

# City of Sand Point Council Meeting



**Workshop: Tuesday, August 13, 2019 – 2:00 p.m.**

**Meeting: Tuesday, August 13, 2019 – 7:00 p.m.**

# CALL TO ORDER

# ROLL CALL

# CITY OF SAND POINT

(packet will be available on website August 9, 2019  
[www.sandpointak.com](http://www.sandpointak.com))



## MAYOR

Mayor Glen Gardner Jr. - Office Exp. 2020

## COUNCIL MEMBERS

|                   |                    |
|-------------------|--------------------|
| Danny Cumberlidge | Seat A - Exp. 2019 |
| Allan Starnes     | Seat B - Exp. 2020 |
| Shirley Brown     | Seat C - Exp. 2019 |
| Jack Foster Jr.   | Seat D - Exp. 2020 |
| Marita Gundersen  | Seat E - Exp. 2021 |
| Emil Mobeck       | Seat F - Exp. 2021 |

### SAND POINT CITY COUNCIL MEETING AGENDA CITY CHAMBERS

**Regular Meeting**

**Tuesday, August 13, 2019 7:00 pm**

#### CALL TO ORDER ROLL CALL APPROVAL OF AGENDA

#### CONSENT AGENDA:

1. Minutes: Minutes of Regular Meeting on July 9, 2019

#### REPORTS:

1. Finance Officer
2. Administrator
3. DPS Police Chief
4. Public Works Manager
5. Harbor Master

#### HEARINGS, ORDINANCES AND RESOLUTIONS:

1. Ordinance 2019-06: Council Compensation

#### OLD BUSINESS:

#### NEW BUSINESS:

1. Silver Salmon Derby Donation Request
2. Leave Donation
3. State of Alaska MOA

#### PUBLIC COMMENTS COUNCIL COMMENTS ADJOURNMENT

THERE IS A WORKSHOP FOR THIS MEETING AT 2 P.M. – SAME DAY IN CITY CHAMBERS

POSTED: 08/07/19

**CALL TO ORDER:**

The regular meeting of the Sand Point City Council was held Tuesday, July 9, 2019 in the Sand Point Council Chambers. Mayor Glen Gardner Jr. called the meeting to order at 7:03 p.m.

**ROLL CALL:**

|                   |        |                            |
|-------------------|--------|----------------------------|
| Glen Gardner Jr.  | Mayor  | Present                    |
| Danny Cumberlidge | Seat A | Present                    |
| Allan Starnes     | Seat B | Present                    |
| Shirley Brown     | Seat C | Present                    |
| Jack Foster Jr.   | Seat D | Absent - excused           |
| Marita Gundersen  | Seat E | Present                    |
| Emil Mobeck       | Seat F | Present via teleconference |

A quorum was established.

**Staff in attendance:**

- Jordan Keeler, Administrator
- Shannon Sommer, City Clerk
- Krista Galvin, Finance Officer
- Hal Henning, Chief of Police
- Jeremy Krone, Interim Harbor Master

**APPROVAL OF AGENDA:**

Mayor Glen Gardner Jr. requested a motion to approve the agenda.

MOTION: Councilperson Marita Gundersen made a motion to approve the agenda with the addition of #5 under New Business, Building Permit: George Huckobey.

SECOND: Councilperson Danny Cumberlidge seconded the motion.

VOTE: Motion passed unanimously.

**APPROVAL OF CONSENT AGENDA:**

1. Minutes of the June 4, 2019 Regular Meeting.

MOTION: Councilperson Marita Gundersen made a motion to adopt the Minutes of June 4, 2019 Regular Meeting.

SECOND: Councilperson Danny Cumberlidge seconded the motion.

VOTE: Motion passed unanimously.

**REPORTS:**

Finance Officer - Krista Galvin

Finance Officer Krista Galvin reported for the month of May 2019 Sales Tax was \$61,719.51 and Raw Fish Tax was \$8,025.95.

Administrator – Jordan Keeler

Administrator Jordan Keeler reported he met with DOT about landing fees; Alaska Air Carriers Association launched a petition against having landing fees for the Sand Point airport. He submitted a letter reiterating the City’s continuing support of the landing fees. Administrator Keeler will speak with Public Works Director David Stokes about joining ANTHC’s buying co-op, the idea is to leverage of the buying power of communities to get better deals for parts for water and sewer, which may or may not be a better deal. The Sand Point airport will receive a new AARF truck. The City does anticipate not receiving Community Revenue Sharing for the next fiscal

year in the current state budget. The City's main concern is the Alaska Marine Highway System's ferry runs being cut.

Mayor – Glen Gardner Jr.

Mayor Gardner reported the Grove's bearing was sent back and we received a refund, the factory is currently building a new one and should be done within the month. There was a mix up Between Western Marine and Trident Seafoods, our monies made by people getting product out of this community, both Western Marine and Trident Seafoods are working together.

DPS Police Chief – Hal Henning

DPS Police Chief Hal Henning reported he is looking for direction from the council to make a decision on the grant to possibly switch dispatch services over to Valdez. The City was given that grant for a proof of concept to demonstrate a voice-over-IP system with our repeater system. He has been working the State of Alaska, Valdez and with Procomm, and we did receive final approval from EAT's that will allow us to use their internet at no cost because we will be dispatching EMS. We got approval from the Dept. of Defense to go on the ALMAR system with the plans we have in place. We are ready to move forward to purchase the equipment and do a 90-day beta test in the middle of September. The City of Valdez Chief of Police is onboard with allowing us to do the 90-day beta test without a contract where we don't have to pay anything. There will be some minor costs, the City will need to add a standard phone line with long distance with the City of Valdez, which is estimated to be under a \$100/mo., and we will need an internet connection at Tudor Road in Anchorage which will be a monthly bill of under \$100. A three-phase test plan is scheduled with more services handled by Valdez at each level, assuming all goes well. Chief Henning was contacted by Pauloff Harbor Tribe for fire fighter training, he will hear back within the next few weeks. He spoke with EAT's about matching AED's, the City buy two and EAT's will buy the other two, Mayor Gardner stated it will need to be on the next month's agenda.

Public Works Director - David Stokes

No report given from Public Works Director David Stokes at this time.

Interim Harbor Master – Jeremy Krone

Interim Harbor Master Jeremy Krone reported Harbor Maintenance Allen Kuchenoff and himself are keeping up with everything. Mayor Gardner stated a job posting will be posted for more help in the harbor.

**HEARINGS, ORDINANCES, AND RESOLUTIONS: None.**

**OLD BUSINESS: None.**

**NEW BUSINESS:**

1. QTT Annual Culture Camp Donation Request

MOTION: Councilperson Shirley Brown made a motion to approve \$2,500 to the QTT Annual Culture Camp Donation Request.

SECOND: Councilperson Marita Gundersen seconded the motion.

VOTE: Motion passed unanimously.

2. PHT Recycling Fair Donation Request

MOTION: Councilperson Marita Gundersen made a motion to approve 2 - \$50 gift cards to the PHT Recycling Fair Donation Request.

SECOND: Councilperson Danny Cumberlidge seconded the motion.

VOTE: Motion passed unanimously.

3. Discussion: Leave Bank

Direction was given to Administrator Keeler to do more research on the legalities and bring back to the council at the next meeting.

4. Discussion: Council Compensation

Administrator Keeler brought up the issue that the City could no longer offer council health insurance and provided a list from AML of compensation for different cities and boroughs across the state. Administrator Keeler pointed out that a \$500/meeting stipend would equal the amount of the insurance benefit.

MOTION: Councilperson Shirley Brown made a motion to approve a \$500 stipend per meeting to councilpersons.

SECOND: Councilperson Allan Starnes seconded the motion.

VOTE: Motion passed unanimously.

5. Building Permit: George Huckobey

MOTION: Councilperson Marita Gundersen made a motion to approve the Building Permit: George Huckobey.

SECOND: Councilperson Danny Cumberlidge seconded the motion.

VOTE: Motion passed unanimously.

**PUBLIC COMMENTS: None.**

**COUNCIL COMMENTS:**

Councilperson Emil Mobeck commented we need to look at the infrastructure, but we are doing the best we can, hope everyone is having a good salmon season and thanked everyone who showed up for the Fourth of July carnival. Councilperson Allan Starnes commented on how Pauloff Harbor Tribe is doing a good job with their tire project.

**ADJOURNMENT:**

MOTION: Councilperson Marita Gundersen made a motion to adjourn.

SECOND: Councilperson Shirley Brown seconded the motion.

The meeting adjourned at 7:34 p.m.

