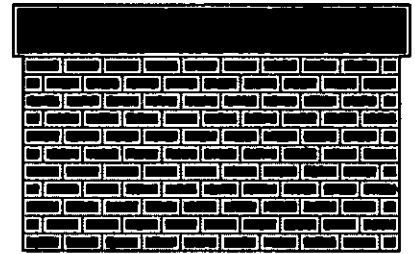
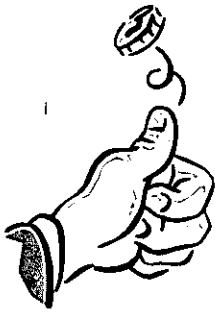


CITY COUNCIL

MONDAY

JANUARY 11, 2010

SPECIAL MEETING
BOARD OF ADJUSTMENT 3:30 P.M.
COMMITTEE OF THE WHOLE 5:00 P.M.
REGULAR MEETING 6:00 P.M.



CITY HALL COWLES COUNCIL CHAMBERS
491 E. PIONEER AVENUE ❖ HOMER, ALASKA

PREPARED AND DISTRIBUTED BY THE CITY CLERK'S OFFICE - 1/6/10 - RK



**JANUARY
2010**

Monday 11th CITY COUNCIL Special Meeting 3:30 p.m., Committee of the Whole 5:00 p.m., and Regular Meeting 6:00 p.m.

Wednesday 13th CITY COUNCIL Board of Ethics Special Meeting 4:30 p.m.

Thursday 14th PERMANENT FUND COMMITTEE Regular Meeting 6:00 p.m.

Wednesday 20th PLANNING COMMISSION Worksession 5:30 p.m. and Regular Meeting 7:00 p.m.

Thursday 21st PUBLIC ARTS COMMITTEE Worksession 10:00 a.m.

PARKS AND RECREATION ADVISORY COMMISSION Regular Meeting 6:30 p.m.

Monday 25th CITY COUNCIL Special Meeting 4:00 p.m., 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 p.m.
Library Advisory Board 1st Tuesday 6 p.m.
Economic Development Advisory Commission 2nd Tuesday 6 p.m.
Parks and Recreation Advisory Commission 3rd Thursday of the months of January, March, May, June, July, August, September and November 6:30 p.m.
Planning Commission 1st and 3rd Wednesday 7 p.m.
Port and Harbor Advisory Commission 4th Wednesday 6 p.m.
Transportation Advisory Committee Quarterly 3rd Tuesday 5:30 p.m.
Public Arts Committee Quarterly 3rd Thursday 11 a.m.
Lease Committee Quarterly 2nd Thursday 3 p.m.
Permanent Fund Committee Quarterly 2nd Thursday 6 p.m.
MAYOR AND CITY COUNCILMEMBERS AND TERMS
JAMES C. HORNADAY, MAYOR - 10
KEVIN HOGAN, COUNCILMEMBER - 12
BARBARA HOWARD, COUNCILMEMBER - 11
DAVID LEWIS, COUNCILMEMBER - 11
FRANCIE ROBERTS, COUNCILMEMBER - 12
MARY E. (BETH) WYTHER, COUNCILMEMBER - 10
BRYAN ZAK, COUNCILMEMBER - 10
City Manager, Walt Wrede
City Attorney, Thomas Klinkner

<http://clerk.ci.homer.ak.us> for home page access, Clerk's email address is: clerk@ci.homer.ak.us Clerk's office phone number: direct line 235-3130, other number 235-8121 x2226.

HOMER CITY COUNCIL/SPECIAL MEETING
491 E PIONEER AVENUE
HOMER, ALASKA

JANAURY 11, 2010
MONDAY, AT 3:30 P.M.
COWLES COUNCIL CHAMBERS

**MEETING NOTICE
SPECIAL MEETING AGENDA**

1. **CALL TO ORDER, 3:30 P.M.**
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. **Board of Adjustment** – Griswold vs. Blackwell, Appeal of Acceptance of a Non-Conforming Use at 1440 East End Road, Blackwell Lot 5, Mutch-Gangle Tract Neptune Addition Subdivision.
5. **COMMENTS OF THE AUDIENCE**
6. **COMMENTS OF THE CITY ATTORNEY**
7. **COMMENTS OF THE CITY CLERK**
8. **COMMENTS OF THE CITY MANAGER**
9. **COMMENTS OF THE MAYOR**
10. **COMMENTS OF THE CITY COUNCIL**
11. **ADJOURNMENT**
Next Committee of the Whole scheduled for Monday, January 25, 2010 at 5 p.m.
Next Regular Meeting is Monday, January 25, 2010 at 6 p.m. Special Meetings are scheduled for Wednesday, January 13, 2010 at 4:30 p.m. and Monday, January 25, 2010 at 4:00 p.m. All meetings are scheduled to be held in the City Hall Cowles Council Chambers.

HOMER CITY COUNCIL/COMMITTEE OF THE WHOLE
491 E. PIONEER AVENUE
HOMER, ALASKA

JANUARY 11, 2010
MONDAY, AT 5:00 P.M.
COWLES COUNCIL CHAMBERS

**MEETING NOTICE
COMMITTEE OF THE WHOLE AGENDA**

1. **CALL TO ORDER, 5 P.M.**
2. **AGENDA APPROVAL** (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg. 5)
3. Ocean Drive Loop Seawall
4. **REGULAR MEETING AGENDA**
5. **COMMENTS OF THE AUDIENCE**
6. **ADJOURNMENT NO LATER THAN 5:50 p.m.** Next Committee of the Whole scheduled for Monday, January 25, 2010 at 5:00 p.m. Special Meetings are scheduled for Wednesday, January 13th at 4:30 p.m. and Monday, January 25, 2010 at 4:00 p.m. Next Regular Meeting is Monday, January 25, 2010 at 6:00 p.m. All meetings are scheduled to be held in the City Hall Cowles Council Chambers.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

AGENDA APPROVAL

**PUBLIC COMMENTS UPON MATTERS
ALREADY
ON THE AGENDA**

RECONSIDERATION

CONSENT AGENDA

Session 09-25 a Special Meeting of the Homer City Council was called to order on November 30, 2009 at 5:32 p.m. by Mayor James C. Hornaday 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: HOGAN, HOWARD, LEWIS, ROBERTS,
WYTBE, ZAK

STAFF:
CITY MANAGER WREDE
CITY CLERK JOHNSON
ATTORNEY LEVESQUE
CITY ATTORNEY KLINKNER
CITY PLANNER ABOUD

AGENDA APPROVAL

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

The agenda was approved by consensus of the City Council.

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

There were no public comments.

NEW BUSINESS

A. **Board of Adjustment** – Appeal of Non-Decision of a Rooming House Determination for the Refuge Chapel.

Mayor Hornaday called for a motion to move into the Board of Adjustment appeal hearing of an appeal of a non-decision of a Rooming House determination for Refuge Chapel at 397 E. Pioneer Avenue, Lots 4 and 5, Block 6, and Lot 5, Block 7 Glacier view Subdivision No. 2.

LEWIS/ZAK – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

The appeal is by Frank Griswold of a Non-Decision by the Planning Commission of a Rooming House determination for Refuge Chapel. Written briefs were received from the Appellant, Frank Griswold, the Appellees Darren Williams, Refuge Chapel, and Rick Abboud, City Planner. All parties have standing pursuant to Homer City Code Section 21.93.060. All parties are present.

PRELIMINARY ISSUES

Appellant Frank Griswold stated that he raised conflicts of interest on the part of Board of Adjustment (BOA) members with Attorney Levesque and other parties. He had hoped his written comments would be before the BOA with an advisory opinion.

Mr. Griswold questioned if Mayor Hornaday was serving as Mayor or Boardmember. Mr. Griswold asserted the Mayor has a bias, as he has demonstrated animosity by allowing other parties to speak for longer periods of times, cutting Mr. Griswold off. A recent APOC ruling resulted in the Mayor paying a fine of several hundred dollars due to his actions. Mr. Griswold claimed he would not receive a fair hearing with the Mayor as the BOA Chair, who has the ability to influence testimony.

Mayor Hornaday passed the gavel to Mayor Pro Tempore Wythe.

Mr. Griswold offered a newspaper article, not part of the appeal record, but relevant to Mayor Hornaday's conflict of interest.

Attorney Levesque advised the BOA has the ability to recognize something in public domain. No new evidence can be presented to the Board, but the BOA could take judicial notice.

Mayor Pro Tempore Wythe allowed Mr. Griswold to read the newspaper article.

Appellant Griswold read from the October 7, 2008 Homer News article in which Mayor Hornaday commented on the budget. The Mayor commented that the City has wasted thousands of dollars on Frank Griswold. Mr. Griswold called it an extreme bias and more than mainstream animosity. At the last council meeting Ray Kranich was given six minutes for presentation; Mr. Griswold was denied a two-minute extension. It was only by the good graces of the Council that he was allowed 30 seconds more. The presiding officer has more influence than anyone else, and it is important it be a fairly conducted hearing.

Attorney Levesque stated there are two types of conflict. One is financial and the other is partiality. Homer City Code 1.18.048(c) states after such disclosure the city official may excuse

themselves for partiality without the vote of the body. Otherwise the body shall by majority vote rule if the member has a conflict.

Mayor Pro Tempore Wythe asked Mayor Hornaday if he had a bias.

Mayor Hornaday stated his feelings would not affect the decision one way or another. Working as a lawyer and judge, he dealt with lots of people he disagreed with and who called him names. Mayor Hornaday advised he did receive ex parte communication from Darren Williams several months ago at Land's End when Darren started to talk to him about the case. The Mayor told Mr. Williams that he may sit on the BOA and it would be a good idea if he did not talk about the case. Mr. Williams then stopped talking.

Mayor Pro Tempore Wythe called for a motion from the Council that the Mayor does not have a conflict of interest.

ZAK/LEWIS – SO MOVED.

Appellant Frank Griswold suggested making the motion in a positive format as has been the attorney's prior advice.

ZAK/LEWIS – MOVED TO WITHDRAW THE MOTION.

There was no objection from the BOA for withdrawal of the motion.

ZAK/LEWIS – MOVED THAT THE MAYOR DOES HAVE A CONFLICT OF INTEREST.

There was no discussion.

VOTE: YES. ROBERTS, HOWARD

VOTE: NO. WYTHE, ZAK, HOGAN, LEWIS

Motion failed.

Mayor Hornaday reviewed his decision. He withdrew as Chair of the meeting due to the vote of two councilmembers that he does have a bias.

Appellant Frank Griswold said board members conducting fair and impartial hearings must be open minded, objective, and free of entangling influences. The role of the decision maker has been recognized as an essential element of the procedural due process required by the Constitution.

Mr. Griswold asserted Councilmember Hogan has a potential conflict, as his company, Auction Block, buys halibut from him. He cited HCC 1.18.020(e)(1)(ii) regarding financial interest and stated Councilmember Hogan did not timely file a 2009 Public Official Conflict of Interest Disclosure due on November 1, thus making him ineligible.

Mayor Pro Tempore Wythe questioned Councilmember Hogan.

Councilmember Hogan stated he had no idea that he buys halibut from Frank Griswold. If he says so, then he would have to take his word for it. He has not seen his name on his customer list.

Mr. Griswold stated he owns a percentage of a boat that delivers fish in his name and receives a receipt from the Auction Block. In the last several years he has received several thousand dollars. He cited a ruling in a 1996 case, Griswold vs. Homer.

Mayor Pro Tempore Wythe asked Mr. Griswold if the amount received in a calendar year exceeded \$5,000.

Mr. Griswold answered it was over \$5,000 this year. The boat delivers his halibut quota and cod; Mr. Griswold is the owner of the boat.

Mayor Pro Tempore Wythe asked Councilmember Hogan if he purchased \$5,000 would he gain over \$5,000.

Appellant Frank Griswold stated the boat's name is Still Water. It may go beyond a financial relationship and be more of a potential bias.

Councilmember Hogan acknowledged there is a substantial business relationship. In the quota fisheries for someone to pay someone else's quota you have to own a share of the boat. He had no idea Mr. Griswold was involved.

Mr. Griswold elaborated he has a say in where halibut are delivered, which sometimes influences where other products are delivered. He derives no financial interest in anything other than his halibut quota.

Councilmember Roberts commented she is only hearing money going from Mr. Hogan to Mr. Griswold. She asked if Mr. Griswold was paying Mr. Hogan for fish.

Mr. Griswold explained he is only pointing out there is a business relationship. Potentially if Councilmember Hogan ruled against him he could say no more halibut quota would be delivered. Conflict of interest rules are for all parties.

Attorney Levesque advised a city official who has or may have a substantial financial interest shall disclose the interest to the body. Any member of the body may raise the question and the member shall disclose the facts. Councilmember Hogan was not aware of the relationship and now that he is, he is concerned.

Councilmember Hogan acknowledged there is a relationship with the boat, but he had no idea Mr. Griswold was involved.

Mayor Pro Tempore Wythe asked Councilmember Hogan if the pecuniary interest exceeded \$5,000.

Councilmember Hogan stated he could be affected if Mr. Griswold gets mad at him and doesn't bring business his way. He does not believe it will affect deliberations, but if Frank Griswold feels he has a conflict he will excuse himself.

Attorney Levesque stated it does not work that way and advised HCC 1.18.045 states the Mayor will make the ruling and Council may override.

Appellant Griswold cited HCC 1.18.040 (8)(c) pertaining to partiality.

Mayor Pro Tempore Wythe questioned Councilmember Hogan on the financial interest.

Councilmember Hogan answered he does not have a substantial financial interest exceeding \$5,000 per year.

Mayor Pro Tempore Wythe ruled there was no conflict of interest for Councilmember Hogan.

There was no objection from the Board.

Appellant Griswold referenced the previous BOA decision that remanded the matter to the Planning Commission. The Vice Chair was ruled to have a conflict of interest and excused from those proceedings. Mayor Hornaday disqualified Councilmember Wythe due to her relationship with Ray Kranich, Planning Commissioner, who was involved in the lower decision.

Mayor Pro Tempore Wythe recalled the discussion of her conflict, but did not remember being excused from the prior proceeding.

Frank Griswold noted the appeal of the rooming house determination for the Refuge Room submitted to the Planning Commission. Mayor Hornaday ruled Councilmember Wythe disqualified due to her husband's status of step-son of Planning Commissioner Ray Kranich. The

ruling was sustained by the BOA and Wythe did not participate. A decision was rendered in that case. In the present case a basis was given for the non-decision. A written document was voted upon and passed; the effect of the non-decision was to uphold the City Planner's recommendation.

Councilmember Roberts recollected the dismissal of Councilmember Wythe in the previous BOA due to Ray Kranich being her step father-in-law. The code has since changed in regard to relations within a family; you can now be distantly related. The consanguinity verbiage has been deleted.

Attorney Levesque advised it is important if the language was stricken from what it was before. Homer is a very small town and you run into this all the time. That is why people don't want to serve on boards and commissions. It makes for a small group of people that want to serve and then they are related. Homer City Code does not require the family relationship as a type of interest that disqualifies. Mr. Levesque asked Councilmember Wythe to tell the Board if she was impartial or biased.

Mayor Pro Tempore Wythe passed the gavel to Councilmember Roberts.

Councilmember Roberts questioned Mayor Pro Tempore Wythe.

Mayor Pro Tempore Wythe stated she can be unbiased for the benefit of the Council. Her husband works for the City and they have unspoken regulations at their house. They do not talk about the business of the Council or the commission that his step-father sits on for the purpose of not to have a conflict. She goes to other commission meetings, but doesn't go to Planning Commission meetings for the purpose of building a space, unless it is something very specific for Council.

ZAK/ HOWARD - MOVED THAT COUNCILWOMAN WYTHER HAS A CONFLICT OF INTEREST.

VOTE: NO. LEWIS, ROBERTS, ZAK, HOWARD, HOGAN

Motion failed.

Mayor Pro Tempore Wythe resumed the gavel.

Appellant Griswold called reference to Councilmember Zak's potential disqualifying bias as he participated in the Planning Commission consideration and approval of CUP 07-03. It is indirectly under consideration here as well. On February 21, 2007 Mr. Zak publicly stated he was

supportive of the shelter, but opposed to simultaneously allowing a teen center anywhere on the property. On March 7, 2007 Mr. Zak requested that the clerk review the recording regarding the Refuge Shelter action as to the teen center. He commented the minutes portrayed he opposed the teen center in any lots with the conditional use of the Refuge Shelter. Mr. Zak acknowledged the Refuge Chapel is a men's shelter and would endanger teens. He would not be able to justify calling it a rooming house whose clientele includes boys and girls of all ages, unless he is extremely supportive of the Refuge Chapel, in which case may be inclined to overlook the previous objections. Someone who participated at the planning commission level should not participate at the Board of Adjustment level.

Attorney Levesque advised normally if the matter was at the planning commission and they approved the initial permit and then elected to Council and it was appealed it would be clear. The issue before the BOA is whether the characterization of the Refuge Chapel as a rooming house is a proper determination. The only issue that should be considered is if the CUP is moot. The determination of the City Planner moots the CUP. He does not see a real connection.

Appellant Griswold urged the BOA to ask members if they have partiality and then vote. The person should not convince the BOA they will set their partiality aside. There is no way of determining if a person's partiality can be set aside.

Attorney Levesque commented he sees it quite the opposite, as an opportunity for the person being challenged to step down. When sitting on a board or city council there are contentious issues. Unless there really is a conflict of interest your job is to be here and take care of this.

Mr. Griswold commented it does not benefit him to eliminate members. The more members here, the better.

Mayor Pro Tempore Wythe ruled no conflict for Mr. Zak based on his service on the Planning Commission.

Councilmember Zak commented he has no conflict of interest. The Planning Commission made the code determination, and anything discussed at the Planning Commission would have been based on code. Both parties would benefit greatly to having him here.

ROBERTS/HOGAN – MOVED THAT MR. ZAK HAS A CONFLICT OF INTEREST.

VOTE: NO. HOGAN, LEWIS, ROBERTS, WYTHE, HOWARD

Motion failed.

Appellant Griswold questioned the role of Attorney Klinkner. He has now been told that he represents the City Planner. His entry of appearance is for the City of Homer and is not specific. Attorney Klinkner wrote a confidential memorandum dated September 23, 2008 and adopted later by City Planner Abboud as his determination. Attorney Klinkner was involved early on. Attorney Klinkner was consulted on City Manager Wrede's memorandum to the Planning Commission dated June 11, 2009. Legal questions were asked by Commissioner Kranich and the City Manager Wrede responded after consultation with the City Attorney. Then Attorney Klinkner participated in the decision of the Planning Commission on August 5, 2009. He questioned the 1974 Kirkland opinion that was cited.

Mayor Pro Tempore Wythe asked Mr. Griswold to specifically narrow his concern. Mr. Levesque is sitting with the review board.

Mr. Griswold stated the entry of appearance needs to be clarified as to who Mr. Klinkner represents. If representing just the City Planner, it is another issue. The Planning Commission should have had independent counsel. It is inappropriate Mr. Klinkner wrote the brief defending his own actions. Advice from Attorney Levesque could contradict Mr. Klinkner. Mr. Klinkner has multiple clients and has influenced every aspect of the matter. It taints the proceeding. He asked for a ruling on the brief and an extension of time and received no response.

Attorney Levesque commented there were a lot of questions asked. He tried various times to get all parties together and talk about how to proceed. There are two different entities, one is broad and one is specific. Attorney Levesque may assist the BOA, but the BOA will make the determination. The City Attorney is doing his job, representing the Planning Department through every phase of this proceeding. As part of standing appeals to the BOA, the City Manager or City Planner can participate in appeals. It would not be appropriate for Attorney Klinkner to represent the City Planner and give the BOA advice.

Mr. Griswold asked why it was appropriate for Mr. Klinkner to represent the Planning Commission and if he was involved in advising the City Manager on the memorandum and the decision by the Planning Commission.

Attorney Levesque answered it was up to the Board, not his decision. The City Attorney was not present at the lower boards. There is only evidence that shows that he was not involved other than representing the City Planner.

Mayor Pro Tempore Wythe stated the City Attorney or his staff would provide the Planning Commission recommendations; he does not make decisions. Because he participated with the Planning Commission is why the BOA has a separate attorney.

Appellant Griswold said it is no more appropriate for the City Attorney to represent the Planning Commission and then the City Planner. If he participated in the decision making process it was inappropriate. The brief could be stricken. Mr. Griswold does not believe the Planning Commission would have come out with that ruling if Attorney Klinkner had not justified his own ruling.

Mayor Pro Tempore Wythe asked Attorney Levesque how the items relate to the BOA tonight. Attorney Levesque stated these are preliminary matters having started out with conflicts of interest and now the question of standing as to the City Planner having an attorney.

Attorney Klinkner stated he would be happy to answer questions.

Attorney Levesque advised the BOA could take the preliminary matters under advisement and make a decision later.

Mayor Pro Tempore Wythe ruled to take the preliminary matters under advisement and defer any topics Frank Griswold has to complete this issue.

There was no objection from the Board.

Attorney Levesque questioned Attorney Klinkner.

Attorney Klinkner stated he was an advocate for the City Planner in his decision of the Refuge Room as a rooming house. It has not been his intent to represent the Planning Commission. He did not attend meetings. He was asked by the City Planner and the City Manager to respond to those questions through them. The advice was coming from the City Administration and the City Planner. He was not independently representing the Planning Commission and had not talked with individual planning commission members. Regarding the commission's decision, it was a procedural manner. Given the commission's vote 2-3 to support the City Planner's decision, was the vote sufficient to decide or not decide the case? He provided advice to the City Planner who relayed that to the commission. Mr. Klinkner has been a municipal attorney since 1977. He has given advice to boards and commissions from time to time and acted in this capacity before. He was doing nothing different in this case than in the past.

Frank Griswold questioned Attorney Klinkner.

Attorney Klinkner stated the City Planner acts as staff for the Planning Commission and assists them in matters such as writing decisions.

Appellant Griswold commented the City Planner's decision was overruled by the Planning Commission and they would not allow him to write the decision. The party whose determination is being appealed should play no role in writing the decision.

Attorney Levesque questioned Attorney Klinkner on writing decisions for other planning and zoning commissions. Attorney Klinkner answered affirmatively that other boards and commissions use planning staff.

Appellant Griswold commented there is a difference than using the party whose determination has been appealed. The City Planner, nor his attorney should be consulted; the Planning Commission acted properly in referring their questions to the City Clerk or the City Manager.

Mayor Pro Tempore Wythe called for a motion to include Mr. Klinkner's documents and his participation as the representative for the City Planner.

HOWARD/LEWIS – MOVED TO INCLUDE THE BRIEF FILED ON NOVEMBER 4TH BY MR. KLINKNER.

HOWARD/LEWIS – MOVED FOR A FRIENDLY AMENDMENT TO INCLUDE THE BRIEF FILED ON NOVEMBER 4TH BY MR. KLINKNER AND TO ALLOW MR. KLINKNER TO TESTIFY AND REPRESENT (THE CITY PLANNER).

There was no discussion.

VOTE: YES. HOWARD, HOGAN, LEWIS, ROBERTS, WYTHE, ZAK

Motion carried.

Appellant Griswold referenced three insightful questions raised on November 20th to Attorney Levesque. There are inconsistencies with the code if we were to follow the arguments of Attorney Klinkner. Less than four affirmative votes would be in conflict of existing code. Mr. Griswold would like all three questions addressed, especially the third one pertaining to HCC 21.93.540(e) adopting findings of less than a majority. He questioned how findings of fact could be adopted with less than a majority of the seven-member Planning Commission if four affirmative votes were required. It is a conflict in the Planning Commission decision and the code needs to be addressed. Mr. Griswold requested the questions be part of the record.

Attorney Levesque confirmed the questions are part of the record. Mr. Levesque commented in the years he has been practicing municipal law he finds inconsistencies. He finds the same things in the Alaska Statutes; some have been ruled unconstitutional by the court, but they are still

there. When you give deference to an administrative body you will not disturb what they say. You look up to them as they are versed in issues with more knowledge than the average person. If you don't give deference you don't pay much attention to what they have done. He has not looked into that. He has been told to keep his fees down. He can't generate a lot of paper and send massive bills to the City.

Mayor Pro Tempore Wythe noted those issues will be taken under advisement by the BOA.

Appellant Griswold stated he has never been clear what authority the BOA has to hear oral argument. In 1999 an ordinance came before Council with specific procedures for oral argument. It was voted down. The only provision in code is a catchall at the end when no other procedures are prescribed you may do what is not contrary to code. There is a briefing process and if you allow parties who did not brief issues to present arguments that were not briefed it is prejudicial. Mr. Griswold wrote 30 pages of brief and if parties that didn't give substantial brief make new arguments it is not fair. He wonders why oral argument is encouraged when there is a briefing process. There is no procedure if parties file an inappropriate brief or no brief and are allowed to participate. Refuge Chapel did not file an appropriate brief with references to legal authority. All the information provided with their brief is not in the record. The information they put with their brief was communications with the City Planner. The evidence presented with the Refuge Chapel brief is new evidence and does not address any points on appeal and is not identified as a cross appeal. The Refuge Chapel brief should be stricken.

Attorney Levesque commented that in Homer City Code reference to oral argument indicates new evidence or changed circumstances are not allowed at this level. You are having a hearing and can't allow new evidence for changed circumstances. There would be no need to have a hearing at all. You are giving parties an opportunity to present oral argument. HCC 21.93.510 and 21.93.540 reference the appeal hearing and the taking of testimony or other limited evidence. What is going to happen if you can't introduce new evidence or say that your circumstances have changed? It is simply to present new evidence. Attorney Levesque agrees with Mr. Griswold that matters that haven't been briefed generally are not allowed to be argued. The court is stricter and tends to be more lenient with pro pers. Darren William's appeal brief presents his argument. The City Clerk has put it together in the packet and it is part of the record.

Councilmember Hogan asked about changed circumstance.

Attorney Levesque noted an individual may present changed circumstances, but the BOA hears only what was on the record before the commission.

Mayor Pro Tempore Wythe recommended each side be allowed oral argument of 30 minutes if needed. There was no objection from the BOA. The case must be based by evidence in the

record. Mr. Griswold, the Refuge Chapel, and City Planner Abboud will have 30 minutes to make argument. If time remains in Mr. Griswold's 30 minutes, he may use it to respond to the Appellees.

Mayor Pro Tempore Wythe called for a recess at 6:59 p.m. and reconvened the meeting at 7:04 p.m.

ORAL AGRUMENT

Appellant Griswold stated the Planning Commission voted 2-3 to support the determination of the City Planner. Two members sided with the City Planner. The Commission was persuaded by City Attorney Klinkner that four affirmative votes are required to pass a motion. Four affirmative votes are not required to fail a motion. It is a valid vote under any circumstances and is puzzling how the Planning Commission could not muster four affirmative votes, but came up with four affirmative votes to adopt a non-decision. Three members who voted against supporting the City Planner's determination had to be persuaded by two who voted against it. It is a wrong decision.

Mr. Griswold stated there is no basis that the remand given to the Planning Department would be moot if a determination was made. It is all being dealt with as enforcement issue, as there is nothing on the property to enforce. Until you have a CUP it is against city code to have people occupying a structure. If someone were conducting a legal rooming house on their site, there is nothing to preclude them from applying for a CUP to do something else. Information was given to the Planning Commission that is totally unfounded. The only way a remand would be rendered moot is if the Refuge Chapel withdrew their application for a CUP.

In Mr. Griswold's view, the City Attorney came on board and saw a clever way of avoiding a lot of paperwork and appeal hearings and said just call it a rooming house. On the Refuge Chapel sign out front they call it a bunkhouse. Their first application in late 2005 was for a men's homeless shelter, which they withdrew due to opposition. Now it is called a rooming house; they may have just said it was a five-star hotel. For the City Attorney and City Planner to say they can ignore code and have 15 people has no basis. If Council upholds the determination it will set a precedent to manipulate things, undermining the whole purpose of zoning.

23:23 time reserved for Mr. Griswold.

Darren Williams, Refuge Chapel, said a prayer for the BOA, asking for peace, clear and honest communication and guidance in wading through the issues and grace to do what is right.

Appellee Williams encouraged the BOA to make a decision on what is the right thing to do, not what may be the easiest and to not let Frank bully them. Frank has contested almost every

decision on the Refuge Room; he has told Mr. Williams he will continue to do so. It does not matter if the BOA upholds the City Planner's decision or requests a CUP, he will tie it up with his minutia of the law. He will not head the issue straight on, as he knows the Refuge Chapel has the right to operate. Whether the BOA decides to define them as a boarding house or a homeless shelter, they have tried to adjust to what the City said they needed to do to be legal. They just want to operate in a legal way. They have a moral obligation to do what they are doing; they would like to be legal to operate. Their first obligation is from a moral and religious standpoint. Whether the BOA decides to define them as a boarding house or homeless shelter each one is in the code of the Central Business District. That does not matter to Frank. He will continue to tie up the BOA and the City with minor points.

Frank Griswold objected.

Appellee Williams stated that everyone knows they provide a valuable service and relieve crime. If they cannot figure out how to make it legal, he doubts Homer will get another chance with the service they provide. They are not a homeless shelter. They have charged each guest a nightly fee. They have generated income to support the ministry of refuge from the boarding house and have helped men get jobs. They pay taxes and support the city of Homer. They do not perpetuate addictions, homelessness, or laziness. They help people that are having a hard time getting on their feet by providing low cost housing.

Mr. Williams stated they started the business six years ago and have found how to do it more effectively and efficiently. They were a bunkhouse two years before the City Planner identified them as a homeless shelter. The last CUP was for a shelter, not a homeless shelter. They did not want to be called a homeless shelter, but were told they have to. When the neighborhood circulated a petition that is when they changed it to a men's dormitory style bunkhouse. At many meetings they have argued of not being a homeless shelter. He has worked at different homeless shelters in L.A. and did not want to provide that kind of service. Hiring a lawyer would put them thousands of dollars in debt. They do have lawyers from the East coast that are monitoring this to see the outcome.

Appellee Williams asserted it is their right to operate as a business and a ministry. He has asked Frank politely to drop this to let the City and the Refuge do their job. He is now publicly asking Frank to drop this assault on the City and their church. Although Frank may win the fight physically, ultimately he will lose. He asked Frank to drop it for the poor people he is oppressing and for his spiritual well-being. Valuable city services have been cut due to lack of funding. These meetings cost thousands of dollars. It is a shame to think we are spending money on this issue that could be funding important services in Homer. He again asked Frank to stop the assault. He asked the BOA to rule on behalf of the people of the city that need the service that the Refuge Room provides. Psalm 41:1 and 19:17 were cited.

23.13 time reserved for Mr. Williams.

Tom Klinkner, City Attorney, appeared on behalf of Rick Abboud, City Planner. The Board is tasked with the same issue City Planner Abboud was, to interpret City Code. The code defines and describes certain uses; it is the foundation for determining whether a particular use is permitted in a particular zoning district. The issue is not what someone as a lay person or a person selecting a name for a business or activity chooses to name that activity. It is what the activity is defined as in zoning rules. We are asking if it is a rooming house as defined in city code. It is purely a question of law. The facts in the matter are not in dispute. Facts in the original CUP precipitated the exchange and it was remanded to Mr. Abboud for generation of a new staff report and presentation to the Planning Commission. It was the springboard for taking another look at that nature of the use and description.

Undisputed facts are that the Refuge Room accommodates up to six guests and up to four staff members, for a total of ten beds. Guests are charged \$10 per night. In addition to beds, the Refuge Room also provides access to kitchen, bathroom and shower facilities. HCC 21.03.040 rooming house (focusing on the first two sentences) definition was read: "*Rooming house*" means a dwelling containing not more than five guest rooms that are used, rented, or hired out to be occupied for sleeping purposes by guests. A rooming house shall not accommodate in excess of 15 guests." Breaking that down for purposes of the city zoning ordinance, a dwelling is defined to consist of not more than five guest rooms. It is used, rented or hired out to be occupied for sleeping purposes by guests. It shall not accommodate in excess of 15 guests. The Refuge Room clearly meets the last three of these four criteria. It does not contain more than five guest rooms. It is used, rented, or hired out to be occupied for sleeping purposes by guests and does not accommodate more than 15 guests.

Attorney Klinkner stated the last item that causes contradiction, arising from the reference to the term "dwelling", is the definition of rooming house. Dwelling is defined as a building or portion thereof, designed for residential occupancy by not more than one family and includes facilities for sleeping, cooking, and sanitation. The first and third of the elements fit the Refuge Room use. It is a building or portion thereof and includes facilities for sleeping, cooking, and sanitation. The definition of family is an individual, or two or more persons related by blood, marriage, or adoption, or a group not to exceed six unrelated persons living together as a single housekeeping unit. The first two items do not address the Refuge Room; it is however, a facility to accommodate a group of unrelated persons living together as a single housekeeping unit. The contradiction is the six guests as defined as "family" and the rooming house definition that is not in excess of 15 guests. Which limit governs? Mr. Klinkner advised City Planner Abboud that the maximum of 15 is the governing unit because that is the number specifically attached to rooming house. The council presumably constructed the rooming house definition for the purpose of regulating them. The statutory construction supports and complements the above scenario. When

you have a rule that is more general in its application and one more specific in its application that conflict with one another, you select the more specific applicable rule. If you accept the more specific applicable rule the Refuge Room does fall in the criteria of a rooming house. This is not a definition or result reached for convenience. It is how the facility is defined and described in relation to the zoning ordinance.

Attorney Klinkner contended that the Board is presented with only a question of law. It is very important, as ordinances governing the activities as a BOA, HCC 21.93.540(d) says that the BOA exercises its independent judgment of law. It gives no deference to the decision Mr. Abboud or the Planning Commission may have made. The Board is taking the interpretation question as a matter of first impression, not deferring to any higher decision or ruling relating to the question. It is significant because of the concerns Mr. Griswold has expressed about the proceedings of the Planning Commission. The Planning Commission's action resulted in a decision. That decision is entitled to deference by the Board of Adjustment. That decision and its validity expand on importance. If on the other hand the Board is making an independent and original decision, without reference to the Planning Commission's decision, the Planning Commission's actions and proceedings shrink significantly. The Planning Commission proceeded correctly.

Attorney Klinkner acknowledged the defective notice to Mr. Griswold. The Planning Commission took appropriate steps to cure the defect, by giving Mr. Griswold an opportunity to review the proceedings online and another meeting for him to attend and present his own position on the case. It was all he could have done if he was physically present at the first meeting. Mr. Griswold was not prejudiced by the defective notice.

Attorney Klinkner stated the Commission correctly applied its own rules and procedure and bylaws by determining without an affirmative vote of at least four members, the Commission could not act as required by the bylaws. The Commission not being able to act, Mr. Abboud's decision stood.

REBUTTAL

Frank Griswold commented he did not know prayer was allowed in oral argument. He is surprised the Board allowed the personal attacks. It seemed to be prejudicial. He tried to object and was surprised the Board's attorney did not object. Refuge Chapel asked the Board to do the right thing from a religious aspect. The Board's duty is to look at it objectively and not emotionally or religiously; the Board needs to look at the law.

As to Attorney Klinkner's comments, Mr. Griswold doesn't think the remand was intended as a springboard for another look. The Board gave specific instructions to the Planning Department to

do a new staff report based on the information in the record and on the application. He finds it disingenuous that it was not done for convenience. The Planning Department needed to follow the Board's prior instructions, rather than taking it as a carte blanche to do something else. We keep hearing about the inconsistencies in the code. They only occur if you adopt Attorney Klinkner/Rick Abboud's reasoning. If you adopt the Frank Griswold reasoning, the code is consistent. Attorney Klinkner says which limit governs? If they were not all meant to govern, they would not all be in the code. It is not a multiple choice. The Board needs to look at the definition of homeless shelter. If you read the code carefully it doesn't say the Refuge Chapel must provide meals; it says onsite meals must be provided. Refuge Chapel is not required to administer showers, clients can shower themselves, and use the kitchen facilities. He has not seen anything to say it is not a men's homeless shelter. It more clearly meets the definition of men's homeless shelter. The key is that secondary services must be provided. If it was strictly a bunkhouse and no secondary services were provided, it would be a flop house. There is nothing in city code to define flop house. It has now has been decided by the City Planner and the City Attorney that it is not a dormitory. Previously the Planning Commission ruled that it was a dormitory. If the Planning Commission had ruled properly there would not have been an appeal.

Appellant Griswold said it is not accurate to say you don't have to look at some of the issues. In addition to looking at the definitions, it is looking at the procedures they followed. If the Planning Commission's decision was wrong that their 2-3 vote was not sufficient, if it was sufficient that would prejudice Mr. Griswold as he would not have had to file the appeal or briefs.

Appellant Griswold referenced the defective notice and the Planning Department's failure to tell him the hearing was going to take place. It is an ex parte communication as the whole meeting took place without Mr. Griswold being there. Mr. Griswold disputed the statement that the action was cured by giving him a tape of the meeting and not letting him raise any of his procedural issues, or cross examine the City Planner as is his constitutional right. He had the right to confront the City Planner and ask him questions about the information he gave the Planning Commission.

Mr. Griswold contended the City Planner has been protected tonight from testifying before the BOA. He just gave his views for the Planning Commission from the prepared City Attorney's views. There are serious ramifications of that ruling. A use that met with widespread public opposition and a neighborhood petition opposing it could be granted with no public hearing.

Mr. Griswold continued, the City Planner could say it is a men's homeless shelter, an allowed use. The Planning Commission adopting the definitions did not foresee or contemplate what is trying to be legalized at 397 E. Pioneer Avenue. From what he can tell from the minutes, the Planning Commission took one vote, two upholding the City Planner's decision and three against

it. They had all the time needed to take more votes. The Planning Commission did not do their job. Mr. Griswold paid a \$250 appeal fee to have his appeal decided. It is pure tactical to say you need more than a majority of a quorum. Any court or APOC says you need a majority of a quorum.

Appellant Griswold told the Board they do not need a motion for something they are obligated to do. There was no motion required tonight to start the quasi judicial hearing. The reason for motions is for items not deemed important enough for the body to consider, so you don't waste your time.

Mr. Griswold concluded the Planning Commission knew the job, had the duty to decide the appeal, and should have stayed and made a decision. It is pertinent that they wrote a decision. It took four votes to come to a non-decision. If they can come up with votes to make a non-decision that supports the City Planner when the majority of them did not support the City Planner, something is dramatically wrong. Mr. Griswold trusts some of the Board will see through the legalese; in his view the Board is being conned. He urged the Board to look at the code and the definitions for homeless shelter and rooming house. If it meets neither definition, the Board needs to err on the side of less offensive, rather than more offensive. The operations at the Refuge Room and the Refuge Chapel are more offensive than a rooming house.

Board Member Hogan asked City Planner Abboud if a rooming house, homeless shelter, hospital, group care home or dormitory were a conditional use or a permitted use.

City Planner Abboud answered a rooming house was a permitted use. A homeless shelter could be a conditional use. A hospital is a permitted use. Mr. Abboud did not answer if a group care home or dormitory were permitted or conditional uses, citing the absence of the code in front of him.

Board Member Roberts asked City Planner Abboud of the decision on appeal that was written on April 9, 2009.

Mr. Abboud affirmed that he eliminated rewriting (CUP)07-02 because he viewed it as a rooming house.

Board Member Roberts referenced a question from Planning Commissioner Kranich to City Manager Wrede, "Would the Planning Commission need to take any official action to confirm that the CUP is moot other than to adopt the Planner's recommendation?" The answer says, "The Commission is considering an appeal of the action taken by the City Planner so the Commission should handle this like any other appeal. If the Commission ultimately upholds the Planner's

decision that it would prepare written findings or record of decision.” Ms. Roberts asked City Planner Abboud where the written findings or record of decision were.

City Planner Abboud answered they were on page 27 of the Supplemental Record of Appeal. The Planning Commission’s decision is on page 3.

Board Member Lewis asked why Mr. Griswold was not notified of the meeting.

City Planner Abboud answered that a notification was issued with the wrong date. There were supposed to be special notices issued to Darren and Frank independently of the whole neighborhood. The whole neighborhood, everybody within 300 ft., was noticed and nobody showed up. They received the notice with the proper date.

Board Member Roberts asked Mr. Griswold about the remand of the decision back to the Planning Commission from the Board of Adjustment. Ms. Roberts stated it was remanded for a new and complete consideration after completion of a new staff report. It was without the participation of Planning employee Dotti Harness who had a disqualifying conflict of interest. She asked if someone with a conflict of interest could misjudge something or make a mistake.

Mr. Griswold answered those are the Board’s rules and you are asking him to second guess the Board’s decision. This is new testimony and is not appropriate. He understands the response of City Planner Abboud, but can guarantee he was not given any notice of that meeting. They held that meeting without notifying the parties. It would be moot and does not apply to this.

Mayor Pro Tempore Wythe thanked the participants and concluded the oral arguments. Deliberations of the Board will commence and continue from time to time as necessary until completed.

Board Member Wythe called for a motion to go into Executive Session for the purpose of deliberating and deciding this appeal.

ROBERTS/LEWIS – MOVED.

There was no discussion.

VOTE: YES. ZAK, HOWARD, HOGAN, LEWIS, ROBERTS, WYTHE

Motion carried.

The Board adjourned at 7:53 p.m. and reconvened at 9:22 p.m.

Board Member Roberts stated they met with their attorney and after considerable discussion they provided him with direction. They plan to continue deliberations in the future and will notify the parties when a determination has been made.

Board Member Wythe called for a motion to adjourn the public portion of the Board of Adjustment.

HOGAN/LEWIS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Adjourned at 9:23 p.m.

Mayor Hornaday resumed the gavel at 9:23 p.m.

B. **Memorandum 09-156**, from City Clerk, Re: Request for Executive Session Pursuant to AS §44.62.310(C)(3), Matters, Which by Law, Municipal Charter, or Ordinances are Required to be Confidential. (Ethics Complaint No. 2009-01.)

Mayor Hornaday called for a motion for the approval of Memorandum 09-156 for Executive Session.

WYTHE/LEWIS – SO MOVED.

There was no discussion.

VOTE: YES. WYTHE, ZAK, HOWARD, HOGAN, LEWIS, ROBERTS

Motion carried.

Council adjourned to Executive Session at 9:24 p.m. and reconvened at 9:52 p.m.

Mayor Pro Tempore Wythe stated Council met and discussed the merits of the Ethics Complaint 2009-01 and is directing the City Clerk to give appropriate notices to proceed with an investigation.

COMMENTS OF THE AUDIENCE

There were no public comments.

COMMENTS OF THE CITY ATTORNEY

City Attorney Klinkner had no comment.

COMMENTS OF THE CITY CLERK

City Clerk Johnson had no comment.

COMMENTS OF THE CITY MANAGER

City Manager Wrede had no comment.

COMMENTS OF THE MAYOR

Mayor Hornaday had no comment.

COMMENTS OF THE CITY COUNCIL

Councilmembers Hogan, Howard, Lewis, Roberts, Wythe, and Zak had no comment.

ADJOURNMENT

There being no further business to come before the Council, Mayor Hornaday adjourned the meeting at 9:53 p.m. The next Regular Meeting is scheduled for Monday, December 14, 2009 at 7:00 p.m. The next Committee of the Whole is scheduled for Monday, December 14, 2009 at 4:00 p.m. All meetings scheduled to be held in the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

JO JOHNSON, CMC, CITY CLERK

Approved: _____

Session 09-26 a Special Meeting of the Homer City Council was called to order on December 14, 2009 at 5:30 p.m. by Mayor James C. Hornaday 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: HOGAN, HOWARD, LEWIS, ROBERTS,
WYTHE, ZAK

STAFF: CITY CLERK JOHNSON
CITY ATTORNEY KLINKNER

AGENDA APPROVAL

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

Approved by consensus of the Council, no item may be added, items may be deleted.

The agenda was approved by consensus of the Council.

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

There were no public comments.

NEW BUSINESS

- A. **Memorandum 09-160**, From City Clerk, Re: Request for Executive Session Pursuant to AS § 44.62.310(C)(3), Matters, Which by Law, Municipal Charter, or Ordinances are Required to be Confidential. (Ethics Complaint Case No. 2009-02)

Mayor Hornaday called for a motion for the approval of the recommendations of Memorandum 09-160.

WYTHE/LEWIS - SO MOVED.

There was no discussion.

VOTE: YES. ROBERTS, WYTHE, ZAK, HOWARD, HOGAN, LEWIS

Motion carried.

Council adjourned to Executive Session at 5:32 p.m. and reconvened the meeting at 5:43 p.m.

Mayor Pro Tempore Wythe stated Council met and reviewed Ethics Complaint 2009-02 and requested that the Clerk retain counsel for the purposes of further consideration.

- B. **Memorandum 09-161**, From City Clerk, Re: Request for Executive Session Pursuant to AS § 44.62.310(C)(3), Matters, Which by Law, Municipal Charter, or Ordinances are Required to be Confidential. (Ethics Complaint Case No. 2009-03)

Mayor Hornaday called for a motion for the approval of the recommendations of Memorandum 09-161.

LEWIS/WYTHER – SO MOVED.

There was no discussion.

VOTE: YES. LEWIS, ROBERTS, WYTHER, ZAK, HOWARD, HOGAN

Motion carried.

Council adjourned to Executive Session at 5:44 p.m. and reconvened the meeting at 5:51 p.m.

Councilmember Roberts stated Council met and discussed the issue and advised the Clerk to hire an attorney to advise them on this issue.

- C. **Memorandum 09-162**, From City Clerk, Re: Request for Executive Session Pursuant to AS § 44.62.310(C)(3), Matters, Which by Law, Municipal Charter, or Ordinances are Required to be Confidential. (Board of Adjustment – Griswold vs. Blackwell – Transcript Preparation)

On October 24, 2005 Councilmember Wythe was excused from participation due to a bias. She had a personal friendship relation with the wife of Don Blackwell. At that time Mrs. Blackwell had just recently departed from working directly with Councilmember Wythe for 15 years. Since then they have not had substantial continued contact.

Mayor Hornaday questioned Councilmember Wythe.

Councilmember Wythe answered the friendship no longer exists in the same capacity. Don Blackwell's wife and Councilmember Wythe are still friends; in 2005 they had barely separated from working together.

Attorney Klinkner questioned Councilmember Wythe.

Councilmember Wythe stated she no longer has a business relationship with Mrs. Blackwell.

Attorney Klinkner advised there is not an issue.

Mayor Hornaday ruled there is no conflict for Councilmember Wythe.

There was no objection from Council.

Mayor Hornaday called for a motion for the approval of the recommendations of Memorandum 09-162.

LEWIS/WYTHE – SO MOVED.

Councilmember Hogan asked if it had been properly noticed.

City Clerk Johnson answered that per the attorney it has been and is compliant with the OMA (Open Meetings Act).

City Clerk Johnson stated Mr. Griswold has claimed Mayor Hornaday also shows a bias or conflict towards him and requested that be brought up before the Board of Adjustment.

Mayor Hornaday agreed there were two councilmembers who felt he could not be fair and impartial. He agrees with them and withdrew. Mayor Hornaday excused himself.

Mayor Pro Tempore Wythe took the gavel.

VOTE: YES. HOGAN, LEWIS, ROBERTS, WYTHE, ZAK, HOWARD

Motion carried.

Council adjourned to Executive Session at 5:57 p.m. and reconvened the meeting at 6:25 p.m.

Councilmember Roberts stated Council met and discussed the request to postpone Griswold vs. Blackwell Board of Adjustment. The continuation has not been granted. The hearing will be held as scheduled on January 11th. It is the responsibility of the Appellant to obtain a transcript. In accordance with HCC 21.93.520(b) the Clerk's office has authority to determine who prepares the transcript.

COMMENTS OF THE AUDIENCE

Frank Griswold, city resident, commented the City Council should have reconvened as a Board of Adjustment and taken public comment. There was no mention of a BOA proceeding on the agenda. He was given notice that at 5:30 p.m. Council would convene as a BOA. He did not think he had an opportunity to comment at the beginning of the meeting. Mr. Griswold referenced HCC 1.18.040(a) and indicated Mr. Hornaday should have disclosed his partiality and/or recused himself before ruling on the partiality of Board Member Beth Wythe. He would have had no authority to do even if not disqualified for bias because of HCC 1.18.048(c). Mr. Griswold is shocked that Council just went through this on November 30th and followed that procedure and it just went out the window. Beth Wythe admitted she is still friends with Mrs. Blackwell. She was not a co-worker in 2005. A 15-year work relationship indicates the partiality still exists. She is related to Ray Kranich and resides in the same household. Mr. Kranich is a Planning Commissioner and ex parte communication is likely and she may give deference to his decision at the Planning Commission level. Council needs to reconsider and take it up again before the January 11th BOA hearing.

COMMENTS OF THE CITY ATTORNEY

City Attorney Klinkner was no longer present.

COMMENTS OF THE CITY CLERK

City Clerk Johnson had no comment.

COMMENTS OF THE CITY MANAGER

City Manager Wrede was not present.

COMMENTS OF THE MAYOR

Mayor Hornaday had no comment.

COMMENTS OF THE CITY COUNCIL

Councilmembers Hogan, Howard, Lewis, Roberts, Wythe, and Zak had no comment.

ADJOURNMENT

There being no further business to come before the Council, Mayor Hornaday adjourned the meeting at 6:30 p.m. The next Regular Meeting is scheduled for Monday, January 11, 2010 at 6:00 p.m. The next Committee of the Whole is scheduled for Monday, January 11, 2010 at 5:00 p.m. All meetings scheduled to be held in the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

JO JOHNSON, CMC, CITY CLERK

Approved: _____

Session 09-27 a Regular Meeting of the Homer City Council was called to order on December 14, 2009 at 7:00 p.m. by Mayor James C. Hornaday 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:** HOGAN, HOWARD, LEWIS, ROBERTS,
WYTHE, ZAK

STAFF: CITY MANAGER WREDE
CITY CLERK JOHNSON
CITY ATTORNEY KLINKNER
CITY PLANNER ABOUD
FINANCE DIRECTOR HARVILLE
FIRE CHIEF PAINTER
LIBRARY DIRECTOR HILL
PERSONNEL DIRECTOR HOBBS
POLICE CHIEF ROBL
PORT AND HARBOR DIRECTOR HAWKINS
PUBLIC WORKS DIRECTOR MEYER

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

Council met as a Committee of the Whole from 4:07 p.m. to 5:14 p.m. to discuss 2010 Budget and hear Conflicts of Interest by Attorney Klinkner. Additionally, Regular Meeting Agenda items were discussed. A Special Meeting was held from 5:30 p.m. to 6:30 p.m. for Memorandums 09-160, 09-161, and 09-162.

AGENDA APPROVAL

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

Approved by consensus of the City Council with the following changes:

PUBLIC HEARINGS -Ordinance 09-52, Memorandum 09-149 from Library Director Re: Library Work Schedules; **NEW BUSINESS** - Board of Adjustment -- Griswold vs. Blackwell – Transcript Preparation.

HOGAN/WYTHE – MOVED TO INVERT THE ORDER OF THE PUBLIC HEARING ITEMS.

The order of public hearing items will be E,D,C,B,A.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

Public may comment on any item on the agenda with the exception of: **Ordinance 09-52**, 2010 Budget; **Resolution 09-109**, 2010 Port and Harbor of Homer Terminal Tariff No. 600; **Resolution 09-110**, 2010 City of Homer Fee Schedule; **Ordinance 09-58**, Accepting and Appropriating an Alaska Department of Transportation (ADOT) Reimbursement of up to \$7,168.00 for Commercial Vehicle Enforcement Inspections; **Ordinance 09-59(S)**, Amending the City's Official Road Maintenance Map by Adding Highland Drive, Uminski Court, Craftsman Road; **Ordinance 09-60**, Amending the 2009 Operating Budget by Appropriating \$85,000.00 for Clean-up of the Fuel Spill at the Raw Water Pump Station; and **Ordinance 09-62**, Authorizing the City Manager to Accept and Appropriate American Recovery and Reinvestment Act Funding (ARRA-Stimulus Bill) in the form of a Loan (90% Forgiven Upon Purchase) in the Amount of \$1,800,000 and Amending the FY 2009 Capital Budget by Appropriating \$180,000 (10% Not Forgiven Portion) for the Purpose of the Sanitary Sewer Rehabilitation Project.

RECONSIDERATION

None.

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 November 23, 2009. City Clerk. Recommend adoption.
- B. **Memorandum 09-155**, from Clerk, Re: Liquor License Renewal for Salty Dawg Saloon and Café Cups. Recommend adoption.

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

LEWIS/ZAK - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

VISITORS

- A. **Joel Cooper**, City of Homer Climate Action Plan Implementation Final Report.

Joel Cooper presented the Climate Action Plan Implementation Final Report, highlighting sections within the report that track energy usage and recommendations to reduce usage. The draft plan in the Council packet is considerably different and was incomplete. Monthly and annual usage for any given facility and fuel type can be viewed. The biggest energy users are the wastewater treatment plant that consumes 23% of the City's electricity, and the Port and Harbor Fish Dock. Total energy use increased 5.1% in 2007 and costs increased 18.9%, up by 25% from 2006 costs. Total energy use through September 2009 shows a 2.91 decrease, and costs are increasing by 11.3%. Port and Harbor Director Bryan Hawkins is responsible for reducing electricity usage by \$10,000 last year. Over \$66,000 of annual savings are identified; implementation of simple things will help with budgetary woes.

Council asked questions of Mr. Cooper relating to the report. Mr. Cooper recommended designating a staff person or hiring an energy manager to track energy usage. He recommended 25 hours be dedicated per month; Mitch Hrachiar, Public Works Engineer, is interested in filling that role. A public outreach plan to educate the public and share information on how they can reduce and save energy is planned.

ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

A. Borough Report

Bill Smith, Kenai Peninsula Borough Assemblyman, reported the Assembly approved the recycle container for the Spit. The waste baling facility on the hill will be closed in 2012 and waste will be hauled to the central peninsula. Design is underway for the next cell to hold the waste, with \$4,960,000 bonds sold at 1.5% interest. It will be a lot less expensive than anticipated. It is likely jobs will be lost.

B. Commissions/Board Reports:

1. Library Advisory Board
2. Homer Advisory Planning Commission
3. Economic Development Advisory Commission

Dean Ravin, Economic Development Advisory Commissioner, reported the commission completed the revision of the lease policy and ground lease and forwarded it to Council. With a full commission now, they can get on with economic business.

4. Parks and Recreation Advisory Commission
5. Port and Harbor Advisory Commission

PUBLIC HEARING(S)

- E. **Ordinance 09-62**, An Ordinance of the City Council of Homer, Alaska, Authorizing the City Manager to Accept and Appropriate American Recovery and Reinvestment Act Funding (ARRA-Stimulus Bill) in the form of a Loan (90% Forgiven Upon Purchase) in the Amount of \$1,800,000 and Amending the FY 2009 Capital Budget by Appropriating \$180,000 (10% Not Forgiven Portion) for the Purpose of the Sanitary Sewer Rehabilitation Project. City Manager/Public Works Director. Introduction November 23, 2009, Public Hearing and Second Reading December 14, 2009.

Mayor Hornaday opened the public hearing.

There was no public testimony.

Mayor Hornaday closed the public hearing.

Mayor Hornaday called for a motion for the adoption of Ordinance 09-62 by reading of title only for second and final reading.

ZAK/LEWIS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- D. **Ordinance 09-60**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2009 Operating Budget by Appropriating Funds in the Amount of \$85,000.00 for Clean-up of the Fuel Spill at the Raw Water Pump Station. City Manager/Public Works. Introduction November 23, 2009, Public Hearing and Second Reading December 14, 2009.

Memorandum 09-150 from Public Works as backup.

Mayor Hornaday opened the public hearing.

There was no public testimony.

Mayor Hornaday closed the public hearing.

Mayor Hornaday called for a motion for the adoption of Ordinance 09-60 by reading of title only for second and final reading.

ROBERTS/ZAK --SO MOVED.

Councilmember Hogan commented on the amount of money and hopes the insurance situation can be remedied.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- C. **Ordinance 09-59(S)**, An Ordinance of the Homer City Council Amending the Official Road Maintenance Map of the City of Homer by Adding 3,155 Linear Feet of Road Improvements to Highland Drive, Uminski Court, Craftsman Road, or .26 Miles of Rural Road and .34 Miles of Urban Road. City Manager/Public Works. Introduction November 23, 2009, Public Hearing and Second Reading December 14, 2009.

Memorandums 09-146 and 09-155 from Public Works as backup.

Mayor Hornaday opened the public hearing.

There was no public testimony.

Mayor Hornaday closed the public hearing.

Mayor Hornaday called for a motion for the adoption of Ordinance 09-59(S) by reading of title only for second and final reading.

LEWIS/HOGAN - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- B. **Ordinance 09-58**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating an Alaska Department of Transportation (ADOT) Reimbursement of up to \$7,168.00 for Commercial Vehicle Enforcement Inspections and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Police Chief. Introduction November 23, 2009, Public Hearing and Second Reading December 14, 2009.

Memorandum 09-145 from Police Chief as backup.

Mayor Hornaday opened the public hearing.

There was no public testimony.

Mayor Hornaday closed the public hearing.

Mayor Hornaday called for a motion for the adoption of Ordinance 09-58 by reading of title only for second and final reading.

ZAK/LEWIS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- A. **Ordinance 09-52**, An Ordinance of the City Council of Homer, Alaska, Appropriating Funds for the Calendar Year 2010 for the General Fund, the Water-Sewer Fund, the Port/Harbor Fund, Debt Funds, and Capital Reserve Funds (Conditional Expenditures). City Manager. Introduction October 26, 2009, Public Hearings November 23 and December 14, 2009 and Second Reading December 14, 2009.

Memorandum 09-157 from City Manager as backup.

Mayor Hornaday noted a better third quarter report on sales tax. It is not good news, just less horrible news with \$262,000 more in revenue available for general fund expenditures.

Mayor Hornaday opened the public hearing.

Renee Krause, city employee, commented on the proposed budget amendments and how they would affect employees. Employee benefits are an indirect form of compensation. Eliminated and unfilled positions transfer the workload to remaining employees. Rolling back the COLA, a merit increase freeze, and a sudden \$250 per month for health care is wrong, demoralizing, and a big bite to most employees. She asked Council to consider the message they are sending to employees with the proposed budget amendments.

Ginny Espenshade, city resident, thanked Council for their work on the budget and those willing to dip into the reserves to fund the programs citizens have spoken up for. This week the programs can be funded without dipping into the reserves. Voters overwhelmingly voted to make Community Schools a city function.

Kelly Jackman, Director of the Boys and Girls Club, thanked the City for providing the most ideal location for the club for eight years. She asked Council to continue support with the club's housing until the end of May. It will give them time to secure funds from parents, guardians, and the community.

Mayor Hornaday commented Mike Navarre is looking at funds for utilities.

Kelly Jackman responded there are 200 kids registered and since the announcement to cut funding parents and the community are providing ownership. Federal cuts are \$25,000 for Homer's club; Boys and Girls Clubs across the nation are being axed and losing funding.

Nancy Hillstrand, city resident, commented she has cut her budget from 86 to 56 employees. There is a lot of waste that can be cleaned up, from the lights on the Spit to this room. Zoning laws and rules should be reviewed as they are outdated and some do not work. The town needs a lot of programs; as it did in the 60's and 80's the town came together and made it happen.

Dean Ravin, Homer resident, told Council in spite of the 20% budget reduction, budget cuts have not even started yet. There will be more pain. People not working for the city are tightening their belts; people that work for the city have to start tightening their belts too. The sooner you start, the less it will hurt.

Mayor Hornaday closed the public hearing.

ZAK/LEWIS - MOTION TO ADOPT LINE 3-A LINE BY LINE.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

ROBERTS/ZAK - MOVED TO ADOPT THE FIRST LINE OF A-3 TO INCLUDE THE LIBRARY BUDGET FOR \$31,197 BACK INTO THE BUDGET FROM THE ADDITIONAL FUNDS.

This will restore the Library to its current operating hours, 10-6 on Mondays.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

ZAK/LEWIS - MOVED TO PUT \$61,679 TO COMMUNITY SCHOOLS.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Councilmembers Lewis and Zak recused themselves due to a previously declared conflict on the University of Alaska, intermediate school building. Both Councilmembers stepped down from the bench.

ROBERTS/HOWARD -- MOVED TO INCLUDE THE FUNDS TO KEEP THE INTERMEDIATE SCHOOL BUILDING OPEN, WHICH WOULD BE \$13,784.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Councilmembers Lewis and Zak returned to the bench.

Mayor Hornaday announced there are several budget amendments pertaining to the Library, Community Schools, and the intermediate school. At the Committee of the Whole meeting it was decided those amendments will not be reopened. A resolution for the college and the intermediate school will be heard later in the meeting.

ROBERTS/WYTHER - MOVED FOR THE ADOPTION OF BUDGET AMENDMENT A-1 TO INCLUDE \$35,000 TAKEN FROM THE PORT AND HARBOR FLEET RESERVES.

Councilmember Hogan expressed opposition, stating we can try to get another year out of the truck or can contract the service out.

Councilmember Wythe commented the expense comes out of the depreciation reserve fund that was established for equipment purchases.

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

VOTE: NO. HOGAN

Motion carried.

Mayor Hornaday called for a motion on A-2.

HOWARD/WYTHER – SO MOVED.

Councilmember Wythe called for a point of order to clarify if both lines were being addressed. One is an addition; one is a deletion.

Mayor Hornaday called for a motion on Line 1 (pagers) of A-2.

HOWARD/WYTHER – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Mayor Hornaday called for a motion on Line 2 (Volunteer Incentive Program) of A-2.

HOWARD/LEWIS – SO MOVED.

The amendment will add \$5,000 to the General Fund.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Mayor Hornaday referenced A-4 and called for a motion on the Chamber of Commerce.

ZAK/WYTHER – SO MOVED.

Funding will come from the new found sales tax funds.

WYTHER/ZAK – MOVED FOR A FRIENDLY AMENDMENT THAT THE \$22,500 WOULD BE COMING FROM THE ADDITIONAL REVENUES.

Councilmember Hogan asked if the money will be used by the Chamber for economic development.

City Manager Wrede answered there is no formal contract with the Chamber, although that has been talked about over the years. The Chamber brings Council a proposal of what they will do with the money.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

WYTHER/ZAK – MOVED TO AMEND THAT THE FUNDS WOULD BE SPECIFIED AS ECONOMIC DEVELOPMENT PUBLIC ADVERTISING FUNDS.

There was no further discussion.

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

Motion carried.

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

Motion carried.

Mayor Hornaday called for a motion on the Homer Foundation.

ZAK/LEWIS – SO MOVED.

WYTHER/ROBERTS – MOVED TO AMEND TO REPLACE THE BALANCE THAT FRANCIE HAS IN HERS (AMENDMENT) TO \$20,000.

Councilmember Zak expressed objection on the \$5,000 reduction to The Homer Foundation. The \$5,000 would come back to the community multiplied.

Councilmember Roberts expressed a need to look at all the things left on the table. We are not going to be able to reinstate the equipment operator due to reduced funds (\$141,355 remains).

Councilmember Zak looks at it as the ability to leverage funds much further. Putting the money into the community where it can be leveraged returns a greater result than one for one exchange on something else.

Councilmember Hogan asked for more clarification as to what we are getting for the money. He would like to know the public purpose.

Councilmember Wythe stated The Homer Foundation for the city's purpose is a clearing house for nonprofits. We do not have an agreement with them other than giving them the money to distribute to nonprofits.

Councilmember Hogan's concern is that public money be spent for a public purpose. Nonprofits don't always perform a public purpose.

Dan Westerburg commented The Foundation doesn't have a lot of input. A protocol is followed with applicants and a committee process reviews and approves requests.

Councilmember Wythe explained 85% of the people receiving funds report back as to how they use the funds. The public purposes are a variety based on the nature of the nonprofit that receives funding.

Councilmember Hogan believes if we are giving money to nonprofits we need to be specific about who we are giving to, what we are giving it for, and what we expect for it.

Councilmember Zak stated the entities will be here to say how they spend it and will be held accountable. Putting \$5,000 back into the community is an opportunity for The Homer Foundation to leverage additional funds. We will see opportunities to save money such as turning off lights.

VOTE: (secondary amendment) YES. LEWIS, ROBERTS, WYTHE, HOWARD, HOGAN
VOTE: NO. ZAK

Motion carried.

VOTE: (amendment) YES. LEWIS, ROBERTS, WYTHE, ZAK HOWARD
VOTE: NO. HOGAN

Motion carried.

Mayor Hornaday called for a motion on the Pratt Museum (\$25,000).

ZAK/ROBERTS – SO MOVED.

Councilmember Zak reflected on Heather Beggs comments that the funds are leveraged back into the community. The Pratt is an award winning museum that brings visitors to the community; \$25,000 is not a high amount. It is a means of economic development to the community.

WYTHE/LEWIS - MOVED TO AMEND TO REPLACE THE \$25,000 WITH \$10,000 AS PROPOSED BY COUNCILWOMAN ROBERTS.

Councilmember Zak commented we have just learned there is more sales tax revenue than predicted. In the future it will be difficult to add the Pratt back into the budget, whereas a staff position could be added.

Councilmember Hogan expressed support for the amendment. The Pratt provides a public purpose of taking care of the City's collection.

Councilmember Wythe commented there have been occasions when Council had extra funding and excess funds were allocated to the Pratt. Not putting the funds in up front will not preclude Council from allocating funds at a later date.

Councilmember Zak likened contributions to the Pratt as the farmer conditioning and fertilizing the soil to plant seeds. Funds are leveraged back into the community and provide for jobs. It provides 27:1 back to the community.

Councilmember Lewis clarified the \$60,000 allocation to the Pratt for 2010; \$10,000 would be in excess.

Councilmember Zak suggested dipping into the reserves to take care of the community today. He is not as pessimistic about where the economy is going.

Councilmember Howard commented \$25,000 is a bit too much and \$10,000 is too small. The Pratt voluntarily collects sales tax, bringing in \$5,000.

VOTE: (amendment) YES. HOGAN, LEWIS, ROBERTS, WYTHE

VOTE: NO. HOWARD, ZAK

Motion carried.

VOTE: (main motion as amended; Pratt) YES. ZAK, HOWARD, HOGAN, LEWIS, ROBERTS, WYTHE

Motion carried.

Mayor Hornaday called for a recess at 8:14 p.m. and reconvened the meeting at 8:19 p.m.

Mayor Hornaday called for a motion on the Parks (A-4).

ZAK/HOGAN – SO MOVED.

Councilmember Zak defended the increased revenues due to campers. Two part time employees at \$22,512 will help bring income back into the community.

VOTE: YES. ZAK, HOGAN, LEWIS

VOTE: NO. WYTHE, HOWARD, ROBERTS

Mayor Hornaday broke the tie vote with a YES.

Motion carried.

Mayor Hornaday called for a motion to pass A-5, Internal Service Fund (\$250 per month for Health Care Plan and \$250 deductible).

HOGAN/ZAK – SO MOVED.

HOGAN/ZAK - MOVED TO AMEND SO THAT THE EMPLOYEE CONTRIBUTION READS \$150 PER MONTH PER EMPLOYEE AND DEDUCTIBLE READS \$150 PER EMPLOYEE.

VOTE: NO. ROBERTS, LEWIS

VOTE: YES. WYTHE, ZAK, HOWARD, HOGAN

Motion carried.

Councilmember Wythe expressed opposition as it is a benefits amendment rather than budget amendment with zero impact on the budget. Council approved a review of the benefits; it seems foolish to make a change prior to completion of the review. Councilmember Roberts will vote against the amendment, as the process has not been well thought out. There is a lot to consider and a committee will be looking at it. It is not a budget item.

Councilmember Hogan sees it as separate from the task given to the task force. He would like to start seeing a sense of ownership by employees in their health plan. It is overly generous and out of line of what is available in the public sector. The national average is \$307 employee contribution for major corporations per month with \$1,000 deductible. It will have an impact, as we are still paying the bill.

Councilmember Wythe expressed serious concerns of speaking of these economic times as they don't apply to employees. The people are not getting rich working here; their economic impact is just as much as others. To compare them with a large corporation is foolish. In the information provided by the personnel director, over the last 15 years there have been a number of amendments resulting in \$300,000 in savings. There have been direct impacts to the employees, and employees have chosen to shift costs out of their health insurance plan. It would be more appropriate to address the benefits at an employee benefits review.

Councilmember Roberts commented 14 Alaska cities do not require their employees to pay a health benefit share. Now is not the time to make changes; closer review is needed.

Councilmember Lewis expressed opposition. The amendment would be taking \$400,000 of disposable income out of the economy right now when it can't stand it.

Councilmember Howard appreciates the chart showing cost-savings measures. Employees are conscious of the community's needs, being in the public eye, yet they have to make a living. She

appreciates the voluntary efforts they have taken over the years to keep the benefits cost in check.

Councilmember Zak won't support the amendment in the budget, but it did make us take a look. In the future we should look at it. He has read a lot of letters from city employees about the good they do for the community. We have the best city employees; kudos to city employees and Walt Wrede, City Manager. He would even dip in the reserves to keep the health care coverage. We heard from Renee and the hit she would take; it is a significant impact when you are living paycheck to paycheck.

Councilmember Hogan commented he is not declaring war on the staff. We have had a long run of COLAs and merit salary increases where the only requirement is that you are breathing. Having a totally free health plan is a really good deal. We have to keep in mind who we are representing, the taxpayers or the staff. People are hurting in this town; there are a lot of people that can't afford any healthcare.

Councilmember Wythe asked that it be recognized that employees and taxpayers of the city are not a different class of people.

VOTE: NO. LEWIS, ROBERTS, WYTHE, ZAK, HOWARD
VOTE: YES. HOGAN

Motion failed.

Mayor Hornaday called for a motion on A-6 (2% COLA wage reduction of all employees).

HOGAN - SO MOVED.

Motion died for lack of a second.

Mayor Hornaday called for a motion on A-7 (Police – add temporary dispatch position).

HOGAN/ZAK – SO MOVED.

Councilmember Wythe stated she will not vote to add any employee positions, with the exception of Equipment Operator II. If there is a vacancy the position should not be filled until we can sustain the employee for a long period of time.

VOTE: YES. HOGAN, HOWARD,
VOTE: NO. LEWIS, ROBERTS, WYTHE, ZAK

Motion failed.

Mayor Hornaday called for a motion on A-7 (Police – add police patrol position).

ZAK/HOWARD – SO MOVED.

City Manager Wrede noted the position has been vacant since the summer. We are currently down two police officers and are advertising for one officer. We just advertised for the third time.

Councilmember Hogan commented the dispatch position is much more critical than the patrol position.

VOTE: YES. HOWARD, HOGAN, ZAK
VOTE: NO. LEWIS, ROBERTS, WYTHE

Mayor Hornaday broke the tie vote with a NO.

Motion failed.

Mayor Hornaday called for a motion on A-7 (Police – Haven House Contract).

HOGAN/LEWIS – SO MOVED.

Councilmember Hogan stated the Haven House performs a public safety function. It is a minimal amount for a lot of public good.

Councilmember Roberts expressed support for Haven House and noted we have supported them through The Homer Foundation. The Governor has put his budget forward with help for domestic violence facilities. Haven House could receive funding through the State.

VOTE: YES. ZAK, HOWARD, HOGAN, LEWIS
VOTE: NO. ROBERTS, WYTHE

Motion carried.

Amendments in A-8 were taken care of earlier.

Mayor Hornaday called for a motion on A-9 Police Dispatch Position.

ZAK - SO MOVED.

Motion died for lack of a second.

Amendment A-9 Police Officer was taken care of earlier.

Mayor Hornaday called for a motion on A-9 Fire ESS I position.

Failed for lack of a motion.

Mayor Hornaday called for a motion on Public Works Equipment Operator II.

ROBERTS/WYTHER- MOVED TO ADD \$109,003 TO THE BUDGET FOR THE EQUIPMENT OPERATOR II AND TAKE THE BALANCE FROM GENERAL FUND RESERVES.

Councilmember Wythe noted the position was an anticipated retirement that has not come to fruition. If not approved, a person would be laid off.

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

VOTE: NO. HOGAN

Motion carried.

Mayor Hornaday called for a motion on A-10 Mayor/City Council (50% Reduction of Wages and Salaries).

WYTHER/ZAK – SO MOVED.

Councilmember Wythe explained this proposal will eliminate 50% of Mayor and Council wages; her preference is for A-11 to eliminate wages completely.

Councilmember Roberts commented the job is voluntary, but expenses are incurred doing the work. Compensation of \$100 per month is reasonable to cover expenses.

Councilmember Hogan has advocated in the past that Council's salaries are too low. He would rather see it eliminated than cutting in half; cutting it in half would be working for less than minimum wage and is a State labor issue.

WYTHER/HOWARD – MOVED TO WITHDRAW THE ORIGINAL MOTION.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

WYTHER - MOVED TO TAKE ACTION ITEM A-11, WHICH IS THE ELIMINATION OF COUNCIL COMPENSATION IN ITS ENTIRETY, AND APPLY THOSE FUNDS TO OFFSET THE MONIES THAT WERE ALLOCATED TO THE CHAMBER EARLIER.

Motion died for lack of a second.

Mayor Hornaday called for a motion on A-10.

Failed for lack of a motion.

All items on A-12 have been taken care of.

Mayor Hornaday called for a motion on A-13 (freeze merit step increase).

HOGAN/ZAK – SO MOVED.

HOGAN – MOVED TO AMEND TO REMOVE EXCEPTION TO LEVELS 1-7.

Motion died for lack of a second.

VOTE: (main motion) YES. HOGAN

VOTE: NO. ROBERTS, WYTHE, ZAK, HOWARD, LEWIS

Motion failed.

WYTHE/LEWIS - MOVED TO PROPOSE AS A NOTATION: THAT ALL CURRENTLY VACANT POSITIONS AND THOSE THAT COME UP IN THE NEXT YEAR BE HELD VACANT FOR A MINIMUM OF SIX MONTHS TO DETERMINE IF THE DUTIES CAN BE REASSIGNED EFFECTIVELY.

Councilmember Wythe said it will provide due diligence.

Councilmember Hogan would have rather seen Council look at reducing salaries than eliminating positions.

Councilmember Wythe believes until we see a turn in the economy it is not prudent to add people to the payroll.

Councilmember Roberts does not believe it would be wise to wait six extra months.

Councilmember Hogan said the focus should be on whether we need positions rather than maintaining them.

Councilmember Wythe said waiting six months ensures the position is needed.

City Council Wrede asked if Council would be required to approve positions that become vacant. Some are more critical to public health and safety.

Councilmember Wythe said it will allow for vacant positions to be filled; it is a conscientious process of filling positions.

City Manager Wrede said we can come back with criteria for filling positions. Leaving positions out of the budget will result in diminished services to the public.

Councilmember Howard requested Council stay in the policy governance mode instead of the operational side. The City Manager is aware of Council's feelings. She trusts the City Manager understands Council's concerns.

VOTE: NO. LEWIS, ROBERTS, ZAK, HOWARD, HOGAN

VOTE: YES. WYTHE

Motion failed.

WYTHE/HOGAN - MOVED TO MAKE A NOTATION ON THE BUDGET AS DETERMINED APPROPRIATE BY REGINA WITH REGARDS TO THE BOYS AND GIRLS CLUB. I WOULD LIKE THE NOTATION TO BE THAT THE BOYS AND GIRLS CLUB WOULD BE EXTENDED USE OF THE CURRENT FACILITIES FOR THE DURATION OF THE UNIVERSITY'S LEASE, BUT NOT TO EXCEED JUNE 30, 2011, AND THAT THEY SHOULD BE ENCOURAGED TO MOVE FORWARD WITH ALTERNATIVE HOUSING.

Mayor Hornaday ruled to exclude Councilmembers Zak and Lewis due to prior conflicts of interest.

HOGAN/WYTHE - MOVED TO OVERRULE FOR BOTH COUNCILMEMBERS.

Councilmembers Wythe and Hogan believe the presence of the Boys and Girls Club is not linked to the university and there is no conflict.

VOTE: YES. HOGAN, ROBERTS, WYTHE, HOWARD

Motion carried.

Mayor Hornaday called for a vote on the adoption of Ordinance 09-52 as amended.

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

Motion carried.

Resolution 09-109, A Resolution of the City Council of Homer, Alaska, Maintaining the 2010 Port and Harbor of Homer Terminal Tariff No. 600 at the Same Rates as Established in 2009. City Clerk. (to follow Budget)

Motion on the floor from October 26th: MOTION FOR THE ADOPTION OF RESOLUTION 09-109 BY READING OF TITLE ONLY.

Councilmember Hogan questioned the language of the same rates as established in 2009, if it would preclude changes.

City Manager Wrede answered amendments to the tariff would supersede Resolution 09-109.

Councilmember Lewis pointed out Councilmember Hogan operates a business at the port and harbor and asked if that would exclude Councilmember Hogan from voting.

Attorney Klinkner asked Councilmember Hogan questions pertaining to his business.

Councilmember Hogan answered his business pays harbor fees the same as a large class of citizens. It amounts to more than \$1,000 per transaction and more than \$5,000 per year.

Attorney Klinkner advised if it applies to a large number of citizens there is no conflict. If it only applied to a limited group there would be a different situation.

Mayor Hornaday ruled Councilmember Hogan does not have a conflict of interest.

There was no objection from Council.

Councilmember Howard declared the same conflict.

Mayor Hornaday ruled Councilmember Howard does not have a conflict of interest.

There was no objection from Council.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Resolution 09-110, A Resolution of the City Council of Homer, Alaska, Maintaining the 2010 City of Homer Fee Schedule at the Same Rates as Established in 2009. (to follow Budget)

Motion on the floor from October 26th: MOTION FOR THE ADOPTION OF RESOLUTION 09-110 BY READING OF TITLE ONLY.

Brief discussion ensued on the wording of the title as to precluding amendments in 2010.

City Attorney Klinkner advised amendments may be made with the current wording.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Mayor Hornaday called for a recess at 9:00 p.m. and reconvened the meeting at 9:06 p.m.

ORDINANCE(S)

- A. **Ordinance 09-64**, An Ordinance of the City Council of Homer, Alaska, Enacting Homer City Code 1.12.010 to Make the City Subject to the Jurisdiction of the State Ombudsman. Hogan. Recommended Dates: Introduction December 14, 2009, Public Hearing and Second Reading January 11, 2010.

Memorandum 09-156 from City Clerk as backup.

Mayor Hornaday called for a motion for the adoption of Ordinance 09-64 for introduction and first reading by reading of title only.

HOGAN/LEWIS - SO MOVED.

HOGAN/ZAK - MOVED TO POSTPONE PUBLIC HEARING AND SECOND READING UNTIL AFTER SUCH TIME AS WE HAVE A PRESENTATION BY THE OMBUDSMAN'S OFFICE.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

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

Motion carried.

City Clerk Johnson advised the motion to postpone needs a definite date; it cannot be left in limbo.

WYTHE/HOWARD – MOVED FOR IMMEDIATE RECONSIDERATION OF ORDINANCE 09-64.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

WYTHE/HOGAN - MOVED TO WITHDRAW 09-64.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

CITY MANAGER'S REPORT

A. City Manager's Report

1. Stimulus Funding Revisited: The Council adopted a resolution authorizing the administration to apply for municipal stimulus funding in the amount of \$161,000. You will recall that the application was to request funding for projects at the old water treatment plant, Jack Gist Park, and the Fishing Hole. At the time, we told you what we

thought the program rules were going to be based upon conversations with DCCED staff. We know quite a bit more now because we have received the application package. It turns out that the emphasis is not so much on jobs directly, but on defraying costs related to energy, especially fuel and electricity. This stimulus program is actually relief for municipal governments to help with the loss of tax revenues in the economic downturn. The State is treating it like a supplemental form of revenue sharing. The staff stated that DCCED discourages applications that contain multiple projects because it would be too complicated with too much paper work and too much financial reporting. The State would also be able to get the money to the City much faster if we did not apply for multiple projects (It is a reimbursable grant). DCCED encouraged the City to stick with one simple project, like using the money for fuel or electricity. The program rules tend to discourage construction projects and spending money on stadiums or related venues (like ballfields). So, the bottom line is that we have submitted an application to reimburse the City for fuel and electricity costs in 2009. Council may want to discuss how it wants to appropriate this money, if at all. If there is no action by Council, the money will simply go into the Fund Balance; not a bad thing.

2. Legislative Grant / Reappropriation: In 2006, the City received a Legislative Grant in the amount of \$2 Million for construction of a new City Hall. As everyone is aware, that project is no longer under active consideration. Last year, the Kachemak Bay Campus and Representative Seaton asked if the City would support having this money reappropriated for the proposed new building on the East Campus. The Council did not support that idea. I am bringing this up now because this grant is going to lapse in 2011. If the Council does not want this money to simply lapse and go away, it will have to ask the Legislature to reappropriate it this legislative session (beginning in January). That means that Council will have to make a relatively quick decision, within the next two months. I would recommend that this topic be scheduled for discussion at a Committee of the Whole or Special Meeting soon. This is as important as the CIP List and should be part of the City's legislative package next year. Some suggestions, just to get us started are to apply the money to Town Center Infrastructure or a refurbishment, energy efficiency upgrade, and enlargement of the existing City Hall.
3. Legislative Grant / Main St: You will recall that the City also received a legislative grant in the amount of \$2 Million to either refurbish Main St., place traffic control at the intersection with the Sterling Highway, or some combination of both. This grant expires in 2012. The Council has indicated that it wants to focus on the intersection. It requested that we ask the State Traffic Engineer or other appropriate DOT/PF official to come and explain why traffic signals cost so much, why DOT/PF prefers a roundabout, and what other options might be available. I hope to get DOT/PF here to a meeting sometime this winter and get this discussion moving again.
4. Long Range Fiscal Plan: Back in 2004, the City was in a similar fiscal position to the one it finds itself in now. Revenues were down and the City was having a hard time providing the funding necessary for the services the community wanted. The City was contributing little or no money to depreciation and was falling way behind on maintenance and repair of facilities and equipment. The General Fund Balance was significantly below where it should have been. The Council reacted by adopting a Long Range Fiscal Plan. I think it would be useful to dust that plan off and review the discussions that took place just six years ago. If the economy does not improve significantly in the next few years, or the City does not take proactive steps to promote economic development, we could be sailing

into uncharted fiscal waters. It would be good to plan ahead and have an agreed upon strategy.

5. Seawall: On thing we should do in January is focus on the seawall. Council will have to make some determinations regarding whether the Special Service Area Ordinance is working as intended, how future repairs should be financed, and what roles the City should play in all of this. Council has requested that time be set aside at either a Committee of the Whole or a Special Meeting. We tentatively set something up for the Committee of the Whole on January 11. Attorney Tom Klinkner will be prepared to discuss such items as whether the Property owners Association has complied with the Code requirements, what the implications might be of the City rescinding the ordinance, and what some other possibilities might be to collect revenue for maintenance and repair instead of property taxes.
6. Cemetery: Last year we had several conversations about the fact that we are running out of space at the Hickerson Memorial Cemetery. Council entertained several proposals for land trades and outright purchases of land from an adjacent landowner. None of those proposals were accepted but discussions with the landowner have continued. The gap between the asking price and the appraisal is narrowing and talks are getting a little more frequent again. But, I thought that now might be a good time to ask, given the Council's current review of the budget and "core services" if the City wants to be in the cemetery business at all? I am not sure who might take it over but as you know, many cemeteries are operated by private interests, nonprofit groups, churches etc. If the City moves ahead to find more space for burials, it will have to acquire the land and then provide money to make improvements. The Public Works Department is responsible for Cemetery operations and maintenance and the Clerk's office maintains the official records. If Council is interested in talking about this, we could provide it with detailed budget numbers. If not, I will continue efforts to acquire more land.

City Manager Wrede noted the December employee anniversaries. This year the City lost close to 200 years experience due to the retirement of employees: Tammy Hagerty 23 yrs; Dave Bolt 26 yrs.; Barbara Garcia 19 yrs.; Jim Hobbs 29 yrs.; Michele McCandlish 24 yrs.; Dan Cornelius 31 yrs.; and John Browning 31 years.

Councilmember Wythe requested Items 2 and 4 be included at a January 25th special meeting. Those items are for Legislative Grant/Reappropriation of \$2M and Long Range Fiscal Plan.

City Manager Wrede reported the City has received \$1.1M in Exxon money. The funds will be invested to generate income to help with general fund expenses. Five percent will help nonprofits. A RFP is currently out for investment services. The Permanent Fund Committee will review RFPs at their January meeting. A council seat and a community seat are open on the Permanent Fund Committee. Councilmember Howard expressed interest in serving on the committee.

Council requested an erosion update on the Sterling Highway and costs of operating the Hickerson Memorial Cemetery.

B. Bid Report

- C. Games Report
- D. Question of the Week – *The City of Homer has three main entrances for visitors and travelers to the city and area. The Harbor, the Airport and Baycrest Hill. Do you believe the City should present a better “Welcome” sign to visitors? What would you suggest?*

COMMITTEE REPORT

- A. Public Arts Committee
- B. Transportation Advisory Committee
- C. Permanent Fund Committee
- D. Lease Committee

PENDING BUSINESS

- A. **Ordinance 09-54**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 1.24.040, By-Laws for Council Procedure, to Provide that Regular Council Meetings Begin at 6:00 p.m. Howard. Introduction October 26, 2009, Public Hearing November 23, 2009, and Second Reading December 14, 2009.

Motion on the floor from November 23, 2009: MOTION FOR THE ADOPTION OF ORDINANCE 09-54 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

Councilmember Howard referenced the email from KBBI indicating they are willing to adjust their schedule to have live feed for the meetings.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

NEW BUSINESS

- A. **Memorandum 09-158**, From City Clerk, Re: Vacate the 30-Foot Public Use Easement Along the West Boundary of Lots 52A1 and 53A1, Granted by Bunnell’s Subdivision Sutton/Cups Addition (Plat HM 2006-57); within Section 19, Township 6 South, Range 13 West; Seward Meridian, Alaska, within the City of Homer and the Kenai Peninsula Borough; KPB File No. 2009-172; PC Resolution No. 2009-30.

Mayor Hornaday called for a motion for the approval of Memorandum 09-158 to vacate a public use easement along the west boundary of Lots 52A1 and 53A1 of Bunnell’s Subdivision Sutton/Cups Addition.

ROBERTS/HOGAN – SO MOVED.

The Kenai Peninsula Borough Planning Commission and the Homer Advisory Planning Commission did not intend it to be a public use easement. It was a mistake.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- B. Board of Adjustment Decision on Griswold Request for Transcript Preparation by the City Clerk's Office – Griswold vs. Blackwell.

The decision to deny the request was rendered at the Special Meeting at 5:30 p.m.

RESOLUTIONS

- A. **Resolution 09-125**, A Resolution of the City Council of Homer, Alaska, Amending the Economic Development Advisory Commission Bylaws to Include the Allowance for Telephonic Participation. City Clerk/Economic Development Advisory Commission.

Mayor Hornaday called for a motion for the adoption of Resolution 09-125 by reading of title only.

LEWIS/HOGAN - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- B. **Resolution 09-126**, A Resolution of the City Council of Homer, Alaska, Establishing the 2010 Regular Meeting Schedule for the City Council, Economic Development Advisory Commission, Library Advisory Board, Parks and Recreation Advisory Commission, Advisory Planning Commission, Port and Harbor Advisory Commission, Lease Committee, Public Arts Committee, Transportation Advisory Committee, and Permanent Fund Committee. City Clerk.

Mayor Hornaday called for a motion for the adoption of Resolution 09-126 by reading of title only.

WYTHE/ZAK - SO MOVED.

HOGAN/LEWIS – MOVED TO AMEND THE CITY COUNCIL TO MEET AT 6:00 P.M.

There was no discussion.

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

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

Motion carried.

- C. **Resolution 09-127**, A Resolution of the City Council of Homer, Alaska, Approving the Extension and Amendment of the Lease Between the City of Homer and the University of Alaska, Anchorage, Kachemak Bay Campus, for the Former Homer Intermediate School. City Manager.

Mayor Hornaday noted that Councilmembers Lewis and Zak have conflicts of interest and have been excluded from participation at past meetings. He ruled that both councilmembers have conflicts.

There was no objection from Council.

Councilmembers Lewis and Zak excused themselves from the bench.

Mayor Hornaday called for a motion for the adoption of Resolution 09-127 by reading of title only.

ROBERTS/WYTHE - SO MOVED.

Councilmember Hogan asked if both parties have the ability to terminate the lease by mutual agreement.

Attorney Klinkner answered yes.

The dollar sign is missing in the 4th whereas.

City Manager Wrede requested an amendment to the final whereas to make it clear the university is being asked to pay half of the \$5,000 per month utilities on the building, or \$2,500 per month. WYTHE/ROBERTS - MOVED TO AMEND THE FINAL WHEREAS TO READ: "WHEREAS THE BASE RENT IS INCLUSIVE OF ALL UTILITY COSTS ALLOCATED BASED ON THE SQUARE FOOTAGE OF THE BUILDING USED BY THE COLLEGE." (Remaining language remains in the whereas.)

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

WYTHE/ROBERTS - MOVED TO AMEND AMENDMENT NUMBER ONE ON PAGE 597 BY INSERTING THE SAME LANGUAGE TO ITEM 2B: THE CITY AGREES TO PROVIDE UTILITIES AS PART OF THE BASE RENT AND THEN INSERT "ALLOCATED BASED ON THE SQUARE FOOTAGE OF THE BUILDING USED BY THE COLLEGE".

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

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

Motion carried.

D. **Resolution 09-128**, A Resolution of the City Council of Homer, Alaska, Acknowledging the Surplus Equipment Bid Results. City Clerk.

Mayor Hornaday called for a motion for the adoption of Resolution 09-128 by reading of title only.

LEWIS/WYTHER – SO MOVED.

A typographical error on Exhibit A, page 3, item HPD4 will be corrected to read the winning bid to Mark Robl at \$21.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

E. **Resolution 09-129**, A Resolution of the City Council of Homer, Alaska, Encouraging the International Pacific Halibut Commission to Hold its Annual Meeting for the Year 2012 in Homer, Alaska. Hogan.

Mayor Hornaday called for a motion for the adoption of Resolution 09-129 by reading of title only.

HOGAN/LEWIS - SO MOVED.
There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

COMMENTS OF THE AUDIENCE

Melissa Jacobsen, city resident and city employee, expressed appreciation to the councilmembers that supported the employees. She asked that the same thoughtful consideration to the makeup of the benefits task force will be given to provide fair and responsible representation.

Colette Ireland, Homer resident, offered support for Donna Rae Faulkner. It has been six years with the seawall. Ms. Ireland owns three homes in Homer, is a taxpayer and hates to see the stress on her best friend.

Donna Rae Faulkner, city resident, provided different cupcakes to Council, signifying the six years of different spots in the seawall. She provided paperwork and expressed appreciation of the January 11th worksession. She is frustrated and frightened with missing information from the seawall association folks. There is misinformation, things that were not said at the meeting. She cannot feel economically safe with the ordinance in place. Rescinding the ordinance and armor rock would make her feel safe. She will ask Council to hold the association accountable.

COMMENTS OF THE CITY ATTORNEY

City Attorney Klinkner reported on the Supreme Court decision on the Hillstrand case, the imminent domain action to acquire the water treatment plant site. The City did a quick take of the site to maintain the building schedule and the owner objected to the overtaking. The case went to Superior Court which rejected the objections. The case then went to the Supreme Court that confirmed the trial court in all respects. The compensation phase of the proceeding still remains. An amount of \$62,000 has been disbursed to Ms. Hillstrand, if more funds are requested a master will decide the case.

Mayor Hornaday requested an accounting of all the City's cases.

COMMENTS OF THE CITY CLERK

City Clerk Johnson thanked Council for their support of the employees and the Clerks in relation to the transcript preparation and wished everyone a Merry Christmas and safe travels.

COMMENTS OF THE CITY MANAGER

City Manager Wrede thanked Council for their hard work on the budget and thoughtful discussions. He hopes everyone has wonderful holiday season.

COMMENTS OF THE MAYOR

Mayor Hornaday said the city employees are terrific. He wished all a Merry Christmas and Happy New Year.

COMMENTS OF THE CITY COUNCIL

Councilmember Wythe thanked Council for their work on the budget. They did a good job representing most of the interests with what has been added in. The amount allocated from the reserve fund can be covered through other avenues. She is excited Barb is interested in the Permanent Fund Committee; a member from the public is needed. In January the committee will review proposals. There will be several meetings between January and mid February to get Council authorization so that the funds may be moved to the appropriate investment account. She wished all a Merry Christmas.

Councilmember Lewis wished everyone a Merry Christmas and Happy New Year.
Councilmember Hogan had no comment.

Councilmember Roberts stated Council worked well together for the budget. We are still \$1M short from last year's budget and there are a lot of services we are not giving the public that they are accustomed to. Council made a great effort not to raise any taxes. The seating for councilmembers has never been completed. She wished all a nice holiday.

Councilmember Zak said we all worked hard for the last three months on the budget. There is something to be said about having a church on every city block. Something intervened, as there is an abundance this week if funds. It made us look deep and hard at the community. The budget has cut quite a bit, but we need to look for the future. We can save money with Joel's ideas. He wished all a Merry Christmas and urged people to buy locally. The sales tax saved our community this year.

Councilmember Howard commented the budget process is never pleasant. Hard questions were asked and Council has been thinking about things they were not thinking about before. She thanked Regina for the magnificent job she did to help Council get through the whole budget process. She thanked citizens that spoke eloquently and patiently for their needs. She hopes the City can find ways to fund their causes. She thanked the local business folks that have spent the money on energy to put the winter lights up. Our town looks downright magical and puts people in the mood to shop locally. She wished the citizens, staff and Council Happy Holidays.

ADJOURNMENT

There being no further business to come before the Council, Mayor Hornaday adjourned the meeting at 9:42 p.m. The next Regular Meeting is scheduled for Monday, January 11, 2010 at 6:00 p.m. The next Committee of the Whole is scheduled for Monday, January 11, 2010 at 5:00 p.m. Special Meetings are scheduled for Monday, January 11, 2010 at 3:30 p.m. and Wednesday, January 13, 2010 at 4:30 p.m. All meetings scheduled to be held in the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

JO JOHNSON, CMC, CITY CLERK

Approved: _____

Office of the City Clerk


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



491 E. Pioneer Avenue
Homer, Alaska 99603
(907) 235-3130
(907) 235-8121
ext: 2224, 2226, or 2227
Fax: (907) 235-3143
Email: clerk@ci.homer.ak.us

MEMORANDUM 10-01

TO: MAYOR HORNADAY AND HOMER CITY COUNCIL

FROM: JO JOHNSON, CMC, CITY CLERK 

DATE: JANUARY 4, 2010

SUBJECT: LIQUOR LICENSE RENEWAL FOR HAPPY FACE, OAKEN KEG,
KHARACTERS, DOWN EAST SALOON, AND UNCLE THIRSTY'S LIQUOR
STORE.

We have been notified by the ABC Board of applications for a liquor license renewal within the City of Homer for the following:

License#: 3666
License Type: Restaurant Eating Place Public Convenience
DBA: Happy Face
Licensee/Applicant: Hyang-Suk Yuk & Chae Myong Yuk
Physical Location: 4400 Homer Spit Road, Homer, Alaska
Mailing Address: P.O. Box 693, Sitka, AK 99835

License #: 1845
License Type: Package
DBA: Oaken Keg #548
Licensee/Applicant: Safeway Inc.
Physical Location: 44428 Sterling Hwy., Homer, Alaska
Mailing Address: P.O. Box 29096 MS 6531, Phoenix, ZA 85038-9096

License #: 1085
License Type: Beverage Dispensary
DBA: Kharacters
Licensee/Applicant: L & S Inc.
Physical Location: 197 E. Pioneer Ave., Homer, Alaska
Mailing Address: 3851 Shelford, Homer, AK 99603

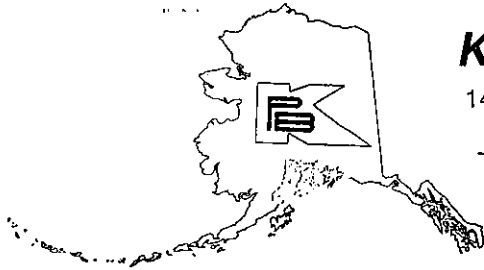
License #: 2300
License Type: Beverage Dispensary
DBA: Down East Saloon
Licensee/Applicant: Down East Inc.
Physical Location: 3125 East End Road, Homer, Alaska
Mailing Address: Same

License #: 2301
License Type: Package Store
DBA: Uncle Thirsty's Liquor Store
Licensee/Applicant: UTL Inc.
Physical Location: 3125 East End Road, Homer, Alaska
Mailing Address: Same

RECOMMENDATION:

Voice non objection and approval for the Liquor License renewals as listed above.

Fiscal Note: Revenues.



KENAI PENINSULA BOROUGH

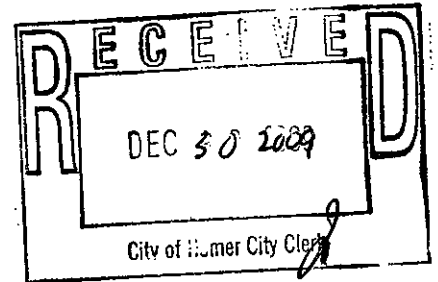
144 North Binkley Street • Soldotna, Alaska 99669-7520

PHONE: (907) 714-2160 • **FAX:** (907) 714-2388

Toll-free within the Borough: 1-800-478-4441, Ext 2160

EMAIL: assemblyclerk@borough.kenai.ak.us

**JOHNI BLANKENSHIP, CMC
BOROUGH CLERK**



December 29, 2009

Ms. Dawn Holland-Williams
Records & Licensing Supervisor
Alcoholic Beverage Control Board
5848 E. Tudor Road
Anchorage, AK 99507-1286

Re: Application for Renewal of Liquor License: #3666 and #4162

Dear Ms. Williams:

Please be advised that the Kenai Peninsula Borough has reviewed the following liquor license renewal applications and has no objection to the continued operation of the liquor license for the establishments within the City of Homer, Alaska:

Restaurant Eating Place Public Convenience

Happy Face #3666

Package Store

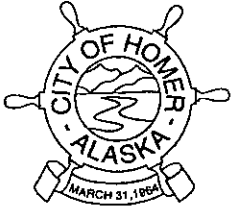
Oaken Keg #4162

The Kenai Peninsula Borough Finance Department has reviewed its files and has raised no objection based on unpaid or delinquent taxes.

Sincerely,

John Blankenship CMC
Borough Clerk

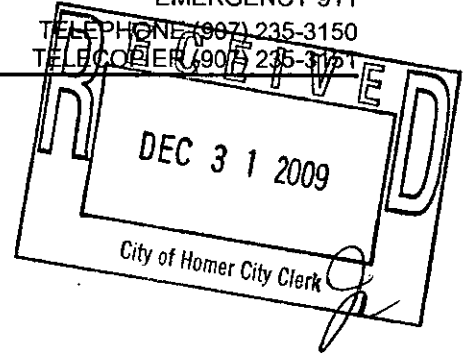
cc: Applicant
City of Homer
KPB Finance Department
File



CITY OF HOMER POLICE DEPARTMENT

4060 HEATH STREET HOMER, AK 99603-7609

EMERGENCY 911
TELEPHONE (907) 235-3150
TELECOPIER (907) 235-3171



MEMORANDUM

DATE: December 30, 2009
TO: Jo Johnson, City Clerk
FROM: Mark Robl, Chief of Police *MR*
SUBJECT: Liquor License Renewals

The Homer Police Department has no objection to the liquor license renewal for the following business:

Oaken Keg, License #4162
Owner: Safeway
Premise address: 90 Sterling Hwy.
Homer, AK

Faxed
12/28/09

Office of the City Clerk



491 E. Pioneer Avenue
Homer, Alaska 99603-7624
(907) 235-3130
(907) 235-8121 ext: 2226, 2227, or 2224
Fax: (907) 235-3143
Email: clerk@ci.homer.ak.us

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

MEMORANDUM

DATE: December 28, 2009
TO: Mark Robl, Police Chief
FROM: Melissa Jacobsen, CMC, Deputy City Clerk
SUBJECT: Liquor License Renewal

We have been notified by the ABC Board of applications for a liquor license renewal within the City of Homer for the following:

Type: Package Store
Lic #: 4162
DBA Name: Oaken Keg
Premise Address: 90 Sterling Hwy
Owner: Safeway Inc
Mailing Address: PO Box 29096 MS 6531, Phoenix, AZ 85038-9096

This matter is scheduled for the January 11, 2010 City Council meeting. Please respond with any objections/non-objections to this liquor license renewal by Wednesday, January 6, 2010.

Thank you for your assistance.

HOMER

Type: Package Store
Lic #: 4162
DBA Name: Oaken Keg
Premise Address: 90 Sterling Hwy
Owner: Safeway Inc
Mailing Address: PO Box 29096 MS 6531, Phoenix, AZ 85038-9096

KACHEMAK

KENAI

SELDOVIA

SEWARD

SOLDOTNA

Type: Package Store
Lic #: 1845
DBA Name: Oaken Keg #548
Premise Address: 44428 Sterling Hwy
Owner: Safeway Inc
Mailing Address: PO Box 29096 MS 6531, Phoenix, AZ 85038-9096

OUTSIDE CITY LIMITS

We have received application(s) for renewal of liquor license(s) listed licensees within your jurisdiction. You are being notified as required by AS 04.11.520. Additional information concerning filing a "protest" by a local governing body under AS 04.11.480 is included.

