

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
September 12, 2017, at 7 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 of **Ordinance No. 17-012**: Amending the City of Palmer Municipal Code Chapter 5.04 Business Licenses Page 3
 - b. **Resolution No. 17-027**: Amending the City of Palmer Resolution No. 1150 Regarding the Issuance of Utility Revenue Bond..... Page 13
 - 2. Approval of Minutes of Previous Meetings
 - a. August 22, 2017, Regular Meeting Page 19
- E. Reports
 - 1. City Manager's Report Page 23
 - 2. City Clerk's Report Page 33
 - 3. Mayor's Report Page 57
 - 4. City Attorney's Report
- F. Audience Participation
- G. Public Hearing
 - 1. **Resolution No. 16-027**: Authorizing the City Manager to Negotiate and the Mayor Execute the Sale of a 6.908 Acre Parcel of Land Located at 3854 S. Glenn Highway to the Alaska Department of Transportation and Public Facilities in Accordance with Palmer Municipal Code 3.20.080(D) for the Amount of \$165,000.00 (4th Public Hearing) (Pending Motion) Page 59
- H. Action Memoranda
 - 1. **Action Memorandum No. 17-060**: Approval of a City Council Member to Serve on the Alaska Municipal League Board of Directors for a Term Starting November, 2017 Page 87
 - 2. **Action Memorandum No. 17-061**: Directing the City Clerk to Negotiate and Authorizing the City Manager to Execute an Agreement with eDocs Alaska for the Purchase of a Laserfiche Electronic Records Management System in the Amount of \$6,915.00 Page 89
 - 3. **Action Memorandum No. 17-062**: Authorizing the City Manager to Amend the Professional Services Agreement with HDR, Inc. in an Amount Not to Exceed \$231,259.00 for Additional Required Design Services and Contract Negotiation for the Palmer Wastewater Treatment Plant (WWTP) Upgrades Project Page 93

- I. New Business
- 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
Sept 26	Regular	7 pm	
Oct 9	Special	6 pm	Election Certification
Oct 10	Regular	7 pm	
Oct 17	Special	6 pm	2018 Budget
Oct 24	Special	6 pm	2018 Budget
Oct 24	Regular	7 pm	
Nov 7	Special	6 pm	2018 Budget
Nov 14	Regular	7 pm	
Nov 21	Special	6 pm	2018 Budget
Nov 28	Special	6 pm	2018 Budget
Nov 28	Regular	7 pm	
Dec 5	Special	6 pm	2018 Budget
Dec 12	Special	6 pm	2018 Budget
Dec 12	Regular	7 pm	Budget Adoption

City of Palmer
Ordinance No. 17-012

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


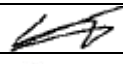

Agenda of: September 12, 2017 – Introduced
September 26, 2017 – Public Hearing

Council Action: **Approved** **Amended:** _____
 Denied

Originator Information:

Originator: Gina Davis, Finance Director

Approved for Presentation By:

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

Attachment(s):

- Ordinance No. 17-012

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 requirement for a biennial business license has been amended to include only existing businesses. New businesses must have an annual license before they can apply for a biennial business license.

Administration's Recommendation:

Adopt Ordinance No. 17-012 amending the City of Palmer Municipal Code Chapter 5.04 Business Licenses.

Introduced by: City Manager Wallace
Date: Sept 12, 2017
Public Hearing Date: Sept 26, 2017
Action:
Vote:

Yes:	No:

CITY OF PALMER, ALASKA

Ordinance No. 17-012

An Ordinance of the Palmer City Council Amending Palmer Municipal Code 5.04 Business Licenses

THE CITY OF PALMER, ALASKA ORDAINS:

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

Section 2. Severability. If any provision of this ordinance or any application thereof to any person or circumstances is held invalid, the remainder of this ordinance and the application to 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 underlines 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;
- B. "Department" means the department of finance;
- C. "Director" means the director of the department of finance;
- D. "Licensee" means the person to whom a business license is issued pursuant to this chapter;
- E. "Person" includes an individual, firm, partnership, joint venture, association, corporation, estate trust, business trust, receiver, or any group or combination acting as a unit;
- F. "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)

5.04.033 Business license not issued.

- A. No business 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 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)

5.04.050 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 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 license and shall be applicable for the calendar year in which the fee is paid.

B. Business 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 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 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 license to the city for cancellation. The successor owner shall be required to file a new application for a city business license pursuant to this chapter and upon approval, a new city business 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, 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 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 license without first providing the licensee at least 30 days' written notice of the intent to suspend or revoke the business 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 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 17-0XX shall take effect upon adoption by the City of Palmer City Council.

Passed and approved this ____ day of _____, 2017.

Edna B. DeVries, Mayor

Norma I. Alley, MMC, City Clerk

**City of Palmer
Resolution No. 17-027**

Subject: Amending the City of Palmer Resolution No. 1150 Regarding the Issuance of Utility Revenue Bond

Agenda of: September 12, 2017

Council Action: **Approved** **Amended:** _____
 Denied



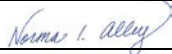
Originator Information:

Originator: Gina Davis, Finance Director, and Cynthia Cartledge, Bond Attorney

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):

- Resolution No. 17-027

Summary Statement:

The City of Palmer Resolution No. 1150 adopted on June 9, 1998, authorized utility revenue bonds to be issued in series to finance water and wastewater improvements creating a lien upon net revenues of the City Water and Sewer Fund for the payment of bonds and establishing covenants of the City related to the bonds. The language in Resolution No. 1150 is typical revenue bond language and does not address short term borrowing. The amendment to the original resolution is to address short term borrowing for the Water and Sewer Fund.

Administration's Recommendation:

Adopt Resolution No. 17-027 amending City of Palmer Resolution No. 1150.

Introduced by: City Manager Wallace
Date: September 12, 2017
Action:
Vote:

Yes:	No:

CITY OF PALMER, ALASKA

Resolution No. 17-027

A Resolution of the Palmer City Council Amending Resolution No. 1150 Regarding the Issuance of Utility Revenue Bonds

WHEREAS, the City of Palmer, Alaska ("City") is a home rule city and under Section 11 of Article X of the Alaska Constitution may exercise all legislative power not prohibited by law or the charter of the City, and the City has determined that the matters set forth in this resolution are not prohibited by law or the charter; and

WHEREAS, Section 11.1(3)(a) of the Palmer City Charter authorizes the City to issue revenue bonds which are secured only by the revenue producing public utilities and do not constitute a general obligation or debt of the City, provided that such revenue bonds shall be authorized by the City Council and ratified by a majority of the qualified voters of the City; and

WHEREAS, on June 9, 1998, the City Council adopted Resolution No. 1150 ("Master Resolution") to allow for the issuance of utility revenue bonds from time to time, payment of which is secured by revenues generated from the water and wastewater utility; and

WHEREAS, utility revenue bonds issued under the terms of the Master Resolution have an equal lien on revenues and are referred to therein as "parity bonds;" and

WHEREAS, the issuance of future parity bonds is conditioned upon satisfaction of certain requirements set forth in the Master Indenture; and

WHEREAS, it is in the best interest of the City to amend the future parity bonds requirements to allow for short term borrowing; and

WHEREAS, the Master Resolution may be amended, subject to the written consent of a majority of owners of outstanding utility revenue bonds; and

WHEREAS, the Alaska Department of Environmental Conservation is the owner of all the City's outstanding utility revenue bonds;

NOW, THEREFORE, BE IT RESOLVED by the Palmer City Council that:

Section 1. Purpose and Amendment. The purpose of this Resolution is to amend Section 5 of the Master Resolution by deleting the requirement that as a condition to the issuance of utility revenue bonds there shall be filed a certificate demonstrating fulfillment of "Coverage

Requirement." "Coverage Requirement" is defined by Master Resolution as "Net Revenues equal to or greater than 125% of Aggregate Annual Debt Service."

Section 5 of the Master Resolution is amended to read as follows with bold and bracketed language indicates stricken language; underlined language indicates new language:

Section 5 – Parity Bonds.

[(a)] Limitation on Issuance of Bonds. All Bonds authorized to be issued under Section 3 shall be Parity Bonds, having an equal lien and charge upon Net Revenues of the Utility upon fulfillment of the conditions of this Master Resolution, whether at the time or authorization or issuance of such Bonds. **[Except as provided in subsection (b) below, t]** The City shall not issue any series of Bonds or incur any additional indebtedness with a parity lien or charge on Net Revenues with Bonds at the time Outstanding, unless [:

(1)]the City shall not have been in default of its covenant under Section 7(a) of this Master Resolution for the immediately preceding Fiscal Year, and

(2) there shall have been filed a certificate (prepared as described in subsection (c) or (d) below) demonstrating fulfillment of the Coverage Requirement, commencing with the first full Fiscal Year following the date on which any portion of interest on the series of Bonds then being issued no longer will be paid from the proceeds of such series of Bonds.

(b) No Certificate Required. The certificate described in subsection (a)(2) of this Section 5 shall not be required as a condition to the issuance of bonds:

(1) if the Bonds being issued are for the purpose of refunding Outstanding Bonds, and such refunding Bonds may be issued without a certificate under the provisions of Section 6; or

(2) if the Bonds are being issued to pay Costs of Construction of Facilities for which Bonds have been issued previously and the principal amount of such Bonds being issued for completion purposes does not exceed an amount equal to an aggregate of 15% of the principal amount of Bonds theretofore issued for such Facilities and reasonably allocable to the Facilities to be completed as shown in a written certificate of a Designated City Representative, and there is delivered a Consultant's certificate stating that the nature and purpose of such Facilities has not materially changed.

(c) Certificate of the City Without a Consultant. If required pursuant to the foregoing subsection (a)(2), a certificate may be delivered by the City without a Consultant if Net Revenues for the Base Period (confirmed by an independent audit) conclusively demonstrate that the Coverage Requirement will be fulfilled commencing with the first full Fiscal Year following the date on which any ~~portion~~ of interest on the series of Bonds then being issued will not be paid from the

proceeds of such series of Bonds.

(d) Certificate of a Consultant. Unless compliance with the requirements of subsection (a)(2) have been otherwise satisfied (as provided in (b) or (c) above), compliance with the Coverage Requirement of this Section 5 shall be demonstrated conclusively by a certificate of a Consultant. In making the computations of Net Revenues for the purpose of certifying compliance with the Coverage Requirement of this Section 5, the Consultant shall use as a basis the Net Revenues for the Base Period. Such Net Revenues shall be determined by adding the following:

(1) The historical net revenue of the Utility for any 12 consecutive months out of the 30 months immediately preceding the month of delivery of the Bonds being issued as determined by a Consultant.

(2) The net revenue derived from those customers of the Utility that have become customers during such 12-month period or thereafter and prior to the date of such certificate, adjusted to reflect a full year's net revenues from each such customer to the extent such net revenue was not included in (1) above.

(3) The estimated annual net revenue to be derived from any person, firm, association, private or municipal corporation under any executed contract for water or wastewater service, which net revenue was not included in any of the sources of net revenue described in this subsection (d).

(4) The estimated annual net revenue to be derived from the operation of any additions or improvements to or extensions of the Utility under construction but not completed at the time of such certificate and not being paid for out of the proceeds of sale of such Bonds being issued, and which net revenue is not otherwise included in any of the sources of net revenue described in this subsection (d).

(5) The estimated annual net revenue to be derived from the operation of any additions and improvements to or extension of the Utility being paid for out of the proceeds of sale of such Bonds being issued.

In the event the Utility will not derive any revenue as a result of the construction of the additions, improvements or extensions being or to be made to the Facilities within the provisions of subparagraphs (4) and (5) immediately above, the estimated normal Operating Expenses of such additions, improvements and extensions shall be deducted from estimated annual net revenue.

The words "historical net revenue" or "net revenue" as used in this subsection (d) shall mean the Gross Revenue or any part or parts

thereof less the normal expenses of maintenance and operation of the Facilities or any part or parts thereof, but before depreciation. Such "historical net revenue" or "net revenue" shall be adjusted to reflect the water and wastewater rates and charges effective on the date of such certificate if there has been any change in such rates and charges during or after such 12-consecutive-month period.]

Section 2. Authority for Amendment. The Master Resolution, at Section 9, authorizes amendments to the Master Resolution provided the City secure the written consent of the owners of not less than a majority in principal amount of the bonds issued and outstanding under the terms of the Master Resolution, as supplemented from time to time. Thus, this Resolution is subject to, and conditioned upon, receipt of the written consent of the Alaska Department of Environmental Conservation ("ADEC"), as the owner of all bonds issued and outstanding under the Master Resolution, as supplemented from time to time.

Section 3. Effective Date. This Resolution shall be effective upon adoption by the City Council and receipt by the City of the written consent of ADEC.

Approved by the Palmer City Council this _____ day of _____, 2017.

Edna B. DeVries, Mayor

Norma I. Alley, MMC, City Clerk

A. CALL TO ORDER

A regular meeting of the Palmer City Council was held on August 22, 2017, at 7:00 p.m. in the council chambers, Palmer, Alaska.

Mayor DeVries called the meeting to order at 7:05 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
Brad Hanson	Peter LaFrance

David Fuller joined the meeting telephonically at 8:07 p.m.

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 Community Development Director Sandra Garley.

D. APPROVAL OF AGENDA

1. Approval of Consent Agenda
 - a. **Resolution No. 17-026:** Confirming the Appointment of Election Officials for the City of Palmer Regular Election on Tuesday, October 3, 2017
 - b. **Action Memorandum No. 17-058:** Authorizing the City Manager to Negotiate and Enter Into a Contract with Bering Marine Corporation for the Purchase and Delivery of 120 Tons of Road Salt in the Amount of \$18,966.00
2. Approval of Minutes of Previous Meetings
 - a. August 5, 2017, Regular Meeting

Main Motion: To Approve Consent Agenda and Minutes

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

E. COMMUNICATION AND APPEARANCE REQUESTS

Item 1 – Presentation of a Proclamation Recognizing Sandra Garley’s Retirement

Mayor DeVries read and presented the proclamation to Community Development Director Sandra Garley. The Council took a brief recess from 7:11 to 7:17 p.m. to personally congratulate Sandra.

F. REPORTS

Item 1 – City Manager’s Report

City Manager Nathan Wallace:

- Highlighted his written report;
- Noted the Mat-Su Borough tabled its plastic bag tax until its December meeting;
- Provided an update on the upcoming 2018 Budget preparations;
- Commented on the State Fair Parade scheduled for Saturday; and
- Fielded questions from the Council.

Item 2 – City Clerk’s Report

City Clerk Norma Alley:

- Highlighted her written report;
- Spoke to having tickets available for the August 30, 2017, Chamber Luncheon;
- Noted the advertisement for boards and commissions vacancies was published; and
- Fielded questions from the Council.

Item 3 – Mayor’s Report

Mayor DeVries:

- Highlighted her written report;
- Spoke to the Council’s planned attendance of the Alaska Municipal League Conference;
- Commented on upcoming events including the Greater Palmer Chamber of Commerce Dinner on October 7, the Mat-Su Mayors’ Prayer Breakfast on November 11, and the Transportation Fair on September 27;
- Encouraged going forward with the application for All American City;
- Suggested the City sponsored Mat-Su Miners’ game day be changed to a weekend date; and
- Spoke to the Rotary Club’s planned renovation of Darren Park.

Item 4 – City Attorney’s Report

Michael Gatti: Spoke to attendance of the Alaska Municipal League Summer Meeting in Haines and highlighted the following:

- A budget presentation by the Deputy Commissioner for the Division of Community and Regional Affairs;
- A PowerPoint presentation on a future gas pipeline;
- A long meeting with Governor Walker during which he spoke to many issues facing Alaska;
- A mayor’s strategy meeting for dealing with the budget; and
- A discussion on transportation network agencies.

G. AUDIENCE PARTICIPATION

H. ACTION MEMORANDA

Item 1 – Action Memorandum No. 17-059: Authorizing the City Manager to Negotiate and Execute a Contract with Bore Tide Construction, in an Amount Not to Exceed \$133,693.33 to Perform Removal of Old Electrical Heating, Installation of New Mechanical Hydronic Heating Equipment and Required Flight Service Station Finishing Upgrades per City of Palmer Lease Agreement with the Federal Aviation Administration

Council Member LaFrance requested a staff report. City Manager Wallace noted the bids exceeded the amounts budgeted in 2015. City Manager Wallace noted additional funds would be taken from the General Fund.

Council Member Hanson addressed the importance of considering monies transferred to the Airport Fund from the General Fund as “loans” which were to be repaid.

Main Motion: To Authorize Action Memorandum No. 17-059

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

I. NEW BUSINESS

J. RECORD OF ITEMS PLACED ON THE TABLE

K. AUDIENCE PARTICIPATION

Council Member Fuller joined the meeting.

