



CITY MANAGER REPORT

Reporting Period: April 19 to May 31, 2019

Prepared By: Phillip A. Zavadil, City Manager

Date: June 3, 2019

ADMINISTRATION

Outreach and Communications Plan

City Code Online

On April 29, 2019 we received the legal review of the City Code of Ordinances by Code Publishing (*see attached*). Code Publishing had several legal recommendations to update and modify the Code. I will be working with Monique, Phyllis and Ashburn and Mason over the next few years to review and propose updates and modifications to City Council based on this legal review.

City Council Meetings on KUHB

On April 29, 2019, Mayor Merculief and I received a letter from Superintendent Brett Agenbroad stating that a complaint was generated from a St. Paul community member to FCC regarding inappropriate language broadcast from the City Council meeting over KUHB and at this time KUHB will no longer broadcast the meetings (*see attached letter*).

Broadcasting the City Council meetings on KUHB was part of the City Outreach and Communications Plan to inform the community regarding City activities. As a backup plan, I have talked with Jill Fratis and she has agreed to let Monique and I summarize the City Council meetings on the radio after they occur.

Lobbying Efforts in Juneau

Here are the updates from Lobbyist Mark Hickey as of June 1, 2019, which is day 17 of the First Special Session of the 31st Alaska State Legislature. With the exception of agreement on the crime bill, little progress has been made.

Crime Bill Update: The conference committee resolved the differences in the crime package (HB 49) on the first day of special session. The House concurred in the changes by a vote of 36 to 2, while the Senate has not taken the matter up yet but is expected to concur as well. Governor Dunleavy announced he intends to sign the bill. More information on the details can be found at ADN article on compromise crime bill. This week the Senate concurred in the conference committee version of the crime bill (HB 49) by a vote of 18 to 0. Next step is signature by the governor which is expected.



FY 2020 Operating Budget in Conference Committee: The conference committee on the operating budget has not met yet during the special session. Most of the work is done, although they can go back and reopen and change any decision until completely finished. The major budget issue to resolve is the size of the 2019 PFD and how to fund the FY 2020 budgets.

K-12 Educating Funding: As noted in my last update, the governor introduced new legislation at the beginning of special session to fund FY 2020 K-12 & pupil transportation. It replicates what is on the books today including the one-time money of \$30 million. Both the House and Senate Finance Committees held hearings on the proposal. A motion to move the bill out of House Finance failed this week. There are no indications that the legislature intends to back away from its position that no further legislative action is needed to fund K-12 education in FY 2020. Governor Dunleavy added to the disagreement by threatening to not make payments to school districts starting in July 2019. Both bodies voted this week to authorize legal action on the matter if it becomes necessary.

FY 2020 Capital Budget: The FY 2020 capital budget passed the Senate. It remains in House Finance. It has not been taken up during special session.

PFD Amount/PFD Formula Change: A new bill introduced by House Finance (HB 1005) proposes to pay a full dividend in 2019 (estimated to be about \$3,000) but makes payment contingent on enactment into law by October 1, 2019 of a change in the formula used to calculate the size of future dividends. The proposed change is to provide an amount equal to 25% of the annual POMV draw from the Earning Reserve Account. Projections suggest dividends starting in 2020 would be closer to \$1,500 per person. Considerable public opposition was voiced in two public hearings on this measure.

Air Transportation

As a result of the USDOT Hold-In Order and call for RFPs, USDOT ordered Ravn to continue flying to St. Paul Island. Proposals were due to USDOT on May 6, 2019.

Ravn Community Meeting

On April 30, 2019, Ravn management came out to St. Paul Island to meet with the community to present their EAS proposal. Derek Shanks with Ravn provided a summary of their proposal and then the community had an opportunity to ask questions. The meeting was aired on KUHB.

Summary of EAS Proposals (Ravn, Northern Air Cargo)

Two carriers submitted proposals for providing service to St. Paul Island.

Ravn Air Group submitted a proposal to provide scheduled passenger service and carry some mail and cargo. Ravn proposed:

- 3 flights a week on Sundays, Tuesday and Thursdays
- Routing ANC-BET/DLG-SNP then SNP-ANC

- Bombardier Dash 8 series 100 aircraft with 25 seats
- A subsidy of \$2.1 million the first year and \$2.2 million the second year

Northern Air Cargo (NAC) submitted a proposal to provide cargo only service. NAC proposed:

- 1 cargo flight a week
- A subsidy of \$610k per year
- A subsidy mitigation strategy in which they would request half the amount above.

Alaska Central Express (ACE) and Grant Aviation did not submit proposals.

On May 17th ACE submitted a letter opposing NAC's submission to EAS based on NAC not providing passenger service to SNP and that ACE already provides cargo service to SNP subsidy free (*see attached*).

Entity Leadership Meeting on EAS

On May 22, 2019, leadership from the City, CBSFA, Tribal Government, and TDX met to discuss the review and discuss the Ravn and NAC proposals. Mark Hickey will be preparing a joint entity letter commenting on the two proposals. Basically, the letter will include detailed comments to the following:

- Supporting Ravn's proposal but requesting 4 flights a week.
- Neither supporting nor not supporting the NAC proposal, but instead be strategically silent. This is due to the fact that USDOT is unlikely to award an all-cargo subsidy.

