

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 26, 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. **Action Memorandum No. 17-063:** Authorizing the City Manager to Negotiate and Execute Change Order No.1 with K&H Civil Constructors for the Bogard Booster Station Site Prep, in the Amount of \$27,858.95 Page 3
 - 2. Approval of Minutes of Previous Meetings
 - a. September 12, 2017, Regular Meeting Page 7
- E. Communications and Appearance Requests
 - 1. Presentation from ADOT Representative Sean Baski Regarding Glenn Highway MP 34-42 Projects Update Page 13
 - 2. Presentation of a Proclamation to Gerry Keeling for Her Dedicated Service as an Election Official Page 15
- F. Reports
 - 1. City Manager's Report Page 17
 - 2. City Clerk's Report
 - 3. Mayor's Report Page 21
 - 4. City Attorney's Report
- G. Audience Participation
- H. Public Hearing
 - 1. **Ordinance No. 17-012:** Amending the City of Palmer Municipal Code Chapter 5.04: Business Licenses..... Page 23
- I. Action Memoranda
 - 1. **Action Memorandum No. 17-064:** Authorizing the City Manager to Enter into a Settlement and Mutual Release Agreement with Granite Construction Company, Releasing Granite Construction Company from their Effective Real Estate Exchange Agreement with the City of Palmer for the Price of \$150,000.00 Page 33

J. Unfinished Business

1. **Ordinance No. 15-003:** Amending Palmer Municipal Code Chapter 17.08 Definitions, to include Section 17.08.072 Building or Structure, Temporary; adding Temporary Buildings or Structures as Conditional Uses under Chapter 17.28 Limited Commercial District, Chapter 17.32 General Commercial District, Chapter 17.36 Industrial District and Chapter 17.58 Business Park District; and to amend Chapter 15.08 to Delete a Portion of Section 15.08.3103 Temporary Buildings or Structures (IM No. 17-017) (Pending Motion)..... Page 43
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 (Pending Motion) Page 67

K. Record of Items Placed on the Table

L. Audience Participation

M. Council Member Comments

N. Adjournment

Tentative 2017 Palmer City Council Meetings

Meeting Date	Meeting Type	Time	Notes
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	

**City of Palmer
Action Memorandum No. 17-063**

Subject: Authorizing the City Manager to Negotiate and Execute Change Order No.1 with K&H Civil Constructors for the Bogard Booster Station Site Prep, in the Amount of \$27,858.95



Agenda of: September 26, 2017

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



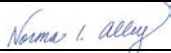
Originator Information:

Originator: Chris Nall, Public Works Director

Department Review:

Route to:	Department Director:	Signature:	Date:
_____	Community Development	_____	_____
<u> √ </u>	Finance	<u></u>	<u>9/13/17</u>
_____	Fire	_____	_____
_____	Police	_____	_____
<u> √ </u>	Public Works	<u></u>	<u>9/13/2017</u>

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: \$ 27,858.95

This legislation (√):

- Creates revenue in the amount of: \$ _____
- Creates expenditure in the amount of: \$ 27,858.95
- Creates a saving in the amount of: \$ _____
- Has no fiscal impact

Funds are (√):

- Budgeted Line item(s): 24-01-13-6225, Grant 14-DC-125 Bogard Water Extension
- Not budgeted

Director of Finance Signature: 

Attachment(s):

- K&H Civil, Change Order (Field Directive) #1 Fee Proposal

Summary Statement:

After ADEC's review of the original engineering design for the Bogard Booster Station Site Prep and overall Bogard Water Extension Project (for Approval to Operate) it was determined by ADEC an additional flushing and testing program would be required to maintain the water quality between the currently dormant Bogard Water Extension and the active CoP water system, in its proposed configuration. Executing CO#1, removing the water testing station and adding a Type B Horseshoe manhole will allow the Water Department to completely shut off the dormant Bogard Water Extension, eliminating the need for the additional flushing and testing program, saving the Water Department time and water testing costs. CO#1 is an approved solution by ADEC to mitigate their concerns with the original design.

Administration's Recommendation:

Approve Action Memorandum No. 17-063 authorizing the City Manager to negotiate and execute change order No.1 with K&H Civil Construction, Inc. for the Bogard Booster Station Site Prep, in the Amount of \$27,858.95.

Field Directive #1 (REVISION #1)

12-Sep

Add Type B Horseshoe MH and DELETE Sampling Station

	ManHole	w/ Mark-up %	%	Sampling STA
Labor	\$ 6,794.00	\$ 8,492.50	25%	\$ (1,088.00)
Equipment	\$ 8,494.00	\$ 9,768.10	15%	\$ (1,084.00)
Material	\$ 11,129.00	\$ 12,798.35	15%	\$ (1,438.00)
Misc./Freight	\$ -			\$ (250.00)
SUBTOTAL	\$ 26,417.00	\$ 31,058.95		
Overhead (5%)	\$ 1,320.85			
SUBTOTAL	\$ 27,737.85			
Markup (20%)	\$ 5,547.57			
Bond	\$ 875.00	\$ 800.00		\$ (100.00)
DOL Fee	\$ 250.00			\$ (40.00)
Grand TOTAL	\$ 34,410.42	\$ 31,858.95		\$ (4,000.00)
FD TOTAL	\$ 30,410.42	\$ 27,858.95		

A. CALL TO ORDER

A regular meeting of the Palmer City Council was held on September 12, 2017, at 7:00 p.m. in the council chambers, Palmer, Alaska.

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

B. ROLL CALL

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

Edna DeVries, Mayor
Richard Best
Brad Hanson

Linda Combs, Deputy Mayor
David Fuller
Peter LaFrance

Steve Carrington was absent and excused.

Also in attendance were the following:

Nathan Wallace, City Manager
Michael Gatti, City Attorney

Norma I. Alley, MMC, City Clerk
Bernadette Packa, CMC, Deputy City Clerk

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Best.

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
 - b. **Resolution No. 17-027**: Amending the City of Palmer Resolution No. 1150 Regarding the Issuance of Utility Revenue Bond
2. Approval of Minutes of Previous Meetings
 - a. August 22, 2017, Regular Meeting

Main Motion: To Approve Consent Agenda and Minutes

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

E. REPORTS

Item 1 – City Manager’s Report

City Manager Nathan Wallace:

- Highlighted his written report;
- Spoke to the joint School Board and Matanuska-Susitna Borough Assembly meeting currently underway;
- Commented on action being taken by the City of Wasilla addressing plastic bags;
- Commented on the sales tax outcome from the Alaska State Fair;
- Noted students from Palmer’s Sister City, Saroma, were visiting;
- Commented on progress with the budget preparation; and
- Fielded questions from the Council.

Item 2 – City Clerk’s Report

City Clerk Norma Alley:

- Highlighted her written report;
- Noted having presented proposed code changes to the boards and commissions;
- Encouraged the Council to bring in their electronic devices to archive their documents;
- Reminded the Council that notes, texts, or correspondence by use of technology during a meeting become part of the record and are subject to records requests;
- Commented on receipt of invitations for the Council; and
- Fielded questions from the Council.

Item 3 – Mayor’s Report

Mayor DeVries:

- Highlighted her written report;
- Noted upcoming events;
- Spoke to meeting with Representative Colleen Sullivan-Leonard; and
- Commented on hosting the Sister City Delegation at a lunch time event tomorrow.

Item 4 – City Attorney’s Report

Michael Gatti:

- Encouraged the Council to use government provided devices for governmental use; and
- Reminded the Council that anything on the device was public record.

F. AUDIENCE PARTICIPATION

Clairanne Foley:

- Spoke to a strong odor coming from the Water Treatment Plant; and
- Commented on an increasingly loud noise coming from the Plant as well.

Terry Snyder:

- Provided copies of an AARP publication titled Where We Live; and
- Spoke to Liveable Communities ideas.

Reece Everett:

- Addressed current and projected enrollment for the Palmer schools; and

- Expressed appreciation to the First Responders and Public School Staff who dealt with the tragic event of last week.

G. PUBLIC HEARINGS

Item 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)

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

Council Member Hanson requested a staff report. City Manager Wallace noted at time of purchase the property was subject to litigation due to an error by the City's contractor. This lead to a settlement to purchase the property for a higher original purchase price than the current appraised value.

Main Motion: To Approve Resolution No. 16-027

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

H. ACTION MEMORANDA

Item 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

Main Motion: To Authorize Action Memorandum No. 17-060 as Amended

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

Primary Amendment #1: To Approve Council Member Richard Best

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

Item 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

Council Member Hanson requested a staff report. City Clerk Alley addressed eDocs vendor scholarships currently available and features of the system. The Council asked questions and requested additional information be provided at the next meeting.

Main Motion: To Authorize Action Memorandum No. 17-061

Moved by:	Best
Seconded by:	Fuller
Action:	
In favor:	
Opposed:	
Absent:	

Motion to Postpone: To Postpone to the Meeting on September 26

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

Item 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

The Council took a recess from 8:42 to 8:50 p.m.

Mayor DeVries requested a staff report. City Manager Wallace provided an explanation of the funding for the project.

Main Motion: To Authorize Action Memorandum No. 17-062

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

I. NEW BUSINESS

J. RECORD OF ITEMS PLACED ON THE TABLE

Invitation to Tour the Bishop’s Storehouse and Home Storage Center
AARP Magazine, entitled Where We Live, provided by Terry Snider

K. AUDIENCE PARTICIPATION

Eugene Carl Haberman:

- Spoke to the conflict of local government meeting schedules;
- Noted tonight’s Matanuska-Susitna Borough Assembly meeting addressed the proposed sales tax issue; and

- Spoke to events occurring at meetings of other local governmental bodies.

L. COUNCIL MEMBER COMMENTS

Council Member LaFrance:

- Noted the Thursday Night Runs have started again;
- Commended the City Clerk on moving forward with an electronic records management system; and
- Announced a Mountains' Rescue Challenge Race at Eklutna Lake on October 7, which is a fund raiser for the Alaska Mountain Rescuers Group.