A local governing body as defined under AS 04.21.080(11) may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the board and the applicant with a clear and concise written statement of reasons in support of a protest within 60 days of receipt of this notice. If a protest is filed, the board will not approve the application

unless it finds that the protest is “arbitrary, capricious and unreasonable”. Instead, in accordance with AS 04.11.510(b), the board will notify the applicant that the application is denied for reasons stated in the protest. The applicant is entitled to an informal conference with either the director or the board and, if not satisfied by the informal conference, is entitled to a formal hearing in accordance with AS 44.62.330-44.62-630. IF THE APPLICANT REQUESTS A HEARING, THE LOCAL GOVERNING BODY MUST ASSIST IN OR UNDERTAKE THE DEFENSE OF ITS PROTEST.

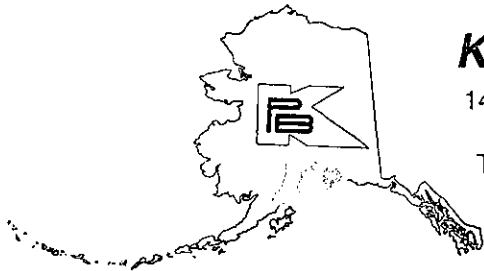
Under AS 04.11.420(a), the board may not issue a license or permit for premises in a municipality where a zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages, unless a variance of the regulation or ordinance has been approved. Under AS 04.11.420(b) municipalities must inform the board of zoning regulations or ordinances which prohibit the sale or consumption of alcoholic beverages. If a municipal zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages at the proposed premises and no variance of the regulation or ordinance has been approved, please notify us and provide a certified copy of the regulation or ordinance if you have not previously done so.

Protest under AS 04.11.480 and the prohibition of sale or consumption of alcoholic beverages as required by zoning regulation or ordinance under AS 04.11.420(a) are two separate and distinct subjects. Please bear that in mind in responding to this notice.

AS 04.21.010(d), if applicable, requires the municipality to provide written notice to the appropriate community council(s).

If you wish to protest the application referenced above, please do so in the prescribed manner and within the prescribed time. Please show proof of service upon the applicant. For additional information please refer to 13 AAC 104.145, Local Governing Body Protest.

Note: Applications applied for under AS 04.11.400(g), 13 AAC 104.335(a)(3), AS 04.11.090(e), and 13 AAC 104.660(e) must be approved by the governing body.



KENAI PENINSULA BOROUGH

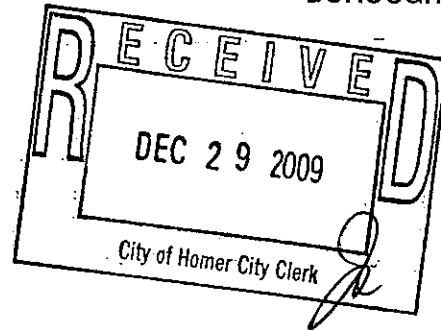
144 North Binkley Street • Soldotna, Alaska 99669-7520

PHONE: (907) 714-2160 • FAX: (907) 714-2388

Toll-free within the Borough: 1-800-478-4441, Ext 2160

EMAIL: assemblyclerk@borough.kenai.ak.us

JOHNI BLANKENSHIP, CMC
BOROUGH CLERK



December 28, 2009

Ms. Dawn Holland-Williams
Records & Licensing Supervisor
Alcoholic Beverage Control Board
5848 E. Tudor Road
Anchorage, AK 99507-1286

Re: Application for Renewal of Liquor License: #1085

Dear Ms. Williams:

Please be advised that the Kenai Peninsula Borough has reviewed the following liquor license renewal application and has no objection to the continued operation of the liquor license for the establishment within the City of Homer, Alaska:

Beverage Dispensary

Kharacters #1085

The Kenai Peninsula Borough Finance Department has reviewed its files and has raised no objection based on unpaid or delinquent taxes.

Sincerely,

Johni Blankenship CMC
Borough Clerk

cc: Applicant
City of Homer
KPB Finance Department
File



CITY OF HOMER

POLICE DEPARTMENT

4060 HEATH STREET HOMER, AK 99603-7609

EMERGENCY 911
TELEPHONE (907) 235-3150
TELECOPIER (907) 235-3151

MEMORANDUM

DATE: December 16, 2009
TO: Melissa Jacobsen, Deputy City Clerk
FROM: Mark Robl, Chief of Police *MR*
SUBJECT: Liquor License Renewals

The Homer Police Department has no objection to the liquor license renewals for the following businesses:

Beverage Dispensary

Kharacters – License #1085
197 East Pioneer Avenue
Owner: L & S Inc.
Mailing Address: 3851 Shelford Avenue, Homer, AK 99603

Office of the City Clerk



491 E. Pioneer Avenue
Homer, Alaska 99603-7624
(907) 235-3130
(907) 235-8121 ext: 2226, 2227, or 2224
Fax: (907) 235-3143
Email: clerk@ci.homer.ak.us

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

MEMORANDUM

DATE: December 16, 2009
TO: Mark Robl, Police Chief
FROM: Melissa Jacobsen, CMC, Deputy City Clerk
SUBJECT: Liquor License Renewal

We have been notified by the ABC Board of applications for a liquor license renewal within the City of Homer for the following:

Type: Beverage Dispensary
Lic #: 1085
DBA Name: Kharacters
Premise Address: 197 E Pioneer Avenue
Owner: L & S Inc
Mailing Address: 3851 Shelford, Homer AK 99603

This matter is scheduled for the January 11, 2010 City Council meeting. Please respond with any objections/non-objections to this liquor license renewal by Wednesday, January 6, 2010.

Thank you for your assistance.

HOMER

Type: Beverage Dispensary
Lic #: 1085
DBA Name: Kharacters
Premise Address: 197 E Pioneer Avenue
Owner: L & S Inc
Mailing Address: 3851 Shelford, Homer AK 99603

KENAI

SEWARD

Type: Package Store
Lic #: 2683
DBA Name: Gateway Liquor & Food Mart
Premise Address: 1400 B Third Avenue
Owner: Harbor Gateway Inc
Mailing Address: PO Box 944, Seward AK 99664

SOLDOTNA

Type: Restaurant/Eating Place – Public Convenience
Lic #: 3076
DBA Name: Don Jose's Soldotna
Premise Address: 44109 B Sterling Hwy
Owner: Ernesto & Marielena Sanchez
Mailing Address: 44109 B sterling Hwy., Soldotna AK 99669

DBA Name: Hooligans Lodging & Saloon
Premise Address: 44715 Sterling Hwy
Owner: Hooligan's Lodging & Saloon Inc.
Mailing Address: 44715 Sterling Hwy., Soldotna AK 99669

KACHEMAK

SELDOVIA

Protest under AS 04.11.480 and the prohibition of sale or consumption of alcoholic beverages as required by zoning regulation or ordinance under AS 04.11.420(a) are two separate and distinct subjects. Please bear that in mind in responding to this notice.

AS 04.21.010(d), if applicable, requires the municipality to provide written notice to the appropriate community council(s).

If you wish to protest the application referenced above, please do so in the prescribed manner and within the prescribed time. Please show proof of service upon the applicant. For additional information please refer to 13 AAC 104.145, Local Governing Body Protest.

Note: Applications applied for under AS 04.11.400(g), 13 AAC 104.335(a)(3), AS 04.11.090(e), and 13 AAC 104.660(e) must be approved by the governing body.



CITY OF HOMER

POLICE DEPARTMENT

4060 HEATH STREET HOMER, AK 99603-7609

EMERGENCY 911
TELEPHONE (907) 235-3150
TELECOPIER (907) 235-3151

MEMORANDUM

DATE: December 09, 2009
TO: Melissa Jacobsen, Deputy City Clerk
FROM: Mark Robl, Chief of Police *MM*
SUBJECT: Liquor License Renewals

The Homer Police Department has no objection to the liquor license renewals for the following businesses:

Beverage Dispensary

Down East Saloon – License #2300
3125 East End Road
Owner: Down East Inc.
Phone: 907-235-6002
Mailing Address: 3125 East End Road, Homer, AK 99603

Restaurant/Eating Place

Happy Face Restaurant - License#3666
4400 Homer Spit Road.
Owner: Hyang-Suk Yuk & Chae Myong Yuk
Phone: 907-235-0148
Mailing Address: PO BOX 693, Sitka AK 99835

Package Store

Uncle Thirsty's Liquor Store
3125 East End Road
Owner: UTL Inc
Phone: 907-235-7764
Mailing Address: 3125 East End Road, Homer, AK 99603

Faxed 12/8/09

Office of the City Clerk



491 E. Pioneer Avenue
Homer, Alaska 99603-7624
(907) 235-3130
(907) 235-8121 ext: 2226, 2227, or 2224
Fax: (907) 235-3143
Email: clerk@ci.homer.ak.us

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

MEMORANDUM

DATE: December 8, 2009
TO: Mark Robl, Police Chief
FROM: Melissa Jacobsen, CMC, Deputy City Clerk *(signature)*
SUBJECT: Liquor License Renewal

We have been notified by the ABC Board of applications for a liquor license renewal within the City of Homer for the following:

Type: Restaurant Eating Place Public Convenience
License: Happy Face - Lic#3666
Location: 4400 Homer Spit Rd
Owner: Hyang-Suk Yuk & Chae Myong Yuk
Agent: Hyang-Suk Yuk
Phone: 907-235-0148
Mailing Address: PO Box 693 Sitka AK 99835

This matter is scheduled for the January 11, 2010 City Council meeting. Please respond with any objections/non-objections to this liquor license renewal by Wednesday, January 6, 2010.

Thank you for your assistance.

Faxed 12/8/09

Office of the City Clerk



491 E. Pioneer Avenue
Homer, Alaska 99603-7624
(907) 235-3130
(907) 235-8121 ext: 2226, 2227, or 2224
Fax: (907) 235-3143
Email: clerk@ci.homer.ak.us

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

December 8, 2009

Shellie Morgan, Deputy Borough Clerk
Kenai Peninsula Borough
144 N. Binkley Street
Soldotna, AK 99669

SUBJECT: Liquor License Renewal

Dear Shellie,


We have been notified by the ABC Board of applications for a liquor license renewal within the City of Homer for the following:

Type: Restaurant Eating Place Public Convenience
License: Happy Face - Lic#3666
Location: 4400 Homer Spit Rd
Owner: Hyang-Suk Yuk & Chae Myong Yuk
Agent: Hyang-Suk Yuk
Phone: 907-235-0148
Mailing Address: PO Box 693 Sitka AK 99835

This matter is scheduled for the January 11, 2010 City Council meeting. Please respond with any objections/non-objections to this liquor license renewal by Wednesday, January 6, 2010.

Thank you for your assistance.

Sincerely,


Melissa Jacobsen
Deputy City Clerk

Melissa Jacobsen

From: Jaramillo, Henreeda (DPS) [reedea.jaramillo@alaska.gov]
Sent: Monday, December 07, 2009 10:00 AM
To: Melissa Jacobsen; Jo Johnson
Cc: assemblyclerk@borough.kenai.ak.us; Lauri@borough.kenai.ak.us
Subject: 2010-2011 - Renewal Notification - Homer

Dear Local Governing Body:

We have received the following application(s) for renewal of liquor license(s) within your jurisdiction. You are being notified as required by AS 04.11.520. Additional information concerning filing a "protest" by a local governing body under AS 04.11.480 is included below.

2010-2011

Type: Restaurant Eating Place Public Convenience
License: Happy Face – Lic#3666
Location: 4400 Homer Spit Rd
Owner: Hyang-Suk Yuk & Chae Myong Yuk
Agent: Hyang-Suk Yuk
Phone: 907-235-0148
Mailing Address: PO Box 693 Sitka AK 99835

We have received application (see attached notice) for a liquor license(s) within your jurisdiction. This is the notice as required under AS 04.11.520. Additional information concerning filing a "protest" by a local governing body under AS 04.11.480 is included in this letter.

A local governing body as defined under AS 04.21.080(11) may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the board and the applicant with a clear and concise written statement of reasons in support of a protest within 60 days of receipt of this notice. If a protest is filed, the board will not approve the application unless it finds that the protest is "arbitrary, capricious and unreasonable". Instead, in accordance with AS 04.11.510(b), the board will notify the applicant that the application is denied for reasons stated in the protest. The applicant is entitled to an informal conference with either the director or the board and, if not satisfied by the informal conference, is entitled to a formal hearing in accordance with AS 44.62.330-44.62-630. IF THE APPLICANT REQUESTS A HEARING, THE LOCAL GOVERNING BODY MUST ASSIST IN OR UNDERTAKE THE DEFENSE OF ITS PROTEST.

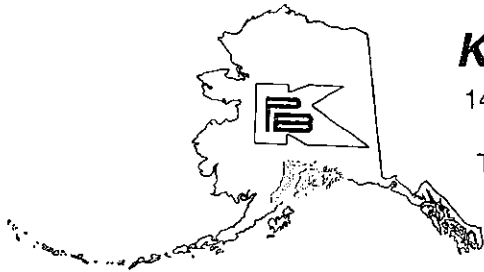
Under AS 04.11.420(a), the board may not issue a license or permit for premises in a municipality where a zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages, unless a variance of the regulation or ordinance has been approved. Under AS 04.11.420(b) municipalities must inform the board of zoning regulations or ordinances which prohibit the sale or consumption of alcoholic beverages. If a municipal zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages at the proposed premises and no variance of the regulation or ordinance has been approved, please notify us and provide a certified copy of the regulation or ordinance if you have not previously done so.

Protest under AS 04.11.480 and the prohibition of sale or consumption of alcoholic beverages as required by zoning regulation or ordinance under AS 04.11.420(a) are two separate and distinct subjects. Please bear that in mind in responding to this notice.

AS 04.21.010(d), if applicable, requires the municipality to provide written notice to the appropriate community council(s).

If you wish to protest the application referenced above, please do so in the prescribed manner and within the prescribed time. Please show proof of service upon the applicant. For additional information please refer to 15 AAC 104.145, Local Governing Body Protest.

Note: Applications applied for under AS 04.11.400(g), 15 AAC 104.335(a)(3), AS 04.11.090(e), and 15 AAC 104.660(e) must be approved by the governing body.



KENAI PENINSULA BOROUGH

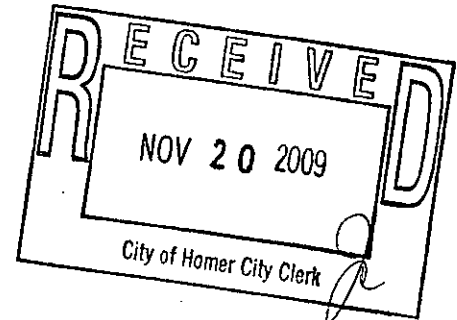
144 North Binkley Street • Soldotna, Alaska 99669-7520

PHONE: (907) 714-2160 • **FAX:** (907) 714-2388

Toll-free within the Borough: 1-800-478-4441, Ext 2160

EMAIL: assemblyclerk@borough.kenai.ak.us

**JOHNI BLANKENSHIP, CMC
BOROUGH CLERK**



November 19, 2009

Ms. Dawn Holland-Williams
Records & Licensing Supervisor
Alcoholic Beverage Control Board
5848 E. Tudor Road
Anchorage, AK 99507-1286

Re: Application for Renewal of Liquor License: #2300

Dear Ms. Williams:

Please be advised that the Kenai Peninsula Borough has reviewed the following liquor license renewal application and has no objection to the continued operation of the liquor license for the establishment within the City of Homer, Alaska:

Beverage Dispensary
Down East Saloon

The Kenai Peninsula Borough Finance Department has reviewed its files and has raised no objection based on unpaid or delinquent taxes.

Sincerely,

Shellie Morgan
Borough Deputy Clerk

c: Applicant
City of Homer
KPB Finance Department
File



KENAI PENINSULA BOROUGH

144 North Binkley Street • Soldotna, Alaska 99669-7520

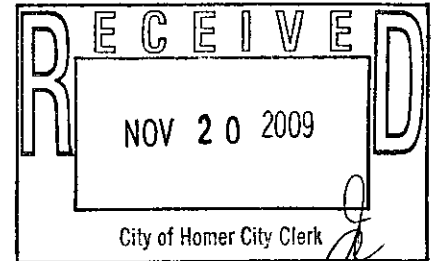
PHONE: (907) 714-2160 • FAX: (907) 714-2388

Toll-free within the Borough: 1-800-478-4441, Ext 2160

EMAIL: assemblyclerk@borough.kenai.ak.us

**JOHNI BLANKENSHIP, CMC
BOROUGH CLERK**

November 19, 2009



Ms. Dawn Holland-Williams
Records & Licensing Supervisor
Alcoholic Beverage Control Board
5848 E. Tudor Road
Anchorage, AK 99507-1286

Re: Application for Renewal of Liquor License: #2301

Dear Ms. Williams:

Please be advised that the Kenai Peninsula Borough has reviewed the following liquor license renewal application and has no objection to the continued operation of the liquor license for the establishment within the City of Homer, Alaska:

Package Store

Uncle Thirsty's Liquor Store

The Kenai Peninsula Borough Finance Department has reviewed its files and has raised no objection based on unpaid or delinquent taxes.

Sincerely,

Shellie Morgan
Borough Deputy Clerk

c: Applicant
City of Homer
KPB Finance Department
File

Faxed 12/8/09

Office of the City Clerk



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

(907) 235-8121 ext: 2226, 2227, or 2224

Fax: (907) 235-3143

Email: clerk@ci.homer.ak.us

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

MEMORANDUM

DATE: December 8, 2009
TO: Mark Robl, Police Chief
FROM: Melissa Jacobsen, CMC, Deputy City Clerk
SUBJECT: Liquor License Renewal

We have been notified by the ABC Board of applications for a liquor license renewal within the City of Homer for the following:

Type: Beverage Dispensary
License: Down East Saloon - Lic#2300
Location: 3125 East End Road
Owner: Down East Inc.
Phone: 907-235-6002
Mailing Address: 3125 East End Road, Homer, AK 99603

Type: Package Store
License: Uncle Thirsty's - Lic#2301
Location: 3125 East End Road
Owner: UTL Inc.
Phone: 907-235-7764
Mailing Address: 3125 East End Road, Homer, AK 99603

This matter is scheduled for the January 11, 2010 City Council meeting. Please respond with any objections/non-objections to this liquor license renewal by Wednesday, January 6, 2010.

Thank you for your assistance.

Melissa Jacobsen

From: Holland-Williams, Dawn R (DPS) [dawn.holland-williams@alaska.gov]
Sent: Tuesday, November 17, 2009 11:31 AM
To: SMorgan@borough.kenai.ak.us; Kenai - Borough; Jo Johnson
Subject: Renewal Notification
Attachments: image001.jpg; image002.gif

Borough/City	Homer
Type:	Beverage Dispensary
License #:	2300
DBA:	Down East Saloon
Location:	3125 E End Rd.
Owner:	Down East, Inc.
Mailing address:	3125 E End Rd, Homer, AK 99603
Phone:	9072356002

Borough/City	Homer
Type:	Package Store
License #:	2301
DBA:	Uncle Thirsty's Liquor Store
Location:	3125 E End Rd
Owner:	UTL Inc
Mailing address:	3125 E End Road, Homer, AK 99603
Phone:	(907) 235-7764

Borough/City	Kenai Peninsula Borough
Type:	Club
License #:	3469
DBA:	BPO Elks Lodge #2706
Location:	44640 Parkway Ave
Owner:	Soldotna Elks Lodge #2706
Mailing address:	44640 Parkway Ave, Soldotna, AK 99669-7114
Phone:	(907) 262-2706

We have received application(s) for renewal of liquor license(s) listed licensees within your jurisdiction. You are being notified as required by AS 04.11.520. Additional information concerning filing a "protest" by a local governing body under AS 04.11.480 is included.

A local governing body as defined under AS 04.21.080(11) may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the board and the applicant with a clear and concise written statement of reasons in support of a protest within 60 days of receipt of this notice. If a protest is filed, the board will not approve the application unless it finds that the protest is "arbitrary, capricious and unreasonable". Instead, in accordance with AS 04.11.510(b), the board will notify the applicant that the

application is denied for reasons stated in the protest. The applicant is entitled to an informal conference with either the director or the board and, if not satisfied by the informal conference, is entitled to a formal hearing in accordance with AS 44.62.330-44.62-630. IF THE APPLICANT REQUESTS A HEARING, THE LOCAL GOVERNING BODY MUST ASSIST IN OR UNDERTAKE THE DEFENSE OF ITS PROTEST.

Under AS 04.11.420(a), the board may not issue a license or permit for premises in a municipality where a zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages, unless a variance of the regulation or ordinance has been approved. Under AS 04.11.420(b) municipalities must inform the board of zoning regulations or ordinances which prohibit the sale or consumption of alcoholic beverages. If a municipal zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages at the proposed premises and no variance of the regulation or ordinance has been approved, please notify us and provide a certified copy of the regulation or ordinance if you have not previously done so.

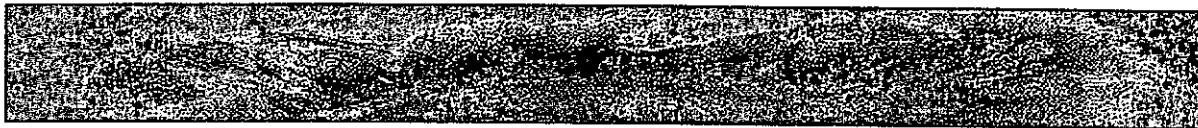
Protest under AS 04.11.480 and the prohibition of sale or consumption of alcoholic beverages as required by zoning regulation or ordinance under AS 04.11.420(a) are two separate and distinct subjects. Please bear that in mind in responding to this notice.

AS 04.21.010(d), if applicable, requires the municipality to provide written notice to the appropriate community council(s).

If you wish to protest the application referenced above, please do so in the prescribed manner and within the prescribed time. Please show proof of service upon the applicant. For additional information please refer to 13 AAC 104.145, Local Governing Body Protest.

Note: Applications applied for under AS 04.11.400(g), 13 AAC 104.335(a)(3), AS 04.11.090(e), and 13 AAC 104.660(e) must be approved by the governing body.

Dawn Holland-Williams
Licensing Supervisor
ABC Board
Dept. of Public Safety
State of Alaska
907-269-0350 - Main Line
907-272-9412 - Fax





Office of the Mayor

James C. Hornaday
Homer City Hall
491 E. Pioneer Avenue
Homer, Alaska 99603-7624

Phone 907-235-8121 x2229

Fax 907-235-3143

MEMORANDUM 10-02

TO: HOMER CITY COUNCIL

FROM: JAMES C. HORNADAY, MAYOR

DATE: JANUARY 4, 2010

SUBJECT: APPOINTMENT OF BARBARA HOWARD AND REAPPOINTMENTS OF BETH WYTHE AND MATT NORTH TO THE PERMANENT FUND COMMITTEE.

Barbara Howard is appointed to the Permanent Fund Committee to fill the council seat vacated by Dennis Novak. Her term will expire October, 2011. Beth Wythe is reappointed, with a term to expire October, 2010. Matt North is reappointed, with a term to expire October, 2012.

RECOMMENDATION:

Confirm the appointment of Barbara Howard to the Permanent Fund Committee and the reappointments of Beth Wythe and Matt North to the Permanent Fund Committee.

Fiscal Note: N/A

"Where the land ends and the sea begins"



**CITY OF HOMER
COMMISSION, COMMITTEE, BOARD &
APPLICATION FORM**

RECEIVED	
TASK FORCE	JAN 4 2010
City of Homer City Clerk	
RECEIVED BY CLERK'S OFFICE	

CITY CLERKS OFFICE
CITY OF HOMER
491 E. PIONEER AVENUE
HOMER, ALASKA 99603
PHONE 907-235-3130
FAX 907-235-3143

The information below provides some basic background for the Mayor and Council.
This information is public and will be included in the Council Information packet.

Name Barbara Howard Date January 4, 2010

Physical Address 629 Rangeview Avenue City Homer

Mailing Address 629 Rangeview Avenue Zip Code 99603

Phone 907.226.2025 Work # 907.235.6539 Cell # 907.200.3124

Email Address bhfish@gci.net

NOTE: The above information will be published in the City Directory and within the City web pages if you are appointed by the Mayor and your appointment is confirmed by the City Council.

Please indicate the commission(s), committee(s), board or task force you are interested in:

Select	COMMISSION/COMMITTEE/BOARD.TASK FORCE	REGULAR MEETING SCHEDULE
<input type="checkbox"/>	ADVISORY PLANNING COMMISSION	1ST & 3RD WEDNESDAY OF THE MONTH AT 7:00 P.M. WORKSESSIONS AT 5:30 P.M.
<input type="checkbox"/>	ECONOMIC DEVELOPMENT ADVISORY COMMISSION	2ND TUESDAY OF THE MONTH AT 6:00 P.M.
<input type="checkbox"/>	LIBRARY ADVISORY BOARD	1ST TUESDAY OF THE MONTH AT 6:00 P.M.
<input type="checkbox"/>	PARKS & RECREATION ADVISORY COMMISSION	3RD THURSDAY OF THE MONTH AT 6:30 P.M.
<input type="checkbox"/>	PORT & HARBOR ADVISORY COMMISSION	4TH WEDNESDAY OF THE MONTH AT 6:00 P.M.
<input type="checkbox"/>	PUBLIC ARTS COMMITTEE	3RD THURSDAY OF THE MONTH AT 11:00 A.M. WORKSESSIONS AT 10:00 A.M.
<input type="checkbox"/>	TRANSPORTATION ADVISORY COMMITTEE	3RD TUESDAY OF THE MONTH AT 5:30 P.M.
<input checked="" type="checkbox"/>	PERMANENT FUND COMMITTEE	QUARTERLY - 2ND THURSDAY OF THE MONTH AT 6:00 P.M.
<input type="checkbox"/>	LEASE COMMITTEE	QUARTERLY - 2ND THURSDAY AT 3:00 P.M.
<input type="checkbox"/>	OTHER - PLEASE ENTER THE COMMITTEE/TASK FORCE	-95-

I have been a resident of the City for 8 mos. yrs I have been a resident of the area for ___ mos. yrs.

I am presently employed as: Small business owner

List any special training, education or background you have which is related to your choice of commission, committee, board, or task force: Finance Committee for the hospital.

Have you ever served on a similar commission, committee, board or task force? _____

If so, when & where: Planning Commission, Parks & Recreation Commission (City of Homer)

When are you available for meetings? Weekly Monthly Bi-Monthly

I am interested in serving on the above because:

I would like to be the city council representative on this very important commission.

Do you currently belong to any organizations specifically related to the area of your choice(s) you wish to serve on?

Yes No If yes, please list organizations: _____

Questions regarding the Homer Advisory Planning Commission:

Have you ever developed real property, other than your personal residence? If yes, briefly describe the development:

Questions regarding the Port & Harbor Advisory Commission:

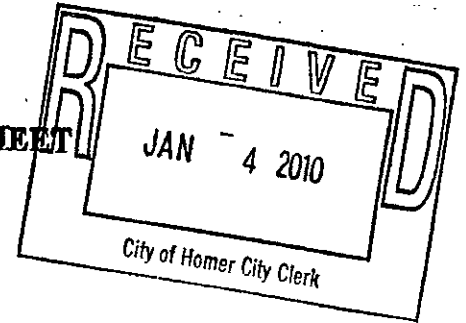
Do you use the Homer Port and/ or Harbor on a regular basis?

If yes, is you use primarily: Commercial Recreational Both

Please include any additional information that may assist the Mayor in his decision making:

When you have completed the form please review all the information and then click on the submit or print button.

COMMISSIONER/BOARD DATA SHEET



Rec'd Clerk's Office

Date and time

CITY OF HOMER, ALASKA

City of Homer/Clerk

The information below provides some basic background for the Mayor and Council. This information is public and will be included in the Council informational packet.

Name: Matt North

Date: 01-04-2010

Residence Address: 875 Rosebud Homer AK

Mailing Address: 3670 Lake St. Ste 200 Homer AK

Phone: Home _____ Work 235-2979 Fax 888-784-1580

Email address matt.north@edwardjones.com

NOTE: The above information will be published in the City's Directory if you are appointed by the Mayor and your appointment is confirmed by the City Council.

Check the name of the commission(s), board, or committee(s) you are interested in:

COMMISSION/COMMITTEE	Regular Meeting Schedule
Advisory Planning Commission (P/C)	1 st and 3 rd Wednesdays 7 pm
Economic Development Advisory Commission (EDC)	2 nd Tuesday 6 pm
Library Advisory Board (LAB)	1 st Tuesday 6 pm
Parks and Recreation Advisory Commission (P/R)	3 rd Thursday 6:30 pm
Port and Harbor Advisory Commission (P/H)	4 th Wednesday 6 pm
Public Arts Committee (PAC)	3 rd Thursday 11 am
Transportation Advisory Committee (TAC)	3 rd Tuesday 5:30 pm
<input checked="" type="checkbox"/> Permanent Fund Committee (PFC)	Quarterly - 2 nd Thursday 6 pm
OTHER:	

I have been a resident of the City for 7 years, of the area for 9 years.

I am presently employed as: an Edward Jones Financial Advisor

List any special training, education or background you have which is related to the Commission/Board in which you are interested:

Bachelors Degree in Business Administration

F

Have you ever served on a similar commission, board or committee? Y If so when and where?

Finance Committee for Hospital Board

Are you available for meetings oncc a week? X once a month twice a month

I am specifically interested in serving on the above Commission/Committee because:

I think I can add value to the committee

Do you currently belong to any organizations specifically related to the area of Commission/Committee you wish to serve on? Yes () No () If yes, please name them and the dates active in the organization(s):

>Questions regarding the Planning Commission:

Have you ever developed real property, other than your personal residence? Yes () No () If so, briefly describe the development: N/A

>Questions regarding the Port/Harbor Commission:

Do you use the port and/or harbor on a regular basis? Yes () No () If so, is your use primarily commercial or recreational ?

Please attach any other pertinent information that may assist the Mayor in his decision making.

VISITORS

ANNOUNCEMENTS/PRESENTATIONS

BOROUGH/COMMISSION REPORTS

PUBLIC HEARINGS

ORDINANCE(S)

ORDINANCE REFERENCE SHEET
2010 ORDINANCE
ORDINANCE 10-01

An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.54.060 Standards for Mobile Homes.

Sponsor: City Manager/Planning

1. City Council Regular Meeting January 11, 2010 Introduction
 - a. Memorandum 10-12 from City Planner and Planning Technician as backup
 - b. Staff Report PL09-98, 09-95 & 09-94

1 CITY OF HOMER
2 HOMER, ALASKA

City Manager/Planning

3
4 ORDINANCE 10-01

5
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER,
7 ALASKA, AMENDING HOMER CITY CODE 21.54.060
8 STANDARDS FOR MOBILE HOMES.
9

10 WHEREAS, The goal of the 1989 Comprehensive Plan Chapter 9 Housing Plan is
11 "Encourage safe, comfortable, and affordable housing for all residents while respecting
12 neighborhood standards;" and
13

14 WHEREAS, Ordinance 08-29 reorganizing Title 21, created confusing language because
15 requirements for mobile homes outside of mobile home parks are found in HCC 21.51.060, a
16 section that specifically states it applies to homes with parks, but the previous code applied to all
17 mobile homes regardless of their location; and
18

19 WHEREAS, All mobile homes, either in a mobile home park or on an individual parcel
20 should meet these minimum standards.
21

22 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
23

24 Section 1. Homer City Code 21.54.060 Mobile Home Structures is hereby amended to
25 read as follows:
26

27 21.54.060 Standards for Mobile Home Structures. Each mobile home structure ~~in the~~
28 ~~park~~ shall meet the following standards:

29 a. The mobile home shall contain sleeping accommodations, a flush toilet, a tub
30 or shower and kitchen facilities, with plumbing and electrical connections provided for
31 attachment to public utilities or approved private systems.

32 b. The mobile home shall be fully skirted and if a single-wide unit, shall be tied
33 down with devices that meet State standards.

34 Section 2. This Ordinance is of a permanent and general character and shall be included
35 in the City Code.
36

37 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of
38 _____, 2010.
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CITY OF HOMER

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JAMES C. HORNADAY, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

YES:
NO:
ABSTAIN:
ABSENT:

First Reading:
Public Hearing:
Second Reading:
Effective Date:

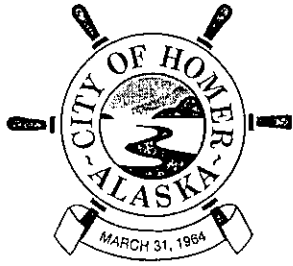
Reviewed and approved as to form:

Walt Wrede, City Manager

Date: _____

Thomas F. Klinkner, City Attorney

Date: _____



City of Homer Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

Telephone (907) 235-3106
Fax (907) 235-3118
E-mail Planning@ci.homer.ak.us
Web Site www.ci.homer.ak.us

MEMORANDUM 10-12

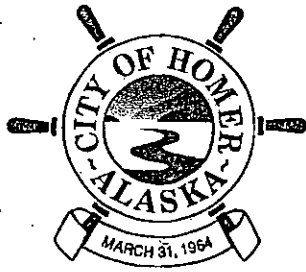
TO: Mayor Hornaday and Homer City Council
THRU: Walt Wrede, City Manager
FROM: Rick Abboud City Planner, Julie Engebretsen, Planning Technician
DATE: December 30, 2009
SUBJ: Ordinance 10-xx amending HCC 21.54.060 Standards for Mobile Homes

Introduction

Before the Title 21 code rewrite in 2008, all mobile homes were required to meet a few requirements – i.e. have sanitation facilities, be skirted, and in some cases, have tie-downs (earthquake straps). When Title 21 was re-written, this section of code was changed in such a way that it appears to only apply to mobile homes in mobile home parks. One could imply individual homes on individual lots don't have to meet these standards. One could also misread the code to say that mobile homes are only allowed in mobile home parks, despite being a listed use in several districts. The purpose of this ordinance is to clear up any confusion. The minimum requirements apply to all mobile homes, and placement in a mobile home park is not required by 21.54. No new requirements are proposed.

The Homer Advisory Planning Commission recommended adoption of the ordinance at their December 2, 2009 meeting.

Recommendation: Adopt Ordinance 10-xx amending HCC 21.54.060 Standards for Mobile Homes.



City of Homer Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

Telephone (907) 235-8121
Fax (907) 235-3118
E-mail Planning@ci.homer.ak.us
Web Site www.ci.homer.ak.us

STAFF REPORT PL 09-98

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Planning Technician
MEETING: December 2, 2009
SUBJECT: Ordinance amending code for mobile homes

GENERAL INFORMATION

This ordinance is a housekeeping measure. It is not in any way related to any other recent discussions about mobile homes.

ANALYSIS

Before the Title 21 code rewrite in 2008, all mobile homes were required to meet a few requirements – i.e. have sanitation facilities, be skirted, and in some cases, have tie-downs (earthquake straps). When Title 21 was re-written, this section of code was changed in such a way that it appears to only apply to mobile homes in mobile home parks. One could imply individual homes on individual lots don't have to meet these standards. The purpose of this ordinance is to clear up any confusion and make clear the minimum requirements all mobile homes must meet. No new requirements are proposed.

STAFF COMMENTS/RECOMMENDATIONS:

Planning Commission

1. Conduct a public hearing and recommend adoption to the City Council

ATTACHMENTS

1. Draft Ordinance

CITY OF HOMER
HOMER, ALASKA

Planning/

ORDINANCE 09-

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
AMENDING HOMER CITY CODE 21.54.060 STANDARDS FOR MOBILE
HOMES

WHEREAS, The goal of the 1989 Comprehensive Plan Chapter 9 Housing Plan is "Encourage safe, comfortable, and affordable housing for all residents while respecting neighborhood standards;" and

WHEREAS, Ordinance 08-29 reorganizing Title 21, created confusing language because requirements for mobile homes outside of mobile home parks are found in HCC 21.51.060, a section that specifically states it applies to homes with parks, but the previous code applied to all mobile homes regardless of their location; and

WHEREAS, All mobile homes, either in a mobile home park or on an individual parcel should meet these minimum standards.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code 21.54.060 Mobile Home Structures is hereby amended to read as follows:

21.54.060 Standards for Mobile Home Structures. Each mobile home structure in the park shall meet the following standards:

- a. The mobile home shall contain sleeping accommodations, a flush toilet, a tub or shower and kitchen facilities, with plumbing and electrical connections provided for attachment to public utilities or approved private systems.
- b. The mobile home shall be fully skirted and if a single-wide unit, shall be tied down with devices that meet State standards.

Section 2. This Ordinance is of a permanent and general character and shall be included in the City Code.

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

2009.

CITY OF HOMER

JAMES C. HORNADAY, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and Approved as to form and content:

Walt E. Wrede, City Manager

Thomas Klinkner, City Attorney

Date: _____

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
DECEMBER 2, 2009

- a. Borough Report
- b. Kachemak Bay Advisory Planning Commission Report
- c. City Planner's Report
 1. Staff Report PL 09-102, City Planner's Report

City Planner Abboud reviewed his staff report. There was discussion regarding the condominium and townhouse information provided in the report.

PUBLIC HEARINGS

The Commission conducts Public Hearings by hearing a staff report, presentation by the applicant, hearing public testimony and then acting on the Public Hearing items. (3 minute time limit) The Commission may question the public. Once the public hearing is closed the Commission cannot hear additional comments on the topic. The applicant is not held to the 3 minute time limit.

- A. Staff Report PL 09-98, Ordinance Amending 21.54.060 Standards for Mobile Home Park

City Planner Abboud reviewed the staff report.

Vice Chair Kranich opened the public hearing. There were no public comments and Vice Chair Kranich closed the public hearing.

There was discussion clarifying that the amendment removes reference to mobile homes "in the park" because the code does not require that mobile homes be in mobile home parks. Also, tie downs and skirting would be required for any mobile home.

SINN/HAINA MOVED TO ADOPT STAFF REPORT PL 09-98 WITH STAFF RECOMMENDATIONS.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- B. Staff Report PL 09-100, Ordinance Resolution 09-xx, Beach Road to be changed to Millers Landing Road, South of Kachemak Drive and East Road and Thomas Street to be changed to Glenview Street, Between the Sterling Highway and Forest Glen Drive.

City Planner Abboud reviewed the staff report.

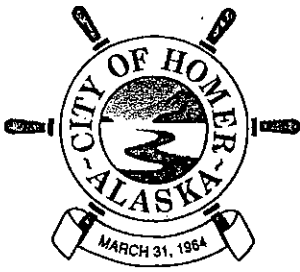
Vice Chair Kranich opened the public hearing. There were no public comments and Vice Chair Kranich closed the public hearing.

There was no opposition expressed to the recommended street names.

SINN/DRUHOT MOVED TO ADOPT STAFF REPORT PL 09-100 STREET NAME CHANGES THOMAS STREET TO GLENVIEW STREET AND BEACH ROAD TO MILLERS LANDING ROAD WITH STAFF RECOMMENDATIONS.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT



City of Homer Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

Telephone (907) 235-8121
Fax (907) 235-3118
E-mail Planning@ci.homer.ak.us
Web Site www.ci.homer.ak.us

STAFF REPORT PL 09-95

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Planning Technician
MEETING: November 4, 2009
SUBJECT: Ordinance amending code for mobile homes

GENERAL INFORMATION

This ordinance is a housekeeping measure. It is not in any way related to any other recent discussions about mobile homes.

ANALYSIS

Before the Title 21 code rewrite in 2008, all mobile homes were required to meet a few requirements -- i.e. have sanitation facilities, be skirted, and in some cases, have tie-downs (earthquake straps). When Title 21 was re-written, this section of code was changed in such a way that it appears to only apply to mobile homes in mobile home parks. One could imply individual homes on individual lots don't have to meet these standards. The purpose of this ordinance is to clear up any confusion and make clear the minimum requirements all mobile homes must meet. No new requirements are proposed.

STAFF COMMENTS/RECOMMENDATIONS:

Planning Commission

1. Discuss the proposed amendment and move the ordinance to public hearing.

ATTACHMENTS

1. Draft Ordinance

CITY OF HOMER
HOMER, ALASKA

Planning/

ORDINANCE 09-

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
AMENDING HOMER CITY CODE 21.54.060 STANDARDS FOR MOBILE
HOMES

WHEREAS, The goal of the 1989 Comprehensive Plan Chapter 9 Housing Plan is "Encourage safe, comfortable, and affordable housing for all residents while respecting neighborhood standards;" and

WHEREAS, Ordinance 08-29 reorganizing Title 21, created confusing language because requirements for mobile homes outside of mobile home parks are found in HCC 21.51.060, a section that specifically states it applies to homes with parks, but the previous code applied to all mobile homes regardless of their location; and

WHEREAS, All mobile homes, either in a mobile home park or on an individual parcel should meet these minimum standards.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code 21.54.060 Mobile Home Structures is hereby amended to read as follows:

21.54.060 Standards for Mobile Home Structures. Each mobile home structure ~~in the park~~ shall meet the following standards:

- a. The mobile home shall contain sleeping accommodations, a flush toilet, a tub or shower and kitchen facilities; with plumbing and electrical connections provided for attachment to public utilities or approved private systems.
- b. The mobile home shall be fully skirted and if a single-wide unit, shall be tied down with devices that meet State standards.

Section 2. This Ordinance is of a permanent and general character and shall be included in the City Code.

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

2009.

CITY OF HOMER

JAMES C. HORNADAY, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and Approved as to form and content:

Walt E. Wrede, City Manager

Thomas Klinkner, City Attorney

Date: _____

There was no objection and discussion ensued.

The Commission began discussion on this agenda item during their worksession. They agreed to continue that general discussion in a worksession mode and have staff bring a revised ordinance back for review at a future meeting.

NEW BUSINESS

The Commission hears a report from staff. Commission business includes resolutions, ordinances, zoning issues, requests for reconsideration and other issues as needed. The Commission may ask questions of staff and the applicants. Any items brought before the commission for discussion are on the floor for discussion following introduction of the item. The Commission will accept presentation on agenda items that involve an applicant (such as acceptance of a nonconformity.) A member of the public wishing to comment on regular business items that do not require a public hearing or public notice may do so under Public Comment.

- A. Staff Report PL 09-95, Ordinance Amending 21.54.060 Standards for Mobile Home Park
Planning Technician Engebretsen reviewed the staff report.

HAINA/WALKER MOVED TO DISCUSS STAFF REPORT PL 09-95 AND MOVE IT TO PUBLIC HEARING.

The Commissioner's discussed that this is a good change. Chair Minsch requested that staff research at what point a mobile home becomes real property and how the Borough deals with mobile homes.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- B. Staff Report PL 09-97, Draft Resolution 09-XX, Meeting Schedule for 2010

HAINA/WALKER MOVED TO APPROVE THE 2010 MEETING SCHEDULE FOR THE PLANNING COMMISSION.

There was brief discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

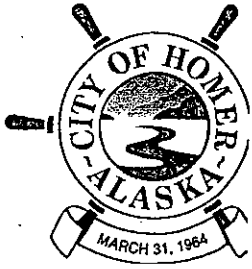
INFORMATIONAL MATERIALS

Items listed under this agenda item can be HCC meeting minutes, copies of zoning violation letters, reports and information from other government units.

- A. Letter dated October 16, 2009 to Leo Crocker from Dotti Harness, Planning Technician
- B. City Manager's Report dated October 26, 2009

COMMENTS OF THE AUDIENCE

Members of the audience may address the Commission on any subject. (3 minute time limit)



City of Homer Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

Telephone (907) 235-8121
Fax (907) 235-3118
E-mail Planning@ci.homer.ak.us
Web Site www.ci.homer.ak.us

STAFF REPORT PL 09-94

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Dotti Harness-Foster, Planning Technician
MEETING: October 21, 2009

SUBJECT: **Ord. 09-50 Criteria for replacing nonconforming mobile homes**

Introduction

At the September 28, 2009 City Council meeting, the City Council reviewed and referred Ordinance 09-50 to the Homer Advisory Planning Commission for return to the October 26th City Council meeting. The proposed ordinance applies a different standard and policy in regards to nonconforming mobile homes when compared with the larger classification of nonconforming structures in general. Nonconforming mobile homes would be allowed a complete replacement. After replacement, the mobile home must be disposed of if the property transfers ownership.

Staff finds that Ordinance 09-50 should be evaluated separately from Ordinance 09-46(S)(A). It is staff's opinion that the unique circumstances regarding Mr. Nakada should single handedly fuel revision of the nonconforming code.

Based on discussion at the October 7, 2009 HAPC meeting, it was understood that the Commission did not support Ord. 09-50. Some findings for the Planning Commissions consideration are below.

1. **Ord. 09-50 (Nonconforming) does not make Ord. 09-46 (Nakada) any more or less credible.**
If approved, the effective date of Ord. 09-50 would not apply to Nakada.
2. **The HAPC has not found community support for Ord. 09-50.**
Additional time and community input is needed to formulate policy change.
3. **Mobile homes are permitted outright in other districts.**
Mobile homes are permitted outright in the Rural Residential district HCC 21.12.020(n) and Central Business District HCC 21.18.020(m).
4. **Ord. 09-50 gives a false sense of value to a property owner who replaces a mobile home.**
Allowing a mobile home to be replaced until the property is transferred gives a false sense of longevity and value to the current owner. Any value in the mobile home becomes valueless and a hardship when the property is transferred.

5. Ord. 09-50 does not define "transfer to a different owner."

The terms "transfer to a different owner" needs to be clarified. Ownership with spouse, other family members or title held in trust, are situations that need to be considered. Ord. 09-50 does not address tenants in mobile home parks nor the effects of ownership change of a mobile home park.

6. Ord. 09-50 puts the City in the difficult position of determining the quality of both the old and newer mobile home.

The terminologies, "significantly better condition" and "dilapidation or disrepair" are subjective and difficult to measure. "Significantly better condition" and "dilapidation or disrepair" need verifiable, measureable standards.

7. Ord. 09-50 shows partiality to mobile homes not given to other types of structures.

Ord. 09-50 exempts mobile home from other nonconforming regulations which goes against the goals of zoning to provide clear consistent and equal rules. This ordinance grants a land use right not granted to other classes of land or structure owners.

8. Ord. 09-50 requires that the mobile home be "disposed of in a lawful manner".

Removing the replaced mobile home from the lot within 30 days is sufficient (moving a mobile home to the Rural Resident or Central Business District is lawful or it could even be used to replace another nonconforming mobile home).

9. Ord. 09-50 does not meet the goals and purpose of Homer's nonconforming standards.

Homer's nonconforming regulations are designed to balance the public interest in discontinuing nonconformities against the hardship that discontinuation would cause the property owner. When a structure reaches the end of its economic life, as in abandoned or heavily damage, a replacement structure must thereafter meet the current regulations. In order for a mobile home to qualify for nonconforming status, the mobile home must have been on the property prior to 1982, or twenty-seven (27) years.

10. Ord. 09-50 is more a postponement than a solution.

The general goal of nonconformities is to allow a once lawful structure to remain until such time than the structure is replaced, abandoned. Ord. 09-50 postpones the eventual removal of nonconforming mobile homes.

11. Ord. 09-50 favors private gain against the public gain to protect neighborhood integrity.

In most instances, the value to the integrity of the neighborhood outweighs the private gain of continued use of a nonconforming structure.

12. Nonconformities should follow the property and not be tied to ownership.

Typically in Homer city code, the nonconforming land use right rides with the land, not ownership. If approved, Ord. 09-50 ties nonconforming land use rights to ownership, not the property.

SR 09-94

Homer Advisory Planning Commission

October 21, 2009

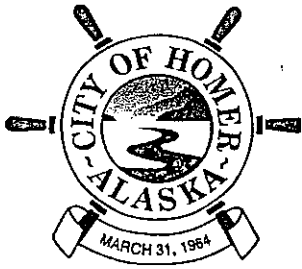
Page 3 of 3

13. Ord. 09-50 does not meet the intent of nonconforming regulations.

This ordinance further extends the length of time a mobile home may remain on the property, which is contrary to the intent of nonconforming regulations. Nonconforming regulations are intended to allow reasonable use, but at some point in the future the nonconformity will be removed.

Recommendation: The Commission adopts the appropriate findings to be forwarded to the City Council with the recommendation to vote down ordinance 09-50.

Att: 1. Ord. 09-50



City of Homer Planning & Zoning

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E-mail Planning@ci.homer.ak.us
Web Site www.ci.homer.ak.us

STAFF REPORT PL 09-89

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
MEETING: October 7, 2009
SUBJECT: Ordinance 09-50, Nonconforming mobile homes

Introduction

The City Council had ordinance 09-50 drafted by the attorney in consideration of ordinance 09-46(S)(A). 09-46(S)(A) grants a suspension of the application of city code in regards to Mr. Nakada's nonconforming mobile home and the order that it be removed from the property. The council wishes to grant relief to Mr. Nakada because he is a disabled person of limited means and the strict enforcement would cause he undue hardship (my words – see ordinance). The council at my request asks that ordinance 09-50 be added to this agenda and have a public hearing on October 21st for return to the next City Council meeting held on October 26th.

It is my contention that the granting of relief to Mr. Nakada is outside of my position and I have no authority that would allow me to believe otherwise. The creation of ordinance 09-46(S)(A) is entirely the creation of the City Council. I did testify that ordinance 09-46(S)(A) was no more or less valid with the passage of 09-50, as the council has no authority to apply an ordinance retroactively, which in my opinion would be the only way to affect Mr. Nakada's circumstance. I do believe that if the council believes that this circumstance arises to the level of concern to grant Mr. Nakada relief, it should not necessary rise to effect this relief beyond the particular circumstances unique to this particular application. Do we grant relief to all who have a trailer in poor repair or just those who may be disabled and of limited resources?

I am hoping to get some discussion on the record about the thoughts of allowing a replacement of a mobile home until ownership transferred to another. Some thoughts are found below.

- There are over 100 mobile homes in the city limit, many nonconforming and many in the rural residential district that most likely will be up zoned and become nonconforming sometime in the future.
- If I own a nonconforming mobile home park, when I sell the park, everyone (the tenants) loses their nonconforming status over a circumstance by which they have no control.

- If I rent land and the land changes hands, I lose my status.
- Mobile homes are not on a typical foundation – do wood blocks count as a foundation? Do I have to use the same wood blocks to be considered using the same foundation?
- How does the city know if it is in significantly better shape?
- Other than single or double wide, aren't all mobile homes substantially the same size? What is the difference between a 50 foot and a 66 footer? Less than 200 square feet!
- "Disposed of in a lawful manner" what does that mean? I can sell it outside the city, or park it on a friend's lot if I want to. I don't have to take it to the dump. Why would the city regulate this – if it leaves the property, we have other code to deal with it if it is abandoned, or moved to an appropriate district.
- The ordinance should also state what happens when property is transferred. If the mobile home park sells, then what happens to me? Do I have to remove the structure? What timeframe? Does it become a violation? Does a mobile home tenant lose their land lord tenant act rights because of the zoning code?
- If we allow replacement of mobile homes, why don't we allow replacement of all nonconforming structures? This is a property rights issue, not about mobile homes. How can we start to pick who has what rights? Isn't a point of zoning to have clear, consistent and equal rules? Even if the replacement mobile home is brand new and meets codes, it is still a mobile home.

Conclusion: We shouldn't create an exception for replacement of mobile homes for the two districts affected – UR and RO. We don't want mobile homes there, and have not since 1982. Generally the nonconforming code has let nonconformities continue forever. But it clearly does not allow for complete replacement; i.e. if there is a fire and more than 50% of the structure is damaged, the new structure has to be in compliance. **21.61.030(C) If a nonconforming structure or nonconforming portion of a structure is damaged by any means to an extent of more than fifty percent of its replacement cost at time of the damage, it shall not be reconstructed except in conformity with the provisions of Homer City Code."**

Attachment

1. Ordinance 09-46(S)(A)
2. Ordinance 09-50

CITY OF HOMER
HOMER, ALASKA

City Manager

ORDINANCE 09-50

AN ORDINANCE OF THE CITY COUNCIL OF HOMER,
ALASKA, AMENDING HOMER CITY CODE 21.61.030,
NONCONFORMING STRUCTURES, REGARDING CRITERIA
FOR REPLACING NONCONFORMING MOBILE HOMES.

THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code 21.61.030 is amended to read as follows:

21.61.030 Nonconforming structures. A nonconforming structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

a. A nonconforming structure may be enlarged or altered, but only if it does not increase its nonconformity;

b. If a nonconforming structure is moved for any reason for any distance whatsoever it shall thereafter conform to the code provisions applicable in the zone in which it is located after it is moved;

c. If a nonconforming structure or nonconforming portion of a structure is damaged by any means to an extent of more than fifty percent of its replacement cost at time of the damage, it shall not be reconstructed except in conformity with the provisions of Homer City Code.

d. If at any time a nonconforming structure is abandoned or brought into conformity with this title, the structure shall thereafter conform to all the regulations of the in which it is located, and the nonconforming structure shall not be allowed to continue in use.

e. A mobile home that meets the following conditions shall be a nonconforming structure until the lot where the mobile home is located is transferred to a different owner:

1. The mobile home replaces a mobile home on the lot that was a nonconforming structure;

2. the mobile home is substantially the same size, and is located on the same foundation, as the mobile home that it replaces.

3. The mobile home is in significantly better condition than the mobile home that it replaces, and the replaced mobile home is in a condition of dilapidation or disrepair that limits its continued use as a dwelling;

4. Within 30 days after the placement of the mobile home on the lot, the mobile home that it replaces is removed from the lot and disposed of in a lawful manner.

Section 2. This ordinance is of a permanent and general character and shall be included in the City Code.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of _____ 2009.

CITY OF HOMER

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JAMES C. HORNADAY, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

YES:
NO:
ABSTAIN:
ABSENT:

First Reading:
Public Hearing:
Second Reading:
Effective Date:

Reviewed and approved as to form:

Walt E. Wrede, City Manager
Date: _____

Thomas F. Klinkner, City Attorney
Date: _____

B. Staff Report PL 09-94, Ordinance 09-50, Nonconforming Mobile Homes

City Planner Abboud reviewed the staff report.

Chair Minsch opened the public hearing. There were no comments and the public hearing was closed.

KRANICH/BOS MOVED TO BRING STAFF REPORT PL 09-94 TO THE FLOOR TO DISCUSS AND ADOPT THE FINDINGS PERTAINING TO ORDINANCE 09-50.

The Commission reviewed and supported the findings listed in the staff report with the following comments and amendments:

KRANICH/BOS MOVED TO AMEND THE SECOND PARAGRAPH IN THE STAFF REPORT TO INCLUDE THE WORD NOT AFTER SHOULD.

Staff finds that Ordinance 09-50 should be evaluated separately from Ordinance 09-46(S)(A). It is staff's opinion that the unique circumstances regarding Mr. Nakada should not single handedly fuel revision of the nonconforming code.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Regarding Finding 4 comment was made that the explanation that mobile homes having to be removed if the property is transferred is going to be next to impossible to enforce since the City has no knowledge of property transfers or the structures or uses which happen to be on them.

Regarding Finding 6 it was noted that the language is very subjective in that there isn't a way to measure dilapidation.

Regarding Finding 7:

SINN/BOS MOVED TO ADD TO THE END OF FINDING 7 THAT MOBILE HOMES SHOULD NOT BE SINGLED OUT.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Regarding Finding 8 point was raised that it is pie in the sky language as there isn't a way to enforce "disposal in a lawful manner".

Regarding Finding 12 it was reiterated the City has no knowledge of property transfers and it is senseless to tie City Code to property transfers.

KRANICH/HAINA MOVED TO ADD A NEW STATEMENT FINDING 14 ORDINANCE 09-50 WOULD BE DIFFICULT TO ENFORCE. THE CITY IS NOT NOTIFIED OF PROPERTY TRANSFERS.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

BOS/SINN MOVED TO ADD FINDING 15 IT WOULD BE INAPPROPRIATE TO REVISE NON CONFORMING CODE UNTIL ADOPTION OF THE PENDING COMPREHENSIVE PLAN.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

HAINA/BOS MOVED TO ADD FINDING 16 ORDINANCE 09-50 DEMINISHES THE EFFORTS OF THE LAND OWNERS WHO HAVE ALREADY GONE THROUGH THE CONSIDERABLE EXPENSE OF BRINGING THEIR NON CONFORMING MOBILE HOMES INTO CONFORMITY.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

KRANICH/BOS MOVED TO ADD THE LAST BULLET INTO THE CONCLUSION.

Conclusion: We shouldn't create an exception for replacement of mobile homes for the two districts affected - UR and RO. We don't want mobile homes there, and have not since 1982. Generally the nonconforming code has let nonconformities continue forever. But it clearly does not allow for complete replacement; i.e. if there is a fire and more than 50% of the structure is damaged, the new structure has to be in compliance. 21.61.030(C) If a nonconforming structure or nonconforming portion of a structure is damaged by any means to an extent of more than fifty percent of its replacement cost at time of the damage, it shall not be reconstructed except in conformity with the provisions of Homer City Code."

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

The Commission concurred that amended findings 15 and 16 should be switched so that Commissioner Bos' amendment would be listed last.

VOTE: (Main motion as amended): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

ORDINANCE REFERENCE SHEET
2010 ORDINANCE
ORDINANCE 10-02

An Ordinance of the City Council of Homer, Alaska, Amending the FY 2010 Operating Budget by Appropriating \$269,040 from the General Fund Balance for the Purpose of Filling 3.7 Vacant Positions in the Police and Fire Departments.

Sponsor: Howard

1. City Council Regular Meeting January 11, 2010 Introduction /

CITY OF HOMER
HOMER, ALASKA

Howard

ORDINANCE 10-02

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING THE FY 2010 OPERATING BUDGET BY APPROPRIATING \$269,040 FROM THE GENERAL FUND BALANCE FOR THE PURPOSE OF FILLING 3.7 VACANT POSITIONS IN THE POLICE AND FIRE DEPARTMENTS.

WHEREAS, Public Safety is a primary responsibility of local government; and

WHEREAS, Budget cuts to Police and Fire Department personnel contained in the adopted FY 2010 Operating Budget will result in a significant reduction in service and overall public safety; and

WHEREAS, It is in the public interest at this time to fill necessary and vital public safety positions using the Fund Balance of the General Fund.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer City Council hereby amends the FY 2010 Operating Budget by appropriating \$269,040 from the Fund Balance of the General Fund for the purpose filling 3.7 (FTE) vacant positions at the Police and Fire Departments as follows:

Expenditure:

<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
100-100-5990	Police Officer I	\$85,787
100-100-5990	Dispatcher I	\$66,791
100-100-5990	P.T. Judicial Services Admin Asst.	\$36,884
100-100-5990	Emergency Services Specialist	\$79,578
	TOTAL	\$269,040

Section 2. This is a budget amendment ordinance, is temporary in nature, and shall not be codified.

ENACTED BY THE HOMER CITY COUNCIL this _____ day of _____, 2010.

CITY OF HOMER

JAMES C. HORNADAY, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and approved as to form:

Walt Wrede, City Manager

Date: _____

Thomas F. Klinkner, City Attorney

Date: _____

Fiscal Note: \$269,040.

ORDINANCE REFERENCE SHEET
2010 ORDINANCE
ORDINANCE 10-03

An Ordinance of the City Council of Homer, Alaska, Adopting Homer City Code Chapter 19.02, Large Special Events, Requiring Permits for Large Special Events in the City, and Authorizing Charges for City Services Required for Large Special Events.

Sponsor: City Manager

1. City Council Regular Meeting January 11, 2010 Introduction

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**CITY OF HOMER
HOMER, ALASKA**

City Manager

ORDINANCE 10-03

AN ORDINANCE OF THE CITY COUNCIL OF HOMER,
ALASKA, ADOPTING HOMER CITY CODE CHAPTER 19.02,
LARGE SPECIAL EVENTS, REQUIRING PERMITS FOR
LARGE SPECIAL EVENTS IN THE CITY, AND
AUTHORIZING CHARGES FOR CITY SERVICES REQUIRED
FOR LARGE SPECIAL EVENTS.

WHEREAS, The City of Homer, Alaska, from time to time may be the location for a large special event such as a parade, performance, concert, sporting event, fair, ceremony or other public assembly at which 500 or more people congregate; and

WHEREAS, The City has a population of approximately 5,400, and the presence of an additional 500 or more people attending a large special event will have a substantial impact on the City, including traffic, and the demand for services and facilities, including parking, sanitation facilities and refuse disposal; and

WHEREAS, The City may be required to expend its resources to provide additional services or facilities that are necessary to preserve public health, safety and convenience during a large special event; and

WHEREAS, The small scale of the City government and infrastructure, and the limited routes for ingress to and egress from the City (and particular areas within the City, such as the Homer Spit), make planning to provide for public health, safety and convenience during a large special event particularly important; and

WHEREAS, It is in the best interest of the City and its residents that the City regulate large special events through a permitting process, and that the City receive compensation for additional services or facilities that it must provide because of a large special event.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code Chapter 19.02, Large Special Events, is adopted to read as follows:

41
42 Chapter 19.02
43 Large Special Events
44

45 Sections:

- 46
47 19.02.010 Definitions
48 19.02.020 Permit required
49 19.02.030 Permit application
50 19.02.040 Action on permit application
51 19.02.050 Denial of permit application
52 19.02.060 Revocation of permit
53 19.02.070. Payments for city services and facilities
54 19.02.080 Insurance
55

56 19.02.010 Definitions. As used in this chapter, the words and phrases defined in this
57 section shall have the meaning stated.

58 “*Anticipated attendance*” means the largest number of persons, including participants
59 and spectators, that the city manager reasonably expects to congregate at a single time and
60 location during a special event.

61 “*Demonstration*” means an assembly of persons for purposes of expressive activity that
62 occupies, or travels on, any street in a manner that does not comply with generally applicable
63 traffic regulations; or occupies a public park or other public facility or property.

64 “*Expressive activity*” means conduct, the principal object of which is to communicate
65 opinions, views or ideas, and for which no fee or donation is required to attend or participate, and
66 includes public oratory, picketing and distribution of literature.

67 “*Large special event*” means a special event having an anticipated attendance of 500 or
68 more persons.

69 “*Special event*” means a parade, performance, concert, sporting event, fair, ceremony or
70 other public assembly, for which persons congregate in a street, park or other public or private
71 property in the city.

72 “*Sponsor*” means the person or persons who organize, present or promote a special
73 event.
74

75 19.02.020 Permit required. a. No sponsor may promote, advertise or sell admission to a
76 large special event without first having obtained a permit from the city under this chapter.

77 b. The following are exempt from the permit requirement of this section:

78 1. a funeral procession.
79 2. a special event that is held entirely within a dwelling and the lot on which the
80 dwelling is located.

81 3. a special event that is held within a permanent facility, such as an auditorium,
82 theater, church or athletic field, that is specifically designed and intended for the activities
83 comprising the event, and that:

84 i. has the capacity to accommodate the anticipated attendance at the
85 special event, including compliance with maximum occupancy permitted by state or local
86 fire officials; and

87 ii. has sufficient off-street parking to accommodate the anticipated
88 attendance at the special event, according to the standards prescribed in HCC Title 21.

89 4. a special event that is sponsored by a duly organized neighborhood or
90 homeowners' association, occurs entirely within the area where the association's members
91 reside, generates minimal traffic outside that area, is attended only by the association's members
92 and their guests, and does not benefit any other organization.

93 5. an event that is sponsored by or under the control of the city.

94 6. a demonstration, provided that the chief of police is notified of the route or
95 location of the demonstration at least 48 hours before the commencement of the demonstration.

96
97 19.02.030 Permit application. a. The sponsor shall submit an application for a permit for
98 a large special event to the city manager on a form provided by the city. The sponsor shall
99 submit the application not less than 120 days before the commencement of the large special
100 event.

101 b. An application for a permit shall include:

102 1. The name and mailing address of each sponsor of the large special event;

103 2. For any sponsor who is not a natural person, the form of the sponsor entity, the
104 state in which the entity is organized, the names of the principal officers of the entity, and proof
105 that the entity is in good standing in its state of organization and qualified to conduct its activity
106 in the state of Alaska.

107 3. The name of an individual who will be the on-site point of contact for the
108 sponsor at all times from the commencement of on-site preparation for the large special event
109 until all on-site clean-up and restoration work is completed after the conclusion of the large
110 special event, and that individual's 24-hour telephone number(s), in case of emergency;

111 4. A detailed description of the large special event;

112 5. A map locating the large special event, and depicting the layout of all large
113 special event activities that will occur on public streets or other public property, if requested by
114 the city manager; and

115 6. Any additional information requested in the permit application or by the city
116 manager, including without limitation plans for parking, traffic control, sanitation and security as
117 appropriate to the nature of the large special event.

118 c. An application shall be accompanied by the application fee that the city council
119 establishes from time to time by resolution.

120
121 19.02.040 Action on permit application. a. The city manager may approve an application
122 for a permit for a large special event upon finding that approval of the large special event will not
123 be detrimental to the public health, safety or convenience. Grounds for denying a special event
124 permit include without limitation those stated in HCC § 9.02.050.

125 b. The city manager may approve an application for a permit for a large special event
126 subject to conditions or stipulations regarding the time, place and manner of the large special

127 event that the city manager determines to be reasonably necessary to protect public health, safety
128 and convenience, including without limitation the following:

129 1. Alteration of the time, place, and manner of the large special event proposed in
130 the application.

131 2. Conditions concerning the area of assembly and disbanding of a large special
132 event occurring along a route.

133 3. Conditions concerning accommodation of pedestrian or vehicular traffic,
134 including restricting the large special event to only a portion of a street or right-of-way.

135 4. Requirements for the use of traffic cones or barricades.

136 5. Parking requirements.

137 6. Requirements for the provision of first aid or sanitary facilities.

138 7. Requirements for security measures.

139 8. Requirements for use of event monitors and providing notice of permit
140 conditions to event participants.

141 9. Requirements for use of garbage containers, cleanup, and restoration of City
142 property.

143 10. Restrictions on the use of amplified sound and compliance with noise
144 ordinances, regulations, and laws.

145 11. Notice to residents and businesses regarding any activity which would require
146 street closure.

147 12. Restrictions on the sale and consumption of alcoholic beverages.

148 13. Provision of insurance as required by HCC § 9.02.080.

149 c. The city manager may condition approval of a permit for a special event that imposes
150 substantial demands on city services or facilities on the sponsor's payment for the necessary
151 additional city services or facilities, and provision of a bond as required by HCC § 9.02.070.

152 d. The granting of a permit under this chapter does not exempt the large special event or
153 its sponsor from:

154 1. Requirements for any business license or other permits which may be
155 prescribed by any federal, state or local statutes, ordinances, rules or regulations.

156 2. Compliance with any other applicable federal, state or local statutes,
157 ordinances, rules or regulations.

158
159 19.02.050 Denial of permit application. a. The reasons why the city manager may deny
160 an application for a permit for a large special event include without limitation the following:

161 1. The large special event will disrupt traffic within the city beyond practical
162 solution.

163 2. The large special event will create a likelihood of endangering the public safety
164 beyond practical solution.

165 3. The large special event will interfere with access to emergency services.

166 4. The location or time of the large special event will cause undue hardship or
167 excessive noise levels to businesses or residents in the vicinity of the event location.

168 5. The large special event will require the diversion of City resources that would
169 unreasonably interfere with the maintenance of regular city service levels.

- 170 6. The application contains incomplete or false information.
171 7. The sponsor fails to provide proof of the insurance required by Section
172 19.02.080.
173 8. The sponsor will not provide adequate garbage and debris removal.
174 9. The sponsor will not provide adequate temporary sanitary facilities.
175 10. The sponsor will not provide adequate parking.

176 b. The city manager will notify the sponsor in writing of the denial of an application for a
177 permit for a large special event, with a statement of the reasons for the denial. The sponsor may
178 appeal the decision of the city manager to the city council by filing with the city clerk a written
179 notice of appeal, stating the grounds for the appeal, not later than 15 days after the city manager
180 mailed notice of the denial.

181
182 19.02.060 Revocation of permit. a. The city manager may revoke a permit for a large
183 special event for any of the following reasons:

184 1. The large special event is conducted in a manner that fails to comply with a
185 condition of the permit, or that violates any applicable federal, state or local law.

186 2. The sponsor fails to make any payment required under this chapter when the
187 payment is due.

188 3. A condition or event occurs that would constitute a ground for denying the
189 permit under HCC § 9.02.050.

190 b. Except in the circumstances described in subsection (c) of this section, the city
191 manager shall not revoke a permit without first providing notice and an opportunity for a hearing
192 under this subsection. The city manager shall notify the sponsor of the grounds for revoking the
193 permit, and of the sponsor's right to request a hearing on the revocation. The sponsor may
194 obtain a hearing on the revocation by requesting the hearing in writing at the office of the city
195 manager within the time prescribed in the revocation notice.

196 c. If the city manager determines that the grounds for revoking a permit constitute an
197 immediate danger to public health or safety, the city manager may revoke the permit without
198 prior notice or hearing. Promptly after revoking a permit under this subsection, the city manager
199 shall give the sponsor notice in accordance with subsection (b) of this section, and schedule a
200 hearing on the revocation.

201
202 19.02.070. Payments for city services and facilities. a. If the city manager determines
203 that a large special event will require additional support services or facilities from the police,
204 fire, administrative, or any other city department, the city manager shall so notify the sponsor,
205 with an estimate of the cost of such additional services. Within 15 days after such notice, but not
206 less than two weeks before the large special event commences, the sponsor shall pay to the city
207 an amount equal to 50 percent of such estimated cost. The sponsor shall pay to the city the
208 remainder of the total actual cost of such additional services or facilities within 30 days after the
209 last day of the large special event.

210 b. In addition to requiring payment for additional city services or facilities under
211 subsection (a) of this section, the city manager may require a sponsor to submit to the city a
212 deposit to cover the estimated cost of cleaning and restoring city property after a large special

213 event. Any required deposit must be submitted to the city at least two weeks before the date the
214 large special event commences. The deposit shall be refunded to the sponsor to the extent that it
215 is not applied to pay the cost of cleaning and restoring city property used during the large special
216 event.

217 c. If the city manager has cause to doubt a sponsor's financial capability to pay any
218 amount required under this section, the city manager may require the sponsor to provide a
219 performance bond before issuing the permit for the special event.

220 d. All payments required under this section shall be made by cashier's check or wire
221 transfer, unless the city manager approves another payment method.

222
223 19.02.080 Insurance. a. The city manager may require that the sponsor of a large special
224 event shall acquire and maintain in force at all times from the commencement of on-site
225 preparation for the large special event until all on-site clean-up and restoration work is completed
226 after the conclusion of the large special event, insurance coverages including the following:

227 1. Comprehensive commercial general liability with coverage limits up to
228 \$2,000,000 combined single limit per occurrence and aggregate, including premises-operations,
229 independent contractors, products/completed operations, broad form property damage, blanket
230 contractual and personal injury endorsements.

231 2. Comprehensive automobile liability covering all owned, hired and non-owned
232 vehicles that the sponsor uses in connection with the large special event, with coverage limits up
233 to \$1,000,000 per occurrence.

234 3. Worker's compensation insurance as required by AS 23.30.045 for all
235 employees of the sponsor and its contractors engaged in work on the large special event.

236 b. Each policy of insurance required under this section shall name the city as an insured
237 and contain an appropriate waiver of subrogation in favor of the city.

238 c. The sponsor shall furnish certificates of the insurance required under this section to the
239 city at least 30 days before the commencement of on-site preparation for the large special event.
240 Each certificate must provide for 30 days' prior notice to the city of cancellation, nonrenewal or
241 material change.

242
243 Section 2. This ordinance shall take effect upon its adoption by the Homer City Council.

244
245 Section 3. This ordinance is of a permanent and general character and shall be included
246 in the City code.

247
248 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of
249 _____ 2010.

250
251
252
253
254
255

CITY OF HOMER

JAMES C. HORNADAY, MAYOR

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ATTEST:

JO JOHNSON, CMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and approved as to form:

Walt E. Wrede, City Manager

Date: _____

Thomas F. Klinkner, City Attorney

Date: _____

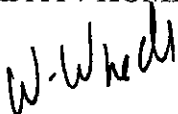
CITY MANAGER'S REPORT

MANAGERS REPORT

January 11, 2010

TO: MAYOR HORNADAY / HOMER CITY COUNCIL

FROM: WALT WREDE



UPDATES / FOLLOW-UP

1. Climate Action Plan: We are moving forward with planning on how to implement the Climate Action Plan. The Plan was presented to the Council at its meeting on December 14. Council requested that it have some time to read and digest the Plan and then have a workshop with Joel to discuss it in detail. Jo and I talked about the workshop this week and she has tentatively scheduled it for the last meeting in February. At that time, Council could consider its next steps including a resolution accepting or adopting the plan and specific implementation actions. In the meantime, Anne Marie is keeping track of the possible funding sources including the Energy Efficiency and Conservation Block Grant Program (The City is basically guaranteed funding but will need to apply and program rules are not finalized yet) and the AHFC Performance Contracting Program. The rules for this program are expected to be available in March provided the Legislature authorizes the bonds. Performance Contracting is described in the Climate Action Plan and is a very interesting concept. I met with the Library Advisory Board on January 5 to discuss capital improvements and energy efficiency at the Library.
2. Kachemak Drive Phase II Water and Sewer. We will ask Council for some direction on this project again very soon. The City has now obtained all of the environmental permits necessary to proceed with construction. The easements that are needed from property owners continue to come in slowly and there are about 16 remaining. I will be reviewing the status of HAWSP funds and the City's current debt obligation again in order to make a recommendation about whether the City can afford to finance this project at this time. We will likely ask the Council to authorize us to begin the first steps in preparation for an eminent domain proceeding in case that becomes necessary to obtain the remaining easements. Final authority there remains with the Council but some initial steps are necessary before the Council can make a decisions to proceed. We are aware that moving forward with this project will be very unpopular among some residents. But we also have to keep in mind that this LID was approved by a majority of the property owners in the LID and they have rights also.
3. Grants for Police and Fire Personnel. We are actively monitoring the status of Stimulus Package grant programs for funding Police and Fire Department positions. In 2009, we declined to apply for funding under the COPPS program because the strings attached seemed too onerous. However, it appears that this program may be reauthorized and we will take another look given current budget constraints. Chief Painter has applied for two positions under the federal SAFER

- program. The conditions attached to this program are very favorable and we would be happy to discuss this in detail at the meeting.
4. University Lands / Baycrest Ski Trails / Conservation Easement. Council will recall that several years ago, the City accepted title to land formally owned by the University of Alaska near Rogers Loop Road. This property contains a good portion of the Baycrest Ski Trails and was designated municipal parkland by ordinance. There are restrictions in the terms of the grant used to purchase the property which state that the land may only be used for conservation, recreation, and forestry projects. Money for the purchase was obtained by the Kachemak Heritage Land Trust. The state Department of Natural Resources has contacted us and requested that a conservation easement be placed on the property. According to DNR, this is a requirement of the Forest Legacy Program (a major funding source for the purchase) which was overlooked or forgotten at the time. Since DNR is responsible for this program in Alaska, it has requested the City's assistance. We are currently reviewing a draft conservation easement and when it is ready, will bring it to Council for its consideration.
 5. New Sounds System: Jo reports that the contractor will install the new sound system in the Council Chambers on January 26.
 6. West Campus Boiler: Carey reports that the new high efficiency boiler was installed at the Old Intermediate School over the Holiday break. Fine tuning is underway. It is estimated that this will save 20 to 30 percent in fuel costs at the building.
 7. Homer Foundation Funding: Attached is a letter from the Homer Foundation outlining how it wishes to disperse the funding it will receive from the City in 2010. I bring this to your attention because in past years, the policy was that half of the City contribution was made available for distribution to nonprofits and the other half was deposited into the City's nonprofit endowment fund managed by the Foundation for long term growth. Last year, for the first time, the Foundation distributed all of the City's contribution plus the interest earned by the endowment fund. The Foundation cited economic conditions and the extraordinary need expressed by nonprofits around town. The Foundation proposes to do the same thing this year. If the Council had any concerns about this proposal, it should make those concerns known to the Foundation.
 8. Deputy Fire Chief Position: Council will recall that one of the positions that was vacant and unfilled as we worked on the 2010 Budget was the Deputy Fire Chief position. This position is still vacant and unfunded. In preparation for the time when funding can be secured, the Chief is proposing a reorganization that should save money but increase efficiency and improve overall operation and service delivery. Under this plan, the Deputy Chief position would be eliminated and replaced with an ESS / Trainer position. The new position would be responsible for all regular ESS functions and for tasks associated with volunteer training. This step will reduce employee costs, improve training and support for the volunteers that the City relies so heavily upon, and improve coverage and service delivery to the community. It has my full support.
 9. Beluga Whales: As you probably know, much of Cook Inlet and Kachemak Bay was recently designated as critical habitat for Beluga whales. There is no shortage of

opinions on this topic as you might imagine. You may have noticed that Mayor Carey, along with Mayor Sullivan and the Mayor of the Mat-Su Borough have already weighed in. We will be attending workshops and closely monitoring the impacts this designation may have, both good and bad, on Kachemak Bay and on City operations. For example, this will definitely add another layer of review to capital projects such as the Deep Water Dock expansion and the East Boat Harbor project.

ATTACHMENTS

1. Letter from Homer Foundation
2. Letter from Kachemak Nordic Ski Club
3. Memo from Public Works re: Hickerson Memorial Cemetary

HOMER FOUNDATION

PO Box 2600
Homer, AK 99603

907-235-0541 (voice)
907-235-2021(fax)
info@homerfund.org
www.homerfund.org

December 28, 2009

Board of Trustees

Constance Alderfer
Chair

Carol Swartz
Vice Chair

Buck Laukitis
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Mary Epperson
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Philemon Morris

Ann Keffer
Bonnie Jason

Susan Cushing
Ron Senungetuk

Virginia Wise
Dan Westerburg

Executive Director
Joy Steward

Past President 1991-2003
Steve Yoshida

Walt Wrede, City Manager
City of Homer
419 E. Pioneer Ave.
Homer, AK 99603

Dear Walt,

I am writing to confirm that the City of Homer has made a \$20,000 allocation to the Homer Foundation in their 2010 budget. It is our intent to use these funds to support the City of Homer Grants Program that the Homer Foundation has administered each year. Although our primary purpose is to encourage long-term (endowed) philanthropy, we recognize that our local nonprofits have been hard hit by the economic downturn. We feel that it would be in the community's best interest to distribute the funds in their entirety. We will add the earnings from both the City of Homer Endowment Fund and the Kachemak City Endowment Fund, making a total of \$27,100 available for distribution.

Sincerely,



Joy Steward, Director
The Homer Foundation

Kachemak Nordic Ski Club

www.kachemaknordicskiclub.org

PO Box 44** Homer, AK 99603-0044

kachemaknordicskiclub@gmail.com

Land Use Partner
City of Homer – City Manager
Walt Wrede
491 East Pioneer Ave.
HOMER, AK 99603
November 21, 2009

Dear *Walt,*

The Kachemak Nordic Ski Club thanks the City of Homer for being a Land Use Partner. Community cash donations and in-kind contributions make it possible for us to build, maintain and groom over 70 kilometers of non-motorized trails in the Homer area.

Eveline State Recreation Site and McNeil Ski Trails allow snowshoeing and skiing with dogs. Eveline has wonderful wildflower summer hiking trails. Partners for these trails are the Alaska State Parks, the Kenai Peninsula Borough and the KPB School District.

Baycrest Ski trails have designated snowshoe areas and allow skiing with dogs on the lower trails. Baycrest Ski Trails are located within the Homer Demonstration Forest, the City of Homer Diamond Creek property, Kenai Peninsula Borough parcels, and a variety of private parcels. The Homer Demonstration Forest manages summer hiking trails in the area.

The Lookout Mountain Nordic Trails are available for hiking, running, and mountain biking during the summer and skiing in the winter. These trails are located on Kenai Peninsula Borough Leased Land and State Agricultural and Recreational Land.

We appreciate being able to work with the City of Homer to bring expanded skiing and snowshoeing opportunities to the Baycrest area. We appreciate all of our Land Use Partners. Together we can make a difference for skiing, snowshoeing and hiking in Homer.

You will receive the Alaska Nordic Skier, published during the winter, which has important information about KNSC fundraising events and trail construction projects.

We deeply appreciate your support,

KNSC Board of Directors

Alan Parks – President 235-5680

Dave Brann – Vice-president

Richard Burton – Secretary

Tara Schmidt – Treasurer

Kenton Bloom

Molly Brann – Membership 235-6018

Mike Byerly

Jan Spurkland

Kevin Walker

Hope to see you on the trails.

Molly Brann

Office of the City Clerk

Jo Johnson, CMC, City Clerk
Melissa Jacobsen, Deputy City Clerk II
Renee Krause, Deputy City Clerk I
Rachel Tussey, Clerical Assistant



491 E. Pioneer Avenue
Homer, Alaska 99603
(907) 235-3130
(907) 235-8121
ext: 2226, 2227, 2224, or 2251
Fax: (907) 235-3143
Email: clerk@ci.homer.ak.us

MEMORANDUM - REPORT

TO: MAYOR HORNADAY AND HOMER CITY COUNCIL
FROM: MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK (hj)
DATE: JANUARY 5, 2010
SUBJ: CURRENT BID(S) AND REQUEST FOR PROPOSALS

INVESTMENT OF PERMANENT FUND REQUEST FOR PROPOSALS - Proposals to provide for the investment of certain funds for the City of Homer will be received at the Office of the City Clerk, City Hall, City of Homer, 491 East Pioneer Avenue, Homer, Alaska, until 4:00 p.m. December 17, 2009. The time of receipt will be determined by the City Clerk's time stamp. Bidders are required to be on the Plan Holder's List to have their proposals evaluated by the selection committee.

CITY WEBSITE RFP - The City of Homer, Alaska is now soliciting proposals for the redesign, development and implementation of the City of Homer website. Proposal specifications, project objectives and evaluation criteria are detailed in the Request for Proposal package. Responses to the City's Request for Proposal will be received at the office of the City Clerk, 491 East Pioneer Avenue, Homer, Alaska 99603, until 4:30 pm on December 7, 2009. Proposals received after the time specified or proposals received from proposers not listed on the plan holders list will be considered non-responsive and shall not be considered. Copies of the Request for Proposal package are available at the Office of the City Clerk. To obtain a copy of the proposal package and to be listed on the plan holders list, please contact the City Clerk at (907) 235-3130. The City of Homer reserves the right to accept or reject any or all bids, to waive irregularities or informalities in the bids, and to award the contract to the lowest responsive bidder.

Office of the City Clerk

Jo Johnson, CMC, City Clerk
Melissa Jacobsen, Deputy City Clerk II
Renee Krause, Deputy City Clerk I
Rachel Tussey, Clerical Assistant



491 E. Pioneer Avenue
Homer, Alaska 99603
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Email: clerk@ci.homer.ak.us

MEMORANDUM - INFORMATIONAL ONLY

TO: MAYOR HORNADAY AND HOMER CITY COUNCIL
FROM: RENEE KRAUSE, DEPUTY CITY CLERK I
DATE: DECEMBER 11, 2009
SUBJECT: PUBLIC INPUT ON THE QUESTION OF THE WEEK

Public Input Containers are located at Captain's Coffee Roasting Co., The Homer Bookstore, Fat Olive's Restaurant, Duncan House Diner, Homer Public Library, Latitude 59, Redden Marine Services of Homer, Spenard Builders Supply, Inc., The Washboard, Glacier View Drive In, Bay Club, Homer City Hall, and includes emailed input received. The comments are depicted, as close as we could get, to "as written".

The City is looking into revamping its website and making it more user friendly. What improvements would you like to see on the city website?

Responses:

This is just another example of the City Wasting the taxpayers Money on unnecessary Special Projects! Wait until there is Money available for this!

JOB LISTINGS

DON'T Spend our Tax \$ ON THIS.

The city of Homer has Lost it's heart And soul. The city has been A Total Power hungrey
This city was a town for fishermen. the heart of this town has Been removed

Clerk's page always best. Pattern after theirs. Quit spending unnecessarily

Office of the City Clerk

Jo Johnson, CMC, City Clerk
Melissa Jacobsen, Deputy City Clerk II
Renee Krause, Deputy City Clerk I
Rachel Tussey, Clerical Assistant



491 E. Pioneer Avenue
Homer, Alaska 99603
(907) 235-3130
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Fax: (907) 235-3143
Email: clerk@ci.homer.ak.us

MEMORANDUM - INFORMATIONAL ONLY

TO: MAYOR HORNADAY AND HOMER CITY COUNCIL
FROM: RENEE KRAUSE, DEPUTY CITY CLERK I
DATE: DECEMBER 28, 2009
SUBJECT: PUBLIC INPUT ON THE QUESTION OF THE WEEK

Public Input Containers are located at Captain's Coffee Roasting Co., The Homer Bookstore, Fat Olive's Restaurant, Duncan House Diner, Homer Public Library, Latitude 59, Redden Marine Services of Homer, Spenard Builders Supply, Inc., The Washboard, Glacier View Drive In, Bay Club, Homer City Hall, and includes emailed input received. The comments are depicted, as close as we could get, to "as written".

This week's question is simple...Why do you choose to live in Homer?

Responses:

THE NATURAL BEAUTY THE MIX OF PEOPLE THE MIX OF SMAL STORES AND RESTAURANTS THE ACCESS TO THE PARK ACROSS THE BAY

the Beach you can do everything in Homer

FOR THE View – NOT Windmills in Every Yard

I choose to live outside Homer.

BECAUSE THERE'S A QUESTION OF THE WEEK!

I couldn't handle the drama, so I Left!

I fell in love with Homer when I first visited in 1978, at age 21. The beauty and the wildness are what attracted me - the ocean, the mountains, the seagulls - but I also liked the community. I still do, although I have been dismayed to see increases in traffic with concurrent increases in trails and sidewalks. I see a lot more old people (like me!) and fewer young people. We could address these issues by supporting the college and investing in quality-of-life infrastructure like parks, trails, and sidewalks. If we ignore these things, Homer will still have a beautiful setting but the town itself will deteriorate, and people like me will start thinking that life might be better someplace else. I hate to say it, but I do think that sometimes.

I got stuck here Jan. 2008. Been here ever since.

I don't live in homer I live in Wassila but I would live in Homer because of the ocean

COMMITTEE REPORT

PENDING BUSINESS

ORDINANCE REFERENCE SHEET
2009 ORDINANCE
ORDINANCE 09-40

An Ordinance of the Homer City Council Adopting the 2008 Homer Comprehensive Plan and Recommending Adoption by the Kenai Peninsula Borough.

Sponsor: City Manager

1. City Council Regular Meeting September 14, 2009 Introduction
2. City Council Committee of the Whole Meeting September 28, 2009 Discussion
 - a. Written public comments
3. City Council Regular Meeting October 12, 2009 Public Hearing
 - a. Substitute Ordinance 09-40(S)
4. City Council Regular Meeting October 26, 2009 Public Hearing
 - a. Substitute Ordinance 09-40(S)
5. City Council Regular Meeting October 26, 2009 Public Hearing and Second Reading
 - a. Substitute Ordinance 09-40(S)
6. City Council Regular Meeting November 23, 2009 Public Hearing and Second Reading
 - a. Substitute Ordinance 09-40(S)
7. City Council Regular Meeting January 11, 2010 Second Reading
 - a. Written public comments

1 CITY OF HOMER
2 HOMER, ALASKA

3 City Manager

4 ORDINANCE 09-40(S)

5
6 AN ORDINANCE OF THE HOMER CITY COUNCIL
7 ADOPTING THE 2008 HOMER COMPREHENSIVE PLAN
8 AND RECOMMENDING ADOPTION BY THE KENAI
9 PENINSULA BOROUGH.

10
11 WHEREAS, The Kenai Peninsula Borough as a Second Class Borough shall
12 provide for planning on an areawide basis in accordance with AS 29.40; and

13
14 WHEREAS, As provided in Kenai Peninsula Borough Code 21.01.025, ~~from time to~~
15 ~~time the City Council shall~~ cities in the Borough requesting extensive comprehensive
16 plan amendments may recommend to the Kenai Peninsula Borough ~~for adoption a Homer~~
17 ~~comprehensive plan and amendments to that plan~~ Planning Commission a change to the
18 city comprehensive plan; and

19
20 WHEREAS, The City of Homer has prepared a extensive comprehensive plan
21 amendments in the form of the 2008 Homer Comprehensive Plan; and

22
23 WHEREAS, A comprehensive plan is a public declaration of policy statements,
24 goals, standards and maps for guiding the physical, social and economic development, both
25 private and public, of the City; and

26
27 WHEREAS, The 2008 Homer Comprehensive Plan will guide the development of
28 the City of Homer; and

29
30 WHEREAS, The Homer Advisory Planning Commission and other City
31 commissions and bodies have reviewed said plan and/or conducted public hearings; and

32
33 WHEREAS, The Homer City Council, based upon the recommendation of the
34 Homer Advisory Planning Commission, recommends that the Kenai Peninsula Borough
35 Planning Commission and Assembly adopt the 2008 Homer Comprehensive Plan.

36
37 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

38
39 Section 1. The 2008 Homer Comprehensive Plan is hereby adopted as the City of
40 Homer Comprehensive Plan, superseding the 1999 Comprehensive Plan update and the
41 1989 Comprehensive Plan.

42
43 Section 2. The previously adopted Homer Non-Motorized Transportation and Trail

[**Bold and underlined added.** Deleted language stricken through.]

44 Plan (2004), Homer Area Transportation Plan (2005) and the Homer Town Center
45 Development Plan (2006), remain part of the Homer Comprehensive Plan.

46
47 Section 3. Subsection (b) of Homer City Code 21.02.010, Comprehensive Plan—
48 Adoption, is amended to read as follows:

49
50 b. The following documents, as initially approved and subsequently amended,
51 are adopted by reference as comprising the Homer Comprehensive Plan.

- 52 1. Homer Comprehensive Plan (2008) ~~(1990)~~
53 2. ~~Homer Comprehensive Plan Update (1999)~~
54 3. ~~Homer Master Roads and Streets Plan (1986)~~
55 24. Homer Non-Motorized Transportation and Trail Plan (2004)
56 35. Homer Area Transportation Plan (2005)
57 46. Homer Town Center Development Plan (2006)
58

59 Section 4. The City hereby recommends that the Kenai Peninsula Borough
60 **Planning Commission and Assembly** adopt the 2008 Homer Comprehensive Plan **as**
61 **extensive comprehensive plan amendments under Kenai Peninsula Borough Code**
62 **21.01.025, and** as an element of the Official Borough Comprehensive Plan within the City
63 of Homer planning area of the Borough.

64
65 Section 5. Sections 1 through 3 of this ordinance shall take effect upon the adoption
66 of the 2008 Homer Comprehensive Plan by the Kenai Peninsula Borough Assembly. The
67 remainder of this ordinance shall take effect upon its adoption by the Homer City Council.

68
69 Section 6. Section 3 of this ordinance is of a permanent and general character and
70 shall be included in the city code. The remainder of this ordinance is not of a permanent
71 nature and is a non code ordinance.

72
73 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day
74 of _____ 2009.

75
76 CITY OF HOMER

77
78
79
80 _____
81 JAMES C. HORNADAY, MAYOR

82 ATTEST:

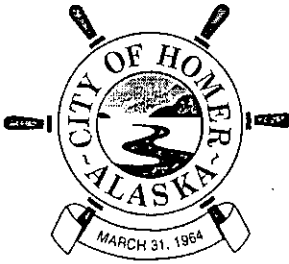
83
84
85 _____
86 JO JOHNSON, CMC, CITY CLERK

- 87 YES:
- 88 NO:
- 89 ABSTAIN:
- 90 ABSENT:
- 91
- 92 First Reading:
- 93 Public Hearing:
- 94 Second Reading:
- 95 Effective Date:
- 96
- 97 Reviewed and approved as to form:
- 98
- 99

100 _____
101 Walt E. Wrede, City Manager
102
103 Date: _____

Thomas F. Klinkner, City Attorney

Date: _____



City of Homer Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

Telephone (907) 235-3106
Fax (907) 235-3118
E-mail Planning@ci.homer.ak.us
Web Site www.ci.homer.ak.us

MEMORANDUM 10-11

TO: Mayor Hornaday and Homer City Council
THRU: Walt Wrede, City Manager
FROM: Rick Abboud City Planner, Julie Engebretsen, Planning Technician
DATE: December 30, 2009
SUBJ: 2008 Comprehensive Plan Adoption

Introduction

The January 11, 2010 version of the 2008 Comprehensive Plan includes:

1. All changes made by the Council and adopted in November.
2. A revised Chapter 10, Implementation, as requested. The implementation tables in Chapter 10 focus on actions the City will take to implement the plan, and which divisions of City government are responsible.
3. A final review correcting any format and grammar issues.

Recommendation: Adopt Ordinance 09-40(S) and forward to the Kenai Peninsula Borough for final adoption of the plan.

Jo Johnson

From: Frank Griswold [fsgriz@alaska.net]
Sent: Monday, November 23, 2009 11:27 PM
To: Jo Johnson
Subject: Comprehensive Plan Ordinances 09-40 and 09-40(S)

Dear Mayor and Council members:

On page 4 under section 5 of Attorney Klinkner's November 10, 2009 Memorandum, he states that AS 29.25.010(a)(6) requires that the City use an ordinance to "adopt, modify or repeal the comprehensive plan." But these provisions only apply to municipalities that have the authority to adopt, modify or repeal their comprehensive plan in the first place. The City of Homer does not have the authority to adopt extensive amendments to its land use plan nor does it have the authority to repeal its comprehensive plan. If it did, "Ordinance" 09-40(S) would not be recommending that the **Kenai Peninsula Borough Planning Commission and Assembly** adopt the 2008 Homer Comprehensive Plan. Note that three previous recommendations for extensive changes to the Homer Comprehensive Plan, including the 1999 Update, were enacted by resolution, not by ordinance, and all were reviewed for form by a City Attorney. In section 4 of his memorandum, Attorney Klinkner states, "The [KPB} assembly . . . shall make extensive comprehensive plan amendments by ordinance" (not the City of Homer). Attorney Klinkner points out that "Extensive amendments to the City's Comprehensive plan remain subject to the recommendation by the Borough Planning Commission and approval by the Borough Assembly under KPB 21.01.025 (E) and (F) but fails to acknowledge that it is solely the duty of the KPB Planning Commission to **prepare** extensive amendments to the comprehensive plan for the City of Homer. Attorney KLinkner's memorandum fails to mention AS 29.40.020(b)(1) which mandates that the Kenai Peninsula Borough Planning Commission prepare and submit to the Kenai Peninsula Borough Assembly a proposed comprehensive plan in accordance with AS 29.40.030. He also fails to mention AS 29.40.030(b) which requires that the KPB Assembly undertake periodic review of Homer's Comprehensive Plan and determine if and when an update is necessary. The City of Homer is attempting to hijack the duties of the Kenai Peninsula Borough Planning Commission and Assembly by preparing the 2008 Comprehensive Plan as if the City has been delegated planning authority, which it has not.

Ask Attorney Klinkner what provision of code gives the City of Homer the authority to prepare and submit a comprehensive plan to the KPB Planning Commission? Ask him how Ordinance 09-40(S) got from "Whereas cities in the Borough requesting extensive comprehensive plan amendments may ***recommend*** to the Kenai Peninsula Borough Planning Commission a change to the city comprehensive plan" to the next whereas clause, "Whereas the City of Homer has ***prepared*** extensive comprehensive plan amendments in the form of the 2008 Homer Comprehensive Plan." Ask him why he ignored AS 29.40.020(b)(1) and AS 29.40.030(b) in his memorandum. Ask him what specific provision of Homer City Code or other authority gives Mayor Hornaday the right to appoint a committee to prepare the first draft of the 2008 Comprehensive Plan.

You wouldn't allow an unqualified, conflicted committee to prepare the city's budget; why would you allow one to prepare the city's comprehensive plan?

Frank Griswold

Devony Lehner and Thomas Taffe
P.O. Box 356, Homer, AK 99603
(907) 235-4212

December 29, 2009

Dear City Council Members,

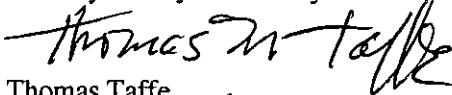
This letter is in reference to the 2008 City of Homer Comprehensive Plan now awaiting City Council approval. We would like to correct a factual inaccuracy portrayed on the "Land Use Designations Map." The inaccuracy could lead to future confusion.

We are developing the Stream Hill Park (SHP) subdivision within Homer city limits. The City of Homer approved our preliminary plat map on September 21, 2005. We have received final plat approval from the Kenai Peninsula Borough on the first two phases of our subdivision plan, encompassing 50 residential lots. When fully built out, Stream Hill Park will provide 72 residential lots on 35 acres surrounded by over 40 acres of open space and parks. On October 31, 2006, we recorded a "Master Declaration" with the state Recorder's office (recording number 2006-005066-0). The Master Declaration is a legally binding document that provides specific guidelines for the development of all lands within SHP. We refer to the "Rural Residential" (RR) zoning code in the development guidelines contained within this Declaration. The Declaration also permanently establishes the open space/parklands within our subdivision, the largest of which is over 16 acres in size.

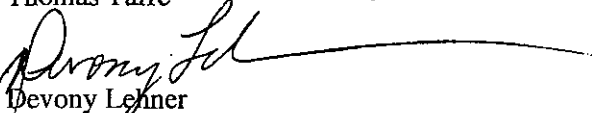
According to the "Land Use Designations" map in the 2008 City of Homer Comprehensive Plan, all of Stream Hill Park is proposed to be "redesignated" from its existing zoning category of Rural Residential to a designation called "R2, Transitional Residential." (R2 is described in the plan as having "[d]evelopment at a density between rural and urban...") We and those who have bought parcels in SHP are, therefore, "affected property owners" with respect to this element of the Comprehensive Plan. R2 is an entirely new zoning category ("land use designation"). In Homer City Code, all currently existing zoning categories, such as RR (R3 in the new comprehensive plan), are defined in terms of outright and conditionally permitted uses, minimum lot sizes, building setbacks, etc. The 2008 Comprehensive Plan fails to provide comparable information about the R2 land use designation, and because this category is new, it is not yet described in Homer City Code. There is, therefore, no way to assess the implications of this change for our subdivision, our homeowners' association, or our buyers. In order to prevent any conflicts with our legally binding Master Declaration or any future confusion related to SHP land uses, zoning issues, tax assessments, etc., we request that all lands within Stream Hill Park remain in the R3 (Rural Residential) land use designation.

Because of other areas affected by these sorts of confusing changes, we recommend that approval of the revised Homer Comprehensive Plan be delayed until landowners potentially affected by new zoning categories ("land use designations") have available enough information to assess the effects to them and their parcels of proposed changes to parcel designations. We also recommend that property owners be notified in writing if the "designation" (future zoning) of their parcels is proposed to be changed.

Thank you very much for your attention to these issues.



Thomas Taffe



Devony Lehner

cc. Kenai Peninsula Borough Planning Department

Jo Johnson

From: edzer@xyz.net
Sent: Tuesday, January 05, 2010 9:33 PM
To: Jo Johnson
Subject: Comment on City Matters

To Mayor Hornaday and the City Council Members,

I have recently become aware of changes being made to the Comprehensive Plan as put forth by Agnew & Beck with rezoning of the top of West Hill as "Neighborhood Commercial". I was unable to access the plan to read it for myself due to its volume; my computer went into error mode because of the length of time it was taking to upload. My understanding is that the residents of this area have not been notified because this change is being created under the heading of a "land use designation" versus a "zoning" change. This is not an above board method to make changes. Although I own land within the city limits, I am currently residing not far from the top of West Hill. Driving by the sheet metal shop and all of the large trucks and pieces of equipment just above Eagle Street creates distress for me twice daily. It is NOT an area that should be designated for commercial use, at least not without further stipulation that limits the size of buildings and quantity of equipment and requires natural barriers of vegetation (evergreen trees) to be created to block the commercial development from view.

It is also my understanding that land east of West Hill is being rezoned as "transitional zoning". What is that exactly? And how permanent is that designation? It was described to me as being more dense than rural residential but less dense than urban. As a land owner in Stream Hill Park, I already have legal documents that designate that subdivision as rural residential. This needs to be specifically specified in the Comprehensive Plan so that there is no confusion with future land sales. I would also speculate that there are other subdivisions that have existing legally specified zoning rules that will also be exempt from this new "transitional zoning". Are all of those land holders aware of these changes?

Until the public is made more aware of these significant changes being proposed by the city council, and had an opportunity for public comment, no action should be taken by the city council. There needs to be information in the newspapers and easy to understand maps indicating the proposed changes be made available in the newspapers.

I urge you to delay any decisions until the public is more informed and has had time for comments.

