



City of Gustavus
P.O. Box 1
Gustavus, AK 99826
Phone: (907) 697-2451

COUNCIL PACKET
APRIL 12, 2012 General Meeting



CITY COUNCIL MEETING AGENDA
GENERAL MEETING
APRIL 12, 2012 - THURSDAY
7:00PM @ CITY HALL

Karen Taylor

Mayor

mayor@gustavus-ak.gov

Mayor Term Expires 2012

Council Seat Term Expires 2012

Lou Cacioppo

Vice Mayor

lou.cacioppo@gustavus-ak.gov

Vice Mayor Term Expires 2012

Council Seat Term Expires 2013

Noël Farevaag

Council Member

noel.farevaag@gustavus-ak.gov

Term Expires 2014

Melanie Lesh

Council Member

melanie.lesh@gustavus-ak.gov

Term Expires 2012

Jim Mackovjak

Council Member

jim.mackovjak@gustavus-ak.gov

Term Expires 2013

Sandi Marchbanks

Council Member

sandi.marchbanks@gustavus-ak.gov

Appointed Until October 2012

Term Expires 2014

Tim Sunday

Council Member

tim.sunday@gustavus-ak.gov

Term Expires 2012

COUNCIL MEETINGS:

Work Sessions:

1st & 3rd Thursdays

General Meeting:

2nd Thursday

1. Call to Order
2. Roll Call
3. Approval of Minutes:
 - A. March 8, 2012 General Meeting Minutes
4. Mayor's Request for Agenda Changes:
5. Committee Reports: None
6. Public Comment on Non-Agenda Items
7. Consent Agenda:
 - A. FY12-14NCO - Amending GCN Budget - Publish
 - B. FY12-15NCO - Amending DRC Budget - Publish
 - C. FY12-16 - Amending Title 5.80 & 5.90 - Publish
 - D. FY12-17NCO - Amending GVFD Budget - Publish
 - E. Resolution 2012-10 Certified Financial Statement
 - F. FY12-18NCO - Amending Library Budget - Publish
 - G. Authorize Mayor to Sign Amendment 2 - Gustavus Rink Creek Culverts
 - H. Safe Routes to School Grant
8. Ordinance for Public Hearing:
 - A. FY12-13 Title 3
9. Unfinished business:
10. New Business:
 - A. GCN RFP Admin & Maintenance
11. Staff Reports:
12. City Council Reports
 - A. Mayor's report
 - B. City Clerk report
13. City Council Questions and Comments
14. Public Comments on Non-Agenda Items
15. Executive Session
16. Adjournment

NOT YET APPROVED
City Council Minutes
City of Gustavus, Alaska

City Council General Meeting
March 8, 2012

1. Call to Order: A General Meeting of the Gustavus City Council was held on March 8, 2012 at 7:00PM.
Acting Mayor Cacioppo called the meeting to order at 7:00PM.

(Clerk's Note: Council Member Marchbanks affirmed the oath of office.)

2. Roll Call:

Comprising a quorum of the Council the following were present:

Mayor Taylor	-Via Teleconference
Vice Mayor Cacioppo	
Council Member Farevaag	
Council Member Mackovjak	
Council Member Marchbanks	
Council Member Sunday	-Via Teleconference

Council Members not in attendance:

Council Member Lesh	-Absent
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3. Approval of Minutes

A. February 2, 2012

Minutes of the February 2, 2012 Special Meeting were approved by unanimous consent.

B. February 9, 2012

Minutes of the February 9, 2012 General Meeting were approved by unanimous consent.

C. February 21, 2012

Minutes of the February 21, 2012 Special Meeting were approved by unanimous consent.

4. Mayor's Request For Agenda Changes: None

5. Committee Reports: None

6. Public Comment on Non-Agenda Items: None

7. Consent Agenda:

A. Gustavus Community Garden Special Land Permit

B. ~~FY12-13 Title 3 - Publish~~

NOT YET APPROVED
City Council Minutes
City of Gustavus, Alaska

(Clerk's Note: By request of a Council Member agenda item 7B was removed from the Consent Agenda and moved to New Business item 10C.)

Motion:	Council Member Mackovjak moved to adopt the Consent Agenda as amended.
Seconded by:	Council Member Farevaag

ROLL CALL VOTE ON MOTION:
Yes: Cacioppo, Farevaag, Mackovjak, Marchbanks, Sunday, Taylor
No: None
Motion Passes 6/0

8. Ordinances for Public Hearing:

A. FY12-10NCO Amending GVFD Budget

Public Hearing: With no one who wished to be heard the public hearing was closed.

Motion:	Council Member Farevaag moved the City Council adopt FY12-10NCO.
Seconded by:	Council Member Marchbanks

ROLL CALL VOTE ON MOTION:
Yes: Cacioppo, Farevaag, Lesh, Mackovjak, Sunday, Taylor
No: None
Motion Passes 6/0

B. FY12-12NCO Amending Admin Budget – Gustavus Community Center

Public Hearing: With no one who wished to be heard the public hearing was closed.

Motion:	Council Member Farevaag moved the City Council adopt FY12-12NCO.
Seconded by:	Council Member Mackovjak

NOT YET APPROVED
City Council Minutes
City of Gustavus, Alaska

ROLL CALL VOTE ON MOTION:

Yes: Cacioppo, Farevaag, Mackovjak, Marchbanks, Sunday, Taylor
No: None

Motion Passes 6/0

9. Unfinished Business: None

10. New Business:

- A.** Resolution 2012-09 A Resolution by the City of Gustavus in Support of the Transfer of Non-Tax Revenue Community Funds Held in Trust to the Gustavus Community Center.

Public Comment:

Paul Berry

Motion:	Council Member Marchbanks moved that the Council adopt Resolution 2012-09, transferring the non-taxed revenue informally titled the T-Shirt fund from the City to the Gustavus Community Center.
Seconded by:	Council Member Mackovjak

ROLL CALL VOTE ON MOTION:

Yes: Cacioppo, Farevaag, Mackovjak, Marchbanks, Sunday, Taylor
No: None

Motion Passes 6/0

- B.** Authorization of Additional Consulting Fees of Not to Exceed \$1850.00.

Public Comment: None

Motion:	Council Member Marchbanks moved the Council authorize a payment, not to exceed \$1,850.00 to Jim Van Altvorst to continue his review of Title 8, Marine Facilities, as well as the remaining personnel forms and policies.
Seconded by:	Council Member Farevaag

NOT YET APPROVED
City Council Minutes
City of Gustavus, Alaska

ROLL CALL VOTE ON MOTION:

Yes: Cacioppo, Farevaag, Mackovjak, Marchbanks, Sunday, Taylor
No: None

Motion Passes 6/0

C. FY12-13 Title 3 - Publish

Public Comment: None

Motion:	Council Member Mackovjak moved to publish City of Gustavus ordinance FY12-13 Title 3 personnel.
Seconded by:	Council Member Farevaag

Motion to Amend:	Council Member Mackovjak moved to amend Title 3 Personnel 3.08.10 to insert the words "or in writing" to read the aggrieved employee or group of employees shall orally or in writing.
Seconded by:	Council Member Farevaag

ROLL CALL VOTE ON MOTION TO AMEND:

Yes: Cacioppo, Farevaag, Mackovjak
No: Marchbanks, Sunday, Taylor

Motion Defeated 3/3

Motion to Amend:	Council Member Mackovjak moved we amend 3.04.02(d)(2) to read, Employees shall conduct work only within the City of Gustavus, unless an employee is on an authorized business trip or the Mayor or City Council determined that city work can be conducted satisfactorily at another location.
Seconded by:	Council Member Farevaag

ROLL CALL VOTE ON MOTION TO AMEND:

Yes: Farevaag, Mackovjak, Sunday
No: Cacioppo, Marchbanks, Taylor

Motion Defeated 3/3

ROLL CALL VOTE ON MAIN MOTION:

Yes: Cacioppo, Farevaag, Marchbanks, Sunday, Taylor

No: Mackovjak

Motion Passes 5/1

(Clerk's Note: A recess occurred from 7:47 to 7:50PM.)

11. Staff Reports:

1. Paul Berry - DRC

12. City Council Reports

A. Mayor's Report

- City Hall will be closed on March 28th & 29th for meetings.
- Acting Mayor Cacioppo read a congratulations letter from Governor Parnell to Fire Chief Manchester for receiving the Ken Ackerly Leadership Award.

B. City Clerk's Report:

- Annexation update.

13. City Council Questions & Comments

- Council Member Mackovjak discussed a grant application for a bike path.

14. Public Comment on Non-Agenda Items:

- Joe Lassiter

15. Executive Session: None

16. Adjournment:

With no further business before the Council the meeting was adjourned at 8:08PM.

**City of Gustavus, Alaska
Ordinance No. FY12-14NCO**

**AN ORDINANCE FOR THE CITY OF GUSTAVUS PROVIDING FOR THE
AMENDMENT OF THE GUSTAVUS COMMUNITY NETWORK (GCN) BUDGET FOR
FISCAL YEAR 2012**

BE IT ENACTED BY THE GUSTAVUS CITY COUNCIL AS FOLLOWS:

Section 1. Classification. This is a **Non-Code Ordinance**

Section 2. For the Fiscal Year of 2012, estimated expenditures have changed from the estimates in the approved budget.