L. COUNCIL MEMBER COMMENTS

Council Member Best:

- Wished the Police Department a safe fair season; and
- Encouraged everyone to watch out for different traffic patterns and to stay safe.

Council Member Hanson:

- Requested assurance that all the necessary funds were available for completing pavement of the bike trail behind the depot. City Manager Wallace confirmed the money was available.

Deputy Mayor Combs:

- Noted Rachel Greenberg was reappointed to the State of Alaska Commission on Aging;
- Provided an update on construction projects at the Mat-Su Regional Health Center;
- Spoke to an opportunity on August 31, 2017, to speak to Juneau concerning the Certificate of Need for a Behavioral Health Unit;
- Provided an update on the Gateway Visitor Center update; and
- Expressed appreciation to the Council for the condolences expressed over the past few weeks.

M. EXECUTIVE SESSION

Item 1 – Subjects That Tend to Prejudice the Reputation and Character of Any Person – City Manager Evaluation (Note: Action may be taken following the executive session)

Main Motion: To Enter into Executive Session to Discuss Subjects That Tend to Prejudice the Reputation and Character of Any Person – City Manager Evaluation

Moved by:	Hanson
Seconded by:	Carrington
Action:	Motion carried unanimously by roll call vote
In favor:	Best, Carrington, Combs, DeVries, Fuller, Hanson, LaFrance
Opposed:	None

Hearing no objection from the Council to exit the Executive Session, Mayor DeVries reconvened the Regular Meeting.

The Council entered into Executive Session at 8:17 p.m. and exited at 9:05 p.m.

Upon exiting the Executive Session, the following motion was made:

Main Motion: To Award the City Manager a \$10,000.00 Bonus in Addition to Contractual Salary Effective Immediately

Moved by:	Combs
Seconded by:	Hanson
Action:	Motion carried unanimously by roll call vote
In favor:	Best, Carrington, Combs, DeVries, Fuller, Hanson, LaFrance
Opposed:	None

N. ADJOURNMENT

With no further business before the Council, the meeting adjourned at 9:08 p.m.

Approved this 12th day of September, 2017.

Norma I. Alley, MMC, City Clerk

Edna B. DeVries, Mayor

	Project Description	Estimated Budget/Cost	Planned Completion	Status	Expenditures	Comments
1	Waste Water Treatment Plant Upgrades: MMBR and Secondary Clarifiers to meet EPA/ADEC permit requirement per Consent Decree	\$9,000,000- \$14,000,000 (revised estimate after 65%~ \$12,610,290)	August 2020		\$842,107 as of January	Funding Sources On hand: State Grant \$2.5M State Grant: \$145k Enterprise or GF: \$600,000 Applied for: ADEC grant: \$1M USDA Loan: \$4.8 USDA Grant: \$3.5
a	Engineering/Design to EPA and ADEC (65%)	\$ 900,000	December	Complete	\$842,107 APPROVED	
b	Material Bid (MMBR system components)		December	Complete		
c	Material Bid Award (MMBR system components)	\$ 1,100,000	December	Complete	\$918,760 APPROVED	
d	Financing options(USDA and/or interim financing)		January/February	Complete		State Grant for FY 18 not available-GF loan
e	Permitting from DEC and State Fire Marshall		February	Complete		DEC permit and Fire Marshall review approved and on hand
f	Construction Bid Doc (95%/Final) to USDA		February	Complete		Submtted to USDA for review
g	Construction Bid		April	Complete		New bid \$9.5M April 28
h	Bond Resolution to Council		February	Complete		
i	Construction Bid Award (pending financing) to Council	\$ 9,500,000	May	Complete		NOIA and NTP published
j	Townhall on financing and construction schedule		July	Complete		Discuss construction schedule, noise/dust mitigation, financing
k	Construction Commence		June	On going		Contractor Mob underway
k(1)	Concrete Pour		June	On going		Final pour mid Sept
k(2)	Building/Lab		October			
m	MMBR System on line for testing		July 2018			
n	MMBR System tesing complete		April 2019			
o	Secondary Clarifiers on line		August 2020			

	Project Description	Estimated Budget/Cost	Planned Completion	Status	Expenditures	Comments
2	Rehabilitate RW 16/34 & Related Improvements	\$10,000,000- \$11,500,000	October 2017	Pre-Liminary Application Approved by FAA		Funding Sources On hand: State Grant: \$400K COP: \$225k Anticipated FAA: \$9.375M - \$10.781M
a	Engineering/Design in 2 Phases	Phase 1 \$237,913 Phase 2 \$182,579 Total \$420,492	May-17	Phase I nearing completion	\$237, 913 APPROVED	
b	Project Initiation		December	Complete		
c	Stakeholder Coordination		December	Complete		
d	Surveying & Mapping		Jan-17	Ongoing		
e	Geotechnical Evaluation		December	Ongoing		
f	Engineer's Design Report (35%)		Jan-17	Complete		EDR 35% to FAA for Review & Comment 01/10/2017
g	Phase 2 Design funding approval		Jan-17	Complete	\$182,759 Approved	
h	Construction Safety & Phasing Plan		Mar-17	Complete		
i	Final Design and submission to FAA		Apr-17	Complete		Approved by FAA
j	Townhall on project		June	Complete		FAA Fly-in
k	Bid & Grant Assistance		Apr-17	On going		With FAA for final approval
l	Bids Due		May-17	Complete		Due May 18
m	Award & Grant Acceptance from FAA	\$7,827,300.00	June			Awarded
n	Construction Mobilization		June			On going
o	Runway Closed		August 2017	Re-opened Aug 21		Apron work and helipad continues
p	Supplemental FAA Funding	\$1,406,250.00	August 2017	Not likely other than change orders		If other Airport Sponsor \$ Becomes Available will require City Match approval
q	Supplemental COP Funding	\$93,750.00	August 2017			
r	Project Completion		November			Ribbon cutting ceremony

	Project Description	Estimated Budget/Cost	Planned Completion	Status	Expenditures	Comments
3	Replace boiler in the Palmer Library.	\$50,000.00	September 2017		\$48,798.00	
a	Engineering and Design	\$4,900.00	In hand	Complete	\$4,900	Engineering documents have been completed by T3 Alaska
b	General Contractor Bid	\$44,100.00	Complete	Awarded	\$43,898.00	Bid awarded to Pinnacle Mechanical
c	Project work and completion		1-Sep-17	On going		Demolition has started and project is underway

	Project Description	Estimated Budget/Cost	Planned Completion	Status	Expenditures	Comments
4	Replace heating system in the Palmer FSS.	\$30,000.00	September 2017		\$10,000.00	
a	Engineering and Design	\$10,000.00	February 2017	Complete	\$10,000	Documents are complete.
b	General Contractor Bid	\$20,000.00	TBD	Completed		FAA Asbestos abatement will be done independent of most work
c	Project work and completion		November	On Going		Project is underway

	Project Description	Estimated Budget/Cost	Planned Completion	Status	Expenditures	Comments
5	Palmer FSS interior improvements	\$54,500.00	September 2017	Awaiting new lease signing by FAA	\$8,500.00	
a	Architectural Services and Design	\$8,500.00	February 2017	Complete	\$8,500	Documents are complete
b	General Contractor Bid	\$46,000.00	August	Completed		FAA Asbestos abatement will be done independent of most work
c	Project work and completion		January 2018	On going		Work to be done in phases in coordination with FAA requirements

	Project Description	Estimated Budget/Cost	Planned Completion	Status	Expenditures	Comments
6	City Hall and Fire Station 3-1 Parking Lot Upgrade	\$100,000.00	Aug 2017			
	a Engineering and Design	~\$15,000		Complete		HDL has completed design work for the Fire Station and is still making adjustments to the City Hall parking lot. Expect documents for bid by mid-AUGUST.
	b Paving Contractor Bid	\$85,000.00	May 2017	Not Started		
	c Project work and completion		Spring 2018	Not Started		Project will be broken into 2x phases. 1) Fire Station driveway 2) Front and employee parking lots

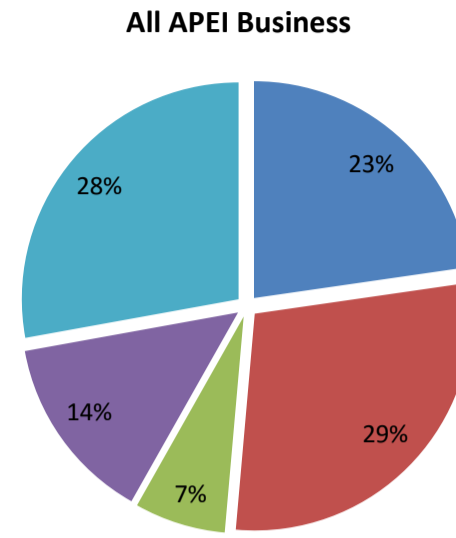
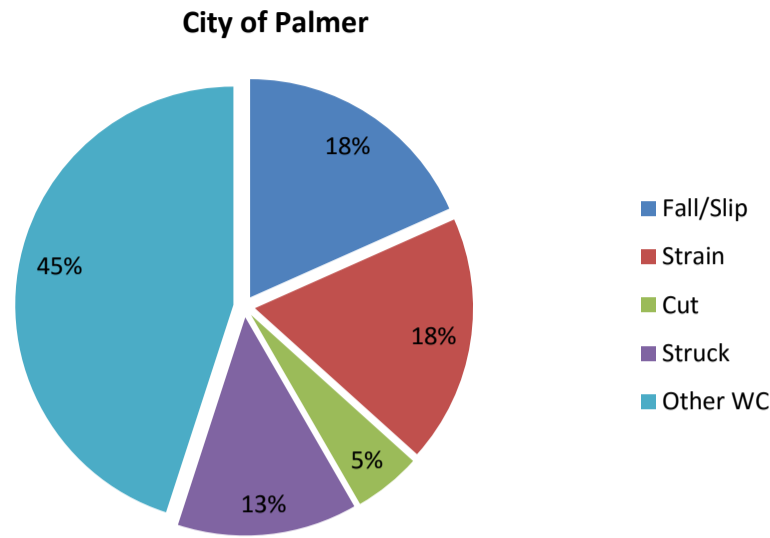
	Project Description	Estimated Budget/Cost	Planned Completion	Status	Expenditures	Comments
7	Bogard Road Booster Station to provide adequate pressure and flow for the western portion of Bogard Rd Water Main Extension Project.	\$1,420,000.00	TBD	Land Prep and Engineering Drawings Working	\$118,595.00	Through use of remaining grant funds (14-DC-125), PW has contracted HDL Engineering for Preliminary Engineering and site preparation.
a	HDL conduct preliminary engineering work and booster station site prep	\$118,595.00	July 2017	Working	\$118,595.00	Construction and Engineering drawings/specs are complete.
b	Project out for bid			Completed	\$105,415.00	Project is currently open for bids. Pre-bid is scheduled for 11 July Bid opening scheduled for 20 July
c	Site prep			On going		ADEC permitting in process

	Project Description	Estimated Budget/Cost	Planned Completion	Status	Expenditures	Comments
8	ADA Sidewalk installation of designated driveways and curb corners in the downtown Palmer area	\$100,000.00	Late August	Completed		Contract for this phase of the ADA Sidewalk project was awarded to Dirtworks. The project is underway at this time.

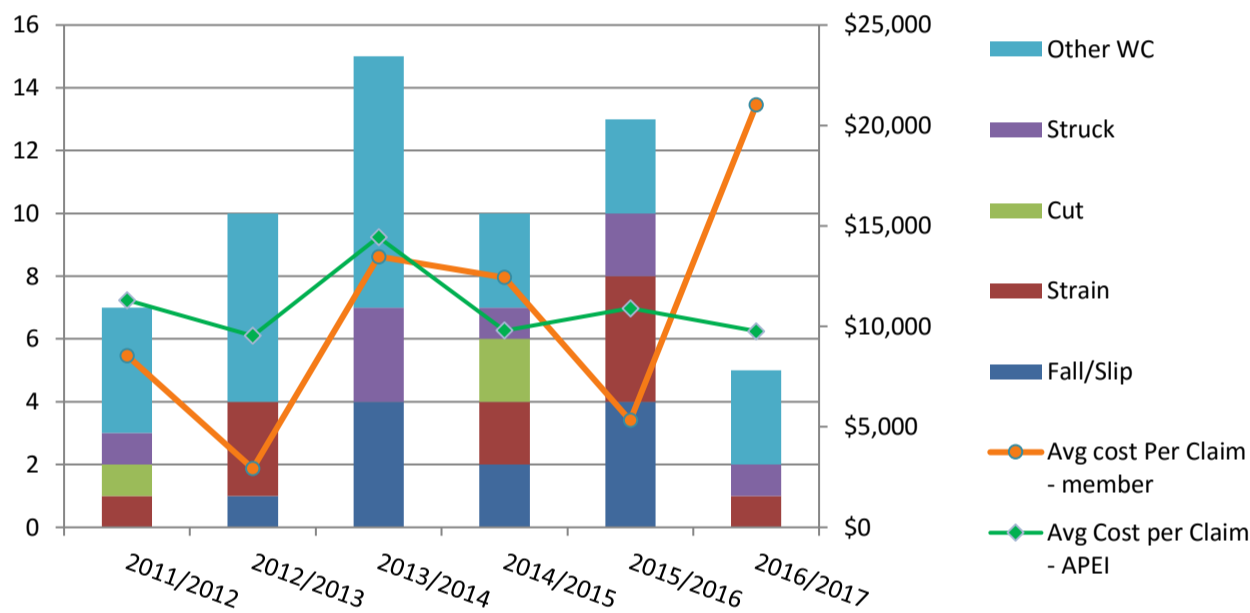
Summary of Workers' Compensation Experience City of Palmer

7/1/11 - 6/30/17

Claim Count by Injury Type



Number, Type, and Average Size of Claims by Year



Timeliness

Proportion of claims reported to APEI within 14 days of the date of injury

94% City of Palmer
91% Overall APEI



Frequency

Number of Injuries per \$1 Mil of Payroll

2.14 City of Palmer
1.49 Overall APEI non-School Districts



Severity

Average medical and indemnity cost per claim (claims capped at \$750,000)

13,580 City of Palmer
13,773 Overall APEI non-School Districts

	2011/2012	2012/2013	2013/2014	2014/2015	2015/2016	2016/2017
Fall/Slip	0	1	4	2	4	0
Strain	1	3	0	2	4	1
Cut	1	0	0	2	0	0
Struck	1	0	3	1	2	1
Other WC	4	6	8	3	3	3
Total WC Claims	7	10	15	10	13	5
Average Cost Per Claim for Member	8,543	2,924	13,469	12,439	5,320	21,017
Overall Avg Cost Per Claim for APEI	11,304	9,531	14,442	9,796	10,899	9,765

City of Palmer represents

1.6% of the 2016/17 Workers' Compensation Payroll written by APEI

Note on Injury Types

"Fall/Slip" includes falls or slips from a ladder, from a different level, on ice/snow, due to liquids or grease, or on stairs

"Strain" includes strains due to reaching, twisting, lifting, pulling, noise, or from using a tool or machinery

"Cut" includes cuts from broken glass, tools, objects being handled, or other sources

"Struck" includes injuries from being struck, kicked, stabbed,

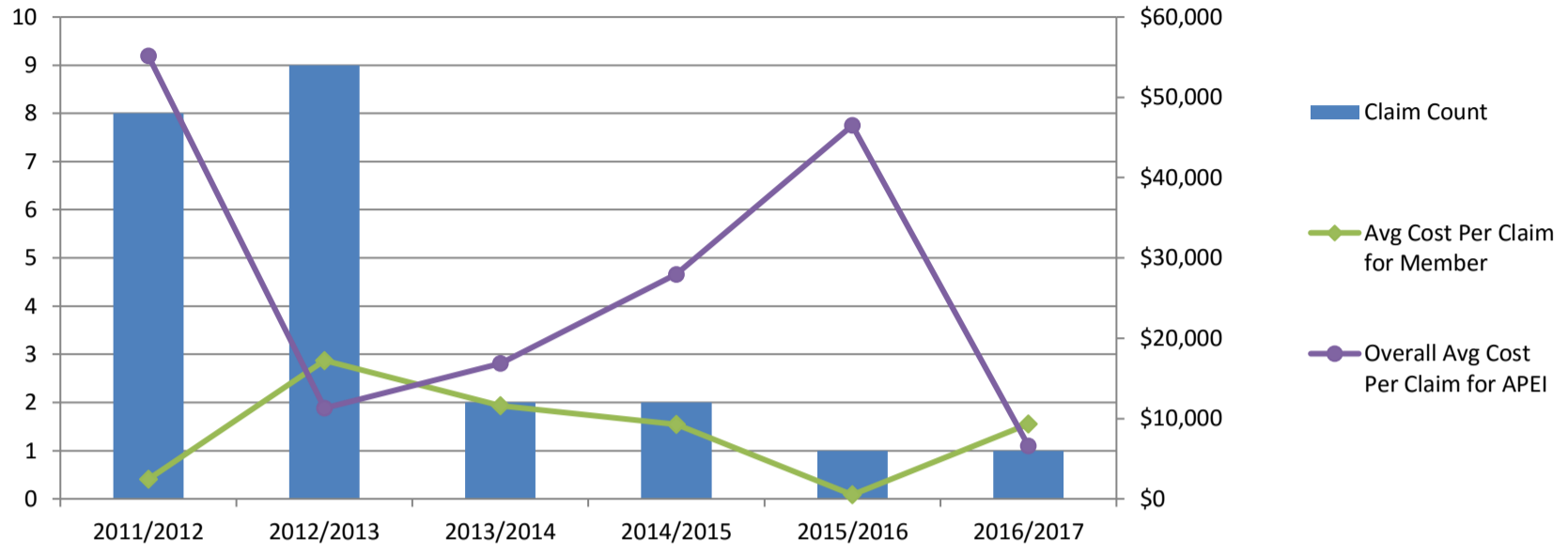
Data is as of 6/30/2017

Summary of Liability and Auto Experience

City of Palmer

7/1/11 - 6/30/2017

Number and Size of Liability & Auto Claims by Year



	2011/2012	2012/2013	2013/2014	2014/2015	2015/2016	2016/2017
Claim Count	8	9	2	2	1	1
Avg Cost Per Claim for Member	2,448	17,232	11,588	9,254	500	9,319
Overall Avg Cost Per Claim for APEI	55,155	11,270	16,849	27,959	46,483	6,599

