

Mayor Edna B. DeVries
Deputy Mayor Steve Carrington
Council Member Richard W. Best
Council Member Sabrena Combs
Council Member Brian Daniels
Council Member Pamela Melin
Council Member Jill Valerius

City Attorney Michael Gatti
City Manager John Moosey
Interim City Clerk Nichole Degner

City of Palmer, Alaska
Regular City Council Meeting
October 26, 2021, at 7:00 PM
City Council Chambers
231 W. Evergreen Avenue, Palmer
www.palmerak.org

AGENDA

A. CALL TO ORDER

B. ROLL CALL

C. PLEDGE OF ALLEGIANCE

D. APPROVAL OF AGENDA

1. Approval of Consent Agenda
 - a. **Resolution No. 21-036:** Authorizing the City Manager to Accept, Appropriate and Execute a Homeland Security Grant in the Amount of \$75,794 to Palmer Fire Department for Wi-Fi and Electronic Door Lock Systems at Palmer Fire & Rescue Buildings
 - b. **Action Memorandum No. 21-060:** Authorize the City Manager to pay the United States Environmental Protection Agency (EPA) and the State of Alaska Department of Environmental Conservation (DEC) \$15,350 in stipulated penalties for violations of the 2016 United States of America and the State of Alaska v. City of Palmer Consent Decree, Civil Action No. 3:16-cv-00204-TMB

E. COMMUNICATIONS AND APPEARANCE REQUESTS

F. REPORTS

1. City Manager's Report
2. Mayor's Report
3. City Clerk's Report
4. City Attorney's Report
 - a. Discussion with Scott Brandt-Erichsen

G. AUDIENCE PARTICIPATION

H. PUBLIC HEARINGS

1. **Ordinance No. 21-017:** Amending Palmer Municipal Code 4.15.060 to Modify Residency Requirements For Certain Employee Positions
2. **Ordinance No. 21-018:** Amending Palmer Municipal Code 2.04.065 to Modify the Appointment Process

I. UNFINISHED BUSINESS

J. NEW BUSINESS

- 1. **Committee of the Whole:** Presentation of the 2022 Budget (note: action may be taken by the Council following the Committee of the Whole)
 - a. City of Palmer Budget
 - b. City of Palmer Pay Plan
 - c. City of Palmer Fee Schedule
 - d. City of Palmer Fine Schedule
 - e. City of Palmer Capital Improvement Program

K. RECORD OF ITEMS PLACED ON THE TABLE

L. AUDIENCE PARTICIPATION

M. EXECUTIVE SESSION

- 1. Matters, the Immediate Knowledge of Which Would Clearly Have an Adverse Effect Upon the Finances of the Public Entity and Matter which by Law, Municipal Charter, or Ordinances are Required to be Confidential – In Consideration of Legal Contract Negotiations

N. COUNCIL MEMBER COMMENTS

O. ADJOURNMENT

Tentative Future Palmer City Council Meetings

Meeting Date	Meeting Type	Time	Notes
Nov 9	Special	6 pm	Budget
Nov 9	Regular	7 pm	
Nov 23	Special	6 pm	Budget
Nov 23	Regular	7 pm	
Nov 30	Special	6pm	Budget
Dec 7	Special	6pm	
Dec 14	Special	6pm	
Dec 14	Regular	7pm	

**City of Palmer
Resolution No. 21-036**

Subject: Authorizing the City Manager to Accept, Appropriate and Execute a Homeland Security Grant in the Amount of \$75,794 to Palmer Fire Department for Wi-Fi and Electronic Door Lock Systems at Palmer Fire & Rescue Buildings

Agenda of: October 26, 2021

Council Action: **Approved** **Amended:** _____
 Defeated

Originator Information:

Originator: Chad Cameron, Fire Chief

Department Review:

Route to:	Department Director:	Signature:	Date:
_____	Community Development	_____	_____
<u>X</u>	Finance	<u><i>[Signature]</i></u>	<u>10/15/2021</u>
<u>X</u>	Fire	<u><i>[Signature]</i></u>	<u>10/13/2021</u>
_____	Police	_____	_____
_____	Public Works	_____	_____

Certification of Funds:

Total amount of funds listed in this legislation: \$ **75,794.00**

This legislation (√):

- Creates revenue in the amount of: \$ 75,794
- Creates expenditure in the amount of: \$ 75,794
- Creates a saving in the amount of: \$ _____
- Has no fiscal impact

Funds are (√):

- Budgeted Line item(s): _____
- Not budgeted 09-00-00-3359 HLS Grant-Fire; 09-01-10-7128 HLS SHSP Grant-Fire

Director of Finance Signature: *[Signature]*

Approved for Presentation By:

Signature:	Remarks:
<u><i>[Signature]</i></u>	_____
_____	_____
_____	_____

Attachment(s):

1. Resolution No. 21-036

Summary Statement/Background:

On October 8, 2021, Palmer Fire & Rescue was awarded a State of Alaska Homeland Security Grant to replace the old combination door locks of the Palmer Fire & Rescue buildings with electronic, RFID chip reader locks. The existing combination locks are in need of replacement due to malfunction.

The grant awarded includes Wi-Fi services at all Palmer Fire & Rescue locations, RFID chip reader electronic locks (with combination and keyed entry as a redundancy), RFID Cards with printer and installation of the system.

In the past, Palmer Fire & Rescue has experienced theft issues. The increased security offered by the electronic door locks provided by the awarded grant would allow identification and time when the building was accessed and the ability to allow or deny access to individuals quickly.

Administration's Recommendation:

Approve Resolution No. 21-036

LEGISLATIVE HISTORY

Introduced by: Chad Cameron

Date: 10/26/2021

Action:

Vote:

Yes:

No:

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CITY OF PALMER, ALASKA

Resolution No. 21-036

A Resolution of the Palmer City Council Authorizing the City Manager to Accept, Appropriate and Execute the 2021 Grant Awarded from the State of Alaska, Department of Military and Veterans Affairs, Division of Homeland Security and Emergency Management’s Homeland Security Program in the Amount of \$75,794 for the Purchase and Installation of Wi-Fi and Electronic Door Lock Systems in the Palmer Fire & Rescue Buildings.

WHEREAS, the City of Palmer Fire & Rescue provides fire protection and response to calls for service for the citizens of Palmer; and

WHEREAS, the City of Palmer Fire & Rescue needs to replace malfunctioning door locks at their locations; and

WHEREAS, the City of Palmer Fire & Rescue needs to improve monitoring access into its buildings; and

WHEREAS, the City of Palmer Fire & Rescue has been awarded \$75,794 from the State of Alaska Homeland Security Program for the purchase and installation of a security door lock system.

NOW, THEREFORE, BE IT RESOLVED by the Palmer City Council hereby authorizes the City Manager to accept, appropriate and execute the Homeland Security Program grant funds awarded by the State of Alaska, Department of Military and Veterans Affairs, Division of Homeland Security and Emergency Management’s Homeland Security Program in the amount of \$75,794 for the purchase and installation of Wi-Fi and electronic door lock systems in the Palmer Fire & Rescue buildings.

Approved by the Palmer City Council this ____ day of _____, 2021.

Edna B. DeVries, Mayor

Shelly Acteson, CMC, City Clerk

**City of Palmer
Action Memorandum No. 21-060**

Subject: Authorize the City Manager to pay the United States Environmental Protection Agency (EPA) and the State of Alaska Department of Environmental Conservation (DEC) \$15,350 in stipulated penalties for violations of the 2016 United States of America and the State of Alaska v. City of Palmer Consent Decree, Civil Action No. 3:16-cv-00204-TMB



Agenda of: October 26, 2021

Council Action: **Approved** **Amended:** _____
 Defeated

Originator Information:

Originator: Jude Bilafer, Director of Public Works

Department Review:

Route to:	Department Director:	Signature:	Date:
_____	Community Development	_____	_____
X	Finance		10/15/2021
_____	Fire	_____	_____
_____	Police	_____	_____
X	Public Works		7 October 2021

Certification of Funds:

Total amount of funds listed in this legislation: \$ **15,350**

This legislation (√):