Section 3. For the current fiscal year the budget is amended to reflect the changed estimates as follows:

Budget Category	Amounts		
	Original Budget	Amended Budget	Change
INCOME			
State CIP Grant	\$235,000	\$72,035	-\$162,965
GCN Income	\$38,911	\$46,683	+\$7,772
GCN Reserves	\$0	\$8,051	+\$8,051
TOTAL INCOME	\$273,911	\$126,769	-\$147,142
EXPENSE			
Bank Charges	\$1,730	\$2,757	+\$1,027
Capital Expenditures	\$5,783	\$2,206	-\$3,577
Contractual Services	\$248,171	\$84,386	-\$163,785
Insurance	\$300	\$0	-\$300
Professional Services	\$0	\$1,800	+\$1,800
Payroll Expenses	\$0	\$1,200	+\$1,200
Postage & Shipping	\$0	\$296	+\$297
Supplies	\$0	\$100	+\$100
Telephone, Broadband, Internet	\$17,135	\$33,231	+\$16,096
TOTAL EXPENSE	\$273,911	\$126,769	-\$147,142

Section 4. The budget is hereby amended as indicated and any portion of the approved budget inconsistent with this amendment is repealed.

Section 5. Effective Date. This ordinance becomes effective upon its adoption by the Gustavus City Council.

DATE INTRODUCED: April 12, 2012

DATE OF PUBLIC HEARING: May 10, 2012

PASSED and APPROVED by the Gustavus City Council this _____ day of
_____, 2012.

Karen Taylor
Mayor

Attest: Kapryce Manchester, MMC
City Clerk

Contact Person: Nathan Borson or Wayne Howell

Budget Narrative

GCN operations have unfolded quite differently than expected when the GCN FY12 budget was formulated a year ago. Operating income and expenses are both higher than anticipated. Now we also know how much of the grant funds added to the budget in September will actually be spent and reimbursed this fiscal year. The GCN Board wishes to amend the budget to accommodate these realities.

- Revenues are projected to be \$7,772 higher than budgeted.
- Operating expenses are projected to be \$15,823 higher than budgeted.
- The operating shortfall of \$8,051 will come from GCN reserves, leaving a reserve balance of \$4,015.
- We project spending \$72,035 on the Gustavus broadband planning project this FY, leaving \$162,965 in grant funds to carry forward to next fiscal year.

Revenue higher than forecast

The original GCN budget predicted sales of \$38,911. However, GCN sales for the fiscal year to date have been 5% *higher* than they were for the same period of FY11, when sales totaled \$48,031. A *conservative* estimate is that sales for the remainder of FY12 will be 15% *lower* than they were in the previous year. One reason for estimating conservatively is that we have lost some customers to the new ACS 3G wireless Internet service. We conservatively project total sales in FY12 of \$46,683, 3% lower overall than in FY11 but **\$7,772 higher** than in the original FY12 GCN budget.

GCN Net Sales	Jul-Feb	Mar-Jun	Total
FY11 Actual	\$28,868	\$19,164	\$48,031
FY12 Actual	\$30,394		
FY12 Projected		\$16,289	\$46,683
FY12 vs. FY11	105%	85%	97%

Actual and projected GCN Net Sales for FY11 and FY12. Source for actuals: Freeside billing system

Expenses higher than forecast

Events have transpired much differently than expected when the GCN FY11 budget was formulated a year ago.

- Gustavus Communications Tower was not built in FY11, nor will it be built in FY12. Therefore our local phone utility bill is higher than forecast.
- Switching Internet providers took place this year instead of FY11 and took much longer (therefore cost much more) than expected.

Cutover to new upstream Internet access provider

Good news: we have completed our cutover from AT&T to GCI and are now saving \$525/month compared to what our Internet backhaul cost in FY11.

Bad news: The new service still costs \$100 more than we expected based on an unsolicited quote from a vendor who never responded to our formal RFQ.

Worse news: The cutover cost \$11,542. It will take 22 months to recover this cost with the savings on the new circuit. None of this cost was budgeted because a year ago we expected the cutover and the related cost to occur in FY11. The cost was also more than double what it should have been because of a prolonged cutover during which we were paying both AT&T and GCI. About half of the delay was due to a malfunctioning new GCI circuit that proved extremely challenging for them to troubleshoot (the problem was finally traced to a part in an AT&T facility; GCI leases circuits from AT&T and ACS to deliver Internet service to GCN). The other half of the delay was slow performance on Corvid Computing's part, partly due to delays in installation of the new statewide OWL network at the Gustavus Public Library.

Other expenses

- **Bank charges** (credit card processing fees) are higher than expected because revenues are higher than forecast and because we have not yet completed a planned transition to lower-cost merchant services.
- **Capital expenditures** are lower because equipment budgeted for installation on the Gustavus Communications tower is not needed this FY.
- **Contractual services** are lower overall because broadband planning expenditures will take place mostly next year. Non-broadband planning contractual services are higher because revenues are higher and contractor Corvid Computing is paid a percentage of those revenues.
- **Insurance** is not needed because the tower is not being built this FY.
- **Professional services** (city attorney), **payroll expenses** (city clerk), **postage & shipping**, and **supplies** are all being added to the budget in support of the broadband planning project. These funds will be reimbursed from the state CIP grant.
- **Telephone, broadband, Internet** expense is higher mainly because of the Internet backhaul cutover discussed above. However, the ACS bill is also higher than budgeted because the tower has not been built so instead of disconnecting a circuit to City Hall that costs us \$84/month, we must order another to serve the airport area (we can no longer serve them from the AT&T tower now that we are discontinuing our AT&T Internet service).

**City of Gustavus, Alaska
Ordinance No. FY12-15NCO**

**AN ORDINANCE FOR THE CITY OF GUSTAVUS PROVIDING FOR THE AMENDMENT OF
THE DISPOSAL & RECYCLING CENTER (DRC) BUDGET FOR FISCAL YEAR 2012**

BE IT ENACTED BY THE GUSTAVUS CITY COUNCIL AS FOLLOWS:

Section 1. Classification. This is a **Non-Code Ordinance**

Section 2. For the Fiscal Year of 2012 estimated income and expenditures have changed from the estimates in the approved budget.

Section 3. For the current fiscal year the budget is amended to reflect the changed estimates as follows:

Budget Category	Amounts		
	Original Budget	Amended Budget	Change
INCOME			
Donations	\$ 0.00	\$ 500.00	+\$ 500.00
TOTAL	\$ 84,884.00	\$ 85,384.00	+\$ 500.00
EXPENSE			
Contractual Services	\$ 1,000.00	\$ 1,300.00	+\$ 300.00
Freight	\$ 10,000.00	\$ 10,200.00	+\$ 200.00
TOTAL	\$ 84,884.00	\$ 85,384.00	+\$ 500.00

Section 4. The budget is hereby amended as indicated and any portion of the approved budget inconsistent with this amendment is repealed.

Section 5. Effective Date. This ordinance becomes effective upon its adoption by the Gustavus City Council.

DATE INTRODUCED: April 12th, 2012

DATE OF PUBLIC HEARING: May 10th, 2012

PASSED and APPROVED by the Gustavus City Council this ____ day of _____, 2012.

Karen Colligan-Taylor
Mayor

Attest: Kapryce Manchester, MMC
City Clerk

**City of Gustavus, Alaska
Ordinance No. FY12-16**

**AN ORDINANCE FOR THE CITY OF GUSTAVUS PROVIDING FOR THE AMENDMENT OF
CITY ORDINANCE 5.80 and 5.90**

BE IT ENACTED BY THE GUSTAVUS CITY COUNCIL AS FOLLOWS:

- Section 1.** This ordinance is of general and permanent nature and shall become a part of the City of Gustavus Municipal Code.
- Section 2. Severability** If any provisions of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and its application to other persons, or circumstances shall not be affected thereby.
- Section 3. Enactment** Now therefore, be it enacted by the Gustavus City Council that Title 5 Section 5.80 and 5.90 be amended, as follows. **Bolded and underlined** items are additions, and ~~strikethroughs~~ are deletions.