\_\_\_\_\_  
Glen Gardner Jr., Mayor

ATTEST:

\_\_\_\_\_  
Shannon Sommer, City Clerk

# REPORTS



# FINANCE OFFICER

**City of Sand Point  
Raw Fish Tax Revenue**

|              | <u>FY14</u>       | <u>FY15</u>       | <u>FY16</u>       | <u>FY17</u>       | <u>FY18</u>       | <u>FY19</u>       |
|--------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|
| July         | 156,655.84        | 121,976.31        | 110,509.71        | 129,882.77        | 142,500.10        | 83,040.24         |
| August       | 137,107.36        | 48,575.15         | 94,822.69         | 42,576.34         | 139,542.35        | 48,290.30         |
| September    | 53,307.44         | 64,362.76         | 62,297.79         | 63,622.18         | 37,427.07         | 49,496.61         |
| October      | 41,610.64         | 32,213.32         | 76,878.70         | 59,854.60         | 32,201.69         | 46,261.99         |
| November     | 22,386.53         | 7,214.11          | 3,770.50          | 6,757.09          | 10,083.69         | 4,963.48          |
| December     | 5,337.01          | 372.97            | 735.79            | -                 | 515.28            | 74.67             |
| January      | 43,650.07         | 25,670.23         | 21,798.52         | 8,015.18          | 3,836.52          | 12,558.77         |
| February     | 53,363.98         | 37,309.68         | 47,098.16         | 47,058.04         | 27,529.30         | 24,948.95         |
| March        | 65,073.23         | 88,220.14         | 69,354.74         | 95,569.42         | 45,022.21         | 82,916.26         |
| April        | 36,514.38         | 15,613.35         | 23,493.50         | 5,984.43          | 58,469.24         | 13,561.22         |
| May          | 21,292.12         | 25,246.23         | 16,091.74         | 20,790.33         | 24,240.36         | 8,025.95          |
| June         | 64,462.43         | 68,319.25         | 78,884.08         | 109,955.05        | 58,431.26         | 89,711.60         |
| <b>Total</b> | <b>700,761.03</b> | <b>535,093.50</b> | <b>605,735.92</b> | <b>590,065.43</b> | <b>579,799.07</b> | <b>463,850.04</b> |

**Sales Tax Revenue**

|              | <u>FY14</u>       | <u>FY15</u>       | <u>FY16</u>       | <u>FY17</u>       | <u>FY18</u>       | <u>FY19</u>       |
|--------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|
| July         | 82,934.73         | 104,201.30        | 88,780.27         | 75,255.42         | 79,691.25         | 92,628.52         |
| August       | 73,136.15         | 88,102.34         | 92,491.15         | 64,147.25         | 77,015.98         | 65,979.46         |
| September    | 75,647.72         | 116,436.20        | 95,569.47         | 80,332.82         | 66,935.45         | 71,697.10         |
| October      | 69,251.83         | 81,510.79         | 71,821.64         | 62,727.84         | 34,186.58         | 58,219.29         |
| November     | 46,816.20         | 43,535.59         | 35,841.10         | 36,741.45         | 49,870.42         | 46,835.09         |
| December     | 52,116.25         | 44,980.97         | 48,357.80         | 37,647.73         | 31,235.26         | 39,642.29         |
| January      | 80,977.40         | 66,575.33         | 60,942.89         | 58,373.49         | 39,387.33         | 44,528.74         |
| February     | 84,035.36         | 69,895.86         | 60,702.43         | 59,618.34         | 45,302.69         | 41,619.24         |
| March        | 126,325.95        | 105,731.28        | 81,364.98         | 77,700.11         | 81,890.02         | 75,803.84         |
| April        | 86,407.71         | 58,562.79         | 53,394.08         | 52,535.54         | 45,633.53         | 49,639.45         |
| May          | 70,189.92         | 52,976.00         | 44,528.77         | 45,569.00         | 46,470.55         | 61,719.51         |
| June         | 98,758.26         | 96,824.06         | 80,350.37         | 78,996.36         | 81,316.23         | 89,409.44         |
| <b>Total</b> | <b>946,597.48</b> | <b>929,332.51</b> | <b>814,144.95</b> | <b>729,645.35</b> | <b>678,935.29</b> | <b>737,721.97</b> |
|              |                   |                   |                   | TDX Fines         | (150,000.00)      |                   |
|              |                   |                   |                   |                   | 528,935.29        |                   |

City of Sand Point  
Bank Balance

Date

|                                  |              | Balance    |  |
|----------------------------------|--------------|------------|--|
|                                  |              | Date       |  |
| Bank                             | End of June  | 8/8/2019   |  |
| Key Bank                         | 2,310,705.66 |            |  |
| Wells Fargo - General            | 307,982.11   | 191,633.21 |  |
| Wells Fargo - Bingo Fund         | 64,895.66    | 73,386.43  |  |
| Wells Fargo - Silver Salmon Fund | 29,694.32    | 20,708.74  |  |
| Wells Fargo - PD Forfeiture      | 35,955.08    | 33,093.65  |  |
| Charles Schwab                   | 534,079.82   | 532,361.02 |  |

**CITY OF SAND POINT**  
**\*Expenditure Guideline-No Enc Sum©**

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Current Period: JUNE 18-19

|  | 18-19<br>YTD Budget   | 18-19<br>YTD Amt      | JUNE<br>MTD Amt     | 18-19<br>YTD Balance | % of<br>YTD    |
|--|-----------------------|-----------------------|---------------------|----------------------|----------------|
| <b>GENERAL FUND</b>                        |                       |                       |                     |                      |                |
| LEGISLATIVE                                | \$140,200.00          | \$153,685.41          | \$10,642.62         | -\$13,485.41         | 109.62%        |
| ADMINISTRATION                             | \$993,836.00          | \$916,233.25          | \$44,157.01         | \$77,602.75          | 92.19%         |
| PARKS AND RECREATION                       | \$25,000.00           | \$22,006.59           | \$1,759.01          | \$2,993.41           | 88.03%         |
| PUBLIC SAFETY                              | \$630,850.00          | \$591,709.26          | \$46,679.48         | \$39,140.74          | 93.80%         |
| PUBLIC WORKS                               | \$720,500.00          | \$560,785.48          | \$42,193.20         | \$159,714.52         | 77.83%         |
| FACILITIES                                 | \$277,150.00          | \$207,590.91          | \$14,908.70         | \$69,559.09          | 74.90%         |
| <b>Total GENERAL FUND</b>                  | <u>\$2,787,536.00</u> | <u>\$2,452,010.90</u> | <u>\$160,340.02</u> | <u>\$335,525.10</u>  | <u>87.96%</u>  |
| <b>BINGO FUND</b>                          |                       |                       |                     |                      |                |
| ADMINISTRATION                             | \$574,350.00          | \$706,353.26          | \$69,051.58         | -\$132,003.26        | 122.98%        |
| <b>Total BINGO FUND</b>                    | <u>\$574,350.00</u>   | <u>\$706,353.26</u>   | <u>\$69,051.58</u>  | <u>-\$132,003.26</u> | <u>122.98%</u> |
| <b>SILVER SALMON DERBY</b>                 |                       |                       |                     |                      |                |
| FIRE                                       | \$32,504.00           | \$31,504.02           | \$0.00              | \$999.98             | 96.92%         |
| <b>Total SILVER SALMON DERBY</b>           | <u>\$32,504.00</u>    | <u>\$31,504.02</u>    | <u>\$0.00</u>       | <u>\$999.98</u>      | <u>96.92%</u>  |
| <b>CLINIC OPERATIONS/MAINTENANCE</b>       |                       |                       |                     |                      |                |
| ADMINISTRATION                             | \$0.00                | \$0.00                | \$0.00              | \$0.00               | 0.00%          |
| <b>Total CLINIC OPERATIONS/MAINTENANCE</b> | <u>\$0.00</u>         | <u>\$0.00</u>         | <u>\$0.00</u>       | <u>\$0.00</u>        | <u>0.00%</u>   |
| <b>ROCK CRUSHER ENTERPRISE FUND</b>        |                       |                       |                     |                      |                |
| PUBLIC WORKS                               | \$0.00                | \$0.00                | \$0.00              | \$0.00               | 0.00%          |
| <b>Total ROCK CRUSHER ENTERPRISE FUND</b>  | <u>\$0.00</u>         | <u>\$0.00</u>         | <u>\$0.00</u>       | <u>\$0.00</u>        | <u>0.00%</u>   |
| <b>WATER/SEWER OPERATIONS</b>              |                       |                       |                     |                      |                |
| WATER/SEWER                                | \$276,500.00          | \$184,193.80          | \$12,056.40         | \$92,306.20          | 66.62%         |
| <b>Total WATER/SEWER OPERATIONS</b>        | <u>\$276,500.00</u>   | <u>\$184,193.80</u>   | <u>\$12,056.40</u>  | <u>\$92,306.20</u>   | <u>66.62%</u>  |
| <b>HARBOR/PORT OPERATIONS</b>              |                       |                       |                     |                      |                |
| HARBOR                                     | \$596,500.00          | \$506,083.63          | \$44,123.29         | \$90,416.37          | 84.84%         |
| <b>Total HARBOR/PORT OPERATIONS</b>        | <u>\$596,500.00</u>   | <u>\$506,083.63</u>   | <u>\$44,123.29</u>  | <u>\$90,416.37</u>   | <u>84.84%</u>  |
| <b>REFUSE COLLECTION</b>                   |                       |                       |                     |                      |                |
| PUBLIC WORKS                               | \$152,650.00          | \$143,051.98          | \$10,604.73         | \$9,598.02           | 93.71%         |
| <b>Total REFUSE COLLECTION</b>             | <u>\$152,650.00</u>   | <u>\$143,051.98</u>   | <u>\$10,604.73</u>  | <u>\$9,598.02</u>    | <u>93.71%</u>  |
| <b>Report Total</b>                        | <u>\$4,420,040.00</u> | <u>\$4,023,197.59</u> | <u>\$296,176.02</u> | <u>\$396,842.41</u>  | <u>91.02%</u>  |