Thank-you.
Jennifer Edwards

Office of the City Clerk


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



491 E. Pioneer Avenue
Homer, Alaska 99603
(907) 235-3130
(907) 235-8121
ext: 2224, 2226, or 2227
Fax: (907) 235-3143
Email: clerk@ci.homer.ak.us

MEMORANDUM 10-14

TO: MAYOR HORNADAY AND HOMER CITY COUNCIL

FROM: JO JOHNSON, CMC, CITY CLERK 

DATE: JANUARY 5, 2010

SUBJECT: REQUEST FOR EXECUTIVE SESSION PURSUANT TO AS §44.62.310(C)(3), MATTERS, WHICH BY LAW, MUNICIPAL CHARTER, OR ORDINANCES ARE REQUIRED TO BE CONFIDENTIAL. (ETHICS CASE NO. 2009-01)

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

Mayor Hornaday requested an Executive Session regarding "Ethics Case No. 2009-01" for the Regular Meeting of January 11, 2010. This has been publicly and internally noticed since that time.

City Attorney Klinkner will be present.

RECOMMENDATION:

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

NEW BUSINESS


Office of the City Clerk

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



491 E. Pioneer Avenue
Homer, Alaska 99603
(907) 235-3130
(907) 235-8121
ext: 2224, 2226, or 2227
Fax: (907) 235-3143
Email: clerk@ci.homer.ak.us

MEMORANDUM 10-03

TO: MAYOR HORNADAY AND HOMER CITY COUNCIL
FROM: JO JOHNSON, CMC, CITY CLERK 
DATE: JANUARY 4, 2010
SUBJECT: COUNCIL SEATING.

It is customary for City Council seating arrangements to be made at the Special Meeting in October. The oath of office for newly elected officials is administered and then seat selection is done. The Mayor Pro Tempore has the first seating choice, followed by the Councilmembers in the order of their seniority.

At the October 20, 2009 Special Meeting, Councilmember Lewis was absent. Councilmember Zak chose to be seated in Councilmember Lewis' seat. Because both Councilmembers Lewis and Zak were elected at the same time, neither has seniority over the other. Due to Councilmember Lewis' absence at the October meeting, he was not able to defend his seat. The seating has not been revisited with a full Council.

I suggest that all Councilmembers return to their post October 2009 assigned seats. In the spirit of fairness, a coin toss would be a simple and unbiased way to determine the seating arrangement. The seat selection should occur in this order:
Mayor Pro Tempore Wythe
Councilmembers Roberts, Howard, Lewis & Zak (by coin toss), Hogan

RECOMMENDATION:

Revisit Council seating and conduct a coin toss if needed.

Fiscal Note: N/A

RESOLUTIONS

**CITY OF HOMER
HOMER, ALASKA**

City Manager

RESOLUTION 10-01

A RESOLUTION OF THE CITY COUNCIL OF HOMER,
ALASKA, CONFIRMING THE CITY MANAGER'S
APPOINTMENT OF ROBERT PAINTER AS THE
ACTING CITY MANAGER FOR CALENDAR YEAR
2010.

WHEREAS, Homer City Code 1.20.010(b) states that the City Manager shall annually appoint an Acting City Manager, subject to the City Council confirmation which is revocable at any time, by the Council; and

WHEREAS, Pursuant to Homer City Code Section 1.20.010(b) the Acting City Manager shall assume the duties and powers of the City Manager in his absence.

NOW, THEREFORE, BE IT RESOLVED by the Homer City Council that Robert Painter is hereby appointed by City Manager Walt Wrede and confirmed by the Homer City Council as Acting City Manager for the Calendar Year 2010.

PASSED and ADOPTED by the City Council of Homer, Alaska, this 11th day of January, 2009.

CITY OF HOMER

JAMES C. HORNADAY, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

Fiscal Note: N/A

**CITY OF HOMER
HOMER, ALASKA**

City Manager

RESOLUTION 10-02

A RESOLUTION OF THE HOMER CITY COUNCIL
CONFIRMING THE APPOINTMENTS OF REGINA
HARVILLE AS TREASURER AND LAURIE MOORE
AS DEPUTY TREASURER FOR CALENDAR YEAR
2010.

WHEREAS, Homer City Code §1.34.010 states that the Treasurer and Deputy Treasurer shall be appointed by and serve at the pleasure of the City Manager, that the Treasurer and Deputy Treasurer shall be confirmed by the Council annually during the first meeting in January and whenever the appointment becomes vacant or whenever the City Manager deems it appropriate to change the appointment; and

WHEREAS, Pursuant to HCC §1.34.010, City Manager Walt Wrede hereby provides notice of the appointment of Regina Harville as Treasurer and Laurie Moore as Deputy Treasurer for Calendar Year 2010.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, confirms the appointments of Regina Harville as Treasurer and Laurie Moore as Deputy Treasurer for the Calendar Year 2010.

PASSED AND ADOPTED by the Homer City Council this 11th day of January, 2010.

CITY OF HOMER

JAMES C. HORNADAY, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

Fiscal Note: N/A

**CITY OF HOMER
HOMER, ALASKA**

City Clerk

RESOLUTION 10-03

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
DESIGNATING SIGNATORIES OF CITY ACCOUNTS AND
SUPERSEDING ANY PREVIOUS RESOLUTION SO DESIGNATING.

WHEREAS, City Council confirmed the selection of Beth Wythe as Mayor Pro Tempore at their October 20, 2009 meeting; and

WHEREAS, Robert Painter has been appointed, via Resolution 10-01, as the Acting City Manager for Calendar Year 2010; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of Homer, Alaska, that the designated signatories, effective on January 11, 2010 are as follows, with the number of signatories defined:

On the regular Wells Fargo Bank Alaska checking account #016030109 that the following are the designated signatories for this account, with dual signatures required for checks over \$5,000; on the investment accounts with Alaska Municipal League, First National Bank, Raymond James Investment, Wells Fargo Bank Alaska, and other institutions, and for Department of Administration Grants and other grants, one of the following authorized signatories or the dual electronic authorization system is required for all transactions:

**JAMES C. HORNADAY, MAYOR
BETH WYTHER, MAYOR PRO TEMPORE
WALT E. WREDE, CITY MANAGER
ROBERT PAINTER, ACTING CITY MANAGER
REGINA HARVILLE, FINANCE DIRECTOR/TREASURER
JO JOHNSON, CITY CLERK**

PASSED AND ADOPTED by the Homer City Council this 11th day of January, 2010.

CITY OF HOMER

JAMES C. HORNADAY, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

Fiscal Note: N/A

**CITY OF HOMER
HOMER, ALASKA**

City Clerk

RESOLUTION 10-04

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, AWARDED THE CONTRACT FOR THE PRESSURE REDUCING VAULT REPLACEMENT PROJECT TO THE FIRM OF ENDRIES COMPANY OF SOLDOTNA, ALASKA, IN THE AMOUNT OF \$171,500.00 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPROPRIATE DOCUMENTS.

WHEREAS, The Invitation to Bid was advertised in the Homer Tribune on November 11 and 18, 2009, the Peninsula Clarion and the Anchorage Daily News on November 15, 2009, sent to two in-state plans rooms, and posted on the Clerk's website; and

WHEREAS, Sealed bids were due in the Office of the City Clerk by 2:30 p.m. on Thursday, December 17, 2009; and

WHEREAS, Three sealed bids were received and Endries Company submitted the lowest responsive and responsible bid for the Pressure Reducing Vault Replacement Project; and

WHEREAS, This award is not final until written notification is received by Endries Company from the City of Homer.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, awards the contract for the Pressure Reducing Vault Replacement Project to the firm of Endries Company of Soldotna, Alaska, in the amount of \$171,500.00 and authorizes the City Manager to execute the appropriate documents.

PASSED AND ADOPTED by the Homer City Council this 11th day of January, 2010.

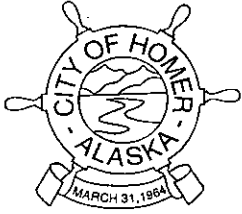
CITY OF HOMER

JAMES C. HORNADAY, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

Fiscal Note: Acct. No. 215-833 in the amount of \$171,500.00.



CITY OF HOMER
PUBLIC WORKS
3575 HEATH STREET HOMER, AK 99603

TELEPHONE (907)235-3170
FACSIMILE (907)235-3145

MEMORANDUM 10-04

To: Walt Wrede, City Manager
From: Carey Meyer, Public Works Director
Date: January 4, 2010
Subject: **ARRA PRV Replacement Project
Construction Contract Award Recommendations**

The City opened bids for this project on December 17. Three bids were received:

Bidder	Local/Non-Local	Bid Amount
East Road Services	Local*	\$189,800
Twin Peaks Construction	Not Local	\$222,685
Endries Company	Not Local	\$171,500
Engineer's Estimate		\$109,500

(The 5% local bidder's preference does not apply due to federal funding restrictions)

This work appears to be more expensive than the City Engineer thought. He has been properly reprimanded. In retrospect, the Hilltop PRV station (competed in 2006 did cost approx. \$165,000).

Public Works reviewed Endries Company's Contractor's Questionnaire and found it to show adequate capacity to complete the contract. Endries Company had an opportunity to review their bid and the scope of work and have committed to completing the work as described in the bid documents.

A notice of intent to award was sent to all bidders; each had the opportunity to protest this award; none were received.

This project is an ARRA (economic stimulus) project. The Council has previously authorized accepting a 90% forgiveness loan to fund the project through ADEC and authorized a \$200,000 project budget.

Recommendations:

The City Council award the construction contract to Endries Company, Soldotna, Alaska in the amount of \$171,500 for the PRV Replacement Project and authorize the City Manager to execute all appropriate documents to complete construction.

CITY OF HOMER

BID TALLY SHEET: PROJECT: Pressure Reducing Vault Replacement

Due Date and Time: December 17, 2009 @ 2:30 p.m. PROJECT No: _____
City Clerk's Office

Bidder No.	Bidder Name and Address	Part B / Part A	Bid Amount / Additive Alternate Amt.
1.	East Road Services 33740 Jones Drive Homer, AK 99603	✓ / ✓	\$189,800
2.	Endries Company 35280 Rockwood Dr. Soldotna, AK 99669	✓ / ✓	\$171,500
3.	Twin Peaks Construction PO Box 70 30950 Sterling Highway Anchor Point, AK 99556	✓ / ✓	\$222,685

City Engineer's Estimate if applicable: \$109,500

Staff Present: Public Works Director Meyer, Accounting Technician Earls, Deputy City Clerk Jacobsen

Comments: _____

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**CITY OF HOMER
HOMER, ALASKA**

City Clerk

RESOLUTION 10-05

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, AWARDING THE CONTRACT FOR THE HOMER SANITARY SEWER REHABILITATION PROJECT TO THE FIRM OF CONSTRUCTION UNLIMITED OF ANCHORAGE, ALASKA, IN THE AMOUNT OF \$897,895.90 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPROPRIATE DOCUMENTS.

WHEREAS, The Invitation to Bid was advertised in the Homer Tribune on November 4 and 11, 2009, the Peninsula Clarion and the Anchorage Daily News on November 8, 2009, sent to two in-state plans rooms, and posted on the Clerk's website; and

WHEREAS, Sealed bids were due in the Office of the City Clerk by 2:00 p.m. on Thursday, December 17, 2009; and

WHEREAS, Three sealed bids were received and Construction Unlimited submitted the lowest responsive and responsible bid for the Homer Sanitary Sewer Rehabilitation Project; and

WHEREAS, This award is not final until written notification is received by Construction Unlimited from the City of Homer.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, awards the contract for the Homer Sanitary Sewer Rehabilitation Project to the firm of Construction Unlimited of Anchorage, Alaska, in the amount of \$897,895.90 and authorizes the City Manager to execute the appropriate documents.

PASSED AND ADOPTED by the Homer City Council this 11th day of January, 2010.

CITY OF HOMER

JAMES C. HORNADAY, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

Fiscal Note: Acct. No. 215-832 in the amount of \$897,895.90.



CITY OF HOMER
PUBLIC WORKS
3575 HEATH STREET HOMER, AK 99603

TELEPHONE (907)235-3170
FACSIMILE (907)235-3145

MEMORANDUM 10-05

To: Walt Wrede, City Manager
From: Carey Meyer, Public Works Director
Date: January 4, 2010
Subject: **ARRA Sanitary Sewer Rehabilitation Project**
Construction Contract Award Recommendations

The City opened bids for this project on December 17. Three bids were received:

Bidder	Local/Non-Local	Bid Amount
Northern Mechanical	Non-Local	\$ 1,217,529.00
Construction Unlimited	Non-Local	\$ 897,895.90
Frawner Corporation	Non-Local	\$ 1,547,106.00
Engineer's Estimate		\$ 1,691,349.00

(5% local bidder's preference does not apply due to federal funding conditions)

The apparent low bid is significantly below the engineer's estimate. Public Works evaluated the low bid and met with Construction Unlimited to discuss the scope of work. Construction Unlimited explained that their liner cures with U/V light and not hot-water (making winter installation cheaper). The size of the project and the winter timing also had an effect on their bid. Public Works reviewed their Contractor's Questionnaire and found it to show adequate capacity to complete the contract. Construction Unlimited has had an opportunity to review their bid and the scope of work and has committed to complete the work as described in the bid documents. Based on our discussions with Construction Unlimited staff, a review of their previous performance and our engineer's counsel, Public Works recommends awarding the contract to the low bidder.

A notice of intent to award was sent to all bidders; each had the opportunity to protest this award; none were received. This project is an ARRA (economic stimulus) project. The Council has previously authorized accepting a 90% forgiveness loan to fund the project through ADEC and authorized a \$1,800,000 project budget. Public Works has identified additional sewer lining that is needed should the left over funds remain available. Any additional award will require City Council approval.

Recommendations:

The City Council award the construction contract to Construction Unlimited, Anchorage, Alaska in the amount of \$897,895.90 for the Sanitary Sewer Rehabilitation project and authorize the City Manager to execute all appropriate documents to complete construction.

CITY OF HOMER

BID TALLY SHEET: **PROJECT:** Sanitary Sewer Rehabilitation Project

Due Date and Time: December 17, 2009 @ 2:00 p.m. **PROJECT No:** _____
City Clerk's Office

Bidder No.	Bidder Name and Address	Part B / Part A	Bid Amount / Additive Alternate Amt.
1.	Northern Mechanical 2809 Iris Dr. Anchorage, AK 99517	✓ / ✓	\$1,217,528.25
2.	Frawner Corporation 9024 Vanguard Dr. Ste. 204 Anchorage, AK 99507	✓ / ✓	\$1,547,106.00
3.	Construction Unlimited 8821 Emerald St. Anchorage, AK 99502	✓ / ✓	\$897,895.00 <i>SS</i>

City Engineer's Estimate if applicable: \$1,681,851

Staff Present: Public Works Director Meyer, Accounting Technician Earls, Deputy City Clerk Jacobsen

Comments: _____

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**CITY OF HOMER
HOMER, ALASKA**

City Manager/
Public Works Director

RESOLUTION 10-06

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, AUTHORIZING THE CITY MANAGER TO ACCEPT AND APPROPRIATE AMERICAN RECOVERY AND REINVESTMENT ACT FUNDING (ARRA-STIMULUS BILL) IN THE FORM OF A LOAN (90% FORGIVEN UPON PURCHASE) IN THE AMOUNT OF \$145,355 FOR THE PURPOSE OF PURCHASING A NEW VACUUM SWEEPER.

WHEREAS, The American Recovery and Reinvestment Act (ARRA) contained funding that was directed to the Clean Water State Revolving Fund (CWSRF) and the City submitted an application for CWSRF funding to purchase a new street sweeper; and

WHEREAS, The Alaska Department of Environmental Conservation (ADEC) notified the City that its initial street sweeper application had been approved using ARRA funds and the funding offered was in the form of a loan in the amount of \$100,000, 90% of which will be forgiven if the City successfully completes the project; and

WHEREAS, the City Council has already approved the acceptance and appropriation of ARRA funding in the amount of \$100,000 for the purchase of the sweeper; and

WHEREAS, the actual cost of the sweeper was \$145,355 and additional ARRA funding is available to cover the actual costs of the sweeper purchase.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, authorizes the City Manager to execute the loan agreement for the purchase of a vacuum type sweeper in the amount of \$145,355; 90% of which will be forgiven when the City successfully completes the purchase.

PASSED AND ADOPTED by the Homer City Council this 11th day of January, 2010.

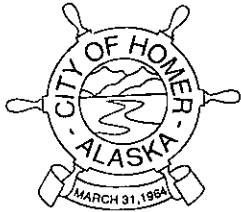
CITY OF HOMER

JAMES C. HORNADAY, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

Fiscal Note: Account No. 156-395-4992 - ACWF Loan - \$145,355.



CITY OF HOMER
PUBLIC WORKS
3575 HEATH STREET HOMER, AK 99603

TELEPHONE (907)235-3170
FACSIMILE (907)235-3145

MEMORANDUM 10-06

TO: Walt Wrede, City Manager

FROM: Carey Meyer, Public Works Director

DATE: January 5, 2010

RE: **Authorize Increased ARRA Loan Amount
Vacuum Type Street Sweeper**

The City Council passed Resolution 09-97, authorizing the City Manager to apply for and accept an ARRA (90% forgiveness economic stimulus) loan in the amount of \$100,000 to help purchase a vacuum type street sweeper for \$145,355. The City used reserve funds to cover the remaining portion.

Additional ARRA funds have been identified that would provide complete funding (90% forgiveness loan) for the entire purchase price. A new resolution is required to authorize the City Manager to apply for and accept a loan for the total amount.

Recommendations: The City Council approve a resolution (10-06) authorizing the City Manager to apply for an ARRA the loan for the purchase of a vacuum type sweeper in the amount of \$145,355, 90% of which will be forgiven when the City successfully completes the purchase of the sweeper, and authorize the City Manager to execute all appropriate loan documents.

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**CITY OF HOMER
HOMER, ALASKA**

City Manager/
Public Works Director

ORDINANCE 09-15(S)(A)

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AUTHORIZING THE CITY MANAGER TO ACCEPT AND APPROPRIATE AMERICAN RECOVERY AND REINVESTMENT ACT FUNDING (ARRA-STIMULUS BILL) IN THE FORM OF A LOAN (100% FORGIVEN UPON PURCHASE) IN THE AMOUNT OF \$100,000 AND AMENDING THE FY 2009 CAPITAL BUDGET BY APPROPRIATING AN ADDITIONAL \$15,000 FOR THE PURPOSE OF PURCHASING A NEW VACUUM SWEEPER.

WHEREAS, The American Recovery and Reinvestment Act (ARRA) contained funding that was directed to the Clean Water State Revolving Fund (CWSRF); and

WHEREAS, The CWSRF can be used to improve storm water treatment and management; and

WHEREAS, The City submitted an application for CWSRF funding to purchase a new street sweeper; and

WHEREAS, The Alaska Department of Environmental Conservation (ADEC) recently notified the City that its street sweeper application had been approved using ARRA funds; and

WHEREAS, The funding offered is in the form of a loan in the amount of \$100,000, all of which will be forgiven if the City successfully completes the project; and

WHEREAS, The FY 2009 Capital Budget contains \$50,000 to purchase a used street sweeper; and

WHEREAS, The Public Works Department has determined that if an additional \$15,000 were appropriated and added to the \$150,000 the City already has if the loan is approved, a new, more powerful and efficient vacuum sweeper could be purchased which would significantly improve air and storm water quality.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer City Council hereby authorizes the City Manager to make application for, accept, execute a loan agreement for, manage, and appropriate ARRA funding in the form of a loan through the CWSRF ACWF which is 100% forgiven upon successful completion of the project for the acquisition of a vacuum sweeper as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
156-395-4992	ACWF Loan	\$100,000

Section 2. The Homer City Council hereby amends the FY 2009 Capital Budget by appropriating an additional \$15,000 (New Total \$65,000) for the purchase of a vacuum sweeper as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
156-395-5901	PW Reserves	\$15,000

Section 3. This is a budget amendment ordinance, is temporary in nature, and shall not be codified.

ENACTED BY THE HOMER CITY COUNCIL this 11th day of May, 2009.

CITY OF HOMER


JAMES C. HORNADAY, MAYOR

ATTEST


JO JOHNSON, CMC, CITY CLERK

YES: 6
NO: 0
ABSENT: 0
ABSTAIN: 0

First Reading: 4/27/09
Public Hearing: 5/11/09
Second reading: 5/11/09
Effective Date: 5/12/09

Reviewed and approved as to form:


Walt Wrede, City Manager


Thomas F. Klinkner, City Attorney

Date: 3/15/09

Date: 5-19-09

**CITY OF HOMER
HOMER, ALASKA**

City Manager/
Public Works Director

RESOLUTION 09-97

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, AUTHORIZING THE CITY MANAGER TO ACCEPT AND APPROPRIATE AMERICAN RECOVERY AND REINVESTMENT ACT FUNDING (ARRA-STIMULUS BILL) IN THE FORM OF A LOAN (90% FORGIVEN UPON PURCHASE) IN THE AMOUNT OF \$100,000 FOR THE PURPOSE OF PURCHASING A NEW VACUUM SWEEPER.

WHEREAS, The American Recovery and Reinvestment Act (ARRA) contained funding that was directed to the Clean Water State Revolving Fund (CWSRF) and the City submitted an application for CWSRF funding to purchase a new street sweeper; and

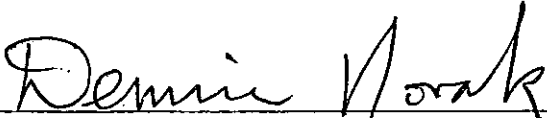
WHEREAS, The Alaska Department of Environmental Conservation (ADEC) recently notified the City that its street sweeper application had been approved using ARRA funds and the funding offered is in the form of a loan in the amount of \$100,000, 90% of which will be forgiven if the City successfully completes the project; and

WHEREAS, The FY 2009 Capital Budget contains an additional \$65,000 appropriated to allow for the purchase a new street sweeper [Ord. 09-15(S)(A)] and the Public Works Department has determined that with the ARRA loan funds and the funds available from the FY 2009 Capital Budget; a new, more powerful and efficient vacuum sweeper can be purchased which would significantly improve air and storm water quality.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, authorizes the City Manager to execute the loan agreement for the purchase of a vacuum type sweeper in the amount of \$100,000, 90% of which will be forgiven when the City successfully completes the purchase.

PASSED AND ADOPTED by the Homer City Council this 14th day of September, 2009.

CITY OF HOMER


DENNIS NOVAK, MAYOR PRO TEMPORE


JO JOHNSON, CMC, CITY CLERK

Fiscal Note: 156-395-4992 - ACWF Loan - \$100,000

**CITY OF HOMER
HOMER, ALASKA**

City Manager/
Lease Committee

RESOLUTION 10-07

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, AUTHORIZING THE CITY MANAGER TO ISSUE A REQUEST FOR PROPOSALS TO LEASE LOT 8-D-1 ON THE HOMER SPIT IMMEDIATELY ADJACENT TO THE DEEP WATER DOCK.

WHEREAS, The Port and Harbor Commission, local businesses, and numerous port and harbor users have repeatedly requested that the City do what it can to promote competition in fuel sales and distribution at the port and harbor; and

WHEREAS, Competition may serve to keep prices low, stimulate growth and economic development, create jobs, and keep Homer in a competitive position with respect to other ports and harbors; and

WHEREAS, Both the Port and Harbor Commission and the Lease Committee have recommended that the City Council make Lot 8-D-1 available for lease to interested and qualified businesses who are willing to use the lot for the purpose of fuel storage, distribution and a Deep Water Dock pipeline terminus; and

WHEREAS, The Port and Harbor Commission, the Lease Committee, and the City Administration all recommend that Lot 8-D-1 is the best suited for this purpose, is consistent with existing land use plans, does not interfere with existing port operations, and is the most desirable in terms of keeping future land use options open until the Spit Comprehensive Plan is adopted and the City knows more about the impacts of proposed capital improvements in the immediate area such the dock and harbor expansion projects.

NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby finds that it is in the overall public interest to promote competition in fuel sales and distribution at the port and harbor.

BE IT FURTHER RESOLVED that the Council hereby authorizes the City Manager to issue a Request for Proposals to lease Lot 8-D-1 for the purpose of developing a fuel storage, fuel distribution, and Deep Water Dock pipeline terminus facility.

PASSED AND ADOPTED by the Homer City Council this 11th day of January, 2010.

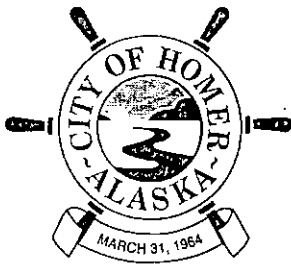
CITY OF HOMER

JAMES C. HORNADAY, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

Fiscal Note: N/A



City of Homer

Port / Harbor

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MEMORANDUM 10-07

TO: LEASE COMMITTEE
FROM: PORT AND HARBOR ADVISORY COMMISSION
DATE: NOVEMBER 10, 2009
SUBJ: HOME RUN OIL PROPOSAL

BACKGROUND:

The Lease Committee requested that the Port and Harbor Advisory Commission review and make a recommendation regarding the lease proposal from Home Run Oil for a fuel tank farm on Lot 13. This was on the Agenda under new Business A at the Port & Harbor Advisory Commission October 29, 2009 meeting.

Below are the excerpts from the unapproved minutes,

NEW BUSINESS

A. Lease Proposal Home Run Oil

a. Letter received as attachment via Email dated October 2, 2009

Port & Harbor Director Hawkins distributed information regarding the land allocation of Lot 13.

Points noted and comments were:

- Lot 13 has never been let out for Request for Proposal (RFP)
- Which area of Lot 13, tank location, and proximity to Deep Water Dock
- Physical review of selected location and additional recommendation from Commissioner Wedin
- Total quantity of fuel with both tank farms located in one spot.
- Ability to monitor spillage adequately for each separate entity.
- Current requirements for monitoring spills.
- Using the recommended lot is not favorable to the proposer due to the irregular shape and setbacks.
- The non-usage of the existing fuel dock.
- The chosen lot must have the land allocation description changed in order to be used for this project.
- The need for an additional supplier and competition on the Spit.

A brief discussion ensued regarding the recommendation requested of the Port & Harbor Advisory Commission from the Lease Committee on the tentative proposal from Home Run Oil.

WEDIN. - MOVED TO RECOMMEND PRESERVING THAT AREA AS A STAGING AREA DUE TO THE VALUE OF THAT LOT BEING IN SUCH CLOSE PROXIMITY TO THE DEEP WATER DOCK IT SHOULD BE RETAINED FOR THAT PURPOSE.

There was no second to the motion. A brief discussion followed on the Deep Water Dock and future expansion phases, but it will be too far in the future to benefit the proposed location.

VELSKO/HARTLEY - MOVED TO RECOMMEND HOME RUN OIL DEVELOP THE PROPOSAL AROUND LOT 8D1, CURRENTLY ALLOCATED FOR TRUCK STAGING AND IF THAT APPEARS TO BE UNFEASIBLE TO RECOMMEND THE WESTERN PORTION OF LOT 13, NOT TO EXCEED FORTY PERCENT OF THE LOT.

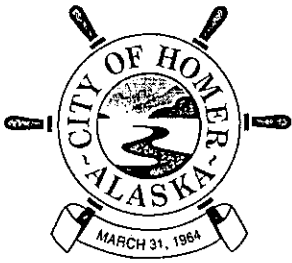
Discussion regarding the proposer of the motion to be Commissioner Wedin or Velsko and that it was not a concern could be a friendly amendment. (The original motion died for lack of a second.) Further discourse on the recommended area would also allow for expansion. The convenience of one lot over another; the argument was presented on the difference of one type of staging over another. There were no drawings of the proposed project and the current drawings are very conceptual at this time.

Commissioner Hartley called for the question.

VOTE. YES. VELSKO, ZIMMERMAN, HARTLEY, ULMER, WEDIN.
Motion carried.

RECOMMENDATION:

The Port & Harbor Advisory Commission recommend Homer Run Oil develop their proposal around Lot 8D1, but if that appears unfeasible they recommend the western portion of Lot 13, not to exceed 40% of the Lot.



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MEMORANDUM 10-08

TO: HOMER CITY COUNCIL & CITY MANAGER, WALT WREDE
FROM: LEASE COMMITTEE
DATE: DECEMBER 17, 2009
SUBJECT: RFP LOT 8D1, HOMER SPIT #6

Background

Home Run Oil submitted a proposal to the Lease Committee to construct a tank farm, fuel distribution hub and pipeline terminus on the Homer Spit on a portion of Lot 13, Homer Spit #5. The Lease Committee discussed the proposal at their October 8, 2009 meeting and asked for a recommendation from the Port and Harbor Advisory Commission. The Port & Harbor Advisory Commission reviewed the proposal at their October 28, 2009 meeting (memo attached) and recommended that Lot 8D1 would be their preferred location for the proposal since Lot 13 is designated as a Deep Water Dock staging area. If Lot 8D1 was not possible than they recommended the western portion of Lot 13 be considered. Map depicting the location of both lots is attached.

The Lease Committee discussed the issue at a Special Meeting on November 16, 2009. The unapproved minutes are attached. The Committee did not recommend the use of Lot 13 with the following motion:

HAWKINS/ALDERFER – MOVED THAT IN RESPONSE TO THE REQUEST FROM HOMER RUN OIL TO THE LEASE COMMITTEE FOR A LONG TERM LEASE OF A PORTION OF LOT 13 (HOMER SPIT #5) ON THE HOMER SPIT IN ORDER TO CONSTRUCT A TANK FARM, FUEL DISTRIBUTION HUB AND PIPELINE TERMINUS, THE LEASE COMMITTEE DENIES THIS REQUEST DUE TO THE CRITICAL NEED OF THIS PROPERTY AS SUPPORT FOR THE DEEP WATER DOCK PRESENT AND FUTURE CORE OPERATIONS, AS STATED IN THE CITY OF HOMER'S LAND USE PLAN.

VOTE. YES. HARVILLE, ALDERFER, HAWKINS, ABOUD.
VOTE. NO. VELSKO

After further discussion, the following motions were made:

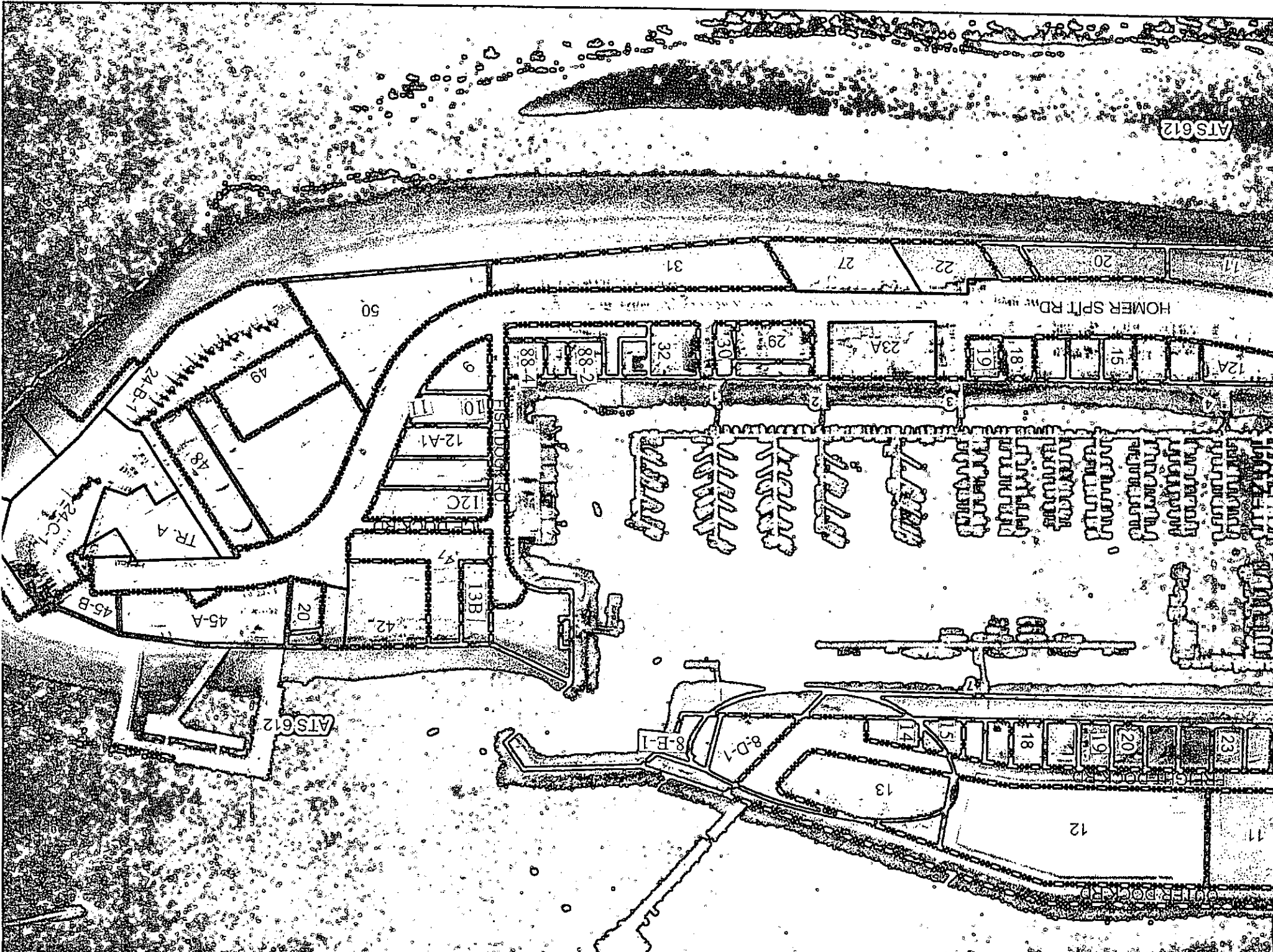
HAWKINS/VELSKO-THE LEASE COMMITTEE RECOMMENDS THAT THE HOMER CITY COUNCIL OFFER A REQUEST FOR PROPOSAL FOR LOT 8D1, HOMER SPIT #6, AS A PREFERRED LOCATION IN RESPONSE TO THE REQUEST FROM HOME RUN OIL FOR A LONG TERM LEASE ON THE SPIT FOR A TANK FARM, FUEL DISTRIBUTION HUB AND PIPELINE TERMINUS FROM THE CITY OF HOMER'S DEEP WATER DOCK.
VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

ALDERFER/HARVILLE – MOVED TO RECOMMEND PORT & HARBOR DIRECTOR AND CITY MANAGER TO INCLUDE ATYPICAL LEASE LENGTHS AS APPROPRIATE FOR THIS PROPOSAL PACKAGE.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Recommendation

Please review and recommend an RFP be offered for Lot 8D1, Homer Spit #6.



ATS612

HOMER SPLIT RD

FISHER DOCK RD

OUTER DOCK RD

ATS612

11

20

22

27

31

12A

15

18

19

23A

29

30

32

88 2

88 4

9

10

12-A1

12C

47

13B

42

20

45-A

45-B

48

49

24-B-1

24-C-1

TR A

8-D-1

8-E-1

23

18

19

20

13

12

LEASE COMMITTEE, NOVEMBER 16, 2009, EXCERPT OF UNAPPROVED MINUTES

NEW BUSINESS

Chair Erickson turned the gavel to Vice Chair Alderfer and stepped down from the dais as she was previously found to have a conflict of interest on the next topic for discussion.

A. Home Run Oil Lease Proposal for Tank Farm

Vice Chair Alderfer requested Mr. Hawkins to update the Committee.

Mr. Hawkins stated that after the last meeting questions were submitted from Home Run Oil. The Port and Harbor Advisory Commission reviewed this issue. The Commission did not fully support using Lot 13 but recommended using Lot 8D1 and if Lot 8D1 was not feasible for the proposed use then only recommended using the western portion of Lot 13. Clarification on what the western portion of Lot 13 was given by Mr. Hawkins using the aerial map of the spit; Mr. Abboud asked if a recent master plan or analysis was conducted on what would be needed to support activities related to the Deep Water Dock (DWD) expansion and what actually is the proposed plan for the DWD Expansion. Mr. Hawkins pointed out what Phase I, 2 and 3 of the DWD would entail. Mr. Abboud still had difficulty in processing a decision when he did not know the other side of the coin. He further asked what plans were made or talked about regarding support on the uplands.

Mr. Velsko stated that was a major concern of the Port & Harbor Commission to keep it for staging.

Ms. Harville asked if there would be enough room on Lot 8D1 for the proposed Tank Farm.

The Committee requested response from Mr. Erickson. Mr. Erickson responded the physical attributes of Lot 8D1 and some hindrances dealing with that lot.

Mr. Alderfer felt the Port & Harbor recommendation was either or situation. Mr. Velsko explained that they felt it was important to have the project proceed and that was why they recommended the western portion. He further added that the one causeway was so far in the future.

HAWKINS/ALDERFER - MOVED THAT IN RESPONSE OF HOME RUN OIL TO THE LEASE COMMITTEE FOR A LONG TERM LEASE OF A PORTION OF LOT 13 (HOMER Spit #5) ON THE HOMER SPIT IN ORDER TO CONSTRUCT A TANK FARM, FUEL DISTRIBUTION HUB AND PIPELINE TERMINUS, THE LEASE COMMITTEE DENIES THIS REQUEST DUE TO THE CRITICAL NEED OF THIS PROPERTY AS SUPPORT FOR THE DEEP WATER DOCK PRESENT AND FUTURE CORE OPERATIONS, AS STATED IN THE CITY OF HOMER'S LAND USE PLAN.

Mr. Hawkins explained that he did not believe Lot 13 was the best place for a tank farm. This would be the 3rd tank farm on the spit and it may get more support if they were all kept together. He further stated that the adjacent land is critical to the operations of the DWD. What revenue is generated is quite substantial. Mr. Velsko re-stated that the intention of the PH Commission and did not know if he could vote in favor of this motion. Mr. Abboud asked if the Lease Committee could trump future land designation. Mr. Hawkins stated that they could only make the recommendations to council to re-designate the use of Lot 13 if the committee approved the use from the applicant. The audio was intermittent due to interference from fax machine. Mr. Velsko stated he would have to vote against the motion due to the wishes of the Port & Harbor Commission which he represents those interests.

VOTE. YES. HARVILLE, ALDERFER, HAWKINS, ABBOUD.

VOTE. NO. VELSKO.

Motion carried.

HAWKINS/VELSKO - THE LEASE COMMITTEE RECOMMENDS THAT THE HOMER CITY COUNCIL OFFER A REQUEST FOR PROPOSAL FOR LOT 8D1, HOMER SPIT #6, AS A PREFERRED LOCATION IN RESPONSE

TO THE REQUEST FROM HOME RUN OIL FOR A LONG TERM LEASE ON THE SPIT FOR A TANK FARM, FUEL DISTRIBUTION HUB AND PIPELINE TERMINUS FROM THE CITY OF HOMER'S DEEP WATER DOCK.

Mr. Hawkins felt this was the best use and location for the proposed new tank farm. He additionally noted that Home Run Oil wanted the distribution hub and pipeline terminus included in the language of the lease. It was discussed if specific language was needed to address access to the DWD in the proposal request; if easements would be required; additional concerns by Coastal Management, etc.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

The committee next addressed questions submitted by Home Run Oil in October. There was a brief discussion on sale of city property, lot 8D1. It was noted that leasing was recommended and that selling city property was not under this committee's purview. It was recommended to send this issue back to the Port & Harbor Commission to get their recommendation. The committee addressed the extended lease of one 40 year term lease with two 10 year extensions. There was no objection to granting a long term lease due to the expense of setting up the infrastructure required for a project like this.

ALDERFER/HARVILLE – MOVED TO RECOMMEND PORT & HARBOR DIRECTOR AND CITY MANAGER TO INCLUDE ATYPICAL LEASE LENGTHS AS APPROPRIATE FOR THIS PROPOSAL PACKAGE.

There was no discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

**CITY OF HOMER
HOMER, ALASKA**

City Clerk/Port and Harbor
Advisory Commission

RESOLUTION 10-08

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING THE HOMER PORT AND HARBOR ADVISORY COMMISSION BYLAWS, REGULAR MEETINGS, TO BE HELD THE FOURTH WEDNESDAY OF EACH MONTH AT 5:00 P.M. WITH THE EXCEPTION OF THE NOVEMBER AND DECEMBER MEETINGS WHICH WILL BE HELD ON THE THIRD WEDNESDAY OF THE MONTH AT 5:00 P.M.

WHEREAS, There was consensus of the Port and Harbor Advisory Commission at the Regular Meetings of November 18 and December 16, 2009 to change the regular meeting time from 6:00 p.m. to 5:00 p.m. to begin with the regular meeting January 27, 2010.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, hereby amends the Port and Harbor Advisory Commission Bylaws, Regular Meetings to read as follows:

Regular Meetings:

- Fourth Wednesday of each month at ~~6:00 p.m.~~ **5:00 p.m.**
- **November and December to be held on the third Wednesday at 5:00 p.m.**
- Agenda deadline is the Wednesday of the week preceding the meeting date at 5:00 p.m.
- Adding items to the agenda may be at the request of staff or individual commission members
- Removal of items from the agenda will be by majority vote of the commission members present;
- Public notice of a regular meeting shall be made as provided in HCC Chapter 1:14.

PASSED AND ADOPTED by the City Council of Homer, Alaska, this 11th day of January, 2010.

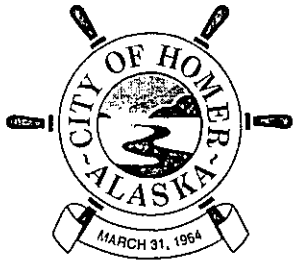
CITY OF HOMER

JAMES C. HORNADAY, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

Fiscal Note: N/A



City of Homer

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MEMORANDUM 10-09

TO: HOMER CITY COUNCIL, WALT WREDE, HOMER CITY MANAGER
FROM: PORT AND HARBOR ADVISORY COMMISSION
DATE: DECEMBER 29, 2009
RE: PORT & HARBOR ADVISORY COMMISSION BYLAW CHANGE-
MEETING TIME CHANGE

Background

The Port & Harbor Advisory Commission discussed changing the P&H Advisory Commission meeting time from 6pm to 5pm at their October 28, 2009 meeting and again at their November 18, 2009 meeting. The following motion was made:

HARTLEY/WEDIN – MOVED TO CHANGE THE MEETING TIME TO 5:00 P.M.

VOTE. YES. ULMER, WEDIN, VELSKO, HARTLEY.

Motion carried.

At the December 16, 2009 meeting, a draft Resolution to amend the Port and Advisory Commission's Bylaws was brought forth. Deputy City Clerk Krause stated a motion was required to amend the Bylaws to change the meeting time. The following motion was made:

ZIMMERMAN/HARTLEY-MOVED TO CHANGE THE REGULAR MEETING TIME ON THE FOURTH WEDNESDAY OF THE MONTH TO 5:00 P.M., WITH THE EXCEPTION OF THE NOVEMBER AND DECEMBER REGULAR MEETINGS WHICH WILL BE ON THE THIRD WEDNESDAY OF THE MONTH AT 5:00 P.M.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Recommendation

Please review the attached Resolution 10-XX to amend the P&H Advisory Commission Bylaws to reflect the meeting time change to 5:00 p.m.

**PORT AND HARBOR ADVISORY COMMISSION
BYLAWS**

Section 1. History/Membership/Record Keeping

The Homer Port and Harbor Advisory Commission was established via Ordinance 73-1. The following bylaws were adopted on August 22, 1994 by Resolution 94-89, and shall be in effect and govern the procedures of the Port and Harbor Commission of the City:

To abide by existing Alaska State Law, Borough Code of Ordinance, where applicable, and Homer City Code;
To abide by Robert's Rules of Order, current edition, in so far as this treatise is consistent with Homer City Code.

Regular meetings:

- Fourth Wednesday of each month at ~~6:00 p.m.~~ 5:00 p.m. (Resolution 98-23, 05-110, 10-XX);
- **November and December meetings to be held on the third Wednesday of the month at 5:00 p.m.**
- Agenda deadline is the Wednesday of the week preceding the meeting date at 5:00 p.m.;
- Adding items to the agenda may be at the request of staff or individual commission members;
- Removal of items from the agenda will be by majority vote of the commission members present;
- Public notice of a regular meeting shall be made as provided in HCC Chapter 1.14.

Special meetings:

- Called by Chairman or majority of the Commission;
- Adding items to the agenda may be at the request of staff or individual commission members;
- Removal of items from the agenda will be by majority vote of the commission members present;
- Public notice of a special meeting shall be made as provided in HCC Chapter 1.14.

Duties and Powers of the Officers:

A Chairman and Vice-Chairman shall be selected annually (February meeting) by the appointive members. The Chairman 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.

The Vice-Chairman shall perform all duties and be subject to all responsibilities of the Chairman in his/her absence, disability or disqualification of office.

Additional Members

Student Representative – Appoint a high school junior to serve on the commission for a term to begin June of their junior year through graduation.

This is to be a non-voting, advisory only position on the commission.

Motions to Reconsider:

Notice of reconsideration shall be given to the Chairman or Vice-Chairman, if the Chairman is unavailable, within forty-eight hours from the time the original action was taken. A member of the 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. Consideration is only for the original motion to which it applies.

Conflict of Interest:

A Commission member shall disclose any financial interest in any matter before the Commission before debating or voting upon the matter. After such disclosure, the Commission member may not participate in the debate or vote upon the matter unless the board or Commission determines that a financial interest is not substantial as defined in the City Code.

Quorum; Voting:

Four Commission members shall constitute a quorum. Four affirmative votes are required for the passage of a resolution or motion. 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.

The City Manager, Mayor, Harbormaster and Port/Harbor Director shall serve as consulting members of the Commission but shall have no vote. Dave Vanderbrink and Brantley Edens have been appointed lifetime honorary members.

Consensus:

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.

Abstentions:

All Commission members present shall vote unless the Commission, for special reasons, permits a member to abstain. A motion to excuse a member from voting shall be made prior to the call for the question to be voted upon. 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.

Vacancies:

A Commission appointment is vacated under the following conditions and upon the declaration of vacancy by the Commission.

The Commission shall declare a vacancy when the person appointed

- Fails to qualify to take office within 30 days after his/her appointment
- Resigns and the resignation is accepted
- Is physically or mentally unable to perform the duties of his/her office
- Misses three consecutive regular meetings unless excused
- Is convicted of a felony

Teleconference:

Teleconference meetings.

1. The preferred procedure for Commission meetings is that all members be physically present at the designated time and location within the City for the meeting. However, physical presence may be waived by the Chair or Commission and a member may participate in a meeting by Teleconference when it is not essential to the effective participation or the conduct of business at the meeting. A Commission member participating by teleconference shall be deemed to be present at the meeting for all purposes. In the event the Chair participates telephonically, the Vice-Chair shall run the meeting.

2. Teleconference procedures.

A. A Commission member who cannot be physically present for a regularly scheduled meeting shall notify the clerk at least five days prior to the scheduled time for the meeting of his/her intent to appear by telephonic means of communication.

B. The clerk shall notify the Commission members three days prior to the scheduled time for the Commission meeting of Commission members intending to appear by teleconference.

C. The means used to facilitate a teleconference meeting of the Commission must enable each Commission member appearing telephonically to clearly hear all other Commission members, and members of the public attending the meeting as well as be clearly heard by all other Commission members and members of the public.

D. The clerk shall note in the attendance record all Commission members appearing telephonically.

General Order of Business:

NAME OF BODY

PHYSICAL LOCATION OF MEETING

HOMER, ALASKA

DATE OF MEETING

DAY OF WEEK AND TIME OF MEETING

MEETING ROOM

REGULAR AGENDA
NOTICE OF MEETING

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
 12. INFORMATIONAL MATERIALS (No action may be taken on these items for discussion purposes only.)
 13. COMMENTS OF THE AUDIENCE (3 minute time limit)
 14. COMMENTS OF THE CITY STAFF (not required) (Staff report may be at this time in the agenda.)
 15. COMMENTS OF THE COUNCILMEMBER (If one is assigned)
 16. COMMENTS OF THE CHAIR (May be combined with COMMENTS OF THE COMMISSION/BOARD since the Chair is a member of the Commission/Board.)
 17. COMMENTS OF THE COMMISSION
 18. ADJOURNMENT/NEXT REGULAR MEETING IS SCHEDULED FOR _____ note any worksessions, special meetings, committee meetings etc. All meetings scheduled to be held in the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska. (Sometimes the meeting is scheduled for the Conference Room)
- Contact info for the department constructing the agenda. Example: City Clerk's Office, clerk@ci.homer.ak.us, 235-3130.

By-laws Amended:

The by-laws may be amended at any meeting of the Commission by a majority plus one of the members, provided that notice of said proposed amendment is given to each member in writing. The proposed amendment shall be introduced at one meeting and action shall be taken at the next Commission meeting.

Alternative Voting Members:

From time to time the Mayor, upon confirmation of the City Council, may appoint an alternate Port & Harbor Commissioner, who may take the place of a Commissioner who is absent or who has declared a conflict of interest. (Resolution 01-23(A).)

**CITY OF HOMER
HOMER, ALASKA**

City Clerk/Port and Harbor
Advisory Commission

RESOLUTION 10-09

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING THE HOMER PORT AND HARBOR ADVISORY COMMISSION BYLAWS, TO ADD A SECTION ON TELECONFERENCING.

WHEREAS, The ability to attend meetings each month is conducive to maintaining progress on projects before the Port and Harbor Advisory Commission; and

WHEREAS, The advancement of available technology makes it possible for members to participate on all matters before the Commission when not physically present; and

WHEREAS, There was consensus of the Port and Harbor Advisory Commission at the Regular Meetings of October 28, November 18, and December 16, 2009 to allow members to attend meetings using telephonic access; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, hereby amends the Port and Harbor Advisory Commission Bylaws to add a new section to read as follows:

Teleconference:

Teleconference meetings.

1. The preferred procedure for Commission meetings is that all members be physically present at the designated time and location within the City for the meeting. However, physical presence may be waived by the Chair or Commission and a member may participate in a meeting by Teleconference subject to the procedures and limitations provided in section 2. A Commission member participating by teleconference shall be deemed to be present at the meeting for all purposes. In the event the Chair participates telephonically, the Vice-Chair shall preside over the meeting.

2. Teleconference procedures.

A. A Commission member who cannot be physically present for a regularly scheduled meeting shall notify the clerk at least five days prior to the scheduled time for the meeting of his/her intent to appear by telephonic means of communication.

B. The clerk shall notify the Commission members three days prior to the scheduled time for the Commission meeting of Commission members intending to appear by teleconference.

C. The means used to facilitate a teleconference meeting of the Commission must enable each Commission member appearing telephonically to clearly hear all other Commission members, and members of the public attending the meeting as well as be

clearly heard by all other Commission members and members of the public.

D. The clerk shall note in the attendance record all Commission members appearing telephonically.

PASSED AND ADOPTED by the City Council of Homer, Alaska, this 11th day of January, 2010.

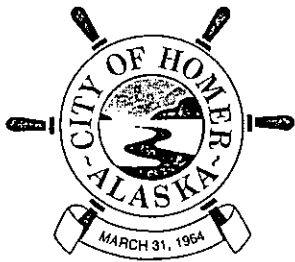
CITY OF HOMER

JAMES C. HORNADAY, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

Fiscal Note: N/A



City of Homer

Port / Harbor

4350 Homer Spit Road
Homer, Alaska 99603-8005

Telephone (907) 235-3160
Fax (907) 235-3152
E-mail port@ci.homer.ak.us
Web Site <http://port.ci.homer.ak.us>

MEMORANDUM 10-10

TO: HOMER CITY COUNCIL, WALT WREDE, HOMER CITY MANAGER
FROM: PORT AND HARBOR ADVISORY COMMISSION
DATE: DECEMBER 29, 2009
RE: PORT & HARBOR ADVISORY COMMISSION BYLAW CHANGE-
ALLOWING TELECONFERENCING

Background

The Port & Harbor Advisory Commission discussed teleconferencing as an option for attending Commission meetings at their October 28, 2009 meeting. The following motion was made:

VELSKO/HARTLEY – MOVED TO SEND A MEMORANDUM THAT THE PORT AND HARBOR ADVISORY COMMISSION RECOMMENDS ALLOWING TELECONFERENCING AS AN OPTION OF ATTENDANCE TO A COMMISSION MEETING.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

The issue was discussed further at the November 18, 2009 meeting. A draft Resolution to amend the Port and Harbor Advisory Commission's Bylaws was discussed during the December 16, 2009 meeting. The following motion was made:

HOTTMANN/ZIMMERMAN – MOVED TO ALLOW TELECONFERENCE AS AN ALTERNATIVE MEANS TO ATTEND COMMISSION MEETINGS.

VOTE. YES. NON-OBJECTION, UNANIMOUS CONSENT.

Motion carried.

Recommendation

Please review the attached Resolution 10-XX to change the P&H Advisory Commission Bylaws to reflect the teleconferencing option.

**PORT AND HARBOR ADVISORY COMMISSION
BYLAWS**

Section 1. History/Membership/Record Keeping

The Homer Port and Harbor Advisory Commission was established via Ordinance 73-1. The following bylaws were adopted on August 22, 1994 by Resolution 94-89, and shall be in effect and govern the procedures of the Port and Harbor Commission of the City:

To abide by existing Alaska State Law, Borough Code of Ordinance, where applicable, and Homer City Code;
To abide by Robert's Rules of Order, current edition, in so far as this treatise is consistent with Homer City Code.

Regular meetings:

- Fourth Wednesday of each month at ~~6:00 p.m.~~ **5:00 p.m.** (Resolution 98-23, 05-110, 10-XX);
- **November and December meetings to be held on the third Wednesday of the month at 5:00 p.m.**
- Agenda deadline is the Wednesday of the week preceding the meeting date at 5:00 p.m.;
- Adding items to the agenda may be at the request of staff or individual commission members;
- Removal of items from the agenda will be by majority vote of the commission members present;
- Public notice of a regular meeting shall be made as provided in HCC Chapter 1.14.

Special meetings:

- Called by Chairman or majority of the Commission;
- Adding items to the agenda may be at the request of staff or individual commission members;
- Removal of items from the agenda will be by majority vote of the commission members present;
- Public notice of a special meeting shall be made as provided in HCC Chapter 1.14.

Duties and Powers of the Officers:

A Chairman and Vice-Chairman shall be selected annually (February meeting) by the appointive members. The Chairman 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.

The Vice-Chairman shall perform all duties and be subject to all responsibilities of the Chairman in his/her absence, disability or disqualification of office.

Additional Members

Student Representative – Appoint a high school junior to serve on the commission for a term to begin June of their junior year through graduation.

This is to be a non-voting, advisory only position on the commission.

Motions to Reconsider:

Notice of reconsideration shall be given to the Chairman or Vice-Chairman, if the Chairman is unavailable, within forty-eight hours from the time the original action was taken. A member of the 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. Consideration is only for the original motion to which it applies.

Conflict of Interest:

A Commission member shall disclose any financial interest in any matter before the Commission before debating or voting upon the matter. After such disclosure, the Commission member may not participate in the debate or vote upon the matter unless the board or Commission determines that a financial interest is not substantial as defined in the City Code.

Quorum; Voting:

Four Commission members shall constitute a quorum. Four affirmative votes are required for the passage of a resolution or motion. 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.

The City Manager, Mayor, Harbormaster and Port/Harbor Director shall serve as consulting members of the Commission but shall have no vote. Dave Vanderbrink and Brantley Edens have been appointed lifetime honorary members.

Consensus:

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.

Abstentions:

All Commission members present shall vote unless the Commission, for special reasons, permits a member to abstain. A motion to excuse a member from voting shall be made prior to the call for the question to be voted upon. 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.

Vacancies:

A Commission appointment is vacated under the following conditions and upon the declaration of vacancy by the Commission.

The Commission shall declare a vacancy when the person appointed

- Fails to qualify to take office within 30 days after his/her appointment
- Resigns and the resignation is accepted
- Is physically or mentally unable to perform the duties of his/her office
- Misses three consecutive regular meetings unless excused
- Is convicted of a felony

Teleconference:

Teleconference meetings.

1. The preferred procedure for Commission meetings is that all members be physically present at the designated time and location within the City for the meeting. However, physical presence may be waived by the Chair or Commission and a member may participate in a meeting by Teleconference when it is not essential to the effective participation or the conduct of business at the meeting. A Commission member participating by teleconference shall be deemed to be present at the meeting for all purposes. In the event the Chair participates telephonically, the Vice-Chair shall run the meeting.

2. Teleconference procedures.

A. A Commission member who cannot be physically present for a regularly scheduled meeting shall notify the clerk at least five days prior to the scheduled time for the meeting of his/her intent to appear by telephonic means of communication.

B. The clerk shall notify the Commission members three days prior to the scheduled time for the Commission meeting of Commission members intending to appear by teleconference.

C. The means used to facilitate a teleconference meeting of the Commission must enable each Commission member appearing telephonically to clearly hear all other Commission members, and members of the public attending the meeting as well as be clearly heard by all other Commission members and members of the public.

D. The clerk shall note in the attendance record all Commission members appearing telephonically.

General Order of Business:

NAME OF BODY

PHYSICAL LOCATION OF MEETING

HOMER, ALASKA

DATE OF MEETING

DAY OF WEEK AND TIME OF MEETING

MEETING ROOM

REGULAR AGENDA
NOTICE OF MEETING

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
 12. INFORMATIONAL MATERIALS (No action may be taken on these items for discussion purposes only.)
 13. COMMENTS OF THE AUDIENCE (3 minute time limit)
 14. COMMENTS OF THE CITY STAFF (not required) (Staff report may be at this time in the agenda.)
 15. COMMENTS OF THE COUNCILMEMBER (If one is assigned)
 16. COMMENTS OF THE CHAIR (May be combined with COMMENTS OF THE COMMISSION/BOARD since the Chair is a member of the Commission/Board.)
 17. COMMENTS OF THE COMMISSION
 18. ADJOURNMENT/NEXT REGULAR MEETING IS SCHEDULED FOR _____ note any worksessions, special meetings, committee meetings etc. All meetings scheduled to be held in the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska. (Sometimes the meeting is scheduled for the Conference Room)
- Contact info for the department constructing the agenda. Example: City Clerk's Office, clerk@ci.homer.ak.us, 235-3130.

By-laws Amended:

The by-laws may be amended at any meeting of the Commission by a majority plus one of the members, provided that notice of said proposed amendment is given to each member in writing. The proposed amendment shall be introduced at one meeting and action shall be taken at the next Commission meeting.

Alternative Voting Members:

From time to time the Mayor, upon confirmation of the City Council, may appoint an alternate Port & Harbor Commissioner, who may take the place of a Commissioner who is absent or who has declared a conflict of interest. (Resolution 01-23(A).)

**CITY OF HOMER
HOMER, ALASKA**

City Manager/Planning

RESOLUTION 10-10

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, RENAMING THOMAS STREET TO GLENVIEW STREET WITHIN THE FOREST GLEN SUBDIVISION UNIT 1 WITHIN THE CITY OF HOMER, AND RENAMING BEACH ROAD TO MILLER'S LANDING ROAD WITHIN THE HK DAVIS SUBDIVISION IN COMPLIANCE WITH THE ENHANCED 9-1-1 STREET ADDRESSING PROGRAM.

WHEREAS, A method has been developed to implement the Enhanced 9-1-1 Street Addressing project; and

WHEREAS, There are duplicate street names within the City of Homer which do not meet Borough or national E911 addressing standards; and

WHEREAS, The Homer Advisory Planning Commission held a public hearing on the proposed street name changes on December 2, 2009 and there was no public comment, nor opposition to the proposed changes.

NOW, THEREFORE BE IT RESOLVED that the City Council of Homer, Alaska, hereby renames the following streets as follows:

1. Thomas Street within Foothills Subdivision Unit 1 to be renamed Glenview Street.
2. Beach Road within HK Davis Subdivision to be renamed Miller's Landing Road.

PASSED AND ADOPTED by the City Council of Homer, Alaska, this 11th day of January, 2010.

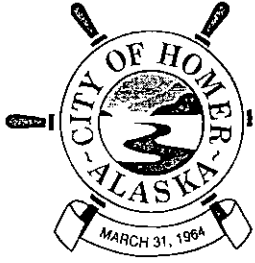
CITY OF HOMER

JAMES C. HORNADAY, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

Fiscal Impact: Cost of two street signs.



City of Homer
Planning & Zoning
491 East Pioneer Avenue
Homer, Alaska 99603-7645

Telephone (907) 235-3106
Fax (907) 235-3118
E-mail Planning@ci.homer.ak.us
Web Site www.ci.homer.ak.us

MEMORANDUM 10-13

TO: Mayor Hornaday and Homer City Council
THRU: Walt Wrede, City Manager
FROM: Rick Abboud City Planner, Julie Engebretsen, Planning Technician
DATE: January 3, 2010
SUBJ: Resolution 10- Street name changes

Introduction

The City of Homer follows the Enhanced 9-1-1 Street Addressing Program, which in part entails naming each street within the City a unique name. In addition, it requires a paper trail of street name changes. The two street name changes are proposed by this resolution.

Property owners within 300 feet were notified of the proposed change. The Planning Commission held a public hearing on December 2nd 2009. There was no public testimony. The Commission recommended the Council adopt the resolution.

Recommendation: Adopt Resolution 10-

Fiscal Note: Replacement of one street sign: approximately \$80.00



City of Homer
Planning & Zoning
491 East Pioneer Avenue
Homer, Alaska 99603-7645

Telephone (907) 235-8121
Fax (907) 235-3118
E-mail Planning@ci.homer.ak.us
Web Site www.ci.homer.ak.us

Staff Report 09-100

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner *RA*
FROM: Julie Engebretsen, Planning Technician
MEETING: December 2, 2009
SUBJECT: Street Name Changes, Thomas Street to Glenview Street,
and Beach Road to Miller's Landing Road

INTRODUCTION

The City of Homer strives to meet the requirements of the Enhanced 911 Street Addressing Program. This is the name of the program/technology that allows 911 responders to know where a call is coming from, if the caller is unable to speak. There is a similar set up for cell phone users. In the event someone's address does not come up on the computer for responders, the street name is another important identifier. Therefore, E911 standards do not allow for duplicate street names. While locals have a good idea of where streets are, a dispatcher might be in another location (like Soldonta) or responders from another area might be going to a call – like Homer going out to a Kachemak Emergency Service Area call. By following Borough and national standards, the city reduces the risk of responders of losing time by going to the wrong location.

PROCESS

Street names are changed via a public hearing process. A public notice is published in the newspaper, and staff sends a notice to property owners within 300 feet of the proposed change. The Commission conducts a public hearing, and makes a recommendation to the City Council. The Council also conducts a public hearing, and adopts a resolution to change the street name.

Notice has been published in the newspaper of the proposed changes, and property owners have been notified.

ANALYSIS

There are currently two roads with the name of Thomas. Staff recommends changing Thomas Street to Glenview Street, as shown on the map (attached). The other road, Thomas Court, is off of East Hill Road and there are homes and people using addresses on that street. Staff prefers to change street names that affect the fewest number of addresses and residents; currently there are no Thomas Street addresses.

Staff also recommends changing Beach Road to Miller's Landing Road. There has been a recent subdivision that used the name of Miller's Landing Road (which staff understands is the historical name). The Borough requires a paper trail to show street name changes. No addresses are affected by this change. This is a housekeeping measure. There is also a street commonly called Airport Beach Road, which is the current beach access on the south end of Kachemak Drive. To avoid confusion, there should only be one 'beach road.'

RECOMMENDATION

Staff recommends the Homer Advisory Planning Commission recommend approval of the resolution renaming Thomas Street to Glenview Road, and Beach Road to Miller's Landing Road.

Attachments

- Draft Ordinance
- Public Notice Maps

**CITY OF HOMER
HOMER, ALASKA**

Planning

RESOLUTION 09-

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA RENAMING THOMAS STREET TO GLENVIEW STREET WITHIN THE FOREST GLEN SUBDIVISION UNIT 1 WITHIN THE CITY OF HOMER, AND RENAMING BEACH ROAD TO MILLER'S LANDING ROAD WITHIN THE HK DAVIS SUBDIVISION IN COMPLIANCE WITH THE ENHANCED 9-1-1 STREET ADDRESSING PROGRAM.

WHEREAS, a method has been developed to implement the Enhanced 9-1-1 Street Addressing project; and,

WHEREAS, there are duplicate street names within the City of Homer which do not meet Borough or national E911 addressing standards; and,

WHEREAS, the Homer Advisory Planning Commission held a public hearing on the proposed street name change on ____, 2009; and

NOW, THEREFORE BE IT RESOLVED that the City Council of Homer, Alaska that the following streets are named as follows:

1. Thomas Street within Foothills Subdivision Unit 1 to be named Glenview Street.
2. Beach Road within HK Davis Subdivision to be names Miller's Landing Road

PASSED AND ADOPTED by the City Council of Homer, Alaska this ____ day of ____, 2009.

CITY OF HOMER

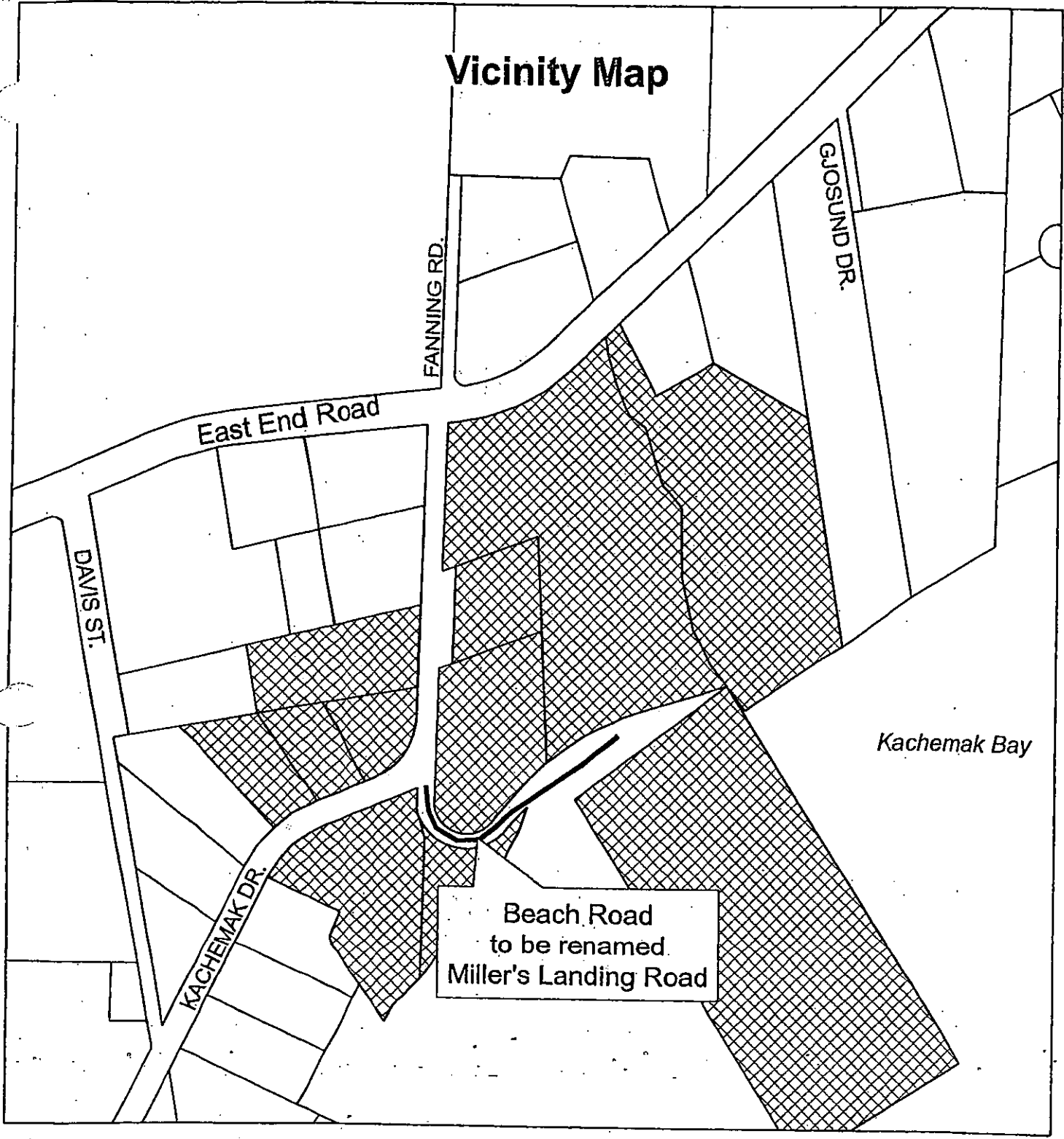
JAMES C. HORNADAY, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

Fiscal Impact: Cost of two street signs

Vicinity Map

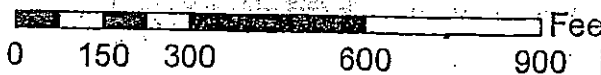


City of Homer
Planning and Zoning Department

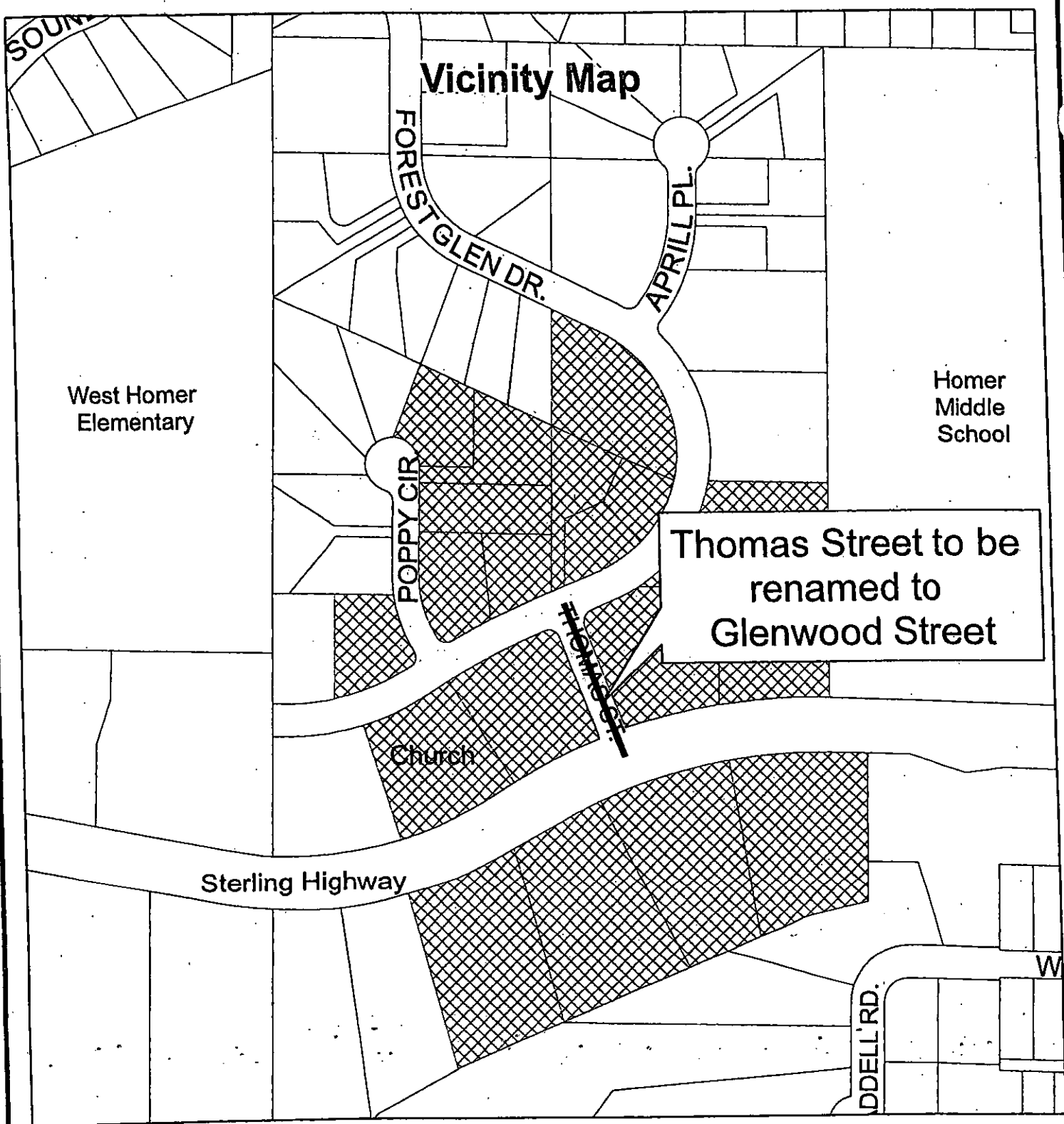

November 20, 2009

Notice of Public Hearing for proposed street name change

Marked lots are within
300 feet and property owners
are notified



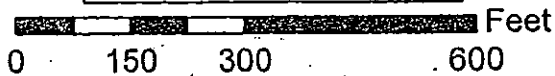
Disclaimer:
It is expressly understood the City of
Homer, its council, board,
departments, employees and agents are
not responsible for any errors or omissions
contained herein, or deductions, interpretations
or conclusions drawn therefrom.

City of Homer
 Planning and Zoning Department
 November 20, 2009

**Notice of Public Hearing
 for proposed street name change**

Marked lots are within
 300 feet and property owners
 are notified



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HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
DECEMBER 2, 2009

- a. Borough Report
- b. Kachemak Bay Advisory Planning Commission Report
- c. City Planner's Report
 1. Staff Report PL 09-102, City Planner's Report

City Planner Abboud reviewed his staff report. There was discussion regarding the condominium and townhouse information provided in the report.

PUBLIC HEARINGS

The Commission conducts Public Hearings by hearing a staff report, presentation by the applicant, hearing public testimony and then acting on the Public Hearing items. (3 minute time limit) The Commission may question the public. Once the public hearing is closed the Commission cannot hear additional comments on the topic. The applicant is not held to the 3 minute time limit.

- A. Staff Report PL 09-98, Ordinance Amending 21.54.060 Standards for Mobile Home Park

City Planner Abboud reviewed the staff report.

Vice Chair Kranich opened the public hearing. There were no public comments and Vice Chair Kranich closed the public hearing.

There was discussion clarifying that the amendment removes reference to mobile homes "in the park" because the code does not require that mobile homes be in mobile home parks. Also, tie downs and skirting would be required for any mobile home.

SINN/HAINA MOVED TO ADOPT STAFF REPORT PL 09-98 WITH STAFF RECOMMENDATIONS.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- B. Staff Report PL 09-100, Ordinance Resolution 09-xx, Beach Road to be changed to Millers Landing Road, South of Kachemak Drive and East Road and Thomas Street to be changed to Glenview Street, Between the Sterling Highway and Forest Glen Drive.

City Planner Abboud reviewed the staff report.

Vice Chair Kranich opened the public hearing. There were no public comments and Vice Chair Kranich closed the public hearing.

There was no opposition expressed to the recommended street names.

SINN/DRUHOT MOVED TO ADOPT STAFF REPORT PL 09-100 STREET NAME CHANGES THOMAS STREET TO GLENVIEW STREET AND BEACH ROAD TO MILLERS LANDING ROAD WITH STAFF RECOMMENDATIONS.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

**CITY OF HOMER
HOMER, ALASKA**

Roberts

RESOLUTION 10-11

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, EXPRESSING SUPPORT FOR THE PRATT MUSEUM'S LEGISLATIVE GRANT REQUEST IN THE AMOUNT OF \$160,000 FOR THE DESIGN PHASE OF THE MUSEUM RENOVATION PROJECT.

WHEREAS, The Pratt Museum is a national-award winning museum that serves more than 35,000 visitors and engages more than 4,000 students annually; and

WHEREAS, The Pratt is consistently recognized as one of Alaska's leading cultural institutions and a model among community museums across the nation; and

WHEREAS, The Pratt is the recipient of the Governor's Award for the Humanities and the National Award for Museum Service, the country's highest honor for museums; and

WHEREAS, The Pratt is a regional economic engine, generating about \$1 million in annual economic activity and drawing visitors to our community from across the state, nation, and world; and

WHEREAS, The Pratt is embarking on a capital project to better serve its visitors and the community long into the future by providing new exhibits; full handicap accessibility; expanded research capacity to serve students and scholars; and improved ability to expand and preserve the largest collections in the sciences, arts, and humanities on the Kenai Peninsula; and

WHEREAS, The Pratt was awarded a Challenge Grant of \$750,000 from the National Endowment for the Humanities, which must be matched three to one with non-federal dollars to leverage these funds; and

WHEREAS, A capital grant of \$160,000 from the State of Alaska will provide necessary funding for the Schematic Design phase of the Pratt Museum's \$8.5 million capital project, enabling the Museum to maintain project momentum at this crucial stage; and

WHEREAS, The Pratt Museum's Renovation Project is included in the City of Homer Capital Improvement Program and the City supports the Pratt Museum with operational and capital project funding.

NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby expresses support for the Pratt Museum's legislative grant request in the amount of \$160,000 for the design phase of the Museum Renovation Project.

PASSED AND ADOPTED by the Homer City Council this 11th day of January, 2010.

CITY OF HOMER

JAMES C. HORNADAY, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

Fiscal Note: N/A

**CITY OF HOMER
HOMER, ALASKA**

Mayor

RESOLUTION 10-12

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, SUPPORTING THE EFFORTS OF THE KENAI PENINSULA FOOD BANK "BUILDING TO NOURISH" CAMPAIGN TO SECURE BOTH PUBLIC AND PRIVATE FINANCIAL SUPPORT TO MATCH A RASMUSON FOUNDATION GRANT FOR BUILDING RENOVATIONS AND UPGRADES THAT WILL ENHANCE THE FOOD BANK'S EFFORTS TO PROVIDE MORE FOOD TO THE INCREASING NUMBERS OF HUNGRY WITHIN THE KENAI PENINSULA BOROUGH.

WHEREAS, For 22 years the Kenai Peninsula Food Bank has helped feed the hungry within the Kenai Peninsula Borough because no one deserves to be hungry; and

WHEREAS, The Homer Community Food Pantry is one of 65 member agencies that receive and distribute food from the Kenai Peninsula Food Bank warehouse in Soldotna; and

WHEREAS, Between January and October 2009 the Homer Community Food Pantry obtained 9,500 pounds of food from the Kenai Peninsula Food Bank; and

WHEREAS, The Food Bank has had to turn away food donations due to the lack of available on-site cold storage; and

WHEREAS, The Kenai Peninsula Food Bank is now processing at least 45% more food than at the time of building construction in 1997; and

WHEREAS, After an in-depth space needs study in December 2008 the Kenai Peninsula Food Bank was awarded a \$395,000 challenge grant from the Rasmuson Foundation to help fund half of the building upgrades including a warehouse addition with new energy efficient cooler/freezer; and

WHEREAS, The Kenai Peninsula Food Bank must match the Rasmuson Foundation grant dollar for dollar to pay for the needed building improvements which will make it possible to receive and distribute more food to fight hunger within the Kenai Peninsula Borough; and

WHEREAS, The City Council acknowledges that in these harder economic times hunger is a growing problem and no one deserves to be hungry.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Homer, Alaska that the City Council supports the Kenai Peninsula Food Bank's efforts to secure both public and private funding to match the Rasmuson Foundation grant for building renovations and

upgrades that will enhance the Food Bank's efforts to provide more food to the increasing numbers of hungry within the Kenai Peninsula Borough.

PASSED AND ADOPTED by the Homer City Council this 11th day of January, 2010.

CITY OF HOMER

JAMES C. HORNADAY, MAYOR

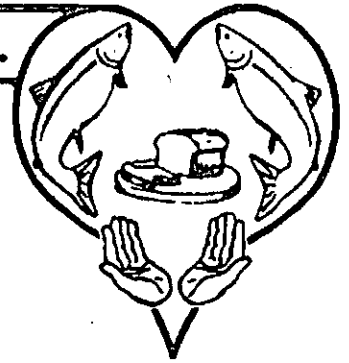
ATTEST:

JO JOHNSON, CMC, CITY CLERK

Fiscal Note: N/A

Kenai Peninsula Food Bank, Inc.

Because no one deserves to be hungry



January 5, 2010

Mayor Hornaday and Council Members
City of Homer
491 E. Pioneer Avenue
Homer, AK 99603

Dear Mayor and Council Members:

The Kenai Peninsula Food Bank has undertaken the *Building to Nourish* campaign to raise \$395,000 to match dollar for dollar a Rasmuson Foundation challenge grant to help fund much needed building improvements. An important consideration in our grant applications is proof of support from all of the communities we serve within the Kenai Peninsula Borough. Therefore, the campaign cabinet joins me in asking for your support of the attached Resolution. Your approval will publicly recognize our campaign and enhance our efforts to obtain both private and public donations in order reach our goal.

Although headquartered in Soldotna the Kenai Peninsula Food Bank has member agencies on the southern Peninsula that obtain food from the Food Bank in Soldotna and distribute locally in Homer, Anchor Point and Ninilchik areas. Between January and October 2009 these agencies combined have received 25,000 pounds of food. We also coordinate distribution of the USDA Commodity Supplemental Food Program (CSFP) food boxes that are distributed monthly in Homer and Anchor Point by the Homer Community Food Pantry. Recently we shared The Emergency Food Assistance Program (TEFAP) Commodity foods with the Homer Salvation Army.

Hunger is a growing problem Peninsula-wide! However, in recent years the Kenai Peninsula Food Bank had to turn away food donations due to the lack of cold-storage space at our warehouse just off Kalifornsky Beach Road in Soldotna. The campaign will fund an addition to the warehouse, which will include a much larger energy efficient cooler/ freezer unit. Other renovation/repairs include a new heating system, an upgraded 3-phase electrical system, foundation repairs, an arctic entry and waiting area, additional plumbing in the warehouse, a delivery area canopy, and enhanced safety features and equipment in the food processing area. It is our desire that the improvements will allow us to obtain and process more food for the increasing numbers of hungry throughout the Kenai Peninsula. **We feed people because no one deserves to be hungry.**

For more information on the improvements and the *Building to Nourish* campaign, please visit our website at www.kpfoodbank.org/btn. I have also included a copy of our two campaign brochures. Please call me if I can provide additional information or answer your questions.

Best regards, -

Linda Swarner
Executive Director



A United Way Agency

33955 Community College Drive
Soldotna, Alaska 99669
(907) 262-3111
fax (907) 262-6428

**CITY OF HOMER
HOMER, ALASKA**

City Manager

RESOLUTION 10-13

1 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, FINDING
2 THAT WITH SPECIFIED AMENDMENTS TO ITS ARTICLES AND
3 BYLAWS HOMER CITIZENS FOR EROSION CONTROL SUBSTANTIALLY
4 MEETS THE REQUIREMENTS TO QUALIFY AS AN ELIGIBLE ENTITY
5 TO RECEIVE GRANTS FOR OPERATION OF THE SEAWALL UNDER HCC
6 15.10.100, AND ENCOURAGING THE CORPORATION TO ADOPT THE
7 REQUIRED AMENDMENTS PRIOR TO MAKING AN APPLICATION FOR
8 GRANT FUNDS.
9

10 WHEREAS, Ordinance 06-53(S) established the Ocean Drive Loop Special Service
11 District and is codified as Chapter 15.10 of the Homer City Code; and
12

13 WHEREAS, Pursuant to HCC 15.10.020, the City has levied and collected property taxes
14 in the Special Service District in 2008 and 2009; and
15

16 WHEREAS, HCC 15.10.100 provides that property tax revenues collected by the City in
17 the Special Service District may be appropriated and expended for grant awards to be used for
18 the limited purpose of funding operation of the seawall for the benefit of all properties in the
19 Ocean Drive Loop Bluff Erosion Control Improvement District; and
20

21 WHEREAS, HCC 15.10.110 states that to be eligible to receive grants under HCC
22 15.10.100, an organization must meet the criteria contained therein; and
23

24 WHEREAS, Homer Citizens for Erosion Control Inc. has been working to establish itself
25 as an "eligible entity" under HCC 15.10.110 and has, among other things, adopted Articles of
26 Incorporation and Bylaws; and
27

28 WHEREAS, The City Attorney has reviewed these legal documents and other
29 information provided to him and has found that Homer Citizens for Erosion Control substantially
30 meets all but two of the requirements contained in HCC 15.10.110; and
31

32 WHEREAS, The City Attorney has reported that Homer Citizens for Erosion Control can
33 meet the remaining two requirements in HCC 15.10.110 by adopting specified amendments to its
34 Articles of Incorporation and Bylaws; and
35

36 WHEREAS, The Homer City Council reviewed the City Attorney's report and
37 supporting backup information at the regular meeting on January 11, 2010.
38

39 NOW, THEREFORE, BE IT RESOLVED that the Homer City Council finds that with
40 the adoption of amendments to its Articles of Incorporation and Bylaws specified by the City
41 Attorney, Homer Citizens for Erosion Control Inc. will substantially meet all of the requirements

42 contained in HCC 15.10.110 for becoming an "eligible entity" qualified to receive grants under
43 HCC 15.10.100.

44
45 BE IT FURTHER RESOLVED that the Council encourages Homer Citizens for Erosion
46 Control to adopt the amendments to its Articles of Incorporation and Bylaws that are required for
47 it to qualify as an eligible entity prior to making a formal application for grant funds.

48
49 PASSED AND ADOPTED by the Homer City Council this 11th day of January, 2010.

50
51 CITY OF HOMER

52
53
54
55 JAMES C. HORNADAY, MAYOR

56 ATTEST:

57
58 JO JOHNSON, CMC, CITY CLERK

59
60
61 Fiscal Note: N/A

MEMORANDUM 10-15

TO: Walt Wrede, City Manager
City of Homer

FROM: Tom Klinkner

DATE: December 14, 2009

FILE NO. 506,742.451

RE: Ocean Drive Loop Special Service District

1. Introduction.

The purpose of this memorandum is to address questions regarding the Ocean Drive Loop Special Service District ("District"). State law authorizes the City by ordinance to establish, alter and abolish differential tax zones to provide and levy property taxes for services not provided generally in the City.¹ In 2006, the Council adopted Ordinance 06-53(S), establishing the District. The purpose of the District is to provide "special services to the properties in the Ocean Drive Loop Bluff Erosion Control Improvement/Assessment District that are not provided elsewhere in the City."² The District is funded with a property tax levied on properties in the District.³ The special services authorized in the District are limited to the levy and collection of taxes and other revenues that shall be appropriated for and expended as one or more grant awards to an eligible entity for the purpose of funding operation of the seawall for the benefit of all properties in the District.⁴ To be an eligible entity that may receive grant awards, an entity must meet the conditions for recognition as such prescribed in the Code.⁵

2. Is Homer Citizens for Erosion Control, Inc. an Eligible Entity?

Homer Citizens for Erosion Control, Inc., an Alaska nonprofit corporation ("HCECI"), has asked to be recognized by the City as an eligible entity under HCC 15.10.110. In support of this request HCECI has submitted copies of its articles of incorporation and bylaws, amendments to its bylaws, and information about its membership, all of which will be discussed below with the related conditions for recognition as an eligible entity. In summary, HCECI meets some, but not all, of the conditions for recognition as an eligible entity.

¹ AS 29.45.580.

² HCC 15.10.010(a).

³ HCC 15.10.020(a).

⁴ HCC 15.10.050(a), 15.10.100(a).

⁵ HCC 15.10.110.

The following are the conditions for recognition as an eligible entity and a response regarding whether HCECI meets each of them.

A. *Be independent of the City and organized for nonprofit purposes under the laws of Alaska as a corporation, company, partnership, or other recognized legal entity, and not an unincorporated association.*

This condition has been met. HCECI is organized as a nonprofit corporation under Alaska law. As such, it is independent of the City.

B. *Have as a primary purpose the Operation of the Seawall for the benefit of the properties in the Ocean Drive Loop Bluff Erosion Control Improvement/Assessment District.*

It is not clear whether this condition has been met. The Articles of Incorporation and Bylaws of HCECI each describe its purpose as follows:

The purpose of this corporation shall be to allow property owners to speak with a unified voice on matters concerning operation, maintenance and improvement of a seawall and any other erosion control system located within the Ocean Drive Loop Special Service District.

The stated purpose of HCECI, "to allow property owners to speak with a unified voice," does not specifically address operation of the seawall. It is unclear whether the stated purpose of HCECI is confined to advocacy on behalf of property owners, or whether it also includes actually performing the tasks defined as "Operation" in HCC 15.10.005 – "operation, maintenance, repair, reconstruction, improvement, insurance, and other related or similar activities conducted in the course of making and keeping the Seawall operational for its intended erosion control purpose." A clarifying amendment to HCECI's Articles and Bylaws is necessary to establish that this condition has been met. I recommend that the following clause be added at the end of the description of HCECI's purpose in both the articles and bylaws: "and to perform such operation, maintenance and improvement."

C. *Have membership open to every Property Owner and, in fact, include in its membership a broad representation of all Property Owners.*

This condition appears to have been met. The Bylaws of HCECI state that "each lot owner shall be a member." Thus, it appears that membership in HCECI is open to every property owner in the District. HCECI has presented evidence that a majority of property owners in the District are members, and that those property owners represent a majority of the property value in the District and of the linear frontage of the seawall.

D. *Have established bylaws or rules that (a) require all meetings of the entity's membership and its board of directors or similar governing body to be open to all Property Owners, regardless of membership; (b) afford all Property Owners a reasonable opportunity to*

be heard at such meetings; and (c) require reasonable notice to all Property Owners in advance of all such meetings.

This condition has not been met. Amendments to the Bylaws of HCECI require all meetings of HCECI's membership to be open to all owners of property in the District, afford all owners of property in the District an opportunity to be heard at meetings of HCECI's membership, and require reasonable notice of non-emergency meetings of HCECI's membership to all owners of property in the District. However, the amended Bylaws include no similar provisions regarding meetings of HCECI's board of directors. In addition, the bylaws could be improved by defining more specifically the form of the notice of meetings that HCECI will provide to property owners.

E. Have prepared a reasonable written plan to Operate the Seawall for the benefit of all properties in the Improvement District, including an annual budget that includes projected revenues and expenses for not less than two years.

I defer to the City Manager's conclusion that this condition appears to be minimally satisfied.

F. Provide written assurance that it will use amounts received under a grant award in accordance with its plan and solely for eligible grant purposes.

This condition has not yet been met, but could be met through incorporation of the required assurance in HCECI's grant application or grant agreement.

G. Prepare and submit to the City Manager an application at such time, and in such manner, and containing such information as the City Manager may require.

This condition has not yet been met, but would be met when HCECI applies for a grant.

3. *Is the Council Required to Make Grants to an Eligible Entity?*

No, the making of a grant is within the Council's discretion. HCC 15.10.100 provides:

15.10.100 Grants authorized. a. Revenue collected by the City under this chapter *may* be appropriated and expended for one or more grant awards to be used for the limited purpose of funding Operation of the Seawall for the benefit of all properties in the Improvement District.

b. *The City Council shall have final approval of all grant awards and recipients.* (Emphasis added).

However, the purpose of the District (and the taxes levied therein) is "limited to the levy and collection of taxes and other revenues that shall be appropriated for and expended as one or more

grant awards to an eligible entity.”⁶ If the Council does not make grants to an eligible entity, it should consider whether to refund taxes collected in the District. HCC 15.10.060 provides:

15.10.060 Excess tax revenue. If no grant awards are made under this chapter to an eligible entity, or if at any time the City Council determines Special Service District tax revenues exceed the needs of the Special Service District, the City Council may authorize a refund of the excess tax revenues collected under this chapter to the taxpayers in proportion to amounts paid in by such taxpayers.

4. *May the Council Levy a Tax in the District that Is Not Based on Property Value?*

No. The only taxes that the Council may levy in the District must be based on property value. The statutory authorization to form the District provides that it is established “to provide and levy *property taxes* for services” (emphasis added). For purposes of property taxation, the assessor is required to assess real property at its full and true value as of January 1 of the assessment year.⁷ There is no authority for taxing real property in the District on a basis other than property value, and the seawall itself is not subject to taxation as personal property.⁸

Real property taxation is the only means for the City to obtain payments from property owners for seawall operation where the payment obligation would be enforceable by a lien on property in the District. The only mechanism available to allocate costs of operating the seawall on a basis other than property value where the payment obligation would be enforceable by a lien on property in the District would be through assessments levied by a private homeowners’ association, such as would be formed for a planned unit development or condominium. HCECI is not such an association. To implement this mechanism, owners of property in the District must create in the District a “common interest community” through the recording of a declaration of covenants, conditions and restrictions.⁹ A homeowners’ association is formed to manage the common interest community,¹⁰ which has the power to assess properties in the community for common expenses, enforceable by a lien on those properties.¹¹ These assessments would allocate common expenses among the properties in the common interest community in accordance with allocations set out in the declaration.¹² Those allocations would be determined by agreement among the participating property owners, and could be based on, among other things, each property’s seawall frontage.

⁶ HCC 15.10.050(a).

⁷ AS 29.45.110(a).

⁸ AS 29.71.800(19) defines “real property” as “land and improvements, all possessory rights and privileges appurtenant to the property, and includes personal property affixed to the land or improvements.”

⁹ AS 34.08.090.

¹⁰ AS 34.08.310, 34.08.320.

¹¹ AS 34.08.460, 34.08.470.

¹² AS 34.08.460, 34.08.150.

5. *May the Council Abolish the District?*

Yes. State statute authorizes the Council to “establish, alter and *abolish* differential tax zones” (emphasis added).¹³ The statute does not specifically address what must be done with tax revenues from the District that are on hand when the District is abolished. However, state law only allows the Council to levy taxes in the District “for services not provided generally in the City,” indicating that revenue from the levy of taxes in the District may be used only for District purposes¹⁴. The purpose of the District (and the taxes levied therein) is “limited to the levy and collection of taxes and other revenues that shall be appropriated for and expended as one or more grant awards to an eligible entity.”¹⁵ The Council is authorized to refund excess revenue from taxes levied in the District to “the taxpayers in proportion to amounts paid by such taxpayers,”¹⁶ and should so refund any tax revenues from the District that remain upon abolition of the District and payment of all expenses of administering the District.

However, if the District is abolished, the City could not obtain payments from property for seawall operation through real property taxation, without which the payment obligation would not be enforceable by a lien on property in the District. Without a tax lien to enforce payment, administration and collection of the payments would be prohibitively cumbersome and expensive for the City.

¹³ AS 29.45.580.

¹⁴ *Id.*

¹⁵ HCC 15.10.050(a).

¹⁶ HCC 15.10.060.

AMENDMENT TO BYLAWS for HOMER CITIZEN'S for EROSION CONTROL, INC.

- 1.) All meetings of the corporation's membership shall be open to all owners of real property located within the Ocean Drive Loop Special Service District created by HCC 15.10.010 ("The District"), regardless of membership in the corporation.
- 2.) All owners of real property within The District shall be given a reasonable opportunity to be heard at any membership meeting (10 minutes maximum; more if requested and approved). HCEC will provide reasonable notice to all property owners in advance of all such (non emergency) meetings.
- 3.) Membership in the corporation shall be made available (with no fees) to all property owners in the district, regardless of any outstanding insurance deductibles, assessments or any other outstanding debt or past dues.
- 4.) The corporation shall not take upon itself to levy or lien any of the properties in the corporation for any purpose of collection of any fees or dues.
- 5.) When HCEC applies for and receives a grant award, HCEC will use amounts received under a grant award only in accordance with its plan and solely for eligible grant purposes.
- 6.) Voting to adopt new items will be decided by a majority of the HCEC members' lineal board feet of the seawall.

Date Paul Hueper, Director

Date Larry Goode, Director

Date Chris Newby, Director

**AMENDMENT TO BYLAWS for HOMER CITIZEN'S for EROSION CONTROL,
INC.**

- 1.) All meetings of the corporation's membership and board of directors shall be open to all owners of real property located within the Ocean Drive Loop Special Service District created by HCC 15.10.010 ("The District"), regardless of membership in the corporation.
- 2.) All owners of real property within The District shall be given a reasonable opportunity to be heard at any board of directors and membership meeting (10 minutes maximum; more if requested and approved). HCEC will provide reasonable notice to all property owners in advance of all such (non emergency) meetings.
- 3.) Membership in the corporation shall be made available (with no fees) to all property owners in the district, regardless of any outstanding insurance deductibles, assessments or any other outstanding debt or past dues.
- 4.) The corporation shall not take upon itself to levy or lien any of the properties in the corporation for any purpose of collection of any fees or dues.
- 5.) When HCEC applies for and receives a grant award, HCEC will use amounts received under a grant award only in accordance with its plan and solely for eligible grant purposes.
- 6.) Voting to adopt new items will be decided by a majority of the HCEC members' lineal board feet of the seawall.
- 7.) The purpose of this corporation shall be to allow property owners to speak with a unified voice on matters concerning operation, maintenance and improvement of a seawall and any other erosion control systems locate within the Ocean Drive Loop Erosion Control Improvement/Assessment District, and to perform such operation, maintenance and improvement. [This amendment also needs to be made to the corporation's articles of incorporation.]

Date

Paul Hueper, Director

Date

Larry Goode, Director

<hr/> Date	<hr/> Chris Newby, Director
<hr/> Date	<hr/>
<hr/> Date	<hr/>
<hr/> Date	<hr/>

12/16/2009 Seawall Reconciliation
by Laurie Moore

City's use only
City of Homer
Depreciation Reserve

Assessment
Ocean Dr Bluff/Seawall
for the previous Maintenance

1/1/2008 Beginning Balance	\$	-
Notes:		
2008 revenues - \$65,321.	\$	65,321.00
AML/JIA Insurance Reimb - \$45,374.		
Newby - Seawall Deduct - \$4,950.		
Yearly budget Trsf - \$15,000.		
Special Assessment Revenues	\$	10,919.40
2008 expenditures were \$57,242	\$	(57,242.00)
Repairs - \$54,567.		
Insurance - \$2,675.		
Ending balance with special assessment revenue	\$	18,998.40

2008 Ocean Dr Lp Sp Assess paid \$ 10,919.40
(Through 12/31/08)

1/1/2009 beginning balance	\$	18,998.40
2009 Revenues - \$13,000	\$	13,000.00
Yearly budget Trsf - \$13,000.		
Special Assessment revenue	\$	10,005.60
2009 Expenditures - \$19,102		(19,102.00)
Construction - \$19,102		
Insurance		(3,510.00)
Ending balance with special assessment revenue	\$	19,392.00

2009 Ocean Dr Lp Sp Assess paid \$10,005.60
(Through 11/09)

MEMORANDUM

TO: Mayor Hornaday and Homer City Council

FROM: Walt Wrede

DATE: November 6, 2009

SUBJECT: Homer Citizens for Erosion Control

At a recent City Council meeting, I stated that I would be placing information in your mailboxes having to do with Homer Citizens for Erosion Control. This is the group that is commonly referred to as the Seawall Homeowners Association. I have provided this information to you because it will be important for the Council to make a determination as to whether this organization meets the requirements of Title 15 of the Homer City Code (Special Service Districts) and if so, whether grants can be dispersed to the group for maintenance and repair using tax money which has been collected from the property owners for that purpose. HCC 15.10.100 (b) provides that the City Council shall have final approval of all grant awards and recipients.

Attached for your review are Title 15 entitled "Special Service Districts, the organization's Bylaws and Articles of Incorporation, a maintenance work plan and budget for 2009, a work plan and budget for 2010, a meeting agenda for the October 23, 2009 meeting, a copy of a question and answer sheet I provided to Council earlier, and a map which shows the special service district boundaries. The X indicates property owners I understand to be members of the Association.

HCC 15.10.110 establishes the criteria that an entity must satisfy in order to be eligible for grant awards. There are seven subsections describing these criteria. A brief analysis of each follows:

TO BE ELIGIBLE TO RECEIVE A GRANT AWARD UNDER THIS CHAPTER, AN ENTITY SHALL:

Be independent of the City and organized for nonprofit purposes under the laws of Alaska as a corporation, company, partnership, or other recognized legal entity, and not an unincorporated association; and

This condition appears to be satisfied. The enclosed Articles of Incorporation and Bylaws were drafted by Attorney Daniel Westerburg, reviewed and approved by the membership, filed with the State of Alaska, and recorded. The organization is independent of the City.

Have as a primary purpose the operation of the seawall for the benefit of the properties in the Improvement District; and

This condition appears to be satisfied. Please refer to Article III entitled "Purpose" in the Bylaws and Article III entitled "Purpose" in the Articles of Incorporation.

Have membership open to every property owner and, in fact, include in its membership a broad representation of all property owners; and

This condition appears to be satisfied. Article IV entitled "Membership" of the Bylaws states that each lot owner shall be a member of the Corporation. The organization has provided evidence that a majority of the property owners have indicated a willingness to participate and be members (see enclosed map). Further, the organization states that it has a majority and broad representation in terms of both assessed property values and linear wall frontage.

Have established bylaws or rules that (a) require all meetings of the entity's membership and board of directors or similar governing body to be open to all property owners regardless of membership, (b) afford all property owners a reasonable opportunity to be heard at such meetings; and (c) require reasonable notice to all property owners in advance of all such meetings; and

This condition does not appear to be satisfied. If you look at the agenda for the October 23 meeting, you will see that there was an opportunity for all property owners to be heard (Visitor Comments). However, I do not find anything in the Bylaws that specifically requires that all meetings are open to all property owners regardless of membership, that all property owners are afforded a reasonable opportunity to be heard at such meetings, and that reasonable notice of meetings be given. My observation is that these requirements are being carried out in practice for the most part but they are not spelled out in the Bylaws as required by the code.

