

Mayor Edna B. DeVries  
Deputy Mayor Linda Combs  
Council Member Richard Best  
Council Member Steve Carrington  
Council Member David Fuller  
Council Member Brad Hanson  
Council Member Pete LaFrance

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

**City of Palmer, Alaska**  
**Regular City Council Meeting**  
**July 25, 2017, at 7 PM**  
City Council Chambers  
231 W. Evergreen Avenue, Palmer  
[www.cityofpalmer.org](http://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. **Action Memorandum No. 17-054:** Approving Commission Member Erick Cordero-Giorgana's Resignation from the Planning & Zoning Commission ..... Page 3
    - b. **Action Memorandum No. 17-055:** Authorizing the City Manager to Enter into a Sole Source Procurement and Execute a Contract with Badger Meter, Inc. for Badger Water Meters and Supplies in the Amount of \$26,052.00 ..... Page 7
    - c. **Action Memorandum No. 17-056:** Authorizing the City Manager to Negotiate and Execute an Assignment of Lease, Acceptance and Assumption of Assignment, Personal Guarantee and Consent to Assignment Agreement with James D. DeNier and The Hangar, LLC for the PMA Lease No. 96-1 on Block 3, Lease Lot 32, Palmer Municipal Airport for the Purpose of Transferring the Lease from Mr. DeNier Back to The Hangar, LLC Following the Payoff of Its Indebtedness to Mr. DeNier ..... Page 11
  - 2. Approval of Minutes of Previous Meetings
    - a. July 11, 2017, Joint City Council and Park, Recreation, and Cultural Resources Advisory Board Meeting ..... Page 17
    - b. July 11, 2017, Regular Meeting ..... Page 21
- E. Communication and Appearance Requests
  - 1. Visitor Center/Museum Director Selena Ortega-Chiolero
- F. Reports
  - 1. City Manager's Report ..... Page 27
  - 2. City Clerk's Report
  - 3. Mayor's Report ..... Page 31
  - 4. City Attorney's Report
- G. Audience Participation
- H. Public Hearing
  - 1. **Ordinance No. 17-011:** Amending the City of Palmer Municipal Code Chapter 5.04 Business Licenses Regarding Landlords ..... Page 33
- I. New Business

- 1. Committee of the Whole to Discuss Mid-Year Budget Review (note: action may be taken by the council following the committee of the whole)
- J. Record of Items Placed on the Table
- K. Audience Participation
- L. Council Member Comments
- M. Adjournment

### Tentative 2017 Palmer City Council Meetings

Meeting Date	Meeting Type	Time	Notes
<b>Aug 8</b>	Regular	7 pm	
<b>Aug 22</b>	Regular	7 pm	
<b>Sept 12</b>	Regular	7 pm	
<b>Sept 26</b>	Regular	7 pm	
<b>Oct 9</b>	Special	6 pm	Election Certification
<b>Oct 10</b>	Regular	7 pm	
<b>Oct 17</b>	Special	6 pm	2018 Budget
<b>Oct 24</b>	Special	6 pm	2018 Budget
<b>Oct 24</b>	Regular	7 pm	

**City of Palmer  
Action Memorandum No. 17-054**

**Subject:** Approving Commission Member Erick Cordero-Giorgana's Resignation from the Planning & Zoning Commission

**Agenda of:** July 25, 2017

**Council Action:**     **Approved**                     **Amended:** \_\_\_\_\_  
                                   **Denied**

**Originator Information:**

**Originator:**    Mayor Devries – via City Clerk

**Department Review:**

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

**Approved for Presentation By:**

	<b>Signature:</b>	<b>Remarks:</b>
City Manager	_____	_____
City Attorney	_____	_____
City Clerk	_____	_____

**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: \_\_\_\_\_

**Attachment(s):**

- Resignation Notice

**Summary Statement:**

Palmer Municipal Code 2.20.321 requires the council to approve resignations by members of the Planning and Zoning Commission.

Mr. Erick Cordero-Giogana has submitted his resignation effective July 6, 2017.

The Clerk's Office will begin the advertising process to fill the vacancy created by the resignation and will forward applications to the Mayor for nomination and to the council for confirmation.

## Norma Alley

---

**From:** Edna DeVries  
**Sent:** Thursday, July 06, 2017 10:53 AM  
**To:** Erick Cordero Giorgana  
**Cc:** Norma Alley; Nathan Wallace  
**Subject:** Re: [EXTERNAL]Planning and Zoning

It is with deep regret that I accept your resignation but I understand and that you are being mature in making this decision. Thanks for all that you do and did for our community. Blessings.

Sent from my iPhone

> On Jul 6, 2017, at 10:25 AM, Erick Cordero Giorgana <erickcorderoak@outlook.com> wrote:

>

> Dear Mayor DeVries,

>

> I have not been able to fully participate as a member of the commission and I am about to get busy with a new project and, God willing, will be back in Juneau in a few months.

>

> I am writing to resign effective today. Please know that I am extremely grateful for your appointment and feel bad I was not able to be more active

>

> Thank you.

>

> Erick Cordero Giorgana

> (907) 982-0353



**City of Palmer  
Action Memorandum No. 17-055**

**Subject:** Authorizing the City Manager to Enter into a Sole Source Procurement and Execute a Contract with Badger Meter, Inc. for Badger Water Meters and Supplies in the Amount of \$26,052.00

**Agenda of:** July 25, 2017

**Council Action:**     **Approved**                       **Amended:** \_\_\_\_\_  
                                   **Denied**

**Originator Information:**

**Originator:**    Chris Nall, Director of Public Works

**Department Review:**

Route to:	Department Director:	Signature:	Date:
_____	Community Development	_____	_____
✓	Finance	<u><i>[Signature]</i></u>	07/07/2017
_____	Fire	_____	_____
_____	Police	_____	_____
✓	Public Works	<u><i>[Signature]</i></u>	07/06/2017

**Approved for Presentation By:**

	Signature:	Remarks:
City Manager	<u><i>[Signature]</i></u>	_____
City Attorney	<u><i>[Signature]</i></u>	_____
City Clerk	<u><i>[Signature]</i></u>	_____

**Certification of Funds:**

Total amount of funds listed in this legislation:    \$ 26,052.00

This legislation (✓):

- Creates revenue in the amount of:                      \$ \_\_\_\_\_
- Creates expenditure in the amount of:                      \$ 26,052.00
- Creates a saving in the amount of:                      \$ \_\_\_\_\_
- Has no fiscal impact

Funds are (✓):

- Budgeted                      Line item(s): 02-01-10-6053
- Not budgeted                      \_\_\_\_\_

Director of Finance Signature: *[Signature]*

**Attachment(s):**

- Badger Meter Quote – June 2017

**Summary Statement:**

This AM requests approval to purchase new repair parts to rebuild meters, meter heads, and new meters from Badger Meter, Inc.

PMC 3.21.230 allows for governmental and proprietary purchases.

The City has approximately 2,100 Badger water meters in service throughout Palmer. On an annual basis, the City purchases water meters and accessories from Badger Meter, Inc. to issue to new customers and replace old, failing meters.

Limiting the source of water meters and meter parts to Badger Meter, Inc. to maintain a consistent inventory of meter equipment and to ensure water meters are compatible with meter reading equipment allows the water department to work more effectively and efficiently.

The Department of Public Works budgets annually for the maintenance and replacement of water meters and system components.

**Administration's Recommendation:**

To approve Action Memorandum No. 17-055 Authorizing the City Manager to Enter into a Sole Source Procurement and Execute a Contract with Badger, Meter, Inc. for Badger Water Meters and Supplies.