**CITY OF SAND POINT**  
**\*Revenue Guideline-Alt Code©**

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Current Period: JUNE 18-19

|                                      |                                  | 18-19                 | 18-19                 | JUNE                | 18-19                | % of           |
|--------------------------------------|----------------------------------|-----------------------|-----------------------|---------------------|----------------------|----------------|
|                                      |                                  | YTD Budget            | YTD Amt               | MTD Amt             | YTD Balance          | YTD            |
| <b>GENERAL FUND</b>                  |                                  |                       |                       |                     |                      |                |
| Active                               | R 01-200 CAPITAL GAIN / LOSS     | \$10,000.00           | \$12,297.01           | \$16,043.75         | -\$2,297.01          | 122.97%        |
| Active                               | R 01-201 INTEREST INCOME         | \$20,000.00           | \$60,558.31           | \$6,863.18          | -\$40,558.31         | 302.79%        |
| Active                               | R 01-202 FINES AND PENALTYS      | \$1,000.00            | \$48.92               | \$0.00              | \$951.08             | 4.89%          |
| Active                               | R 01-203 OTHER REVENUE           | \$5,000.00            | \$2,632.33            | \$84.00             | \$2,367.67           | 52.65%         |
| Active                               | R 01-205 4% SALES TAX            | \$700,000.00          | \$732,144.69          | \$64,235.44         | -\$32,144.69         | 104.59%        |
| Active                               | R 01-213 RAW FISH TAX            | \$375,000.00          | \$432,569.70          | \$8,025.95          | -\$57,569.70         | 115.35%        |
| Active                               | R 01-214 FINE-LATE SALES TAX     | \$5,000.00            | \$4,652.17            | \$0.00              | \$347.83             | 93.04%         |
| Active                               | R 01-217 7% B & B Tax            | \$14,000.00           | \$9,831.02            | \$545.28            | \$4,168.98           | 70.22%         |
| Active                               | R 01-225 PAYMENT IN LIEU OF TAX  | \$150,000.00          | \$150,000.00          | \$150,000.00        | \$0.00               | 100.00%        |
| Active                               | R 01-226 EVENT COSTS             | \$0.00                | \$0.00                | \$0.00              | \$0.00               | 0.00%          |
| Active                               | R 01-229 EASTER EGG HUNT DONA    | \$0.00                | \$1,300.00            | \$200.00            | -\$1,300.00          | 0.00%          |
| Active                               | R 01-230 DONATIONS               | \$47,753.00           | \$47,753.00           | \$0.00              | \$0.00               | 100.00%        |
| Active                               | R 01-231 INSURANCE REFUND        | \$0.00                | \$0.00                | \$0.00              | \$0.00               | 0.00%          |
| Active                               | R 01-233 BUSINESS LIC. FEE       | \$4,000.00            | \$3,025.00            | \$225.00            | \$975.00             | 75.63%         |
| Active                               | R 01-234 SB 46 PERS RELIEF       | \$40,000.00           | \$0.00                | \$0.00              | \$40,000.00          | 0.00%          |
| Active                               | R 01-238 ANCHORAGE OFFICE        | \$0.00                | \$20,000.00           | \$0.00              | -\$20,000.00         | 0.00%          |
| Active                               | R 01-244 JAG GRANT REVENUE       | \$0.00                | \$3,494.00            | \$0.00              | -\$3,494.00          | 0.00%          |
| Active                               | R 01-250 STATE REVENUE SHARIN    | \$92,598.00           | \$92,595.98           | \$0.00              | \$2.02               | 100.00%        |
| Active                               | R 01-256 REVENUE--STATE OF ALA   | \$0.00                | \$0.00                | \$0.00              | \$0.00               | 0.00%          |
| Active                               | R 01-257 REVENUE--FEDERAL GOV    | \$0.00                | \$987.66              | \$0.00              | -\$987.66            | 0.00%          |
| Active                               | R 01-260 STATE LIQUOR SHARE TA   | \$3,500.00            | \$2,100.00            | \$0.00              | \$1,400.00           | 60.00%         |
| Active                               | R 01-265 STATE PROCESSORS TAX    | \$40,788.00           | \$0.00                | \$0.00              | \$40,788.00          | 0.00%          |
| Active                               | R 01-266 ExT FISH TAX SHARING    | \$300,000.00          | \$316,893.19          | \$0.00              | -\$16,893.19         | 105.63%        |
| Active                               | R 01-285 EQUIPMENT RENTAL        | \$47,878.00           | \$109,726.52          | \$55,774.52         | -\$61,848.52         | 229.18%        |
| Active                               | R 01-291 BUILDING RENTALS        | \$140,000.00          | \$125,799.12          | \$8,888.04          | \$14,200.88          | 89.86%         |
| Active                               | R 01-293 LIBRARY GRANT           | \$7,000.00            | \$0.00                | \$0.00              | \$7,000.00           | 0.00%          |
| Active                               | R 01-296 PD FORFEITURES          | \$0.00                | \$3,418.77            | \$0.00              | -\$3,418.77          | 0.00%          |
| Active                               | R 01-297 POLICE MISC REVENUE     | \$36,000.00           | \$35,523.52           | \$1,737.00          | \$476.48             | 98.68%         |
| Active                               | R 01-298 EMS MISC REVENUE        | \$15,000.00           | \$18,237.28           | \$0.00              | -\$3,237.28          | 121.58%        |
| Active                               | R 01-990 F/V DESTINATION SWEAT   | \$0.00                | \$0.00                | \$0.00              | \$0.00               | 0.00%          |
|                                      | <b>Total</b>                     | <u>\$2,054,517.00</u> | <u>\$2,185,588.19</u> | <u>\$312,622.16</u> | <u>-\$131,071.19</u> | <u>106.38%</u> |
|                                      | <b>Total GENERAL FUND</b>        | \$2,054,517.00        | \$2,185,588.19        | \$312,622.16        | -\$131,071.19        | 106.38%        |
| <b>BINGO FUND</b>                    |                                  |                       |                       |                     |                      |                |
| Active                               | R 02-203 OTHER REVENUE           | \$0.00                | \$0.00                | \$0.00              | \$0.00               | 0.00%          |
| Active                               | R 02-294 BINGO REVENUE           | \$45,000.00           | \$47,137.85           | \$4,448.00          | -\$2,137.85          | 104.75%        |
| Active                               | R 02-295 PULL TAB REVENUE        | \$525,000.00          | \$681,431.00          | \$74,769.00         | -\$156,431.00        | 129.80%        |
|                                      | <b>Total</b>                     | <u>\$570,000.00</u>   | <u>\$728,568.85</u>   | <u>\$79,217.00</u>  | <u>-\$158,568.85</u> | <u>127.82%</u> |
|                                      | <b>Total BINGO FUND</b>          | \$570,000.00          | \$728,568.85          | \$79,217.00         | -\$158,568.85        | 127.82%        |
| <b>SILVER SALMON DERBY</b>           |                                  |                       |                       |                     |                      |                |
| Active                               | R 03-230 DONATIONS               | \$3,250.00            | \$3,950.00            | \$0.00              | -\$700.00            | 121.54%        |
| Active                               | R 03-292 SILVER SALMON DERBY     | \$26,384.00           | \$26,384.92           | \$0.00              | -\$0.92              | 100.00%        |
|                                      | <b>Total</b>                     | <u>\$29,634.00</u>    | <u>\$30,334.92</u>    | <u>\$0.00</u>       | <u>-\$700.92</u>     | <u>102.37%</u> |
|                                      | <b>Total SILVER SALMON DERBY</b> | \$29,634.00           | \$30,334.92           | \$0.00              | -\$700.92            | 102.37%        |
| <b>CLINIC OPERATIONS/MAINTENANCE</b> |                                  |                       |                       |                     |                      |                |
| Active                               | R 10-257 REVENUE--FEDERAL GOV    | \$62,412.00           | \$49,423.82           | \$2,731.39          | \$12,988.18          | 79.19%         |
|                                      | <b>Total</b>                     | <u>\$62,412.00</u>    | <u>\$49,423.82</u>    | <u>\$2,731.39</u>   | <u>\$12,988.18</u>   | <u>79.19%</u>  |