Have prepared a reasonable written plan to operate the seawall for the benefit of all properties in the Improvement District, including an annual budget that includes projected revenues and expenses for not less than two years; and

This condition appears to be minimally satisfied. Enclosed are budgets and work plans for both 2009 and 2010.

Provide written assurance that it will use amounts received under a grant award in accordance with its plan and solely for eligible grant purposes; and

This condition has not yet been satisfied but it is anticipated that this step will be taken when the entity makes application for a grant award. This could take place in conjunction with HCC 15.10.120 entitled "Grant Agreement"

Prepare and submit to the City Manager an application at such time, and in such manner, and containing such information as the City Manager may require.

This condition has not yet been satisfied but should be when HCEC formally requests funds.

Other Items for Consideration

One issue that all of the property owners appear to agree on is that they do not like the mil rate/property tax method of collecting revenues for maintenance and repair. This is a big source of contention and stress. I am currently consulting with the City Attorney and the Borough Finance Department to explore other possible approaches that might be deemed more fair and equitable.

One of the issues that causes concern among some property owners is that there is too much power vested in a three member Board of Directors. I read the Bylaws to say that only the Board gets to vote and that a quorum is a majority of the Board. That means that only two yes votes are needed to adopt items. One could argue that this is an internal issue for the property owners to resolve. There is nothing inherently illegal about it that I am aware of. But Council might consider whether that meets the intent of the code with respect to broad property owner representation and control.

Another issue that causes great concern among some property owners are the provisions in the Articles of Incorporation that give the organization the power to establish and enforce assessments (Article 4). This is pretty standard language for most homeowners associations. Although homeowners may want the City to weigh in on this issue, my take is that it is an internal matter and is not directly related to the requirements of the Code.

15.10.005--15.10.010 (a)

Title 15

SPECIAL SERVICE DISTRICTS

Chapters:

15.10 Ocean Drive Loop Special Service District

Sections:

- 15.10.005 Definitions.
- 15.10.010 Ocean Drive Loop Special Service District established.
- 15.10.020 Property tax levy.
- 15.10.030 Payment in lieu of taxes.
- 15.10.040 Administration.
- 15.10.050 Services authorized.
- 15.10.060 Excess tax revenue.
- 15.10.100 Grants authorized.
- 15.10.110 Eligible entity.
- 15.10.120 Grant agreement.

15.10.005 Definitions. As used in this chapter:

"Improvement District" means the Ocean Drive Loop Bluff Erosion Control Improvement/Assessment District previously established by the City as a local improvement district to construct an erosion control seawall.

"Operate" and "Operation" with respect to the Seawall includes operation, maintenance, repair, reconstruction, improvement, insurance, and other related or similar activities conducted in the course of making and keeping the Seawall operational for its intended erosion control purpose for the benefit of the properties in the Improvement District.

"Property Owner" means an owner of real property, including any interest in such real property, located in the Special Service District.

"Seawall" means the erosion control seawall constructed in the Improvement District.

"Special Service District" means the Ocean Drive Loop Special Service District established under this chapter. (Ord. 06-53(S), §1, 2006)

15.10.010 Ocean Drive Loop Special Service District Established. a. There is established a special service district within the city designated as the "Ocean Drive Loop Special Service District" for the purpose of providing special services to the properties in the Ocean Drive Loop Bluff Erosion Control Improvement/Assessment District that are not provided elsewhere in the City.

15.10.010 (b) -- 15.10.020 (b)

b. The Special Service District is comprised of the following properties:

Legal Description

Oscar Munson Subdivision Lot 34
 Oscar Munson Subdivision Lot 37
 Oscar Munson Subdivision Lot 38
 Oscar Munson Subdivision Lot 39
 Oscar Munson Subdivision Lot 40
 Oscar Munson Subdivision Lot 41
 Oscar Munson Subdivision Lot 42
 Oscar Munson Subdivision Lot 43
 Oscar Munson Subdivision Lot 44
 Oscar Munson Subdivision Revision Lot 34
 Oscar Munson Subdivision Revision Lot 35
 Oscar Munson Subdivision No. 18 Lot 45B
 Oscar Munson Subdivision No. 18 Lot 45A
 Tamian Subdivision Lot 1
 Seabreeze Subdivision Lot 5

A portion of T6S R13W Section 21, Beginning at corner of Sections 20, 21, 28, and 29; thence N 64 degrees 10 minutes E a distance of 50.00 feet; thence S 64 degrees 10 minutes E a distance of 50.00 feet; thence E a distance of 35.00 feet; thence N 0 degrees 05 minutes W a distance of 450.00 feet; thence W a distance of 125.00 feet; thence S 0 degrees 05 minutes E a distance of 450.00 feet to the point of beginning.

Lake St ROW south of Ocean Drive Loop

Pedestrian Easement south of Ocean Drive Loop between Lots 37 and 38, Oscar Munson Subdivision (Ord. 06-53(S), §1, 2006)

15.10.020 Property Tax Levy. a. The Special Service District shall be funded by a property tax levied on the properties in that district. The City Council shall annually set the mill levy pursuant to Section 9.04.040. The tax shall be assessed and collected as other real property taxes levied by the City.

b. Any property tax levied for the purpose of funding the Special Service District shall be excluded from the calculation of the mill rate contingency set forth in Section 9.16.020 for purpose of determining whether the city's sales tax levy shall remain in effect (Ord. 06-53(S), §1, 2006)

164-1

(Homer 12/06)

15.10.030-15.10.110(iv)

15.10.030 Payment In Lieu of Taxes. In lieu of paying taxes on tax exempt property owned by the City in the Special Service District, the City will annually appropriate money to the district or perform in-kind services for the district equivalent in value to the amount of taxes that would be levied on the City property if it were taxable. (Ord. 06-53(S), §1, 2006)

15.10.040 Administration. The administration of this chapter is a function of the Department of Administration. (Ord. 06-53(S), §1, 2006)

15.10.050 Services Authorized. a. The special services provided to the Special Service District under this chapter are limited to the levy and collection of taxes and other revenues that shall be appropriated for and expended as one or more grant awards to an eligible entity for purposes authorized in this chapter.

b. The City is not authorized to make expenditures of taxes and revenues collected under this chapter for any act performed by the City, its personnel, or its contractors for Operation of the Seawall. This subsection does not prevent the City from appropriating funds from other revenue sources or from performing in-kind services to fulfill its obligation under Section 15.10.030. (Ord. 06-53(S), §1, 2006)

15.10.060 Excess tax revenue. If no grant awards are made under this chapter to an eligible entity, or if at any time the City Council determines Special Service District tax revenues exceed the needs of the Special Service District, the City Council may authorize a refund of the excess tax revenues collected under this chapter to the taxpayers in proportion to amounts paid in by such taxpayers. (Ord. 06-53(S), §1, 2006)

15.10.100 Grants authorized. a. Revenue collected by the City under this chapter may be appropriated and expended for one or more grant awards to be used for the limited purpose of funding Operation of the Seawall for the benefit of all properties in the Improvement District.

b. The City Council shall have final approval of all grant awards and recipients.
(Ord. 06-53(S), §1, 2006)

15.10.110 Eligible entity. To be eligible to receive a grant award under this chapter, an entity shall

- i. be independent of the City and organized for nonprofit purposes under the laws of Alaska as a corporation, company, partnership, or other recognized legal entity, and not an unincorporated association; and
- ii. have as a primary purpose the Operation the Seawall for the benefit of the properties in the Improvement District; and
- iii. have membership open to every Property Owner and, in fact, include in its membership a broad representation of all Property Owners; and
- iv. have established bylaws or rules that (a) require all meetings of the entity's membership and its board of directors or similar governing body to be open to all Property Owners,

164-2

(Homer 12/06)

15.10.110(iv)-15.10.120

regardless of membership; (b) afford all Property Owners a reasonable

opportunity to be heard at such meetings; and (c) require reasonable notice to all Property Owners in advance of all such meetings; and

v. have prepared a reasonable written plan to Operate the Seawall for the benefit of all properties in the Improvement District, including an annual budget that includes projected revenues and expenses for not less than two years; and

vi. provide written assurance that it will use amounts received under a grant award in accordance with its plan and solely for eligible grant purposes; and

vii. prepare and submit to the City Manager an application at such time; and in such manner, and containing such information as the City Manager may require.

(Ord. 06-53(S), §1, 2006)

15.10.120 Grant agreement. The City Manager may require an award recipient to enter into a grant agreement with terms to require the grantee to comply with the provisions of this chapter and provide proper accountability for the grantee's use of grant funds.

(Ord. 06-53(S), §1, 2006)

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164-3

(Homer 12/06)

BYLAWS OF HOMER CITIZENS FOR EROSION CONTROL, INC.

Preamble

Set forth herein are the Bylaws of HOMER CITIZENS FOR EROSION CONTROL, INC., a nonprofit corporation formed under the provisions of the Alaska Nonprofit Corporation Act, A.S. 10.20.

ARTICLE I: NAME

The name of this corporation shall be HOMER CITIZENS FOR EROSION CONTROL, INC.

ARTICLE II: DURATION

The duration of this corporation shall be perpetual.

ARTICLE III: PURPOSE

The purpose of this corporation shall be to allow property owners to speak with a unified voice on matters concerning operation, maintenance and improvement of a seawall and any other erosion control systems located within the Ocean Drive Loop Bluff Erosion Control Improvement/Assessment District.

ARTICLE IV: MEMBERSHIP

Each lot owner shall be a member of the corporation. The corporation shall not issue any stock and no dividends or other pecuniary profits shall be declared or paid by the corporation to anyone affiliated with it. On all matters in which the membership may vote, each lot will be entitled to one vote.

ARTICLE V: BOARD OF DIRECTORS

Section 1: Governance.

The property and business of the corporation shall be managed by its Board of Directors, which may exercise all powers of the corporation and do all such lawful acts and things which are not prohibited by law, the Articles of Incorporation or these Bylaws. These powers specifically include, but are not limited to, the following:

(a) To open bank accounts and borrow money on behalf of the corporation and to designate signatories to corporate accounts;

(b) To enter into contracts, lease agreements and other business arrangements on behalf of the corporation;

(c) To collect delinquent sums due the corporation; institute suits to protect the interests of the corporation; and defend the corporation against suits and claims;

(d) To make reasonable rules and regulations concerning corporate affairs and property and to enforce and amend the same from time to time; and

(e) To employ workmen, contractors and other personnel; purchase supplies, equipment and other materials; and take all other appropriate actions necessary to implement its duties and responsibilities as set forth herein.

Section 2: Number.

Three (3) persons shall serve as directors of the corporation.

Section 3: Term.

Each director shall serve for a term of one (1) year. Thereafter, directors shall be elected by the membership at the annual membership meeting.

Section 4: Election.

The initial directors of the corporation shall be as set forth in the Articles of Incorporation. Vacancies on the Board occurring thereafter shall be filled by the affirmative vote of the majority of the membership.

Section 5: Vacancy and Replacement.

If any director's position becomes vacant during his term by reason of death, resignation, retirement, disqualification, removal from office or otherwise, the majority of the remaining directors shall choose a successor, who shall hold office for the balance of the unexpired term.

Section 6: Removal.

Directors may be removed for cause by an affirmative vote of the majority of the Board. "Cause" shall be interpreted to mean dishonesty; breach of fiduciary duty; incompetence; two consecutive unexcused absences from meetings; failure to execute duties; mental infirmity; and other similar reasons demonstrating an inability to perform the duties of a director.

Section 7: Resignation.

Any director may resign at any time. Such resignation will be made in writing and shall take effect at the time specified therein, and if no time is specified, at the time of its receipt by the president or secretary.

Section 8: Compensation.

Directors and officers, as such, shall receive no compensation for their services. However, they are entitled to reimbursement for out-of-pocket expenses incurred on behalf of the corporation.

ARTICLE VI: OFFICERS

Section 1: Types of Officers.

The officers of the corporation shall be a president, vice president and secretary/treasurer.

Section 2: Election.

The Board shall appoint the officers at its annual meeting.

Section 3: Term.

Officers shall hold office for a period of one year. Any officer may be removed with or without cause, at any time, by the Board, provided that prior notice was given to all directors that this item was on the agenda for such meeting. If any officer's position becomes vacant for any reason, the vacancy shall be filled by the Board.

Section 4: Duties.

a) The President. The President shall be the Chief Executive Officer of the corporation; preside at all meetings of the Board; and see that all orders and resolutions of the Board are carried into effect.

b) Vice President. The Vice President shall take the place of the President and perform his/her duties whenever the President is absent or unable to act.

c) Secretary/Treasurer. The Secretary/Treasurer shall attend all sessions of the Board and record all votes and the minutes of all proceedings in a book to be kept for that purpose. He/she shall give, or cause to be given, notice of all meetings of the Board. He/she shall also have custody of the corporation funds and shall keep full and accurate accounts of receipts and disbursements and other corporate financial matters in books belonging to the corporation. He/she shall disburse the funds of the corporation as he/she may be ordered by the Board. He/she shall also perform such other duties as may be prescribed by the Board.

Section 5: Limitation on Powers.

Officers have no authority to take action on behalf of the corporation, on their own initiative. All such actions must first be authorized by the Board.

ARTICLE VII: MEETINGS

Section 1: Regular Meetings.

The Board shall hold regular meetings at least once per quarter at a date, time and location selected by the President.

Section 2: Special Meetings.

Special meetings may be called by any two directors. All directors shall be notified of any special meetings and the time, place, date and purpose of said meeting. Notice shall be given verbally or by mail. Twenty-four hour notice shall be given to directors except in the event of an emergency.

Section 3: Annual Meeting.

The annual meeting of the membership shall be held at a date, place, and time during January of each year, as determined by the President.

Section 4: Quorum.

A quorum for the transaction of business at any regular, special or annual Board meeting shall consist of a majority of the directors. Directors may participate at any meeting telephonically. A quorum of members shall consist of members representing a majority of the lots.

Section 5: Minutes.

All proceedings of Board meetings shall be permanently recorded in writing by the secretary and distributed to all the directors at the next meeting.

ARTICLE VII: VOTING

All matters before the Board shall be resolved by majority vote. Directors may vote either in person, by telephone or by proxy. All proxies shall be in writing and shall be filed with the secretary prior to the meeting at which they are to be used.

Whenever the vote of the directors is required in connection with any action to be taken by the corporation, a meeting and a vote of the Board may be dispensed with if all directors who would

have been entitled to vote upon the action if such meeting were held, consent in writing to such action being taken.

ARTICLE IX: AMENDMENTS

These Bylaws may be altered, amended or repealed by the membership at any special or annual meeting, provided that the notice of such meeting contained a copy of the proposed alteration, amendment or repeal and that said proposed alteration, amendment or repeal was read at two consecutive meetings prior to a vote. Such amendments must be approved by a majority of the membership.

ARTICLE VIII: INDEMNIFICATION

The corporation shall indemnify the directors to the maximum extent possible under law, for actions taken on behalf of the corporation.

ARTICLE IX: ASSESSMENTS

The Board has the power to make assessments for common expenses. Members will have 45 days to pay any assessment. The Board has the power to record a lien against any lot with an unpaid assessment, or to take any other lawful action to collect the assessment.

These Bylaws of HOMER CITIZENS FOR EROSION CONTROL, INC., were approved by a unanimous vote of the Board of Directors at a meeting held on the 12th day of December, 2008.

DATED this 6th day of December, 2008.

McNAMARA as owner of Lot 34, OSCAR MUNSON SUBDIVISION

as owner of Lot 34, OSCAR MUNSON SUBDIVISION

SZAJKOWSKA as owner of Lot 37, OSCAR MUNSON SUBDIVISION

Paul Hoyer
HOYER

as owner of Lot 37, OSCAR MUNSON
SUBDIVISION

11/24/08

Paul Hoyer
HOYER

as owner of Lot 38, OSCAR MUNSON
SUBDIVISION

as owner of Lot 38, OSCAR MUNSON
SUBDIVISION

SEE ATTACHMENT
SCHUMACHER

as owner of Lot 39, OSCAR MUNSON
SUBDIVISION

as owner of Lot 39, OSCAR MUNSON
SUBDIVISION

SARNS/ERWIN

as owner of Lot 40, OSCAR MUNSON
SUBDIVISION

as owner of Lot 40, OSCAR MUNSON
SUBDIVISION

MARK PFEFFER

as owner of Lot 41, OSCAR MUNSON
SUBDIVISION

as owner of Lot 41, OSCAR MUNSON
SUBDIVISION

ABBOTT

as owner of Lot 42, OSCAR MUNSON
SUBDIVISION

as owner of Lot 42, OSCAR MUNSON
SUBDIVISION

CITY

as owner of Lot 43, OSCAR MUNSON
SUBDIVISION

as owner of Lot 43, OSCAR MUNSON
SUBDIVISION

CITY

as owner of Lot 44, OSCAR MUNSON
SUBDIVISION

as owner of Lot 44, OSCAR MUNSON
SUBDIVISION

Chf Newby
NEWBY

as owner of Lot 35, OSCAR MUNSON
SUBDIVISION REVISION

Chf Newby
NEWBY

as owner of Lot 35, OSCAR MUNSON
SUBDIVISION REVISION

Lois Good
GOOD

as owner of Lot 36, OSCAR MUNSON
SUBDIVISION REVISION

as owner of Lot 36, OSCAR MUNSON
SUBDIVISION REVISION

as owner of Lot 45B, OSCAR MUNSON
SUBDIVISION No. 18

JUMP

as owner of Lot 45B, OSCAR MUNSON
SUBDIVISION No. 18

as owner of Lot 45, OSCAR MUNSON
SUBDIVISION No. 18

Larry D. Gode
GODE

as owner of Lot 45A, OSCAR MUNSON
SUBDIVISION No. 18

ALANIVA

as owner of Lot 1, TAMIAN SUBDIVISION

as owner of Lot 1, TAMIAN SUBDIVISION

DICKEY

as owner of Lot 5, SEABREEZE SUBDIVISION

as owner of Lot 5, SEABREEZE SUBDIVISION

as owner of a portion of T6S R13W Section 21,
Beginning at corner of Sections 20, 21, 28, and 29;
thence N 64 degrees 10 minutes E a distance of 50.00
feet; thence S 64 degrees 10 minutes E a distance of
50.00 feet; thence E a distance of 35.00 feet; thence
N 0 degrees 05 minutes W a distance of 450.00 feet;
thence W a distance of 125.00 feet; thence S 0
degrees 05 minutes E a distance of 450.00 feet; to the
point of beginning.

By: _____
Its: _____

as owner of a portion of T6S R13W Section 21,
Beginning at corner of Sections 20, 21, 28, and 29;
thence N 64 degrees 10 minutes E a distance of 50.00
feet; thence S 64 degrees 10 minutes E a distance of
50.00 feet; thence E a distance of 35.00 feet; thence
N 0 degrees 05 minutes W a distance of 450.00 feet;
thence W a distance of 125.00 feet; thence S 0
degrees 05 minutes E a distance of 450.00 feet; to the
point of beginning.

By: _____
Its: _____

_____, as owner of Lot 41, OSCAR MUNSON
SUBDIVISION Date: _____

_____, as owner of Lot 41, OSCAR MUNSON
SUBDIVISION Date: _____

_____, as owner of Lot 42, OSCAR MUNSON
SUBDIVISION Date: _____

_____, as owner of Lot 42, OSCAR MUNSON
SUBDIVISION Date: _____

_____, as owner of Lot 43, OSCAR MUNSON
SUBDIVISION Date: _____

_____, as owner of Lot 43, OSCAR MUNSON
SUBDIVISION Date: _____

_____, as owner of Lot 44, OSCAR MUNSON
SUBDIVISION Date: _____

_____, as owner of Lot 44, OSCAR MUNSON
SUBDIVISION Date: _____

_____, as owner of Lot 45A, OSCAR MUNSON
SUBDIVISION No. 18 Date: _____

John D. Jump, as owner of Lot 45A, OSCAR MUNSON
SUBDIVISION No. 18 Date: 11/24/08

_____, as owner of Lot 45B, OSCAR MUNSON
SUBDIVISION No. 18 Date: _____

SUBDIVISION REVISION Date:

as owner of Lot 36, OSCAR MUNSON
SUBDIVISION REVISION Date:

as owner of Lot 37, OSCAR MUNSON
SUBDIVISION Date:

as owner of Lot 37, OSCAR MUNSON
SUBDIVISION Date:

as owner of Lot 38, OSCAR MUNSON
SUBDIVISION Date:

as owner of Lot 38, OSCAR MUNSON
SUBDIVISION Date:

Norman J. Schumacher

as owner of Lot 39, OSCAR MUNSON
SUBDIVISION Date:

11/17/2008

as owner of Lot 39, OSCAR MUNSON
SUBDIVISION Date:

as owner of Lot 40, OSCAR MUNSON
SUBDIVISION Date:

as owner of Lot 40, OSCAR MUNSON
SUBDIVISION Date:

**ARTICLES OF INCORPORATION FOR
HOMER CITIZENS FOR EROSION CONTROL, INC.**

Preamble

The undersigned natural persons being of the age of 19 years or older, and acting as the incorporators of this corporation under the provisions of the Alaska Nonprofit Corporation Act, A.S. 10.20, hereby adopt the following ARTICLES OF INCORPORATION.

ARTICLE I: NAME

The name of the corporation shall be HOMER CITIZENS FOR EROSION CONTROL, INC.

ARTICLE II: DURATION

The period of duration of this corporation shall be perpetual.

ARTICLE III: PURPOSE

The purpose of this corporation shall be to allow property owners to speak with a unified voice on matters concerning operation, maintenance and improvement of a seawall and any other erosion control system located within the Ocean Drive Loop Special Service District.

ARTICLE IV: POWERS

The corporation shall have all of the powers granted nonprofit corporations under state law. These powers shall include, but not be limited to, the right to hold and convey title to real property and to establish and enforce assessments against members and lots.

Daniel Westerburg • 4164 Pennock St., Ste. A • Homer, AK 99603 • T: (907)235-2717 • F: (907)235-2715



VERIFICATION

STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

We, Paul James Hueper, Larry Goode, and Chris Newby, being first duly sworn,
do hereby depose and state as follows:

We are the persons above named;

We have read the foregoing Articles of Incorporation of Homer Citizens for
Erosion Control, Inc., and understand the contents thereof;

We have executed said Articles of Incorporation freely and voluntarily for the
purposes set forth therein;

And we verify that the same are true and accurate to the best of our knowledge and
belief.

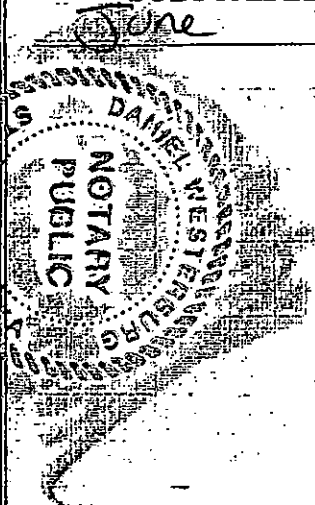
Paul James Hueper

Paul James Hueper

SUBSCRIBED AND SWORN TO before me this 12th day of
June, 2008.

[Signature]

Notary Public in and for Alaska
My Commission Expires: 7/12/11



4164 Pennock St., Ste. A • Homer, AK 99603 • T: (907)235-2717 • F: (907)235-2715

Larry Goode
Larry Goode

SUBSCRIBED AND SWORN TO before me this 18th day of June, 2008.

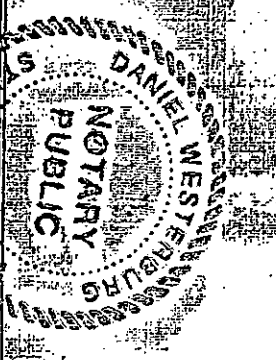
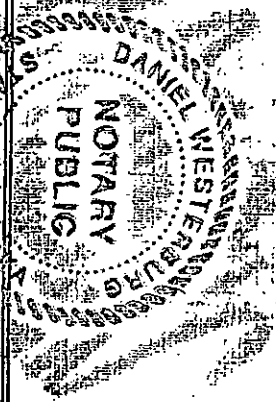
[Signature]
Notary Public in and for Alaska
My Commission Expires: 7/28/11

Chris Newby
Chris Newby

SUBSCRIBED AND SWORN TO before me this 18th day of June, 2008.

[Signature]
Notary Public in and for Alaska
My Commission Expires: 7/28/11

Daniel Westerburg • 4164 Penton • AK 99603 • T: (907) 235-2111 • F: (907) 235-2715



Homer Citizens For Erosion Control, Inc.
Ocean Drive Loop Special Service District Seawall

Maintenance Plan /Scope of Work 2009

Items in Need of minor repair maintenance:

1) Minor Wall Breaches:

Location- Far east end of the City of Homer's two lots

Repair- Excavate three individual spots

- Fill in with approximately 5 yards cement per hole
- Replace wall facing in front
- Refill excavated dirt on top of wall

Estimated Cost: \$11,000

2) Replace missing 4 x 12 wood facing

-subject to exposed facing due to erosion at the toe of the wall

Estimated Cost: \$3,000

Total Estimated Minor Repairs	\$14,000
-------------------------------	----------

(Note: Due to the dynamic nature of erosion, these anticipated expenses are subject to change...the minor wall breaches are currently buried under 2 to 4 feet of oceanic fill from small storms last winter. If they continue to be buried, these expenses could be temporarily delayed...if and when there is a shift in the soil levels. We are depending upon the expertise and advice from East Road Services, Inc. regarding these pending repairs.)

Proposed Budget Year 2010: Homer Citizens For Erosion Control, Inc.

Estimated Revenues: \$25,000

City of Homer \$14,000
Special Services District \$11,000

Proposed Expenses:

Association Insurance \$1300
City/Catastrophic \$3,000
Total Insurance: \$4300

Estimated Minor Repairs \$18,000
Miscellaneous Reserves \$2700

Total Expenses: \$25,000

HCEC Agenda- Friday October 23rd, 2009

- I. Approval of the Agenda**
- II. Approval of Minutes from Meeting 6/18/09**
- III. Approval of New Members**
- IV. Approval of 2009 Maintenance Plan**
- V. Approval of 2010 Budget**
- VI. Grant Agreement with the City**
- VII. Bylaws Amendment/One Vote per Front/ Request City to Change**
- VIII. Proposed Increase of 2 Mil For Long Term Solution**
- IX. Proposed Removal of Costs/Deductibles for HCEC Membership**
- X. Bylaws Amendment/ Meetings Per Year**
- XI. Vote on New Directors for 2010**
- XII. Visitor's Comments**

What would the legal ramifications be to the City if the ordinance for the special taxation district were rescinded?

This is a very good question which I will pose to Tom Klinkner. At first blush, I do not see any legal ramifications. City governments have the power under state law to create special service districts and they have the ability to abolish them. The special services authorized in the ordinance are limited to tax collection and money management. The City has no legal obligation to do either of those things in this case. There is no state or municipal law, binding contracts or agreements, or anything else that I can think of that would cause the City to be legally liable if it rescinded the ordinance, provided that Council returns all of the tax money it collected over the past two years (but did not spend.)

Can the taxation be based on wall length not mil rate? When Gordon Tans was still the City Attorney, we looked at that pretty closely. Both Gordon and the Borough Finance Department determined that it could not, at least not if we were going to call it a property tax. We also explored whether the wall could be considered personnel property rather than real property which would make individual tax bills more equal. It was determined that did not work either. If there is one thing that all of the property owners seem to agree on, it is that they don't like special service area taxes being based upon assessed valuation and the mil rate. They want something that is more equitable. So, I will be exploring this issue again with Tom Klinkner to see what the possibilities are. There are definitely other ways to assess and bill people but we would sacrifice some things in terms of enforceability and administrative burden for the City.

The way we see it, the most important item the City has vested in the seawall is the 20 year repayment of the loan to property owners? Is there anything else that the City needs to recoup? Yes, probably the most important investment that the City must recoup is the money it paid upfront for construction of the wall. The original idea was that the City would upfront the money to construct the wall and then sell revenue bonds. The sale of the bonds (a loan in effect) would enable the City to get its money back right away. The property owners would then pay off the bond through their local improvement district assessments. The City "upfronted" about \$1.1 Million. When the property owners filed lawsuits against the City over the LID, the City was unable to sell bonds. So the taxpayers got stuck with the cost. The City finally got some of its money back when one of the lawsuits was settled with the project engineer. The City received about \$600,000 which was credited to the property owners assessments and reduced the amount the property owners owed by about 60%. The property owners still owe the City between \$300,000 and \$400,000 and are paying that off through yearly payments. The City actually lost more than that when one considers opportunity costs, lost interest earnings, staff time, legal time etc, but it is difficult to put a price tag on all of that and even more difficult to collect it.

Is the reason the City carries the insurance for the wall to protect the City against the property owners reneging on their payments, should the wall fail? No, that was not the reason. If the property owners failed to make payments, the City would have other

recourse under the law to collect those payments. The main reason was primarily to be helpful and encourage the property owners to take responsibility for maintenance and repair of their wall. It is unlikely that the property owners could afford insurance on their own and the City made references to providing insurance (that the property owners would pay for) in the early discussions about forming this LID. In addition, we have to keep in mind that the City also owns two lots behind the wall, some plated ROW, a road and water and sewer lines. The City is actually the largest landowner in terms of linear feet of wall. So, the City has an interest in protecting and insuring the wall also. The insurance costs about \$3,500 per year and is for replacement value, estimated to be \$3 Million.

Why has the City involved itself in helping the wall owners to organize to maintain the wall? Couldn't the property owners organize themselves? It would be great if the property owners organized themselves. The City encouraged them to do so from the very start of this project. If they had a functional association, they would have the power to raise their own money and enforce their own rules, just like any property owners association. The property owners resisted this idea for many years for several reasons. One is that they could not agree on things and did not trust each other. Another was that they held on to the hope that the City would ultimately take responsibility for maintenance and repair of the wall. It was only when the City passed the Special Services Area Ordinance that the property owners agreed to organize. The Council got involved in order to be helpful. The property owners did not want to be responsible for asking their neighbors for money and then taking action against them if they did not pay. They were very concerned about enforcement and fairness. The City has the power to tax and to enforce tax laws if people do not pay so agreeing to do this was a big help to the property owners and got them over what seemed to be an insurmountable hurdle. Having said all of that, when you read the Articles of Incorporation, you will see that the organization has given itself the power to levy and enforce assessments. So, they do now have the power and tools to do this by themselves with no involvement by the City.

Can the property owners purchase their own insurance? Is the City obligated to carry this for them? The City is not obligated in any way (legally or otherwise) to provide insurance for the property owners. In fact, the City's insurance company (and the taxpayers generally) are really taking a risk by insuring it. It is highly unusual for an insurance company to insure something that the City does not own or have control over. AML/JIA has agreed to insure it with the understanding that the City is a part owner and that there is an agreement in place between the City and the Homeowners Association to provide for regular maintenance and repair. Both the property owners and the City insurance broker have performed some research into whether the property owners association could get its own insurance. The answer is that it is either unlikely or would be prohibitively expensive. The City insurance broker also informed me that it would be unlikely that individual property owners could get insurance for just their section of the wall since what happens on one section of the wall can affect everybody else. However, I don't think anyone has yet tried this approach.

Where is the evidence HCEC has bylaws?, a viable plan? Represents a majority of property owners? I will place copies of what I have so far in Council boxes this week

along with an analysis of whether I believe the Association is in compliance with the Code (Chapter 15, Special Service Districts). In short, the Association does have Articles of Incorporation and Bylaws. These were drafted by Dan Westerburg and approved by the members. The Association has provided evidence that they have a majority of the property owners as members based upon all of the following, linear footage of wall, assessed valuation, and number of property owners. They also have provided minutes of meetings, budgets, and workplans. They could use some improvement in these areas but they do exist.

Why are property values being utilized to determine a majority of HCEC participation? Couldn't wall length be just as viable a method in this case? Please see the previous answer. The Association says it has a majority in terms of wall length, property assessments, and property owners. Whether this will suffice for the purposes of compliance with the ordinance will be ultimately up to the Council. The ordinance is pretty broad and vague on this issue and only refers to "a broad representation of all property owners."

Jo Johnson

From: Kathy Sarns [kathy@kathysarns.com]
Sent: Monday, October 26, 2009 12:56 PM
To: Jo Johnson
Subject: Seawall special tax is OK
Attachments: cancelsignature.docx

Dear Mayor and City Council members,

We would like to remove our signatures from the document attached that you received June 8, 2009. We were less informed then, and now after conducting our own research, have decided it would be best for us to join the Homer Citizens for Erosion Control (Home Owners Association) and we do support Ordinance 06-53 Resolution 08-69.

We do hope that the way people are taxed for this special district is changed if possible from mil rate to per linear foot of wall, to be fair to all in the future. But we do not wish to have the money refunded. We want to be involved with the management of this special district money to improve the sea wall, such as armor rock, pay for repairs, and save some for future catastrophic insurance deductibles if needed.

We have also joined the Homer Citizens for Erosion Control (Home Owners Association).

Sincerely,
Kathy Sarns Irwin
Patrick L Irwin

Free Spirit LLC
939 OCEAN DRIVE LOOP
HOMER, ALASKA 99603

Phone: 907 770 6560
TOLL FREE: 1-877-842-3429

<http://www.freepiritwear.com>

FAX: 1-888-437-4591

Jo Johnson

From: AK Beach House [homerbeachhouse@gmail.com]
Sent: Friday, October 23, 2009 8:18 AM
To: Jo Johnson
Subject: Seawall special tax

Dear Mayor and City Council members,

After careful consideration I have decided that the Ordinance 06-53 Resolution 08-69, for the Special Tax on the Seawall should be in affect for all of the Seawall owners. This seems to be the only fair way of protecting everyone in the event of a major storm. I earlier signed a Petition this summer against this special tax. I have changed my mind on this issue.

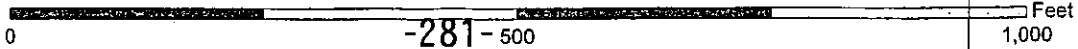
I am unable to attend the meeting this evening, as I am out of town.

Thank you for your time.

Doug Alaniva
Alaska Beach House BB



Ocean Drive Loop Special Service District



-281-500

October 23, 2009

1 CITY OF HOMER
2 HOMER, ALASKA

3 City Manager, City Attorney

4 ORDINANCE 06-53(S)

5
6 AN ORDINANCE OF THE HOMER CITY COUNCIL
7 AMENDING HOMER CITY CODE BY CREATING A NEW
8 TITLE 15, "SPECIAL SERVICE DISTRICTS," CREATING
9 THE OCEAN DRIVE LOOP SPECIAL SERVICE DISTRICT
10 AND A DIFFERENTIAL PROPERTY TAX ZONE TO
11 LEVY PROPERTY TAXES TO FUND SPECIAL SERVICES
12 PROVIDED IN THE DISTRICT, AND AUTHORIZING
13 GRANT AWARDS TO ELIGIBLE ENTITIES TO OPERATE
14 THE SEAWALL FOR THE BENEFIT OF THE DISTRICT
15

16 WHEREAS, the City may by ordinance establish, alter, and abolish differential tax
17 zones to provide and levy property taxes for services not provided generally in the city, or a
18 different level of service than that provided generally in the city; and
19

20 WHEREAS, it appears to be in the public interest for the City to assist the property
21 owners in providing certain services to the properties in the Ocean Drive Loop Erosion
22 Control Local Improvement District of a special kind and greater level of service than those
23 provided generally in the City.
24

25 NOW THEREFORE, THE CITY OF HOMER HEREBY ORDAINS:
26

27 Section 1. A new Title 15 of the Homer City Code, entitled "Special Service
28 Districts," and a new Chapter 15.10, entitled "Ocean Drive Loop Special Service District,"
29 are hereby adopted to read as follows:

30 Title 15

31 SPECIAL SERVICE DISTRICTS
32

33 Chapter 15.10

34 OCEAN DRIVE LOOP SPECIAL SERVICE DISTRICT
35

36 Article 1
37

38 15.10.005 Definitions. As used in this chapter:

39 "*Improvement District*" means the Ocean Drive Loop Bluff Erosion Control
40 Improvement/Assessment District previously established by the City as a local improvement
41 district to construct an erosion control seawall.

42 "*Operate*" and "*Operation*" with respect to the Seawall includes operation,
43 maintenance, repair, reconstruction, improvement, insurance, and other related or similar
44 activities conducted in the course of making and keeping the Seawall operational for its
45 intended erosion control purpose for the benefit of the properties in the Improvement District.

46 "*Property Owner*" means an owner of real property, including any interest in such real
47 property, located in the Special Service District.

48 "*Seawall*" means the erosion control seawall constructed in the Improvement District.

49 "*Special Service District*" means the Ocean Drive Loop Special Service District
50 established under this chapter.

51

52 15.10.010 Ocean Drive Loop Special Service District Established. a. There is
53 established a special service district within the city designated as the "Ocean Drive Loop
54 Special Service District" for the purpose of providing special services to the properties in the
55 Ocean Drive Loop Bluff Erosion Control Improvement/Assessment District that are not
56 provided elsewhere in the City.

57 b. The Special Service District is comprised of the following properties:

Legal Description

Oscar Munson Subdivision Lot 34

Oscar Munson Subdivision Lot 37

Oscar Munson Subdivision Lot 38

Oscar Munson Subdivision Lot 39

Oscar Munson Subdivision Lot 40

Oscar Munson Subdivision Lot 41

Oscar Munson Subdivision Lot 42

Oscar Munson Subdivision Lot 43

Oscar Munson Subdivision Lot 44

Oscar Munson Subdivision Revision Lot 34

Oscar Munson Subdivision Revision Lot 35

Oscar Munson Subdivision No. 18 Lot 45B

Oscar Munson Subdivision No. 18 Lot 45A

Tamian Subdivision Lot 1

Seabreeze Subdivision Lot 5

A portion of T6S R13W Section 21, Beginning at corner of Sections 20, 21, 28, and 29; thence N 64 degrees 10 minutes E a distance of 50.00 feet; thence S 64 degrees 10 minutes E a distance of 50.00 feet; thence E a distance of 35.00 feet; thence N 0 degrees 05 minutes W a distance of 450.00 feet; thence W a distance of 125.00 feet; thence S 0 degrees 05 minutes E a distance of 450.00 feet to the point of beginning.

Lake St ROW south of Ocean Drive Loop

Pedestrian Easement south of Ocean Drive Loop between Lots 37 and 38, Oscar Munson Subdivision

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15.10.020 Property Tax Levy. a. The Special Service District shall be funded by a property tax levied on the properties in that district. The City Council shall annually set the mill levy pursuant to Section 9.04.040. The tax shall be assessed and collected as other real property taxes levied by the City.

b. Any property tax levied for the purpose of funding the Special Service District shall be excluded from the calculation of the mill rate contingency set forth in Section 9.16.020 for purpose of determining whether the city's sales tax levy shall remain in effect.

15.10.030 Payment In Lieu of Taxes. In lieu of paying taxes on tax exempt property owned by the City in the Special Service District, the City will annually appropriate money to the district or perform in-kind services for the district equivalent in value to the amount of taxes that would be levied on the City property if it were taxable.

15.10.040 Administration. The administration of this chapter is a function of the Department of Administration.

15.10.050 Services Authorized. a. The special services provided to the Special Service District under this chapter are limited to the levy and collection of taxes and other revenues that shall be appropriated for and expended as one or more grant awards to an eligible entity for purposes authorized in this chapter.

b. The City is not authorized to make expenditures of taxes and revenues collected under this chapter for any act performed by the City, its personnel, or its contractors for Operation of the Seawall. This subsection does not prevent the City from appropriating funds from other revenue sources or from performing in-kind services to fulfill its obligation under Section 15.10.030.

15.10.060 Excess tax revenue. If no grant awards are made under this chapter to an eligible entity, or if at any time the City Council determines Special Service District tax

84 revenues exceed the needs of the Special Service District, the City Council may authorize a
85 refund of the excess tax revenues collected under this chapter to the taxpayers in proportion
86 to amounts paid in by such taxpayers.

87

88 Article 2

89

90 15.10.100 Grants authorized. a. Revenue collected by the City under this chapter
91 may be appropriated and expended for one or more grant awards to be used for the limited
92 purpose of funding Operation of the Seawall for the benefit of all properties in the
93 Improvement District.

94 b. The City Council shall have final approval of all grant awards and recipients.

95

96 15.10.110 Eligible entity. To be eligible to receive a grant award under this
97 chapter, an entity shall

98 (i) be independent of the City and organized for nonprofit purposes under the
99 laws of Alaska as a corporation, company, partnership, or other recognized legal entity, and
100 not an unincorporated association; and

101 (ii) have as a primary purpose the Operation the Seawall for the benefit of the
102 properties in the Improvement District; and

103 (iii) have membership open to every Property Owner and, in fact, include in its
104 membership a broad representation of all Property Owners; and

105 (iv) have established bylaws or rules that (a) require all meetings of the entity's
106 membership and its board of directors or similar governing body to be open to
107 all Property Owners, regardless of membership; (b) afford all Property Owners
108 a reasonable opportunity to be heard at such meetings; and (c) require
109 reasonable notice to all Property Owners in advance of all such meetings; and

110 (v) have prepared a reasonable written plan to Operate the Seawall for the
111 benefit of all properties in the Improvement District, including an annual
112 budget that includes projected revenues and expenses for not less than two
113 years; and

114 (vi) provide written assurance that it will use amounts received under a grant
115 award in accordance with its plan and solely for eligible grant purposes; and

116 (vii) prepare and submit to the City Manager an application at such time, and
117 in such manner, and containing such information as the City Manager may
118 require.

119

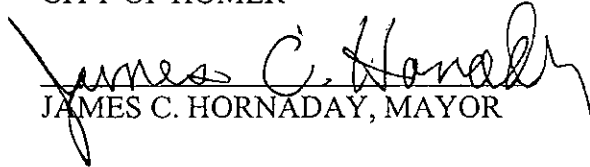
120 15.10.120 Grant agreement. The City Manager may require an award recipient to
121 enter into a grant agreement with terms to require the grantee to comply with the provisions
122 of this chapter and provide proper accountability for the grantee's use of grant funds.

123
124
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126

Section 2. This Ordinance is of a permanent and general character and shall be included in the City Code.

~~11~~¹¹ ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this ~~November~~ day of December, 2006.

CITY OF HOMER


JAMES C. HORNADAY, MAYOR

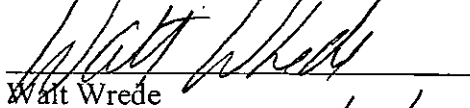
ATTEST:



MARY L. CALHOUN, CMC, CITY CLERK

AYES: 5
NOES: 1
ABSTAIN: 0
ABSENT: 0

First Reading: 09/25/06
Public Hearing: 10/09/06
Second Reading: 10/09/06 ppt 11/27/06 ppt 12/11/06 - adopted
Effective Date: 12/12/06

Reviewed and approved as to form:


Matt Wrede
City Manager
12/12/06


Gordon J Tans
City Attorney

Fiscal Note: NA

Jo Johnson

From: bdickey449@aol.com
Sent: Tuesday, January 05, 2010 6:14 PM
To: Jo Johnson
Cc: surfshack@acsalaska.net
Subject: seawall concerns for inclusion in packets for upcoming mtg. monday

To the city clerk:

- Please include in packets for next Monday's council work sessions, to the Mayor, city mgr., and council members...thank you!

Please know that we as lot owners of the end of the seawall are strongly opposed to being a part of HCEC. It does NOT represent us. We feel we are not getting detailed copies of the planning, budgets, and actions proposed by the HCEC and yet we are in this special service tax district. How can the council in good conscience pull us into this financial/repair mess when we never agreed to this kind of management, have paid our own maintenance repairs, paid our share of the seawall in full, and yet are expected to pay in perpetuity future expenses for maintenance of the whole project. AND as stated before, the current city's assessments are based on lot values not linear foot of seawall! The seawall only goes across half of our lot. The city owned lots are worth little in comparison due to their erosion and will not pay proportionately to ours due to size and value. Could you, if you lived here, accept this kind of management?

Please consider rescinding the current ordinance and let's get this issue resolved to the benefit of all. We all want this to work equitably for those concerned. This will not go away until we are all treated with respect and concern.

Sincerely,
Brad and Paula Dickey

To the Honorable Mayor Hornaday, The Homer City Council and the Homer City Manager:

The Mayor and City Council have the power to end this seawall madness Monday – or to make this mess even worse. This meeting is very important to us.

A Brief History:

I. Before the seawall – Everyone was taking care of their own private properties and doing what they could for erosion control (easily over \$100,000 was invested in various seawall projects.)

II. Seawall LID – Property owners agreed to purchase the lineal footage of seawall that they needed to protect their private property; The City did not buy required builders risk insurance as per contract with Phukan and the written details in the LID agreement was shorter than any rental agreement we've ever seen.

III. Building of the seawall – The City and contractor moved the seawall down below the 20' tide line which was outside of the agreements with the Army Corps of Engineers exposing it to more wave action, untreated lumber was bolted onto the face of the seawall – warranties voided;

IV. Paying for the Seawall - the project went way over budget (the price went from \$450/lineal foot to \$630/lineal foot); litigations left no warranties on the seawall or work; settlements reduced property owners assessments who were involved with the litigation; No bonds were acquired. Property owners were billed for their linear footage of seawall on their private property.

V. Monitoring/Maintenance/Repairs were to be done by private property owners; The City gave a list of maintenance/repair tasks to each property owner. Many individuals kept up with those preventative measures. Don walked the seawall January 4, 2010 and the City's property is the only one with fiberglass exposed below the wood face. The City has been paying for substandard work throughout this whole project (fewer or smaller bolts, etc.) Attached to this document is the estimate that the City asked and paid for (?) in November 2009. Did it protect the City's lots? We are at the western end of the seawall and have personally invested over \$13,000 in the maintenance of our wall sections over the last 7 years and at this point, there is little/nothing that can be done to improve our section (more rock is always nice). That was a substantial investment for us and our income and, of course, we didn't ask for the City to pay for any of that. We know that other home owners have also made big investments. No one ever agreed to take on maintenance tasks or expenses for other private properties. The City holds insurance for the seawall under its umbrella policy and has made choices about whether or not to file claims on behalf of/with individual private property owners.

VI. Newest City Administration Idea – Create a "Special Service Tax District" 5 years after the City accepted the failed project! The "service" is to collect money from private citizens who are already maintaining and repairing the lineal footage of seawall that they bought and hand their money to a private, non-profit, non-professional organization.

Now it is two years later (7 years after the City accepted and paid for the failed seawall project.) HCEC is still trying to put an application together. Minutes from the last meeting have not been sent out, though misinformation (i.e. there is a 6 or 8 mil cap annually) and hidden agendas (like don't worry, HCEC has no intention of paying/repaying the City for its insurance premium, as the LID assessments prepaid the insurance for at least 20 years) have been the only response from the Directors. Since the meeting, some people (?) in HCEC have amended the bylaws – though they weren't discussed or done in open meetings nor voted on. A new member wrote that some of the directors announced that they have not even read and don't intend to consider our

concerns. Great. One director e-mailed us to never e-mail him again. Great. HCEC presumes to take on all the liabilities of all the properties – and have the City inequitably collect whatever money that they want to use as they wish. The definition of “profit” is “to benefit” - HCEC members will benefit from tax revenues. HCEC Directors have already shown bias against us and poor communication/organizational skills at best. HCEC would dictate how much the City/Borough collects each year with no cap and no endpoint making our family budget impossible to plan. It seems that HCEC may also borrow money in our name? Yikes! Because the City wants to collect on mil rate – complete with Alaska mandated senior/disability/veteran exemptions, the calculations and particularly the burdens on younger property owners are extraordinary. Essentially warranting the entire wall (when no one else in their right mind does or would!) and taking on all of the liabilities and needs of every private property “OF A PERMANENT NATURE” is a ridiculous mission that we don’t know who can afford and not be threatened by if they are paying attention. We’ve had to ask the current City Manager for a full copy of HCEC’s application for everyone in the LID and for our legal council to review this week (in preparation for Monday’s meeting). It should be in the Council’s packet. We don’t know if representatives from the Borough assessor’s and financial departments have been invited as we suggested. We don’t think that Wait has had the assessments of the properties in the Special Service Tax District reviewed/brought up to date – though he stated that the City attorney will be presenting other options to the Council on Monday, so perhaps mil rate is a mute point? As the City Manager is trying to push this thru ASAP and tells the Mayor and Council that if they pass this, the City will finally be out from under this nightmare – think about it! Really? Or is it just a new beginning of another level of dramatic nightmare!?!

Why does the City Council want to be involved in collecting money for a private “non-profit” and how does it intend to hold it accountable to the City and those who they force into the Special Service Tax District? The City wants to annually allow the non-profit to set a mil rate for the District. Clearly the mil rate is inequitable and results in disparate treatment of citizens (Example: One single family home with 106 lineal feet of seawall paid \$49 and another comparable one with 100 lineal feet paid over \$1600 in 2009.) How can you tell us this is fair? This is absurd. People’s incomes and investments made over the last 7 years are not taken into account. We want to continue to control the quality of work done on their own private property. Property owners who have paid off their LID and don’t want to be involved with HCEC are now faced with choices....what would you have us do?

Our Choices (what would the Mayor and City Council have us do?):

#1. Our highest wish is that the City Council either rescind the ordinance or remove our property from the Special Service Tax District Roll (as we’ve been asking all along). We believe that this is in the City’s best interest as well as ours. And it may well be in HCEC’s best interest!
The City could take our property off the roll and has the power to do so TODAY. HCEC can choose to (a) accept the terms of the ordinance and special service tax district roll as defined by the City and apply for the money collected or (b) choose not to apply for the monies that the City collects. HCEC can exist as a private non-profit and fund themselves (with or without the City’s ordinance) and work with its members who could pool costs, apply for grants, etc. and a lot less conflict would exist. We are responsible citizens who have kept our agreement with the City and we never intended or agreed to be managed by or fund a biased homeowners association. The City/Borough could refund or credit the taxes it has collected from us to date. Our offer still holds for us to pay the City for our fair share (according to lineal footage) of the annual insurance premium for the seawall for as long as the City holds the policy (although the City has only billed us once in 7 years for insurance). We will continue to responsibly

maintain/repair the 100 lineal feet we bought from the City that is on our private property, and live happily ever after! We wouldn't cost the City or HCEC anything and they would finally leave us alone. HCEC members can hold their organization accountable (or not) and the City can define their level of involvement with HCEC. Peace. (We can still bring cupcakes to the Council once in a while – and do good works in the City that have nothing to do with the seawall!!)

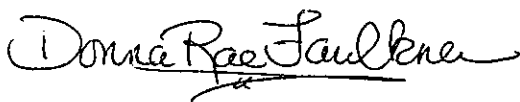
#2. If the City does not rescind the ordinance or remove our property from the Special Service Tax District Roll, we are forced to look at costly options that would involve our relationship with the City of Homer - litigation with the City, creative insubordination, and/or non-violent, civil disobedience. We really don't want to go there. Does the Mayor and City Council really want to force citizens into these kinds of options or roles?

No cap, no predictability, no endpoint to the City/Borough collecting our money so inequitably for HCEC is simply unacceptable and economically unfeasible for us. *What would you and your family do?!?* We DO NOT accept taking on the liabilities and needs of ALL the private properties in the Special Service Tax District. We NEVER AGREED TO THAT. HCEC has and will continue to treat us unfairly and has not even acted in accordance with its bylaws to date. There has been little transparency between the HCEC Directors and the City Manager's office and those in the Special Service Tax District. We will have no say as to where/how HCEC would spend our money, costs it incurs for members (i.e. lawyer fees) vs. non-member expenditures (we haven't seen the HCEC budget yet) or the quality of workmanship that they consider acceptable – this is intolerable and would not necessarily benefit our property. **Of course, we remember that HCEC has not been approved by the City Council, so one would hope that Walt has not been making backroom deals or commitments with HCEC.** (No cupcakes will be involved with this nightmare outcome.)

We will never really understand why the City wants to now fund and oversee HCEC and even pretend to hold HCEC accountable. We don't see HCEC as having been accountable to the City or all of the property owners along the seawall to date. Their lack of clear, consistent communication is astounding. Their disdain for us is palatable. We don't see why HCEC can't simply be a private member-only organization and the City can be a part of it or not. If the City wants to play "big brother" – it should only do so with those who want to be members and possibly those not repairing/maintaining their sections – not citizens who have paid their LID and responsibly held up their agreements. If the City Council doesn't release us from this nightmare and grants HCEC our money, all the options that we have are expensive in terms of time, money and energy and we will certainly continue to be a presence at the City Council meetings and beyond. The negative toll it has been taking and will have on our health, vitality and ability to be contributing members of the community on other fronts is truly disheartening beyond belief.

We are trying to trust in our elected Mayor and City Council members and pray that this mess ends on Monday. Make this a happier new year. As always, feel free to call us if you would like a tour of the wall or have any questions that we might answer.

Please rescind the ordinance or remove our property from the Special Tax Service District roll. We deeply appreciate your consideration.
Sincerely,

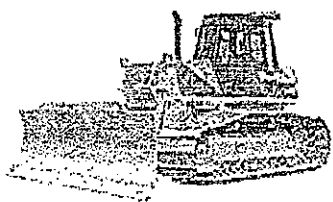


Donna Rae Faulkner and Don McNamara
811 Ocean Drive Loop, Homer, AK 99603



235-7873

surfshack@acsalaska.net



East Road Services, Inc.

TROY A. JONES, PRESIDENT
33740 JONES DRIVE • HOMER, ALASKA • 99603
PHONE: (907)235-5574 • FAX: (907)235-9072 • EMAIL: EASTROSV@HORIZONSATELLITE.COM

November 9, 2009
To: Ocean Drive Seawall Maintenance

Panel #	Boards needed	Uprights needed, (estimated)
19	1	3
24	1	
30	1	3
31	1	
36	2	3
37	2	
38	2	3
39	2	
40	2	3
41	1	
42	1	3
43	1	

Total Boards = 17, 18
Mobilization and De Mobilization: \$750.00
\$650.00 per 4" x 12" x 20' boards
\$300.00 per 6" x 6" x 16' uprights

Total Estimate: \$17,200.00

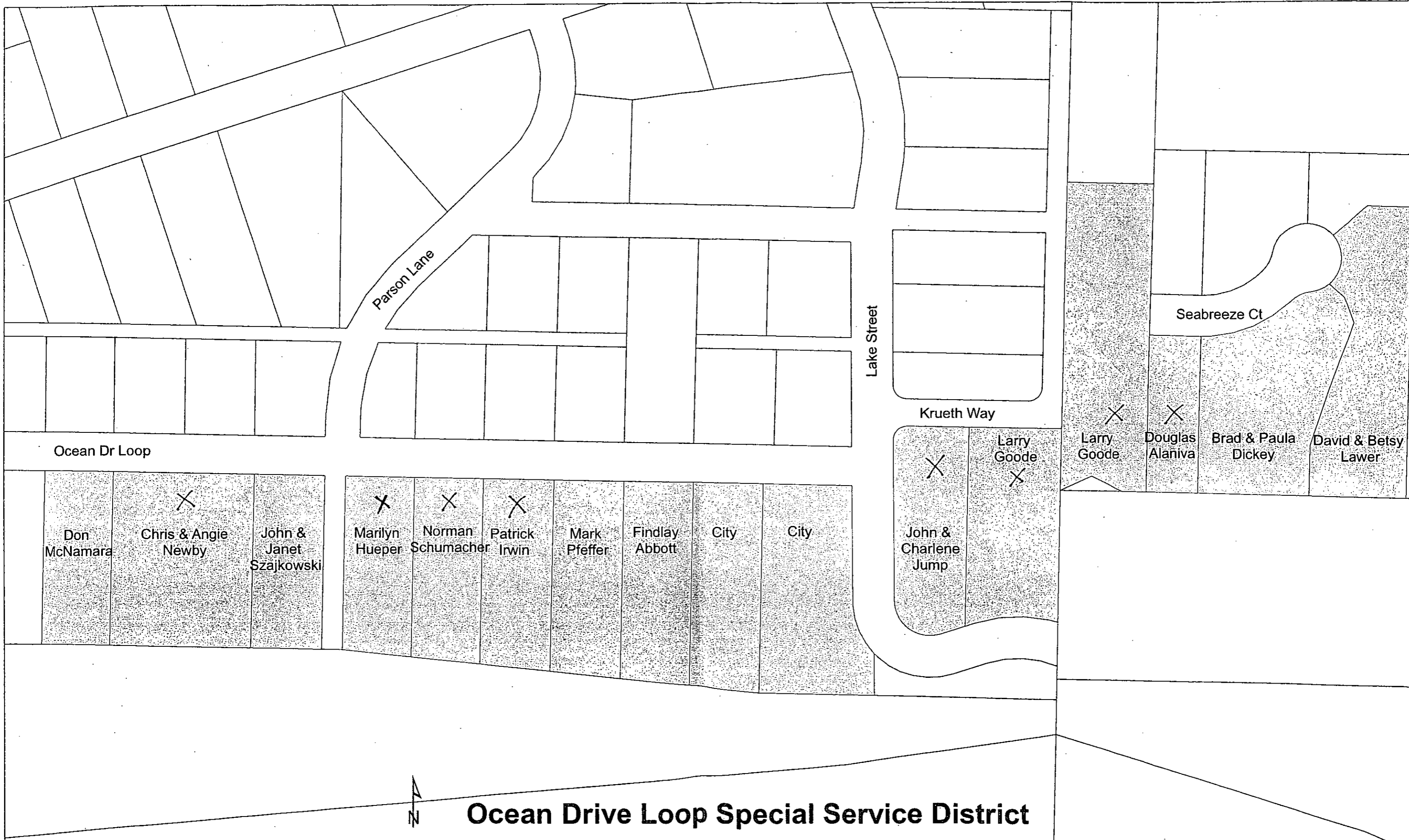
This job will be billed on a per board used basis at the above rates. Mob and De Mob is a fixed rate to be billed one time only.

This quote is valid for 60 days from the above date. Balance is due upon completion.

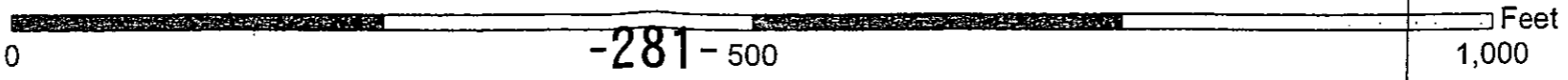
Submitted by:

Troy Jones
President

**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**



Ocean Drive Loop Special Service District



ACTION AGENDA
Monday, January 11, 2010
Special Meeting
Committee of the Whole
Regular Meeting

SPECIAL MEETING AGENDA

Session 10-01 a Special Meeting of the Homer City Council was called to order on January 11, 2010 at 3:38 p.m. by Mayor Pro Tempore Beth 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: HOGAN, HOWARD, ROBERTS,
WYTHE, ZAK

ABSENT: LEWIS (excused)

STAFF: CITY MANAGER WREDE
CITY ATTORNEY KLINKNER
CITY CLERK JOHNSON
CITY PLANNER ABOUD

1. CALL TO ORDER, 3:30 P.M.

Mayor Pro Tempore Wythe called the meeting to order at 3:38 p.m.

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

The agenda was approved by consensus of the Council

3. PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

There was one who testified.

4. NEW BUSINESS

A. **Board of Adjustment** – Griswold vs. Blackwell, Appeal of Acceptance of a Non-Conforming Use at 1440 East End Road, Blackwell Lot 5, Mutch-Gangle Tract Neptune Addition Subdivision.

5. COMMENTS OF THE AUDIENCE

There were no comments of the audience.

6. COMMENTS OF THE CITY ATTORNEY

City Attorney Klinkner had no comment.

7. COMMENTS OF THE CITY CLERK

City Clerk Johnson had no comment.

8. COMMENTS OF THE CITY MANAGER

City Manager Wrede was no longer present.

9. COMMENTS OF THE MAYOR

Mayor Pro Tempore Wythe had no comment.

10. COMMENTS OF THE CITY COUNCIL

There were no comments from the City Council.

11. ADJOURNMENT

Mayor Pro Tempore Wythe adjourned the meeting at 4:38 p.m.

COMMITTEE OF THE WHOLE AGENDA

1. CALL TO ORDER, 5 P.M.

Mayor Hornaday called the meeting to order at 5:01 p.m.

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

The agenda was approved by consensus of the Council.

3. Ocean Drive Loop Seawall

4. REGULAR MEETING AGENDA

5. COMMENTS OF THE AUDIENCE

There were four who commented.

6. ADJOURNMENT NO LATER THAN 5:50 p.m.

Mayor Hornaday adjourned the meeting at 5:50 p.m.

REGULAR MEETING AGENDA

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE

Session 10-02 a Regular Meeting of the Homer City Council was called to order on January 11, 2010 at 6:00 p.m. by Mayor James C. Hornaday 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: HOGAN, HOWARD, LEWIS, ROBERTS,
WYTHE, ZAK

STAFF: CITY MANAGER WREDE
CITY CLERK JOHNSON
CITY ATTORNEY KLINKNER
FINANCE DIRECTOR HARVILLE
CITY PLANNER ABOUD
POLICE CHIEF ROBL
PORT AND HARBOR DIRECTOR HAWKINS
PUBLIC WORKS DIRECTOR MEYER

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.)

The agenda was approved by consensus of the City Council with the following changes:

CONSENT AGENDA - Homer City Council unapproved Special Meeting minutes of November 30, 2009 – Appellant comments; **Memorandum 10-02**, Commissioner/Board Data Sheet from Beth Wythe; **ORDINANCES - Ordinance 10-01(S)**, Substitute Ordinance of the City Council of Homer, Alaska, Amending the Title of Homer City Code Chapter 21.54 and the Title of Subchapter 1 of Homer City Code Chapter 21.54, repealing Homer City Code 21.54.060 Standards for Mobile Home Structures, and Enacting Homer City Code 21.54.100 Standards for Mobile Home Structures. City Manager/Planning; **Ordinance 10-02**, public comments; **CITY MANAGER'S REPORT - Memorandum 10-16 & 10-17**, Re: Hickerson Memorial Cemetery; **PENDING BUSINESS - Ordinance 09-40(S)**, public comments; **RESOLUTIONS - Resolution 10-12**, backup information; and **Resolution 10-13**, public comments.

Memorandum 10-14 was moved to be heard right before adjournment.

3. PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

There were 25 who testified.

4. RECONSIDERATION

None.

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 Special Meeting minutes of November 30 and December 14, 2009 and Regular Meeting minutes of December 14, 2009. City Clerk. Recommend approval.
- B. **Memorandum 10-01**, from Clerk, Re: Liquor License Renewal for Happy Face, Oaken Keg, Kharacters, Down East Saloon, and Uncle Thirsty's Liquor Store.
- C. **Memorandum 10-02**, from Mayor, Re: Appointment of Barbara Howard and Reappointments of Beth Wythe and Matt North to the Permanent Fund Committee.

APPROVED without discussion.

6. VISITORS

None.

Mayor Hornaday called for a recess at 7:04 p.m. and reconvened the meeting at 7:10 p.m.

7. ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

A. Borough Report

Bill Smith, Kenai Peninsula Borough Assemblyman, reported the Assembly voted to request that NOAA extend the comment period on the endangered beluga whale to March 1st. NOAA did extend the comment period for written comments to March 1st.

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)

None.

9. ORDINANCE(S)

- A. **Ordinance 10-01**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.54.060 Standards for Mobile Homes. City Manager/Planning. Recommended dates: Introduction January 11, 2010, Public Hearing and Second Reading January 25, 2010.

Memorandum 10-12 from City Planner and Planning Technician as backup.

Ordinance 10-01(S), An Ordinance of the City Council of Homer, Alaska, Amending the Title of Homer City Code Chapter 21.54 and the Title of Subchapter 1 of Homer City Code Chapter 21.54, repealing Homer City Code 21.54.060 Standards for Mobile Home Structures, and Enacting Homer City Code 21.54.100 Standards for Mobile Home Structures. City Manager/Planning.

SUBSTITUTE ORDINANCE 10-01(S) ADOPTED.

ADOPTED without discussion.

- B. **Ordinance 10-02**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2010 Operating Budget by Appropriating \$269,040 from the General Fund Balance for the Purpose of Filling 3.7 Vacant Positions in the Police and Fire Departments. Howard. Recommended dates: Introduction January 11; 2010, Public Hearing and Second Reading January 25, 2010.

FAILED with discussion.

- C. **Ordinance 10-03**, An Ordinance of the City Council of Homer, Alaska, Adopting Homer City Code Chapter 19.02, Large Special Events, Requiring Permits for Large Special Events in the City; and Authorizing Charges for City Services Required for Large Special Events. City Manager. Recommended dates: Introduction January 11, 2010, Public Hearing and Second Reading January 25, 2010.

ADOPTED with discussion.

10. CITY MANAGER'S REPORT

- A. City Manager's Report

City Manager Wrede referenced the information relating to Hickerson Memorial Cemetery operations in the supplemental packet. For future planning, if the City is to stay in the cemetery business, more land is needed.

The Permanent Fund is to meet Thursday to select a financial advisor for investment of the Exxon monies. Currently the money is invested in the AML investment pool. Municipalities pool their money, it earns some interest, is liquid and easily assessable. When an investment firm is selected the money can easily be moved out of the account.

There are two possible sources of funding to implement the Climate Action Plan. The City has received notice of eligibility for a block grant in the amount of \$220,000. A plan must be devised to spend the grant monies.

City Manager Wrede reported there is a chance of stimulus package grant programs for funding Police and Fire department positions. There are many regulations for the stimulus money that is designed to replace positions for up to two years that are not funded due to budget cuts. Two Fire positions have been applied for, with no obligation for a match. There is a stipulation to keep the person employed for an additional year. Council will decide if they want to accept the grants.

Historically when the City makes contributions to The Homer Foundation they are split in half. Half is distributed to nonprofits; half is invested to grow. Last year The Homer Foundation spent all the money and interest earned by the trust fund, as there was a dire need by the nonprofits. The Foundation plans to do the same this year. Mayor Hornaday commented the interest should not be distributed and should be in a growth fund. Council commented on the City's annual contributions to The Homer Foundation and the need to provide direction as to how the funds will be disbursed.

B. Bid Report

C. Question of the Week – *The City is looking into revamping its website and making it more user friendly. What improvements would you like to see on the city website? This week's question is simple... Why do you choose to live in Homer?*

11. COMMITTEE REPORT

A. Public Arts Committee

B. Transportation Advisory Committee

C. Permanent Fund Committee

D. Lease Committee

12. PENDING BUSINESS

A. **Ordinance 09-40(S)**, An Ordinance of the Homer City Council Adopting the 2008 Homer Comprehensive Plan and Recommending Adoption by the Kenai Peninsula Borough. City Manager. Introduction September 14, 2009, Public Hearings October 12 & 26, November 23, 2009, Worksession November 9, 2009 and Second Reading January 11, 2010.

Memorandum 10-11 from City Planner and Planning Technician as backup.

POSTPONED to January 25, 2010 for Public Hearing and February 8, 2010 for Second Reading.

B. **Memorandum 10-14**, from City Clerk, Re: Request for Executive Session Pursuant to AS §44.62.310(C)(3), Matters, Which by Law, Municipal Charter, or Ordinances are Required to be Confidential. (Ethics Case No. 2009-01)

Moved to be heard right before adjournment.

13. NEW BUSINESS

- A. **Memorandum 10-03**, From City Clerk Re: Council Seating.

APPROVED with discussion. (Seating remained the same.)

14. RESOLUTIONS

- A. **Resolution 10-01**, A Resolution of the City Council of Homer, Alaska, Confirming the City Manager's Appointment of Robert Painter as Acting City Manager for the Calendar Year 2010. City Manager.

ADOPTED with discussion.

- B. **Resolution 10-02**, A Resolution of the Homer City Council Confirming the Appointments of Regina Harville as Treasurer and Laurie Moore as Deputy Treasurer for Calendar Year 2010. City Manager.

ADOPTED without discussion.

- C. **Resolution 10-03**, A Resolution of the City Council of Homer, Alaska, Designating Signatories of City Accounts and Superseding Any Previous Resolution So Designating. City Manager.

AMENDED: Mary B. Wythe (legal name)

ADOPTED AS AMENDED with discussion.

- D. **Resolution 10-04**, A Resolution of the City Council of Homer, Alaska, Awarding the Contract for the Pressure Reducing Vault Replacement Project to the Firm of Endries Company of Soldotna, Alaska, in the Amount of \$171,500.00 and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk.

Memorandum 10-04 from Public Works Director as backup.

ADOPTED with discussion.

- E. **Resolution 10-05**, A Resolution of the City Council of Homer, Alaska, Awarding the Contract for the Homer Sanitary Sewer Rehabilitation Project to the Firm of Construction Unlimited of Anchorage, Alaska, in the Amount of \$897,895.90 and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk.

Memorandum 10-05 from Public Works Director as backup.

ADOPTED with discussion.

- F. **Resolution 10-06**, A Resolution of the City Council of Homer, Alaska, Authorizing the City Manager to Accept and Appropriate American Recovery and Reinvestment Act Funding (ARRA-Stimulus Bill) in the Form of a Loan (90% Forgiven Upon Purchase) in the Amount of \$145,355 for the Purpose of Purchasing a New Vacuum Sweeper. City Manager/Public Works Director.

Memorandum 10-06 from City Manager as backup.

ADOPTED without discussion.

- G. **Resolution 10-07** A Resolution of the City Council of Homer, Alaska, Authorizing the City Manager to Issue a Request for Proposals to Lease Lot 8-D-1 on the Homer Spit Immediately Adjacent to the Deep Water Dock. City Manager/Lease Committee.

Memorandum 10-07 from Port and Harbor Advisory Commission as backup.

Memorandum 10-08 from Lease Committee as backup.

ADOPTED with discussion.

- H. **Resolution 10-08**, A Resolution of the City Council of Homer, Alaska, Amending the Homer Port and Harbor Advisory Commission Bylaws, Regular Meetings, to be Held the Fourth Wednesday of Each Month at 5:00 p.m. with the Exception of the November and December Meetings Which will be Held on the Third Wednesday of the Month at 5:00 p.m. City Clerk/Port and Harbor Advisory Commission.

Memorandum 10-09 from Port and Harbor Advisory Commission as backup.

AMENDED: To allow for two telephonic meetings per year.

ADOPTED as AMENDED with discussion.

- I. **Resolution 10-09**, A Resolution of the City Council of Homer, Alaska, Amending the Homer Port and Harbor Advisory Commission Bylaws, to Add a Section on Teleconferencing. City Clerk/Port and Harbor Advisory Commission.

Memorandum 10-10 from Port and Harbor Advisory Commission as backup.

AMENDED: To allow for two telephonic meetings per year.

ADOPTED as AMENDED with discussion.

- J. **Resolution 10-10**, A Resolution of the City Council of Homer, Alaska, Renaming Thomas Street to Glenview Street Within the Forest Glen Subdivision Unit 1 Within the City of Homer, and Renaming Beach Road to Miller's Landing Road Within the HK Davis Subdivision in Compliance With the Enhanced 9-1-1 Street Addressing Program. City Manager/Planning.

Memorandum 10-13 from City Planner and Planning Technician as backup.

ADOPTED without discussion.

- K. **Resolution 10-11**, A Resolution of the City Council of Homer, Alaska, Expressing Support for the Pratt Museum's Legislative Grant Request in the Amount of \$160,000 for the Design Phase of the Museum Renovation Project. Roberts.

ADOPTED without discussion.

- L. **Resolution 10-12**, A Resolution of the City Council of Homer, Alaska, Supporting the Efforts of the Kenai Peninsula Food Bank "Building to Nourish" Campaign to Secure Both Public and Private Financial Support to Match a Rasmuson Foundation Grant for Building Renovations and Upgrades that will Enhance the Food Bank's Efforts to Provide More Food to the Increasing Numbers of Hungry Within the Kenai Peninsula Borough. Mayor.

ADOPTED with discussion.

- M. **Resolution 10-13**, A Resolution of the City Council of Homer, Alaska, Finding that with Specified Amendments to its Articles and Bylaws Homer Citizens for Erosion Control Substantially Meets the Requirements to Qualify as an Eligible Entity to Receive Grants for Operation of the Seawall Under HCC 15.10.100, and Encouraging the Corporation to Adopt the Required Amendments Prior to Making an Application for Grant Funds. City Manager.

Memorandum 10-15 from City Attorney as backup.

FAILED without discussion.

15. COMMENTS OF THE AUDIENCE

There were three who commented.

16. COMMENTS OF THE CITY ATTORNEY

City Attorney Klinkner commented that he provided a pending litigation report to City Council and would be happy to update it. Mayor Hornaday requested a quarterly report and a report to show the cases Attorney Klinkner is not involved in.

17. COMMENTS OF THE CITY CLERK

City Clerk Johnson had no comment.

18. COMMENTS OF THE CITY MANAGER

City Manager Wrede commented he is trying to pull together a summary on other pending legal matters. It will follow shortly. As to Resolution 10-13 he is perplexed there was no discussion. He thinks City Council thought the resolution was premature. He wanted to get something on the

table for Council to talk about the seawall. He will come up with the application form and fill in the blanks. The property owners will amend their bylaws. When they are in compliance with the code, it will be brought back.

19. COMMENTS OF THE MAYOR

Mayor Hornaday commented on a new book, Snapshots of the Statehood on the Kenai Peninsula. The front page includes a picture of Mossy Kilcher at age 7 milking a cow. Wilma Williams wrote the Homer portion that Homer was opposed to Statehood. There is even a comment from the Mayor.

20. COMMENTS OF THE CITY COUNCIL

Councilmember Wythe commented there are a lot of contentious issues on the Ocean Drive Loop Seawall. Council needs to spend some time to discuss the Seawall and the aspects, why it came to be, how it came to be, and the City's legal responsibility relating to the wall. She understands ownership is by the citizens of the wall, not the City. Resolution 10-13 was put out there with the intent of talking about the Seawall, but Council talked about the resolution. Both are separate. Council needs education on what has preceded them and the history of the Seawall. Everything went well tonight.

Councilmember Lewis had no comment.

Councilmember Hogan expressed appreciation of the attorney's report. He concurs with the Mayor for a full report on other legal matters. He made an informal request of Administration for a DOT report for coastal erosion to the Sterling Highway and an inventory to establish a data base of vehicle rolling stock, equipment, hour meter readings, and mileage readings of all the vehicles in the City's fleet to determine what we have, what we are using, and what we don't need. He hopes Council will support gathering that information in a monthly report. In regard to the Comp Plan and changing the wording of the Alaska Statutes, he takes that very seriously. He cited HCC 1.18.030 that contractors shall not knowingly make false statements to influence official action. It needs to be taken seriously. Someone has been beating the drum stating the Comp Plan is a KPB function. Granted the Borough has delegated that authority to us, but we should not be changing the state statute to fit our purposes.

Councilmember Roberts felt that Resolution 10-13 was premature and may not have been the appropriate resolution. There was a lot of material to read in the packet. There were some things in the HCEC bylaws that their vote was based on the length of the seawall, yet the City collects taxes based on the mil rate. Fairness needs to be looked at. She will not support it until it is equitable to the citizens. She has been on the Council for 3 ½ years and very erratically she gets quarterly financial documents. She would like a schedule to include a report three or four times a quarter, especially in these difficult financial times. A general overview of the general fund in comparison to past quarters is requested. Council is responsible financially to oversee the City. A regular report is needed, not just during budget time. A balance sheet to compare previous years to this one is needed to see if things are getting better or worse.

Mayor Hornaday commented in regard to the ODL Seawall. The City Attorney is going to advise us on whether the application of the homeowners association meets the city code. What is in their bylaws is their business, not ours.

Councilmember Zak commented he introduced Resolution 10-13. He has heard about armor rock and stimulus funds that may be for shovel ready projects. He appreciates the City Manager's comments on the Seawall and hope it comes back relatively soon. He offered congratulations to the Pratt Museum for getting the large grant and bringing funds to the City of Homer. He expressed disappointment that funding for police positions failed. Councilmember Howard is right to dip into reserves since non profits were funded. He also hopes that comes back fairly soon. Meeting earlier with a tremendous turnout was a more positive meeting with more energy.

Mayor Hornaday commented the City is not applying for anything on the seawall and Councilmember Zak's comments should not be taken that we are doing so.

Councilmember Howard said she hopes she doesn't say anything to upset the Mayor. She thanked the Clerk's office for the good advertisement for the change of times for the meetings. In evidence, folks are here tonight. She would like to add a notice at the front door and an announcement from the Mayor to turn off cell phones. It is interesting seawall owners all agree on armor rock. She challenged the group that lives on Hatfield and McCoy Street to start working together as a unit to resolve this as hard as the City Council is working on it.

PENDING BUSINESS

- B. **Memorandum 10-14**, from City Clerk, Re: Request for Executive Session Pursuant to AS §44.62.310(C)(3), Matters, Which by Law, Municipal Charter, or Ordinances are Required to be Confidential. (Ethics Case No. 2009-01)

APPROVED without discussion.

Council adjourned to Executive Session and reconvened at 8:15 p.m.

Mayor Pro Tempore Wythe stated Council met with the attorney and received information and direction for the ethics hearing on 2009-01 which is scheduled for Wednesday at 4:30 p.m.

21. ADJOURNMENT

There being no further business to come before the Council, Mayor Hornaday adjourned the meeting at 8:31 p.m. The next Regular Meeting is scheduled for Monday, January 25, 2010 at 6:00 p.m. The next Committee of the Whole is scheduled for Monday, January 25, 2010 at 5:00 p.m. Special Meetings are scheduled for Wednesday, January 13, 2010 at 4:30 p.m. and Monday, January 25, 2010 at 4:00 p.m. All meetings scheduled to be held in the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

CITY COUNCIL

DATE: 1/11/10

Meeting Type: Special

1.

	YES	NO	ABSTAIN
Ms. Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mrs. Wythe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Zak	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mrs. Howard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Hogan	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Lewis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Hornaday	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

YES: 4
NO: 1

ABSTAIN:

m/c

to include Mr. Lewis upon
his arrival.

3.

2.

	YES	NO	ABSTAIN
Mr. Lewis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. Roberts	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ms. Wythe	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Zak	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mrs. Howard	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Hogan	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor Hornaday	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

YES:
NO: 4

ABSTAIN:

Wythe

4.

CITY COUNCIL

DATE: _____

Meeting Type: _____

	YES	NO	ABSTAIN
Mr. Hogan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Lewis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. Wythe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Zak	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mrs. Howard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Hornaday	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

YES: 4
 NO: _____
 ABSTAIN: _____

	YES	NO	ABSTAIN
Mrs. Howard	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Hogan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Lewis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. Roberts	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. Wythe	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Zak	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Hornaday	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

YES: _____
 NO: _____
 ABSTAIN: _____

excuse Zak

CITY COUNCIL

DATE: _____

Meeting Type: _____

5.

YES NO ABSTAIN

Mr. Zak

Mrs. Howard

Mr. Hogan

Mr. Lewis

Ms. Roberts

Ms. Wythe

Mayor Hornaday

YES: _____

NO: _____

ABSTAIN: _____

6.

YES NO ABSTAIN

Ms. Wythe

Mr. Zak

Mrs. Howard

Mr. Hogan

Mr. Lewis

Ms. Roberts

Mayor Hornaday

YES: _____

NO: _____

ABSTAIN: _____

CITY COUNCIL

DATE: 1/11/10

Meeting Type: Regular

1.

	YES	NO	ABSTAIN
Ms. Roberts	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mrs. Wythe	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Zak	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mrs. Howard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Hogan	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Lewis	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor Hornaday	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

YES: 2

NO: 4

ABSTAIN: _____

Ord. 10-02 ^{m/f}
public safety positions

3.

2.

	YES	NO	ABSTAIN
Mr. Lewis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. Wythe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Zak	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mrs. Howard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Hogan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Hornaday	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

YES: 6

NO: _____

ABSTAIN: _____

Ord. 10-03
m/c

4.

CITY COUNCIL

DATE: _____

Meeting Type: _____

	YES	NO	ABSTAIN
Mr. Hogan	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Lewis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. Wythe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Zak	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mrs. Howard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Hornaday	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

YES: 5

NO: 1

ABSTAIN: _____

pp.
Ord 09-40(S) m/c
w/ ph on 1/25/10

C Final reading
2/08/10

	YES	NO	ABSTAIN
Mrs. Howard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Hogan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Lewis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. Wythe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Zak	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Hornaday	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

YES: 4

NO: _____

ABSTAIN: _____ m/c

memo

CITY COUNCIL

DATE: _____

Meeting Type: _____

5.

YES NO ABSTAIN

Mr. Zak

Mrs. Howard

Mr. Hogan

Mr. Lewis

Ms. Roberts

Ms. Wythe

Mayor Hornaday

YES: _____

NO: _____

ABSTAIN: _____

6.

YES NO ABSTAIN

Ms. Wythe

Mr. Zak

Mrs. Howard

Mr. Hogan

Mr. Lewis

Ms. Roberts

Mayor Hornaday

YES: _____

NO: _____

ABSTAIN: _____

The City has not assured us of its ability to oversee construction for quality work, to hold HCEC accountable for anything (even meeting the basic yet critical criteria to become "eligible") and the City's dealings with finances are already flawed.
Rescind the ordinance! Stop the madness!

If that resolution passes, will the Council not hold HCEC responsible for the last 3 criteria?

No reasonable written plan for not less than 2 years to operate the written plan to Operate the seawall for the benefit of all properties...no processes lined out for work to be done/prioritized.

No Annual budget for less than 2 years...

No Written assurances (and nothing specified in the ordinance as to how the City will hold HCEC accountable and what happens if it isn't.)

What information will the City Manager require application – anything?

Can Walt just be handing them our money as he sees fit if the resolution passes? Will a grant application even be made and reviewed by the City Council?

What will the grant agreement look like?

HOW EXACTLY DOES THE CITY COUNCIL INTEND TO ENFORCE the terms of the ordinance? HOLD HCEC ACCOUNTABLE for its actions/use of money? WHAT HAPPENS IF HCEC ISN'T? Why is this not spelled out in the ordinance? Walt's Resolution should be a BIG RED FLAG to the Mayor and City Council – it is to us. HCEC hasn't been held accountable yet.

Realize that the City Council is taking on a LEGAL FIDUCIARY DUTY to everyone in the Special Service District of a permanent nature, ensuring that the money that they grant out is used exactly and only for the purposes set forth in the Ordinance. The City accepts accountability for all of HCEC's actions and use of funds. HCEC costs used for other purposes by the private organization must be collected as HCEC member-only dues or fees. Who from the City will be attending all HCEC meetings and reporting back to the Council/citizens? Who from the City will be assuring that quality work is done on the seawall and that ALL of the seawall is cared for? (Isn't it easier for everyone to care for the sections on their private land as we have been?) Walt wrote 9/30/06 that the City's position is that "the seawall is a private improvement, constructed on private land, for the primary benefit of the private property owners..." **We strongly request that the Ordinance stipulate formal reviews of HCEC and its actions and its books by the City Council twice a year (when it considers mil rate adjustments for the Special Service District).**

From Don McNamara
For the Committee of the Whole Meeting/Regular Meeting of the City Council
January 11, 2010

Please rescind the seawall ordinance or remove our property from the special service district. DO NOT SUPPORT WALT'S RESOLUTION 10-13. DON'T ACCEPT HCEC AS AN ELIGIBLE ENTITY BEFORE IT EVEN MEETS THE ORDINANCE'S CRITERIA.
They've had years to get an application together, and now you want to lower the bar – for the benefit of whom?

Regarding HCEC eligibility under the ordinance:

Why not hold HCEC responsible to meet all the criteria of the ordinance if you believe that the ordinance is appropriate and well done?

Criteria 1-4 still have questions/concerns.

Criteria 4. The proposed amendments to the bylaws/articles have not been brought up at any open HCEC meeting/approved of by the membership or signed/filed with the state. HCEC has not been acting in accordance with the Ordinance/its current bylaws – examples: all meetings have not been open meetings, not everyone in the Special Service District has been notified of meetings, the Dickey's letter was not read when they couldn't attend, the January annual meeting was not held, minutes have not been shared/items to be voted on not shared in advance of/after meetings...(Walt attended only 1 open meeting.)

Walt is now asking the Council to disregard the above and Criteria 5, 6, and 7 and to deem HCEC eligible before it even addresses Criteria 5, 6 and 7.

Criteria 5 – There is no reasonable (?) written plan 2010 or 2011.

SO many details need to be worked out/questions addressed and they have not even been discussed in a meeting. (i.e. how will conflicts of interest be handled? work prioritized? Private property liabilities dealt with? What actions will be approved of and which won't? Process?)

The Annual Budget for 2010 (City paying approximately \$40/lineal foot while other property owners average \$8/lf?) doesn't specify costs for members of the Special Service District (ordinance collected money for operation of the seawall) vs. HCEC members additional costs (i.e. association insurance and legal costs). The 2011 budget is non-existent. Also, REMEMBER how the mil rate creates deeply disparate treatment of property owners with its state mandated exemptions, etc. (One property owner pays only 49 cents/lf within this scenario)

Criteria 6 – What does the Council consider written assurances and how will the Council hold HCEC accountable? How will the City openly review, police and enforce HCEC's actions and financial moves? REMEMBER THAT THE CITY IS TAKING ON A FIDUCIARY DUTY that it cannot legally ignore.

Criteria 7 – Walt says that no HCEC application exists at this time. Will the Council require anything?!? Regarding the Grant Agreement (15.10.120) – the City Manager "MAY"?!? Wow.

If Resolution 10-13 passes, it seems to us evidence that the City is trying to push HCEC thru and ignore its fiduciary responsibilities to us and all taxpayers.

The City has not assured us of its ability to oversee construction for quality work, to hold HCEC accountable for anything (even meeting the basic yet critical criteria to become "eligible") and the City's dealings with finances are already flawed.

Rescind the ordinance! Stop the madness!

>>>>>>>>>>>>>>>>

The Ordinance is of a permanent character (inequitable mil rate, no cap, or endpoint)?!?
How is that reasonable? How can we make personal budgets? What choice do you leave us?

The City has no exit strategy and believes that the wall was not a failed project and should hold up forever? (Even Walt's memo before the Ordinance was written didn't

How do **Homer taxpayers** feel about taking on the responsibility to pay for the bulk of maintenance and repairs and insurance of the seawall into eternity (looking at 2010 budget)?

How will future City Council members feel about their fiduciary responsibilities and having the seawall discussed at every Council meeting into eternity?

**MEMORANDUM
KENAI PENINSULA BOROUGH
LEGAL DEPARTMENT**

144 N. Binkley Street
Soldotna, Alaska 99669

Tel. (907) 262-8609
Fax (907) 262-8686

TO: Max Best, Planning Director
CC: Colette Thompson, Borough Attorney
FROM: ~~Holly B. Montague, Deputy Borough Attorney~~
DATE: November 28, 2005
SUBJECT: Disqualification for bias of planning commissioner

QUESTION: Whether commissioners who have voted on an application as a member of a city planning and zoning process should recuse themselves from voting on the same quasi-judicial application when it is before the borough planning commission.

SHORT ANSWER: Yes; such conduct would subject the decision to challenge as a result of planning commission bias and may give rise to due process claims from parties that the hearing was not fair.

BACKGROUND: Pursuant to KPB 2.40.010 there must be a borough planning commissioner from each first class or home rule city. There is no requirement that the city representative also be a member of the city planning and zoning commission.¹ However, as a matter of practice commissioners representing the cities often also simultaneously serve on the city's planning and zoning commission. The question arises whether it is appropriate for those commissioners to vote on petitions before the borough planning commission when they have already cast a vote on the same application at the city planning and zoning level. While KPB Chapter 2.58 addresses conflicts-of-interest for borough officials, including planning commissioners, it does not address this separate issue of planning commission bias. As discussed below courts have grappled with this issue and generally do not regard favorably a commissioner voting where the commissioner has taken a definitive position regarding a particular application.

¹ Alaska Statutes Title 7, Boroughs, the 1962 precursor to the current AS Title 29, Municipalities, did require a planning commissioner from the cities' advisory planning commissions to sit on the borough planning commission. Former AS 7.15.340(A).

ANALYSIS: The integrity required of public officeholders demands that even an “appearance of impropriety” be avoided. Zoning decisions that are the result of prejudice will be invalidated under Alaska law.² The Planning Commission’s function in this vacation application is quasi-judicial or administrative in nature because it is applying adopted laws and policy to a particular application.³ When the planning commission acts in a quasi-judicial capacity, it is analogous to a judge who must fairly hear and weigh the evidence received and objectively apply the established standards to the facts of the case.⁴ Commissioners who have prejudged the facts of an individual case pending before it to the extent that they can no longer be impartial are biased, and their participation in decisions may invalidate the commission’s decision and violate the due process clause which requires fair hearings in proceedings affecting property rights.⁵

Not all prejudgment eliminates a commissioner’s ability to debate and decide land use issues. In fact, planning commissioners are expected to have preconceived notions regarding issues of law and policy and are often selected because of their familiarity with local conditions and concern regarding land use issues.⁶ A commissioner voicing an opinion regarding certain types of land uses does not necessarily mean that he will judge a particular application for that kind of land use without regard to the applicable standards. However, land use decisions are particularly prone to bias because commissioners are drawn from the immediate geographical area and because of the legislative, adjudicative, and political nature of the zoning process.⁷

The Alaska Supreme Court has not developed a specific test regarding planning commissioner bias based on prejudgment of the facts of a case; however, a number of other jurisdictions have addressed this issue. While the decisions vary in exactly what acts constitute disqualifying bias, the various tests are similarly stated, and generally do not fault a commissioner for merely having formed an opinion before considering all the evidence. “The decisive question ... must be whether [the commissioners] actually have made up their mind ... regardless of any argument that might have been advanced at the hearing.”⁸ A federal case addressing the administrative decision-making process states the test for disqualifying bias as “a disinterested observer may conclude that the agency has in some measure adjudged the facts as well as the law of a particular case in advance of hearing it.”⁹ This case and several zoning cases indicate that the appearance of bias, rather than actual bias, disqualifies the commissioner.¹⁰

² *Griswold v. City of Homer*, 925 P.2d 1015 (Alaska 1996).

³ *Winegardner v. Greater Anchorage Area Borough*, 534 P.2d 541 (Alaska 1975).

⁴ Rathkopf, *The Law of Planning and Zoning*, Vol. 2, Sec. 32.18[5].

⁵ *Id.*

⁶ *Marris v. City of Cedarburg*, 498 NW2d 842 (Wis. 1993); *Cioffoletti v. Planning and Zoning Commission of the Town of Ridgefield*, 552 A.2d 796 (Conn. 1989).

⁷ *Marris*, at 847.

⁸ *Cioffoletti*, at 802. Citing *Furtney v. Simsbury Zoning Commission*, 271 A.2d 319, 323 (Conn. 1970), *Wagner v. Jackson County Board of Zoning Adjustment*, 857 S.W.2d 285, 289 (Mo. App. 1993). “A clear statement suggesting that a decision has already been reached, or prejudged, should suffice to invalidate a decision.” *Marris*, at 848.

⁹ *Cinderella Career and Finishing Schools, Inc. v. FTC*, 425 F.2d 583 (D.C. 1970).

¹⁰ *Prin v. Council of Municipality of Monroe*, 645 A.2d 450 (Pa. 1994); *Barbara Realty Company v. Zoning Board*

A strongly held philosophical or policy position is not generally bias, whereas prejudgment of the specific adjudicative facts at issue in a particular case is bias.¹¹ The types of acts which have been held to constitute disqualifying bias include making public statements or authoring letters regarding a particular case prior to the case coming before the commission.¹² A prior vote on the same application that is before the KPB planning commission constitutes prejudice, and not just a strong but more general opinion regarding policy.

CONCLUSION: If a commissioner has previously voted at the city level and declared on the record that his or her mind is still open, the commissioner's role in the borough process could still be challenged for bias. In order to avoid the appearance of bias and thereby retain public confidence in the integrity and impartiality of the planning commission process, it is recommended that the commissioners recuse themselves from the discussion and decision of petitions before the planning commission (or plat committee) where they have participated in the decision-making process regarding the same application at the city planning and zoning level.

of Review of City of Cranston, 128 A.2d 342 (R.I. 1957); *McVay v. Zoning Hearing Board of Bethlehem Borough*, 496 A.2d 1328 (Pa.1985).

¹¹ Rathkopf, *The Law of Planning and Zoning*, Vol. 2, Sec. 32.18.

¹² *Cinderella*, at 591; *Prin*, at 451-53; *Saks & Co. v. City of Beverly Hills*, 237 P.2d 32 (Cal.App. 1952); *Winslow v. Town of Holderness Planning Board*, 480 A.2d 114 (N.H. 1984); *McVay v. Zoning Hearing Board of New Bethlehem Borough*, 496 A.2d 1328 (Pa.1985).

**HOMER BOARD OF ADJUSTMENT
HEARING ON APPEAL OF ACCEPTANCE OF A NONCONFORMING
USE AT 1440 EAST END ROAD, BLACKWELL**

**Mayor's Script – Hearing on Appeal of Acceptance of a
Nonconforming Use at 1440 East End Road, Blackwell**

1. CALL TO ORDER 3:30 P.M. SPECIAL MEETING OF CITY COUNCIL

Roll call. [Refer to notice from Mayor that he is excusing himself due to partiality].

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

Agenda approved by consensus of the Council. No item may be added; items may be deleted.

3. PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

Public may comment on the appeal, 3 minutes.

4. BOARD OF ADJUSTMENT APPEAL HEARING – APPEAL OF ACCEPTANCE OF A NONCONFORMING USE AT 1440 EAST END ROAD, BLACKWELL

This is an appeal by Frank Griswold of a decision by the Homer Advisory Planning Commission accepting a nonconforming use at 1440 East End Road, Lot 5 Mutch-Gangl Tract Neptune Addition Subdivision. In addition to the Record on Appeal prepared by the City Clerk, we have received a written brief from Frank Griswold and a Statement Regarding Preliminary Matters from Frank Griswold.

A. Will those parties who are present please identify themselves to the Board.

B. Preliminary Issues. Before hearing oral argument I would like to address the following preliminary issues.

First, Mr. Griswold has objected to the participation of two board members due to partiality. Those members are myself and Mr. Zak. For consideration of Mr. Griswold's objection to my participation, I will turn the chairing of the meeting over to _____.

Mr. Griswold has asserted that Ms. Wythe should not participate because her step-father-in-law, Ray Kranich, is a member of the Commission who participated in the decision Mr. Griswold is appealing. Mr. Griswold, do you have anything to add to your written presentation on this subject?

Ms. Wythe, do you have any comments in response to Mr. Griswold?

HCC 18.18.048(c) provides that the city official whose partiality is at issue may excuse herself; otherwise the body shall by majority vote rule on whether the member must be excused from participation. Ms. Wythe, do you wish to excuse yourself? [If not, proceed to a vote on the issue].

[If a majority votes in favor of excusal, Ms. Wythe, you are excused from further participation in this appeal] [If a majority votes against excusal, Ms. Wythe you will participate in this appeal, and I return the chairing of the meeting to you].

Mr. Griswold has asserted that Mr. Zak should not participate because he participated as a member of the Commission in the decision that Mr. Griswold is appealing. Mr. Griswold, do you have anything to add to your written presentation on this subject?

Mr. Zak, do you have any comments in response to Mr. Griswold?

HCC 18.18.048(c) provides that the city official whose partiality is at issue may excuse himself; otherwise the body shall by majority vote rule on whether the member must be excused from participation. Mr. Zak, do you wish to excuse yourself? [If not, proceed to a vote on the issue].

[If a majority votes in favor of excusal, Mr. Zak, you are excused from further participation in this appeal] [If a majority votes against excusal, Mr. Zak you will participate in this appeal].

Second, although Mr. Griswold did not raise the issue, I notice that Mrs. Howard also participated as a member of the Commission in the decision that Mr. Griswold is appealing. Mrs. Howard, do you wish to comment on this matter?

HCC 18.18.048(c) provides that the city official whose partiality is at issue may excuse herself; otherwise the body shall by majority vote rule on whether the member must be excused from participation. Mrs. Howard, do you wish to excuse yourself? [If not, proceed to a vote on the issue].

[If a majority votes in favor of excusal, Mrs. Howard, you are excused from further participation in this appeal] [If a majority votes against excusal, Mrs. Howard you will participate in this appeal].

Third, before we proceed to the hearing, does any remaining Board member have any matter to disclose for the record, such as a potential conflict of interest or ex parte contact with a party to the appeal?

[Rule on whether each disclosing Council member may participate] Does any member of the Board wish to appeal that ruling? [If there is an appeal and a second, vote on whether the ruling should be reversed].

As a result of the preceding rulings, Board members [name excluded members] will not participate in the decision of this appeal. Under HCC 21.93.550(a) majority vote of the fully constituted Board is required to reverse or modify the decision of the Commission, and for this purpose the fully constituted board shall not include those members who do not participate in the proceedings due to a conflict of interest or disqualifying ex parte contacts, disqualifying partiality, or other disqualification for cause. Therefore, the fully constituted Board consists of the remaining ___ members, and a vote of at least ___ will be required to reverse or modify the decision of the Commission.

Fourth, [assuming that Blackwell appears to present oral argument] Mr. Griswold has objected to Mr. Blackwell's presenting oral argument because he did not file an entry of appearance or a brief as required by HCC 21.93.500(b). The notice of appearance contains that party's name and address, and proof that the person would be qualified under HCC 21.93.060 to have filed an appeal. Mr. Blackwell was the applicant before the Commission and the owner of the property that is the subject of the Commission's decision. Therefore he clearly has standing to participate under HCC 21.93.060(1). Since the purpose of filing a notice of appearance is to identify a party and establish the party's standing, and since that purpose has been served regarding Mr. Blackwell without his having filed a notice of appearance, I will rule that in the interest of fairness Mr. Blackwell should be allowed to present oral argument if he wishes to do so. Does any member of the Board wish to appeal that ruling? [If there is an appeal and a second, vote on whether the ruling should be reversed].

Is there any other preliminary matter to be taken up before we proceed to oral argument on the appeal?

C. Oral Argument.

I recommend that the Board hear oral argument and grant each side a total of 30 minutes, if needed. Is there any objection from the Board?

I remind both parties that the Board is not authorized to take any additional evidence at this hearing. The Board decides the appeal solely on the evidence in the appeal record that the Clerk has prepared. The purpose of argument is for each party to present that party's position on the issues in this appeal. The Board will disregard assertions of fact by a party in oral argument unless they are supported by evidence in the appeal record.

Oral argument will proceed as follows. Mr. Griswold, as the appellant, will go first. You will have a total of 30 minutes. [Assuming Mr. Blackwell appears and the Board allows him to present argument] if you want, you may reserve some of that time for rebuttal after Mr. Blackwell speaks. [Assuming Mr. Blackwell appears and the Board allows him to present argument] after Mr. Griswold has completed her presentation, Mr. Blackwell will have 30 minutes to argue as the appellee, and if Mr. Griswold has reserved time for rebuttal, he will present his rebuttal after Mr. Blackwell completes his presentation.

After each party completes his presentation, there will be an opportunity for members of the Board to ask questions.

Are there any questions about the procedure for oral argument? If not, Mr. Griswold, please proceed with your argument.

Do members of the Council have any questions for Mr. Griswold?

Mr. Griswold, you have ___ minutes remaining for rebuttal [if rebuttal time has been reserved]. Mr. Blackwell, please proceed with your argument.

Do members of the Board have any questions for Mr. Blackwell?

Mr. Griswold, you now may present your rebuttal [if rebuttal time has been reserved].

Do members of the Board have any additional questions of Mr. Griswold?

D. Executive session.

Thank you, Mr. Griswold and Mr. Blackwell. [Depending on time availability, the Council may go into executive session to deliberate on its decision on appeal; otherwise, proceed to adjournment.] I now will entertain a motion that the Council go into executive session to deliberate and decide the appeal.

Discussion.

ROLL CALL VOTE required.

If approved, recess to Executive Session. Note time: _____.

Reconvene Special Meeting. Note time: _____.

Statement by Councilmember Roberts after Executive Session: The Board [has completed its executive session and we are back on the record/ will meet to deliberate on its decision on appeal at a later time]. The Board will issue a written decision after it completes its deliberations.

5. COMMENTS OF THE AUDIENCE

Audience may comment on any matter, 3 minutes.

6. COMMENTS OF THE CITY ATTORNEY

City Attorney Klinkner

7. COMMENTS OF THE CITY CLERK

City Clerk Johnson

8. COMMENTS OF THE CITY MANAGER

City Manager Wrede

9. COMMENTS OF THE MAYOR

Mayor Pro Tempore Wythe

10. COMMENTS OF THE CITY COUNCIL

Councilmembers

11. ADJOURNMENT

I now will entertain a motion to adjourn this special Council meeting.

We now are adjourned. The Council will reconvene for its meeting as a Committee of the Whole at 5:00 p.m. this evening.

