

Mayor Edna B. DeVries
Deputy Mayor Pete LaFrance
Council Member Julie Berberich
Council Member Steve Carrington
Council Member Linda Combs
Council Member Sabrena Combs
Council Member David Fuller

City Attorney Michael Gatti
City Clerk Norma I. Alley, MMC
City Manager Nathan Wallace

City of Palmer, Alaska
City Council Meeting
May 28, 2019, at 7:00 PM
City Council Chambers
231 W. Evergreen Avenue, Palmer
www.cityofpalmer.org

AGENDA

A. CALL TO ORDER

B. ROLL CALL

C. PLEDGE OF ALLEGIANCE

D. APPROVAL OF AGENDA

1. Approval of Consent Agenda
 - a. Introduction to **Ordinance No. 19-010**: Amending Palmer Municipal Code Section 2.04.021 Creating Designated Council Seats Page 3
 - b. **Action Memorandum No. 19-048**: Authorizing the City Manager to Negotiate and Execute a Five-Year Contract with the Matanuska-Susitna Borough to Provide Fire Emergency Response to the Greater Palmer Fire Service Area..... Page 7
 - c. **Action Memorandum No. 19-049**: Removing Board Member Rhonda Wohlbach from the Planning & Zoning Commission..... Page 17
2. Approval of Minutes of Previous Meetings
 - a. April 16, 2019, Joint City Council and Planning & Zoning Commission Meeting Page 19

E. COMMUNICATIONS AND APPEARANCE REQUESTS

1. Presentation from Alaska Bible College Representative Ray Rose Regarding Parking and General Matters

F. REPORTS

1. City Manager's Report
2. City Clerk's Report
3. Mayor's Report Page 23
4. City Attorney's Report

G. AUDIENCE PARTICIPATION

H. PUBLIC HEARING

1. **Ordinance No. 19-007**: Enacting Palmer Municipal Code Chapter 9.39 Pertaining to Excessive Police Responses Page 25
2. **Ordinance No. 19-008**: Amending Palmer Municipal Code Chapter 2.18 Pertaining to Boards and Commissions Generally Page 33
3. **Ordinance No. 19-009**: Amending Palmer Municipal Code Chapter 2.30 Pertaining to Board of Economic Development..... Page 37

I. NEW BUSINESS

J. RECORD OF ITEMS PLACED ON THE TABLE

K. AUDIENCE PARTICIPATION

L. COUNCIL MEMBER COMMENTS

M. ADJOURNMENT

Tentative Future Palmer City Council Meetings

Meeting Date	Meeting Type	Time	Notes
June 11	Special	6 pm	Stantec
June 11	Regular	7 pm	
June 25	Special	6 pm	Mat-Su Trails and Parks Foundation
June 25	Regular	7 pm	
July 9	Special	6 pm	Mid-Year Budget Review
July 9	Regular	7 pm	
July 23	Special	6 pm	2020 Budget Planning Priorities
July 23	Regular	7 pm	
Aug 13	Special	6 pm	Audit Presentation
Aug 13	Regular	7 pm	
Aug 27	Regular	7 pm	
Sept 10	Regular	7 pm	
Sept 24	Regular	7 pm	
Oct 7	Special	6 pm	Election Certification
Oct 8	Regular	7 pm	
Oct 15	Special	6 pm	1 st Budget Public Hearing
Oct 22	Special	6 pm	Budget
Oct 22	Regular	7 pm	
Oct 29	Special	6 pm	Budget
Nov 5	Special	6 pm	Budget
Nov 12	Special	6 pm	Budget
Nov 12	Regular	7 pm	
Nov 26	Special	6 pm	Budget
Nov 26	Regular	7 pm	

**City of Palmer
Ordinance No. 19-010**

Subject: Amending Palmer Municipal Code Section 2.04.021 Creating Designated Council Seats

Agenda of: May 28, 2019

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


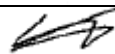
Originator Information:

Originator: Council Members Carrington and Fuller

Department Review:

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

Approved for Presentation By:

	Signature:	Remarks:
City Manager		Signing for Nathan Wallace as Acting City Mgr.
City Attorney		_____
City Clerk		_____

Certification of Funds:


Total amount of funds listed in this legislation: \$ **0.00**

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: 

Attachment(s):

- Ordinance No. 19-010

Summary Statement/Background:

Description and Justification by Councilman Steve Carrington.

The basic change to the election code is adding designated seats. The code phrase will read "Council members will be elected at large to designated seats." This will use seat's A through F to designate individual seats that are at large. This means that all city voters will still vote for all city council seats. This is the same procedure that is used with the city of Palmer's Planning and Zoning and to elect council members in Wasilla. It does NOT create districts for district voting.

LEGISLATIVE HISTORY

Introduced by: Council Members
Carrington and Fuller
Date: May 28, 2019
Public Hearing: June 11, 2019
Action:
Vote:

Yes:	No:

CITY OF PALMER, ALASKA

Ordinance No. 19-010

An Ordinance of the Palmer City Council Amending Palmer Municipal Code Section 2.04.021 Creating Designated Seats

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 is hereby amended to read as follows (new language is underlined and deleted language is stricken):

2.04.021 Composition.

The city council is composed of one mayor and six council members. Council members shall file for who are and be elected at large to seats designated as A, B, C, D, E and F.

Section 4. Effective Date. Ordinance No. 19-010 shall take effect upon adoption by the city of Palmer City Council.

Passed and approved this _____ day of _____, 2019.

Edna B. DeVries, Mayor

Norma I. Alley, MMC, City Clerk

**City of Palmer
Action Memorandum No. 19-048**

Subject: Authorizing the City Manager to Negotiate and Execute a Five-Year Contract with the Matanuska-Susitna Borough to Provide Fire Emergency Response to the Greater Palmer Fire Service Area

Agenda of: May 28, 2019

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




Originator Information:

Originator: John McNutt, Fire Chief

Department Review:

Route to:	Department Director:	Signature:	Date:
_____	Community Development	_____	_____
<u> √ </u>	Finance	<u>Michelle Tefft</u>	<u>5/8/2019</u>
_____	Fire	_____	_____
_____	Police	_____	_____
_____	Public Works	_____	_____

Approved for Presentation By:

	Signature:	Remarks:
City Manager	<u></u>	<u>Acting City Manager, signing for Nathan Wallace</u>
City Attorney	<u></u>	_____
City Clerk	<u></u>	_____

Certification of Funds:


Total amount of funds listed in this legislation: \$ **391,366.00**

This legislation (√):

<input checked="" type="checkbox"/>	Creates revenue in the amount of:	\$ <u>391,366.00</u>
<input type="checkbox"/>	Creates expenditure in the amount of:	\$ _____
<input type="checkbox"/>	Creates a saving in the amount of:	\$ _____
<input type="checkbox"/>	Has no fiscal impact	

Funds are (√):

<input checked="" type="checkbox"/>	Budgeted	Line item(s): <u>01-00-00-3425</u>
<input type="checkbox"/>	Not budgeted	_____

Director of Finance Signature: 

Attachment(s):

- Agreement

Summary Statement/Background:

Since the 1960s, the Matanuska-Susitna Borough has contracted with the City of Palmer to provide fire protection and response services to the Greater Palmer Fire Service Area (GPFSA). This has resulted in a mutually beneficial relationship to Palmer as well as to the GPFSA. The current contract will expire June 30, 2019. The new five-year contract will begin July 1, 2019 and continue through June 31, 2024.