**CITY OF SAND POINT**  
**\*Revenue Guideline-Alt Code©**

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Current Period: JUNE 18-19

|  |                                | 18-19          | 18-19          | JUNE         | 18-19         | % of    |
|--|--------------------------------|----------------|----------------|--------------|---------------|---------|
|  |                                | YTD Budget     | YTD Amt        | MTD Amt      | YTD Balance   | YTD     |
| <b>Total CLINIC OPERATIONS/MAINTENANCE</b> |                                | \$62,412.00    | \$49,423.82    | \$2,731.39   | \$12,988.18   | 79.19%  |
| <b>ROCK CRUSHER ENTERPRISE FUND</b>        |                                |                |                |              |               |         |
| Active                                     | R 58-207 GRAVEL SALES          | \$45,000.00    | \$0.00         | \$0.00       | \$45,000.00   | 0.00%   |
| <b>Total</b>                               |                                | \$45,000.00    | \$0.00         | \$0.00       | \$45,000.00   | 0.00%   |
| <b>Total ROCK CRUSHER ENTERPRISE FUND</b>  |                                | \$45,000.00    | \$0.00         | \$0.00       | \$45,000.00   | 0.00%   |
| <b>WATER/SEWER OPERATIONS</b>              |                                |                |                |              |               |         |
| Active                                     | R 61-202 FINES AND PENALTYS    | \$1,000.00     | \$1,168.76     | \$67.02      | -\$168.76     | 116.88% |
| Active                                     | R 61-206 WATER/SEWER REVENUE   | \$200,000.00   | \$198,334.19   | \$20,063.15  | \$1,665.81    | 99.17%  |
| Active                                     | R 61-234 SB 46 PERS RELIEF     | \$0.00         | \$0.00         | \$0.00       | \$0.00        | 0.00%   |
| Active                                     | R 61-235 TRANSFER IN           | \$70,000.00    | \$0.00         | \$0.00       | \$70,000.00   | 0.00%   |
| Active                                     | R 61-243 USDA GRANT REVENUE    | \$0.00         | \$0.00         | \$0.00       | \$0.00        | 0.00%   |
| Active                                     | R 61-270 ON BEHALF REVENUE PE  | \$0.00         | \$0.00         | \$0.00       | \$0.00        | 0.00%   |
| <b>Total</b>                               |                                | \$271,000.00   | \$199,502.95   | \$20,130.17  | \$71,497.05   | 73.62%  |
| <b>Total WATER/SEWER OPERATIONS</b>        |                                | \$271,000.00   | \$199,502.95   | \$20,130.17  | \$71,497.05   | 73.62%  |
| <b>HARBOR/PORT OPERATIONS</b>              |                                |                |                |              |               |         |
| Active                                     | R 62-201 INTEREST INCOME       | \$5,000.00     | \$8,514.98     | \$1,382.41   | -\$3,514.98   | 170.30% |
| Active                                     | R 62-203 OTHER REVENUE         | \$10,000.00    | \$6,566.64     | \$0.00       | \$3,433.36    | 65.67%  |
| Active                                     | R 62-210 HARBOR/MOORAGE        | \$225,000.00   | \$202,413.38   | \$8,300.28   | \$22,586.62   | 89.96%  |
| Active                                     | R 62-211 HARBOR/TRAVELLIFT     | \$90,000.00    | \$84,848.98    | \$12,573.73  | \$5,151.02    | 94.28%  |
| Active                                     | R 62-212 BOAT HARBOR/RENTS     | \$85,000.00    | \$98,813.70    | \$1,590.70   | -\$13,813.70  | 116.25% |
| Active                                     | R 62-215 HARBOR/WHARFAGE       | \$95,000.00    | \$63,908.54    | \$11,796.08  | \$31,091.46   | 67.27%  |
| Active                                     | R 62-219 HARBOR ELEC SERVICE F | \$8,000.00     | \$9,324.50     | \$2,222.20   | -\$1,324.50   | 116.56% |
| Active                                     | R 62-220 HARBOR/ELEC DEPOSIT   | \$1,100.00     | \$1,400.00     | \$100.00     | -\$300.00     | 127.27% |
| Active                                     | R 62-221 HARBOR/VAN STORAGE    | \$20,000.00    | \$17,328.68    | \$2,178.35   | \$2,671.32    | 86.64%  |
| Active                                     | R 62-222 HARBOR/STALL ELECTRIC | \$30,000.00    | \$43,378.59    | \$4,415.46   | -\$13,378.59  | 144.60% |
| Active                                     | R 62-223 HARBOR/ELECTRICITY    | \$4,000.00     | \$3,168.33     | \$91.58      | \$831.67      | 79.21%  |
| Active                                     | R 62-224 GEARSHED LOCKER RENT  | \$15,000.00    | \$15,453.32    | \$0.00       | -\$453.32     | 103.02% |
| Active                                     | R 62-234 SB 46 PERS RELIEF     | \$0.00         | \$0.00         | \$0.00       | \$0.00        | 0.00%   |
| Active                                     | R 62-235 TRANSFER IN           | \$0.00         | \$0.00         | \$0.00       | \$0.00        | 0.00%   |
| Active                                     | R 62-237 HARBOR STORAGE        | \$2,500.00     | \$1,643.34     | \$0.00       | \$856.66      | 65.73%  |
| Active                                     | R 62-270 ON BEHALF REVENUE PE  | \$0.00         | \$0.00         | \$0.00       | \$0.00        | 0.00%   |
| Active                                     | R 62-285 EQUIPMENT RENTAL      | \$40,000.00    | \$22,533.39    | \$1,966.94   | \$17,466.61   | 56.33%  |
| <b>Total</b>                               |                                | \$630,600.00   | \$579,296.37   | \$46,617.73  | \$51,303.63   | 91.86%  |
| <b>Total HARBOR/PORT OPERATIONS</b>        |                                | \$630,600.00   | \$579,296.37   | \$46,617.73  | \$51,303.63   | 91.86%  |
| <b>REFUSE COLLECTION</b>                   |                                |                |                |              |               |         |
| Active                                     | R 65-202 FINES AND PENALTYS    | \$1,500.00     | \$757.47       | \$33.78      | \$742.53      | 50.50%  |
| Active                                     | R 65-204 REFUSE COLLECTION     | \$130,000.00   | \$155,959.16   | \$16,814.65  | -\$25,959.16  | 119.97% |
| Active                                     | R 65-234 SB 46 PERS RELIEF     | \$0.00         | \$0.00         | \$0.00       | \$0.00        | 0.00%   |
| Active                                     | R 65-235 TRANSFER IN           | \$24,000.00    | \$0.00         | \$0.00       | \$24,000.00   | 0.00%   |
| Active                                     | R 65-270 ON BEHALF REVENUE PE  | \$0.00         | \$0.00         | \$0.00       | \$0.00        | 0.00%   |
| <b>Total</b>                               |                                | \$155,500.00   | \$156,716.63   | \$16,848.43  | -\$1,216.63   | 100.78% |
| <b>Total REFUSE COLLECTION</b>             |                                | \$155,500.00   | \$156,716.63   | \$16,848.43  | -\$1,216.63   | 100.78% |
| <b>Report Total</b>                        |                                | \$3,818,663.00 | \$3,929,431.73 | \$478,166.88 | -\$110,768.73 | 102.90% |

CITY OF SAND POINT

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\*Fund Summary -  
Budget to Actual©

