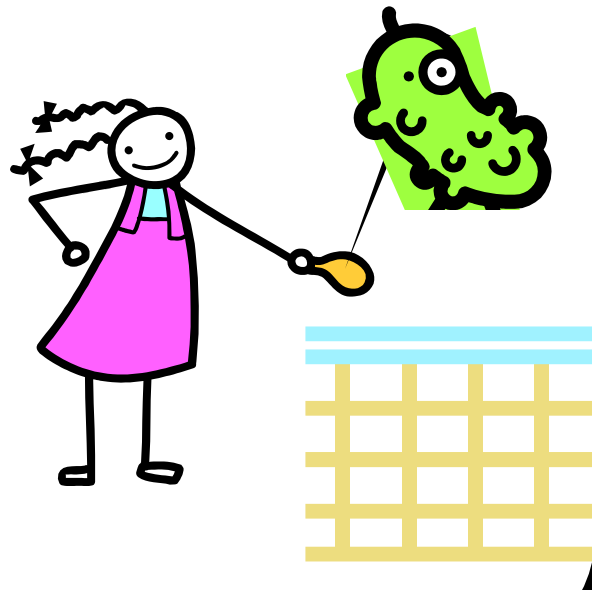
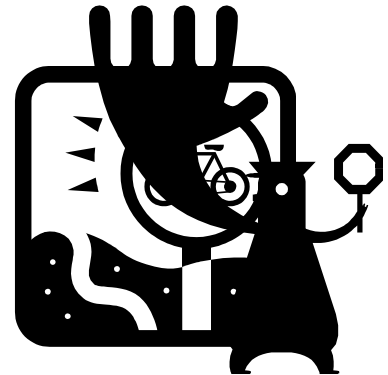


City Council
September 23, 2013
Monday



Special Meeting 4:00 P.M.
Committee of the Whole 5:00 P.M.
Regular Meeting 6:00 P.M.



Cowles Council Chambers
City Hall
491 E. Pioneer Avenue
Homer, Alaska

Produced and
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September/October 2013

| | |
|----------------------------|--|
| Monday 23 rd | CITY COUNCIL Special Meeting 4:00 p.m., Committee of the Whole 5:00 p.m. and Regular Meeting 6:00 p.m. |
| Wednesday 25 th | PORT AND HARBOR ADVISORY COMMISSION Regular Meeting 5:00 p.m. |
| Thursday 26 th | LIBRARY LANDSCAPE COMMITTEE Meeting Noon at the Library. |
| Friday 27 th | ELECTION TRAINING 10:30 a.m. |
| Tuesday 1 st | ELECTION DAY Polls open at 7:00 a.m. and close at 8:00 p.m. |
| | LIBRARY ADVISORY BOARD Regular Meeting 5:00 p.m. |
| Wednesday 2 nd | PLANNING COMMISSION Worksession 5:30 p.m. and Regular Meeting 6:30 p.m. |
| Thursday 3 rd | KAREN HORNADAY PARK COMMITTEE Meeting 5:30 p.m. |
| Friday 4 ^h | CANVASS BOARD Meeting 10:00 a.m. |
| Tuesday 8 th | ECONOMIC DEVELOPMENT ADVISORY COMMISSION Regular Meeting 6:00 p.m. |
| Thursday 10 th | LEASE COMMITTEE Regular Meeting 3:00 p.m. |
| Monday 14 th | CITY COUNCIL Committee of the Whole 5:00 p.m. and Regular Meeting 6:00 p.m. |

Regular Meeting Schedule

- City Council 2nd and 4th Mondays 6:00 p.m.
- Library Advisory Board 1st Tuesday 5:00 p.m.
- Economic Development Advisory Commission 2nd Tuesday 6:00 p.m.
- Parks and Recreation Advisory Commission 3rd Thursday of the month with exception of December 5:30 p.m.
- Planning Commission 1st and 3rd Wednesday 6:30 p.m.
- Port and Harbor Advisory Commission 4th Wednesday 5:00 p.m.
(May – August 6:00 p.m.)
- Transportation Advisory Committee Quarterly 3rd Tuesday 5:30 p.m.
- Public Arts Committee Quarterly 3rd Thursday 5:00 p.m.
- Lease Committee Quarterly 2nd Thursday 3:00 p.m.
- Permanent Fund Committee Quarterly 2nd Thursday 5:15 p.m.

MAYOR AND CITY COUNCILMEMBERS AND TERMS

BETH WYTHER, MAYOR – 14

FRANCIE ROBERTS, COUNCILMEMBER – 15

BARBARA HOWARD, COUNCILMEMBER – 14

DAVID LEWIS, COUNCILMEMBER – 14

BRYAN ZAK, COUNCILMEMBER – 13

BEAUREGARD BURGESS, COUNCILMEMBER – 15

JAMES DOLMA, COUNCILMEMBER - 13

City Manager, Walt Wrede

City Attorney, Thomas Klinkner

<http://www.cityofhomer-ak.gov/cityclerk> home page access, Clerk's email address is: clerk@ci.homer.ak.us Clerk's office phone number: direct line 235-3130, other number 435-3106.

COWLES COUNCIL CHAMBERS
491 E. PIONEER AVENUE
HOMER, ALASKA
www.cityofhomer-ak.gov



SPECIAL MEETING
4:00 P.M. MONDAY
SEPTEMBER 23, 2013

MAYOR BETH WYTHE
COUNCIL MEMBER FRANCIE ROBERTS
COUNCIL MEMBER BARBARA HOWARD
COUNCIL MEMBER DAVID LEWIS
COUNCIL MEMBER BRYAN ZAK
COUNCIL MEMBER BEAUREGARD BURGESS
COUNCIL MEMBER JAMES DOLMA
CITY ATTORNEY THOMAS KLINKNER
CITY MANAGER WALT WREDE
CITY CLERK JO JOHNSON

MEETING NOTICE
SPECIAL MEETING AGENDA

1. CALL TO ORDER, 4:00 P.M.

Councilmember Howard and Councilmember Dolma have requested excusal.

2. AGENDA APPROVAL (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg. 5)

3. PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

4. NEW BUSINESS

A. **Memorandum 13-133**, From City Clerk Re: Request for Executive Session Pursuant to AS §44.62.310(A-C)(1 & 5), Matters, the Immediate Knowledge of Which Would Clearly Have an Adverse Effect Upon the Finances of the Government Unit and Attorney/Client Privilege (A Legal Briefing on Griswold vs. Homer City Council Supreme Court Case S-14809 Opinion).

Page 7

5. COMMENTS OF THE AUDIENCE

6. ADJOURNMENT

Next Regular Meeting is Monday, October 14, 2013 at 6:00 p.m. and Committee of the Whole 5:00 p.m. A Special Meeting is scheduled for Monday, October 21, 2013 at 6:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

MEMORANDUM 13-133

TO: MAYOR WYTHE AND HOMER CITY COUNCIL

FROM: JO JOHNSON, MMC, CITY CLERK

DATE: SEPTEMBER 17, 2013

SUBJECT: REQUEST FOR EXECUTIVE SESSION PURSUANT TO AS §44.62.310(A-C)(1 & 5), MATTERS, THE IMMEDIATE KNOWLEDGE OF WHICH WOULD CLEARLY HAVE AN ADVERSE EFFECT UPON THE FINANCES OF THE GOVERNMENT UNIT AND ATTORNEY/CLIENT PRIVILEGE (A LEGAL BRIEFING ON GRISWOLD VS. HOMER CITY COUNCIL SUPREME COURT CASE S-14809 OPINION).

Pursuant to Council's Operating Manual – "Any Councilmember, the Mayor or City Manager may place consideration of an executive session on the agenda..."

City Manager Wrede requested an Executive Session regarding "A Legal Briefing on Griswold vs. Homer City Council Supreme Court Case S-14809 Opinion" for the Special Meeting of September 23, 2013. This has been publicly and internally noticed since that time.

Attorney Klinkner will participate by telephone.

RECOMMENDATION:

Approve the request for Executive Session and conduct immediately in the Conference Room.



MAYOR BETH WYTHE
COUNCIL MEMBER FRANCI ROBERTS
COUNCIL MEMBER BARBARA HOWARD
COUNCIL MEMBER DAVID LEWIS
COUNCIL MEMBER BRYAN ZAK
COUNCIL MEMBER BEAUREGARD BURGESS
COUNCIL MEMBER JAMES DOLMA
CITY ATTORNEY THOMAS KLINKNER
CITY MANAGER WALT WREDE
CITY CLERK JO JOHNSON

COMMITTEE OF THE WHOLE AGENDA

1. CALL TO ORDER, 5:00 P.M.

Councilmember Dolma has requested excusal.

2. AGENDA APPROVAL (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg. 5)

3. CONSENT AGENDA

Page 19

4. REGULAR MEETING AGENDA

Page 13

5. COMMENTS OF THE AUDIENCE

6. ADJOURNMENT NO LATER THAN 5:50 P.M.

Next Regular Meeting is Monday, October 14, 2013 at 6:00 p.m. and Committee of the Whole 5:00 p.m. A Special Meeting is scheduled for Monday, October 21, 2013 at 6:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

CALL TO ORDER
PLEDGE OF ALLEGIANCE
AGENDA APPROVAL

COWLES COUNCIL CHAMBERS
491 E. PIONEER AVENUE
HOMER, ALASKA
www.cityofhomer-ak.gov



REGULAR MEETING
6:00 P.M. MONDAY
SEPTEMBER 23, 2013

MAYOR BETH WYTHE
COUNCIL MEMBER FRANCIE ROBERTS
COUNCIL MEMBER BARBARA HOWARD
COUNCIL MEMBER DAVID LEWIS
COUNCIL MEMBER BRYAN ZAK
COUNCIL MEMBER BEAUREGARD BURGESS
COUNCIL MEMBER JAMES DOLMA
CITY ATTORNEY THOMAS KLINKNER
CITY MANAGER WALT WREDE
CITY CLERK JO JOHNSON

REGULAR MEETING AGENDA

Special Meeting 4:00 p.m. and Committee of the Whole 5:00 p.m. in Homer City Hall Cowles Council Chambers.

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE

Councilmember Dolma has requested excusal.

Department Heads may be called upon from time to time to participate via teleconference.

2. AGENDA APPROVAL

(Addition of items to or removing items from the agenda will be by unanimous consent of the Council. HCC 1.24.040.)

3. PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

4. RECONSIDERATION

5. CONSENT AGENDA

(Items listed below will be enacted by one motion. If separate discussion is desired on an item, that item may be removed from the Consent Agenda and placed on the Regular Meeting Agenda at the request of a Councilmember.)

A. Homer City Council unapproved Regular meeting minutes of September 9, 2013. City Clerk. Recommend adoption. **Page 21**

B. **Resolution 13-092**, A Resolution of the City Council of Homer, Alaska, Amending the Parks and Recreation Advisory Commission Bylaws, Regular Meetings, Establishing a Meeting Time Limit of 8:00 p.m. City Clerk/Parks and Recreation Advisory Commission. Recommend adoption. **Page 37**

Memorandum 13-132 from Parks and Recreation Advisory Commission as backup.

Page 39

C. **Resolution 13-093**, A Resolution of the Homer City Council Amending the Procurement Policy and Procedures Manual to Increase Limits for Purchase Orders. City Manager/Finance Director. Recommend adoption. **Page 47**

D. **Resolution 13-094**, A Resolution of the Homer City Council Recognizing and Thanking the Alaska State Fire Chiefs Association for Submitting the Statewide Grant to Upgrade Firefighting Equipment for the Homer Volunteer Fire Department. City Manager/Fire Chief. Recommend adoption. **Page 117**

E. **Resolution 13-095**, A Resolution of the City Council of Homer, Alaska, Authorizing the City Manager to Keep the Homer Education and Recreation Complex (HERC) Gym Open for Pickleball and Other Community Recreation Programs that Require Only Minimal Heat and Utilities, Until Such Time as the Building is Demolished. Lewis. Recommend adoption. **Page 119**

F. **Resolution 13-096**, A Resolution of the City Council of Homer, Alaska, Requesting that the Kenai Peninsula Borough Assembly Amend the Agreement Between the Borough and the City Regarding the Transfer of Ownership of the Old Middle School Property to Permit the City to Sell the Property and Use the Proceeds for a Public Purpose if the Council Deems it to Be in the Public Interest to Do So. Howard. Recommend adoption.

Page 121

Memorandum from City Attorney as backup.

Page 123

6. VISITORS

A. **Beth Cumming**, Kachemak Drive Non-Motorized Path Group, 10 minutes.

7. ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

- A. Borough Report
- B. Commissions/Board Reports:
 - 1. Library Advisory Board
 - 2. Homer Advisory Planning Commission
 - 3. Economic Development Advisory Commission
 - 4. Parks and Recreation Advisory Commission
 - 5. Port and Harbor Advisory Commission

8. PUBLIC HEARING(S)

- A. **Ordinance 13-37**, An Ordinance of the City Council of Homer, Alaska, Amending the Definition of “Discontinued” in Homer City Code 21.61.015, Definitions, to Exclude From the Time for Which a Nonconforming Use May Cease the Time From the Death of Its Operator Until the Use is Legally Available for Transfer to a Successor Operator. Mayor/City Manager. Introduction August 26, 2013, Referred to Planning Commission for Their September 18, 2013 Meeting, Public Hearing and Second Reading September 23, 2013. **Page 135**

Memorandum 13-126 from City Manager as backup. **Page 139**

- B. **Ordinance 13-38**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2013 Capital Budget by Appropriating \$300,000 From a Combination of the Fire Department, Police Department, and General Depreciation Reserve Funds to Begin Preliminary Engineering and Design Work on the Proposed New Public Safety Building. Mayor/City Council. Introduction September 9, 2013, Public Hearing and Second Reading September 23, 2013. **Page 153**

Ordinance 13-38(S), An Ordinance of the City Council of Homer, Alaska, Amending the FY 2013 Capital Budget by Appropriating \$300,000 From a Combination of the Fire Department, Police Department, and General Depreciation Reserve Funds to Begin Preliminary Engineering and Design Work on the Proposed New Public Safety Building. Mayor/City Council. **Page 159**

Memorandum 13-129 from City Manager as backup.

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9. ORDINANCE(S)

10. CITY MANAGER'S REPORT

A. City Manager's Report

Page 167

B. Bid Report

Page 171

11. CITY ATTORNEY REPORT

12. COMMITTEE REPORT

A. Public Arts Committee

B. Transportation Advisory Committee

C. Permanent Fund Committee

D. Lease Committee

E. Port and Harbor Improvement Committee

F. Employee Committee Report

G. Port and Harbor Building Task Force

13. PENDING BUSINESS

A. **Resolution 13-040**, A Resolution of the Homer City Council Directing the City Administration to Terminate All Survey, Design, and Cost Estimating Work on the Kachemak Drive Pathway. Mayor. (Postponed from April 22, 2013.) **Page 173**

Memorandum 13-059 from Parks and Recreation Advisory Commission as backup.

Page 175

14. NEW BUSINESS

15. RESOLUTIONS

- 16. COMMENTS OF THE AUDIENCE**
- 17. COMMENTS OF THE CITY ATTORNEY**
- 18. COMMENTS OF THE CITY CLERK**
- 19. COMMENTS OF THE CITY MANAGER**
- 20. COMMENTS OF THE MAYOR**
- 21. COMMENTS OF THE CITY COUNCIL**

22. ADJOURNMENT

Next Regular Meeting is Monday, October 14, 2013 at 6:00 p.m. and Committee of the Whole 5:00 p.m. A Special Meeting is scheduled for October 21, 2013 at 6:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

CONSENT AGENDA

Session 13-18, a Regular Meeting of the Homer City Council was called to order on September 9, 2013 at 6:00 p.m. by Mayor Mary E. Wythe at the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of Allegiance.

PRESENT: COUNCILMEMBERS: BURGESS, DOLMA, HOWARD, LEWIS, ROBERTS, ZAK
(telephonic)

STAFF: CITY MANAGER WREDE
CITY CLERK JOHNSON
CITY ATTORNEY WELLS
COMMUNITY AND ECONOMIC DEVELOPMENT
COORDINATOR KOESTER
IT MANAGER POOLOS
LIBRARY DIRECTOR DIXON
PORT AND HARBOR DIRECTOR HAWKINS

Councilmember Zak has requested telephonic participation.

Mayor Wythe called for a motion to allow Councilmember Zak to participate by phone.

LEWIS/BURGESS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Council met for a Worksession from 4:00 p.m. to 4:41 p.m. to discuss 2014 - 2019 Capital Improvement Plan & FY 2015 Legislative Requests, Public Safety Building. From 5:00 p.m. to 5:34 p.m. Council met as a Committee of the Whole to hear the Capital Improvement Request for Information Technology and discuss Consent Agenda and Regular Meeting Agenda items.

Department Heads may be called upon from time to time to participate via teleconference.

AGENDA APPROVAL

(Addition of items to or removing items from the agenda will be by unanimous consent of the Council. HCC 1.24.040.)

The following changes were made to the agenda:

PUBLIC HEARINGS - Resolution 13-087(A), A Resolution of the Homer City Council Adopting the 2014-2019 Capital Improvement Plan and Establishing Capital Project Legislative Priorities for Fiscal Year 2015. Mayor/City Council. Memorandum 13-131 from Community and Economic Development Coordinator as backup. Written public comments. **CITY ATTORNEY REPORT** - City Attorney Report of August, 2013.

Mayor Wythe called for a motion for the approval of the agenda as amended.

ROBERTS/HOWARD – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

There was no public testimony.

RECONSIDERATION

CONSENT AGENDA

(Items listed below will be enacted by one motion. If separate discussion is desired on an item, that item may be removed from the Consent Agenda and placed on the Regular Meeting Agenda at the request of a Councilmember.)

- A. Homer City Council unapproved Regular meeting minutes of August 26, 2013. City Clerk. Recommend adoption.
- B. **Ordinance 13-38**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2013 Capital Budget by Appropriating \$300,000 From a Combination of the Fire Department, Police Department, and General Depreciation Reserve Funds to Begin Preliminary Engineering and Design Work on the Proposed New Public Safety Building. Mayor/City Council. Recommended dates: Introduction September 9, 2013, Public Hearing and Second Reading September 23, 2013.

Memorandum 13-129 from City Manager as backup.

- C. **Resolution 13-090**, A Resolution of the Homer City Council Amending the Preliminary Assessment Roll for the Homer Natural Gas Special Assessment District

by Exempting Certain Properties and Making Amendments for Recorded Property Plat Actions Through August 27, 2013. City Clerk. Recommend adoption.

Memorandum 13-128 from Planning Technician as backup.

- D. **Resolution 13-091**, A Resolution of the City Council of Homer, Alaska, Dedicating the Proceeds of a Future Sale of the Fire Hall and Police Station Property to a Special Fund Earmarked for Financing Construction of the Proposed New Public Safety Building. Mayor/City Council. Recommend adoption.

Item D – Resolution 13-091 was moved to Resolutions.

Mayor Wythe called for a motion for the approval of the recommendations of the consent agenda as read.

LEWIS/BURGESS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

VISITORS

- A. **Homer Voice for Business**, Mike Dye

Mike Dye introduced Tom Stroozas, publisher of America's Cuisine Dining Guide, who provided Council with information on the newly formed group named Homer Voice for Business.

Most recently local business people formed HVFB with a mission statement: "To promote affordability and prosperity for all citizens of Homer through a respectful engagement and collaboration between local business and government leadership." They want to align the business community with political bodies for the betterment of everyone in the community. The communities in which we live and work are no better than the people that live and work in them.

HVFB is a well-rounded group of experienced professionals available to the City and Council in advisory capacities. They are available at low cost or no cost. Their membership diversity is homogenous of the folks and entities that reside here including: restaurant, lodging, real estate, retail, insurance, medical, broadcasting, air charter, building contractors, other

contractors, processors, tour operators, automotive repair and dealers, and publications. This represents every type of business within the City of Homer. They have a lot of experience they can lend Council as support in an advisory capacity. They earnestly solicit the government bodies to enlist their help early in processes to avoid embarrassment down the road. They encourage more open dialogue so everyone can be on the same page before the public testimony phase at city council meetings.

Homer Voice for Business would like to assist the City of Homer achieve a goal of accountability and transparency. They are here to stay and will be vigilant and active. They are here to work together to make the community better. They are a resource that brings issues or impacts of policies witnessed in the trenches that may not be visible to city leaders.

Homer is open for business and the HVFB is here to help elevate that message.

Councilmember Burgess doesn't believe in wasting time and looks forward to HVFB bringing forward legislative priorities to the Council. He looks forward to meeting with HVFB; it is a huge boon for the City Council.

Mayor Wythe thanked HVFB for bringing Council up to speed on what their group is. She encouraged business owners to participate in the advisory commissions; those are areas where you have the best potential to bring things forward. It would be most helpful and advantageous for HVFB members to step up and participate in those commissions.

City Manager Wrede asked who to contact in the event he has an idea to run before the group.

Mike Dye is the go-to person with the HVFB.

ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

- A. Borough Report
- B. Commissions/Board Reports:
 - 1. Library Advisory Board
 - a. Chair David Groesbeck, 2014 Budget Requests

Library Advisory Board Chair David Groesbeck and LAB member Phil Gordon addressed the Council on the library's needs. Mr. Groesbeck showed a PowerPoint addressing the library's areas of need: collection, development, and staffing.

In 2006 the library moved into the 17,000 sq. ft. building with a public meeting room, four study rooms, nineteen public use computers, and wireless access throughout the building. The collection included over 45,000 items: books, audiobooks, magazines, newspapers, and videos.

While Homer is the primary consumer of library services, the Homer library serves neighboring communities from Ninilchik to Nanwalek and Port Graham.

In comparison with libraries in Kenai, Kodiak, Seward, and Soldotna, Homer has lagged behind on collection expenditures since 1987. Neighboring communities increased their budgets with inflation, but Homer did not. Decreased spending for the collection has failed to provide the basic maintenance of a service that our community deserves. Library customers frequently ask for more materials and more Christian books, and comment on the inadequate, outdated book collection. Circulation of books and media in Homer is near the top in comparison to surrounding communities.

Last year Friends of the Library provided over \$26,000 to the library, including landscaping. Friends fund the Summer Reading Program, Top Drawer program, and a first-rate coordinator that brings visiting authors to Homer. Volunteers' efforts are huge with 938 volunteers this year contributing over 2,100 hours assisting staff in getting their jobs done. Volunteers provide the equivalent of a full-time staff person.

Library staff is in need of help with a few more good women or men. A full-time technology person and temporary seasonal help during the summer are desired. Current staff is hard pressed to continually provide the levels and quality of service our community has come to expect.

Council questioned the prospect of a service area to expand the funding source beyond the City of Homer.

2. Homer Advisory Planning Commission
3. Economic Development Advisory Commission
4. Parks and Recreation Advisory Commission

Parks and Recreation Advisory Commissioner Robert Archibald provided an update of the commission's business:

- Matt Steffy is the newest commissioner; people are encouraged to apply for the other commission openings.

- Ongoing projects that will improve recreation include the Spit path extension, Ocean Drive, a crosswalk at Mariner Park with a speed limit reduction for safety, and trails in the city.
- The community recreation program is struggling; space with the school district is becoming more limited.
- Commission meetings will end at 8:00 p.m. to save on staff overtime.
- Adopt-a-Park will be advertised to bring in more groups to participate.
- The old pavilion at Karen Hornaday Park will be moved and repurposed and the new pavilion will be built soon.
- Jack Wiles is working on a new master plan for Phase II improvements at KHP.
- A recreational needs assessment is needed and requested for the 2014 budget.

5. Port and Harbor Advisory Commission

PUBLIC HEARING(S)

- A. **Resolution 13-087(A)**, A Resolution of the Homer City Council Adopting the 2014-2019 Capital Improvement Plan and Establishing Capital Project Legislative Priorities for Fiscal Year 2015. Mayor/City Council. (Postponed from August 26, 2013)

Memorandum 13-131 from Community and Economic Development Coordinator as backup.

Mayor Wythe opened the public hearing.

Amy Rattenbury, city resident, requested Council allow recreational use of the HERC building gym until the building is demolished. She asked that the HERC gym be remodeled or that a new recreational center be built.

Bonnie Jason, city resident, asked for access to the HERC building this winter to play pickleball.

Jim Lunny, city resident, supports pickleball at the HERC building for the physical and community attributes the sport provides.

Bill Wiebe, Homer resident representing the Kachemak Ski Club, asked that the rope tow at the top of Ohlson Mountain be retained on the CIP list.

Mayor Wythe closed the public hearing.

Motion on the floor from August 26: MOTION FOR THE ADOPTION OF RESOLUTION 13-087(A) AS AMENDED.

Councilmember Burgess disclosed a possible conflict on interest on the CIP. He is an adjacent property owner that would benefit with the water improvement on the CIP.

Mayor Wythe ruled Councilmember Burgess did not have a conflict as he would be voting on the CIP as a whole, not on individual projects. There was no objection from the Council.

There was brief discussion of leaving the HERC gym open for pickleball. The HERC building cannot be zoned differently to heat just the gym; the temperature could be left at 50 degrees during the winter.

Mayor Wythe commented the real financial issue is that we do not have funds to support the HERC building in an open status. We are working outside the approved budget today to keep the building open. Closing the building was the intended outcome; if we want to keep it open we must have a budget amendment.

City Manager Wrede added the Boys and Girls Club is not there which places an additional financial burden on the City. They were paying \$700 per month. We are close to blowing this year's budget, but insurance on the building is required no matter what.

ROBERTS/BURGESS – MOVED TO AMEND PAGE 4 OF THE CIP PUBLIC SAFETY BUILDING UNDER PLANS AND PROGRESS TO DELETE ALL THE WORDS AND REPLACE WITH: THE CITY OF HOMER HAS IDENTIFIED A SITE AT THE HOMER EDUCATION AND RECREATION CENTER (HERC) AT THE CORNER OF STERLING HIGHWAY AND PIONEER. FUNDS HAVE BEEN APPROPRIATED FOR A PRELIMINARY DESIGN.

