

A. CALL TO ORDER

A special meeting of the Palmer City Council was held on June 30, 2009, at 6 pm in the council chambers, Palmer, Alaska.

Mayor Pro-Tempore Hanson called the meeting to order at 6:12 pm.

B. ROLL CALL

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

Kevin Brown	Ken Erbey
Richard Best	Mike Chmielewski
Brad Hanson	Kathrine Vanover
John Combs - arrived via teleconference at 6:17	

Also in attendance were the following:

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

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Vanover.

D. AUDIENCE PARTICIPATION

Stu Graham:

- spoke in favor of exploring the rails and trails concept; and
- requested Council consider a formal public hearing for the issue.

Noel Kopperud:

- spoke in opposition to the resolution;
- suggested alternative verbiage;
- questioned the Planning and Zoning's Commission's role in the resolution formation;
- expressed concern with the Moore Road crossing;
- brought forth safety issues concerning the Moore Road crossing; and
- requested Council review the necessity of the crossing.

Gerry Keeling:

- expounded on the historical significance of the tracks; and
- requested council retain the tracks.

Chuck Griffin:

- spoke in opposition to track removal; and
- commented on the lack of adequate public input.

Jeff Johnson:

- questioned the thought process of the resolution;
- expressed concern with economic development issues; and
- voiced preference with track retention.

Usibelli Coal Mine Representative Rob Brown:

- discussed coal leases in the Sutton area;
- commented on the cost to upgrade the tracks; and
- indicated preference for retaining the tracks.

Pamela Stephen:

- requested Council reconsider actions required by the resolution; and
- commented on retaining portions of the track.

E. UNFINISHED BUSINESS

Item 1 - 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	

The motion was brought forth from the June 23, 2009 Regular Meeting.

Department of Community Development Director Sandra Garley:

- responded to inquires discussed during the last Council meeting;
- commented on the specificity of the legislation; and
- addressed Mayor Pro-Tempore Hanson's references.

Council Member Chmielewski:

- discussed the design process time frame;
- questioned the repercussion of modifying portions of the legislation verbiage;
- commented on the 2006 comprehensive Plan; and
- spoke to the definitiveness of track removal references in the legislation.

Mayor Pro-Tempore Hanson:

- referenced the Alaska Railroad's setback requirements;
- questioned the current permit;
- stated the legislation clearly requested permission to remove the tracks;
- commented on the Rails to Trails Plan;
- requested improved public involvement; and
- recommended reviewing different alternatives.

Special Assistant Sara Jansen:

- spoke to set-back and fencing concerns; and
- expounded generally on several Alaska Railroad permits obtained by the City.

Director of Strategic Planning, Alaska Railroad Corporation (ARRC), Bruce Carr:

- explained the location of the active tracks;
- described the Alaska Railroad Board of Director's role in the process;
- commented on the funding source for rebuilding the tracks;
- stated the ARRC would not unilaterally place tracks back in the right-of-way;
- explained the purpose of the legislation in relation to additions to the City's permit; and
- clarified the ARRC operation of a heavy commuter rail system.

Council Member Best:

- commented on development responsibilities in the right-of-way;
- expressed interest in retaining portions of the track;
- discussed the Urban Revitalization Plan including the Rails and Trails Plan;
- commented on subverting previous public comments; and
- highlighted the Comprehensive Plan in relation to Community Vision.

Council Member Brown:

- questioned the use of light rail;
- verbalized the importance of public process;
- discussed simultaneously applying for funds and obtaining public input;
- questioned the timing of the resolution; and
- asked if the Planning and Zoning Commission had commented on the issue.

Council Member Vanover:

- requested clarification regarding selective track removal; and
- questioned the practicality of retaining the tracks for economic projects.

City Manager Allen:

- explained the site control requirement;
- spoke of conceptual plan approval; and
- commented on the lengthiness of the project.