~~Chapter 5.80 Reserved (Advisory Vote Ballot Questions)~~

~~Chapter 5.90 Election Pamphlets~~

~~Section 5.90.010 Purpose~~

~~Section 5.90.020 Contents~~

~~Section 5.90.030 Reserved (Candidate Material)~~

~~Section 5.90.040 Propositions~~

~~Section 5.90.050 Reserved (Advisory Question(s))~~

~~Section 5.90.060 Pro and Con Statements~~

~~Section 5.90.070 Distribution~~

~~Section 5.90.080 Cost~~

~~Chapter 5.90 Election Pamphlets~~

~~Section 5.90.010 Purpose~~

~~The purpose of this ordinance is to enable the Council to distribute to the public information about initiatives, referendums, recalls, and propositions prior to each general election or special election.~~

~~Section 5.90.020 Contents~~

~~The contents of each election pamphlet shall be, in order:~~

- ~~a. An introduction stating that this is an election pamphlet for the City of Gustavus as provided under this chapter (CoG 5.90).~~

- ~~b. The date, time for opening and closing polls and location of polling place(s) for the general or special election. (CoG 5.30.010)~~
- ~~c. Propositions, which shall consist of:~~
 - ~~1. The proposition as it will appear on the ballot;~~
 - ~~2. A description of the proposition;~~
 - ~~3. A statement in support (pro) for each ballot proposition;~~
 - ~~4. A statement in opposition (con) for each ballot proposition.~~
- ~~d. The following statement shall be printed in *italics* after the pro and con statements: “The statement in support and the statement in opposition printed on this page are the opinion of the author(s) and are presented as submitted to the City Clerk.”~~

~~Section 5.90.030 Reserved (Candidate Material)~~

~~Section 5.90.040 Propositions~~

~~For each citizen initiative or citizen referendum appearing on the ballot of an election, the election pamphlet shall contain~~

- ~~a. the full text of the proposed ordinance as it will appear on the ballot. The pamphlet may contain a summary of the proposition as adopted by motion of the City Council.~~
- ~~b. For each City Council ordinance requiring an affirmative vote of the qualified voters of the city to enact, the City Council shall include in the election pamphlet the following:~~
 - ~~1. The full text of the proposition as it will appear on the ballot;~~
 - ~~2. A summary of the proposition prepared by the City Clerk or any member of the council as assigned by the Mayor.~~

~~Section 5.90.050 Reserved (Advisory Question(s))~~

~~Section 5.90.060 Pro and Con Statements~~

- ~~a. Statements pro and con that advocate voter approval or rejection of the proposition are not to exceed 200 words each.~~
 - ~~1. For a voter referendum or initiative petition: the pro statement shall be provided by the petition sponsor; the con statement shall be provided by a member of the council selected by motion, at a meeting of the City Council.~~
 - ~~2. For an ordinance brought forth by the council requiring voter ratification, a member of the council, assigned by the Mayor, shall prepare the pro statement. The council shall seek to have a con statement prepared by a member of the public. At the same meeting that the ordinance requiring voter ratification is published, the council shall, by motion, adopt an announcement for immediate posting stating that the council is asking that any qualified voter may submit to the council a statement in opposition to~~

~~the proposition to be included in the election pamphlet. If more than one statement is received then one statement shall be randomly selected from all qualified submissions. Submissions considered offensive, slanderous to an individual or that contain no language relevant to the proposition may be discarded.~~

- ~~b. Pro and con statements shall be followed by the author(s) name in *italics*. Statements submitted anonymously shall be rejected.~~
- ~~c. Pro and con statements must be received by the City Clerk at least 30 days prior to the election. If a pro or con statement has not been received before the deadline, the election pamphlet shall contain the statement "No [pro/con] statement was received prior to election pamphlet distribution deadline."~~

~~Section 5.90.070 Distribution~~

- ~~a. The election pamphlets will be compiled by a designee of the Mayor;~~
- ~~b. Election pamphlets may be composed in such a way as to minimize the use of paper by:~~
 - ~~1. Publishing the election pamphlet on the City's web site.~~
 - ~~2. Utilizing a "mail back" post card so that an individual can request by return postal mail or e mail, that a printed election pamphlet be mailed, or e-mailed to them.~~
 - ~~3. Having copies of the election pamphlet available at City Hall.~~
- ~~c. The election pamphlet notice cards shall be sent, via postal mail, at least 30 days prior to the election, to each qualified voter registered within the City of Gustavus;~~
- ~~d. The election pamphlet shall be available on the City's web site at least 30 days prior to the election;~~
- ~~e. Election pamphlets shall be posted in the same locations as election notices (CoG 5.10.060).~~

~~Section 5.90.080 Cost~~

- ~~a. The cost of producing and mailing the election pamphlet shall be borne by the City. The City Council shall ensure sufficient funds are appropriated in each year's operating budget to provide for the production and distribution of the election pamphlet.~~

Section 4. Effective Date. This ordinance becomes effective upon its adoption by the Gustavus City Council.

DATE INTRODUCED: April 12, 2012

DATE OF PUBLIC HEARING: May 10, 2012

PASSED and APPROVED by the Gustavus City Council this ____ day of _____, 2012.

Karen Colligan-Taylor
Mayor

Attest: Kapryce Manchester MMC
City Clerk

City of Gustavus, Alaska
Ordinance No. FY12-17NCO

**AN ORDINANCE FOR THE CITY OF GUSTAVUS PROVIDING FOR THE AMENDMENT OF
GVFD BUDGET FOR FISCAL YEAR 2012**

BE IT ENACTED BY THE GUSTAVUS CITY COUNCIL AS FOLLOWS:

Section 1. Classification. This is a **Non-Code Ordinance**

Section 2. For the Fiscal Year of 2012 estimated expenditures have changed from the estimates in the approved budget.

Section 3. For the current fiscal year the budget is amended to reflect the changed estimates as follows:

Budget Category	Amounts		
	Original Budget	Amended Budget	Change
INCOME			
Donations	\$ 0.00	\$ 375.00	+\$ 375.00
Fundraising	\$ 4,629.00	\$ 6,644.00	+\$ 2,015.00
Grants - SEREMS	\$ 1,000.00	\$ 1,153.00	+\$ 153.00
Grants - ABSN	\$ 0.00	\$ 1,841.00	+\$ 1,841.00
Grants - VFA	\$ 4,450.00	\$ 5,750.00	+\$ 1,300.00
Municipal Energy Grant Reserve	\$ 7,500.00	\$ 10,000.00	+\$ 2,500.00
EXPENSE			
Capital Expense	\$ 101,500.00	\$ 68,847.92	-\$32,652.08
Contractual Services	\$ 500.00	\$ 139.00	-\$ 361.00
Dues & Fees	\$ 500.00	\$ 1,010.00	+\$ 510.00
Equipment	\$ 44,670.00	\$ 46,293.00	+\$ 1623.00
Fundraising Expense	\$ 2,000.00	\$ 4,015.00	+\$ 2,015.00
Insurance	\$ 8,000.00	\$ 6,500.00	-\$ 1,500.00
Maintenance & Repairs	\$ 500.00	\$ 2,341.00	+\$ 1,841.00
Payroll	\$ 82,654.00	\$ 115,306.08	+\$32,652.08
Professional Services	\$ 300.00	\$ 160.00	-\$ 140.00
Supplies EMS	\$ 12,000.00	\$ 14,576.00	+\$ 2,351.00
Supplies Fire	\$ 1,000.00	\$ 618.00	-\$ 382.00
Supplies General	\$ 500.00	\$ 0.00	-\$ 500.00
Supplies Office	\$ 500.00	\$ 206.00	-\$ 294.00
Travel	\$ 1,170.00	\$ 1,691.00	+\$ 521.00
Utilities	\$ 7,500.00	\$ 10,000.00	+\$ 2,500.00

Section 4. The budget is hereby amended as indicated and any portion of the approved budget inconsistent with this amendment is repealed.

Section 5. Effective Date. This ordinance becomes effective upon its adoption by the Gustavus City Council.

DATE INTRODUCED: April 12, 2012
DATE OF PUBLIC HEARING: May 10, 2012

PASSED and APPROVED by the Gustavus City Council this _____ day of _____, 2012.

Karen Colligan-Taylor
Mayor

Attest: Kapryce Manchester, MMC
City Clerk

**CITY OF GUSTAVUS ALASKA
RESOLUTION 2012-10**

**A Resolution Certifying the Annual Certified Financial Statement of
Revenues and Authorized Expenditures for the Year Ending June 30,
2011**

WHEREAS, The City of Gustavus, is a recognized second class city; and

WHEREAS, second class cities are required by AS 29.20.640 (a)(2) to submit a Certified Financial Statement of Income and Expenditures or Audit for the year ending June 30, 2010, to the Department of Commerce, Community, and Economic Development;

AND NOW THEREFORE BE IT RESOLVED that the attached CERTIFIED FINANCIAL STATEMENT (or audit) of Gustavus, Alaska for the year ending June 30, 2010, and prepared by Kapryce Manchester, CMC, City Clerk, is true and complete to the best of our knowledge.

PASSED and APPROVED by the Gustavus City Council, this 12th day of April 2012.

Karen Colligan-Taylor, Mayor

Lou Cacioppo, Vice Mayor

Jim Mackovjak, Council Member

Tim Sunday, Council Member

Melanie Lesh, Council Member

Noël Farevaag, Council Member

Sandi Marchbanks, Council Member

Attest: Kapryce Manchester, MMC
City Clerk

City of Gustavus
Profit & Loss
 July 2010 through June 2011

Jul '10 - Jun ...