The document will be going to the Legislature and reflects where we are now.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Councilmember Burgess acknowledged the support and concern for a community recreation space. The reality is that to keep the HERC building open it costs \$250,000 per year. When we had the Boys and Girls Club in there with lots of usage we could justify the City was covering more than half of the operating costs out of the general fund. He likes the idea of keeping it on a cold status so there are no increased costs. He encouraged the movers, shakers, and recreation enthusiasts to have a larger discussion about creating a viable long term funding source for a community recreation and parks program. Whenever Council encounters hard times, the library and community recreation are the first to suffer cuts. Otherwise it is police and fire and roads. Let's start exploring a community recreation service area since the programs benefit people outside the city. There are lots of options for a future community recreation program.

VOTE: (main motion as amended) YES. ROBERTS, DOLMA, HOWARD, BURGESS, LEWIS
VOTE: NO. ZAK

Motion carried.

Community and Economic Development Coordinator Koester called Council's attention to the East/West Corridor and asked what they would like to offer as a match for the project. There is about \$6M in HART funds; the projected project cost is \$8.5M.

LEWIS/ROBERTS - MOVED FOR IMMEDIATE RECONSIDERATION.

There was no discussion.

VOTE: YES. LEWIS, ROBERTS, DOLMA, ZAK, HOWARD, BURGESS

Motion carried.

BURGESS/ROBERTS – MOVED TO AMEND THE CITY'S PLEDGE MATCH FOR THE EAST/WEST CORRIDOR ROAD IMPROVEMENT PROJECTS FOR 50% OF THE TOTAL ESTIMATED PROJECT COSTS AND THAT WE DESIGNATE THE APPROPRIATE HART FUNDS FOR THE PURPOSE.

Community and Economic Development Coordinator Koester noted the traditional match is 10% of the overall project, although it is not necessary.

A fixed number or constructing the project in a phased approach are other options.

VOTE: (amendment) YES. BURGESS, HOWARD

VOTE: NO. LEWIS, ROBERTS, DOLMA, ZAK

Motion failed.

BURGESS/LEWIS – MOVED TO AMEND TO PLEDGE 25% OF THE TOTAL PROJECTED PROJECT COSTS FROM THE HART FUNDS.

We still have an alternative to increase the match if the project is more costly.

VOTE: (amendment) YES. HOWARD, BURGESS, LEWIS, ROBERTS, DOLMA

VOTE: NO. ZAK

Motion carried.

VOTE: (resolution as amended) YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- B. **Ordinance 13-36**, An Ordinance of the Homer City Council Appropriating Five Percent (5%) of the Tax Revenue Generated by the Drill Rig Endeavour, an Amount of \$9,054.36, to The Homer Foundation. City Clerk/Permanent Fund Committee. Introduction August 26, 2013, Public Hearing and Second Reading September 9, 2013.

Mayor Wythe opened the public hearing. In the absence of public testimony, Mayor Wythe closed the public hearing.

Mayor Wythe called for a motion for the adoption of Ordinance 13-36 by reading of title only for second and final reading.

HOWARD/BURGESS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

ORDINANCE(S)

CITY MANAGER’S REPORT

- A. City Manager’s Report
1. Water Treatment Plant and Sewer Treatment Plant Articles
 2. Employee Anniversary letter
-
1. Gasline Progress: Enstar reports that the pipeline purges which have been taking place through much of downtown this week have been successful. They are confident in the quality of the construction. By the time Council reads this report, much of the distribution system between East and West Hill Road will be energized and filled with gas. Enstar has exhausted the State Legislative Grant on the Trunk Line and is now using its own funds for the final 3 miles of construction. Recall that this money will be repaid by consumers with a \$1.00 per mcf surcharge until the amount Enstar “advances” is repaid. This amount is still estimated to be around \$2.5 Million. The City is applying for full reimbursement of the grant proceeds. Enstar reports that it is running slightly over the trunk line budget but under the distribution system budget.
 2. Port: You may have noticed the increase in business for vessel repair and scrapping at the beach haul out area. There is great demand for this service and I think it bodes well for the utility of the proposed barge mooring and haul out facility capital project. Vessels that

are hauled out in this area pay regular moorage fees if they are on the tidelands and storage fees if they are on the uplands. These activities also generate jobs and tax revenues. Of course, the vessels are also unsightly and a nuisance to some. This year we had to move and inconvenience some campers a little early due to business demand. Not all of the campers were happy and you may be contacted about it. Some campers are really interested in the work going on there. Others say it blocks the view (which it does) results in too much noise, and generally degrades the camping experience.

3. Water Trail: Last week Bryan Hawkins and Angie Ottesen met with Dave Brann at the site of the water trail launch. The purpose of the meeting was to decide where to place the plaque the steering committee received. The plaque will be mounted on a large granite stone that is being donated. It will be a nice monument demarking the official start of the trail.
4. Beluga Slough Trail. Carey Meyer is working with the U.S. Fish and Wildlife Service to install interpretative signage on the newly reconstructed Beluga Slough Trail. The current plan is to commission a poet to write poetry that would double as interpretative signage. In other words, the poetry would tell the story of Beluga Slough and the resource values it represents. This should be terrific. This could only happen in Homer!
5. Public Safety Building: This agenda contains a resolution and an ordinance pertaining to the new proposed public safety building. You will notice that the ordinance contains instructions for me to use the GC/CM method of construction and to post an RFP for these services. This is what we recommend. We should talk about it more at the meeting to be sure Council is in agreement. Also, Council might want to consider forming a building committee, like it did with City Hall and the Harbormaster Building. Using the GC/CM method along with a building committee has been very successful for us in the past. In addition to getting ourselves in good position for the legislative session, we are also starting work on securing funding from other sources. In the next few weeks, Chief Robl and I will be meeting with the DOC Commissioner to talk about the new jail. The State is very interested in seeing a new jail here and will provide funding for it. Also, Chief Painter has learned that FEMA will pay for up to 75% of the cost of constructing new Emergency Operations Centers. This building will house the EOC.
6. HERC Building: Carey has obtained an estimate for demolition of the HERC Building. The estimate includes both buildings. It is not as much as we anticipated. I will have the number for you at the meeting. I believe Katie may have mentioned it in her report. So, this is an important piece of the decision making matrix for this building.
7. Bathrooms: You have probably noticed that the new bathrooms are rising up quickly. People notice the ones at WKFL Park and Bartlett/Pioneer but the ones farthest along are at the Deep Water Dock and End of the Road Park. Enstar has agreed to run service lines to the Spit restrooms this year, even though they would normally be part of Phase II. This will allow us to pave over the lines this year as part of the construction project. It will save us money to do it this way and we appreciate Enstar's willingness to work with us.
8. System 5 Improvements. At the last meeting we reported to you about a large change order I approved for work at System 5 in the harbor. The change order will allow us to

provide more electrical services and will greatly improve service there. The Council will see a very quickly payback and significant increase in business and customer satisfaction because of this move. We appreciate your support.

9. Water Treatment Plant and Sewer Treatment Plant. During the discussions about the new water and sewer rate model, there was frequent reference to the City's sophisticated water and sewer treatment plants and the high level of training and expertise of our employees. City employees have won several awards over the past few years as Council knows. Attached are two recent articles in professional journals about both treatment plants. I hope the Council members will be proud they read these articles. We will try and do a better job of getting this type of information out to the public because it is very informative.
10. Budget: We are working internally on the draft budget and at this point, are on target to deliver it to Council on October 14 and introduce the budget ordinance and supporting resolutions on October 28.
11. New Water Tank: At the last meeting, some questions came up about the proposed new water tank on Shellfish. Attached is a letter that went out to the neighborhood informing property owners of the project and soliciting their input.

City Manager Wrede referenced the articles on the water and wastewater treatment plants. They are both top notch facilities with highly skilled and trained employees.

Cutting has begun for the trees obstructing flight paths near the airport according to a member of the Kachemak Drive Path Association.

Mayor Wythe acknowledged 56 years of service being celebrated by 9 employees. A second long term employee from Public Works is retiring. They have lost over 50 years of service in the last few weeks.

- B. Bid Report
- C. Games Report
 1. Homer Chamber of Commerce

CITY ATTORNEY REPORT

- A. City Attorney Report for August 2013

Council had no questions of City Attorney Wells.

COMMITTEE REPORT

- A. Public Arts Committee

- B. Transportation Advisory Committee
- C. Permanent Fund Committee
- D. Lease Committee
- E. Port and Harbor Improvement Committee
- F. Employee Committee Report
- G. Port and Harbor Building Task Force

Councilmember Howard reported the task force is off to a good start. At their first meeting they were briefed on office space needs and site location needs by the architect and engineer. Their next meeting is September 20th at which time they will set a timeline and public hearing dates.

PENDING BUSINESS

- A. **Resolution 13-088**, A Resolution of the Homer City Council Confirming the Assessment Roll, Establishing Dates for Payment of Special Assessments and Establishing Delinquency, Penalty, and Interest Provisions for the Kachemak Drive Phase II Water and Sewer Special Assessment District. City Clerk. (Postponed from August 26, 2013.)

Motion on the floor from August 26TH: MOTION FOR THE ADOPTION OF RESOLUTION 13-088 BY READING OF TITLE ONLY.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

NEW BUSINESS

RESOLUTIONS

- A. **Resolution 13-091**, A Resolution of the City Council of Homer, Alaska, Dedicating the Proceeds of a Future Sale of the Fire Hall and Police Station Property to a Special Fund Earmarked for Financing Construction of the Proposed New Public Safety Building. Mayor/City Council. Recommend adoption.

Mayor Wythe called for a motion for the adoption of Resolution 13-091 by reading of title only.

BURGESS/ROBERTS – SO MOVED.

ROBERTS/LEWIS - MOVED TO AMEND THIS RESOLUTION LINES 7, 25, AND 30 TO SAY THE PROCEEDS “OF ANY POTENTIAL” FUTURE SALE.

There was no discussion.

VOTE: (amendment) YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

BURGESS/ROBERTS - MOVED TO AMEND LINE 35 TO ADD: “IN THE CASE THAT ANY INDEBTEDNESS OR DEBT OBLIGATION FOR THE CONSTRUCTION OF NEW PUBLIC SAFETY FACILITIES CURRENTLY EXIST.”

There was no discussion.

VOTE: (amendment) YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

VOTE: (main motion as amended) YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

COMMENTS OF THE AUDIENCE

Melvin Morlen, Homer resident and First Student Bus employee, commented on safety issues of traffic, sidewalks, and cross zones for kids at West Homer Elementary School. There was an incident a few days ago where a couple of kids were almost killed. If not for a school bus driver’s attentiveness the kids would have been run over. There is no crosswalk at the intersection. A traffic light was suggested.

City Manager Wrede noted DOT did an intersection study and did not list that area. He suggested a letter from the City or a resolution from the Council along with backup from the school board asking for a traffic study to see if a signal is warranted. The school board is meeting in Homer this evening at the Homer High School. It was suggested the traffic study be done during the school year between the hours of 7:45 a.m. and 8:30 a.m. when traffic is at its peak.

Trisha Lillibridge and Jim Lunny commented on the Kachemak Bay 21st Wooden Boat Festival over the weekend. The area behind Pier One was used to provide education focused on kayaks and kayak building. The festival provided an economic engine to the community since everything for the event was purchased locally. About 500 people attended each day.

Robert Archibald, city resident, commented on the hazards on East End Road at Cottonwood Horse Park. The speed limit used to be 35 mph and is now 45 mph. Bringing a horse trailer out of the park proves to be difficult. A reduction in speed and a crosswalk would be helpful.

Kate Crowley commented on a citizen group recently formed for community recreation. They meet monthly at the Library. Their next meeting is September 25 from 3:30 – 5:00 p.m. at the Library. She supports a parks and recreation needs assessment.

COMMENTS OF THE CITY ATTORNEY

City Attorney Wells had no comment.

COMMENTS OF THE CITY CLERK

City Clerk Johnson announced absentee voting begins on September 16th and continues through October 1st. Absentee voting will be available at the Clerk's office and the Borough will be also be conducting absentee voting in the lobby between the hours of 8:00 a.m. to 5:00 p.m. Monday through Friday.

COMMENTS OF THE CITY MANAGER

City Manager Wrede had no comment.

COMMENTS OF THE MAYOR

Mayor Wythe commented they heard from very diverse groups including Homer Voice for Business, the Library Advisory Board, and recreation people. A lot of people want to partner with Council; we need people to provide a financial backer for all the things we want to fund. We have a single budget that incorporates all these things. The responsibility of the Council is to provide life safety issues and to maintain the roads. If there is money left we can maintain the library and have parks and recreation. We are functioning on a budget that has been reduced by over \$3M in the last eight years. We are down many city employees and have not filled some jobs for four years. We struggle with hiring new employees as we are not competitive. There are a lot of challenges that are decades old, including poorly maintained or inadequately funded facilities. We are trying to make up the gap, but we have to prioritize. We changed the philosophy for the CIP to figure out a smarter way to do business and manage the business of the City of Homer. When we ask for state or federal funding they will

see the City as a structured professional organization that is seeking financial partners. It is a succinct change in the way the City does business; there are still years of business to get caught up. Never presume when we are not in agreement that we are not listening. We are always listening, but don't always have the ability.

COMMENTS OF THE CITY COUNCIL

Councilmember Roberts commented we have just discovered tonight that many councilmembers have not been getting city email regularly. If you sent email in the last 2-3 weeks with no response, perhaps it is the email problem. She appreciated the Kachemak Ski Club coming in and asking to be included in the CIP.

Councilmember Dolma commented it was nice to see a lot of folks in the audience, including students, parks and recreation people, library people, and Homer Voice for Business. We can do all the things all of you ask for if we raise your taxes. Tell us what you want, but tell us how to pay for it.

Councilmember Burgess agreed the alternative to not being fiscally responsible as a council is saddling our children and our future city and future ability to provide core services. Homer is in an enviable position as we have done good budgeting with a reasonable reserve. We are running a tight ship and are feeling the strain of it. The alternative is a lot worse. He thanked the Homer Voice for Business for coming out. It is important that the people put together a cohesive voice for their ideas and policy. When it comes before the Council he looks forward to their ideas.

Councilmember Lewis congratulated Zoe Story on winning the Channel 2 News Future Fund Scholarship. On the library we saw that the other communities spend a lot more money on books. Soldotna is talking about expanding their sports center. These are all towns that did not take a tax holiday when the City of Homer did. You get what you pay for. If you don't want it you don't pay for it, but you can't have it and not pay for it and that will be the story from now on.

Councilmember Howard wished everyone a good evening.

Councilmember Zak commented he voted against the CIP. The remainder of his comments were inaudible.

ADJOURNMENT

There being no further business to come before the Council, Mayor Wythe adjourned the meeting at 7:50 p.m. The next Regular Meeting is Monday, September 23, 2013 at 6:00 p.m.

and Committee of the Whole 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

JO JOHNSON, MMC, CITY CLERK

Approved: _____

1 **CITY OF HOMER**
2 **HOMER, ALASKA**

3 City Clerk/
4 Parks and Recreation
5 Advisory Commission

6 **RESOLUTION 13-092**

7
8 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
9 AMENDING THE PARKS AND RECREATION ADVISORY
10 COMMISSION BYLAWS, REGULAR MEETINGS, ESTABLISHING A
11 MEETING TIME LIMIT OF 8:00 P.M.

12
13 WHEREAS, The Parks and Recreation Advisory Commission determined that a time
14 limit on meetings was necessary to encourage public volunteers and retain commissioners;
15 and

16
17 WHEREAS, The Parks and Recreation Advisory Commission introduced the 8:00 p.m.
18 time limit at their regular meeting on June 20, 2013; and

19
20 WHEREAS, At their regular meeting on August 15, 2013 the Parks and Recreation
21 Advisory Commission voted and approved to amend their bylaws to establish a time limit not
22 to proceed past 8:00 p.m. unless approved by a majority vote.

23
24 NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby amends the
25 Parks and Recreation Advisory Commission bylaws to establish a meeting time limit of 8:00
26 p.m. and not to proceed past that time unless approved by a majority vote.

27
28 PASSED AND ADOPTED by the City Council of Homer, Alaska, this 23rd day of
29 September, 2013.

30
31 CITY OF HOMER

32
33
34 _____
35 MARY E. WYTHE, MAYOR
36
37

38 ATTEST:

39

40

41 _____

42 MELISSA JACOBSEN, CMC

43 DEPUTY CITY CLERK

44

45 Fiscal Note: NA



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum 13-132

TO: MAYOR WYTHE AND CITY COUNCIL

FROM: PARKS AND RECREATION ADVISORY COMMISSION

THROUGH: RENEE KRAUSE, CMC, DEPUTY CITY CLERK I

DATE: AUGUST 30, 2013

SUBJECT: AMENDING THE COMMISSION BYLAWS TO ESTABLISH A TIMELIMIT TO MEETINGS

BACKGROUND

At the regular meeting held on June 20, 2013 the commission introduced and discussed establishing a time limit for conducting meetings. The commission again discussed the meeting time limit at the regular meeting on August 15, 2013.

Following is the excerpt from the minutes of the discussion:

B. Changes to Bylaws – Meeting Time Deadlines

Vice Chair Brann introduced the item for discussion and provided a brief explanation on the previous discussion and reasoning for setting a time limitation.

STEFFY/LOWNEY- MOVED TO AMEND THE PARKS AND RECREATION ADVISORY COMMISSION BYLAWS, REGULAR MEETINGS, ADDING ITEM 5. MEETINGS WILL ADJOURN PROMPTLY AT 8:00 P.M. AN EXTENSION IS ALLOWED BY A SIMPLE MAJORITY VOTE OF THE COMMISSION; WITH THE PROCEDURE AS FOLLOWS: THE CHAIR WILL ENTERTAIN A MOTION TO EXTEND THE MEETING TO A SPECIFIED TIME. AFTER THE MOTION HAS BEEN SECONDED, THE COMMISSION WILL VOTE YES TO EXTEND THE MEETING UNTIL THE SPECIFIED TIME. A NO VOTE WILL REQUIRE THAT THE CHAIR CONCLUDE THE BUSINESS AT OR BEFORE 8:00 P.M. AND IMMEDIATELY PROCEEDS TO COMMENTS OF THE AUDIENCE, THE COMMISSION AND ADJOURNMENT.

There was a brief discussion on the proposed process.

VOTE. YES. ARCHIBALD, LOWNEY, STEFFY, BRANN

Motion carried.

RECOMMENDATION

NO ACTION REQUIRED. INFORMATIONAL IN NATURE.

1 **PARKS AND RECREATION ADVISORY COMMISSION**
2 **BYLAWS**
3

4 The Homer Parks and Recreation Advisory Commission is established with those powers and duties as set
5 forth in Title 1, Section 74, of the Homer Municipal Code.

6 The Commission is established to act in an advisory capacity to the City Manager and the City Council on
7 the problems and development of parks and recreation facilities and public beaches within the City.

8 The Commission's jurisdiction is limited to the area within the City Boundaries except for those extra
9 territorial interests, such as trails and city properties, subject to city jurisdiction.

10 The Homer Parks and Recreation Advisory Commission consist of seven members; up to three members
11 may be residents from outside the city limits, preference shall be given to City resident applicants.

12 Members will be appointed by the Mayor for three-year terms (except to complete terms) subject to
13 confirmation by the City Council.

14 One Homer area High School student selected by his or her student body shall serve as a consulting
15 member of the Commission in addition to the seven appointed members, and may attend and participate
16 in all meetings as a consultant, but shall have no vote. (Ord. 99-04, 1999)

17 There will be regular monthly meetings January through November of the Commission and permanent
18 records or minutes shall be kept of the proceedings. The minutes will record the vote of each member
19 upon every question. Every decision shall be filed in the office of the City Clerk and shall be public record
20 open to inspection.
21

22 **HISTORY**

23 The By-laws were passed by the Parks and Recreation Commission on October 20, 1983 by the Homer
24 City Council on February 13, 1984, and shall be in effect and govern the procedures of the Commission.

25 The duties and responsibilities of the Commission are:

26 A. Act in advisory capacity to the City Manager and the City Council on the problems and
27 development of park and recreation facilities and public beaches in the city. Consideration may include
28 existing facilities, possible future developments and recommendations on land use.

29 B. Consider any specific proposal, problem or project as directed by the City Council.
30

31 **BY-LAWS**
32

33 A. To abide by existing Alaska State Law, Borough Code of Ordinance, where applicable, and Homer
34 Municipal Code;
35

36 B. To abide by Robert's Rules of Order, current edition, in so far as this treatise is consistent with
37 Homer Municipal Code.
38

39 **C. REGULAR MEETINGS:**

40 1. January through November on the third Thursday of the month, at 5:30 p.m.

41 2. Items will be added to the agenda upon request of staff, the Commission or a
42 Commissioner. Agenda deadline is the Wednesday of the week preceding the meeting
43 date at 5:00 p.m.

44 3. Removing items from the published agenda will be by consensus of the Commission. No
45 items may be added.

46 4. Commissioners will give staff or Chair a minimum of two weeks notice or as soon as
47 possible regarding their potential absence from a meeting.

48 **5. Meetings will adjourn promptly at 8:00 p.m. An extension is allowed by a**
49 **simple majority vote of the Commission. Procedure: The Chair will entertain a**
50 **motion to extend the meeting until a specific time. After the motion has been**
51 **seconded, the Commission will vote. A yes vote will extend the meeting until**
52 **the specified time. A no vote will require that the Chair conclude business at**
53 **or before 8:00 p.m. and immediately proceed to comments of the audience,**
54 **the Commission and adjournment.**
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D. COMMITTEES

1. The Chair shall appoint committees for such specific purposes as the business of the Commission may require. Committee membership shall include at least two Commissioners. Other Committee members may be appointed from the public.
2. One Committee member shall be appointed Chair and be responsible creating an agenda and notifying the City Clerk of meetings so they may be advertised in accordance with Alaska State Law and Homer City Code.
3. One Committee member shall be appointed responsible for furnishing summary notes of all Committee meetings to the City Clerk.
4. Committees shall meet in accordance with Commission bylaws and Robert's Rules.
5. All committees shall make a progress report at each Commission meeting.
6. No committee shall have other than advisory powers.
7. Per Roberts Rules, upon giving a final report, the Committee is disbanded.

E. COMMISSION MEETING PUBLIC COMMENT/TESTIMONY AND AUDIENCE COMMENT TIME LIMITS

1. The meeting Chair shall note for the audience's benefit that there is a three minute time limit each time there is a place in the agenda for public comment/testimony or audience comments.
2. Any individual wishing to address the Commission shall adhere to a three minute time limit. It is the responsibility of the Chair to announce under Public Comments, Public testimony on public hearing items and Audience Comments that there is a 3 minute time limit.
3. Time limits may be adjusted by the 2 minutes up or down with the concurrence of the body in special circumstances only such as agenda content and public attendance.

F. SPECIAL MEETINGS:

1. Called by Chair or majority of the Commission.

G. DUTIES AND POWERS OF THE OFFICERS:

1. A Chair and Vice-Chair shall be selected annually (November meeting) by the appointive members.
2. The Chair shall preside at all meetings of the Commission, call special meetings in accordance with the by-laws, sign documents of the Commission, see that all actions and notices are properly taken, and summarize the findings of the Commission for the official record.
3. The Vice-Chair shall perform all duties and be subject to all responsibilities of the Chair in his/her absence, disability or disqualification of office.
4. The Vice-Chair will succeed the Chair if he/she vacates the office before the term is completed, to complete the unexpired term. A new Vice-Chair shall be elected at the next regular meeting.

H. MOTIONS TO RECONSIDER:

1. Notice of reconsideration shall be given to the Chair or Vice-Chair, if the Chair is unavailable, within forty-eight hours from the time the original action was taken.
2. A member of Commission who voted on the prevailing side on any issue may move to reconsider the Commission's action at the same meeting or at the next regular meeting of the body provided the above 48-hour notice has been given.
3. Consideration is only for the original motion to which it applies.

I. CONFLICT OF INTEREST:

1. A member or the Commission shall disqualify himself/herself from participating in any official action in which he/she has a substantial financial interest.
2. Should the Commission member not move to disqualify himself/herself after it has been established that he/she has a substantial financial interest, the Commission may move to disqualify that member by a majority vote of the body.

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J. QUORUM; VOTING:

1. Four Commission members shall constitute a quorum.
2. Four affirmative votes are required for the passage of a resolution or motion.
3. Voting will be by verbal vote, the order to be rotated. The final vote on each resolution or motion is a recorded roll call vote.
4. The City Manager, Mayor and High School student shall serve as consulting members of the Commission but shall have no vote.

K. CONSENSUS:

1. The Commission may, from time to time, express its opinion or preference concerning a subject brought before it for consideration. Said statement, representing the will of the body and meeting of the minds of the members, may be given by the presiding officer as the consensus of the body as to that subject without taking a motion and roll call vote.

L. ABSTENTIONS:

1. All Commission members present shall vote unless the Commission, for special reasons, permits a member to abstain.
2. A motion to excuse a member from voting shall be made prior to the call for the question to be voted upon.
3. A member of the Commission requesting to be excused from voting may make a brief, oral statement of the reasons for the request and the question of granting permission to abstain shall be taken without further debate.
4. A member may not be permitted to abstain except upon the unanimous consensus of members present.
5. A member may not explain a vote, may not discuss the question while the roll call vote is being taken and may not change his/her vote thereafter.