JUNE 18-19

|  | 18-19<br>YTD Budget | JUNE<br>MTD Amount | 18-19<br>YTD Amount | 18-19<br>YTD Balance | 18-19<br>% YTD<br>Budget |
|--|---------------------|--------------------|---------------------|----------------------|--------------------------|
| <b>FUND 01 GENERAL FUND</b>                  |                     |                    |                     |                      |                          |
| Revenue                                      | \$2,054,517.00      | \$312,622.16       | \$2,185,588.19      | -\$131,071.19        | 106.38%                  |
| Expenditure                                  | \$2,787,536.00      | \$160,340.02       | \$2,452,010.90      | \$335,525.10         | 87.96%                   |
|  |                     | \$152,282.14       | -\$266,422.71       |                      |                          |
| <b>FUND 02 BINGO FUND</b>                    |                     |                    |                     |                      |                          |
| Revenue                                      | \$570,000.00        | \$79,217.00        | \$728,568.85        | -\$158,568.85        | 127.82%                  |
| Expenditure                                  | \$574,350.00        | \$69,051.58        | \$706,353.26        | -\$132,003.26        | 122.98%                  |
|  |                     | \$10,165.42        | \$22,215.59         |                      |                          |
| <b>FUND 03 SILVER SALMON DERBY</b>           |                     |                    |                     |                      |                          |
| Revenue                                      | \$29,634.00         | \$0.00             | \$30,334.92         | -\$700.92            | 102.37%                  |
| Expenditure                                  | \$32,504.00         | \$0.00             | \$31,504.02         | \$999.98             | 96.92%                   |
|  |                     | \$0.00             | -\$1,169.10         |                      |                          |
| <b>FUND 10 CLINIC OPERATIONS/MAINTENANCE</b> |                     |                    |                     |                      |                          |
| Revenue                                      | \$62,412.00         | \$2,731.39         | \$49,423.82         | \$12,988.18          | 79.19%                   |
| Expenditure                                  | \$0.00              | \$0.00             | \$0.00              | \$0.00               | 0.00%                    |
|  |                     | \$2,731.39         | \$49,423.82         |                      |                          |
| <b>FUND 61 WATER/SEWER OPERATIONS</b>        |                     |                    |                     |                      |                          |
| Revenue                                      | \$271,000.00        | \$20,130.17        | \$199,502.95        | \$71,497.05          | 73.62%                   |
| Expenditure                                  | \$276,500.00        | \$12,056.40        | \$184,193.80        | \$92,306.20          | 66.62%                   |
|  |                     | \$8,073.77         | \$15,309.15         |                      |                          |
| <b>FUND 62 HARBOR/PORT OPERATIONS</b>        |                     |                    |                     |                      |                          |
| Revenue                                      | \$630,600.00        | \$46,617.73        | \$579,296.37        | \$51,303.63          | 91.86%                   |
| Expenditure                                  | \$596,500.00        | \$44,123.29        | \$506,083.63        | \$90,416.37          | 84.84%                   |
|  |                     | \$2,494.44         | \$73,212.74         |                      |                          |
| <b>FUND 65 REFUSE COLLECTION</b>             |                     |                    |                     |                      |                          |
| Revenue                                      | \$155,500.00        | \$16,848.43        | \$156,716.63        | -\$1,216.63          | 100.78%                  |
| Expenditure                                  | \$152,650.00        | \$10,604.73        | \$143,051.98        | \$9,598.02           | 93.71%                   |
|  |                     | \$6,243.70         | \$13,664.65         |                      |                          |
| <b>Report Total</b>                          |                     | \$181,990.86       | -\$93,765.86        |                      |                          |

**TO:** Mayor Gardner  
City Council Members

**FROM:** Jordan Keeler  
City Administrator

**DATE:** August 6, 2019

**SUBJ:** Monthly Report for August 2019



Here is a brief list of items I have been working on or tracking since our July meeting:

### **TRANSPORTATION**

- Work continues on the dock project and remains on schedule.
- \$5 million was reinstated to the proposed budget for AMHS for this current fiscal year. The City still faces services cuts, but there are still a lot of moving parts and Mark Hickey and I will continue to track the matter.
- DOT+PF has approached the city about providing an employee to ensure Part 139 service can continue. A memo covers this later on.

### **BUDGET**

- June fish tax came in well under the five-year average and July is trending in the same direction.
- The final state budget remains in flux, but any revenue from the state directly for the city appears to be safe when compared to FY19. PCE funding was restored, which is a major benefit to residents as well as the City; running our buildings and water system is not cheap.
- Irina will be up here for audit prep at the end of the month. We should have a clear picture of our final FY 19 revenues and expenditures at that time.

### **OTHER ITEMS**

- ANTHC awarded the City \$605,000 for major work on the Jumps and Mud Bay lift station. These two lift stations are in poor shape and this is a well-timed announcement for the city. There's still the paperwork to finalize, but the money and there and we are moving ahead with this.
- I spent time working with the online sales tax group assembled by AML to harmonize language while still allowing jurisdictions flexibility in adopting the language. On that note, the City received around \$4,000 from Amazon for April-June.
- Harbor cameras have arrived in Anchorage and the contractor is finalizing up the electrical prep work that must be done before the installation can be done.
- The annual Alaska Municipal League and affiliate meetings will be held November 18-22 in Anchorage, however Fish Expo is November 21-23 in Seattle. Both events are still far out, but it's worth thinking about who will attend which event.





# SAND POINT DEPARTMENT of PUBLIC SAFETY



Post Office Box 423  
Sand Point, Alaska 99661

## MEMORANDUM

To: Honorable Glen Gardner, Mayor, City of Sand Point  
Mr. Jordan Keeler, City Administrator, City of Sand Point  
Mr. Danny Cumberlidge, City Councilperson, City of Sand Point  
Mr. Allan Starnes, City Councilperson, City of Sand Point  
Ms. Shirley Brown, City Councilperson, City of Sand Point  
Mr. Jack Foster Jr, City Councilperson, City of Sand Point  
Ms. Marita Gundersen, City Councilperson, City of Sand Point  
Mr. Emil Mobeck, City Councilperson, City of Sand Point

From: Denise Mobeck, Administrative Assistant

Date: August 7, 2019

Ref: Department of Public Safety's Monthly Report for July 2019

### Police Department

- Hal Henning, Chief of Police
- Brent Nierman, Police Sergeant
- Dave Anderson, Police Officer
- Mark Chandler, Police Officer
- Thomas Slease, Investigator

### **Administrative Assistant**

- Denise Mobeck/weekday 911 Dispatcher

### **Dispatchers**

- Anne Christine Nielsen, 911 Dispatcher
- Alfred 'Jesse' Pesterkoff, 911 Dispatcher

## Police Division Activity

JULY 2019

9 persons were jailed

- 1 Violating conditions of release
- 3 Assault -domestic violence
- 1 Assault- non domestic violence
- 1 Assault -domestic violence/disorderly conduct
- 1 Assault -domestic violence/criminal mischief
- 2 bench warrant's

There were 52 calls to 911

### **911 calls not resulting in an incident**

- 11 Hang up/mis-dials
- 12 MOC
- 1 testing of 911 line
- 1 misc information needed
- Drug activity information

### **Incidents generated**

- Numerous paper services
- Medical assists
- Several Assaults (domestic violence)
- Assault- non domestic violence
- Welfare checks
- Traffic stops
- Intoxicated minor
- Littering
- Disturbances
- trespasses
- Harassment
- Public assists
- Officer standby for civil issue
- 1 vehicle accident
- Agency assist
- Reckless driving report
- Washed up Sealion
- Arrest warrants served
- Abandoned vehicle checks
- Vandalism on buildings

A note from Chief Hal Henning:

Calls are up as usual for the summer and the records management system is working well and the staff are adjusting to its use.

Equipment has been ordered for the Voice over IP radio system and we hope to get it installed and running for the BETA Test around the middle to the end of September. All agreements have been signed with EATS and ProComm.

Officer Chandler is still working with the company who oversees the Tsunami Siren Equipment to get it back up and running from a software malfunction in the new computer.

Police Administrative Assistant and EMS Chief Denise Mobeck is celebrating 5 years with the department and is being presented with a 5 year pin. We would like to thank her for her dedication and continued service to the citizens of Sand Point.

We would like to get council approval to utilize up to \$5,000 from Drug Forfeiture Funds to start a Crime Stoppers Program. This will allow us to offer a monetary reward to someone for information leading to the arrest for an unsolved crime. That doesn't mean we will offer a \$5,000 reward, just that we have that amount to draw from if needed. This is an approved use of the funds by the Department of Justice.

## **EMS Division**

**Chief of EMS Division:** Denise Mobeck

### **EMS Activity: 9 runs**

Rescue1 transported 4 patients to clinic

Rescue1 transported 5 patients to airport for medevac

Thank you to our volunteers that respond in a very short amount of time from being dispatched and for your commitment to the community!

## **Fire Division**

**Chief of Fire Division:** Vacant, administrative duties being fulfilled by police administrative assistant.

### **Fire Activity: no activity**

All monthly incident reports were filed with the State Fire Marshal's Office meeting obligations and maintaining agency certification.

