CITY OF PALMER, ALASKA

ORDINANCE NO. 605

AN ORDINANCE AMENDING NEARLY ALL OF PALMER MUNICIPAL CODE CHAPTER 2.20 (PLANNING COMMISSION), OF TITLE 2 (ADMINISTRATION AND PERSONNEL), OF THE PALMER MUNICIPAL CODE

THE CITY OF PALMER, ALASKA, ORDAINS:

Section 1. Classification. This ordinance shall be of a permanent nature and shall become a part of the City of Palmer Code of Ordinances.

<u>Section 2.</u> Severability. If any provisions of this ordinance, or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

<u>Section 3.</u> Chapter 2.20 is amended to read as follows:

2.20.010 Creation--Officers--Membership

- There is created a city planning and zoning commission which shall consist of seven members who shall be nominated by the mayor and confirmed by the city council. All members must be residents of the city.
- A chair[man] and vice-chair[man] of the commission shall be selected annually B. and shall be appointed from and by the appointive members.
- The mayor and [the committee of the city] council [on planning and zoning shall serve as ex officio members of the commission and, as consultants, may attend all meetings, but they shall have no vote.

2.20.020 [040] Membership terms.

The term of each appointed member of the commission shall be three years. The terms shall be staggered so that three members shall be appointed in October of every third year, and two members shall be appointed in October of each of the other two years of every such threeyear period.

2.20.030 [020] Incorporation of state law by reference.

To the extent applicable, the laws of the state dealing with planning and zoning commissions, present and future, particularly-Title 16, Chapter 1, Article 3, Section 35, subparagraphs twenty third and twenty fourth, ACLA 1949; Chapter 115, SLA 1953; Chapter 95, SLA 1955; and all amendments thereto, are incorporated into this chapter and expressly included herein.

2.20.040 [030] Powers and duties.

The commission shall be required to do the following:

A. 1. From time to time, [D]develop, adopt, alter or revise, subject to approval and

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<u>amendment</u> by the city council, a <u>comprehensive</u> [master] plan for the physical development of the city. Such <u>comprehensive</u> [master] plan, with accompanying maps, plats, charts, descriptive and explanatory matter, shall show the commission's recommendations for the development of the city territory and may include, among other things:

- a. <u>a statement of policies, goals, and standards,</u>
- b. <u>a land use plan</u>,
- c. a community facilities plan,
- d. <u>a transportation plan, and</u>
- e. <u>recommendations for implementation of the comprehensive plan;</u>
- [a. Development of the type, location and sequence of all public improvements,]
- [b. The relocation, removal, extension or change of use of existing or future public ways, grounds, spaces, buildings, properties and utilities,]
 - [c. The general extent and location of rehabilitation areas;]
- [d. When a master plan for the city has been approved by the council, amendments, revisions and extensions thereof may be adopted by the council, after consideration and report by the planning commission. All amendments, revisions or extensions shall correspond to major geographical divisions of the city or to functional divisions of the subject matter of the plan. When such master plan has been approved by the city council, no amendments, revisions or extensions thereto shall be approved except upon the affirmative vote of four members of the city council;]
- B. 1. Make recommendations to the borough platting board regarding [Exercise control ever] platting and subdividing of lots, blocks or lands, roads, water, and sewer, within the city limits and, to the extent allowed by the borough platting board, regarding water and sewer within the city's water and sewer district outside the city limits. [All proposed plans, plats or replats of lots, blocks or lands within the city limits, and all streets, alleys and other portions of the same intended to be dedicated to public or private use within the corporate limits, shall first be submitted to the commission for its approval or rejection; and before such plans, plats or replats shall be entitled to record in the office of the United States Commissioner, Palmer Precinct, the same shall first have been approved by the city council and such approval endorsed by the mayor upon the plan, plat or replat offered for recording.]
- 2. In exercising the powers granted it by this section, the [planning] commission may [shall] prepare and recommend for city council adoption ordinances and policies [regulations] governing the subdivision of land within the city limits. Such ordinances and policies [regulations] may provide for the harmonious development of the city and its environs; for the coordination of streets and other ways within the subdivided land with other existing or planned streets and ways and [or] for conformance to the comprehensive [master] plan or official map; for adequate open spaces; for spaces for traffic, utilities, recreation, light, and air; and for the avoidance of congestion of population.
- 3. Subdividing for the purposes of this section shall be deemed to include the division of any lot, tract, or parcel of land into two or more lots, sites or other divisions of land for the purpose, whether immediate or future, of sale or building development.
 - C. Perform duties as set out in PMC 17, Zoning Code; and
 - D. Perform those duties established by council from time to time.
 - [C. Draft an official map of the city and recommend or disapprove proposed changes

in such map:

- Make and adopt plans for the clearance and rebuilding of slum districts and blighted areas within the city;]
- [E. Submit annually to the mayor, not less than ninety days prior to the beginning of the budget year, a list of recommended capital improvements which, in the opinion of the commission, are necessary or desirable to be constructed during the forthcoming three year period. Such list shall be arranged in order of preference, with recommendations as to which projects shall be constructed in which year;
- [F. Promote public interest in and understanding of the master plan and of planning, zoning, and slum-clearance;
- [G. Make and develop plans for the replanning, improving and redevelopment of any areas within the city;
- [H. Make and develop plans for the replanning, reconstruction or development of any area or district within the city which may be destroyed in whole or part or damaged by fire. earthquake, or other disaster;
- Make or cause to be made surveys, maps, and plans relating to the location and design of any public building, dock, beach, ski ground, statue, memorial, park, parkway, boulevard, street, alley or playground;
 - [J. Make investigations regarding any matter related to city planning;]
 - Make and prepare reports, prints, plats and plans for approval by the city council;
- [L. Require other city departments to make available to the commission all information pertinent to city planning;
- M. Act as the agency of city government to cooperate with federal and state agencies authorized under Chapter 105 SLA 1951 as amended by Chapter 184 SLA 1955, Chapter 19 SLA1957, and future amendments.

2.20.050 [Planning director] Staff assistance to commission.

To assist the commission, [7]there may be a community development coordinator [director of planning, who shall be appointed by the mayor with the approval of the planning commission and who shall be qualified by special training and experience in the field of city planning. The coordinator will [He-shall] be the regular technical adviser of the commission and may also be designated its executive secretary, but the coordinator [he] shall not have the power to vote.

[2.20.060 Official map contents.]

[The city council, after consideration and report by the commission, may, by ordinance, establish an official map of the city, on which shall be shown and indicated the following:

- A. All public streets and other ways existing and established by law at the time of the establishment of the official map;
 - [B. All planned streets or street lines as approved by the city council;]
- C. All streets or street lines as located on final or recorded plats of subdivisions approved by the city council at the time of the establishment of the map. The placing of any street or street lines upon the official map shall not, in and of itself, constitute or be deemed to constitute the opening or establishment of any street nor the taking or acceptance of any land for street purposes. The city council may in the same manner place upon the official map the

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location of existing or planned parks or other public open spaces.

[2.20.070 Official map Modification.]

- Subsequent to the adoption of the official map of the city, all street locations or subdivisions plats approved by the city council pursuant to this chapter shall be deemed additions to or modifications of the official map and shall be placed thereon.
- [B. The city council may, by ordinance, make other additions to or modifications of the official map by placing thereon the location of proposed streets, street extensions, widenings, narrowings or vacations; provided, that any such addition to or modification of the official map shall be referred to the planning commission for public hearing and for its report and recommendations. Notice of such public hearing shall be sent by mail to the owners, as shown in the assessment rolls, of the land on or abutting which such mapped streets or street lines or street vacations are located. Such notice shall be mailed not less than five and not more than fifteen days prior to the hearing date.]

[2.20.080 Official map—Conformance required.]

- A. When an official map of the city has been adopted and approved, the city council may provide by resolution that no public utilities or improvements shall be constructed in any area unless and until subdivisions shall conform to such official map.]
- [B. The city building inspector may deny building permits unless a street gives access to any proposed structure as shown on the official map; provided, however, that if an applicant for such a permit is denied a permit, he may appeal to the city council.

[2.20.090 Zoning commission Creation Powers and duties.]

- The city planning commission is appointed as the zoning commission.
- The city planning commission, in performing its functions as the zoning commission, shall have such powers and shall perform such duties as are set forth in the zoning ordinance of the city.]

[2.20.100 Meetings.]

