



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue

Homer, Alaska 99603

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MEMORANDUM AGENDA CHANGES/SUPPLEMENTAL PACKET

TO: MAYOR WYTHE AND HOMER CITY COUNCIL

FROM: JO JOHNSON, MMC, CITY CLERK 

DATE: OCTOBER 14, 2013

SUBJECT: AGENDA CHANGES AND SUPPLEMENTAL PACKET

CONSENT AGENDA

Resolution 13-097, A Resolution of the City Council Certifying the Results of the City of Homer Regular Election Held October 1, 2013 to Decide Ballot Referendum #1 "Shall Homer City Code Chapter 5.42 Prohibiting Sellers from Providing Customers with Disposable Plastic Shopping Bags be Repealed: and to Elect Two Council Members. City Clerk/Canvass Board.

Memorandum 13-146 from Deputy City Clerk as backup.

Page 3

Resolution 13-102, A Resolution of the Homer City Council Restoring the Irrevocable Grandfather Rights Back to the Bay View Inn. Zak.

Memorandum 13-147 from City Attorney as backup.

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Written public comments

Page 7

ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

Oath of Office to Newly Elected Officials

Gus Van Dyke and Bryan Zak

Page 9,11

PUBLIC HEARING(S)

2014 Budget

Written public comments

Page 15

PENDING BUSINESS

Resolution 13-106(S), A Resolution of the Homer City Council Awarding the Bid for the Operation and Management of the Homer Animal Shelter to Coastal Animal Care of Homer, Alaska, in the Amount of \$129,988.80 for a Three-Year Contract, with a Two-Year Extension Option, and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk/Police Chief. ***Page 17***

Memorandum 13-145 from Police Chief as backup.

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RECOMMENDATION:

Voice consensus to changes under Agenda Approval.

Fiscal Note: N/A



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Memorandum 13-146

TO: MAYOR WYTHE AND CITY COUNCIL MEMBERS
FROM: MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK
DATE: OCTOBER 14, 2013
SUBJECT: ELECTION/CANVASS BOARD REPORT

As this election season experience comes to a close I am pleased to report that the 2013 Regular Election went very smoothly.

Absentee/Early Voting in person increased this year, keeping the Clerk's Office hopping for the two weeks before the election. Deputy City Clerk Renee Krause did a great job of working with a majority of the 144 voters who came to the counter. This is the second year we have had voting by electronic transmission, and there was an increase in voters using the electronic transmission options which include both fax and email.

Election Day began at 6:30 a.m. when Election Judges arrived to receive ballots and equipment, and finish setting up for polls to open at 7:00 a.m. The day ended around 9:30 p.m. after the night's results were recorded, voting booths and ballot boxes were packed up, ballot accountability forms balanced with election registers, and ballots, registers, and accu-vote units were secure in the vault.

There were minimal issues with attempted electioneering, as one voter arrived with a plastic bag hanging out of his back pocket, and two bags were found lying on either side of stairs outside.

I visited Long Term Care at the hospital, so those folks who couldn't get out to a polling place would still have an opportunity to vote. That is a very rewarding part of Election Day for me.

There aren't enough words of appreciation for the Election Judges who come back year after year to work elections for the City of Homer. They are truly amazing and are so aware of the significance of the election process that they make the Election Day process pretty darned uneventful until the polls close and the results are reported.

The Canvass Board did a great job reviewing the absentee and election night work so we could get those ballots counted timely for election certification tonight.

Lastly, I would like to recognize Pauline Benson and Charlene Jump for their knowledge, time, and patience as we worked through the first election recount in my time with the City. It was an interesting learning experience that I am glad is behind us. It really helped reinforce the extreme importance of all of the steps taken, beginning in July, that show the accountability and the transparency of the City of Homer election process.

MEMORANDUM 13-147

TO: MAYOR AND CITY COUNCIL MEMBERS
FROM: THOMAS F. KLINKNER
RE: RESOLUTION 13-102
FILE NO.: 506,742.18
DATE: OCTOBER 11, 2013

Resolution 13-102, on the agenda for the October 14, 2013 regular Council meeting, purports to grant "irrevocable grandfather rights" to the "Bay View Inn." This resolution will not be effective because provisions of the Homer City Code, which are enacted by ordinance, cannot be overridden by adoption of a resolution.