# July 2019 Public Works Report

---

## Shop

- Haul junk vehicles to shop
- Change radiator in the Gehl
- Change hub bearing on Skidsteer
- Haul tires to harbor for Pauloff Harbor tribe
- AESB dig for dish pole
- Patched asphalt
- Graded roads
- Service trash truck/ replaced spool valve
- Repair sight glass on road sweeper
- Graded peter pan lot
- Foundation prep work for Aleutian Housing
- Sweep roads
- Take vehicle off the side of the road at landfill road
- Service police Tahoe and Bobcat 325
- Put new tires on building maintenance vehicle

## Landfill

- Cleaned up around landfill
- Skidsteer service, cleaned up around dumpsters

## Recycling

- Recycle center is running good

## Water and Sewer

- Fixed a broken water line in the harbor
- Finished prv/ vault
- Turned off delinquent water lines, install water shut offs
- Change water hydrant at Shumagin lot

Sand Point Boat Harbor report 8-8-2019

All is going good at the harbor.

Boats are steady fishing; some boats have returned early to haul out their boats for winter storage.

Harbor day crew is finally at full capacity and working on maintenance on the machinery, also we have got our floor dry in and the oil bin is looking better. The guys are working on getting a handle on the garbage and bathroom messes.

The dock project is in full swing.

We had the coast guard boat in the harbor for a little longer than expected, but they got their part and are now on their way.

That is all I have to report.

Jeremy Krone

# HEARINGS, ORDINANCES AND RESOLUTIONS

**ORDINANCE 2019-06:  
COUNCIL COMPENSATION**

# Memo

**To:** Mayor Gardner & City Council  
**From:** Jordan Keeler, Administrator  
**cc:** City Council  
**Date:** August 6, 2019  
**Re:** Council Compensation

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Ordinance 2019-06 is presented for your consideration as a follow-up to the conversation from the July meeting involving health insurance and compensation. City Code at the moment allows for the City to provide health insurance to councilmembers through the City's health insurance plan, and it specifically disallows any direct monetary compensation to councilmembers. Due to developments this winter and spring by our insurance company, the City lost the ability to offer health insurance to councilmembers effective July 1. In light of this development, Ordinance 2019-06 proposes a \$500 stipend per councilmember per meeting if they attend either in-person or telephonically.

There are two specific points to this ordinance that I want to draw attention to; first, the ordinance does not specify that a meeting has to have a quorum in order for attendees to become eligible for a stipend. I can add language that clarifies this if you would like me to do so. Second, the ordinance makes the stipend retroactive to July 1. I ran this past Patrick Munson and he did not see any legal issue against backdating. There is the political aspect of voting on compensation, but the intent of this ordinance is to replace a benefit with a different benefit that would effect when the original benefit ceased.

I recommend that the City Council approve this resolution, with or without any modifying language.



# City of Sand Point



## ORDINANCE NO. 2019-06

### AN ORDINANCE AMENDING TITLE 2 OF THE SAND POINT MUNICIPAL CODE TO PROVIDE FOR COMPENSATION FOR CITY COUNCIL

WHEREAS, the City of Sand Point provided health insurance coverage to City Council members to acknowledge their service to the city;

WHEREAS, the ability of the City to provide this coverage ceased on June 30, 2019 due to various changes in healthcare laws and regulations;

WHEREAS, after reviewing an Alaska Municipal League survey of elected official salaries, meetings fees and other forms of compensation during the July 2019 council meeting, the City Council proposed to compensate council members who are present either in person or telephonically at regular and special City Council meetings with payment of a stipend in the amount of \$500;

### NOW BE IT ORDAINED BY THE CITY COUNCIL OF SAND POINT, ALASKA:

**Section 1.** This is a code ordinance.

**Section 2. Amendment of Chapter 2.20.050.** Chapter 2.20.050 of the Sand Point Municipal Code is hereby amended to read as follows [new language is underlined, deletions are struck through]:

#### **§ 2.20.050. COMPENSATION OF COUNCIL MEMBERS.**

Council members shall receive a \$500 meeting stipend for each regular and special Council meeting attended either in person or telephonically. Health care benefits will not be provided by the City. ~~Council members shall receive no direct monetary compensation. City provided health care benefits may be available to council members.~~ Per diem payments or reimbursement for expenses are not compensation under this section.

**Section 4. Effective Date.** This ordinance shall be effective immediately, but shall be deemed retroactive to July 1, 2019 for purposes of calculating stipends to be provided to City Council members.

**PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF  
THE SAND POINT CITY COUNCIL THIS 10<sup>th</sup> DAY OF SEPTEMBER, 2019.**

ATTEST:

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Glen Gardner Jr., Mayor

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Shannon Sommer, City Clerk

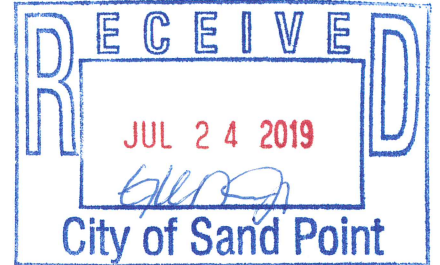
# OLD BUSINESS

# NEW BUSINESS

Sand Point Silver Salmon Derby  
C/O City of Sand Point  
PO Box 249  
Sand Point, AK 99661

July 22, 2019

Mayor and Council Members  
City of Sand Point  
PO Box 249  
Sand Point, AK 99661



To Whom It May Concern:

Sand Point Silver Salmon Derby is one of the biggest fundraising events of the year for the community, which takes place in the Sand Point Boat Harbor over Labor Day weekend, August 30<sup>th</sup>-September 2<sup>nd</sup>. The residents of Sand Point not only benefit from the derby activities but also benefit from the programs it raises funding for, including; Culture Camp which serves children and adults of the Aleutians East Borough, Volunteer Sand Point Emergency Medical Services, Sand Point-Boys and Girls Club, and Sand Point Teen Center.

Our committee appreciates the City of Sand Point's support over the years and hopes you will continue doing so again this year. We ask that you consider matching last year's donation of \$800.

The support from businesses like yours has been key to the success of our widely anticipated community event! Thank you for your thoughtful consideration of this request.

Sincerely,

Rayette McGlashan  
Chairperson

# LEAVE DONATION

# Memo

**To:** Mayor Gardner & City Council  
**From:** Jordan Keeler, Administrator  
**cc:** City Council  
**Date:** August 6, 2019  
**Re:** Leave Donation

---

The following addition to the City's Personnel Policies and Procedure Manual (PPPM) would enable the establishment of a leave donation program.

## *LEAVE DONATION POLICY*

9. *The Mayor may allow an employee to donate to another employee or employees a maximum of 30 days or 50 percent of accrued sick leave, whichever is less, provided that the donation does not reduce the employee's total leave balance to less than 10 days.*

*(a) The transfer of leave may only be made to an employee who is on leave, whose paid leave is exhausted (or would be exhausted without the proposed donation), and whose absence from work is due to:*

- (A) Authorized Family Medical Leave or a Family Medical Leave qualifying event,*
- (B) The death of a member of the receiving employee's immediate family.*

*(b) Unused donated leave will be returned to the donor.*

*(c) Leave donated to another employee shall not be credited toward the donor's minimum leave use requirement.*

*(d) Leave donated by an employee who is paid an hourly rate shall be given a cash value by multiplying the number of hours donated by the regular hourly rate of the donor. Leave donated by an employee who is paid a salary must be in full day increments, which will be given a cash value by determining the donating employee's daily rate equivalent (e.g., dividing the employee's weekly salary by the number of workdays). The cash values resulting from either calculation method shall be credited to the recipient's medical leave bank, either as cash value*

*or by converting the cash value into an hourly or daily rate equivalent based on the recipient's hourly wage or daily rate equivalent.*

The language is fairly straightforward and borrowed from a few other jurisdictions that have already implemented a leave bank. Patrick Munson reviewed the language and suggested that the City use the term 'donation' instead of 'bank' as the language outlines a program that is 'on-demand' versus a leave bank where anyone can use the hours instead a designated recipient. It's a minor difference, but he makes a valid observation.

I ask City Council to approve this language and then re-approve an amended PPPM that incorporates this language.



# STATE OF ALASKA MOA

# Memo

**To:** Mayor Gardner & City Council  
**From:** Jordan Keeler, Administrator  
**cc:** City Council  
**Date:** August 6, 2019  
**Re:** Airport MOA

---

The State of Alaska Department of Transportation & Public Facilities (DOT+PF) has requested the City to enter into an agreement to provide a city employee who will conduct the ground operations necessary for Part 139 flight operations. Their proposal is limited to Saturdays and other sporadic days when their employee is not able fulfill their job duties; any long-term absence by the DOT+PF employee would be covered by a different DOT+PF employee. DOT+PF is offering to pay for all initial training costs as well as the required yearly certification for the employee, plus reimburse the City for payroll costs associated with the employee. Some paperwork would be required on the City's end to get reimbursed.