# QUOTATION

**7220 South Fraser Street  
Centennial, CO 80112  
Phone: 303.339.9100  
Fax: 303.649.1017**

**DATE:** June 15, 2017  
**QUOTED BY:** Charla Dury  
**CUSTOMER EMAIL:** [rpittnam@palmerak.org](mailto:rpittnam@palmerak.org)

**BILL TO:** City of Palmer  
231 W Evergreen  
Palmer, AK 99645-6952

**SHIP TO:** City of Palmer  
231 W Evergreen  
Palmer, AK 99645-6952

SALESPERSON	PAYMENT TERMS	SHIPPING METHOD	SHIPPING TERMS	SUBJECT TO REVIEW
Jimmy Terry	Net 30 Days	Best Way	FOB Centennial, CO.	12/31/2017

QTY	Product Description	UNIT PRICE	AMOUNT
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**Standard Terms & Conditions**

**1. Terms**

Terms are cash in advance, except where satisfactory credit is established in which case terms are net thirty (30) days from date of invoice. National Meter reserves the right to revoke any credit extended at National Meter's sole discretion. Customer agrees to pay such invoices when due regardless of other scheduled deliveries. Interest may be charged at the rate of 18% per year (but not more than the highest rate permitted by applicable law) on accounts more than 30 days past due. Customer agrees to pay all costs of collection, including reasonable attorneys' fees, on all past due accounts. Invoices may be submitted as partial shipments are made. If the financial condition of the customer does not justify the terms of payment specified, National Meter may demand full or partial payment in advance before proceeding with fulfilling and shipping an order. If shipment is delayed beyond the scheduled date by customer, payment shall be due in full when National Meter is prepared to make the shipment. If customer defaults in any payment when due, then the whole invoice shall immediately become due and payable upon demand, or National Meter, at its option without prejudice to other lawful remedies, may defer delivery or cancel the order. If delivery is deferred, the ordered goods may be stored as follows. If the ordered goods are not shipped within 15 days after notification to Customer that they are ready for shipping, for any reason beyond National Meter's reasonable control, including Customer's failure to give shipping instructions, National Meter may store such ordered goods at Customer's risk in a warehouse or yard or upon National Meter's premises, and Customer shall pay all handling, transportation and storage costs at the prevailing commercial rates upon submission of invoices therefor.

**2. Freight**

All shipments of the products will be made F.O.B. point of shipment, FULL FREIGHT ALLOWED for customer Purchase Orders of \$15,000 or more by the shipping method National Meter deems most advantageous. Orders for LESS THAN \$15,000 will be PREPAID AND CHARGED to the customer, F.O.B. point of shipment by the method National Meter deems most advantageous unless means of shipment otherwise are specified by the customer. Transportation and insurance charges, expenses and costs will be collected, or, if prepaid, will be invoiced to Customer and we are not included in the prices shown unless otherwise provided for by National Meter in writing. Risk of loss or damage to the Products shall automatically pass to Customer when Products are placed with a common carrier for shipment to Customer's location. To be eligible for credit against defective shipments, Customer must report any errors in any defective package immediately upon receipt to National Meter ALL Freight Claims for material damage in shipment are to be filed with freight carrier by the customer.

**3. Returns**

Any products to be returned must be pre-approved and evidenced by a copy of a Return Authorization issued by National Meter. All product returned due to Customer order errors will be subject to a 25% RESTOCK CHARGE plus all freight charges and must be returned within 90 days after invoice. All products must be in new condition and in original packaging. All products to be returned due to defects will be returned to the manufacturer for inspection before credit will be approved. Manufacturer will provide shipping instructions and their Return Authorization numbers before material can be returned.

**4. Right to Substitute**

Badger Meter continues to improve and redesign our products to provide our customers with state-of-the-art technology solutions. Therefore, Badger Meter reserves the right to provide our newest product solutions as an alternative to the proposed products, provided the replacement products meet the following requirements: are substantially similar to and are at least of equal quality and performance to, are in conformance with the requirements in the applicable specifications, meet the actual needs or are otherwise suitable for the intended use, and are priced at an amount that does not exceed the price of the quoted products.

The RTR has been a very reliable and useful product in the utility industry for several years. Badger Meter is focused on improving and updating our products and keeping up with utility demands. The new line of high resolution encoders provide more information in greater detail than the RTR. For this reason, Badger Meter will be discontinuing production of the RTR by the end of 2016. We reserve the right to substitute the RTR with a HRE or HRE ELCD encoder based on the customer's choice

**5. Certified Test**

Badger Meter provides certification files to help manage meter and endpoint inventory and to maintain meter accuracy data. The standard method of delivery for this format is via electronic mail. Any deviations from our standard format, or any custom file formats, will be considered on a time and material basis. Please contact your Account Manager if you require more information.

**6. Beacon**

At the beginning of each new contract period, Badger Meter reserves the right to increase the subscription fee price no greater than the increase in the Producers Price Index for Totalizing Fluid Meters and Counting Devices as reported by the U.S. Department of Labor. The date of the previous contract shall be used to determine the base index.

**City of Palmer  
Action Memorandum No. 17-056**

**Subject:** Authorizing the City Manager to Negotiate and Execute an Assignment of Lease, Acceptance and Assumption of Assignment, Personal Guarantee and Consent to Assignment Agreement with James D. DeNier and The Hangar, LLC for the PMA Lease No. 96-1 on Block 3, Lease Lot 32, Palmer Municipal Airport for the Purpose of Transferring the Lease from Mr. DeNier Back to The Hangar, LLC Following the Payoff of Its Indebtedness to Mr. DeNier


**Agenda of:** July 25, 2017

**Council Action:**     **Approved**                       **Amended:** \_\_\_\_\_  
                                   **Denied**




**Originator Information:**

**Originator:**    Frank J. Kelly, Airport Superintendent

**Department Review:**

Route to:	Department Director:	Signature:	Date:
_____	Community Development	_____	_____
<u>X</u>	Finance		<u>7/6/17</u>
_____	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:    \$ **2,159.99**

This legislation (√):

<input checked="" type="checkbox"/>	Creates revenue in the amount of:	\$ <u>\$2,159.99</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>03-00-00-3431 Airport Land Leases</u>
<input type="checkbox"/>	Not budgeted	_____

Director of Finance Signature: 

**Attachment(s):**

- Assignment, Acceptance & Assumption, Personal Guarantee & Consent of Assignment of Lease Agreement 96-1

**Summary Statement:**

Through their mutual council of Mr. Stuart Rader, Mr. James Denier and The Hangar LLC have requested that the City of Palmer consent to the re-assignment of PMA Lease 96-1 back to the Hangar LLC. This was originally assigned to The Hangar LLC in 2002 and then re-assigned to Mr. DeNier in 2004, ostensible to secure an indebtedness of The Hangar LLC to Mr. DeNier in the amount of \$256K. In March of 2016, Mr. DeNier executed a "Release of Security Agreement and Reassignment of Lease" to The Hangar LLC. Unfortunately, the transaction was not conducted in a manner that met the needs of the underlying documents or conformed in such a way that the City could offer its consent.

Since the middle of last summer, the City has been working with Mr. Rader and advising him of what actions will be needed for the City to consent to this reassignment back to the Hangar LLC. Those action steps were outlined in the Memo dated July 7, 2016 to the City Manager. Mr. Rader and his clients are now prepared to move the transaction forward as outlined.

**Administration's Recommendation:**

To approve Action Memorandum No. 17-056 for approval to execute a Consent to Assignment of Lease Agreement 96-1 back to The Hangar, LLC.

**INSTRUMENT REGARDING ASSIGNMENT**  
**OF CITY OF PALMER AIRPORT LEASE AGREEMENT 96-1**

This instrument pertains to City of Palmer Airport Lease 96-1. This instrument contains: (1) Assignment of Lease, (2) Acceptance and Assumption of Assignment, (3) Personal Guarantee, and (4) Consent to Assignment.

**ASSIGNMENT OF LEASE**

For value received, James D. DeNier (herein "Assignor"), whose address is 470 Burnett Haul Road, Durango, Colorado 81301, hereby assigns unto The Hangar, L.L.C., an Alaska limited liability company (herein "Assignee"), whose address is P.O. Box 109, Chitina, Alaska 99566, all of Assignor's right, title and interest in and to that certain Lease Agreement No. 96-1, dated May 21, 1996, between The Hangar, L.L.C., as Lessee, and the City of Palmer, as Lessor. Assignee and Assignee's guarantors remain liable to the Lessor under the Lease Agreement, even after this Assignment. Assignor and Assignor's guarantor are hereby specifically released from all liability to the Lessor under the Lease Agreement.

Assignor hereby represents, warrants and certifies to the City of Palmer that all Assignor's/Lessee's duties under the Lease Agreement have been completely and fully fulfilled, to include without limitation the payment of taxes and the obtaining of adequate insurance (proof of which Assignee will provide the City of Palmer).