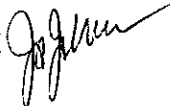
Office of the City Clerk

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



491 E. Pioneer Avenue
Homer, Alaska 99603
(907) 235-3130
(907) 235-8121
ext: 2224, 2226, or 2227
Fax: (907) 235-3143
Email: clerk@ci.homer.ak.us

MEMORANDUM – AGENDA CHANGES/SUPPLEMENTAL PACKET

TO: MAYOR HORNADAY AND HOMER CITY COUNCIL
FROM: JO JOHNSON, CMC, CITY CLERK 
DATE: JANUARY 11, 2010
SUBJECT: AGENDA CHANGES AND SUPPLEMENTAL PACKET

CONSENT AGENDA

1. Homer City Council unapproved Special Meeting minutes of November 30, 2009 – Appellant comments. Page 1
2. **Memorandum 10-02**, Commissioner/Board Data Sheet from Beth Wythe. Page 5

ORDINANCES

1. **Ordinance 10-01(S)**, Substitute Ordinance of the City Council of Homer, Alaska, Amending the Title of Homer City Code Chapter 21.54 and the Title of Subchapter 1 of Homer City Code Chapter 21.54, repealing Homer City Code 21.54.060 Standards for Mobile Home Structures, and Enacting Homer City Code 21.54.100 Standards for Mobile Home Structures. City Manager/Planning. Page 7
2. **Ordinance 10-02**, public comments. Page 11

CITY MANAGER'S REPORT

1. **Memorandum 10-16 & 10-17**, Re: Hickerson Memorial Cemetery Page 13

PENDING BUSINESS

1. **Ordinance 09-40(S)**, public comments. Page 19

RESOLUTIONS

1. **Resolution 10-12**, backup information. Page 31
2. **Resolution 10-13**, public comments. Page 37

RECOMMENDATION:
Voice consensus to changes under Agenda Approval.

Fiscal Note: N/A

Jo Johnson

From: Frank Griswold [fsgriz@alaska.net]
Sent: Sunday, January 10, 2010 8:12 PM
To: Jo Johnson
Subject: Request for corrections to 11/30/2009 BOA minutes

Jo,

Please verify whether the following corrections to the minutes of the November 30, 2009 BOA hearing are warranted. My recollections of that hearing could be wrong so please provide me with a recording as well. When are these minutes scheduled for council approval? I didn't see a regular meeting agenda in the January 11, 2009 packet.

Page 4: Mr. Griswold is co-owner of the boat.

Councilmember Hogan acknowledged there is a substantial business relationship. In the quota fisheries for someone to catch someone else's quota . . . [substitute catch for pay].

Mr. Griswold elaborated he has say in where his halibut are delivered . . . [add his].

Page 5:

Appellant Griswold cited HCC 1.18.048(c) pertaining to partiality. [Substitute 1.18.048(c) for 1.18.040(8)(c) and include my comments regarding that citation].

Accurately record my reading of the September 5, 2007 BOA Decision and reference that decision which I quoted in relevant part as follows: "Chairman (not Mayor) Hornaday ruled Wythe was disqualified based on her husband's status as step-son of Ray Kranich, Planning Commission member. This ruling was sustained by the Board upon appeal, and Whthe did not participate further in the matter."

Page 6:

A decision was rendered in that case. In the present case no basis was given for the non-decision. [Substitute no for a].

Page 7: Please verify that I urged the BOA to ask members if they have partiality.

Page 8: He questioned the 1974 Kirkland opinion that was cited. [Include the gist of my comments regarding that decision including my reference to Stalnaker v. Williams (Alaska 1998) and Klinkner's involvement in that case.

It is inappropriate [that] Mr. Klinkner wrote the brief defending his own actions.

Page 9:

The brief should be stricken {substitute should for could}.

[Include my questions to Attorney Klinkner and his responses].

Page 10:

Appellant Griswold commented the City Planner's decision was overruled by the Planning Commission and they should not have allowed him to write the decision. [substitute for would not allow].

Neither the City Planner nor his attorney should be consulted. [add "Neither" and drop the comma].

Less than four affirmative votes would be in conflict of existing code. [??? please verify this statement and correct it if I said otherwise].

Page 11:

There is no procedure in city code which allows a party to file an inappropriate brief or no brief and then participate in oral argument.

The information they put (?) with their brief was illegal ex parte communication with the City Planner.

Page 12:

Two members sided with the City Planner" should be changed to: Three members agreed with me that the Refuge Room did not constitute a rooming house and 2 sided with the City Planner. Nonetheless, they were persuaded by City Attorney Klinkner that 4 affirmative votes were required to pass a motion and that they didn't have the necessary votes to overturn the decision.

It is a valid vote under any circumstances and it is puzzling how the Planning Commission could not muster four affirmative votes [to make a decision] but came up with four affirmative votes to adopt a non-decision.

It is a wrong decision. [I think I said this differently]

Mr. Griswold stated there is no basis for the City Planner's claim that the remand given (?) to the Planning Department would be moot if a rooming house determination was made. It is all being dealt with as [an] enforcement issue, and there should be nothing on the property to enforce.

The only way the remand would be rendered moot is if the Refuge Chapel withdrew its application for a CUP but the public interest exception to the mootness doctrine would still apply.

Their first application in late 2005 was for a men's homeless shelter, which they withdrew due to widespread opposition.

Now it is called a rooming house; they may just as well have said it was a five-star hotel.

Page 16:

He finds it disingenuous [for Attorney Klinkner to say] that it was not done for convenience.

. . . it says on-site meals must be provided.

If it were strictly a bunkhouse and no secondary services were provided, it would be a flop house.

If the Planning Commission's decision was wrong that their 2-3 vote was not sufficient [i.e, if that vote was sufficient] that would be prejudicial to Mr. Griswold as he would not have had to file the appeal or briefs.

He just gave his views for the Planning Commission from the prepared City Attorney's views. [I don't believe I phrased it this way. Didn't I say Abboud parroted the views of Attorney Klinkner?]

There are serious ramifications of that ruling. [I believe the ruling to which I was referring was omitted].

Mr. Griswold continued, the City Planner could say it is a men's homeless shelter, an allowed use. [A men's homeless shelter is not an allowed use so I believe my statement was misrepresented].

The Planning Commission adopting the definitions did not foresee or contemplate what is trying to be legalized at 397 E. Pioneer Avenue. [Please verify that I said this].

It is pure tactical to say you need more than a majority of a quorum. [Purely a tactic?]

Any court or APOC says you [only] need a majority of a quorum. [Vaguely close, but even with the "only" this is not an accurate representation of my statement, .

Page 17:

The reason for motions is for items not deemed important enough for the body to consider, so you don't waste your time. Correct as follows: The reason for motions is to determine which issues are deemed important enough for the body to consider, so you don't waste your time.

Board Member Roberts asked City Planner Abboud of the decision on appeal that was written on April 9, 2009. [It is of no significance that Roberts asked Abboud about the decision; the actual questions posed by Roberts are significant and should be recorded in the minutes.]

Page 18:

Ms. Roberts asked City Planner Abboud where the written findings or record of decision were, City Planner Abboud answered they were on page 27 of the Supplemental Record of Appeal. The Planning Commission's decision is on page 3. [If City Planner Abboud was correctly recorded in these minutes, a footnote should be added indicating that page 27 of the Supplemental Record on Appeal does not contain any written findings and that no written findings were included in the Planning Commission's decision or elsewhere].

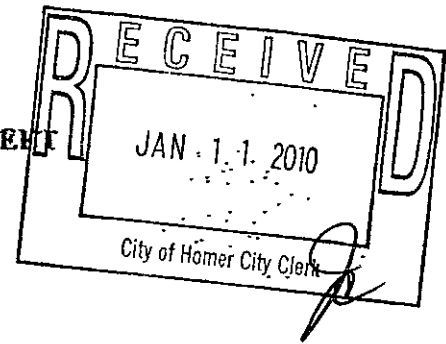
The whole neighborhood, everybody within 300 ft., was noticed and nobody showed up. They received the notice with the proper date. [A footnote should be added indicating that Griswold owned property within 300 feet of Refuge Chapel but was not given notice either as a neighboring property owner or as the appellant].

He understands the response of City Planner Abboud . . . [Did I say this?]

It would be moot and does not apply to this. [Non-sequitur; please identify it i,e, what issue would be moot].

Misc.: Councilmember vs. Council Member

COMMISSIONER/BOARD DATA SHEET



Rec'd Clerk's Office

Date and time CITY OF HOMER, ALASKA

City of Homer/Clerk

The information below provides some basic background for the Mayor and Council. This information is public and will be included in the Council informational packet.

Name: Mary E Wythe Date: 1/11/10

Residence Address: 4301 West Hill Rd

Mailing Address: PO Box 1822, Homer, AK

Phone: Home 907-235-3919 Work 907-235-3327 Fax 907-235-3391
3919

Email address meuw@acsaalaska.net

NOTE: The above information will be published in the City's Directory if you are appointed by the Mayor and your appointment is confirmed by the City Council.

Check the name of the commission(s), board, or committee(s) you are interested in:

	COMMISSION/COMMITTEE	Regular Meeting Schedule
	Advisory Planning Commission (P/C)	1 st and 3 rd Wednesdays 7 pm
	Economic Development Advisory Commission (EDC)	2 nd Tuesday 6 pm
	Library Advisory Board (LAB)	1 st Tuesday 6 pm
	Parks and Recreation Advisory Commission (P/R)	3 rd Thursday 6:30 pm
	Port and Harbor Advisory Commission (P/H)	4 th Wednesday 6 pm
	Public Arts Committee (PAC)	3 rd Thursday 11 am
	Transportation Advisory Committee (TAC)	3 rd Tuesday 5:30 pm
<input checked="" type="checkbox"/>	Permanent Fund Committee (PFC)	Quarterly - 2 nd Thursday 6 pm
	OTHER:	

I have been a resident of the City for 30 years, of the area for 30 years.

I am presently employed as: Personnel Administrator

List any special training, education or background you have which is related to the Commission/Board in which you are interested:

Finance/Accounting

Have you ever served on a similar commission, board or committee? Yes If so when and where?

Currently on PFC

Are you available for meetings once a week? once a month twice a month _____

I am specifically interested in serving on the above Commission/Committee because:

I would like to get the program moving forward so we can start using proceeds + lower taxes -

Do you currently belong to any organizations specifically related to the area of Commission/Committee you wish to serve on? Yes () No () If yes, please name them and the dates active in the organization(s):

>Questions regarding the Planning Commission:

Have you ever developed real property, other than your personal residence? Yes () No () If so, briefly describe the development: _____

>Questions regarding the Port/Harbor Commission:

Do you use the port and/or harbor on a regular basis? Yes () No () If so, is your use primarily commercial _____ or recreational _____?

Please attach any other pertinent information that may assist the Mayor in his decision making.

1 CITY OF HOMER
2 HOMER, ALASKA

3 City Manager/Planning

4 ORDINANCE 10-01(S)

5
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER,
7 ALASKA, AMENDING THE TITLE OF HOMER CITY CODE
8 CHAPTER 21.54 AND THE TITLE OF SUBCHAPTER 1 OF
9 HOMER CITY CODE CHAPTER 21.54, REPEALING HOMER
10 CITY CODE 21.54.060 STANDARDS FOR MOBILE HOME
11 STRUCTURES, AND ENACTING HOMER CITY CODE
12 21.54.100 STANDARDS FOR MOBILE HOME STRUCTURES.
13

14 WHEREAS, The goal of the 1989 Comprehensive Plan Chapter 9 Housing Plan is
15 "Encourage safe, comfortable, and affordable housing for all residents while respecting
16 neighborhood standards;" and
17

18 WHEREAS, Ordinance 08-29 reorganizing Title 21, created confusing language because
19 requirements for mobile homes outside of mobile home parks are found in HCC 21.51.060, a
20 section that specifically states it applies to mobile homes within parks, but the previous code
21 applied to all mobile homes regardless of their location; and
22

23 WHEREAS, All mobile homes, either in a mobile home park or on an individual parcel
24 should meet these minimum standards.
25

26 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
27

28 Section 1. The title of Homer City Code Chapter 21.54 is hereby amended to read as
29 follows:
30

31 Chapter 21.54

32
33 MOBILE HOME PARKS, MOBILE HOMES, RECREATIONAL VEHICLE
34 PARKS AND RECREATIONAL VEHICLES
35

36 Section 2. The title of Subchapter 1 of Homer City Code Chapter 21.54 is hereby
37 amended to read as follows:
38

39 Subchapter 1
40 Mobile Home Parks and Mobile Homes
41

42 Section 3. Homer City Code 21.54.060 Mobile Home Structures is hereby repealed:
43

44 ~~21.54.060 Standards for Mobile Home Structures. Each mobile home structure in the~~
45 ~~park shall meet the following standards:~~

46 a. ~~The mobile home shall contain sleeping accommodations, a flush toilet, a tub or~~
47 ~~shower and kitchen facilities, with plumbing and electrical connections provided for attachment~~
48 ~~to public utilities or approved private systems.~~

49 b. ~~The mobile home shall be fully skirted and if a single-wide unit, shall be tied down~~
50 ~~with devices that meet State standards.~~

51
52 Section 4. Homer City Code 21.54.100 Mobile Home Structures is hereby enacted to
53 read as follows:

54
55 **21.54.100 Standards for Mobile Home Structures. Each mobile home structure,**
56 **whether located in a mobile home park or on an individual lot, shall meet the following**
57 **standards:**

58 **a. The mobile home shall contain sleeping accommodations, a flush toilet, a tub or**
59 **shower and kitchen facilities, with plumbing and electrical connections provided for**
60 **attachment to public utilities or approved private systems.**

61 **b. The mobile home shall be fully skirted and if a single-wide unit, shall be tied**
62 **down with devices that meet State standards.**

63
64 Section 5. This Ordinance is of a permanent and general character and shall be included
65 in the City Code.

66
67 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of
68 _____, 2010.

69
70
71 CITY OF HOMER

72
73
74
75 _____
76 JAMES C. HORNADAY, MAYOR

77 ATTEST:
78
79
80 _____
81 JO JOHNSON, CMC, CITY CLERK

82
83
84 YES:
85 NO:
86 ABSTAIN:
87 ABSENT:

88
89
90
91

92 First Reading:
93 Public Hearing:
94 Second Reading:
95 Effective Date:
96
97 Reviewed and approved as to form:
98
99
100 _____
101 Walt Wrede, City Manager
102
103 Date: _____
104

Thomas F. Klinkner, City Attorney

Date: _____

Jo Johnson

From: Mary Griswold [mgrt@xyz.net]
Sent: Thursday, January 07, 2010 4:47 PM
To: Barbara Howard; Francie Roberts; Kevin Hogan; Mary Wythe; Bryan Zak; David Lewis; Jo Johnson; Walt Wrede
Subject: Ordinance 10-02 filling police and fire positions

Dear City Council members,

I urge you to defeat introduction of Ordinance 10-02 filling 3.7 vacant police and fire department positions. It is very poor policy to introduce this budget amendment one meeting after passing a budget which everyone scrutinized and massaged for three months, especially since amendments for these positions were considered and rejected by the council as it developed its final priorities for the 2010 budget.

Let this budget amendment wait until later in the year when we see how revenues shake out and learn if the fire and police departments are successful in obtaining grants for staff positions.

Sincerely,

Mary Griswold
city resident



CITY OF HOMER

PUBLIC WORKS

3575 HEATH STREET HOMER, AK 99603

TELEPHONE (907)235-3170

FACSIMILE (907)235-3145

EMAIL dgardner@ci.homer.ak.us

MEMORANDUM 10-16

To: Walt Wrede, City Manager *W. Wrede*
From: Dan Gardner, PW Inspector
Through: Carey Meyer, PW Director
Date: July 23, 2009
Subject: Hickerson Memorial Cemetery
Purchase of Additional Lands

History

In April of 1970, the local American Legion deeded the existing Hickerson Memorial Cemetery to the City of Homer for \$10.00. The tract consists of 3.34 acres which allows for 806 total grave lots. At that time, 123 of the 806 lots were occupied.

Present

At present, there are 125 lots remaining of the 806 lots of Hickerson Memorial Cemetery (see attached map). Many of those available lots are not blocked together, which is often how lots are purchased to allow family members to be buried together. So, for instance, if we meet with family members next week to select a lot for a deceased person, multiple lots could be purchased at the same time for family plots. Although there is no way of knowing just how long it will be until all of the lots are used or spoken for, one can see that lots are being purchased for interment or reservation with greater frequency than in past years. The population of the Homer Area has significantly increased since those early years of the 1970s. It is my opinion that the City needs to actively pursue additional property, suited for cemetery use, and make the acquisition within the next year. After acquisition, additional funding and time will be needed to allow for development of the property before it can put into use (fencing, clearing, lawn growth, road construction).

To date, the only property seriously pursued for purchase is the land surrounding the existing cemetery. This is due to the obvious location preference and ease of expansion as opposed to an entirely different location, and due to the optimum soils for digging graves and drainage as compared to typical soils in the lands below Diamond Ridge.

The lot immediately east of the cemetery has a home on it, and the lot immediately north is not available, nor will it be, according to the land owners. Their intent is to keep it within their

family. That leaves available the 3 lots immediately west of the cemetery (see attached map). In 2008, the City attempted to acquire these lots from the owner, Paul Taylor, but his asking price was too high for an outright purchase, and his proposal of a land trade was dismissed by Council.

[REDACTED] (No one had that exact figure). The appraisal that the City ordered from Derry & Associates in September of 2008 came in at \$179,000. If the City intends to continue to provide the service of a cemetery, we may need to consider purchasing these lots, even at a figure higher than the appraisal, to have the preferred location and soil conditions referenced above.

If the three lots are purchased it is estimated that 700 additional cemetery lots would become available. If we would opt to only purchase the upper two lots (lots 11A & 11B) which are the most favorable due to lot dimension and topography, it is estimated that an additional 540 lots would become available.

The City will not run out of lots within the next year, but it won't be long until selection will be very limited for families. Delaying the acquisition of additional lands will likely drive the cost up and also decrease options for location.

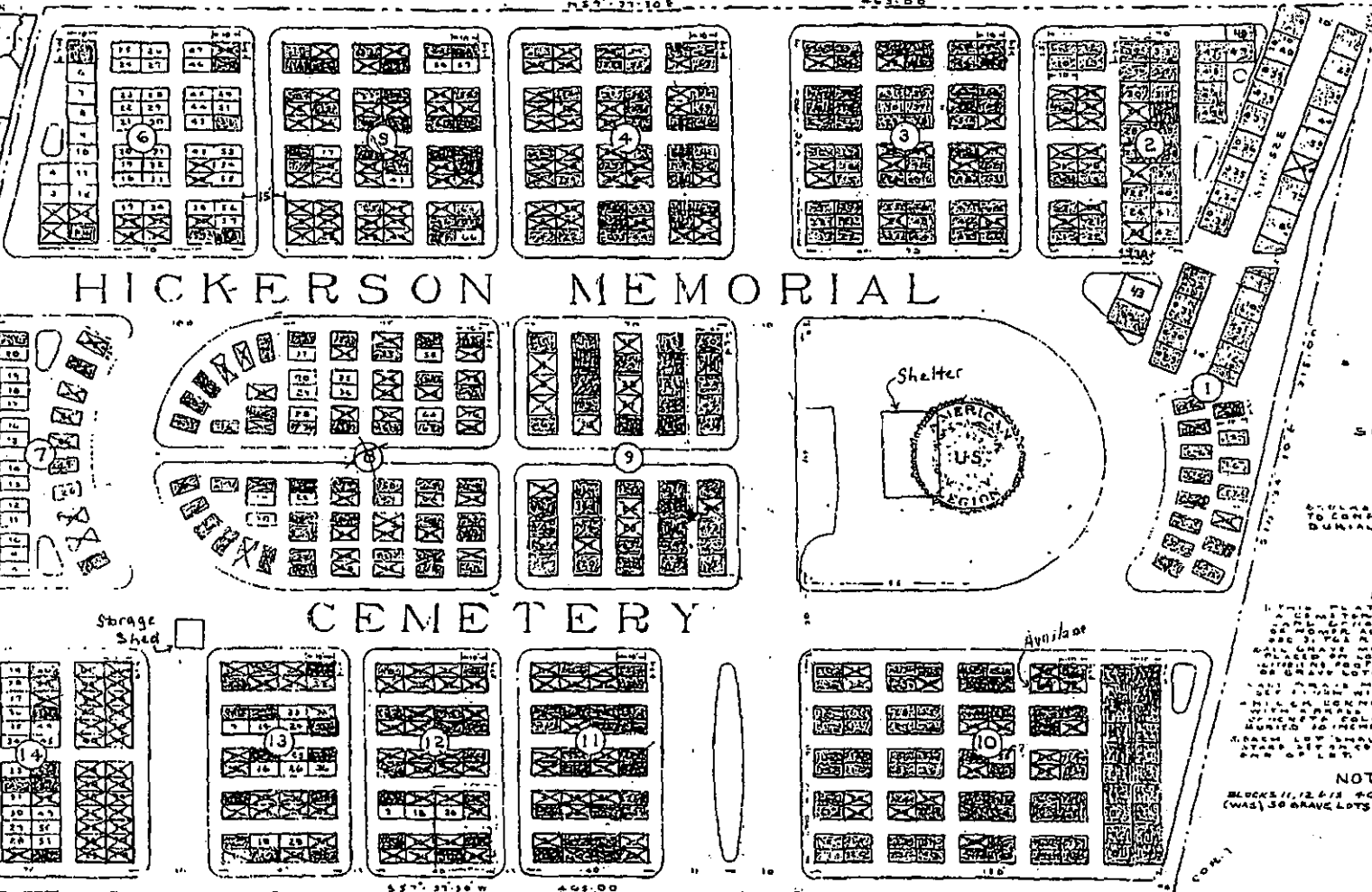
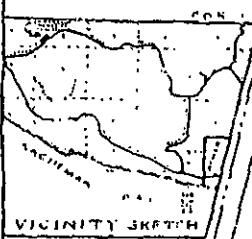
Options to Consider

1. Purchase additional property adjacent to the Hickerson Memorial Cemetery (Lots 11A&B, or Lots 11A, 11B, and 11C)
2. Pursue an entirely different location that may cost less. It would need to have minimal slope to the land and ground water would need to be taken into account.
3. Get out of the cemetery business. Allow Hickerson Cemetery to fill to capacity and cease to provide lots for burial. The private sector could assume the role if desired, or people could be buried in other communities.

Recommendation

Enter negotiations with Mr. Taylor for the outright purchase of his three lots. He has indicated that his \$229,500 figure is all that he will consider. But, I believe it is reasonable to attempt to negotiate a lower figure.

After acquisition of the land, obtain a cost estimate for the required improvements and budget for construction of the improvements the following year.



HICKERSON MEMORIAL

CEMETERY



SCALE: 1/20

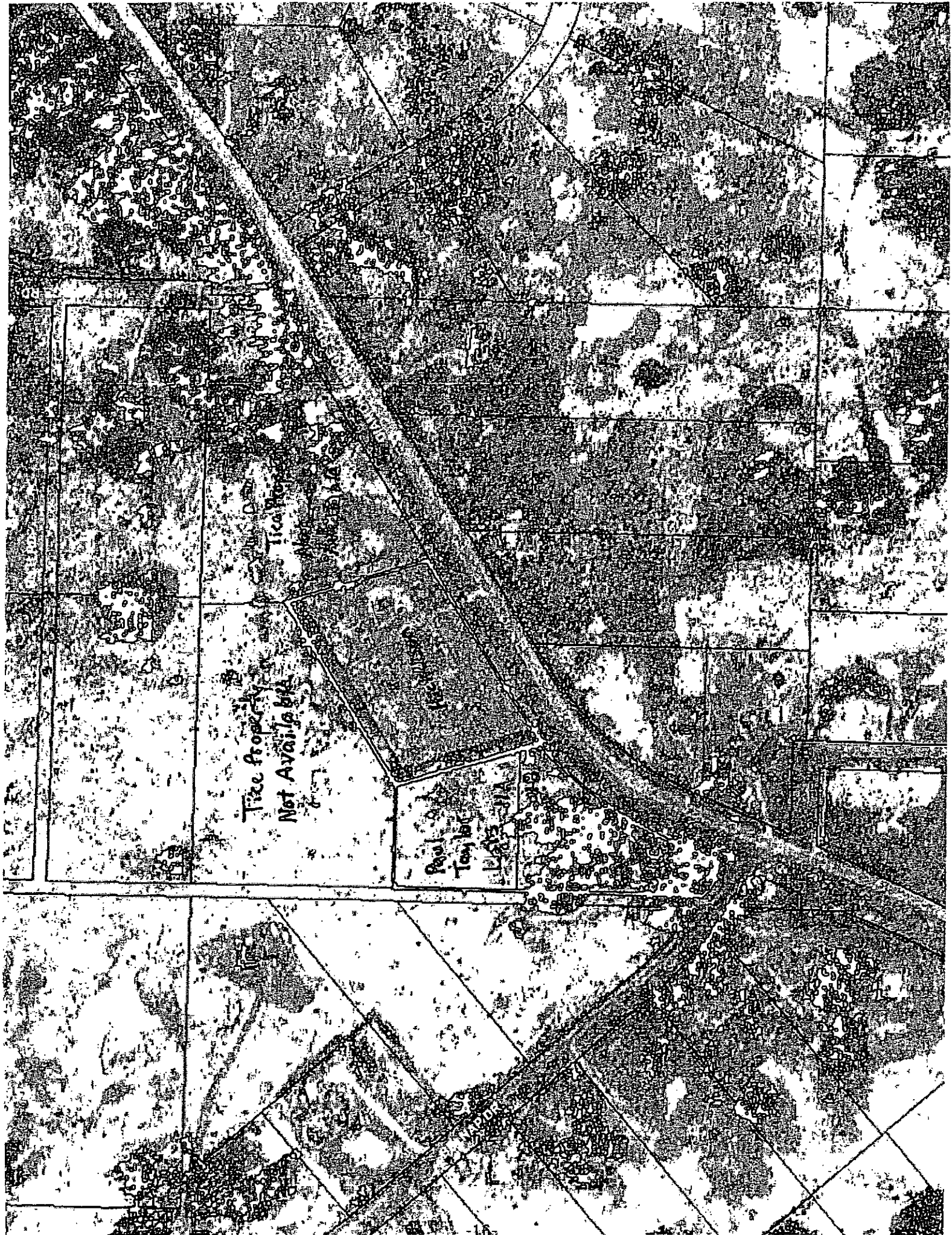
NOTE-1
 GRAVE LOTS TO BE ADJUSTED
 TO CONFORM TO ORIGINAL
 DIMENSIONS IN BLOCK 1

NOTE-2
 IF THIS PLAN IS SUBJECT TO ANY
 CHANGE IN THE FUTURE, THE
 GRAVE LOTS MUST BE ADJUSTED
 TO CONFORM TO THE ORIGINAL
 DIMENSIONS IN BLOCK 1.
 GRAVE LOTS TO BE ADJUSTED
 TO CONFORM TO ORIGINAL
 DIMENSIONS IN BLOCK 1.

NOTE-3
 BLOCKS 11, 12 & 13 40 GRAVE LOTS 10' X 8' EACH
 (WAS) 30 GRAVE LOTS 8' X 5' EACH.

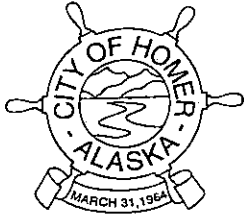
- = Available Lot
- ▨ = Reserved Lot
- ▩ = Occupied Lot

ADDED NOTE - 3 8/24/87 489 (146)



Tree Property
Not Available

Paul Taylor
LOTS 1 & 2



CITY OF HOMER

PUBLIC WORKS
3575 HEATH STREET HOMER, AK 99603

TELEPHONE (907)235-3170
FACSIMILE (907)235-3145
EMAIL dgardner@ci.homer.ak.us

MEMORANDUM 10-17

To: Walt Wrede, City Manager *W.Wrede*
From: Dan Gardner, Inspector *DMG*
Date: January 7, 2010
Subject: Hickerson Cemetery Expansion/Maintenance Costs

This memo follows up the memo from July 23, 2009 wherein a recommendation was made to purchase the three adjacent properties to Hickerson Cemetery to allow for expansion. The memo advised that if purchased, funds would need to be budgeted for the required improvements.

Following are estimated costs for improvements required to make the land useable. Additionally, estimated maintenance costs are provided for the existing cemetery and the proposed expansion.

Improvement Cost Estimate

- Land Purchase \$229,500
- 1200 LF of Driveway \$60,000
- Seeding for Lawn \$30,000 (Add \$100,000 if topsoil is required)
- Fencing \$23,500
- Project Oversight \$4320
- Surveying \$10,000

Total Estimate \$357,320

Existing Annual Maintenance Costs

- Mowing \$3500
- Parks Crew Noxious Weeds Efforts \$1000
- Snow Removal \$1000
- Misc Response Time & Materials \$1000
- Personnel – meeting & processing \$3240

Total Existing Maintenance \$9740

Estimated Additional Annual Maintenance Costs for Expansion

- Mowing \$3745
- Parks Crew Noxious Weeds Efforts \$1000
- Snow Removal \$1000
- Misc Response Time & Materials No Increase
- Personnel No Increase

Total Proposed Increase In Maintenance \$5745


Office of the City Clerk

Jo Johnson, CMC, City Clerk
Melissa Jacobsen, Deputy City Clerk II
Renee Krause, Deputy City Clerk I
Rachel Tussey, Clerical Assistant



491 E. Pioneer Avenue
Homer, Alaska 99603
(907) 235-3130
(907) 235-8121
ext: 2226, 2227, 2224, or 2251
Fax: (907) 235-3143
Email: clerk@ci.homer.ak.us

MEMORANDUM - REPORT

TO: MAYOR HORNADAY AND HOMER CITY COUNCIL
FROM: MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK 
DATE: JANUARY 7, 2010
SUBJ: CEMETERY PLOT SALES

The staff in the City Clerk's Office facilitates the sale of the cemetery plots and maintains the original cemetery map. On average, the process takes about an hour and a half because for most people, it is more than dropping off a check to pay a bill. Generally, the purchaser will come to the Clerk's office and review the map to see what plots are available for purchase and either make their selection at that time or go visit the cemetery to get an idea of the location of the plots.

Once a plot or plots have been selected, availability has been verified, and payment received, paper work must be processed between the Clerk's office and Public Works. Duties of the Clerks off staff include updating the original map, log book, and cemetery register, preparing and mailing deeds to the purchaser, and filing them in the respective permanent file. Many times plots are purchased and reserved. As a result, the paperwork has to be revisited when someone is interred. A copy of the updated cemetery register is posted periodically to the web and provided to the American Legion General Buckner Post 16 annually, just prior to Memorial Day.

In 2006 there were 26 plots sold, in 2007 there were 7 sold, in 2008 there were 9 sold, and in 2009 there were 17 sold. Per Resolution 98-28, cemetery plots are sold for \$200 each. Excavation of the plot can be arranged for additional fees.

Jo Johnson

From: janc@gci.net on behalf of Jan Caulfield [janc@gci.net]
Sent: Wednesday, January 06, 2010 4:10 PM
To: Jo Johnson
Cc: Terry Feide; Department Planning; Mark E (DFG) Burch
Subject: Comments on City of Homer Comprehensive Plan draft
Attachments: KBBC letter to City of Homer 01-06-09.pdf; ATT3298058.htm

Hello:

Attached please find comments from the Kenai Brown Bear Committee (KBBC) to the City of Homer regarding the draft update to the City's Comprehensive Plan.

The KBBC includes representatives of local, state, and federal agencies, organizations, and private sector businesses. The Committee works together to promote responsible food and waste handling to avoid attracting bears and other wildlife into the human environment, with the goal of improving public safety and reducing the number of brown bears killed due to defense of life and property.

I serve as the facilitator for meetings of the KBBC and was asked by the Committee to submit this letter to the City of Homer on its behalf.

Thank you very much for the City's consideration of these comments.

Regards,

Jan Caulfield, Facilitator
Kenai Brown Bear Committee

Jan Caulfield Consulting
114 S. Franklin St., Ste. 202
Juneau, AK 99801
janc@gci.net
Phone: 907-523-4610
FAX: 907-523-1922



January 6, 2010

Honorable James C. Hornaday, Mayor
City of Homer
491 E. Pioneer Ave.
Homer, AK 99603

And via email to: clerk@ci.homer.ak.us

Dear Mayor Hornaday:

The Kenai Brown Bear Committee (KBBC) is writing to encourage that the City of Homer's updated Comprehensive Plan include actions the City will take to promote responsible food and waste handling to avoid attracting bears and other wildlife into the human environment, with the goal of improving public safety and reducing the number of brown bears killed due to defense of life and property. Public education and proper waste management have proven to be the most effective means to reduce the attraction of wildlife to homes, businesses, public use areas and other human facilities.

The KBBC suggests that the City of Homer consider adopting the following language in its Comprehensive Plan:

Goal – Eliminate the availability of human-generated food sources for bears and other wildlife in the City of Homer, to improve homeowner and public safety and to reduce the number of bears killed in defense of life and property.

- Objective 1. Deliver public information regarding responsible storage and handling of human, pet and livestock food, food waste, and other substances that could attract bears and other wildlife.
 - Implementation Action: Use and distribute existing educational materials regarding reducing bear attractants (provided by member agencies or organizations of the Kenai Brown Bear Committee) via City offices, the City's web sites and other appropriate venues.

- Objective 2. Reduce bear and wildlife attractants in the community and further the goals of the Wildlife Community Conservation Program.
 - Implementation Action: Encourage and promote use of bear resistant garbage containers by residents and businesses and in City public use areas.

- Implementation Action: Work with the Alaska Department of Fish and Game and other Kenai Brown Bear Committee member organizations on efforts to reduce attractants.
- Implementation Action: Enforce applicable municipal codes and act as a primary enforcement entity for state regulations (5 AAC 92.230) that prohibit the negligent or intentional feeding of bears and other wildlife.¹

The Kenai Peninsula Borough adopted similar language in its 2005 Comprehensive Plan. Incorporating this language in each community plan will help ensure that all residents and businesses on the Kenai Peninsula receive information, encouragement and support that will help them avoid attracting bears and other wildlife to homes, businesses and public use areas.

The KBBC appreciates that the City of Homer is a participant in the Wildlife Conservation Community Program coordinated by the Alaska Department of Fish and Game. Thank you for helping make a difference in enhancing both human safety and bear conservation over the long term.

Please contact the KBBC through the committee's coordinator Mark Burch, ADFG, 907-267-2387 or at mark.burch@alaska.gov if you have any questions or if we can be of assistance.

Sincerely,

Kenai Brown Bear Committee

cc: Walt Wrede, City Manager, City of Homer (citymanager@ci.homer.ak.us)
Rick Abboud, City Planner, City of Homer (planning@ci.homer.ak.us)

The Kenai Brown Bear Committee includes representatives of the following organizations and agencies:

*Alaska Department of Fish & Game
Alaska Department of Natural Resources
U.S. Forest Service
U.S. Fish & Wildlife Service
U.S. National Park Service
Kenai Peninsula Borough
AK Adventures
Alaska Center for the Environment
Alaska Resource Management
Kenai River Sportfishing Association
Kenai River Professional Guides Association
Kenai Watershed Forum
The Wilderness Society*

¹ State regulation 5 AAC 92.230 prohibits the negligent or intentional feeding of "moose, deer, elk, bear, wolf, coyote, fox, wolverine, or deleterious exotic wildlife... [including leaving] human food, animal food, or garbage in a manner that attracts these animals."

My name is Devony Lehner

I'm here to comment on the current Comp Plan rewrite.

It's my opinion that this plan as it stands doesn't meet minimal professional standards for a comprehensive land use plan. I think you can do some "quick fixes" to address some of its problems, but my opinion is that adopting the plan in its current form would be negligent from a land use planning perspective. This is a strong assertion, but I believe it's justified.

I'm gonna focus on three examples of where this plan fails to meet professional standards: (1) its public participation process was inadequate, (2) the Plan fails to reflect significant existing onsite developments and land uses, and (3) its Land Use Designations Map fails to reflect significant natural resource data.

I'm gonna start by giving you some information about my background so you can judge whether I'm qualified to comment on the plan's competence.

- I have a BA in anthropology from Stanford University. I studied anthropology because of my interest in societies and how people organize themselves and create cultures in relationships to landscapes.
- I have an MA in environmental biology, which means I studied soils, hydrology, geology, and other physical sciences in addition to biological disciplines like ecology, fisheries, and wildlife.
- I've worked for Fish and Game, DNR, and the USDA Natural Resources Conservation Service, always focusing on resource inventories and land use planning.
- At the NRCS, I managed a 7-year study of non-federal lands along the Kenai River below Skilak Lake, which included 2 years of pre-planning, 4 years of field work, and 1 year of preparing reports. I oversaw public participation during this study and prepared the final reports: a Kenai River Landowners' Guide and a Technical Report.
- I wrote the first plan for the Homer Demonstration Forest with input from other agencies, user groups, and teachers. I also handled public outreach for this project.
- My husband and I are developing Stream Hill Park subdivision, which encompasses over 80 acres. In terms of acreage, it's one of the largest subdivisions in city limits. It's also generally recognized as the best-planned subdivision in the city, and happens to be written about in the current issue of Alaska Home magazine.
- I've been active with the Homer Soil and Water Conservation District since 1987.
- I've been a technical editor of scientific and technical documents for over 30 years.
- I was on the Homer Planning Commission when this Comp Plan was started in 2006.

Back to the Comp Plan.

1. The Comp Plan's public participation process was inadequate

When I was on the Planning Commission, I reviewed the draft Scope of Work for the proposed Comp Plan update. On May 3, 2006, I drafted 2 pages of suggestions for City Planner Beth McKibben. I wrote Beth that "successfully collaborating with interested citizens and organizations, as well as soliciting their input, depends on having a well-publicized, readily understood, transparent, inclusive, and honest process for working with the community." Among other written comments I sent Beth were the following:

1. Have the consultant "maintain a **full-time presence in the community** throughout the planning process so that any citizen or group wanting to meet face-to-face with a knowledgeable consultant's representative would be able to do so."
2. Have the consultant "develop a presentation (power point, DVD, etc.) that could be shown to interested groups **at their convenience and chosen locations.**"
3. Have the consultant "**develop a format making it easy for citizens to identify issues, concerns, desires, etc.**

The point I was making is that one of the first building blocks of any competent public participation process is **proactive outreach** to the public. It's not enough to sit back and say: if we put our project on the Web and hold a couple of "open houses," that's enough. From my own training and experience, I know that a meaningful public process reaches out TO the public and explains how the project might affect them. One way to do this is by making presentations at the **regularly scheduled meetings** of potentially interested groups like the Chamber of Commerce, homeowners' associations, the local realtors association, the Homer Soil and Water Conservation District, Kachemak Heritage Land Trust, local recreational groups (ski club, equestrian association), the Kachemak Bay Conservation Society, etc. In other words, **you don't expect people to come to your meetings, you go to theirs**. No such presentations were made to any of the regularly scheduled meetings I or my friends attend. I believe proactive outreach to the public was minimal at best during this 4-year Comp Plan process.

A second critical building block of a competent public process is **follow-up contact** with interested citizens. This means that you collect contact information from anyone who attends a meeting, submits written comments, phones in with a question, or in any way indicates interest in your project. Whenever there's a new step in the process or some benchmark is reached, you go to your contact list and update by letter or email everybody on that list. This is how you show respect to members of the public who've voluntarily put their own time and energy into the process. Even DNR does this, as I know from my experience during the Kenai Area Plan process. As part of the public contact process during the Kenai River study, the NRCS Homer field office mailed out over 2000 informational fliers to private property owners along the river just to let them know we were collecting information in their area that they might find useful. Anyone who contacted us was welcomed to participate at whatever level they wanted, including watching the soil scientist do his fieldwork. Some Kenai River landowners even reviewed the Kenai River Landowners Guide chapter-by-chapter as we put it together. Any citizen who participated in any way was sent regular updates and a copy of the Landowners Guide when it was completed.

My experience is that follow-up contact was not part of this Comp Plan process. My calendar shows that I attended meetings with the city and Agnew-Beck on at least January 30 and October 18, 2007. (This was in addition to meetings of the city's Comp Plan Committee.) During at least one of these meetings in 2007, I told the Agnew-Beck planners about Stream Hill Park and asked them to accurately reflect on their maps our subdivision plat, including our 40-plus acres of permanent open space. I also suggested that the proposed Neighborhood Commercial district at the top of West Hill be deleted.

When the written review draft of the Comp Plan came out in early 2007, I reviewed it. I thought it was very poorly written, with a lot of amorphous generalities, redundancies, and sloppy thinking. I emailed Agnew-Beck and said that the plan needed rigorous technical editing, and that I'd like to comment on the Word files themselves, using the "track changes" feature of that software. Agnew-Beck emailed me back that they didn't want public input at that level of detail. Although put off by such "public avoidance," I did the best I could writing my comments in the margins of the single-spaced printed review draft, and I mailed these to Agnew-Beck. I also sent them email rewrites of some sections. These comments were submitted about November 5, 2007.

Because I participated in the process in person, via email, and by mail, I expected to be placed on a contact list and to be sent updates as appropriate. I never received acknowledgment from Agnew-Beck that my comments were received, nor did they place me on any kind of contact list or send me any updates, ever.

A third essential building block of a competent public process is to **contact in writing anyone whose property may be affected in a significant way by the project**. An example would be the folks on West Hill whose property is changing from a Rural Residential Land Use Designation to a Neighborhood Commercial designation (which is never adequately defined in the Comp Plan). Another example is Stream Hill Park, which is being changed from Rural Residential to Transitional Residential. I've already emailed you a letter from me and my husband identifying our concerns about this change. We were never

contacted or notified in any way that our subdivision was being “pre-rezoned” despite the potential significance of this change to us and our buyers.

This is just a quick overview of failures in the public participation process, but I think these failures are glaring. I believe that such failures compellingly argue that the public participation actions conducted as part of this Comp Plan process do not meet minimum professional standards.

2. The Comp Plans fails to reflect some significant existing onsite developments and land uses

As mentioned above, I told Agnew-Beck and the city in person about Stream Hill Park at a meeting held in this very chamber. I remember that Beth McKibben was there, as was Allegra Bukojemsky, a member of the Comp Plan Citizens’ Advisory Committee. I wanted to be sure that Stream Hill Park was accurately shown on Comp Plan maps. Nonetheless, and as I wrote to you, the plan fails to do so despite Stream Hill Park’s large acreage and my efforts to make sure it was accurately included. Numerous similar omissions exist. Cottonwood Horse Park on East End Road, for example, is not shown on the map that “pre-rezones” it and surrounding acreage from Rural Residential to Urban Residential. Neither is Jack Gist Park, a large park owned by the city, nor the Calvin and Coyle parcel owned by the Land Trust. Trails and trail corridors identified in the adopted Homer Non-Motorized Transportation and Trail Plan (2004) are also omitted.

To be truly useful, a Comp Plan must show on its maps existing land uses that currently shape community life. This includes areas used for education, recreation, public gatherings, and the like. In Homer, such sites would include, for example, schools and university facilities, the public library, the Pratt Museum, the Islands and Oceans Visitor Center, local parks, trails and trail corridors, playing fields, Cottonwood Horse Park, etc. Only if these land use “focal points” are clearly shown on maps can they provide a framework for developing unique, appealing neighborhoods and a diverse, interconnected community. A Comp Plan that entirely fails to show these focal points on its maps denies the community a chance to envision its future as an outgrowth and expansion of its present. Such a Comp Plan also fails to help local citizens imagine how such land uses might be leveraged, connected, and enhanced in ways most beneficial to the community. Failure to show on Comp Plan maps such land uses and developments is below an acceptable level of planning competence.

3. The Plan’s Land Use Designations Map fails to reflect significant natural resource data

An example of such a failure on the Land Use Designations map is provided by the West Hill Neighborhood Commercial Designation. A quick glance at the drainage/wetlands map available at the KPB website shows that the proposed NC area supports drainages and wetlands connected to Diamond Creek (see Figures 1 and 2, attached). Diamond Creek is the largest and longest creek passing through city limits and is associated with numerous tributaries and extensive wetlands. An area supporting such drainage and wetland conditions is inherently problematic as a site for commercial development.

An example of problems that can arise when such an area is commercially developed already exists in the proposed area. On Figure 1, a white rectangle on the south side of the intersection of Eagle View and West Hill Roads shows where a parcel was completely filled in to serve as a staging and storage area for excavation and grading equipment and related supplies. (This industrial use was grandfathered in when this area was annexed and zoned RR.) After this parcel was filled, the basement and driveway of at least one neighboring residence began to flood. Similar wetland filling for structures and parking lots associated with Neighborhood Commercial activities are likely to cause additional flooding of surrounding properties. In addition, leach fields and wells are problematic in such areas. Large lot rural residential uses represent the most logical uses in these conditions, as do land uses that maintain local drainage, flood control, and water quality functions.

Spatial data showing on-the-ground natural resources and information about what they mean for development provide the starting point for any conscientious land use planner. A good comprehensive plan would include an atlas of maps showing such data within the planning area, e.g., soils, drainages, watersheds, wetlands, plant communities, etc. An example of such an atlas is contained in the plan of the Homer Demonstration Forest, accessible through the Homer Soil and Water Conservation District website. Developing Land Use Designation maps that fail to reflect or reference known on-the-ground conditions falls below minimal standards of professional land use planning.

These failures of the current Comp Plan should be fully corrected before the plan is adopted.

Figure 1 (to right). Land Use Designations Map showing West Hill Neighborhood Commercial Designation

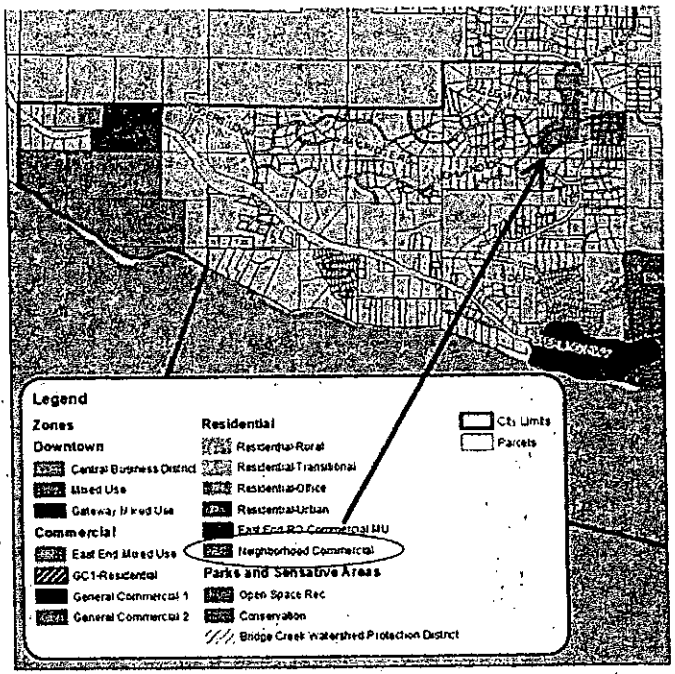
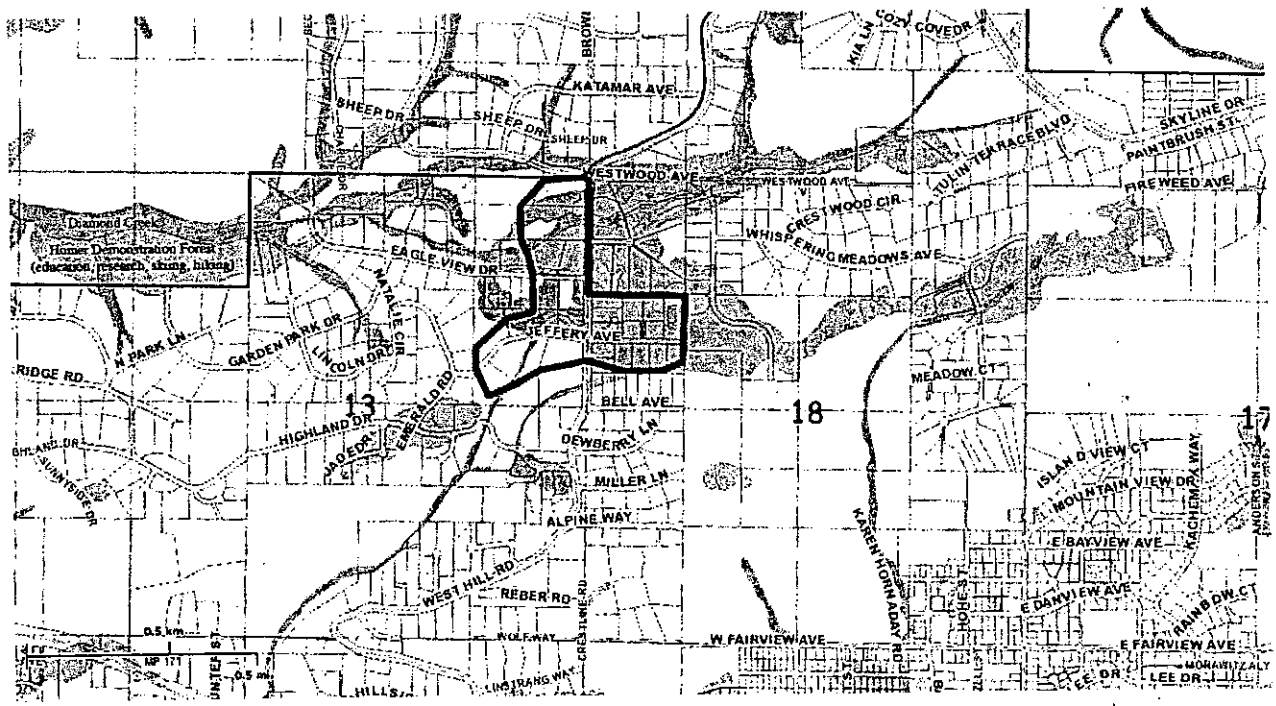


Figure 2 (below). Approximate boundary of West Hill Neighborhood Commercial Designation overlaid on KPB Wetlands Map (all colored areas are wetlands)



Jeanie Fabich
4976 Alder Lane
Homer, AK 99603

Dear City Council Members and Mayor Hornaday

Addressing the parts of the “Satisfaction Triangle” (next page) is essential to the success of any complex public participation process. Both “Process” and “Relationship” corners of the triangle have been poorly addressed during the Comp Plan update, so it is not surprising that the proposed “Outcome” part of the triangle (namely the new version of the Comp Plan) is triggering upsetment among Homer citizens and groups.

With respect to Process:

It is very confusing to the public when multiple layers or scales of change are mixed together and simultaneously proposed as part of one muddy process. The current Comp Plan update is an example of this kind of muddy, confusing, multiply scaled process. It proposes changes at the:

- (a) citywide scale (e.g., articulation of general community policies; creation of new—and inadequately defined—“land use designations” or zoning categories),
- (b) neighborhood scale (newly proposed, poorly defined “land use designations” are then applied to specific neighborhoods), and
- (c) parcel scale (inclusion of specific parcels in proposed “land use designations”) with no notice to “affected property owners.”

In contrast, in a conscientious, transparent public participation planning process, each of these scales would be handled separately and in logical sequence. For example, general citywide policies would be addressed first. Proposed policy changes would be drafted and clearly articulated. Write-ups would be prepared clarifying the reason for each proposed change and how new policies differ in language and effect from policies already in force. Information about proposed new policies would be widely publicized (for example, via regular PSAs and monthly articles in local media); and then public comments would be collected and reviewed. After sufficient public input and review, proposed policies would be finalized and approved by the City Council. This “citywide-scale” policy planning would be fully completed before the next planning phase was started.

The next phase would, for example, develop citywide strategies and/or guidelines for implementing the newly approved policies. Such strategies and guidelines might involve editing or adding new city codes, revising zoning categories, etc. For example, had this been done during this Comp Plan process, one of the policies adopted during the first step might have been: It is the policy of the City of Homer to ensure that its zoning code reflect all categories needed for successful implementation of approved land use policies. If new zoning codes appeared to be necessary, they would be carefully developed and fully defined before any attempt was made to apply them on the ground to neighborhoods or individual parcels. (Another possible policy change might be: It is the policy of the City of Homer to maintain a city code in which all sections related to a single topic can easily be located and accessed online, and that the code be written in “plain English.” This would then lead to a reorganization of the current HCC, but not to any content changes. After the code is easier for the public to read and review, it would be appropriate to consider changing content.)

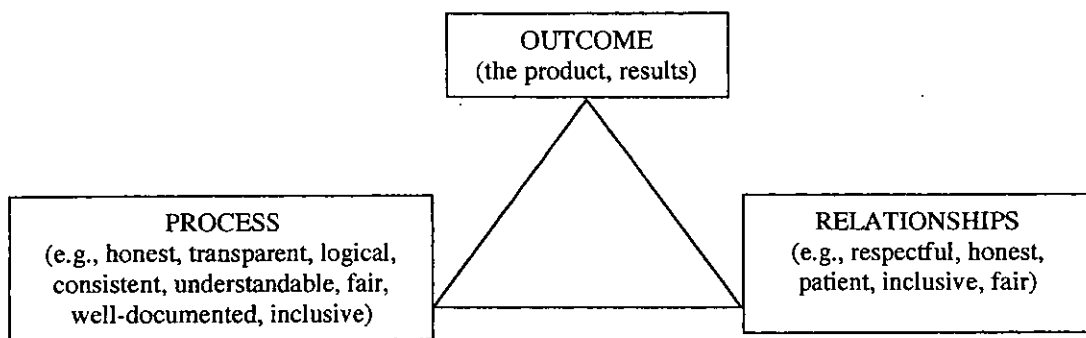
Once citywide policies and implementation guidelines had been drafted, fully reviewed by the public, and approved by the City Council, it would then be appropriate to start more-detailed, neighborhood-scale planning. In other words, this would be the time to develop “land use designations” maps that implement approved policies via newly approved strategies and guidelines. One clean way to do this would, for example, be to establish overlay districts of logical areas (comparable to the existing Old Town and Gateway Overlay Districts). Then land users within each overlay district could be notified that the city was starting planning that might affect their specific neighborhoods and parcels. So a new scale of planning/public participation activities would begin.

What has happened during the current Comp Plan update process is nothing like this. For example, “citywide-scale” changes are proposed to city zoning categories (e.g., the creation of new R2 and NC zoning codes). Then these inadequately defined categories are applied to specific neighborhoods and parcels, thus mixing together in a confusing way several changes and planning scales. Furthermore, landowners potentially affected by changes to the “designations” of their parcels have not been notified or involved in developing or applying new designations.

Adopting “land use designations” such as those proposed in the new Comp Plan are tantamount to making zoning map amendments without adequate notice of affected property owners. This is because the Comp Plan will later be used as the formal justification for approving zoning changes that implement the Comp Plan. As city ordinance 02-07(A) points out “...as required by the State of Alaska Title 29 Sec. 29.40.040, the adoption of zoning regulations must be in accordance with a comprehensive plan and is a mechanism to implement the plan...” This means the Comp Plan will be used to justify implementing Comp Plan land use designations through zoning changes. Using the Comp Plan to justify implementing itself is an example of circular logic.

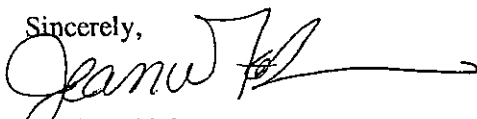
Another fundamental flaw reflected in this new Comp Plan is its failure to reflect some actual on-the-ground land uses that have already been formally (and legally) established. For example, Cottonwood Horse Park, which was established through a city-approved CUP, is not shown at all on the Land Use Designation map. Instead, the Horse Park parcel is shown re-designated to Urban Residential with no acknowledgment that the Horse Park exists. Another example is that a large subdivision with approved preliminary and final plat maps—which legally define land uses within the subdivision in terms of its current RR zoning—is redesignated on the Land Use Designations map as R2-Transitional Residential. This new (inadequately defined) R2 designation is even applied to over 40 acres of permanent open space and parklands established by approved subdivision plat maps, despite the fact that these parcels can never be developed for residential use. The fact that this kind of recent and critical land use information is not shown on a map that will guide Homer’s future reflects serious flaws in the current Comp Plan process, the city’s process for retaining and retrieving its institutional memories, or both.

Figure 1. The Satisfaction Triangle



When working with the public on issues that matter to them, all three corners of the Satisfaction Triangle are equally important. If one or more corners are neglected, the public will come away dissatisfied, regardless of the outcome.

Please delay adopting this very flawed Homer Comprehensive Plan.

Sincerely,

 Jeanie Fabich

Jo Johnson

From: Mike McCarthy [cathmac2@gci.net]
Sent: Sunday, January 10, 2010 12:15 PM
To: Jo Johnson
Cc: Kevin Hogan; David Lewis; Mary Wythe; Francie Roberts; Barbara Howard; Bryan Zak; Department Clerk
Subject: Homer Comp Plan Vote Monday

Dear City Council:

I was notified on Friday, January 8, 2010 about the pending vote on the Homer Comprehensive Plan as it presently exists. This causes me great concern not having more public input in the final product. I was a member of the Citizens Advisory Committee on the Homer Comprehensive Plan along with eleven other Homer citizens. We all care deeply about Homer's future and that is why we committed ourselves to such a time-consuming effort. Because I was out of Alaska in September and October and in Anchorage during City Council meetings in November and December I was caught unawares of the status of the Comp Plan's vote this Monday and that is why I was unable to submit these comments by last Wednesday's normal deadline. I have a medical appointment in Anchorage that prevents me from testifying in person.

My concerns are chiefly about the Comprehensive Plan Land Use Designations Map dated July 10, 2009 and it's pending adoption without more consideration.

1. The City Council has new members that were not present to hear the workshop discussion on the Comp Plan in August and September, 2009. It is not fair to expect them to make an informed vote without the benefit of those workshops.
2. It was during the Comp Plan Advisory Committee meeting in October, 2007 when the first mention of a "Neighborhood Commercial" designation was introduced by Agnew:Beck for upper West Hill Road. The map dated Oct. 1, 2007 showed only one lot in depth on each side of the road. The map that is being voted on January 11, 2010 shows the new use several lots in depth on both sides of upper West Hill Road. This appears to be at odds with the concept we in the Comprehensive Plan Advisory Committee accepted and certainly might well be in conflict with property owners in that area. Please remember that our process involved public review as it evolved.
3. The East Road area between Mattox Road and Clover Lane on the north side of the road includes the Spring Hill development which was R-2 on the Oct. 1, 2007 map but is now shown in the July 10, 2009 map to be Residential-Urban. I believe this is in conflict with the covenants of the Stream Hill development and it jeopardizes those property values.

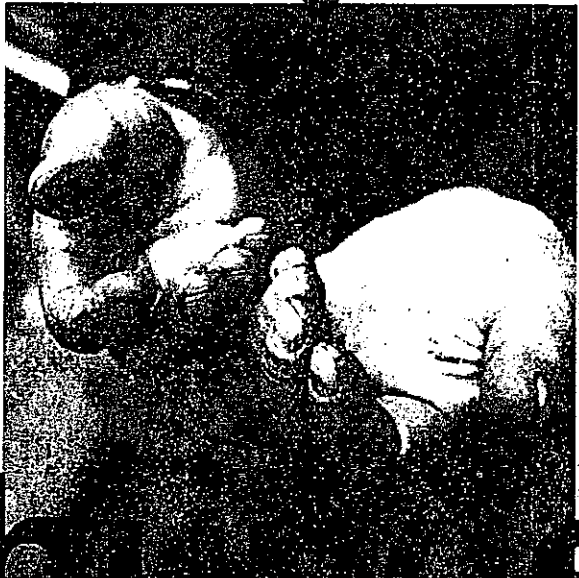
The adjacent area on the south side of East Road was R-1 on the October 1, 2007 map and is now shown on the July 10, 2009 map to be Residential-Urban. A portion of this area is actual designated wetlands which should not be subject to development. Further delineation is needed here and a more detailed map would be helpful in resolving this conflicted designation.

4. The area along Kachemak Drive on the bay side of the roadway is presently all Rural-Residential without water or sewer, with minimum lot size of 40,000 square feet. Until such time as water and sewer are in place it is premature to classify this area as Residential-Transitional, because the 10,000 sq. ft. lot size would increase the development density and water saturation beyond the ability of the ground to maintain bluff stability.
5. The area north of Kachemak Drive that was shown as R-2 or Residential-Transitional in the October 1, 2007 map has been changed to Neighborhood-Commercial in the July 10, 2009 map. Without water and sewer in this area it is premature to reclassify this area without negatively impacting adjacent properties.
6. To pass the Homer Comprehensive Plan as depicted in the Comprehensive Plan Land Use Designations Map dated July 10, 2009 would be the antithesis of open transparent government since there has been little public notice of such a critical issue over a holiday period when those impacted by such a decision are out of town or unaware of the pending vote. Homer does not need to replicate the ill will and expense that the annexation effort caused.

Please vote to postpone a final vote for adoption until such time as the public can be more fully informed.

Respectfully Submitted,

Michael E. McCarthy
P.O. Box 957
Homer, AK 99603



hunger



The Kenai Peninsula Food Bank is out of space. Since organizing in 1987, our needs have dramatically increased. Today, it is not uncommon for us to have to turn food donations away. We frequently rely on off-site storage and freezer space, or distribute perishable items within the same day. All indications are that this trend will continue: in the past year, our new client base has increased by 40 percent.

Hunger does not discriminate

Every year, the Food Bank touches more than 20 percent of the Kenai Peninsula's 53,000 residents, a diverse population that is spread over an area about the size of West Virginia. Most hunger results from poverty or financial constraints. While certain groups are at greater risk, hunger cuts across the income spectrum, all demographics, and the urban-rural continuum.

Hunger facts

- The food bank collects and distributes more than 1 million pounds of food annually.
- Every year, the Soup Kitchen prepares and serves over 21,000 meals.
- Hunger is a condition that every 10th Kenai Peninsula resident experiences.
- In our area, 10.3 percent of the population is living at or below the poverty line for a family of four, this equates to just \$2,570 per year.
- Through our agencies, we assist with an additional 15,000 meals per month.
- Children account for 30 percent of our client base.

We feed people because no one deserves to be hungry.

Building to nourish

Major improvements to the Food Bank building are far reaching and will allow us to serve our clients in a more meaningful way. The goal is to develop a facility that comfortably accommodates more clients and volunteers. Design and construction will maximize the existing facility. New and renovated spaces will be energy efficient and user friendly.

Growing the Base (\$170,000)

A new heating system, accessible restroom, storage supply area, upgraded electrical services, and repairs to the foundation will help the Food Bank maintain its current level of service.

Growing the Menu (\$410,000)

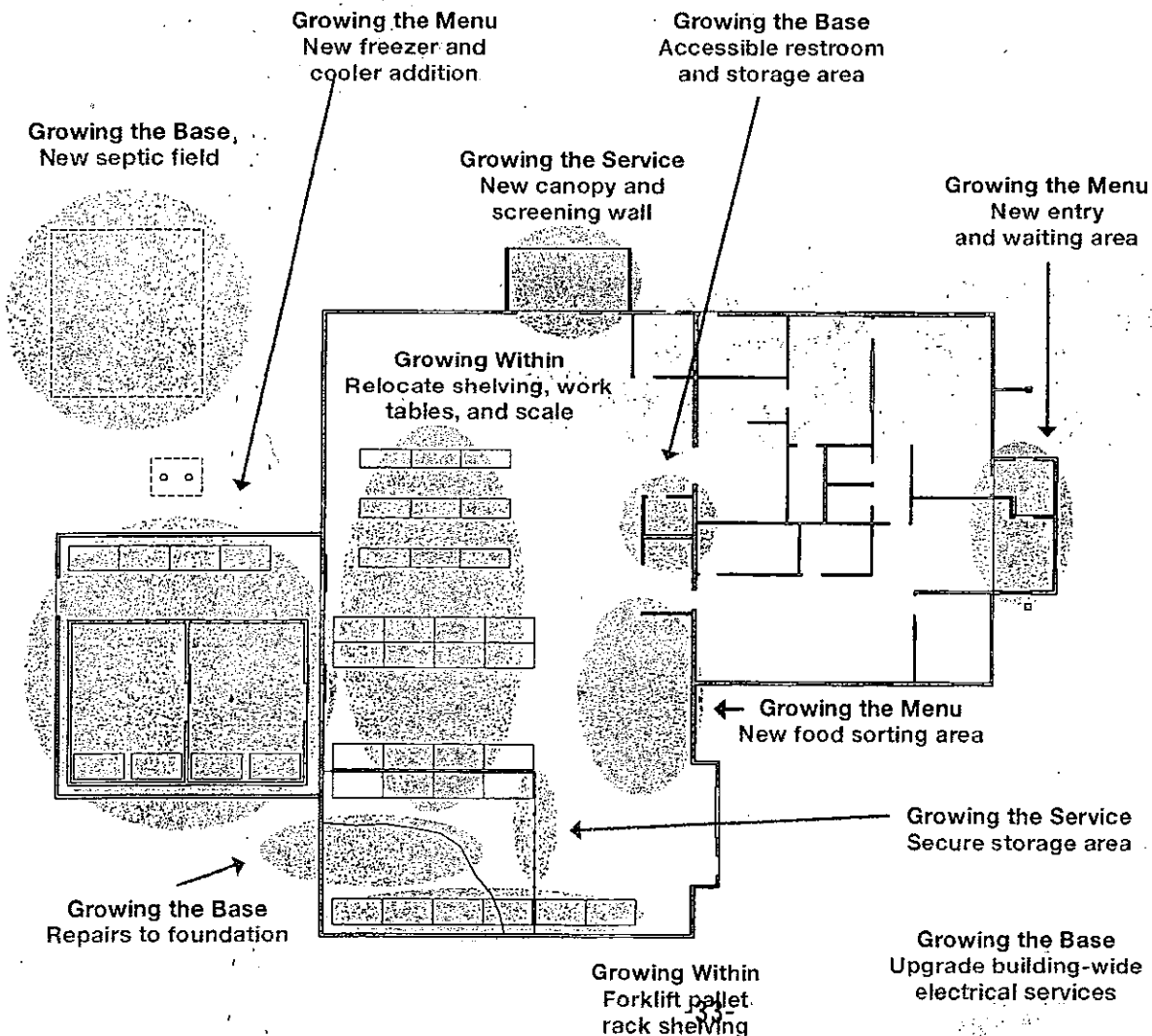
A new energy efficient freezer and cooler will eliminate waste and enable the Food Bank to receive and distribute more perishable food to the growing customer base and agencies. An expanded sorting area will allow staff to work with greater efficiency.

Growing the Service (\$123,000)

Additions of a secure storage area, vestibule and waiting area, canopy and screening walls will improve access.

Growing Within (\$88,000)

Relocating the forklift pallet rack, display shelving, and worktables, and adding a new sink and food scale will improve safety and accessibility to food, equipment and supplies.



Hunger has one solution

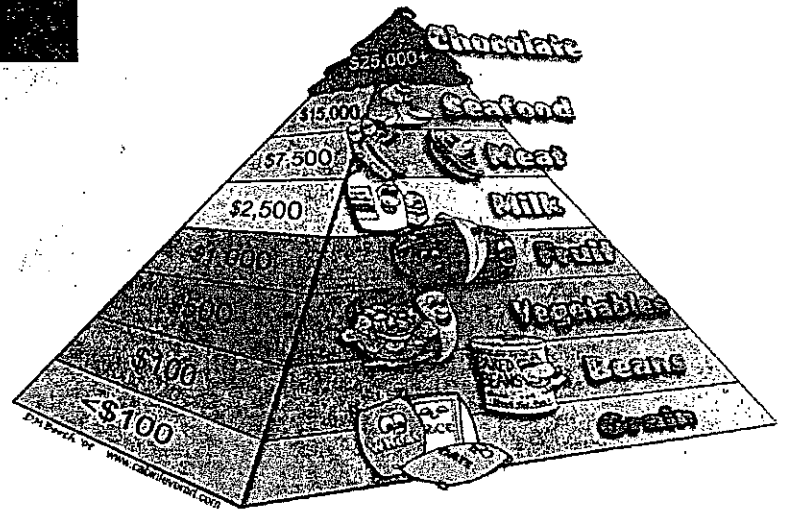
For more than two decades, the Food Bank has relied on the generosity of individuals and companies on the Kenai Peninsula and statewide. Raising the money to increase warehouse space and add an energy efficient freezer and cooler unit to the warehouse facility without interrupting service is the No. 1 priority of the Food Bank Board of Directors. We are asking you and others to donate money to this important capital campaign so that we can raise an additional \$395,000 and begin construction in 2010.

Funding Plan

Rasmuson Foundation	\$395,000
Major Donors	\$170,000
Mid-Range Donors	\$155,000
All Other Contributors	\$71,000
<hr/>	
TOTAL	\$791,000

Donation Levels

Every contribution is appreciated and recognized. All donors will be recognized in the newsletter, in print ads, on our web site, and permanently on location. Those contributing \$1,000 or more will receive a wooden plaque. Donors contributing \$15,000 or more will receive special recognition at the ground breaking ceremony.



Please give

There are three ways to donate.

Online — go to kpfoodbank.org/btn.

Mail — fill out this card and mail it with a check or credit card information to: Kenai Peninsula Food Bank, 33955 Community College Drive, Soldotna, AK 99669.

Personally — come to the Kenai Peninsula Food Bank at 33955 Community College Drive, Soldotna, AK 99669, or call (907) 262-3111.

For more information, go to kpfoodbank.org, email us at foodhelp@ptialaska.net, or call 907-262-3111. The Food Bank is a 501 (c) (3) non-profit and donations may be tax deductible. Consult with your tax professional.

Name _____

Address _____

Phone _____

Email _____

Amount _____

Credit Card (please circle)

VISA MASTERCARD DISCOVER

Number _____

Expiration _____



hungry

For thousands of Alaskans on the Kenai Peninsula, hunger is the first thing they think of in the morning—and the last thing they think about before they go to bed at night. Since 1987, the Kenai Peninsula Food Bank has worked to alleviate hunger in the region by increasing awareness of the need and distributing food through our 65 partner agencies to nurture healthy, productive citizens. Every year, we touch more than 20 percent of the Kenai Peninsula's 53,000 residents, a diverse

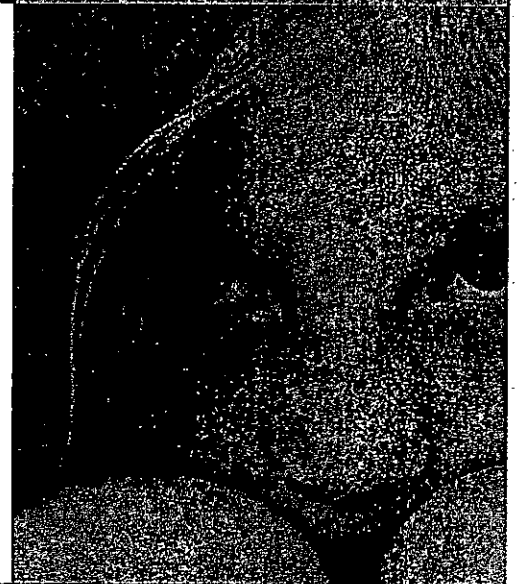
population that is spread over an area about the size of West Virginia. In addition to collecting and distributing more than 1 million pounds of food annually, we prepare and serve 21,000 meals in our on-site Soup Kitchen, providing 1,700 meals every month. Our emergency service programs are also a lifeline to individuals and families who are in the midst of crisis and need immediate relief. Children account for 30 percent of our client base.

is everyone's problem

Hunger

...ting quality meals increases test scores, ...reases violence, and lowers the rate of obesity, ...fant mortality, senior malnutrition and lost ...oductivity in schools and the workforce. ...sides providing food and meals, the Food Bank ...rms community, public and private partnerships ...dressing the complex causes of hunger and ...ucating locals on developing sustainable skills ...ch as gardening, butchering, harvesting and ...trition. With our 65 partner agencies, 2,500 ...unteers, local and state government, and

...corporate donors, we work to improve security for those who cannot provide enough food for all members of their household. They are often forced to reduce their nutritional intake and must choose between other essentials such as medicine and shelter. Without consistent help from this statewide network of support and our friends and neighbors—many who have themselves relied on our services—the Food Bank's continued success would not be possible.



Hunger is a growing

problem

The number of households that rely on food donations is increasing and is expected to rise even beyond recent dramatic jumps in demand. Although hunger, nutrition and poverty issues are difficult to measure, what is certain is that as this trend continues we will not be able to meet the expanding needs of those living in the region without increasing our storage and distribution capabilities. The Food Bank has outgrown its

in turning away contributions, or having to distribute perishable food within one day. Off-site storage, refrigeration and freeze facilities are costly, inconvenient and frequently unavailable. Adding energy efficient space will offset rising utility costs. Improved accessibility will better serve disabled and elderly clients who eat at the Soup Kitchen and obtain food from an expanded shopping area.



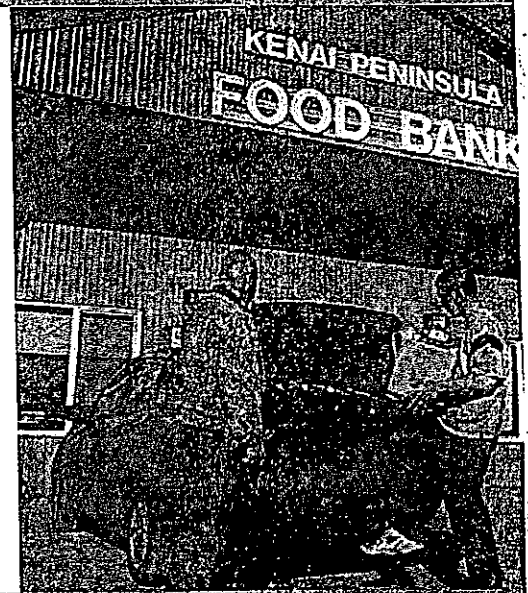
Building

Growing the Base A new heating system, accessible restroom, storage supply area, upgraded electrical services, and repairs to the foundation will help the Food Bank maintain its current level of service.

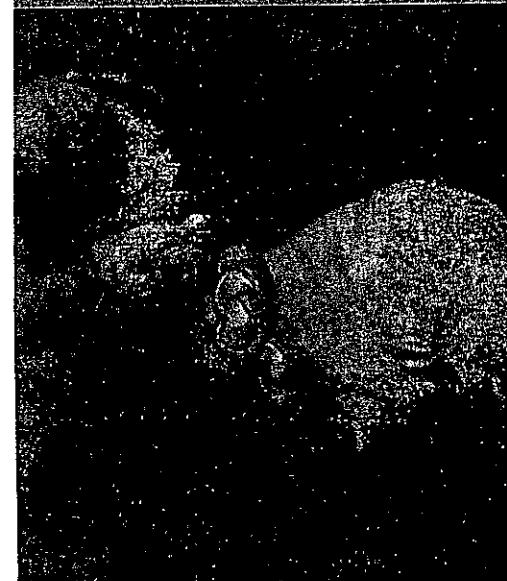
Growing the Menu A new energy efficient freezer and cooler will eliminate waste and enable the Food Bank to receive and distribute more perishable food to the growing customer base and agencies. An expanded sorting area will allow staff to work with greater efficiency.

Growing the Service Additions of a secure storage area, vestibule and waiting area, canopy and screening walls will increase privacy and the professionalism of Food Bank operations.

Growing Within Relocating the forklift pallet rack and display shelving, worktables, adding a new sink and food scale will improve safety and accessibility to food, equipment and supplies.



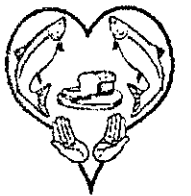
Hunger has one solution



For more than two decades, the Food Bank has relied on the generosity of individuals and companies on the Kenai Peninsula and statewide. While hunger continues to be a growing problem, it is this consistent support that helps feed individuals and families who would otherwise go hungry. Raising the money to increase warehouse space and add an energy efficient freezer and cooler unit to the warehouse facility without

interrupting service is the No. 1 priority of the Food Bank Board of Directors. The Rasmuson Foundation generously awarded a \$395,000 challenge grant for this project. We must match this gift dollar for dollar to use it to fight hunger on the Kenai Peninsula. We are asking you and others to donate money to this important capital campaign so that we can raise an additional \$395,000 and begin construction in 2010.

Please give



KENAI PENINSULA
FOOD BANK

There are three ways to donate:

Online —go to kpfoodbank.org/btn

Mail —fill out this card and mail it with a check or credit card information to: Kenai Peninsula Food Bank, 33955 Community College Drive, Soldotna, AK 99669.

Personally —come to the Kenai Peninsula Food Bank at 33955 Community College Drive, Soldotna, AK 99669.

For more information, go to kpfoodbank.org, email us at foodhelp@ptialaska.net, or call 907-262-3111. The Food Bank is a 501 (c) (3) non-profit and donations may be tax deductible. Consult with your tax professional.

Name _____

Address _____

Phone _____

Email _____

Amount _____

Credit Card: (please circle)

VISA MASTERCARD DISCOVER

Number _____



Jo Johnson

From: Walt Wrede
Sent: Thursday, January 07, 2010 10:44 AM
To: 'KATHY SARNS-FREE SPIRIT WEAR'; Brad & Paula Dickey; Angie Newby; 'Don & Donna Rae'; John & Janet Szajkowski; Ocean House Inn; Paul Hueper; Norm Schumacher; homerbeachhouse@gmail.com; Jack & Char Jump; mpfeffer@kpbarchitects.com; Pat Irwin
Cc: Carey Meyer; Jo Johnson
Subject: FW: Seawall.xlsx
Attachments: RESOLUTION HCEC 1.11.10.DOC; Seawall.xlsx

Dear Property Owners:

I am writing today to give you an update on several seawall related issues.

Financial Update:

Attached is an up to date spreadsheet which shows the current status of the seawall maintenance fund. You can see that the year end fund balance for 2009 was just over \$19,000. The property owners have contributed almost \$21,000 over 2008 and 2009. So far, virtually all of the money spent on the wall was City funds or insurance money.

So, HCEC begins 2010 with a starting balance of \$19,392. The City contribution for 2010 is \$10,000 (the just adopted FY2010 Budget). So, once that transfer is made there will be \$29,392 in the account. We have received a bill from Troy which is for around \$11,000 for work completed late last year. That bill has not been paid and remains outstanding.

Council Meeting / Resolution

The City Council is scheduled to discuss HCEC and the Seawall generally on Monday night Jan 11th at both the Committee of the Whole and the regular meeting. The Committee of the Whole will include broad and informal discussion about HCEC and whether or not it should be eligible to receive funds from the taxes collected for the maintenance and repair of the wall. Basically, it is an opportunity for the Council to discuss the background material it has received and to ask questions of the staff and attorney. Council could include property owners in the conversation or ask them questions if it chooses. There is also an opportunity for public comment. The Committee of the Whole meeting starts at 5PM.

The regular meeting begins at 6 PM. The regular meeting contains a resolution which basically states that HCEC will be eligible to apply for and receive the funds under the City Code if it makes several additional changes to the Bylaws and Articles of Incorporation. These deficiencies were identified by the City Attorney. A copy of the resolution that will be before the Council is attached for your information. The Council could adopt, reject, postpone, or table this resolution.

City Attorney Review

As I noted above, the City Attorney has reviewed the Articles of Incorporation and the Bylaws. He found several areas that could be improved in order to make HCEC consistent with the requirements of the code. The changes are relatively straightforward. The suggestions are basically to add the words "and board of directors" to amendments numbers 1 and 2 (the Bylaws amendments already proposed by HCEC) and under the Purpose section of both the Bylaws and Articles of Incorporation, to add the words "and to perform such operation, maintenance, and improvement."

The attorney has concluded that the City Council could in fact rescind the Special Service District Ordinance and refund all of the money collected if it concluded that was the appropriate thing to do. On the face of it, there is no legal impediment to doing that.

The attorney has also concluded that there is no other available form of taxation or method to collect revenues that would work well. All other possibilities reviewed appear to have unacceptable legal, or collection risks for the City and increase the administrative burden. The attorney concluded that the best solution for this would be for HCEC to collect its own revenues. I informed him that you had considered the idea but rejected it, at least for now.

Hope this information is helpful. See you Monday night.

12/16/2009 Seawall Reconciliation
by Laurie Moore

City's use only
City of Homer
Depreciation Reserve

Assessment
Ocean Dr Bluff/Seawall
for the previous Maintenance

1/1/2008 Beginning Balance	\$	
Notes:		
2008 revenues - \$65,321	\$	65,321.00
AML/JIA Insurance Reimb. - \$45,374		
Newby - Seawall Deduct. - \$4,950		
Yearly budget Trsf. - \$15,000		
Special Assessment Revenues	\$	10,919.40
2008 expenditures were \$57,242	\$	(57,242.00)
Repairs - \$54,567		
Insurance - \$2,675		
Ending balance with special assessment revenue	\$	18,998.40

2008 Ocean Dr Lp Sp Assess paid \$ 10,919.40
(Through 12/31/08)

1/1/2009 beginning balance	\$	18,998.40
2009 Revenues - \$13,000	\$	13,000.00
Yearly budget Trsf. - \$13,000		
Special Assessment revenue	\$	10,005.60
2009 Expenditures - \$19,102		(19,102.00)
Construction - \$19,102		
Insurance		(3,510.00)
Ending balance with special assessment revenue	\$	19,392.00

2009 Ocean Dr Lp Sp Assess paid \$10,005.60
(Through 11/09)

**CITY OF HOMER
HOMER, ALASKA**

City Manager

RESOLUTION 10-_____

1 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA FINDING
2 THAT WITH SPECIFIED AMENDMENTS TO ITS ARTICLES AND
3 BYLAWS HOMER CITIZENS FOR EROSION CONTROL SUBSTANTIALLY
4 MEETS THE REQUIREMENTS TO QUALIFY AS AN ELIGIBLE ENTITY
5 TO RECEIVE GRANTS FOR OPERATION OF THE SEAWALL UNDER HCC
6 15.10.100, AND ENCOURAGING THE CORPORATION TO ADOPT THE
7 REQUIRED AMENDMENTS PRIOR TO MAKING AN APPLICATION FOR
8 GRANT FUNDS.
9

10 WHEREAS, Ordinance 06-53 (S) established the Ocean Drive Loop Special Service
11 District and is codified as Chapter 15.10 of the Homer City Code; and
12

13 WHEREAS, Pursuant to HCC 15.10.020, the City has levied and collected property taxes
14 in the Special Service District in 2008 and 2009; and
15

16 WHEREAS, HCC 15.10.100 provides that property tax revenues collected by the City in
17 the Special Service District may be appropriated and expended for grant awards to be used for
18 the limited purpose of funding operation of the seawall for the benefit of all properties in the
19 Ocean Drive Loop Bluff Erosion Control Improvement District; and
20

21 WHEREAS, HCC 15.10.110 states that to be eligible to receive grants under HCC
22 15.10.100, an organization must meet the criteria contained therein; and
23

24 WHEREAS, Homer Citizens for Erosion Control Inc. has been working to establish itself
25 as an "eligible entity" under HCC 15.10.110 and has, among other things, adopted Articles of
26 Incorporation and Bylaws; and
27

28 WHEREAS, The City Attorney has reviewed these legal documents and other
29 information provided to him and has found that Homer Citizens for Erosion Control substantially
30 meets all but two of the requirements contained in HCC 15.10.110; and
31

32 WHEREAS, The City Attorney has reported that Homer Citizens for Erosion Control can
33 meet the remaining two requirements in HCC 15.10.110 by adopting specified amendments to its
34 Articles of Incorporation and Bylaws; and
35

36 WHEREAS, The Homer City Council reviewed the City Attorney's report and
37 supporting backup information at the regular meeting on January 11, 2010.
38

39 NOW THEREFORE BE IT RESOLVED, The Homer City Council finds that with the
40 adoption of amendments to its Articles of Incorporation and Bylaws specified by the City
41 Attorney, Homer Citizens for Erosion Control Inc. will substantially meet all of the requirements

42 contained in HCC 15.10.110 for becoming an “eligible entity” qualified to receive grants under
43 HCC 15.10.100; and

44
45 BE. IT FURTHER RESOLVED, The Council encourages Homer Citizens for Erosion
46 Control to adopt the amendments to its Articles of Incorporation and Bylaws that are required for
47 it to qualify as an eligible entity prior to making a formal application for grant funds.

48
49 PASSED AND APPROVED by the Homer City Council this 11th day of January, 2010.

50
51 CITY OF HOMER

52
53
54
55 JAMES C. HORNADAY, MAYOR

56 ATTEST:
57
58
59 JO JOHNSON, CMC, CITY CLERK

RE: WE SUPPORT HCEC (Homer Citizens for Erosion Control) and OCEAN
DRIVE LOOP SPECIAL SERVICES DISTRICT
01/06/10

Dear Council Members,

Along with the majority of homeowners along the seawall, we have joined the 'Homer Citizens for Erosion Control' (HCEC) and we along with the majority support the Ocean Drive Loop Special Services District. We joined HCEC because as a GROUP we can accomplish more than we can as individuals to create long-term solutions (such as armor rock) for the seawall. With HCEC and the Special Services District (tax) we can take care of short-term maintenance of the seawall while we search for the long-term solutions.

It is only a small vocal minority who are against HCEC and Ocean Drive Loop Special Services District. 100% of the homeowners agree that armor rock (or something better) is the only way to secure the seawall for the LONG TERM. This goal is realistic and doable, with a self sufficient HCEC working for long-term solutions.

We have submitted to Walt Wrede, a list of Amendments to the HCEC Bylaws to make sure we are in compliance with all the requirements for a Homeowners assoc. If the City of Homer requires more changes for HCEC to be compliant, please let us know, we are willing to do what it takes to make HCEC work!

Another Note: The Begich office is already working with HCEC in securing engineering studies and helping with possible funding for a long-term solution for the seawall. Without HCEC, we lose this great opportunity for a feasible real solution for the seawall, as well as other opportunities that we can gain working together.

With the Homer City Council's support, we can move forward as a self sufficient, compliant and productive HCEC, (now supported by a MAJORITY of the property owners) to produce long-term solutions for the seawall sooner than later, and thus be no longer a concern to the City of Homer. We also need the Special Services District tax to help keep up the maintenance until the long-term solution is secured for the seawall.

Thank you for your consideration, and thank you very much for serving the City of Homer.

Sincerely,
Pat Irwin
Kathy Sarns Irwin
939 Ocean Drive Loop

Jo Johnson

From: Larry Goode [ocean_house@hotmail.com]
Sent: Thursday, January 07, 2010 7:00 AM
To: Kevin Hogan; David Lewis; robert2@alaska.net; Barbara Howard; Bryan Zak; w.wrede@ci.homer.ak.us; Jo Johnson
Subject: FW:

Please read the email that I sent to Mary...I am in Peru doing missionary work with orphans....The letter will explain where we are at with our homer owners association and where we will be without it.....Please keep this in tact as it is our only avenue to get things done and moving forward in a positive manner....Thank you, Larry Goode 1065 Krueh Way Homer AK 99603

From: ocean_house@hotmail.com
To: mewjcw@acsalaska.net
Subject:
Date: Thu, 7 Jan 2010 07:52:14 -0800

Mary: Greetings from peru....I just got an email from a neighbor about the city holding a meeting on friday to see if they were going to continue to support the homeowners association because some of the neighbors are complaining....surely this isn't correct, so if it isn't just disregard this email....the city requested we get an association formed "after the fact"....it was very difficult but paul and I made it happen....as far as I know we have brad and paula on the end and on the other end are mcnamaras....i am not for sure about john swj as they come to all our meetings....the rest are good to go....i know doug and annie were'nt on board but wrote a letter this fall to the neighbors saying that we need this association.....this association mary is holding the seawall together.....we have good productive organized meetings that actually get things accomplished with the majority of a vote.....it will allow us to work to get money for a long term solution....without it it will never happen....you have too many chiefs and not enough indians....I have dealt with this for years now...if you pull the rug out from under us on this, it will turn into a nightmare trying to accomplish anything.how do i know that? because i dealt with it for years without one...This works, don't mess it up!!!!!!!!!!!!!!!!!!!!1...the majority of the work done on the seawall this past fall was done on the cities property with the associations money that was collected by the borough.....Mary fight for this....if you don't we will have a HUGE MESS ON OUR HANDS! Larry Goode

Hotmail: Powerful Free email with security by Microsoft. [Get it now.](#)

Your E-mail and More On-the-Go. Get Windows Live Hotmail Free. [Sign up now.](#)

Jo Johnson

From: Walt Wrede
Sent: Friday, January 08, 2010 2:19 PM
To: Jo Johnson
Subject: FW: Supporter Homer Citizens for Erossion Control (HCEC)

JO: More seawall comments. Please add this to the supplemental packet as well.

Thanks, Walt

From: norman schumacher [mailto:norminclovis@msn.com]
Sent: Friday, January 08, 2010 12:08 PM
To: Walt Wrede
Subject: Supporter Homer Citizens for Erossion Control (HCEC)

Walt: I AM A SUPPORTING MEMBER OF HCEC HOME OWNERS ASSOCIATION AND OWN A HOUSE AT 917 OCEAN DRIVE LOOP IN HOMER. I HAVE BEEN INFORMED THAT THERE IS CITY COUNCIL MEETING ON MONDAY JANUARY 11th REGARDING THE SPECIAL SERVICE DISTRICT AND OTHER SEA WALL RELATE ITEMS. SINCE I SPEND MY WINTERS IN CLOVIS (FRESNO) CALIFORNIA I WILL OT BE ABLE TO ATTEND THE MEETING BUT STILL WANT TO HAVE A VOICE REGARDING THE SPECIAL SERVICE DISTRICT FOR THE SEA WALL

THERE HAS BEEN SOME NEGATIVE INPUT FROM A SMALL BUT VOCAL GROUP REGARDING THE SPECIAL SERVICE DISTRICT AND OTHER SEA WALL RELATED ITEMS. I BELIEVE THE SPECIAL SERVICE DISTRICT NEEDS TO BE KEPT IN PLACE AND THE HOMEOWNERS ASSOCIATION NEEDS TO BE KEPT IN TACT. AN EXAMPLE OF THE PROBLEM TOOK PLACE THE WINTER BEFORE LAST WHEN WE HAD A MAJOR BREAK IN THE SEA WALL NEAR LARRY GOOD'S PROPERTY. THERE WERE SEVERAL HOMEOWNERS ALONG THE SEA WALL WHO REFUSED TO PAY TROY JONES TO COVER THE INSURANCE DEDUCTABLE. THAT MEANT THAT OTHER INCLUDING MYSELF HAD TO PICK UP THE DIFFERENCE . THAT COST ME AN ADDITIONAL \$800 TO PAY FOR THOSE WHO CHOSE NOT TO PAY BUT STILL HAD THE BENEFIT OF THE SEA WALL PROTECTION. THE ONLY WAY WE CAN AVOID THIS PROBLEM IN THE FUTURE IS TO CHARGE EACH HOMEOWNER HIS FAIR SHARE THRU A SPECIAL SERVICE DISTRICT. WE NEED TO KEEP THE SPECIAL SERVICE DISTRICT IN PLACE SO THAT WE CAN CONTINUE TO PAY FOR SHORT TERM MAINTENANCE.

WE NEED YOUR CONTINUED SUPPORT TO PROTECT THE SEA WALL AND HOMEOWNERS THAT LIVE BY IT. I PERSONALLY APPRECIATE ALL THE CITY HAS DONE TO SUPPORT US IN THE PAST. I WILL ALSO SUPPORT IMPROVEMENT TO THE SEA WALL LIKE ARMOR ROCK AND ANY GRANT THAT CAN HELP US OUT. NORM SCHUMACHER

Jo Johnson

From: Paul Hueper [homerinnandspa@yahoo.com]
Sent: Thursday, January 07, 2010 12:51 AM
To: Jo Johnson
Subject: Approval of Homer Citizens for Erosion Control

January 6, 2010

Re: Support Special Services District and Approval of Homer Citizens for Erosion Control

Dear Council Members,

We live at 895 Ocean Drive Loop and are members of the 'Homer Citizens for Erosion Control' (the HCEC) and have our home and Bed & Breakfast situated above the seawall.

Please, keep the Special Services District in place so that we can continue to pay for short term maintenance issues while we are actively searching out long term, permanent solutions. Currently, Begich's office is in contact with us and the city regarding possible funding for armor rock or other permanent seawall protection solution!

Please, approve the HCEC so that we can continue to search out solutions and not lose our homes, businesses, roads and utilities... and for the city, it's tax base properties. If the seawall is not kept up and allowed to fail, not only will the citizens living there lose but the city will eventually incur very expensive road and utility re-routings! (Before the seawall we were losing 2 to 5 feet per year on our bluff and the city's land at the turn at Ocean Drive Loop and it's associated utilities were at serious risk.)

The majority of homeowners on the seawall are members of HCEC with a small vocal minority against it. 100% of the homeowners agree that armor rock (or something better) will provide a secure long term solution for the seawall. To pursue this we must have an association!

Some of our members have worked very hard to bring HCEC into compliance with all of the city regulations and guidelines. If additional adjustments are needed, we are happy and eager to comply. Please help us be able to help ourselves so we can find and implement solutions.

We understand the seawall has been an ongoing challenge for the city from the start and are very grateful for the City Council's ongoing willingness to allow us to keep moving forward for our neighborhood. We need your continued support to be able to continue.

Thank you for your consideration and for serving the City of Homer.

Sincerely,

Marilyn Hueper

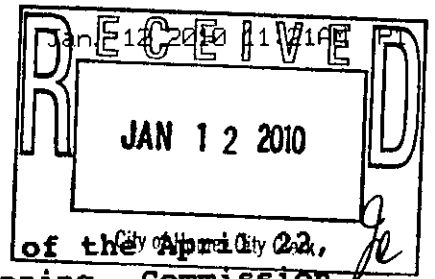
Paul Hueper

Homer Inn & Spa

895 Ocean Drive Loop

Homer Alaska 99603

907-299-1860



Appeal to the City of Homer Board of Adjustment of the City of Homer, 2008 Decision of the Homer Advisory Planning Commission Regarding Don Blackwell's Application for Formal Recognition of Nonconforming Use Status at: 1440 East End Road

Oral Argument

The Planning Commission's decision to approve Mr. Blackwell's application for nonconforming status is outrageous and totally indefensible. Those who recommended approval of this application or voted for it deliberately violated their oaths of office. In 2005 when some Planning Commissioners assumed I would have had standing to appeal their approval of Blackwell's application, they voted in opposition to approval, finding that the original use had been both discontinued and changed. "Commissioner Kranich concurred the building stood vacant a long time after Bob Reinhart moved out." [R. 87]. "The requested nonconforming use is not of the same commercial nature as the original uses per HCC 21.64.030(b)." [R. 87]. In 2008 when the Planning Commissioners thought my standing to appeal their decision had been neutralized legislatively, they voted unanimously to approve Blackwell's application ignoring the facts that the property had stood vacant between 1989 and 1994 and that the original lot had been subdivided out of existence, and finding that "commercial" and "business" constituted grandfatherable uses. [R.37]. This demonstrates how crucial the appeal process is in restraining governmental bodies from

not distributed
Submitted after
BIA
hrg. for
Clerk to
prepare
minutes
correctly.

acting arbitrarily or otherwise inappropriately and why appeal standing requirements need to be construed broadly.

Contrary to the testimony of Bill Smith at the February 27, 2006 council meeting, the City of Homer has no obligation to "help out Mr. Blackwell" or "find a way to keep him in business where he is and to allow him to work there." "The landowner has a duty to inquire with zoning officials regarding uses permitted on his land." *Utah County v. Young*, 615 P.2d 1265 (Utah 1980) (cited in *Jackson v. Kenai Peninsula Borough for Use and Benefit of City of Kenai*, 733 P.2d 1038 (Alaska 1987)). "The burden of locating the business in an appropriately zoned site must fall on the business person." *My Sister's Place v. City of Burlington*, 139 Vt. 602, 433 A.2d 275, 279 (Vt. 1981) (also cited in *Jackson v. Kenai Peninsula Borough*). "A City's inactivity is not necessarily wrong; it may be the result of a reasonable decision to use limited enforcement resources for other matters." (*Jackson v. Kenai Peninsula Borough*). "The separation of business from residential use protects residents from essential but potentially nuisance-producing activities and from population and traffic congestion." *Jackson* citing D. Mandelker & R. Cunningham, *Planning and Control of Land Development*, 143-48 (2d ed. 1985). The Jackson court held that inaction by zoning officials who had knowledge of Jackson's

violation for 18 years was insufficient to exempt him from enforcement. This also holds for Mr. Blackwell who has been in violation of Homer zoning code since 1994. It is now time for Board of Adjustment members to honor their oaths of office and overturn the Decision and Findings of the Planning Commission.

I hereby request that all of the materials I submitted be included in the record, if they are not already.

Frank Griswold

CITY OF HOMER

2010 PUBLIC SIGN IN SHEET

City Council Special Meeting January 11, 2010 ** Check one of the following:

PRINT YOUR NAME!!! ADDRESS CITY RESIDENT NON RESIDENT

example:

1. JAMES HORNADAY	491 E. PIONEER AVENUE	<input type="checkbox"/> ✓	<input type="checkbox"/>
2. Mataly Avepa		<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Don McManis		<input type="checkbox"/>	<input type="checkbox"/>
4. F Abbott		<input checked="" type="checkbox"/>	<input type="checkbox"/>
5.		<input type="checkbox"/>	<input type="checkbox"/>
6.		<input type="checkbox"/>	<input type="checkbox"/>
7.		<input type="checkbox"/>	<input type="checkbox"/>
8.		<input type="checkbox"/>	<input type="checkbox"/>
9.		<input type="checkbox"/>	<input type="checkbox"/>
10.		<input type="checkbox"/>	<input type="checkbox"/>
11.		<input type="checkbox"/>	<input type="checkbox"/>
12.		<input type="checkbox"/>	<input type="checkbox"/>
13.		<input type="checkbox"/>	<input type="checkbox"/>
14.		<input type="checkbox"/>	<input type="checkbox"/>

CITY OF HOMER

2010 PUBLIC SIGN IN SHEET

City Council Regular Meeting January 11, 2010 ** Check one of the following:

PRINT YOUR NAME!!!

ADDRESS

CITY RESIDENT

NON RESIDENT

example:

1. JAMES HORNADAY 491 E. PIONEER AVENUE

2. CHRIS NEWBY

3. Paula D'Alto

4. John Szajkowski

5. Thomas M. Taffe

6. F. Abbott

7. Roberta Sigler

8. Diane Conover

9. Julie Dwyer

10. Kelley S. Stein

11. J&J

12. Robert Anderson

13. Jean Fabrik

14. Pat Martin

2010 PUBLIC SIGN IN SHEET

City Council Regular Meeting January 11, 2010 ** Check one of the following:

PRINT YOUR NAME!!! ADDRESS CITY RESIDENT NON RESIDENT

example:

	PRINT YOUR NAME!!!	ADDRESS	CITY RESIDENT	NON RESIDENT
1.	JAMES HORNADAY	491 E. PIONEER AVENUE	<input type="checkbox"/> ✓	<input type="checkbox"/>
2.	Rika Mouw		<input checked="" type="checkbox"/>	<input type="checkbox"/>
3.	Jack Eiseberg		<input checked="" type="checkbox"/>	<input type="checkbox"/>
4.	Paul Huger		<input checked="" type="checkbox"/>	<input type="checkbox"/>
5.	Jessie Swan		<input checked="" type="checkbox"/>	<input type="checkbox"/>
6.	DON McNamee		<input type="checkbox"/>	<input type="checkbox"/>
7.	Donna Rae Faulkner		<input checked="" type="checkbox"/>	<input type="checkbox"/>
8.	MARALYN HUEPER		<input checked="" type="checkbox"/>	<input type="checkbox"/>
9.	Bob [unclear]		<input checked="" type="checkbox"/>	<input type="checkbox"/>
10.	Darlene Wintzell		<input checked="" type="checkbox"/>	<input type="checkbox"/>
11.	Deony Lehner		<input type="checkbox"/>	<input type="checkbox"/>
12.	Leonard O'Wills		<input checked="" type="checkbox"/>	<input type="checkbox"/>
13.			<input type="checkbox"/>	<input type="checkbox"/>
14.			<input type="checkbox"/>	<input type="checkbox"/>

2009 Land Allocation Plan City of Homer

Review Draft January 2009

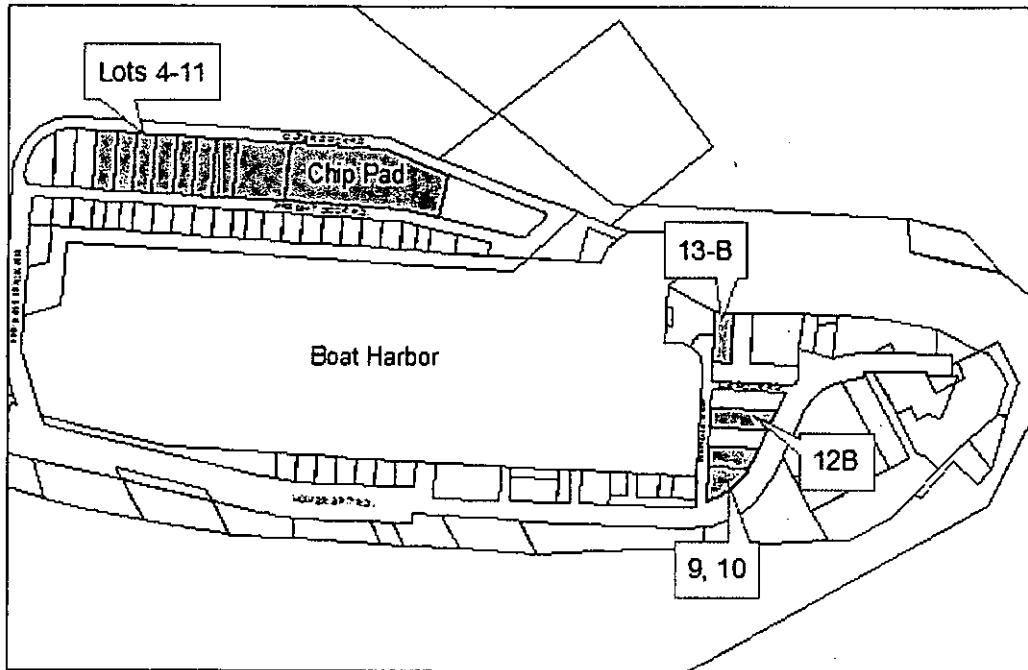
<u>Index</u>	<u>Page</u>
1. Land Available for Lease	3
2. Lands that are leased	11
3. Other lands, not designated	37
4. City Facilities	55
5. Parks	75
6. Land within the Bridge Creek Watershed Protection District.....	107
7. Conservation Easement Lands	115

Notes: Any lands not included in this document are listed in the previous version of the Land Allocation Plan, and their designations carry forward to this plan.