M. VACANCIES:

1. A Commission appointment is vacated under the following conditions and upon the declaration of vacancy by the Commission.
2. The Commission shall declare a vacancy when the person appointed:
 - A. fails to qualify to take office within 30 days after his/her appointment;
 - B. resigns and the resignation is accepted;
 - C. is physically or mentally unable to perform the duties of his/her office;
 - D. misses three consecutive regular meetings unless excused; or
 - E. is convicted of a felony or of an offense involving a violation of his/her oath of office.

N. GENERAL ORDER OF BUSINESS:

| | |
|------------------------------|---------------------------------|
| NAME OF BODY | DATE OF MEETING |
| PHYSICAL LOCATION OF MEETING | DAY OF WEEK AND TIME OF MEETING |
| HOMER, ALASKA | MEETING ROOM |

NOTICE OF MEETING
REGULAR MEETING AGENDA

1. CALL TO ORDER
2. APPROVAL OF AGENDA
3. PUBLIC COMMENTS REGARDING ITEMS ON THE AGENDA. (3 MINUTE TIME LIMIT)
4. RECONSIDERATION
5. APPROVAL OF MINUTES or CONSENT AGENDA.
6. VISITORS (Chair set time limit not to exceed 20 minutes) (Public may not comment on the visitor or the visitor's topic until audience comments.) No action may be taken at this time.
7. STAFF & COUNCIL REPORT/COMMITTEE REPORTS/BOROUGH REPORTS (Chair set time limit not to exceed 5 minutes.)
8. PUBLIC HEARING (3 MINUTE TIME LIMIT)
9. PLAT CONSIDERATION (Planning Commission only)
10. PENDING BUSINESS or OLD BUSINESS
11. NEW BUSINESS or COMMISSION BUSINESS

- 171 12. INFORMATIONAL MATERIALS (NO ACTION MAY BE TAKEN ON THESE MATTERS, THEY MAY
- 172 BE DISCUSSED ONLY).
- 173 13. COMMENTS OF THE AUDIENCE (3 MINUTE TIME LIMIT)
- 174 14. COMMENTS OF THE CITY STAFF (not required) (Staff report may be at this time in the
- 175 agenda.)
- 176 15. COMMENTS OF THE COUNCILMEMBER (If one is assigned)
- 177 16. COMMENTS OF THE CHAIR (May be combined with COMMENTS OF THE
- 178 COMMISSION/BOARD since the Chair is a member of the Commission/Board.)
- 179 17. COMMENTS OF THE COMMISSION
- 180 18. ADJOURNMENT/NEXT REGULAR MEETING IS SCHEDULED FOR _____ note any
- 181 worksessions, special meetings, committee meetings etc. All meetings scheduled to be held in
- 182 the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.
- 183 (Sometimes the meeting is scheduled for the Conference Room)
- 184
- 185

186 **O. PROCEDURE FOR CONSIDERATION OF AGENDA ITEMS:**

187 The following procedure will normally be observed pursuant to Robert's Rules:

- 188 1. A motion is made to discuss the item OR to approve the staff recommendation. The
- 189 item may then be discussed, amended or voted on.
- 190 2. If there are questions of staff or an appropriate audience member, a Commissioner
- 191 may request permission from the Chair to ask the question. The Chair, upon with
- 192 consensus approval, may grant the request.
- 193

194 **P. BYLAWS AMENDED:**

195 The bylaws may be amended at any meeting of the Commission by a majority plus one vote of

196 the members, provided that notice of said proposed amendment is given to each member in

197 writing. The proposed amendment shall be introduced at one meeting and action shall be taken

198 at the next commission meeting.

199

200 **Q. TELECONFERENCE:**

201 Teleconference meetings.

202 1. The preferred procedure for Commission meeting is that all members be physically

203 present at the designated time and location within the City for the meeting. However, physical

204 presence may be waived by the Chair or Commission and a member may participate in a meeting

205 by Teleconference when it is not essential to the effective participation or the conduct of business

206 at the meeting.

207 A. A Commission member participating by teleconference shall be deemed to be

208 present at the meeting for all purposes. In the event the Chair participates telephonically,

209 the Vice-Chair shall run the meeting.

210

211 2. Teleconference procedures.

212 A. A Commission member who cannot be physically present for a regularly scheduled

213 meeting shall notify the recording clerk at least five days prior to the scheduled time for the

214 meeting of his/her intent to appear by telephonic means of communication.

215 B. The recording clerk shall notify the Commission members three days prior to the

216 scheduled time for the Commission meeting of Commission members intending to appear by

217 teleconference.

218 C. The means used to facilitate a teleconference meeting of the Commission must enable

219 each Commission member appearing telephonically to clearly hear all other Commission members

220 and members of the public attending the meeting as well as be clearly heard by all other

221 Commission members and members of the public.

222 D. The recording clerk shall note in the attendance record all Commission members

223 appearing telephonically.

224

225
226 **LEGISLATIVE HISTORY**
227 Amendment to the first paragraph was passed by the Commission on April 19, 1990 and passed by
228 Homer City Council on May 14, 1990 via Resolution 90-34.
229
230 New section M, Alternate Voting Members was passed by Homer City Council on June 8, 1998 via
231 Resolution 98-41.
232
233 Amendment to include Teleconference Procedures was approved by the Commission on February 15,
234 2001 and adopted by the City Council on February 26, 2001 via Resolution 01-09. This amendment
235 changed the edition of Robert's Rules of Order from seventh to current and added new sections N. and
236 O.
237
238 Amendment to the meeting time was passed by Homer City Council on February 14, 2005 via Resolution
239 05-17.
240
241 Amendment Revising the Agenda Layout and Content, Regular meeting procedures, Special Meeting
242 procedures; adding Commission Meeting Public Comment/Testimony and Audience Comment Time limits,
243 Public Beaches, Procedure for Consideration of Agenda Items; Removing Alternative Voting Members
244 was passed by Homer City Council via Resolution 07-22(A).
245
246 Amendment Revising the Frequency of Meetings and Attendance Requirements was passed by Homer
247 City Council via Resolution 09-79
248
249 Revising the meeting time from 6:30 p.m. to 5:30 p.m. was passed by Homer City Council on December
250 13, 2010 via Resolution 10-96.
251
252 Establish Monthly Meetings with the Exception of December was passed by Homer City Council on July
253 25, 2011 via Resolution 11-076.
254
255 **Amendment to Regular Meetings to establish a time limit not to proceed past 8:00 p.m.**
256 **unless moved and approved by a majority vote was approved by Council on September 23,**
257 **2013 via Resolution 13-092.**

1 **CITY OF HOMER**
2 **HOMER, ALASKA**

3 City Manager/
4 Finance Director

5 **RESOLUTION 13-093**

6
7 A RESOLUTION OF THE HOMER CITY COUNCIL AMENDING THE
8 PROCUREMENT POLICY AND PROCEDURES MANUAL TO
9 INCREASE LIMITS FOR PURCHASE ORDERS.

10
11 WHEREAS, Section 4.3 Review and Approval and Section 4.4 Processing the Purchase
12 Order under the title PURCHASE ORDER PROCESSING FOR SUPPLY, MATERIAL, EQUIPMENT &
13 SERVICE PROCUREMENT in the Procurement Policy and Procedures Manual has become
14 antiquated due to inflation; and

15
16 WHEREAS, Increasing the requirement of a purchase order from the current \$500 to
17 \$4,000 for expenditures of supplies, materials, equipment, and services will bring the City's
18 procurements in line with today's prices; and

19
20 WHEREAS, The following amendments to Section 4.3 Review and Approval and
21 Section 4.4 Processing the Purchase Order are required:

22
23 4.3 Review and Approval

24
25 Responsibility

26
27 Instructions

28 Department Director 1)

29 Review purchase order. Check to see if funds are
30 available. Approve by signing.

31 Finance Department 2)

32 In accordance with Section 6, Procurement
33 Approval Matrix, verify availability of funds and
34 encumber all procurements over ~~\$500~~ **\$4,000**.

35 City Manager 3)

36 When required, review purchase and approve by
37 signing. If required, submit request to City
38 Council for procurement authorization.
39

40 4.4 Processing the Purchase Order

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a. For routine orders by mail, **phone, walk-in, or online**

| <u>Responsibility</u> | | <u>Instructions</u> |
|---|----|--|
| Department Originating the Purchase Order | 1) | Retain the pink Receiving copy and gold Department copy. <u>two copies in department file.</u> |
| | 2) | Forward Finance <u>a</u> (blue) copy to Finance and attach price quote/documentation for procurement over \$500 <u>\$4,000</u> in accordance with HMC <u>HCC</u> 3.16.030. |
| Finance Department | 3) | In accordance with Section 6, Procurement Approval Matrix, verify availability of funds. |
| | 4) | Encumber purchase amount. |
| Department | 5) | Mail white <u>Send</u> copy to vendor for placement or order. |

b. ~~Ordering by telephone~~

| <u>Responsibility</u> | | <u>Instructions</u> |
|---|----|---|
| Department Originating the Purchase Order | 1) | Follow step 1 above (for routine mail ordering) |
| | 2) | Follow step 2 above |
| Finance Dept | 3) | Follow step 3 above |
| Department | 4) | Place order with vendor and stamp vendor copy (white) with confirmation stamp indicating date of telephone order and vendor contact |
| | 5) | Mail confirmation of order to vendor |

NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby amends the Procurement Policy and Procedures Manual to increase limits for purchase orders.

82 PASSED AND ADOPTED by the Homer City Council this 23rd day of September, 2013.

83

84

CITY OF HOMER

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MARY E. WYTHE, MAYOR

88

89

90

91 ATTEST:

92

93

94

MELISSA JACOBSEN, CMC

96 DEPUTY CITY CLERK

97

98 Fiscal Note: NA

PROCUREMENT POLICY AND PROCEDURES



CITY OF HOMER, ALASKA

UPDATED 02/21/08

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Business Travel Procedures

Travel Authorization Form

Travel Expense Report Form

Glossary of Terms and Definitions

Title:

PROCUREMENT ORDINANCE

Sections:

- 3.16.010 Contract and purchase procedure.
- 3.16.020 Limitation of manager's authority.
- 3.16.030 Open market procedures.
- 3.16.040 Advertising for bids.
- 3.16.050 Processing of bids.
- 3.16.060 Exceptions to bidding requirements.
- 3.16.070 Lowest responsive and responsible bidder.
- 3.16.080 Local Bidder Preference
- 3.16.090 Requirements mandatory.
- 3.16.100 Change orders - Manager authority.
- 3.16.110 Competitive sealed proposals - Negotiated procurement.
- 3.16.120 Policy and Procedure Manual.

3.16.010 Contract and purchase procedure. The City Manager or his designee may carry out any of the following:

- A. Contract for, purchase or issue purchase authorizations for all supplies, materials, equipment and services for the offices, departments, and agencies of the City;
- B. Contract for the construction, repair or improvements of City facilities. (Ord. 84-32 (part) 1984)

3.16.020 Limitation on Manager's authority.

A. The Manager may not make an acquisition or contract authorized by Section 3.16.010 of this chapter if the value of the property, service or contract exceeds ten thousand dollars, without first obtaining City Council approval of the appropriation or unless the property, service or contract is listed in the city's annual budget.

B. If the value of the property, service or contract exceeds ten thousand dollars but does not exceed twenty five thousand dollars, the Manager may authorize the acquisition or contract with the written concurrence of the Finance Director if appropriated funds are available, and upon seeking at least three competitive bids from a minimum of three vendors. The acquisition or contract will be awarded to the lowest responsive and responsible bidder as determined in 3.16.070 and without observing the procedure prescribed for the award of formal sealed bids. Written notice of such an acquisition or contract must be given to the City Council within 24 hours and at the next regular Council meeting.

C. If the value of the property, service or contract exceeds twenty five thousand dollars, and is not listed in the City's annual budget, the acquisition or contract must be approved in advance by the City Council. (Ord. 01-06(a), 2001) (Ord. 84-32 (part) 1984)

3.16.030 Open market procedures.

A. Purchase or contracts authorized by Section 3.16.010 having an estimated value that does not exceed twenty five thousand dollars may be made in the open market without publishing notice in a newspaper.

B. A purchase or contract authorized by Section 3.16.010 having an estimated value that exceeds ten thousand dollars but does not exceed twenty five thousand dollars shall be based on at

least three competitive written bids and be awarded to the lowest responsive bidder as determined in 3.16.070 and without observing the procedure prescribed for the award of formal sealed bids.. .

C. Small procurement greater than two thousand dollars but not exceeding ten thousand dollars shall, whenever practical, be based on at least two written or oral price quotations without observing the procedure prescribed for the award of formal sealed bids.

D. All purchase or contracts less than two thousand dollars shall be made on the open market with such competition as is reasonable and practical in the circumstances. (Ord. 01-06(a), 2001) (Ord. 87-29 § 1, 1988)

3.16.040 Advertising for bids.

A. Purchases or contract authorized by Section 3.16.010 having an estimated value of more than twenty five thousand dollars may be made only after a notice calling for bids is printed in a newspaper of general circulation within the City once a week for not less than two consecutive weeks prior to the date for the bid award, unless another form of media is authorized by the City Manager. The notice shall contain a general description of the property, work or service; state where the bid forms and/or specifications may be obtained; specify the place for submission of bids and the time by which they must be received.

B. The bid closing date shall be no sooner than five working days after the last date of advertisement.

C. The purchase or contract shall be awarded to the lowest responsive bidder as determined in 3.16.070. (Ord. 01-17, 2001) (Ord. 01-06(a), 2001)(Ord. 84-32 (part), 1984)

3.16.050 Processing of bids. Notwithstanding other provisions of this chapter relating to the award after competitive bid for purchases and contracts, the City may:

A. Reject defective or nonresponsive bids.;

B. Waive any irregularities in any and all bids;

C. Reject all bids;

D. Readvertise for bids with or without making changes in the plans, specifications or scope of work. (Ord. 84-32 (part), 1984)

3.16.060 Exceptions to bidding requirements. Unless otherwise authorized by law, all procurement actions shall be by competitive bidding. Authorized exceptions include:

A. Negotiated procurement following unsuccessful efforts to obtain competitive bidding.

B. Small procurement, below twenty five thousand dollars.

C. Emergency procurement.

D. Procurement of consultant and technical services.

E. Procurement of real estate.

F. Procurement of architect-engineer, construction manager, or construction completion services.

G. Interagency agreements.

H. Utilization of State or Local government contracts.

I. Sole source procurement.

J. Procurement resulting from competitive sealed proposals as defined in Section 3.16.100.

K. Placement of insurance coverage.

L. Electronic data processing software and hardware.
Competition will be sought to the maximum extent practicable. (Ord. 01-06(a), 2001) (Ord. 84-32 (part), 1984)

3.16.070 **Lowest responsive and responsible bidder.** In determining the lowest responsive and responsible bidder, the City shall consider:

- A. The price;
- B. The ability, capacity and skill of the bidder to perform the contract within the time and price specified;
- C. The reputation and experience of the bidder;
- D. The bidder performance and payment under previous contract. (Ord. 01-17, 2001) (Ord. 01-06(a), 2001) (Ord. 84-32 (part), 1984)

3.16.80 **Local Bidder Preference [Reserved]**

A. It is the policy of the City of Homer to give preference to City of Homer residents, workers, businesses, contractors, producers and dealers to the extent consistent with law.

B. A contract or purchase shall be awarded to a local bidder where the bid by such local bidder is, in all material respects, comparable to the lowest responsible non-local bid if the amount bid by such local bidder does not exceed the lowest non-local bid by more than the following percentages, unless such an award is contrary to state or federal law or regulation or unless the Council, at its discretion, determines prior to giving notice soliciting bids that the provisions of this section shall not apply to the contract or purchases:

Non - local bid is: Local bid is not more than:

| | |
|----------------------|---|
| \$0 - \$ 500,000.00 | 5 percent higher than non-local bid |
| \$0 - \$1,000,000.00 | 5 percent higher than non-local bid on first \$500,000.00 and 2.5 percent higher than non-local bid on amount in excess of \$500,000.00 to \$1,000,000.00 |

No additional adjustment for bids above \$1,000,000.00

- C. "Local bidder," for purposes of this section, means a person or firm who:
- 1. Holds a current Alaska Business License to provide such goods or services, and such other Alaska regulatory licenses as are required to provide such goods or services; and
 - 2. Submits a bid for goods or services under the name appearing on the person's or firm's current Alaska Business License; and
 - 3. Has maintained and staffed a place of business within the boundaries of the City of Homer for a period of at least six (6) months immediately preceding the date of the bid and intends to permanently maintain such place of business in the future; and
 - 4. Is registered in the Kenai Peninsula Borough to collect sales tax and locally provides the products and services sought; and
 - 5. Is not delinquent in the payment of any taxes, charges, or assessments owing to the City of Homer on account of that business.

D. The City Manager may require such documentation or verification by the person or firm claiming to be a local bidder as is deemed necessary to establish the requirements of this section.

E. Local bidder's preference does not apply to sale or other disposal of personal property in chapter 18.30 of the City Code.
(Ord 01-13(s)(a),2001) (Ord. 01-06(a), 2001)

3.16.090 Requirements mandatory. Except as provided in Section 3.16.100, a purchase, contract or sale subject to the provisions of this chapter shall not be valid, enforceable or binding upon the City unless the established requirements have been satisfied and the contract or purchase is approved by the City Council. (Ord. 84-32 (part), 1984)

3.16.100 Change orders - Manager authority. The City Manager or his designee is authorized, without Council approval, to enter into change orders where the amount of additional expenditure occasioned by the change order or orders does not, in the aggregate, exceed any contingency fund previously established with respect to the particular project or change the scope of work. The Manager or his designee shall report monthly to the Council the nature and amount of such change orders. Change orders exceeding in the aggregate the foregoing limitation or which change the scope of work are not binding without prior approval of the Council. (Ord. 84-32 (part), 1984)

3.16.110 Competitive sealed proposals - Negotiated procurement.

A. If the City Manager determines that use of competitive sealed bidding is not practicable, the City may procure supplies, services or construction by competitive sealed proposals under this section.

B. The City Manager shall solicit competitive sealed proposals by issuing a request for proposals. The request for proposals shall state, or incorporate by reference, all specifications and contractual terms and conditions to which a proposal must respond, and shall state the factors to be considered in evaluating proposals and the relative important of those factors. Public notice of a request for proposals shall be given in accordance with Section 3.16.040 (a) and (b).

C. Sealed proposals shall be designated as such on an outer envelope and shall be submitted by mail or in person at the place no later than the time specified in the request for proposals. Proposals not submitted at the place or within the time so specified shall not be opened or considered.

D. Proposals shall be received at the time and place designated in the request for proposals, and shall be opened so as to avoid disclosing their contents to competing proponents during the process of negotiation. Proposals, tabulations and evaluations thereof shall be open to public inspection only after the contract award. The City Manager shall issue a notice of recommendation to award to all responding proponents at least four days prior to approval by the final decision-making authority.

E. In the manner provided in the request for proposals, the City Manager may negotiate with those proponents whose proposals are determined to be responsive to the request for proposals. Negotiations shall be used to clarify and assure full understanding of the requirements of the request for proposals after submission and prior to award to obtain best and final offers. Proponents deemed eligible for negotiations shall be treated equally regarding any opportunity to discuss or revise proposals. In conducting negotiations or requesting revisions, no city officer or employee shall disclose any information derived from proposals of competing proponents.

F. If fair and reasonable compensation ,contract requirements and contract documents can be agreed upon with the most qualified proponent, the contract shall be awarded to that

proponent.

G. If fair and reasonable compensation, contract requirements and contract documents cannot be agreed upon with the most qualified proponent, the City Manager shall advise the proponent of the termination of negotiations. If the proposals were submitted by one or more other proponents determined to be qualified, negotiations may be conducted with such other proponents in the order of their respective rankings. The contract may be awarded to the proponent then determined to be most qualified and advantageous to the City.

H. Awards shall be made by written notice to the proponent whose final proposal is determined to be most advantageous to the City if satisfactory compensation, contract requirements and contract documents are agreed upon pursuant to subsection For G. No criteria other than those set forth in the request for proposals may be used in proposal evaluation. If the City Council, or the City Manager,(if the contract is within the Managers authority to award), determined that it is in the best interest of the City to do so, the City may reject all proposals.

I. When the service is routine and repetitious, the cost of the anticipated service shall be considered during evaluation of proposals. This paragraph shall not apply to a qualifications-based selection process. (Ord. 01-06(a), 2001) (Ord 92-38 § 1, 1992; (Ord. 84-32 (part), 1984)

3.16.120 Procurement Policy Procedure Manual.

A. The City Council herein incorporates by reference procurement policies and procedures specified in the City of Homer Procurement Policy and Procedures Manual.

B. The Manual may be revised with Council approval.

C. A copy of the Manual shall be available to the public at all times at the Homer City Hall.

Title: **PROCUREMENT POLICY AND PROCEDURE RESPONSIBILITY**

1.0 POLICY

The Policy and Procedures contained herein is provided as guidance to all procurement activity in the City. It has been developed to assure compliance with the direction of the City Council, the Homer Municipal Code, and sound business practices. It may be revised as required to meet the needs of the City Council.

2.0 DEFINITIONS

Procurement - An activity that includes purchasing, contracting, renting, leasing or otherwise obtaining materials, equipment, supplies, or services. It includes all functions that pertain to the obtaining of supplies and services, including description (but not determination) of requirements, selection and solicitation of sources, preparation and award of contracts, and related phases of contract administration.

3.0 RESPONSIBILITIES

- 3.1 The City Council is responsible for approval of City procurement policy.
- 3.2 The City Manager is responsible for ensuring compliance with City procurement policy and procedures.
- 3.3 The Director of Finance is responsible to develop, maintain, and implement City procurement policy and procedures and to carry out centralized procurement, where applicable.

4.0 EXCEPTIONS

Exceptions to this policy must be approved by the City Council.

5.0 REFERENCES

None.

Title: **PROCUREMENT APPROVAL POLICY**
Amended by Resolution 01-13(s)

1.0 POLICY

Levels of authority to commit funds or perform related procurement activities of the City have been established by the City Council. As appropriate, procurement actions outside prescribed limits set for department directors and the City Manager shall be submitted to the City Council for approval.

2.0 **DEFINITIONS**

- 2.1 Delegated Authority - The authority given by formal agreement to perform designated activities.
- 2.2 Procurement Function - The responsibility to deal with contractors/suppliers on behalf of the City and perform staff work in support of final actions taken by persons with assigned signature authority.
- 2.3 Signature Authority - The authority to sign a document that formally commits the City.
- 2.4 City Contract, Purchase Order and/or Change Order - A legally binding document, when full executed, committing both the City and a contractor, vendor and/or a supplier.

3.0 **RESPONSIBILITY**

- 3.1 The applicable department director is responsible for providing justification and backup in support of procurement action brought to the City Council for approval.
- 3.2 The Director of Finance is responsible for determining adequacy of procurement funding and cost effectiveness of procurement action and for ensuring that procurements are approved in accordance with the adopted Procurement Approval Matrix.
- 3.3 The City Manager is responsible for ensuring that procurements are made in accordance with City policy.
- 3.4 The City Council, when appropriate, approves procurement actions.

4.0 **EXCEPTIONS**

Exceptions to this policy must be approved by the City Council.

5.0 **REFERENCES**

- 5.1 Purchase Order Processing Procedure.
- 5.2 Procurement Approval Processing Procedure.
- 5.3 Procurement Documentation Requirement Policy.

6.0 **ATTACHMENTS**

City of Homer Procurement Approval Matrix.

**CITY OF HOMER
POLICY AND PROCEDURES
PROCUREMENT APPROVAL MATRIX**

| Procurement/Contract Category | Dept. App. | Finance Verify Funds | City Manager Approval | City Council Approval |
|---|------------------|----------------------|-----------------------|-----------------------|
| Supplies & Services \$0 to \$4,000 \$4,001 to \$10,000 over \$10,000 exceeds \$10,000 but doesn't exceed \$25,000 if Mgr & Finance Director concur, refer to HMC3.16.020 | X X X X | X X | X X | X X |
| Travel & Subsistence Rents & Leases \$0 to \$250 over \$250 | X X | X | X | |
| Capital Outlay/Projects \$0 to \$ 4,000 \$4,001 to \$10,000 Over \$10,000 exceeds \$10,000 but doesn't exceed \$25,000 if Mgr & Finance Director concur, refer to HMC3.16.020 | X X X X | X X | X X | X X |
| Future Year Contracts & Commitments | X | X | X | X |
| Emergency Procurements | X | X | X | X |
| Budget Modification: -Line item Changes -Department Changes | X X | X X | X X | X |

Title:

PROCUREMENT CHANGES POLICY

1.0 POLICY

- 1.1 Authority to make procurement changes is vested in the Council and may be delegated.
- 1.2 Department directors and the City Manager are authorized by the Council to take limited procurement actions necessary to implement approved budgets, and they may further delegate this authority, in whole or in part, to such delegates as they may appoint in writing. These actions include changes to contracts/purchase orders.
- 1.3 The City may, by written order, make changes within the general scope of a contract. Approval authority will be based on current delegation as outlined in the Procurement Approval Matrix, but shall not exceed any contingency fund established for a particular project.

For changes outside the general scope of a contract, the City Council may change a contract previously let, by written order, if the City Manager certifies to the Council and the Council finds in open public meeting that:

- a. The change is necessary to comply with State or Federal regulations or standards, or with changes in plans or specifications recommended by the City Manager, for the purpose of improving the safety or feasibility of the project or expediting completion of the project on the most advantageous terms in the public interest; and
- b. The change does not provide for a type of construction basically different from that provided for in the contract.

2.0 DEFINITIONS

General Scope - That work which is fairly and reasonable within the contemplation of the parties when the contract was entered into.

3.0 RESPONSIBILITIES

- 3.1 The applicable department director is responsible for implementation of this policy. For changes outside the general scope of the contract which meets the provisions of the contract such as realignments, consolidation of contracts, significant variations in quantities, and contract extensions, these managers are responsible for preparation of the required justification for the City Manager's approval and for initiating the necessary change order for City Council action.