Council Member Best:

- Thanked the local Fire Fighters and First Responders for their professional efforts in dealing with a tragic fire last week;
- Addressed the recent need to take action concerning homeless people squatting on private property and the use of drugs and honey buckets there;
- Expressed appreciation to Community Development, Public Works, Finance, and the Clerk's Office for a professional job well done; and
- Spoke to the value of expressing open and honest opinions to create dialog and informed decision making.

Council Member Hanson:

- Agreed with Council Member Best on the homelessness issue;
- Noted he believed homelessness was as high as it has ever been; and
- Spoke to the need to mitigate its effects.

Council Member Fuller:

- Echoed comments by Council Member Best concerning the recent fire;
- Spoke to upcoming benefit events planned; and
- Spoke positively of the move to an electronic records management system.

Deputy Mayor Combs:

- Echoed sentiments concerning the tragic fire and noted the community's strong response;
- Provided an update on the Mat-Su Regional Medical Center's Certificate of Need request;
- Noted Senior Fall Prevention Awareness Day was scheduled for September 22;
- Spoke to attendance of the Saroma Sister City Delegation events; and
- Commented on attendance of the signing ceremonies which made Sister Schools of Sherrod Elementary, Swanson Elementary, and the Saroma Elementary schools.

M. ADJOURNMENT

With no further business before the Council, the meeting adjourned at 9:17 p.m.

Approved this 26th day of September, 2017.

Norma I. Alley, MMC, City Clerk

Edna B. DeVries, Mayor

Glenn Highway MP 34-42 Projects

- **Glenn Highway MP 34-42 Reconstruction**, Project Number 0A15024/Z581040000
- **Parks Highway to Old Glenn Highway Pathway**, Project Number 0A15032/CFHWY00029
- **Colleen Street Intersection and Frontage Road**, Project Number 0A15033/CFHWY00006

Project Scope

The Glenn Highway Milepost (MP) 34-42 Reconstruction Project, Parks Highway to Old Glenn Highway, has been split into three projects and two phases as described below:

1) **Glenn Highway MP 34-42 Reconstruction**

This reconstruction project will add lanes, widen shoulders, add turn lanes and frontage roads, and add other traffic and safety related improvements. The final roadway will be a four-lane divided highway. Construction will be completed in two phases: Phase 1 – Glenn Highway: South Inner springer Loop to West Arctic Avenue; Phase 2 – Parks Highway to South Inner Springer Loop.

Current Status: The project is in the right-of-way appraisal and acquisition phase. The design phase of this project will continue and drawings are being developed to refine impacts to the affected environment, properties, and utilities. The project team continues to work with adjacent property owners on design refinements.

2) **Parks Highway to Old Glenn Highway Pathway**

This pathway project will construct a 10-foot-wide separated pathway along the north side of the Glenn Highway from the Matanuska Lakes State Recreation Area and extending into Palmer. The pathway will be constructed in phases as noted above.

Current Status: The final design is underway.

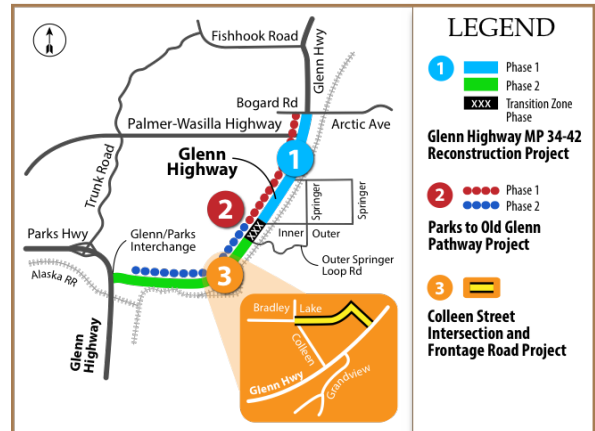
3) **Colleen Street Intersection and Frontage Road**

The scope of this project includes T-intersection with a median opening. These improvements will be included in Phase 2 construction. Originally proposed was a traffic signal on the Glenn Highway to connect South Colleen Street and East Bradley Lake Avenue to the Glenn Highway and East Grandview Road. As of September 1, 2017, the project removed the traffic signal and all improvements (frontage) on the south/east side of the Glenn Highway.

Current Status: The final design is underway. The project is in the right-of-way appraisal and acquisition phase.

FACT SHEET

PROJECTS MAP



Construction Schedule

Phase 1 construction expected to begin as soon as 2018; with Phase 2 following in 2020. The exact start will depend on availability of funding and other factors such as acquiring the necessary right-of-way.

For more information

Contact the Glenn Highway MP 34-42 project team members with questions, concerns, comments, or compliments any time. You can also visit the website www.brooks-alaska.com/glennhighway.

Project Team

Anne Brooks, P.E.
Public Involvement Coordinator
Brooks & Associates
(866) 535-1877
anne.brooksalaska@gmail.com

Dennis Linnell, P.E.
Design Project Manager
HDL Engineering Consultants, LLC
(907) 564-2120
dlinnell@hdlalaska.com
Page 13 of 69

Sean Baski, P.E.
Project Manager
DOT&PF
(907) 269-0547
sean.baski@alaska.gov



PROCLAMATION

A PROCLAMATION RECOGNIZING 42 YEARS OF DEDICATION AND COMMITMENT FROM GERALDINE “GERRY” KEELING AS AN ELECTION OFFICIAL

WHEREAS, in May of 1935, 204 families from the American Midwest made the long and arduous trek, arriving in what is now the city of Palmer, Alaska, and Gerry is a treasured member of those original Colonists as one of the first colony babies; and

WHEREAS, Gerry began her 42 years of dedicated service as an Election Official for the Matanuska-Susitna Borough and served 37 years as an Election Official at the city of Palmer’s precincts starting with the October 2, 1979, election holding the title of Judge Clerk; and

WHEREAS, Gerry served tirelessly, for decades, as an absentee voting official for the cities of Houston and Wasilla; and

WHEREAS, Gerry’s work ensured local elections were open, fair impartial, and trusted; and

WHEREAS, Gerry has been a model citizen, an example of determination and grace in the community and has given a rich legacy to future generations shown through her hard work, deep love and dedication; and

WHEREAS, Gerry is a greatly admired and respected citizen with a rich heritage, which is a part of the history and inherent fiber of Valley life; and

NOW, THEREFORE, IT IS PROCLAIMED by the mayors of the Matanuska-Susitna Borough and the cities of Houston, Palmer and Wasilla, Alaska, that we recognize and honor Geraldine “Gerry” Keeling for her years of dedicated service as an election official.

IN WITNESS WHEREOF, we have hereunto set our hand and cause the seal of the Borough and cities to be affixed on this 26th day of September, 2017.

MATANUSKA-SUSITNA BOROUGH, ALASKA

CITY OF HOUSTON, ALASKA

Vern Halter, Borough Mayor

Virgie Thompson, Mayor

Lonnie R. McKechnie, CMC, Borough Clerk

Sonya Dukes, CMC, City Clerk

CITY OF PALMER, ALASKA

CITY OF WASILLA, ALASKA

Edna B. DeVries, Mayor

Bert L. Cottle, Mayor

Norma I. Alley, MMC, City Clerk

Jamie Newman, MMC, City Clerk



Staff Update and analysis (August 2017):

Police Department:

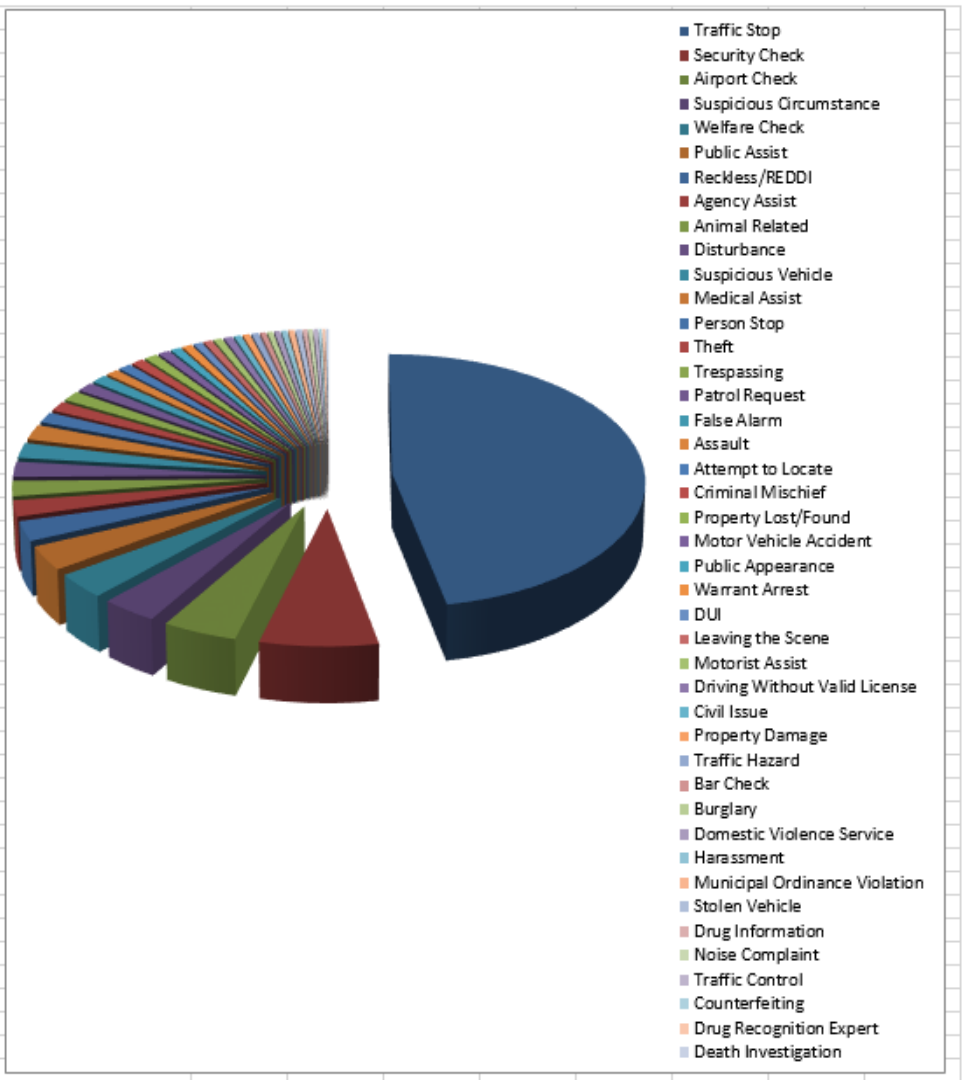
Total calls: 1033 up from 808 in July

Call breakdown - 55%(July - 37%) traffic/vehicle related, 17% (July - 22%) checks (welfare/property), 10%(July - 13%) citizen assistance, 19%(July - 29%) other.