EAS Interview on KUHB

On May 23, 2019, I was interviewed by Jill Fratis on KUHB regarding EAS. This was an opportunity to update the community on the status of EAS.

Awards/Grants/Donations/Opportunities

State of Alaska Hazard Mitigation Grant Program (HMGP)

I have been in communication with Federal Signal Corporation to obtain an updated quote for the emergency sirens to use for the grant proposal. I will be working with Agnew Beck to submit the proposal in October of this year.

Economic Development Administration (EDA) - Economic Development Assistance

I have been working on fine tuning the proposal to conduct a feasibility study and business plan for overall harbor expansion and improvement of our existing harbor facilities. We received a support letter from CBSFA and some comments from the Tribal Government to help improve the proposal. We should be submitting the grant early June 2019.

State of Alaska Community Transportation Program

We submitted a draft application to the SOA DOT/PF for the Harbor Road for review. The new grant proposal deadline is now September 15, 2019 due to not knowing what the State budget will look like.

Tribal Homeland Security Grant Program

I worked with Charlene Naulty of the Tribal Government of St. Paul to submit a grant proposal for THSGP funding for next year for a whole building backup generator for the City Hall and individual household emergency supply kits.

Information Technology (IT)

On April 25th, two LMJ technicians arrived on island to upgrade City's Servers, Firewall; Switches, and upgrade staff desktops and monitors. LMJ performed the following work on this trip:

Servers:

- Installed 2 Physical servers (1 CSP, 1 DPS (initial configuration and setup performed @ LMJ)
- Migrated all data from shares to new share locations
- Migrated MOM server to new host machine
- Migrated ReportExec to new host machine
- Trouble shooting scanner issues (ended up setting up scan to folder for the meantime)
- Day one support

Network Upgrades:

- Replaced Firewall (initial configuration and setup performed @ LMJ)
- Removed iPrism
- Installed 11 Switches (was not able to remove the Core 48Port switch and old cisco router during first trip for missing credentials of router (initial configuration and setup performed @ LMJ))
- Removed old switches
- Consolidated old equipment to central locations
- Day one support

Computer Upgrades:

- Installed 12 desktops (un-able to install cashier due to the receipt printer not being compatible (initial configuration and setup performed @ LMJ))
- Installed 5 laptops (initial configuration and setup performed @ LMJ)
- Set up user profiles
- Install needed applications, configure email clients, set up printers, etc.
- Copy over files from old computer to new computer
- Disabled roaming profiles in DPS
- Consolidated old equipment to central locations
- Day one support

Microwave shots:

- Initial site surveys for improving the reliability
- Initial site survey to extend to well sites

USACOE Cost Share

On May 21, 2019, I was informed by Bruce Sexauer with the USACOE that the amended PCA went to the Assistant Secretary of the Army for approval and that it could take a couple weeks for the them to approve.

AWWMA Conference

On May 15-16, 2019 Public Works Director Ed Paulus and I attended the Alaska Water and Wastewater Management Association Conference in Anchorage. Specifically, we attended the Rural Rate Utility Workshop. On May 17, 2019 I met with Bill Wilks with PBA Consulting, who performed the previous rate study to get an idea how the rate model he developed worked and to obtain a proposal for him to update the rate study.

Other

St. Paul School Transition Camp

On April 24, 2019, Monique, Nadia Jessica and I attended the St. Paul School's Transition Camp. We played a planning and organizing game with the students, discussed the importance of soft skills, and answered questions the students had about each of our careers.

Pribilof Days

Officer Auginaush and I participated in Pribilof Days this year. We talked with the K-6 graders about bicycle and ATV helmet safety, vandalism, and the road project that is going on this summer.

FINANCE

2019/2020 Insurance Renewal

On May 16, 2019, Finance Manager Stephanie Mandregan and I met with Alliant Insurance Services, the City's insurance broker to discuss the 2019/2020 insurance renewal proposal. In short, insurance premiums are going up. Below is a summary of the current and new premiums for the various types of insurance we cover:

- Property (includes earthquake and flood coverage = \$14,534)
 - Current = \$114,534
 - New = \$139,632
 - Increase of 21.9%
- Liability
 - Current = \$24,741
 - New = \$55,161
 - Increase of 223%
- Commercial Auto
 - Current = \$28,473
 - New = \$27,190
 - Decrease of 5%

- Workers Compensation & Employers Liability
 - Current = \$27,549
 - New = \$40,082
 - Increase of 145%
- Total Premium
 - Current = \$191,782
 - New = \$272,412
 - Increase of 29.5%

We are still waiting for a quote on Marine General Liability/US Oil Pollution insurance premiums. *See the attached 2011-2020 Premium History.*

Meeting with Northrim Bank Representatives

On May 17, 2019, I had lunch with Kimberly Brewington and Aili Peyton-Jalbert with Northrim Bank. This was a meeting to get to know our Northrim representatives and how they are meeting the banking needs of the City.

Finance Policies and Procedures

We will be working with Aldrich Advisors our audit firm to create a formal Finance Department Policies and Procedures Manual. The policies and procedures will be based on our current procedures but will be organized and consolidate into a manual. Aldrich will also develop new policies and procedures where needed. This manual will help with cross training current employees and training of future new employees.