4.0 EXCEPTIONS

Based upon the review and recommendation of the Director of Finance, the City Manager

may approve exception to this policy.

5.0 **REFERENCES**

Procurement Cost Estimating Policy.

Title: **PROCUREMENT DOCUMENTATION REQUIREMENT POLICY**
Amended by Resolution , 01-13(s) , 97-39, 96-62(s)

1.0 **POLICY**

The following documentation will be developed and maintained in support of procurement actions:

1.1 **Minimum Essential Documentation**

- a. Originating Document (purchase order, capital improvement request, project change order, etc) (identifies need, sole source, prequalification).
- b. Executing Document (contract, purchase order, change order).
- c. Pricing Basis (competitive bid, proposal, price list, etc) where applicable.
- d. Price Evaluation (estimate or price analysis) where applicable.
- e. Plan Holders List, to be used for competitive bidding and requests for proposals. To be maintained by the City Clerk's Office.
- f. Record of Negotiation, Bid/Proposal Evaluation where applicable.

1.2 **Administrative/Approval Expediting Documentation**

- a. Council Information Memorandum/Resolution.

2.0 **DEFINITIONS**

None.

3.0 **RESPONSIBILITIES**

Development of procurement documentation is the responsibility of the department director.

4.0 **EXCEPTIONS**

Based upon the review and recommendation of the Director of Finance, the City Manager may approve exception to this policy.

5.0 **REFERENCES**

Procurement Approval Processing Procedure.

1.0 **POLICY**

Unless otherwise authorized by law, all procurement actions shall be competitive bidding. Authorized exceptions include:

- A. Negotiated procurement following unsuccessful efforts to obtain competitive bidding.
- B. Small procurement, below twenty five thousand dollars.
- C. Emergency procurement.
- D. Procurement of consultant and technical services.
- E. Procurement of real estate.
- F. Procurement of architect-engineer, construction manager, and construction completion services.
- G. Interagency agreements.
- H. Utilization of State or Local government contracts.
- I. Sole source procurement.
- J. Procurement resulting from competitive sealed proposals.
- K. Placement of insurance coverage.
- L. System compatible electronic data processing software and hardware.

Competition will be sought to the maximum extent practicable.

2.0 **DEFINITIONS**

None.

3.0 **RESPONSIBILITIES**

Department directors are responsible for insuring that competitive bidding is used for all appropriate procurement activities.

4.0 **EXCEPTIONS**

Exceptions to this policy must be approved by the City Council.

5.0 **REFERENCES**

5.1 Bid/Proposal Evaluation Policy.

Title: **PROCUREMENT BID/PROPOSAL EVALUATION POLICY**
Amended by Ordinance 01-13(s)(a)

1.0 **POLICY**

- 1.1 Bid/proposal packages shall be unconditionally accepted without alteration or correction, except that pricing ambiguities will be corrected.
- 1.2 Bid/proposal packages shall be reviewed for completeness. Complete packages shall be evaluated for price, commercial responsiveness, technical responsiveness, and responsibility.
- 1.3 When appropriate, bid/proposals which exceed the Fair Cost Estimate by more than 15% shall be rejected. Packages must be evaluated to the extent necessary to determine that correctable errors would not reduce the bid/proposal price to within the acceptable range.
- 1.4 Bids/proposals shall be evaluated strictly in accordance with the specific terms and evaluation criteria set forth in the Invitation for Bid or Request for Proposal.
- 1.5 Evaluation factors and determinations of responsiveness and responsibility shall be handled in a consistent manner.
- 1.6 The City Council shall be the appellate authority with regard to whether a bid/proposal is responsive to the Invitation for Bid or Request for Proposal and as to whether a bidder/proponent is responsible under the conditions of his bid or proposal.
- 1.7 Communications with bidders/proponents shall be discontinued during the evaluation period. If contact is essential, then it shall be for a specific purpose and be provided to all bidders/proponents.
- 1.8 General announcements/addenda shall be provided to all bidder/proponents.
- 1.9 Local bidder preference shall apply to all bids in accordance with ordinance 01-13(s)(a).

2.0 **DEFINITIONS**

- 1.1 Bid - An offer to perform a contract for work and labor or supplying materials at a specified price. A bid is usually in response to an invitation for bid or a solicitation.
- 1.2 Proposal - An offer by one party or organization to another of terms and conditions with reference to some work or undertaking. A proposal is in response to a request for proposals and is usually associated with procurement by negotiation.
- 1.3 Responsive - Complies in all material respects with the essential provisions of the

Invitation for Bids or the Request for Proposals.

1.4 Responsible - Ready, willing and able to perform the work.

3.0 **RESPONSIBILITIES**

3.1 It is the responsibility of the applicable department director and the Director of Finance to conduct bid/proposal evaluations.

3.2 It is the responsibility of the applicable department director and the City Manager to approve essential communication with bidder/proponents.

3.3 It is the responsibility of the applicable department director and the Director of Finance to determine fair cost estimates, where appropriate.

4.0 **EXCEPTIONS**

Based upon the review and recommendation of the Director of Finance, the City Manager may approve exception to this policy.

5.0 **REFERENCES**

5.1 Procurement Cost Estimating Policy.

Title: **BID OR PROPOSAL PROCESSING CHECKLIST**
Amended by (Ord 01-13(s)(a),2001),(Reso 01-13(s)),(Reso 97-39)
WHEN TO USE A BID OR PROPOSAL PROCESS

Use Bid Process when a specific scope of work, material, goods or services are required and where more than one contractor/supplier exists to create competition.

Use Proposal process when it is beneficial to the City for the contractor/supplier to propose unique or innovative approaches to meet the procurement requirement, and where a negotiated agreement is in the best interest of the City.

BID PROCESS

1. Develop Invitation to Bid and Bid Package - The Bid Package shall include a Bidder's checklist of required submittals.
2. Advertise Bid - The minimum requirement for advertising bids shall be a notice calling for bids printed in a newspaper of general circulation within the City once a week for not less than two consecutive weeks prior to the date for the bid award, unless another form of media is authorized by the City Manager.
3. Plan Holders List - The City Clerk's Office shall maintain an official plan holders list of all bidders and/or proposers.
 - a. This list shall contain the bidder/proposer name, contact person, mailing and physical address, phone number, fax number and E-mail address.
 - b. The list shall contain the date the bidder/proposer was mailed, faxed or received the bid/rfp documents, an updated plan holders list, any addenda and etcetera.
 - c. The official list shall note date payment was received for bid/rfp documents, if the plan holder owns the City Standard Construction Specs and bidding status, ie, general contractor, sub contractor, etc. - whenever pertinent.
 - d. A general bidder not listed on the Official Plan Holders List shall be deemed non-responsive.
4. Bid Period
 - a. The bid closing date shall be no sooner than five working days after the last date of advertisement.
 - b. Bids shall be clocked in and logged in at City Hall. The City will specify in the bid documents the time clock or source.
 - c. Bids shall be turned over to the City Clerk for safe keeping until the date of the bid opening.

5. Bid Opening Procedure

- A. The applicable department director and Director of Finance or their designees shall conduct the bid opening.
- B. The bid opening shall generally be conducted in the following manner:
 - Introduction of staff.
 - Announce dates of bid period.
 - Announce the expiration of the period.
 - Note: The City shall require bids be submitted in two parts; Part A shall consist of bid price information and bid bond/checks, whereas Part B shall consist of the remainder of the submittals required by the Invitation to Bid.
- C. Determine responsiveness of bids by:
 - Opening bidders Part B portion of the bid in the order received.
 - Read aloud/announce: Name of bidder, address of bidder and date and time received.
 - Determine if Bidder provided all submittals in the form specified by the Invitation to Bid (e.g. Business License Number, Addendum Acknowledgment, EEO Form, etc.).
 - Bids which do not include the submittals in the form specified by the Invitation to Bid shall be determined to be non-responsive and shall be set aside along with the unopened Part A of the bid.
- D. Part A (Price) of the bids which are determined to be responsive to the Invitation to Bid, will be opened at which time the Bid Price will be read aloud.
- E. Record bid information on Bid Register.
- F. Read aloud Fair Cost Estimate, if appropriate.
- G. Announce the Close of Bid Opening and that an award would be made after concluding the technical evaluation of the bids and determining the respective responsibility of the apparent low bid.

6. Evaluation Bids

- A. Review pricing, correct any pricing ambiguities which are immaterial and do not affect total bid price.

- B. Determine whether a local bidder preference applies.
- C. Determine whether technical requirements are met.
- D. Determine responsibility and responsiveness of a bid and bidder.
- E. Prepare award recommendation.

Note: In determining if a bid and bidder are responsible and response, the City shall consider:

- price
- ability, capacity and skill
- reputation and experience, and
- prior contract performance.

To obtain the above information, the City may require a bidder to complete a confidential bidder questionnaire or provide a list of references.

PROPOSAL PROCESS

The proposal process should generally follow the bid process outlined above, except the proposal evaluation steps will normally include City/Contractor clarification of scope of work and negotiation of contract terms to ensure that the interests of the City are met on the most cost effective basis.

Title: **NEGOTIATION PLANS POLICY**

1.0 POLICY

Negotiation plans shall be prepared before entering negotiations on significant procurement actions. The plans and record of negotiations shall be fully documented. Minimum requirements for the negotiation plans and needs shall be established.

2.0 DEFINITIONS

Procurement actions having a significant impact:

- 2.1 Capital Project Contract Agreements.
- 2.2 Procurement actions over \$15,000 requiring Council approval.
- 2.3 Exceptions or modifications to standard terms and conditions.
- 2.4 Additional reviews as requested by management.

3.0 RESPONSIBILITIES

The appropriate department director shall be responsible for establishing minimum requirements for negotiation plans.

4.0 EXCEPTIONS

Based upon the review and recommendation of the Director of Finance, the City Manager may approve exception to this policy.

5.0 REFERENCES

None.

Title: **SOLE SOURCE PROCUREMENT POLICY**

1.0 POLICY

The City Council may approve the procurement of a supply, equipment, service or construction item without competitive bidding if it has been determined that there is only one available source.

2.0 DEFINITIONS

Sole Source Procurement - Procurement of materials, equipment, supplies or services from a single provider.

3.0 RESPONSIBILITY

Department directors are responsible for determining the availability of goods and services and, therefore, the justification of a sole source procurement.

4.0 EXCEPTIONS

Based upon the review and recommendation of the Director of Finance, the City Manager may approve exception to this policy.

5.0 REFERENCES

None.

Title: **EMERGENCY PROCUREMENT POLICY**

1.0 POLICY

A department director shall determine and recommend to the City Manager the need for emergency purchases for items or services or both provided that such emergency procurement shall be made with such competition as is practical under the circumstances. A written determination of the basis for the emergency procurement and for the selection of the supplier is to be included in the procurement file.

2.0 DEFINITIONS

Emergency Purchases - A requirement which arises from a situation where a threat to public health, welfare or safety such as may arise by reason of floods, epidemics, riots, equipment failure or such other reason as may be proclaimed by the City Manager or his authorized delegate. The existence of such condition creates an immediate and serious need for supplies, services or construction that cannot be met through normal public bidding methods and the lack of which would seriously threaten:

- A. the health or safety of any person.
- B. the preservation or protection of property.

3.0 RESPONSIBILITIES

- 3.1 It is the responsibility of department directors to determine and recommend to the City Manager the need for an emergency procurement.
- 3.2 It is the responsibility of the City Manager to proclaim an emergency and to authorize emergency procurement.

4.0 EXCEPTIONS

Based upon the review and recommendation of the Director of Finance, the City Manager may approve exception to this policy.

5.0 REFERENCES

None.

Title: **CONSULTANT/TECHNICAL AND ARCHITECTURAL/ENGINEERING SERVICES PROCUREMENT POLICY**

1.0 POLICY

The City may engage consultants/contractors and Architectural/Engineering (A/I) firms to perform services of a specialized scientific, technical, or administrative nature for short-term or periodic requirements. Consultant and Technical and A/E contracts may be initiated for peak or limited-time work requirements, work requiring special talents, license or equipment for which the hiring of permanent employees would not be practical or would not provide independent objectivity or be in the best financial interests of the City.

The City shall publish in advance its requirements for A/E and Consultant services, stating concisely the general scope and nature of the project or work.

The City shall seek competition in contracting for these specialized services whenever practical. Normally, these contracts will be negotiated on the basis of demonstrated competence and qualification for the type of professional services required at fair and reasonable prices. The general policy is to select firms on a competitive basis that are qualified technically and that meet commercial competitive requirements. This shall be done through evaluations of proposals, and/or interviews, ranking of performance capability statements submitted by the perspective consultants. Justification for determinations for all such actions shall be documented. Negotiation of commercial terms and price or cost shall then be accomplished.

2.0 DEFINITIONS

2.1 Consultant Services - Services of an individual or organization engaged in an advisory capacity on an intermittent basis to provide scientific, technical, or administrative expertise. The end product is normally a report or recommendation(s) based upon data obtained from the City or others.

2.2 Technical Services - The performance of work or by activities that generate data/information. Technical services can be categorized either as professional or non-professional, depending upon that nature of the service provided. End product is usually a report or service but may be a physical thing such as a model.

2.3 Architectural/Engineering Services (A/E) - A/E services rendered by persons other than employees of the City contracted to perform activities normally related to the Architectural or Engineering profession. The end product is normally plans, specifications or estimates or a report.

2.4 Competitive Contracting - Consideration of more than one source, as may be evidenced by competitive requests for proposals, to insure full and free competition

consistent with the types of services required and necessary to meet the needs of the City.

3.0 **RESPONSIBILITIES**

- 3.1 Requests for consultant/technical and A/E services, development of the scope of work and justification are the responsibilities of the applicable department director.
- 3.2 Publication of A/E service requirements, evaluation of sources and contract development is the responsibility of the appropriate department director.

4.0 **EXCEPTIONS**

Based upon the review and recommendation of the Director of Finance, the City Manager may approve exception to this policy.

5.0 **REFERENCES**

- 5.1 Competitive Bidding and Negotiated Procurement Policy.
- 5.2 Bid/Proposal Evaluation Policy.

Title: **CAPITAL EQUIPMENT PROCUREMENT POLICY**
Amended by Resolution 01-13(s)

1.0 POLICY

Capital equipment procurement shall be based upon an analysis of City needs in consideration of alternative sources, cost of ownership and cost of money.

Contracts or procurement providing for the lease or rental of capital equipment should contain provisions for the City to obtain ownership rights, including application of all or part of payments credited to ownership when available or appropriate.

2.0 DEFINITIONS

2.1 Capital Equipment - Equipment valued at over \$5,000 per unit.

3.0 RESPONSIBILITIES

3.1 The appropriate department director shall be responsible for inclusion of provisions to obtain ownership of capital equipment in lease/rental procurement.

3.2 The Director of Finance and City Attorney shall review and approve lease forms prior to execution.

4.0 EXCEPTIONS

Based upon the review and recommendation of the Director of Finance, the City Manager may approve exception to this policy.

5.0 REFERENCES

None.

Title:

CONTRACT FORM POLICY

1.0 POLICY

- 1.1 Subject to stated limitations, any form of contract which in the opinion of management, will promote the best interests of the City may be used, except a contract which is cost-plus-a-percentage-of-cost.
- 1.2 A cost-reimbursement contract may be used only when a determination has been made in writing that such a contract is likely to be less costly to the City than any other type or that it is impractical to obtain the supplies, services, or construction required except under such a contract.
- 1.3 Standardized baseline documents should be utilized for development and award of contracts.

2.0 DEFINITIONS

Cost-Reimbursement Contract - A contract where the contractor is reimbursed for actual cost incurred in the performance of the contract.

3.0 RESPONSIBILITIES

- 3.1 Department directors are responsible to develop the best suited form of contract.
- 3.2 The City Attorney and Director of Finance are responsible for review and approval of contract forms.

4.0 EXCEPTIONS

None permitted.

5.0 REFERENCES

Legal Review Policy.

Title:

LEGAL REVIEW POLICY

1.0 POLICY

It is City policy that all procurement actions having a significant impact on the City's legal rights or obligations require legal review prior to implementation.

2.0 DEFINITIONS

Procurement actions having a significant impact:

- 2.1 Capital Project Contract Agreements.
- 2.2 Procurement actions over \$15,000 requiring Council approval.
- 2.3 Exceptions or modifications to standard terms and conditions.
- 2.4 Additional reviews as requested by management.

3.0 RESPONSIBILITIES

The City Attorney shall be responsible for required legal reviews.

4.0 EXCEPTIONS

Based upon the review and recommendation of the Director of Finance, the City Manager may approve exception to this policy.

5.0 REFERENCES

None.

Title: **PROCUREMENT WARRANTY CLAUSE POLICY**

1.0 POLICY

A suitable expressed warranty provision will be considered for inclusion in the terms of all procurement.

2.0 DEFINITIONS

Warranty - Promissory obligations expressed or implied by a seller upon a sale of supplies, property or performance of services to a buyer.

3.0 RESPONSIBILITIES

Development of suitable warranty clauses are the responsibility of the department director, the City Attorney and Director of Finance, as appropriate.

4.0 EXCEPTIONS

Based upon the review and recommendation of the Director of Finance, the City Manager may approve exception to this policy.

5.0 REFERENCES

None.

Title: **PROCUREMENT COST ESTIMATING POLICY**

1.0 POLICY

In contracts for public improvements exceeding \$15,000, fair cost estimates shall be prepared prior to bid/proposal opening or initiation of negotiations for procurement. Also, significant change orders require some form of pricing estimate as follows:

- a. Fair cost estimates may be used at any time and are preferred prior to negotiation of changes with defined scope.
- b. Proposal evaluations may be used for negotiation of all complex changes not suited for fair cost estimate preparation.
- c. Proposal evaluations may be used for contractor claims.

2.0 DEFINITIONS

None.

3.0 RESPONSIBILITIES

Use and adequacy of estimates and/or proposal evaluation is the responsibility of the appropriate department director and Director of Finance.

4.0 EXCEPTIONS

Based upon the review and recommendation of the Director of Finance, the City Manager may approve exception to this policy.

5.0 REFERENCES

- 5.1 Procurement Changes Policy.

Title: **PROCUREMENT ADVERTISING POLICY**
Amended by Resolution 01-13(s)

1.0 POLICY

Invitation for Bids or Request for Proposal for public work, services, material, equipment, or supply procurements exceeding \$25,000 must be advertised in a newspaper of general circulation within the City, once a week for not less than two consecutive weeks prior to the date for the bid award, unless another form of media is authorized by the City Manager. Additional publications and radio advertisements may also be used. This Notice to Bidders/Proponents shall at the time of publication be on file at the City subject to public inspection. In addition, any published notice ordering work to be performed for the City shall be mailed at the time of the publication to any established trade association or plan center, if applicable.

2.0 DEFINITIONS

None.

3.0 RESPONSIBILITIES

3.1 It is the responsibility of the appropriate department director to initiate the necessary advertisement.

3.2 It is the responsibility of the City Clerk to coordinate placement of the required advertisements.

4.0 EXCEPTIONS

Based upon the review and recommendation of the Director of Finance, the City Manager may approve exception to this policy.

5.0 REFERENCES

None.

Title: **CONTRACTOR PROCUREMENT POLICY**

1.0 POLICY

In contracts for public improvement exceeding \$15,000, the City shall require any contractor performing work on a cost reimbursable basis to establish and submit for approval its procurement procedures before making any payment for items procured under such a contract. Contractor policy shall generally reflect City procurement policy.

The City will require such procedures to include competition for items and services.

2.0 DEFINITIONS

None.

3.0 RESPONSIBILITIES

Approval of contractor procurement procedures is the responsibility of the appropriate department director.

4.0 EXCEPTIONS

Based upon the review and recommendation of the Director of Finance, the City Manager may approve exception to this policy.

5.0 REFERENCES

None.

Title: **RETAINED PERCENTAGE POLICY**

1.0 POLICY

- 1.1 In contracts for public improvement or work where payments to the contractor are at fixed prices and are measured on estimates during the progress of the work, the percentage to be retained shall be on the entire payment as prescribed by contract.
- 1.2 In contracts for public improvement or work where payments to the contractor during the progress of the work are partly to reimburse for actual costs and partly for earned fee and/or lump sum items, the percentages prescribed by contract may be retained on the earned fee and lump sum parts only; provided that billings for actual costs are subject to audit by the City.
- 1.3 Retainage shall be withheld in accordance with the following schedule:

| Contract Completion Percentage | Percentage | Retainage |
|--------------------------------|------------|-----------|
| 0 to 75% | 10% | |
| 76 to 95% | 5% * | |
| over 95% | 2% * | |

*May be reduced to these percentages.

- 1.4 The City shall pay contractors interest on retainage in accordance with State Statute.

2.0 DEFINITIONS

- 2.1 Earned Fee - The contractor's compensation for completing a specific task or providing a specific work product.
- 2.2 Lump Sum - The total amount to be paid to a contractor for completing a given contract scope of work ("Lump Sum Contract") or for completing a specific task or providing a specific work product.

3.0 RESPONSIBILITIES

- 3.1 It is the responsibility of the department director to determine the appropriate level of retainage.
- 3.2 The Director of Finance is responsible for administering established contract retention provisions.

4.0 EXCEPTIONS

- 4.1 Based upon the review and recommendation of the Director of Finance, the City Manager may approve exception to this policy.
- 4.2 In contracts where the work is on schedule and in accordance with the specifications, the City Manager or his designee may exempt the contractor from the retainage requirement.

5.0 **REFERENCES**

None.

Title: **BID DEPOSIT AND CONTRACT BOND POLICY**

1.0 **POLICY**

- 1.1 In contracts for public improvements, a Bid Bond and Payment Bond and Performance Bond shall be required for all publicly bid work exceeding \$10,000.
- 1.2 Each bid shall be accompanied by a Bid Bond consisting of a certified or cashier's check payable to the City for a sum not less than five percent of the amount of the bid or accompanied by a bid bond in an amount not less than five percent of the bid with a corporate surety licensed to do business in the State of Alaska. Checks and Bid Bonds will be returned to unsuccessful bidders.
- 1.3 The successful bidder is required to submit a Performance Bond and a Payment Bond with a Surety meeting the standards of AS 36.25.010(a) and satisfactory to the City. The amount of the Performance Bond and the amount of the Payment Bond shall be specified in the bid documents. Subject to paragraph 1.5, the minimum amount of the Performance Bond and of the Payment Bond shall be in accordance with the following schedule:

| Contract Amount | Payment Bond (% of Contract Amount) | Performance Bond (% of Contract Amount) | Total Bonding |
|----------------------------|---|---|------------------|
| \$10,000 to \$100,000 | 50% | 50% | 100% |
| \$100,001 to \$1,000,000 | 50% | 50% | 100% |
| \$1,000,001 to \$5,000,000 | 50% | 50% | 100% |
| over \$5,000,000 | 50% | 50% | 100% |

- 1.4 If the bidder fails to enter into the contract and furnish the Performance Bond and Payment Bond within fourteen working days from the date on which the bidder is notified of being the successful bidder, the Bid Bond or check and the amount thereof shall be forfeited to the City.
- 1.5 The City Manager may wholly or partially exempt contractors from the Performance Bond and Payment Bond requirements for contracts over ten thousand dollars and not exceeding one hundred thousand dollars. Any such exemption shall be stated in the bid documents. When such an exemption is given, the City manager may do any one or more of the following, which shall be set forth in the bid documents.
 - A. not require any Payment Bond or Performance Bond;
 - B. accept cash, certified check, bank check, letter of credit, guaranty, or other form of security (but not including any interest in real property), as a Payment Bond or Performance Bond in lieu of sureties meeting the standards of AS 36.25.010(a);

- C. accept a Payment Bond or Performance Bond in an amount less than that set forth in paragraph 1.3;
- D. require the contractor to meet the following criteria:
 - (1) the contractor is, and for two years immediately preceding the award of the contract has been, a licensed contractor having his or its principal office in the state;
 - (2) the contractor certifies that he has not defaulted on a contract awarded to him during the period of three years preceding the award of a contract for which a bid is submitted;
 - (3) the contractor has submitted a financial statement, prepared within a period of nine months preceding the submission of a bid for the contract and certified by a public accountant or a certified public accountant licensed under AS 08.04, demonstrating that the contractor has a net worth of not less than seventy percent of the amount of the contract for which a bid is submitted;
 - (4) the total amount of all contracts which the contractor anticipates performing during the term of performance of the contract for which a bid is submitted does not exceed the net worth of the contractor reported in the certified financial statement prepared and submitted under subparagraph (3) of this section by more than seven times; and
 - (5) The City Manager may require deposits of cash in such amounts and under such terms and conditions as the Manager may deem appropriate to protect the interests of the City.

2.0 DEFINITIONS

- 2.1 Bid Bond - A written obligation that the contractor will execute the contract for the price bid.
- 2.2 Performance Bond - A written obligation that a contract will be completed as bid and the end product will be free of liens.
- 2.3 Payment Bond - A written obligation that a contractor will pay all labor, materialmen and subcontractors amounts due them so that liens are not filed.
- 2.4 Surety - A third party who has become legally liable for the debt, default or failure of performance by a City contractor.

3.0 RESPONSIBILITIES

It is the responsibility of each department director in conjunction with the Director of Finance to implement the provisions of this policy.

4.0 **EXCEPTIONS**

None.

5.0 **REFERENCES**

AS 36.25.010.

Title: **PROCUREMENT APPROVAL PROCESSING PROCEDURE**
Amended by Resolution 01-13(s)

1.0 POLICY

Procurement actions requiring approval of the City Council shall be presented to the Council at their regularly scheduled meetings.

2.0 PURPOSE AND SCOPE

2.1 The City Council shall approve certain procurement actions prior to execution.

2.2 This procedure shall be followed to ensure that the Council is provided adequate justification and support information to act upon procurement recommendations.