ASSIGNOR:

Date: \_\_\_\_\_

\_\_\_\_\_  
James D. DeNier

STATE OF COLORADO            )  
  )ss.  
COUNTY OF LA PLATA         )

The foregoing instrument was acknowledged before me  
this \_\_\_\_ day of \_\_\_\_\_, 201\_\_, by James D. DeNier.

\_\_\_\_\_  
Notary Public for Colorado  
My Commission expires:\_\_\_\_\_

**ACCEPTANCE AND ASSUMPTION OF ASSIGNMENT**

The Hangar, L.L.C., an Alaska limited liability  
company, hereby (1) acknowledges and accepts the foregoing  
Assignment, (2) re-assumes all of the obligations contained in  
said Lease Agreement, and (3) agrees to be bound by all the  
terms and conditions of said Lease Agreement.

ASSIGNEE: The Hangar, L.L.C.

Date: \_\_\_\_\_

\_\_\_\_\_  
Donna E. Claus, Manager

STATE OF ALASKA            )  
  )ss.  
THIRD JUDICIAL DISTRICT    )

The foregoing instrument was acknowledged before me  
this \_\_\_\_ day of \_\_\_\_\_, 201\_\_, by Donna E. Claus,  
the Manager of The Hangar, L.L.C., an Alaska limited liability  
company, on behalf of the limited liability company.

\_\_\_\_\_  
Notary Public for Alaska  
My Commission expires:\_\_\_\_\_

**PERSONAL GUARANTEE**

In consideration of the Consent to Assignment by the City of Palmer, and other good and valuable consideration in hand paid, the undersigned personally guarantee to the City of Palmer the performance by Ultima Thule, Inc. and its officers, directors and shareholders, Donna E. Claus, Eleanor F. Claus and Paul E. Claus of all the terms and conditions of Lease 96-1, in the event of a default by The Hangar, L.L.C.

ULTIMA THULE, INC.

Date: \_\_\_\_\_

\_\_\_\_\_  
By: Donna E. Claus  
Its: President

Date: \_\_\_\_\_

\_\_\_\_\_  
Eleanor F. Claus  
Individually

Date: \_\_\_\_\_

\_\_\_\_\_  
Donna E. Claus  
Individually

Date: \_\_\_\_\_

\_\_\_\_\_  
Paul E. Claus  
Individually

**CONSENT TO ASSIGNMENT**

In consideration of and in reliance upon the above assumption, promises and guarantees contained in this instrument, the City of Palmer hereby consents to the foregoing Assignment of Lease Agreement 96-1; provided, however, no person owing unmodified duties to the City under the Lease Agreement is released from said duties.

CITY OF PALMER

Date: \_\_\_\_\_

\_\_\_\_\_  
Nathan Wallace, City Manager

STATE OF ALASKA                    )  
  )ss.  
THIRD JUDICIAL DISTRICT        )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 201\_\_, by Nathan Wallace, City Manager for the City of Palmer, an Alaska municipal corporation, on behalf of the municipal corporation.

\_\_\_\_\_  
Notary Public for Alaska  
My Commission expires: \_\_\_\_\_



Special Joint Parks, Recreation, & Cultural  
Resources Advisory Board Meeting  
July 11, 2017

**A. CALL TO ORDER**

A special meeting of the Joint Parks, Recreation, & Cultural Advisory Board and the Palmer City Council was held on July 11, 2017, at 6:00 pm 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:

Edna DeVries, Mayor	Linda Combs, Deputy Mayor
Richard Best	Steve Carrington
David Fuller	Brad Hanson

Council Member LaFrance was absent and excused.

Comprising a quorum of the Parks, Recreation, & Cultural Resources Advisory Board, the following were present:

Meggie Aube-Trammel – Chair	Jan Newman – Vice Chair
Stephanie Allen	Shannon Connely
Jo Ehrman	Dot Helm

Board Member Fran Seager-Boss was absent and unexcused.

Also in attendance were the following:

Nathan Wallace, City Manager	Norma I. Alley, MMC, City Clerk
Michael Gatti, City Attorney	Bernadette Packa, CMC, Deputy City Clerk

**C. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Parks, Recreation, & Cultural Resources Advisory Board Chair Meggie Aube-Trammel.

**D. APPROVAL OF AGENDA**

**Main Motion: To Approve the Agenda**

Moved by:	Combs
Seconded by:	Fuller
Action:	Motion carried unanimously by all members present
In favor:	Best, Carrington, Combs, DeVries, Fuller Hanson
Opposed:	None

**Main Motion: To Approve the Agenda**

Moved by:	Newman
Seconded by:	Allen
Action:	Motion carried unanimously by all members present
In favor:	Allen, Aube-Trammel, Connelly, Ehmann, Helm, Newman
Opposed:	None

**E. AUDIENCE PARTICIPATION**

**F. NEW BUSINESS**

**Item 1** – Committee of the Whole (note: action may be taken by the council following the committee of the whole)

- a. Connecting Trails and Walkability
- b. Projects that Enhance Palmer’s History
- c. Arts and Cultural Projects
- d. Parks

**Main Motion: To Enter into a Committee of the Whole to Discuss Connecting Trails and Walkability, Projects that Enhance Palmer’s History, Arts and Cultural Projects, and Parks**

Moved by:	Combs
Seconded by:	Fuller
Action:	Motion carried unanimously by all members present
In favor:	Best, Carrington, Combs, DeVries, Fuller Hanson
Opposed:	None

**Main Motion: To Enter into a Committee of the Whole to Discuss Connecting Trails and Walkability, Projects that Enhance Palmer’s History, Arts and Cultural Projects, and Parks**

Moved by:	Newman
Seconded by:	Connelly
Action:	Motion carried unanimously by all members present
In favor:	Allen, Aube-Trammel, Connelly, Ehmann, Helm, Newman
Opposed:	None

Topics of discussion and ideas presented included:

- Completing recommendations made following the Bike Study completed by Peter LaFrance;
- Improving bikeability, including more bike racks in the downtown area;
- Installing crosswalks throughout the city, and connecting sidewalks in order to improve walkability;
- Combining art and culture in parks and trails;
- Establishing awareness of existing trails, assets, and resources;
- Increasing awareness of existing parks;
- Maintenance and improvements to existing parks;
- Completing the Safe Routes to School paths and trails;
- Incorporating Palmer’s agricultural element into its trails;
- Promotion of Historic Farms in the area;
- Promoting enhancement of the Arboretum;
- Applying for a National Historic Landmark Designation;

Recommendations included:

- Reviewing the Urban Revitalization Trails Plan for improving connectability;

- Improving the Quad area by compensating AARC to remove the chain link fence;
- Completing a survey of existing parks listing repairs needed, upgrades, additional equipment, and the estimated cost for each;
- Using the existing parks survey to identify the areas of greatest need; and
- Identifying areas of town requesting or in need of a park and research funding opportunities.

The Council entered into a Committee of the Whole at 6:05 and exited at 6:44.

## **G. RECORD OF ITEMS PLACED ON THE TABLE**

## **H. COUCNIL AND BOARD MEMBER COMMENTS**

Board Member Ehmann:

- Thanked the Council for listening to what the Board had to say.

Board Member Newman:

- Thanked the Council for direction; and
- Requested clarification on process for getting recommendations processed through the Council.

Mayor Devries provided an overview of the process

Council Member Carrington:

- Expressed interest in a short list of where the City is at in regard to parks, what needs repair, and where development is needed.

Council Member Best:

- Looked forward to the next joint meeting and hearing the Board's recommendations.

Board Member Helm:

- Spoke to an interactive map provided by the Matanuska Borough of City of Palmer parks.

Board Member Allen:

- Thanked the Council for its time; and
- Looked forward to continuing to work together.

Board Member Connelly:

- Expressed appreciation to the Council for providing direction.

Deputy Mayor Combs:

- Expressed appreciation to everyone for attending and sharing their ideas; and
- Thanked the Board Members for being willing to serve.

Council Member Fuller:

- Thanked the Board for coming to the meeting.

Council Member Hanson:

- Addressed the process for following through with recommendations and noted budget time was an excellent time to make requests known;
- Applauded the Board on their number one priority of connectivity of trails and walkability; and
- Spoke to preservation of the quad area.

Board Member Aube-Trammell:

- Thanked everyone for meeting;
- Appreciated feed-back and input from the Council; and
- Looked forward to more dialogue in the future.