The financial data has been updated to reflect the 2019 Council approved budget. With certain exceptions, such as the City and GPFSA paying the insurance on their prospective apparatus, a rescue line item and the contract amount for rescue services, the contract calls for the GPFSA to pay about one-half of the City of Palmer's Fire & Rescue budget. Operationally, combining fire service response for the City and the GPFSA allows for a larger pool of paid-on-call volunteers to respond to a call in either area, and it allows for a smaller, more streamlined overhead expense.

This agreement will be for five years with the option to extend for another five years. During these five years the City Manager and Borough Manager will meet before March of each year and discuss the amount for service for the current year.

Administration's Recommendation:

To approve Action Memorandum No. 19-048 to Authorize the City Manager to execute a five-year contract with the Matanuska-Susitna Borough to provide fire emergency response to the Greater Palmer Fire Service Area.

**MATANUSKA-SUSITNA BOROUGH
GREATER PALMER FIRE SERVICE AREA
and
CITY OF PALMER**

INTERGOVERNMENTAL FIRE SERVICES AGREEMENT

THIS AGREEMENT is made between the Matanuska-Susitna Borough, a municipal corporation, hereafter referred to as "Borough" and the City of Palmer, hereafter referred to as "City" for the provision of fire protection services.

SECTION 1. Definitions

In this contract hereafter:

- A. The term "Agreement" means the Matanuska-Susitna Borough Greater Palmer Fire Service Area and City of Palmer Fire Services Agreement.
- B. The term "Borough" means the Matanuska-Susitna Borough.
- C. The term "City" means the City of Palmer.
- D. The term "GPFSA" means the Greater Palmer Fire Service Area.

SECTION 2. Authority

This intergovernmental agreement is authorized pursuant to Alaska State Constitution, Article X, Section 13 and A.S. 29.35.010(13) and is for the joint administration and exercise of fire protection services by the Borough and the City.

SECTION 3. Term

This contract shall be for five (5) years commencing on July 1, 2019, and ending on June 30, 2024, subject to the appropriations and provision of Section 4 (C) and the termination provisions of Sections 20 and 21. This contract may be extended an additional five (5) years by addendum.

SECTION 4. Compensation/Consideration

- A. The Borough shall pay to the City an amount not to exceed 50% of Palmer Fire's annual operating budget between the Borough (GPFSA) and the City, as per Section 7.B. of this Agreement. The amount for year one (FY 2020) shall be \$391,366. The amount shall be paid in two equal payments each year. Compensation shall be reviewed annually and any request by the City of Palmer for an increase will occur no later than March 1. If the Borough Manager agrees to the requested amount, s/he will present it to the Matanuska-Susitna Borough Assembly with a request for appropriations for the next fiscal year.

- B. The schedule for payments shall commence with the first payment due no later than July 31, 2019. The second payment shall be made no later than January 30, 2020 and subsequent payments shall be made in July and January of future years.
- C. Payments made under this contract are subject to specific appropriation of funds by the Matanuska-Susitna Borough Assembly for this Agreement. In the event the Matanuska-Susitna Borough Assembly does not appropriate funds sufficient to meet any increase in amounts requested by the City, this Agreement shall terminate on June 30 of the then-current fiscal year.
- D. The City agrees that any fire department operational funds designated in the budget for specific personnel or new equipment purchases that form the basis of the above amount of the payment that are not expended will be refunded to the Borough.
- E. Should an emergency or unforeseen event occur that will require additional funds for services under this contract, the City shall notify the Borough in writing of the amount and reason for the increase. The request then must be approved by the GPFSA Board of Supervisors. The payment of any supplemental funding shall be subject to available funds and Assembly appropriation.
- F. So long as the operating budget is funded 50% from the City and Borough as in Section 4.A., any funds from the City Fire Department budget not spent during this fiscal period will be refunded to the Borough; the residual balance to be at the rate defined in Section 4.A. The refund shall be paid by check.
- G. Before February 1 of each following year the Borough Manager and City Manager shall meet and discuss the amount for each current year.

SECTION 5. Service Boundaries

The City shall provide fire protection services within the GPFSA and to those other Borough FSA's under the approved mutual aid and automatic aid agreements signed by the City of Palmer.

SECTION 6. Vehicles and Equipment

The City agrees to maintain all vehicles and firefighting and communications equipment belonging to the City and the GPFSA in a working condition. For major repair of Borough-owned vehicles or equipment (any repair costing more than \$1,000), the City shall first receive concurrence from the Borough Emergency Services Director prior to repair. For repairs exceeding \$1,000 for GPFSA-owned vehicles, the total cost of the repairs will be paid by the Borough (the City will pay for its own vehicles).

For Borough-owned vehicles in which an insurance claim may be involved, see Section 16 of this Agreement.

The vehicles and equipment assigned to or purchased for the GPFSA shall remain the property of the GPFSA.

SECTION 7. Expenses

- A. The City agrees that all funds expended under this contract shall be used solely and exclusively for providing fire protection services as per Section 7.B. of this agreement. The City further agrees to provide the Borough with an inventory list by station and vehicle of equipment assigned to or purchased for that station or vehicle, as per National Fire Protection Association (NFPA) 1901 and Insurance Services Organization (ISO) standards. The City will not be required to maintain separate inventories of Borough and City equipment.
- B. Eligible fire protection services operating expenses for the City are as follows:
 - a. Salaries and benefits for the firefighter personnel;
 - b. A proportionate share of the salaries and benefits for City fire administrative personnel, as determined by their respective job duties and descriptions;
 - c. Travel and expense reimbursement for fire protection related travel;
 - d. Training: Firefighter training (structural and wildland), fire officer training, fire prevention training, fire code training, mandated Federal, State and local training, and any miscellaneous fire-related training;
 - e. Utilities directly related to any City fire department buildings;
 - f. Fuel expenses for fire apparatus, fire support vehicles, and motorized equipment and tools;
 - g. Rental/lease of equipment directly related to fire protection, and rent/lease of facilities or storage space that is of benefit to the GPFSA;
 - h. Insurance:
 - i. The City will provide at its own expense workers compensation insurance, and unemployment insurance for all positions related to this agreement (see Section 16);
 - ii. The City will pay the vehicle insurance for those vehicles owned by the City;
 - iii. The Borough shall provide vehicle liability, and physical damage coverage on all Borough-owned vehicles that are directly involved with a GPFSA response or official business (see Section 1).
 - i. Supplies: any supplies purchased that are directly fire related;
 - j. Maintenance: any maintenance which directly benefit the fire protection services to fire facilities, vehicles and equipment;

- k. Personal protective equipment and uniforms purchased for firefighter and Officer personnel;
 - l. Equipment: any equipment purchased for direct use in firefighting, fire administrative office, computers, and tools.
- C. Fire protection services operating expenses for the City that are non-eligible are as follows:
- a. "Miscellaneous" line item descriptions are not eligible expenditures under this Agreement;
 - b. City capital budget items are not eligible expenditures under this Agreement.
 - c. Administrative overhead expenses are eligible expenses but must not exceed 10% of the operating budget total (exclusive of Section 7.B.b. above).
 - d. Any and all operational expenses directly or indirectly related to providing rescue services shall be excluded from this Agreement.