PUBLIC SAFETY

U.S. Coast Guard

On June 10, 2019, Chief Lamblez and I are tentatively scheduled to meet with CWO J.P. Ragan to discuss formalizing a security agreement with USCG to perform security on USCG Station St. Paul.

Rev1

May 6 – 9, 2019 Tim Horrtter with Rev1 Communications was on island to update our Eventide recorder system and set it up to record the 911 calls. The Eventide system has been used to record all the emergency radio traffic. Tim also reprogrammed some of the radio channels. Tim had to leave unexpectedly due to a family emergency and will return to complete the set-up of the vehicle radio repeater system.

DPS Policies

Chief Lamblez, Officer Lamblez and I continue to work on updating the public safety policies and procedures as time allows.

FEMA Visit

The week of May 6, 2019, Beverly Finley with the Federal Emergency Management Agency was on island to perform a site visit with the Tribal Government of St. Paul to review their

FEMA funded projects. I met with Beverly and Charlene Naulty to show Beverly the base radio equipment that was funded by FEMA and to discuss future projects.

LEPC

On May 2, 2019, the Local Emergency Planning Committee met to review and discuss its bylaws, and the Small Community Emergency Response Plan (SCERP). The committee went through the SCERP in detail and has more information to collect to complete this plan and submit to the State of Alaska.

Mitigation Planning

On May 15, 2019, I met with Charlene Naulty in Anchorage to discuss mitigation planning and future projects. The Tribal Government is in the process of developing a mitigation plan and the City needs to update its current plan. The idea is to have two plans that address the same types of mitigation projects. This will allow our community to access both Federal and State funding for future projects.

Call with APUN Regarding Medivac Flights

On May 10, 2019, I participate in a call with the St. Paul Health Center, Officer Jessica Lamblez, and Donnel Bond with APUN regarding some issues that the health center and Public Safety have had with the availability of the APUN crew to fuel medivac flights. We made an attempt to resolve some of these issues and hope that this will improve staff availability and reduce or eliminate problems in the future.

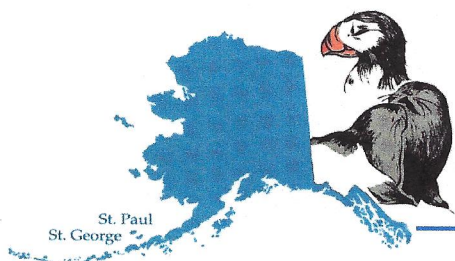
Fire Department

On April 18, 2019, the fire department conducted firefighter training.

On May 1, 2019, the Search and Rescue team conducted a training. The team reviewed the different types of searches and conducted a practice hasty search.

On May 17, 2019, I met with Sara Garcia, the Statewide Fire Training Coordinator for the Alaska State Fire Marshal's office. We discussed the training needs of our volunteer department and the possibility of a rural Firefighter I pilot training project with our volunteers.

The next firefighter training is scheduled for June 6th.



Pribilof School District

St. Paul School

Box 207 λ St. Paul Island λ Alaska 99660

Phone: 907-546-3337

"Student Achievement is the Only Indicator of Success"

To: Phil Zavadil
City Manager

Jacob Mercurief
Mayor City of Saint Paul

From: Brett Agenbroad
Superintendent of Schools
Pribilof School District

Dear Sirs,

It has been brought to my attention that in a recent city council meeting, aired by the school Pribilof School District owned and operated KUHB radio station, curse words generated in the city council meeting went out over the KUHB radio broadcast. As you may or may not be aware, the KUHB Radio Station does not own or operate the equipment required to sensor cursing, all of our broadcasts are truly live transmissions.

A complaint was generated from a St. Paul community member to the FCC regarding the inappropriate language broadcast from the city council meeting over KUHB Radio. The Station Manager was contacted by the FCC regarding this complaint.

While I understand incidents like this have been uncommon, per our long history of broadcasting local city council meetings, at this time and until further notice we will not continue to broadcast local city council meetings.

Respectfully,

Mr. Agenbroad

April 29, 2019

April 29, 2019

Phillip Zavadil
City Manager
P.O. Box 901
Saint Paul, AK 99660

Dear Phillip:

Enclosed is our legal review of the Saint Paul Municipal Code. Our attorney has thoroughly reviewed the code for state and federal constitutional issues and apparent conflicts and recommended action steps and posed questions for the City's consideration.

This legal review is organized to correspond to the arrangement of chapters in the code and includes items that need immediate attention to bring the code into legal compliance and suggested edits for any unclear or incomplete language in the code. Other changes that require legal drafting or a major revision by counsel are also indicated. A single clean-up ordinance may be useful for such changes. Other recommendations are optional; we can make them editorially at any time upon the City's request.

Please note that our attorney's review is not provided as legal practice advice to the City. As codifiers, we are prohibited from making substantive noneditorial changes. Our report is provided as a reference to assist the City in analyzing the code's currency.

Thank you for your assistance in these matters. Please do not hesitate to contact us if you have any questions.