Mayor DeVries:

- Thanked the Board and everyone for attending.

## **I. ADJOURNMENT**

With no further business before the Council, the meeting adjourned at 6:53 p.m.

**Approved this 25th day of July, 2017.**

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Norma I. Alley, MMC, City Clerk

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Edna B. DeVries, Mayor

**A. CALL TO ORDER**

A regular meeting of the Palmer City Council was held on July 11, 2017, at 7:00 p.m. in the council chambers, Palmer, Alaska.

Mayor DeVries called the meeting to order at 7:00 p.m.

**B. ROLL CALL**

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

Edna DeVries, Mayor	Linda Combs, Deputy Mayor
Richard Best	Steve Carrington
David Fuller	Brad Hanson

Council Member LaFrance was absent and excused.

Also in attendance were the following:

Nathan Wallace, City Manager	Norma I. Alley, MMC, City Clerk
Michael Gatti, City Attorney	Bernadette Packa, CMC, Deputy City Clerk

**C. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Council Member Hanson.

**D. APPROVAL OF AGENDA**

1. Approval of Consent Agenda
  - a. Introduction of **Ordinance No. 17-011**: Amending the City of Palmer Municipal Code Chapter 5.04 Business Licenses Regarding Landlords
2. Approval of Minutes of Previous Meetings
  - a. June 13, 2017, Regular Meeting

**Main Motion: To Approve Consent Agenda and Minutes**

Moved by:	Best
Seconded by:	Fuller
Action:	Motion carried unanimously by all members present
In favor:	Best, Carrington, Combs, DeVries, Fuller, Hanson
Opposed:	None

**E. COMMUNICATION AND APPEARANCE REQUESTS**

**Item 1** – Planning & Zoning Commission Chair Dan Lucas addressed actions taken by the commission over the last six months including:

- Recommendations for three rezones;
- Review of five platting actions;
- Began an update of Title 17;

- Attendance of a Population Migration Statistics Presentation from the State of Alaska Department of Labor and Work Force Management; and
- Attendance of a Long-Range Transportation Plan presentation by the Mat-Su Borough Planning Department.

Mayor DeVries thanked Chairman Lucas for his work and asked him to extend the Council's appreciation to the Planning & Zoning Commission as well.

## **F. REPORTS**

### **Item 1 – City Manager's Report**

City Manager Nathan Wallace:

- Highlighted his construction report;
- Noted the Open House scheduled for tomorrow night at the Depot to provide an update on the Wastewater Treatment Plant progress;
- Commented on projected sewage rates;
- Confirmed the Dispatch Service was successfully transferred over;
- Spoke to a grant proposal placed with Mat-Su Health Foundation to fund an Opioid Task Force;
- Addressed a letter from Granite concerning their upcoming deadline for water main installation across the Glenn Highway;
- Handed out copies of the Mat-Su Bike Map; and
- Fielded questions from the Council.

### **Item 2 – City Clerk's Report**

City Clerk Norma Alley:

- Highlighted her written report; and
- Noted Senator Murkowski would attend the Chamber Luncheon on August 30, 2017, to be held at the State Fair Grounds.

### **Item 3 – Mayor's Report**

Mayor DeVries:

- Highlighted her written report;
- Commented on the 11 Board and Commission appointments to be made in October;
- Announced the Hatcher Pass Epic Bike Ride to take place August 12, 2017; and
- Commented on the Palmer Pride awards and the number of nominations received.

### **Item 4 – City Attorney's Report**

Michael Gatti:

- Announced having signed Stipulation to Dismiss with Prejudice the Mountain Rose Estates Administrative Appeal; and
- Fielded questions from the Council.

## **G. AUDIENCE PARTICIPATION**

Monica Goyette, Mat-Su Borough School District Superintendent:

- Addressed the need for the proposed Mat-Su Borough sales tax;
- Noted other large boroughs in the state received over a thousand dollars more per student; and
- Strongly encouraged the Council to act in favor of the proposed sales tax.

Eugene Carl Haberman:

- Addressed the borough sales tax resolution and the lack of time provided for public comment before action would be taken by the Council; and
- Encouraged the Council not to take action and hold an additional public hearing at the next meeting.

The Council took a brief recess from 8:15 to 8:25 p.m.

## H. PUBLIC HEARINGS

**Item 1 – Ordinance No. 17-008:** Adopting a City of Palmer Parks, Recreation and Outdoor Facilities Donation Policy (Pending Motion) (3<sup>rd</sup> Public Hearing)

Mayor DeVries opened the public hearing.

Eugene Carl Haberman:

- Spoke to Ordinance No. 17-008-S and noted due to changes to the original document the ordinance should have been re-introduced prior to holding the public hearing.

With no objection from the Council, Mayor DeVries closed the public hearing.

**Main Motion: To Adopt Ordinance No. 17-008 as Amended to Adopt by Substitute Ordinance No. 17-008-S**

Moved by:	Combs
Seconded by:	Fuller
Action:	Motion carried unanimously by all members present
In favor:	Best, Carrington, Combs, DeVries, Fuller, Hanson
Opposed:	None

**Primary Amendment #1: To Correct Format on Item 4.B.**

Moved by:	Best
Seconded by:	Combs
Action:	Motion carried unanimously by all members present
In favor:	Best, Carrington, Combs, DeVries, Fuller, Hanson
Opposed:	None

**Primary Amendment #2: To Amend by Substitute Ordinance No. 17-008-S**

Moved by:	Hanson
Seconded by:	Fuller
Action:	Motion carried unanimously by all members present
In favor:	Best, Carrington, Combs, DeVries, Fuller, Hanson
Opposed:	None

**Primary Amendment #3: To Amend Substitute Ordinance to Include Item 4.B Format Correction**

Moved by:	Hanson
Seconded by:	Fuller
Action:	Motion carried unanimously by all members present
In favor:	Best, Carrington, Combs, DeVries, Fuller, Hanson
Opposed:	None

**Primary Amendment #4: To Remove Items 5.A., B., C., and D., and Direct the Manager to Create Policy Addressing Specifications for Bicycles, Benches, and Picnic Tables**

Moved by:	Hanson
Seconded by:	Combs
Action:	Motion carried unanimously by all members present
In favor:	Best, Carrington, Combs, DeVries, Fuller, Hanson
Opposed:	None

**Primary Amendment #5: To Remove Item 9. Public Art**

Moved by:	DeVries
Seconded by:	Best
Action:	Motion carried by 5-1 voice vote
In favor:	Best, Carrington, Combs, DeVries, Hanson
Opposed:	Fuller

**Item 2 – Resolution No. 17-024:** Authorizing the City Manager and Mayor to Execute the Necessary Documents to Purchase Fire Station No. 3-1 on Lots 10, 11, and 12, Block 12, of the ARRC Subdivision from the Matanuska-Susitna Borough In the Amount of One Dollar per Lease Agreement Dated February 28, 1978

Mayor DeVries asked for a staff report. City Manager Wallace provided an historic overview of the agreement.

Mayor DeVries opened the public hearing. Seeing no one come forward to speak and hearing no objection from the council, the public hearing was closed

**Main Motion: To Authorize Resolution No. 17-024**

Moved by:	Fuller
Seconded by:	Best
Action:	Motion carried unanimously by all members present
In favor:	Best, Carrington, Combs, DeVries, Fuller, Hanson
Opposed:	None

**I. NEW BUSINESS**

**Item 1 – Committee of the Whole to Discuss Borough Sales Tax** (note: action may be taken by the council following the committee of the whole)

- a. **Resolution No. 17-025:** Requesting the Matanuska-Susitna Borough Assembly Not Adopt Ordinance Serial No. 17-093, Ordinance Serial No. 17-094, and Ordinance No. 17-095 all Pertaining to an Implementation of an Areawide Sales Tax

**Main Motion: To Enter Into a Committee of the Whole to Discuss Borough Sales Tax and Resolution No. 17-025**

Moved by:	Carrington
Seconded by:	Fuller
Action:	Motion carried unanimously by all members present
In favor:	Best, Carrington, Combs, DeVries, Fuller, Hanson
Opposed:	None

Deputy Mayor Combs asked if any communication from the public had been received concerning the matter. The City Clerk noted hearing from the Mat-Su Borough Superintendent's Office and recommending Superintendent Goyette attend the meeting to speak during Audience Participation.