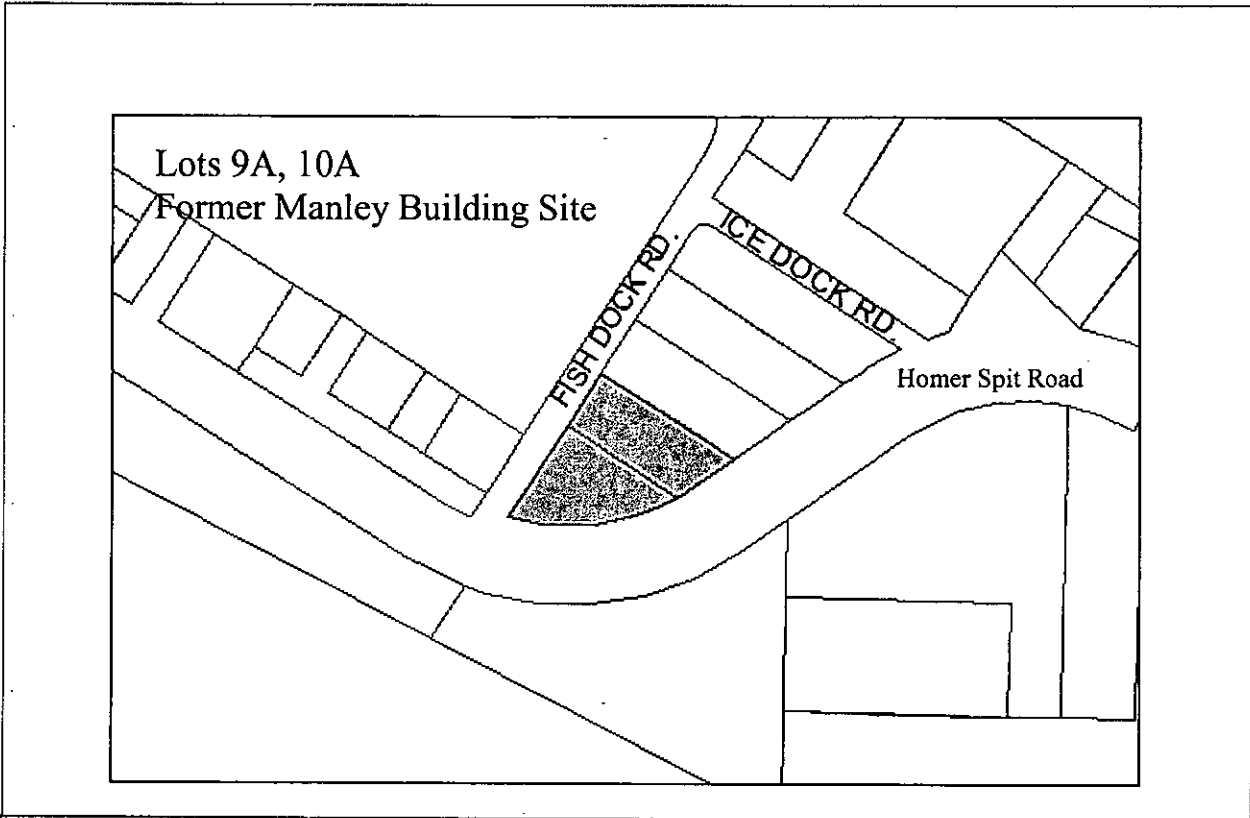
Lands available for lease

The following lots are available for lease in 2009. Lease procedures follow the City of Homer Lease Policy, and City Code.



Intentionally Blank

Designated Use: Acquisition History:	
Area: acres	Parcel Number:
2006 Assessed Value:	
Legal Description:	
Zoning: Marine Industrial	
Infrastructure: Water, sewer, paved road access	Address:
Finance Dept. Code:	



Designated Use: Lease
Acquisition History:

Area: 1.05 acres (0.52 and 0.53 acres)	Parcel Number: 18103477, 78
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2008 Assessed Value: Land is valued over \$371,700.

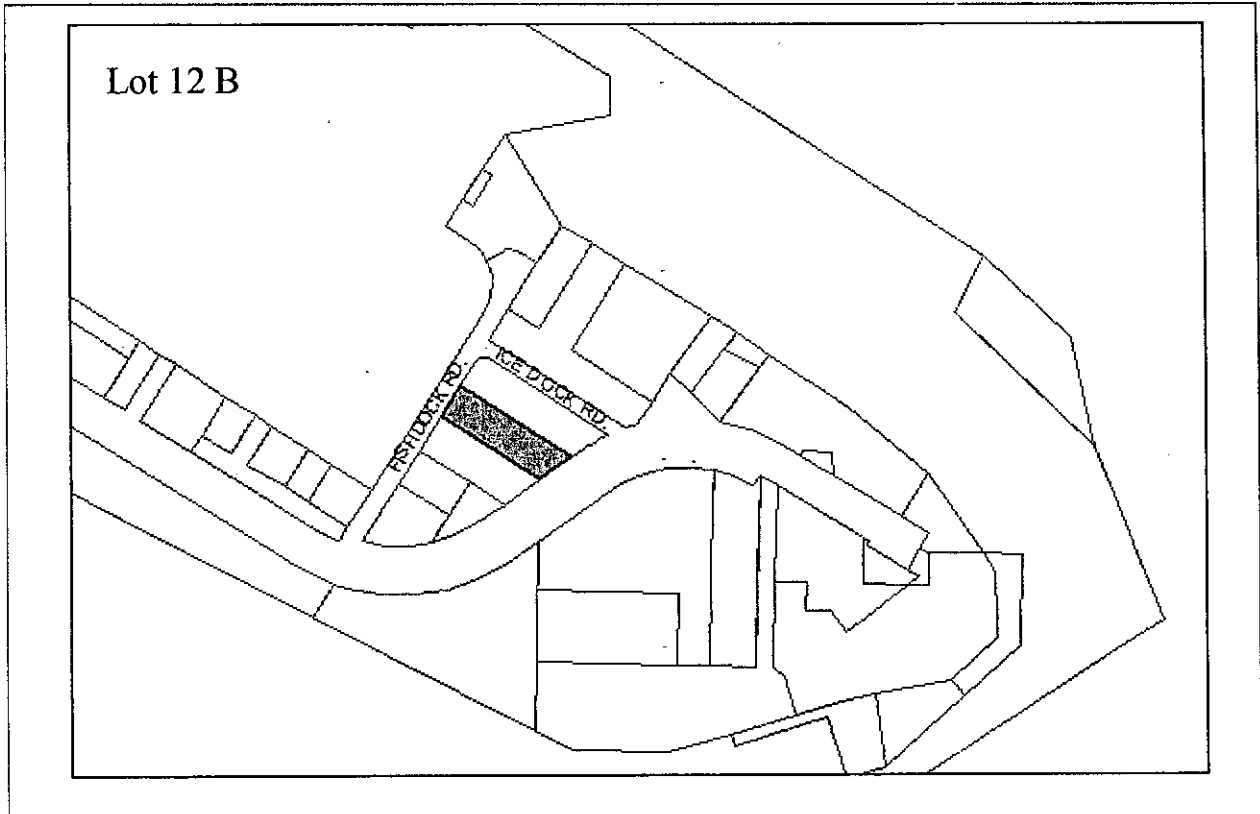
Legal Description: T 7S R 13W SEC 1 SEWARD MERIDIAN HM 2007136 HOMER SPIT REPLAT 2006 LOT 9-A and 10A

Zoning: Marine Industrial

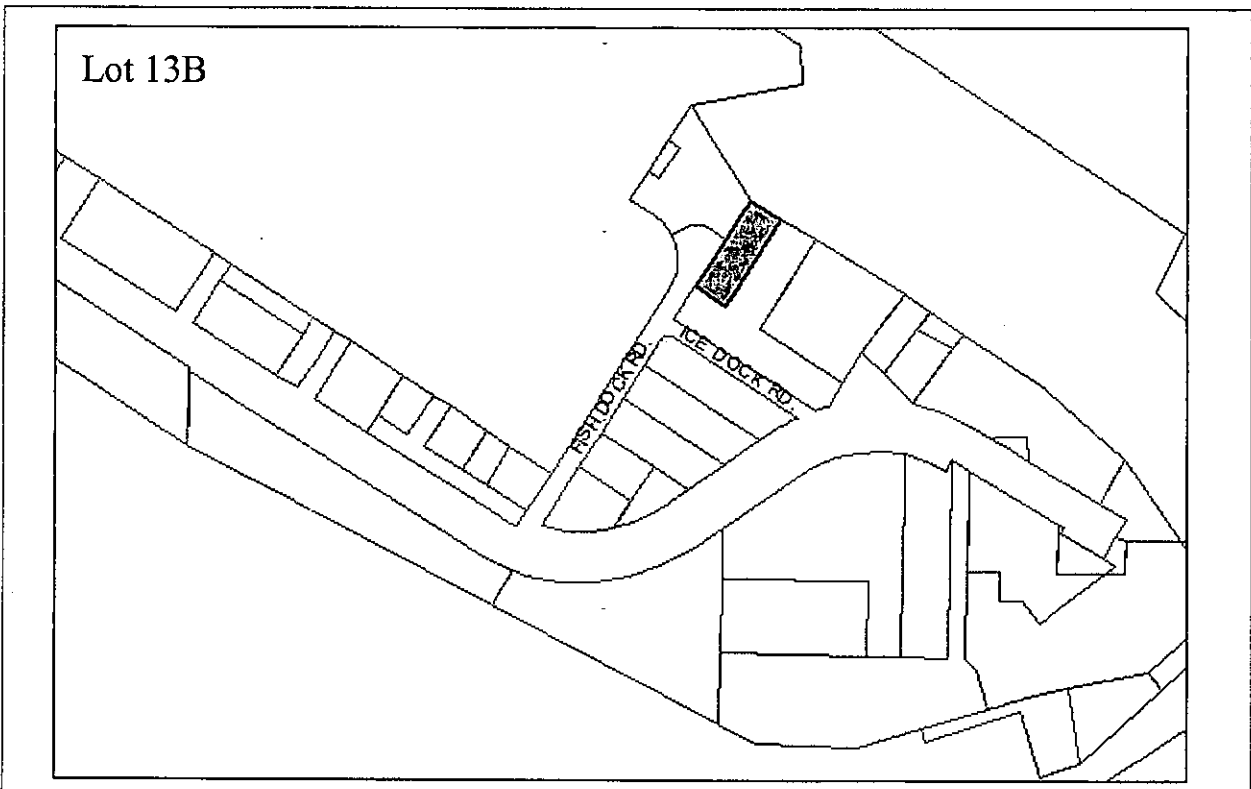
Infrastructure: Water, sewer, paved road access **Address:**

Former Manley building lots. Has been re-subdivided into two lots, rather than original three.

Finance Dept. Code:



Designated Use: Leased Lands	
Acquisition History:	
Area: 0.68 acres	Parcel Number: 18103451
2006 Assessed Value: \$201,100	
Legal Description: City of Homer Port Industrial Subdivision No 4 Lot 12-B	
Zoning: Marine Industrial	
Infrastructure: Water, sewer, paved road access	Address:
<p>Parcel has the fish grinder on it, and possibly a short term lease for storage from neighboring business. The whole parcel is not readily available for a long term lease.</p>	
Finance Dept. Code:	



Designated Use: Lease
Acquisition History:

Area: 0.52 acres	Parcel Number: 18103425
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2006 Assessed Value: \$141,900

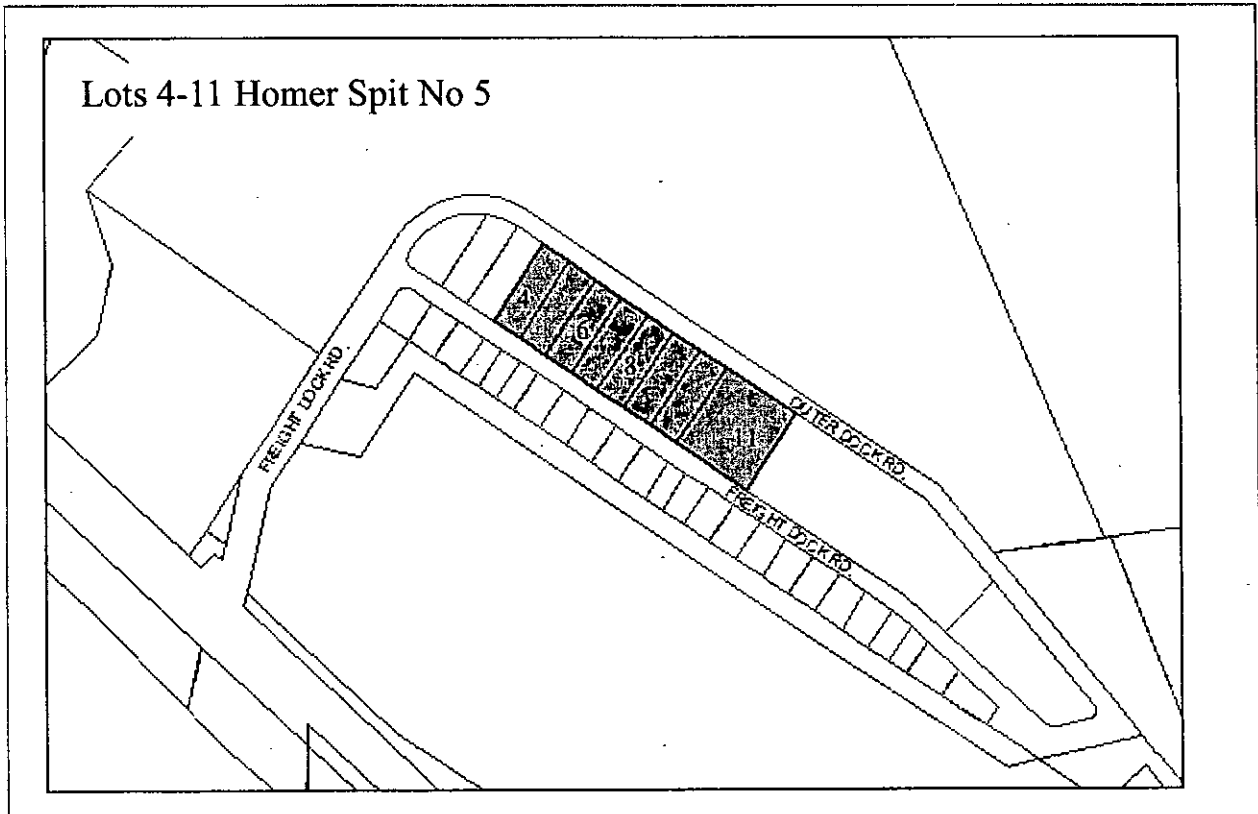
Legal Description: City of Homer Port Industrial Subdivision No 2 Lot 13B

Zoning: Marine Industrial	Wetlands: N/A
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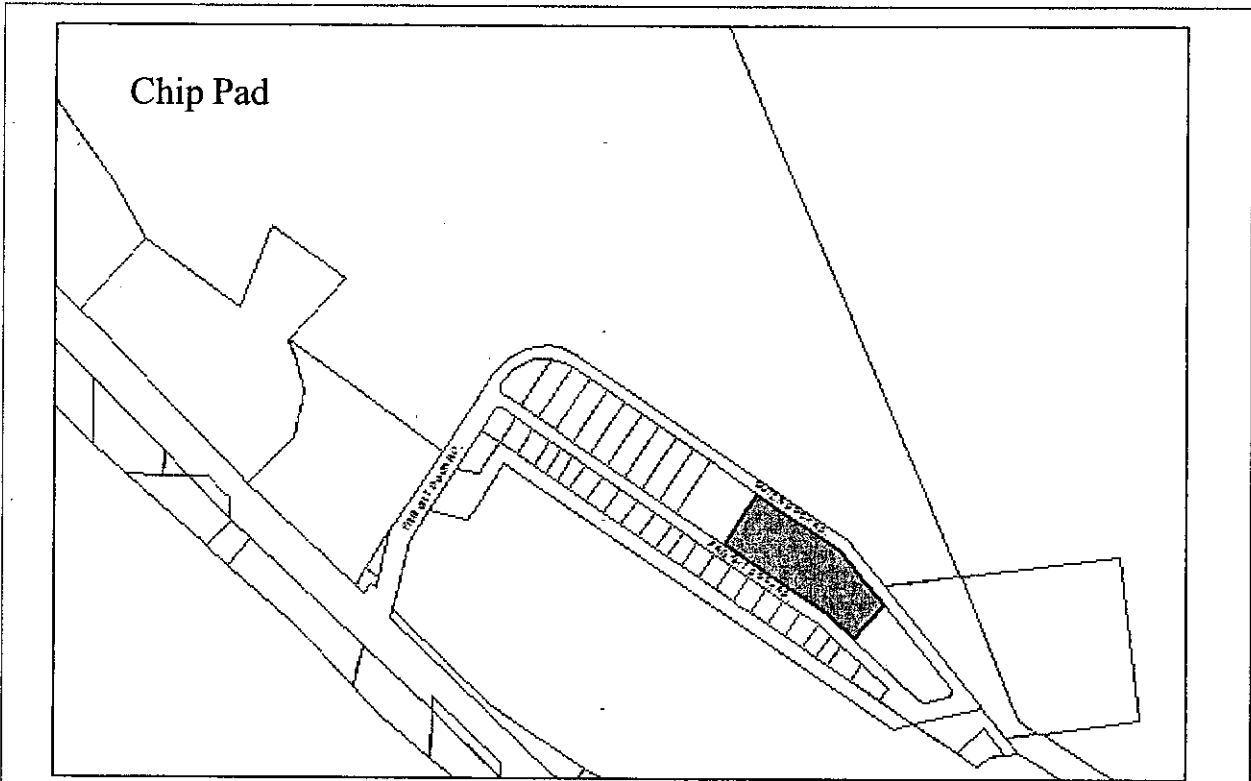
Infrastructure: Water, sewer, paved/gravel road access	Address: Fish Dock Road
---	--------------------------------

Former Porpoise Room lot. Fisheries use encouraged but not required.

Finance Dept. Code:



Designated Use: Lease Lands	
Acquisition History:	
Area: 6.47 acres. Small lots are 0.67 acres, large lot is 1.78 acres	Parcel Number: 181032 23-30
2006 Assessed Value: \$1,533, 200. Smaller lots valued at \$171,000. One large lot valued at \$330,000	
Legal Description: Homer Spit Subdivision No. 5 Lots 4 through 11	
Zoning: Marine Industrial	
Infrastructure: Water, sewer, paved road access	Address:
<p>Not available for long term lease. Used for seasonal summer parking. May be available for short term winter leases.</p> <p>Resolution 2007-051: Lots 4-10, the RFP process should be delayed until the master parking plan is developed. The East Harbor expansion should be considered. Lot 11: should be held in reserve to attract a container ship/barge operation and/or an industrial support base to the Port of Homer. This should be a long term lease.</p>	
Finance Dept. Code:	



Designated Use: Lease
Acquisition History:

Area: 5 acres	Parcel Number: 18103220
----------------------	--------------------------------

2006 Assessed Value: \$669,000

Legal Description: Homer Spit Subdivision no 5 Lot 12

Zoning: Marine Industrial

Infrastructure: Water, sewer, gravel road access **Address:** 4380 Homer Spit Road

Old Gates Construction Chip Pad
 This lot was RFP'd in February 2007. 2008: Former lease issues are being resolved.

;

Leased Lands

These lands are under lease. Leases are based on a current market appraisal provided by a professional appraiser. The Kenai Peninsula Borough tax assessment is given as information only. It is not the basis for lease negotiations or fees. See the Lease Policy Manual for further information. Individual lease files contain information on rents and formal agreements.

CITY OF HOMER LAND INFORMATION

Intentionally Blank

Designated Use:
Acquisition History:

Area: acres

Parcel Number:

2006 Assessed Value:

Legal Description:

Zoning:

Wetlands: N/A

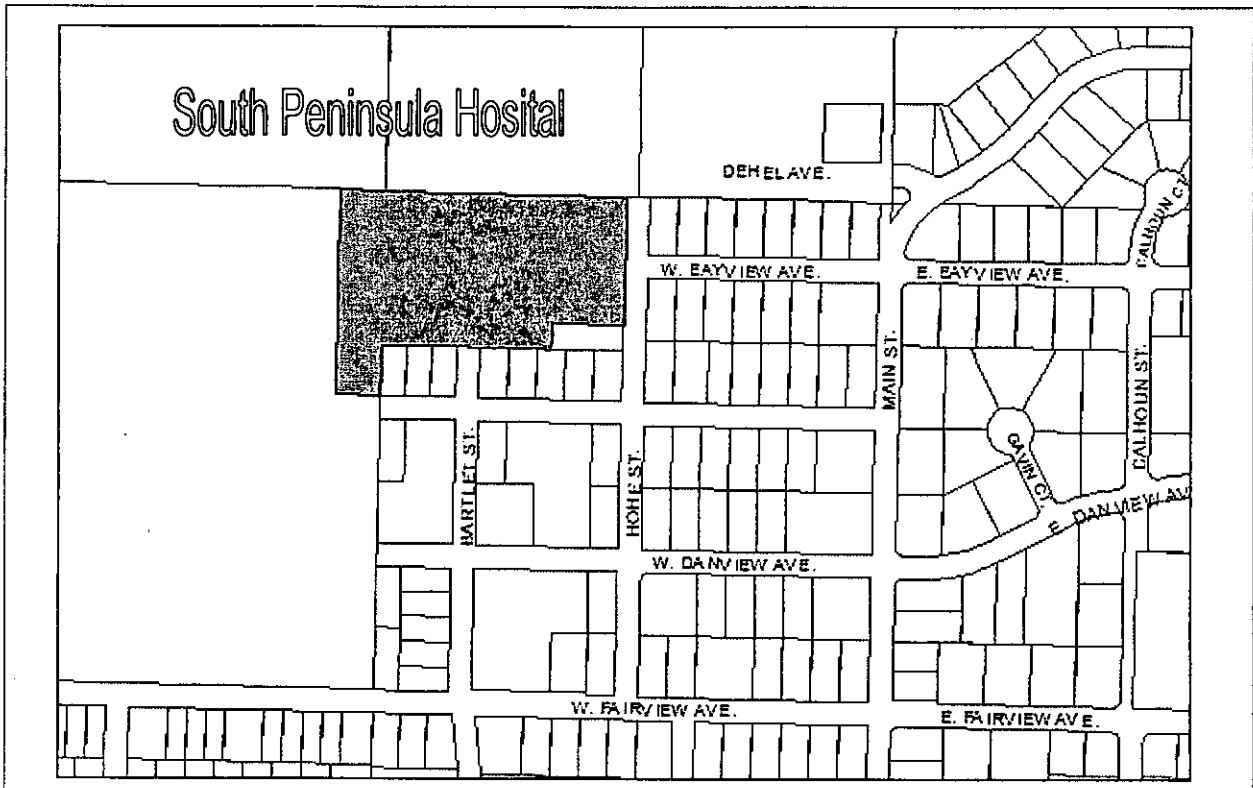
Infrastructure: Water, sewer, paved road access

Address:

Leased to:
Lease Renewal Options:
Expiration:

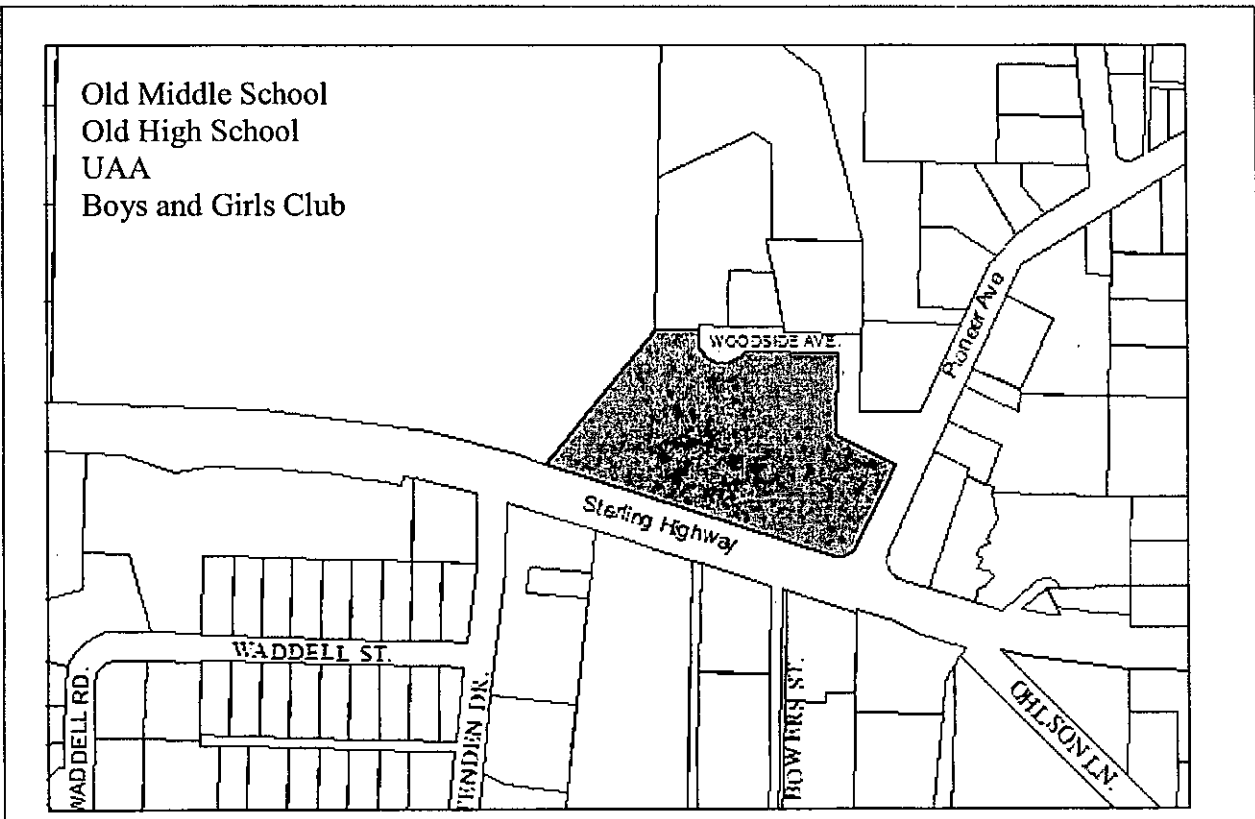
Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



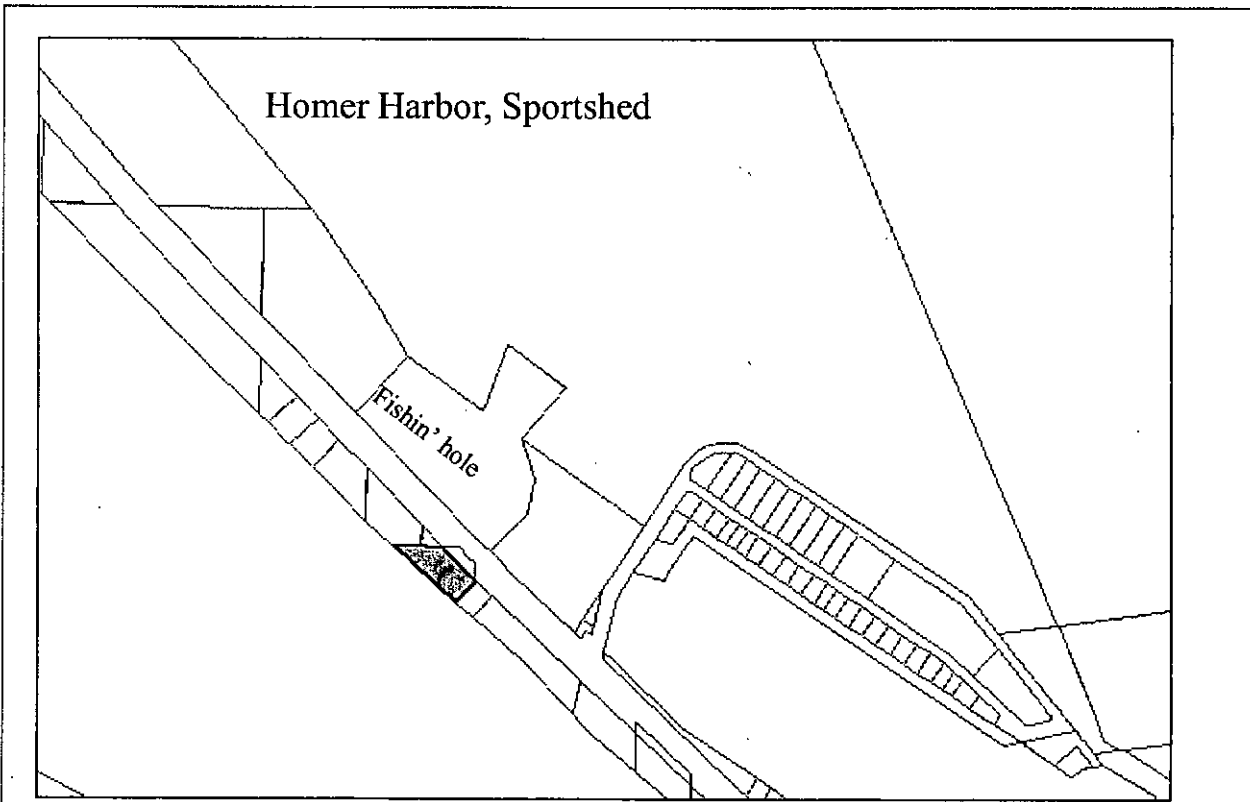
Designated Use: South Peninsula Hospital	
Acquisition History:	
Area: 7.12 acres	Parcel Number: 17504024
2006 Assessed Value: \$19,759,400 (Land \$136,400, Structures \$19,623,000)	
Legal Description: HM02008092T06S R13W S18 SOUTH PENINSULA HOSPITAL SUB 2008 Addition Tract A2	
Zoning: Residential Office	Wetlands: N/A
Infrastructure: Water, sewer, paved road access	
Notes: Hospital expansion project underway in 2006. Ordinance 2006-036 leased the land to the Kenai Peninsula Borough for 99 years. Structure is owned by KPB.	
Finance Dept. Code:	

CITY OF HOMER LAND INFORMATION



Designated Use: Public Government Lands with the intent to use for community purposes	
Acquisition History: Given to the City by KPB. Old Middle School and HS. Reso 98-63	
Area: 4.3 acres	Parcel Number: 17510070
2006 Assessed Value: \$4,108,000 (Land \$108,000 Structures \$4,000,000)	
Legal Description: HM2000022 T06S R13W S19 TRACT 2 HOMER SCHOOL SURVEY 1999 CITY ADDN	
Zoning: Central Business District	Wetlands: Creek on western edge
Infrastructure: Paved access and parking. Water and Sewer.	
<p>Notes: Currently Leased to the college and the Boys and Girls Club.</p> <ul style="list-style-type: none"> • College lease is short term. • Skateboard Park on premises. • Old Middle School has flooding problems in the basement. • Older building has asbestos. • Deed restrictions on the property for school or community purpose; may not be able to sell for commercial purposes. 	
Finance Dept. Code: 170.0032 175.100.05	

CITY OF HOMER LAND INFORMATION



Designated Use: Leased Land
Acquisition History:

Area: 1.6 acres

Parcel Number: 18103105

2006 Assessed Value: \$288,000 (Land: \$49,700 Structure: \$238,300)

Legal Description: HM0890034 T06S R13W S35 HOMER SPIT SUB AMENDED LOT 5

Zoning: Marine Commercial

Wetlands: None

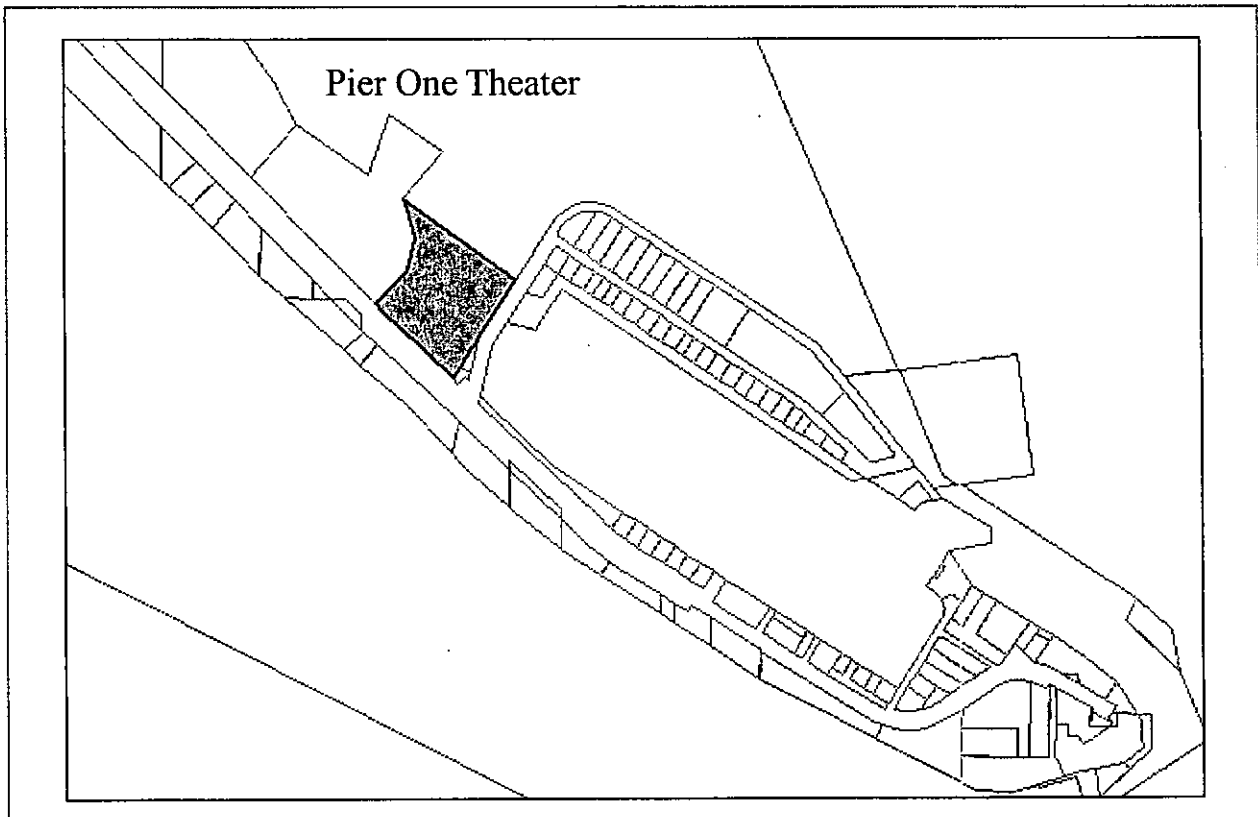
Infrastructure: Paved road, water and sewer.

Address: 3815 Homer Spit Road

Leased to: Sportshed
 Expiration: 4/30/2009

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Fishing Lagoon
Acquisition History: Ordinance 83-26. Purchase from World Seafood.

Area: 11.27 acres	Parcel Number: 18103117
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2006 Assessed Value: \$1,295,200 (Land: \$1,146,400 Structure: \$148,800)

Legal Description: HM0940043 T06S R13W S35 TRACT 1-A THE FISHIN HOLE SUB NO 2

Zoning: Marine Industrial	Wetlands: N/A
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Infrastructure: Water, sewer, paved road access	Address: 3854 Homer Spit Road
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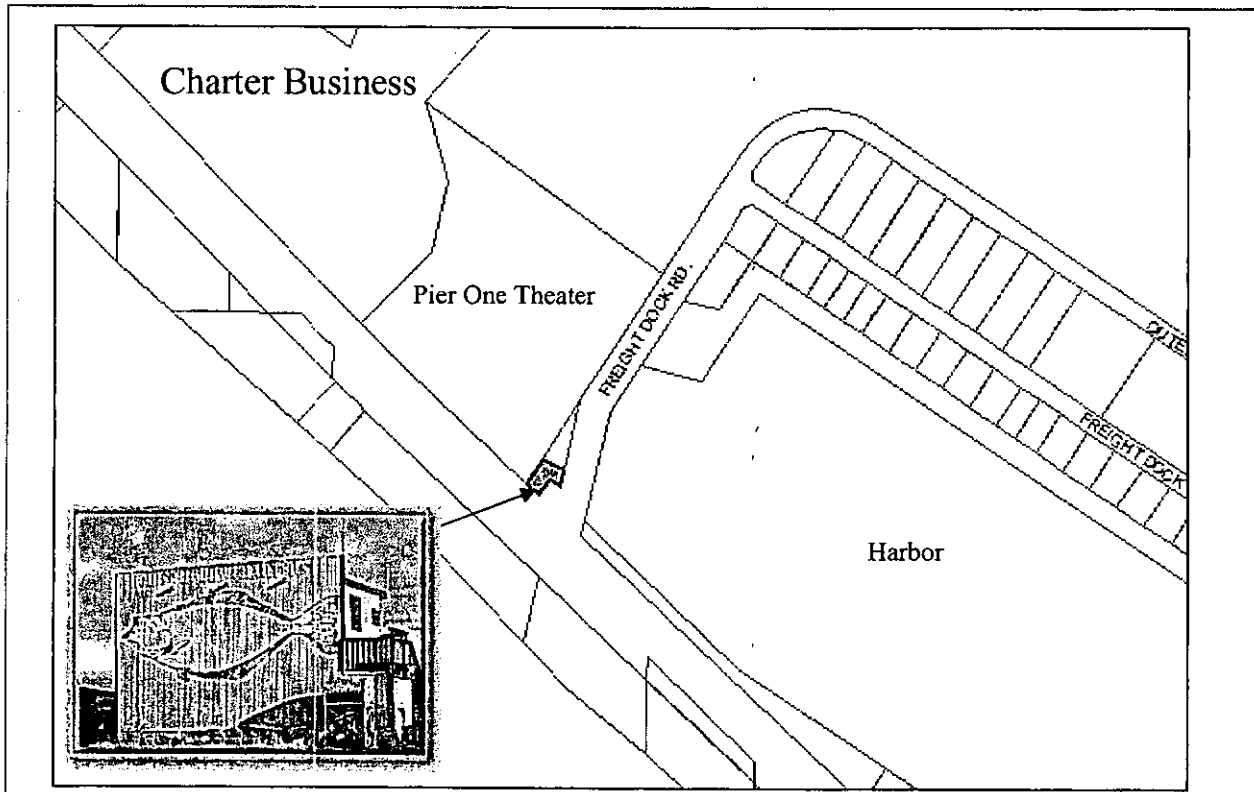
This is a large parcel that is used several ways.

- Dredge spoils dewatering and storage
- City RV park/campground, and access to the only public RV dump on the spit
- Pier One Theater Lease. Theater leases the building only; not the land. Resolution 89-36A.
- Other summer only leases

Leased to: Pier One Theater
Lease Renewal Options:
Expiration: 12/9/2011 Resolution 2007-56
 The Homer Spit Trail currently ends on this lot.

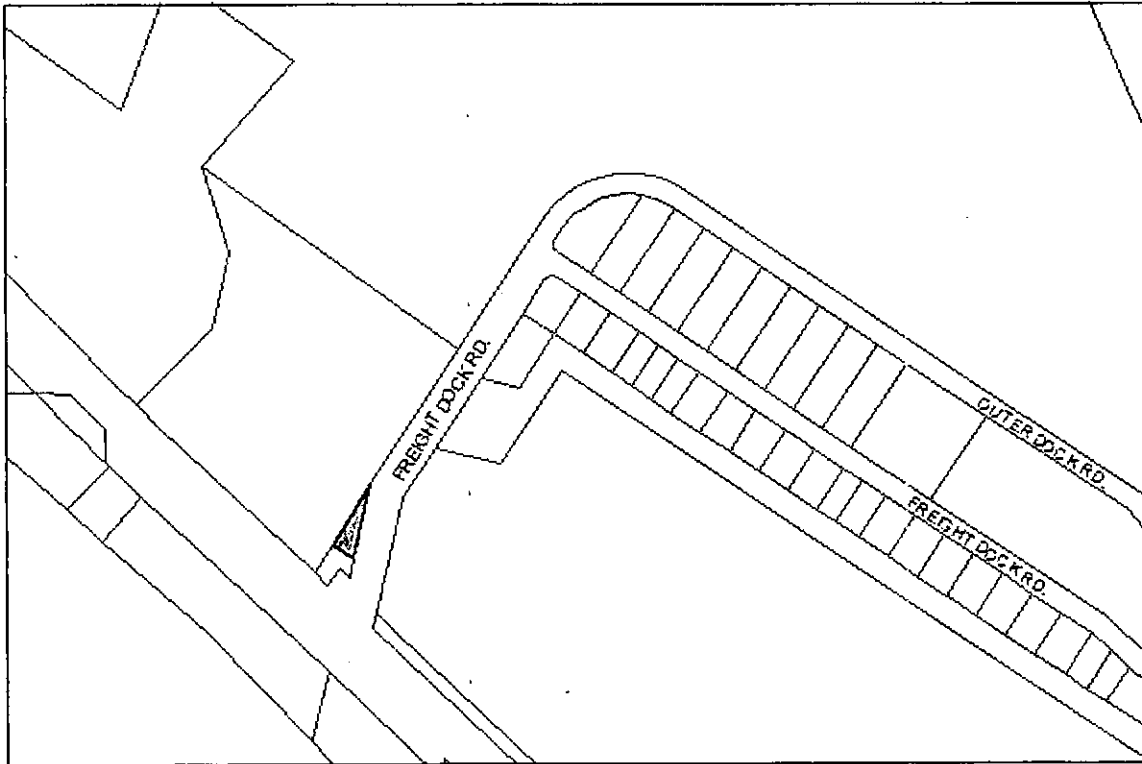
Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



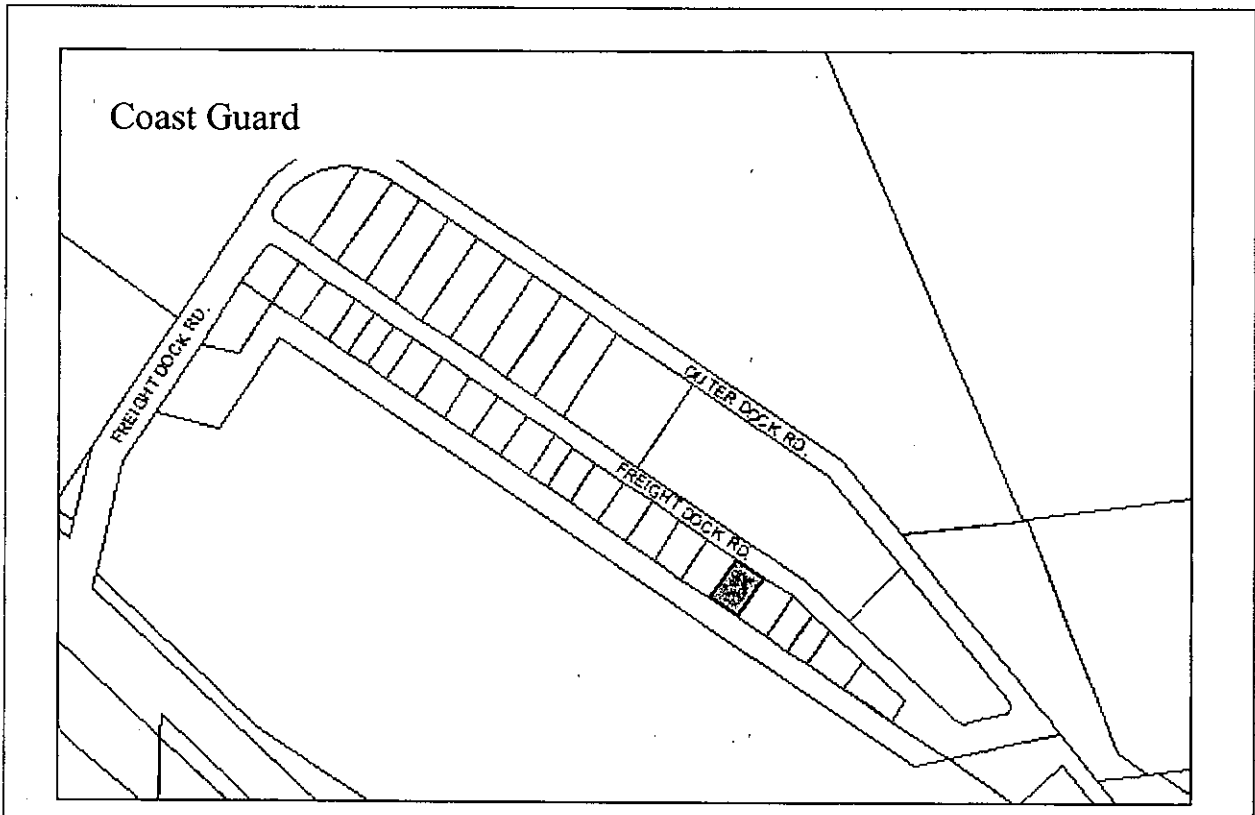
Designated Use: Lease	
Acquisition History: Ord 1983-26. Purchased from World Seafood	
Area: 0.15 acres or 6,692 sq ft	Parcel Number: 18103118
2006 Assessed Value: \$14,100 Land \$37,700 Structure	
Legal Description: HM0940043 T06S R13W S35 TRACT 1-B THE FISHIN HOLE SUB NO 2	
Zoning: Marine Industrial	Wetlands: None
Infrastructure: Paved road, water and sewer.	Address: 3978 Homer Spit Road
Leased to: Alaska High Hopes Charters Co. (Bob's Trophy Charters) Expiration: February 2013, with one 5 year option Resolution 08-43	
Finance Dept. Code: 400.600.4650	

CITY OF HOMER LAND INFORMATION



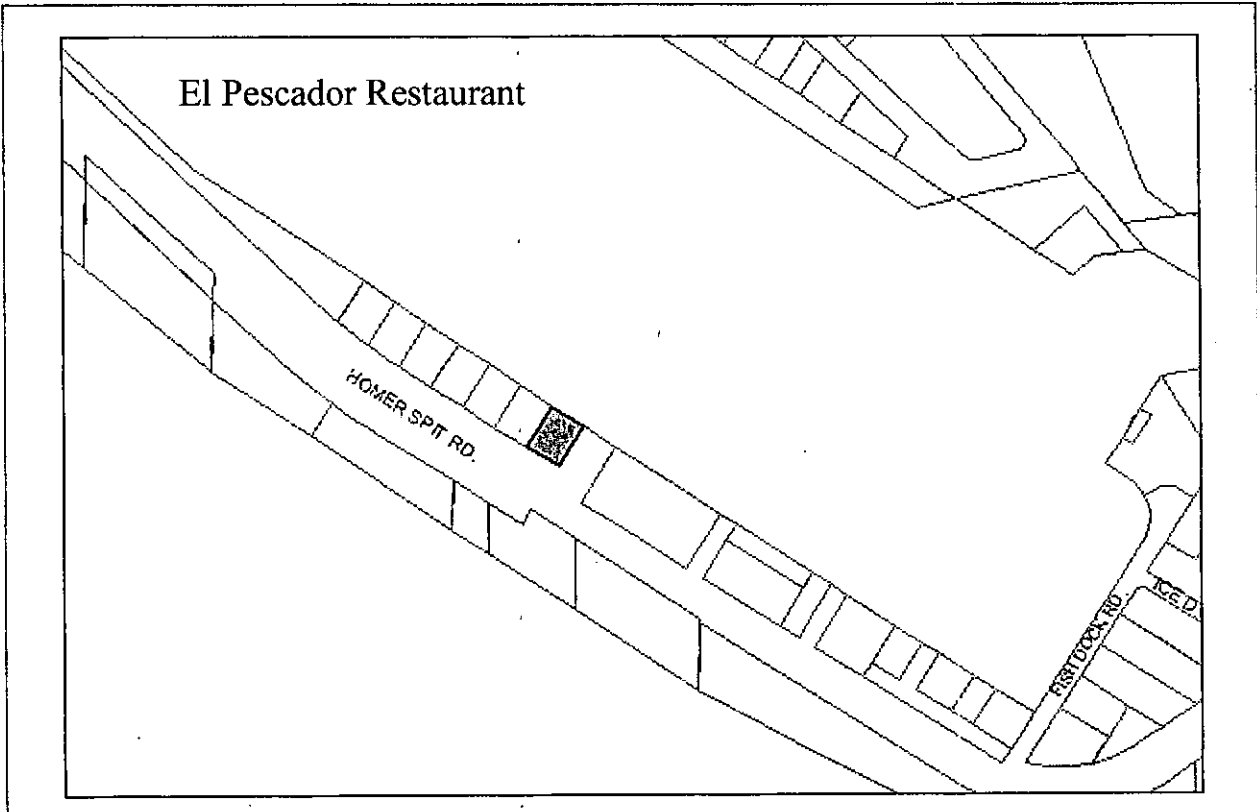
Designated Use: Leased Lands	
Acquisition History: Ord 83-26 purchase from World Seafood	
Area: 0.18 acres	Parcel Number: 18103119
2006 Assessed Value: \$72,000 (Land: \$16,100 Structure \$55,900)	
Legal Description: HM0940043 T06S R13W S35 TRACT 1-C THE FISHIN HOLE SUB NO 2	
Zoning: Marine Industrial	Wetlands: N/A
Infrastructure: Water, sewer, paved road access	Address: 1114 Freight Dock Road
<p>Leased to: L.H. and Marcia Pierce. Sportsman Supply/RV Resolution 08-42 leased the property until the end of February, 2013. One five year option.</p>	
Finance Dept. Code: 400.600.4650	

CITY OF HOMER LAND INFORMATION



Designated Use: Leased to USCG	
Acquisition History:	
Area: 0.34 acres	Parcel Number: 18103218
2006 Assessed Value: \$532,400 (Land: \$103,800 Structure: \$428,600)	
Legal Description: Homer Spit Four subdivision Lot 2	
Zoning:	Wetlands: N/A
Infrastructure: Water, sewer, paved road access	Address:
Leased to: USCG Lease Renewal Options: Expiration:	
Finance Dept. Code:	

CITY OF HOMER LAND INFORMATION



Designated Use: Leased Land
Acquisition History:

Area: 12,700 sq ft

Parcel Number: 18103316

2006 Assessed Value: \$507,000 (Land: \$59,100 Structure: \$447,900)

Legal Description: HM0890034 T07S R13W S01 HOMER SPIT SUB AMENDED LOT 19

Zoning: Marine Commercial

Wetlands: None

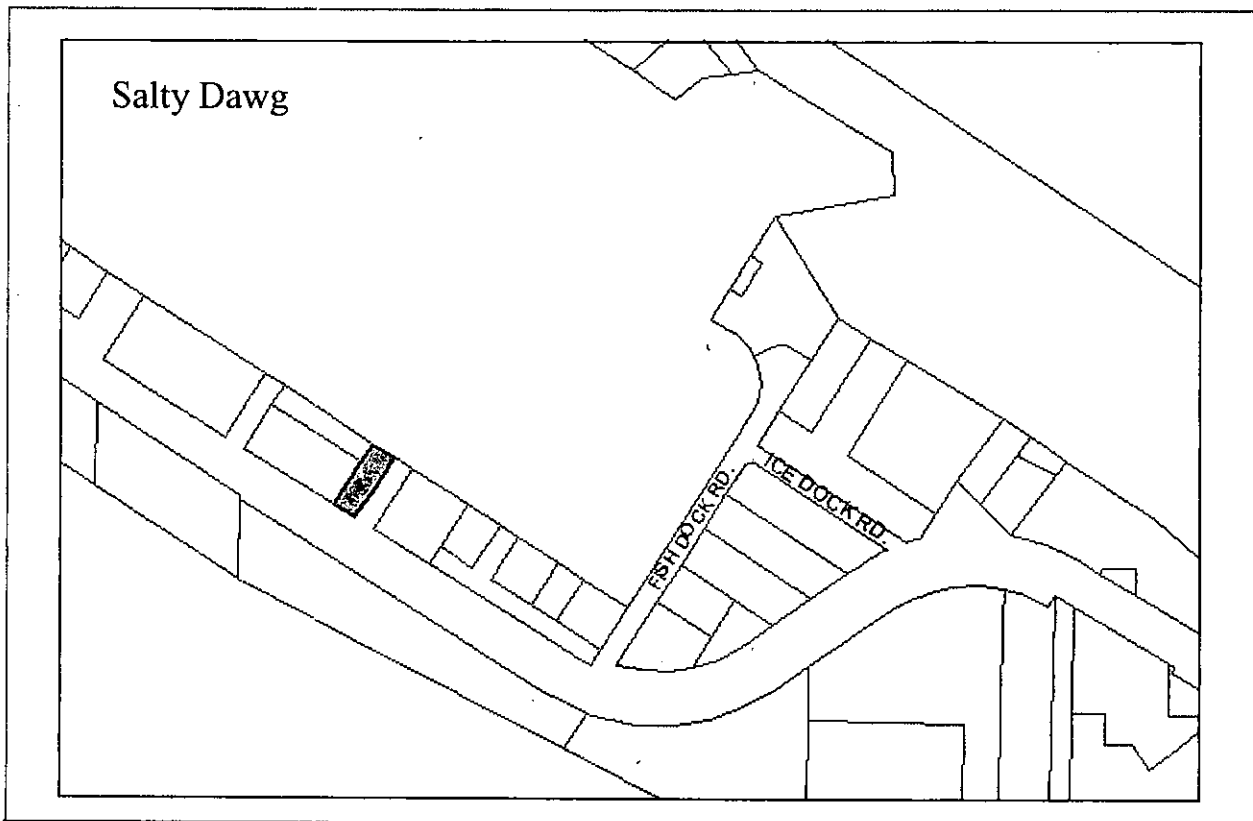
Infrastructure: Paved road, water and sewer

Address: 4262 Homer Spit Road

Leased to: Jose Ramos/El Pescador
Expiration: Lease expires 2/1/2016

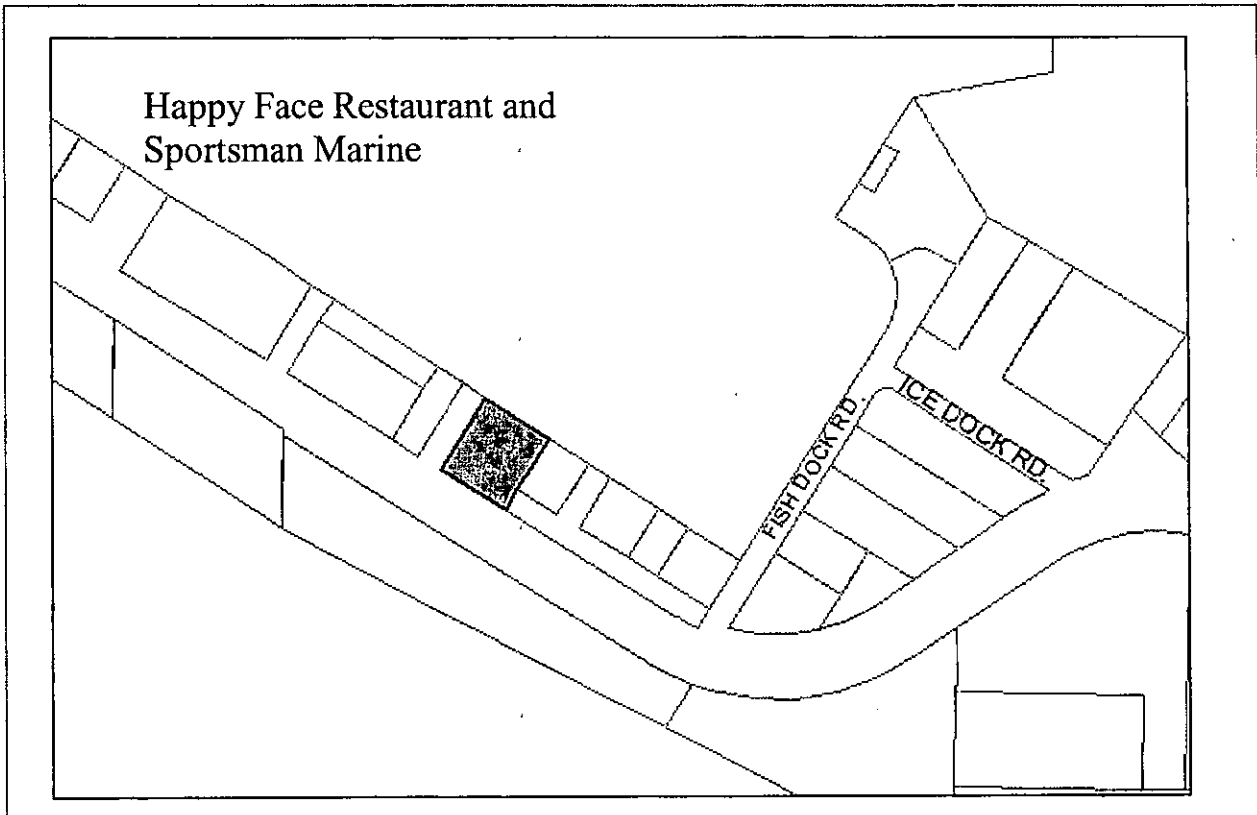
Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



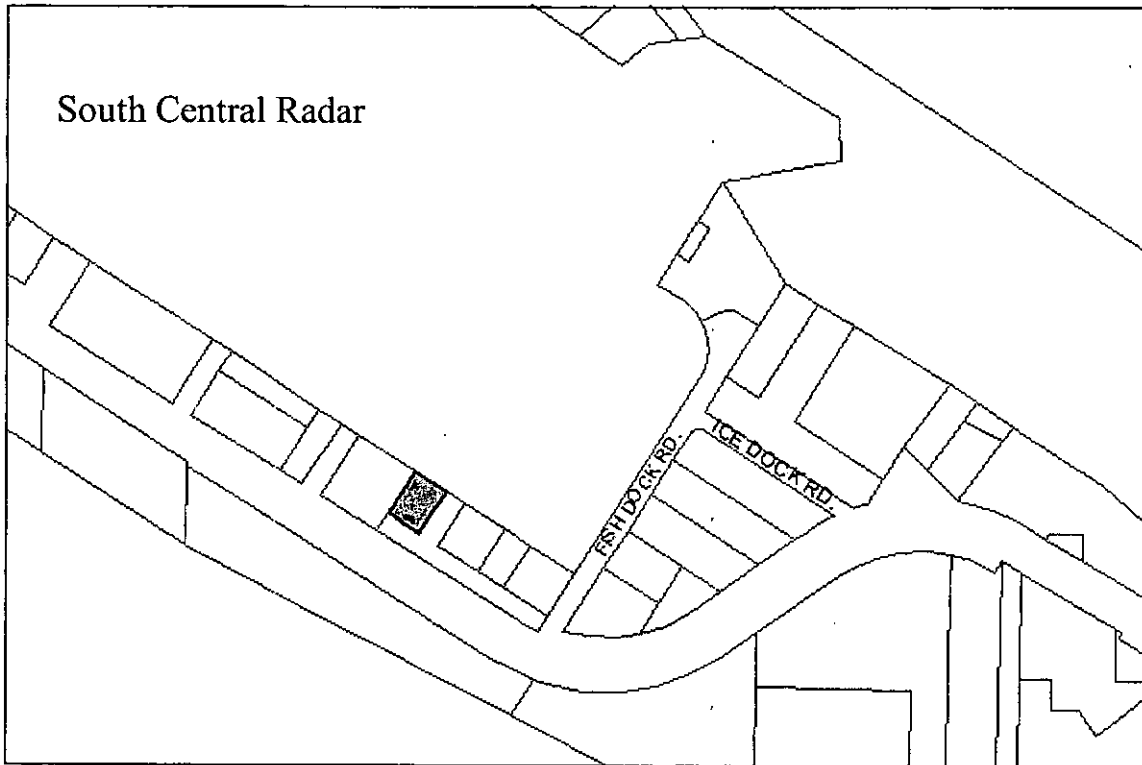
Designated Use: Leased Lands	
Acquisition History:	
Area: 0.23 acres	Parcel Number: 18103309
2006 Assessed Value: \$209,500 (Land: \$70,000 Structure: \$139,500)	
Legal Description: HM0890034 T07S R13W S01 HOMER SPIT SUB AMENDED LOT 30	
Zoning: Marine Industrial	Wetlands: N/A
Infrastructure: Water, sewer, paved road access	Address:
<p>Leased to: John Warren, Salty Dawg Expiration: 1/31/2026</p>	
Finance Dept. Code:	

CITY OF HOMER LAND INFORMATION



Designated Use: Leased Land	
Acquisition History:	
Area: 24,639 sq ft (0.57 acres)	Parcel Number: 18103432
2006 Assessed Value: \$548,400 (Land: \$88,000 Structure: \$460,400)	
Legal Description: HM0890034 T07S R13W S01 HOMER SPIT AMENDED LOT 32	
Zoning: Marine Industrial	Wetlands: None
Infrastructure: Paved road, water and sewer.	Address: 4400 Homer Spit Road
<p>Leased to: Happy Face Restaurant and Sportsman Marine Expiration: 12/31/2014</p>	
Finance Dept. Code:	

CITY OF HOMER LAND INFORMATION



Designated Use: Leased Land
Acquisition History:

Area: 0.2 acres

Parcel Number: 18103431

2006 Assessed Value: \$127,600 (Land: \$60,900 Structure: \$66,700)

Legal Description: HM0920050 T07S R13W S01 HOMER SPIT SUB NO TWO AMD LOT 88-1

Zoning: Marine Industrial

Wetlands: N/A

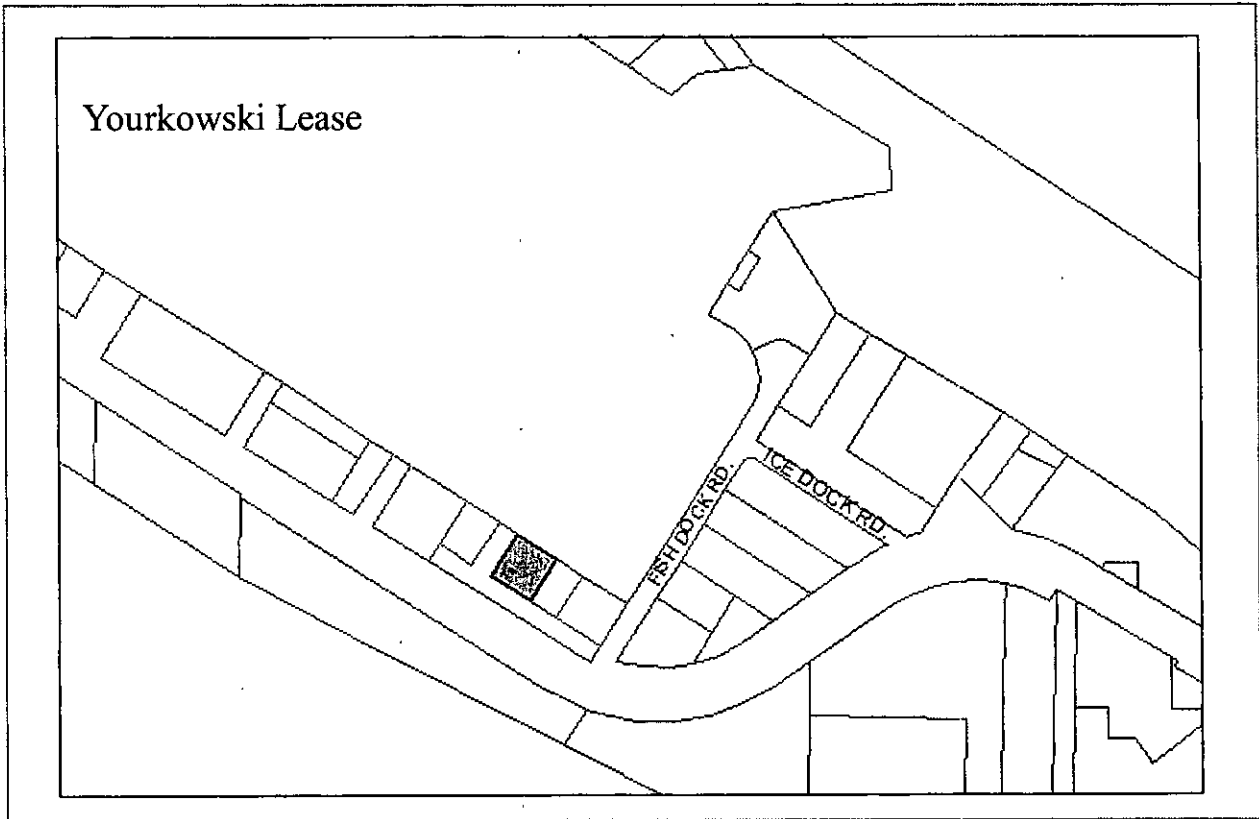
Infrastructure: Water, sewer, paved road access

Address: 4406 Homer Spit Road

Leased to: William Tener dba South Central Radar
 Lease Renewal Options: 2 additional 5 year renewal options
 Expiration: 11/1/2013. Renewal options after that.

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Leased Lands
Acquisition History:

Area: 0.29 acres

Parcel Number: 18103442

2006 Assessed Value: \$177,300 (Land: \$80,600 Structure: \$96,700)

Legal Description: HM0920050 T07S R13W S01 HOMER SPIT SUB NO TWO AMENDED LOT 88-2

Zoning: Marine Industrial

Wetlands: N/A

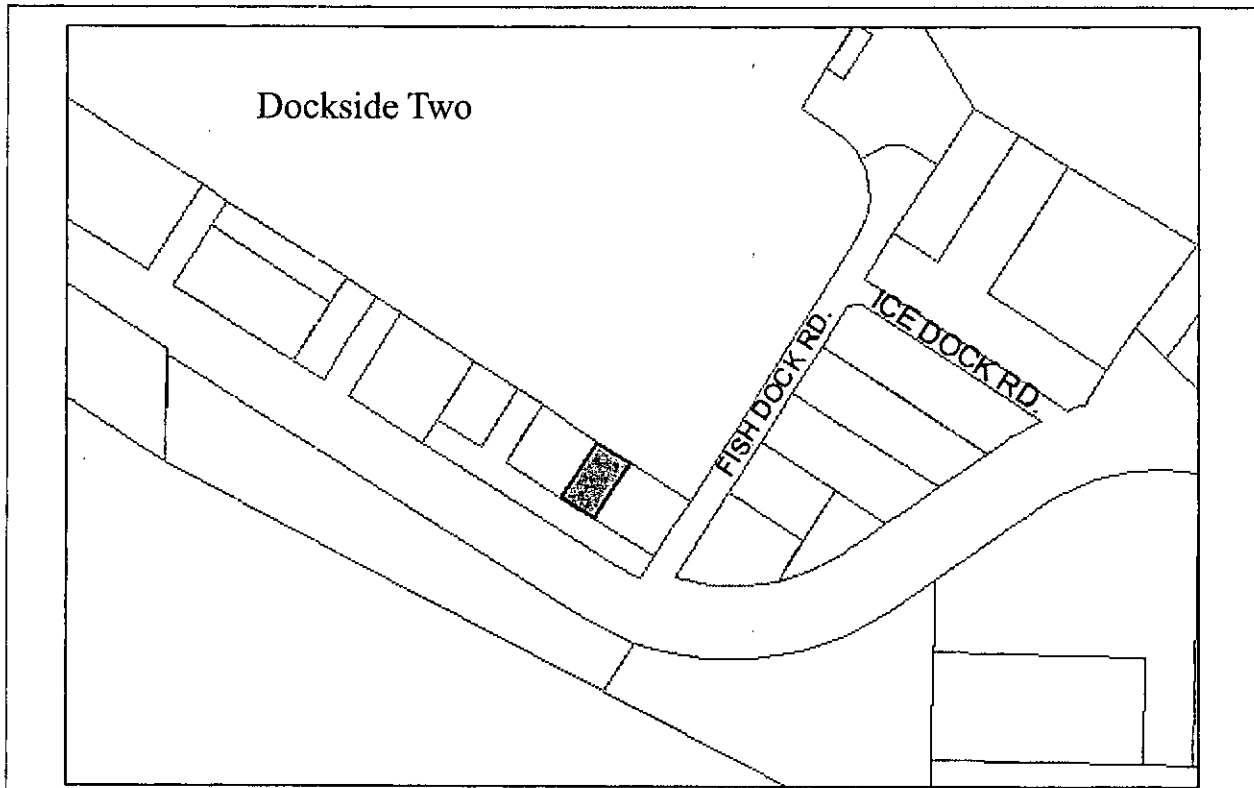
Infrastructure: Water, sewer, paved road access

Address: 4460 Homer Spit Road

Leased to: Mike Yourkowski
 Lease Renewal Options: one 10 year renewal option.
 Expiration: 11/30/15, plus renewal option.

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Leased Land
Acquisition History:

Area: 7,749 sq ft. (0.18 acres)

Parcel Number: 18103443

2006 Assessed Value: \$131,200 (Land: \$31,900, Structure: \$99,300)

Legal Description: HM0920050 T07S R13W S01 HOMER SPIT SUB NO TWO AMENDED LOT 88-3

Zoning: Marine Industrial

Wetlands: None

Infrastructure: Paved road, water and sewer.

Address: 4470 Homer Spit Road

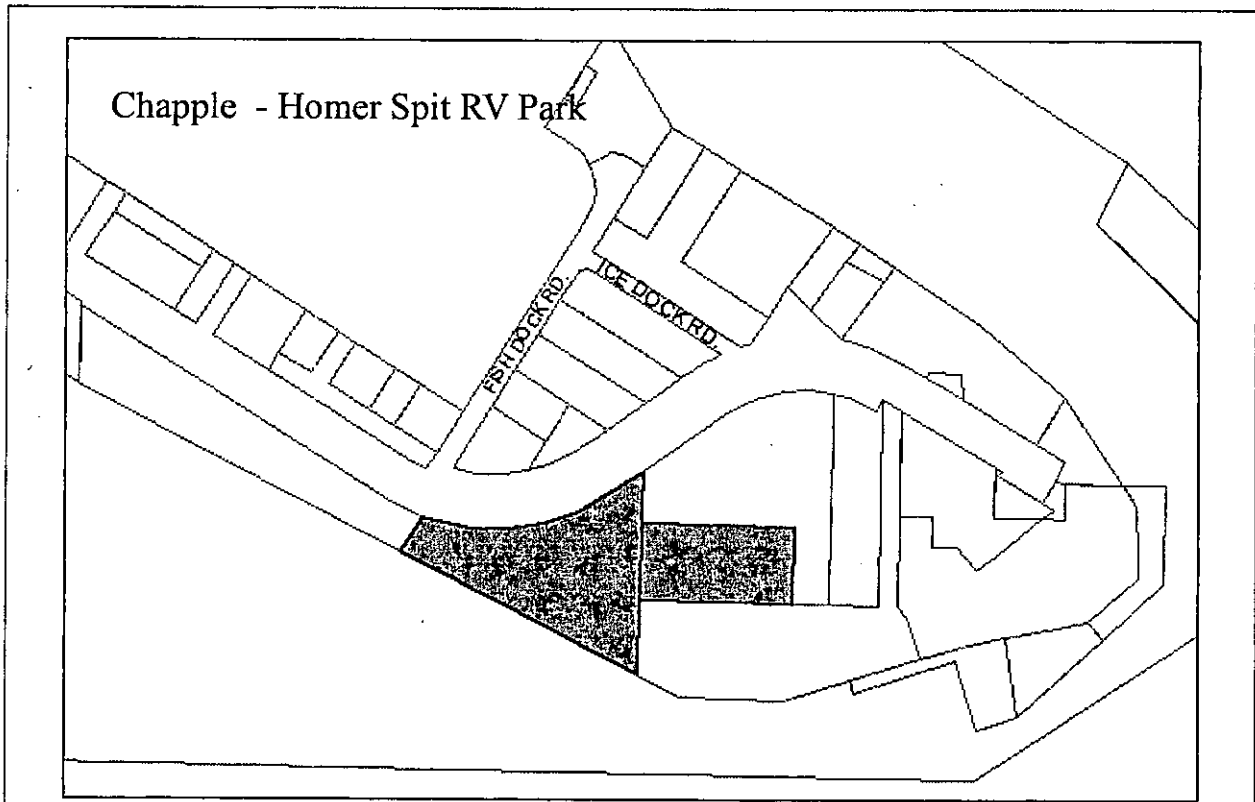
Leased to: William Sullivan dba Docks Two
Expiration: 4/15/2012, no more options

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION

<p style="text-align: center;">Alaska Custom Seafoods, Inc.</p>	
Designated Use: Leased land Acquisition History:	
Area: 0.31 acres, or 13,383 sq ft	Parcel Number: 18103444
2006 Assessed Value: \$132,800 Land Value - \$8400 Structure Value - \$124400	
Legal Description: HM0920050 T07S R13W S01 HOMER SPIT SUB NO TWO AMENDED LOT 88-4	
Zoning: Marine Industrial	Wetlands: None
Infrastructure: Paved road, water and sewer.	Address: 4474 Homer Spit Road
Leased to: Brad Faulkner DBA Alaska Custom Seafoods, Inc. Expiration: Last option extended. Expires 8/14/2010.	
Finance Dept. Code:	

CITY OF HOMER LAND INFORMATION



Designated Use: Leased Land
Acquisition History:

Area: 192,970 sq ft

Parcel Number: 18103402, 03

2006 Assessed Value: Total: \$465,200 Land: \$346,400 Structures: \$118,800

Legal Description: HM0890034 T07S R13W S01 HOMER SPIT SUB AMENDED LOT 50.
 HM0890034 T07S R13W S01 HOMER SPIT SUB AMENDED LOT 49 EXCLUDING THAT PORTION AS PER LICENSE AGREEMENT 190 @ 98.

Zoning: Marine Industrial

Wetlands: None

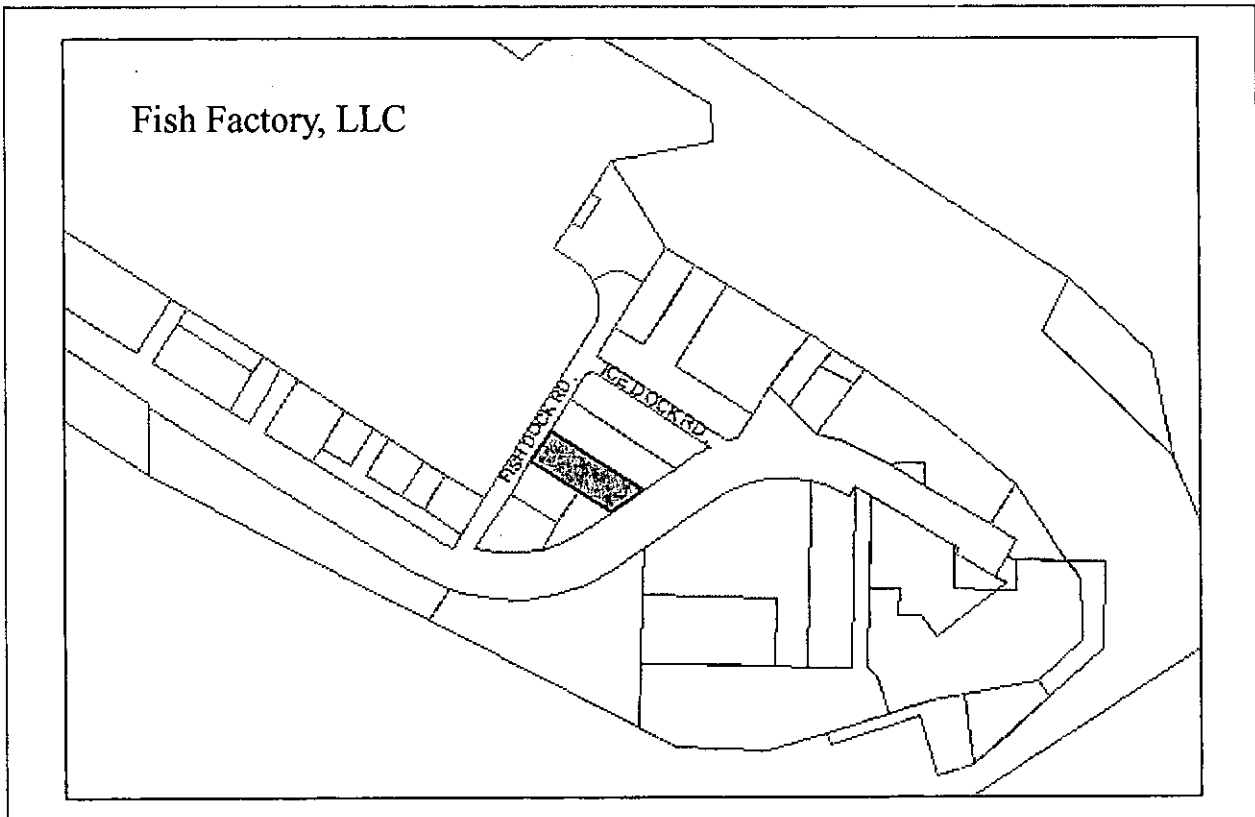
Infrastructure: Paved road, water and sewer.

Address: 4535 Homer Spit Road

Leased to: John & Margaret Chapple. Homer Spit Campground
Expiration: 9/10/2011, no more options

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Leased Land
Acquisition History:

Area: 27,470 sq ft (0.63 acres)

Parcel Number: 18103421

2006 Assessed Value: \$831,500 (Land: \$158,500 Structure: \$673,000)

Legal Description: HM0900052 T07S R13W S01 CITY OF HOMER PORT INDUSTRIAL NO 3
 LOT 12-A1

Zoning: Marine Industrial

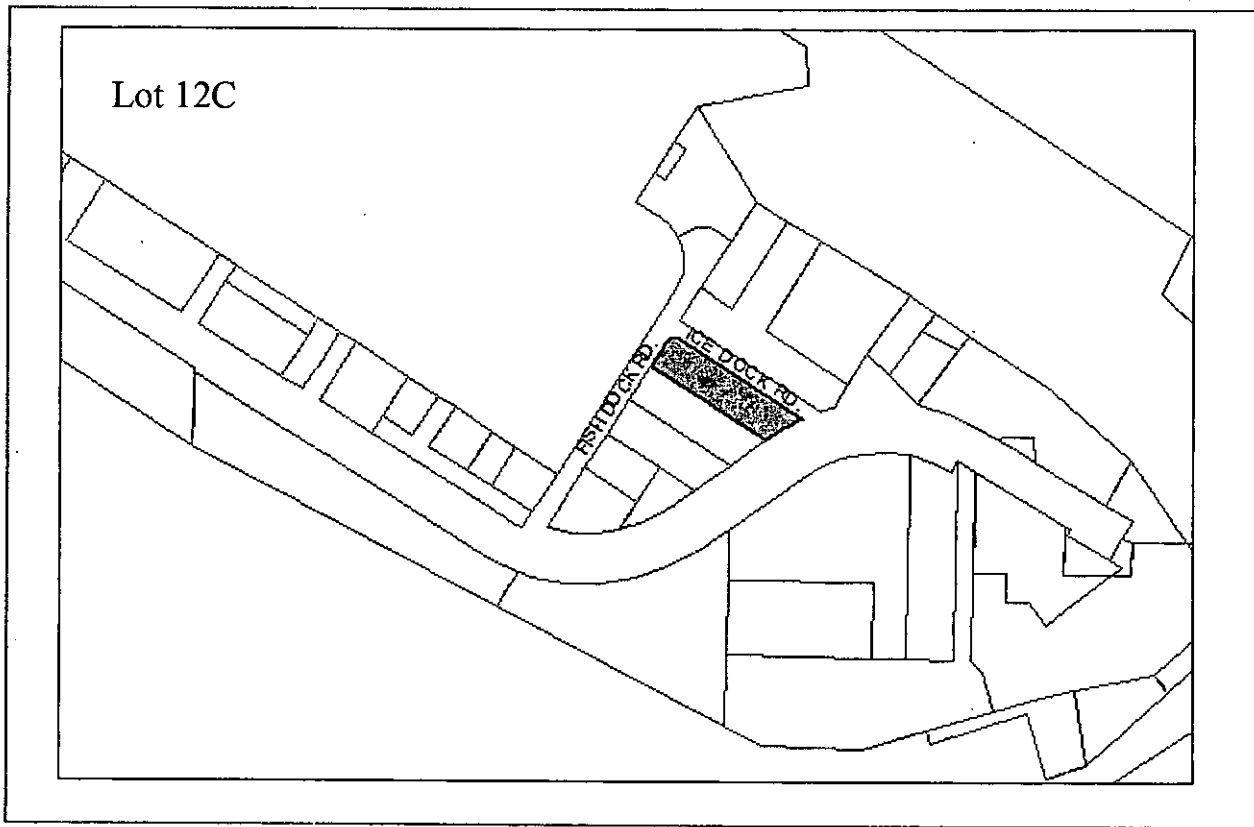
Wetlands: None

Infrastructure: Paved road, water and sewer.

Address: 800 Fish Dock Road

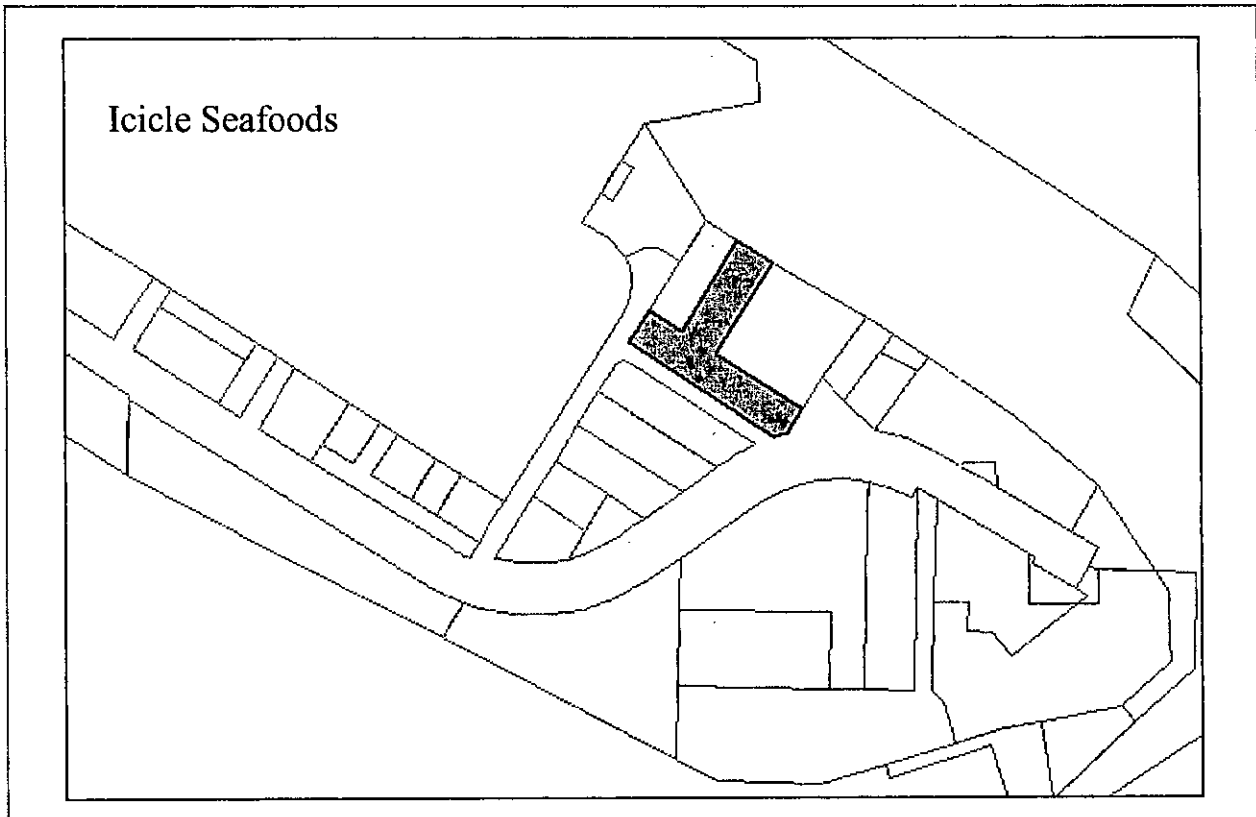
Leased to: Fish Factory, LLC
 Expiration: 3/31/2020 with two 10 year options

Finance Dept. Code:



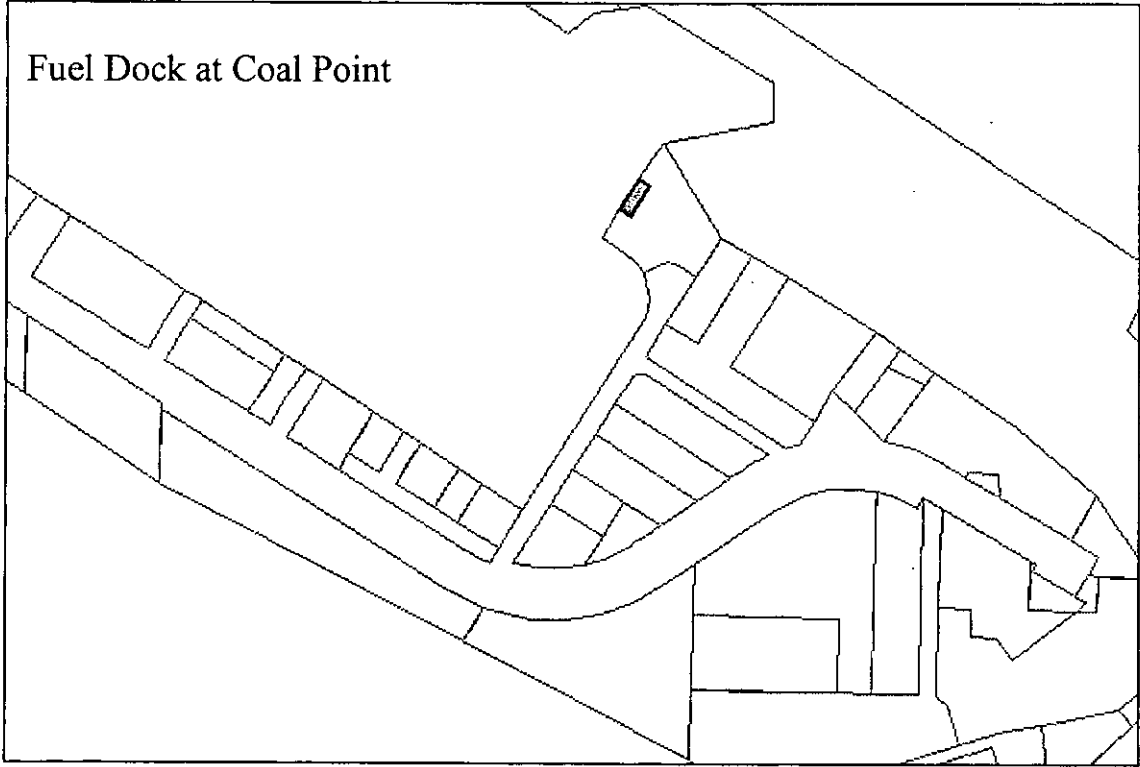
Designated Use: Lease land	
Acquisition History:	
Area: 0.79 Acres	Parcel Number: 18103452
2006 Assessed Value: \$192,100	
Legal Description: City of Homer Port Industrial No 2 Lot 12C	
Zoning: Marine Industrial	
Infrastructure: Water, sewer, paved road access	Address: 4501 Ice Dock Road
Leased by Resolution 2008-37 to Harbor Leasing (Auction Block) Expiration: 3/31/2028 Options: two additional 5 year options	
Finance Dept. Code:	

CITY OF HOMER LAND INFORMATION

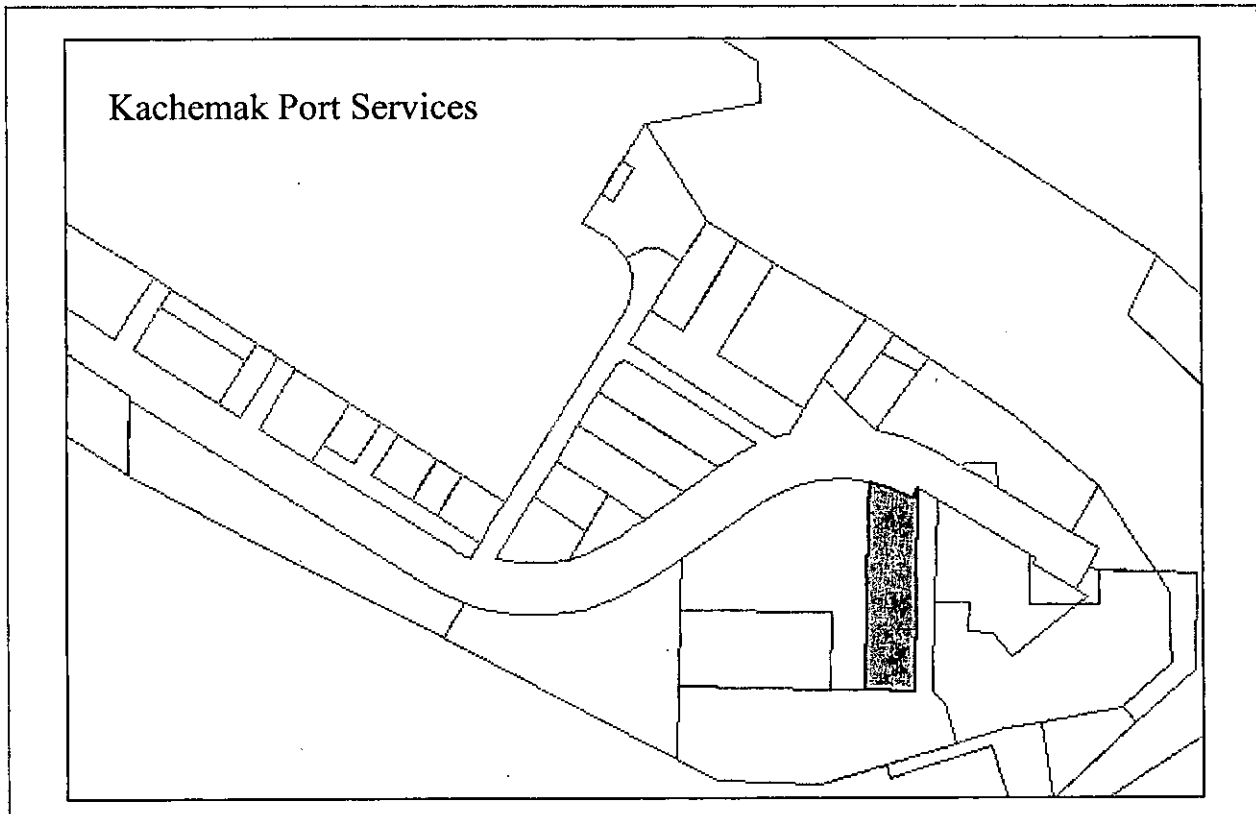


Designated Use: Leased Land	
Acquisition History:	
Area: 1.49 acres	Parcel Number: 18103419
2006 Assessed Value: \$436,800 (Land: \$261,500 Structure: \$175,300)	
Legal Description: HM0890034 T07S R13W S01 HOMER SPIT SUB AMENDED ADL 18009 LOT 41 (ADL 18009)	
Zoning: Marine Industrial	Wetlands: N/A
Infrastructure: Water, sewer, paved road access	Address:
<p>Leased to: Icicle Seafoods, Inc Expiration: 9/14/2029.</p>	
Finance Dept. Code:	

CITY OF HOMER LAND INFORMATION

	
Designated Use: Leased Land Acquisition History:	
Area: 0.07 acres	Parcel Number: 18103427
2006 Assessed Value: \$471,000 (Land: \$29,600 Structure: \$441,400)	
Legal Description: HM0890034 T07S R13W S01 HOMER SPIT SUB AMENDED THAT PORTION OF COAL POINT MONUMENT PARK AS PER LEASE AGREEMENT 187 @ 921	
Zoning: Marine Industrial	Wetlands: None
Infrastructure: Paved road, water and sewer.	Address:
<p>Leased to: Harbor Enterprises/Terminal Oil Sales. Coal Point Fuel Dock. Expiration: 11/20/2008. Two 5 year options.</p>	
Finance Dept. Code:	

CITY OF HOMER LAND INFORMATION



Designated Use: Leased Land. Also includes the Port Maintenance Shop and a large tank.
Acquisition History:

Area: 1.23 acres (Lease is for a small portion of the lot)	Parcel Number: 18103404
--	--------------------------------

2006 Assessed Value: 1,302,200 (\$Land: \$262,700 Structure: \$1,039,500)

Legal Description: HM0890034 T07S R13W S01 HOMER SPIT SUB AMENDED LOT 48 EXCLUDING THAT PORTION AS PER LICENSE AGREEMENT 190 @ 98

Zoning: Marine Industrial	Wetlands: N/A
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Infrastructure: Water, sewer, paved road access	Address: 4667 Homer Spit Road
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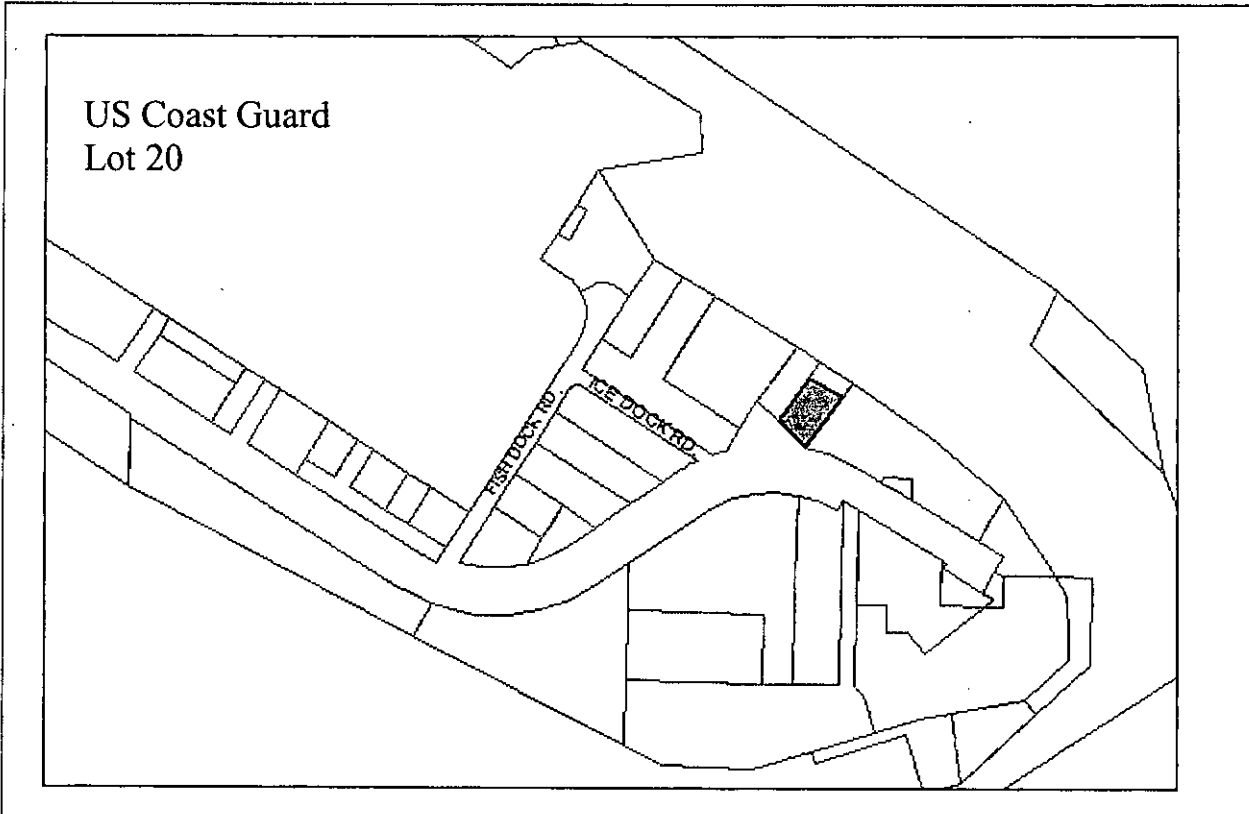
Leased to: Kachemak Port Services. See KPB 18103464.
 Total value: \$33,300. Land Value - \$1100, Structure Value - \$32200
 Lease Renewal Options: (2) 1 year extensions
 Expiration: 4/30/2007
 Only a small portion is leased to Kachemak Port Services.

The Port Maintenance Shop is on this lot, and a large water tank, and other accessory structures.

Need to work with KPB to clarify parcel boundaries shown on tax maps.