Sincerely,

John Shin, Editor
Code Publishing, LLC

Enclosure: legal review

SAINT PAUL MUNICIPAL CODE

LEGAL REVIEW



Prepared by Code Publishing, LLC
Seattle, Washington
April 2019

City of Saint Paul

Legal Review of Code

Covering all ordinances of a general and permanent nature, and those providing fine, penalty or forfeiture for noncompliance, currently codified in the Saint Paul Municipal Code through Ordinance No. 18-01.

As a general note, we recommend putting the definitions at the beginning of each chapter to make the code more consistent and understandable.

Title 1

GENERAL PROVISIONS

Chapter 1.01

CODE ADOPTION

Suggest including by reference AS 29.25.050 as the statutory authority for codification and adoption of the City code.

Chapter 1.05

GENERAL PROVISIONS

Does the City have an official logo? If so, does the City wish to include an image of the official logo?

1.05.030 City seal.

We suggest the City specify the instances in which the City Clerk will be required to authenticate an action and include “the City Clerk shall have the charge of the seal and shall affix the City seal to all certificates required by law, by this Code, or by ordinance of the City.”

1.05.040 Definitions.

We recommend amending and/or including the following definitions:

“Ordinance” means a law of the City; provided, that a temporary or special law, administrative action, order or directive may be in the form of a resolution.

“Person” includes a corporation, company, partnership, firm, association, organization, business trust, or society, as well as a natural person.

“Publish,” “published,” or “publication” means the posting of public notices in at least three conspicuous public places in the City.

The definition of “voter” incorrectly cites Article IV of the Alaska Constitution. The correct reference is Article V of the Alaska Constitution.

1.05.100 Code of Ordinances.

We suggest including the requirement per AS 29.25.010 that all actions by the Council shall be by ordinance.

Title 2

ADMINISTRATION AND PERSONNEL

Chapter 2.05

BOARDS, COMMITTEES AND COMMISSIONS

Does the City wish to include a section pertaining to the oath of office for all members of a board, committee, or commission as follows?

All municipal officers and City officials shall, before entering upon the duties of their office, individually take an oath, in writing, to honestly, faithfully, and impartially perform and discharge the duties of his or her office and trust. This oath shall be filed in their personnel file.

2.05.010 Definitions.

We recommend including the following definitions:

“Calendar day” means consecutive days succeeding one another in regular order.

“Registration” or “registered” refers to the form of registration required by the state election code and is not disqualified under Article V of the state constitution. For City elections, a person is registered if registered to vote in state elections at an address within the boundaries of the City 30 calendar days prior to the City elections.

2.05.080 Vacancies.

The City has included a conviction for a felony or for an offense involving a violation of the oath of office as a basis for creating a vacancy. There can be misdemeanors, such as theft, that may not rise to the level of a felony, but still reflect upon one’s ability for truthfulness. If the City would like to include these as well, we recommend amending to add this.

Subsection (a)(6) of this section: Does the City wish to amend to provide for excused absences? If so we recommend amending as follows:

Misses three consecutively held meetings unless excused by the board, committee or commission.

Does the City wish to include a maximum number of absences that would create a basis for vacancy? For example, the Council shall declare the seat vacant if the person misses three regular meetings in a calendar year and is not excused.

Chapter 2.15 CITY COUNCIL

2.15.040 Meetings of the Council.

This section is a bit lengthy, and we suggest designating separate sections in the code for regular meetings, special meetings, public notice of meetings, rules of order, and quorum. This would make it easier to follow, and the City could flesh out these issues as well.

Subsection (a) of this section: We suggest including the address for City Hall, and, if feasible, the specific day and time for the regular monthly meetings. For example: "The regular meeting of the City Council shall be held on the second Thursday of each month. Each regular meeting shall be held at City Hall, which is located at ____, and shall begin at 6:30 p.m."

Subsections (b) and (c) of this section: We suggest including a separate section titled "Special Council meetings" and amending as follows:

2.15.XXX Special Council meetings.

(a) Special Council meetings may be held at the place, time, and date set out in the public notice of the special meeting, provided:

(1) The meeting is called by the City Clerk on request of the Mayor, or two Councilmembers; and

(2) Each Councilmember is given at least 24 hours' oral or written notice.

We suggest including what constitutes reasonable effort to notify such as: "Delivery of written notice to the residence and to the place of employment of each Councilmember constitutes a reasonable effort to notify."

We suggest including the requirement that reasonable public notice of the special Council meetings must also be given.

We suggest including a separate section titled "Public notice of meetings" and amending as follows:

2.15.XXX Public notice of meetings.

(a) Reasonable public notice shall be given of all meetings of the City Council and of Committees of the Council.

(b) The notice shall contain the date, time and place of the meeting and a preliminary agenda. The notice shall be posted on the bulletin board at City Hall at least ____ days before the meeting. If the meeting will be teleconferenced to permit the participation of the public or one or more Councilmembers, the location of each teleconference site shall be given in the notice.

Subsection (d) of this section: We suggest including a separate section titled “Executive sessions” as follows:

2.15.XXX Executive sessions.