The City Clerk also noted receipt of substitute Resolution No. 17-025-S, which had been prepared by the City Attorney and staff but not printed in the packet. The resolution was distributed at the table for review during the Committee of the Whole.

Deputy Mayor Combs provided a report on the development of Resolution No. 17-025, which stood against an areawide Borough sales tax. She noted the stance had nothing to do with whether it was a good idea to fund education, but rather, she was concerned with the disparities and clarity in the Borough's documents.

The Council took a brief recess from 9:06 to 9:09 p.m. to review the substitute resolution.

Concerns addressed within the Committee of the Whole included:

- The City Council's full support of education in the Mat-Su Valley;
- An additional sales tax being burdensome to seniors and young families;
- The impact of an additional sales tax on the economic viability of the City of Palmer businesses;
- The responsibility of the State of Alaska to fully fund all educational needs;
- The Borough's role and collection mechanisms for the proposed tax;
- The need to maintain sales tax as Palmer's funding source and leave property tax to the Borough;
- The Borough's need to seek out other avenues to generate revenue; and
- The lack of transparency concerning the Mat-Su Borough School Budget.

Council consensus noted the substitute resolution embodied the intent of the original resolution opposing the proposed Borough tax.

**Main Motion: To Come Out of a Committee of the Whole to Discuss Borough Sales Tax and Resolution No. 17-025**

Moved by:	Fuller
Seconded by:	Carrington
Action:	Motion carried unanimously by all members present
In favor:	Best, Carrington, Combs, DeVries, Fuller, Hanson
Opposed:	None

The Council entered into a Committee of the Whole at 9:00 p.m. and exited at 9:33 p.m.

**Main Motion: To Adopt Resolution No. 17-025-S**

Moved by:	Hanson
Seconded by:	Combs
Action:	Motion carried unanimously by all members present
In favor:	Best, Carrington, Combs, DeVries, Fuller, Hanson
Opposed:	None

**J. RECORD OF ITEMS PLACED ON THE TABLE**

- Letter from Granite and the Mat-Su Bike Map provided by the City Manager
- Handout from Mat-Su Borough Superintendent Monica Goyette
- Substitute Resolution No. 17-025-S

**K. AUDIENCE PARTICIPATION**

Eugene Carl Haberman:

- Spoke against the substitution of Resolution No. 17-025-S; and
- Addressed upcoming School Board and Assembly meetings.

## L. COUNCIL MEMBER COMMENTS

Council Member Carrington:

- Noted actions taken tonight were on behalf of the citizens of Palmer.

Council Member Best:

- Shared hearing from many residents and businesses about the proposed borough tax; and
- Believed actions taken were in the best interest of Palmer.

Council Member Hanson:

- Noted the passion of the Council was to take care of the residents of Palmer and to do it well; and
- Thanked the Superintendent for attending the meeting.

Council Member Hanson requested support to have the City Manager develop policy for memorials within the City of Palmer. Mayor DeVries offered support.

Council Member Hanson requested support to have the City Manager develop policy for the incorporation of art on public land. Council Member Carrington offered support.

Council Member Fuller:

- Thanked Superintendent for attending the meeting; and
- Expressed no confidence in what the Borough has proposed to handle the shortfall for education.

Deputy Mayor Combs:

- Expressed appreciation to the Superintendent for attending the meeting;
- Commented on being available to the constituents to discuss concerns about the City of Palmer;
- Commented on last week's attendance of the Palmer Wine Walk; and
- Reminded everyone of the upcoming Palmer Pride celebration.

## M. ADJOURNMENT

With no further business before the Council, the meeting adjourned at 10:02 p.m.

**Approved this 25th day of July, 2017.**

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Norma I. Alley, MMC, City Clerk

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Edna B. DeVries, Mayor

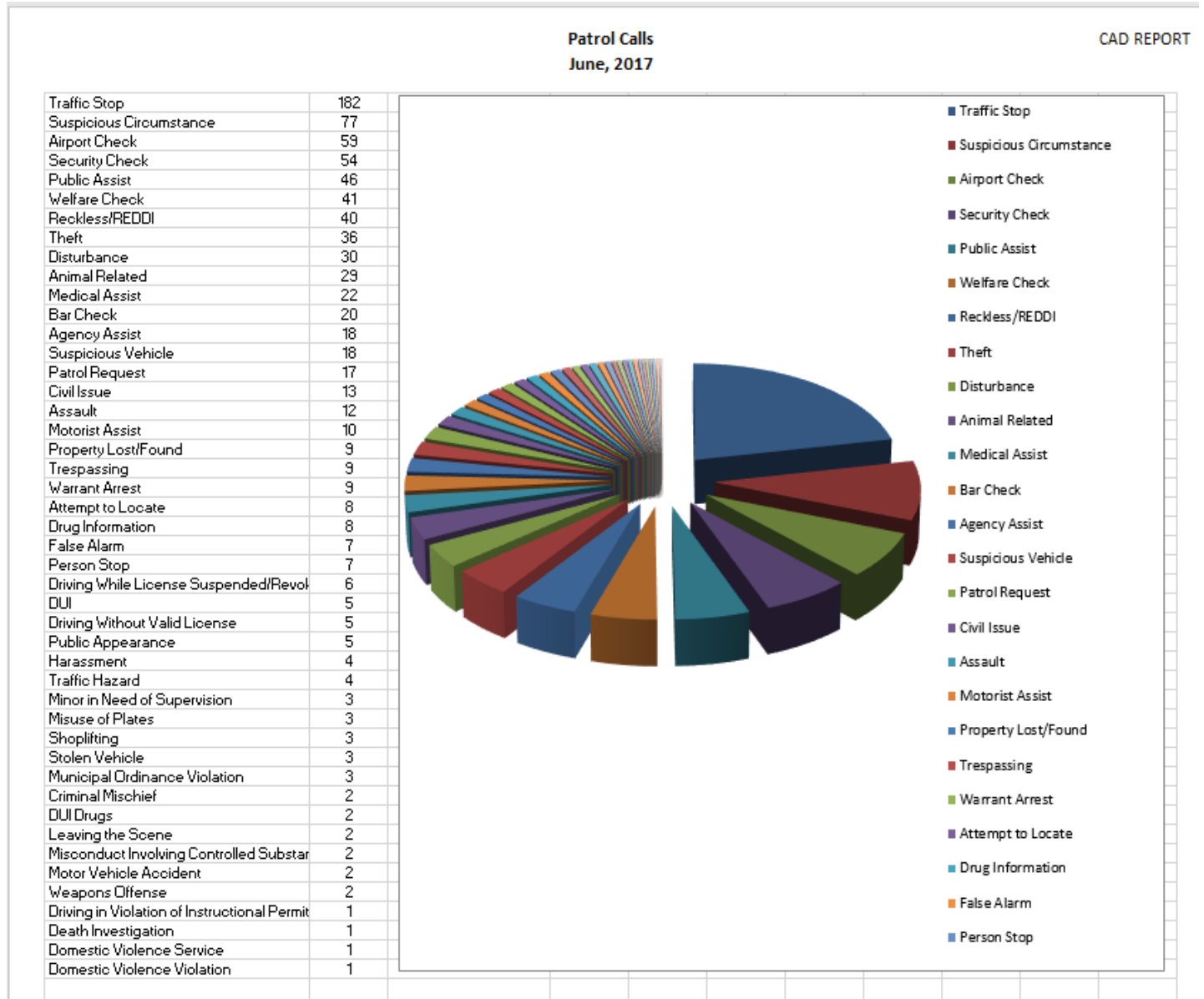


**Staff Update and analysis (June 2017):**

**Police Department:**

Total calls: 841 up from 750 in May

Call breakdown - 32%(May - 31%) traffic/vehicle related, 22% (May - 31%) checks (welfare/property), 15%(May - 16%) citizen assistance, 30%(May - 21%) other.



**Fire Department:** Calls: 50(74 - May) in June 2017, down by 48% from last month, down by 6% from last year.

Fire: 7(12 - May), Recue: 15(17 - May), Hazard: 2(7 - May), Good intents: 13(25 - May), False alarm: 7(3 - May), Special Incident: 0(0 - May), Service call: 6(10 - May).



