motion		
Moved by:	Hanson	To amend the increase amount to \$10 per hour for prime-time ice and \$10 per hour for non-prime-time ice
Seconded by:	Chmielewski	

City Manager Allen:

- questioned the type of legislation necessary to change the fee schedule.

MOVED BY:	Chmielewski	To postpone this issue until the next regular meeting pending clarification
SECONDED BY:	Erbey	

VOTE ON MOTION TO POSTPONE: carried by a unanimous voice vote			
	Yes:		No:
Chmielewski	Best	Combs	
Brown	Erbey	Hanson	

J. UNFINISHED BUSINESS

K. NEW BUSINESS

Item 1 - Resolution No. 09-019: Approving a Supplemental Appropriation of \$525,000 from the General Fund Undesignated Fund Balance to the 2009 Public Works Operating Budget 01-1710-6053 Equipment Budget and Authorize the City Manager to Purchase Two Caterpillar 140M Motor Graders Under a Joint Purchase Arrangement Under the State of Alaska Contract with N.C. Machinery (IM 09-034)

MOVED BY:	Erbey	To adopt Resolution No. 09-019
SECONDED BY:	Chmielewski	

City Manager Allen:

- asked Council to consider amending the equipment purchase.

Primary Amendment #1 to Main Motion		
Moved by:	Chmielewski	To amend the equipment purchased to one road grader, two dump trucks, and one loader
Seconded by:	Erbey	

Council Member Hanson:

- questioned the requested amendment.

Public Works Director Cole:

- provided clarification.

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

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

Item 2 - Resolution No. 09-021: Authorizing the City Manager to Submit an Application for up to \$2,500,000 to the Alaska Department of Environmental Conservation under the American Recovery and Reinvestment Act Alaska Drinking Water Fund for the Steel Water Main Replacement Improvements Project (IM 09-039)

MOVED BY:	Chmielewski	To adopt Resolution No. 09-021
SECONDED BY:	Erbey	

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

Item 3 - Resolution No. 09-023: Approving a Supplemental Appropriation from the Water and Sewer Fund (02) Unrestricted Fund Balance to the Steel Water Main Project in the Amount of \$500,000 (IM 09-041)

MOVED BY:	Chmielewski	To adopt Resolution No. 09-023
SECONDED BY:	Best	

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

Item 4 - Resolution No. 09-022: Authorizing the City Manager to Enter into the Alaska Clean Water Fund Agreement with the Alaska Department of Environmental Conservation and Accepting Funding Subsidy Number 671161 in the Amount of \$5,000,000 for the Wastewater Treatment Plant Improvements Project (IM 09-040)

MOVED BY:	Best	To adopt Resolution No. 09-022
SECONDED BY:	Chmielewski	

Primary Amendment #1 to Main Motion		
Moved by:	Best	To amend by removing "which would allow it to be converted into a solar aquatic system at a later date" from the fourth WHEREAS
Seconded by:	Combs	

Council Member Best:

- explained the amendment.

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

Council Member Best:

- verbalized a suggestion of deleting a section of the legislation;
- voiced concern with the pursuit of additional funding;
- expressed interest in obtaining a combined review of all wastewater options; and
- reminded council of the phased approach of the project.

Council Member Chmielewski:

- voiced opposition to removing the verbiage;
- voiced support for Council Member Hanson’s independent analysis recommendation; and
- spoke in favor of clearly verbalizing the Council’s role in the project.

City Attorney Gatti:

- commented on the proposed verbiage removal; and
- verified the legislation requires separate approval from all three municipal entities.

Council Member Hanson:

- questioned the method used to make the best decision regarding a regional plant; and
- audibly requested an independent engineering comparative analysis conducted by a certain firm.

City Manager Allen:

- suggested the firm named by Council Member Hanson had a conflict of interest; and
- spoke in favor of utilizing an independent engineering firm for an analysis.

Mayor Combs:

- spoke in favor of an unspecified engineering firm providing a statistical analysis.

Council Member Erbey:

- expounded on the additional funding aspect of the legislation.

Primary Amendment #2 to Main Motion		
Moved by:	Best	To amend by removing the third WHEREAS in its entirety
Seconded by:	Chmielewski	

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

Primary Amendment #3 to Main Motion		
Moved by:	Best	To amend by removing “a Regional Plant be the best option for the involved entities” and adding “the City Council determines a regional plant be the best option for the involved entities.”
Seconded by:	Chmielewski	

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

VOTE ON MAIN MOTION: Carried by a five to one voice vote			
Yes:			No:
Chmielewski	Combs	Brown	Hanson
Erbey	Best		

Item 5 - Resolution No. 09-024: Approving a Supplemental Appropriation from the Water and Sewer Fund (02) Unrestricted Fund Balance to the Lucus Area Water and Street Improvements Project and Authorize Change Order Three to Twin Peak Construction, Inc. in the Amount of \$151,700 (IM 09-042)

MOVED BY:	Chmielewski	To adopt Resolution No. 09-024
SECONDED BY:	Erbey	

Public Works Director Cole:

- explained the request.