Creates revenue in the amount of: \$ _____

Creates expenditure in the amount of: \$ **15,350**

Creates a saving in the amount of: \$ _____

Has no fiscal impact

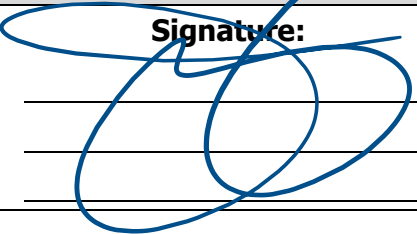
Funds are (√):

Budgeted Line item(s): 02-01-50-6027

Not budgeted

Director of Finance Signature: 

Approved for Presentation By:

	Signature:	Remarks:
City Manager		_____
City Attorney	_____	_____
City Clerk	_____	_____

Attachment(s):

1. Demand for Payment of Stipulated penalties letter

Summary Statement/Background:

On December 22, 2016, the United States District Court for the District of Alaska entered a Consent Decree between the United States, State of Alaska, and the City of Palmer, Alaska. The Consent Decree settled Plaintiffs' claims for violations of the Clean Water Act (CWA) at the City's wastewater treatment plant (WWTP).

The Consent Decree contains provisions requiring the City to take various measures to comply with its National Pollutant Discharge Elimination System (NPDES) permit issued by the Alaska Department of Environmental Conservation (ADEC). This permit authorizes the discharge of pollutants under various conditions and subjects the discharges to limitations, including effluent limits, sampling, and reporting requirements. There were six NPDES permit violations for exceeding ammonia, total suspended solids, and flow. These violations ranged from \$350 to \$2,500 per violation and totaled \$7,850.

The Consent Decree also requires the City of Palmer to dredge lagoon 2 every year by 31 May. Due to mechanical failure of the City's dredge, unavailable spare parts, and unavailable backup dredges, the City of Palmer did not complete the required dredging in 2021. As a result, no dredging was accomplished the final 15 days in May. The stipulated penalties for this violation are \$500 per day. Total penalty for this violation is \$7,500.

Between the six NPDES violations and the dredging violations, the stipulated penalties total \$15,350.

In accordance with the Consent Decree, these penalties will be paid 50% to the United States and 50% to the State of Alaska. Therefore, Palmer is required to pay \$7,675 to EPA (United States) and \$7,675 to ADEC (State of Alaska).

The City of Palmer is currently constructing two large clarifiers at the Wastewater Treatment Plant (WWTP) which are scheduled to be completed summer of 2022. These clarifiers, along with the recently constructed MMBR, will significantly upgrade the WWTP's capabilities and will significantly reduce the possibility of future violations of this nature.

Administration's Recommendation:

Approve Action Memorandum No. 21-060.



Mr. John Moosey, Manager
City of Palmer
231 West Evergreen Avenue
Palmer, Alaska 99645

Re: United States of America and the State of Alaska v. City of Palmer, Alaska
Consent Decree (Consent Decree), Civil Action No. 3:16-cv-00204-TMB
Demand for Payment of Stipulated Penalties

Dear Mr. Moosey:

On December 22, 2016, the United States of America, on behalf of the Environmental Protection Agency (EPA), and the State of Alaska (“State”), on behalf of the Alaska State Department of Environmental Conservation (ADEC), and the City of Palmer (“Palmer”) entered into the above-mentioned Consent Decree to resolve alleged violations of the Clean Water Act, including violations of the city’s National Pollutant Elimination System Permit (“NPDES Permit”). On May 14, 2021, the first material modification to the Consent Decree was entered. Section IX of the Consent Decree requires Palmer to pay stipulated penalties for certain violations of the Consent Decree and its NPDES Permit. This letter constitutes a formal demand for stipulated penalties for Palmer’s violations of the Consent Decree, as modified, by both the United States and State of Alaska.