3.0 DEFINITIONS

See Glossary.

4.0 PROCEDURE

Procurement actions for Professional/Outside Service, Capital Outlay, and Future Year Contracts/Commitments in excess of \$10,000 or \$25,000 with City Manager and Finance Director concurrence.

| <u>Responsibility</u> | <u>Instructions</u> |
|-----------------------|--|
| Department | 1. Prepare and obtain approval of Procurement Request, (i.e. purchase order, contract, lease, etc.). |
| | 2. Prepare Information Memorandum for council members (attachment 1). The form shall clearly identify rationale for action and sources of budget funding for proposed procurement. |
| | 3. Forward procurement request and information memorandum to Finance for Financial Analysis and Budget Verification. |
| Finance Dept. | Review procurement request and verify availability of funds, and forward to the City Manager for formal Council action. |

5.0 REFERENCES

5.1 Procurement Authority Policy.

5.2 Purchase Order Processing Procedure.

6.0 **ATTACHMENTS.**

Information Memorandum for Council Action.

Title: **PREPARATION OF INFORMATION MEMORANDA FOR SUBMITTAL
OF PROCUREMENT REQUESTS TO THE HOMER CITY COUNCIL**
Amended by Resolution 01-13(s)

1.0 POLICY

This provides guidelines for the preparation of Information Memoranda for Council action in support of procurement recommendations. The Information Memoranda are intended to enhance the Council decision-making function by:

- 1.1 Assuring that information and recommendations presented to the Council are relevant, accurate, objective, timely and complete.
- 1.2 Obtaining participation in the development of recommendations to the Council by all parties who can assist in clarifying the issues or will be affected by the outcome.

Additional information or accompanying documents, if appropriate, should be provided in an attachment.

2.0 FORMAT OF INFORMATION MEMORANDUM

The body of an Information Memorandum should contain each of the sections described below, when appropriate.

- 2.1 Procurement Description - Describe concisely the nature of the procurement action.
- 2.2 Background - Summarize briefly relevant background material. Information provided may include the origin, history, and importance of the procurement. If essential to understanding the procurement requirement, additional background material may be provided in attachments and referenced in the text.
- 2.3 Justification - Summarize briefly why and how long it is needed and what its use will be. State who will benefit from it, and what will happen if it is not available.
- 2.4 Alternatives - If appropriate, each option for meeting the procurement requirement shall be described succinctly.
- 2.5 Discussion - Comment briefly on the implications of selecting an alternative procurement approval, if applicable, to clarify the basis for the recommendations. Summarize the positions of other personnel if they disagree with the alternative recommended. Additional comments may be provided in attachments. If the issue is a unique proposal, such as a proposal for a singular course of action, the "Alternatives" section should be omitted and this section should discuss the reasons for -or implications, pro and con - of taking or not taking the proposed action.
- 2.6 Fiscal Note - Explain briefly if the item is budgeted. If not budgeted, show source

from which monies should be made available. Include advantages of this action. Future cost or savings if applicable.

- 2.7 Bid/Proposal Evaluation - State briefly who, or who not, a bid/proposal cycle was employed. Explain the evaluation method used and the outcome of the evaluations.
- 2.8 Recommendation - State concisely the action recommended to the Council, and reference the option number listed under "Alternatives," if applicable.
- 2.9 Next steps - A brief list shall be made of the actions needed to implement the decision, including when the action must be completed and by whom. When additional Council actions are foreseen, these should be described, including estimated dates and costs.

Title: **PURCHASE ORDER PROCESSING FOR
SUPPLY, MATERIAL, EQUIPMENT & SERVICE PROCUREMENT**
Amended by Resolution 01-13(s), 96-62(s)

1.0 PURPOSE AND SCOPE

- 1.1 Establishes binding commitment with a supplier to purchase goods or services with a specified period of performance.
- 1.2 Provides through requisitioning requirement competitive purchasing pattern.
- 1.3 Provides for the formal review of material, equipment, supply and service procurement actions.
- 1.4 Provides for the verification of available budgeted funds.
- 1.5 Provides for the timely processing of vendor payments.

2.0 DEFINITION

Purchase Order - A purchase order is a contract for the purchase of goods or services with a specified period of performance.

Purchasing Clerk - Department employee who is responsible for ordering services and merchandise and preparing purchase orders.

3.0 USAGE

- 3.1 A purchase order will be used to purchase material, equipment and supplies.
- 3.2 A purchase order may be used as an agreement for specific services (professional, contract service type).
- 3.3 A purchase order will be used in conjunction with project contracts to obligate necessary funds.
- 3.4 A purchase order will be issued for all leases (e.g. machinery and equipment) rents and maintenance agreements on an annual basis to encumber the necessary funds for the entire accounting period.
- 3.5 Open purchase orders provide vendors with an agreement to provide goods and services to authorized City personnel for a specific time and a determined amount which describes the average purchasing activity with the vendor in that time period.
- 3.6 Purchase orders should be used for subscriptions and specify the duration of such.

4.0 PROCEDURE

4.1 Requisitioning Responsibility

Instructions

- | | |
|------------------|---|
| Purchasing Clerk | <ol style="list-style-type: none">1) Check vendor history to assure competitive purchasing; Finance reviews vendor history quarterly2) Check budget at department level3) Purchase quotes should be in accordance with HMC 3.16.030 Open Market Procedures. Price quotes should be documented including the following:<ol style="list-style-type: none">a) vendor name and contactb) date quote obtainedc) item descriptiond) price per unit including shippinge) transportation modef) evaluate performance of vendorg) sign and date quote sheeth) select goods & services with best price including transportation charges and modes of delivery4) Submit price quotes to purchasing clerk |
|------------------|---|

4.2 Preparation of Purchase Order

Responsibility

Instructions

- | | |
|------------------|--|
| Purchasing Clerk | <ol style="list-style-type: none">1) Enter vendor name and address2) Enter date of order3) Indicate to whom order is to be shipped4) Enter quantity ordered5) Enter description (detail all information that will enable vendor to furnish the items ordered, e.g. size, color, stock number, etc.)6) Enter the budget account for item7) Enter unit price and total price including freight |
|------------------|--|

- 8) Enter any shipping or special instruction
- 9) Limit order duration on PO
- 10) To be signed by employee initiating purchase order and send forward to department head for approval

4.3 Review and Approval

| <u>Responsibility</u> | <u>Instructions</u> |
|-----------------------|--|
| Department Director | 1) Review purchase order. Check to see if funds are available. Approve by signing. |
| Finance Department | 2) In accordance with Section 6, Procurement Approval Matrix, verify availability of funds and encumber all procurements over \$500. |
| City Manager | 3) When required, review purchase and approve by signing. If required, submit request to City Council for procurement authorization. |

4.4 Processing the Purchase Order

a. For routine orders by mail

| <u>Responsibility</u> | <u>Instructions</u> |
|---|--|
| Department Originating the Purchase Order | 1) Retain the pink Receiving copy and gold Department copy. |
| | 2) Forward Finance (blue) copy to Finance and attach price quote/documentation for procurement over \$500 in accordance with HMC 3.16.030. |
| Finance Department | 3) In accordance with Section 6, Procurement Approval Matrix, verify availability of funds. |
| | 4) Encumber purchase amount. |
| Department | 5) Mail white copy to vendor for placement or order. |

b. Ordering by telephone

| <u>Responsibility</u> | <u>Instructions</u> |
|-------------------------------|--|
| Department Originating the | 1) Follow step 1 above (for routine mail ordering) |

- | | | |
|----------------|----|---|
| Purchase Order | 2) | Follow step 2 above |
| Finance Dept | 3) | Follow step 3 above |
| Department | 4) | Place order with vendor and stamp vendor copy (white) with confirmation stamp indicating date of telephone order and vendor contact |
| | 5) | Mail confirmation of order to vendor |

4.5 Expediting and Receipt of Goods and Services

| <u>Responsibility</u> | <u>Instructions</u> |
|------------------------------|--|
| Department Purchase Order | <ol style="list-style-type: none"> 1) Monitor time interval of placement to receipt and note vendor modifications of original purchase order. 2) Advise Finance of any alterations to PO such as availability, price change, quantity changes, substitutions 3) Upon receiving, verify: <ol style="list-style-type: none"> a. Price per unit b. Quantity received c. Quality of merchandise d. Transportation charges 4) Advise Finance of all irregularities in receipt of goods and services (in memo form): <ol style="list-style-type: none"> a. Inferior quality b. Short/over shipments c. Excessive transportation charges d. Any new negotiations with vendor 5) Establish correctness of order and complete pink (receiving) copy of PO by indicating date received and quantity of item or service received or copy of receiving copy to attest partial shipment 6) Send pink copy to Finance for payment processing |

4.6 Open Purchase Orders

Open purchase orders are used for those merchants from whom repetitive purchases of supplies are made. Services and merchandise from vendors under \$200.00 can be charged on open POs.

| <u>Responsibility</u> | <u>Instructions</u> |
|-----------------------|--|
| Purchasing Clerk | <ol style="list-style-type: none"> 1) Initiate an open PO at the beginning of an accounting period or for a set time period (e.g. frequent supplies 1 month, less frequent quarterly) and a set dollar amount (e.g. average purchasing activity for specified period). 2) Indicate on open PO the employees who are authorized to charge on account. (List the number of employees authorized to charge on account.) 3) Use the most frequent budget line item which we associate with the specific vendor for obligating the funds. 4) Send PO to department director for review and approval. 5) Send vendor copy and Finance copy to Finance for encumbrance. 6) After approval advise employees/staff of current PO number with specific vendor. |
| Department Director | 7) Review authorized personnel list and duration of PO and amount and verify funds. |
| Finance | 8) Encumber open PO and forward vendor copy. |
| Employee/Staff | <ol style="list-style-type: none"> 9) Employee purchasing items will give vendor the assigned PO number and sign the charge ticket from the vendor. Charge tickets must show reference to PO and an authorized signature. 10) Charge tickets must be turned in to Purchasing Clerk for appropriate review as to price, quantity and quality. |
| Purchasing Clerk | 11) Reviews correctness of charge and records appropriate line item of department budget, forwards it to |

Department Director for approval and immediately forward charge ticket to Finance.

Finance Department 12) Matches charge tickets with vendor statement at month end, check for financial correctness and monitor open PO duration. At the end of the set accounting period any unused funds encumbered will be liquidated.

Title: **USAGE OF CHECK REQUESTS AND PROCESSING PROCEDURES**

Amended by Resolution 01-13(s)

1.0 PURPOSE AND SCOPE

- 1.1 To accommodate expenditures not covered by purchase orders because of type, urgency, impromptu purchases, in lieu of invoices.

2.0 DEFINITION

Check Request - a disbursement request from authorized source.

3.0 USAGE

- 3.1 A check request should be used for an installment type of disbursement in connection with an annual PO (e.g. allowances, service contracts, rents).
- 3.2 An immediate request for disbursements (e.g. COD shipment, down payment, prepays).
- 3.3 A request for payment to other agencies (interagency transfer, e.g. federal revenue sharing disbursement).
- 3.4 Any type of refunds for utilities, service connects, overcharges to utility customers.
- 3.5 Reimbursement requests should be documented with appropriate receipts.
- 3.6 Disbursement requests for dues, fees.
- 3.7 Salary advances
- 3.8 Petty cash reimbursements.

4.0 **PROCEDURE FOR PREPARATION OF CHECK REQUEST**

| <u>Responsibility</u> | <u>Instruction</u> |
|----------------------------------|--|
| Purchasing Clerk or initiator | Request payment by a) filling in complete address with vendor ID# b) date issued c) amount d) date needed e) describe in detail f) identify payment g) explain h) identify budget line item I) PO # if applicable j) forward for review and approval |
| Department Head | Review and approve Forward to Finance |
| Finance Dept. | Check for priority of request and disburse accordingly after verifying proper approval. |

CITY of HOMER

CHECK REQUEST FORM

CHECK REQUEST DATE _____

PLEASE MAKE CHECK PAYABLE TO:

DESCRIPTION/REASON FOR REQUEST:

| | |
|-------------------------|----------------|
| _____ ACCOUNT NUMBER | _____ AMT\$ |
| _____ ACCOUNT NUBMER | _____ AMT\$ |
| _____ ACCOUNT NUMBER | _____ AMT\$ |
| _____ ACCOUNT NUMBER | _____ AMT\$ |
| _____ ACCOUNT NUMBER | _____ AMT\$ |

AMOUNT TOTAL \$ _____

REQUESTED BY _____ APPROVED BY _____

DATE CHECK NEEDS TO BE MAILED

OR

PERSON TO RETURN CHECK TO

CITY OF HOMER
PRICE QUOTES FOR GOODS AND SERVICES OVER \$2000

| VENDOR NAME/ VENDOR CONTACT | DATE | DESCRIPTION | PRICE SHIPPING | INCLUDING CHARGE | MODE TRANS | VENDOR EVALUATE |
|--------------------------------|------|-------------|-------------------|---------------------|---------------|--------------------|
|--------------------------------|------|-------------|-------------------|---------------------|---------------|--------------------|

1) QUOTE

2)

3)

Purchasing Agent: _____

Department: _____

Date: _____

(attached to encumbrance copy or PO)

DOCUMENTATION FOR DISBURSEMENTS

| Type of Purchase/Service | Purchase Order | Check Request | Travel Expense Report | Invoice Approval |
|--|---|---------------------------------|-----------------------|------------------|
| Salary Advance | | X | | |
| Frequent Purchases/Specialized Merchandise/Services | Estimated monthly, quarterly or annual expenditures -Open PO | | | X |
| Local Purchases Specialized Merchandise/Service | Price quotes PO | | | |
| Down Payment on Merchandise/Service | Price quotes PO | Negotiate Amount X | | |
| Balance on Merchandise/Service | Price quotes PO | | | |
| Merchandise/Service (out of town-specialized) | Price quotes PO | | X | |
| Subscriptions/Prepays | PO | X | | |
| Membership/ Dues | | X | | |
| Leases, Rents (budget items) | Annual PO (monthly) | | | |
| Maintenance Agreement | Annual PO (monthly) | | | |
| Professional Service (legal, medical, accounting, audit) | Estimate if possible w/PO | | | X |
| Professional Service (Data Processing, Special Consulting, Engineer, Survey) | Quote/bid/PO | | | |
| Contract | Quote/bid/PO | Contractors pay request X | | |
| Capital Project Expenses | Open PO | | | |
| Education/Training, Training Seminars (registration) | | W/ enrollment card X | | |
| Utilities/Communications | No | No | No | No |
| Insurance | No | No | | X |
| Refunds (Utility, Port user fees) | | X | | |
| Employee Reimbursements | | W/ receipts X | Travel X | |
| Interagency Transfers | | X | | |
| Installment Type: Service Contracts, Rents, Allowances | Annual PO | X | | |

| | | | | |
|---------------------------|--|------------------|--|--|
| Petty Cash Reimbursements | | W/ receipts X | | |
|---------------------------|--|------------------|--|--|

Title: **BUSINESS TRAVEL PROCEDURES**

Amended by Resolution 01-13(s), 00-07, 00-05, 95-78(A), 95-28 and 94-74(A),

1.0 POLICY

- 1.1 Travel authorization forms must be completed and approved prior to traveling for the City of Homer for trips exceeding \$250 total estimated cost.
- 1.2 At completion of the travel and expense report, with receipts attached, must be submitted to Finance. Mayor and Council complete a Travel Expense Report Narrative following an outline specified by the City Council must be submitted to the City Clerk, who will distribute it to the City Council.
- 1.3
 - a. Travel advances must be accounted for within 10 days after the completion of travel. Travel expense report must be submitted to finance within 10 days of completion of travel. . If the total travel advance is not utilized, a refund check is required to be attached to the travel expense report.
 - b. Mayor and Council travel reports are not due to finance until approved by the City Council. If you did not use your advance, a refund check is required to be attached to the travel expense report submitted to Finance.
- 1.4 Travel advance request need to be submitted to Finance two weeks before travel is to commence. Checks will be issued in accordance with the accounts payable policies. Travel advances will be issued the accounts payable check run immediately proceeding travel.

2.0 PURPOSE AND SCOPE

These instructions establish the guidelines for accounting for expenses when traveling for the City of Homer.

3.0 DEFINITION

The travel authorization permits an employee of the City of Homer to conduct business or to receive training beneficial for the City.

The travel expense report is a daily log of expenses while on business or training for the City of Homer.

The Travel Report Narrative is a written account containing the dates, people, and topics of discussion had by the Mayor and members of the Homer City Council, along with any recommendations for follow-up, while conducting business or receiving training

beneficial for the City of Homer.

4.0 **PROCEDURE**

4.1 Travel Authorization

Authorizations shall be as follows:

- A. Mayor and City Council - place on consent agenda. The Mayor and/or Council may approve a trip required for short notice. Authorization is still to be placed on the next Consent Agenda.
- B. City Manager, Mayor approval.
- C. Department Heads, City Manager approval.
- D. All other employees Department Head and City Manager approval.

| <u>Responsibility</u> | <u>Instructions</u> |
|-----------------------|--|
| Employee | 1) Complete travel authorization form as attached <ul style="list-style-type: none">a) Employee name, department and date (see attached form #1)b) Destination, date of departure, date of return, account code (see attached form #2,3,4)c) Explain purpose of travel (#5)d) Mode of travel (#6)e) Amount of advance requested (#7) |
| Employee | 2) Requested by: Employee signature |
| Department Director | 3) Approved by: Department Director signature |
| City Manager | 4) If required, review and approve by signing |
| Finance | 5) When travel advance requested, Finance prepares check for traveling employee and returns travel authorization to dept. |

4.2 Travel Arrangements

| <u>Responsibility</u> | <u>Instructions</u> |
|-----------------------------|--|
| Purchase Clerk/ Employee | 1) Prepare Purchase Orders for travel according to Purchase Order instructions |

- 2) Prepare enrollment sheets for seminars, conferences with check requests
- 3) If applicable, prepare check request for room deposits for lodging

4.3 Travel Expense Report and Travel Report Narrative.

Approval shall be as follows:

- A. Department Heads - City Manager approval.
- B. All other employees - Department Head and City Manager approval.

Responsibility

Instructions

Employee

- 1) Complete travel expenses report. Mayor and City Council members complete Travel Report Narrative.
 - a) name, department, date of request
 - b) date of daily expenses
 - c) location of employee at time expense incurred
 - d) report daily mileage of personal car
 - e) lodging
 - f) meals-City personnel and Council-members per diem allowance for meals and incidentals, \$58 daily. No receipt required, no reimbursement for amounts exceeding the daily limit. When conference registration fees provided for meals; the per diem would be reduced by: \$13 for breakfast, \$15 for lunch; and \$30 for dinner. The per diem rate does not apply to meals included in conference registration.
 - g) Meals for others. Business related expense for others requires a receipt, indication on receipt who dined at city expense.

- h) transportation-limit the reimbursement amount for use of personal vehicle to no more than the cost charged by commercial carrier for the same trip, including rental cars.
 - D) special fees

- j) business telephone
- k) miscellaneous expenses
- l) total daily expenses
- m) fill out Travel Report Narrative form detailing who was seen and when, what was discussed, and recommendation for follow-up, if any is required.

2) Substantiate expenses with individual receipts. All receipts submitted for reimbursement of travel expenses shall clearly identify the purchase.

3) Sign completed form and remit amount of advance not used

Department Head

4) Approve expenses by signing.

5) Verifies purpose of travel

Finance

6) Verifies expenses and prepares check less advance (if applicable) after submittal of Travel Report Narrative by Mayor and/or Council members to City Council.

7) If you did not use your travel advance, a refund check is required to be attached to the travel expense report that is sent to Finance.

**City of Homer
Travel Authorization**

T.A. #

| | | | | | |
|---|------------------------------|---------------------------------------|---|----------|-------------|
| 1 | EMPLOYEE NAME | DEPARTMENT | | | DATE |
| | Destination | Date Depart | Date Return | Business | Training |
| 2 | | | | | |
| 3 | | | | | |
| 4 | PURPOSE OF TRAVEL | | | | |
| | | | | | |
| | | | | | |
| 5 | MODE OF TRAVEL: | | | | |
| | AIR <input type="checkbox"/> | CITY VEHICLE <input type="checkbox"/> | EMPLOYEE VEHICLE <input type="checkbox"/> | | |

Requested _____ Director _____ City Manager _____
 By: _____ Approval: _____ Approval: _____

| FOR FINANCE DEPARTMENT USE | |
|----------------------------|-----------------------------------|
| A | TRAVEL ADVANCE AMOUNT \$ _____ |
| B | ACCT NUMBER: |

1. Travel advance requires that you follow the accounts payable procedure and have your request to accounts payable the Friday before the checks are written. Make sure your request has been received by accounts payable or you may not get a check.
2. Travel advances must be accounted for 10 days after the completion of travel. That means you need to have the travel expense report completed with receipts in finance 10 days after you travel. If you did not use your advance, a refund check is required to be attached to the travel expense report that is sent to finance.

| | | | | | | |
|-------------------------------------|--------------|---------|--|--|--|--|
| Travel Dates | | | | | | |
| Meals not paid in registration fee. | BREAKFAST | \$13.00 | | | | |
| | LUNCH | \$15.00 | | | | |
| | DINNER | \$30.00 | | | | |
| Mileage | PERS. AUTO | | | | | |
| | \$0.505/mile | | | | | |
| Total | | | | | | |

Updated 02/11/08, Reso. 08-19 (A)

Travel Expense Report

| | | | | | | | | | | | | |
|---|--------------------------------|-----------------------|--|--|--|--------------------|---------------|---------------|---------------|--|---------------|---------------|
| Employee: | | | | | | Department: | | | | | Date: | |
| 1. | Dates: | | | | | | | | | | | |
| 2. | City: | From : | | | | | | | | | | |
| RT | | To : | | | | | | | | | | |
| 3. | Miles – Personal Auto | | | | | | | | | | | |
| 4. | Lodging | | | | | | | | | | | |
| 5. | Meals | Breakfast \$13 | | | | | | | | | | |
| 5a. | | Lunch \$15 | | | | | | | | | | |
| 5b. | | Dinner \$30 | | | | | | | | | | |
| 6. | Transportation: | | | | | | | | | | | |
| 6a. | Personal Auto | 0.505 | | | | | | | | | | |
| 6b. | Taxi, limo, etc. | | | | | | | | | | | |
| 6c. | Air, Bus, Ferry, Rental | | | | | | | | | | | |
| 7. | Special Fees | | | | | | | | | | | |
| 8. | Communications | | | | | | | | | | | |
| 9. | Miscellaneous | | | | | | | | | | | |
| 10. | TOTAL [4 through 9] | | | | | | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| All reimbursements must be substantiated as to time, place, cost and purpose. | | | | | | | | | | Total: | \$0.00 | |
| Employee Mileage: Enter total miles in line 3 and the correct dollar amount will be calculated on line 6a. | | | | | | | | | | Less Advance: | \$0.00 | |
| | | | | | | | | | | Balance: | \$0.00 | |
| Employee Signature: | | | | | | | | | | | | |
| Approved by: | | | | | | | | | | | | |
| Comments: | | | | | | | | | | | | |
| | | | | | | | | | | Travel Account: <u>100-5236-120:</u> | \$0.00 | |
| | | | | | | | | | | Subsistence Account: <u>100-5237-120:</u> | \$0.00 | |
| | | | | | | | | | | Training Account: <u>100-5603-120:</u> | \$0.00 | |
| | | | | | | | | | | Total Travel Expense | \$0.00 | |
| | | | | | | | | | | Vendor Number: | | |
| | | | | | | | | | | T.A. Number: | | |

Title:

GLOSSARY OF TERMS AND DEFINITIONS

Architectural/Engineering Services (A/E) - A/E services rendered by persons other than employees of the City contracted to perform activities normally related to the Architectural or Engineering profession. The end product is normally plans, specifications and estimates or a report.

Agreement - A binding contractual obligation between two organizations or parties as witnessed by signatures of responsible persons from each organization or party.

Approval - Recorded support or endorsement (including the date and signature, stamps, or initials of the person) of a document or activity.

As-Built Data - Documented data that describes the condition actually achieved in a product (generally used with reference to drawings).

Audit - An activity usually performed by an independent group to determine, through investigation, the adequacy of, and adherence to, established procedures, instructions, specifications, codes, and standards or other applicable contractual and licensing requirements and the effectiveness of implementation.

Award - The act of communicating a judgment or decision to accept a seller's offer; the acceptance must be communicated to the seller.

Bid - An offer to perform a contract for work and labor or supplying materials at a specified price. A bid is usually in response to an invitation for bid or a solicitation. (Also see Proposal)

Bid Bond - A written obligation that the contractor will execute the contract for the price bid.

Bid Package - The drawings, specifications, standards, and other documents specifying requirements that completely describe the task or item on which a prospective contractor will bid.

Bid Evaluation - The technical, financial, and commercial evaluation or appraisal of a bid to determine if the bid is responsive to needs and requirements.

Buyer/Owner - The City or department responsible for issuance or administration of procurement documents.

Capital Equipment - Equipment valued at over \$1,000 per unit.

Certification - The action of determining, verifying, and attesting in writing to the qualifications of personnel or materials.

Change Order - A formal change to a contract or the purchase order that is reviewed and approved by the City. (See Contract Modification)

City Contract, Purchase Order and/or Change Order - A legally binding document, when fully executed, committing both the City and a contractor, vendor and/or a supplier.

Claim - An assertion or demand by one contracting party on another for monies, time, support and work due him for exposure (e.g., damage, shortage, error in shipment) not specifically defined in the contract.

Competitive Contracting - Consideration of more than one source, as may be evidenced by competitive requests for proposals, to insure full and free competition consistent with the types of services required and necessary to meet the needs of the City.

Consultant Services - Services of an individual or organization engaged in an advisory capacity on an intermittent basis to provide scientific, technical, or administrative expertise. The end product is normally a report or recommendation (s) based upon data obtained from the City or others.