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

MOVED BY:	Chmielewski	To extend the time to adjourn to 11:30
SECONDED BY:	Erbey	

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

Item 6 - Resolution No. 09-025: Requesting Authorization from the Alaska Railroad Corporation to Allow the City of Palmer to Remove the Railroad Tracks North of the Palmer Municipal Airport Spur and to Add the Mile and a Half of the Right-of-Way Created by Removing the Tracks to the Current Transportation Corridor Permit (IM 09-044)

MOVED BY:	Erbey	To adopt Resolution No. 09-025
SECONDED BY:	Chmielewski	

Community Development Director Sandra Garley:

- provided Council with a brief presentation.

Council Member Erbey:

- commented on the danger presented when the train travels into Palmer; and

- remarked favorably on the historical preservation of the tracks by the Depot and the Friday Fling area.

Council Member Best:

- expressed preference for learning the true temperature of the community concerning track removal; and
- commented on the Rails and Trails Plan.

City Manager Allen:

- commented on the Alaska Railroad’s resolution request;
- described the meeting with local senior citizens;
- explained the parallel between current projects and the Comprehensive Plan;
- provided details of the possibility of coal field development which could lead to rail redevelopment;
- explained the progression of the track removal project; and
- stated the Alaska Railroad did not want to bring the trains into downtown Palmer.

Council Member Hanson:

- reminded Council the Comprehensive Plan was a guide;
- stressed the significance of being responsible for deciding what’s best for the community;
- commented on the Palmer Urban Revitalization Study; and
- questioned set-back requirements of the Alaska Railroad.

MOVED BY:	Brown	To extend the time to adjourn to midnight
SECONDED BY:	Hanson	

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

MOVED BY:	Brown	To postpone action on Ordinance No. 09-025 until the June 30 special meeting
SECONDED BY:	Chmielewski	

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

Item 7 - Resolution No. 09-026: Approving a Supplemental Appropriation of \$150,000 from the Undesignated Fund Balance of the General Fund (Fund 01) to 01-01-05-6098 Lobbying and Authorizing the City Manager to Enter into an Agreement with Washington DC Law Firm Nixon Peabody for a Not to Exceed Cost of \$150,000 to Represent the City of Palmer in Connection with Certain Matters Relating to the City's Efforts to Obtain Stimulus Funding from the U.S Department of Housing and Urban Development (IM 09-045)

MOVED BY:	Chmielewski	To adopt Resolution No. 09-026
SECONDED BY:	Erbey	

MOVED BY:	Brown	To postpone action on Ordinance No. 09-026 until the June 30 special meeting
SECONDED BY:	Chmielewski	

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

Item 8 - Palmer Municipal Code 2.04.080 A, "Meetings"

MOVED BY:	Brown	To postpone action on Item 8 until the next regular meeting
SECONDED BY:	Best	

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

L. CITY MANAGER'S REPORT

M. CITY CLERK'S REPORT

N. MAYOR'S REPORT

Mayor Combs reported on the following items:

- Mayor's meeting.

O. RECORD OF ITEMS PLACED ON THE TABLE

Public Works Supporting Documentation on Current Projects
 Report to Council from Mikunda Cottrel
 E-mail from Jim Beck
 Chamber of Commerce Resolution

P. AUDIENCE PARTICIPATION

Stu Graham:

- thanked council for postponing Resolution 09-025; and
- commented on providing updated documentation.

Penny Griffin:

- requested a copy of the Urban Revitalization document.

Q. COUNCIL MEMBER COMMENTS

Council Member Chmielewski:

- requested review of the City's information dissemination method; and
- suggested a Council Member attend Chamber of Commerce meetings.

Council Member Best:

- voiced concern with conflicting meetings.

Council Member Brown:

- commented favorably on the agenda;
- requested the staff report before the public hearing; and
- remarked on the Couplet Project.

Mayor Combs:

- noted he would be out of state June 28-July 13.

R. ADJOURNMENT

With no further business before the council, the meeting adjourned at 11:48 pm.

Approved this fourteenth day of July, 2009.

/s/

John C. Combs, Mayor

/s/

Janette M. Bower, CMC, City Clerk