**Patrol Calls
 August, 2017**

CAD REPORT

Traffic Stop	482
Security Check	73
Airport Check	46
Suspicious Circumstance	35
Welfare Check	33
Public Assist	32
Reckless/REDDI	26
Agency Assist	21
Animal Related	20
Disturbance	20
Suspicious Vehicle	20
Medical Assist	20
Person Stop	14
Theft	13
Trespassing	13
Patrol Request	12
False Alarm	11
Assault	9
Attempt to Locate	9
Criminal Mischief	9
Property Lost/Found	9
Motor Vehicle Accident	8
Public Appearance	7
Warrant Arrest	7
DUI	6
Leaving the Scene	6
Motorist Assist	6
Driving Without Valid License	6
Civil Issue	5
Property Damage	5
Traffic Hazard	5
Bar Check	4
Burglary	4
Domestic Violence Service	4
Harassment	4
Municipal Ordinance Violation	4
Stolen Vehicle	4
Drug Information	3
Noise Complaint	3
Traffic Control	3
Counterfeiting	2
Drug Recognition Expert	2
Death Investigation	2
Driving While License Restricted/Susper	2
Fraud	2
Traffic Offense	2



Fire Department: Calls: 59(49 -July) in August 2017, up 20.5% from last month, up by 69% from last year. Fire: 4(6 -July), Rescue: 24(15 - July), Hazard: 4(2 -July), Good intents: 17(12 -July), False alarm: 4(6 -July), Special Incident: 0(0 -July), Service call: 6(7 - July), Overpressure/explosion/overheat: 0(1 – Jul).



Community Development:

Library:

Patrons: **July** **August**

Total Registered Patrons *13,179* *13,254*

Total Mat-Su Borough Resident Patrons	10,163	10,234
Total City of Palmer Resident Patrons	3,016	3,020
New Library Users	46	75

Usage:	July	August
Patron Visits/Count	10,196	7,912
Reference Questions	2,260	2,242
Library Computer Sessions	2,517	2,579
WIFI Sessions	1,553	1,679
Circulation (PPL items)	10,804	10,283
Magazine circulation	696	745
Take Home Paperbacks	163	337

Programs:

Children's Programs	15 Events	1,113 Participants	0 Events	0 Participants
Class Visits	6 Events	85 Participants	0 Events	0 Participants
Young Adult Programs	6 Events	636 Participants	1 Event	8 Participants
Adult Programs	4 Events	376 Participants	5 Events	57 Participants
Total Library Programs	31 Events	2,210 Participants	6 Events	65 Participants

Community Events	31 Events	211 Participants	14 Events	156 Participants
Total Events	62 Events	2,421 Participants	20 Events	221 Participants

Building and Compliance:

Compliance Letters dispatched: 3(2- July) (unsightly premise), 2(1- July) (clean up follow up), and 14(16 - July) (permit follow ups), other: 5(9 - July)



Building Department Report
AUGUST 2017

Permit Type	Count	Total Valuation	Permit Fees Collected	Plan Review Fees Collected
Building Permit	17	\$1,103,729.00	\$9,931.50	\$2,884.50
Sign Permit	5	\$850.00	\$98.00	
Fence Permit	1	\$5,000.00	\$26.00	
Totals	23	\$1,109,579.00	\$10,055.50	\$2,884.50

TYPE OF PERMITS:

Applicant	Valuation	Type of Work	Permit Fee	Plan Review Fee
Alaska Job Corps	\$15,000.00	COM New	\$279.50	\$181.50
Wade Stahle	\$198,900.00	RES Multi Family	\$1,724.50	
Warton Investments	\$12,000.00	COM Alteration	\$232.75	\$151.25
Combs, Sabrena Kent	\$0.00	Temporary Sign	\$0.00	
Linden, Kenni M.	\$0.00	Temporary Sign	\$0.00	
Shanks, Robert	\$2,000.00	Storage Shed	\$0.00	
Konecky, Lisa	\$4,000.00	Deck	\$108.00	
Downs, Deanna	\$2,000.00	Storage Shed	\$0.00	
Turner, James	\$7,000.00	Deck & Storage Shed	\$154.75	
Turner, James	\$5,000.00	Fence	\$26.00	
Fuller, David G.	\$1,000.00	Storage Shed	\$0.00	
Bolshio Misha, Inc.	\$1,000.00	COM Alteration	\$43.00	\$27.75
Ellis, Bianca	\$5,000.00	RES Alteration	\$123.75	
Riggs, Joseph Michael	\$22,963.00	Storage Bldg.	\$404.25	
Jenski, Randy	\$450,000.00	COM New	\$3,290.75	\$2,138.75
Berberich, Anthony	\$5,000.00	COM Alteration	\$123.75	\$80.25
Mat Valley Federal Credit Union	\$0.00	Temporary Sign	\$0.00	
Gomez, Carlos E.	\$1,500.00	COM Alteration	\$60.00	
Hanson, Brad	\$0.00	Temporary Sign	\$0.00	
McCreary, Kayla	\$850.00	Sign	\$98.00	
Tomter, Matt	\$28,000.00	COM Alteration	\$469.25	\$305.00
Morino, Michael C.	\$23,000.00	Storage Bldg.	\$404.25	
Stahle, Wade	\$325,366.00	RES Multi Family	\$2,513.00	



PALMER GOLF COURSE

	July	August
Operational Days:	31	31
Number of Rounds:	3,300	2,957
Green Fees:	46,934.00	50,257.00
Cart Rental:	22,273.00	23,410.00
Club Rental:	1,640.00	630.00
Driving Range:	4,929.00	4,525.00
Merchandise Sales:	31,874.31	26,447.53
Snack Bar:	16,522.75	16,470.00
Beer & Wine:	10,396.00	8,104.75

Mayor's Memo

Council Meeting report – September 26, 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 – October 19 – Palmer

Manager, Mayor, Clerk & Attorney agenda – Sept 29 and October 12

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

Election Tuesday, October 3

Special Budget meetings coming -

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

City of Palmer
Ordinance No. 17-012

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


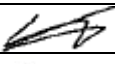

Agenda of: September 12, 2017 – Introduced
September 26, 2017 – Public Hearing

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: September 12, 2017
Public Hearing Date: September 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 underlined and deleted language is stricken):

Chapter 5.04: Business Licenses

5.04.010 Definitions.

In this chapter, unless the context requires otherwise:

- A. "Business" means a for profit or nonprofit entity or person engaging or offering to engage in a trade, a service, a profession, or an activity with the goal of receiving a financial benefit in exchange for the provision of services, or goods or other property;
- 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
Action Memorandum No. 17-064**

Subject: Authorizing the City Manager to Enter into a Settlement and Mutual Release Agreement with Granite Construction Company, Releasing Granite Construction Company from Their Effective Real Estate Exchange Agreement with the City of Palmer for the Price of \$150,000.00

Agenda of: September 26, 2017

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

Originator Information:

Originator: Chris Nall, Director of Public Works

Department Review:

Route to:	Department Director:	Signature:	Date:
_____	Community Development	_____	_____
<u> √ </u>	Finance	<u><i>[Signature]</i></u>	_____
_____	Fire	_____	_____
_____	Police	_____	_____
<u> √ </u>	Public Works	<u><i>[Signature]</i></u>	<u>9/13/17</u>

Approved for Presentation By:

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

Certification of Funds:

Total amount of funds listed in this legislation: \$ 150,000.00

This legislation (√):

- Creates revenue in the amount of: \$ 150,000.00
- Creates expenditure in the amount of: \$ _____
- Creates a saving in the amount of: \$ _____
- Has no fiscal impact

Funds are (√):

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

Director of Finance Signature: *[Signature]*

Attachment(s):

- Settlement and Mutual Release Agreement from Granite Construction Company

Summary Statement:

Approval of this AM will release Granite Construction Company from their real estate exchange agreement and performance obligation requirements as defined in Amendment #1 to the exchange agreement dated 4/30/2015, requiring Granite Construction to install utility extensions across the Glenn Highway. For this release from the exchange agreement, Granite Construction agrees to pay the City of Palmer \$150,000.00. At the current time and for the foreseeable future, the City has no plans requiring utilities on the West side of the Glenn Highway, in the area the exchange agreement required.

Administration's Recommendation:

Approve Action Memorandum No. 17-064 authorizing the City Manager to enter into a Settlement and Mutual Release Agreement with Granite Construction Company, releasing them from their Real Estate Exchange Agreement with the City of Palmer for the price of \$150,000.00.

TRANSMITTAL

September 7, 2017

Attn: Nate Wallace, City Manager

City Of Palmer

City of Palmer and Granite Construction Mutual Release Agreement.

Let me know if you have proposed changes or if it is ok with the City.

A handwritten signature in black ink, appearing to read "Derek Betts", with a long horizontal flourish extending to the right.

Derek Betts

Granite Construction Company

SETTLEMENT AGREEMENT AND MUTUAL RELEASE

This Settlement and Mutual Release Agreement (“Agreement”) is made by and between the City of Palmer (“City”), a Home Rule Municipal Corporation, existing under the laws of the State of Alaska, and Granite Construction Company (“Granite”), a California corporation, as successor by merger to Wilder Construction Company, a Washington corporation (“Wilder”). The City and Granite are collectively the “Parties”.