Contract - A legally binding agreement between two parties or organizations for the provisions of items or services by the one to the other. (See also Purchase Order)

Contract Administration - The activity of administering contracts, including those acts to determine conformance, communications regarding contractual matters, and processing of contract modifications.

Contract Modification - Any written alteration in the specification, delivery point, rate of delivery, contract period, price, quantity, or other contract provisions to an existing contract, whether accomplished by unilateral action in accordance with a contract provision or by mutual action of the parties to the contract. It includes (I) bilateral actions such as supplemental agreements and (ii) unilateral actions such as change orders, orders for provisioned items, administrative changes, notices of termination, and notices of the exercise of a contract option.

Contractor - Any organization under contract to furnish items or services. It includes the terms vendor, supplier, subcontractor, and fabricator and the subtier levels of these, where appropriate.

Cost-Reimbursement Contract - A contract where the contractor is reimbursed for actual cost incurred in the performance of the contract.

Delegated Authority - The authority given by formal agreement to perform designated activities.

Delivery - The physical and/or legal transfer of a shipment from consignor to consignee. In determining whether a component has been delivered, the basic element is if or when the purchaser has taken legal possession of the item. (See also Receiving)

Designated Representative - An individual or organization authorized by the purchaser or vendor to perform functions in the procurement process.

Documentation - Any written or pictorial information describing, defining, specifying,

reporting, or certifying activities, requirements, procedures, or results.

Emergency Purchases - A requirement which arises from a situation where a threat to public health, welfare or safety such as may arise by reason of floods, epidemics, riots, equipment failure or such other reason may be proclaimed by the City Manager or his authorized delegate. The existence of such condition creates an immediate and serious need for supplies, services or construction that cannot be met through normal public bidding methods and the lack of which would seriously threaten (a) the health or safety of any person, (b) the prevention or protection of property.

Earned Fee - The contractor's compensation for completing a specific task or providing a specific work product.

Equipment - The articles or implements used in an operation, activity, or process.

Exception - Any article, item, material, or configuration in which objectionable points are noted or recorded.

General Scope - That work which is fairly and reasonably within the contemplation of the parties when the contract was entered into.

Guaranty - Promissory obligations of one party to undertake to be secondary liable for the obligations of another party.

Invitation for Bid - The complete assembly (bid package) or related documents (whether attached or incorporated by reference) that is furnished prospective bidders for the purpose of bidding. The notice to bidders is a means of publicizing the invitation for bids.

Lump Sum - The total amount to be paid to a contractor for completing a given contract scope of work ("Lump Sum Contract") or for completing a specific task or providing a specific work product.

Material - A substance or combination of substances forming components, parts, pieces, and equipment items. (Intended to include machinery, castings, liquids, formed steel shapes, aggregates and cement).

Negotiation - A process of conferring with another to arrive at a mutual settlement of some matter.

Notice to Bidders - A formal notification to prospective suppliers, usually published in local newspapers, of the City's intention to purchase specific equipment, materials, supplies, or services.

Payment Bond - A written obligation that a contractor will pay all labor, materialmen and subcontractors amounts due them so that liens are not filed.

Performance Bond - A written obligation that a contract will be completed as bid and the end product will be free of liens.

Pricing - To determine or set the amount of money to be paid for an item, material, or service.

Procedure - A document that specifies or describes how an activity is to be performed by a division, department, operation, or function and includes interface relationships between organizations. It assigns responsibility for performance of the activity. It may include methods to be employed, equipment or materials to be used, and sequence of operation. Procedures are approved by the appropriate issuing authority.

Procurement - An activity that includes purchasing, contracting, renting, leasing, or otherwise obtaining materials, equipment, supplies, or services. It includes all functions that pertain to the obtaining of supplies and services, including description (but not determination) of requirements, selection and solicitation of sources, preparation and award of contracts, and related phases of contract administration.

Procurement Documents - Purchase orders, drawings, contracts, specifications, or instructions used to define requirements for purchase.

Procurement Function - The responsibility to deal with contractor/suppliers on behalf of the City and perform staff work in support of final actions taken by persons with assigned signature authority.

Proposal - An offer by one party or organization to another of terms and conditions with reference to some work or undertaking. A proposal is in response to a solicitation for proposals and is usually associated with procurement by negotiations. (See also Bid).

Proprietary Information - Information considered by the originator or holder in due course to be of value, the disclosure of which may result in financial harm, loss of competitive advantage deterioration of market share, or other detriment to the holder.

Proprietary Information Handling Agreement - An agreement between the City and a contractor concerning the disclosure and handling of proprietary information.

Purchase Order - A contract for the purchase of goods or services. The purchase order established the binding requirements with the supplier for goods or services delivered. (See also Contract)

Purchaser - The organization responsible for establishment of procurement requirements and for issuance and administration of procurement documents.

Quality - The degree of conformance of an item or material to the specified requirements.

Receiving - The action of taking delivery of an item at a designated location.

Receiving Inspection - The activity encompassing observation, examination, measurement,

testing, and documentation of an item, part, or materials at the time it is received to assure that it conforms to the procurement requirements.

Reject - A disposition that provides that the item is unsuitable for its intended purpose and rework or repair is not economically feasible; the item is, therefore, removed from possible use.

Repair - The process of restoring a nonconforming characteristic to a condition such that the capability of an item to function reliably and safely is unimpaired, even though that item still may not conform to the original requirements.

Responsible - Ready, willing and able to perform the work.

Responsive - Complies in all material respects with the essential provisions of the Invitation for Bids or the Request for Proposals.

Rework - The process by which a nonconforming item is made to conform to a prior specified requirement by completion, remachining, reassembling, or other corrective means.

Seller - Any individual or organization under contract for furnishing goods or services, including the terms vendor, supplier, contractor, subcontractor, fabricator, and consultant and the lower-tier levels.

Services - The performance by a contractor of activities such as design, fabrication, inspection, repair, or installation.

Signature Authority - The authority to sign a document that formally commits the City.

Solicitation - The act of inviting prospective bidder to bid.

Specification - A concise statement of a set of requirements to be satisfied by a product, a material, a service, or process indicating, whenever appropriate, the procedure by which it may be determined whether the given requirements are satisfied.

Supplement Agreement - A contract modification that is accomplished by mutual action of the parties or organizations to the original agreement.

Supplies - The quantities of goods and services offered for sale at a particular time or at one price.

Surety - A third party who has become legally liable for the debt, default or failure of performance by a City contractor.

Technical Services - The performance of work or by activities that generate data/information. Technical Services can be categorized either as professional or non-professional, depending upon that nature of the service provided. End product is usually a report or service but may be a physical thing such as a model.

Testing - The determination or verification of capability of an item to meet specified requirements by subjecting the item to a set of physical, chemical, environmental, or operating conditions.

Warranty - Promissory obligations of one party to undertake to be secondary liable for the obligations of another party.

1 **CITY OF HOMER**
2 **HOMER, ALASKA**

3 City Manager/
4 Fire Chief

5 **RESOLUTION 13-094**

6
7 A RESOLUTION OF THE HOMER CITY COUNCIL RECOGNIZING
8 AND THANKING THE ALASKA STATE FIRE CHIEFS ASSOCIATION
9 FOR SUBMITTING THE STATEWIDE GRANT TO UPGRADE
10 FIREFIGHTING EQUIPMENT FOR THE HOMER VOLUNTEER FIRE
11 DEPARTMENT.
12

13 WHEREAS, The Alaska State Fire Chiefs Association (AFCA) submitted a state-wide
14 grant to upgrade the self-contained breathing apparatus (SCBA) for fire departments, helping
15 to ensure that firefighters stay safe with up-to-date equipment; and
16

17 WHEREAS, The AFCA drafted and promoted the statewide grant to the Alaska State
18 Legislature and lobbied heavily for its inclusion in the state budget and subsequent approval;
19 and
20

21 WHEREAS, The AFCA coordinated the project oversight, including securing the lowest
22 possible costs for the upgrade components from potential vendors; and
23

24 WHEREAS, The AFCA worked closely with each fire department to ensure that the
25 conversion of the SCBA's could be completed by trained technicians and that the service
26 complied with all applicable procedures and regulations; and
27

28 WHEREAS, The AFCA was successful in obtaining the grant to upgrade self-contained
29 breathing apparatuses for fire departments, including the Homer Volunteer Fire Department;
30 and
31

32 WHEREAS, The City of Homer budgeted \$93,000 for FY 13 to complete this required
33 upgrade; this amount was not expended due to the grant secured by the AFCA.
34

35 NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby recognizes
36 and thanks the Alaska State Fire Chiefs Association for submitting the statewide grant to
37 upgrade firefighting equipment for the Homer Volunteer Fire Department.

38 BE IT FURTHER RESOLVED that the Homer City Council recognizes and thanks the
39 AFCA for promoting this grant to the Alaska State Legislature and coordinating the project
40 oversight to ensure the conversion of the SCBA's be completed by trained technicians.

41

42 PASSED AND ADOPTED by the Homer City Council this 23rd day of September, 2013.

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CITY OF HOMER

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MARY E. WYTHE, MAYOR

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51 ATTEST:

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MELISSA JACOBSEN, CMC

56 DEPUTY CITY CLERK

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58 Fiscal Note: NA

**CITY OF HOMER
HOMER, ALASKA**

Lewis

RESOLUTION 13-095

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
AUTHORIZING THE CITY MANAGER TO KEEP THE HOMER EDUCATION
AND RECREATION COMPLEX (HERC) GYMNASIUM OPEN FOR
PICKLEBALL, BASKETBALL, AND OTHER COMMUNITY RECREATION
PROGRAMS THAT REQUIRE ONLY MINIMAL HEAT AND UTILITIES UNTIL
SUCH TIME AS THE BUILDING IS DEMOLISHED.

WHEREAS, The City of Homer does not have the funds to refurbish the HERC Building or to operate and maintain it and it has been unsuccessful in identifying a suitable use for it going forward; and

WHEREAS, At a recent CIP Planning workshop, the City Council decided that it was in the best interest of the community to demolish the building and use the land as the site of a proposed new public safety building; and

WHEREAS, There are a number of steps which must be taken before the building can be demolished including identifying the funding for demolition and selecting a contractor through the City's procurement procedures; and

WHEREAS, Minimal heat must be maintained in the building whether it is in use or not in order to prevent pipes from freezing and snow from accumulating on the flat roof; and

WHEREAS, Pickleball, adult basketball, and other City of Homer Community Recreation Programs are very popular and make a large contribution to community health and the quality of life; and

WHEREAS, These programs involve vigorous physical activity and do not require heat above the minimal setting already used to keep the building in "warm status"; and

WHEREAS, Advocates for these programs have requested that the gymnasium remain open with minimal heat and utilities until such time as the building is demolished.

NOW THEREFORE BE IT RESOLVED that the Council finds that the gymnasium remains an asset for as long as the HERC building remains standing and that it would be in the best interest of the community to use it provided that maintenance and utility costs are minimal; and

BE IT FURTHER RESOLVED that the Council hereby authorizes the City Manager to keep the HERC gymnasium open for pickleball, basketball, and other City of Homer Community Recreation Programs that require only minimal heat and utilities until such time as the building is demolished.

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PASSED AND ADOPTED by the Homer City Council this 23rd day of September, 2013

CITY OF HOMER

MARY E. WYTHE, MAYOR

ATTEST:

MELISSA JACOBSEN, CMC
DEPUTY CITY CLERK

Fiscal Note: Estimated additional \$15,000 for electric and maintenance; \$7,500 in 2013 and \$7,500 in \$2014.

**CITY OF HOMER
HOMER, ALASKA**

Howard

RESOLUTION 13-096

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA REQUESTING THAT THE KENAI PENINSULA BOROUGH ASSEMBLY AMEND RELEVANT AGREEMENTS AND THE QUITCLAIM DEED REGARDING THE TRANSFER OF OWNERSHIP OF THE OLD MIDDLE SCHOOL PROPERTY TO PERMIT THE CITY TO SELL THE PROPERTY AND DEDICATE THE PROCEEDS FOR THE USE AND BENEFIT OF THE GENERAL PUBLIC.

WHEREAS, The Kenai Peninsula Borough transferred ownership of the Old Intermediate School property to the City of Homer via a Quitclaim Deed dated July 7, 2000; and

WHEREAS, The property is described as Tract 2, Homer School Survey 1999 City Addition according to Plat 2000-22; and

WHEREAS, The City Attorney advises that the only currently operative restriction on the use or disposal of the property is a restriction contained in the Deed which states “ the site shall be owned in perpetuity by the City of Homer or its successor and managed for the use and benefit of the general public”; and

WHEREAS, The City cannot afford to operate and maintain the buildings nor bring them up to current code requirements and a suitable future use has not been identified; and

WHEREAS, The City Council has concluded that it is in the best interest of the community to demolish the buildings and use the site for the proposed new public safety building; and

WHEREAS, The Council wishes to expand the options available to it in the event that it is determined the site is not suitable for a public safety building; and

WHEREAS, Permitting the City to sell the property provided that the proceeds of the sale are directed to the use and benefit of the general public would be in the best interest of the community and would be consistent with the original intent of the Borough when it conveyed the property.

NOW THEREFORE BE IT RESOLVED that the Homer City Council hereby requests that the Kenai Peninsula Borough Assembly amend relevant agreements and the Quit Claim Deed on the transfer of ownership of the Old Middle School Property to allow the City to sell the property and dedicate and direct the sale proceeds to the use and benefit of the general public.

PASSED AND ADOPTED this 23rd day of September, 2013.

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CITY OF HOMER

MARY E. WYTHE, MAYOR

ATTEST:

MELISSA JACOBSEN, CMC
DEPUTY CITY CLERK

Fiscal Note: NA

MEMORANDUM

TO: WALT WREDE

FROM: THOMAS F. KLINKNER

**RE: RESTRICTIONS ON USE OF HOMER INTERMEDIATE SCHOOL
PROPERTY**

CLIENT: CITY OF HOMER

FILE NO.: 506,742.200

DATE: DECEMBER 7, 2010

You have asked whether the use of the Homer intermediate school site ("Property")¹ is restricted by the terms of prior conveyances of the Property. I conclude that the only restriction on the use of the Property that currently is operative is the restriction in the deed of the Property to the City from the Kenai Peninsula Borough ("Borough") that "the site shall be owned in perpetuity by the City of Homer or its successor and managed for the use and benefit of the general public."² Under this restriction, the City may not transfer ownership of the Property to another party, although it may permit another party to use the property under a lease or other arrangement. Whether a particular use of the Property is for the use and benefit of the general public is to be determined by the Council, provided that the decision is supported by findings that are not arbitrary and have a reasonable basis in fact.

A deed to the Territory of Alaska dated April 12, 1950, from the heir of the homesteader of the largest part of the Property includes the following recital: "This deed is made in lieu of that certain 'Gentleman's Agreement' entered into between my father John Redis Crittenden, deceased, and the Territory of Alaska, whereby said land is to be used for Public School purposes only." In my opinion, this recital is neither a

¹ In the quitclaim deed of the Property to the City dated July 7, 2000, the Property is described as Tract 2, Homer School Survey 1999 City Addition, according to Plat No. 2000-22. Plat No. 2000-22 created Tract 2 out of five former parcels. The Borough was the record owner of all five, having acquired the two larger parcels by conveyance, and the three smaller parcels by a quiet title action.

² Parts of the Property also are subject to reservations of mineral rights in favor of the United States and the State of Alaska. However, those reservations would affect the use of the property only if those entities chose to pursue mineral development of the Property.

covenant nor a condition limiting the rights conveyed to the grantee under the deed, and is not effective to restrict the use of the part of the Property to which it applies.

The deed of the Property from the Borough to the City, dated July 7, 1974, states that the grant of the Property by the Borough to the City is "FURTHER SUBJECT TO the restriction that the site shall be owned in perpetuity by the City of Homer or its successor and be managed for the use and benefit of the general public." This restriction remains in effect and directly governs the use of the Property. The remaining issue is its interpretation.

The restriction quoted above has two elements: (i) that the Property be owned by the City of Homer or its successor in perpetuity, and (ii) that the Property be managed for the use and benefit of the general public. The first restriction is a straightforward restriction on alienation of the Property—the City cannot convey the Property to another party. In context, the phrase "its successor" must refer to a legal successor to the City of Homer, as in the case of the merger of the City into another municipality. If the phrase "its successor" were interpreted to mean any person or entity to which the City conveyed the Property, the restriction would be meaningless. However, this restriction clearly is confined to ownership—it does not restrict the transfer of an interest in the Property other than an ownership interest, for example, a leasehold. However, the transfer of such an interest would be subject to the second restriction in the deed.

The second restriction indicates that the City holds the Property as trustee for the general public. Unlike the typical case, this restriction is not imposed in connection with the designation of a use for the Property. Courts frequently have interpreted conveyances of property to government entities for the use and benefit of the general public for a specified purpose (such as a park or street), holding that the phrase "general public" in that context refers to members of the general public who use the property for its intended purpose.³ However, I found no reported decision that interpreted the phrase, "for the use and benefit of the general public," standing alone in a deed restriction. I conclude that the City thus has discretion to determine the use to which the Property should be put, so long as the use is for a public purpose.

³ For example, the Alaska Supreme Court held that the State's leasing of a seaplane dock to a city was subject to statutes that required the lessee to make it "at all times available for the use of and accessible to the general public." Thus, the court concluded:

We think that by enacting the provisions cited, the legislature intended to insure that airport facilities would be made available, on a priority basis, to that segment of society for which those facilities are designed. Thus, in this instance, the statutes' reference to "the public" and "the general public" can only mean the *flying public*, i.e., those persons operating aircraft or machinery used incidental to the operation of aircraft.

Planich v. State, 693 P.2d 855, 858 (Alaska 1985) (emphasis in original).

Whether a use is for a public purpose is highly fact-dependent, and is not determined by some specific definition. The Alaska Supreme Court has declined to define the phrase:

At the outset we observe that the phrase 'public purpose' represents a concept which is not capable of precise definition. We believe that it would be a disservice to future generations for this court to attempt to define it. It is a concept which will change as changing conditions create changing public needs. Whether a public purpose is being served must be decided as each case arises and in the light of the particular facts and circumstances of each case.⁴

However, the Court has concluded that this leaves the determination of what constitutes a public purpose largely in the discretion of the legislative body, in this case the Council:

In determining the question presented this court adopts for its guidance the general rule, supported by the great weight of authority, that where the legislature has found that a public purpose will be served by the expenditure or transfer of public funds or the use of the public credit, this court will not set aside the finding of the legislature unless it clearly appears that such finding is arbitrary and without any reasonable basis in fact.⁵

More specifically, the Property may be leased to, or managed by, a private party, consistently with the requirement that it be used for a public purpose, as in the case of a hospital⁶ or an industrial building.⁷

In conclusion, a reviewing court will uphold a decision by the Council that a particular use of the Property is for the use and benefit of the general public, provided that the decision is supported by findings that are not arbitrary and have a reasonable basis in fact.

Please let me know whether we may be of further assistance in this matter.

⁴ *Dearmond v. Alaska State Development Corp.*, 376 P.2d 717, 721 (Alaska 1962).

⁵ *Id.*

⁶ *Lien v. City of Ketchikan*, 383 P.2d 721, 722 (Alaska 1963).

⁷ *Wright v. City of Palmer*, 468 P.2d 326, 330-331 (Alaska 1970).

VISITORS

ANNOUNCEMENTS
PRESENTATIONS
BOROUGH REPORT
COMMISSION REPORTS

PUBLIC HEARING(S)

**CITY OF HOMER
PUBLIC HEARING NOTICE
CITY COUNCIL MEETING**

Ordinance 13-37 and 13-38

A **public hearing** is scheduled for **Monday, September 23, 2013** during a Regular City Council Meeting. The meeting begins at 6:00 p.m. in the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

Ordinances 13-37 AND 13-38 internet address:
<http://www.cityofhomer-ak.gov/ordinances>


Ordinance 13-37, An Ordinance of the City Council of Homer, Alaska, Amending the Definition of "Discontinued" in Homer City Code 21.61.015, Definitions, to Exclude From the Time for Which a Nonconforming Use May Cease the Time From the Death of Its Operator Until the Use is Legally Available for Transfer to a Successor Operator. Mayor/City Manager.

Ordinance 13-38, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2013 Capital Budget by Appropriating \$300,000 From a Combination of the Fire Department, Police Department, and General Depreciation Reserve Funds to Begin Preliminary Engineering and Design Work on the Proposed New Public Safety Building. Mayor/City Council.



All interested persons are welcomed to attend and give testimony. Written testimony received by the Clerk's Office prior to the meeting will be provided to Council.

** Copies of proposed Ordinances, in entirety, are available for review at Homer City Clerk's Office. Copies of the proposed Ordinances are available for review at City Hall, the Homer Public Library, the City of Homer Kiosks at City Clerk's Office, Captain's Coffee, Harbormaster's Office, and Redden Marine Supply of Homer and the City's homepage - <http://clerk.ci.homer.ak.us>. Contact the Clerk's Office at City Hall if you have any questions. 235-3130, Email: clerk@ci.homer.ak.us or fax 235-3143.

Jo Johnson, MMC, City Clerk 

Publish: Homer News: September 19, 2013

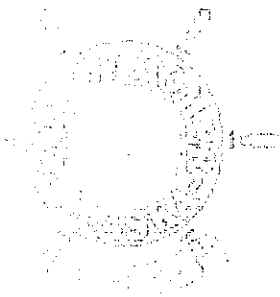
CLERK'S AFFIDAVIT OF POSTING

I, Renee Krause, CMC, Deputy City Clerk I for the City of Homer, Alaska, do hereby certify that a copy of the Public Hearing Notice for Ordinance 13-37, Amending the Definition of "Discontinued" in Homer City Code 21.61.015, Definitions, to Exclude From the Time for Which a Nonconforming Use May Cease the Time From the Death of Its Operator Until the Use is Legally Available for Transfer to a Successor Operator; Ordinance 13-38, Amending the FY 2013 Capital Budget by Appropriating \$300,000 from a Combination of the Fire Department, Police Department and General Depreciation Reserve Funds to Begin Preliminary Engineering and Design Work on the Proposed New Public Safety Building at the City of Homer kiosks located at City Clerk's Office, Captain's Coffee Roasting Co., Harbormaster's Office and Redden Marine on September 13, 2013 and that the City Clerk posted same on City of Homer Homepage on September 12, 2013.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of said City of Homer this 12th day of September, 2013.



Renee Krause, CMC, Deputy City Clerk I



ORDINANCE REFERENCE SHEET
2013 ORDINANCE
ORDINANCE 13-37

An Ordinance of the City Council of Homer, Alaska, Amending the Definition of “Discontinued” in Homer City Code 21.61.015, Definitions, to Exclude From the Time for Which a Nonconforming Use May Cease the Time From the Death of Its Operator Until the Use is Legally Available for Transfer to a Successor Operator.

Sponsor: Mayor/City Manager

1. City Council Regular Meeting August 26, 2013 Introduction
2. City Council Regular Meeting September 23, 2013 Public Hearing and Second Reading
 - a. Memorandum 13-126 from City Manager as backup
 - b. City Planner’s Staff Report PL 13-70 w/attachments

42 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 23rd day of September, 2013.

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CITY OF HOMER

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MARY E. WYTHE, MAYOR

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50 ATTEST:

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54 MELISSA JACOBSEN, CMC

55 DEPUTY CITY CLERK

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60 YES:

61 NO:

62 ABSTAIN:

63 ABSENT:

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67 First Reading:

68 Public Hearing:

69 Second Reading:

70 Effective Date:

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73 Reviewed and approved as to form.

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75

76 Walt Wrede, City Manager

Thomas F. Klinkner, City Attorney

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78 Date: _____

Date: _____

[Added language underlined. ~~Deleted language stricken through.~~]



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

491 East Pioneer Avenue
Homer, Alaska 99603

citymanager@cityofhomer-ak.gov

(p) 907-235-8121 x2222

(f) 907-235-3148

MEMORANDUM 13-126

TO: Mayor Wythe and the Homer City Council

FROM: Walt Wrede

DATE: August 26, 2013

SUBJECT: Ordinance 13-37

The August 26, 2013 City Council packet contains Ordinance 13-37 entitled “An Ordinance of the City Council of Homer, Alaska, Amending the Definition of “Discontinued” in Homer City Code 21.61.015, Definitions, to Exclude from the Time for Which a Nonconforming Use May Cease the Time From the Death of its Operator Until the Use is Legally Available to Transfer to a Successor Operator.” This ordinance is sponsored by the Mayor and City Manager.

Under the code as it currently is written, a legal non-conforming use may continue so long as the use is not “discontinued” for one year (12 consecutive months). If the use is discontinued for 12 consecutive months, the nonconforming use may not be continued and subsequent uses must comply with the zoning code.

This ordinance proposes to amend the definition of “discontinued” as it is applied to nonconforming uses. The proposed amendment is as follows:

“Discontinued” means that a nonconforming use has ceased, and has not substantially resumed, for a period of 12 consecutive months, regardless of intent; provided that when a nonconforming use ceases because of the death of its operator the time the nonconforming use has ceased shall not include the time from the death until the use is legally available for transfer to a successor operator.

The practical effect of the amendment is that it “stops the clock” when the operator of a nonconforming use dies and the disposition of the property is involved in a legal process, such as probate court, which prevents the successor operator from continuing the nonconforming use. The time that it takes to resolve legal issues involving the death of the operator before a use can legally continue by a successor would be subtracted from the 1 year “discontinued” criteria.

The reason for bringing this forward for Council and Planning Commission discussion is that even though the City Zoning Code is well intentioned, there may sometimes be unintended

consequences. This may be one of those cases. It seems to the sponsors that making a legal nonconforming use illegal because an operator died and 12 months passed before a successor operator was legally able to continue the use is not something that was intended when the code was drafted. This seems to warrant further discussion and we think that the public at large would agree.