Stipulated Penalties for Failure to Implement Interim Measures

Paragraph 11.e of the Consent Decree requires Palmer to implement interim measures prior to the installation of secondary clarifiers. Pursuant to Paragraph 11.e.ii of the Consent Decree, no later than September 30, 2020, Palmer was required to implement the Lagoon Dredging and Ammonia Management Plan, attached as Appendix C to the Consent Decree. The Lagoon Dredging and Ammonia Management Plan includes a Dredging Contingency Plan, which states as follows:

The City’s existing dredge is in good condition. The dredge has been well maintained, and the City is proactively addressing maintenance needs of the unit. The City intends to purchase wear parts for the dredge to have them available on the shelf in Palmer both for proactive maintenance and for repairs as needed. The City of Palmer will purchase an inventory of wear parts for the dredge in the winter of 2020/2021 to maintain on-hand at the facility. These parts will be available on-site for spring 2021 dredging operations. In the event of a mechanical failure, a backup dredge can be brought in to continue dredging

operations while the primary dredge is repaired. This will reduce the turn-around time required to address mechanical issues and reduce dredge downtime.

In the event of failure of both the primary dredge and a backup dredge, the City can hire a dredging contractor to provide dredging services. The City has established contact with Merrell Bros. Inc. based in Indiana and has obtained price quotes for dredging services. Merrell Bros. has experience working in Alaska including water and sewer projects in Seward, North Pole, Dillingham, and Bethel. Merrell Bros is familiar with the logistics required to mobilize equipment to work in Alaska. This will ensure dredging operations specified in this plan proceed on schedule each year in April and May.

In addition, pursuant to Paragraph 11.e.iv of the Consent Decree, as early as possible, but no later than May 31 of each calendar year after 2020, Palmer is required to complete dredging of Lagoon 2.

Paragraph 29.d of the Consent Decree assesses stipulated penalties for violations of Paragraph 11.e and Appendix C of \$500 per day of each violation, where the period of delay or non-compliance is for 1 - 30 days. See Paragraph 29.d of the Consent Decree. Palmer failed to implement these interim measures required by the Consent Decree. Specifically, on May 25, 2021, Palmer reported to EPA and ADEC that its dredge broke down and that it expedited parts on two occasions in efforts to repair the broken dredge. Palmer further reported that it was in discussions with the City of Homer, Alaska to potentially borrow or rent Homer’s dredge. A copy of this email communication is attached to this letter. As a result, Palmer failed to implement the Dredging Contingency Plan. Palmer’s dredge was not in good condition and proactively maintained, as required by the Dredging Contingency Plan. Further, Palmer did not obtain an adequate inventory of wear parts for maintenance and repairs, failed to bring in a backup dredge while its dredge was being repaired, and failed to hire a dredging contractor to provide dredging services.

Consequently, Palmer was unable to complete the dredging of Lagoon 2 by May 31, 2021, as required by Paragraph 11.e. Although Palmer never completed the dredging, at this time we are only assessing stipulated penalties for fifteen days of violation because dredging in late June, July and August could exacerbate ammonia exceedances.

Accordingly, the Plaintiffs are currently demanding the following stipulated penalties for the violations of Paragraph 11.e:

Date of Violation	Interim Measure	Description	Number of Days	Stipulated Penalty Value
May 2021	Complete dredging by May 31, 2021 and Implement Lagoon Dredging and Ammonia Management Plan	The City failed to complete dredging of Lagoon 2 by May 31, 2021 and failed to implement the Dredging Consistency Plan included in the Lagoon Dredging and Ammonia Plan, as described in Appendix C of the Modified CD.	15	\$500 per day = \$7,500

It is unclear whether Palmer has fully implemented the Dredging Contingency Plan following the violation described above or whether this violation continues. No later than 10 days following receipt of this letter, please provide an update to EPA and ADEC detailing Palmer’s compliance with the Dredging Contingency Plan and particularly with its requirements regarding maintaining spare dredge parts and access to a back-up dredge, together with the dates that Palmer implemented each component of the Dredging Contingency Plan. As stated below, the United States and the State reserve their rights to seek additional stipulated penalties for this and other violations of the Consent Decree.