RECITALS

- A. On September 1, 2006 the City and Wilder entered into a Real Estate Exchange and Development Agreement (“2006 Agreement”), obligating Wilder to subdivide, partially improve, and convey approximately 5.56 ± acres of Wilder’s property¹ to the City in exchange for the City conveying approximately 5.56 ± acres of unimproved vacant land located near Mile 38.5 of the Glenn Highway (“Palmer Parcel”).² The 2006 Agreement contemplated that the parcels would be conveyed in 2009.
- B. In 2009 before any conveyance occurred, the State of Alaska Department of Transportation and Public Facilities (DOT&PF) issued preliminary plans for the Glenn Highway expansion, impacting the proposed subdivision of the Wilder Tract.
- C. From 2009 through 2011, the Parties worked together to identify alternative options to the Wilder Parcel proposed by the 2006 Agreement.
- D. On May 1, 2012, the Parties entered into the Real Estate Exchange Agreement and Escrow Instructions Between City of Palmer and Granite Construction (“2012 Agreement”), obligating Granite to convey and partially improve approximately 5.56 ± acres of Granite’s property (“Granite Parcel”)³ to the City in exchange for the City conveying the Palmer Parcel to Granite.
- E. Effective April 30, 2015, the parties executed Amendment #1 to the Real Estate Exchange Agreement and Escrow Instructions Between City of Palmer and Granite Construction (“Amendment #1”), extending the timeframe by which Granite was to complete the improvements to the Granite Parcel under Section 7.5 of the 2012 Agreement to October 10, 2017.

¹ The Wilder Parcel was to be tracked out of the 107 acre tract of real property legally described as: Township 17 N, R2E, Section 18, Lot C10, Seward Meridian, Palmer Recording District, Third Judicial District, State of Alaska (“Wilder Tract”).

² Legally described in Exhibit A.

³ Legally described in Exhibit B.

- F. The 2006 Agreement, 2012 Agreement, and Amendment #1 are collectively referred to as the “Real Property Exchange Agreements”.
- G. The City and Granite have reached an agreement to satisfy all obligations, rights and remedies, that are asserted, or that could be asserted, arising from the Real Property Exchange Agreements.

AGREEMENT

The Parties mutually agree as follows, with the above recitals incorporated by reference:

1. **Settlement Terms:**

(a) **Payment.** Granite agrees to pay the City One Hundred and Fifty Thousand and no/100 US Dollars (\$150,000.00) (“Payment”) within ten (10) days of the execution of this Agreement. Payment shall be made by cashier’s check payable to “The City of Palmer” delivered to the attention of Nate Wallace, City Manager, 231 West Evergreen Avenue, Palmer, AK 99645-6952.

(b) **Satisfaction of Obligations of All Parties Under the Real Property Exchange.** The Parties agree the Payment satisfies all obligations of Granite under the Real Property Exchange Agreements and extinguishes all rights and remedies the City may have sought under the Real Property Exchange Agreements. The City shall execute any document reasonably required to agree to Granite’s release of the performance bond in the amount of \$250,000 pursuant to Section 2 of Amendment #1. Upon request by the other party, the City and Granite agree to execute any and all recordable documents necessary to remove any encumbrances or title exceptions against any of the properties arising from the Real Property Exchange Agreements

2. **Mutual Release:**

a. In consideration for the terms set forth above and the other covenants set forth in this Agreement, the City fully and forever releases and discharges Granite from any and all claims, demands, liens, agreements, contracts, covenants, debts, costs, expenses, damages, judgments, orders and liabilities of whatever nature, in law, equity or otherwise (including, but not limited to, claims for attorney’s fees and costs) arising out of and related to the rights and obligations arising from the Real Property Exchange Agreements, whether now known or unknown, vested or contingent, suspected or unsuspected, and whether or not concealed or hidden, that have existed or may have existed, or that do exist as of the effective date of this Agreement.

b. In consideration for the terms set forth above and the other covenants set forth in this Agreement, Granite fully and forever releases and discharges the City from any and all claims, demands, liens, agreements, contracts, covenants, debts, costs, expenses, damages, judgments, orders and liabilities of whatever nature, in law, equity or otherwise (including, but not limited to, claims for attorney's fees and costs) arising out of and related to the rights and obligations arising from the Real Property Exchange Agreements, whether now known or unknown, vested or contingent, suspected or unsuspected, and whether or not concealed or hidden, that have existed or may have existed, or that do exist as of the effective date of this Agreement.

3. **Scope of Release:** The Parties execute this Agreement with full knowledge and understanding of the decision of the Alaska Supreme Court in *Witt v. Watkins*, 579 P.2d 1065 (Alaska 1978), with the full intent to mutually release each other from any damages or losses arising out of the facts and circumstances giving rise to the Real Property Exchange Agreements, which are known, or which may be subsequently discovered and which are not yet known to the Parties at this time.

The Parties further acknowledge familiarity with the decision of the Alaska Supreme Court in *Young v. State*, 455 P.2d 889 (Alaska 1969), and they expressly waive the protection of that holding. All individuals, corporations, or other entities not now named in the Real Property Exchange Agreements, that could now or at any past or future time be possible parties in the Real Property Exchange Agreements, are also released as fully as if they had been specifically named herein.

The Parties further acknowledge familiarity with the Alaska Supreme Court decision in *Industrial Commercial Electrical, Inc. v. McLees*, 101 P.3d 593 (Alaska 2004), and hereby waive any right to later contend that this Agreement was executed in reliance on any statements or allegations of any facts other than those set out in writing in this Agreement.

The Parties hereby release any right they may now have or hereafter acquire to reform, rescind, modify, or set aside this Agreement for any mutual or unilateral mistake or otherwise. The risk of any such uncertainty or mistake is assumed by the Parties as set forth herein for the purpose of making a full, final, and complete compromise and settlement of any and all claims, disputed or otherwise, arising out of the matters released herein.

4. **Covenant Not to Sue:** The Parties mutually agree that neither Party will individually, jointly, or in concert with others, by virtue of further judicial or administrative proceedings of any kind whatsoever, make or cause to be made, acquiesce in or assist in the bringing of any action for damages against the other

Party, arising out of and related to the rights and obligations arising from the Real Property Exchange Agreements.

6. **No Admission**: This Agreement shall not be construed as an admission by any Party of any wrongful act, breach of contract, liability, or criminal conduct. The Parties are not admitting fault or liability but enter this Agreement in order to achieve finality with regard to the rights and obligations set forth in the Real Property Exchange Agreements.

7. **Knowing and Voluntary Agreement**: Each Party agrees that the Party has carefully read and fully understands all aspects of this Agreement, including the fact that this Agreement releases any claims that such Party might have against the others. Each Party agrees that the Party has not relied upon any representations or statements not set forth in this Agreement. Finally, each Party agrees the Party has consulted with or had the opportunity to consult with an attorney prior to executing the Agreement and now enters into this Agreement without duress or coercion from any source.

8. **Binding Effect**: This Agreement shall be binding upon, and shall inure to the benefit of, the Parties, their owners, employees, successors, legal representatives, financial and accounting advisors, and agents.

9. **Authority and Non-assignment**: The Parties represent and warrant that the undersigned have authority to bind the parties to this Agreement. Each Party further represents that it has not assigned to any person any rights or claims to which this Agreement applies or might apply but for the assignment.

10. **Entire Agreement**: This Agreement, and the promises made herein, represent the entire agreement between the Parties. No promise or inducement which is not expressed in this Agreement has been made to the Parties, and in executing this Agreement, they do not rely upon any statement or representation made by any other Party hereby released, or any agent or other person representing such Party.

11. **Counterparts**: This Agreement may be executed in duplicate originals and counterparts, each of which shall be deemed an original and all of which together shall constitute one and the same instrument.

12. **Governing Law and Venue**: This Agreement will be enforced and interpreted in accordance with the laws of the State of Alaska and the City of Palmer. Venue is in the Third Judicial District Palmer Alaska or the U.S. District Court for the District of Alaska.

13. **Headings**: The headings herein are intended solely for convenience of reference and shall not control the meaning or interpretation of any of the provisions of this Agreement

14. **Severability**: Unless otherwise provided in this Agreement, if any provision of this Agreement shall be declared invalid, illegal, or unenforceable, the validity, legality, and enforceability of the remaining provisions shall not be affected or impaired.

15. **Attorney's Fees and Costs**: The Parties shall bear their own fees and costs incurred in connection with drafting and execution of this Agreement.

16. **Nonreliance**: The Parties expressly assume any and all risks that the facts and law may become different from the facts and law as known to, or believed to be, by the Parties as of the date of this Agreement. In executing this Agreement, no Party has relied upon any information supplied by the other, or upon any obligation or alleged obligation of the other Party to disclose information relevant to this Agreement.

17. **Amendment**: This Agreement shall not be modified except in a writing signed by all Parties.

Signatures to follow.

Parties have executed this Agreement as of

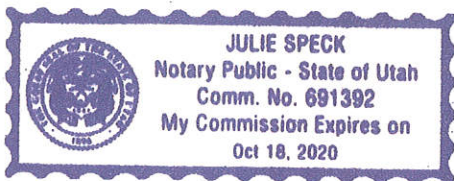
Date: August 30, 2017

GRANITE CONSTRUCTION
COMPANY ("Granite")

By: [Signature]
James D. Richards
Its: Senior Vice President

STATE OF ~~ALASKA~~ Utah)
~~Third Judicial District~~)

SWORN TO AND SUBSCRIBED before me this 30 day of August,
2017, by Dave Richards, Senior Vice President, on behalf of Granite Construction
Company.



[Signature]
Notary Public, State of ~~Alaska~~ Utah
My Comm. Exp. 10/18/20

THE CITY OF PALMER ("City")

Date: _____, 2017

By: _____
Its: Mayor

Attested

Date: _____, 2017

By: _____
Its: City Clerk

STATE OF ALASKA)
Third Judicial District)

SWORN TO AND SUBSCRIBED before me this _____ day of _____,
2017, by _____, and _____, the City of Palmer, its
Mayor and City Clerk, respectively, on behalf of the City of Palmer.