RECOMMENDATION: Introduce Ordinance 13-37 and forward it to the Planning Commission with a request for comments and recommendations.



City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

STAFF REPORT PL 13-70

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
MEETING: September 18, 2013

SUBJECT: Ordinance 13-37 an ordinance of the City Council of Homer, Alaska, amending the definition of "discontinued" in Homer City Code 21.61.015, Definitions, to exclude from the time for which a nonconforming use may cease the time from the death of its operator until the use is legally available for transfer to a successor operator.

SYNOPSIS: The Mayor and City Manager sponsored this ordinance to consider the time it takes to deal with the estate of a person for which a nonconforming use is dependent upon that person and the nonconforming use ceases to continue because of their death. The Planning Commission is to conduct a public hearing on this legislative subject and forward a recommendation to City Council.

BACKGROUND: Currently, when a use is discontinued for 12 consecutive months, regardless of intent, a nonconforming use must cease. This is standard language found in most every code. Technically a "nonconforming use" is a use that was lawful at time of inception and because of a code revision is no longer allowable. HCC 21.61.050 has provisions for the continuance of uses upon reviewing documents that prove continuation of the use without it having been discontinued for 12 consecutive months.

Nonconformities exist because at some point the community decided that a use was not appropriate in a specific district. There may be many reasons that it is no longer appropriate. These are seen to be mostly categorized as negative externalities, that is, something that produces an undesirable effect for a particular neighborhood. Noise, pollution, traffic, or unsightliness are common issues. Right now, our community has made provisions for nonconformities to cease someday and be replaced with those that conform.

ISSUES: First the technical, the word "operator" (line # 37) has no definition in planning or legal context in relation to the subject matter. As written, one would have to make the assumption that "operator" would be an owner/operator and the use would have to depend upon their existence. Perhaps this could be improved by adopting some of the example language that was found, although I have the same issue in regards to when a death is responsible for discontinuance. It all seems very circumstantial and open to arguments of interpretation and context. Under many different circumstances I could see that discontinuance may not be a result of a death.

Another next technical issue relates with the resolution an estate. I would not want to put something into code that could be perpetuated indefinitely, such as some protracted probate battle. These two issues make it questionable whether or not this ordinance will be reasonable to implement and enforce.

Now the philosophical issues, while I do not confirm that this amounts to spot zoning, it seems to be a special consideration for a very limited population as Councilman Dolma pointed out. The scenario of an operator's death precluding the operation of a nonconforming use is hopefully limited. More complex businesses would most likely not qualify for such an exemption. While the face value of this ordinance seems to allow for a reasonable exception in regards to an unfortunate event, I see it as opening the door to special consideration when there are many other situations that result in the inability to continue a nonconformity such as, fire or other destruction worth over 50% of the value of the structure or even physical or mental incapacities. If we do expect that nonconforming uses cease at some time, I do not support this ordinance.

RECOMMENDATION: Do not recommend that the City Council adopt this ordinance as it is found inconsistent with HCC 21.95.040. If so desired, continue discussion and review and make recommendations regarding the expectations of continuing nonconformities in general.

ATTACHMENTS

1. Ord. 13-37
2. Memo 13-126
3. City Council minutes
4. Examples
5. Staff review of Ord. 13-37

1 CITY OF HOMER
2 HOMER, ALASKA

3 Mayor/City Manager

4 ORDINANCE 13-37
5

6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
7 AMENDING THE DEFINITION OF "DISCONTINUED" IN HOMER
8 CITY CODE 21.61.015, DEFINITIONS, TO EXCLUDE FROM THE
9 TIME FOR WHICH A NONCONFORMING USE MAY CEASE THE
10 TIME FROM THE DEATH OF ITS OPERATOR UNTIL THE USE IS
11 LEGALLY AVAILABLE FOR TRANSFER TO A SUCCESSOR
12 OPERATOR.
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14 WHEREAS, The City's zoning code permits the continuation of a lawful nonconforming
15 use subject to limitations; and
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17 WHEREAS, One such limitation is that the right to maintain a nonconforming use
18 terminates when the use ceases and has not substantially resumed for a period of 12
19 consecutive months; and
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21 WHEREAS, This 12-month limit on the time a nonconforming use may cease can result
22 in an unfair forfeiture when the nonconforming use ceases because of the death of its
23 operator, and the use is not legally available for transfer to a successor operator; and
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25 WHEREAS, It is in the best interest of the City when a nonconforming use ceases
26 because of the death of its operator to exclude from the 12-month limit on the time the
27 nonconforming use may cease the time from the death until the use is legally available for
28 transfer to a successor operator.
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30 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
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32 Section 1. The definition of "Discontinued" in HCC 21.61.015, Definitions, is hereby
33 amended to read as follows:
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35 "Discontinued" means that a nonconforming use has ceased, and has not substantially
36 resumed, for a period of 12 consecutive months, regardless of intent; provided that when a
37 nonconforming use ceases because of the death of its operator the time the
38 nonconforming use has ceased shall not include the time from the death until the use is
39 legally available for transfer to a successor operator.
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41 Section 2. This Ordinance is of a permanent and general character and shall be included
42 in the City Code.

[Added language underlined. Deleted language stricken through.]

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ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of _____, 2013.

CITY OF HOMER

MARY E. WYTHE, MAYOR

ATTEST:

JO JOHNSON, MMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and approved as to form.

Walt Wrede, City Manager

Thomas F. Klinkner, City Attorney

Date: _____

Date: _____

[Added language underlined. Deleted language stricken through.]



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

491 East Pioneer Avenue

Homer, Alaska 99603

citymanager@cityofhomer-ak.gov

(p) 907-235-8121 x2222

(f) 907-235-3148

MEMORANDUM 13-126

TO: Mayor Wythe and the Homer City Council

FROM: Walt Wrede

DATE: August 26, 2013

SUBJECT: Ordinance 13-37

The August 26, 2013 City Council packet contains Ordinance 13-37 entitled "An Ordinance of the City Council of Homer, Alaska, Amending the Definition of "Discontinued" in Homer City Code 21.61.015, Definitions, to Exclude from the Time for Which a Nonconforming Use May Cease the Time From the Death of its Operator Until the Use is Legally Available to Transfer to a Successor Operator." This ordinance is sponsored by the Mayor and City Manager.

Under the code as it currently is written, a legal non-conforming use may continue so long as the use is not "discontinued" for one year (12 consecutive months). If the use is discontinued for 12 consecutive months, the nonconforming use may not be continued and subsequent uses must comply with the zoning code.

This ordinance proposes to amend the definition of "discontinued" as it is applied to nonconforming uses. The proposed amendment is as follows:

"Discontinued" means that a nonconforming use has ceased, and has not substantially resumed, for a period of 12 consecutive months, regardless of intent; provided that when a nonconforming use ceases because of the death of its operator the time the nonconforming use has ceased shall not include the time from the death until the use is legally available for transfer to a successor operator.

The practical effect of the amendment is that it "stops the clock" when the operator of a nonconforming use dies and the disposition of the property is involved in a legal process, such as probate court, which prevents the successor operator from continuing the nonconforming use. The time that it takes to resolve legal issues involving the death of the operator before a use can legally continue by a successor would be subtracted from the 1 year "discontinued" criteria.

The reason for bringing this forward for Council and Planning Commission discussion is that even though the City Zoning Code is well intentioned, there may sometimes be unintended consequences. This may be one of those cases. It seems to the sponsors that making a legal

nonconforming use illegal because an operator died and 12 months passed before a successor operator was legally able to continue the use is not something that was intended when the code was drafted. This seems to warrant further discussion and we think that the public at large would agree.

RECOMMENDATION: Introduce Ordinance 13-37 and forward it to the Planning Commission with a request for comments and recommendations.

Excerpt of Homer City Council Meeting Minutes of August 26, 2013

- C. **Ordinance 13-37**, An Ordinance of the City Council of Homer, Alaska, Amending the Definition of "Discontinued" in Homer City Code 21.61.015, Definitions, to Exclude From the Time for Which a Nonconforming Use May Cease the Time From the Death of Its Operator Until the Use is Legally Available for Transfer to a Successor Operator. Mayor/City Manager. Recommended dates: Introduction August 26, 2013, Refer to Planning Commission for Their September 18, 2013 Meeting, Public Hearing and Second Reading September 23, 2013.

Memorandum 13-126 from City Manager as backup.

Mayor Wythe called for a motion for the adoption of Ordinance 13-37 for introduction and first reading by title only.

LEWIS/ROBERTS – SO MOVED.

Councilmember Dolma commented the City has an interest in extinguishing nonconforming uses. Asking for an ordinance change for one party is spot zoning; it is not good policy. If the City is not interested in extinguishing nonconforming uses, Council should instruct the Planning Commission to make it legal for everyone. The effect of the amendment is that it stops the clock when the operator of a nonconforming use dies and the property is involved in a legal process like probate court. The successor operator is prevented from continuing the nonconforming use. He is not aware of the subject property, but does know preplanning would have kept the business operating. The ordinance is ill-conceived.

Councilmember Roberts acknowledged the good points Councilmember Dolma made. She would like to introduce the ordinance and let the Planning Commission weigh in before making a decision. The commission's opinion would be valuable.

Councilmember Dolma asked if the Planning Commission could review the nonconforming section of code rather than this ordinance.

City Manager Wrede answered the Planning Commission always has the option to suggest better language. They will give us their best advice.

Councilmember Howard agrees with both councilmembers' points of view, including spot zoning. The Planning Commission will be reviewing the minutes of this meeting to get a just of the situation.

VOTE: YES. LEWIS, ROBERTS, DOLMA, ZAK, HOWARD

Motion carried.

EXAMPLES

Township of North Codorus, PA [http://ecode360.com/7752031\](http://ecode360.com/7752031)

D. Abandonment, discontinuance and delinquency.

(1) The ceasing of a nonconforming use in a building or structure for a continuous period of one year or more shall be considered the abandonment of the nonconforming use. Subsequent use of such building or structure shall be in conformity with the provisions of this chapter.

(2) The ceasing of a nonconforming use of land for any length of time and reason shall be considered the abandonment of the nonconforming use with the exception of normal farming practices, such as the rotation of crops. Subsequent use of such land shall be in conformity with the provisions of this chapter.

(3) In the case of the death of the property owner and/or settling of an estate, the discontinuance of the nonconforming use shall not be considered an abandonment of the use in accordance with Subsection D(1) and (2) above until the estate is settled or a court order has been entered regarding the estate's disposition. A one-year grace period after such settlement or court order shall apply.

(4) A nonconforming use shall be deemed abandoned in the event the Township or county acquires an unredeemed, tax delinquent property and sells said property. Subsequent use of the land shall be in conformity with the provisions of this chapter.

South Hampton Township
<http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=24&ved=0CDgOFjADOBO&url=http%3A%2F%2Fmain.southhamptontwp.com%2Findex.php%2Ftownship-ordinances%3Fdownload%3D69%3Aarticle-12-2013-zoning-ordinance&ei=RvocUoahAsTEigLQw4CgAQ&usq=AFQjCNHJL8GFPfXsXRE4rcZasq2yu3yoZA>

**SECTION 12.07
DISCONTINUANCE:**

If a non-conforming use of land or building ceases operations for a continuous period of more than twelve (12) months, then such use and any subsequent use of land or building shall conform to the provisions of this Ordinance, except when the discontinuance is due to a death and administration of the decedent's estate, in which event the discontinuance shall not be presumed to start until estate administration is terminated or a court order concerning the disposition of the estate has been entered.

<http://www.keystatepub.com/keystate-pdf/PA/York/Yoe%20Borough/Ord%2074-002.pdf>

S. 151.
Abandonment and discontinuance.

of nonconforming
use.

1.

If a nonconforming use of a building or land is abandoned for any period of time, the subsequent use of such building or land shall be in conformity with the provisions of this Ordinance.

2.

If a nonconforming use of a building or land ceases or is discontinued for a continuous period of one (1) year or more, subsequent use of such building or land shall be in conformity with the provisions of this Ordinance, except when the discontinuance is due to a death and the settling of the estate. In such cases, the discontinuance shall not be presumed to start until the estate is settled or a court order concerning the disposition of the estate has been entered.



City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

Memorandum pl13-03

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
DATE: August 29, 2013
SUBJECT: Draft Ordinance 13-37 Nonconforming Use

This memo contains the planning staff review of the zoning code amendment as required by HCC 21.95.040.

21.95.040 Planning Department review of code amendment. The Planning Department shall evaluate each amendment to this title that is initiated in accordance with HCC 21.95.010 and qualified under HCC 21.95.030, and may recommend approval of the amendment only if it finds that the amendment:

a. Is consistent with the comprehensive plan and will further specific goals and objectives of the plan.

Staff response: This is very difficult to correlate to furthering a specific goal or objective of the comprehensive plan.

b. Will be reasonable to implement and enforce.

Staff response: Challenges exist in the interpretation and thus implementation of the ordinance.

c. Will promote the present and future public health, safety and welfare.

Staff response: The ordinance may not promote public health, safety and welfare as it allows additional provisions for a continuance of an activity that has been found to be undesirable by the community.

d. Is consistent with the intent and wording of the other provisions of this title.

Staff response: The amendments have been reviewed by the City Attorney and are deemed consistent with the intent and wording of the other provision of this title.

21.95.010 Initiating a code amendment.

Staff response: The code amendment was initiated by the City Manager as permitted by HCC 21.95.010(d)

21.95.030 Restriction on repeating failed amendment proposals.

Staff response: This section of code is found to be not applicable.

ORDINANCE REFERENCE SHEET
2013 ORDINANCE
ORDINANCE 13-38

An Ordinance of the City Council of Homer, Alaska, Amending the FY 2013 Capital Budget by Appropriating \$300,000 From a Combination of the Fire Department, Police Department, and General Depreciation Reserve Funds to Begin Preliminary Engineering and Design Work on the Proposed New Public Safety Building.

Sponsor: Mayor/City Council

1. City Council Regular Meeting September 9, 2013 Introduction
 - a. Memorandum 13-129 from City Manager as backup

2. City Council Regular Meeting September 23, 2013 Public Hearing and Second Reading
 - a. Ordinance 13-28(S)
 - b. Memorandum 13-129 from City Manager as backup

1 **CITY OF HOMER**
2 **HOMER, ALASKA**

3 Mayor/City Council

4 **ORDINANCE 13-38**

5
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
7 AMENDING THE FY 2013 CAPITAL BUDGET BY APPROPRIATING
8 \$300,000 FROM A COMBINATION OF THE FIRE DEPARTMENT,
9 POLICE DEPARTMENT, AND GENERAL DEPRECIATION RESERVE
10 FUNDS TO BEGIN PRELIMINARY ENGINEERING AND DESIGN
11 WORK ON THE PROPOSED NEW PUBLIC SAFETY BUILDING.
12

13 WHEREAS, Resolution 13-087(A), adopted by the City Council on September 9, 2013,
14 established the 2014-2019 Capital Improvements Plan and the Capital Project Legislative
15 Priorities for Fiscal Year 2015; and
16

17 WHEREAS, A new public safety building has been included in the “Top 5” CIP Priority
18 List for 2015 and inserted as the number one non- water and sewer project; and
19

20 WHEREAS, In order for the City to have a realistic chance of obtaining funding for the
21 project this year, it needs to quickly initiate specific actions which include site selection,
22 refined space needs analysis, comparison of alternatives, preliminary engineering and
23 design, precise cost estimating, and developing a financing plan that includes a significant
24 local contribution; and
25

26 WHEREAS, Appropriating initial funding for preliminary engineering and design is an
27 important first step and the work will incorporate to some degree the necessary actions
28 noted above; and
29

30 WHEREAS, It is appropriate and in the City’s interest to appropriate funds for this
31 purpose from depreciation reserves in order to move this project forward and leverage
32 funding from other sources.
33

34 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
35

36 Section 1. The City of Homer hereby amends the FY 2013 Capital Budget by
37 appropriating \$300,000 from a combination of the Police, Fire, and General Depreciation

38 Reserves for the to begin preliminary engineering and design work on the new public safety
39 building as follows:

40

41 **Transfer From:**

| <u>Account</u> | <u>Description</u> | <u>Amount</u> |
|----------------|------------------------------|------------------|
| | Police Depreciation Reserve | \$ 50,000 |
| | Fire Depreciation Reserve | \$ 50,000 |
| | General Depreciation Reserve | <u>\$200,000</u> |
| | TOTAL | \$300,000 |

47 **Transfer To:**

| <u>Account</u> | <u>Description</u> | <u>Amount</u> |
|----------------|------------------------|------------------|
| | Public Safety Building | |
| | Project Account | <u>\$300,000</u> |
| | TOTAL | \$300,000 |

52

53 Section 2. The Council authorizes the City Manager to solicit a Request for Proposals
54 for a GC/CM contract pursuant to applicable provisions of the City Procurement Code.

55

56 Section 3. This is a budget amendment ordinance only, is not permanent in nature,
57 and shall not be codified.

58

59 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 23rd day of September, 2013.

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61 CITY OF HOMER

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MARY E. WYTHE, MAYOR

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67 ATTEST:

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MELISSA JACOBSEN, CMC
DEPUTY CITY CLERK

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77 YES:
78 NO:
79 ABSTAIN:
80 ABSENT:
81
82 First Reading:
83 Public Hearing:
84 Second Reading:
85 Effective Date:
86
87 Reviewed and approved as to form.

88
89 _____

90 Walt Wrede, City Manager

91
92 Date: _____

93

94

95 Fiscal Note: NA

96

97

Thomas F. Klinkner, City Attorney

Date: _____

1 **CITY OF HOMER**
2 **HOMER, ALASKA**

3 Mayor/City Council

4 **ORDINANCE 13-38(S)**

5
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
7 AMENDING THE FY 2013 CAPITAL BUDGET BY APPROPRIATING
8 \$300,000 FROM A COMBINATION OF THE FIRE DEPARTMENT,
9 POLICE DEPARTMENT, AND GENERAL DEPRECIATION RESERVE
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38 Reserves for the to begin preliminary engineering and design work on the new public safety
39 building as follows:

40

41 **Transfer From:**

| <u>Account</u> | <u>Description</u> | <u>Amount</u> |
|------------------------|------------------------------|------------------|
| <u>156-0394</u> | Police Depreciation Reserve | \$ 50,000 |
| <u>156-0393</u> | Fire Depreciation Reserve | \$ 50,000 |
| <u>156-0375</u> | General Depreciation Reserve | <u>\$200,000</u> |
| | TOTAL | \$300,000 |

47 **Transfer To:**

| <u>Account</u> | <u>Description</u> | <u>Amount</u> |
|-------------------|---|------------------|
| <u>151</u> | Public Safety Building Project Account | <u>\$300,000</u> |
| | TOTAL | \$300,000 |

52

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54 for a GC/CM contract pursuant to applicable provisions of the City Procurement Code.

55

56 Section 3. This is a budget amendment ordinance only, is not permanent in nature,
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61 CITY OF HOMER

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MARY E. WYTHE, MAYOR

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67 ATTEST:

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71 _____

72 MELISSA JACOBSEN, CMC

73 DEPUTY CITY CLERK

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77 YES:
78 NO:
79 ABSTAIN:
80 ABSENT:
81
82 First Reading:
83 Public Hearing:
84 Second Reading:
85 Effective Date:
86
87 Reviewed and approved as to form.

88
89 _____

90 Walt Wrede, City Manager

91
92 Date: _____

93

94

95 Fiscal Note: NA

96

97

Thomas F. Klinkner, City Attorney

Date: _____



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

491 East Pioneer Avenue
Homer, Alaska 99603

citymanager@cityofhomer-ak.gov

(p) 907-235-8121 x2222

(f) 907-235-3148

MEMORANDUM 13-129

TO: Mayor Wythe and Homer City Council

FROM: Walt Wrede

DATE: September 3, 2013

SUBJECT: Preliminary Design / Proposed Public Safety Building

At the regular meeting on August 26th, the Council requested that I prepare an ordinance which appropriated funds for engineering and design of the new proposed public safety building. My understanding was that the intent of the Council was to use depreciation reserve funds from the Police and Fire Departments. I understood further, that the intent was to provide funding for a portion of the cost of design and ask the Legislature for the rest this year (for the FY 15 State Capital Budget).

An ordinance to that effect is included in the September 9 Council packet. I had a difficult time making a recommendation on how much money to include and where to take it from. This will need some discussion at the Committee of the Whole and/or when the ordinance gets on the floor at the regular meeting.

The initial, very rough cost estimate for this project is approximately \$15 million. This estimate is based upon the proposed square footage of the building and current construction costs for commercial properties. A generally accepted rule is that engineering and design costs are about ten percent of the total construction cost. Therefore, to complete the engineering and design process could cost in the neighborhood of \$1.5 Million. Carey has stated that it would be desirable for the City to fund half of that amount (\$750,000) because it could get us to 35% plans. This is an important benchmark because it means that we would have completed much of the surveying, permitting, preliminary design and electrical and mechanical schematics. It would also mean more precise cost estimating and a lower contingency requirement because a lot is known and uncertainty and risk are reduced. This would be a nice story to be able to tell the legislature. On the other hand, we could still get valuable information if we were only able to spend \$200,000 and get to 10% plans. We could get a floor plan and some other products out of this and rough costs estimates. But the degree of uncertainty and risk would be much higher. And of course, the local match is lower and less impressive.

The combined Police and Fire Department Depreciation Reserves contain about \$279,121. I would not recommend depleting these reserves because 1) it would be bad policy generally 2) I don't know how much we will be able to transfer to those funds in next year's budget, and 3) both departments will have a need to use those funds over the next three years, or however long it takes to construct the new building. The City also has a "General" depreciation fund which presently has a balance of \$420,000. This account functions like a catch-all, security blanket in case of unanticipated needs. I would not recommend depleting this account either but Council could definitely use it.

The ordinance before you takes sort of a middle road. It appropriates \$300,000, \$50,000 each from the Fire and Police Department Reserves and \$200,000 from the General Depreciation Reserve. My thought was that this would be a good compromise because it is enough to get us something useful but it does not deplete the reserves to dangerous levels. If the Council wishes to provide more money than \$300,000, I would recommend that it be taken from The General Fund balance.

I anticipate that the Council will want to debate this in more detail at the meeting and I look forward to that discussion.

RECOMMENDATION: Debate the amount to be appropriated and the source of funds. If changes to the ordinance are desired after discussion at the Committee of the Whole, the Council could remove the ordinance from the Consent Calendar and make amendments at the table.

CITY MANAGER'S REPORT

MANAGERS REPORT
September 23, 2013

TO: MAYOR WYTHER / HOMER CITY COUNCIL

FROM: WALT WREDE

UPDATES / FOLLOW-UP

NOTE: Some of these items appeared in the last report. I have updated them and brought them back in case the Council wanted to discuss.

1. Gasline Progress: Enstar reports that the pipeline purges which have been taking place through much of downtown this week have been successful. They are confident in the quality of the construction. By the time Council reads this report, much of the distribution system between East and West Hill Road will be energized and filled with gas. Enstar has exhausted the State Legislative Grant on the Trunk Line and is now using its own funds for the final 3 miles of construction. Recall that this money will be repaid by consumers with a \$1.00 per mcf surcharge until the amount Enstar "advances" is repaid. This amount is still estimated to be around \$2.5 Million. The City is applying for full reimbursement of the grant proceeds. Enstar reports that it is running slightly over the trunk line budget but under the distribution system budget.
2. Port: You may have noticed the increase in business for vessel repair and scrapping at the beach haul out area. There is great demand for this service and I think it bodes well for the utility of the proposed barge mooring and haul out facility capital project. Bryan recently gave permission for another old tug to be scrapped there. This tug has been in the harbor and not moved for over a decade. Vessels that are hauled out in this area pay regular moorage fees if they are on the tidelands and storage fees if they are on the uplands. These activities also generate jobs and tax revenues. Of course, the vessels are also unsightly and a nuisance to some. This year we had to move and inconvenience some campers a little early due to business demand. Not all of the campers were happy and you may be contacted about it. Some campers are really interested in the work going on there. Others say it blocks the view (which it does) results in too much noise, and generally degrades the camping experience.
3. Kachemak City: The Kachemak City/City Council remains very upset about the new sewer fees as they pertain to Kachemak City. At recent Council meetings lawsuits have been discussed and the Regulatory Commission of Alaska has been contacted. The primary complaint seems to be the 3,500 gallon assumption for sewer billing. I believe the Council has hired an independent contractor to measure water consumption for Kachemak City residences to prove the contention that 3,500 gallons is too high. It is my hope that we can figure out a way to resolve this matter as we move forward. Kachemak City is our neighbor and an important customer. Nobody wants to pay for something that they believe they are not receiving and I think that is the primary concern here.