Stipulated Penalties for NPDES Violations

Paragraph 12 of the Consent Decree requires Palmer to comply with its NPDES permit effluent limits for ammonia, total suspended solids (TSS) and flow. Paragraphs 30.a(ii)-(vii) of the Consent Decree assess stipulated penalties for permit violations in different amounts depending on the pollutant. During September 1, 2020 to July 27, 2021, Palmer violated its NPDES Permit as follows, resulting in the following stipulated penalties which the United States and the State now demand:

Date of Violation	Parameter	DMR Value	Permit Limit	Limit Type	Stipulated Penalty Value
April 2021	Flow	0.973	0.95 mgd	Daily Maximum	\$350
May 2021	TSS	39.7 mg/L	30 mg/L	Monthly Average	\$2,000
May 2021	TSS	82%	85%	Percent Removal	\$2,500
July 7, 2021	Ammonia	6.81 mg/L	3.6 mg/L	Daily Maximum	\$1,000
July 16, 2021	Ammonia	11.6 mg/L	3.6 mg/L	Daily Maximum	\$1,000
July 27, 2021	Ammonia	9.97 mg/L	3.6 mg/L	Daily Maximum	\$1,000
TOTAL					\$7,850

Total Stipulated Penalty Demand

For the violations described above, the United States and the State demand that Palmer pay total stipulated penalties of \$15,350. The United States and the State reserve their rights to seek additional stipulated penalties for these or other violations of the Consent Decree up to the maximum penalties permitted by the Consent Decree or to file a statutory action for civil penalties for these or other violations as expressly permitted by Paragraph 37 of the Consent Decree.

CD Procedures Regarding Payment of Stipulated Penalties

Paragraph 32 of the Consent Decree allows the United States, the State, or both to seek stipulated penalties by sending a written demand to Palmer; and further provides that when a joint demand for stipulated penalties is made that Palmer shall pay 50% of the demanded amount to the United States and

50% to the State. As a result of the NPDES permit violations and failures to implement interim measures pursuant to this letter, EPA and ADEC are jointly issuing a demand for payment of \$15,350. Accordingly, Palmer is required to pay \$7,675 to EPA and \$7,675 to ADEC.

In accordance with Section IX, Paragraph 32, all penalties which are not in dispute are due and payable to the United States and ADEC within 30 days of receipt of this letter. Payment shall be made in accordance with Paragraph 9 of the Consent Decree, see Paragraph 35 of the Consent Decree. Please note that the payment to the United States is by Electronic Fund Transfer and notice of such transfer as required by Paragraph 9 shall be sent by email to cinwd_acctsreceivable@epa.gov and by mail to the following address:

EPA Cincinnati Finance Office
26 Martin Luther King Drive
Cincinnati, OH 45268

The notice that is sent to the above email and mailing address shall include a copy of the electronic fund transfer authorization and a transmittal letter that states the payment is made for a stipulated penalty owed pursuant to the Consent Decree and shall reference the civil action number for this matter and the DOJ case number 90-5-1-1-11214. See Paragraph 9 of the Consent Decree.

Payment to the State may be by check payable to “Alaska Department of Environmental Conservation” and mailed to:

ADEC
Attn: Sandra Rasmussen, Water Administrative Services
555 Cordova Street
Anchorage, Alaska 99501

Payment to the State must be accompanied by a transmittal letter that states the payment is for a stipulated penalty and owed pursuant to the Consent Decree and shall reference the civil action number for this matter. See Paragraph 9 of the Consent Decree. In addition, the notices provided to the United States and State must also satisfy the notice requirement of Section XV of the Consent Decree (Notices).

For written notification or communication under Section XV and Paragraph 66 of the Consent Decree, please use the following individuals:

For DOJ:
Chief, Environmental Enforcement Section
Environment & Natural Resources Division
U.S. Department of Justice
Box 7611 Ben Franklin Station
Washington, D.C. 20044-7611
Ph: 202.514.5271

For EPA:

Edward Kowalski, Director
Enforcement and Compliance Assurance Division
U.S. EPA, Region 10
1200 6th Avenue, Suite 155 (20-C04)
Seattle, Washington 98101
kowalski.ed@epa.gov
Ph: 206.553.6695

Tara Martich
NPDES Compliance Officer
U.S. EPA, Region 10
222 West 7th Avenue, Box 19
Anchorage, Alaska 99513
martich.tara@epa.gov
Ph: 907.271.6323

For the State:

Jon Wendel, Manager
Compliance and Enforcement Program
ADEC
P.O. Box 111800
Juneau, Alaska 99811-1800
jon.wendel@alaska.gov
Ph: 907.465.5364

Jennifer Currie
Assistant Attorney General of Alaska
1031 West 4th Avenue, Suite 200
Anchorage, Alaska 99501-1994
Ph: 907.269.5280
jennifer.currie@alaska.gov

If Palmer believes the amount assessed is incorrect, Palmer may invoke the dispute resolution procedures under Section XI of the Consent Decree. As part of your statement of matters in dispute, please include the violations Palmer wishes to dispute and Palmer's reasons for believing the assessed amount is incorrect.