**Community Development:**

**Library:**

<b>Patrons:</b>	<b>May</b>	<b>June</b>
<i>Total Registered Patrons</i>	<i>13,056</i>	<i>13,133</i>

Total Mat-Su Borough Resident Patrons	10,070	10,132
Total City of Palmer Resident Patrons	2,986	3,001
New Library Users	<b>71</b>	<b>77</b>

<b>Usage:</b>	<b>May</b>	<b>June</b>
Patron Visits/Count	10,050	10,617
Reference Questions	1,982	2,093
Library Computer Sessions	2,586	2,872
WIFI Sessions	1,580	1,611
Circulation (PPL items)	9,467	11,044
Magazine circulation	395	150
Take Home Paperbacks	209	307

**Programs:**

Children's Programs	9 Events	821 Participants	21 Events	1,219 Participants
Class Visits	9 Events	1,021 Participants	5 Events	76 Participants
Young Adult Programs	1 Event	9 Participants	7 Events	337 Participants
Adult Programs	2 Events	22 Participants	5 Events	75 Participants
<b>Total Library Programs</b>	<b>21 Events</b>	<b>1,873 Participants</b>	<b>38 Events</b>	<b>1,707 Participants</b>
Community Events	29 Events	1,199 Participants	33 Events	307 Participants
<b>Total Events</b>	<b>50 Events</b>	<b>3,072 Participants</b>	<b>71 Events</b>	<b>2,014 Participants</b>

**Building and Compliance:**

Compliance Letters dispatched: 9(11- May) (unsightly premise), 4(2- May) (clean up follow up), and 5(8 - May) (permit follow ups), other: 5(2- May)



**Report to Council**  
 City Manager Nathan Wallace  
 July 25, 2017

**Building Department Report**  
**JUNE 2017**

Permit Type	Count	Total Valuation	Permit Fees Collected	Plan Review Fees Collected
Building Permit	11	\$423,316.00	\$4,443.00	\$322.75
Sign Permit	0	\$0.00	\$0.00	
Fence Permit	3	\$8,250.00	\$78.00	
<b>Totals</b>	<b>14</b>	<b>\$431,566.00</b>	<b>\$4,521.00</b>	<b>\$322.75</b>

**TYPE OF PERMITS:**

Applicant	Valuation	Type of Work	Permit Fee	Plan Review Fee
Lawton, Joe & Ginny	\$14,400.00	RES Alteration	\$279.50	
Mat-Su Borough School District	\$18,980.00	COM Alteration	\$342.00	\$222.25
Lynx Consulting, Inc.	\$10,000.00	COM Alteration	\$201.50	
A.R.R.C./Sunderland, Katie	\$1,000.00	Storage Shed	\$0.00	
Maxwell, Rebecca	\$2,000.00	Storage Shed	\$0.00	
4Square LLC	\$112,320.00	RES Single Family	\$1,187.75	
Roth, Taylor	\$1,500.00	Storage Shed	\$0.00	
Andrews, Gregory	\$2,500.00	Fence	\$26.00	
Gubser, Nathan	\$247,416.00	RES Single Family	\$2,030.25	
Burks, Carol Jean	\$5,300.00	RES Alteration	\$139.25	
Hemann, Dennis	\$3,400.00	COM Alteration	\$108.00	
Hudgins, Dickey & Cynthia	\$4,000.00	Fence	\$26.00	
Bolshio Misha, Inc.	\$7,000.00	COM Alteration	\$154.75	\$100.50
Bjomson, Ashley	\$1,750.00	Fence	\$26.00	

**YEAR TO DATE COMPARISON:**

Year	Building Permits	Sign Permits	Fence Permits	Year to Date Valuation	Year to Date Permit Fees	Year to Date Plan Review Fees
2008	50	17	15	\$2,071,704.00	\$22,537.75	
2009	37	6	20	\$1,676,516.00	\$16,423.00	
2010	48	14	9	\$12,456,210.00	\$64,666.25	
2011	58	14	12	\$3,595,886.00	\$34,170.25	
2012	56	16	4	\$15,713,232.00	\$92,678.50	
2013	34	7	11	\$7,495,176.00	\$52,703.75	
2014	55	18	5	\$12,174,315.00	\$79,968.25	
2015	61	12	9	\$7,904,367.00	\$64,947.25	
2016	46	19	12	\$30,087,035.00	\$149,242.25	\$12,603.00
2017	39	5	12	\$3,256,016.00	\$29,504.35	\$11,226.00



**PALMER GOLF COURSE**

	<b>May</b>	<b>June</b>
<b>Operational Days:</b>	<b>31</b>	<b>30</b>
<b>Number of Rounds:</b>	<b>1,886</b>	<b>2,428</b>
<b>Green Fees:</b>	<b>55,767.73</b>	<b>56,377.00</b>
<b>Cart Rental:</b>	<b>12,432.00</b>	<b>19,519.00</b>
<b>Club Rental:</b>	<b>810.00</b>	<b>1,733.00</b>
<b>Driving Range:</b>	<b>5,262.00</b>	<b>5,473.00</b>
<b>Merchandise Sales:</b>	<b>25,301.00</b>	<b>31,423.13</b>
<b>Snack Bar:</b>	<b>7,545.00</b>	<b>11,255.44</b>
<b>Beer &amp; Wine:</b>	<b>5,302.75</b>	<b>8,456.00</b>

# Mayor's Memo

Council Meeting report – July 25, 2017

## UP COMING EVENTS:

### Outreach to High school age student(s) for Boards and Commission

- ✓ Mayor's Minute on Radio – Sept 22
- ✓ Mayor/Manager's meeting – July 20 – Palmer; August 24 Wasilla
- ✓ Mat Su Miners/City of Palmer – July 26 – 4 and 7 pm
- ✓ Manager, Mayor, Clerk & Attorney agenda - July 27
- ✓ Job Corps graduation – August 18 – 2 pm
- ✓ Back to School – August 14
- ✓ Alaska State Fair – August 24

**Palmer Pride – July 28 - ideas – Citizen of the Year; Business(es) of the Year, Beautiful Garden – your input is welcome – Palmer Depot**

**Read the Palmer Alaska Buzz now in the Frontiersman**

**Pick up your copy of the Mat-su Bike Map**

## PENDING ITEMS –

**Flag Pole by Library**

**Leaders choose the right things to do**  
**and managers do those things.**





**City of Palmer  
Ordinance No. 17-011**

**Subject:** Amending the City of Palmer Municipal Code Chapter 5.04 Business Licenses Regarding Landlords


**Agenda of:** July 11, 2017 – Introduced  
July 25, 2017 – Public Hearing

**Council Action:**     **Adopted**                       **Amended:** \_\_\_\_\_  
                                  **Denied**




**Originator Information:**

**Originator:**    Nathan E. Wallace, City Manager

**Department Review:**

Route to:	Department Director:	Signature:	Date:
_____	Community Development	_____	_____
_____	Finance		6/27/17
_____	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:    \$ \_\_\_\_\_

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. 17-011

**Summary Statement:**

The Palmer Municipal Code 5.04 Business Licenses had requirements for business license applications to include copy of current State of Alaska business license. This requirement held up the City's processing of city business licenses requiring the city to hold checks and wait for businesses to comply. This requirement has been removed from the business license application.

The addition of a Landlord License is being added to the Business License code for residential rentals.

**Administration's Recommendation:**

Adopt Ordinance No. 17-011 amending the City of Palmer Municipal Code Chapter 5.04 Business Licenses Regarding Landlords.

Introduced by: City Manager  
Date: July 11, 2017  
Public Hearing: July 25, 2017  
Action:  
Vote:

Yes:	No:

CITY OF PALMER, ALASKA

**Ordinance No. 17-011**

**An Ordinance of the Palmer City Council Amending Palmer Municipal Codes 5.04 Business Licenses Regarding Landlords**

WHEREAS, a license is required for the privilege of engaging in business in the city; and

WHEREAS, residential rentals are a form of business in the city; and

WHEREAS, the city is not responsible for administration of state business licenses.