SECTION 8. Other Expenses

- A. The City agrees to bear the costs of all building and personnel supplies, office supplies, household supplies, salaries and wages, and supplies which are necessary or convenient to the operation of such fire protection services and the performance of the obligations hereunder provided.
- B. The City may, at its option, use the Borough's purchasing system for supplies and equipment at the actual cost of such supplies and equipment. The Borough purchasing procedures and policies shall apply for these purchases.

SECTION 9. Records

- A. The City shall provide a report at its own expense, to the Borough containing the following information:
 - a. A copy of the City of Palmer annual audit, once approved by the Palmer City Council.
 - b. Fire-specific records, including:
 - i. Total number and types of responses for both the City and the GPFSA fire services,
 - ii. All City fire department expenditures detailing each of the line items in the budget, including the amount of the rebate (see Section 4F), if any. A preliminary previous fiscal year annual budget report no later than February 1st, and an audited annual budget report within 180 days from the close of the previous fiscal year.
 - iii. An annual training report,

- iv. An inventory list by station of all fire apparatus and support vehicles, including all appropriate equipment for each vehicle as recommended by NFPA 1901 and related ISO standards.

SECTION 10. Personnel

- A. The City agrees to maintain an appropriate number of full-time and paid on-call fire fighters to respond to fires within the GPFSA or for automatic or mutual aid as requested by other Borough fire service areas. The City agrees that such personnel shall meet the minimum training standards of the City of Palmer.
- B. The City agrees that all personnel will comply with all requirements of federal, state and local mandates, including, but not limited to O.S.H.A., Homeland Security, and the State Fire Marshall's Office.

SECTION 11. Operating Procedures

The City will provide fire suppression operations using city procedures that are interoperable with Borough Standard Operating Procedures as established by the Director of the Department of Emergency Services when responding to fires in the GPFSA or when providing mutual/auto aid to other Borough Fire Service Areas.

SECTION 12. Public Safety Buildings

The City shall insure that the three GPFSA Public Safety Buildings (Station 32, Station 33 and Station 35) are maintained with indoor heat for parking of the apparatus and storage of other necessary equipment and supplies. The public safety buildings shall allow for immediate and rapid entrance and exit of personnel and equipment.

The Borough shall provide any capital improvements necessary to these Borough-owned facilities and will maintain the structure, the mechanicals, and the septic and water systems unless damage is due to negligence.

SECTION 13. Relationship of Parties

The City shall perform its obligations under this agreement as an independent contractor for the Borough. The Borough shall not supervise or direct the City other than as provided in this agreement.

SECTION 14. Mutual/Auto Aid

For the purposes of this contractual relationship between the Palmer Fire and Rescue and the GPFSA, there is no traditional mutual aid response to and from either the City or the GPFSA. It is agreed by both Parties that each response within the City of Palmer's jurisdiction will be considered a City incident, and all responses within the Greater Palmer Fire Service Area will be considered a Borough incident.

SECTION 15. Nondiscrimination

In performing its duties under this contract, neither party may discriminate against any person on the basis of race, creed, color, religion, national origin, age, sex or marital status, physical handicap, or status as a disabled veteran.

SECTION 16. Insurance

The City agrees, at its own expense, to provide workers compensation insurance for all firefighting personnel. The City and the Borough shall provide vehicle liability for their respective vehicles, physical damage coverage on agreed to vehicles for the term of this agreement.

The City and the Borough agree to notify the other party immediately of any situation, incident or event that may cause a claim to be made against the other party. The City and the Borough agree to cooperate with one another in any accident or incident investigation and reporting required as a result of an incident involving the GPFSA.

SECTION 17. Financial Records

Expenditures of funds under this contract shall be made solely for the purpose of fulfilling the GPFSA's fire protection duties and obligations, and to the same extent as may be required by law governing all other expenditures of the City, shall be subject to independent audit.

SECTION 18. Additional Insurance

The City agrees to add the Borough as an additional insured to the same extent as it insures itself for professional liability, errors and omissions and excess coverage. The requirement that the Borough be an additional insured shall only be required for those activities by the City in providing fire protection services under this agreement.

SECTION 19. Assignment

Neither this contract nor any interest created hereby may be assigned by the City or the Borough without the express written consent of the Borough Manager or the City of Palmer Manager.

SECTION 20. Termination of Contract for Cause

If, through any cause, the City or Borough shall fail to fulfill its obligations under this contract, or shall violate any of the covenants, agreements, or stipulations of this contract, the Borough or City shall thereupon have the right to terminate this contract. The City or Borough should do so by giving written notice at least thirty (30) days before the effective date of such termination. In that event, all equipment, vehicles, supplies, reports or other materials that are the property of the Borough shall be returned to the Borough by the effective date of termination. All property of the City shall be returned to the City by the effective date of termination. The City shall refund to the Borough the prorated share of any monies paid to the City by the Borough for fire services under this agreement.

SECTION 21. Termination for Convenience of the Parties

Either party may terminate this contract for any reason or for no reason at any time by giving a sixty (60) day written notice to the other party of such termination and specifying the effective date of such termination. In that event, all equipment, vehicles, supplies, reports or other materials that are the property of the Borough shall be returned to the Borough by the effective date of termination.

All property of the City shall be returned to the City by the effective date of termination. The City shall refund to the Borough the prorated share of any monies paid to the City by the Borough for fire services under this Agreement.

SECTION 22. Contract Administration

- A. The Department of Emergency Services Director or his designee will be the representative of the Borough administering this agreement.
- B. The services to be furnished by the City shall be administered, supervised, and directed by the City of Palmer Fire Chief or their designee. In the event that the position named above or any of the positions identified under this contract are unable to serve for any reason, the City shall appoint a successor.

SECTION 23. Modifications

The Borough and the City may, from time to time, modify the scope and content of this Agreement. Agreements to modify must be in writing, executed by both parties.

SECTION 24. Complete Agreement

This instrument and all appendices and amendments hereto embody the entire agreement of the parties. There are no promises, terms, conditions or obligations other than those contained herein; and this contract shall supersede all previous communications, representations, or agreements either oral or written, between the parties.

SECTION 25. Interpretation and Enforcement

This agreement is being executed by the parties following negotiations between them. It shall be construed according to the fair intent of the language as a whole, not for or against any party. The titles of sections in this agreement are not to be construed as limitations or definitions but are for identification purposes only.

If any provision of this agreement is determined to be void or invalid, the remaining provisions of the agreement shall be in full force and effect.

SECTION 26. Mutual Understanding

The Borough and the City acknowledge that both have read and understand the terms of this agreement, have had the opportunity to review the same with counsel of their choice,

and are executing this agreement of their own free will.

The covenants and conditions contained herein shall be the whole and complete agreement between the parties and shall apply to and bind the parties, their successors and assigns.

SECTION 27. Venue

The venue of any dispute that arises and results in the filing of a claim shall be the Third Judicial District, Palmer, Alaska.