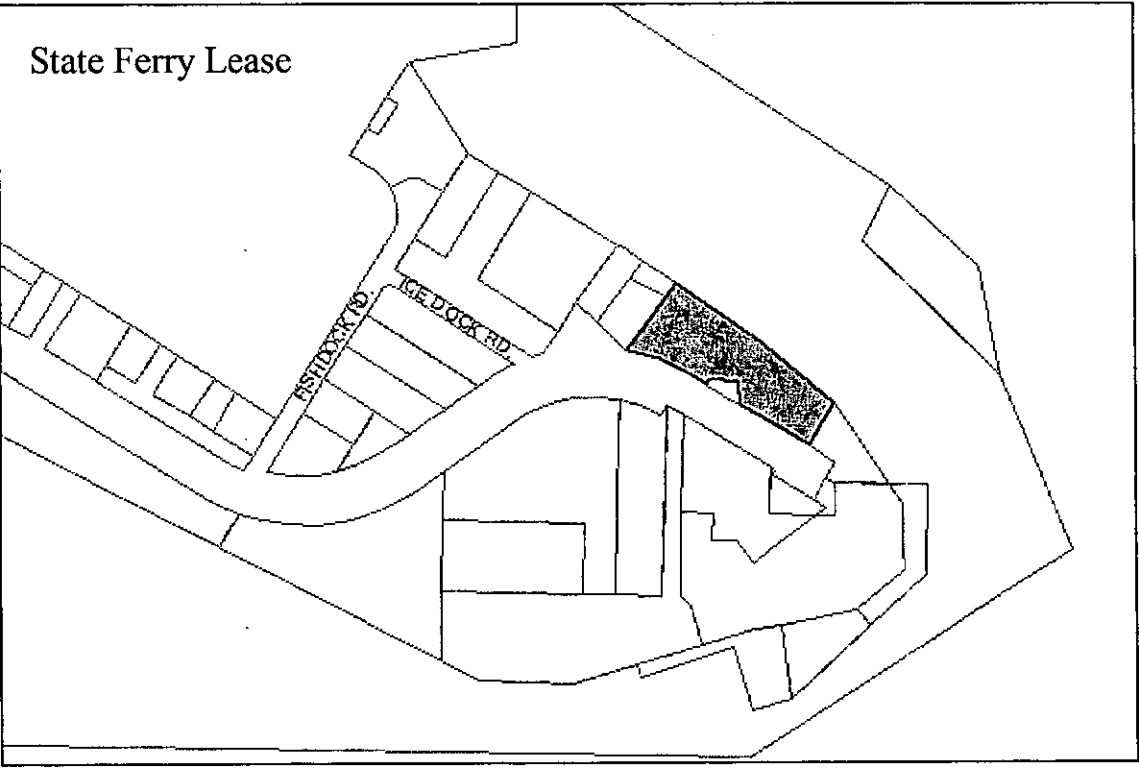
Finance Dept. Code:

CITY OF HOMER LAND INFORMATION

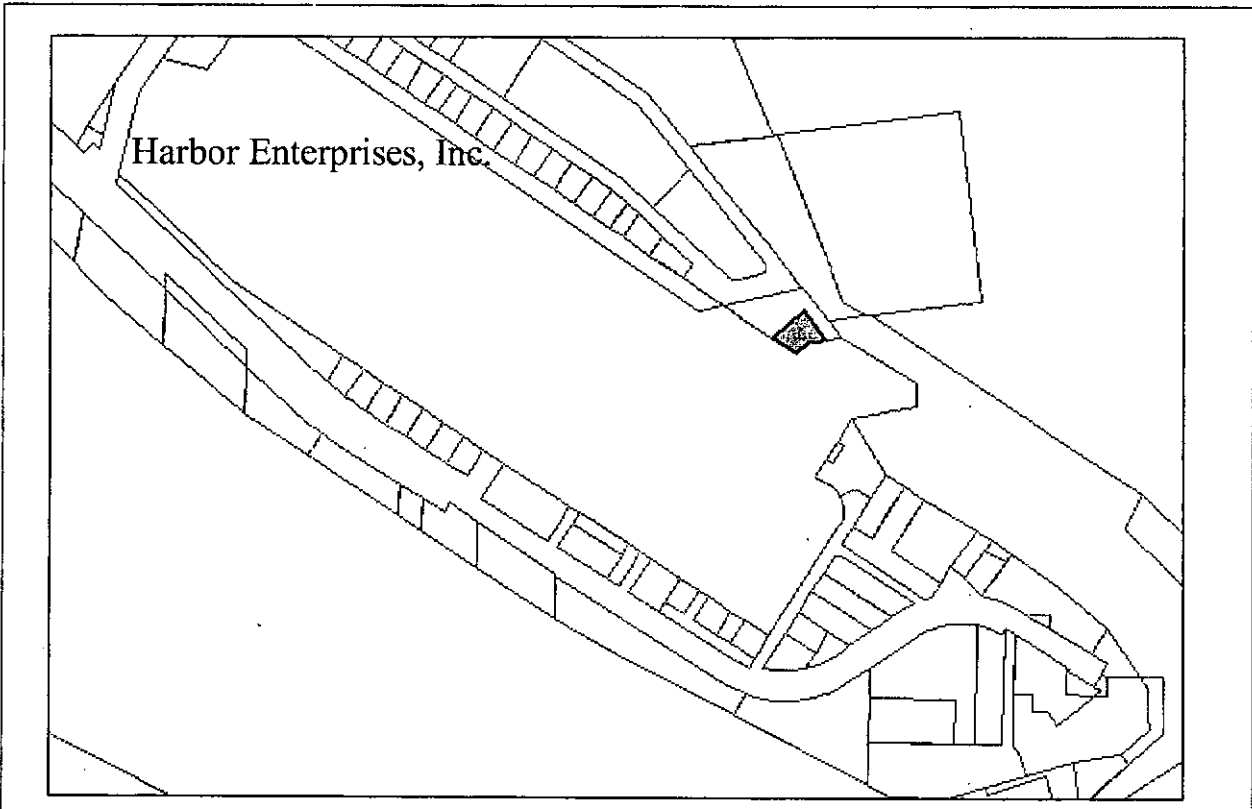


Designated Use: Lease	
Acquisition History:	
Area: 0.35 acres	Parcel Number: 18103445
2006 Assessed Value: \$110,800	
Legal Description: Portion of Government Lot 20	
Zoning: Marine Industrial	Wetlands: N/A
Infrastructure: Water, sewer, paved road access	Address: 4688 Homer Spit Road
<p>Leased to: US Coast Guard. Short term year to year lease pending the construction of an office/support structure.</p>	
Finance Dept. Code:	

CITY OF HOMER LAND INFORMATION

<p>State Ferry Lease</p> 	
<p>Designated Use: Ferry Terminal and Staging Acquisition History: Quitclaim Deed to KPPUDIST #1 2/18/64: Orig Cert filed between KPPUD and BLM for Harbor use for 25 years on 7/29/55.</p>	
<p>Area: 1.83 acres or 79,799 sq ft</p>	<p>Parcel Number: 18103447</p>
<p>2006 Assessed Value: \$1,001,800 (\$380,800 Land, \$621,000 Structure)</p>	
<p>Legal Description: HM0930049 T07S R13W S01 HOMER SPIT SUB NO 6 VELMA'S ADDN LOT 45-A</p>	
<p>Zoning: Marine Industrial</p>	<p>Wetlands: None</p>
<p>Infrastructure: Paved road, water and sewer.</p>	<p>Address: 4690 Homer Spit Road</p>
<p>Leased to: Alaska Marine Highway Expiration: 1-13-2029. MOA on file regarding ferry terminal and city maintenance shop.</p>	
<p>Finance Dept. Code:</p>	

CITY OF HOMER LAND INFORMATION



Designated Use: Leased Land (Fuel tanks for fuel dock)
Acquisition History:

Area: 20,000 sq ft (0.459 acres)

Parcel Number: 18103260

2006 Assessed Value: \$305,000 (Land: \$92,200 Structure: \$212,800)

Legal Description: HM0970072 T07S R13W S01 HOMER SPIT NO 6 8-E-1

Zoning: Marine Industrial

Wetlands: None

Infrastructure: Paved road, water and sewer.

Address: 4607 Freight Dock Road

Leased to: Harbor Enterprises/Terminal Oil Sales
Expiration: 12/1/2008 with one ten year option

Finance Dept. Code:

Other City Lands. Generally Undesignated

CITY OF HOMER LAND INFORMATION

Intentionally Blank

Designated Use: Public Purpose
Acquisition History:

Area:

Parcel Number:

2006 Assessed Value:

Legal Description:

Zoning:

Wetlands:

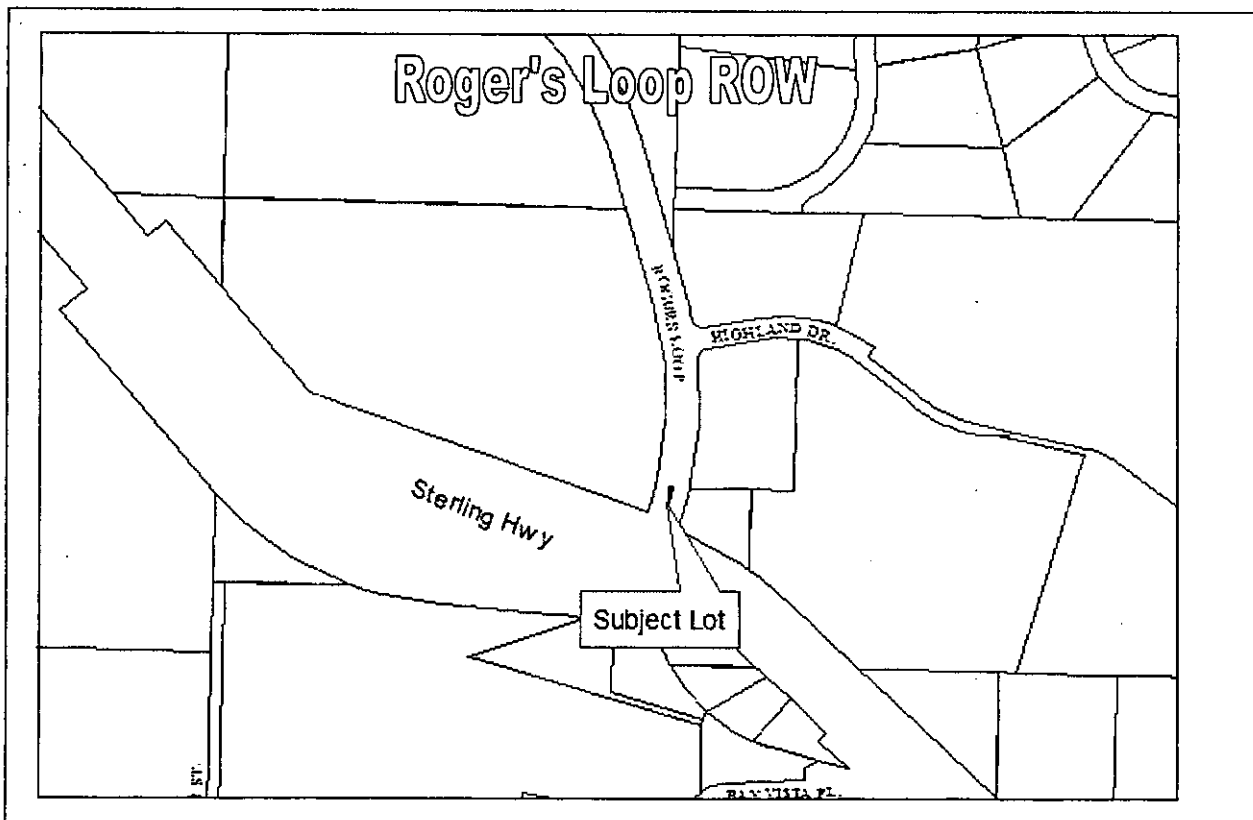
Infrastructure:

Notes:

2006 Update:

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Public Purpose/Roger's Loop & Sterling Highway ROW dedication
Acquisition History: KPB Ordinance 83-27

Area: .02 acres

Parcel Number: 17501046

2006 Assessed Value: \$100

Legal Description: HM T06S R14W S14 N 300 FT OF S 408 FT OF W 250 FT OF SW1/4 NE1/4 SW1/4 LYING W OF ROW & N OF STERLING HWY

Zoning: Rural Residential

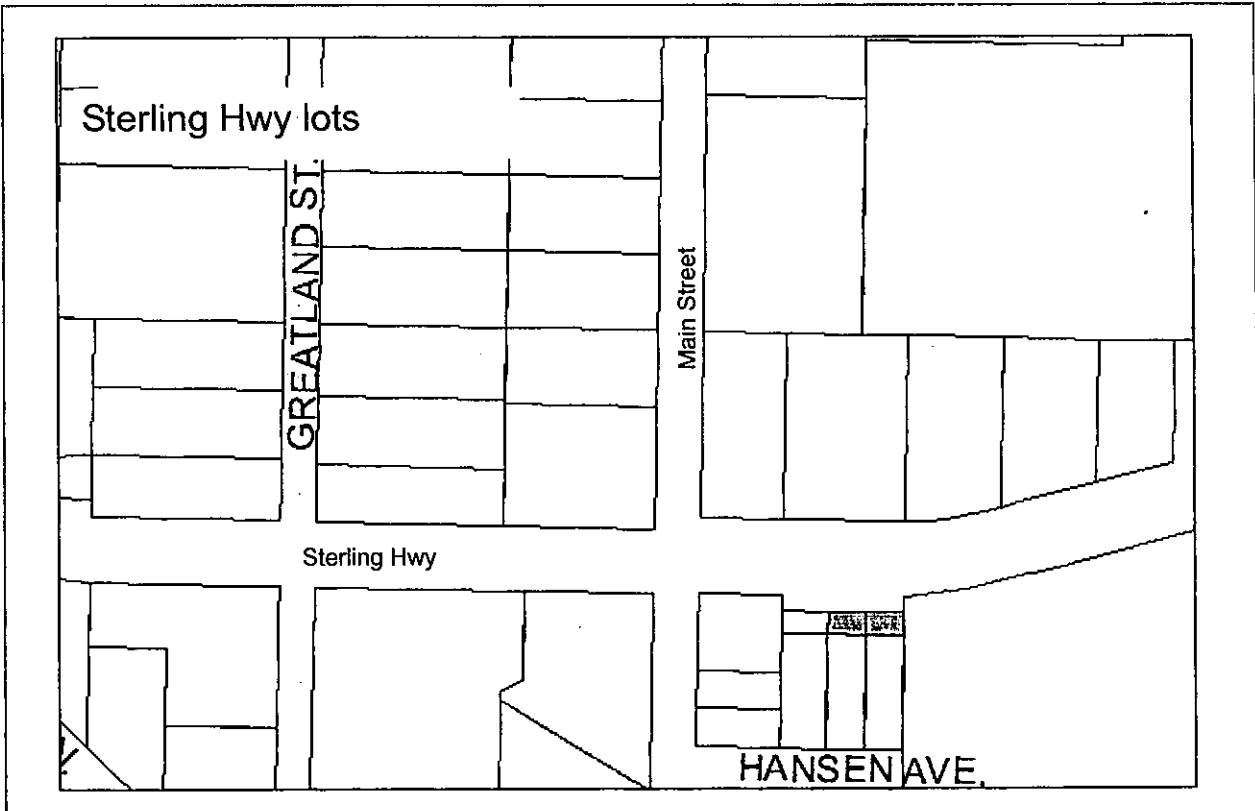
Wetlands: N/A

Infrastructure:

Notes: This parcel is part of the paved Roger's Loop roadway.
 Resolution 08-48, recommend deed to DOT.

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Undesignated
Acquisition History: Detling Deed 6/10/82

Area: 0.03 acres each. Total of 2,613 sq ft	Parcel Number: 177154 02, 03
--	-------------------------------------

2006 Assessed Value: \$1,000

Legal Description: T6S R 13W SEC 20 SEWARD MERIDIAN HM 0670365 W R BENSON SUB AMENDED LOT 46 EXCLUDING HOMER BY-PASS ROAD, T 6S R 13W SEC 20 SEWARD MERIDIAN HM 0670365 W R BENSONS SUB AMENDED LOT 47 EXC HOMER BY-PASS RD*

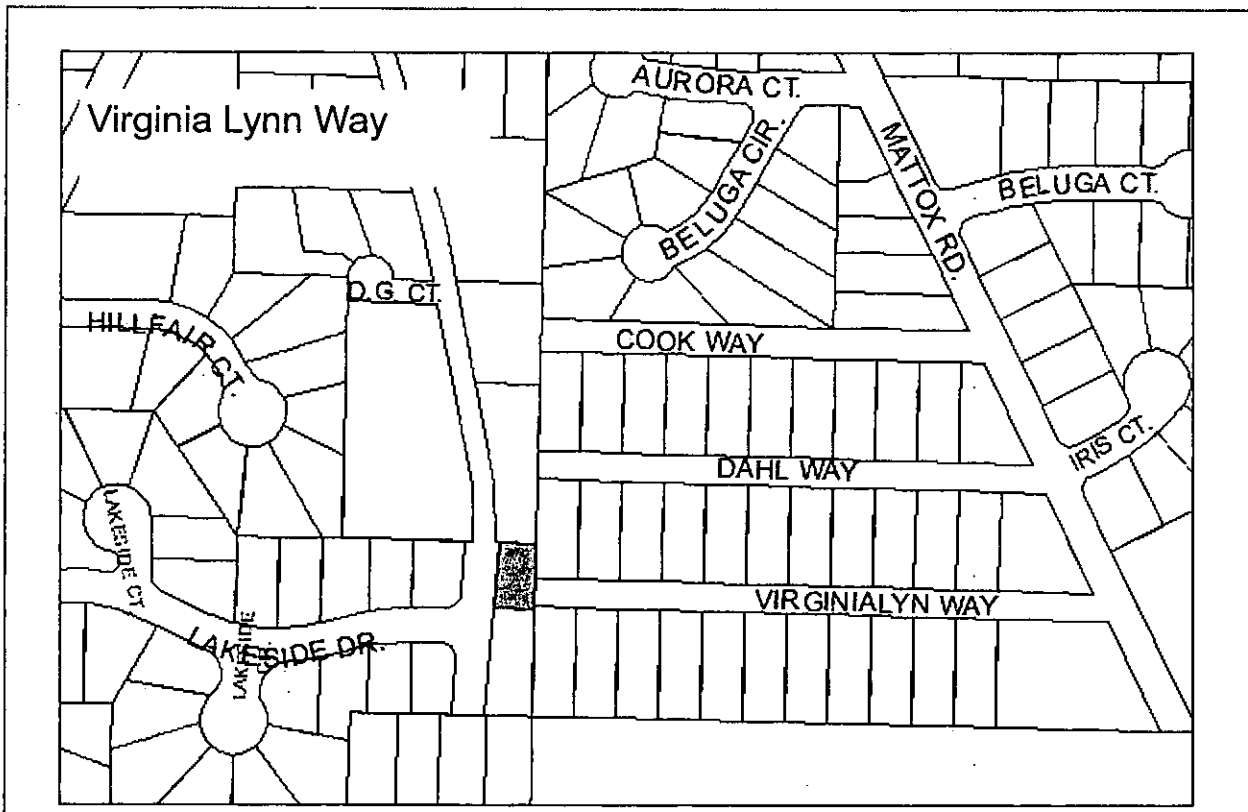
Zoning: Central Business District	Wetlands: Possibly. Lots are steep.
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Infrastructure: Paved Road and sidewalk

Notes: Lots are steep; they run from the Sterling Highway grade down the slope to the adjoining property. Lot dimensions are approximately 50'x30'.

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Public use easement for Virginia Lynn Way

Acquisition History: Quit Claim Deed from NBA 1/4/83

Area: 0.21 acres

Parcel Number: 17730239

2006 Assessed Value: \$22,800

Legal Description: T 6S R 13W SEC 20 SEWARD MERIDIAN HM 0840005 LAKESIDE VILLAGE SUB AMENDED LOT 2 BLK 4

Zoning: Urban Residential

Wetlands: possibly on a small portion

Infrastructure: Road access

Notes: This lot has a public use easement granted by the plat. This lot will likely be needed in the future to connect Virginia Lynn Way, because the adjacent lots are not wetlands and are developable. Access to Mattox Road is not know at this time; the ground drops and becomes very swampy.

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Tidelands
Acquisition History:

Area:

Parcel Number:

2006 Assessed Value:

Legal Description:

Zoning: Not zoned

Wetlands:

Infrastructure:

17728001—HM0742265 T06S R13W S29 ALASKA TIDELAND SURVEY 612 . 499.54 acres, \$60,700 assessed value. Patent title 1977, 84-25 Annexed by City.

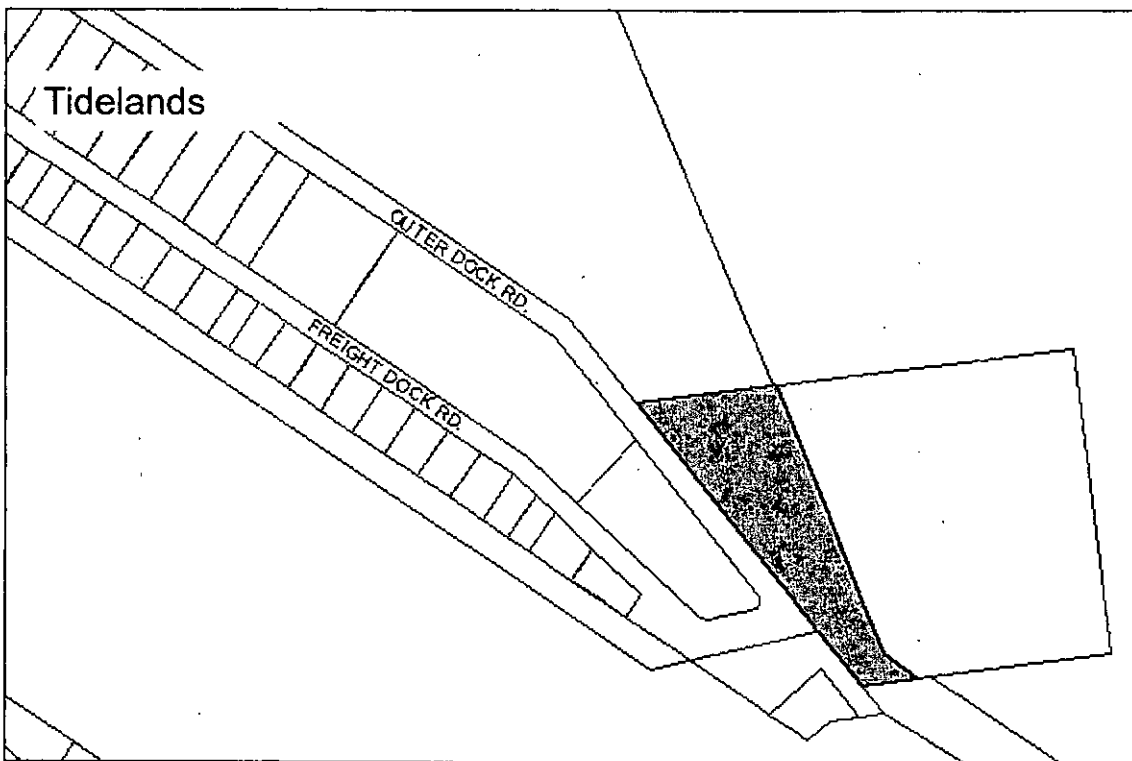
17528001 HM0770064 T06S R14W S30 ALASKA TIDELANDS SURVEY NO 612 POR SEC 23 24 & POR SEC 19 & 30. 1641.24 acres. Assessed Value: \$60,900. City Granted Title 1977 under Preference Right effective 1/3/59 Ord 84-25 Annexed by City.

18107001—HM0770064 T07S R13W S14 ALASKA TIDELANDS SURVEY 612 THAT PORTION LYING WITHIN SEC 13 & 14 & 22 THRU 24 & 26 THRU 28 & 33 THRU 36 OF T06SR13W & WITHIN SEC 1 & 2 OF T07SR13W EXCLUDING THAT PORTION OF TIDELANDS VESTED TO STATE OF ALASKA & EXCE. 4753 acres

Patent 1974 002459-0 Book 80 Page 171

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Tidelands
Acquisition History:

Area: 4.19 acres

Parcel Number: 18103213

2006 Assessed Value: \$584,500

Legal Description: T 6S R 13W SEC 36 T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0920050
 HOMER SPIT SUB NO TWO AMENDED TRACT A

Zoning: Not zoned

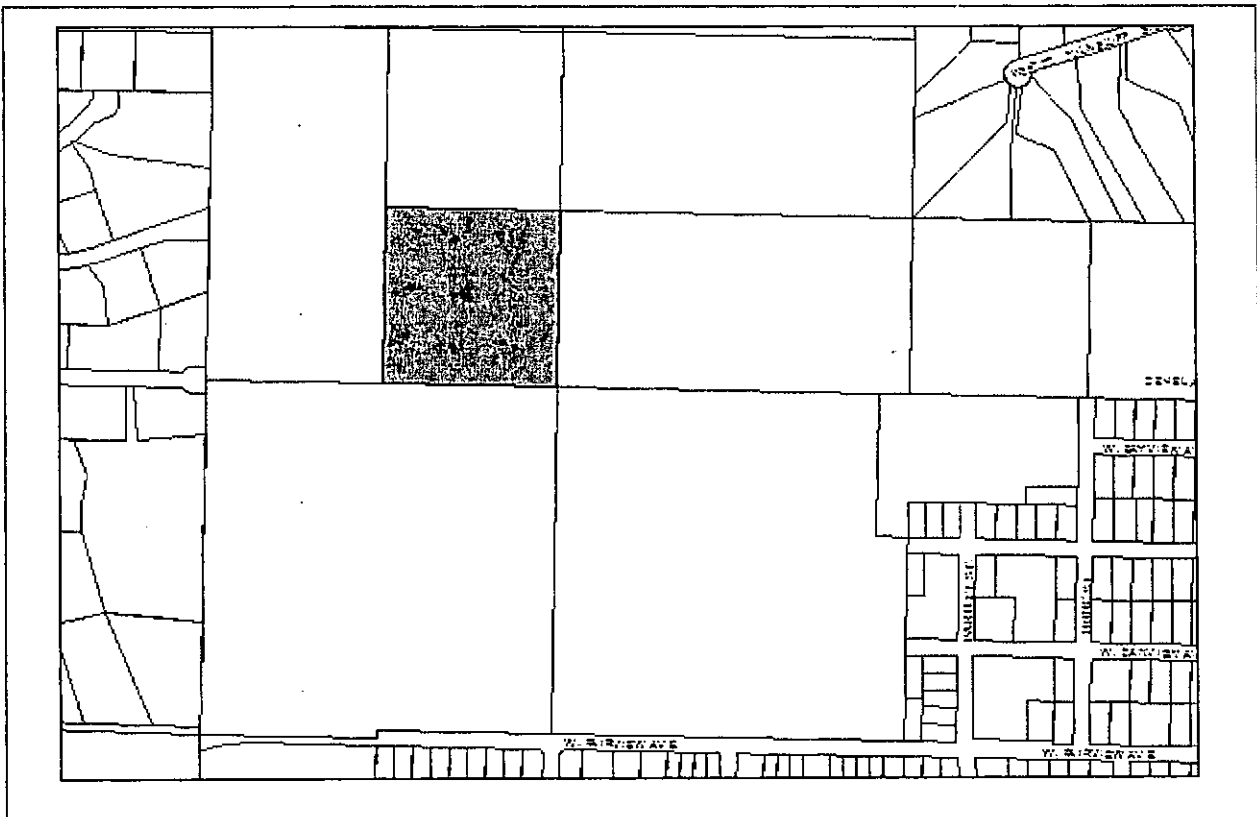
Wetlands: Tidelands

Infrastructure:

Includes part of the causeway for the deep water dock.

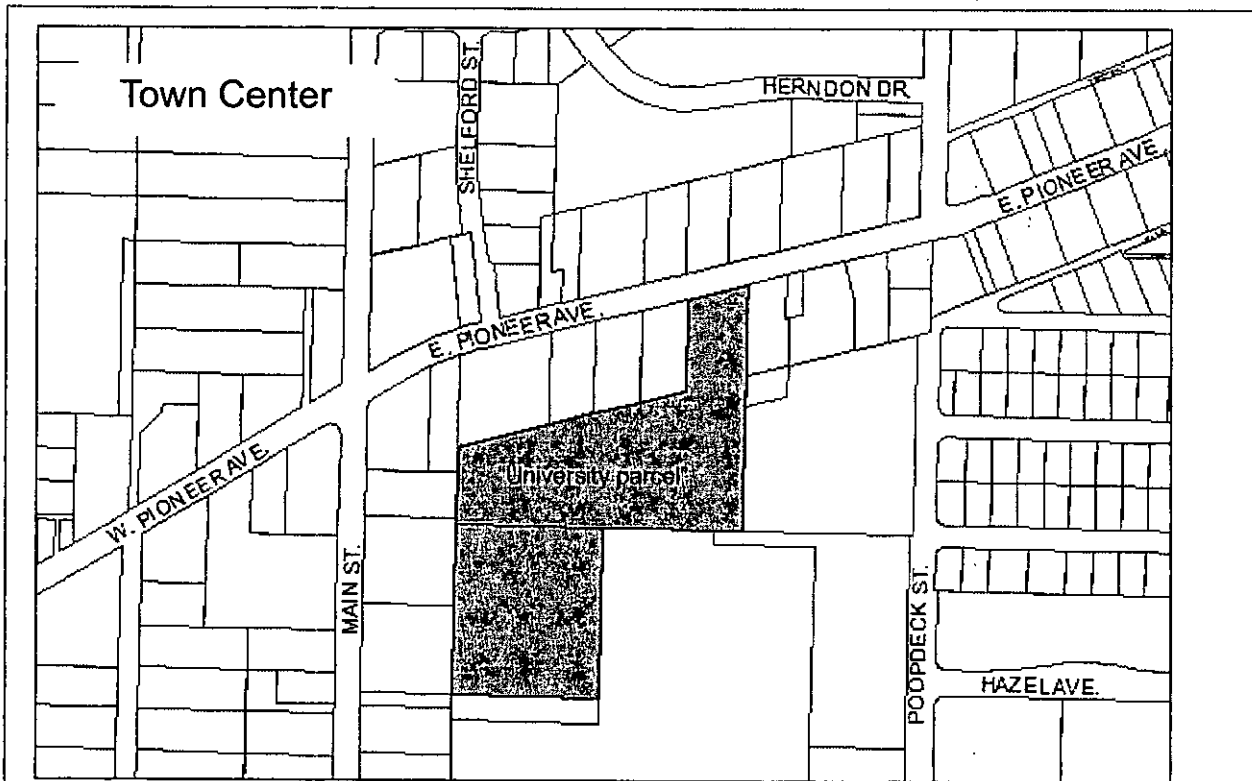
Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use:	
Acquisition History:	
Area: 10 acres	Parcel Number: 17504003
2006 Assessed Value: \$46,900 *	
Legal Description: T6S R13W Sec 18 SE1/4 NE1/4 SW1/4	
Zoning: Rural Residential	Wetlands: Drainages and wetlands may be present
Infrastructure: None. No access.	
Notes: *2007—Land could not be appraised due to lack of legal access.	
Finance Dept. Code:	

CITY OF HOMER LAND INFORMATION



Designated Use: UA land: Town center. FAA site: Held for possible UA/state shared consortium library agreement and land trade for land at Bridge Creek.

Acquisition History: UA: Ord 03-61 purchase.

Area: 7.71 acres

Parcel Number: 17719209, 17708015

2006 Assessed Value: \$379,700

Legal Description: Homer FAA Site Sub Tract 38A, UA lot: Portion of Nils O Svedlund Sub lot 7 tract B, long legal.

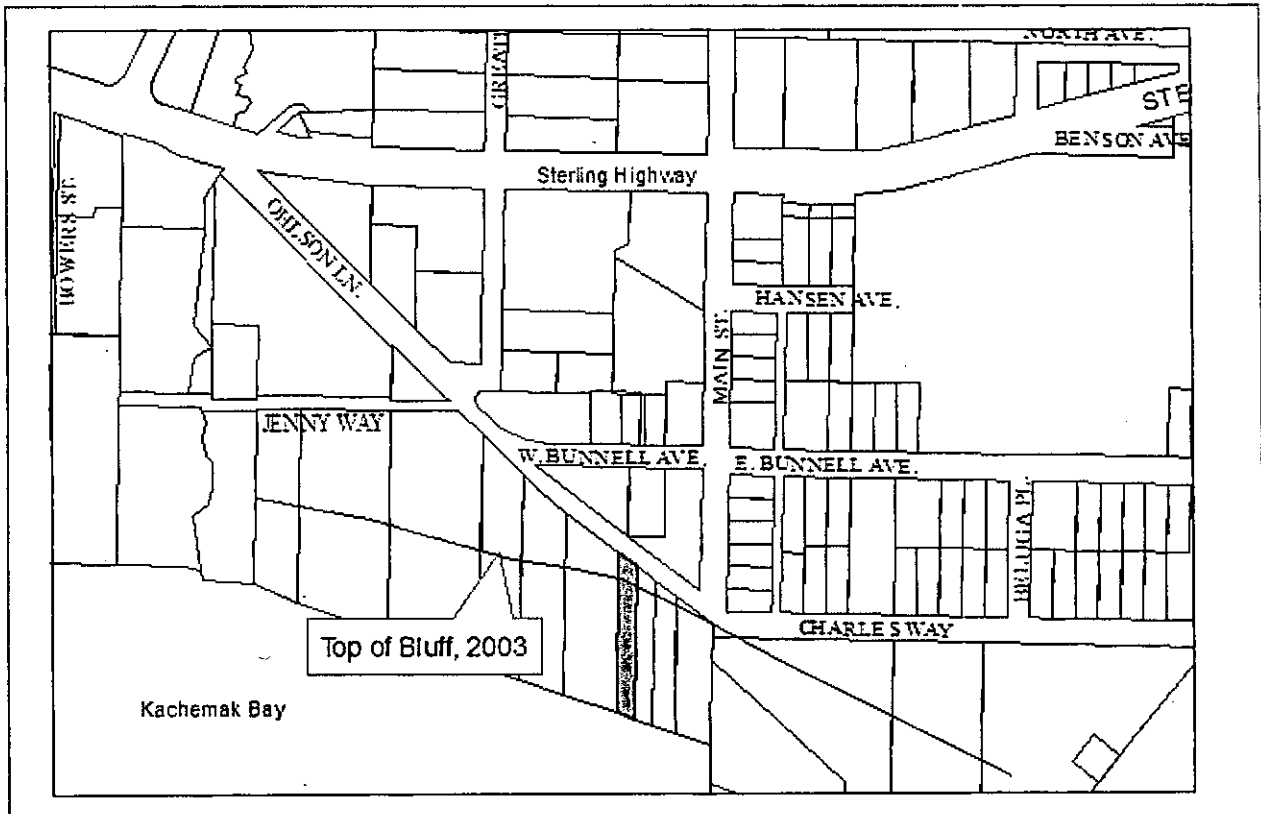
Zoning: Central Business District

Wetlands: City had a wetland delineation done in 2006. There is about a 1/2 acre of wetlands between the two sites.

Infrastructure: Must be developed as land is developed.

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION

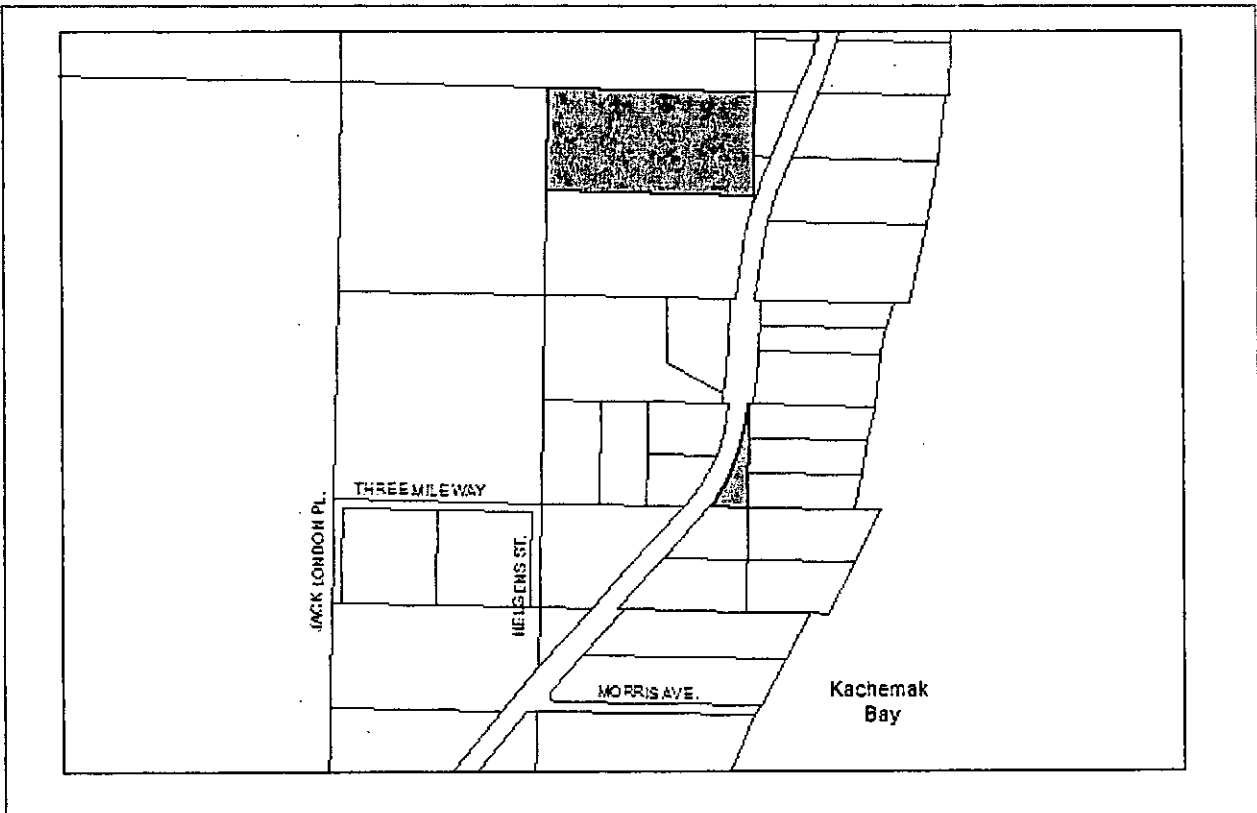


Designated Use: Undesignated	
Acquisition History: Donated by Herrick, Resolution 90-7	
Area: 0.32 acres	Parcel Number: 17520009
2006 Assessed Value: \$20,100	
Legal Description: HM T06S R13W S19 PORTION THEREOF S OF OLSEN LANE	
Zoning: Central Business District	Wetlands: None. Bluff property.
Infrastructure: Gravel Road access, no water or sewer	
Notes:	
Finance Dept. Code: 392.0008	

CITY OF HOMER LAND INFORMATION

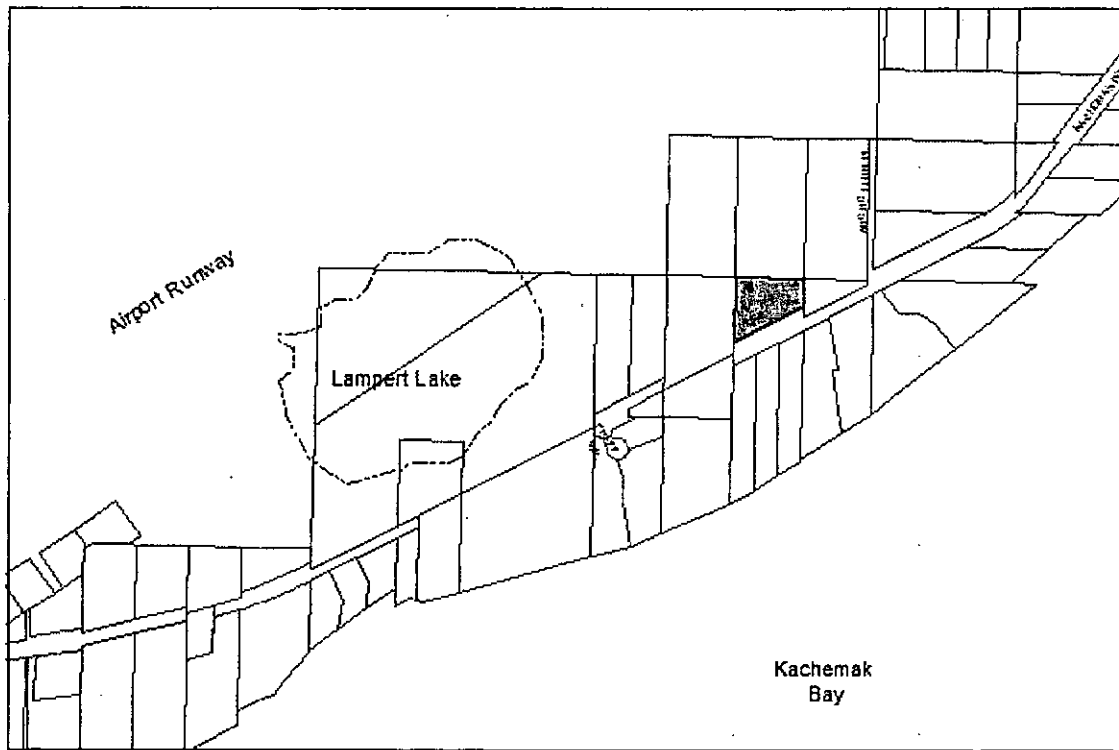
<p>Designated Use: Undesignated Acquisition History: The western lots were granted by State Patent.</p>	
<p>Area: 10 acres total. Each lot is 2.5 acres.</p>	<p>Parcel Number: 175080 09,15,25,26</p>
<p>2006 Assessed Value: Each lot: \$14,900. Total: \$59,600</p>	
<p>Legal Description: Government Lots 10, 21, 24, 25, HM T06S R13W S14</p>	
<p>Zoning: General Commercial 2</p>	<p>Wetlands: Lots are mostly wetlands. Formal delineation would be needed prior to any project planning.</p>
<p>Infrastructure: No infrastructure currently available.</p>	
<p>Notes: Two adjacent lots are privately owned. The rest of the square lots are owned by the Kenai Peninsula Borough. There is limited legal access to the eastern lots. There may be no legal access to the western lots.</p>	
<p>Finance Dept. Code:</p>	

CITY OF HOMER LAND INFORMATION



Designated Use: Large lot—undesignated. Small lot: Public Purpose Undesignated.	
Acquisition History: No history for Gov't Lot 36. Lot 1: Ordinance 97-06(S) KPB	
Area: Gov't Lot 36: 5 acres Harry Feyer Subdivision Lot 1: 0.39 acres	Parcel Number: 17910001, 17911005
2006 Assessed Value: \$52,800 (lot 36), \$17,400 (lot 1)	
Legal Description: Government Lot 36 HM T06S R13W S14, Harry Feyer Subdivision Lot 1	
Zoning: Rural Residential	Wetlands: Lot 36 is wetland. Lot 1 is not.
Infrastructure: Paved Road access, power.	
<p>Notes: Access to Gov't lot 36 is by public access easement rather than dedicated Right of Way. Future development of this lot would need to address any access concerns.</p> <p>Lot 1 is a sliver of land left over after the dedication of Kachemak Drive. Currently, two driveways cross the property to reach the homes to the west. The majority of this lot has an access easement across it, so there is only a portion of land that could be used for a structure. Further, Kachemak Drive is only 60 feet wide at this point instead of the usual 100 ft width.</p>	
Finance Dept. Code:	

CITY OF HOMER LAND INFORMATION



Designated Use: Public Purpose/Undesignated
Acquisition History: Ord 96-16(A) (KPB)

Area: 1.65 acres

Parcel Number: 17936020

2006 Assessed Value: \$7,700

Legal Description: Scenic Bay Lot 4

Zoning: General Commercial 2

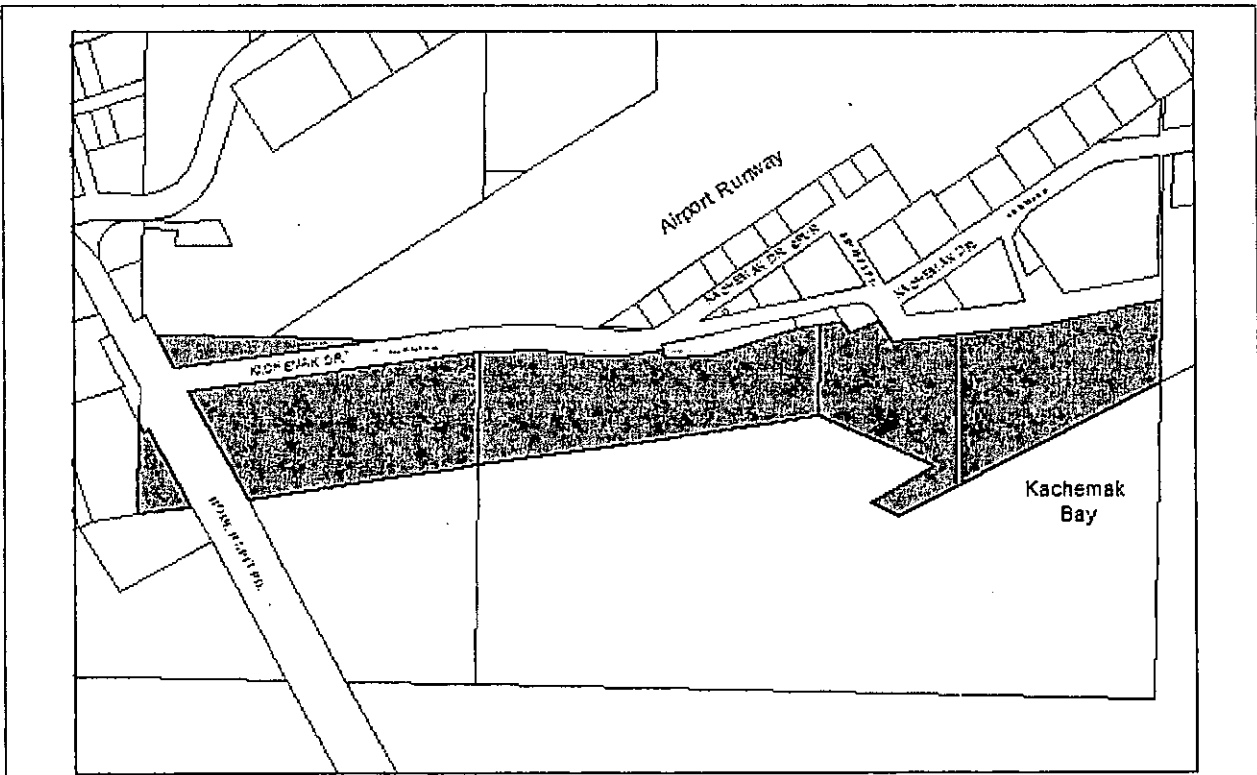
Wetlands: 100% Wetlands

Infrastructure: Paved Road

Notes:

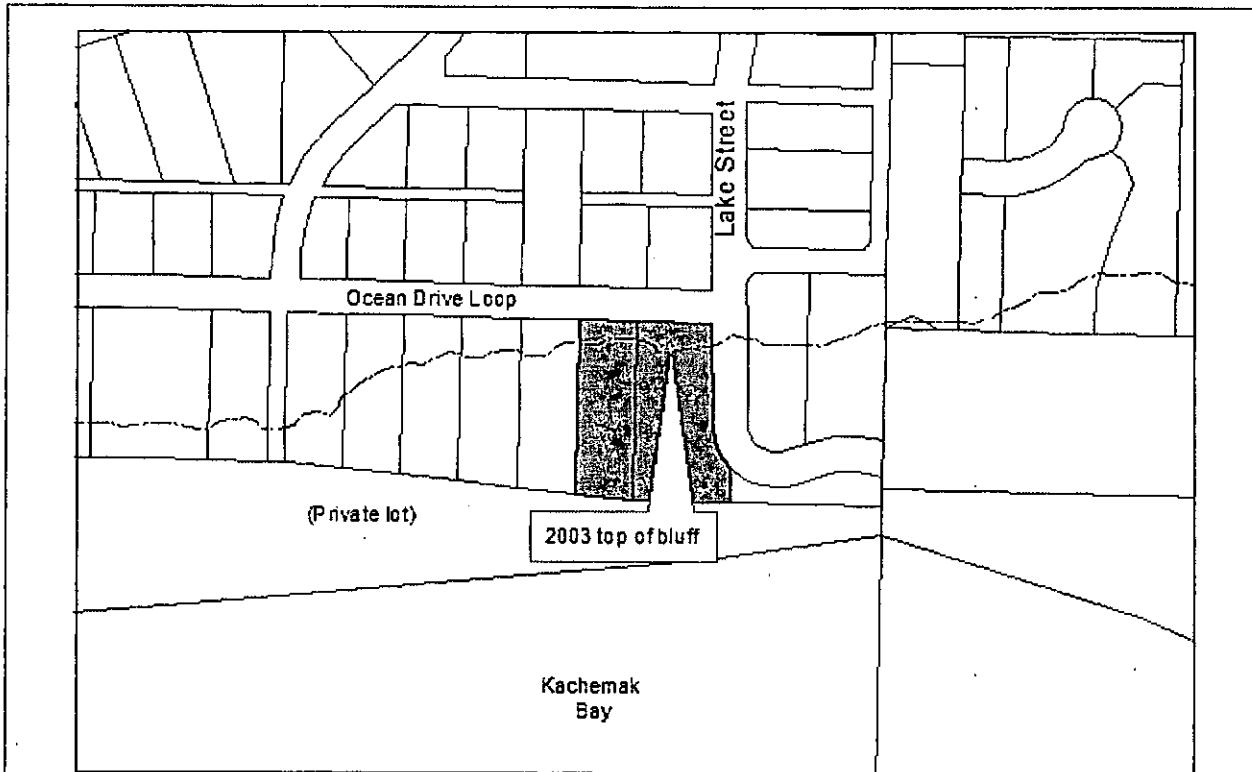
Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



<p>Designated Use: Lots 13: undesignated. Spit Trailhead. Lot 14: Undesignated. Lot 3: Tidelands/public access/recreational Acquisition History: Lot 13: ? Lot 14: ? Lot 3: Deed 4/98</p>	
<p>Area: 35.16 acres</p>	<p>Parcel Number: 18101030, 18101032, 17940107</p>
<p>2006 Assessed Value: \$213,400</p>	
<p>Legal Description: Government Lots 13 and 14, excluding Homer Spit Road and Kachemak Drive. Gov't lot 3, South of Airport lease lands Blocks 300 and 400. T6S R13W S22</p>	
<p>Zoning: General Commercial 1, west of Homer Spit Road. General Commercial 2, east of Homer Spit Road</p>	<p>Wetlands: Coastal wetlands and critical habitat. Flood Hazard area.</p>
<p>Infrastructure: Water, sewer and paved road access</p>	
<p>Notes: 2008 DOT denied a permit to the city to extend the spit trailhead parking lot.</p>	
<p>Finance Dept. Code:</p>	

CITY OF HOMER LAND INFORMATION



Designated Use: Retained for public purpose/Undesignated
Acquisition History: Tax foreclosure (seawall) KPB Ord 02-41

Area: 1.66 acres

Parcel Number: 177174-06, 07

2006 Assessed Value: \$42,500

Legal Description: Lot 43 and 44, Oscar Munson Subdivision

Zoning: Rural Residential

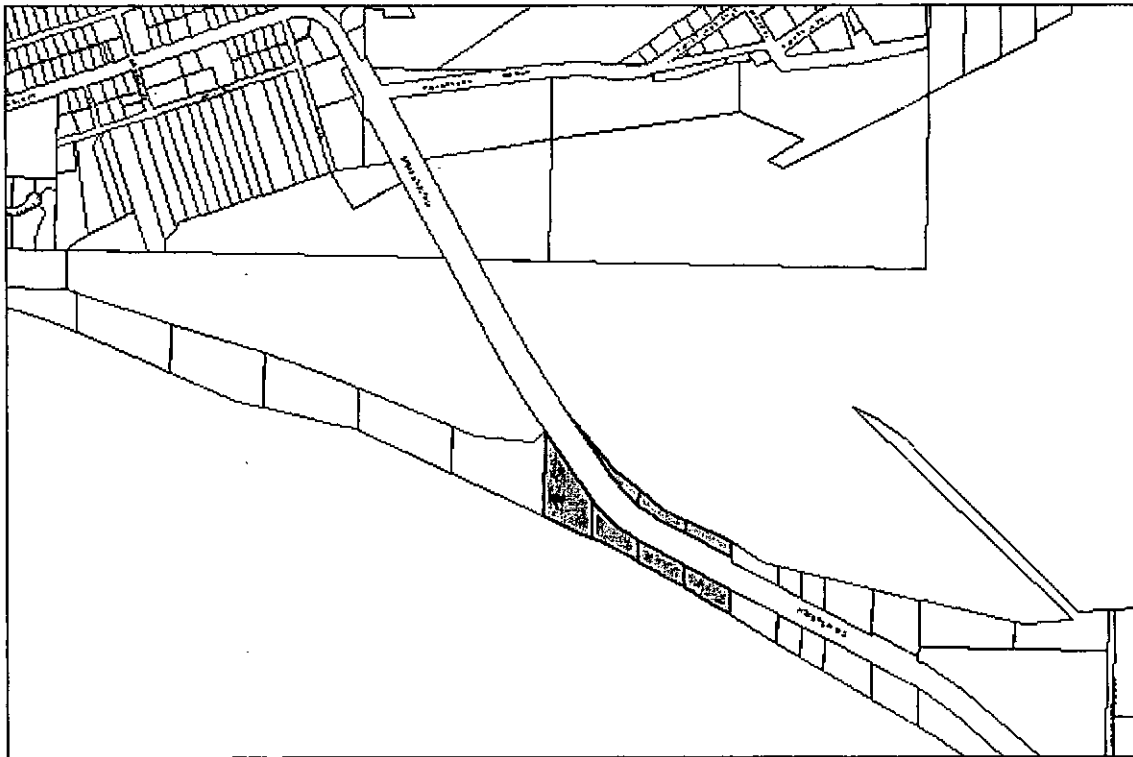
Wetlands: Most of these lots are tidal and critical habitat.

Infrastructure: Gravel road, water and sewer

Notes: These lots contain seawall frontage. There is little to any developable area. There continues to be bluff erosion above the seawall on these lots.

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Intertidal Wetland Habitat for Shorebirds To be Conservation Easement
Acquisition History: EVOS purchase/Unknown

Area: 10.96 acres

Parcel Number: 18101 08-14

2006 Assessed Value: \$76,200

Legal Description: T 6S R 13W SEC 28 SEWARD MERIDIAN HM GOVT LOTs 5,6,7,8

Zoning: N of Homer Spit Rd: Marine Industrial.
 S of road, Open Space Recreation

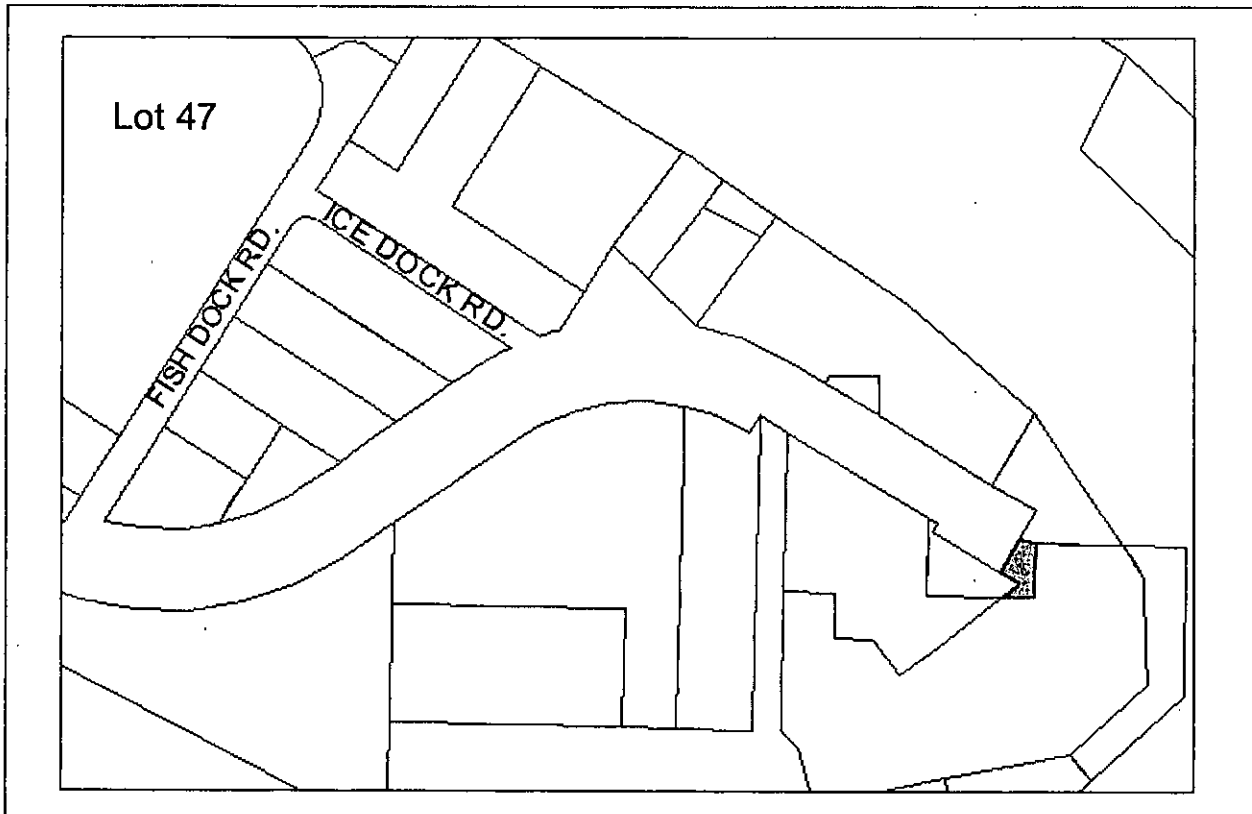
Wetlands: Tidal

Infrastructure: Paved road, Homer Spit Trail

Notes: Previous land allocation plan records show this property was an EVOS purchase and was to be placed into a conservation easement. However, this was never completed as far as staff can research, while the easements on the other EVOS properties were completed in 1998. These properties need further research: how they were acquired and any restrictions, and if they were in fact EVOS purchases or have any easements.

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Undesignated. Has easement to Land's End
Acquisition History:

Area: 0.08 acres

Parcel Number: 18103408

2006 Assessed Value: \$40,600

Legal Description: T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0890034 HOMER SPIT SUB AMENDED LOT 47

Zoning: Marine Industrial

Wetlands: N/A

Infrastructure: Paved road, sewer through lot

Notes:

Finance Dept. Code:

City Facilities

CITY OF HOMER LAND INFORMATION

Intentionally Blank

Designated Use: Public Purpose
Acquisition History:

Area:

Parcel Number:

2006 Assessed Value:

Legal Description:

Zoning:

Wetlands:

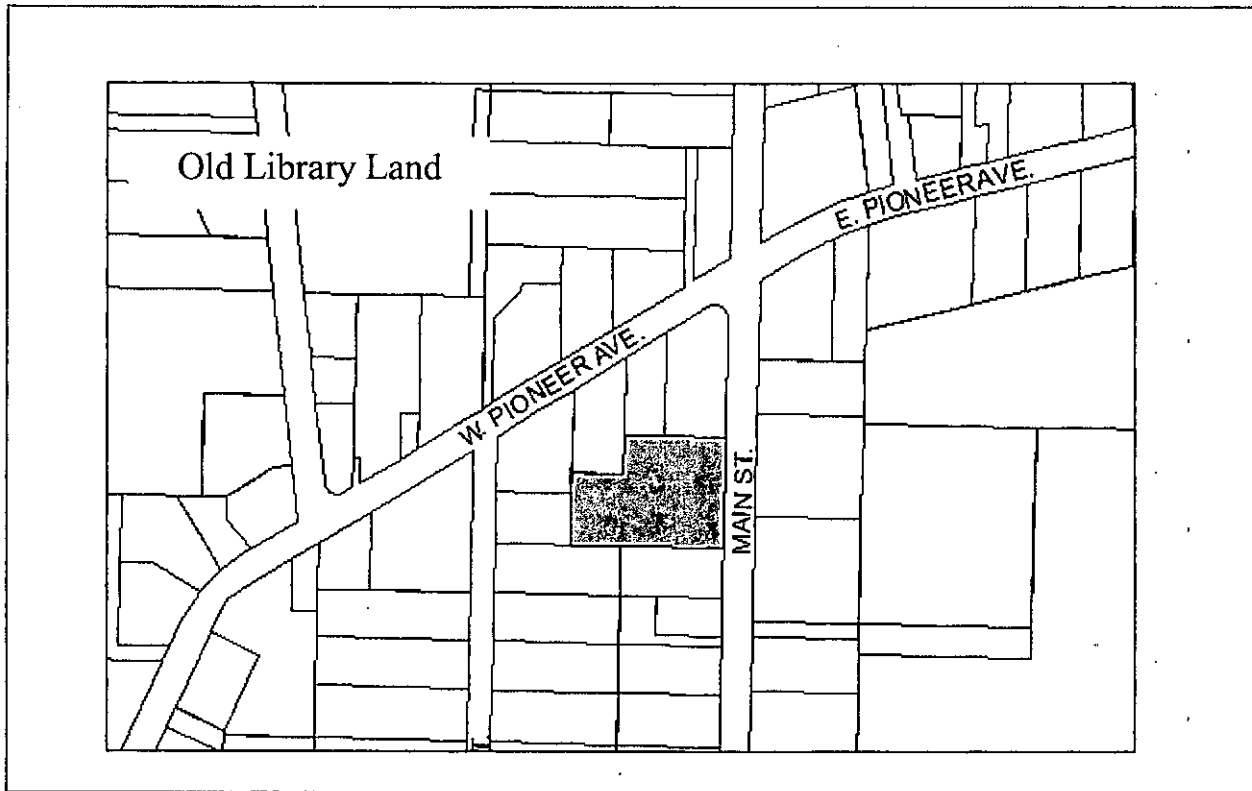
Infrastructure:

Notes:

2006 Update:

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Sell.
Acquisition History: Deed: Jewel July 1982 (back lot portion) Deed: Watson 1978 (library/Pioneer area)

Area: 1.31 acres	Parcel Number: 17514416
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2009 Assessed Value: TBA

Legal Description: T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2008016 HOMER PUBLIC LIBRARY NO 2 LOT 2

Zoning: Central Business District	Wetlands: Drainage and wetlands may be present
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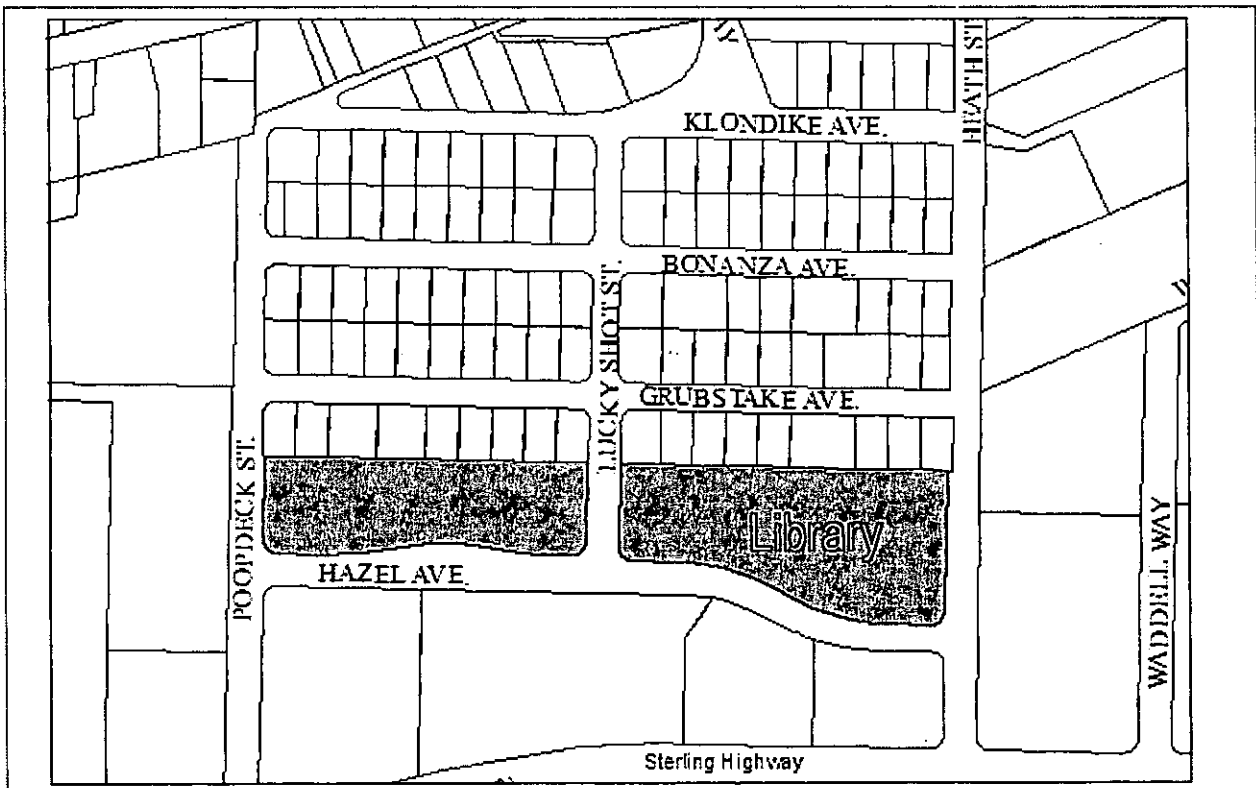
Infrastructure: Paved road, water, sewer

Notes: This land was formerly part of the old library site. The library building was subdivided onto its own lot, and sold. This lot was put up for sale but did not receive any bids. Minimum bid in late 2007 was set at \$462,500.

The land has a nice bay view, but would require stumping. Driveway access off of Main Street is very steep. It is likely significant dirt work would be needed to make this lot viable for commercial or multifamily development.

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Library. Resolution 2003-72
Acquisition History: KPB Ord 93-09

Area: 5.25 acres

Parcel Number: 17710739, 17710740

2006 Assessed Value: \$3,244,700 (Land 244,700, Structure 3,000,000)

Legal Description: HM2005036 T06S R13W S20 TRACT B GLACIER VIEW SUB NO 26, HM2005036 T06S R13W S20 TRACT A GLACIER VIEW SUB NO 26

Zoning: Central Business District

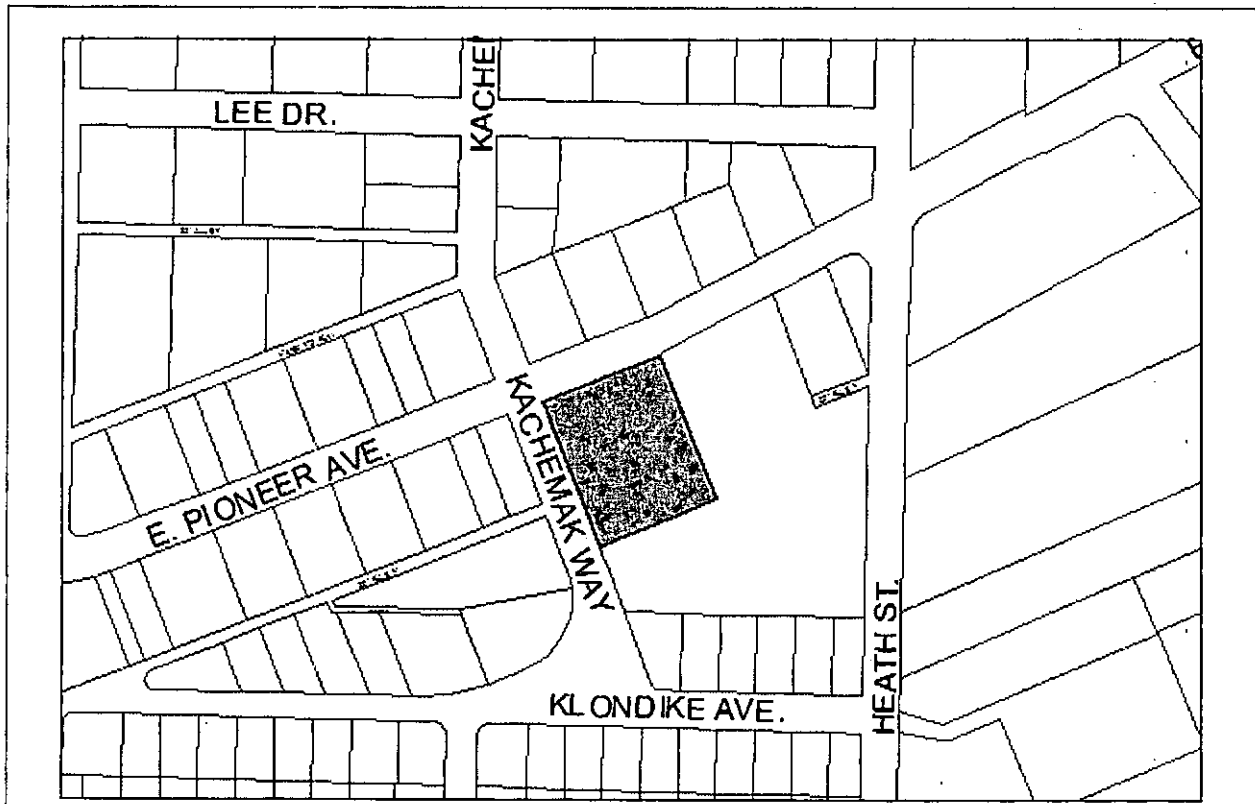
Wetlands: Some wetlands present

Infrastructure: Paved road access, trail access, water and sewer available.

Notes: Assessed value does not reflect the completed construction project.
 Built in 2005/06. 16,000 sq ft

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: City Hall
Acquisition History: Purchased, Schoulz 12/31/86

Area: 1.12 acres	Parcel Number: 17720408
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2006 Assessed Value: \$1,035,600 (Land 144,600 Structure 981,000)

Legal Description: HM2004048 T06S R13W S20 Glacier View Subdivision Campus Addition Lot 6-A-2

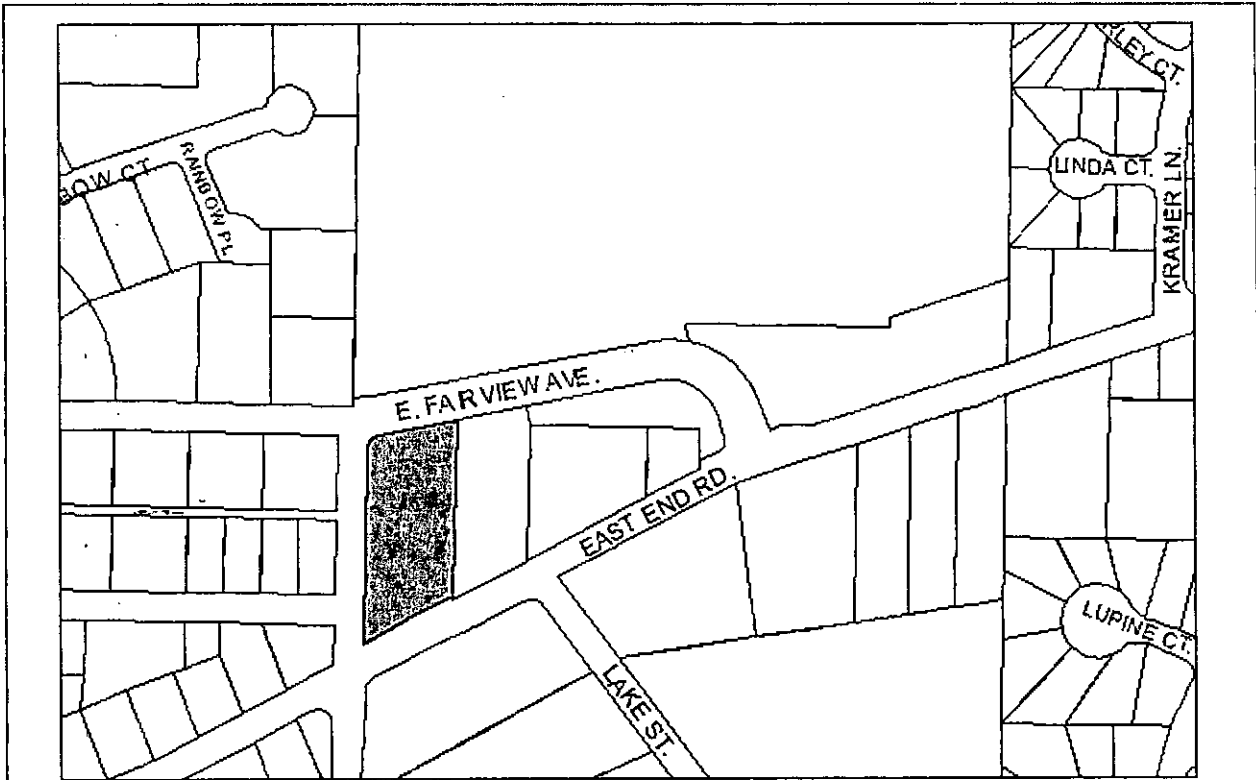
Zoning: Central Business District	Wetlands: None
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Infrastructure: Paved road access, water and sewer.

Notes: Also includes two connex's used for storage

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Police and fire stations

Acquisition History: Straub Warr Deed 4/74, partial purchase Straub 4/5/74

Area: 1.57 acres

Parcel Number: 17702057

2006 Assessed Value: \$1,998,500 (Land: \$151,800 Structure: \$1,846,700)

Legal Description: HM 0870011 NEW HOMER HIGH SCHOOL NO 2 Tract 1-B

Zoning: Central Business District

Wetlands: N/A

Infrastructure: Water, Sewer, Paved access

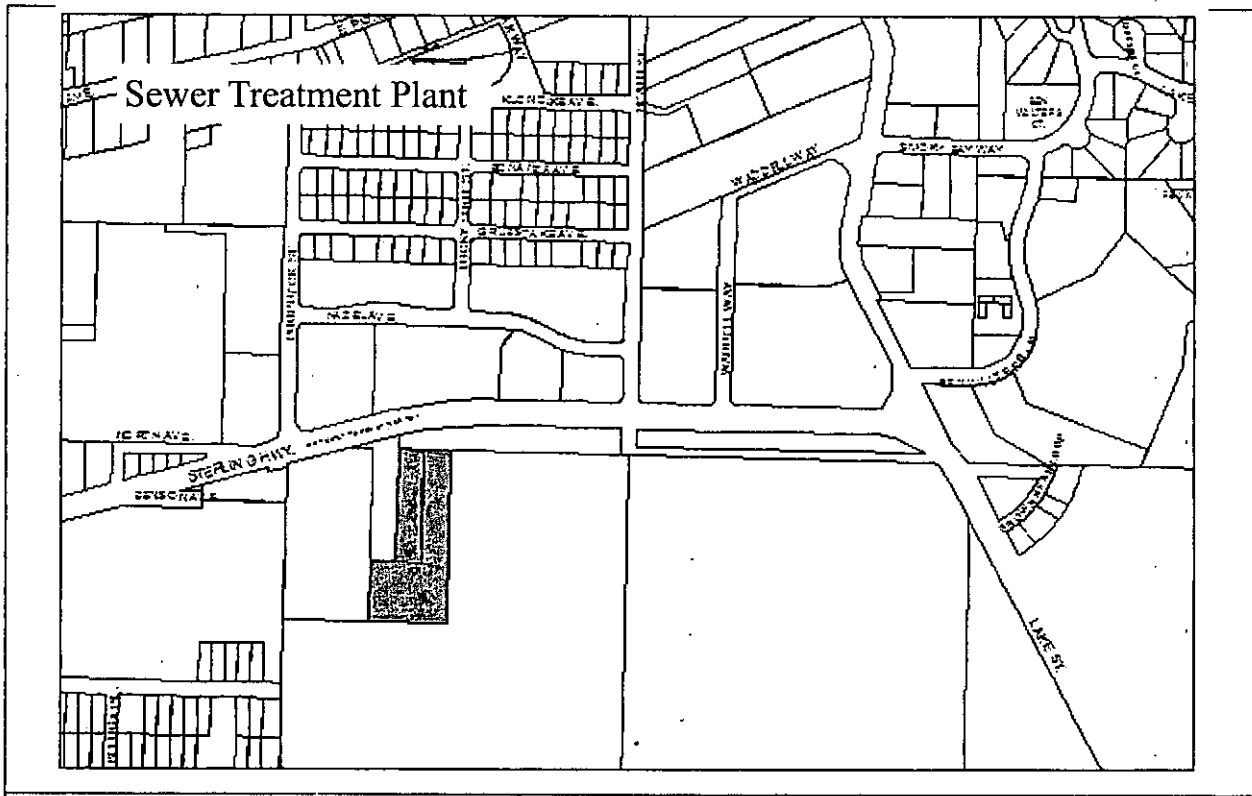
Notes:

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION

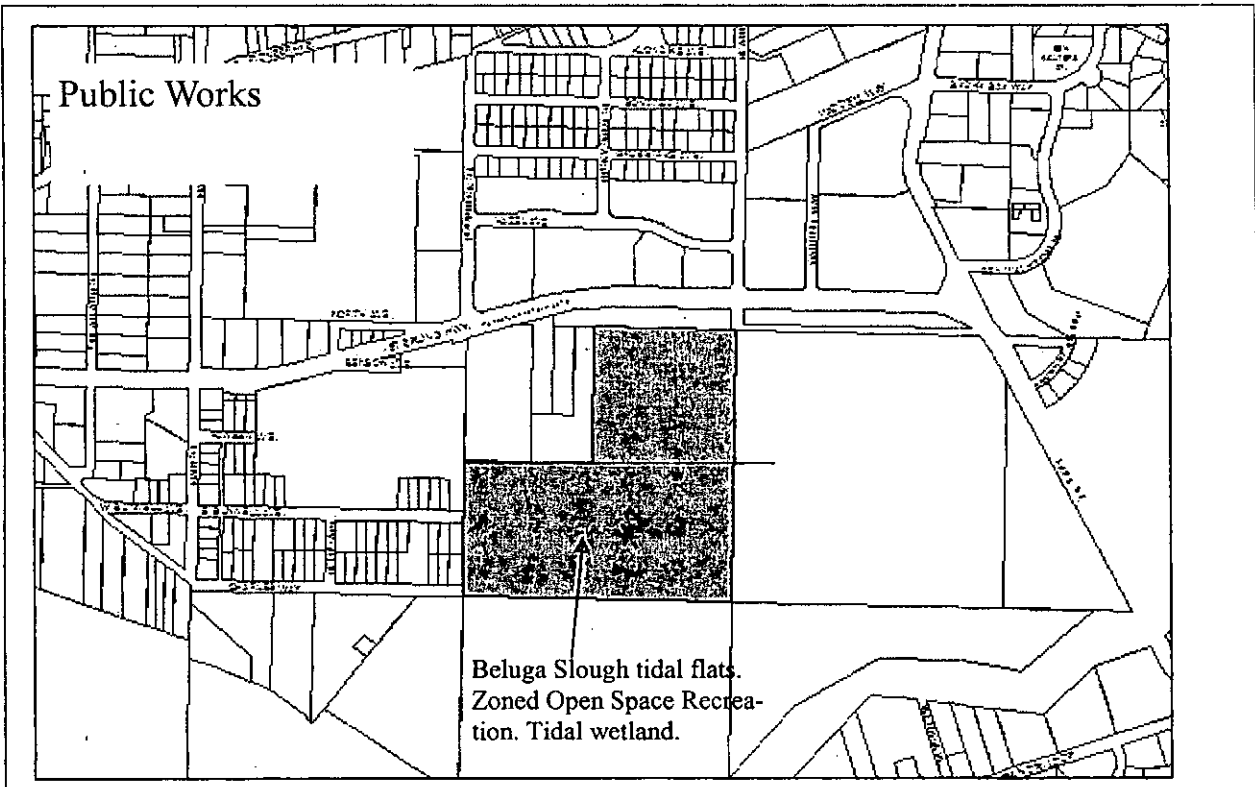
Designated Use: Water Tank (A Frame Tank) Acquisition History: Dehel Deed 6/1/65	
Area: 0.5 acres	Parcel Number: 17504011
2006 Assessed Value: \$22,400	
Legal Description: HM T06S R13W S18 N 150 FT OF THE S 250 FT OF THE E 180 FT OF THE NE1/4 SE1/4	
Zoning: Rural Residential	Wetlands: Possible drainage through site
Infrastructure: N/A	
Notes:	
Finance Dept. Code:	

CITY OF HOMER LAND INFORMATION



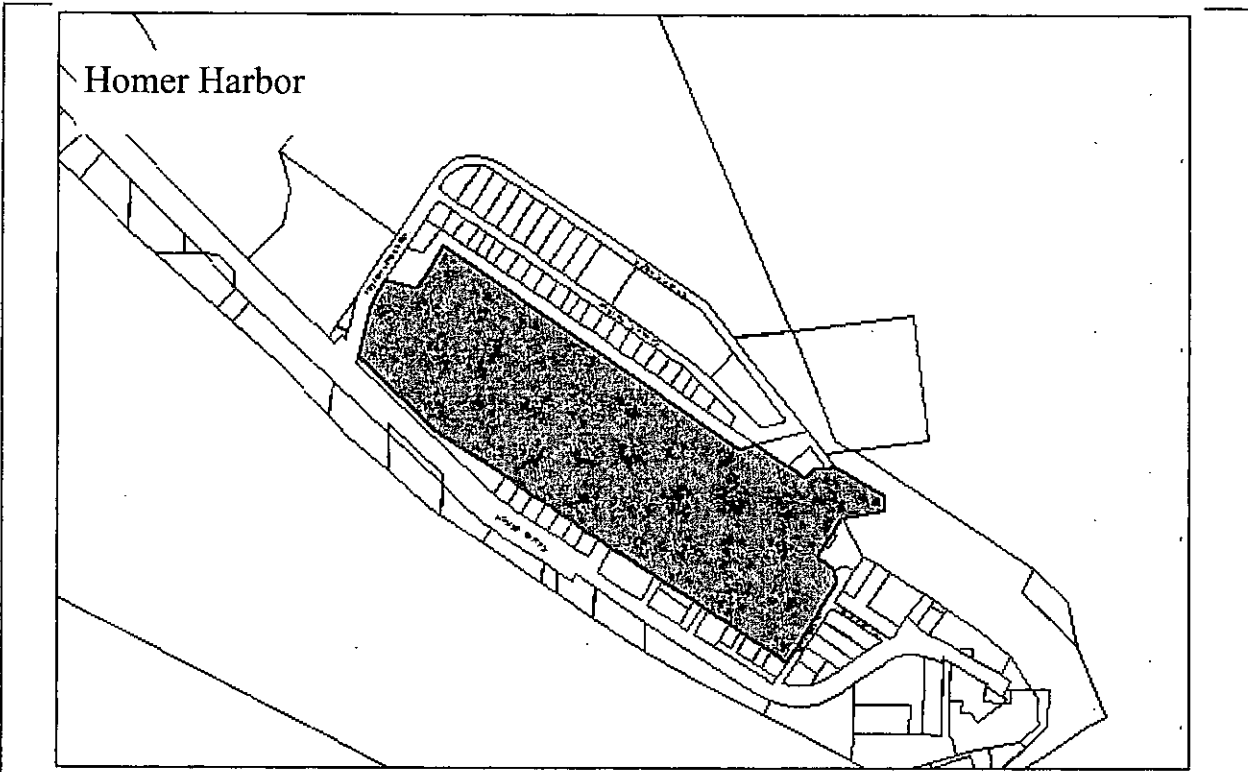
Designated Use: Sewage Treatment Acquisition History: see below	
Area: 4.08 acres	Parcel Number: 177140 14, 15
2006 Assessed Value: \$2,406,900 (Land: \$327,700 Structures/Improvements: \$2,079,200)	
Legal Description: T 6S R 13W SEC 20 SEWARD MERIDIAN HM POR PER E1/2 NW1/4 NE1/4 SW1/4 PER D-60-164, T 6S R 13W SEC 20 SEWARD MERIDIAN HM THAT PORTION OF E1/2 NW1/4 NE1/4 SW1/4 PER D-60 @ 05	
Zoning: Central Business District	Wetlands: Yes
Infrastructure: Water and Sewer. Access via PW complex	
Notes: Acquisition: 17414014: Mitchell Warr Deed 1/9/84 17714015: Heath/Whitmore Deed 3-71 2008 Resolution 08-48 recommends a replat to vacate common lot lines.	
Finance Dept. Code:	

CITY OF HOMER LAND INFORMATION



Designated Use: Public Works	
Acquisition History: Heath Dead 3/10/71	
Area: 30 acres	Parcel Number: 17714016
2006 Assessed Value: \$1,630,400 (Land: \$427,400, Structures: \$1,203,000)	
Legal Description: T 6S R 13W SEC 20 SEWARD MERIDIAN HM NE1/4 NE1/4 SW1/4 & S1/2 NE1/4 SW1/4	
Zoning: Central Business/Open Space	Wetlands: Yes
Infrastructure: Paved Road, water and sewer	
Notes:	
Finance Dept. Code:	

CITY OF HOMER LAND INFORMATION



Designated Use: Homer Small Boat Harbor
Acquisition History: Reso 99-51 Reconveyed from ACOE

Area: 72.94

Parcel Number: 18103214

2006 Assessed Value: \$4,092,800

Legal Description: T 6S R 13W SEC 35 T 6S R 13W SEC 36 T 7S R 13W SEC 1 T 7S R 13W SEC 2
 HM 0920050 HOMER SPIT SUB NO TWO AMENDED SMALL BOAT HARBOR SEWARD MERIDIAN

Zoning: Marine Commercial

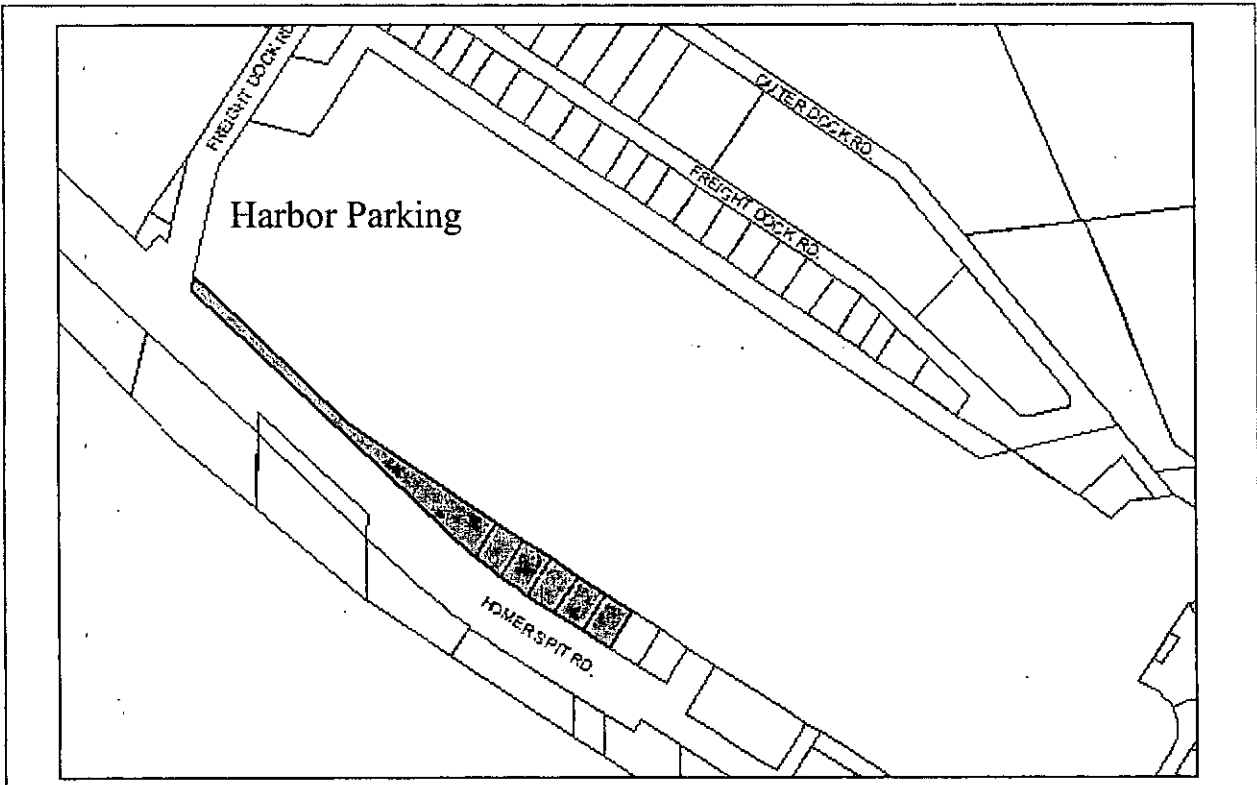
Wetlands: N/A

Infrastructure: floats, road access, water and sewer

Notes:

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Parking
Acquisition History:

Area: 3.12 acres

Parcel Number: 181034 18-22, 24

2006 Assessed Value: \$953,200

Legal Description: T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0890034 HOMER SPIT SUB AMENDED LOT 13-17, HM 0910003 HOMER SPIT SUB NO TWO SEWARD MERIDIAN LOT 12A

Zoning: Marine Commercial

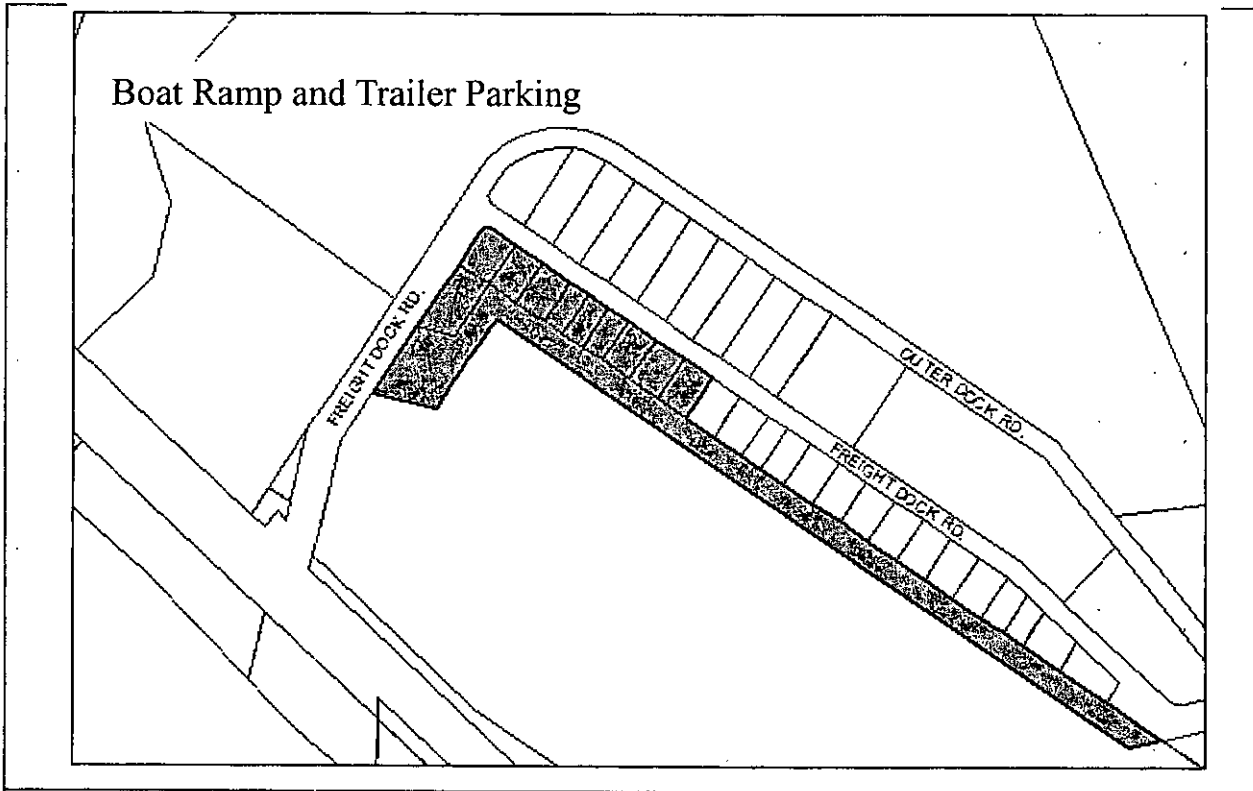
Wetlands: N/A

Infrastructure: Paved road, water and sewer, public restrooms

Notes:

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Boat ramp and trailer parking
Acquisition History:

Area: 8.32 acres	Parcel Number: 181032 47-58, 18103216
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2006 Assessed Value: \$1,695,900

Legal Description: Homer Spit Sub No 5 Lots 28-37, Homer Spit Sub No 2 Amended Lot G-8

Zoning: Marine Industrial, over slope area is Marine Commercial	Wetlands: N/A
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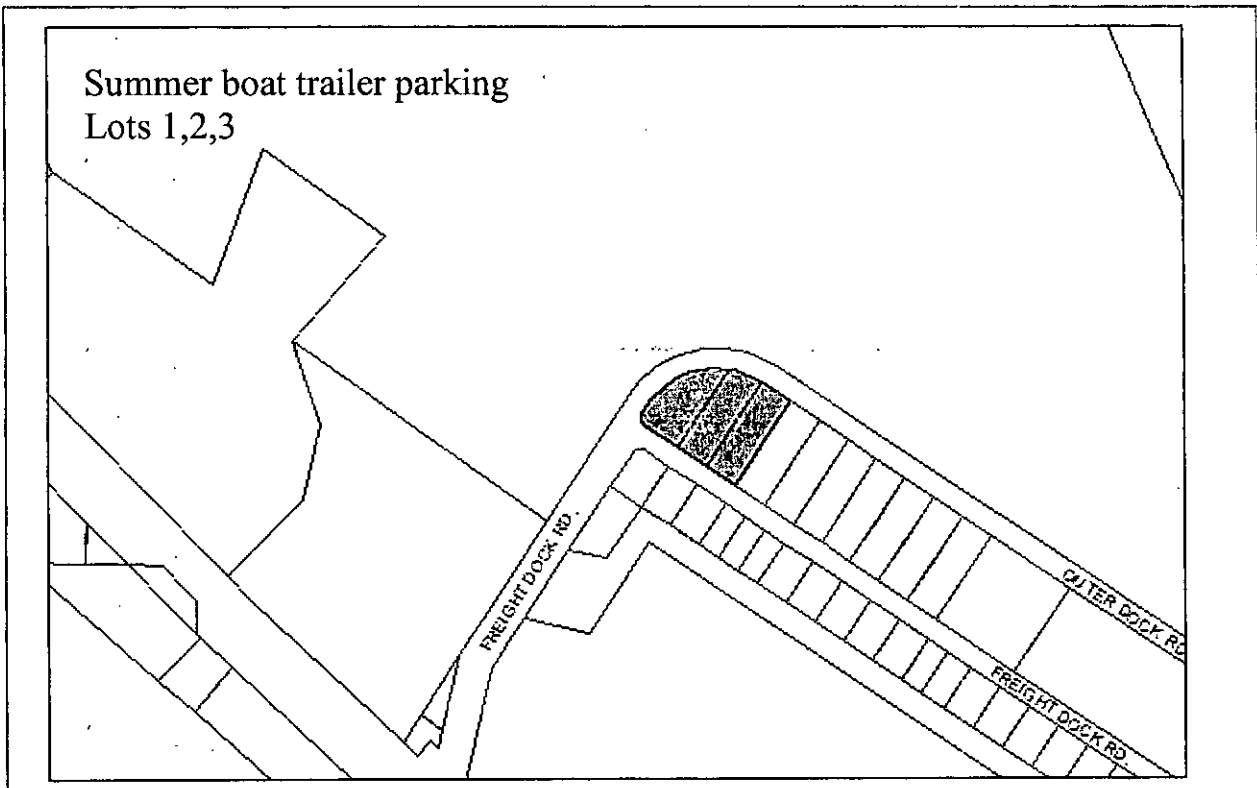
Infrastructure: Gravel road access, water and sewer, public restrooms

Notes: Includes boat launch and most of the trailer parking, two newly constructed public restrooms and over slope area along the harbor.

Resolution 2007-51: Lots 14-35, RFP process should be delayed until the master parking plan and over slope development standards and issues are dealt with.

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use:
Acquisition History:

Area: 1.98 acres

Parcel Number: 181032-21,22,31

2006 Assessed Value: \$509,900

Legal Description: T 6S R 13W SEC 35 T 6S R 13W SEC 36 HM 0930012 HOMER SPIT SUB NO 5 SEWARD MERIDIAN LOT 1,2,3

Zoning: Marine Industrial

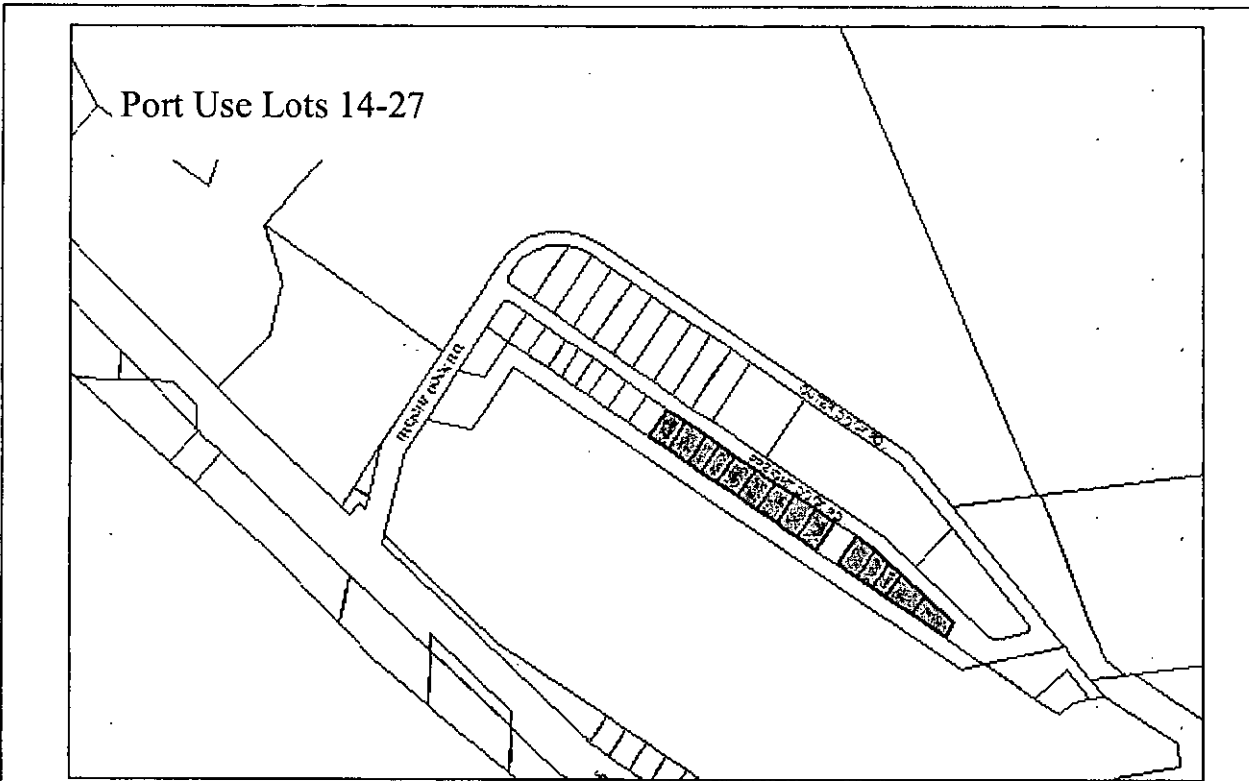
Wetlands: N/A

Infrastructure: Gravel road, water and sewer, Barge ramp

Notes:

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Port Use
Acquisition History:

Area: 4.12 acres	Parcel Number: 18103233-46
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2006 Assessed Value: \$1,374,900

Legal Description: Homer Spit No 5 Lots 14-27

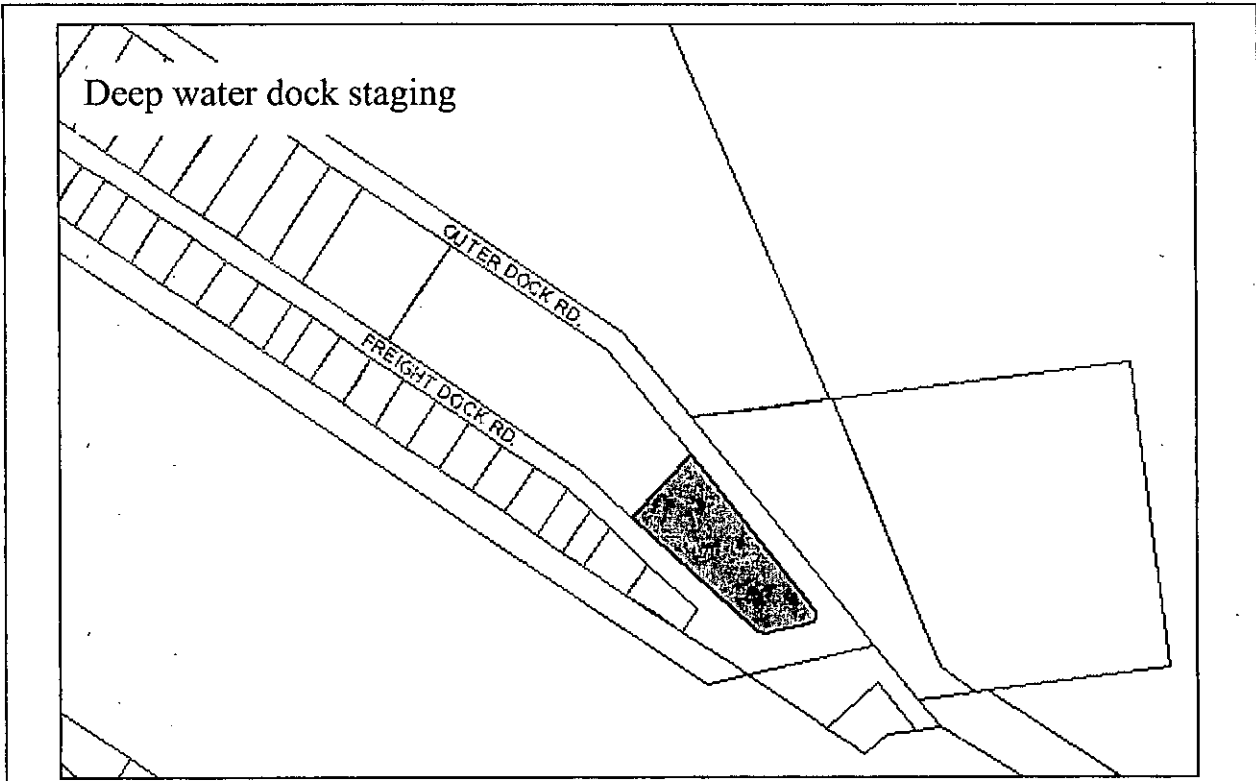
Zoning: Marine Industrial	Wetlands: N/A
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Infrastructure: gravel road, water and sewer

Notes:
 Resolution 2007-51: Lots 14-35, RFP process should be delayed until the master parking plan and over slope development standards and issues are dealt with.