- A. The commission shall establish rules of procedure; provided, t here shall be a regular monthly meeting of the commission, which shall be open to the public. Permanent records or minutes shall be kept of the commission's proceedings, and such minutes shall record the vote of each member upon every question. Every decision or finding shall immediately be filed in the office of the city clerk and shall be a public record open to inspection by any person.
- B. Commission members shall be compensated at the rate of fifty dollars per special or regular meeting attended.

2.20.061 Meetings.

- There shall be a regular monthly meeting of the commission, which shall be open to the public. Permanent records or minutes shall be kept of the commission's proceedings, and such minutes shall record the vote of each member upon every question. Every decision or finding shall immediately be filed in the office of the city clerk and shall be a public record open
 - A quorum shall be made up of four members and be required to conduct a

- meeting, except that less than a quorum can adjourn a meeting to another time or date.
- The affirmative or negative vote of at least four members shall be required for official action by the commission.
- Commission members shall be compensated at the rate of fifty dollars per special or regular meeting attended. In addition, commission members shall be compensated at the rate of twenty-five dollars per work session.

[2.20.110 Fees Subdivision application and street vacation petition.]

- [A. In order to defray the expenses connected with the consideration of applications for subdivision or replatting, the person presenting the application shall pay to the city clerk the fee required in this section. One copy of the receipt for such fee shall be attached to the application and no application shall be accepted without such receipt being attached to said application. The fee shall be twenty five dollars, plus an additional fee of one dollar per lot for the first ten lots and fifty cents per lot for the remaining lots, if any, for each lot included in the proposed change. Whether an application for a subdivision or replat is granted or denied by the planning commission, the petitioner or applicant shall not be entitled to the return of the fee paid.
- In order to defray the expenses connected with the consideration of a petition for a street vacation, the person presenting the petition shall pay to the city clerk the fee required in this section. One copy of the receipt for such fee shall be attached to the petition, and no petition shall be accepted without such receipt being attached to said petition. The fee shall be fifty dollars plus an additional fee of five dollars per lot for each and every lot abutting upon the proposed street vacation. Whether the petition for a street vacation is granted or denied by the planning commission, the petitioner shall not be entitled to a return of the fee paid.]

[2.20.120 Violation Penalty.]

[Whoever, being the owner or agent of the owner of any land located within the city, subdivides and transfers, sells, or agrees or enters into a contract to sell any land in such subdivision, whether by reference to or by use of a plat of such subdivision or otherwise, unless and until a plat of such subdivision has been prepared in full compliance with the provisions of this chapter and of the regulations adopted hereunder and has been approved by the commission and has been recorded in the office of the recorder for the Palmer Recording Precinct, as provided in this chapter, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding three hundred dollars for each lot or parcel so transferred or sold or agreed or included in a contract to be sold; and the description of such land by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalty or from the limits provided in this chapter. The commission may sue to enjoin such transfer or sale or agreement to sell, and may recover the penalty by appropriate action in any court of competent jurisdiction.]

2.20.071 Presiding officer.

The chair shall preside at all meetings of the commission. The chair shall preserve order and decorum among the commission members and is responsible for conduct of all meetings in compliance with these rules. The chair may at any time make such rules as the chair deems necessary and proper to preserve order among the persons in the commission chamber

City of Palmer, Alaska Ordinance No. 605 during sessions of the commission. The chair may speak to points of order in preference to other members and shall decide all points of order, subject to appeal by the commission by motion duly seconded as provided in this chapter. The chair may participate in the debate on any matter. The chair may at any time call any member to the chair during any meeting, such substitution to discontinue when the chair elects to resume as presiding officer, and in no event beyond the adjournment of the meeting at which such substitution is made.

In the temporary absence or disability of the chair, the vice-chair shall exercise all the powers of chair during such temporary absence or disability of the chair and may also vote.