IN WITNESS WHEREOF, the parties have executed this agreement at Palmer, Alaska, on this _____ day of _____, 2019.

MATANUSKA -SUSITNA BOROUGH

CITY OF PALMER

John Moosey, Borough Manager

Nathan E. Wallace, City Manager

**City of Palmer
Action Memorandum No. 19-049**

Subject: Removing Board Member Rhonda Wohlbach from the Planning & Zoning Commission

Agenda of: May 28, 2019

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

Originator Information:

Originator: Mayor DeVries via City Clerk

Department Review:

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

Approved for Presentation By:

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

Certification of Funds:

Total amount of funds listed in this legislation: \$ **0.00**

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: _____

Attachment(s):

- None

Summary Statement/Background:

Palmer Municipal Code (PMC) Section 2.20.321(B) states a commission member may be removed if during a twelve-month period while in office the member is absent from six regular meetings. Commissioner Wholbach has met that threshold. Per PMC, the City Council may remove Commissioner Wholbach and the Clerk's Office will begin the advertising process to fill the vacancy created by the resignation, will forward applications to the Mayor for nomination, and then to the council for confirmation.

A. CALL TO ORDER

A special joint meeting of the Palmer City Council and the Planning & Zoning Commission (Commission) was held on April 16, 2019, at 6:00 p.m. in the Council Chambers, Palmer, Alaska. Mayor DeVries called the meeting to order at 6:00 p.m.

B. ROLL CALL

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

City Council:

Edna DeVries, Mayor	Sabrena Combs
Julie Berberich	David Fuller
Steve Carrington	Pete LaFrance, Deputy Mayor
Linda Combs	

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

Planning & Zoning Commission:

Dan Lucas, Chair	Casey Peterson
Andrew Corbin	Kristy Thom Bernier
Gena Ornquist	

Commissioners Richard Benedetto and Rhonda Wohlbach were absent and excused.

Staff in attendance were the following:

Nathan Wallace, City Manager	Norma I. Alley, MMC, City Clerk
Michael Gatti, City Attorney	

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed.

D. APPROVAL OF AGENDA

Main Motion: For City Council to Approve the Agenda

Moved by:	Fuller
Seconded by:	L. Combs
In favor:	Berberich, Carrington, L. Combs, S. Combs, DeVries, Fuller, LaFrance
Opposed:	None
Action:	Motion carried

The Planning and Zoning Commission approved the agenda by unanimous consent.

E. AUDIENCE PARTICIPATION

None.

F. NEW BUSINESS

1. Committee of the Whole (note: action may be taken following the committee of the whole)
 - a. Recap of 2018 Commission Accomplishments
 - b. 2019 Commission Projects and Goals
 - c. Other Matters Related to the Commission
 - d. City Council Direction to the Commission

Main Motion: For City Council to Enter Into a Committee of the Whole

Moved by:	L. Combs
Seconded by:	Fuller
In favor:	Berberich, Carrington, L. Combs, S. Combs, DeVries, Fuller, LaFrance
Opposed:	None
Action:	Motion carried

Main Motion: For Planning & Zoning Commission to Enter Into a Committee of the Whole

Moved by:	Thom Bernier
Seconded by:	Corbin
In favor:	Corbin, Lucas, Ornquist, Peterson, Thom Bernier
Opposed:	None
Absent:	Benedetto, Wohlbach
Action:	Motion carried

The City Council and Commission entered into the Committee of the Whole at 6:04 p.m.

- a. Recap of 2018 Commission Accomplishments

Chair Lucas reported on 2018 Commission accomplishments. Items of discussion included the following:

- Residential zoning review;
- Highway commercial zoning ordinance;
- Text amendments to temporary buildings;
- Zoning Map amendment for airport;
- Conditional Use Permit (CUP) Hearing for Eagle Hotel;
- Title 14 review;
- CUP Hearing for Sudsy Salmon Carwash;
- CUP Hearing for Alaska Demolition;
- Legislation regarding short-term rentals;
- Eight plat reviews with recommendations to the Mat-Su Borough; and
- Distance between buildings ordinance.

- b. 2019 Commission Projects and Goals

Chair Lucas reported on 2019 Commission projects and goals. Items of discussion included the following:

- Continued review of Title 17;
- Discussion on highway speed limit;
- Discussion on loud truck braking; and
- Continued deliberation for highway commercial zoning ordinance.

Discussion ensued on the following:

- Highway commercial zoning;
- Highway speed limits;
- Sidewalk and bike path crossings over the highway;
- Annexation; and
- Short-term rentals.

c. Other Matters Related to the Commission

None.

d. City Council Direction to the Commission

Items of discussion included the following:

- Review short-term rental language regarding renting for 30 days;
- Consideration to general language when deliberating the highway commercial zone to ensure application to all highways; and
- Identifying possible annexation language.

The Council and Commission adjourned the Committee of the Whole and reconvened the special joint meeting at 6:52 p.m.

G. RECORD OF ITEMS PLACED ON THE TABLE

None.

H. COUNCIL AND COMMISSION MEMBER COMMENTS

All Council and Commission Members expressed their gratitude for the opportunity to meet and have open discussion.

Deputy Mayor LaFrance challenged the Commission to send recommendations to the Council even if the legislation may not get approved, as it invites discussion at the Council table.

Mayor DeVries thanked the Commission for all their hard work and dedication to the community.

I. ADJOURNMENT

With no further business before the Council and Commission, the meeting adjourned at 6:58 p.m.

Approved by the City Council on this _____ day of _____, 2019.

Norma I. Alley, MMC, City Clerk

Edna DeVries, Mayor

Approved by the Planning & Zoning Commission this 16th day of May, 2019.

Brad Hanson, Community Development Director

Dan Lucas, Planning & Zoning Commission Chair

Mayor's Memo

Council Meeting report – May 28, 2019

NOTES AND UP COMING EVENTS

Mayors/Manager Meeting – June 20

Agenda Setting Meeting – May 30, June 13, July 11

Colony Days – June 7, 8 and 9

Ham Radio Field Day – Palmer – June 21-23

May Senior Citizens Month

We want and value your input and participation.

Edna DeVries Mayor

907-355-9933 edevries@palmerak.org

**City of Palmer
Ordinance No. 19-007**

Subject: Enacting Palmer Municipal Code Chapter 9.39 Regarding Excessive Police Responses

Agenda of: May 14, 2019 – Introduction
May 28, 2019 – Public Hearing

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


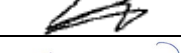

Originator Information:

Originator: Council Member Sabrena Combs and Council Member Julie Berberich

Department Review:

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

Approved for Presentation By:


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

Certification of Funds:

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

- 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: 

Attachment(s):

- Ordinance No. 19-007

Summary Statement/Background:

A concerned citizens group formed in Palmer and approached the City Council to consider adopting an excessive call ordinance to possibly help alleviate some of the issues with "trap houses" and problem residences in town.

The city of Wasilla has had a similar ordinance on the books since 2014. This ordinance would keep consistency through the cities of the Valley and give concerned citizens a tool to use for residences that have excessive encounters with law enforcement.