(a) If permitted subjects are to be discussed by the Council in executive session at a meeting, the meeting must first be convened as a public meeting and the question of holding an executive session to discuss matters that are listed in subsection (b) of this section shall be determined by a vote on a motion to convene in executive session. The motion to convene in executive session must clearly and with specificity describe the subject of the proposed executive session without defeating the purpose of addressing the subject in private. Subjects may not be considered at the executive session except those mentioned in the motion calling for the executive session unless auxiliary to the main subject. Action may not be taken at an executive session, except to give direction to an attorney or labor negotiator regarding the handling of a specific legal matter or pending labor negotiations.

(b) The following subjects may be considered in an executive session:

- (1) Matters the immediate knowledge of which would clearly have an adverse effect upon the finances of the City;
- (2) Subjects that tend to prejudice the reputation and character of any person, provided the person must first be notified of the request for executive session and specifically advised of the right to have a public discussion, and if requested, said person shall obtain a public discussion;
- (3) Matters which by law or ordinance are required to be confidential;
- (4) Matters involving consideration of government records that by law are not subject to public disclosure.

Subsections (e) and (f) of this section: We suggest a separate section pertaining to quorum as follows:

2.15.XXX Quorum

At all meetings of the Council, four members of the Council shall constitute a quorum for the transaction of business. In the absence of a quorum, no action may be taken other than to adjourn the meeting. If a quorum cannot be constituted due to the vacancies of four or more Councilmember seats, the remaining Councilmembers shall constitute a quorum solely for the purpose of declaring the Councilmember positions vacant and designating persons to fill them until the next regular election. Four affirmative votes are required for the passage of an ordinance, resolution or motion.

Subsection (g) of this section: We suggest a separate section for rules of order as follows:

2.15.XXX Rules of Order

Robert’s Rules of Order shall govern the procedures of the Council, except as may be modified by resolution of the Council or as otherwise required by rule, regulation or provision of this code or the laws of the state of Alaska.

Subsection (h) of this section: We suggest using a separate heading “Voting” for this subsection.

Subsection (i) of this section: We suggest using a separate heading “Participating by teleconference.”

Subsection (j) of this section: We suggest using a separate heading, “Conflicts of interest,” for this subsection. We also recommend including a definition for “financial interest” in this subsection.

The exception regarding the Councilmember’s “vote on the question of their compensation for attendance of Council meetings” is unclear.

Subsection (k) of this section: We suggest moving this provision to the section pertaining to Quorum, as suggested above.

Subsection (l) of this section: We suggest moving to a separate section titled “Agenda for regular and special Council meetings.”

We suggest including with specificity the procedures pertaining to the preparation of the meeting agenda, the submission process for agenda items, and when and how agenda packets will be delivered to Councilmembers.

The City has not included any specific rules regarding public participation during regular and special Council meetings. Does the City wish to amend to include this?

2.15.060 Conflict of interest.

This section pertains to only Councilmembers. We recommend creating a separate chapter within the code for conflicts of interest that is applicable to all Councilmembers, City officials, City officers, and City employees.

Subsection (a) of this section: These provisions require the candidate for City Council and Councilmember to disclose “business interests” and sources of income. Suggest editing “business interest” to “financial interests” as it is this term that is included in the definitions section. We also recommend including a definition for “sources of income.”

Subsection (b) of this section, Exemptions: In addition to legally privileged professional relationships, does the City wish to include an exemption for other professionals whose services to clients are normally considered to be confidential, such as medical professionals?

The City has not included any specific rules regarding disciplinary proceedings for conflicts of interest or ethics violations. We suggest the City address how violations of the conflicts of interest and ethics rules will be investigated, the applicable evidentiary rules and standard of proof, what sanctions and remedies are applicable, and settlement procedures.

Chapter 2.20

OFFICERS

We suggest including the following definitions:

“Business day” means the days the City’s administrative offices are open to provide general services to the public, excluding weekends and holidays.

“Calendar day” means consecutive days succeeding one another in regular order.

“Qualified voter” means any voter who has the qualifications required by this title and is not disqualified under Article V of the Alaska State Constitution.

“Registration” or “registered” refers to the form of registration required by the state election code. For City elections, a person is registered if registered to vote in state elections at an address within the boundaries of the City 30 calendar days prior to the City elections.

Title 3 ELECTIONS

Chapter 3.05 ELECTIONS

3.05.020 Special City elections.

We suggest including a provision regarding the time for special elections as required by AS 29.26.170 and 29.26.180. The City Clerk shall submit the matter to the voters at the next regular election or, if already scheduled, special election occurring at least 60 days after certification of the petition. If no election is scheduled to occur within 75 days after certification of the petition, the City may by ordinance order a special election to be held on the matter before the next election that is already scheduled, but not sooner than 60 days after certification of the petition.

3.05.060 Notice of election.

We suggest including additional details in the notice of election as follows: (1) the type of election: regular or special; (2) the hours the polling places shall be open; (3) the offices to which the candidates are to be elected and the subjects of propositions and questions to be voted upon; (4) instructions for absentee voting; and (5) notification that anyone needing special assistance in casting their vote due to a disability or bilingual need shall contact the Clerk at least 24 hours before the time of casting their ballot.

Title 4

REVENUE AND FINANCE

Chapter 4.05

CITY MONIES

Either in this chapter, or a chapter or section the City deems appropriate, the City should provide the procedures and guidelines for the preparation and adoption of the City budget. While the budget is mentioned throughout the code, it is never explained in detail. We suggest including rules and the procedures for the preparation of the City's operating budget estimate and revenue estimate, a public hearing on the budget estimate, budget adoption and amendment, budget appropriations and control.