Time and location--Public meetings required. 2.20.081

- All regular meetings of the commission shall be held on a Thursday starting at seven p.m. A regular meeting is any meeting called by the chair for that day and time upon at least three days' notice; provided, however, that the commission may meet on the third Thursday of every month without such notice, and the commission shall only be required to hold only one regular meetings in any month.
- The usual place of commission meetings shall be in the council chambers of the city hall. In order to give the public a greater opportunity to attend and participate in the meetings of the commission, the commission may hold regular meetings in public locations throughout the city other than the usual meeting place. A public location includes any public building within the city owned by the city or the Matanuska-Susitna Borough. In the selection of a meeting place other than the normal meeting place of the commission, consideration shall be given to the reasonable accommodation of the public. When the commission intends to hold a regular meeting at a public location other than the usual place of the commission meeting, the city clerk shall give notice of the meeting by posting advertisement thereof on the city hall bulletin board. Such notice shall set forth with particularity the location of the meeting. The notice shall be posted at least three days prior to the scheduled meeting.
- C. If a regular meeting is held at a location other than that specified above, the city clerk shall give notice, including time, place and date, by posting a copy of the same on the city hall bulletin board no later than three days prior to the meeting and on the date of the meeting except as otherwise authorized under this chapter.
- All regular meetings of the commission shall be public meetings and the public shall have reasonable opportunity to be heard.

Special meetings--Notice. 2.20.091

- Special meetings of the commission are those meetings which are called for by the city clerk, on written request of the chair, or any two members of the commission, or the city manager for a time different than that fixed for the regular commission meetings. The location of all special commission meetings shall be the same as that authorized for regular meetings.
- All special meetings shall have at least six hours' written notice given which designates the time, place and subject matter of the meeting, and no business shall be transacted at the meeting which is not included in the notice. Such notice shall be served personally on each member of the commission or left at the member's usual place of business or residence by the city clerk or designee. A copy of the notice shall also be posted on the city hall bulletin board, but failure to post a copy shall not affect the jurisdiction of any special meeting. An affidavit of service of any notice required by this section shall be made a part of the record of the special

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meeting.

2.20.101 Commission meetings--Time of adjournments.

The commission shall adjourn all regular and non-emergency special commission meetings not later than eleven p.m. and may not reconvene any earlier than nine a.m. the next day. However, upon the consent of four members, the meeting may be extended for up to one hour, at which time adjournment of the meeting is mandatory.

2.20.111 Location change.

If, after having been lawfully assembled in a location properly designated, the commission determines that a condition exists which renders such location unsuitable, it may recess the meeting and reconvene at a different location suitable to the needs of the commission. The location to which the meeting shall be reconvened shall be made known publicly prior to recess and notices thereof shall be posted at the place originally designated by the clerk, provided that failure to post shall not affect the jurisdiction of the meeting.

2.20.121 Emergency special meetings.

In an emergency, any special meeting shall be a legal meeting if all members are present, or if there is a quorum present and all absent members have waived in writing the required notice. Such waivers may be made before or after the time of the meeting and any waivers shall be made a part of the record of the special meeting.

2.20.131 Order of business.

At every regular meeting of the commission the order of business shall be as follows:

- A. Call to order;
- Roll call, determination of a quorum; B.
 - C. Approval of agenda;
- D. Minutes for approval;
- Council member's report; E.
 - F. Borough representative's report;
 - Persons to be heard; G.
- H. Public hearings;
- I. New business;
 - J. Old business;
- K. Public comments;
 - L. Staff report;
 - Commissioner's comments; M.
 - Adjournment:

provided, however, the agenda can be changed by the majority vote of the commission if such change would serve the public interest or expedite business.

2.20.141 Amending amendments.

A motion to amend an amendment shall be in order; but a motion to amend an amendment to an amendment shall not be entertained.

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2.20.151 Appeals from decision of chair.

No appeal from any decision of the chair shall be entertained unless it is seconded, and no other business shall be in order until the question on appeal has been decided. The question on the appeal is not debatable and shall be put as follows: "Shall the decision of the chair stand as the judgment of the commission?" It shall be deemed to be decided in the affirmative unless a majority of the votes are given to the contrary.

2.20.161 Parliamentary inquiry of chair.

Any member may make a parliamentary inquiry of the chair at any time during the meeting.

2.20.171 Point of order.

Any member may make a point of order without a second at any time. The presiding officer may speak to points of order in preference to other members and shall decide all such questions, subject to appeal to the commission by motion duly seconded; and no other business shall be in order until the question on the appeal has been decided.