FY11 - Annual Certified Financial
 Statement of Revenue and Authorized
 Expenditures for the Year Ending

Ordinary Income/Expense	
Income	
Business License Fees	2,400.00
Donations	6,805.33
DRC Income	53,522.58
Facilities Usage Fees	8,995.00
Fisheries Business Tax Paym...	2,375.45
Forest Service Receipt Money	129,434.62
Fundraising	5,248.00
GCN Income	48,071.09
Grants	66,288.13
Gravel Pit Gravel Sales	3,600.00
GVFD- ARFF Income	22,400.00
Interest Income	535.26
Landfill Closure Fund Interest	514.04
Lease Income	13,947.40
Library Income	1,452.28
Payment In Lieu of Taxes	82,133.49
Public Records Request Fee	16.50
Sales Tax Income	238,941.87
Salmon Habitat Res. Proj Inco...	29,400.00
State Revenue Share Liq Lice...	3,350.00
State Revenue Sharing	118,618.00
Tax Exempt Cards	30.00
Unrealized Gain/ Endowment ...	176,641.40
Total Income	1,014,720.44
Gross Profit	1,014,720.44
Expense	
Advertising	3,515.05
Bank Charges	2,667.32
Capital Expense	28,929.19
Contractual Services	21,405.39
Donations Expense	41,050.00
Dues/Fees	2,621.27
Election Expense	463.93
Equipment	11,021.26
Freight	15,129.66
Fundraising Expenses	3,859.30
GVA	16,000.00
Insurance	13,568.74
Library Materials	5,962.04
Maintenance & Repairs	5,280.84
Payroll Expenses	189,976.00
Postage & Shipping	2,604.07
Professional Services	20,734.60
Rink Creek/Wilson Culvert Proj...	55,628.00
Road Maintenance	69,785.00
Snow Plowing	24,004.20
Stipend	2,000.00
Supplies - EMS	1,404.32
Supplies - Fire	1,000.00
Supplies - General	5,970.26
Supplies - Office	3,641.15
Telephone, Internet, Broadband	35,869.64
Training	18,784.95
Travel	9,249.41
Utilities	17,493.56
Total Expense	629,619.15
Net Ordinary Income	385,101.29
Net Income	<u>385,101.29</u>

**City of Gustavus, Alaska
Ordinance No. 2012-18NCO**

**AN ORDINANCE FOR THE CITY OF GUSTAVUS PROVIDING FOR THE AMENDMENT OF
LIBRARY BUDGET FOR FISCAL YEAR 2012**

BE IT ENACTED BY THE GUSTAVUS CITY COUNCIL AS FOLLOWS:

Section 1. Classification. This is a **Non-Code Ordinance**

Section 2. For the Fiscal Year of 2012, estimated expenditures have changed from the estimates in the approved budget.

Section 3. For the current fiscal year the budget is amended to reflect the changed estimates as follows:

Budget Category	Amounts		Change
	Original Budget	Amended Budget	
INCOME			
<i>Donation</i>	\$500.00_____	\$1079.00_____	+\$579.00____
<i>Fundraising</i>	\$2000.00_____	\$705.00_____	-\$1295.00____
<i>Library Income</i>	\$1350.00_____	\$1166.00_____	-\$184.00____
<i>Grants (PLA)</i>	\$6300.00_____	\$6500.00_____	+\$200.00____
<i>Grants (Summer Read)</i>	\$3000.00_____	\$4050.00_____	+\$1050.00____
EXPENSE			
<i>Supplies (SR)</i>	\$0_____	\$200.00_____	+\$200.00____
<i>Payroll (SR)</i>	\$31,530.00____	\$32,380.00_____	+\$850.00____
<i>Contractual</i>	\$3783.00_____	\$3233.00_____	- \$550.00____
<i>Fundraising Expense</i>	\$500.00_____	\$350.00_____	-\$150.00____
<i>Postage & Shipping</i>	\$650.00_____	\$250.00_____	- \$400.00____
<i>Library Materials</i>	\$5378.00_____	\$5778.00_____	+\$400.00____
<i>Freight</i>	\$200.00_____	\$50.00_____	- \$150.00____
<i>Supplies General</i>	\$2000.00_____	\$1850_____	- \$150.00____
<i>Travel</i>	\$2158.00_____	\$1958.00_____	- \$200.00____
<i>Equipment</i>	\$500.00_____	\$1000.00_____	+\$500.00____

Section 4. The budget is hereby amended as indicated and any portion of the approved budget inconsistent with this amendment is repealed.

Section 5. Effective Date. This ordinance becomes effective upon its adoption by the Gustavus City Council.

DATE INTRODUCED:

DATE OF PUBLIC HEARING:

PASSED and APPROVED by the Gustavus City Council this _____ day of
_____, 2012.

Karen Colligan-Taylor
Mayor

Attest: Kapryce Manchester, MMC
City Clerk

Amendment to the existing Memorandum of Agreement (MOA)

Between the

Department of Transportation & Public Facilities and the City of Gustavus

**Design and Construction Services for the Drainage Improvements-Rink Creek Road at the
Gravel Pit Intersection**

DOT&PF Project No. 69353 Amendment Number Two (2)

This agreement is amended as follows.

- A. On page 1, under heading of Agreement add the following:

Agreement

Any amendments to this document must be signed by both parties.

- B. On page 2, replace the paragraphs shown under the heading Period of Performance as follows:

Period of Performance

This MOA will be considered valid until such time that the City or the Department terminates the agreement. Anticipated period of performance (design through construction services) is from the effective date of this agreement to June 31, 2013.

This proposed project will be advertised for construction on or before June 31, 2011. Construction for all work is expected to be completed on or before June 1, 2013.

- C. On page 3, replace the paragraph shown under Contract Personnel as follows:

Contract personnel

The Department's project manager for this project will be Bruce Brunette. The City's authorized representative will be the Mayor, or his/her designee.

The agreement is entered into as amended herein as of the day and year written below:

City of Gustavus

Date

Alaska Department of Transportation &
Public Facilities

Date

"Get Alaska Moving through service and infrastructure."

PLANNING GRANT APPLICATION

ALASKA Safe Routes to School

Alaska Department of Transportation and Public Facilities
s.1404 SAFETEA-LU



Instructions

Submit three complete sets of the application, including all support materials to Safe Routes to School Coordinator, Alaska Department of Transportation and Public Facilities, PO Box 112500, Juneau, Ak 99811-2500. If you have questions, please contact srts@dot.state.ak.us. Or call 907-465-4069. The blank tables provide lines to complete this application by hand. If you are completing this application using a computer, please delete the blank tables so that you can insert paragraphs of information.

Name of Community / School / School District Applying for Planning Grant City of Gustavus	Total Amount of Funding Requested
Contact Name Karen Taylor	Title Mayor
Contact Mailing Address P.O. Box 1 Gustavus, Alaska 99826	Area Code – Telephone Number 907-697-2451
	Contact E-mail Address karen.taylor@gustavus-ak.gov

1. What are the demographics for each school affected by the proposed program or project?

School Name Gustavus School	School Population 54
Estimated Number of Students who currently walk and bike to school (If known) Walk 5 Bike 10	Grades of Students at School K-12
Percentage of students living within two miles of the school approx. 85%	Distance eligibility for riding a bus N/A
Number of students eligible for busing because of hazard situation N/A	Number of children not eligible for busing N/A
Percentage of students eligible for free or reduced cost school meals N/A	

Please provide other demographic information about the community or school that you think would be pertinent.

Gustavus is one of the few communities in Southeast Alaska that are growing. The winter population is about 450, which doubles or triples during the visitor season (May-September). Eight students currently attend the pre-school at Gustavus.

2. What are the current conditions for bicycling and walking in your school area? (Photos may be included that will assist in illustrating the current situation.) Please include information on the following as applicable: What are the obstacles (physical or perceived) to walking and / or bicycling to and from your school? List any documented hazards such as accident data, traffic counts, community and school surveys or audits, speed surveys, and any other factors as appropriate. Show problems on included map as appropriate. Describe any existing activities or conditions at the affected schools that enhance biking or walking to school. These could be engineering changes already undertaken, events, classroom activities, enforcement or other items that make walking and biking easier, safer or a preferred transportation choice.

Gustavus is flat, so bicycling and walking are very easy. The problem with walking or bicycling in the road is the danger posed by inattentive, new-to-Gustavus, and drunk or otherwise impaired drivers. Gustavus is the largest city in Alaska without a law enforcement presence.

3. What local support and/or collaboration exist for the project/activity? Please include information on the following as applicable: Who are your partners? Describe other programs/policies/funding sources that are related to SRTS that are ongoing in the school or community (e.g. Wellness Policy, Physical Activity policies or Green and Healthy Schools certification). Describe how you plan to ensure the continued success of the project or activity.

Gustavus School has a "Girls on the Run" program. Glacier Bay National Park was an "Alternative Transportation Program" that encourages employees to ride bicycles to work in exchange for small compensation. A number of Park Service employees participate in this program. Since the bicycle/pedestrian route is in Alaska Department of Transportation right-of-way, that agency will be a partner in the project.

4. Does the community or school(s) have any policies that either limit or encourage biking and/or walking to school? If so, please list the policies. Does the school or community plan to do anything to change the policies?

Teachers at the Gustavus School encourage students to get to and from school "under their own power."

5. Please list your goals or vision. How will you measure your success? Pre- and post program survey results using the Parent Survey and Student Travel Tally record from the Alaska Safe Routes to School Handbook will be required. Please describe any additional evaluation activities that you will undertake.

Provide a safe, healthful option for student transportation. Given the small size of the school, an evaluation will be simple—counting students who bicycle or walk to school. The benefits of this project will extend beyond the school to all those who reside in and visit Gustavus.