City of Palmer represents

1.5% of the 2016/17 Liability & Auto Payroll written by APEI

Data is as of 6/30/2017



Norma I. Alley, MMC
City Clerk

Phone: (907) 745-3271
Direct: (907) 761-1321
Fax: (907) 745-0930

231 W. Evergreen Ave.
Palmer, Alaska 99645-6952
www.cityofpalmer.org

TO: Palmer City Council
FROM: Norma I. Alley, MMC *Norma I. Alley*
SUBJECT: City Clerk's Report for the September 12, 2017, Council Meeting

1. Boards & Commissions Attendance Spreadsheets

The monthly attendance spreadsheets are attached for:

- a. AAC
- b. BED
- c. PRCRAB
- d. P&ZC

2. Boards & Commissions Vacancies – **Application Deadline is Monday, September 25 at 4:30 p.m.**

Attached is the 2017 Boards & Commissions Vacancies Press Release. Outreach has been with:

- Press Release sent to The Frontiersman for the 8/27, 9/8, and 9/17 editions,
- The Chamber of Commerce has started promoting it in their weekly e-blast,
- A post went out on the city's Facebook page, and
- An email was sent to current board or commission members with terms expiring this year letting them know their terms are expiring this year and will need to reapply if they have interest in continuing to serve.

Also, attached is a Boards and Commissions Appointment Guide. This was created as a quick reference guide.

3. Elections – **Election Day is October 3rd**

The MSB's notice to voters regarding limited precincts being open is attached.

Important Election Dates:

- Declaration of Write-In Candidacy: July 31 – September 28
- Early Voting: September 18 - October 2
 - MSB: M-F from 8:00 a.m. – 5:00 p.m.
 - DOE:
 - September 18 – September 30
 - M-F from 9:00 a.m. – 7:00 p.m.
 - Sat. from 10:00 a.m. – 3:00 p.m.
 - October 3:
 - 9:00 a.m. – 5:00 p.m.
- Last Day to Request an Absentee Ballot: September 26
- Canvass Board: October 6 at 2:00 p.m. at City Hall
- Certification of Election: October 9 at 6:00 p.m. at City Hall

4. Social Media & Texting

Attached are a few articles that may be of interest regarding the national pulse on social media accounts used by public officials. It is always good to utilize multiple means when reaching constituents. If Facebook, Twitter, Instagram, texting, or one of the many other social media outlets is avenue of your communication, remember it is a public record releasable by FOIA and, as the articles illustrate, it is prudent to not block, restrict, or delete comments. I am happy to answer any questions or further discuss this matter with anyone.

5. Technology Use During Meetings

This is a friendly reminder that any communication occurring during a public meeting becomes part of the meeting record and is releasable under a FOIA request. Examples includes the use of our cell phones to text, tablets with email, and/or passing of notes. I know the importance of having technology near in case of a family emergency, so remain prudent upon its use during a meeting.

6. Tentative Upcoming Meetings

Tentative Future Meeting Schedule			
Meeting Date	Meeting Type	Time	Notes
Sept 26	Regular	7 pm	
Oct 9	Special	6 pm	Election Certification
Oct 10	Regular	7 pm	
Oct 17	Special	6 pm	2018 Budget
Oct 24	Special	6 pm	2018 Budget
Oct 24	Regular	7 pm	
Nov 7	Special	6 pm	2018 Budget
Nov 14	Regular	7 pm	
Nov 21	Special	6 pm	2018 Budget
Nov 28	Special	6 pm	2018 Budget
Nov 28	Regular	7 pm	
Dec 5	Special	6 pm	2018 Budget
Dec 12	Special	6 pm	2018 Budget
Dec 12	Regular	7 pm	Budget Adoption
Dec 26	Regular	7 pm	
Jan 9, '18	Regular	7 pm	

City of Palmer

Airport Advisory Commission Members

PMC 2.25.020. There is created a city airport advisory commission which shall consist of seven members.

Seat	Board Member	Term Expires
A	John Lee	Oct. 2019
B	Kenneth More	Oct. 2019
C	Jeff Helmericks	Oct. 2017
D	Andrew Weaver	Oct. 2018
E	Joyce Momarts	Oct. 2017
F	Shannon Jardine	Oct. 2019
G	Allan Linn	Oct. 2018

PMC 2.25.140.B. Cause for removal. 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.

2017 Attendance Record

Board Member	Jan	Feb	Mar	Apr	May *	June	July	Aug	Sept	Oct	Nov	Dec
Lee	✓	✓	✓	✓		✓	✓	✓				
More	✓	✓	✓	✓		✓	✓	✓				
Helmericks	U	✓	✓	✓		✓	✓	✓				
Weaver	✓	✓	✓	E		✓	✓	✓				
Momarts	E	✓	✓	✓		✓	✓	✓				
Jardine	✓	✓	✓	✓		✓	E	✓				
Linn	✓	✓	✓	✓		✓	✓	✓				

2016 Attendance Record

Board Member	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
Lee	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
More	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Helmericks	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Weaver											E	✓
Momarts	E	✓	✓	✓	✓	✓	✓	✓	E	✓	✓	✓
Jardine											✓	✓
Linn										✓	✓	✓

* Meeting Cancelled

** Special Meeting

✓ - Present

E - Excused

U - Unexcused Absence

V - Vacant

City of Palmer

Board of Economic Development Members

PMC 2.30.010.A. There is created a city board of economic development which shall consist of seven members.

Seat	Board Member	Term Expires
A	LaMarr Anderson	Oct. 2017
D	Christopher Chappel	Oct. 2018
B	Peter Christopher	Oct. 2019
E	Janet Kincaid	Oct. 2019
C	Lorie Koppenberg	Oct. 2018
F	Tendra Nicodemus	Oct. 2017
G	Dusty Silva	Oct. 2018
CC	David Fuller	Oct. 2017
PZC	Not Yet Appointed	Oct. 2017

PMC 2.30.140.B. Cause for removal. 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.

2017 Attendance Record

Board Member	Jan	Feb	Mar	Mar **	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
Anderson	E	✓	✓	✓	✓	✓	✓	✓	✓				
Chappel	✓	✓	✓	✓	✓	✓	✓	E	✓				
Christopher	✓	✓	✓	E	✓	✓	E	E	✓				
Kincaid	✓	E	✓	✓	✓	✓	✓	✓	E				
Koppenberg	✓	✓	E	✓	✓	✓	E	✓	✓				
Nicodemus	✓	✓	✓	✓	✓	E	✓	✓	✓				
Silva	✓	✓	✓	✓	✓	✓	✓	✓	✓				
Fuller	✓	✓	✓	✓	✓	✓	✓	✓	✓				
PZ&C	V	V	V	V	V	V	V	V	V				

2016 Attendance Record

Board Member	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
Anderson	*	✓	✓	✓	✓	E	✓	✓	✓	✓	✓	✓
Chappel	*	✓	✓	✓	✓	✓	✓	✓	✓	✓	E	✓
Christopher											✓	✓
Kincaid											✓	✓
Koppenberg	*	E	✓	✓	E	✓	✓	✓	✓	✓	E	✓
Nicodemus	*	E	✓	✓	✓	E	E	E	✓	✓	E	✓
Silva	*	✓	✓	✓	✓	✓	✓	E	✓	✓	✓	✓
Fuller												✓
PZ&C	V	V	V	V	V	V	V	V	V	V	V	V

* Meeting Cancelled
 ** Special Meeting
 ✓ – Present

E – Excused Absence
 U – Unexcused Absence
 V – Vacant

City of Palmer

Parks, Recreation and Cultural Resources Advisory Board Members

PMC 2.22.010.A. There is created a city board for parks, recreation and cultural resources which shall consist of seven members.

Seat	Board Member	Term Expires
A	Stephanie Allen	Oct. 2017
F	Meggie Aube-Trammell	Oct. 2018
D	Shannon Connelly	Oct. 2019
B	Jo Ehmann	Oct. 2018
C	Dot Helm	Oct. 2017
E	Jan Newman	Oct. 2017
G	Fran Seager-Boss	Oct. 2017

PMC 2.22.140.B. Cause for removal. 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.

2017 Attendance Record

Board Member	Jan	Feb	Mar	Mar **	Apr	May *	June	July	July **	Aug	Sept	Oct	Nov	Dec
Allen	E	✓	✓	E	✓		✓	✓	✓	E				
Aube-Trammell	✓	✓	✓	✓	✓		✓	✓	✓	✓				
Connelly	✓	✓	✓	✓	✓		✓	✓	✓	E				
Ehmann	✓	✓	✓	✓	✓		E	E	E	✓				
Helm	✓	✓	✓	✓	✓		✓	✓	✓	✓				
Newman	✓	E	✓	E	✓		✓	✓	✓	✓				
Seager-Boss	✓	✓	E	E	✓		✓	✓	U	✓				

2016 Attendance Record

Board Member	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
Allen	✓	✓	U	E	✓	E	✓	✓	✓	✓	✓	✓
Aube-Trammell	✓	✓	✓	✓	✓	✓	✓	✓	E	✓	✓	✓
Connelly											✓	✓
Ehmann	✓	✓	E	✓	✓	E	✓	E	✓	✓	✓	✓
Helm	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Newman	✓	E	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Seager-Boss			E	✓	E	✓	✓	✓	✓	U	U	✓

* Meeting Cancelled
 ** Special Meeting
 ✓ – Present
 E – Excused Absence

U – Unexcused Absence
 V – Vacant

City of Palmer

Planning & Zoning Advisory Commission Members

PMC 2.20.010.A. There is created a city planning and zoning commission which shall consist of seven members who shall be nominated by the mayor and confirmed by the city council. All members must be residents of the city.

Seat	Commission Member	Term Expires
A	Gena Ornquist	Oct. 2017
B	Vacant	Oct. 2019
C	Merry Maxwell	Oct. 2018
D	Kristy Thom Bernier	Oct. 2019
E	Dan Lucas	Oct. 2017
F	David Petty	Oct. 2018
G	Douglas Cruthers	Oct. 2018

PMC 2.20.321.C. Cause for removal. In addition, a commissioner may be removed by the council if, during any 12-month period while in office: 1) The commissioner is absent from three regular meetings without excuse; or 2) The commissioner is absent from six regular meetings.

2017 Attendance Record

Commissioner	Jan	Feb	Mar	Apr **	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Ornquist	✓	*	✓	✓	✓	✓	✓	✓	✓				
Vacant													
Maxwell	✓	*	✓	E	✓	E	✓	E	✓				
Thom Bernier	✓	*	✓	✓	E	✓	E	✓	✓				
Lucas	✓	*	✓	✓	✓	✓	✓	✓	✓				
Petty	✓	*	✓	✓	✓	✓	✓	✓	✓				
Cruthers	E	*	E	✓	✓	✓	✓	✓	U				

2016 Attendance Record

Commissioner	Jan	Feb	Mar	Apr **	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Ornquist											✓	✓
Vacant												
Maxwell	✓	*	✓	✓	E	✓	✓	✓	✓	E	E	✓
Thom Bernier											✓	✓
Lucas	✓	*	✓	✓	✓	✓	E	✓	✓	✓	✓	✓
Petty	✓	*	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Cruthers	✓	*	✓	✓	✓	U	✓	✓	✓	✓	✓	✓

* Meeting Cancelled
 ** Special Meeting
 ✓ – Present

E – Excused Absence
 U – Unexcused Absence
 V – Vacant



City of Palmer
231 W. Evergreen Avenue • Palmer, AK 99645
Phone: (907) 745-3271 • Fax: (907) 761-1332

Boards and Commissions Vacancy Notice

The City of Palmer is seeking applications from citizens to serve on a board or commission. This is an opportunity to be part of a decision-making team governing your community.

The "Board/Commission Application" may be obtained from the city's website at <http://www.cityofpalmer.org/> or from the City Clerk's Office at City Hall (231 W. Evergreen) and a completed application must be received by the City Clerk's Office no later than **4:30 p.m. on Monday, September 25, 2017.**

The Mayor reserves the right to extend deadlines and accept late applications. The Mayor nominates members with confirmation by city council. Applicants will be notified of the date the city council will consider the appointment and should plan on attending.

AIRPORT ADVISORY COMMISSION (AAC)

This commission is seeking applications for two seats with terms expiring on December 31, 2020. The purpose of the AAC is to assist in the development of plans for the airport; recommend methods and means to implement airport plans; assist in the promulgation of airport regulations; work with and support city staff in the implementation of airport regulations; and advance, promote, and improve aviation development and opportunities.

Meetings are held the fourth Thursday of each month in the evening.

Applicant Requirements:

- At least one vacant seat must be filled with a candidate that resides within city limits.
- May, but is not required, to have a lease or tie-down space at the airport or use the airport for any aircraft-related purpose.
- Able to serve a three-year term from November 1, 2017, through December 31, 2020.

BOARD OF ECONOMIC DEVELOPMENT (BED)

This board is seeking applications for three seats with terms expiring on December 31, 2020. The purpose of the BED is to develop a policy for the City of Palmer Economic Development Plan. 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. The Board shall also advise the City Council on economic development issues.

Meetings are held the first Monday of each month in the evening.

Applicant Requirements:

- No residency requirement, but preference will be given to a resident of the city of Palmer for at least one seat.
- Should be a representative from the following categories, including but not limited to: business, tourism, industry, education, finance, health care, and the general public.
- Able to serve a three-year term from November 1, 2017, through December 31, 2020.

PARKS, RECREATION, AND CULTURAL RESOURCES ADVISORY BOARD (PRCRAB)

This board is seeking applications for three seats with terms expiring on December 31, 2020, and one seat with a term expiring on December 31, 2019. The purpose of the PRCRAB is to develop, support, and advise the City Council on all matters pertaining to City parks, recreation and cultural programs and projects; provide input and recommendations on issues relating to placement of memorials and plaques on City property; and provide input on the annual budget for City parks, recreation, and cultural programs and projects.

Meetings are held the first Thursday of each month in the evening.

Applicant Requirements:

- At least two vacant seats must be filled with candidates that reside within Palmer city limits.
- Have interest in parks, recreation, trails, playgrounds, bikeways, the arts, and the general public.
- Able to serve a three-year term from November 1, 2017, through December 31, 2020 (one appointment will finish a term expiring December 31, 2019).

PLANNING AND ZONING COMMISSION (PZC)

This commission is seeking applications for three seats with terms expiring on December 31, 2020. The purpose of the PZC is to develop, adopt, alter, or revise the Comprehensive Plan; make recommendations to the Borough Platting Board; prepare and recommend ordinances and policies to the City Council concerning subdivision of land; perform duties as set out in Palmer Municipal Code Title 17: Zoning; and perform duties established by the City Council from time to time.

Meetings are held the third Thursday of each month at 7:00 p.m.

Applicant Requirements:

- Must reside within the Palmer city limits.
- Have interest in issues and activities related to planning, platting, and land use regulation and community development in general.
- Able to serve a three-year term from November 1, 2017, through December 31, 2020.