2.20.181 Ordering previous question.

When the previous question is moved by any member, all debate on the main question shall be suspended immediately and the presiding officer shall put the question in the following form: "The previous question is moved on (specifying the motion on which the previous question is demanded). As many as are in favor of ordering the previous question will so indicate." If four members assent, the affirmative has it, the previous question is ordered, and the chair will proceed immediately to put to a vote the question on which the previous question was ordered. If less than four members so indicate, the negative has it, the motion is lost, and the question reverts to the immediately pending question which is again open to debate and amendment as if the previous question had not been demanded.

2.20.191 Order of questions.

The presiding officer shall put all questions in the order in which they are moved unless a subsequent motion shall be previous in its nature.

- 2.20.201 Motions--Defeat--Reconsideration.
- A. Any proposition shall be deemed defeated if less than four votes are cast for the measure, and this rule shall govern even though less than the full number of commission members vote upon the measure.
- B. When a vote has been taken either passing or defeating any proposition, any commission member who voted on the prevailing side may move for reconsideration at the same meeting or at the next succeeding meeting whenever motions are in order, provided that the subject matter has not passed out of the control of the commission. The term "prevailing side" includes the negative side which has prevailed because the affirmative side has failed to muster four votes required for passage of the measure. A motion to reconsider requires four affirmative votes and, if it prevails, the subject shall be open to debate and amendment in the same manner as the original question. Debates on motions to reconsider shall be limited to thirty-five minutes and no member shall speak for more than five minutes. No measure shall be reconsidered more than once.

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2.20.211 Motions--Reduction to writing.

Any motion must be reduced to writing if the presiding officer so requires or any member so demands, and no other motion shall be entertained until reasonable time (not over ten (10) minutes) is afforded for compliance with this rule.

<u>2.20.221 Motions--Rescinding vote.</u>

Any previous vote may be rescinded by vote of four members of the commission at any time, provided the subject matter has not passed out of the control of the commission.

2.20.231 Second required.

All motions shall require a second, unless otherwise provided.

2.20.241 Motions--Division of the question.

Any member may require the division of a question, when the sense of it will admit.

2.20.251 Motions--Questions under debate--Motions received.

- When a question is under debate, the presiding officer shall receive any of the following motions but no other:
 - To adjourn; 1.
 - 2. To recess:
 - 3. To raise a question of privilege;
- To call for the order of the day, or the regular order;
 - To lay on the table; 5.
 - For the previous question; 6.
- To limit or extend limits of debate; 7.
 - 8. To postpone to a certain time;
 - 9. To refer;
- 10. To amend;
 - To postpone indefinitely. 11.
- When one of the above motions has been made, none of the others inferior to it in the order in which they stand above shall be made, and in proceeding to vote, motions pending shall be put in the order of their rank as above arranged. The first seven are not subject to debate. A motion to postpone to a certain time, refer, amend, or to postpone indefinitely may be amended; the previous question may be demanded before an amendment, which motion shall be decided without debate. A motion to adjourn shall always be in order provided that business of a nature to be recorded in the journal has been transacted since any previous motion to adjourn has been defeated. No motion or proposition of a subject different to that under consideration shall be admitted under color of an amendment. When a matter has been especially assigned to be taken up at a fixed time, or at a certain stage of proceedings, such matter shall, at the appointed time or at any time subsequent thereto, be in order upon the call of any member and take precedence over all other business.

2.20.261 Motions--Disposition--Withdrawal.

After a motion is stated or read by the presiding officer, it shall be deemed to be in the

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possession of the commission and shall be disposed of by vote, but the mover may withdraw it at any time before decision or amendment, by consent of the second.

2.20.271 Speaking procedure.

- A. A member about to speak shall respectfully address the chair, and shall not commence to speak until recognized by the presiding officer. When two or more members request to speak at the same time, the presiding officer shall determine which one is recognized.
- B. Every member while speaking shall confine himself or herself to the subject under debate, shall refrain from personalities, and shall not refer to any other member of the commission except in a respectful manner.
- C. Unless a member who has the floor yields for that purpose, no member shall interrupt another while speaking, except to propound a parliamentary inquiry or make a point of order.
- D. No member shall speak more than twice or for more than ten minutes continuously to any one question, except that one or more additional periods of ten minutes may be granted by unanimous consent. The reading of papers desired by any member shall be read by the member within the member's time limitation, unless permission for the member to read such paper outside the time limitation is unanimously granted.