6. Please provide a map of the school and surrounding area within an approximate 2-mile radius. Please note most commonly used routes and improvements in place. Indicate school attendance boundaries

(Signature of Person Submitting Application)

(Date)

(Title of Person Submitting Application)

**CITY OF GUSTAVUS, ALASKA
ORDINANCE FY12-13**

**AN ORDINANCE FOR THE CITY OF GUSTAVUS ADOPTING A MAJOR
REVISION OF TITLE 3, PERSONNEL**

BE IT ENACTED BY THE GUSTAVUS CITY COUNCIL AS FOLLOWS:

- Section 1.** Classification. This ordinance is of general and permanent nature and shall become a part of the City of Gustavus Municipal Code.
- Section 2.** Severability. If any section or subsection of this title shall at any time be determined to be illegal or unenforceable, the remaining provisions shall not be affected thereby and shall remain valid and enforceable to the extent permitted by law.
- Section 3.** Enactment. Now therefore, be it enacted by the Gustavus City Council that this major revision of Title 3 deletes Title 3 in its entirety and adopts a new Title 3 that reads as follows:

TITLE 3

PERSONNEL

Chapters:

Chapter 3.01	General Provisions and Definitions
Chapter 3.02	Basic Employment Provisions
Chapter 3.03	Recruitment Procedures
Chapter 3.04	Employment Status and Records
Chapter 3.05	Employee Benefits
Chapter 3.06	Timekeeping/Payroll
Chapter 3.07	Work Conditions and Hours
Chapter 3.08	Employee Conduct and Work Rules

Chapter 3.01

General Provisions and Definitions

Sections:

- 3.01.01 Statement of Purpose**
- 3.01.02 Definitions**
- 3.01.03 Severability**

3.01.01 Statement of Purpose

(a) It is the purpose of this title to establish a system of personnel administration based on merit and professional methods of recruitment, selection, employment, promotion, transfer, removal, and discipline of employees, and to establish other conditions of employment with the City of Gustavus. Toward that end, the City intends:

- (1) To recruit, select, advance and compensate employees on the basis of merit and relative qualifications, ability, knowledge and skills, including open consideration of qualified applicants for appointment;
- (2) To assure fair treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, national origin, age, sex, religion, marital or veteran status, ancestry, disability or other legally-protected status;
- (3) To provide employment subject to the City's need to accomplish work, availability of funds, and continued effective performance and acceptable conduct of the employees;
- (4) To enable efficient work by all City employees through personnel administration, with systems for assigning employee duties, responsibilities and authority, job-related training, supervision and performance appraisal, appropriate compensation including pay and benefits, and recognition for exceptional service; and
- (5) To inform employees of their rights, benefits and responsibilities.

3.01.02 Definitions

Department: An administrative or functional division of the municipality established by ordinance.

Discharge: The involuntary employment termination initiated by the City.

Employee: A person working for the City for wages or salary in a regular or temporary position.

Exempt Position: Exempt positions are exempt from the minimum wage and overtime provisions of the Fair Labor Standards Act.

Grievance: Any dispute initiated by an employee or a group of employees involving the interpretation, application or alleged violation of any section of this title, except for disputes that are expressly excluded from the grievance procedure.

Layoff: The involuntary employment termination initiated by the City Council for non-disciplinary reasons.

Nonexempt Position: Nonexempt positions are not exempt from the minimum wage and overtime provisions of the Fair Labor Standards Act.
Overtime: Any time worked by a nonexempt employee in excess of forty hours per week.

Position: A group of duties and responsibilities that require the services of an employee on a part-time or full-time basis.

Position Description: A position description (PD) is a structured document assigning work to a given position as it is expected to be performed after customary orientation and training. It identifies the typical duties and responsibilities of the position, including the typical education, training and skills required to perform the typical duties and responsibilities of the position. It also describes how the position relates to other positions within and outside the Department. The PD will describe the permanent duties and responsibilities that are assigned to and performed by the position; however, PDs are not intended to cover every kind of work assignment a position may have. Rather, PDs cover those work assignments which are predominant, permanent and recurring. Position descriptions will be the basis for employee performance evaluations.

Regular Position: A Regular Position is a full-time (40 hours per week, or 2,080 hours per year) or a part-time (less than 40 hours per week, or less than 2,080 hours per year) year-around position in which the employee generally works the same schedule every week. Actual work hours each week may vary with season or with work load. Employees holding Regular Positions may qualify for or access City of Gustavus benefit programs.

Resignation: The voluntary separation from City employment initiated by an employee.

Supervisor: The Mayor, or an employee in a Regular Position whose position description includes specific supervisory duties or who has been assigned supervision of temporary employees for a specific project or function by the Mayor.

Temporary Position: A Temporary Position is one in which an employee is hired as an interim replacement, or to supplement temporarily the work force on a seasonal or other basis, or to assist in the completion of a specific project. Employment assignments in this category are of a limited duration. Employees in temporary positions are not eligible for City of Gustavus benefits programs.

Termination: An involuntary separation by the City of an employee from City employment due to reductions in force due to budgetary considerations; or, an involuntary disciplinary separation by the City of an employee from City employment.

Volunteers: Volunteers are individuals providing services or labor to the City for no compensation and who are not entitled to any pay or benefits. Gustavus Volunteer Fire Department firefighters and emergency medical responders on a current roster are volunteers; however, they may be entitled to workers' compensation insurance coverage.

Workplace: Any premises owned, leased, or otherwise controlled by the City of Gustavus, including, but not limited to, real property, rights of way, easements, facilities, buildings, rooms, vehicles and equipment, used for the performance of City work by City employees.

3.01.03 Severability

If any section or subsection of this title shall at any time be determined to be illegal or unenforceable, the remaining provisions shall not be affected thereby and shall remain valid and enforceable to the extent permitted by law.

Chapter 3.02

Basic Employment Provisions

Sections:

- 3.02.01 At-Will Employment**
- 3.02.02 Equal Employment Opportunity**
- 3.02.03 Hiring of Relatives**
- 3.02.04 Immigration Law Compliance**

3.02.01 At-Will Employment

The City of Gustavus is an “at-will” employer. Accordingly, the City is free to discharge employees with or without cause at any time, and employees are equally free to quit, or otherwise cease work, provided such City or employee action does not violate federal or state law.

3.02.02 Equal Employment Opportunity

(a) In order to provide equal employment and advancement opportunities to all individuals, employment decisions of the City of Gustavus will typically be based on merit, qualifications, and abilities. The City of Gustavus shall not discriminate in employment opportunities or practices on the basis of race, color, religion, sex, national origin, age, disability, or on any other basis that is prohibited by federal, state, or local law.

(b) This policy governs all aspects of employment including selection, job assignment, compensation, discipline, termination, and access to benefits and training.

(c) An employee may not be discharged, threatened or otherwise discriminated against regarding the employee’s compensation, terms, conditions, location, or privileges of employment for reporting suspected or actual discrimination governed by (a) and (b) of this section.

(d) An employee may not be discharged, threatened or otherwise discriminated against regarding the employee’s compensation, terms, conditions, location, or privileges of employment for any reason outlined in Alaska Statute 39.90.100 regarding protection for whistleblowers.

(e) Although employment decisions are typically based on merit, qualifications, and abilities, employment with the City of Gustavus remains at all times at-will employment.

3.02.03 Hiring of Relatives

(a) No persons may be employed in a position supervised by a relative. If an employee and the employee's supervisor should marry or enter a relationship similar to marriage they shall elect which employee may continue with the department and which employee shall terminate or transfer.

(b) For the purpose of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage.

3.02.04 Immigration Law Compliance

(a) The City of Gustavus is committed to employing only United States citizens and aliens who are authorized to work in the United States.

(b) In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility.

Chapter 3.03 Recruitment Procedures

Sections:

- 3.03.01 Position Vacancies and Publicity**
- 3.03.02 Employment Application Form**
- 3.03.03 Certification Statement**

3.03.01 Position Vacancies and Publicity

(a) In order to attract an adequate number of candidates for present or anticipated vacancies and to ensure that present employees are informed of opportunities to apply for vacant positions, the Mayor, or the Mayor's designee, will publish or post notice of position vacancies as follows:

- (1) Position vacancy announcements shall be posted in at least three public places within the City of Gustavus, to include the council chambers, for a minimum of ten days.

(2) At the Mayor's discretion, positions may also be advertised by using any, or any combination of, State or other employment services, or by using any print or electronic media including but not limited to newspapers and relevant professional or trade publications.

(3) All position vacancy notices shall include at least the following:

(A) The position title, employment category, essential responsibilities, job qualifications and requirements, the time, place and manner of completing applications, the application deadline, pay rate or salary range, employment category, and other pertinent information.

(B) Notice that all positions are located within the City of Gustavus and all work will be conducted in the City of Gustavus, unless the employee is on an authorized business or training trip.

(C) An equal opportunity statement.

(b) Publicity for all position vacancies shall be conducted for a sufficient period of time to insure reasonable opportunity for persons to apply and to be considered for employment. Position vacancies shall be formally announced for at least ten working days prior to the closing date for filing applications. The position may remain open until a qualified candidate is found.

3.03.02 Employment Application Form

(a) To ensure consistency and completeness in the application process, all applicants for employment in Regular Positions with the City of Gustavus will fill out the City of Gustavus Employment Application Form, adopted and amended by motion by the City Council.

(b) When posting or otherwise advertising a vacant position, a position description will be attached to the application form.

(c) Application forms shall not elicit any information concerning race, color, religion, sex, national origin, age, disability, or any other information that is prohibited by federal, state, or local law.

(d) Persons who for reasons of physical or mental disability are unable to complete the application in its regular form, may request reasonable accommodation in the application process.