Should you have any questions regarding this letter, you may reach Edward Kowalski at (206) 553-6695, Randy Bates at (907) 465-5180 or have your counsel contact Elizabeth Loeb, Senior Attorney, U.S. Department of Justice, at (202) 616-8916, Danielle Granatt, EPA Assistant Regional Counsel, at (206) 553-2108 or Jennifer Currie, Senior Assistant Attorney General, Alaska Department of Law at (907) 269-5280.

Sincerely,

EDWARD
KOWALSKI

Digitally signed by
EDWARD KOWALSKI
Date: 2021.08.24
08:58:56 -07'00'

Edward J. Kowalski, Director
Enforcement and Compliance Assurance Division
Environmental Protection Agency Region 10

DocuSigned by:


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Randy Bates, Director
Division of Water
Alaska Department of Environmental Conservation

Enclosure

cc: Chris Nall, City of Palmer
Mike Gatti, Jermain, Dunnagan & Owens, P.C.
J. Ryan Moyers, HDR, Inc.
Jennifer Currie, Assistant Attorney General of Alaska
Elizabeth Loeb, U.S. Department of Justice

**City of Palmer
Ordinance No. 21-017**

Subject: Amending Palmer Municipal Code 4.15.060 to modify residency requirements for certain employee positions.

Agenda of: October 12, 2021

Council Action: **Adopted** **Amended:** _____
 Defeated

Originator Information:

Originator: Mr. John Moosey, City Manager

Department Review:

Route to:	Department Director:	Signature:	Date:
_____	Community Development	_____	_____
_____	Finance	_____	_____
_____	Fire	_____	_____
_____	Police	_____	_____
_____	Public Works	_____	_____

Certification of Funds:

Total amount of funds listed in this legislation: \$ _____

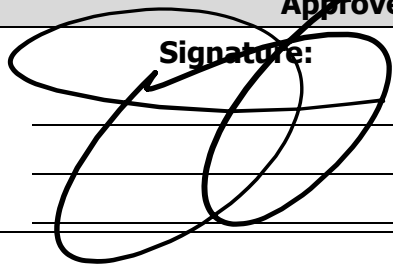
- This legislation (√):
- Creates revenue in the amount of: \$ _____
 - Creates expenditure in the amount of: \$ _____
 - Creates a saving in the amount of: \$ _____
 - Has no fiscal impact

Funds are (√):

- Budgeted Line item(s): _____
- Not budgeted _____

Director of Finance Signature: 

Approved for Presentation By:

	Signature:	Remarks:
City Manager		_____
City Attorney	_____	_____
City Clerk	_____	_____

Attachment(s):

1. Ordinance No. 21-017

Summary Statement/Background:

The City of Palmer has residency requirements for certain employee positions. The City Council desires to modify that residency requirement for the City Clerk position.

Currently Municipal Code 4.15.060 states:

- A. In accordance with the Charter, the city manager shall be a resident of the city during his or her tenure in office.
- B. The city clerk shall be a resident of the city during his or her tenure in office within 180 days of hire.
- C. All department directors, fire chief, and the police chief shall reside within five miles of the city limits within 180 days of hire. (Ord. 16-010 § 3, 2016; Ord. 12-001 § 3, 2013)

The purpose of the Ordinance is to modify the City Clerk residency from within the City Corporation limits to within five (5) miles of the City of Palmer corporation limits.