A few things to consider:

1. This is nowhere near a full-time position, but would require the City employee to forego their regular duties on occasion.
2. If the regular DOT+PF employee is out and the City does not have a back-up, the 34-seat Ravn plane and Saab 2000 cannot fly to Sand Point, so the flight would have to be cancelled.
3. The next ARFF training is in Soldotna in September; DOT+PF is looking to reach an agreement either way in a short timeframe.
4. The City has had a contract with DOT+PF in the past and the City choose not to renew the contract, although the contract had a much different scope of work.

The proposed MOA is attached for your review. If Council believes the MOA is the best path forward for the City and residents, then I will hammer out the details with DOT+PF and run it past legal. If Council does not wish to move forward, then I will work them to reach an acceptable alternative for both parties.

Memorandum of Agreement (MOA)

Between the

Department of Transportation & Public Facilities and the City of Sand Point

**Airport Air-carrier Standby Coverage**

This memorandum of agreement (hereinafter Agreement) is made between the State of Alaska, Department of Transportation and Public Facilities (hereafter DOT ) and the City of Sand Point (hereafter City)

- I. This agreement is for Air-carrier coverage of the Sand Point Airport for air-carrier operations during times the DOT employee is unavailable. 1 day a week, and times the employee is out due to illness. This agreement is only for limited times to cover, if employee is unavailable longer than parties agree another DOT employee will be brought into Sand Point to cover.
  
- II. Work will consist of Aircraft Rescue Fire Fighting (ARFF), Runway Inspections, and Wildlife Control coverage.
  - A. Using DOT Equipment, City employees will inspect runways, ensure wildlife is not present to create a "hazard" to aircraft, and be in a ready state to "stand-by" in an ARFF posture 20 minutes prior to, thru 20 minutes after the departure of a scheduled air-carrier operation.
  - B. DOT will be responsible for the training of City Employees to meet all requirements of the certificated airport. Annual ARFF Training, Wildlife Control training, and Movement Area Training for the Runways and Taxiways at the Sand Point Airport at no cost to the City.
  - C. City will work with Cold Bay Airport Manager to provide employee list of City employees who will be on the airport to provide stand-by coverage.
  - D. City will bill the DOT monthly an hourly rate their employees worked on the airport, the billing will show:
    1. ARFF Coverage of Scheduled Flights
    2. Wildlife coverage performed
    3. Runway inspections
    4. Training for FAA compliance

Date:  
MOA between ADOT&PF and  
City of Sand Point

Following are those designated to be contacted relating to this MOA:  
DOT&PF

Name: Tom Renninger Deputy Director DOT  
Email: tom.renninger@alaska.gov  
Telephone: 907-465-1795

For the Other Party:

Name: Jordan Keeler City Administrator  
Email: jkeeler@sandpoint.org  
Telephone: 907-274-7561

The undersigned agree to the terms of this Memorandum of Agreement:

State of Alaska,  
Department of Transportation &  
Public Facilities

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

By: D. Lance Mearing  
Regional Director, Southcoast Region

SUBSCRIBE AND SWORN TO OR AFFIRMED before me by \_\_\_\_\_, who is Regional Director for the Southcoast Region of the Alaska Department of Transportation & Public Facilities, an agency established under Alaska Law, on this \_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Notary Public, State of Alaska  
My commission expires: \_\_\_\_\_

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

Other Party (City)  
By: \_\_\_\_\_  
Name  
Title

SUBSCRIBE AND SWORN TO OR AFFIRMED before me by \_\_\_\_\_, who is TITLE, an which is established under Alaska Law, on this \_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Notary Public, State of Alaska  
My commission expires: \_\_\_\_\_

*"Keep Alaska Moving through service and infrastructure."*

Date:  
MOA between ADOT&PF and  
City of Sand Point

# PUBLIC COMMENTS

# COUNCIL COMMENTS

# ADJOURNMENT

**FYI**



# Memorandum

To: Interested Parties

Date: July 26, 2019

Re: Governor Dunleavy Recall Application – Pending

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## I. INTRODUCTION & BACKGROUND

We have been asked to briefly evaluate four groups of allegations stated in a draft application to recall Governor Michael J. Dunleavy. Those allegations are, in substance, as follows. Each asserts that the Governor should be recalled based on three statutory grounds for recall: neglect of duties, incompetence, and lack of fitness. In coming to these conclusions we have consulted, in part, with numerous election law experts as well as former Attorney Generals and former members of the judiciary:

1. Governor Dunleavy **violated Alaska law (AS 22.10.100)** by refusing to appoint a judge to the Palmer Superior Court within 45 days of receiving nominations.
2. Governor Dunleavy separately **violated the Executive Branch Ethics Act (AS 39.52); violated Alaska Campaign Disclosure Statutes (AS 15.13); and misused state funds in violation of AS 15.13.145(b)** by unlawfully and without proper disclosure, authorizing and allowing the use of state funds for partisan purposes to purchase electronic advertisements and direct mailers making partisan statements about his political opponents and supporters.
3. Governor Dunleavy **violated separation-of-powers** by improperly using the line-item veto to: (a) attack the judiciary and the rule of law; and (b) preclude the legislature from upholding its constitutional Health, Education and Welfare responsibilities.
4. Governor Dunleavy **acted incompetently** when he **mistakenly vetoed** \$18 million more than he told the legislature in official communications he intended to strike. Uncorrected, the error would cause the state to lose over \$40 million in federal Medicaid funds.

## II. ANALYSIS

### A. Legal Review of Lack of Fitness, Incompetence, and Neglect of Duties.

In the past decade, there have been just two attempted recalls of elected state officials, both representatives: Kyle Johansen (2011) and Lindsey Holmes (2013).<sup>1</sup> The Attorney General's Office recommended that the Director of the Division of Elections deny certification of both applications, and the Lindsey Holmes denial was litigated in superior court. The State's denial was upheld as proper and was not appealed.

The Lindsey Holmes Attorney General Opinion provides the State's most recent (and lengthy) analysis of the somewhat complicated and infrequently litigated recall law. I will not repeat all of that here, but rather focus on the portions that matter most for purposes of the current application. I note that because each of the allegations in this application cites three separate and independent legal grounds for recall, this effectively gives the reviewing attorney—and ultimately a court—up to 18 separate and independent legal grounds to evaluate as the basis for a recall, any one of which—if sustained—would serve to certify the application.

In evaluating legal sufficiency, courts first look to the grounds of recall upon which an application relies. As with the attempted Lindsey Holmes recall, the focus here is not factual, to the extent there are any disputed facts. The analysis is strictly legal, because the Division Director—who is tasked with certifying or denying the recall application—*must* assume all factual allegations in a recall summary are true.<sup>2</sup> Review of legal sufficiency in a recall application focuses on whether the alleged facts state a claim under a ground for recall.<sup>3</sup> It is for the voters to decide whether those facts are a true basis for the claim.

#### 1. Lack of Fitness

Courts have defined “lack of fitness” as “unsuitability for office demonstrated by specific facts related to the recall target's conduct in office”<sup>4</sup> or engaging in unlawful conduct. In enunciating this latter standard, superior court judge Craig Stowers, now a justice on the Alaska Supreme Court, stated in *Citizens for an Ethical Government v State of Alaska*<sup>5</sup>:

if there is a statement in the form of “X is illegal” . . . those are statements of law, and that's appropriate for the court . . . to **evaluate those and to determine whether or not those are true and accurate statements of law.** If they are not, I think, under the *von*

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<sup>1</sup> 2011 Op. Alaska Att'y Gen. (Oct. 3); 2013 Op. Alaska Att'y Gen. (Dec. 3).

<sup>2</sup> *Meiners v. Bering Strait School District*, 687 P.2d 287, 300 n. 18. (Alaska 1984).

<sup>3</sup> 2005 Inf. Op. Att'y Gen. at 11 (Sept. 7; 663-06-0036).

<sup>4</sup> *Valley Residents for a Citizen Legislature v. State of Alaska*, No. 3AN-04-6827 CI at 10 (Alaska Super. Aug. 24, 2004) (order granting summary judgment).

<sup>5</sup> No. 3AN-05-12133 CI (Alaska Super. Jan. 4, 2006) (order granting summary judgment).

*Stauffenberg* case and under the *Meiners* case, it's my duty to conclude that those do not in and of themselves assert valid legal grounds and at the least those should be stricken.<sup>6</sup>

Because it was not illegal for legislators to serve as paid consultants to politically-involved corporations (the basis for the lack of fitness allegation in the above-cited case), the application did not state a legally sufficient allegation for lack of fitness.<sup>7</sup> Accordingly, as to lack of fitness, a reviewing attorney would make a recommendation of legal validity or lack thereof to the Division Director, whose decision would be appealable to a court which would in turn determine whether the statements were “true and accurate statements of law.”