CITY BOARDS AND COMMISSIONS APPOINTMENT GUIDE

	Airport Advisory Commission	Board of Economic Development	Planning and Zoning Commission	Parks, Recreation, and Cultural Resources Advisory Board
Term	3 years Expires October 31	3 years Expires October 31	3 years Expires October 31	3 years Expires October 31
Chair and Vice-Chair	Appointed by the membership at first meeting of November.	Appointed by the membership at first meeting of November.	Appointed by the membership at first meeting of November.	Appointed by the membership at first meeting of November.
Members	7 members Appointed by the Mayor with confirmation of Council.	7 members plus one member each from the City Council and PZC as ex officio non-voting members. Appointed by the Mayor with confirmation of Council.	7 members. Appointed by the Mayor with confirmation of Council.	7 members Appointed by the Mayor with confirmation of Council.
Membership Criteria	At least 2 members shall be City residents At least 3, but no more than 4, shall have interest in the airport (A person who leases real property (to include a tie-down space) at the airport or who uses the airport for any aircraft-related purpose is considered to be a person who has an interest in the airport).	No residency requirements Should be representatives from the following categories, including but not limited to: business, tourism, industry, education, finance, health care and the general public.	All must be residents of the City.	Majority be City residents with interest in parks, recreation, trails, playgrounds, bikeways, the arts and the general public.
Removal	Removal by Council. Absent from 3 regular meetings without excuse or absent from 6 regular meetings in a 12-month period.	Removal by Council. Absent from 3 regular meetings without excuse or absent from 6 regular meetings in a 12-month period.	Removal by Council. Absent from 3 regular meetings without excuse or absent from 6 regular meetings in a 12-month period.	Removal by Council. Absent from 3 regular meetings without excuse or absent from 6 regular meetings in a 12-month period.
Meeting Date	Fourth Thursday of each month at 7:00 p.m. and go no later than 11:00 p.m. (2/3 consent to extend one hour)	Fourth Thursday of each month at 7:00 p.m. and go no later than 11:00 p.m. (2/3 consent to extend on hour)	Third Thursday of each month at 7:00 p.m. and go no later than 11:00 p.m. (2/3 consent to extend one hour)	First Thursday of each month at 7:00 p.m. and go no later than 10:00 p.m. (2/3 consent to extend one hour)
Purpose	A. To assist in the development of plans for the airport; B. To recommend methods and means to implement airport plans; C. To assist in the promulgation of airport regulations; D. To work with and support city staff in the implementation of airport regulations; and E. To advance, promote and improve aviation development and opportunities.	A. 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.	A. Comprehensive Plan. B. Make Recommendations. C. Ordinances and Policies Concerning Subdivision of Land. D. Perform duties as set out in PMC Title 17 , Zoning; and E. Perform those duties established by the council from time to time.	A. Develop, support, and advise the city council on all matters pertaining to city parks, recreation and cultural programs and projects. B. Provide input and recommendations on issues relating to placement of memorials and plaques on city property and on the annual budget for city parks, recreation and cultural programs and projects.
Authority Provided By	Code §2.18 (general) §2.25 (AAC) §2.05.040 (appointment)	Code §2.18 (general) §2.30 (BED) §2.05.040 (appointment)	Code §2.18 (general) §2.20 (P&ZC) §2.05.040 (appointment)	Code §2.18 (general) §2.22 (PRCRAB) §2.05.040 (appointment)

NOTICE TO VOTERS

The Matanuska-Susitna Borough will hold a regular election on Tuesday, October 3, 2017; however, not every precinct within the Borough will be open on election day or have a Borough ballot to vote.

Why You Ask? - An areawide question means that everyone in the Borough can vote on that question. There are no areawide questions on the Borough ballot this year, so not every precinct has a candidate or proposition they are qualified/eligible to vote on.

In the past, School Board seats were an Areawide question (race) that the entire Borough voted on. In 2015 the voters decided to make School Board seats districted, which made the seats non-areawide (district specific) questions. This year there are no races for Assembly or School Board in Districts 1, 2, and 7.

There are no Areawide questions or candidates to vote on in the following precincts and they **WILL BE CLOSED** and **will NOT have a ballot** to vote on for the October 3, 2017, regular Borough election.

08-130 Meadow Lakes No. 1 Meadow Lakes Elementary School	08-135 Meadow Lakes No. 2 Meadow Lakes Public Safety Bldg. (7-1)	09-622 Farm Loop Farm Loop Christian Center	09-640 Sheep Mountain Glacier View School
09-645 Sutton Sutton Public Library	10-025 Meadow Lakes No. 3 Church on the Rock	10-030 Susitna Upper Susitna Senior Center	10-040 Trapper Creek Trapper Creek Elementary
10-045 Willow Willow Community Center	11-055 Walby Colony Middle School	11-060 Greater Palmer Palmer Community Center (Railroad Depot)	11-065 Mat-Su Campus Matanuska-Susitna College
11-085 Trunk Central Mat-Su Public Safety Bldg. (5-1)	11-095 Springer Loop Palmer 7 th Day Adventist Church	11-099 Lazy Mountain Lazy Mountain Bible Church	12-220 Butte Butte Public Safety Bldg. (2-1)

All other precincts WILL BE OPEN on Election day, except the following City precincts **will NOT** have a Borough ballot available:

10-020 Houston Houston City Hall	11-070 Palmer City No. 1 Mat-Su Borough Building	11-075 Palmer City No. 2 Palmer Senior Citizens Center
-------------------------------------	-----------------------------------------------------	-----------------------------------------------------------

The following precinct **WILL BE OPEN** on election day but will only have a ballot for those residents who reside in the Talkeetna Sewer and Water Service Area. There are no Areawide questions or candidates to vote on in this precinct.

10-035 Talkeetna
Talkeetna Elementary School

Questions? Please call the Matanuska-Susitna Borough Clerk's Office at 907-861-8683.

http://www.newsminer.com/news/local_news/alaska-legislature-studies-whether-legislators-can-block-users-on-social/article_967afdf4-8583-11e7-ac46-d3c453e81cf0.html

Alaska Legislature studies whether legislators can block users on social media

Erin Granger egranger@newsminer.com Aug 20, 2017

FAIRBANKS — The Alaska Legislature’s Division of Legal and Research Services recently addressed what appears to be a constitutional gray area about whether state legislators should be allowed to block users on social media.

The report, created by Legislative Counsel Megan Wallace, was made at the request of Rep. Scott Kawasaki, D-Fairbanks.

Kawasaki said he looked into the issue because some legislators had been accused of blocking users.

“I thought just to be on the safe side, we should get some input from the legal side just to figure out what we should or shouldn’t be doing,” Kawasaki said.

Legislative council has adopted social media guidelines put forward in 2011. However, those guidelines do not address a legislator’s right to block users or suppress comments on social media platforms like Facebook or Twitter, Wallace said.

“The issue here is whether a legislator’s public use of social media creates a designated or limited public forum,” Wallace wrote, “and whether blocking a user or suppressing the ability for a user to comment imposes an unconstitutional restriction on that user’s speech or ability to participate in the forum.”

This is where things get complicated, Kawasaki said.

“It’s sort of in the gray area for now, they said, because social media is a fairly new platform for communication,” Kawasaki added. “So until the courts look over it, legal couldn’t really give us a solid opinion.”

The differences between a designated public forum and a limited public forum have become increasingly unclear when paired with the many nuances of the internet.

Some courts and commenters use the terms interchangeably. However, they are not the same, Wallace wrote.

According to the 9th U.S. Circuit Court of Appeals, a limited public forum is a sub-category of a designated public forum that refers to a type of nonpublic forum that the government has intentionally opened to certain groups.

The U.S Supreme Court has recognized, based on previous cases, that there is “no basis for qualifying the level of First Amendment scrutiny that should be applied to the internet,” noting that the basic principles of freedom of speech do not change when applied to a new medium, such as social media.

Whether a public official’s use of a social media account creates a designated or limited public forum is unsettled. There is no case law governing this issue in Alaska, Wallace said.

If in the future social media sites are labeled as designated or limited forums, legislators would not be permitted to block or place restrictions on a user because of a disagreement with the user’s point of view, Wallace said.

Kawasaki said in most cases he did not support blocking users.

“I use social media quite a bit to communicate with constituents and some agree and some don’t, but I feel that legislators should freely debate and put out their public opinions to anybody whether they agree or not,” Kawasaki said. “I think isolating yourself from the public isn’t a good way to do the public’s business.”

Kawasaki said the only time he has blocked a user on Twitter was when the user was making threats to others.

A group of Twitter users represented by the Knight First Amendment Institute at Columbia University filed a lawsuit in June accusing President Donald Trump of blocking them on Twitter, thus violating their First Amendment rights. This is the first federal case of its kind and the government has yet to respond to the suit.

Kawasaki said he hoped it didn't come to that in Alaska.

"I hope that no legislation is necessary," he said. "I hope that Americans and Alaskans are able to exercise free speech without having to block anyone."

Contact staff writer Erin Granger at 459-7544. Follow her on Twitter: @FDNMPolitics.

Alaska Dispatch News

Nation/World

Trump's Twitter account is blocking followers. Is that constitutional?

 Author: Dustin Volz, Reuters  Updated: June 7  Published June 7

WASHINGTON – A free-speech institute on Tuesday sent a letter to President Donald Trump demanding the prolific tweeter unblock certain Twitter users on grounds the practice violates the First Amendment of the U.S. Constitution.

Trump's @realDonaldTrump account recently blocked a number of accounts that replied to his tweets with commentary that criticized, mocked or disagreed with his actions. Twitter users are unable to see or respond to tweets from accounts that block them.



The Knight First Amendment Institute at Columbia University in New York said in its letter that the blocking suppressed speech in a public forum protected by the Constitution.

The White House did not respond to a request for comment. Twitter said it had no comment.

Alex Abdo, the institute's senior staff attorney, likened Twitter to a modern form of town hall meeting or public comment periods for government agency proposals, both venues where U.S. law requires even-handed treatment of speech.

Eric Goldman, a Santa Clara University law professor who focuses on internet law, said that previous cases involving politicians blocking users on Facebook supported the Knight Institute's position.

If the institute should sue, Trump could claim his @realDonaldTrump account is for personal use and separate from his official duties as president, Goldman said. But he called that defense "laughable."

Trump also has a presidential @POTUS Twitter account. The Knight Institute said its arguments would apply with "equal force" to both accounts.

Trump's Twitter use has drawn intense media attention for his unvarnished commentary about his agenda and attacks on critics. His tweets are often retweeted tens of thousands of times, and can shape the news cycle.

Legal experts have said his tweets may directly affect policy. A chain of postings about his travel ban may hamper his administration's defense in courts.

The letter said Trump or his aides blocked the accounts @AynRandPaulRyan and @joepabike, belonging to songwriter Holly O'Reilly and professional cyclist and author Joseph M. Papp, respectively.

O'Reilly was blocked on May 28 after posting a brief animated clip of Pope Francis appearing uncomfortable during a meeting with Trump with a caption, "this is pretty much how the whole world sees you," the letter said.

Papp learned he was blocked on June 4 after responding to a Trump tweet with a tweet labeling the president a "#fake leader."

The accounts are just two of several that have been blocked by Trump or his aides, Abdo said.

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California Supreme Court Subjects Private Electronic Accounts to the Public Records Act



By: [Brian Ross](#)

On March 2, 2017, the California Supreme Court issued its decision in *City of San Jose v. Superior Court* (2017) S218066, in which it held that city officials were required to publicly disclose work-related electronic communications over their personal electronic accounts and devices. The case involved a private citizen who formally requested numerous records, including emails and text messages “sent or received on private electronic devices used by” the mayor, city council members, and their staff. The City disclosed communications made using official city telephone numbers and email accounts but did not disclose communications using the individuals’ personal accounts and devices.

The Supreme Court overruled the lower court’s determination that electronic communications relating to the conduct of public business on private accounts were not “prepared, owned...or retained” by the governmental agency and hence subject to disclosure under the California Public Records Act (“CPRA”). This decision is significant because it concerns how laws, originally enacted to cover paper documents, apply to evolving methods of electronic communications while recognizing that, in today’s environment, much employment-related activity occurs outside the conventional workday and outside the employer-maintained work environment. It establishes for the first time a legal standard of disclosure of work-related communications on personally owned devices or over personal email accounts that will have a

significant and far-reaching impact on every public employee in the State of California. The mere act of communicating with other public employees and elected officials via personal electronic devices will need to be considered in the context of this decision.

The Public Records Act

The CPRA (Government Code Section 6250, et seq.) was created in order “to require that public business be conducted ‘under the hard light of full public scrutiny’ and thereby ‘to permit the public to decide for itself whether government action is proper.’” (*Times Mirror Co. v. Superior Court* (1991) 53 Cal.3d 1325, 1350.) In creating this Act, the California Legislature declared that “access to information concerning the conduct of the people’s business is a fundamental and necessary right of every person in this state.” (Gov. Code, § 6250.) Indeed, in 2004, voters codified this principle in the California Constitution by adopting Proposition 59, which stated that “the writings of public officers and agencies shall be open to public scrutiny.” The California Supreme Court had subsequently determined that the CPRA creates “a presumptive right of access to any record created or maintained by a public agency that relates in any way to the business of the public agency.” (*Sander v. State Bar of California* (2013) 58 Cal.4th 300, 323.)



The California Supreme Court’s Decision

The California Supreme Court framed the legal issue as a narrow one: “Are writings concerning the conduct of public business beyond CPRA’s reach merely because they were sent or received using a nongovernmental account?” In answering this question in the negative, the Court looked at the language of the CPRA and its intent. It rejected the City’s arguments that personal communications were not “prepared” by the local agency and were not “owned, used, or retained by the local agency” and, thus, were not a “public record” under the CPRA. The Supreme Court concluded (at p. 10) that the CPRA includes not only the governmental entity, but also its individual officers and employees. Moreover, the Supreme Court found that a document is retained by the agency within the meaning of the CPRA, “even if the writing is retained in the employee’s personal account.” (Decision, p. 13.)

To be subject to disclosure under the CPRA, the records must relate in some substantive manner to the conduct of the public’s business. However, the Supreme Court cautioned (at p. 7) that, “This standard, though broad, is not so elastic as to include every piece of information the public may find interesting. Communications that are primarily personal, containing no more than incidental mentions of agency business, generally will not constitute public records.”

The Impact of the Decision on Public Employees

This decision will have a significant impact on all public employees in the State of California, and most assuredly, peace officers. Pursuant to the CPRA, the public agency has an obligation to search, collect, and disclose material requested in a Public Records Act request. Such records would include information in the actual or constructive possession of the agency, and according to this recent decision, public records do not lose their status merely because they are located in an employee's personal account or on a personal device (e.g., cell phone). Therefore, the decision recognizes the right of the agency to undertake a "reasonable effort" to locate responsive documents to the Public Records Act request, including through the search of an employee's personal account.

Although the CPRA does not prescribe specific methods of searching for documents, the California Supreme Court explored potential methods to accomplish the search for documents. For instance, the Court indicated that agencies could develop internal policies for conducting such searches, or could rely on employees to search their own personal files and devices for responsive materials. Alternatively, the Court also suggested that public agencies could develop policies that would reduce the likelihood of public records being held in employees' private accounts.



The Court cautioned, however, that any personal information not related to the conduct of public business or falling under a statutory exemption under the Act could be redacted, (Gov. Code, § 6253(a)) but that such privacy concerns would need to be addressed on a case-by-case basis. The Court also noted the catchall exemption under the CPRA which allows agencies to withhold any record if the public interest served by withholding it clearly outweighs the public's interest in disclosure. (Gov. Code, § 6255(a).) Such an exemption permits a balance between a public's interest in disclosure and an individual's privacy interest.

Conclusion

This decision will certainly cause public agencies to examine their policies and practices regarding electronic communications. It may impact the reasonable expectation of privacy a public employee has in a personal device if he or she uses that personal device for official business. Any expectation of privacy must be reasonable (see *Hernandez v. Hillside, Inc.* (2009) 47 Cal.4th 272, 287-88) and the United States Supreme Court has held that ". . . Public employees' expectations of privacy in their offices, desks, and file cabinets, like similar expectations of employees in the private sector, may be reduced by virtue of actual office practices and procedures, or by legitimate regulation." (*O'Connor*

v. Ortega (1987) 480 U.S. 709, 717). Thus, we may see an employer argue that an employee who conducts official business on a personal device or account after this decision should know that such records will be subject to disclosure through the CPRA and, therefore, the employee has a reduced expectation of privacy in the device and the private account in general.

In the wake of this decision, labor organizations and individual employees should anticipate that agencies will likely be adopting policies and procedures respecting searches of private devices and regulating electronic communications. Employee organizations should be vigilant to exercise all applicable meet and confer rights under collective bargaining statutes to ensure that any such agency procedures are consistent with privacy rights established by the United States and California Constitutions.

Moreover, the Court's decision should cause every public employee to seriously consider when, how, and whether to use their personal cell phones for anything related to the business of the agency they work for. Peace officers in particular should be especially reluctant to use their personal communication devices and accounts for law enforcement business as the nature of their work places them at even greater risk of having their personal cell phones accessed.