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

**Chapter 5.04 Business Licenses**

**5.04.010 Definitions.**

In this chapter, unless the context requires otherwise:

A. "Business" means a for profit or nonprofit entity or person engaging or offering to engage in a trade, a service, a profession, or an activity with the goal of receiving a financial benefit in exchange for the provision of services, or goods or other property including commercial rental properties;

B. "Department" means the department of finance;

C. "Director" means the director of the department of finance;

D. "Dwelling" means a building designed or used exclusively for living quarters for one or more families

E. “Landlord” means an owner of a residential dwelling that is rented or leased to an individual;

D.F. “Licensee” means the person to whom a business or landlord license is issued pursuant to this chapter;

E. G. “Person” includes an individual, firm, partnership, joint venture, association, corporation, estate trust, business trust, receiver, or any group or combination acting as a unit;

G. H. “Seller” shall have the same meaning given in PMC 3.16.020. (Ord. 12-017 § 3, 2012; Ord. 10-017 § 3, 2011; Ord. 209 § 4, 1978; Ord. 166 § 1, 1972; 1978 code § 3.12)

#### **5.04.020 License – Required.**

For the privilege of engaging in business in the city, a person shall first apply on forms required by the department of finance, obtain a license to do so, and pay the license fee provided in PMC 5.04.070. (Ord. 12-017 § 3, 2012; Ord. 10-017 § 3, 2011; Ord. 166 § 1, 1972; 1978 code § 3.1)

#### **5.04.023 License – Type and duration.**

##### A. Biennial Business License.

1. A biennial business license is issued to a business that provides goods and/or services throughout the year or a portion of the year.
2. Businesses with a biennial business license shall not be required to have a separate business license for participation at the state fair or a special event lasting three days or less.
3. A biennial business license issued for a particular line of business covers all of a licensee's operations in the city for that line of business, regardless of the number of its establishments.
4. A biennial business license is issued for the calendar year for which an application is received and shall expire on December 31st of the following calendar year.
5. A biennial business license is only available to existing business license holders; new businesses cannot apply for a biennial business license until they have an established annual business license.

##### B. Annual Business License.

1. An annual business license is issued to a business that provides goods and/or services throughout the year or a portion of the year.
2. Businesses with an annual business license shall not be required to have a separate business license for participation at the state fair or a special event lasting three days or less.
3. An annual business license issued for a particular line of business covers all of a licensee's operations in the city for that line of business, regardless of the number of its establishments.
4. An annual business license is issued for the calendar year for which an application is received and shall expire on December 31st of the calendar year in which it was issued.

##### C. Special Event Business License.

1. A special event business license is issued for the sole purpose and privilege of engaging in business at a special event that lasts three days or less.

2. A separate special event business license is required for each special event lasting three days or less.

3. A special event business license shall expire at the conclusion of the special event.

D. Alaska State Fair Business License.

1. An Alaska State Fair business license is a temporary license issued by the city for the sole purpose and privilege of engaging in business at the Alaska State Fairgrounds during the Alaska State Fair.

2. A state fair business license shall expire at the conclusion of the state fair during the year in which the license was issued. (Ord. 12-017 § 3, 2012)

**5.04.025 License – Application – Biennial and annual business license.**

An application for a biennial and annual business license shall be made to the director of finance on a form approved by the director and shall be accompanied by the following:

A. The license fee established in the current, adopted budget;

~~B. Proof that the applicant has the following:~~

~~1. A current state of Alaska business license, as required by the state;~~

B. ~~2. Any~~ Copies of any professional or occupational licenses;

C. The business address and telephone number to be used by the applicant for the business to be operated pursuant to the license;

D. A complete description of the type(s) of goods and/or services that shall be offered under the business license. (Ord. 12-017 § 3, 2012)

**5.04.027 License – Application – Special event and Alaska State Fair business license.**

Application for a special event or Alaska State Fair business license shall be made to the director of finance on a form approved by the director and shall be accompanied by the following:

A. The license fee established in the current, adopted budget;

~~B. Proof the applicant has the following:~~

~~1. A current state of Alaska business license, as required by the state;~~

B. ~~2. Any~~ Copies of any professional or occupational licenses;

C. The business address and telephone number to be used by the applicant for the business to be operated pursuant to the license;

D. A complete description of the type(s) of goods and/or services that shall be offered under the license. (Ord. 12-017 § 3, 2012)

**5.04.028 Landlord License**

A landlord license is required for any residential rentals. The landlord license is issued for a calendar year and expires on December 31<sup>st</sup> of the calendar year for which it was issued. The

application for a landlord license shall be made to the director of finance on a form approved by the director and shall be accompanied by the following:

- A. The license fee established in the current, adopted budget;
- B. The name of the landlord, address and telephone number;
- C. The street address of the residential rental property;
- D. If managed by a third party, contact information for the property manager.

**5.04.033 Business or Landlord license not issued.**

A. No business or landlord license shall be issued unless a person is compliant with the requirements of this chapter and is current in the payment and collection of sales taxes, or any other payments, fees, taxes, charges, penalties, interest, citation, or other amounts that are due and owing to the city.

B. The department may issue a license to an applicant who does not meet the requirements of this section or who has a history of noncompliance with the code if such applicant posts a bond, furnishes a statement of net worth or additional security to ensure the full and prompt payment of all fees, taxes, charges, penalties, interest or other amounts due the city.

C. Each person who obtains or is required to obtain a business or landlord license in accordance with this chapter consents to the inspection of that person's state business license, application, or other business records as necessary in order to facilitate the accomplishment of the provisions and objectives of this chapter. (Ord. 12-017 § 3, 2012)

**5.04.035 Annual or biennial license – Renewal.**

Application for renewal of a license and payment of the renewal fee shall be made before February 1st of the applicable year. (Ord. 12-017 § 3, 2012; Ord. 10-017 § 3, 2011; Ord. 166 § 1, 1972; 1978 code § 3.2. Formerly 5.04.030)

**5.04.040 License – Duration.**

*Repealed by Ord. 12-017.* (Ord. 10-017 § 3, 2011; Ord. 166 § 1, 1972; 1978 code § 3.3)

**5.04.050 Display of business license.**

A. The city business license must be prominently displayed in all locations where the seller conducts business, including temporary locations.

B. A licensee with no permanent place of business shall display the license upon request.

C. Seller shall be charged the fee established in the adopted budget for failure to display a business or landlord license. (Ord. 14-025 § 3, 2014; Ord. 12-017 § 3, 2012; Ord. 10-017 § 3, 2011)

**5.04.060 License – Compliance with other provisions required.**

A person engaging in a business subject to licensing provisions of a regulatory nature must, in addition to filing the regular application required by this chapter, comply with any other or additional regulatory provisions before being entitled to a license. (Ord. 12-017 § 3, 2012; Ord. 10-017 § 3, 2011; Ord. 166 § 1, 1972; 1978 code § 3.4. Formerly 5.04.050)

**5.04.070 License – Fee.**

A. The license fee, established in the current, adopted budget, shall be paid to the city for each business or landlord license and shall be applicable for the calendar year in which the fee is paid.

B. Business or landlord license and ~~permit~~ late fees are nonrefundable.

C. If payment is made by check, bill of exchange, or note which is later returned by the drawee as uncollectible because of insufficient funds or is dishonored by the drawee for any reason, the dishonor is prima facie evidence of nonpayment of the license fee.

D. In event of nonpayment, the applicant shall be subject to additional penalty as prescribed by PMC 5.04.080. (Ord. 12-017 § 3, 2012; Ord. 10-017 § 3, 2011; Ord. 07-029 § 14, 2007; Ord. 487 § 3, 1995; Ord. 166 § 1, 1972; 1978 code § 3.5. Formerly 5.04.060)

**5.04.080 License – Failure to apply – Penalty.**

A. Failure to file a business or landlord license application or pay the license fee as prescribed by this chapter shall result in a penalty. The amount of penalty shall be prescribed in the current, adopted budget and shall be due at the same time a license fee is due.

B. Failure to pay a penalty at the time the fee for the license is made may result in denial of a license application.

C. In case of delinquency in the payment of any fee or penalty due under this chapter, the interest rate established in the current, adopted budget shall be assessed. (Ord. 12-017 § 3, 2012; Ord. 10-017 § 3, 2011; Ord. 07-029 § 15, 2007; Ord. 166 § 1, 1972; 1978 code § 3.6. Formerly 5.04.070)

**5.04.090 Surrender of license.**

A. A business or landlord license must be surrendered to the city by the licensee to whom it was issued immediately upon the licensee ceasing to do business.