In speaking with the city of Wasilla, since its inception this ordinance has only been enforced a handful of times, meaning this is unlikely to create much additional workload for the Palmer Police Department or administration.

The ordinance fee schedule would keep in line with the fee schedule for excessive calls to the fire department, an ordinance that has been in place for many years.

LEGISLATIVE HISTORY

Introduced by: Council Members S. Combs
and Berberich
Date: May 14, 2019
Public Hearing: May 28, 2019
Action:
Vote:

Yes:	No:

CITY OF PALMER, ALASKA

Ordinance No. 19-007

An Ordinance of the Palmer City Council Enacting Palmer Municipal Code Chapter 9.39 Regarding Excessive Police Responses

WHEREAS, the city of Palmer has citizens concerned with residences that have an excessive amount of crime and suspicious traffic and activity; and

WHEREAS, these citizens would like an avenue to discourage unlawful activities through a defined penalty system; and

WHEREAS, the city of Palmer police department is dispatched regularly to these problem residences for a variety of unlawful or suspicious activities.

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 Chapter 9.39 is hereby enacted to read as follows:

9.39.010 Purpose

This ordinance addresses the issue of excessive police responses to repeat locations. Occasionally, one or more police officers respond multiple times to a property on a call for assistance, a complaint, an emergency, a potential emergency or a reasonable suspicion of unlawful activity. This Ordinance outlines liable parties, fees for excessive police response and appropriate corrective action.

9.39.020 Definitions.

When used in this chapter, the following words and phrases shall have the meanings set forth in this section:

“Dwelling unit” means a structure or portion thereof providing independent and complete cooking, living, sleeping, and toilet facilities for a person or group of persons living as a single housekeeping unit.

"Excessive police response" means for a residential property, each police response in excess of eight to a dwelling unit in a calendar year.

"Mobile home" means a detached single dwelling unit fabricated at a factory and capable of being transported to location of use on its own chassis and wheels, identified by a model number and serial number by its manufacturer, and designed primarily for placement on a non-permanent foundation.

"Mobile home park" means any parcel or adjacent parcels of land in the same ownership which are managed for occupancy by more than two mobile homes. The term does not include tourist facilities for travel trailers or campers.

"Owner" means the record owner of the property as shown in the real property records of the borough.

"Person" means any individual, or any business or non-business association recognized by law, whether or not organized for profit.

"Police response" means one or more police officers that respond to a call for assistance, a complaint, an emergency, a potential emergency, or a reasonable suspicion of unlawful activity witnessed by a police officer, and any response determined by a sergeant or higher ranking police officer to be related to activities on the property premises and reasonably preventable. The term "police response" does not include a response to:

1. Receipt of false information as defined in AS 11.56.800(a)(1), unless the false information was provided by an occupant or owner of the property;
2. A false alarm as defined in AS 11.56.800(a)(2) through (3), unless the false alarm was caused, permitted or allowed by an occupant or owner of the property in violation of AS 11.56.800(a)(2) through (3);
3. A call involving potential child neglect, potential domestic violence as defined in AS 18.66.990, or potential stalking under AS 11.41.260 or 11.41.270;
4. A report of a sexual assault as defined in AS 11.41.410 through 11.41.427;
5. A medical emergency for serious bodily injury or death;
6. A call from the tenant or owner of property for police assistance with:
 - a. Theft or attempted theft from the tenant or owner; or
 - b. A report of the presence or identification of a person under state or federal warrant; or
 - c. An inebriated person preparing to operate a motor vehicle upon leaving the premises.

"Residential property" means an individual parcel, tract or lot shown on the most recent plat of record containing one or more dwelling units, or a mobile home.

9.39.030 Notice to liable persons.

A. The city may notify the owner and tenant of a property in writing when the number of police responses in the current calendar year to a residential unit equals the number of excessive police responses for that type of property.

B. A notice under this section shall be given in a manner reasonably calculated, under all the circumstances, to provide actual notice to the person of the potential liability for the fee. At a minimum, the notice shall be sent by certified mail or by direct delivery, return receipt requested,

to the mailing address of the person as shown on the city's real property tax records. If the mailed notice is returned refused for signature by the recipient, actual notice shall be conclusively presumed on the date refused. If the mailed notice is returned unclaimed or undeliverable, the city shall accomplish notice by another method and attest to the date notice is accomplished by affidavit or in a police report. Notice may be accomplished by any lawful manner.

- C. The notice addressed to an owner and tenant shall:
1. Identify the property that is the subject of the notice by street address, and if the property has multiple units, identify the dwelling unit;
 2. State the number of police responses in the calendar year to date and state additional police responses to the unit or property may result in imposition of fees under this chapter;
 3. State the person shall be liable for a fee for each excessive police response to the property during the calendar year, unless, within 30 days, any person takes appropriate corrective action promptly and gives written notice to the chief of police of the action taken;
 4. State the amount of the fee per excessive police response; and
 5. State the contact information of a representative of the police department to contact concerning the notice.

9.39.040 Corrective Action.

A. An owner or tenant of a property shall have 30 days from the date notice is accomplished, as required under PMC 9.36.030, to promptly take appropriate corrective action. Appropriate corrective action is action reasonably expected to correct the cause of the police responses to the property. Police officers holding the rank of sergeant or higher are authorized to determine whether corrective action is appropriate under the circumstances. The officer's determination shall be in writing and issued within five days of receipt of the person's written notice of the action taken. Should the officer determine the action taken is not appropriate corrective action, the officer shall explain the reasons and the person shall have 10 days from the date of the determination to take appropriate corrective action. The 10-day extension shall be provided only once in a calendar year for each unit receiving excessive police responses. Examples of appropriate corrective action, subject to a police officer's determination whether it is appropriate, may include, without limitation:

1. Written notice to quit under AS 09.45.100 through 09.45.110;
2. Eviction notice served on the tenant or lessee requiring vacation of the premises within 30 days or less;
3. Obtaining a restraining order, if appropriate;
4. Installation or implementation of new or additional security measures; or
5. Action recommended by the police department in writing and implemented to the satisfaction of a police officer the rank of sergeant or higher.

B. Appropriate corrective action does not include:

1. Relocating a tenant or lessee of a unit to a different unit on the same property, unless a police officer the rank of sergeant or higher determines the relocation is appropriate. If a person is relocated, the city may transfer the number of police responses from the former unit to the new unit; or
2. Communicating only orally with the person causing the police responses.

C. A fee may not be imposed for additional police responses to the unit that is the subject of the notice during the 30-day period allowed under subsection (A) of this section if any person takes appropriate corrective action and gives written notice to the police department of the action taken during the 30-day period. There is a conclusive presumption that appropriate corrective action

was taken if there are no additional police responses to the property from the end of the 30-day period until the earlier of:

1. The end of the calendar year; or
2. Ninety calendar days.

9.39.050 Fees for excessive police response.

A. Subject to subsection (B) of this section, the owner of a property and the tenant of a unit shall jointly pay the city a progressive charge for violations of this chapter in accordance with the fee in the current, adopted budget per excessive police response to the dwelling unit during a calendar year.

B. The city shall bill the owner of the property and the tenant of a unit for excessive police responses and they both shall jointly pay those charges within 30 days of a receipt of said bill.