Notary Public, State of Alaska
My Comm. Exp. _____

**City of Palmer
Information Memorandum No. 17-017**

Subject: Ordinance No. 15-003 Amending Palmer Municipal Code Chapter 17.08 Definitions, to include Section 17.08.072 Building or Structure, Temporary; adding Temporary Buildings or Structures as Conditional Uses under Chapter 17.28 Limited Commercial District, Chapter 17.32 General Commercial District, Chapter 17.36 Industrial District and Chapter 17.58 Business Park District; and to amend Chapter 15.08 to Delete a Portion of Section 15.08.3103 Temporary Buildings or Structures

Agenda of: September 26, 2017


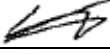
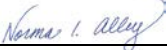
Originator Information:

Originator: Norma I. Alley, City Clerk

Department Review:

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

Approved for Presentation By:

	Signature:	Remarks:
City Manager	<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. 15-003
- IM No. 15-003
- April 28, 2015, Council Minutes

Summary Statement:

On April 14, 2015, the City Council introduced Ordinance No. 15-003 and held a Public Hearing on April 28, 2015. At the Public Hearing, the City Council passed a motion to adopt Ordinance No. 15-003 and then made a motion to refer the Ordinance to the Planning and Zoning Commission for additional work (see page 5 of April 28, 2015, minutes).

Since 2015, the City Council has directed the Planning and Zoning Commission to review all definitions in Title 17, which the Planning and Zoning Commission is currently working on. With the motion to adopt Ordinance No. 15-003 currently on the floor and direction from Council for staff to provide an ordinance addressing all definitions of Title 17, it is recommended by the City Clerk to address the current motion on the floor and not adopt Ordinance No. 15-003. This will close this pending motion, allow staff to close the record, and allow archival of 2015 ordinances.

City Clerk's Recommendation:

To not approve Ordinance No. 15-003.

Commission Information:

Initiated by: Planning and Zoning Commission
Commission Agenda: October 16, 2014
Action: Recommend Approval
Vote: 5-0

Council Information:

Introduced by: City Manager Hannan
Introduced: April 14, 2015
Public Hearing: April 28, 2015
Action: Referred to Planning and Zoning Commission
Council Agenda: September 26, 2017
Action:
Vote:

Yes:	No:

CITY OF PALMER, ALASKA

Ordinance No. 15-003

An Ordinance of the Palmer City Council Amending Palmer Municipal Code Chapter 17.08 Definitions, to include Section 17.08.072 Building or Structure, Temporary; adding Temporary Buildings or Structures as Conditional Uses under Chapter 17.28 Limited Commercial District, Chapter 17.32 General Commercial District, Chapter 17.36 Industrial District and Chapter 17.58 Business Park District; and to amend Chapter 15.08 to Delete a Portion of Section 15.08.3103 Temporary Buildings or Structures

THE CITY OF PALMER, ALASKA ORDAINS:

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

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

Section 3. Chapter 17.08 Definitions is amended to enact 17.08.072 Building or Structure, Temporary as follows (new language is underlined and deleted language is stricken):

17.08.072 Building or Structure, temporary.

"Temporary building" means a building or structure that covers an area in excess of 120 square feet that is capable of being immediately moved and intended for use in excess of six months;

temporary buildings associated with the construction of a permitted use are exempt during such construction and an additional period not to exceed 90 days.

Section 4. Section 17.28.030 Conditional Uses in the Limited Commercial District is amended to include 17.28.030 G. as follows (new language is underlined and deleted language is stricken):

17.28.030 Conditional uses.

Uses which may be permitted in the C-L district by obtaining a conditional use permit are:

- A. Utility substations;
- B. Funeral parlors;
- C. Residential care facilities;
- D. Brewpubs;
- E. Wineries;
- F. Public and private schools;
- G. Temporary buildings or structures.

Section 5. Section 17.32.030 Conditional Uses in the General Commercial District is amended to include 17.32.030 H. as follows (new language is underlined and deleted language is stricken):

17.32.030 Conditional uses.

Uses which may be permitted in the C-G district by obtaining a conditional use permit are:

- A. Laundry and linen supply service, dry-cleaning businesses;
- B. Propane or butane service;
- C. Car washes;
- D. Crematory;
- E. Welding service and supplies;
- F. Mental health facility;
- G. Residential care facilities;
- H. Temporary buildings or structures.

Section 6. Section 17.36.030 Conditional Uses in the Industrial District is amended to include 17.36.030 A.12. as follows (new language is underlined and deleted language is stricken):

17.36.030 Conditional uses.

A. The following uses may be permitted by obtaining a conditional use permit:

- 1. Concrete and concrete products manufacture;
- 2. Coal yard;
- 3. Contractor's equipment yard;
- 4. House moving business;
- 5. Sewage treatment plants;
- 6. Industrial planned unit development;
- 7. Airport and heliports;
- 8. Slaughterhouses;
- 9. Uses and structures which are determined by the commission to be potentially noxious or injurious to other properties by reason of production or emission of excessive dust, smoke, refuse matter, odor, gas fumes, noise, vibration or similar substances or conditions;

10. Quarters for caretaker, guard or other persons whose permanent residency on the premises is required for operational safety, or protective purposes or as quarters or accommodations for persons engaged in certain industrial operations whose residency in the vicinity satisfies conditions or requirements of the work;

11. Power plants;

12. Temporary buildings or structures.

B. The following uses may be permitted by obtaining a conditional use permit, and must be enclosed on all sides by a site-obscuring fence not less than six feet in height if the use is located on a lot which abuts an arterial or higher classification road as recognized by the city of Palmer, or the lot abuts or is immediately across a recognized public right-of-way or easement from any lot not zoned industrial:

1. Salvage, wrecking or junk yard.

Section 7. Section 17.58.040 Conditional Uses in the Business Park District is amended to include 17.58.040 G. as follows (new language is underlined and deleted language is stricken):

17.58.040 Conditional uses.

Uses which may be permitted in the BP district by obtaining a conditional use permit are:

A. Insurance and real estate offices;

B. Financial institutions;

C. Business and professional offices;

D. Employment agencies;

E. Direct selling organizations;

F. Cleaning, laundry or dyeing plants;

G. Temporary buildings or structures.

Section 8. Chapter 15.08 is amended as follows (new language is underlined and deleted language is stricken):

~~**15.08.3103 Temporary buildings or structures.**~~

~~No temporary building or structure shall remain in place longer than six months without City council approval.~~

Section 9. Effective date. Ordinance No. 15-003 shall take effect upon adoption by the City of Palmer City Council.

Passed and approved this _____ day of _____, 2015.

DeLena Goodwin Johnson, Mayor

Janette M. Bower, MMC, City Clerk

**City of Palmer
Information Memorandum No. 15-003
Ordinance No. 15-003**

Subject: Ordinance No. 15-003: Amending Palmer Municipal Code Chapter 17.08 Definitions, to include Section 17.08.072 Building or Structure, Temporary; adding Temporary Buildings or Structures as Conditional Uses under Chapter 17.28 Limited Commercial District, Chapter 17.32 General Commercial District, Chapter 17.36 Industrial District and Chapter 17.58 Business Park District; and to amend Chapter 15.08 to Delete a Portion of Section 15.08.3103 Temporary Buildings or Structures

Agenda of: Introduction on April 14, 2015, Public Hearing on April 24, 2015

Council Action: _____

Originator Information:

Originator: Sandra Garley
Date: 03-09-15 **Requested agenda date:** 04-14-15

Department Information:

Route to:	Department Director:	Signature:	Date:
<u>X</u>	Community Development	<u><i>Sandra Garley</i></u>	<u>03-09-15</u>
_____	Finance	_____	_____
_____	Public Safety	_____	_____
_____	Public Works	_____	_____

Approved for presentation by:

	Signature:	Remarks:
City Manager	<u><i>Joseph A. Harrison</i></u>	_____
City Attorney	<u><i>[Signature]</i></u>	_____
City Clerk	<u><i>[Signature]</i></u>	_____

Certification of Funds:

Total amount of funds listed in this legislation: \$ 0

This legislation (√):

Has no fiscal impact Creates a positive impact in the amount of: \$ _____
 Negative impact in the amount of: \$ _____

Funds are (√):

Budgeted Line item(s): _____
 Not budgeted Affected line item(s): _____

General fund assigned balance (after requested budget modification): \$ _____

Enterprise unrestricted net position (after requested budget modification): \$ _____

Director of Finance Signature: *[Signature]*

Attachment(s):

- Ordinance No. 15-003
- Planning and Zoning Minutes of August 21, 2014 and October 16, 2014
- PMC 15.08.3103 Temporary buildings or structures

Summary statement: Council has requested the Planning and Zoning Commission review current Title 15.08.3103 requirement for City Council approval of temporary structures when property owners desire to have them remain in place in excess of six months. The Commission was tasked for developing a recommendation on whether these temporary buildings should meet zoning criteria in the underlying zoning district if allowed to remain in place longer than six months. On October 16, 2014 the Commission concluded their review of PMC 15.08.3103 and voted to recommend that temporary buildings be allowed to remain on site for more than six months in non-residential districts only upon issuance of a conditional use permit.

Ordinance No. 15-003 will amend certain portions of Palmer Municipal Code Title 17 to allow a temporary building or structure to remain in place for more than six months through the conditional use permit process and delete the language in Title 15 that requires council approval for a temporary building to remain in place for more than six months.

Background: On August 13, 1996 Council adopted Ordinance 504 repealing and readopting PMC Title 15, Buildings and Construction. The re-enacted Title 15 included an amendment to 15.08 to add the language in 15.08.3103 which requires City Council approval for any temporary building or structure remaining in place longer than six months.

Since the 1996 amendment was adopted, Council has acted on all applications to allow temporary buildings to remain in place for more than six months.

Planning and Zoning Commission Recommendation: The Planning and Zoning Commission discussed several options during the process of developing a procedure to review temporary buildings. The Commission unanimously voted to move forward to Council a recommendation that the conditional use process be used to allow Commission consideration of the impact of the proposed temporary building on surrounding property and the application of controls and safeguards to assure that the building will be compatible with the CL Limited Commercial, CG General Commercial, I Industrial and the BP Business Park zoning districts.