2.20.281 Voting.

- A. The presiding officer shall declare all votes; but if any member doubts a vote, the presiding officer, without further debate upon the question, shall request the members voting in the affirmative and negative respectively to so indicate, and the presiding officer shall declare the result.
- B. The vote upon all matters considered by the commission shall be taken by yes or no votes which shall be entered upon the record, except that when the vote is unanimous, it shall be necessary only to so state.
- C. Every member who shall be present when a question is put shall vote, unless the commission excuses the member for special reasons or the presiding officer excuses the member because of substantial financial interest and the commission does not override the presiding officer's action. Applications to be excused for special reasons must be made before the vote, and shall be decided without debate.
- D. Anything to the contrary in these rules notwithstanding, when no motion is before the commission, the presiding officer may, in lieu of calling for or awaiting a motion to be made, put the question in the following form: "Without objection, it will be so ordered." If no objection is heard, the presiding officer shall announce: "It is so ordered," which will have the same effect as if a motion to that effect had been made and voted upon favorably. If a single question is seasonably expressed when the question is put, the presiding officer shall not proceed further under this rule, but instead shall call for a motion, which motion shall be handled in the regular manner.

2.20.291 Procedural Rules--Suspension--Observance required--Transgression.

A. The order of business and procedural rules set out in section 2.20.131 through 2.20.291 shall be observed in all cases, unless suspended temporarily for a special purpose or an emergency nature by a vote of four members present. Any member may move at any time for the

suspension of any rule, and such motion must be seconded to entitle it to consideration.

If any member, in speaking or otherwise, transgresses the procedural rules, the presiding officer shall, or any member can, call the transgressing member to order; in which case the member so called to order shall immediately cease discussion unless permitted by the presiding officer to explain; and the commission if appealed to, shall decide the question without debate. If the decision is in favor of the member so called to order, the member shall be at liberty to proceed; if otherwise, the member shall not proceed without leave of the commission to proceed in order.

2.20.301 Robert's Rules of Order

In all matters of parliamentary procedure not covered by these rules, Robert's Rules of Order shall be applicable and govern.

2.20.311 Informal Meetings

- Informal meetings include work sessions, hearings, workshops, or other similar titles (all of which are designated as work sessions for purposes of subsection 2.20.061D). These gatherings may be held outside of the traditional meeting structure and sections 2.20.061 through 2.20.301 do not apply, provided that these meetings may be held only after appropriate public notice under the open meetings act has been given. No formal action may be taken at these meetings. These meetings may cover only informational items or items of a legislative nature, such as, for example, promoting public interest in and understanding of the comprehensive plan. zoning, rezoning, and annexation. These meetings may not cover items that pertain to a specific person or persons or a specific property or properties, such as conditional use permits or variances as those matters must be covered at formal meetings.
- The purpose of work sessions is for the commission to receive information, review and discuss matters. The purpose of hearings and workshops with the community is to receive testimony from, discuss with, and provide information to city and borough residents. Only one or more commissioners, as authorized by the commission, need attend hearings and workshops with the community,

2.20.321 Cause for removal.

Among other causes, a commissioner may be removed from office if the commissioner misses three or more regular meetings in a row or four or more regular meetings in any calendar year. Only the council has the power to remove a commissioner.

2.20.331 Conflict of interest.

A commissioner shall declare a substantial financial interest that the member has in an official action and the commissioner shall not participate in such official action.

Section 4. Publication and Effective Date. This ordinance shall become effective immediately upon its adoption. Publication shall be by making copies available to the public, and further it shall be published by being printed and included in the Palmer Municipal Code at its next regular supplementation and printing. Publication may also be made by posting a copy hereof on the City Hall bulletin board for a period of ten (10) days following its adoption. A notice of public hearing shall be given by such posting at least five (5) days before final passage.

City of Palmer, Alaska Ordinance No. 605 First Reading: May 27, 2003
Public Hearing & Second Reading: June 10, 2003
Public Hearing & Third Reading: June 24, 2003

Adopted by the City Council of the City of Palmer, Alaska, this 24th day of June, 2003.

JIM COOPER, Mayor

THOMAS HEALY

City Clerk