Chapter 4.15

PURCHASING

4.15.040 Exceptions to competitive bidding and/or price quotes.

The term "emergency" as defined in this section is overly vague. We recommend the City amend and use a more specific definition as follows:

For purposes of this section, an "emergency" is defined as the occurrence or imminent threat of widespread or severe damage, injury, loss of life or property, or shortage of food, water, or fuel resulting from:

- (a) An incident such as a storm, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, avalanche, snowstorm, prolonged extreme cold, drought, fire, flood, epidemic, explosion or riot;
- (b) The release of oil or a hazardous substance if the release requires prompt action to avert environmental danger or mitigate environmental damage;
- (c) Equipment failure if the failure is not a predictably frequent or recurring event or preventable by adequate equipment maintenance or operation;
- (d) Enemy or terrorist attack or a credible threat of imminent enemy or terrorist attack in or against the state that the Adjutant General of the Department of Military and Veterans Affairs or a designee of the Adjutant General, in consultation with the Commissioner of Public Safety or a designee of the Commissioner of Public Safety, certifies to the Governor has a high probability of occurring in the near future (the certification must meet the standards set out in AS 26.20.200); or

(e) An outbreak of disease or a credible threat of an imminent outbreak of disease that the Commissioner of Health and Social Services or a designee of the Commissioner of Health and Social Services certifies to the Governor has a high probability of occurring in the near future. The certification must be based on specific information received from local, state, federal or international agency or other source that the Commissioner or the designee determines is reliable.

Chapter 4.25

SALES TAX

4.25.010 Definitions.

We recommend the City including a specific definition for “personal property” instead of using a general reference to the state statutes and common law.

The definition for “sale” means any transfer of title or possession, or both, or exchange or barter in any manner or any means whatsoever of property for consideration. We suggest clarifying the term property in this definition to include personal property (whether tangible or intangible). We also recommended specifically including every sale or exchange of services.

We suggest including a definition for “services.”

4.25.050 Exemptions from sales tax.

Does the City wish to exempt real estate sales? If so, we suggest amending to include the specific exemption.

Per AS 29.45.700(d) through (g), we suggest the City also include specific exemptions for purchases made with food coupons or food stamps, the sales or transfers of refined fuel, and construction contracts awarded by the state or a state agency.

4.25.130 Protest of tax and application for refund.

For the purpose of ascertaining whether claimed exemptions are correct, does the City wish to grant the Advisory Committee the right to hold investigations and hearings, examine books and records, and require the relevant parties to appear at such hearings?

4.25.180 Failure to comply with chapter.

Does the City wish to include specific penalty amounts or levels of offense for violations of the various provisions in this chapter? For example, the City may want to assess different penalty amounts for failure to register for a certificate, failure to file a return, falsification or misrepresentation of records, and refusal to allow inspection.

Per AS 29.45.650(e) we suggest the City include a provision regarding the creation, recording, and notice of a lien on personal property to secure payment of taxes, penalties and administration costs in the event of delinquency.

Title 8 PUBLIC SAFETY

Chapter 8.10

EMERGENCY PREPAREDNESS AND EMERGENCY MANAGEMENT

8.10.050 No governmental or private liability.

The City should clarify and include a reference to AS 09.65.090 and 09.65.091 regarding immunity from civil liability for emergency aid and responding to disaster. These statutory provisions do not preclude liability civil damages as a result of gross negligence, or reckless and/or intentional misconduct.

Title 9 CITY OFFENSES

Chapter 9.05 CITY OFFENSES

9.05.030 Disorderly conduct.

Subsections (b) and (d) of this section: We suggest the City include within this section definitions for “excessive noise” and “disturbance.”

The provisions as written may be challenged on the grounds of vagueness and overbreadth. The City may wish to refer to AS 11.61.110 for statutory provisions on disorderly conduct and include an emphasis on the intent of the actor to disturb the peace and privacy of others.

9.05.060 Reckless use of firearms.

Does the City wish to include an exception for municipal, state, and federal law enforcement officers who discharge firearms in the performance of their duties, or to a person firing such in justifiable defense of himself or others or of property, or otherwise in accordance with law, or to a person who fires such firearm at authorized firing ranges?

Title 18

PLANNING, ZONING AND CONSTRUCTION

Chapter 18.10

PLANNING AND ZONING COMMISSION

18.10.070 Public hearing process for Planning and Zoning Commission meetings.

Subsection (a)(1)(ii) of this section: Suggest the City amend to require the City to post at least two copies of such notice in a public and conspicuous place. Does the City wish to designate the places where such notice will be posted, such as the bulletin board at City Hall or at the Post Office?

18.10.080 Right to appeal decision of Planning and Zoning Commission or Zoning Administrator.

We suggest the City include rules and procedures pertaining to the appeals process, including evidentiary rules, standards of review, notice of public hearing, and remedies available to the Hearing Officer.

We also suggest the City include the right to further appeal a decision of the Hearing Officer to the state superior court per AS 29.40.060.