Administration's Recommendation:

Adopt Ordinance No. 21-017

LEGISLATIVE HISTORY

Introduced by: City Manager Moosey

Date: October 12, 2021

Public Hearing: October 26, 2021

Action:

Vote:

Yes:

No:

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CITY OF PALMER, ALASKA

Ordinance No. 21-017

An Ordinance of the Palmer City Council Enacting

WHEREAS, The City of Palmer seeks to attract the best candidates for the City Clerk; and

WHEREAS, the housing market within the City of Palmer is at its highest demand, limiting available housing opportunities; and

WHEREAS, the current five mile radius of the City of Palmer has been successful when applied to the City’s director positions.

THE CITY OF PALMER, ALASKA, ORDAINS:

Section 1. Classification. This ordinance shall be permanent in nature and shall be incorporated into the Palmer Municipal Code.

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

Section 3. Palmer Municipal Code Section 4.15.060 is hereby amended to read as follows (new language is underlined and deleted language is stricken):

A. In accordance with the Charter, the city manager shall be a resident of the city during his or her tenure in office.

~~B. The city clerk shall be a resident of the city during his or her tenure in office within 180 days of hire.~~

B. C. ~~The city clerk,~~ All all department directors, fire chief, and the police chief shall reside within five miles of the city limits within 180 days of hire. (Ord. 16-010 § 3, 2016; Ord. 12-001 § 3, 2013)

Section 4. Effective Date. Ordinance No. 21-017 shall take effect upon adoption by the city of Palmer City Council.

Passed and approved this _____ day of _____, 2021.

Edna B. DeVries, Mayor

Nichole Degner, Interim City Clerk

**City of Palmer
Ordinance No. 21-018**

Subject: Amending Palmer Municipal Code 2.04.065 to modify the Appointment process

Agenda of: October 12, 2021

Council Action: **Adopted** **Amended:** _____
 Defeated

Originator Information:

Originator: Richard Best, Council Member Steve Carrington, Council Member

Department Review:

Route to:	Department Director:	Signature:	Date:
_____	Community Development	_____	_____
_____	Finance	_____	_____
_____	Fire	_____	_____
_____	Police	_____	_____
_____	Public Works	_____	_____

Certification of Funds:

Total amount of funds listed in this legislation: \$ _____

This legislation (√):


- Creates revenue in the amount of: \$ _____
- Creates expenditure in the amount of: \$ _____
- Creates a saving in the amount of: \$ _____
- Has no fiscal impact

Funds are (√):

- Budgeted Line item(s): _____
- Not budgeted

Director of Finance Signature: _____

Approved for Presentation By:

	Signature:	Remarks:
City Manager		_____
City Attorney	_____	_____
City Clerk	_____	_____

Attachment(s):

1. Ordinance No. 21-018

Summary Statement/Background:

Please accept this language as a way of correcting our code language to prevent gridlock when we have a vacancy on the council. This will allow for the mayor to make an appointment and for Council to have an opportunity to override a Mayoral appointment. We had a situation a few years ago where we utilized three city Council meetings trying to find a way to get members on board with appointing somebody for six weeks. This was ineffective and did not serve the public.

2.04.065

Appointments.

- A. When a vacancy occurs, except in the case of recall, the clerk shall publish public notice of the vacancy and, for 14 days after the first publication, receive applications from persons interested in being appointed to the vacant seat. The ~~Council~~ Mayor may review the applications and/or interview applicants in any reasonable public manner. Not later than 45 days after the seat is declared vacant, the ~~council~~ (Mayor) shall appoint from among the applicants a qualified person to fill the vacant seat;
- B. If less than 30 days remain in a term, the ~~council~~ Mayor shall appoint, using the process described in subsection (A) of this section, a qualified person to fill the vacancy no later than the second regular meeting following the election. Council may object and vote to override the appointment, if a majority votes to override the mayor's appointment the appointment will not stand. The mayor would then be required to appoint another qualified candidate.
- C. If 31 or more days remain in the term and the notice of offices to be filled has already been advertised for the next regular election, the ~~council~~ Mayor shall appoint no later than the second regular meeting following the regular election. The clerk shall publish notice of the vacancy no later than 45 days prior to the first regular council meeting following the election and, for 14 days after the first publication, receive applications from persons interested in being appointed to the vacant seat. The ~~council~~ Mayor may review the applications and/or interview applicants in any reasonable public manner;
- D. Persons appointed to fill a vacancy shall serve until the next regular election, at which time a successor shall be elected to fulfill the remainder of the unexpired term of office;
- E. Notwithstanding subsection (A) of this section, if the council's membership is reduced to fewer than four council members, then the ~~remaining council members~~ Mayor shall appoint as many qualified persons to the council as are necessary to once again constitute a quorum. The ~~council~~ Mayor shall utilize any procedure which is reasonable under the circumstances in making the appointments required by this subsection and shall make the appointments not later than seven days after the quorum was reduced to less than four members;
- F. Appointees shall qualify for and assume the duties of office within 10 days after appointment, unless such time is extended by the ~~council~~ Mayor for not more than 30 days. (Ord. 11-003 § 4, 2011; Ord. 648 § 3, 2005)