## 2. Incompetence

Only once has an Alaska court reviewed the legal sufficiency of an allegation of “incompetence” in the context of an attempt to recall a state official. In *Coghill v. Rollins*,<sup>8</sup> Superior Court Judge Savell concluded that the appropriate definition of “incompetence” in this context (the attempted recall of the Lieutenant Governor) was a “lack of ability to perform the official’s required duties.”<sup>9</sup> It is worth noting that in enacting the original recall statutes, the legislature intentionally excluded grounds such as “favoritism,” “carelessness,” “extravagance,” “inability,” “selfishness,” and “no benefit to public,” from the four statutory grounds for recall ultimately chosen— implying that only true and manifest malfeasance should subject a legislator to recall.<sup>10</sup>

## 3. Neglect of Duties

“Neglect of duty” has been interpreted to mean “the nonperformance of a duty of office established by applicable law.”<sup>11</sup> The *Valley Residents* case is one of the only times, if not the only time, a court has interpreted this provision.

### **B. The Foregoing Legal Standards Applied to the Application to Recall Governor Dunleavy**

Applying these legal standards to the present application, the strongest grounds for recall are probably the failure to appoint a superior court judge within the statutorily-mandated timeframe, the violation of APOC statutes, and the “mistaken” vetoing of Medicaid funds. But the other allegations—violations of the Executive Branch Ethics Act and improper use of the

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<sup>6</sup> (Emphasis added).

<sup>7</sup> *Id.*

<sup>8</sup> No. 4FA-92-1728 CI (Alaska Super., Nov. 1, 1993) (order granting summary judgment in part).

<sup>9</sup> *Id.*

<sup>10</sup> See Legislative Council, *Suggested “Alaska Election Code”* at 66-67 (Jan. 20, 1960); 2005 Inf. Op. Att’y Gen. at 4-5 (Sept. 7; 663-06-0036).

<sup>11</sup> *Valley Residents for a Citizen Legislature v. State of Alaska*, No. 3AN-04-6827 CI at 9 (Alaska Super. Aug. 24, 2004) (order granting summary judgment).

line-item veto—also state very strong claims for the legal violations a court would need to find in order to uphold certification of a recall.

### **1. Failure to Appoint a Superior Court Judge Within the Mandated Statutory Timeframe.**

Article IV, section 5 of the Alaska Constitution provides that the “governor *shall* fill any vacancy in an office of supreme court justice or superior court judge by appointing one of two or more persons nominated by the judicial council.”<sup>12</sup>

Alaska Statute 22.10.100(a) provides that the “governor *shall* fill a vacancy or appoint a successor to fill an impending vacancy in the office of superior court judge *within 45 days* after receiving nominations from the judicial council, by appointing one of two or more persons nominated by the council for each actual or impending vacancy.”<sup>13</sup>

According to publicly available records, on February 4, 2019, the judicial council forwarded nominations to the Palmer Superior Court to the governor for consideration in filling two pending vacancies there. On March 21, 2019, the Governor failed to fill one of these vacancies, instead writing a letter through his Chief of Staff complaining about the process and quality of the nominees.

The law is clear that the governor must fill judicial vacancies within 45 days of receiving nominations, and the facts are clear that he did not do that. This is a “nonperformance of a duty of office established by applicable law” sufficient to establish neglect duty under current case law. His failure to appoint a judge was also clearly unlawful, thereby establishing lack of fitness.

### **2. Violations of the Executive Branch Ethics Act & Alaska Public Offices Commission (APOC) Statutes Based on Paid Electronic Advertisements and mass mailings.**

The Executive Branch Ethics Act at AS 39.52.120(b)(6) provides that a public officer may not “use or authorize the use of state funds, facilities, equipment, services, or another government asset or resource for partisan political purposes; . . . in this paragraph, “for partisan political purposes” (A) means having the intent to differentially benefit or harm a (i) candidate or potential candidate for elective office; or (ii) political party or group; (B) but does not include having the intent to benefit the public interest at large through the normal performance of official duties.”

Thus, the deciding legal factor on this claim is whether the ads in question were for “partisan political purposes” or, instead or additionally, whether they had “the intent to benefit the public interest at large through the normal performance of official duties.” A reviewing attorney or court would need to look at the specific electronic advertisements as well as the

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<sup>12</sup> (Emphasis added).

<sup>13</sup> (Emphasis added).

mailers, and would reasonably conclude that they were published for “partisan political purposes” as opposed to intending to “benefit the public interest at large through the normal performance of official duties.” It is important to note here that the use of ads such as these has no precedent in the actions of any prior governor or administration.

Based on the above analysis, this could constitute lack of fitness and neglect of duties if a court or reviewing attorney found that the ads actually violated the Ethics Act. There is no evidence of a lack of ability to perform duties here sufficient to sustain an allegation of incompetence.

Alaska’s campaign finance statutes contain numerous disclosure requirements designed to ensure a level of transparency in political advertisements:

- Alaska Statute 15.13.090 requires that “all communications shall be clearly identified by the words ‘paid for by’ followed by the name and address of the person paying for the communication.”
- Alaska Statute 15.13.135(b)(2) requires that “[a] person who makes independent expenditures for a mass mailing, for distribution of campaign literature of any sort, for a television, radio, newspaper, or magazine advertisement, or any other communication that supports or opposes a candidate for election to public office shall place” a specific notice to voters “that it is readily and easily discernible,” indicating that the communication is “not authorized, paid for, or approved by the candidate.”
- Alaska Statute 15.13.050 requires that “[b]efore making an expenditure in support of or opposition to a candidate . . . each person other than an individual shall register” with the Alaska Public Offices Commission (APOC) on forms provided by APOC.
- Finally, AS 15.13.145, with limited exceptions not applicable here, prohibits the state from using state money to “influence the outcome of the election of a candidate to state or municipal office.”

Alaska campaign finance law is very straightforward about what is required of political advertisements. The Governor failed to comply with any or all of these requirements in the electronic advertisements and mass mailings. He therefore violated the law. If a reviewing attorney or court agrees with this conclusion, this would be sufficient legal grounds for lack of fitness and neglect of duties.

### **3. Unconstitutional Use of the Line-Item Veto**

The Governor publicly stated, in writing, that he was vetoing court system funding because of the Alaska Supreme Court’s prior decisions regarding public funding of abortions, in

the amount of those procedures' cost to the State: "The Legislative and Executive Branch are opposed to State funded elective abortions; the only branch of government that insists on State funded elected abortions is the Supreme Court. The annual cost of elective abortions is reflected by this reduction."

Shortly thereafter, the American Civil Liberties Union of Alaska (ACLU) filed a lawsuit challenging the constitutionality of these actions,<sup>14</sup> and the two counts in that complaint offer a good legal framework for a recall analysis.

The ACLU complaint alleges that the Governor violated the judicial doctrine of separation of powers because the "court system veto was made in direct retaliation for the Alaska Supreme Court's decision in *State v. Planned Parenthood of the Great Northwest*, 436 P.3d 984 (Alaska 2019)" and thus "violates the Alaska Constitution and the separation of powers because it retaliates against and seeks to punish the court system for exercising its judicial powers and seeks to undermine the independence of the judiciary."

That complaint also alleges that this action violates Article II, sec. 15 of the Alaska Constitution's limits on gubernatorial veto power, because "the authority to strike or reduce items does not include the authority to reallocate appropriations by the Legislature," and the "Governor is without authority to take any veto action not specifically granted to him in the Constitution." Accordingly, the court system veto "violates Article II, sec. 15 of the Alaska Constitution because it is an impermissible reallocation of an appropriation."

These are substantive claims that are extremely well-grounded in the constitution and case law, and a court is far more likely than not to agree that the Governor violated the Constitution in making this veto. Accordingly, and for the same reasons stated above, this action states a legal ground for recall under the "neglect of duties" and "lack of fitness" analysis.

#### **4. Mistaken Veto of Medicaid Funds**

The application alleges that Governor Dunleavy acted incompetently when he mistakenly vetoed \$18 million more than he told the legislature in official communications that he intended to strike. Uncorrected, the error would cause the state to lose over \$40 million in matching federal Medicaid funds. Upon information and belief, there exists official communications in which the Governor's Office admits that this was an "error." A "mistake" of this magnitude and impact would certainly imply a "lack of ability to perform the official's required duties" sufficient for a reviewing attorney or court to find incompetence.

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<sup>14</sup> *ACLU v. Dunleavy*, 3AN-19-08349 CI (Alaska Super. Jul. 17, 2019) (Complaint for Declaratory and Injunctive Relief).

### **III. CONCLUSION**

There is no guarantee what a reviewing attorney or a court would do or what conclusions they would reach. However, it is our collective opinion that the allegations in this application accurately state at least one—and likely multiple—legally sufficient grounds to certify a recall of the governor. On the basis of the proposed grounds, we strongly believe that a court will ultimately certify a valid basis to appear on the ballot.