C. A person is exempt from liability for the fee established by subsection (A) of this section if:

1. The person is a federal, state, or local government agency;
2. The property or unit responded to is used exclusively for nonprofit religious, charitable, cemetery, hospital or educational purposes;
3. The city has not provided notice to the person in writing as provided in PMC 9.36.030;
4. Any person has taken appropriate corrective action and given written notice to the police department of the action as required by PMC 9.36.030; or
5. The owner or tenant of the property or unit responded to has entered a current written agreement with the police department.

D. If a property has more than one owner, all owners shall be jointly liable, with the tenant, for any fee imposed under this chapter. Actual notice to one owner creates a rebuttable presumption of actual notice to all other owners.

E. For residential property owned as a condominium, a fee based on excessive police responses to a single dwelling unit shall be assessed against the owner of the dwelling unit, jointly with the tenant.

F. A tenant shall not be liable for the fee if the tenant's conduct did not require the police response and the tenant's right to possession commenced on a date subsequent to the date of the first police response that is counted for purposes of the fee imposed under this chapter.

G. If the unit requiring excessive police responses is a mobile home located in a mobile home park, the fee may not be imposed on the owner or operator of the mobile home park, unless the owner's or operator's conduct required the excessive police response. The fee may be imposed jointly on the owner and tenant of the mobile home.

H. If a sergeant or higher ranking official of the police department determines appropriate corrective action was taken with respect to a specific unit, the count of police responses to the unit shall reset to zero, effective the date of the determination.

I. The fee may be collected in any lawful manner, including bringing an action in court for a personal judgment against any one or more of the persons liable.

J. An owner or tenant liable for a fee under this chapter may bring an action in court against a person whose conduct required the excessive police response to recover the amount of the fee

and related costs. An owner or tenant shall not be granted any extension of time or continuance to pay the fee based on a pending action against a third party.

Section 4. Effective Date. Ordinance No. 19-007 shall take effect upon adoption by the City of Palmer City Council.

Passed and approved this ____ day of _____, 2019.

Edna B. DeVries, Mayor

Norma I. Alley, MMC, City Clerk

**City of Palmer
Ordinance No. 19-008**

Subject: Amending Palmer Municipal Code Chapter 2.18 Pertaining to Boards and Commissions Generally

Agenda of: May 14, 2019 – Introduction
May 28, 2019 – Public Hearing

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




Originator Information:

Originator: Norma I. Alley, City Clerk

Department Review:

Route to:	Department Director:	Signature:	Date:
<u>X</u>	Airport		_____
<u>X</u>	Community Development		_____
_____	Finance	_____	_____
_____	Fire	_____	_____
_____	Police	_____	_____
<u>X</u>	Public Works		_____

Approved for Presentation By:

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

Certification of Funds:


Total amount of funds listed in this legislation: \$ 0.00

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: 

Attachment(s):

- Ordinance No. 19-008

Summary Statement/Background:

The City Council requested the code be reviewed regarding the Airport Advisory Commission (AAC); Board of Economic Development (BED); Parks, Recreation and Cultural Resources Advisory Board (PRCRAB); and Planning and Zoning Commission (PZC) for potential revisions. On August 8, 2017, the city clerk brought forward Information Memorandum No. 17-016 to the City Council for discussion on potential Palmer Municipal Code (PMC) amendments regarding boards and commissions. The City Council convened a Committee of the Whole and provided valuable direction for amendments.

The city clerk drafted potential amendments and presented the amendments to the respective boards and commissions as noted below:

1. Airport Advisory Commission (AAC): 8/24/2017
2. Board of Economic Development (BED): 9/5/2017
3. Parks, Recreation and Cultural Advisory Board (PRCRAB): 9/7/2017
4. Planning & Zoning Commission (PZC): 8/17/2017

At each board and commission meeting, the general comments were positive to the direction the amendments were heading and additional suggestions were provided.

The attached ordinance reflects changes to PMC Chapter 2.18 Boards and Commissions Generally amending the term of office and month of chair and vice chair appointments. It is suggested to change the terms of office from November 1-October 31 to January 1-December 31. In addition to the change in the term dates, language reflections that during the transition to the new terms, the current member would remain in their seat until a successor is appointed. If the term of office changes to a calendar year, there would be an immediate effect on all members. Their terms would extend by two months to end December 31 of the respective year of their current term. The Clerk’s Office would advertise terms for new appointments to end December 31, 2022. The new terms would be:

Member	Current Term Expires	New Term Expires
Term A	October 31, 2019	December 31, 2019
Term B	October 31, 2020	December 31, 2020
Term C	October 31, 2021	December 31, 2021

Administration’s Recommendation:

Adopt Ordinance No. 19-008 Amending Palmer Municipal Code Chapter 2.18 Pertaining to Boards and Commissions Generally.

LEGISLATIVE HISTORY

Introduced by: Mayor via City Clerk
Date: May 14, 2019
Public Hearing: May 28, 2019
Action:
Vote:

Yes:	No:

CITY OF PALMER, ALASKA

Ordinance No. 19-008

An Ordinance of the Palmer City Council Amending Palmer Municipal Code Chapter 2.18 Pertaining to Boards and Commissions Generally

WHEREAS, the City Council adopted Ordinance No. 15-019, which enacted the Boards and Commission Generally chapter; and

WHEREAS, the City Council recognizes the continued value the boards and commissions brings to the Palmer community and wishes to provide clear guidance to the boards and commissions through the Palmer Municipal Code (PMC); and

WHEREAS, the City Council periodically considers code amendments to assist in providing clear guidance.

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 Chapter 2.18 is hereby amended to read as follows (new language is underlined, and deleted language is ~~stricken~~):

**Chapter 2.18
BOARDS AND COMMISSIONS GENERALLY**

Sections:

- 2.18.010 Board and commission creation.
- 2.18.020 Member appointment.
- 2.18.030 Membership terms.
- 2.18.040 Officers.
- 2.18.050 Board or commission termination.

2.18.010 Board and commission creation.

All boards and commissions shall be established by ordinance of the city council.

2.18.020 Member appointment.

- A. Members shall be nominated by the mayor and confirmed by the council.
- B. Mayoral nomination and council confirmation may occur anytime there is a vacancy.

2.18.030 Membership terms.

- A. The term of each appointed member shall be three years;
- B. ~~The three-year terms are calculated as: term beginning date: November 1st, and term ending date: October 31st shall commence on January 1 and end December 31 or until a successor is appointed and qualified;~~
- C. Terms shall be staggered by the appointment of initial members for lesser terms so that as nearly as possible a pro rata number of members are appointed each year;
- D. A person appointed to fill a vacancy shall serve the remainder of the previous member's term.

2.18.040 Officers.

- A. Each board or commission shall have a chair and vice chair.
- B. The chair and vice chair are selected and appointed from and by the appointive members during the first regular meeting of ~~November~~ each calendar year. ~~If the meeting is not held, the selection and appointment shall occur at the next meeting.~~
- C. If a chair or vice chair vacancy occurs, the appointive members shall select a new chair or vice chair during the next regular meeting following the vacancy.

2.18.050 Board or commission termination.

The council may terminate a board or commission in the same manner as it was created.