Chapter 18.25

ZONING

18.25.090 Conditional uses.

Does the City wish to provide the opportunity for a public hearing before the Planning Commission? If so, suggest the City include the rules and procedures for such a hearing and the Planning Commission's review and decision-making process.

Subsection (e) of this section: Suggest the City include the procedures as to how and when notice shall be delivered.

Subsection (i) of this section: Does the City wish to allow the opportunity for an applicant to make a request for an extension of a conditional use permit prior to the lapse of approval?

Chapter 18.30

ADMINISTRATION AND ENFORCEMENT

18.30.020 Amendments to zoning map, this chapter or Chapter 18.05 or 18.25 SPMC.

We suggest the City include how and when notice of the hearing will be provided to the public and all interested parties.

Does the City wish to allow the opportunity for an applicant to make a request for an extension of a conditional use permit prior to the lapse of approval?

18.30.030 Variances.

Subsection (g) of this section: Does the City wish to also provide a copy of the Zoning Administrator's decision to each person who owns or has an interest in the property or interested parties who appeared and testified during the hearing?

Subsection (i) of this section: Does the City wish to allow the opportunity for an applicant to make a request for an extension of a variance prior to the lapse of approval?

Penalty Fee Reference Guide

This is a list of Saint Paul Municipal Code monetary penalties for ease of reference should the City wish to compare them to actual penalties being assessed. Penalties listed in noncodified fee schedules are not included.

Penalty Fee Reference Guide		
Code Section	Subject Matter	Fine
4.25.070(d)	Sales tax – Certificate of registration	Up to \$300.00 for failure to initially apply for certificate and up to \$300.00 per day for each day of operation thereafter
4.25.100(a)	Sales tax – Delinquent payment	Five percent of delinquent amount each month or fraction thereof during period unpaid; 15 percent interest per annum
8.10.040	Emergency preparedness and management	Up to \$1,000 for violation of provisions
9.05.020	City offenses	Level I: Up to \$300.00 and after 48 hours from citation each day of continuance considered a new offense Level II: \$100.00 for first violation; \$200.00 for second conviction within two years; \$300.00 for third conviction within three years Level III: \$50.00 for first violation; \$100.00 for second conviction within one year; fines increasing in \$50.00 increments for each following conviction within five years up to maximum of \$300.00

Penalty Fee Reference Guide

Code Section	Subject Matter	Fine
10.10.010	Motor vehicles and traffic safety	Up to \$300.00 for violation of section
13.10.050	Sewer utility – Unauthorized connections	Penalties provided by law plus sewer service bill and City’s costs
13.10.060	Sewer utility – Delinquent accounts	Five percent of outstanding balance plus collection and/or attorney costs
13.15.050	Water utility – Unauthorized connections	Penalties provided by law plus water service bill and City’s costs
13.15.060	Water utility – Delinquent accounts	Five percent of outstanding balance plus collection and/or attorney costs
13.20.070	Solid waste disposal – Illegal dumping	\$330.00 minimum
13.20.090	Solid waste disposal	Penalties as set forth in 9.05.020 for violation of chapter
14.15.020	Harbor rules – Reckless operation	Up to \$1,000 together with costs of prosecution
14.20.460	Harbor operational plan – Safe condition of vessel	Provisions of code defining offenses and prescribing penalties applicable for violation of harbor regulations
14.30.050	Boat harbor facilities – Impoundment	Up to \$500.00 for violation of chapter together with costs of prosecution

Penalty Fee Reference Guide

Code Section	Subject Matter	Fine
18.15.060	Land use permits and construction standards	Up to three times permit fee for failure to obtain permit at least 24 hours prior to use, plus costs of restoration; up to five times permit fee for failure to comply with condition imposed in permit, each day a separate violation, plus costs of restoration

Administrative Fee Reference Guide

This is a list of Saint Paul Municipal Code administrative fees for ease of reference should the City wish to compare them to actual fees being charged. Fees listed in noncodified fee schedules are not included.

Administrative Fee Reference Guide		
Code Section	Subject Matter	Fee(s)
4.15.080	Purchasing – Protest	\$800.00, which shall be returned if protest is successful
4.20.100	Disposition of City property – Costs of sale or lease	All fees and costs associated with sale or lease
4.25.070	Sales tax – Certificate of registration	\$40.00 application fee
5.10.030	Sale of fireworks	\$500.00 permit fee every two years
10.10.010	Motor vehicles and traffic safety	\$5.00 permit fee
11.05.030	Public Works Department	Water and sewer utilities rates per schedule in section
13.05.080	Electric utility – Reconnection charge	Unspecified amount
13.05.090	Electric utility – Special services	Actual cost of service

Administrative Fee Reference Guide

Code Section	Subject Matter	Fee(s)
13.10.120	Sewer utility	Special services: actual cost plus 10 percent administrative overhead Fees and special charges – Nonrecurring, Service charges and Special accounts: per amounts listed in subsections
13.15.140	Water utility	Special services: actual cost plus 10 percent administrative overhead Fees and special charges – Nonrecurring, Service charges and Special contracts: per amounts listed in subsections

13.20.070**Solid waste disposal and sanitation**

Basic monthly residential charge:
\$33.00 monthly rate for regular containers;
\$44.00 monthly rate for oversized containers;
additional fee for construction of bin may be assessed