3.03.03 Certification Statement

To be considered for employment, an applicant must include, as part of the applicant's application for employment, a signed and dated certification that states as follows:

I certify that the information I have entered on this form is true and complete to the best of my knowledge. I have read and understand the position description for this job, a copy of which is attached to and made a part of this application. I believe that I am qualified to assume and perform the duties and responsibilities of this position. I understand that if I deliberately conceal or enter false information on this form, that I may be removed from my job; that nothing contained in this employment application or in the granting of an interview is intended to create a contract between me and the City of Gustavus for either employment or the provision of any benefits; that information in this application will become part of the public record; and that for the purpose of this certification, a photocopy of my original signature shall have the same force and effect as my original signature. I hereby authorize the City of Gustavus, or its agents, to contact the references I provided as part of this application in order to obtain additional information relevant to my position-related background, education, skills and abilities. I understand that, prior to making any offer of employment, the City of Gustavus may request my authorization to conduct a confidential background check to obtain additional information relevant to this employment application.

Chapter 3.04 Employment Status and Records

Sections:

- 3.04.01 Employment Categories**
- 3.04.02 Positions Descriptions**
- 3.04.03 Probation Period for Regular Positions**
- 3.04.04 Personnel Files**
- 3.04.05 Employment Reference Checks**
- 3.04.06 Personnel Data Changes**
- 3.04.07 Performance Evaluation of Regular Position Employees**

3.04.01 Employment Categories

The City of Gustavus recognizes the following categories of employment:

(a) NONEXEMPT or EXEMPT. Each position is designated as either nonexempt or exempt from federal and state wage and hour laws. Nonexempt positions are not exempt from the minimum wage and overtime provisions of the Fair Labor Standards Act. Exempt positions are exempt from the minimum wage and overtime provisions of the Fair Labor Standards Act. A position's exempt or nonexempt classification may be changed only upon written notification by the Mayor of the City of Gustavus and after first confirming compliance with federal and state law.

(b) REGULAR or TEMPORARY. In addition to the above categories, each employee will belong to one of the following employment categories:

(1) REGULAR POSITION. A Regular Position is a full-time or a part-time year-around position in which the employee generally works the same schedule every week. Actual work hours each week may vary with season or with work load. Employees holding Regular Positions may qualify for or access City of Gustavus benefit programs. An employee entering a Regular Position for the first time with the City must complete a probationary period, after which the employee may be eligible for the City of Gustavus benefit programs as set forth in the City of Gustavus Benefits Policy, as amended. Completing a probationary period only impacts an employee's eligibility for benefits and does not alter his or her status as an employee at-will.

(A) Regular Full-Time. A Regular Full-Time position is one in which the work required is expected to constitute 40 hours per week, or 2,080 hours per year.

(B) Regular Part-Time. A Regular Part-Time position is one in which the work required is expected to constitute fewer than 40 hours per week, or fewer than 2,080 hours per year.

(2) TEMPORARY POSITION. Employment assignments in this category are of limited duration. A Temporary Position is one in which an employee is hired as an interim replacement, or to supplement temporarily the work force on a seasonal or other basis, or to assist in the completion of a specific project.

Employment beyond the initially stated period, which first must be approved in writing by the Mayor, does not in any way imply a change in employment status. While Temporary employees receive all legally-mandated benefits (such as workers' compensation insurance and Social Security), they are ineligible for all of the other benefit programs offered by the City of Gustavus.

(c) The employment categories set forth in this section do not guarantee employment for any specified period of time. No employee shall have any right to continued employment in any particular position. The City Council may, in its sole and exclusive discretion, eliminate any position for any reason including, but not limited to, lack of work, lack of funds, departmental reorganization, or reassignment of duties.

3.04.02 Position Descriptions

(a) The City of Gustavus will prepare and maintain current position descriptions for all Regular Full-time and Regular Part-time positions to aid in orienting new employees to their jobs, identifying the requirements of each position, establishing appropriate compensation levels and hiring criteria, and setting standards for employee performance evaluations.

(b) The Mayor will prepare, subject to Council approval by motion, position descriptions for all Regular Full-time and Regular Part-time positions.

(c) The Mayor will review all position descriptions at least annually to determine whether they are current and reflect the existing needs of the City. Further, the Mayor will review the position description of any vacant position to determine whether it is current and reflects the existing needs of the City prior to recruiting to fill that vacancy. The Mayor will prepare, subject to Council approval by motion, any revisions to position descriptions.

(d) A position description will include the following:

- (1) Elements of the Position Description
 - Position title
 - Exempt or nonexempt under Fair Labor Standards Act
 - Based at (City department or functional unit)
 - Position reports to
 - Position purpose summary (ideally one sentence)
 - Essential duties and responsibilities
 - Supervisory responsibilities (if any)
 - Hours of work

Required or desired minimum qualifications (education, training, experience, specific abilities or skills, etc.)

Special requirements (licenses, certificates, endorsements, etc.)

Physical demands (including tools used)

Work environment

(A) Description of typical work environment for the position.

(B) The typical location(s) in the City of Gustavus where the work will take place.

(2) Notice

Employees shall conduct City work only within the City of Gustavus, unless an employee is on an authorized business trip.

The examples of duties and responsibilities included in this position description are intended only as illustrations of the various types of work typically performed. The omission of specific statements of duties and responsibilities does not exclude them from the position if the work is similar, related or a logical assignment to the position.

This position description does not constitute an employment agreement between the City of Gustavus and an applicant for the position or an employee holding the position. The position description is subject to change by the City of Gustavus, in its sole discretion, as the needs of the City and requirements of the position change.

3.04.03 Probationary Period for Regular Positions

(a) The probationary period provides new and newly-transferred or promoted employees with an on-the-job orientation and training period. During the probationary period, the Mayor/supervisor will review, guide, direct, provide necessary on-the-job orientation and training, examine, evaluate and monitor the conduct, capacity, efficiency, skill, responsibility, integrity, and effectiveness of the probationary employee to determine whether the employee is fully qualified for employment in the position to which the employee has been appointed.

(b) Length of probationary period.

(1) The probationary period for a Regular Position is typically six calendar months; however, the actual length of the probationary

period shall be set by the Mayor/supervisor in writing at the time of employment and shall be based upon an assessment of the employee's qualifications for and readiness to assume the full duties and responsibilities of the position.

(2) If the Mayor/supervisor determines that the designated probationary period does not allow sufficient time to evaluate thoroughly the employee's performance, the Mayor/supervisor, in his/her sole discretion, may extend the probationary period once, in writing, for a specified period not to exceed three months.

(c) At the conclusion of the initial or the extended probationary period, the Mayor/supervisor will prepare a written evaluation of the employee's performance in the position.

(1) If at any time during the probationary period the Mayor/supervisor determines that the employee does not satisfactorily meet the requirements of the job for any reason, the City may terminate the probationary employee from that position.

(2) If the employee satisfactorily meets the requirements of the job, the Mayor will provide written notice to the employee that the employee has successfully completed the probationary period.

(d) Although the City of Gustavus imposes a probationary period for purposes of training and evaluation, the City remains at all times an "at-will" employer. Accordingly, the City is free to discharge employees with or without cause at any time, during or after the probationary period, and employees are equally free to quit, or otherwise cease work, provided such City or employee action does not violate federal or state law.

3.04.04 Personnel Files

(a) The City of Gustavus will maintain a personnel file on each employee. The personnel file will include such information as the employee's job application form, position description(s), records of training, documentation of performance appraisals and wage adjustments, timesheets and payroll records, and other employment records.

(b) Personnel files are the property of the City of Gustavus and are considered confidential. Accordingly, the City shall restrict access to an employee's personnel file to the Mayor, the employee's direct supervisor,

the employee accessing his or her own personnel file, the City's legal counsel, and the City Clerk. The restriction on access to personnel files does not apply to a proper public information request for the pay rate of employees. The City will comply with court orders that compel the release of information from an employee's personnel file.

(c) With reasonable advance notice, an employee may review and make copies of their own personnel file within City Hall in the presence of the Mayor or the City Clerk.

3.04.05 Employment Reference Checks

The Mayor will respond only to those reference check inquiries that are submitted in writing. The Mayor's response will also be in writing. Unless a written waiver form allowing the release of personnel file information is received from a former employee, responses to such inquiries will confirm only dates of employment, wage rates, and position(s) held.

3.04.06 Personnel Data Changes

It is the responsibility of the employee, including those on leave without pay status, to promptly notify the City of any changes in personal data, such as: Personal mailing addresses, telephone numbers, individuals to be contacted in the event of emergency, educational accomplishments, training certificates, and similar information.

3.04.07 Performance Evaluation of Regular Position Employees

(a) The City will utilize an employee performance evaluation program to assist the City of Gustavus in maintaining the highest quality employees and highest quality performance. The City's employee performance evaluation program will provide for regular and routine evaluation by the Mayor or employee's direct supervisors if other than the Mayor, of employee performance of position duties and responsibilities and to provide a vehicle for communication between employees and their supervisors regarding job performance, including discussion of needs and means for improving work performance. Performance evaluations shall also be considered in decisions affecting merit-based salary or wage increases, promotions, demotions, dismissals, order of layoff, order of reemployment, placement and training needs.