Primary Amendment #1 to Main Motion		
Moved by:	Chmielewski	To amend the motion by adding "to add the mile and a half of the right-of-way north of the Palmer Municipal Airport Spur to the current Transportation Corridor Permit" to the title
Seconded by:	Vanover	

Due to an equipment failure Mayor Combs left the meeting.

Council Member Chmielewski:

- explained the proposed amendment; and
- questioned the quantity of public support for track removal.

Council Member Brown:

- questioned the amendment;
- maintained the importance of requesting permission to remove the tracks; and
- explained the vitality of the legislation.

Council Member Best:

- enlightened Council with rails and trails statistics from across the miles; and
- recognized the fiscal boundary of retaining the tracks.

City Manager Allen:

- delineated funding deadlines;
- described track removal as the essence of the project; and
- recognized the significance of site control of the property.

Mayor Pro-Tempore Hanson:

- questioned the funding requirements;
- commented in favor for the Colony Christmas train; and
- inquired of the site control process.

Special Assistant Sara Jansen:

- explained the consequences of the amendment.

Council Member Erbey:

- explained the woeful inadequacies of the downtown tracks;
- spoke appreciatively of retaining the tracks in front of the Depot and near the Friday Fling area;
- commented on the railroad crossings; and
- noted the significance of Council's ability to remove tracks if necessary.

Vote on Primary Amendment #1: Motion failed by a three to three voice vote					
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Yes:			No:		
Erbey	Chmielewski	Vanover	Brown	Hanson	Best

Primary Amendment #2 to Main Motion		
Moved by:	Vanover	To amend the motion by deleting "Transportation Corridor Permit" and add "Special Use Permit No. 5875, and other permits as appropriate" to the title
Seconded by:	Erbey	

Vote on Primary Amendment #2: Motion passed by a five to one voice vote					
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Yes:			No:		
Erbey	Chmielewski	Vanover	Best		
Vanover	Brown				

Council Member Chmielewski:

- spoke in support of the idea of the legislation.

Council Member Brown:

- stated the legislation did not authorize or approve track removal;

- reiterated the momentousness of choices; and
- commented on the precariousness of the train arrival in downtown.

Council Member Best:

- reminded Council of the public testimony acquired in relation to the Urban Revitalization and Comprehensive Plan documents; and
- spoke of Council providing open and honest intentions to the public.

City Manager Allen:

- commented on the competitive nature of the Stimulus Funding;
- outlined the funding criteria;
- explained the significance of the City's adaptability; and
- stated the tracks divide the community.

Primary Amendment #3 to Main Motion		
Moved by:	Vanover	To amend the motion by deleting "current Transportation Plan" and add "Special Use Permit No. 5875, and other permits as appropriate" to the 5 th WHEREAS
Seconded by:	Erbey	

Vote on Primary Amendment #3: Motion passed by a five to one voice vote		
Yes:		No:
Erbey	Chmielewski	Vanover
Vanover	Brown	Best

Primary Amendment #4 to Main Motion		
Moved by:	Brown	To amend the motion by adding "if deemed necessary by the Palmer City Council," to the title after the word "spur"
Seconded by:	Erbey	

Council Member Brown:

- expounded on the amendment.

City Manager Allen:

- spoke in favor of the amendment.

Vote on Primary Amendment #4: Motion passed by a unanimous voice vote		
Yes:		No:
Erbey	Chmielewski	Vanover
Vanover	Brown	Best

Council Member Chmielewski:

- encouraged the addition of verbiage requiring public hearings.

Primary Amendment #5 to Main Motion		
Moved by:	Chmielewski	To amend the motion by adding "BE IT FURTHER RESOLVED in conjunction with further development of the Urban Revitalization Plan the City Council will schedule a public hearing to solicit advice from the public"
Seconded by:	Vanover	

Council Member Chmielewski:

- spoke in favor of the amendment.

Council Member Vanover:

- concurred with Council Member Chmielewski.

Council Member Brown:

- recommended two public hearings as requested by the Palmer Chamber of Commerce.