Section 4. Effective Date. Ordinance No. 19-008 shall take effect upon adoption by the city of Palmer City Council.

Passed and approved this ____ day of _____, 2019.

Edna B. DeVries, Mayor

Norma I. Alley, MMC, City Clerk

**City of Palmer
Ordinance No. 19-009**

Subject: Amending Palmer Municipal Code Chapter 2.30 Pertaining to Board of Economic Development

Agenda of: May 14, 2019 – Introduction
May 28, 2019 – Public Hearing

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

Originator Information:

Originator: Norma I. Alley, City Clerk

Department Review:

Route to:	Department Director:	Signature:	Date:
<u> X </u>	Community Development	<u><i>Bradley Han</i></u>	_____
_____	Finance	_____	_____
_____	Fire	_____	_____
_____	Police	_____	_____
_____	Public Works	_____	_____

Approved for Presentation By:

	Signature:	Remarks:
City Manager	<u><i>Mark Galka</i></u>	_____
City Attorney	<u><i>[Signature]</i></u>	_____
City Clerk	<u><i>Norma I. Alley</i></u>	_____

Certification of Funds:

Total amount of funds listed in this legislation: \$ 0.00

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: *[Signature]*

Attachment(s):

- Ordinance No. 19-009

Summary Statement/Background:

The City Council requested the Palmer Municipal Code (PMC) be reviewed regarding the boards and commissions for potential revisions. On August 8, 2017, the city clerk brought forward Information Memorandum No. 17-016 to the City Council for discussion on potential PMC amendments regarding all the boards and commissions. The City Council convened a Committee of the Whole and provided valuable direction for amendments and requested each of the boards and commissions be presented with the potential amendments for an opportunity to provide their input.

The city clerk drafted potential amendments and presented them to the respective boards and commissions as noted below:

1. Airport Advisory Commission (AAC): 8/24/2017
2. Board of Economic Development (BED): 9/5/2017
3. Parks, Recreation and Cultural Advisory Board (PRCRAB): 9/7/2017
4. Planning & Zoning Commission (PZC): 8/17/2017

At each board and commission meeting, the general comments were positive to the direction the amendments were heading and additional suggestions were provided.

The City Council held a joint meeting with the BED on February 5, 2019, and consensus was met to move forward with amending the PMC, specifically pertaining to membership.

The attached ordinance reflects all changes to PMC Chapter 2.30 BED as provided at the above mentioned meetings.

Administration's Recommendation:

Adopt Ordinance No. 19-009 Amending Palmer Municipal Code Chapter 2.30 Pertaining to Board of Economic Development.

LEGISLATIVE HISTORY

Introduced by: Mayor via City Clerk
Date: May 14, 2019
Public Hearing: May 28, 2019
Action:
Vote:

Yes:	No:

CITY OF PALMER, ALASKA

Ordinance No. 19-009

An Ordinance of the Palmer City Council Amending Palmer Municipal Code Chapter 2.30 Pertaining to Board of Economic Development

WHEREAS, the City Council adopted Ordinance No. 08-004, which enacted the Board of Economic Development (BED); and

WHEREAS, the City Council recognizes the continued value the BED brings to the Palmer community and wishes to provide clear guidance to the BED through the Palmer Municipal Code (PMC); and

WHEREAS, the City Council periodically considers code amendments to assist in providing clear guidance; and

WHEREAS, the City Council adopted code amendments to Chapter 2.30 through Ordinance Numbers 08-019, 10-007, 11-001, 14-008, 14-010, 14-016, and 15-019.

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 Chapter 2.30 is hereby amended to read as follows (new language is underlined, and deleted language is ~~stricken~~):

**Chapter 2.30
BOARD OF ECONOMIC DEVELOPMENT**

Sections:

- 2.30.005 Purpose.
- 2.30.010 Creation.
- 2.30.020 Duties.
- 2.30.040 Compensation.
- 2.30.050 Staff assistance to board.

- 2.30.060 Quorum.
- 2.30.070 Board chair.
- 2.30.080 Meetings.
- 2.30.090 Public meeting notification.
- 2.30.100 Meetings – Rules of proceedings.
- 2.30.110 Audience participation.
- 2.30.120 Agenda and agenda packets.
- 2.30.125 Order of business.
- 2.30.130 Voting.
- 2.30.140 Cause for removal.
- 2.30.150 Conflict of interest.

2.30.005 Purpose.

A. The purpose of the city of Palmer board of economic development is to develop a policy for the city of Palmer economic development plan based upon city council consideration. The plan is a statement of goals and objectives to guide the city in its provision of long-term, permanent employment opportunities, enhancement of the quality of life for city residents, highest and best land use, and maximum development of natural resources. The plan will describe the economic condition of the city and identify potential economic development areas.

B. The board shall also advise the city council on economic development issues.

2.30.010 Creation.

A. There is created a city board of economic development which shall consist of seven members.

B. Membership should include a varied representation ~~from the following categories~~ such as, ~~including but not limited to:~~ business, tourism, industry, education, finance, health care and the general public interest.

C. ~~Members are not required to be city residents.~~ By 2022, at least two members shall reside within city limits.

~~D. A member of the city council and representative from the planning and zoning commission shall serve as ex officio members of the board, but shall have no vote.~~

2.30.020 Duties.

The board shall:

- A. Prepare a city of Palmer economic development plan.
 - 1. The plan shall be updated ~~bi-annually~~ and submitted to the council for consideration.
 - 2. The economic development plan and strategy shall be consistent with the city council policies and the city’s comprehensive plan.
 - 3. The major components of the plan are:
 - a. Factual data to assure that city residents understand the current development situation as a base upon which to make decisions;
 - b. Identification of community visions and potentials (such as resources or location) that can be the basis for economic development;
 - c. Establishment of goals and intermediate objectives to point the direction of development activities, and upon which to measure progress toward satisfying long-term goals;
 - d. A strategy for development – an implementation plan of activities necessary to accomplish the city’s stated goals and objectives.

4. The plan shall encourage activities that:
 - a. Provide long-term benefits, quality of life, increased efficiencies and economies in public service, and increased permanent private sector employment to the residents of the city by strengthening and diversifying the present economic bases and encouraging and supporting new activities;
 - b. Have positive effects on the revenue and fiscal conditions of the city and do not impose burdensome costs to the taxpayer in excess of their positive effects.
5. The plan must recognize and support the city council's policy statement that government does not produce wealth but instead supports the private sector's efforts to advance and promote commerce.

B. Provide for research, public input, collect, analyze and disseminate information to the city council to evaluate economic development opportunities and strategies.

C. Identify impediments to economic development in the city of Palmer area imposed by all influences, such as government at all levels, and lack of transportation and energy systems necessary to support business and industry.

2.30.040 Compensation.

A. Each board member shall receive \$50.00 per regular and special meeting attended in person or by teleconference.

B. A ~~commission~~ board member may decline compensation by completing the form required as provided by the city clerk.

2.30.050 Staff assistance to board.

~~The city manager or designee shall serve as staff to the board. The city manager or designee shall be the regular technical adviser of the board and may also be designated its executive secretary, but shall not have the power to vote.~~

A. The city manager, or designee, shall assist the board and will be the regular technical advisor of the board, but shall not have the power to vote.