(b) Employees in Regular Positions shall be evaluated by the Mayor, or the employee's immediate supervisor if other than the Mayor. Any

recommendations for bonuses or merit-based salary or wage raises or change of status will be brought before the City Council for consideration in the next budget cycle.

(c) All performance evaluations shall be in writing in a format approved by the City Council, with one copy given to the employee when the supervisor schedules an appointment to discuss the evaluation, and one copy to be placed in the employee's personnel file. Each employee's performance shall be evaluated at the following periods:

(1) Prior to end of probationary period. Each employee appointed to a regular full-time or regular part-time position will be evaluated at least once during the probationary period. The employee must have an overall evaluation of at least "satisfactory" at the conclusion of the probationary period in order to continue employment in a regular position with the City of Gustavus.

(2) Annual. Each employee in a regular full-time or regular part-time position shall receive an annual performance evaluation on or close to their anniversary date of hire or promotion.

(d) The conduct of performance evaluations by the City of Gustavus does not restrict, limit, or otherwise change the at-will employment status of each City of Gustavus employee. Evaluations do not guarantee a cost-of-living adjustment, wage increase, step increase, or bonus of any kind.

(e) Employees who receive an overall rating of "unsatisfactory" on any aspect of their annual or special evaluations may be subject to measures that the City deems necessary or appropriate to ensure that employees meet or exceed standards required for that position. Such measures may include demotion or termination based on an inability to satisfactorily perform the necessary and essential functions of the position.

(f) Performance evaluations shall not be subject to the grievance procedure. However an employee may submit written comments responding to that employee's performance evaluation. Such comments shall be submitted to the evaluating supervisor within five City business days from the date of discussion of the performance evaluation report with the employee. Such comments shall be attached to and included with the performance evaluation in the employee's personnel file.

(g) Special. In addition to an employee's annual performance evaluation, the Mayor or the employee's direct supervisor, if other than the Mayor, may complete a special performance evaluation whenever there is

significant change in the employee's performance, or at any other time for any other reason deemed sufficient by the Mayor or the employee's direct supervisor. Special evaluations are subject to the provisions of sections 3.04.07 (a) through (f).

Chapter 3.05 Employee Benefits

Sections:

3.05.01 City of Gustavus Benefits Policy

3.05.02 Holidays

3.05.01 City of Gustavus Benefits Policy

(a) The City Council shall establish and amend, from time to time, by resolution, a written benefits policy, which shall describe various non-wage compensations that the City provides to employees in addition to normal wages or salaries.

(b) Any change, amendment, or alteration to benefits shall apply to all Regular Position employees upon the effective date of the change, amendment, or alteration, even if an employee was hired before the effective date of the change, amendment or alteration to the benefits.

(c) Written notice will be given to Regular Position employees one month in advance of any change, amendment, or alteration to benefits or to eligibility for benefits.

(d) Hours worked beyond forty hours per week for overtime-eligible employees will not be used to determine benefit status.

3.05.02 Holidays

(a) City of Gustavus workplaces will be closed on the holidays listed below:

New Year's Day	January 1
Presidents' Day	February 21
Memorial Day	last Monday in May
Independence Day	July 4 th

Labor Day	first Monday in September
Thanksgiving	fourth Thursday in November
Day after Thanksgiving	
Christmas	December 25 th

(b) The City of Gustavus will grant paid holiday time off to all eligible employees. Holiday pay will be calculated based on the employee's straight-time pay rate as of the date of the holiday. Paid time off for holidays will not be counted as hours worked for the purposes of determining overtime. Regular Position employees will not receive compensation for a holiday that occurs on a day that the employee is on an unpaid leave of absence.

(c) For city employees whose normal work week is Monday through Friday, if a city-observed holiday falls on a Saturday, the holiday will be observed on the previous Friday, and if a city-observed holiday falls on Sunday, the holiday will be observed the following Monday. For city employees working on Saturday, if the city-observed holiday falls on Saturday, it will be observed on that day. All City workplaces will be closed on Sunday.

Chapter 3.06 Timekeeping/Payroll

Sections:

- 3.06.01 Timekeeping**
- 3.06.02 Overtime (Nonexempt Positions)**
- 3.06.03 Pay Days and Paychecks**
- 3.06.04 Employment Termination**

3.06.01 Timekeeping

(a) Nonexempt employees shall accurately record the time they begin and end their work, as well as the beginning and ending time of each meal period. Employees shall also record the beginning and ending time of any split shift or departure from work for personal reasons.

(b) Altering, falsifying, or tampering with time records may be cause for disciplinary action up to and including termination of employment.

(c) Employees will sign their time records at the end of each pay period to certify the accuracy of all time recorded. Time sheets also may be sent

electronically. The supervisor will review and initial the time record before submitting it for payroll processing. In addition, if corrections or modifications are made to the time record, both the employee and the supervisor must verify the accuracy of the changes by initialing the time record.

3.06.02 Overtime (Nonexempt Positions)

(a) The Mayor or an employee's supervisor may require Regular Position nonexempt full-time employees to work overtime hours if needs cannot be met during regular working hours.

(b) All overtime work must receive the supervisor's prior authorization. The Mayor or immediate supervisor will place a note with the employee's time record documenting the reason for requesting or authorizing overtime work.

(c) Overtime compensation is paid to all nonexempt employees in accordance with federal and state wage and hour requirements. Overtime pay is calculated at one and a half times the employee's regular pay rate. Overtime pay is based on actual hours worked over forty hours per week.

(d) Paid time off will not be considered hours worked when calculating overtime. Hours worked in excess of forty hours per week for overtime eligible employees will not be used to determine or calculate employee benefits.

3.06.03 Pay Days and Paychecks

(a) All employees will be paid monthly by the 4th business day of the following month. Each paycheck will include earnings for all work performed through the end of the monthly pay period.

(b) As, and to the extent required by law, the City will make certain deductions, including but not limited to federal income tax withholding, social security and Medicare taxes, and state unemployment tax, from employee's paychecks.

3.06.04 Employment Termination

Termination of employment may be by resignation, discharge or layoff.

Chapter 3.07 Work Conditions and Hours

Sections:

- 3.07.01 Workplaces and Work Schedules**
- 3.07.02 Rest and Meal Periods**
- 3.07.03 Training**
- 3.07.04 Travel Expenses for Authorized Business or Training**
- 3.07.05 Unpaid Leave**
- 3.07.06 Smoking, Drugs and Alcohol Use**

3.07.01 Workplaces and Work Schedules

City employees shall report to the workplace assigned by the Mayor or their supervisors at the times and on the schedules determined and designated by the Mayor or their supervisors.

3.07.02 Rest and Meal Periods

- (a) Each workday, employees will be provided with two each fifteen-minute rest periods per eight hour work shift. To the extent practical rest periods will be in the middle of work periods. Rest periods are counted and paid as time worked, and employees must not be absent from their workstations beyond the allotted rest period time.
- (b) Supervisors will schedule meal periods to accommodate operating requirements. Employees will be relieved of all active responsibilities and restrictions during meal periods and will not be compensated for the time.

3.07.03 Training

- (a) The City of Gustavus may require an employee to attend a training or other educational program to acquire, refresh, or upgrade skills relevant to their job.
- (b) Employees may request time off or City financial support or both to attend conferences or training workshops sponsored by institutions or professional organizations. The subject matter to be presented must relate directly to the employee's position and must provide a benefit to departmental operations. The above will not preclude an employee from requesting vacation time or leave of absence without pay to attend any conference or training of his/her choice; provided that the City reserves full and absolute discretion to grant or deny such request.

(c) Each employee attending an approved training or other educational program shall submit a written statement stating the benefit of the training to the City and shall provide an itemized estimate of reimbursable out-of-pocket expenses that the employee anticipates incurring to attend the training. In most cases these expenses will be anticipated in the annual work plan and included in the department budget.

(d) The employee's application will be reviewed by the Mayor, who will grant or deny permission for the employee's participation in the conference or training workshop that is paid for by the City or for which the City will approve use of vacation or leave of absence without pay.

3.07.04 Travel Expenses for Authorized Business or Training

(a) The City of Gustavus will reimburse employees for reasonable business travel expenses incurred while on assignments away from the normal work location. All business travel must be approved in advance by the Treasurer or Mayor/Mayor designee.

(b) Arrangements for approved travel will be made by the City Clerk.

(c) When approved, the actual costs of travel, meals, lodging, and other expenses directly related to accomplishing business travel objectives will be reimbursed by the City. Employees are expected to limit expenses to reasonable amounts.

(d) Expenses that generally will be reimbursed include the following:

(1) Fares for air, ferry or train travel in coach or economy class or the lowest available fare;

(2) Car rental fees, only for compact or mid-sized cars;

(3) Fares for shuttle or airport bus service, where available, costs of public transportation for other ground travel;

(4) Taxi fares, only when there is no less-expensive alternative;

(5) Mileage cost for use of personal cars, only when less-expensive transportation is not available;

(6) Cost of standard accommodations in mid-priced hotels, motels, or similar lodgings;

(7) The City will reimburse eligible expenses not to exceed the federal per diem rates applicable at the time of travel.

3.07.05 Unpaid Leave

(a) Unpaid leaves of absence may be granted to Regular Position employees on a case-by-case basis at the discretion of the Mayor. The duration and reason for the absence will be documented in writing and signed by both the Mayor and the employee.