Secondary Amendment #1		
Moved by:	Brown	To amend by adding "a minimum of two"
Seconded by:	Erbey	

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

Vote on Primary Amendment #5: Motion passed by a five to one voice vote		
Yes:		No:
Erbey	Chmielewski	Vanover
Vanover	Brown	

Primary Amendment #6 to Main Motion		
Moved by:	Brown	To amend the motion by adding "if deemed necessary by the Palmer City Council," to the title after the word "spur"
Seconded by:	Erbey	

Vote on Primary Amendment #6: Motion passed by a unanimous voice vote		
Yes:		No:
Erbey	Chmielewski	Vanover
Vanover	Brown	

Primary Amendment #7 to Main Motion		
Moved by:	Brown	To amend the motion by deleting the 4 th WHEREAS in its entirety
Seconded by:	Best	

Council Member Brown:

- spoke in favor of the amendment.

Vote on Primary Amendment #7: Motion passed by a unanimous voice vote			
Yes:			No:
Erbey	Chmielewski	Vanover	
Vanover	Brown	Best	

Primary Amendment #8 to Main Motion		
Moved by:	Vanover	To amend by deleting "current Transportation Corridor Permit" and add ""Special Use Permit No. 5875, and other permits as appropriate" to the last WHEREAS
Seconded by:	Erbey	

Vote on Primary Amendment #8: Motion passed by a unanimous voice vote			
Yes:			No:
Erbey	Chmielewski	Vanover	
Vanover	Brown	Best	

Mayor Pro-Tempore Member Hanson:

- voiced preference for additional adjustments.

City Manager Allen:

- allayed Mayor Pro-Tempore Hanson's concerns.

Council Member Best:

- commented on the importance of the Urban Revitalization process; and
- clarified the inactive status of the section of the track defined in the legislation.

Council Member Vanover:

- spoke in favor of the legislation as amended.

Primary Amendment #9 to Main Motion		
Moved by:	Brown	To amend by deleting "created by removing the tracks" in the last paragraph
Seconded by:	Erbey	

Council Member Chmielewski:

- spoke in opposition to the amendment.

Council Member Hanson:

- reiterated the track would be considered inactive.

City Attorney Michael Gatti:

- clarified the validity of the amendment.

Special Assistant Sara Jansen:

- clarified the Special Use Permit designation.

Vote on Primary Amendment #9: Motion passed by a four to two voice vote			
Yes:		No:	
Erbey	Best	Chmielewski	Hanson
Vanover	Brown		

Primary Amendment #10 to Main Motion		
Moved by:	Brown	To amend by deleting "created by removing the tracks" in the title
Seconded by:	Erbey	

Vote on Primary Amendment #10: Motion passed by a four to two voice vote			
Yes:		No:	
Erbey	Best	Chmielewski	Hanson
Vanover	Brown		

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

Item 2 - 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	

The motion was brought forth from the June 23, 2009 Regular Meeting.

Primary Amendment #1 to Main Motion		
Moved by:	Chmielewski	To amend the motion by incorporating staff recommended changes to pages 1 and 2
Seconded by:	Erbey	

Vote on Primary Amendment #1: Motion carried by a unanimous voice vote			
Yes:			No:
Erbey	Chmielewski	Vanover	
Best	Hanson	Brown	

Primary Amendment #2 to Main Motion		
Moved by:	Chmielewski	To amend the motion by incorporating staff recommended changes to pages 1 and 2
Seconded by:	Erbey	

Vote on Primary Amendment #2: Motion carried by a unanimous voice vote			
Yes:			No:
Erbey	Chmielewski	Vanover	
Best	Hanson	Brown	

Council Member Brown:

- inquired of the project time line.

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

F. ADJOURNMENT

With no further business before the council, the meeting adjourned at 9:38 pm.

Approved this twenty-eighth day of July, 2009.

/s/

John C. Combs, Mayor

/s/

Janette M. Bower, CMC, City Clerk