Staff Comment: The use of temporary storage buildings in the I-Industrial zoning district benefits and supports expansion of industrial users and businesses in this zoning district. The City's Industrial areas are well delineated and have functioned by utilizing temporary buildings and structures as business needs have changed with few complaints from the community. The same is true for temporary structures in the P-Public Use district. The formal conditional use permit process may fix a problem that may not exist in these two districts. The Commission currently reviews site plans and places in the P-Public Use district without a formal conditional use process appears more appropriate for temporary structures in the Industrial district.

Administration recommendation: Adopt ordinance no. 15-003.

Following discussion, Ms. Garley will prepare draft language for the CBD and forward to Commissioners for review and discussion at the October meeting.

3. **IM 14-022** Continue Discussion of Proposed Kennel Ordinance and Current Zoning Districts.

Ms. Garley updated the Commission from last meeting concerning Mr. Briggs' questions and concerns regarding his neighbor having a kennel. Both he and his neighbor are zoned Commercial General. By way of background, due to annexation, there are properties which operate dog kennels that may be considered as "grandfathered" into the City of Palmer. Currently there is no procedure in the code for the operation of a dog kennel within Palmer city limits besides obtaining a City of Palmer business license. For discussion purposes, in the packet is a proposed ordinance, which would establish a procedure for the licensing and operation of a dog kennel within city limits. Title 17 would need to ensure a dog kennel is appropriately zoned for such use.

Brief discussion ensued. Chairman Madar noted that he thinks that dog kennels in Palmer are appropriate under a Conditional Use Permit.

4. **Resolution No. 14-005:** A Resolution of the Palmer Planning and Zoning Commission Recommending City Council Approve the Establishment of an Appeals Process to an Administrative Decision.

Ms. Garley reported that currently Title 17 lacks a process by which a property owner who disagrees with a decision made by the zoning administrator can appeal that decision. The City has a very clear appeals process from a P & Z decision to a Hearing Officer and then to the Court. Patterned after that process, is draft Resolution 14-005 and proposed Ordinance which establishes a process of appeal from a zoning administrator to the Planning and Zoning Commission. Staff urged the Commission to review, adopt, and move forward to the City Council with a recommendation for adoption.

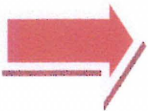
Commissioner Kerslake moved, seconded by **Commissioner Lucas**, to adopt Resolution No. 14-005 and move forward to City Council with the attached proposed Ordinance recommending adoption.

Commissioner Kerslake, based on staff's recommendation concurs that it is something lacking in our code and it makes sense to clarify the process. Commissioner Lucas agreed. There was no further discussion.

VOTE ON MOTION: Carried Unanimously.

I. NEW BUSINESS:

1. **IM 14-021** Referring Palmer Municipal Code 15.08.3103, Temporary Buildings or Structures to the Planning and Zoning Commission as directed by City Council.



Ms. Garley reported that in August, 1996, the City Council adopted Ordinance No. 504 enacting 15.08.3103 requiring any temporary building or structure in place for longer than six months to have City Council approval. In the packet are some of the most recent temporary structures requiring Council approval to remain for longer than six months.

The City Council is requesting input and guidance from the Commission regarding the referral of PMC 15.08.3103 (building code), as to whether or not these temporary buildings should have to meet the zoning criteria if allowed to remain past six months (for example setbacks, landscaping), and should it be addressed in the zoning code or left in the building code and simply a reference made in the zoning code to the fact that temporary buildings approved by the City Council have to meet all the other standards.

Commissioner Kerslake moved, seconded by **Commissioner Lucas**, to enter Committee of the Whole for further discussion on the matter. There were no objections.

[The Commission entered Committee of the Whole at 8:20 p.m.; exited at 8:30 p.m.]

While in Committee of the Whole, the Commission discussed various types of temporary structures, what constitutes "temporary," and whether the temporary buildings should be added as a conditional use. The consensus was to have staff prepare a draft amendment to the conditional use permit list in the various districts, adding temporary buildings or structures, and come up with a definition for further discussion and consideration at the next meeting.

J. PLAT REVIEWS:

1. **IM 14-020** Plat Review – To create 2 lots from Tax Parcel C10, in Section 5, Township 17 North, Range 2 East, Seward Meridian, to be known as BRS Subdivision, located inside Palmer city limits.

Ms. Garley reported that in November, 2013, this parcel was rezoned to R-1E, Single-family Residential Estate. Access is from East Helen Drive. The proposed lots meet the required minimum lot area of 20,000 sf per lot as required in the R-1E district. The City supports the Borough's requirement for plat approval to be conditional upon removal of the house shown on Lot 1, otherwise the house would not meet the required minimum side yard setback of 15'. Public Works had comments regarding water service lines. Also, Lot 1 has access to the driveway that will be Lot 2's flag pole. Unless Lot 2 grants Lot 1 access to the flag pole, Lot 1 must build a separate driveway. It was noted the owner has agreed to move the driveway to the other side. Because this area was annexed into the city, they have existing wells.

Commissioner Kerslake commented the owner should take consideration of the adjacent property's well in relocating the driveway.

K. PUBLIC COMMENTS: There was no public present.

Ms. Garley will incorporate the revisions discussed and include a new draft at the next meeting including supplying a copy to Gary Wolf for his input.



2. Review Draft Ordinance No. 14-0xx Amending Certain Zoning Districts to Allow Temporary Buildings and Structures by a Conditional Use Permit.

Ms. Garley updated the Commission as to current status. The Commission's final decision has been incorporated into a draft ordinance with Option 1 and it is ready to move forward to City Council if the Commission approves. She reminded that one option is to take the temporary building (less than six months) through the full conditional use process with a public hearing or another option is to bring it to the Planning & Zoning Commission for site plan review and final decision. Brief questions of staff ensued.

Commissioner Kersake moved, seconded by **Commissioner Lucas** to enter Committee of the Whole to discuss, revise and comment on the proposed Ordinance concerning temporary buildings. There were no objections.

[The Commission entered Committee of the Whole at 8:03 p.m.; exited at 8:04 p.m.]

While in Committee of the Whole, all confirmed agreement on Option 1.

Amendment:

Commissioner Kerlake moved, seconded by **Commissioner Petty**, to amend the main motion from last meeting recommending adoption of the proposed ordinance, to add language to paragraph 17.08.072 Building or Structure, temporary, stating:

"Temporary building" ; temporary buildings associated with the construction of a permitted use are exempt during construction and for a period not to exceed 90 days."

VOTE ON AMENDMENT: Carried Unanimously.

VOTE ON MAIN MOTION AS AMENDED [recommending approval of proposed Ordinance 14-0xx]: Carried Unanimously.

I. NEW BUSINESS:

1. Discussion of Setback Requirements for Single Family Residences in CG, General Commercial and CL, Limited Commercial Districts.

Ms. Garley explained this was brought forward as a discussion item and for clarification if the discrepancy should be modified. The setback requirements for a single family residence zoned CL or CG are 25' for front yard, 15' for side yard and 25' for rear yard. These setback requirements are more restrictive than the setbacks in the R-1 district for a single family residence and the more restrictive requirements do not encourage single family residential development in the CG and CL districts. [See full report at page 99 of the packet and excerpts of current code sections in Title 17 re setback requirements].

15.08.3103 Temporary buildings or structures.

Amend by adding a sentence as follows:

No temporary building or structure shall remain in place longer than six months without City Council approval.

(Ord. 504 § 3, 1996)

Compile Chapter

The Palmer Municipal Code is current through Ordinance 14-021, passed June 24, 2014.

Disclaimer: The City Clerk's Office has the official version of the Palmer Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

City Website:

<http://www.cityofpalmer.org/>

City Telephone: (907) 745-3271

Code Publishing Company

A. CALL TO ORDER

A regular meeting of the Palmer City Council was held on April 28, 2015, at 7 pm in the council chambers, Palmer, Alaska.

Mayor Johnson called the meeting to order at 7:04 pm.

B. ROLL CALL

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

Richard Best	Ken Erbey
Steve Carrington	Brad Hanson
Linda Combs	DeLena Goodwin Johnson
Edna DeVries	

Also in attendance were the following:

Joe Hannan, City Manager
Summer Rife, Deputy City Clerk
Michael Gatti, City Attorney – joined the meeting at 7:08

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Bob Thom.

D. APPROVAL OF AGENDA

1. Approval of Consent Agenda
 - a. Introduction – Ordinance No. 15-016: Amending Palmer Municipal Code Chapter 17.76, Variances, by Amending Section 17.76.020 Requirements for a Variance and Repealing Section 17.76.030 Cases Where Variance is Illegal (IM 15-020)
 - b. Introduction – Ordinance No. 15-018: Amending Palmer Municipal Code Section 8.11.010 Definitions and Enacting Palmer Municipal Code Section 8.11.040 Marijuana Oil, Flammable Extraction Prohibited (IM 15-026)
 - c. Action Memorandum 15-038: Authorize a Donation in the Amount of \$500 to Support the 2015 Palmer High Grad Blast
2. Minutes of Previous Meetings
 - a. April 7, 2015, Special Meeting
 - b. April 14, 2015, Special Meeting
 - c. April 14, 2015, Regular Meeting

Mayor Johnson requested that Section G. Reports be moved to after Section I. Public Hearings. There was no objection from the Council.

E. SPECIAL ORDER OF BUSINESS

Item 1 – Palmer Police Department Presentation

Mayor Johnson requested Chief Ketterling and Chief McNutt to come forward and provide an update on the Police and Fire Departments.

Police Chief Ketterling informed the Council on the status of operations at the Police Department.

Fire Chief McNutt informed the Council of the status of operations at the Fire Department.

Mayor Johnson presented Chief Ketterling with a gift welcoming him as the new Police Chief.

F. COMMUNICATION AND APPEARANCE REQUESTS

G. AUDIENCE PARTICIPATION

Palmer Troop 35:

- Informed the Council his students were at the meeting to watch and learn and work on their merit badge.