Brian Ross, the author, is an attorney in the Litigation and Collective Bargaining practice groups of the Santa Monica office of Rains Lucia Stern St. Phalle & Silver, PC. Editing contributions were made by firm partners Rockne Lucia (Pleasant Hill), Robert Wexler (Santa Monica) & Richard Levine (Santa Monica).

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Tweets and Opinions Don't Represent My Agency*

Published on November 18, 2016



Chris Hsiung | [Follow](#)

Police Captain - Investigations and Special Operations Division /...

49

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7

The majority of police departments in the United States now have some sort of presence on Twitter, and that's a good thing. When used correctly and effectively, departments big and small can successfully manage critical incidents by tweeting out timely information and dispelling rumors.

The rise of law enforcement on social media has also brought about many police officers, command staff, and chiefs who have created their own Twitter accounts. This is also a good thing as it fosters communication and engagement with the public and allows people to get to know the faces behind the badge. Some have "official" Twitter accounts bearing profile photos in uniform while others have "non-professional" accounts with Twitter bios that say something similar to, "tweets and opinions are my own and don't reflect my agency..." Those with professional accounts know (or should know) to stay away from tweeting about certain topics like politics, personal opinions, or religion. Those with non-professional accounts would be wise to stick to personal opinions, thoughts, or whatever they are comfortable sharing on social media. The problem, and the topic of this blog, is when the two overlap.



I have seen far too many police chiefs and officers who have “non-professional” or personal Twitter accounts blur these lines and this is what one of those accounts look like:

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- Their Twitter handle contains their rank
- Their profile or cover photos have them in uniform or portray their department patch, badges, or logos
- They tweet official incident information from their “non-professional” account (speaking with authority and their message can be construed as if it was from the department). Secondly, they’re responsible for their department’s Twitter account so you see identical tweets coming from the department and their account at the exact same time
- They tweet photos of themselves during their work day, in uniform, during the course of their normal duties
- There is almost always mention in the Twitter bio about, “...*tweets and opinions are my own and don't represent my department...*” (Opinion: I doubt this would stand up in court or in an internal affairs investigation)

This is not to say that law enforcement professionals should never tweet about law enforcement issues from their personal accounts. To the contrary, the issue is whether an examination of their twitter feed or profile has anything in it which would make the average person think they used the account in an official law enforcement capacity (think back to photos in uniform, tweeting incident information, etc). Now, mix this with a few personal opinions about politics, religion, promoting their personal side business or (fill in the blank). It's a potential recipe for disaster. The takeaway is this: **don't mix the two**. Either keep your social media presence completely professional or completely personal (and private).

Recent case law has shown that law enforcement agencies are able to limit free speech rights of police officers and the topic has been [written about in the media](#). Most contemporary department social media policies draw a distinction between personal (constitutionally protected) free speech vs. speech made pursuant to their official duties. As an example, the Mountain View, California, Police Department [social media policy](#) says the following:

"Department personnel are free to express themselves as private citizens on social media sites to the degree that their speech does not impair working relationships of this department for which loyalty and confidentiality are important, impede the performance of duties, impair discipline and harmony among coworkers, or negatively affect the public perception of the department."

and



"As public employees, department personnel are cautioned that speech on or off-duty, made pursuant to their official duties, "that is, that owes its existence to the employee's professional duties and responsibilities, "is not protected speech under the First Amendment and may form the basis for discipline if deemed detrimental to the department. Department personnel should assume that their speech and related activity on social media sites will reflect upon their position and this department."

Sign in

Join now

To recap, I absolutely advocate for social media use, but where I would suggest the line be drawn is when you begin to see a confluence between your personal life and your professional one. If you are a legitimate source for news and updates from your agency with your professional account, maintain and hone that. Your account is a valuable asset to your organization in the realm of social media. But when the waters begin to become murky as a result of expressing personal opinions, remember this: Your job is about the protection, safety and service to your community, no matter what they believe or who they support. It is not your job to express your sole opinion about something in a way that seems to reflect the entirety of the department. That's not fair to your colleagues, and that's not fair to your community, no matter what you may say in your quick bio on your profile.

Originally published on the [International Association of Chiefs of Police \(IACP\) Social Media Blog](#).

**Chris Hsiung**

Police Captain - Investigations and Special Operations Division / Social Media

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9 comments

Newest ▾

[Sign in](#) to leave your comment**Ryan Monaghan**

Police Lieutenant at City of San Mateo

... 1mo

Very relevant article Chris. I did research into to this very topic and completely agree with your recommendations. The lines between personal and professional and freedom of speech can blur very easily when you are in the business of serving the community.

Like Reply | 2

**Justin H. S. Breaux**

Digital Media and External Communications Specialist

... 4mo

Great thoughts. Thank you for sharing. The same could be said about other professions. Though those personal / professional lines can get blurry at times.



Do you know if there are any documents that address this personal / professional divide when on social media?

Like Reply | 1 1

Sign in

Join now



Chris Hsiung

Police Captain - Investigations and Special Operations Division / Social Media

4mo

Hi

Justin, none come to mind but it's definitely an area all professionals should be aware of.

Like Reply

There are 7 other comments. [Show more.](#)

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Mayor's Memo

Council Meeting report – September 12, 2017

UP COMING EVENTS

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

Mayor's Minute on Radio – Sept 22

Mayors/Managers Meeting – September 21 - Palmer

Manager, Mayor, Clerk & Attorney agenda – Sept 14 and 29

Set Free September 23 – fund raiser – Evangelo

Peace March – September 21 – downtown Palmer by Job Corp

Transportation Fair – Menard Center – September 28 3 to 7

October 7 – Greater Chamber of Commerce Fund Raiser – Government Peak

Fire Department – Halloween – October 31

Mat Su Mayor's Breakfast 8:30- 10:30 am – November 11 – Turkey Red

PENDING ITEMS – Flag Pole by Library, Electric stands on South Alaska, tennis courts request, All America City application, Daron Park,

**City of Palmer
Information Memorandum No. 16-042
Resolution No. 16-027**

Subject: Authorizing the City Manager to Negotiate and the Mayor Execute the Sale of a 6.908 Acre Parcel of Land Located at 3854 S. Glenn Highway to the Alaska Department of Transportation and Public Facilities in Accordance with Palmer Municipal Code 3.20.080(D) for the Amount of \$165,000.00


Agenda of: September 27, 2016 – 1st Public Hearing
October 11, 2016 – 2nd Public Hearing
September 12, 2017 – 3rd Public Hearing

Council Action: **Approved** **Denied**


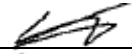
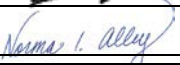
Originator Information:

Originator: Nathan E. Wallace, City Manager
Date Created: 9/02/2016 **Requested agenda date:** 9/12/2017

Department Information √:

Route to:	Department Director:	Signature:	Date:
	Community Development		
X	Finance		9/7/16
	Fire Department		
	Police Department		
	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: \$ 165,000.00

This legislation (√):

- Has no fiscal impact Creates a positive impact in the amount of: \$ 165,000.00
 Creates a negative impact in the amount of: \$ _____

Funds are (√):

- Budgeted Line item(s): _____
 Not budgeted Affected line item(s): 01-00-00-3699

Director of Finance Signature: 

Attachment(s):

- Resolution No. 16-027
- Memorandum of Agreement
- Letter from David F. Heier HDL Engineering Consultants Senior Right of Way Agent
- Certification of market value by Steve Carlson, MAI General Real Estate Appraiser
- Vicinity map
- Memo – Land Sale Background
- Excerpt of October 11, 2005, Council Minutes
- September 27, 2016, Council Minutes
- October 11, 2016, Council Minutes
- Broker's Opinion

Summary Statement:

In November 2005, the City acquired this property from John Stout and Dennis Stout to expedite the construction of utility lines southwest to the new hospital site. The property was subject to litigation based on an error by the City's construction contractor which led to a settlement to purchase the property for \$350,000.

The property is located on the north side of the Glenn Highway at Mile post 36.9 south of Kepler Lake. The site contains an unfinished two level wood frame cabin. The appraisal conducted by Black-Smit, Bethard and Carlson LLC for Alaska Department of Transportation & Public Facilities sets the current appraised value for this property is \$165,000.

Palmer Municipal Code permits the sale of city real estate to a state without conducting a public sale.

PMC 3.20.080.D

D. Public and Charitable Conveyances. The council may sell, donate or exchange with the United States, the state, any political subdivision, or a nonprofit organization, city-owned real property without a public sale and for less than the fair market value, whenever in the judgment of the city council it is advantageous to the city to make the conveyance.

All sale of real property requires council action by resolution.

PMC 3.20.080. P

P. Council Action. No action of the council to dispose of any city interest in real property dedicated to public use shall be final until the resolution to do so has been on file in the office of the city clerk for 30 days. Prior to any council action on the sale of real property, the city manager shall make his recommendation to the city council as to any change of use or merits of the sale or disposition of the real property.

Administration Recommendation:

Approve Resolution No. 16-027.

Introduced by: City Manager Wallace
1st Public Hearing: September 27, 2016
2nd Public Hearing: October 11, 2016
3rd Public Hearing: September 12, 2017
Action:
Vote:

Yes:	No:

CITY OF PALMER, ALASKA

RESOLUTION NO. 16-027

A Resolution of the Palmer City Council authorizing the Negotiation and Sale of a 6.908 Acre Parcel of Located at 3854 S. Glenn Highway to the Alaska Department of Transportation and Public Facilities in Accordance with Palmer Municipal Code 3.20.080(D) for the Amount of \$165,000.00

WHEREAS, in November 2005, the City of Palmer acquired a certain 6.908 acre parcel of land located at 3854 S. Glenn Highway described as that portion of the Southeast one-quarter of the Northeast one-quarter (SE ¼ NE ¼) lying North of the Northerly right-of-way of the Glenn Highway, Section 23, Township 17 North, Range 1 East, Seward Meridian, located in the Palmer Recording District, Third Judicial District, State of Alaska for \$350,000 in order to extend utilities to the new hospital; and,

WHEREAS, the Alaska Department of Transportation and Public Facilities plans to reconstruct the Glenn Highway in Palmer; and

WHEREAS, in order to accomplish the improvements that are part of the Glenn Highway reconstruction, the Alaska Department of Transportation and Public Facilities will need to acquire the City's 6.908 acre parcel; and

WHEREAS an appraisal has been conducted by Black-Smith, Bethard & Carlson, LLC which determined the Fair Market Value of this parcel to be \$165,000.00 which is broken out as \$150,000 for the land and \$15,000 for the unfinished 1,920 SF structure; and

WHEREAS, Palmer Municipal Code 3.20.080.D. allows the Council to sell real property to the state without a public sale whenever in the judgement of the city council it is advantageous to the city; and

WHEREAS, the city council finds that it is advantageous to the City to sell this 6.908 acre parcel to the Alaska Department of Transportation and Public Facilities for the reconstruction of the Glenn Highway in Palmer

NOW, THEREFORE, BE IT RESOLVED, the Palmer City Council directs the city manager to negotiate and the mayor execute an agreement for the sale of this property and take the necessary steps to sell the 6.908 acre parcel of land located at 3854 S. Glenn Highway to the Alaska Department of Transportation and Public Facilities in accordance with Palmer Municipal Code 3.20.080(D) for the amount of \$165,000.00.

Passed and approved by the City Council of the City of Palmer, Alaska this ____ day of _____, 2017.

Edna B. DeVries, Mayor

Norma I. Alley, MMC, City Clerk



**STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES
MEMORANDUM OF AGREEMENT**

**PROJECT NAME: GLENN HIGHWAY MP 34 TO 42
RECONSTRUCTION**

STATE PROJECT NO.: **Z581040000**

FEDERAL-AID PROJECT NO.: **0A15024**

PARCEL NO.: **50**

AGREEMENT has been reached this ____ day of _____, 2016, between **CITY OF PALMER, an Alaska municipal corporation**, the owner of the below designated parcel, and the **STATE OF ALASKA, DEPARTMENT OF TRANSPORTATION & PUBLIC FACILITIES** hereinafter (**DOT&PF**), for the purchase of said parcel. The amounts to be paid, and other considerations to be given, in full satisfaction of this Agreement, are as follows:

Right-of-Way Acquisition Parcel	<u>50</u>			
Fixtures and Improvements Purchased:	<u>Unfinished 1,920 SF, 2 level structure</u>			\$15,000.00
Land Purchased:	<u>6.908</u>	acres	<u>300,912</u>	square feet \$150,000.00
Utility Easement Parcel	<u>N/A</u>	acres	<u>N/A</u>	square feet N/A
Temporary Construction Easement (TCE) No.	<u>N/A</u>		<u>N/A</u>	square feet N/A
Temporary Construction Permit (TCP) No.	<u>N/A</u>		<u>N/A</u>	square feet N/A
Cost to Cure:	<u>N/A</u>			N/A
Damages are a consideration: <input type="checkbox"/> yes <input checked="" type="checkbox"/> no Amount of Damages: \$0.00 included in total compensation above.				
TOTAL COMPENSATION \$165,000.00				
Other Conditions: None				

1. Taxes and Special Assessments, if any, delinquent from former years, and Taxes and Special Assessments for the current year, if due and/or payable, shall be paid by the owner or owners.
2. This Memorandum embodies the whole Agreement between the parties hereto as it pertains to the real estate, and there are no promises, terms, conditions or obligations referring to the subject matter hereof, other than as contained herein.
3. The owner or owners hereby agree that the compensation herein provided to be paid includes full compensation for their interest and the interests of their life tenants, remaindermen, reversioners, liens and lessees, and any and all other legal and equitable interest that are or may be outstanding and said owner or owners agree to discharge the same.
4. THIS AGREEMENT shall be deemed a CONTRACT extending to and binding upon the parties hereto and upon the respective heirs, devisees, executors, administrators, legal representative, successors and assigns of the parties, only when the same shall have been approved by the Regional Chief Right-of-Way Agent on behalf of DOT&PF.

Of the total amount of compensation hereinabove agreed upon, the sum of \$165,000.00 shall be paid upon execution and delivery of a good and sufficient: Warranty Deed Easement Temporary Const. Easement or Other, and the balance of the compensation, amounting to \$0.00 shall be paid upon compliance by the owner or owners with the terms hereof.

Disbursement of funds will be made in the following manner:

	Amount of Payment
City of Palmer	\$165,000.00

The Owner or Owners certify that there are no known hazardous materials on the property.

The terms of this Agreement are understood and assented to by us and payment is to be made in accordance with the above.

STATE OF ALASKA DOT&PF

OWNER:

DESIGN PROJECT MANAGER Date
Signature required when construction consideration is involved

CITY OF PALMER by Date
NATHAN WALLACE, City Manager

RIGHT OF WAY AGENT Date
HDL Engineering Consultants, LLC.

APPROVED FOR PAYMENT AS ABOVE:

REGIONAL CHIEF RIGHT OF WAY AGENT Date
CENTRAL REGION

August 17, 2016

File: 08-016-14

Mr. Nathan Wallace
City of Palmer
231 W. Evergreen Ave
Palmer, Alaska 99645

RE: Glenn Highway MP 34-42 Reconstruction
Project No. Z581040000/OA15024
Parcel No. 50

CIVIL
ENGINEERING

GEOTECHNICAL
ENGINEERING

TRANSPORTATION
ENGINEERING

ENVIRONMENTAL
SERVICES

PLANNING

SURVEYING
& MAPPING

CONSTRUCTION
ADMINISTRATION

MATERIAL
TESTING

RIGHT-OF-WAY
SERVICES

Dear Mr. Wallace:

As you may know, the State of Alaska, Department of Transportation and Public Facilities (DOT&PF) plans to reconstruct the Glenn Highway in Palmer. To accomplish the improvements, easements and properties in the project area will need to be acquired. HDL Engineering Consultants (HDL) is under contract to complete the right-of-way acquisition phase of this project on behalf of DOT&PF.

To build this project, the DOT&PF needs to purchase your property known as project parcel No. 50, containing 300,912 SF, described as: That portion of the Southeast one-quarter of the Northeast one-quarter (SE1/4 NE1/4) lying North of the Northerly right-of-way of the Glenn Highway, Section 23, Township 17 North, Range 1 East, Seward Meridian, located in the Palmer Recording District, Third Judicial District, State of Alaska.

As DOT&PF is purchasing your entire property, you or your tenant may be entitled to relocation assistance. A Relocation Agent from HDL will be contacting you with more detailed information.

Based on the approved Appraisal (copy enclosed) for Parcel No. 50 the Fair Market Value (FMV) has been determined to be **\$165,000.00**. Please consider this an offer to purchase your property.