The status of the Bay View Inn as a nonconforming use is governed by the following Homer City Code provisions:

- HCC 21.61.010 provides that when a previously lawful use is no longer allowed as a result of an annexation, the previously lawful use shall be a nonconforming use that may continue subject to the requirements of HCC Chapter 21.61.
- HCC 21.61.040 provides that a nonconforming use may be continued so long as it remains otherwise lawful, provided that if the nonconforming use is discontinued, the use of that lot shall thereafter conform to the code provisions applicable in the zone in which the lot is located, and the nonconforming use shall not thereafter be resumed or allowed to continue. For this purpose, HCC 21.61.015 defines "discontinued" to mean that a nonconforming use has ceased, and has not substantially resumed, for a period of 12 consecutive months, regardless of intent.

Thus, under HCC Chapter 21.61, there are no "irrevocable grandfather rights"—and a nonconforming use may continue only so long as it meets the requirements of HCC 21.61.040. Notwithstanding the adoption of Resolution 13-102, the Bay View Inn's status as a nonconforming use must be determined under HCC 21.61, and that status will remain subject to the provisions of HCC 21.61.040 regarding events that terminate a nonconforming use.

cc: Walt Wrede
Jo Johnson

Jo Johnson

From: Mary Griswold <mgrt@xyz.net>
Sent: Thursday, October 10, 2013 8:31 PM
To: Jo Johnson
Subject: Resolution 13-102 Bay View Inn grandfather rights

(please include in the supplemental council packet)

Council members and Mayor:

I encourage you to remove Resolution 13-102 restoring irrevocable grandfather rights to Bay View Inn from the consent agenda. This is not a routine, uncontroversial matter. At the last council meeting, Ordinance 13-37 addressing this issue failed without discussion. Granting exemptions to city code to special people is not good policy and doing so via the consent agenda is worse. I read no compelling justification in the body of the resolution. Please move the resolution to the regular agenda, conduct a transparent discussion, and vote it down.

Mary Griswold
city resident

OATH OF OFFICE

I, GUS VAN DYKE, having been duly elected to the Office of Councilmember for the City of Homer, Alaska, for a term of office to expire October 2016, in compliance with Title 29, of the Alaska Statutes, and Homer City Code do hereby solemnly affirm to defend and support the Constitution of the United States, the Constitution of the State of Alaska, and the Ordinances of the City of Homer, and do pledge to honestly, faithfully, and impartially perform all duties of the office which I am about to enter, according to law, and therein do equal right and justice to all, so help me God.

In Witness Whereof, I hereunto set my hand this 14th day of October, 2013.

GUS VAN DYKE

ATTEST:

JO JOHNSON, MMC, CITY CLERK

OATH OF OFFICE

I, BRYAN ZAK, having been duly elected to the Office of Councilmember for the City of Homer, Alaska, for a term of office to expire October 2016, in compliance with Title 29, of the Alaska Statutes, and Homer City Code do hereby solemnly affirm to defend and support the Constitution of the United States, the Constitution of the State of Alaska, and the Ordinances of the City of Homer, and do pledge to honestly, faithfully, and impartially perform all duties of the office which I am about to enter, according to law, and therein do equal right and justice to all, so help me God.

In Witness Whereof, I hereunto set my hand this 14th day of October, 2013.

BRYAN ZAK

ATTEST:

JO JOHNSON, MMC, CITY CLERK

CITY OF HOMER

CERTIFICATE OF INCUMBENCY

I, Jo Johnson, duly appointed, qualified and sworn to be City Clerk for the City of Homer, hereby certify that on the date of this certificate of incumbency, the following described persons have held and now hold the following described offices since the following described dates and that their terms of office are as follows:

MAYOR

Mary E. (Beth) Wythe 10/2012 – 10/2014

COUNCILMEMBERS

Francie Roberts 10/2006 – 10/2015

Barbara Howard 04/2008 - 10/2014

David G. Lewis 10/2008 – 10/2014

Bryan Zak 10/2008 – 10/2016

Beauregard Burgess 04/2012 – 10/2015

Gus Van Dyke 10/2013 – 10/2016

CITY CLERK

Jo Johnson 02/2007 – Indefinite

CITY MANAGER

Walt Wrede 02/2003 – Indefinite

FINANCE DIRECTOR

Zhiyong Li 05/2013 – Indefinite

Dated at Homer, Alaska, this 14th day of October, 2013.