4. IT Wireless Equipment Purchase: Tomasz Sulczynski, DBA Subconscious Logic has been providing wireless services to the City for several years now. When Tom was hired as a fulltime employee, one of the conditions of his employment was that he divest himself of all contracts or agreements with the City for third party services. Tom has been attempting to sell his business but has so far been unsuccessful. Effective September 17, Tom will no longer provide third party services to the City. In order to make this transition smoothly, it is necessary for the City to purchase some of Tom's equipment because it is designed for and fully integrated into the City's network. This will save money and insure that there is continuity of service. We have agreed on a sale price for the equipment which is \$10,000. We can pay for this out of this year's budget using unexpended funds. Half of the money will come from the port and harbor equipment budget since much of the equipment to be acquired serves the enterprise fund. The other half will come from the IT budget using personnel money that was not needed because of an OWL grant obtained by the library. Please let me know if you have questions or want to discuss further.
5. This agenda contains an ordinance (second reading and public hearing) pertaining to the new proposed public safety building. You will notice that the ordinance contains instructions for me to use the GC/CM method of construction and to post an RFP for these services. This is what we recommend. We should talk about it more at the meeting to be sure Council is in agreement. Also, Council might want to consider forming a building committee, like it did with City Hall and the Harbormaster Building. Using the GC/CM method along with a building committee has been very successful for us in the past. In addition to getting ourselves in good position for the legislative session, we are also starting work on securing funding from other sources. In the next few weeks, Chief Robl and I will be meeting with the DOC Commissioner to talk about the new jail. The State is very interested in seeing a new jail here and will provide funding for it. Also, Chief Painter has learned that FEMA will pay for up to 75% of the cost of constructing new Emergency Operations Centers. This building will house the EOC.
6. HERC Building: The Borough Assembly held its regular meeting in Homer on Tuesday the 17th. During dinner, the Mayor, Councilmember Roberts, and I had a chance to speak with Mayor Navarre about possible assistance with the asbestos abatement and allowing the City to sell the property if it is determined that is the best course of action. We will be happy to provide details of the conversation at the meeting. Council member Howard has sponsored a resolution regarding the sale of the property.
7. City Building Gas Conversions. Carey is moving quickly to convert a number of City buildings to natural gas. Service lines and meters have been ordered and the a contract has been let to engineer the conversions. We expect City Hall, the Library, the Animal Shelter, and the Airport Terminal to all be on gas early next year and we are including conservative projected savings into the 2014 budget.
8. Bathrooms: You have probably noticed that the new bathrooms are rising up quickly. People notice the ones at WKFL Park and Bartlett/Pioneer but the ones farthest along are at the Deep Water Dock and End of the Road Park. Enstar has

- agreed to run service lines to the Spit restrooms this year, even though they would normally be part of Phase II. This will allow us to pave over the lines this year as part of the construction project. It will save us money to do it this way and we appreciate Enstar's willingness to work with us.
9. System 5 Improvements. At the last meeting we reported to you about a large change order I approved for work at System 5 in the harbor. The change order will allow us to provide more electrical services and will greatly improve service there. The Council will see a very quickly payback and significant increase in business and customer satisfaction because of this move. We appreciate your support.
 10. Budget: We are working internally on the draft budget and at this point, are on target to deliver it to Council on October 14 and introduce the budget ordinance and supporting resolutions on October 28.

ATTACHMENTS

None



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum

TO: MAYOR AND CITY COUNCIL

FROM: MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

DATE: SEPTEMBER 17, 2013

SUBJECT: BID REPORT

SNOW REMOVAL AND SANDING SERVICES 2013/14, 2014/15, 2015/16- Sealed Bids will be received by the Office of the City Clerk, 491 E. Pioneer Avenue, Homer, Alaska 99603 until 2:00 p.m. on September 30, 2013 at which time they will be publicly opened and read. Bids received after the time specified will be considered non-responsive shall not be considered. . All bidders must submit a City of Homer Plan Holders Registration form to be on the Plan Holders List and to be considered responsive. Plan holder registration forms, and Plans and Specifications are available on line at <http://www.cityofhomer-ak.gov/rfps>

RFP FOR REFURBISHMENT SERVICES OF THREE PEDESTAL CRANES ON HOMER FISH DOCK- City of Homer's Port and Harbor is requesting proposals from qualified firms to rebuild/refurbish Cranes #5, #6 and #8, three (3) 29 year old pedestal mounted cranes located on the City of Homer's Fish Dock. **The cranes will be removed from the Fish Dock, have a complete overhaul on all components performed, be re-coated to factory specifications, and re-installed on the Fish Dock for service.** The City's goals for this project is to improve the overall safety and reliability of Cranes #5, #6 and #8, and lower energy/operation overhead costs. Proposers are encouraged to consider all advances in related technologies in their proposals. Sealed Proposals will be received by the Office of the City Clerk, at 491 E. Pioneer Avenue, Homer, Alaska 99603 **no later than 4:30 pm, September 26, 2013.** Proposals received after the time fixed for receipt of the Proposal shall not be considered. . **All bidders must submit a City of Homer Plan Holders Registration form to be on the Plan Holders List and to be considered responsive.** Plan holder registration forms, and Plans and Specifications are available on line at <http://www.cityofhomer-ak.gov/rfps>

ITB Homer Natural Gas Conversion Project – Phase I- Sealed bids for the Homer Natural Gas Conversion Project – Phase I will be received at the Office of the City Clerk, City Hall, City of Homer, 491 East Pioneer Avenue, Homer, Alaska, until **2:00 PM, Tuesday, October 8, 2013**, at which time they will be publicly opened and read. The time of receipt will be determined by the City Clerk's time stamp. Bids received after the time fixed for the receipt of the bids shall not be considered. **All bidders must submit a City of Homer Plan Holders Registration form to be on the Plan Holders List and to be considered responsive.** Plan holder registration forms, and Plans and Specifications are available on line at <http://www.cityofhomer-ak.gov/rfps>

PENDING BUSINESS

**CITY OF HOMER
HOMER, ALASKA**

Mayor

RESOLUTION 13-040

A RESOLUTION OF THE HOMER CITY COUNCIL DIRECTING THE CITY ADMINISTRATION TO TERMINATE ALL SURVEY, DESIGN, AND COST ESTIMATING WORK ON THE KACHEMAK DRIVE PATHWAY.

WHEREAS, Resolution 12-079(A) authorized the allocation of up to \$20,000 from the HART Fund for the purposes of survey work and an engineering estimate to determine the cost of constructing the initial one-half mile of the proposed Kachemak Drive Non-Motorized Pathway; and

WHEREAS, the Council's intent when adopting Resolution 12-079(A) was to determine if the trail alignment favored at the time by the Parks and Recreation Advisory Commission and its sub-committee, the Kachemak Drive Path Committee, was feasible and what it might cost to construct; and

WHEREAS, The City Engineer and contract surveyor studied the preferred trail alignment and concluded that construction would be prohibitively expensive due to the topography and terrain and that bridges, retaining walls, and slope stabilization measures would be required.

NOW, THEREFORE, BE IT RESOLVED that the Homer City Council finds that it is not in the City's interest to pursue the project any further due to funding, permitting, construction, and other concerns.

BE IT FURTHER RESOLVED that the Council hereby directs the City administration and the Parks and Recreation Advisory Commission and its subcommittee, the Kachemak Drive Path Committee to discontinue all work on this project and to expend no further funds on it.

PASSED AND ADOPTED BY THE HOMER CITY COUNCIL this 23rd day of September, 2013.

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CITY OF HOMER

MARY E. WYTHE, MAYOR

ATTEST:

MELISSA JACOBSEN, CMC
DEPUTY CITY CLERK

Fiscal Note: N/A

Office of the City Clerk

Jo Johnson, CMC, City Clerk

Melissa Jacobsen, CMC, Deputy City Clerk II
Renee Krause, CMC, Deputy City Clerk I



491 E. Pioneer Avenue
Homer, Alaska 99603-7624
(907) 235-3130

(907) 235-8121
Extension: 2227
Extension: 2224

Fax: (907) 235-3143
Email: clerk@ci.homer.ak.us

MEMORANDUM 13-059

TO: MAYOR WYTHE AND CITY COUNCIL
FROM: PARKS AND RECREATION ADVISORY COMMISSION
THRU: RENEE KRAUSE, CMC, DEPUTY CITY CLERK
DATE: APRIL 22, 2013
RE: PROPOSED RESOLUTION 13-040

Background

The Parks and Recreation Advisory Commission were provided a copy of proposed Resolution 13-040 at the regular meeting on April 18, 2013. Below is a recommendation that they requested to be forwarded to Council for consideration.

The minutes of the meeting regarding the discussion leading to the recommendation have been included.

BRANN/LOWNEY – MOVED TO AGREE TO DISBAND THE KACHEMAK DRIVE PATH COMMITTEE WITH A REQUEST THAT THE CITY COUNCIL ALLOW THE PARKS AND RECREATION ADVISORY COMMISSION TO ADDRESS ITEMS AS NOTED IN THE NON-MOTORIZED TRAILS AND TRANSPORTION PLAN

There was no further discussion.

VOTE. YES. LOWNEY, BELL, BRANN, ARCHIBALD, BREMICKER
VOTE. NO. LILLIBRIDGE

Motion carried.

RECOMMENDATION

Informational Only.

PENDING BUSINESS

A. Kachemak Drive Non-Motorized Trail/Mud Bay Trail

1. Survey and Cost Estimates – Alternate Kachemak Drive Non-Motorized Trail
2. Recommendation from Committee to Improve Mud Bay Trail

Chair Bremicker read the title into the record. He opened discussion by commenting on the engineers cost estimate included in the packet. He commented on the proposed trail as depicted in the included aerial photograph.

Commissioner Lillibridge arrived at 7:00 p.m.

Chair Bremicker commented that they were aware of what happened Monday. He stated that it was a bit confusing. He noted that he has not seen numbers on this but Carey Meyer reported it would cost \$100,000 to do the little "Y" section of the trail. Commissioner Lillibridge requested some clarification on the location of the Y portion. Chair Bremicker then proceeded to detail the proposed path and that it would be part of the survey. Mr. Meyer surveyed the Mud Bay Trail; that apparently has been roughed out by unsupervised volunteer effort; Chair Bremicker stated he hasn't been out there in a while. Now we have a resolution 13-040 proposed to be dealt with Monday night, the Mayor expressed concern that the survey did not address what it was supposed to do; the Committee passed a "resolution" that supported the upgrading the Mud Bay Trail for recreational bicyclists and pedestrians. I think we recognized all along that it is not the best site for commuter bicyclists and we are looking for a safer route that was a straight shot up that hill.

Chair Bremicker then stated that they approved the "resolution". He noted that there has been some misunderstanding.

Commissioner Lillibridge requested clarification on removing any trail along the road. Chair Bremicker responded on the point the committee decided to approve the Mud Bay Trail then at some later time working on a solution at a later time. The committee hasn't given up that idea. The committee agreed to have the trail at the toe of the bluff.

Commissioner Brann related that the council related their understanding that the trail was to be surveyed up the hill along that road, but the committee wanted the survey done at the "Y" to have the trail avoid the hill that is where the confusion starts; the survey was done along Mud Bay Trail. The concern was that they did not approve surveying an alternate, they approved going up the hill.

Commissioner Lowney asked where the commission was at or what the committee wanted the commission to do. She stated that the resolution seems to dissolve everything.

Chair Bremicker again stated he wished there was time for the committee to meet. He further stated that the Mayor from the beginning did not see the need for this.

Commissioner Lillibridge reworded the intent of the resolution 13-040. She opined that over two years of efforts have been expended and nothing seems to be acceptable; she inquired if a traffic count was ever done. To her it appears that a survey was done all the money was spent and now it's too expensive to be done.

Chair Bremicker commented on the counting of cars but not people and bikes. He related his experience living along Kachemak Drive in relation to counting. The committee did have a public hearing and they did get a lot of responses but it is hard to define how many would use it.

Commissioner Brann related his knowledge of a count was scheduled last summer and was not done so maybe this summer. He commented on the last Therefore stating that all work is completed if this is approved.

Commissioner Lillibridge opined that it was no different that the Coastal Trail in Anchorage and all the battles that were occurred by developing that trail. She stated that ending a whole project just because it is too expensive, she said is that what they want to do?

Chair Bremicker stated he was speaking for himself, regarding the approach going up the hill costing \$100,000 well he

figured that was money well spent. He commented on the Mud Bay Trail just being an official city trail and be proud of their work. However, this does not represent the best way to get around that hillside, we have had other people look at that hillside who have experience with road building and trail building and said it could be done. Nothing against Carey, cause he's a great guy and knowledgeable, but he said it wasn't worth looking at. Chair Bremicker stated he doesn't know about trail building or road building. So if they can build a road and it costs \$100,000, well, they can build it... and City Council, the Mayor and Barbara Howard, well those two are particularly concerned about money, but there is a specific fund for building trails. They also asked if there are any plans for this trail. Chair Bremicker stated that this has been a long time on their goals. He noted that this is the only trail in the city's planning manuals; he reported that he heard Mayor Wythe state that there are other trails to fund but there are no others in the plans that he knows of.

Commissioner Lowney stated that would be a good point to make, she stated it could be addressed at the meeting; she stated that this reminds her of the issues with the HERC building or Parks and Rec Department and that unless they get a huge outcry from the people that want the bike trail on Monday. This will pass. Maybe we could ask to have this postponed until October or November or longer and then they could use traffic reports to support the trail.

Commissioner Brann brought up that if Council passes the resolution disbanding the committee then can the commission get the Mud Bay Trail upgraded to a level one with volunteers; if they do not approve volunteers working on that trail nothing will get done this summer and without permission he will not be doing anything on it.

Commissioner Lillibridge was upset that Council did not want a commission that works for them; that they do not appreciate the time and efforts expended by the commission.

LILLIBRIDGE/BRANN - MOVED TO SUBMIT A RECOMMENDATION THAT THE PARKS AND RECREATION ADVISORY COMMISSION DOES NOT SUPPORT RESOLUTION 13-040.

Commissioner Bell pointed out that Council can provide direction to the commission but it should be clear that without this component then there is no Kachemak Drive Path. If that is the intention then okay, but it should be made clear; this portion or the whole project. He noted that concern was expressed that they did not want to upgrade the Mud Bay Trail, that it would ruin that area. Commissioner Archibald commented that the direction should be directed back to the road. If they want to disband the committee but what does that mean about the rest of the project. He cited that it has been expressed that a path is desired, but who knows what the future brings for this road and he believed that this road would not stay as narrow in the future. He acknowledged that it was very distressing to have the door slammed in the face of the committee. Chair Bremicker agreed that it was distressing and remarked that his son stated no road should be built without sidewalks or a pathway beside it; council should be told this too; he next related a personal experience riding at a high rate of speed along Kachemak Drive. He next cited all the increasing traffic and large vehicles and vessels traveling along that road which makes traveling along and the bikes and pedestrians, and not doing nothing unacceptable.

Further discussion on rewording the recommendation in a positive manner being more helpful to the Commission and the Council ensued including review of the recommendation from the committee. She would like stay in a positive light. Ms. Krause at this time tried to direct the commission to the history of creating the committee, what the committee recommended and what the commission supported and the misunderstanding that ensued and what has been approved and supported by Council regarding the creation of a path and addressing the safety issues; and that the proposed resolution cites why they want work to be discontinued and that approaching the Council harshly would have the opposite results they are seeking.

Chair Bremicker stated that it was never along the road he knows that, it never was, it went along the beach and cut up the road. He can understand the confusion. The resolution just states the first half mile and what Carey Meyer proposed fits that direction. This is not what he thought it would be or what the Mayor thought it would be but it fits the direction in that resolution.

He stated that he did not believe that the committee was upset with Council, they haven't voted on it yet and it will be discussed at the meeting on Monday.

Ms. Krause noted that since it was under the consent agenda unless it was pulled by a Council member then there would be no discussion. Chair Bremicker responded that they still would be able to comment before the meeting under Public Comments. He did not believe that it was wrong to say they disagree and that it was their job as commissioners to say what they want that the Commission and committee would like the opportunity to come up with a pedestrian and bicycle path that would meet the description outlined in the city plans.

Commissioner Brann opined there is no criteria but it describes a path that there is a need to improve pedestrian and

bicyclists safety issues as outlined in the Non-motorized trails and transportation plan and maybe that if they reword the recommendation in a more positive manner expressing the need for a path and asking to be allowed to work towards that goal, but he did not want to fight the City Council. Chair Bremicker agreed but also believed that if there are concerns they have a responsibility to report that and if they say no, okay. Commissioner Bell stated there are plenty of projects to work on and if Council can provide preferred projects x, y, and z then great.

Commissioner Lowney commented on voting down the motion on the floor and regarding a more positive motion that allows the Commission to still address the need. Commissioner Lillibridge did not feel that Council has allowed the commission time to digest the content and recommended that they submit a recommendation to postpone a vote and allow the Commission to work with Council on a proposed trail along Kachemak Drive. She agreed that it was not the best direction to attack council but she did not like the idea that Council is throwing away all the work that has been done. She felt it was important that Council realize how much work and time has been expended. This would allow them the time to determine the best possible way to get this trail constructed.

The motion was withdrawn by the maker and second.

Commissioner Archibald wanted the statement to include that the research that has been developed has enlightened those parties involved on the difficulty that constructing a path along Kachemak Drive presents. He proposed that they needed to include the issues regarding the private property owners too. Chair Bremicker noted it was good to hear from him too.

Commissioner Lillibridge suggested a lengthy recommendation. Ms. Krause noted that it was very wordy and needed some refinement. Chair Bremicker requested a 5 minute recess to allow the Clerk to wordsmith the recommendation from Commissioner Lillibridge. Chair Bremicker reconvened the meeting. Ms. Krause was unable to come up with a succinct recommendation for the commission.

Following several more minutes of discussion the following motion was made:

BRANN/LOWNEY – MOVED TO AGREE TO DISBAND THE KACHEMAK DRIVE PATH COMMITTEE WITH A REQUEST THAT THE CITY COUNCIL ALLOW THE PARKS AND RECREATION ADVISORY COMMISSION TO ADDRESS ITEMS AS NOTED IN THE NON-MOTORIZED TRAILS AND TRANSPORTION PLAN

There was no further discussion.

VOTE. YES. LOWNEY, BELL, BRANN, ARCHIBALD, BREMICKER

VOTE. NO. LILLIBRIDGE

Motion carried.

Kachemak Drive and
© Arctic Tern Place

May 1st + 2nd 2013

| | <u>Hourly</u> | |
|------------|---------------|-----|
| 6-7 am | 23 | |
| 7-8 am | 78 | |
| 8-9 am | 112 | |
| 9-10 am | 135 | 42° |
| 10-11 am | 159 | |
| 11-12 noon | 153 | |
| 12-1 pm | 168 | |
| 1-2 pm | 152 | |
| 2-3 pm | 165 | |
| 3-4 pm | 167 | |
| 4-5 pm | 146 | |
| 5-6 pm | 196 | |
| 6-7 pm | 109 | |
| 7-8 pm | 95 | |

TOTAL vehicles = 1858

14 hours

Homer - AWAKE
LOAD LIMITS - ON

Townst - few

To Mayor & C/L
7/31/13 J

1st
Partly Cloudy
light wind
no rain
2nd light
rain

Arctic Tern Place

May 1 - P.C. light wind. no rain 37° 9°

| | <u>Cummulative</u> | <u>per hr</u> | |
|----------|--------------------|---------------|--------------|
| 8-9 am | 112 | 112 | |
| 9-10 am | 247 | 135 | |
| 10-11 am | 406 | 159 | 42° |
| 11-12 pm | 559 | 153 | |
| 12-1 pm | 727 | 168 | |
| 1-2 pm | 879 | 152 | 50° |
| 2-3 pm | 1044 | 165 | |
| 3-4 pm | 1211 | 167 | |
| 6-7 pm | 1320 | 109 | 46° |
| 7-8 pm | 1415 | 95 | |

May 2nd Light rain

| | | | |
|--------|------|-----|--------------|
| 6-7 am | 1438 | 23 | 34° |
| 7-8 am | 1516 | 78 | |
| 4-5 pm | 1162 | 146 | 42° |
| 5-6 pm | 1858 | 196 | |

At = Kachemak Drive & Arctic Tern Place
May 1-2, 2013 6am -> 8pm

| | | |
|-----------------------------|---|----------------------|
| Cars, VANS, SUVs | - | 758 |
| Pickups | - | 936 |
| Pickups w/ Trailers | - | 36 |
| Small Box/work Trucks | - | 64 |
| Large Equip haulers, Semi's | - | 29 |
| Government | - | 27 |
| Other - cycles, motor homes | - | <u>8</u> |
| TOTAL Vehicles | | = <u><u>1858</u></u> |

Bikes - - 13

Runners - 1

Kachemak Drive + Arctic Tern Pl

Page

① May 1st 8⁰⁰ a → 4 pm

② - 6 p → 8 pm

③ May 2nd 6 AM → 8⁰⁰ a

④ - 4 pm → 6⁰⁰ p

- light
rain
- cloudy
8⁰⁰ A

| SUV ARS ARS | Pick- ups | P/u with Trailers | Small Box/wk TRUCKS | Large semi's equip. Haulers | Bikes Runners | GOVT. | Other small M. + horse |
|-------------------|--------------|-------------------------|---------------------------|--------------------------------------|------------------|----------------------------------|------------------------------|
| | | | | | 1. 345 P | Forestry City P/u Sch. Bus | M. + horse M. + horse |

pg
1

247

Mayor Wythe
4/29/13 J



April 26, 2013

Dear Mayor Wythe and City Council,

I am writing to strongly encourage you to allow the Kachemak Drive Trail Committee, and the associated City expenditures, to continue.

It is true that a lot of work remains to develop a plan and to raise funds for the trail itself, but City support is vital for future successful results. Both financial support during the planning phase, through City staff participation and expertise, as well as documented administration and community support for the project as a whole, is VITAL for future grant and foundation funding.

The estimated price tag seems to be the reason why the City is eschewing the project at this stage. I would like to point out that this withdrawal of support, and perceived hesitancy by the administration, may have the unintended consequence of weakening efforts to independently raise funding from other state, national, and foundation funding sources.

The current issue seems to be one of sticker shock and perceived priorities. I am of the belief that this is not a "luxury" item, nor is the initial expense estimation worthy of the fiduciary recoiling currently being demonstrated. If the expenses associated with the planning of this community project are out of line with similar endeavors, I agree that it is prudent to look at the books a little closer. But, please, realize that the withdrawal of support from this project by shuttering the City committee in charge of finding a feasible and economic solution is an overreaction.

The Kachemak Drive Trail has an enormous potential to augment the walk-ability and bike-ability of Homer, providing a critical link between our two most traveled roads. In addition to the economic and health benefits realized by Homer residents near and along the trail, imagine the economic possibilities that the trail could offer our community through non-profit trail runs/bikes, tours, and the reputation of Homer as a walk- and bike-able city. In short, many economic, health, and aesthetic qualities of Homer will be enhanced, for the benefit of residents and visitors, by the actuality of the Kachemak Drive Trail.

Thank you for considering these views.

Sincerely,

Dorothy Melambianakis
City resident, business owner, voter.

PO Box 3035.Homer.AK.99603
907.299.2265
dorothy.melambianakis@gmail.com
www.latitude-north.com



Jo Johnson

From: Kevin Walker <homerkev@gmail.com>
Sent: Monday, April 22, 2013 10:09 AM
To: Department Clerk; James Dolma; Francie Roberts; David Lewis; Bryan Zak; Beauregard Burgess; Barbara Howard
Cc: Bumppo; Lindianne Sarno; Dave and Molly Brann; Jo Johnson; Carey Meyer
Subject: Bike Month - Terminate all work on the K Drive Bike Path???
Attachments: SteepHillContours.jpg

What's wrong with this picture? Is the City Council really going to proclaim May as Bike Month, then terminate all work on the Kachemak Drive (Bike) Path - as part of the consent agenda?

Regarding the Nelson Engineering preliminary design costing \$374,064 - all consideration of that should be terminated, I agree. Too bad City of Homer spent those funds. It took almost a year to get those funds allocated to the path. However, the K Dr Path committee has spent more than 2 years working on the path, and I've been going to their meetings for 2 years and prepared a preliminary engineering packet (which appears to be largely ignored) - and this design money wasted (jobs for Kenai !!).

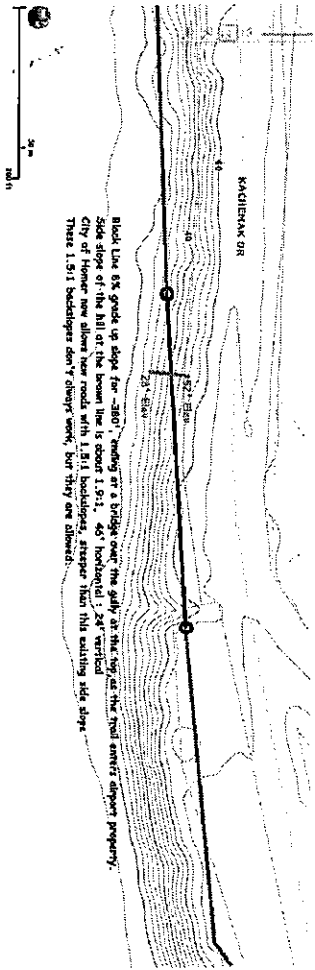
Attached is a contour map of the "spur" that the K Dr Path committee has been recommending. Contour data is from Kenai Borough flexviewer. This is a steep side hill, about 1.9:1. Note, however, that the city now allows new roads to be built with a 1.5:1 backslope, which is much steeper than this sidehill. The attached map shows about 380' of trail going up an 8% grade. The lower ~200' would be on the steep sidehill, and would require a boardwalk, retaining wall, or other structure. This could be designed and built by volunteers with guidance and approval from Public Works.

I'd also recommend initially building the main trail to a level 3 trail up the steep grade, according to the City of Homer Trail Manual Design Criteria, which is 3-5' wide, basically 4" of non frost susceptible gravel (no deep fill base), and would give pedestrians and most bicyclists a safe way to get around the dangerous, steep hill on Kachemak Drive at the west end of the airport. The trail could be widened and improved in the future, after the trail is completed from the Spit to East End Road.

A volunteer group ("Friends of Kachemak Drive Path?) could probably get the path built at a fraction of the Nelson cost.

The City must remain involved in the process, some of the land is on City property, and the trail will be a tremendous enhancement to the infrastructure in Homer.

--
Kevin Walker



NEW BUSINESS

RESOLUTIONS

COMMENTS OF THE AUDIENCE
COMMENTS OF THE CITY ATTORNEY
COMMENTS OF THE CITY CLERK
COMMENTS OF THE CITY MANAGER
COMMENTS OF THE MAYOR
COMMENTS OF THE CITY COUNCIL
ADJOURNMENT