Offer:

Your purchase offer is calculated as follows:

Parcel No. 50: Land: 300,912 SF = \$150,000.00

Improvements: Unfinished 1,920 SF structure = \$15,000.00

Total just compensation **\$165,000.00**

As a State agency, the DOT&PF is subject to specific laws and regulations. As a result, the way in which we acquire property differs in several important respects from ordinary real estate transactions. We'd like to explain the most important of these differences in order to assist you in consideration of our offer.

We are required by Federal law and policy to offer no less than appraised Fair Market Value (FMV) for private property and any improvements. The various federal agencies refer to this as "one full fair price offer policy." The law is designed to protect and provide fairness to owners who, after all, may not voluntarily be in the market as sellers. The nature of this type of sale makes the process somewhat different than ordinary private transactions. The enclosed brochure, "Acquiring Real Property for Federal- Aid Programs and Projects", will provide additional information about right of way acquisition procedures.

In the private market, voluntary sellers often ask for a price that is more than what they expect to receive, the buyers routinely offer less than they are eventually willing to pay. Bargaining in the fashion is common in most real estate sales, however, when we acquire property for a project; we make a full, fair price offer. Unlike a private buyer, we do not make a low offer with the expectation that a counteroffer will then be made by the seller.

All the documents necessary to complete the purchase of permanent interest in your property are enclosed and include:

Memorandum of Agreement. The Memorandum of Agreement expresses the terms in writing. Please sign and date the document where indicated.

Warranty Deed. The Deed is the written document that will convey Parcel No. 50 to the DOT&PF. Please sign the document in the presence of a Notary Public. DOT&PF will need a resolution from the city council that authorizes the acquisition and signature authority.

Purchase Voucher. The Purchase Voucher is needed to order payment. Please sign where indicated.

IRS Form W-9. The Internal Revenue Service requires that we report sale proceeds. To help us with that obligation, please include your Social Security Number or Tax Identification Number on the form and sign where indicated. A check cannot be issued without a Social Security Number or Tax Identification Number.

W-9 Substitution Form. The State of Alaska Administrative Services Division requires that we provide this form to allow them to process payments through their accounting system. Please provide your tax payer identification number and signature where indicated on the form. *Note:* This form should be filled out and signed in addition to the IRS W-9 form.

All liens, mortgages and encumbrances on the property must be released (title clearing) before we can complete the transaction. Once an agreement is reached for the purchase, you can expect to close the transaction and receive payment in 60 to 90 days. However, if title clearing is extremely complex, it may take longer. Owners whose properties are free and clear of encumbrances can expect to close the transaction and receive payment sooner.

Documents as noted need to be signed in the presence of a Notary Public and all documents need to be returned to HDL's office at your earliest convenience in the attached, stamped envelope. HDL has a Notary Public at our office in Palmer. Please call us for an appointment if that is convenient for you.

After review, if you find everything is order, please execute the enclosed documents and return them to us in the envelope provided. If we can provide additional information, please do not hesitate to call me at (907) 746-5230 or email me at dheier@hdlalaska.com. We look forward to working with you to make this project a success for you, DOT&PF, and the public.

Sincerely,

HDL Engineering Consultants, LLC.



David F. Heier
Senior Right of Way Agent

Attachments: As Stated
Acquiring Real Property for Federal and Federal-Aid Programs
Relocation Services for Residential Property
Appraisal, Parcel No. 50

cc: Matthew Walsh, Right of Way Agent, State of Alaska DOT&PF

CERTIFICATION

Name of Appraiser: Steve Carlson, MAI

I CERTIFY THAT:

Steve Carlson, MAI inspected the parcel on November 12, 2015. Jeff Carlson provided professional assistance. I limited his services to photography, basic research, general data gathering and the organization of report contents.

I have afforded each property owner the opportunity to accompany me at the time of my inspection of the property.

To the best of my knowledge and belief, the statements contained in this appraisal report are true and correct, and the information upon which my opinions are based is accurate, subject only to the assumptions and limiting conditions set out in the report.

My appraisal report is intended to be used by the State of Alaska Department of Transportation and Public Facilities in connection with an acquisition for the above-referenced project to be constructed with the assistance of federal funds.

This appraisal report has been made in conformity with applicable federal standards, State of Alaska statutes, regulations, policies, and procedures and with accepted industry practices applicable to valuation of lands for such purposes. To the best of my knowledge, all values that I have assigned to the property are compensable under the established law of the State of Alaska. Values assigned do not reflect a decrease or increase due to the proposed project.

Neither my employment nor my compensation for making this appraisal report are in any way contingent upon the reporting of a predetermined value that favors the cause of the client, the attainment of a stipulated result, or the occurrence of a subsequent event.

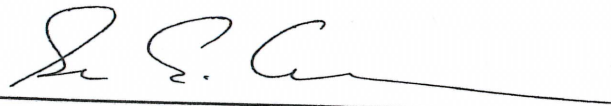
I have no direct, indirect, present, or prospective interest in the subject property; and I have no personal interest or bias with respect to the parties involved, nor will I benefit in any way from the acquisition of this property.

I have not revealed the findings and results of this report to anyone other than the proper officials of the Alaska Department of Transportation and Public Facilities, the Federal Highway Administration, or the Federal Aviation Administration, and I will not do so until so authorized by proper officials, or until I am required to do so by due process of law, or until I am released from this obligation by having publicly testified as to such findings.

I have performed no services as an appraiser or in any other capacity regarding the property that is the subject of this report with the three-year period immediately preceding acceptance of this assignment.

Based upon my independent, unbiased research and analysis, my professional opinion of market value is \$165,000 as of November 12, 2015.

November 20, 2015



Date

Steve Carlson, MAI
General Real Estate Appraiser (Cert. #231)



Matanuska-Susitna Borough



Legend

- Public Facilities**
 - Administrative
 - Animal Care
 - City Hall or Courthouse
 - Community or Senior Center
 - Correctional Facility
 - Landfill or Transfer Station
 - Recycling Center
 - Transfer Station/Recycling
 - Library
 - Medical
 - Post Office
 - Public Safety EMS
 - Public Safety Fire
 - Public Safety Fire/EMS
 - Public Safety Forestry
 - Public Safety Law Enforcement
 - School
- Streets**
 - Highway
 - Major Street
 - Medium Street
 - Minor Street
 - Primitive Road
 - Private Road
- Mat-Su Borough Boundary**
- Incorporated Cities**
- Parcels**
- Flood Zone**

1:7,085



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 Reported on 09/06/2016 09:57 AM



MEMORANDUM

TO: The Honorable Mayor and Members of the Palmer City Council
FROM: Nathan E. Wallace, City Manager
DATE: October 11th, 2016
RE: Land Sale Background, 3854 S Glenn Highway

The council requested additional information on the property identified in Information Memorandum 16-042 and Resolution 16-027. The property required an easement and was one of many that were required for the Southwest Utility Extension project in 2005. The information below comes from Council Minutes of October 11th, 2005 and a review of files and notes from that time period.

- 1) The tax assessed value certified in 2005 was \$67,600 for the property in question.
- 2) The original appraisal done in March 2005 was not available, but notes indicate the property was appraised at or near \$14,000 per acre or \$101,080 for the entire parcel.
- 3) According to notes an offer was made at a per acre value of \$16,000 which was equivalent to other property owner offers in the Springer system at that time for a total of \$115,520 for the parcel. The property owners counteroffered for \$1,000,000, then later for \$495,000.
- 4) In August 2005, during the Southwest Utility Extension project work a contractor cleared a 700' x 90' area of the parcel prior to receiving a notice to proceed. The owners' attorney indicated they would pursue treble damages in litigation.
- 5) In September 2005 a Retrospective appraisal was provided with an appraised value of \$326,400 for the entire parcel.
- 6) The City Council authorized the settlement of litigation and to accept the offer of the party to purchase the property in the amount of \$350,000 on October 11, 2005 at a regular council meeting.
- 7) The property purchase was recorded on November 5th, 2005. The HUD settlement statement shows the purchase price of \$352,940.47.
- 8) On November 17, 2005 the property was offered at bid for a minimum bid of \$326,400. No bids were received.
- 9) Current assessed value for 2015 is \$97,500, the State offer to purchase is \$165,000.

Item 6 – Action Memorandum 05-111: Settlement of Stout Litigation

MOVED BY:	Vanover	To authorize the settlement of the Stout litigation and to accept the Stout offer to purchase the Stout property in the amount of \$350,000
SECONDED BY:	Erbey	

Council Member Wood asked of the property damage caused by the contractor and any City liability. Attorney Snodgrass explained the clause regarding the waiving of the rights against the City.

Council Member Hill asked of the Stout’s rights to pursue litigation against the contractor and the City’s responsibility and liability to pursue the contractor. Attorney Snodgrass stated that the contractor had no authority to enter the property and that the contractor entered the property without any notice to proceed.

Mayor Combs asked of the ability of the Stout’s to pursue the contractor and in that pursuit, would the City come under liability. Attorney Snodgrass stated that there is a possibility but not so that he is significantly concerned.

Council Member Hanson asked of the funding source for the purchase price of land and of the ability for reimbursement by grant funds. City Manager Healy explained that \$38,000 is reimbursable through grant funds and the remainder will be paid through the General Fund. Council Member Hanson asked if the funds could be taken out of the City’s bond. City Manager Healy stated that he would check on the eligibility. Council Member Hanson asked if the manager believed that the course of action is the best course for the City. City Manager Healy explained the construction timeframes and stated the need to obtain the property by March 1. He explained previous conversations with the Stouts and the property appraisal. Attorney Snodgrass explained the land purchase and the reduction of attorney fees. He stated that assuming the appraisal is correct, the City was getting a good deal.

Council Member Vanover spoke of future uses of the land.

Mayor Combs asked of the recoverable revenues of the property. Mr. Koch described the process of having to recommend the action as not something he was particularly fond of and stated that he had previously felt comfortable with the legal process to obtain the property. He stated that both he and the project manager were nervous of the project schedule and stated that the risk became increasingly difficult to accept. Mr. Koch explained the four usable acres which contain marketable gravel and the property appraisal based on commercial property. He stated that the City has an opportunity to market the gravel and when complete, the property would be level with the highway with direct access to water and sewer. Mr. Koch explained the cost of delaying the contractor as \$10,000 - \$25,000 per day.

VOTE ON MAIN MOTION:	Motion carried by unanimous voice vote.
----------------------	-----------------------------------------

H. HEARINGS, ORDINANCES AND RESOLUTIONS

Item 1 – Public Hearing – Ordinance No. 05-033: Amending Palmer Municipal Code Section 2.04.110; Specifically to Amend the Order of Business for Regular City Council Meetings (IM 05-089)

MOVED BY:	Vanover	To adopt ordinance no. 05-033
SECONDED BY:	Erbey	

A. CALL TO ORDER

A regular meeting of the Palmer City Council was held on September 27, 2016, at 7:00 pm in the council chambers, Palmer, Alaska.

Mayor Johnson called the meeting to order at 7:01 pm.

B. ROLL CALL

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

Richard Best	Brad Hanson
Steve Carrington	DeLena Johnson
Linda Combs	Peter LaFrance
Edna DeVries	

Also in attendance were the following:

Nathan Wallace, City Manager
 Norma Alley, MMC, City Clerk
 Bernadette Packa, Deputy City Clerk
 Michael Gatti, City Attorney – participated telephonically

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mr. John Lee.

D. APPROVAL OF AGENDA

1. Approval of Consent Agenda
 - a. **Action Memorandum No. 16-064:** Authorizing the City Manager to Enter into a Professional Services Agreement with the Sustainable Design Group to Produce the Palmer Wayfinding Signage Guide for an Amount Not to Exceed \$35,925
2. Minutes of Previous Meetings
 - a. September 13, 2016, Regular Meeting

Main Motion: To approve minutes and agenda as amended

Moved by:	Best
Seconded by:	Combs
Action:	Motion carried by unanimous voice vote.
In favor:	Best, Carrington, Combs, DeVries, Hanson, Johnson, LaFrance
Opposed:	None

Primary Amendment #1: Move Item D.1.a. Action Memorandum No. 16-064 to position K.1. New Business

Moved by:	Best
Seconded by:	DeVries
Action:	Motion carried by unanimous voice vote.
In favor:	Best, Carrington, Combs, DeVries, Hanson, Johnson, LaFrance
Opposed:	None

E. COMMUNICATION AND APPEARANCE REQUESTS

F. REPORTS

Item 1 – City Manager’s Report

City Manager Nathan Wallace:

- Highlighted his written report; and
- Provided an update on the award of the Dispatch Services RFP.

Item 2 – City Clerk’s Report

City Clerk Norma Alley:

- Provided an update on the upcoming election; and
- Addressed the upcoming meeting schedule.

Item 3 – Mayor’s Report

Mayor Johnson:

- Spoke to Sean Parnell’s attendance at the October 3, Special Council Meeting;
- Commented on her participation in the Community Health Needs Update, to assess health needs across the valley, and encouraged continued participation by the Council;
- Spoke to attendance of the Mayor’s & Manager’s meeting; and
- Commented on an e-mail conversation addressing Palmer Municipal Code and concealed carry.

Item 4 – City Attorney’s Report

Michael Gatti:

- Spoke to the clean-up of Bonanza Street.

G. AUDIENCE PARTICIPATION

John Lee, Airport Advisory Commission Chair:

- Advocated for the appointment of Allan Linn to the Airport Advisory Board; and
- Spoke to the need for more review of the Airport Master Plan.

Eugene Carl Haberman:

- Requested the City provide more opportunity for the people to be heard and to attend City Council meetings.

H. PUBLIC HEARINGS

Item 1 – Ordinance No. 16-007: Enacting Palmer Municipal Code Sections 10.04.120 Parking of Trailers and Recreational Vehicles Restricted and 10.04.130 Utility Connections Prohibited (IM 16-036)

Mayor Johnson opened the public hearing. Seeing no one come forward, the public hearing was closed.

Main Motion: To approve Ordinance No. 16-007 as amended

Moved by:	Combs
Seconded by:	Best
Action:	Motion carried by unanimous voice vote.
In favor:	Best, Carrington, Combs, DeVries, Hanson, Johnson, LaFrance
Opposed:	None

Primary Amendment #1: To Change Section 10.04.130 Utility Connections to Vehicles Prohibited Item A. No person shall permit, cause, or allow any electrical, water, sewer, gas, telephone or other utility connection (such as electrical cords, extension cords, hoses, cables, or other items) to encroach into any public right of way including across or above any street or sidewalk from a residential or commercial property, or a generator, to a vehicle.

Moved by:	Best
Seconded by:	Combs
Action:	Motion carried by unanimous voice vote.
In favor:	Best, Carrington, Combs, DeVries, Hanson, Johnson, LaFrance
Opposed:	None

Item 2 – Resolution No. 16-027: Authorizing the Negotiation and Sale of a 6.908 Acre Parcel of Land Located at 3854 S. Glenn Highway to the Alaska Department of Transportation and Public Facilities in Accordance with Palmer Municipal Code 3.20.080.D for the Amount of \$165,000.00 (IM 16-042)

Mayor Johnson opened the public hearing.

Eugene Carl Haberman:

- Recommended Resolution No. 16-027 be brought before the Planning & Zoning Commission and to a public hearing before going to a vote by the Council; and
- Pointed out the need for the mayor to ask the Council if there are any objections before closing a public hearing.

Mayor Johnson closed the public hearing. Deputy Mayor Hanson requested a staff report.

City Manager Wallace provided general background concerning the property and fielded questions from the council addressing the following:

- The possibility of the State of Alaska providing an incentive in order for the City to sell the property;

- The history behind the initial purchase, including any penalty imposed; and
- The difference between the original purchase price of the property and the amount being offered by the State of Alaska.

Main Motion: To approve Resolution No. 16-027

Moved by:	Combs
Seconded by:	Carrington
Action:	Postponed to October 11, 2016, meeting.
In favor:	
Opposed:	

Primary Amendment #1: To postpone in order to hold a second public hearing

Moved by:	Best
Seconded by:	Hanson
Action:	Motion carried by unanimous voice vote.
In favor:	Best, Carrington, Combs, DeVries, Hanson, Johnson, LaFrance
Opposed:	None

Council Member Carrington requested information concerning the 2005 Property Assessment be included in the information to be provided for the next meeting.

I. ACTION MEMORANDA

Item 1 – Action Memorandum No. 16-069: Confirm the Mayor’s Nomination of Allan Linn to the Airport Advisory Board

Main Motion: To authorize Action Memorandum No. 16-069

Moved by:	Hanson
Seconded by:	DeVries
Action:	Postponed to October 11, 2016, meeting.
In favor:	
Opposed:	

Primary Amendment #1: To postpone to the next available meeting

Moved by:	Best
Seconded by:	Carrington
Action:	Motion carried by unanimous voice vote.
In favor:	Best, Carrington, Combs, DeVries, Johnson, LaFrance
Opposed:	Hanson

Item 2 – Action Memorandum No. 16-070: Direct the City Clerk to Issue the RFP for the Professional Legal Services

City Attorney Gatti disconnected from the meeting at this time. Clarification of the Request for Proposal process was provided by the City Clerk and City Manager.