Tanya Lang, Chaperone for Palmer Middle School students:

- Introduced the student group that would travel to Saroma;
- Each student introduced themselves in Japanese and English; and
- Spoke of past travels to Saroma and the hospitality of the City of Saroma.

Robert Thom:

- Informed the Council he was going through his old business paperwork and noticed that Edna DeVries signed his first business license when she worked for the City of Palmer;
- Commended the City of Palmer Police Department for their involvement in talking to students about alcohol;
- Spoke of the Sister City trip and some of the cultural differences between Palmer and Saroma; and
- Spoke to the value of the Sister City exchange.

Lee Henrikson:

- Encouraged the Council to vote yes on Resolution 15-001 A;
- Spoke to the budget for the Sister City event;
- Spoke about a previous trip to Saroma; and
- Voiced hope that the City of Palmer could emulate the generosity of the City of Saroma.

Joe Ehman:

- Introduced herself as a bi-lingual teacher at Colony High School;
- Spoke about the importance of cultural exchange; and
- Informed the Council she had been involved in the Sister City program since the beginning and had been a host parent.

Christine Soulak:

- Informed the Council she became involved in the Sister City exchange when her husband was the City Manager;
- Stated she has travelled to Saroma; and
- Spoke in favor of the Sister City budget amendment.

Heather Kelley:

- Read a letter from Sean Holland that spoke to the Sister City relationship and encouraged the City to maintain the relationship;
- Read a letter from Sabrina Combs that spoke to the Sister City relationship and encouraged the City to properly fund the Sister City celebration; and
- Read her own statement about her trip to Saroma and voiced support for the Sister City celebration.

Sean Williams:

- Introduced himself as a teacher from Sherrod Elementary School and a Co-Chairperson of the Palmer High Grad Blast Committee;
- Asked the Council to vote in favor of the Resolution 15-001 A; and
- Thanked the Council for supporting Palmer High Grad Blast.

Carla Swick:

- Spoke to the importance and value of the Sister City program for students;
- Stated travelling to Saroma changed her life and her world view;
- Urged the Council to support Resolution 15-001 A;
- Spoke to the homestay aspect of the Sister City program;
- Informed the Council of some of the individuals that would come to Palmer from Japan this year; and
- Read a letter from former Mayor George Carte that spoke to the benefits of the Sister City relationship and the youth exchange.

Tanya Lang:

- Informed the Council she was the granddaughter of Edward Holmes, the co-founder of the Palmer Saroma Sister City relationship;
- Spoke of the history of the relationship;
- Thanked the Council for their support of the Sister City celebration; and
- Spoke of her trip to Saroma.

H. PUBLIC HEARINGS

Item 1 – Resolution No. 15-001 A: Amending the City of Palmer 2015 Budget by Approving an Appropriation and Transfer of \$5,000 from the Unassigned General Fund Balance (Fund 01) to Line Item 01-02-10-6110 Sister City Program (IM 15-027) (Public Hearing 2 of 2)

Mayor Johnson opened the public hearing.

Carla Swick:

- Acknowledged community supporters of the Sister City celebration.

Mayor Johnson acknowledged three contributors to the Sister City celebration: Alaska Salmon Alliance, Conoco Phillips, and New Horizons Telecom.

Main Motion: To approve Resolution No. 15-001 A

Moved by:	DeVries
Seconded by:	Combs
Action:	Motion carried by unanimous roll call vote
In favor:	Best, Carrington, Combs, DeVries, Erbey, Hanson, Johnson
Opposed:	None

Council Member Combs:

- Spoke to the upcoming Sister City celebration; and
- Thanked the audience for being present.

Item 2 – Resolution No. 15-001 B: Amending the City of Palmer 2015 Budget by Approving an Appropriation of \$25,000 from the Water and Sewer Utility Fund Unrestricted Net Position to Pay for Preliminary Design Costs for Water and Sewer Utility Relocations Related to the Glenn Highway Reconstruction MP 34-42 Project (IM 15-028) (Public Hearing 1 of 2)

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

Main Motion: To approve Resolution No. 15-001 B

Moved by:	DeVries
Seconded by:	Carrington
Action:	Motion pending to the 5/12 meeting
In favor:	
Opposed:	

Item 3 – Ordinance No. 15-001: Enacting Palmer Municipal Code Chapter 8.11 Marijuana Use and Prohibitions (IM 15-001)

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

Main Motion: To adopt Ordinance No. 15-001

Moved by:	
Seconded by:	
Action:	Motion carried by unanimous roll call vote
In favor:	Best, Carrington, Combs, DeVries, Erbey, Hanson, Johnson
Opposed:	None

Mayor Johnson:

- Asked if the public place definition was used elsewhere in City Code or if it was taken from the State definition; and
- Asked for the amount of the fine.

City Attorney Gatti:

- Informed the Council the public place definition had been taken from the State definition.

Council Member DeVries:

- Noted Ordinance 15-001 also included sports arenas and smoke shacks, and those items were not included in the State's adopted emergency regulation defining a public place; and
- Noted that Anchorage's definition of a public place did not include smoke shacks but did include sports arenas.

Item 4 – Ordinance No. 15-003: Amending Palmer Municipal Code Chapter 17.08 Definitions, to include Section 17.08.072 Building or Structure, Temporary; adding Temporary Buildings or Structures as Conditional Uses under Chapter 17.28 Limited Commercial District, Chapter 17.32 General Commercial District, Chapter 17.36 Industrial District and Chapter 17.58 Business Park District; and to amend Chapter 15.08 to Delete a Portion of Section 15.08.3103 Temporary Buildings or Structures (IM 15-003)

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

Main Motion: To adopt Ordinance No. 15-003

Moved by:	
Seconded by:	
Action:	Following the motion to refer the ordinance back to the Planning & Zoning Commission, no action was taken.

Main Motion: To refer Ordinance No. 15-003 back to the Planning and Zoning Commission for additional work as noted by the City Attorney and instructing the Planning and Zoning Commission to work with the City Attorney or get Attorney review of the new ordinance prior to it coming back to the Council.

Moved by:	DeVries
Seconded by:	Erbey
Action:	Motion carried by 6-1 roll call vote
In favor:	Best, Carrington, Combs, DeVries, Erbey, Johnson
Opposed:	Hanson

Community Development Director Garley:

- Spoke to Ordinance No. 15-003;
- Spoke to the Planning Commission's discussions of how to handle the permitting of temporary buildings or structures;
- Voiced partial disagreement with the Planning and Zoning Commission; and
- Suggested the Council consider deleting the conditional use permit process for temporary structures in the Industrial District and the Business Park District;
- Voiced agreement with City Attorney Gatti in looking at the conditional use permit as a long term right;
- Highlighted a temporary coffee shack that had been operating for about eighteen years and stated the definition of 'temporary' was defined as a movable building; and
- Fielded questions from Council.

Council Member Best:

- Asked Community Development Director Garley to go through the process and for approving something for conditional use;
- Wondered how it would work if a conditional use permit was allowed with certain conditions and then sometime afterward the Planning and Zoning Commission decided it wanted to impose additional conditions; and
- Asked of the longest conditional use permit.

City Attorney Gatti:

- Voiced agreement with Community Development Director Garley;
- Stated from a legal and practical application perspective a conditional use permit for a temporary structure seemed inconsistent and did not seem to be the best approach;
- Commended Planning and Zoning for their hard work and their attempt to solve a difficult problem;
- Noted that a conditional use permit basically granted a property right to someone and wondered how that would work with a temporary structure;
- Suggested the ordinance be remanded back to Planning and Zoning for further examination of other alternatives for these structures aside from the conditional use permit; and
- Stated that the problem has probably been tackled in other jurisdictions and there were other concepts to apply with respect to these kinds of activities.

Council Member Hanson:

- Questioned the definition of a temporary structure and cited a shed or a connex;
- Spoke to what precipitated the Council's request that work be done on temporary buildings (there was a commercial building labeled as a temporary structure on Arctic and there was discussion with the building inspector about whether the foundation of that structure was temporary or permanent) and noted he did not see anything in the ordinance addressing those initial concerns;
- Voiced agreement with the need to have temporary structures in the Industrial and Business Districts;
- Noted the Airport was missing from the ordinance and temporary structures at the Airport also needed to be addressed; and
- Stated clarification was needed with regard to residential sheds and connexes.

Council Member Carrington:

- Wondered if the ordinance was good enough to pass and modify according to staff recommendations or whether it was necessary to go back to Planning and Zoning for additional work done;
- Voiced agreement with Community Development Director Garley and Council Member Hanson.

I. REPORTS

Item 1 – City Manager's Report

City Manager Joe Hannan:

- Highlighted his written report;
- Spoke to progress on the agreement with Granite Construction;

- Informed the Council approval of an Alaska Airlines Mileage credit card for the Finance Director would be on an upcoming agenda; and
- Fielded questions from Council.

City Attorney Gatti:

- Suggested Finance Director Greene look into the personal guarantee in the Terms of Use for an Alaska Airlines mileage card;
- Spoke to the importance of having a contract amendment with Granite by May 1;
- Noted he had asked for the name of Granite Construction’s attorney;
- Stated the contract amendment was simple and should not take a lot of time for an attorney to review; and
- Noted there had been a representation by the Principal of Granite Construction that they intended to fulfill their obligation under the agreement, but the Contract Amendment still needed to be signed.

Council Member DeVries:

- Wondered if the Council Members’ credit cards also required a personal guarantee.

Mayor Johnson:

- Requested a report be brought back to the Council on whether a personal guarantee was required for the individual Council Members’ credit cards at the next meeting;
- Asked for an update on Granite Construction; and
- Directed a report on Granite Construction be brought back at the next meeting.

Item 2 – City Clerk’s Report

Item 3 – Mayor’s Report

Mayor Johnson:

- Informed the Council she attended the meeting on consolidated dispatch; and
- Highlighted her and Council Member DeVries’ attendance of the Marijuana Advisory Committee (MAC) meeting and spoke about the number of members and the process.