Administration's Recommendation:

Adopt Ordinance No. 21-018

LEGISLATIVE HISTORY

Introduced by: Richard Best, Steve Carrington
Date: October 12, 2021
Public Hearing: October 26, 2021
Action:
Vote:

Yes:	No:

CITY OF PALMER, ALASKA

Ordinance No. 21-018

An Ordinance of the Palmer City Council Enacting

WHEREAS, a vacancy on the council can cause voting gridlock; and

WHEREAS, the council will retain the ability to override a Mayoral appointment.

THE CITY OF PALMER, ALASKA, ORDAINS:

Section 1. Classification. This ordinance shall be permanent in nature and shall be incorporated into the Palmer Municipal Code.

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

Section 3. Palmer Municipal Code Section 2.04.065 is hereby amended to read as follows (new language is underlined and deleted language is stricken):

- A. When a vacancy occurs, except in the case of recall, the clerk shall publish public notice of the vacancy and, for 14 days after the first publication, receive applications from persons interested in being appointed to the vacant seat. The ~~Council~~ Mayor may review the applications and/or interview applicants in any reasonable public manner. Not later than 45 days after the seat is declared vacant, the ~~council~~ (Mayor) shall appoint from among the applicants a qualified person to fill the vacant seat;
- B. If less than 30 days remain in a term, the ~~council~~ Mayor shall appoint, using the process described in subsection (A) of this section, a qualified person to fill the vacancy no later than the second regular meeting following the election. Council may object and vote to override the appointment, if a majority votes to override the mayors appointment the appointment will not stand. The mayor would then be required to appoint another qualified candidate.
- C. If 31 or more days remain in the term and the notice of offices to be filled has already been advertised for the next regular election, the ~~council~~ Mayor shall appoint no later than the second regular meeting following the regular election. The clerk shall publish notice of the vacancy no later than 45 days prior to the first regular council meeting following the election and, for 14 days after the first publication, receive applications from persons interested in being appointed to the vacant seat. The

~~council~~ Mayor may review the applications and/or interview applicants in any reasonable public manner;

D. Persons appointed to fill a vacancy shall serve until the next regular election, at which time a successor shall be elected to fulfill the remainder of the unexpired term of office;

E. Notwithstanding subsection (A) of this section, if the council's membership is reduced to fewer than four council members, then the ~~remaining council members~~ Mayor shall appoint as many qualified persons to the council as are necessary to once again constitute a quorum. The ~~council~~ Mayor shall utilize any procedure which is reasonable under the circumstances in making the appointments required by this subsection and shall make the appointments not later than seven days after the quorum was reduced to less than four members;

F. Appointees shall qualify for and assume the duties of office within 10 days after appointment, unless such time is extended by the ~~council~~ Mayor for not more than 30 days. (Ord. 11-003 § 4, 2011; Ord. 648 § 3, 2005)

Section 4. Effective Date. Ordinance No. 21-018 shall take effect upon adoption by the city of Palmer City Council.

Passed and approved this ___ day of _____, 2021.

Edna B. DeVries, Mayor

Nichole Degner, Interim City Clerk

2022 PROPOSED BUDGET

IS AVAILABLE ON THE CITY'S WEBSITE AT
<https://www.palmerak.org/finance/page/budget-documents>
WITH HARD COPIES PROVIDED AT THE
MEETING.