Main Motion: To authorize Action Memorandum No. 16-070 as amended

Moved by:	Carrington
Seconded by:	Best
Action:	Motion carried unanimously.
In favor:	Best, Carrington, Combs, DeVries, Hanson, Johnson, LaFrance
Opposed:	None

Primary Amendment #1: To amend Section II. Item A. 7. to read: The city attorney or designee is expected required to attend scheduled at least two city council meetings; unless excused by city council. per month in person.

Moved by:	Hanson
Seconded by:	Best
Action:	Motion carried unanimously.
In favor:	Best, Carrington, Combs, DeVries, Hanson, Johnson, LaFrance
Opposed:	None

Primary Amendment #2: To remove from Section III. Item F. 3. ~~Incidentally, the Section also limits paralegal fees, and to correct Section IV. Item C. to read: all non-selected proposers preproersers~~

Moved by:	Best
Seconded by:	Combs
Action:	Motion carried unanimously.
In favor:	Best, Carrington, Combs, DeVries, Hanson, Johnson, LaFrance
Opposed:	None

Council Member Carrington called for the question. Council Member Combs seconded the call.

J. UNFINISHED BUSINESS

K. NEW BUSINESS

City Attorney Gatti reconnected to the meeting.

The following item was moved from the Consent Agenda.

Item 1 - Action Memorandum No. 16-064: Authorizing the City Manager to Enter into a Professional Services Agreement with the Sustainable Design Group to Produce the Palmer Wayfinding Signage Guide for an Amount Not to Exceed \$35,925

Main Motion: To authorize Action Memorandum No. 16-064 as amended

Moved by:	Best
Seconded by:	Hanson
Action:	Motion carried by unanimous voice vote.
In favor:	Best, Carrington, Combs, DeVries, Hanson, Johnson, LaFrance
Opposed:	None

Director Sandra Garley fielded questions from the Council concerning the Request for Proposal.

Primary Amendment #1: To change title to read: Authorizing the City Manager to Negotiate and Enter into a Professional Services Agreement with the Sustainable Design Group to Produce the Palmer Wayfinding Signage Guide for an Amount Not to Exceed \$35,925.

Moved by:	Johnson
Seconded by:	Hanson
Action:	Motion carried by unanimous voice vote.
In favor:	Best, Carrington, Combs, DeVries, Hanson, Johnson, LaFrance
Opposed:	None

L. RECORD OF ITEMS PLACED ON THE TABLE

M. AUDIENCE PARTICIPATION

Eugene Carl Haberman:

- Requested the council be asked if there are any objections before the close of public hearings;
- Spoke to the need for two additional public hearings on Resolution No. 16-027; and
- Encouraged the Council to select an individual attorney and not a firm to handle professional legal services.

N. COUNCIL MEMBER COMMENTS

Council Member DeVries:

- Expressed appreciation for the improvements completed on Bonanza Street.

Council Member Combs:

- Shared her goal for Palmer to be known as having the highest voter participation in the municipal elections within the borough;
- Urged everyone to turn out to vote; and
- Reminded everyone about Early Voting.

Deputy Mayor Hanson:

- Expressed appreciation to Mr. Linn for his past service and future service.

Council Member Best:

- Thanked Mr. Linn for his service; and
- Requested the boards and commissions be reviewed to see if their current composition meets the code requirements concerning residency.

Council Member LaFrance:

- Provided an update on the Thursday Night Run Series; and
- Thanked Mayor Johnson for her service to the City of Palmer.

Council Member Carrington:

- Thanked Mr. Linn for his service; and
- Expressed satisfaction at the revision to the Professional Legal Services Request for Proposal.

Mayor Johnson:

- Shared it was a pleasure to serve with everyone.

O. EXECUTIVE SESSION

Item 1 – Subjects That Tend to Prejudice the Reputation and Character of Any Person – City Clerk (Note: Personnel action may be taken following the executive session)

Main Motion: To enter into Executive Session to Discuss Subjects that Tend to Prejudice the Reputation and Character of Any Person – City Clerk

Moved by:	Hanson
Seconded by:	DeVries
Action:	Motion carried unanimously.
In favor:	Best, Carrington, Combs, DeVries, Hanson, Johnson, LaFrance
Opposed:	None

The Council entered into Executive Session at 9:18 pm and exited at 9:40 pm.

Upon exiting the Executive Session, the following motions were made.

Main Motion: To remove the City Clerk from probationary status

Moved by:	Johnson
Seconded by:	Combs
Action:	Motion carried unanimously.
In favor:	Best, Carrington, Combs, DeVries, Hanson, Johnson, LaFrance
Opposed:	None

Main Motion: To show a vote of confidence for the City Clerk

Moved by:	Combs
Seconded by:	Best
Action:	Motion carried unanimously.
In favor:	Best, Carrington, Combs, DeVries, Hanson, Johnson, LaFrance
Opposed:	None

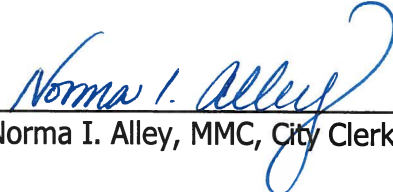
P. ADJOURNMENT

With no further business before the Council, the meeting adjourned at 9:42 pm.

Approved this 22nd day of November, 2016.



Edna B. DeVries, Mayor



Norma I. Alley, MMC, City Clerk

A. CALL TO ORDER

A regular meeting of the Palmer City Council was held on October 11, 2016, at 7 pm in the council chambers, Palmer, Alaska.

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

B. ROLL CALL

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

Richard Best	David Fuller
Steve Carrington	Brad Hanson
Linda Combs	Peter LaFrance
Edna DeVries	

Also in attendance were the following:

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

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mr. Allan Linn.

D. APPROVAL OF AGENDA

1. Approval of Consent Agenda
 - a. Introduction of **Ordinance No. 16-017**: Amending Palmer Municipal Code Chapter 17.57 AG-Agricultural District to add Section 17.57.015 Definitions to include Small Agricultural Event Center; and amending Section 17.57.040 Conditional Uses to Delete Commercial Recreational Facilities and Add Small Agricultural Event Center as a Separate Listed Conditional Use in the AG-Agricultural District to be Listed as Section 17.57.040(O) (IM 16-043)
 - b. **Action Memorandum No. 16-066**: Authorizing the City Manager to Negotiate and Execute Amendment No. 2 to the Professional Services Agreement with Wolf Architecture, Inc. for the Palmer Building Improvements Project, Phase 3
 - c. **Action Memorandum No. 16-067**: Authorizing the City Manager to Negotiate and Execute a Purchase Proposal with Craig Taylor Equipment for a Newer Replacement Tractor at the Airport for \$21,000.00 Minus Proposed Trade in Value of \$6,001.00
 - d. **Action Memorandum No. 16-068**: Authorizing the City Manager to Purchase Equipment for the Avaya Internet Protocol (IP) Telephone System and Enter into a Three Year Maintenance Agreement with Matanuska Telephone Association

- e. **Action Memorandum No. 16-071:** Authorize the City Manager to Negotiate and Execute Change Order Five to Triple V Contracting, Inc. in the Amount of \$24,112.00 for the Palmer Maintenance Upgrades Phase II Project

Main Motion: To Approve Consent Agenda

Moved by:	Best
Seconded by:	Combs
Action:	Motion passed unanimously.
In favor:	Best, Carrington, Combs, DeVries, Fuller, Hanson, LaFrance
Opposed:	None

E. COMMUNICATION AND APPEARANCE REQUESTS

F. REPORTS

Item 1 – City Manager’s Report

City Manager Nathan Wallace:

- Highlighted his written report;
- Commented on the Dispatch Services RFP status; and
- Fielded questions from the Council.

Mayor DeVries provided direction to the City Manager to place a discussion on airport repavement at the top of the budget hearings for the October 18, 2016, meeting.

Mayor DeVries requested further examination of zoning code governing set-backs in the commercial district be done in relation to the sale of marijuana accessories. Council Member Best provided support and requested controlled access be addressed as well. Deputy Mayor Combs offered support. The City Attorney was requested to provide a report to be presented as an action item on a future agenda.

Item 2 – City Clerk’s Report

City Clerk Norma Alley:

- Reenacted the Oath of Office for Council Member Fuller; and
- Highlighted her written report.

Deputy Mayor Combs complemented the City Clerk and Deputy Clerk on the smoothness of the recent election. Mayor DeVries echoed her comments.

Item 3 – Mayor’s Report

Mayor DeVries:

- Announced a written report for each regular meeting would be her standard procedure;
- Noted her office setup is complete and will be available as needed for Council Members;
- Noted her cell phone will be set-up to receive calls forwarded from her office phone line;
- Spoke to the selection of Board and Commission members being done by Action Memorandum;
- Spoke to planned attendance of the next Managers and Mayors meeting;

- Spoke to hosting community listening sessions with the Deputy Mayor or other Council Members as interested;
- Addressed the REI Gas Company presentation to the Managers and Mayors;
- Provided follow-up on a discussion with the Alaska Railroad concerning the train returning to Palmer;
- Spoke to an upcoming conversation with Bill Ingersol concerning plans for his Mat-Maid property; and
- Commented on a scheduled lunch with Sarah Heath from the Governor’s Office.

Council Member Hanson requested the Mayor work with the staff to determine which legislative items should be presented for discussion and which could be placed on the Consent Agenda.

Item 4 – City Attorney’s Report

Michael Gatti:

- Welcomed all of the returning members of the Council;
- Congratulated the newly elected officials; and
- Commented on providing presentations at the Alaska Municipal League Conference.

G. AUDIENCE PARTICIPATION

Eugene Carl Haberman:

- Shared his reasons for investigating public process and meetings law; and
- Noted the Canvass Board meeting notice was omitted from the City of Palmer calendar.

H. PUBLIC HEARINGS

Item 1 – Resolution No. 16-027: Authorizing the Negotiation and Sale of a 6.908 Acre Parcel of Land Located at 3854 S. Glenn Highway to the Alaska Department of Transportation and Public Facilities in Accordance with Palmer Municipal Code 3.20.080.D for the Amount of \$165,000.00 (IM 16-042)

Mayor DeVries opened the public hearing.

Eugene Carl Haberman:

- Expressed concern over the order of the public hearing; and
- Encouraged the public hearing not be closed before asking if there are any objections to the hearing being closed.

Mayor DeVries closed the public hearing with no objections.

Main Motion: To Approve Resolution No. 16-027

Moved by:	Combs
Seconded by:	Best
Action:	Postponed until a new appraisal is completed.
In favor:	
Opposed:	

City Manager Wallace fielded questions and concerns from the Council addressing:

- The history of the initial price paid for the property;
- Whether a new appraisal would be beneficial and what its cost would be; and
- The City qualifying for the AIP sales incentive.

Main Motion: To Postpone Action on Resolution No. 16-027

Moved by:	Combs
Seconded by:	Best
Action:	Motion carried unanimously.
In favor:	Best, Carrington, Combs, DeVries, Fuller, Hanson, LaFrance
Opposed:	None

Main Motion: To Pursue a New Appraisal for the Property

Moved by:	Combs
Seconded by:	Best
Action:	Motion carried unanimpusly.
In favor:	Best, Carrington, Combs, DeVries, Fuller, Hanson, LaFrance
Opposed:	None

Primary Amendment #1: Appraisal Cost Shall Not Exceed \$8,000.00

Moved by:	Combs
Seconded by:	Fuller
Action:	Motion carried unanimously.
In favor:	Best, Carrington, Combs, DeVries, Fuller, Hanson, LaFrance
Opposed:	None

The City Manager was directed to pursue a commercial appraisal for the property; and investigate the AIP sales incentives and how it is being handled with other entities.

I. ACTION MEMORANDA

J. UNFINISHED BUSINESS

Item 1 – Action Memorandum 16-069: Confirm the Mayor’s Nomination of Allan Linn to the Airport Advisory Board

Main Motion: To Authorize Action Memorandum No.16-069

Moved by:	Hanson
Seconded by:	DeVries
Action:	Motion carried by unanimous vote.
In favor:	Best, Carrington, Combs, DeVries, Fuller, Hanson, LaFrance
Opposed:	None

K. NEW BUSINESS

Item 1 – Resolution No.16-017: Authorizing the City Manager to Apply for and Enter Into a Water and Waste System Grant Agreement with the U.S. Department of Agriculture Rural Utilities Service Regarding Grant Funds for Waste Water Treatment Plant Facility Improvements in Accordance with Current Federal Consent Decree (IM 16-029)

City Manager Wallace provided a staff report and requested "and Enter Into" be removed from the Resolution and Information Memorandum.

Main Motion: To Approve Resolution No. 16-017 With Modifications to Remove "and Enter Into" in All Places in the Resolution and the Information Memorandum

Moved by:	Best
Seconded by:	Carrington
Action:	Motion carried unanimously.
In favor:	Best, Carrington, Combs, DeVries, Fuller, Hanson, LaFrance
Opposed:	None

L. RECORD OF ITEMS PLACED ON THE TABLE

City Clerk's Report

M. AUDIENCE PARTICIPATION

Eugene Carl Haberman:

- Addressed concerns over the election process in the State of Alaska; and
- Expressed appreciation to the chair for changes made in the closure of public hearings.

N. COUNCIL MEMBER COMMENTS

Deputy Mayor Combs:

- Made a presentation to the City from Barbara Hunt commemorating the City's 65th Birthday;
- Reminded everyone of the final week of the local food drive; and
- Welcomed Council Member Fuller.

Council Member Fuller:

- Expressed appreciation for the reenactment of the Oath of Office.

Council Member Hanson:

- Welcomed Council Member Fuller to the right side of the table.

Council Member Carrington:

- Congratulated Council Member Fuller;
- Commended the Clerk on the election; and
- Thanked Deputy Mayor Combs for acquiring art.

Council Member LaFrance:

- Welcomed Council Member Fuller;
- Complemented the Mayor on her ability to run an efficient meeting; and
- Expressed interest in using the City website to make all interactions with the public, especially business owners, become as efficient as possible.

Council Member Best:

- Pointed out having a new member on the City Council was a good sign the electoral system worked.

Mayor DeVries:

- Welcomed Council Member Fuller; and
- Agreed with the need to make the City more efficient and hoped the proposed budget contained sufficient funding to make the needed changes.


O. ADJOURNMENT

With no further business before the Council, the meeting adjourned at 8:45 pm.

Approved this 13th day of December, 2016.



Edna B. DeVries, Mayor



Norma I. Alley, MMC, City Clerk

THE **Kevin Crozier** TEAM
"Your Key To Turning Dreams Into Reality"



Tuesday, February 28, 2017

Sandra Garley
City Of Palmer
231 W Evergreen Avenue
Palmer, AK 99645

Dear Sandra:

Per your request, I have reviewed the information you sent over (appraisal report) and believe the following to be a fair statement with respect to the appraisal completed.

I believe the Appraised Value of \$165,000 is reasonable. The interesting observation I have experienced over the years is simply: 3 appraisers = 3 different appraised values.

At the present time there are not a lot of comparable properties. The interesting thing about homes on acreage and homes in good commuter locations, there is typically a higher demand than a similar home on a one acre lot. Wish they had made a gross mistake, it would be easier to say "Get Another Appraisal". Hope this helps.

Sincerely,



Kevin Crozier
Associate Broker, GRI CRS SRES



RE/MAX Dynamic of the Valley · The Kevin Crozier Team

199 E Nelson Avenue, Wasilla AK 99654 · 907-376-7649 · team@kevincrozier.com

**City of Palmer
Action Memorandum No. 17-060**

Subject: Approval of a City Council Member to Serve on the Alaska Municipal League Board of Directors for a Term Starting November, 2017


Agenda of: September 12, 2017

Council Action: **Approved** **Amended:** _____
 Denied




Originator Information:

Originator: Norma I. Alley, City Clerk

Department Review:

Route to:	Department Director:	Signature:	Date:
_____	Community Development	_____	_____
<u> X </u>	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: \$ **3,200.00 per position**

This legislation (√):

- Creates revenue in the amount of: \$ _____
- Creates expenditure in the amount of: \$ 3,200.00 per position
- Creates a saving in the amount of: \$ _____
- Has no fiscal impact

Funds are (√):

- Budgeted Line item(s): 01-02-10-6024
- Not budgeted _____

Director of Finance Signature: 

Attachment(s):

- 2018 Board of Directors Declaration of Candidacy

Summary Statement:

The Alaska Municipal League (AML) Board of Directors is comprised of several positions. Up for election this year, which a Palmer Council member can apply for, is Second Vice-President and Director At-Large. Per the AML Articles of Incorporation Article VI, Section 4, the Second Vice-President is a four-year term (succeeds to the position of First Vice-President, President, and Immediate Past President) and Director At-Large is a one-year term.