(b) Failure of an employee to return from any leave without pay on or before the designated date without prior notice by the employee and approval by the Mayor may be considered cause for termination and the denial of reemployment with the City.

(c) An employee on an unpaid leave of absence is not eligible for holiday pay and will not accrue paid-time-off during the period of unpaid leave.

3.07.06 Smoking, Drug and Alcohol Use

(a) In keeping with the intent of the City of Gustavus to provide a safe and healthy work environment, smoking is prohibited throughout the workplace. This policy applies equally to all employees, elected officials, volunteers, customers, visitors, and others at City workplaces.

(b) While in or on any City workplace, on City premises and while conducting business-related activities off of City premises, no employee may use, possess, distribute, sell, or be under the influence of alcohol or illegal drugs. The legal use of prescribed drugs is permitted on the job only if the medical prescription is current, the use of the prescribed drugs is consistent with the medical prescription, and if such use does not impair an employee's ability to perform the functions of the job efficiently, safely and effectively.

(c) Violations of this policy may lead to disciplinary action, up to and including immediate termination of employment.

Chapter 3.08 Employee Conduct and Work Rules

Sections:

- 3.08.01 Standards of Conduct**
- 3.08.02 Attendance and Punctuality**
- 3.08.03 Return of Property**
- 3.08.04 Solicitation**
- 3.08.05 Computer, E-mail, Internet, and Telephone Usage**
- 3.08.06 Sexual Harassment**
- 3.08.07 Workplace Violence Policy**
- 3.08.08 Non-Retaliation Policy**
- 3.08.09 Progressive Discipline**
- 3.08.10 Grievance Procedure**
- 3.08.11 Volunteers**

3.08.01 Standards of Conduct

- (a) City employees shall abide by the law.
- (b) Employees are responsible for proper conduct in the maintenance of production and service standards, use of work time; cooperation with supervisors and other employees; use of City equipment and materials, respect for other employees and their property, conformance with lawful dress codes and appearance standards, and the protection of confidential information.
- (c) Any person holding a City position as an employee or as a volunteer, shall at all times employ a respectful, business-like manner in communications with the public.
- (d) Employee behavior that may result in disciplinary action, up to and including termination of employment, may include, but not be limited to:
 - (1) Theft or inappropriate removal or possession of City property;
 - (2) Falsification of timekeeping records;
 - (3) Working under the influence of alcohol or illegal drugs;
 - (4) Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace while on duty or while operating employer-owned vehicles or equipment;
 - (5) Fighting or threatening violence in the workplace;
 - (6) Boisterous or disruptive activity in the workplace;

- (7) Negligence or improper conduct leading to damage of employer or customer property;
- (8) Sexual or other unlawful or unwelcome harassment;
- (9) Possession of dangerous or unauthorized materials, such as explosives or firearms, in the workplace;
- (10) Excessive absenteeism or any absence without notice;
- (11) Unsatisfactory performance or conduct;
- (12) breach of confidentiality;
- (13) Violations of conflict of interest policies as set forth in Title 2, as amended.

3.08.02 Attendance and Punctuality

(a) To maintain a safe and productive work environment, the City requires employees to be reliable and to be punctual in reporting for scheduled work. The City requires employees to notify their supervisor as soon as possible in advance of the anticipated tardiness or absence.

(b) Failure to provide notification in advance of anticipated tardiness or absence may subject an employee to disciplinary action up to and including termination of employment.

3.08.03 Return of Property

Employees are responsible for all City property, including but not limited to tools, equipment, vehicles, machinery, books, papers, documents including digital documents, materials, or other written information issued to them or in their possession or control. All such City property must be returned by employees to their supervisor, the Mayor or the City Clerk on or before an employee's last day of work.

3.08.04 Solicitation

Employees may not solicit or distribute literature relating to non-City organizations, activities, or events in, on, or at any workplace during working time.

3.08.05 Computer, E-mail, Internet, and Telephone Usage

All use of the City's computers and related software, including use for composing, sending, receiving and reviewing e-mail messages or accessing the internet, shall be limited to City business only. Likewise, the use of telephones, facsimile machines or any similar devices or services shall be limited to City business only. Violations of this policy shall be a cause for disciplinary action, up to and including termination.

3.08.06 Sexual Harassment

The City of Gustavus does not and will not tolerate sexual harassment involving City employees. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when this conduct explicitly or implicitly affects an individual's employment, interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment. Sexual harassment shall be a cause for disciplinary action, up to and including termination.

3.08.07 Workplace Violence Policy

The City of Gustavus does not and will not tolerate workplace violence. Workplace violence includes acts or threats of physical violence, including intimidation, harassment or coercion, which involve City employees. Workplace violence includes, but is not limited to:

- Threat or actual physical or aggressive contact
- Threat or actual destruction of City or an individual's property, including acts of sabotage
- Harassing or threatening telephone calls, e-mails or faxes
- Possession, use, threat of use, or brandishing of a gun, knife or other weapon of any kind
- Stalking
- Veiled threats of physical harm or similar intimidation

Workplace violence shall be a cause for disciplinary action, up to and including termination.

3.08.08 Non-Retaliation Policy

It is the policy of the City to prohibit the taking of any adverse employment action in retaliation against those who in good faith report or participate in investigations into complaints of alleged violations of local, state or federal law for that reporting or participation.

Any violation of the City's non-retaliation policy involving City employees may be a cause for disciplinary action, up to and including termination.

3.08.09 Progressive Discipline

(a) To ensure that the City administers employee discipline in an equitable and consistent manner, the City Council hereby establishes the following progressive employee discipline policy.

(b) Progressive discipline means that, with respect to most disciplinary problems, these steps will normally be followed: a first offense may call for a verbal warning; a next offense may be followed by a written warning; another offense may lead to a suspension; and, still another offense may lead to termination of employment. The City, in its sole discretion, may bypass one or more steps in the progressive disciplinary procedure. Nothing herein is intended to, or shall, change the City's right to terminate any employee at will, any time, with or without cause, regardless of which, if any, lesser discipline steps have been used or not used or that might otherwise be applicable.

(c) Certain types of employee problems are serious enough to justify immediate suspension, or, in extreme situations, termination of employment, without going through the usual progressive discipline steps.

(d) Each disciplinary action shall be documented in a memorandum signed by the employee and supervisor and placed in the employee's personnel file.

3.08.10 Grievance Procedure

(a) The City of Gustavus desires to resolve fairly and promptly employee complaints arising in or relating to the workplace. Accordingly, employees who have a complaint relating to wages, hours or working conditions are required to follow this three-step grievance procedure.

(1) STEP 1. INFORMAL DISCUSSION. The aggrieved employee or group of employees shall orally present the grievance to the immediate supervisor within three working days of its occurrence, not including the day of the occurrence. The supervisor shall give his/her oral reply within five working days of the date of presentation of the grievance, not including the date of presentation.

(2) STEP 2. FILE WRITTEN GRIEVANCE. If the grievance is not resolved in Step 1, the employee or group of employees shall reduce the grievance to writing. The grievance shall be dated and signed by the aggrieved employee or group of employees and shall be presented to the Mayor within five working days after the supervisor's oral reply is given, not including the day the answer is given. If the employee, or group of employees, does not file the grievance in writing within five working days after the supervisor's oral reply as provided in Step 1 of the Grievance Procedure, the City will deem the grievance resolved. The Mayor shall reply in writing to the grievance within five working days of the date of the presentation of the written grievance, not including the day of the presentation.

(3) STEP 3. APPEAL TO THE CITY COUNCIL. If the grievance is not resolved in Step 2, the employee or group of employees shall present the written grievance along with all pertinent correspondence, records and information accumulated to date to the City Council, which will review and consider the grievance, meeting in executive session when appropriate. If the employee, or group of employees, does not present the grievance to the City Council within ten working days after the Mayor's written response as provided in Step 2 of the Grievance Procedure, the City will deem the grievance resolved. The City Council shall inform the employee of its decision within fifteen working days of receipt of the written grievance and related materials and forward a copy of its written response to the Mayor for placement in the employee's personnel file. The City Council's decision will be final.

(b) The employee or group of employees may discontinue the grievance procedure at any step.

3.08.11 Volunteers

(a) No employee-employer relationship is created through service on an advisory committee or board.

(b) Advisory committees and boards shall not have supervisory oversight of City employees.

Section 4. Effective Date This ordinance becomes effective upon adoption by the Gustavus City Council.

Date of Introduction and Publication: March 8, 2012

Date of Public Hearing & Adoption: April 12, 2012

Passed and Approved by the Gustavus City Council this _____ day of _____, 2012.

Karen Colligan-Taylor
Mayor

Attest: Kapryce Manchester, MMC
City Clerk

Committee Request for Agenda Item

CITY OF GUSTAVUS

Committee Name: GCN

Motion from Committee Meeting:

Motion to transfer to the City Council
draft
the GCN System Management RFP.

Request for Council Work Session & General Meeting attention: Work Session:

Month: April 1st Thursday X 3rd Thursday _____

General Meeting Date: 4/5/12

Action Committee would like City Council to take:

Review and approve.

Supporting Documents Attached

☒ Yes

☐ No

If supporting documents are not attached date that they will be supplied (Deadline for General Meeting Agenda Item is Monday prior to first work session of the month):

Contact Person: Wayne Howell