B. If there is a change in ownership or form of organization, such as from a sole proprietorship to a partnership or a corporation, the admission or withdrawal of a partner, or any other change in the ownership structure, the licensee making such change shall surrender the current city business or landlord license to the city for cancellation. The successor owner shall be required to file a new application for a city business or landlord license pursuant to this chapter and upon approval, a new city business or landlord license will be issued. (Ord. 12-017 § 3, 2012; Ord. 10-017 § 3, 2011)

**5.04.100 City manager regulation promulgation authority.**

The city manager may, with the approval of the council, promulgate regulations necessary to determine and collect fees imposed and to otherwise enforce the provisions of this chapter. (Ord. 12-017 § 3, 2012; Ord. 10-017 § 3, 2011; Ord. 166 § 1, 1972; 1978 code § 3.7. Formerly 5.04.080)

**5.04.110 Unlawful acts designated.**

It is unlawful for a person to:

A. Willfully evade the licensing provisions of this chapter;

B. Fail to make an application for license or fail to keep or produce any records required under this chapter or by regulation;

C. Make a false or fraudulent return or false statement with intent to defraud the city or evade payment of the fee; or

D. Aid or abet another in an attempt to evade payment of the fee. (Ord. 12-017 § 3, 2012; Ord. 10-017 § 3, 2011; Ord. 166 § 1, 1972; 1978 code § 3.8. Formerly 5.04.090)

**5.04.120 False statements by agents prohibited.**

It is unlawful for an executive officer or agent of a corporation or agent of a person to make or permit to be made for his or her principal a false return or false statement in answer to an inquiry from the director of finance with intent to evade the payment of the fee or to comply with the provisions of this chapter. (Ord. 12-017 § 3, 2012; Ord. 10-017 § 3, 2011; Ord. 166 § 1, 1972; 1978 code § 3.9. Formerly 5.04.100)

**5.04.130 Violation – Penalty.**

Any person violating any requirement of this chapter or any regulation adopted pursuant thereto shall be penalized as an ordinance violator. Nothing in this section shall be construed to limit, but may be in addition to, any other remedy available under this chapter, at law or at equity to enforce violations of this chapter. (Ord. 12-017 § 3, 2012; Ord. 10-017 § 3, 2011; Ord. 209 § 3, 1978; Ord. 166 § 1, 1972; 1978 code § 3.10. Formerly 5.04.110)

**5.04.140 Violation – Testimony required – Compromise.**

In a prosecution for a violation under this chapter, no person otherwise competent as a witness is privileged to refuse to testify on the grounds that his or her testimony may incriminate him or her; however, no indictment or prosecution shall afterwards be brought against the witness on account of an offense or transaction concerning which he testifies as a witness. In a prosecution under this chapter, the city attorney may, with the consent of the city ~~council~~manager, compromise the case by accepting from the defendant a sum not less than the fee, penalties and interest provided in PMC 5.04.080 and costs of such prosecution. (Ord. 12-017 § 3, 2012; Ord. 10-017 § 3, 2011; Ord. 166 § 1, 1972; 1978 code § 3.11. Formerly 5.04.120)

**5.04.150 License – Suspension or revocation.**

A. The city manager, or designee, may suspend or revoke a business or landlord license if a licensee is in violation of any requirement of this chapter, code, or any regulation adopted pursuant thereto pursuant to the notice requirements of PMC 5.04.160.

B. The city manager, or designee, may immediately suspend the license of a licensee who is delinquent in the remittance of sales tax or sales tax returns under Chapter 3.16 PMC, Sales Tax.

C. A suspension issued under this subsection shall be effective immediately upon the giving of written notice of suspension for failure to remit and pay city sales taxes to the licensee.

D. A license suspended under this subsection shall be lifted upon the licensee's compliance with the city sales tax requirements, including remittance and payment of all delinquent sales taxes, sales tax returns, interest and penalties. (Ord. 12-017 § 3, 2012; Ord. 10-017 § 3, 2011)

**5.04.160 License – Suspension or revocation – Notice.**

A. The city manager, or designee, may not suspend or revoke a business or landlord license without first providing the licensee at least 30 days' written notice of the intent to suspend or



revoke the business or landlord license and an opportunity for a hearing on the suspension or revocation, except as provided in PMC 5.04.150(B).

B. The notice required under this section shall be as follows:

1. Notice of the proposed revocation or suspension shall be made in writing and mailed via certified mail, return receipt requested, to the last known address of the licensee.
2. Notice of the proposed revocation or suspension shall contain the name and address of the licensee, the name of the business for which the license was issued, and describe the reason for the revocation or suspension with citation to the relevant code provision, if applicable, and the name, address and telephone number of the city representative to contact concerning the proposed revocation or suspension.
3. The notice of suspension or revocation shall also contain a statement advising licensee of his or her right to request a hearing to challenge the proposed suspension or revocation pursuant to subsections (C) and (D) of this section.

C. The licensee has a right to a hearing on the proposed revocation or suspension by requesting a hearing in writing to the city representative identified in the notice of suspension or revocation not more than 30 days after the date of the notice of proposed revocation or suspension. Within 10 days of receipt of a written request for a hearing, the city manager, or designee, shall schedule a hearing on the proposed suspension or revocation pursuant to PMC 5.04.170.

D. Failure to request a hearing within 30 days of receipt of a notice of suspension or revocation constitutes a waiver of any further rights to appeal under this chapter and the decision of the city manager shall become final 30 days after the date of notice given pursuant to subsection (B) of this section. (Ord. 12-017 § 3, 2012; Ord. 10-017 § 3, 2011)

#### **5.04.170 License – Suspension or revocation – Hearing.**

A. A hearing requested pursuant to PMC 5.04.160 shall be held before the city manager or designee. This hearing shall be recorded, conducted in an informal manner, and shall not be bound by the formal rules of evidence.

B. The purpose of the hearing shall be to determine whether good cause exists for suspending or revoking a license issued under this chapter. Good cause exists when it is determined that the licensee is in violation of the requirements of this chapter or any other requirement of this code.

C. The licensee has the right to appear, present evidence, and examine and/or cross-examine witnesses for the purpose of establishing that licensee is not in violation of the requirements of this chapter. The city manager, or designee, has the right to cross-examine any witnesses presented by the licensee.

D. Failure of the licensee to appear at the time set for a hearing requested under this section, except for good cause shown, shall result in a waiver of any further appeal rights and the decision of the city manager becomes final.

E. Within 10 days following the conclusion of the hearing, the city manager, or designee, shall issue a written decision whether to suspend or revoke the license which contains written findings in support of the decision based upon the evidence presented at the hearing. A written decision to suspend or revoke a business or landlord license issued pursuant to this chapter shall advise

the licensee of his or her right to appeal the decision pursuant to PMC 5.04.180. A copy of the decision shall be provided to the licensee via certified mail, return-receipt requested, and shall take effect immediately upon its issuance. (Ord. 12-017 § 3, 2012; Ord. 10-017 § 3, 2011)

**5.04.180 Appeals to superior court.**

A. A licensee may appeal a decision made pursuant to PMC 5.04.170 not later than 30 days following the date of written notice of the decision from the city manager. Failure to appeal a decision made pursuant to PMC 5.04.170 within 30 days of the date of notice constitutes a waiver of his or her appeal rights and the city manager's decision becomes final.

B. Appeals from the written decision of the hearing officer shall be made to the superior court for the state of Alaska, in Palmer, Alaska. The hearing before the superior court shall be treated as an administrative appeal heard solely on the record and shall be governed by Part VI of the Alaska Court Rules of Appellate Procedure (Superior Court as an Appellate Court), as amended.

C. A licensee bringing an appeal under this section shall be responsible for the costs to prepare a transcript and record of the hearing conducted in accordance with PMC 5.04.170. Upon receipt of a notice of appeal, the director of finance shall estimate the cost of preparing the transcript of the hearing and compiling the record on appeal. The licensee shall deposit the estimated costs for preparation of the transcript and record with the director in advance of preparation of the transcript and record. The director shall refund any excess deposit or charge to the business owner for costs exceeding the deposit. (Ord. 15-022 § 6, 2015; Ord. 12-017 § 3, 2012; Ord. 10-017 § 3, 2011)

Section 4. Effective Date. Ordinance No. 17-011 shall take effect July 25, 2017.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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Edna B. DeVries, Mayor

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Norma I. Alley, MMC, City Clerk