The City is financially responsible to ensure the Board Member is physically present at their February, August, and November meetings. AML pays for attendance at the May meeting. The estimated cost associated with attending the 2018 February, August, and November meetings are as follows:

- February in Juneau = \$1,075.00
- August in Denali Borough = \$1,000.00 (estimated)
- November in Anchorage = \$1,100.00

It is proposed in the 2018 Mayor/Council/Clerk Budget to send members of the Council to each of these meetings. Pending approval of the 2018 budget, travel to all these meetings will be budgeted.

The City Council may support a member from amongst its membership to serve in one or more of these positions.

**City of Palmer
Action Memorandum No. 17-061**

Subject: Directing the City Clerk to Negotiate and Authorizing the City Manager to Execute an Agreement with eDocs Alaska for the Purchase of a Laserfiche Electronic Records Management System in the Amount of \$6,915.00

Agenda of: September 12, 2017

Council Action: **Approved** **Amended:** _____
 Denied

Originator Information:

Originator: Norma I. Alley, City Clerk

Department Review:

Route to:	Department Director:	Signature:	Date:
_____	Community Development	_____	_____
<u> X </u>	Finance	<u> <i>Anne Duro</i> </u>	<u> 8/31/17 </u>
_____	Fire	_____	_____
_____	Police	_____	_____
_____	Public Works	_____	_____

Approved for Presentation By:

	Signature:	Remarks:
City Manager	<u> <i>[Signature]</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: \$ 6,915.00

This legislation (√):

- Creates revenue in the amount of: \$ _____
- Creates expenditure in the amount of: \$ 6,915.00
- Creates a saving in the amount of: \$ _____
- Has no fiscal impact

Funds are (√):

- Budgeted Line item(s): 01-02-10-6102 (Records Management)
- Not budgeted

Director of Finance Signature: *Anne Duro*

Attachment(s):

- Quote

Summary Statement:

On August 8, 2017, I presented the need to purchase an Electronic Records Management System (ERMS) for the preservation, accessibility and transparency of city records. It was understood an ERMS is the direction the city should go, so this legislation is for the Council’s consideration to implement an ERMS. The importance of purchasing the client and two user licenses for the City Clerk’s Office in the 2017 budget is:

1. Attend Laserfiche’s annual conference in January, 2018, which will be invaluable for staff to receive prior to going live with the system. Laserfiche only allows clients to register for their conference, so this proposal is to purchase the minimum package to become a client.
2. Utilize negotiated scholarships for training for new users.
3. Staff will receive hands on lab training only provided at the conference, which will save the city technical support hours.
4. Timing for implementation will be outside of election season (January-April).
5. We have funding in the current 2017 budget. While this was not an anticipated purchase for the 2017 budget, funds are available in the budget to begin implementation for the Clerk’s Office. In addition, there is not an anticipated need to increase the 2018 budget to cover the annual maintenance cost as it can be covered even at the 2017 budget levels.

I received quotes from eDocs Alaska for the Laserfiche system and from Information First, Inc. for the HPE Content Manager system. For a viable ERMS the system must meet the DOD 5015.2 certification and these are the only two programs with this certification guarantee.

- EDocs quoted a startup system for two users at \$6,915.00
- Information First, Inc. quoted a startup system for two users at \$40,602.54

The significant differences in these quotes is due to Laserfiche’s customizable platforms, Information First is an out of state company and includes travel expenses paid by the city, and increased implementation support cost for HPE Content Manager. Upon review of these quotes, it is my recommendation to purchase an ERMS with EDocs for the Laserfiche program.

Cost associated with the first phase of implementation for the Clerk’s Office:

Description	Cost
Client & User Licenses (2)	\$3,940.00
Implementation	\$2,975.00
Training (\$895.00/pp Scholarship Negotiated)	\$0.00
TOTAL:	\$6,915.00

Cost for Annual Maintenance:

Description	Cost
Client & User Licenses (2)	\$540.00
Technical Maintenance	\$700.00
Training (Scholarships at \$895.00/pp)	\$0.00
TOTAL:	\$1,240.00

Additional modules the city needs to meet the DOD 5015.2 requirements and to have a complete platform are below. All modules can be phased in as we have the budget for it and as need requires. These costs are estimates quoted at 2017 prices and may increase depending on time of purchase. Some prices change based on how many seats are in the system when the additional modules are purchased.

Description	Implementation Cost	Annual Maintenance Cost
Dept. Configuration with One User Seat	\$3,170.00	\$120.00
Web Portal for 5 Seats (public access to records)	\$11,170.00	\$1,600.00
Quickfields (scan and program connection software)	\$4,955.00	\$265.00
Records Management (audit, retention and destruction)	\$18,000.00	\$2,300.00
Forms (public access and electronic processing)	\$14,805.00	\$2,010.00
Training (Scholarships at \$895.00/pp)	\$0.00	\$0.00
TOTAL:	\$52,100.00	\$6,295.00

Administration's Recommendation:

To approve Action Memorandum No. 17-061 Directing the City Clerk to Negotiate and Authorizing the City Manager to Execute an Agreement with eDocs Alaska for the Purchase of a Laserfiche Electronic Records Management System in the Amount of \$6,915.00.



eDocsAlaska, Inc.
 401 E Northern Lights Blvd Suite 210
 Anchorage, Alaska 99503
 907-248-8472
 Pam@eDocsAlaska.com

Quote#
Palmer_082517

Client: **City of Palmer/Norma Alley** Date: **8/25/2017** Expires in **30 days**

LASERFICHE SOFTWARE & ANNUAL MAINTENANCE PLAN (LSAP) QUOTE				
Product Name	Quantity	Unit Price	Code	Total Price
Laserfiche Avante SQLEXPRESS	1	\$1,500.00	MSE10	\$1,500.00
Named Full User Seat	2	\$600.00	MNF16	\$1,200.00
		Software Subtotal		\$2,700.00
Laserfiche Avante SQLEXPRESS LSAP	1	\$300.00	MSE10B	\$300.00
Named Full User Seat LSAP	2	\$120.00	MNF16B	\$240.00
Prepaid technical support services during plan year	4	\$175.00	PPDSVS	\$700.00
		Maintenance Plan Subtotal		\$1,240.00
TOTAL 2 USER SYSTEM COST, INCL YEAR 1 SUPPORT PLAN				\$3,940.00

SERVICES ESTIMATE		Hours	Rate	Total Price
CLERK DEPT IMPLEMENTATION				
Software Installation: Installation and configuration of Laserfiche server, admin console/client; creation of one user for Windows Authenticated access; creation of one Laserfiche SQL repository; configuration of appropriate user feature rights and folder permissions to manage access as defined by Palmer; installation and configuration of one LF client workstation		7	\$175.00	\$1,225.00
Requirement Analysis: Meetings with clerk to discuss metadata needs, pull down list values, storage and security requirements for public and clerk records, determine process and storage needs and document naming conventions for up to 8 document types (minutes, ordinances, resolutions, agenda packets, etc)		3	\$175.00	\$525.00
Database Development: Template, metadata and directory structure setup: Creation of up to 2 templates with up to 25 fields		4	\$175.00	\$700.00
Training: Import/Scan and search/retrieval		3	\$175.00	\$525.00
Enrollment in Laserfiche online CCP certification course	2	\$100.00	BUS	No charge
Early bird registration to LF Empower conference, Jan 2018	2	\$795.00	BUS	No charge
			CLERK SVS ESTIMATE	\$2,975.00

**City of Palmer
Action Memorandum No. 17-062**

Subject: Authorizing the City Manager to Amend the Professional Services Agreement with HDR, Inc. in an Amount Not to Exceed \$231,259.00 for Additional Required Design Services and Contract Negotiation for the Palmer Wastewater Treatment Plant (WWTP) Upgrades Project



Agenda of: September 12, 2017

Council Action: **Approved** **Amended:** _____
 Denied




Originator Information:

Originator: Chris Nall, Public Works Director

Department Review:

Route to:	Department Director:	Signature:	Date:
_____	Community Development	_____	_____
√	Finance		8/24/2017
_____	Fire	_____	_____
_____	Police	_____	_____
√	Public Works		8/24/2017

Approved for Presentation By:

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

Certification of Funds:


Total amount of funds listed in this legislation: \$ 231,259.00

This legislation (√):

- Creates revenue in the amount of: \$ _____
- Creates expenditure in the amount of: \$ 231,259.00
- Creates a saving in the amount of: \$ _____
- Has no fiscal impact

Funds are (√):

- Budgeted Line item(s): 24-53-43-6225
- Not budgeted

Director of Finance Signature: 

Attachment(s):

- HDR Design Services Amendment Letter 8/23/2017

Summary Statement:

Upon completion of the WWTP master plan and negotiations with the Environmental Protection Agency and Department of Justice, the city embarked on the design phase of future upgrades. The scope of work for the contract was on a time and expense basis.

In pursuing US Department of Agriculture (USDA)-Rural Development loan/grant HDR's time and expenses were exceeded from the original estimate due to the complex nature of meeting USDA-RD requirements for loan/grant authorization.

The additional services included, USDA grant/loan assistance (providing preliminary engineering and environmental reports to the USDA), and additional design services for the control building based on USDA input and contract negotiations with Roger Hickel Construction.

The construction management with HDR contract has been reduced by \$106,329.

These services are within scope of the project and available funding. It is not budgeted in the wastewater enterprise fund, but is budgeted as part of the project budget and appropriation from the USDA loan/grant.

Administration's Recommendation:

To approve Action Memorandum No. 17-062 allowing the City Manager to amend the Professional Services Agreement with HDR, Inc. for additional required design services and contract bid development for the Palmer Wastewater Treatment Plant upgrades project.



August 21, 2017

Mr. Chris Nall
Public Works Director
City of Palmer
1316A S. Bonanza Street
Palmer, Alaska 99645
Transmitted via email: cnall@palmerak.org

RE: City of Palmer Wastewater Treatment Facility Improvements
Additional Services for USDA Grant/Loan Assistance, Public Meetings, and Control Building Design

Dear Chris:

As we have discussed, the Design Services for the Palmer Wastewater Treatment Facility Improvements project came in over the original design budget. The overage occurred due to additional work completed during the design and bidding phase that was not included in the original design scope of work/contract. Our contract for design was on a Time and Expenses (T&E) basis with a not-to-exceed amount of \$842,107 and under the T&E contract we tried to provide you whatever services you requested on an hourly basis, within the approved budget. The original scope of work listed the type of services that we envisioned being necessary at the outset of the design and we tried to accommodate additional services that you requested within the original budget but ultimately exceeded the budget to complete the original scope of work and the additional requested services. In general, these overages came from work that was performed to meet the requirements of the USDA Rural Development Loan/Grant, our assistance with preparing for and attending several public meetings, and additional design phase services associated with adding the Control Building to the project scope. The following sections summarize the out-of-scope work performed to assist the City in obtaining the USDA Grant/Loan and perform additional WWTF design services.

Additional Services Performed:

1. USDA Grant/Loan Assistance:

Upon completion of the Facility Plan Update and consent decree negotiations with EPA/DOJ, the City began trying to secure funding for the construction of improvements to the WWTF. USDA Rural Development was identified as a viable source of grant/loan funding and the City began the application process. While not included in our scope of services for design, HDR assisted the City with the application process and provided on-going assistance through design to meet USDA requirements.

- 1.1 Preliminary Engineering Report Update for USDA: As part of the construction application, USDA requires a Preliminary Engineering Report (PER) prepared in accordance with USDA Bulletin 1780-2. HDR modified the "City of Palmer Wastewater Facility Plan" (May 19, 2016) to meet the USDA requirements for a PER. HDR addressed comments from USDA on a draft report and incorporated revisions into a final document accepted by USDA as part of the application for funding.
- 1.2 Environmental Report for USDA: Also as part of the construction application, USDA requires an Environmental Report (ER) prepared in accordance with USDA Bulletin 1794A-602. HDR prepared an environmental report to meet the USDA requirements for an ER.

This approx. 30-page document evaluated the potential environmental impacts of the treatment alternatives on land use, wetlands, floodplains, cultural resources, biological resources, etc. and identified mitigation measures for each affected environment. HDR addressed comments from USDA on a draft report and incorporated revisions into a final document accepted by USDA as part of the application for funding.

- 1.3 Coordination with City and USDA throughout Design Phase: In addition to the completion of the required Preliminary Engineering and Environmental Reports, HDR provided coordination with the City and USDA throughout the application, design, and bidding processes. This coordination included numerous meetings, phone/conference calls, email correspondence, technical memorandums, etc. to answer questions on the proposed WWTF upgrades and provide the City/USDA with information required to complete the funding application and obtain approval of the contract/bidding documents for the construction project. USDA's involvement required several steps backwards at the beginning of the design phase to meet their initial requirements to receive funding as well as re-design and modifications to the contract documents (EJCDC front end documents, etc.) to address their requirements and comments throughout the design and bidding process.

2. Public Meetings:

- 2.1 At the request of the City, HDR provided Public Involvement services for this project that were not included in the Design Phase scope of work. Public Involvement included the effort, both informal and formal, made by HDR and Palmer to keep the public and agencies informed about the project and to consider and address public and agency concerns. Public Involvement activities included:
- Plan, advertise, and host three (3) public open houses, including meeting materials, logistics, and assistance in preparing meeting notifications.
 - Develop informational materials, such as project fact sheet and Frequently Asked Questions.
 - Maintain and Finalize Comment Tracking.
 - Make two (2) presentations at Palmer City Council meetings to show the contents and recommendations of the plan.

3. Additional Design Services for Control Building:

Upon completion of the Facility Plan Update and consent decree negotiations with EPA/DOJ, the scope of services was developed to move into the design of the improvements to the WWTF. Based on the work completed for the Facility Plan, the original concept for the structures to house the required chemicals for the MBBR (alkalinity and polymer feed systems) was to include two small pre-fabricated buildings. The Design Phase services were developed based on using these small pre-fab structures with minimal need for architectural, structural, or building electrical and mechanical design. Based on discussions with the City during the preliminary engineering/design, the decision was made to provide one larger Control Building to house the required chemicals, new blowers to replace the existing Atlas Copco blowers, and new laboratory facilities. The City was planning to construct a new lab using a grant from the State of Alaska and it was decided to consolidate the new lab facilities in with other elements of the design into one building. The proposed Control Building would have a larger footprint and would require additional design services beyond those included in the contract for

Design Phase services. HDR attempted to complete the additional services within the original Design Phase budget but ultimately exceeded the budget to complete the additional design services.

- 3.1 Prepare Preliminary and Final Drawings and Specifications: HDR prepared preliminary and final drawings and specifications for the new Control Building. This included 35%, 60%, 90%, and Final Bid Document submittals. The addition of the Control Building added a number of plan sheets and specifications that were not originally anticipated to be required. The Design Scope of Services (dated June 7, 2016) assumed up to a total of 100 sheets of design drawings would be developed. Ultimately, a total of 145 plan sheets were developed. The additional sheets were largely architectural, structural, building electrical, building HVAC and mechanical required for the Control Building. Along with the additional 45 plan sheets, a number of specification sections were added specific to the lab and Control Building.
- 3.2 Technical QA/QC Review: For each design submittal, HDR performed an in-house review of the plans and specifications for quality assurance and quality control. Additional QA/QC services were performed beyond the original scope of work to provide QC reviews for the disciplines associated with the Control Building including: architectural, building structural, building electrical, and building mechanical/HVAC.
- 3.3 Project Management – Team/Coordination Meetings: Key staff was added to the design team in order to complete the Control Building design including: a licensed architect (and architectural support staff (drafting, etc)), a structural engineer dedicated to the Control Building design, and a mechanical/HVAC engineer (and mechanical support staff (drafting, etc)). HDR's Project Manager held regular meetings with team members (including subconsultants) to review the status of the work and coordinate work activities specific to the addition of the Control Building.

This letter constitutes HDR's request for a contract amendment for the additional work completed during the design phase that was not included in the original design scope of work/contract related to the Palmer WWTF Improvements Project. The Design Services for the project came in at \$231,259 over the original budget. The design of the WWTF improvements was completed on an expedited schedule to ensure that the deadlines imposed by the DOJ/EPA consent decree were met and we tried to accommodate additional services performed to complete the design within the original budget but ultimately exceeded the budget to complete the original scope of work and the additional requested services.

HDR appreciates the opportunity to continue to assist the City of Palmer on this very important project. Please contact me at (907) 644-2160 if you have any questions about this amendment request or require additional information regarding our design overages outlined above.

Thank you,
HDR Alaska, Inc.



J. Ryan Moyers, P.E.
Project Manager