Extra bag/box charge:
\$2.20 for each additional bag or box up to 32 gallons, plus additional charge for garbage that does not fit in container

Extra pickup: \$55.00 for each one-half hour required for pickup, minimum \$55.00 charge; Special services: quoted at customer's request

Dumpster/Container with Uncompacted Refuse, Year-Round Customers;
Dumpsters/Dropboxes with Uncompacted Refuse, Transient/Seasonal Customers; Compacted Refuse; Residential Special Handling; Commercial Special Handling: per Schedules A, B, C, D and E in section

Administrative Fee Reference Guide

Code Section	Subject Matter	Fee(s)
14.25.030	Boat harbor facilities – Mooring facilities reservation fee for occupied boats	Regular mooring fee plus an unspecified amount per month
14.30.020	Boat harbor facilities – Impounded and auctioned boats	\$10.00 per day storage fee in addition to dry land storage fee, if applicable, and haul out fee

Securities/Guarantees Reference Guide

This is a list of Saint Paul Municipal Code securities and guarantees for ease of reference should the City wish to review them. Securities and guarantees listed in noncodified fee schedules are not included.

Securities/Guarantees Reference Guide		
Code Section	Subject Matter	Requirements
13.05.050	Electric utility – Establishment of credit	Deposit in minimum amount equal to one billing period as security may be required
13.10.060	Sewer utility – Establishment of credit	Two months' anticipated charges deposit as security may be required
13.10.080	Sewer utility – Service connections and extensions	Two-year guarantee secured by bond or deposit sufficient to cover possible damages or liability to City
13.10.100(d)(3) and (4)	Sewer utility – Extensions of service	Performance and payment bond in principal amount equal to estimated cost of construction to assure completion free of all liens; two-year warranty for workmanship and materials followed by bond in principal amount equal to 10 percent of actual construction cost
13.15.060	Water utility – Establishment of credit	Two months' anticipated charges deposit as security may be required

Securities/Guarantees Reference Guide

Code Section	Subject Matter	Requirements
13.15.090(b) and (d)	Water utility – Service connections and extensions	Connection permits: deposit to secure payment of costs of service connection in case of connections larger than two inches in addition to deposits required as security for monthly charges Governmental permits: two-year guarantee secured by bond or deposit sufficient to cover possible damages or liabilities
13.15.120(d)(3) and (4)	Water utility – Extensions of service	Performance and payment bond in principal amount to equal estimated cost of construction to assure completion free of all liens; two-year warranty for workmanship and materials followed by bond in principal amount equal to 10 percent of actual construction cost
18.15.030	Land use permits and construction standards – Public place or public property use permit	Performance bond at City Manager's discretion
18.25.090	Zoning – Conditional uses	Bond or other surety or collateral to ensure completion at Zoning Administrator's discretion

Premium History

COVERAGE	7/1/11 – 12	7/1/12 – 13	7/1/13 – 14	7/1/14 – 15	7/1/15 – 16	7/1/16 - 17	7/1/17 – 18	7/1/18 – 19	7/1/19 – 20	
Property	\$ 41,766	\$57,061	\$60,465	\$55,732	\$77,006	\$83,477	\$107,679	\$114,534	\$139,632	+21.9%
EQ Flood				\$6,463	\$9,478	\$10,539	\$12,989	\$12,992	\$14,496	+12%
Boiler & Machinery	Included	Included	Included	Included	Included	Included	Included	Included	Included	
Municipality Liability	\$ 16,095	\$18,496	\$17,566	\$18,060	\$18,626	\$16,931	\$19,289	\$24,741	\$55,161	+223%
Commercial Automobile	\$ 16,194	\$18,507	\$20,986	\$21,271	\$21,884	\$22,960	\$26,656	\$28,473	\$27,190	-5%
Workers' Compensation & Employers Liability	\$ 32,938	\$50,099	\$62,281	\$68,271	\$75,023	\$67,809	\$43,556	\$27,549	\$40,082	+145%
Volunteer Accident	Included	Included	Included	Included	Included	Included	Included	Included	Incl	
Crime	Included	Included	Included	Included	Included	Included	Included	Included	Incl	
Cyber	N/A	Included	Included	Included	Included	Included	Included	Included	Incl	
Member Dividend	(\$20,690)	(\$3,930)	(\$4,909)	(\$4,838)	(\$3,870)	(\$5,100)	(\$3,477)	(\$3,515)	(\$4,148)	
APEI Sub-Total:	\$86,303	\$140,233	\$156,389	\$158,496	\$188,669	\$186,077	\$193,703	\$191,782	\$272,412	
H & M / P & I	\$ 2,150	\$ 2,150	\$ 2,150	\$2,150	\$2,150	\$2,150	\$2,150	\$2,150	N/R	
Marine General Liability/U.S. Oil Pollution	\$ 22,000	\$ 22,000	\$ 22,000	\$ 22,000	\$22,000	\$21,000	\$21,000	\$21,000		
Broker Fee	\$ 25,000	\$ 25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000		
TOTAL NET PREMIUM AND BROKER FEE	\$135,453	\$189,383	\$205,539	\$207,646	\$237,819	\$234,227	\$241,853	\$239,932		