Item 4 – City Attorney’s Report

J. ACTION MEMORANDA

Item 1 – Action Memorandum 15-041: Authorize the City Manager to Negotiate and Execute a Contract with Dirtworks, Inc. in the amount of \$1,993,777.20 for Construction of Sherrod Area Water and Street Improvements, Phase 3

Main Motion: To authorize Action Memorandum 15-041 as amended

Moved by:	DeVries
Seconded by:	Hanson
Action:	Motion carried by unanimous roll call vote
In favor:	Best, Carrington, Combs, DeVries, Erbey, Hanson, Johnson
Opposed:	None

Primary Amendment #1: To Action Memorandum 15-041 and Action Memorandum 15-042, Not authorizing the City Manager to sign the contracts with Dirtworks and/or HDL until the ADEC loan agreement is fully executed

Moved by:	Hanson
Seconded by:	DeVries
Action:	Motion carried by unanimous roll call vote
In favor:	Best, Carrington, Combs, DeVries, Erbey, Hanson, Johnson
Opposed:	None

Public Works Director Healy:

- Informed the Council the primary funding for the project was a Department of Environmental Conservation (DEC) grant and a DEC loan that covered 100% of the water main replacement costs and the bulk of the costs for the project;
- Stated the grant was in place and had been signed and accepted but the loan agreement had not yet come out of DEC due to the DEC having difficulty with their financial capacity analysis contractor;
- Noted he had been in touch with the DEC and the analysis of this loan had been assigned to another firm and would begin next week and should take about a week to complete;
- Stated he expected to have the loan agreement from DEC in about two weeks;
- Informed the Council both Action Memoranda 15-041 and 15-042 were directly connected to the lack of funding issue;
- Suggested two options: 1. postpone the two action memoranda to the next meeting and hope the City received the loan agreement before then or 2. approve the two action memoranda with the condition the City not sign the contracts until and unless the City received the loan agreement from the state;
- Stated he preferred option 2;
- Informed the Council either option would work and the difference between them was a timing issue;
- Noted he preferred the second option because it allowed for signing of the contracts right after the receipt of funding rather than having to wait for another council meeting for approval.

City Attorney Gatti:

- Noted it was better process to postpone the action memoranda rather than approve them with a condition;
- Suggested if the Council did choose to approve the action memoranda with a condition, to be specific about the condition, so there was no confusion about whether or not those contracts had been approved;
- Advised the Council to postpone the action memoranda unless Public Works Director Healy had a critical reason and needed the action memoranda to go forward sooner; and
- Restated the Council's intent as to Primary Amendment#1 by stating that the City Manager's authorization to execute the contracts with Dirtworks and HDL was subject to DEC funding being approved and DEC certification to the City those funds were available. There was no objection from the Council as to the above statement of intent.

Council Member Carrington:

- Stated he understood the importance of timing in construction projects; and
- Informed the Council he was leaning toward authorizing the action memoranda with specific conditions.

Council Member Hanson:

- Voiced agreement with Council Member Carrington.

Council Member Best:

- Voiced Agreement with Council Members Carrington and Hanson.

Item 2 – Action Memorandum 15-042: Authorize the City Manager to Amend the Professional Services Agreement with HDL Engineers in the Amount of \$212,878 to Add Construction Administration Services for Sherrod Area Water and Street Improvements, Phase 3

Main Motion: To authorize Action Memorandum 15-042 as amended above

Moved by:	Hanson
Seconded by:	DeVries
Action:	Motion carried by unanimous roll call vote
In favor:	Best, Carrington, Combs, DeVries, Erbey, Hanson, Johnson
Opposed:	None

Item 3 – Action Memorandum 15-045: Authorize the Use of Budgeted Funds in the Capital Project and Public Works Administration Budgets to Pay Storm Water System and Street Light Improvement Costs for Sherrod Area Water and Street Improvements, Phase 3

Main Motion: To authorize Action Memorandum 15-045

Moved by:	Hanson
Seconded by:	DeVries
Action:	Motion carried by unanimous roll call vote
In favor:	Best, Carrington, Combs, DeVries, Erbey, Hanson, Johnson
Opposed:	None

City Manager Hannan:

- Spoke about the budgeting for road paving and storm water improvements; and
- Spoke to the completion of the audit and the sufficiency of funds available for storm water or other items.

Public Works Director Healy:

- Informed the Council the action memorandum involved water main replacement and the storm drain extension on Gulkana;
- Spoke to the need for storm drain work and listed areas that experienced poor drainage and ponding;
- Spoke to the funding sources of the storm drain work and noted the line items on AM-15-035; and
- Noted authorizing this action memorandum assumed future action by the Council appropriating money from the general fund.

Council Member Best:

- Restated his understanding of the funding and asked if his understanding was correct.

K. UNFINISHED BUSINESS

Item 1 – Action Memorandum 15-010: Adopt City Goals and Direct City Manager to Implement 2015 Work Plan

Main Motion: To adopt City Goals and Direct City Manager to Implement 2015 Work Plan as amended

Moved by:	Combs
Seconded by:	Erbey
Action:	Motion carried by unanimous roll call vote
In favor:	Best, Carrington, Combs, DeVries, Erbey, Hanson, Johnson
Opposed:	None

Primary Amendment #1: To strike pending version 1 and insert version 3

Moved by:	Johnson
Seconded by:	Hanson
Action:	Motion carried by unanimous roll call vote
In favor:	Best, Carrington, Combs, DeVries, Erbey, Hanson, Johnson
Opposed:	None

Primary Amendment #2: To delete from the City Goals and Work Plan for 2015: page 4 ‘Additional and Alternatives, Objectives’ & page 12 ‘Work Plan for 2015 Goals’

Moved by:	Carrington
Seconded by:	Hanson
Action:	Motion carried by unanimous roll call vote
In favor:	Best, Carrington, Combs, DeVries, Erbey, Hanson, Johnson
Opposed:	None

Primary Amendment #3: To insert the following three items to the City Goals and Work Plan for 2015 page 1 under ‘Broad Goals to Achieve Community Vision’: a. insert ‘Garbage’ at the end of item #1; b. insert ‘Airport’ in item #8; and c. insert ‘Rail’ in item #8

Moved by:	DeVries
Seconded by:	Best
Action:	Motion carried by unanimous roll call vote
In favor:	Best, Carrington, Combs, DeVries, Erbey, Hanson, Johnson
Opposed:	None

City Manager Hannan:

- Spoke to the final version and the changes made;
- Stated at the end of May he would like to present to the Council an analysis of the current condition of the City’s roads including an inventory of unpaved roads and roads needing repairs;
- Reviewed listed City goals and objectives;
- Proposed a monthly goals report similar to the monthly construction report;
- Asked the Council to inform him of the goals they liked;

- Suggested a work session to work on and discuss the objectives;
- Spoke to the road financing plan;
- Informed the Council there was already a draft cost allocation plan near completion; and
- Fielded questions from Council.

Council Member Hanson:

- Spoke to past issues when the Council had approved grand plans or goals;
- Asked, if the action memorandum was approved, how often and at what point the Council would be informed of progress, costs, and the importance of each to the overall City mission;
- Discussed the adoption of performance standards and the need to make sure costs were not increased;
- Agreed with the overall idea but did not like the specificity of certain objectives and noted some of the performance standards for each department;
- Asked about the objective to develop a road financing plan;
- Noted the Council should vet the goals and objectives before adopting them;
- Cautioned City Manager Hannan from spending a lot of time on the goal to complete a City cost allocation plan and spoke of his reasoning; and
- Spoke to the fact that financing of road improvements had been done by the City and not just the State.

Council Member Carrington:

- Asked if the Council was most comfortable with version 3;
- Stated he was most comfortable with version 3; and
- Spoke to the objective of adopting performance standards for each department and stated he would like a report on what the current statistics were before goals were set.

Council Member DeVries:

- Spoke to items she requested to be added to the plan but had not been added.

L. NEW BUSINESS

M. RECORD OF ITEMS PLACED ON THE TABLE

City Managers Report
Pictures from Sister City Group

N. AUDIENCE PARTICIPATION

Eugene Haberman:

- Spoke to the meeting of the Marijuana Advisory Committee (MAC);
- Noted that the Cities of Palmer, Houston and Wasilla were more in compliance with public process but their association with the Mat-Su Borough should lend them to caution;
- Showed the Council a copy of the Matanuska Electric Association agenda; and
- Noted the marijuana related item on the agenda and hoped the Council would hold two public hearings on important items.

O. COUNCIL MEMBER COMMENTS

Council Member Best:

- Asked everyone to watch out for motorcycles and the clean up folks who were picking up garbage; and
- Mentioned Alaska had lost a great lady, Janet Stotts, who was involved with the Alaska children's choir.

Council Member Combs:

- Spoke to the success of Who Let the Girls Out;
- Spoke about how she spent time with people who had come to Palmer because they wanted to be here and loved the community;
- Stated the City did a fabulous job coordinating with the health fair and noted the health fair was well attended;
- Reminded everyone clean-up day was approaching; and
- Informed the Council May 7 was the National Day of Prayer and a community group of churches would be gathered at the Depot just before noon.

Council Member Carrington:

- Stated if Council staff did not put a remark by their initials on Council legislation to note their concerns he would assume there were no concerns about an item.

Mayor Johnson:

- Commented on the passing of Janet Stotts;
- Informed the Council Palmer High Graduation would be on May 12 and suggested a change of the meeting time;
- Informed the Council her daughter was getting married on May 16 and her son was getting married on June 27; and
- Stated she would really like to see a flag pole at the Depot.

P. ADJOURNMENT

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

Approved this twelfth day of May, 2015.

DeLena Goodwin Johnson, Mayor

Janette M. Bower, MMC, City Clerk

**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
September 26, 2017

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


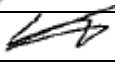
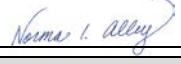
Originator Information:

Originator: Norma I. Alley, City Clerk

Department Review:

Route to:	Department Director:	Signature:	Date:
	Community Development		
X	Finance		8/31/17
	Fire		
	Police		
	Public Works		

Approved for Presentation By:

	Signature:	Remarks:
City Manager		
City Attorney		
City Clerk		

Certification of Funds:


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

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.