B. City staff shall provide a recording clerk to the board. The recording clerk shall keep a record of board proceedings.

2.30.060 Quorum.

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.

2.30.070 Board chair.

A. The chair shall preside at all board meetings and may participate in the debate and vote on any matter.

B. In the ~~temporary absence or disability~~ of the chair, the vice chair shall exercise all the powers of chair ~~during the temporary absence or disability of the chair.~~

2.30.080 Meetings.

A. Public Participation. All meetings are open to the public and ~~shall be electronically recorded.~~ The public shall have the reasonable opportunity to be heard.

B. Regular Meetings. Regular board meetings shall be held at least quarterly on the first Monday of the month beginning at 7:00 p.m. in the city council chambers, unless otherwise designated by the board.

C. Special Meetings. A special board meeting may be held at the call of the chair, any two members of the board, or the city manager. No business shall be transacted at any special meeting except that which is specifically stated in the meeting notice.

~~D. Attendance and participation at meetings by board members may be by teleconferencing. Materials that are to be considered at the meeting shall be made available at teleconference locations if practicable. The vote at a meeting held by teleconference shall be taken by roll call. The presiding officer shall not preside over the meeting when participating by teleconference.~~

D. Teleconferencing.

1. A board member who will be absent from a meeting may participate in and vote at the meeting by teleconference under the following circumstances:

a. Reasonable technical capabilities are available at the meeting location to allow the member to participate by teleconference, to include being able to hear and engage in discussion, and being audible to all persons participating in the meeting;

b. Prior to the meeting reasonable efforts are made to ensure that the member participating by teleconference is provided with the meeting agenda and other pertinent documents to be discussed and/or acted upon. Access to the agenda and documents from the city's website will be considered sufficient access; and

c. All votes taken at the meeting are by roll call.

2. Board members may not use teleconferencing as a regular form of participating in meetings.

3. Board members shall provide the chair and board's technical advisor with at least twenty-four (24) hours' notice of their intent to participate in a meeting via teleconference and provide sufficient contact information for purposes of setting up the teleconference; unless another length of time for notice is agreed upon by the board's technical advisor.

4. Board members are responsible for any charges incurred due to their participation in a meeting via teleconference.

5. The chair may participate in meetings by teleconference but shall not act as presiding officer of the meeting.

E. Adjournment. The board shall adjourn not later than 10:00 p.m. and may not reconvene any earlier than 9:00 a.m. the next day. However, by two-thirds consent of the board the meeting may be extended for up to one hour, at which time adjournment is mandatory.

F. Minutes. Minutes shall be kept of the board's proceedings. The minutes shall record the vote of each member upon every question. Every decision or finding shall immediately be filed in the city clerk's office and shall be a public record open to inspection by any person. Minutes shall be kept in accordance with best practices to ensure permanent retention of the record of proceedings and maintained in accordance with applicable local and state laws.

G. Report to the Council. The board shall report ~~quarterly~~ at least biannually to the city council on board objectives and performance.

2.30.090 Public meeting notification.

A. All public notices must include the date, time and place of a meeting, ~~and if the meeting is by teleconference, the location of the teleconferencing facilities that will be used.~~

B. Regular Meeting. Public meeting notification shall be by means of ~~posting~~ publishing the agenda on the city's website ~~and by publishing the agenda for a regular meeting~~ five days prior to the a regular meeting.

C. Special Meeting. Public meeting notification shall be by means of ~~posting~~ publishing the agenda on the city's website ~~and by publishing the agenda for a regular meeting~~ five days prior to the a special meeting.

2.30.100 Meetings – Rules of proceedings.

Meetings shall be conducted under the current edition of Robert's Rules of Order, Newly Revised Edition.

2.30.110 Audience participation.

All presentations to the board shall be limited to three minutes per person, five minutes per group and also limited to a total time of not more than 30 minutes, unless the limitations are enumerable, in which case the presiding officer may set reasonable limits.

2.30.120 Agenda and agenda packets.

A. The agenda for each meeting shall be prepared by the city manager, or designee, after consultation with the chair. The agenda shall include any discussion item requested in writing and signed by the chair or two board members. The request shall be made to allow the timeframes of PMC 2.30.090.

B. The city manager, or designee, shall attempt to notify each board member at least 48 hours prior to a regular meeting. Notification shall be by means of a packet including information on the time and place of meeting and the agenda. Whenever practicable, minutes of the previous meeting and other background material pertinent to the agenda shall be included in the packet.

2.30.125 Order of business.

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

- A. Call to order;
- B. Roll call;
- C. Pledge of allegiance;
- D. Approval of agenda;
- E. Approval of mMinutes of previous meetings;
- F. Reports
- ~~F~~G. Audience participation;
- ~~G~~H. Unfinished business;
- ~~H~~I. New business;
- ~~I~~J. Board member comments;
- ~~J~~K. Adjournment.

2.30.130 Voting.

A. The chair shall declare all votes; but if any member doubts a vote, the chair, without further debate upon the question, shall request a roll call vote and the chair shall declare the result.

B. The vote upon all matters considered by the board shall be taken by yes/yea or no/nay votes which shall be entered into the record, except that when the vote is unanimous, it shall be necessary only to so state.

C. Every member present shall vote, unless the member is recused due to a declaration of conflict of interest as stated in section 2.30.150 ~~chair excuses the member because of substantial financial interest and the board does not override the chair's action. Declarations to be excused must be made before the vote, and shall be decided without debate.~~

D. The affirmative vote of at least four members shall be required for official action of the board.

2.30.140 Cause for removal.

A. A board seat shall become vacant upon the occurrence of any of the following:

1. Expiration of the term of office;
2. Death of the board member;
3. Resignation approved by the council;
4. Ceasing to possess the required eligibility qualifications to be a board member;
5. Conviction of a felony involving moral turpitude ~~or an offense involving a violation of an oath of office;~~
6. Judicial determination that the board member is of unsound mind;
7. ~~Failure to take an oath of office within 30 days of appointment to office or with such shorter time between appointment and the date of the board member's first board meeting; and~~
7. No longer physically resides in the city if it was a requirement of a member's appointment;
- and
8. Other just cause for removal, as determined by a majority vote of the city council.

B. In addition, a board member may be removed by the council if, during any 12-month period while in office:

1. The board member is absent from three ~~regular~~ meetings without excuse; or
2. The board member is absent from six ~~regular~~ meetings.
3. Absence from a meeting for good and sufficient cause shall be provided to the chair and board's technical advisor prior to the meeting. The board will determine if the good or sufficient absence is considered excused or unexcused by means of consent of the board. The absence will be presumed unexcused if notification of the absence is not received prior to the meeting.

2.30.150 Conflict of interest.

A. A board member shall declare a substantial financial interest the member has in an official action prior to discussion and vote on the matter.

AB. The chair shall rule on the request to be excused from discussion and vote;

BC. The decision of the chair on the request may be overridden by a majority vote of the board and shall be decided without debate.

Section 4. Effective Date. Ordinance No. 19-009 shall take effect upon adoption by the city of Palmer City Council.

Passed and approved this _____ day of _____, 2019.

Edna B. DeVries, Mayor

Norma I. Alley, MMC, City Clerk