**_____
Jo Johnson, MMC, City Clerk**

Jo Johnson

From: croft <croft@xyz.net>
Sent: Friday, October 11, 2013 12:07 PM
To: Department Clerk
Subject: Support Parks and Recreation Needs Assessment

Dear Mayor Wythe, Homer City Council Members and City Manager Walt Wrede,

The Popeye Wrestling Club board and its members wish to express their support for the proposed "Parks and Recreation Needs Assessment" to be included in the 2014 budget. This study will provide the important data needed to adequately identify and plan for existing and future parks, trails and recreational opportunities in the Homer area including the activities provided by the Popeye Wrestling Club.

Thank you for your time, energy and support as we truly believe that recreation is essential component for every person and plays a major role in creating and sustaining a successful and healthy community.

Larry Croft

President

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**CITY OF HOMER
HOMER, ALASKA**

City Clerk/
Police Chief

RESOLUTION 13-106(S)

A Resolution of the Homer City Council Awarding the Bid for the Operation and Management of the Homer Animal Shelter to Coastal Animal Care of Homer, Alaska, in the Amount of \$129,988.80 for a Three-Year Contract, with a Two-Year Extension Option, and Authorizing the City Manager to Execute the Appropriate Documents.

WHEREAS, In accordance with the Procurement Policy the Request for Proposals was advertised in the Homer News on June 27 and July 4, 2013, the Peninsula Clarion and Anchorage Daily News on June 30, 2013, and posted on the Clerk's home page; and

WHEREAS, Proposals were due on August 22, 2013 and two proposals were received; and

WHEREAS, Proposals were reviewed by a committee and interviews were conducted with both proposers; and

WHEREAS, The committee determined the low responsive bidder to be Coastal Animal Care of Homer, Alaska, and found them to be qualified to complete the work; and

WHEREAS, This award is not final until written notification is received by Coastal Animal Care from the City of Homer.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, hereby approves the contract award for the operation and management of the Homer Animal Shelter to Coastal Animal Care of Homer, Alaska, in the amount of \$129,988.80 for a three-year contract, with a two-year extension option, and authorizes the City Manager to execute the appropriate documents.

PASSED AND ADOPTED by the Homer City Council this 14th day of October, 2013.

CITY OF HOMER

MARY E. WYTHER, MAYOR

43 ATTEST:

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JO JOHNSON, MMC, CITY CLERK

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49 Fiscal Note: To be determined.

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CITY OF HOMER

POLICE DEPARTMENT

4060 HEATH STREET HOMER, AK 99603-7609

EMERGENCY 911

TELEPHONE (907) 235-3150

TELECOPIER (907) 235-3151

Memorandum 13-145

DATE: October 10, 2013
TO: City Manager Wrede
FROM: Mark Robl, Chief of Police
SUBJECT: Animal Shelter Contract

The animal shelter bid evaluation committee has completed its review process of the proposals submitted in response to the city's RFP for the operation and management of the shelter. The committee recommends that the new operating contract be awarded to Coastal Animal Care of Homer for \$129,988.80.

We published the RFP in July. Two responsive bidders submitted proposals; Coastal Animal Care of Homer and Alaska's Extended Life Animal Sanctuary from Nikiski. The evaluation committee consisted of me, Finance Director John Li and City Clerk Jo Johnson. We began the review process by examining the proposals. Next we met with and interviewed representatives from both firms. We followed this up with a review and thorough evaluation and the scoring of both proposals. In accordance with the RFP, the contractors were scored in 4 main categories; Experience, Business Plan, Hours of Operation and Staffing and Quality of Submittal. Each main category had several sub-categories to it. All three evaluators scored Coastal Animal Care's proposal higher. We feel very comfortable to recommending that the city issue the new shelter operating contract to Coastal Animal Care.