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Deep water dock staging
Acquisition History:

Area: 2.08 acres

Parcel Number: 18103232

2006 Assessed Value: \$363,200

Legal Description: T 6S R 13W SEC 36 T 7S R 13W SEC 1 HM 0930012 HOMER SPIT SUB NO 5 SEWARD MERIDIAN LOT 13

Zoning: Marine Industrial

Wetlands: N/A

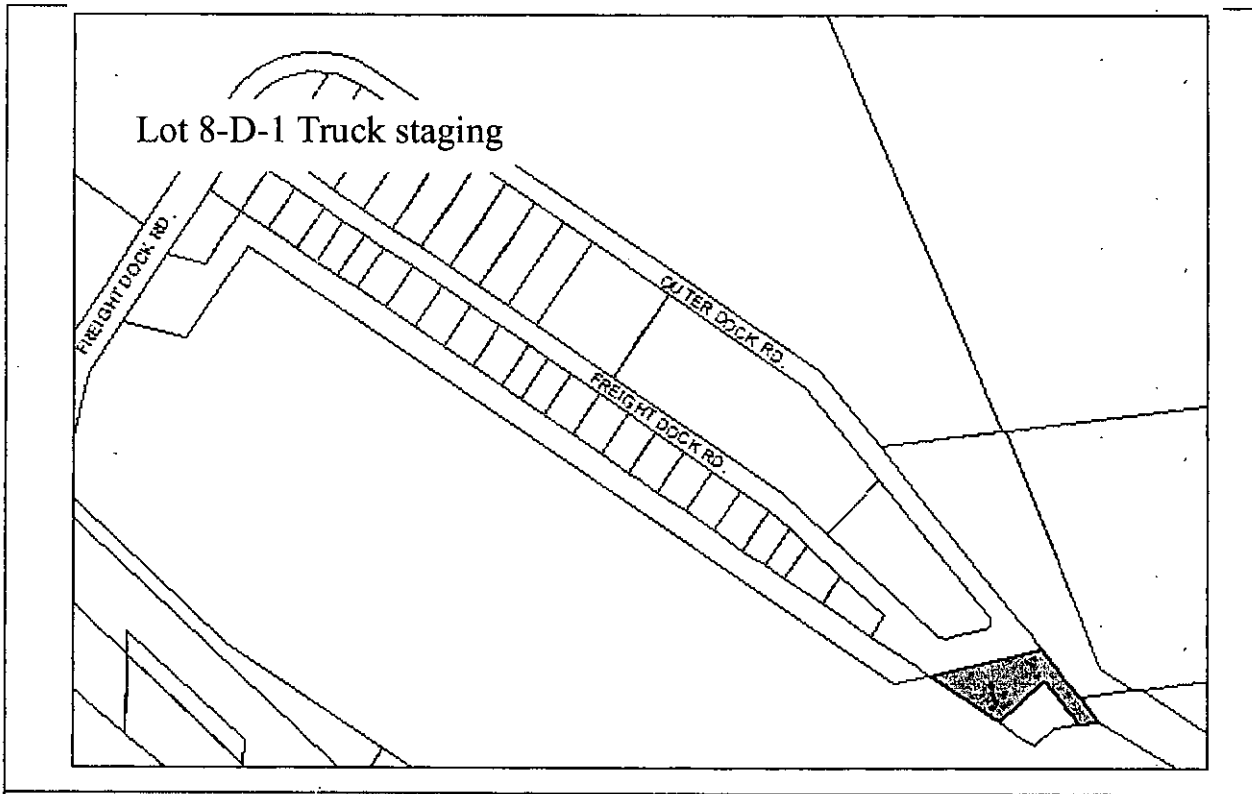
Infrastructure: gravel road, water and sewer

Notes:

Resolution 2007-51 Lot 13: Continue its current use as gear storage and cargo staging for Deep Water Dock cargo.

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Commercial Truck Staging
Acquisition History:

Area: 1.12 acres	Parcel Number: 18103259
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2006 Assessed Value: \$253,800

Legal Description: T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0970072 HOMER SPIT NO 6 8-D-1

Zoning: Marine Industrial	Wetlands: N/A
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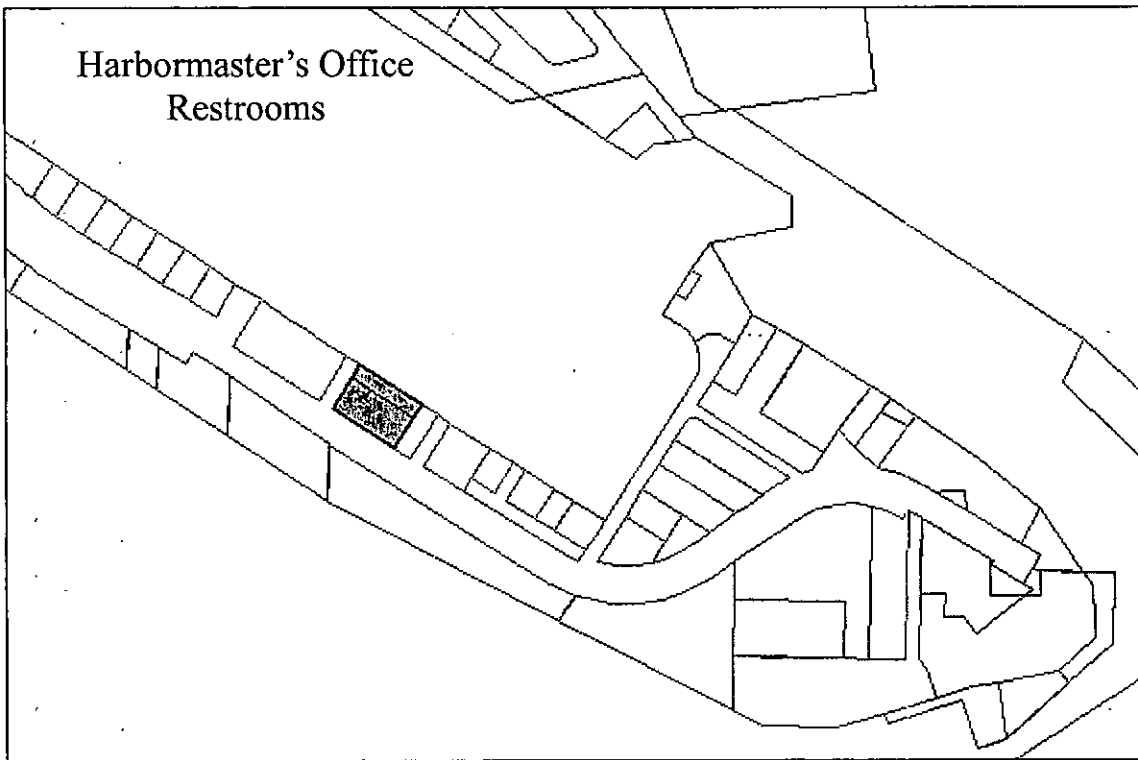
Infrastructure: Gravel road access, water and sewer

Notes:

Resolution 2007-51: Lot 8D1 should be reserved for a marine related business which could include a petroleum products tank farm and a pipeline out to the (expanded) Deep Water Dock. This lot to be RFP's at the appropriate time for this type of marine support activity.

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Harbormaster Office, parking and restrooms
Acquisition History:

Area: 0.65 and 0.28 acres, or 0.93 acres

Parcel Number: 181033 10, 11

2006 Assessed Value: \$260,100

Legal Description: Homer Spit Subdivision Amended, Lots 28 and 29

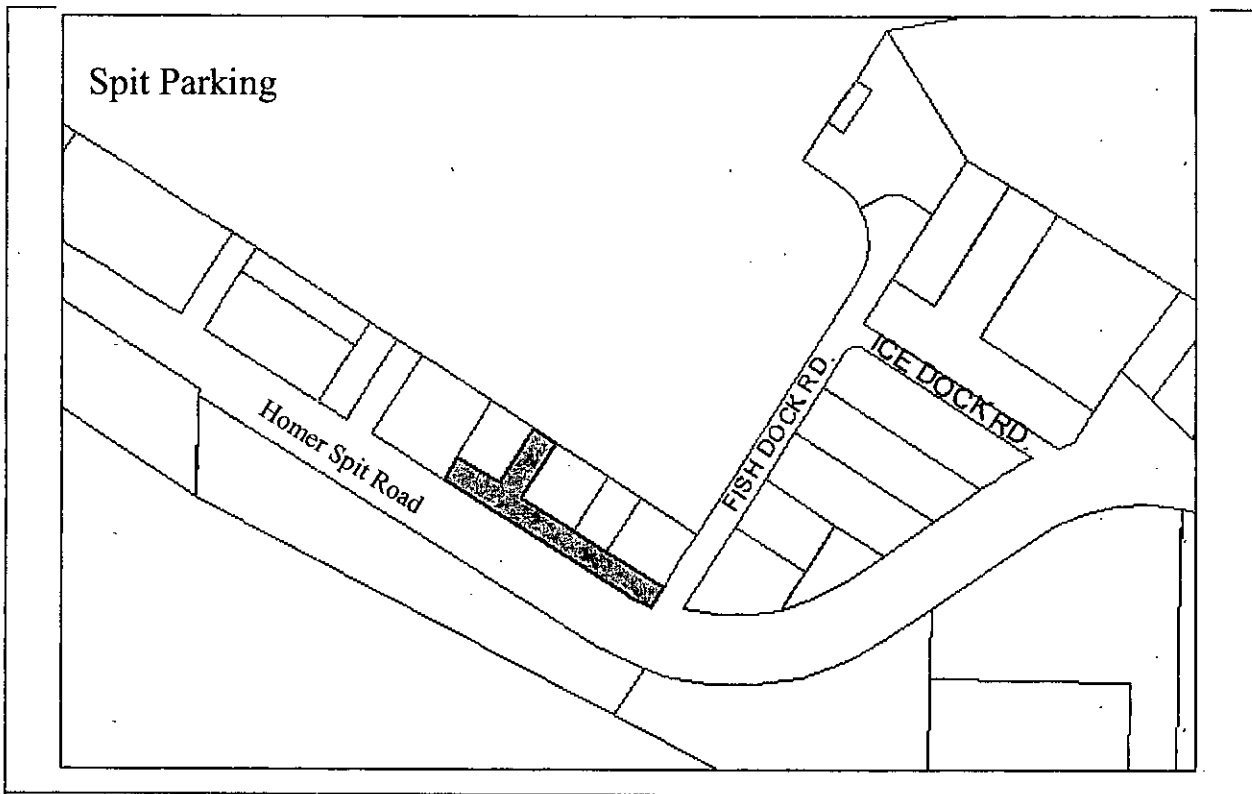
Zoning: Marine Industrial

Infrastructure: Paved road, water and sewer

Restrooms (?) Built in 1968, 2060 sq ft.

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Parking and Access
Acquisition History:

Area: 0.6 acres	Parcel Number: 18103441
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2006 Assessed Value: \$158,400

Legal Description: T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0920050 HOMER SPIT SUB NO TWO AMENDED PARKING AND ACCESS AREA

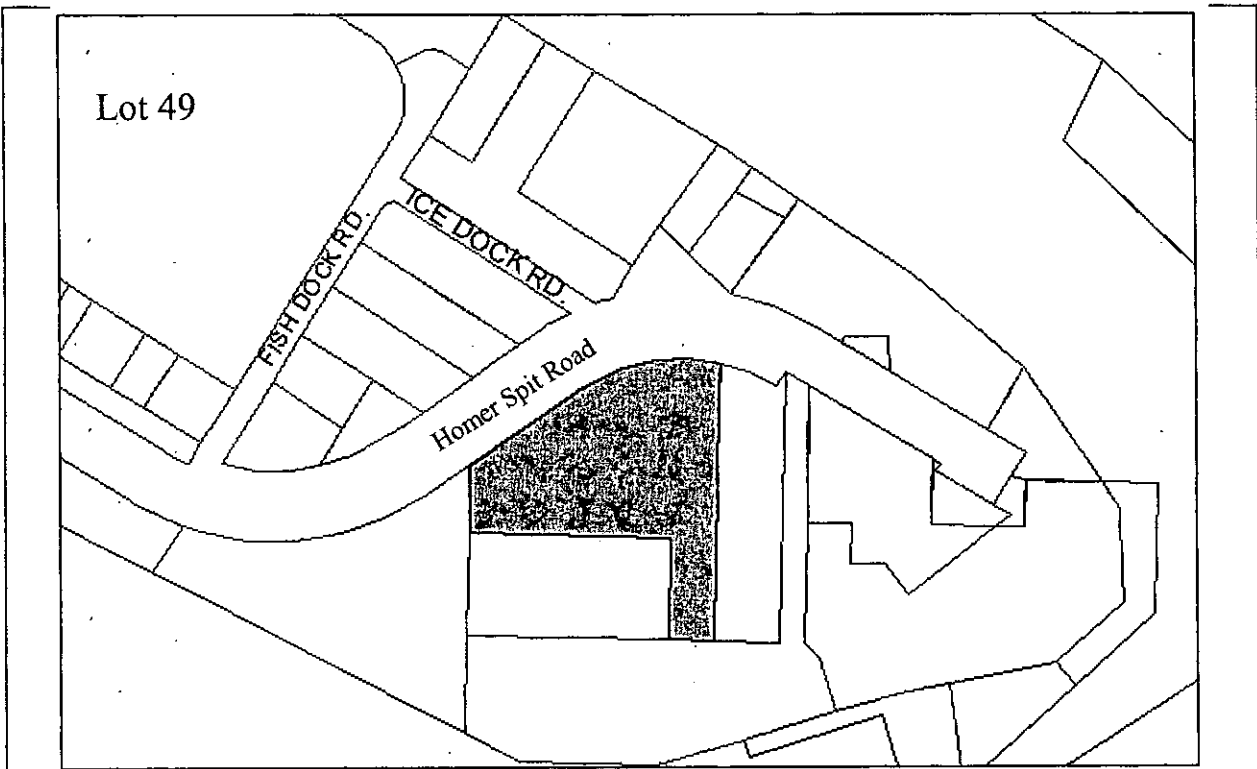
Zoning: Marine Industrial	Wetlands: N/A
----------------------------------	----------------------

Infrastructure: Paved road

Notes:
 Provides parking for adjacent businesses, and harbor access.

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Main Dock Staging
Acquisition History:

Area: 3 acres

Parcel Number: 18103436

2006 Assessed Value: \$512,500 (Land: \$37,200 Structure: \$475, 300)

Legal Description: T 7S R 13W SEC 1 HM 0890034 HOMER SPIT SUB AMENDED SEWARD MERIDIAN LOT 48 LOT 49 THOSE PORTIONS THEREOF AS PER LICINSE AGREEMENT 190 @ 98

Zoning: Marine Industrial

Wetlands: N/A

Infrastructure: Paved road, water and sewer

Notes:

Resolution 2007-51: Continue to use for dredge material dewatering.

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION

- Parks and Recreation
- Beaches
- Cemeteries
- Greenspace

CITY OF HOMER LAND INFORMATION

Intentionally Blank

Designated Use: Public Purpose
Acquisition History:

Area:

Parcel Number:

2006 Assessed Value:

Legal Description:

Zoning:

Wetlands:

Infrastructure:

Notes:

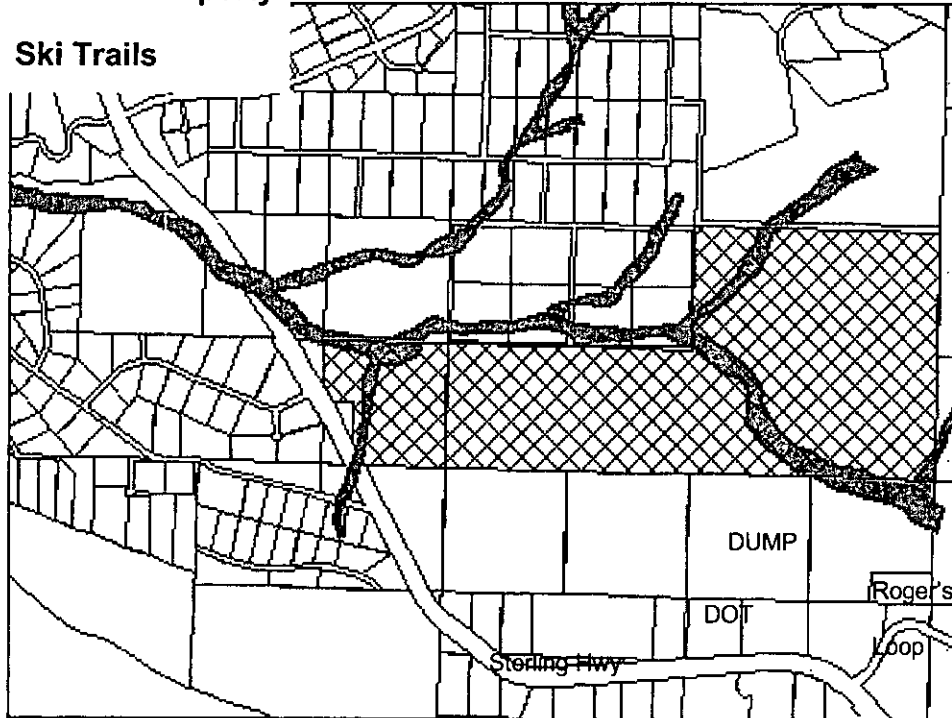
2006 Update:

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION

Diamond Creek Property

Ski Trails



Designated Use: Public Purpose for park land
Acquisition History: Ordinance 07-03. Forest Legacy grant/KHLT/long term public ownership

Area: 273 acres (240 acres and 33 acres)

Parcel Number: 17302201, 17303229

2008 Assessed Value: \$373,600

Legal Description: HM T06S R14W S09 SE1/4 EXCLUDING THE W1/2 SW1/4 SE1/4 SE1/4 and HM T06S R14W S10 SE1/4 & S1/2 SW1/4.

Zoning: Not in city limits

Wetlands: Yes. Diamond Creek flows through these lots. Larger lot is mostly wetland.

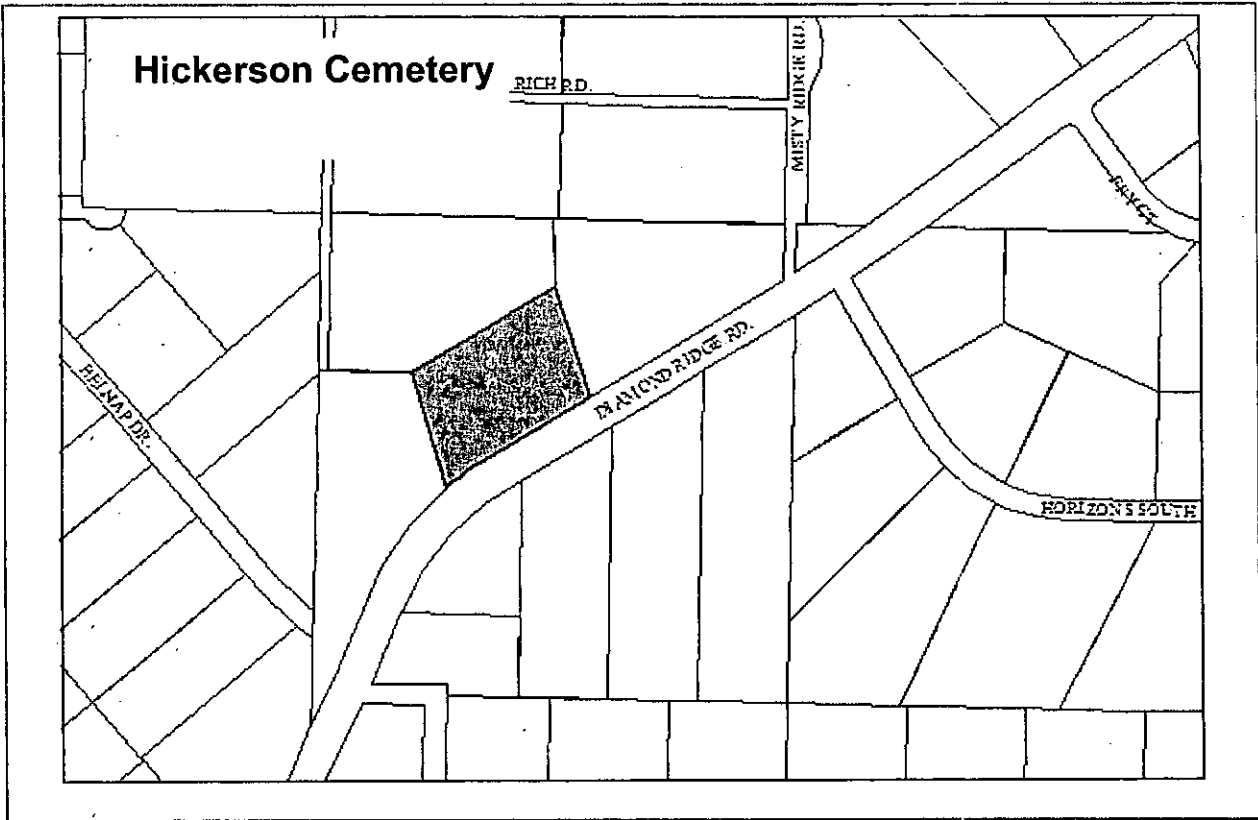
Infrastructure: Limited legal and physical access. Western lot has Sterling Highway frontage.

Notes: Ski trails, managed by Kachemak Nordic Ski Club

Acquisition notes: the Kachemak Heritage Land Trust purchased the property from the University of Alaska via a Forest Legacy Grant from the state of Alaska. The City accepted ownership of the land, to keep it for public park land in perpetuity, as required by the grant.

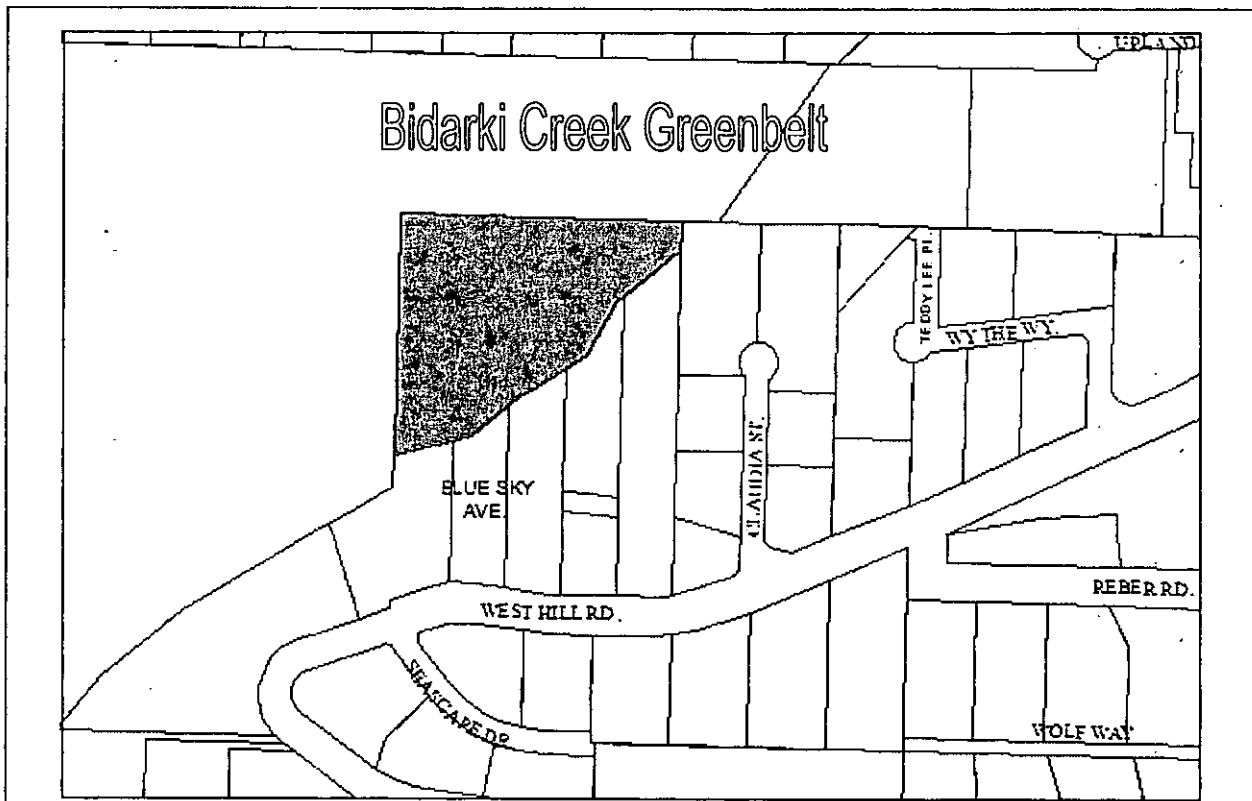
Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Hickerson Memorial Cemetery	
Acquisition History: Deed American Legion Gen Buckner Post 16 4/23/70	
Area: 3.34 acres	Parcel Number: 17321011
2006 Assessed Value: \$35,900 (Land \$30,700, Structure \$5200)	
Legal Description: HM0631146 T06S R14W S03 TICE ACRES SUB HICKERSON MEMORIAL CEMETERY	
Zoning: Not within city limits	Wetlands: N/A
Infrastructure: paved access	
Notes: Will need to be expanded	
Finance Dept. Code:	

CITY OF HOMER LAND INFORMATION



Designated Use: Public Purpose. Retain as undeveloped Greenbelt and to protect drainage.
Acquisition History: KPB Ordinance 83-01

Area: 6.57 acres	Parcel Number: 17503025
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2006 Assessed Value: \$51,200

Legal Description: HM T06S R14W S13 SW1/4 SE1/4 NORTH OF SKYLINE DRIVE EXCLUDING SKYLINE DR SUB

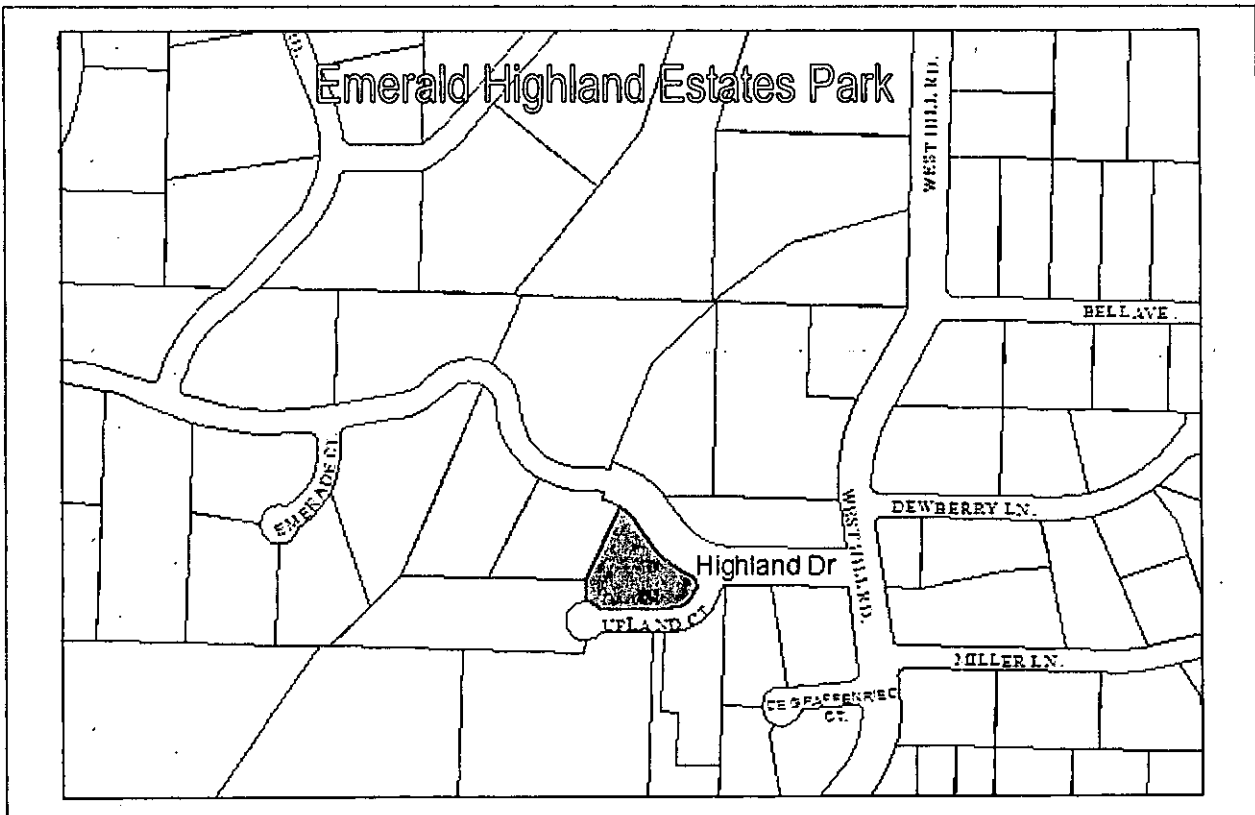
Zoning: Rural Residential	Wetlands: Bidarki Creek runs through the lot
----------------------------------	---

Infrastructure: No access, no utilities

Notes: Much of the lot is very steep gorge, down to Bidarki Creek. One portion may be developable at the north end. Slope there is approximately 15%. There is no legal or physical access to the land at this time.

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Public Use/Emerald Highland Estates Park
Acquisition History: Gangle Deed, 12/1989

Area: 1.04 acres

Parcel Number: 17502056

2006 Assessed Value: \$36,000

Legal Description: HM0770024 T06S R14W S13 EMERALD HIGHLAND ESTATES SUB UNIT 3 LOT 1B BLOCK 3

Zoning: Rural Residential

Wetlands: The whole lot is potential wetlands. Creek present long western property line.

Infrastructure: Gravel road access

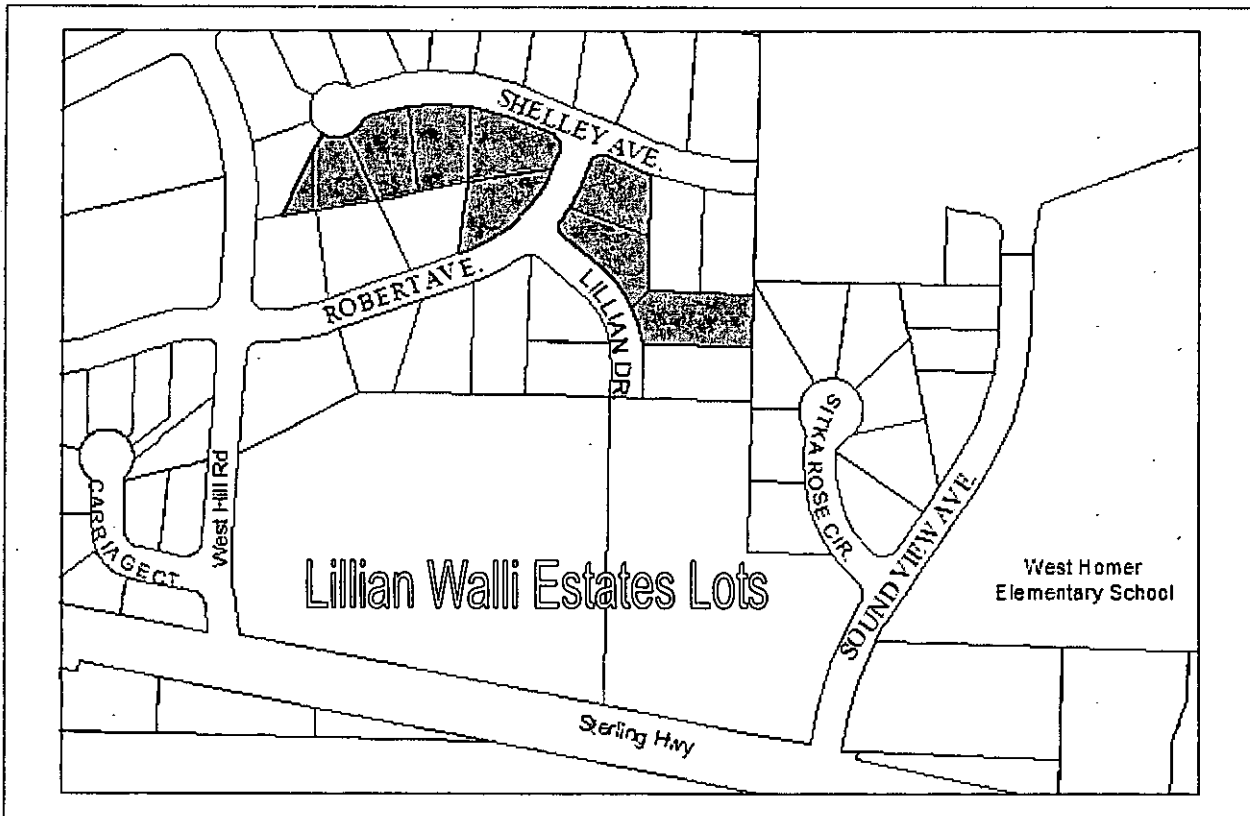
Notes: This land was deeded to the city by the original subdivider. However, there is a plat note restricting the use of the park to residents within the subdivision. Historically the city has not wanted to provide any services to a park that is not explicitly open to the public.

History:

Resolution 2004-24A, Land Allocation Plan
 Resolution 2007-03 Emerald Park Master Plan

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Public Purpose

Acquisition History: Tax foreclosure. Eight lots, KPB Ord 93-09, 93-147, and 94-2(A)

Area: East lot is just over a third of an acre.
Total Acreage: 3.02 acres.

Parcel Number: 175241-10-12, 26-30

2006 Assessed Value: \$5,700-\$6,800 per lot. Total: \$47,400

Legal Description: HM0880016 T06S R14W S24 LILLIAN WALLI ESTATE SUB LOT 60, 65, 66, 67, 57, 58, 59.

Zoning: Rural Residential

Wetlands: All lots mapped as potential wetlands

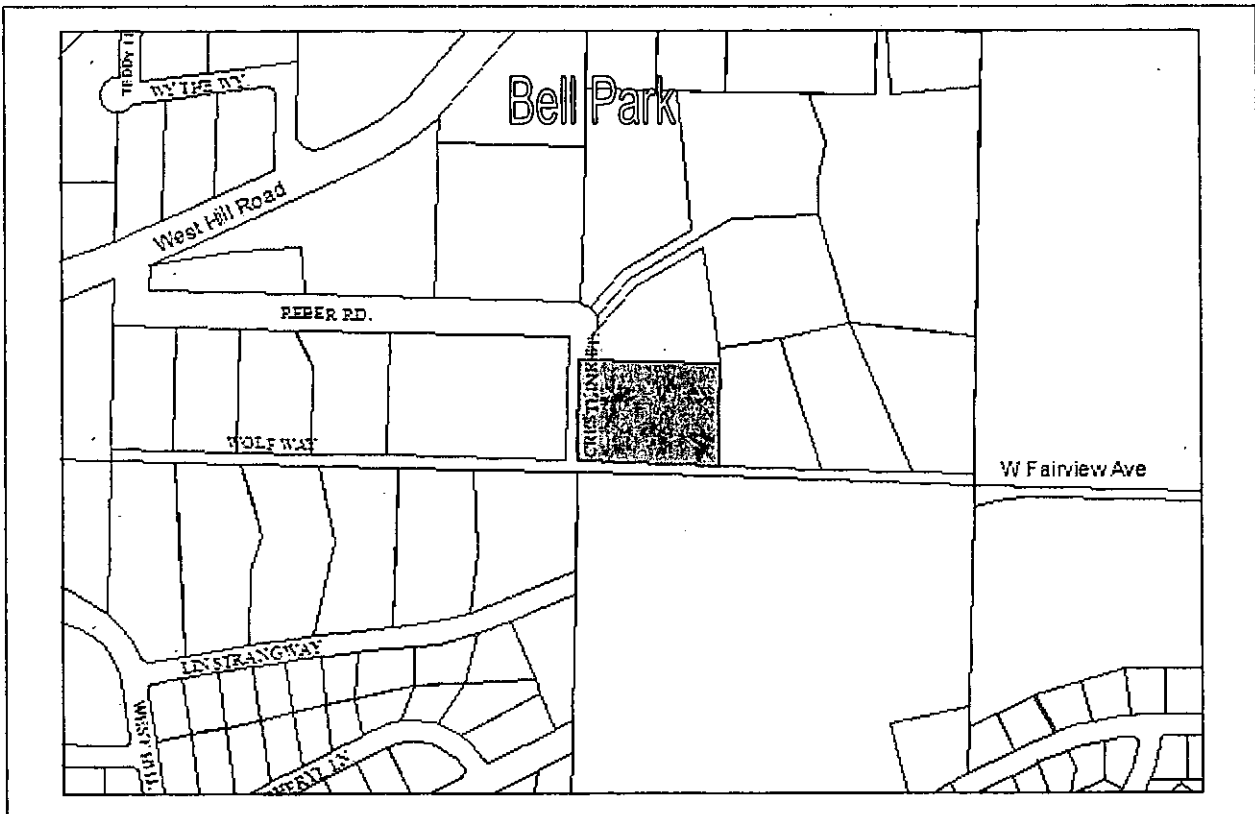
Infrastructure: No roads, water or sewer immediately adjacent to these lots.

Notes: Resolution 2004-24A Land Allocation Plan: The Lillian Walli Estates Subdivision off of West Hill Road and the Sterling Highway presents some challenges for the City. The Council directed staff to work with Parks and Recreation to identify a lot to keep as a park. Staff recommends this decision wait until more wetlands information is available. Staff further recommends the Council direct the administration to work on a solution to the subdivision development agreement for this subdivision. This agreement prevents any development from occurring until all lots are fully served by infrastructure installed at the landowner's expense. This is a complicated issue and one that will affect other subdivided but undeveloped areas of the City. Staff requests time to create a policy that is fair and equitable.

These lots were previously assessed for the Sterling Highway Sewer line.

Finance Dept. Code: 392.0005

CITY OF HOMER LAND INFORMATION



Designated Use: W.R. Bell Public Park.

Acquisition History: Gifted by Daughter, Dene and Husband Edward Reber 8/20/1970

Area: 2.75 acres

Parcel Number: 17524006

2006 Assessed Value: \$59,700

Legal Description: HM0700402 T06S R13W S18 TRACT E W R BELL SUB

Zoning: Rural Residential

Wetlands: Drainages on lot.

Infrastructure: Gravel road access. Rough trails across property.

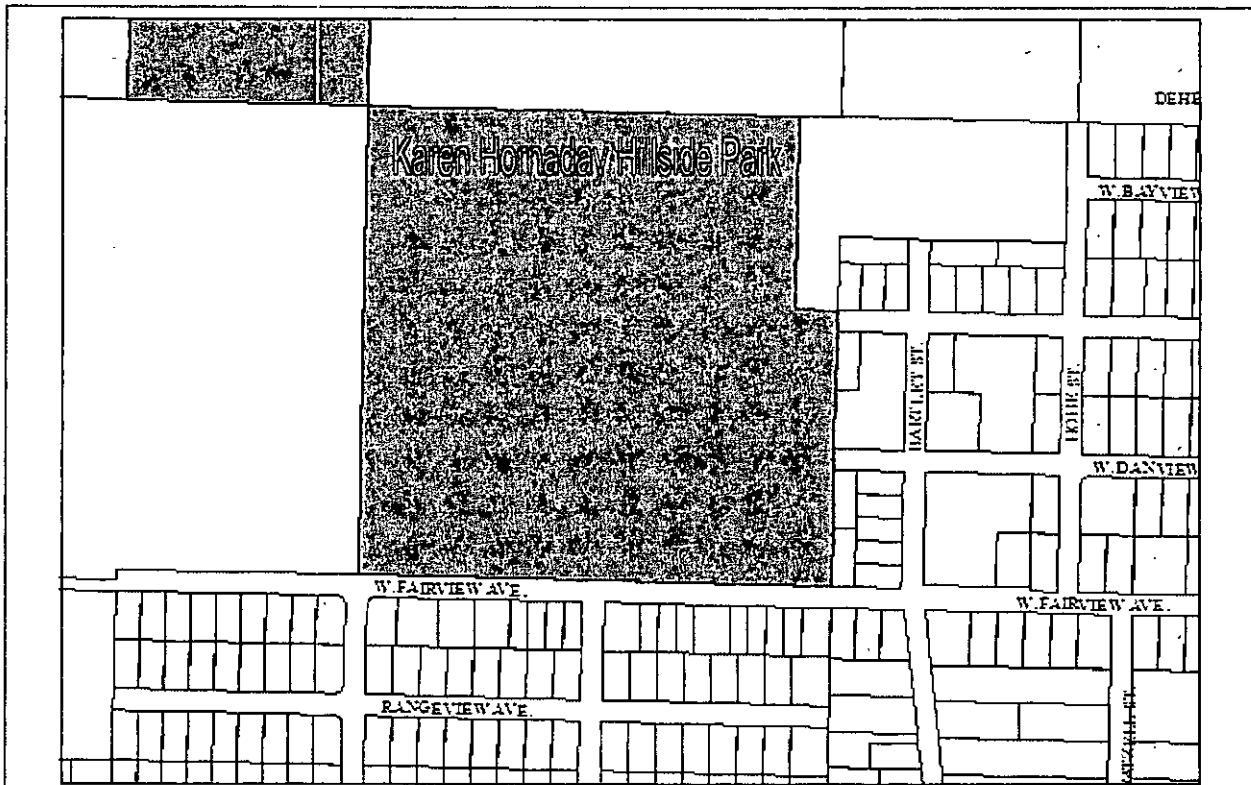
Notes:

Park contains the gravesite of W.R. Bell.

It can be expected that the land to the south will be come a housing development. Some homes will be accessed from W Fairview Ave.

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Public Recreational Purpose/Karen Hornaday Hillside Park
Acquisition History: Homer Fair Association, Deed 8/1966 with covenants

Area: 38.5 acres

Parcel Number: 17504023

2006 Assessed Value: \$311,400 (Land \$192,800 Structure \$118,600)

Legal Description: HM0980004 T06S R13W S18 THAT PORTION OF SW1/4 SE1/4 EXCLUDING SOUTH PENINSULA HOSPITAL SUB 2008 Addn

Zoning: Open Space Recreation

Wetlands: Some drainages

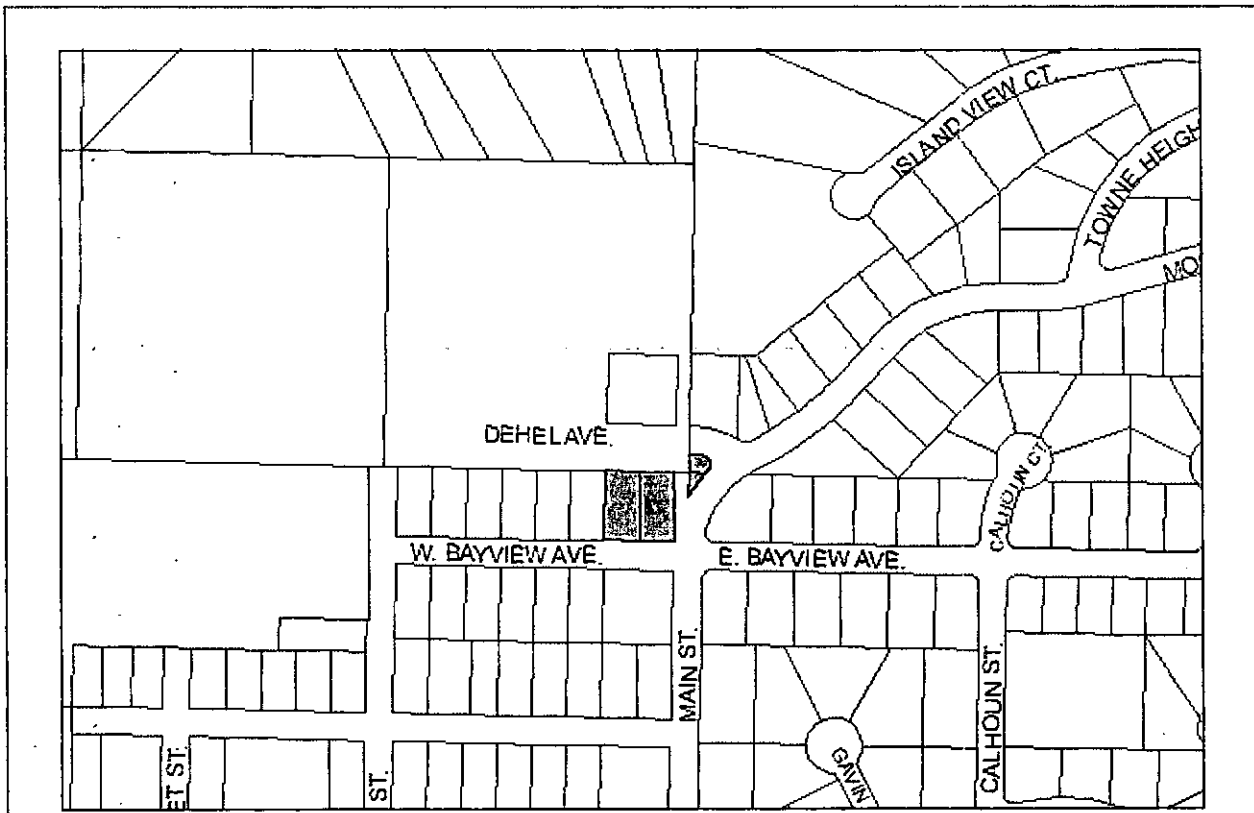
Infrastructure: Water, sewer and road access

Notes: Campground, ball fields, day use picnic and playground area.

2009: New draft master plan under review by the Parks and Recreation Advisory Commission.

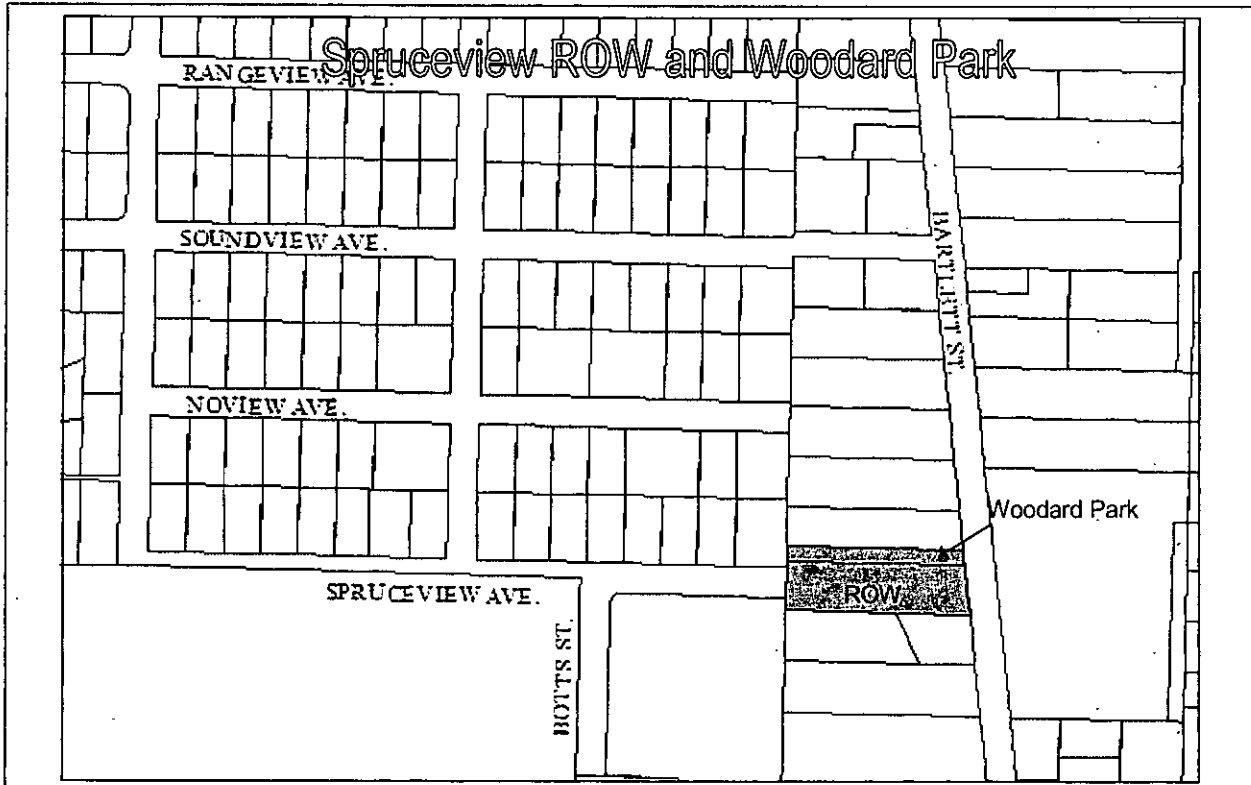
Finance Dept. Code: 175.0003 (driveway, parking), 175.0007 (campground)

CITY OF HOMER LAND INFORMATION



Designated Use: Public Purpose/Bayview Park/Water tank access	
Acquisition History: Large lots: Klemetsen Warranty Deed 5/8/67. Water tank access and part of Bayview Park. FINISH	
Area: 0.58 acres total	Parcel Number: 175051 07, 08 17726038, 17727049
2006 Assessed Value: \$66,900 total	
Legal Description: 17505107: HM0562936 T06S R13W S18 TRACT A FAIRVIEW SUB LOT 2 17505108: HM0562936 T06S R13W S18 TRACT A FAIRVIEW SUB LOT 1 17726038: HM0760026 T06S R13W S17 KAPINGEN SUB UNIT 3 PARK RESERVE 17727049: HM0770065 T06S R13W S17 ISLAND VIEW SUB PARK	
Zoning: Rural Residential	Wetlands: N/A
Infrastructure: Paved road access	
Notes:	
Finance Dept. Code:	

CITY OF HOMER LAND INFORMATION



Designated Use: ROW and Woodard Park
Acquisition History: ROW: Purchased for Harrington Heights LID, Ord 2000-13(S) 7/2000. Woodard Park: Tax Foreclosure (Harry Gregoire), Park designation enacted in Reso 04-53

Area: ROW 0.85 acres Woodard Park: .025 acres	Parcel Number: 17513329 17513328
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2006 Assessed Value: ROW: \$44,800, Park: \$23,800

Legal Description: ROW: HM0860044 T06S R13W S19 BUNNELL'S SUB NO 17 LOT 12-A
 Woodard Park: HM0860044 T06S R13W S19 BUNNELL'S SUB NO 17 LOT 11-B

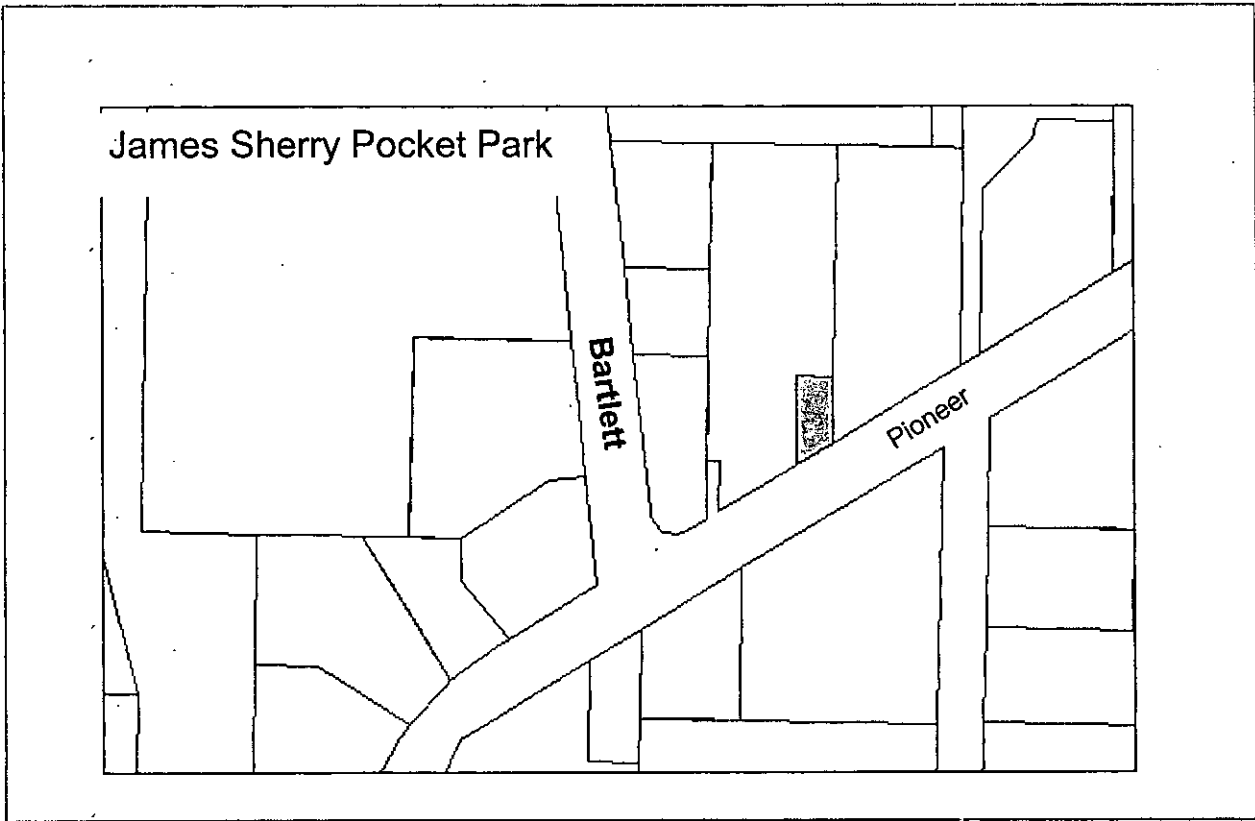
Zoning: Residential Office	Wetlands: Woodard Creek and wetlands present
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Infrastructure: Paved access on Bartlett. Part of completed Spruceview Road LID. Water and sewer present.

Notes:

Finance Dept. Code: ROW: 500.0051 Park:

CITY OF HOMER LAND INFORMATION



Designated Use: Retain for use as public park or parking
Acquisition History: Ord 83-01 (KPB)

Area: 0.06 acres or 2,766 sq ft

Parcel Number: 17514235

2008 Assessed Value: \$39,100

Legal Description: T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2007124 BUNNELLS SUB NO 21 LOT 37F-1

Zoning: Central Business District

Wetlands: Ditch across property

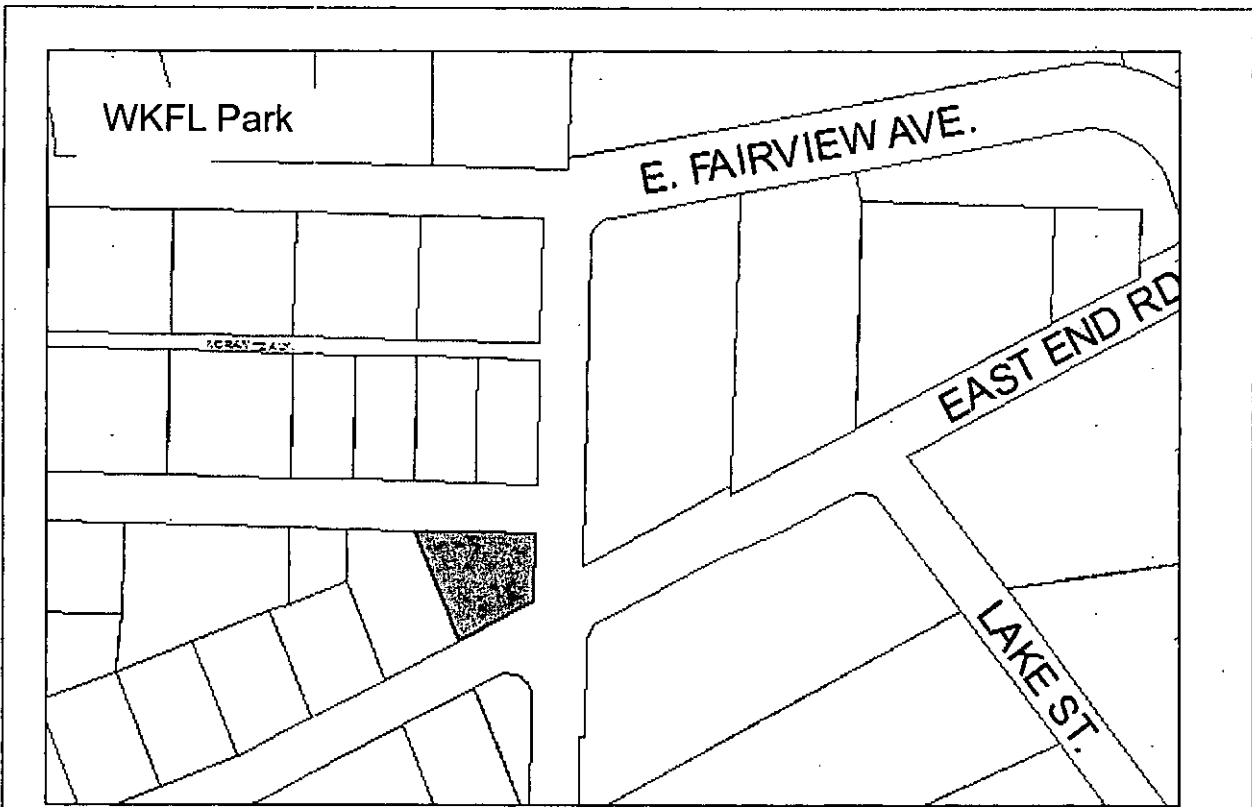
Infrastructure: Water and Sewer, paved sidewalk

Notes:

HEA/phone company utility infrastructure on lot—big green boxes.

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: WKFL Park
Acquisition History: Asaiah Bates Deed 3/88

Area: 0.31 acres	Parcel Number: 17720204
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2006 Assessed Value: \$70,700

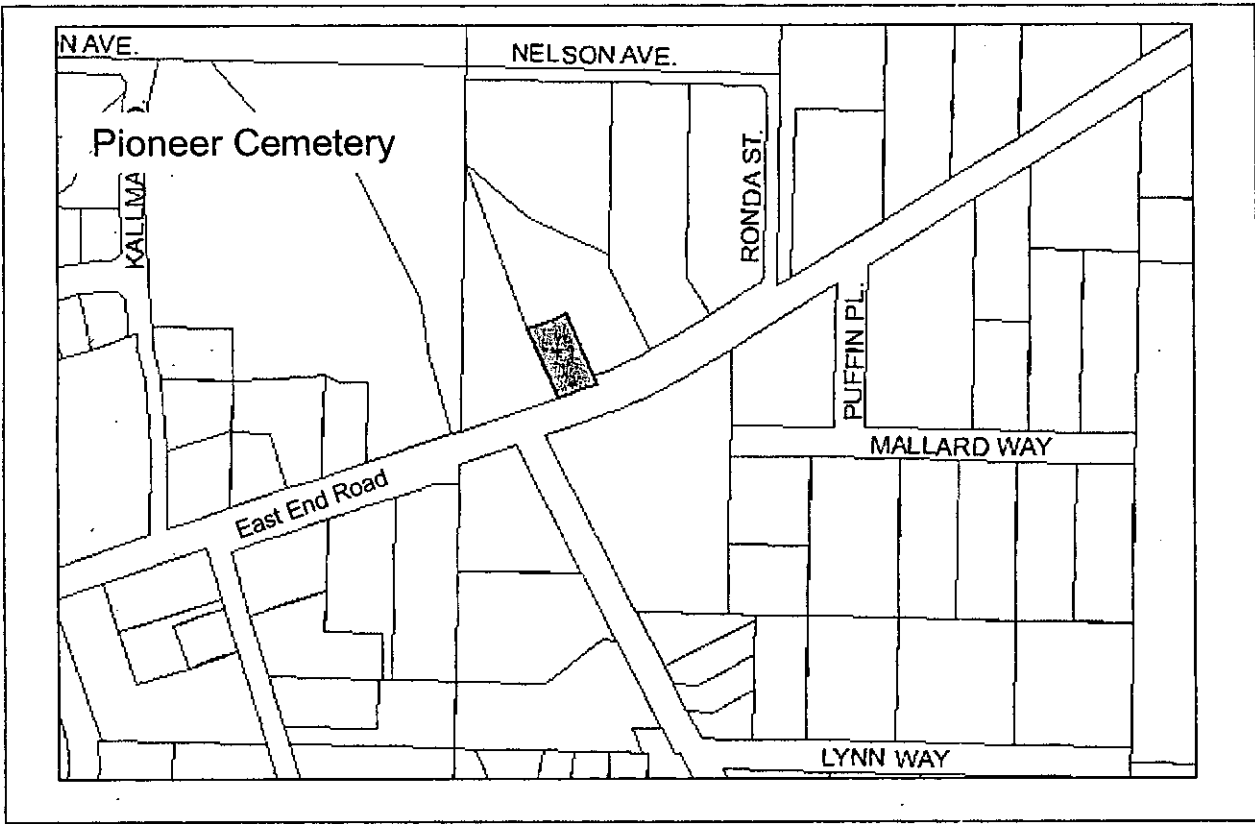
Legal Description: Glacier View Subdivision No 1 Replat of Lots 1, 8 & 9, Block 4 Lot 9-A

Zoning: Central Business District	Wetlands: N/A
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Infrastructure: Water, paved road, electricity

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Pioneer Cemetery
Acquisition History: Quitclaim Deed Nelson 4/27/66

Area: 0.28 acres	Parcel Number: 17903007
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2006 Assessed Value: \$19,300

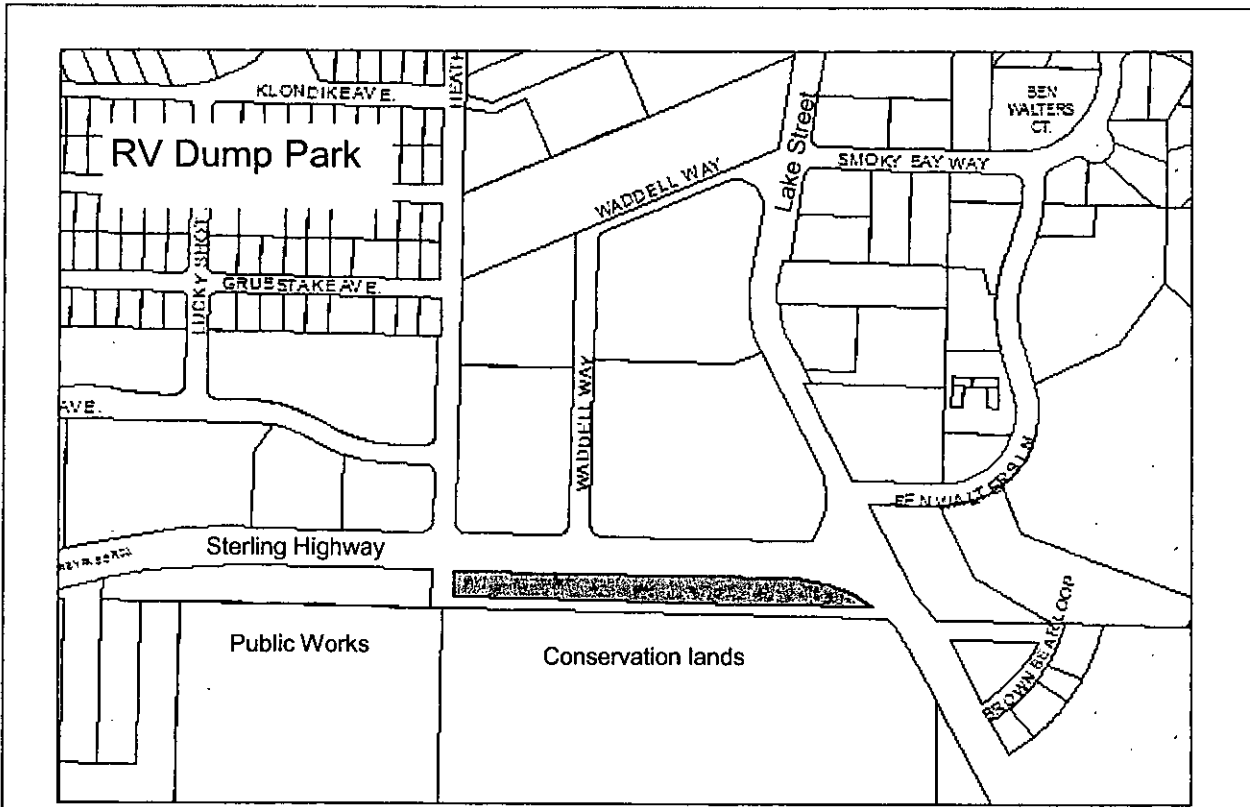
Legal Description: James Waddell Survey of Tract 4 Lot 4A

Zoning: Residential Office	Wetlands: N/A
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Infrastructure: Paved Road

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: RV Water/Sump station
Acquisition History: Deed states "Waddell Park Tract"

Area: 1.73 acres

Parcel Number: 17712014

2006 Assessed Value: \$157,500

Legal Description: Waddell Subdivision, portion S of Homer Bypass Road

Zoning: Central Business District

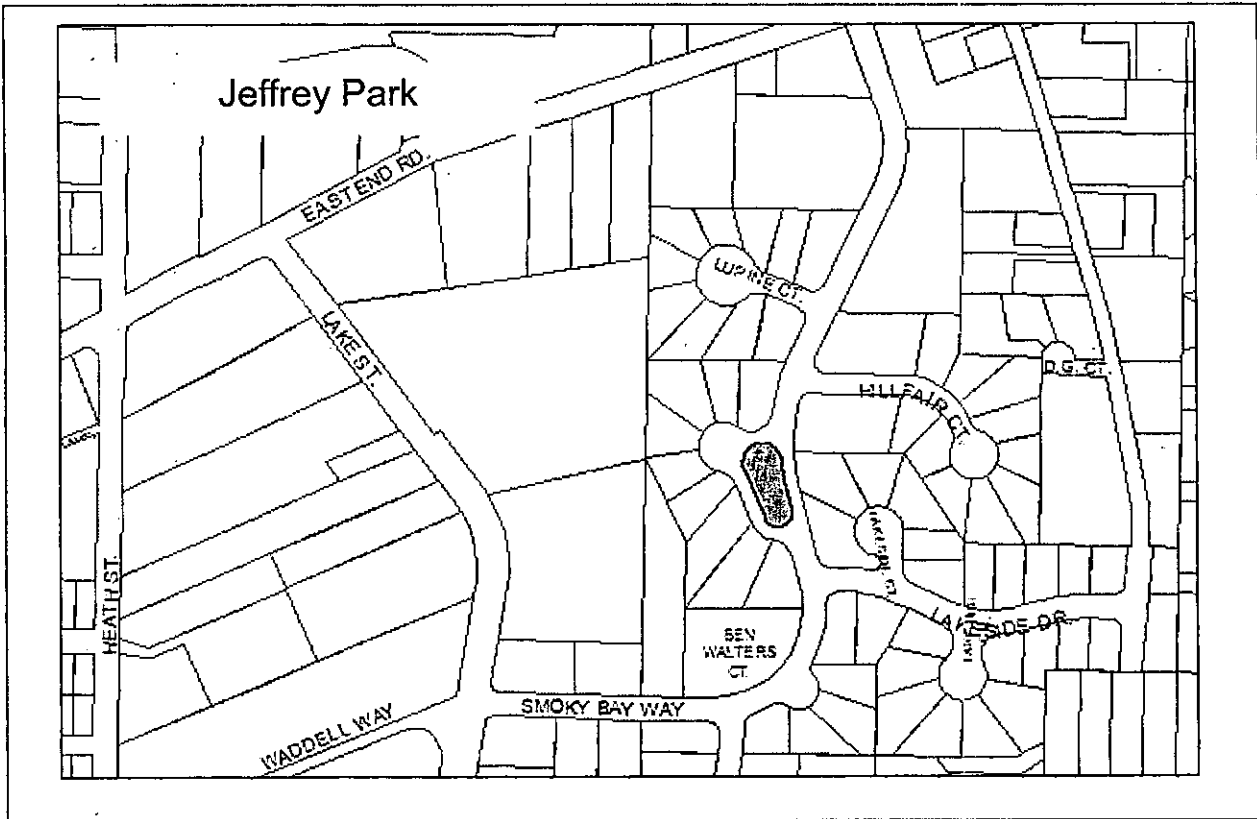
Wetlands:

Infrastructure: Water, Sewer, gravel/paved access

Notes:

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Public Purpose/Greenbelt/Jeffrey Park
Acquisition History: Ordinance 83-27 (KPB)

Area: 0.38 acres

Parcel Number: 17730251

2006 Assessed Value: \$30,600

Legal Description: Lakeside Village Amended Jeffrey Park

Zoning: Urban Residential

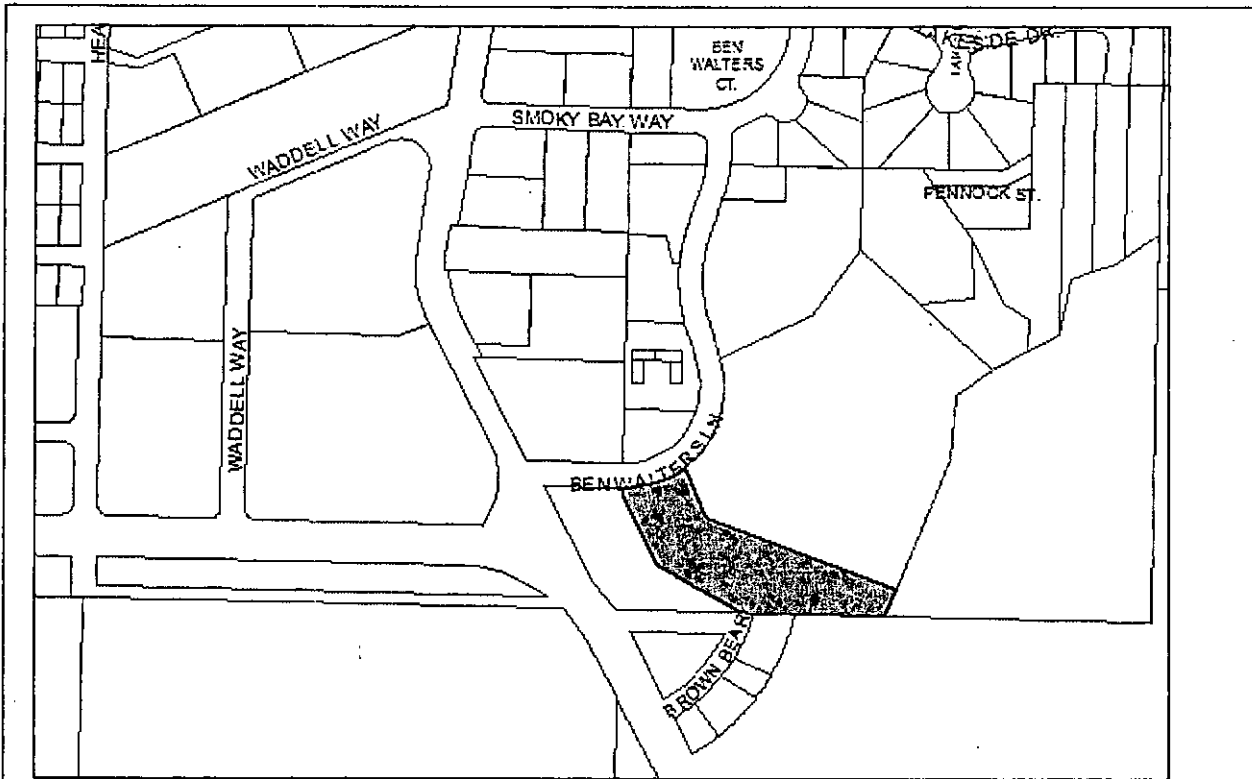
Wetlands:

Infrastructure: Paved Road, water, sewer

Notes: Neighborhood park with grass and new swing sets installed in 2005. Fill brought in to the park to raise the ground level and deal with drainage issues., 2007.

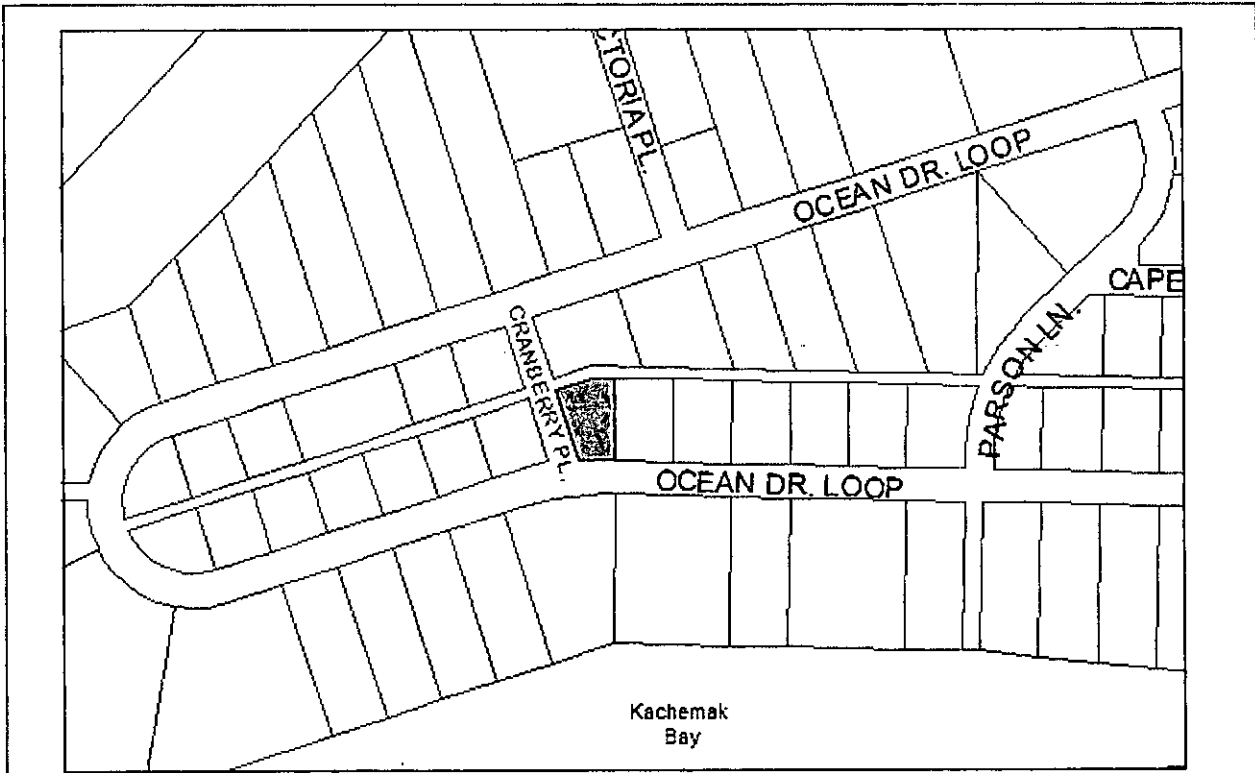
Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Ben Walters Park. Public park or greenbelt per deed.	
Acquisition History: Reso 83-22(S) Neal Deed 5/4/83. Donated. Deed amended 6/1/83.	
Area: 2.48 acres	Parcel Number: 17712022
2006 Assessed Value: \$328,400 (Land \$281,800, Structure \$46,600)	
Legal Description: Lakeside Village Park Addition Replat Lot 1A-2	
Zoning: Central Business District	Wetlands: 3664 Ben Walters Lane
Infrastructure: Paved Road, water and sewer. Public restrooms, covered fire pit, lake access and dock.	
Notes: New swing set installed, 2008. New dock to be installed in 2009.	
Finance Dept. Code:	

CITY OF HOMER LAND INFORMATION



Designated Use: Undesignated

Acquisition History: Ootsulen Susumu Ocean Drive Loop 1981

Area: 0.25 acres

Parcel Number: 17717422

2006 Assessed Value: \$15,500

Legal Description: Lot 79, Oscar Munson Subdivision

Zoning: Rural Residential

Wetlands: Some wetlands map be present

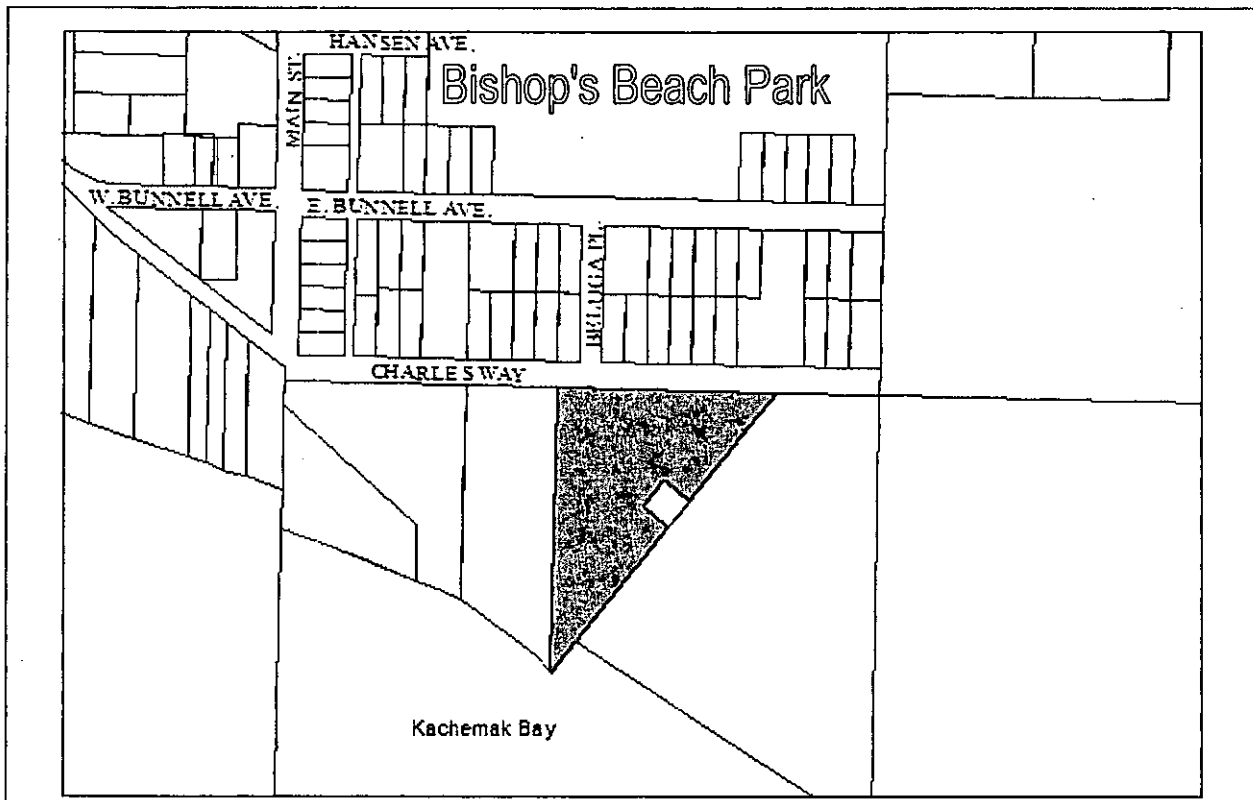
Infrastructure: Gravel road access. Part of Ocean Drive Loop Sewer LID. Water.

Notes:

2006 Update: In 2005, the Parks and Recs Commission recommended this lot be retained as green space. Council did not formally act on the recommendation. The land is currently undesignated.

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Bishop's Beach Park
Acquisition History: McKinley Warrant Deed 1/9/1984

Area: 3.46 acres	Parcel Number: 17714010
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2006 Assessed Value: \$44,400 (Land \$33,100, Structure \$11,300)

Legal Description: HM T06S R13W S20 PTN GL 2 BEGIN S 1/16 CORNER SECS 19 & 20 & NW CORNER LOT 2 TH S 89 DEG 57'30" E 600 FT ALONG N BOUND LT 2 TO POB TH S 0 DEG 2' E 391 FT TO CORNER 2 ON MHW KACHEMAK BAY TH S 59 DEG 30' E 150 FT TO CORNER 3 TH N 38 DEG 0' E

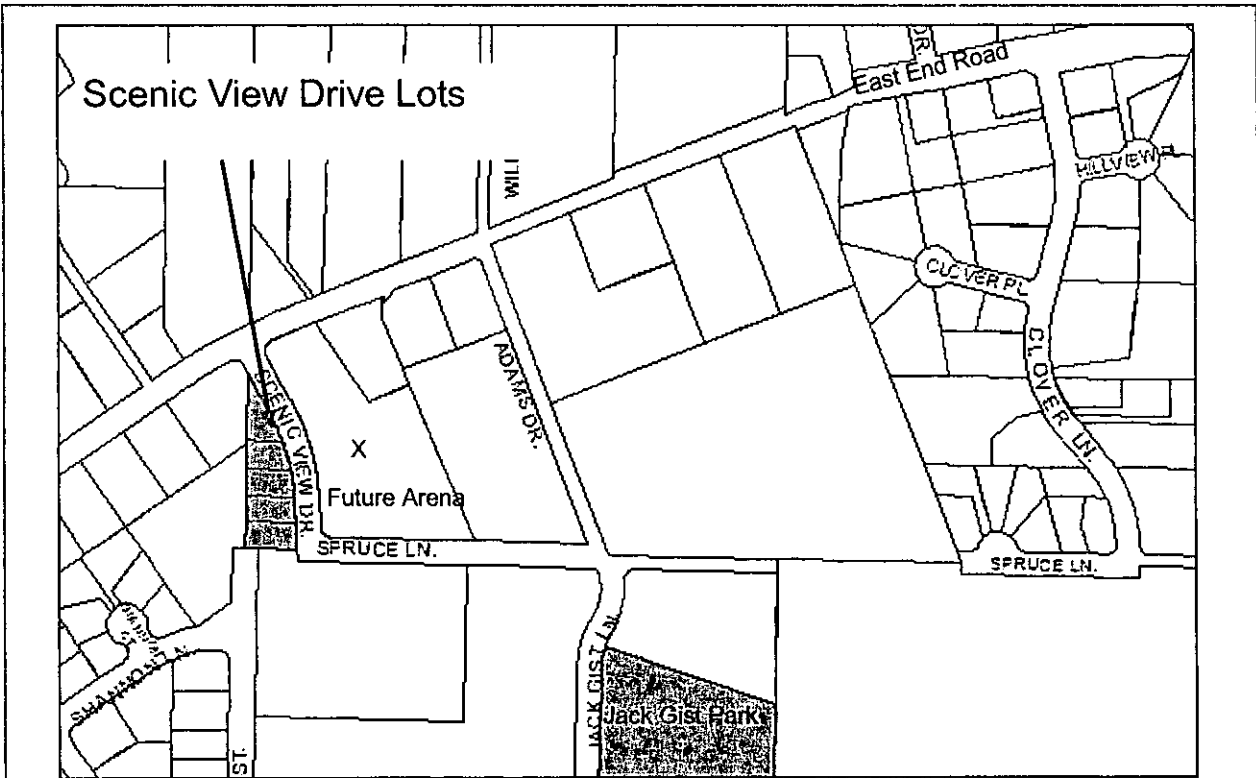
Zoning: Central Business District	Wetlands: Some wetlands (along boardwalk). Flood hazard area.
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Infrastructure: Paved road access. No water or sewer. City maintained outhouses.

Notes:

Finance Dept. Code: _____

CITY OF HOMER LAND INFORMATION



Designated Use: Public Park and future Donation to Equestrian group.
Acquisition History: Donated by property owners (ord 06-34) to city as public park with relevant deed restrictions. City passed reso 06-116 to give the land to the equestrian group when the main horse park area is purchased.

Area: 0.89 acres total	Parcel Number:
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2006 Assessed Value: \$31,600

Legal Description: Scenic View Subdivision No. 6 Lots 1-5

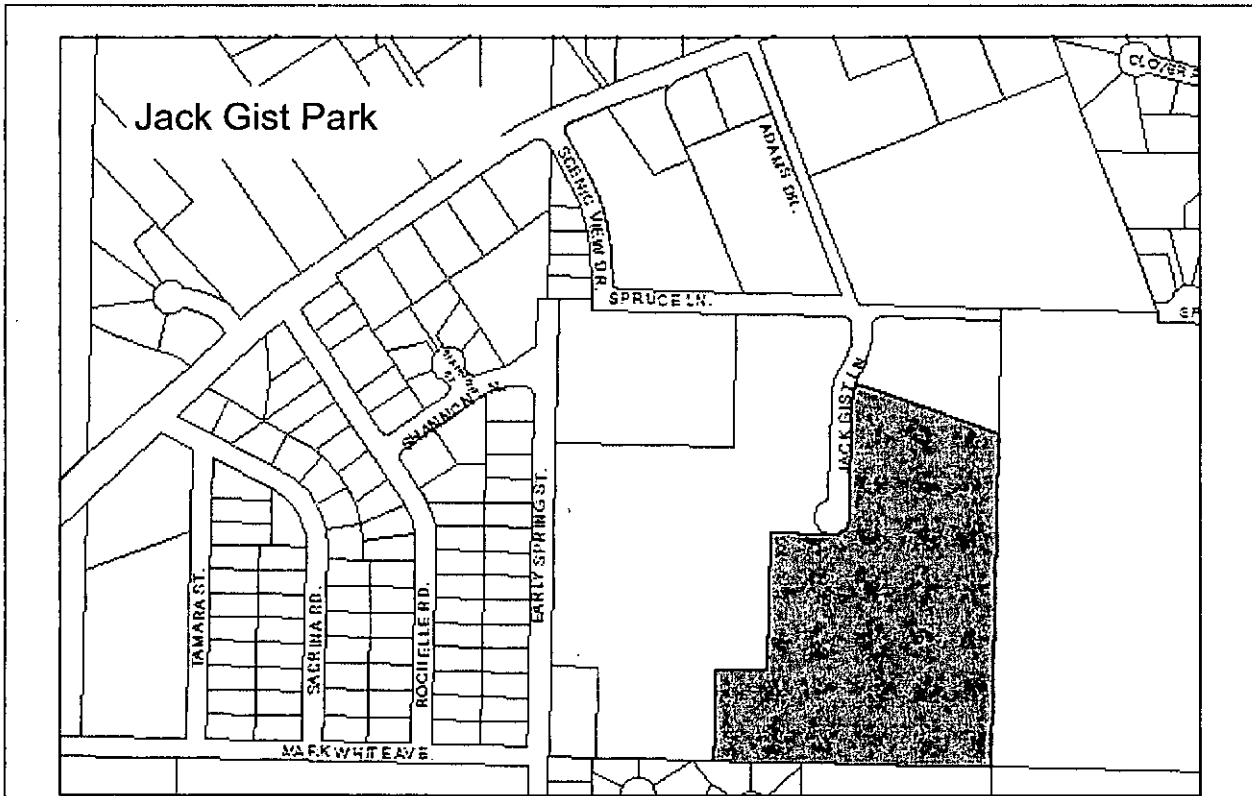
Zoning: Rural Residential	Wetlands: Yes, the back half of the lots has a creek and wetlands.
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Infrastructure: Gravel road

Notes:

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Jack Gist Ball Park
Acquisition History: Warranty Deed Moss 8/27/98

Area: 14.6 acres

Parcel Number: 17901023

2006 Assessed Value: \$63,300

Legal Description: HM0990063 T06S R13W S15 JACK GIST SUB LOT 2

Zoning: Rural Residential

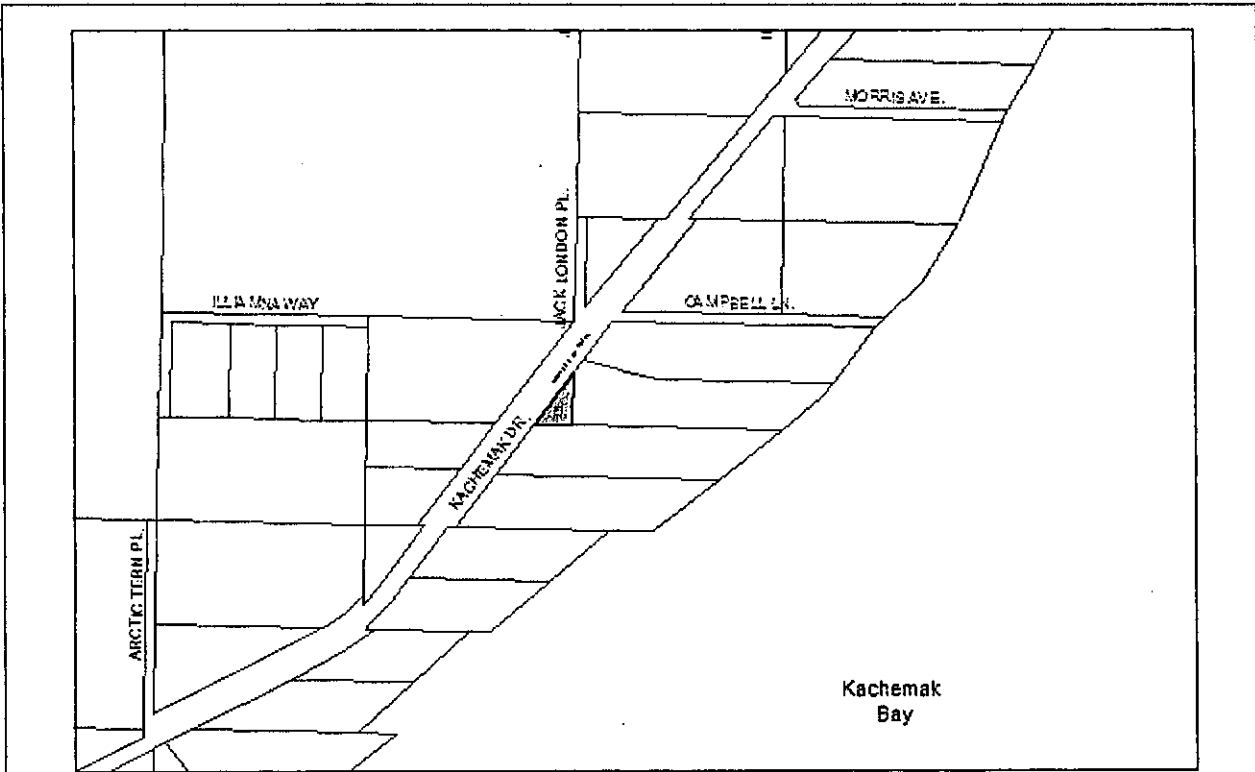
Wetlands: May be present. Site is mostly fill and old dump.

Infrastructure: Gravel road access.

Notes: Old dump site. No water or sewer to service the new ball fields. Parking lot constructed in 2006. Major funding needed to construct restrooms.

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Public Park/Designated Public Use
Acquisition History: Tax Foreclosure Ord 78/18

Area: 0.24 acres

Parcel Number: 17915003

2006 Assessed Value: \$13,300

Legal Description: That Portion of Govt Lot 3 Lying southwesterly of Kachemak Drive, T6S R13W S23

Zoning: Rural Residential

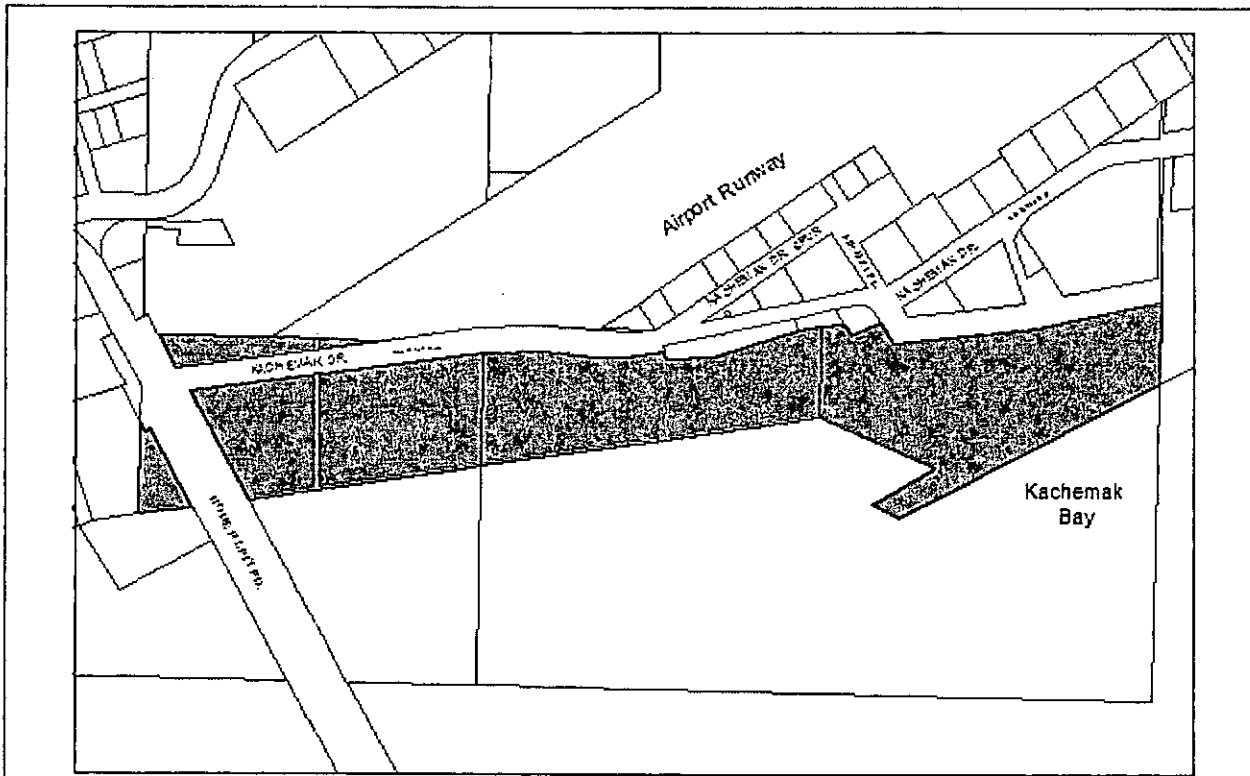
Wetlands: No wetlands

Infrastructure: Paved road access

Notes: Limited developable area due to setback requirements from Kachemak Dr.

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Lots 13: undesignated. Spit Trailhead. Lot 14: Undesignated. Lot 3: Tidelands/public access/recreational

Acquisition History: Lot 13: ? Lot 14: ? Lot 3: Deed 4/98

Area: 35.16 acres

Parcel Number: 18101030, 18101032, 17940107

2006 Assessed Value: \$213,400

Legal Description: Government Lots 13 and 14, excluding Homer Spit Road and Kachemak Drive. Gov't lot 3, South of Airport lease lands Blocks 300 and 400. T6S R13W S22

Zoning: General Commercial 1, west of Homer Spit Road. General Commercial 2, east of Homer Spit Road

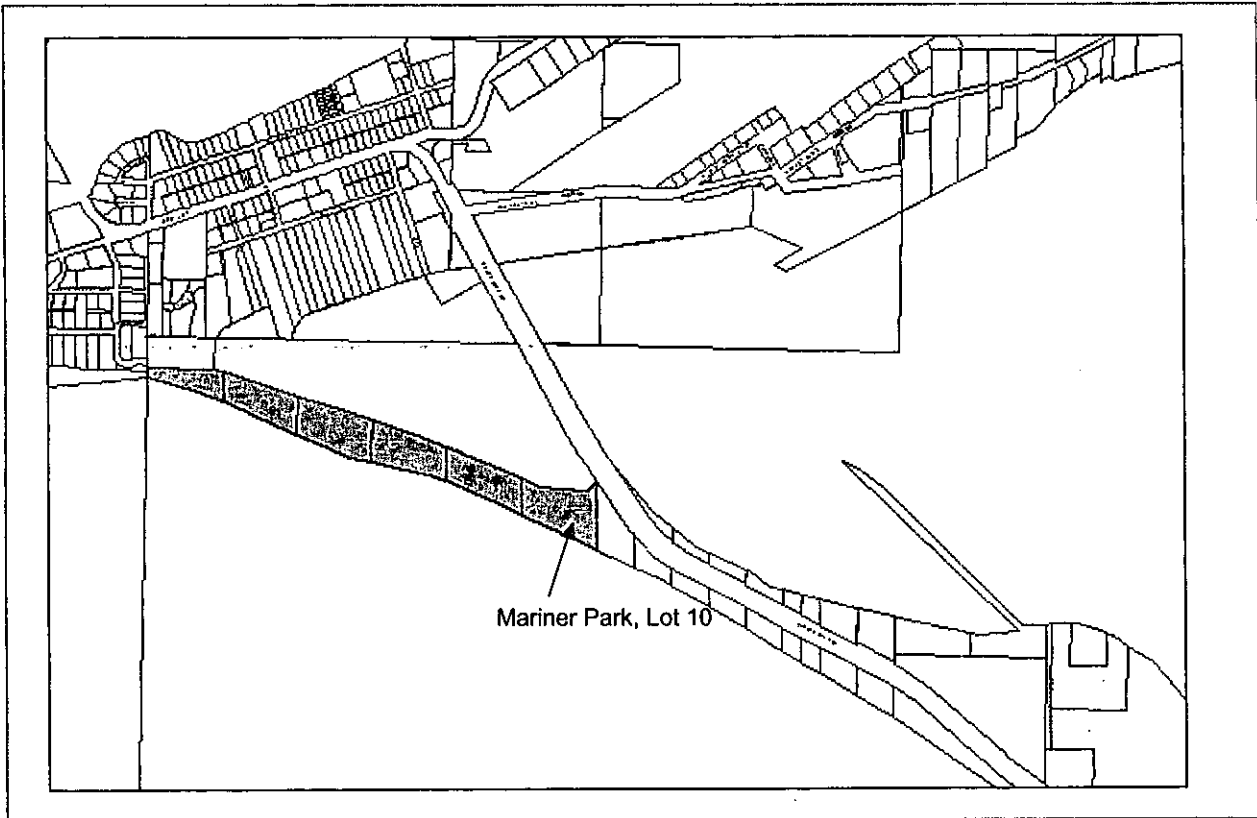
Wetlands: Coastal wetlands and critical habitat. Flood Hazard area.

Infrastructure: Water, sewer and paved road access

Notes:

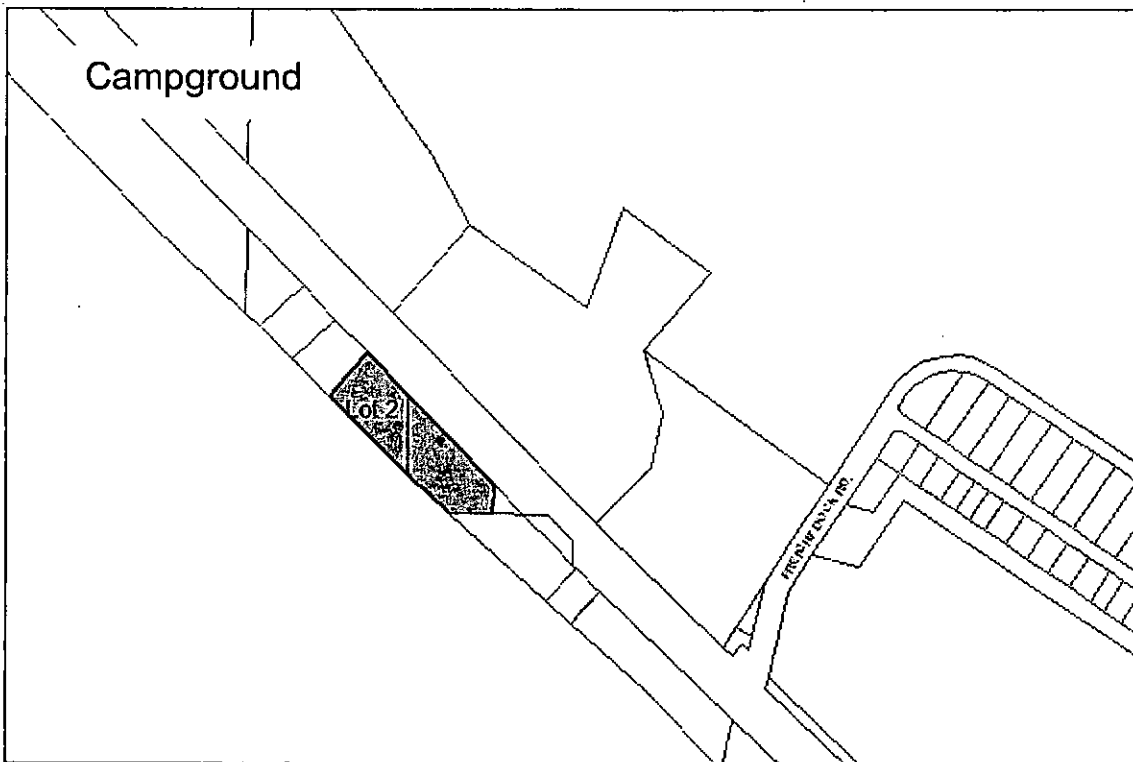
Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Undesignated	
Acquisition History: Lot 10: Simmons purchase, 1983. Other are EVOS purchases.	
Area: 32.32 acres	Parcel Number: 18101002-07
2006 Assessed Value: \$105,600	
Legal Description: T 6S R 13W SEC 28 SEWARD MERIDIAN HM GOVT LOTS 10-15	
Zoning: Open Space Recreation	Wetlands: Tidal
Infrastructure: No infrastructure	
<p>Notes: Acquisition of Lots 11-145 should be researched to see how they were acquired.</p> <p>Mariner Park is not a designated Park. Part of the park facilities are located in the lot to the north, which may also be owned by the City. The City has requested the state research this matter. Fall 2006</p>	
Finance Dept. Code:	

CITY OF HOMER LAND INFORMATION



Designated Use: Camping
Acquisition History:

Area: 3.92 acres (2.1 and 1.82 acres)

Parcel Number: 18103102, 05

2006 Assessed Value: \$435,100 (Includes value of the campground office)

Legal Description: Homer Spit Subdivision Amended Lot 2, and that portion of Government Lo0t 14 lying south of the Homer Spit Road T6S R13W S35

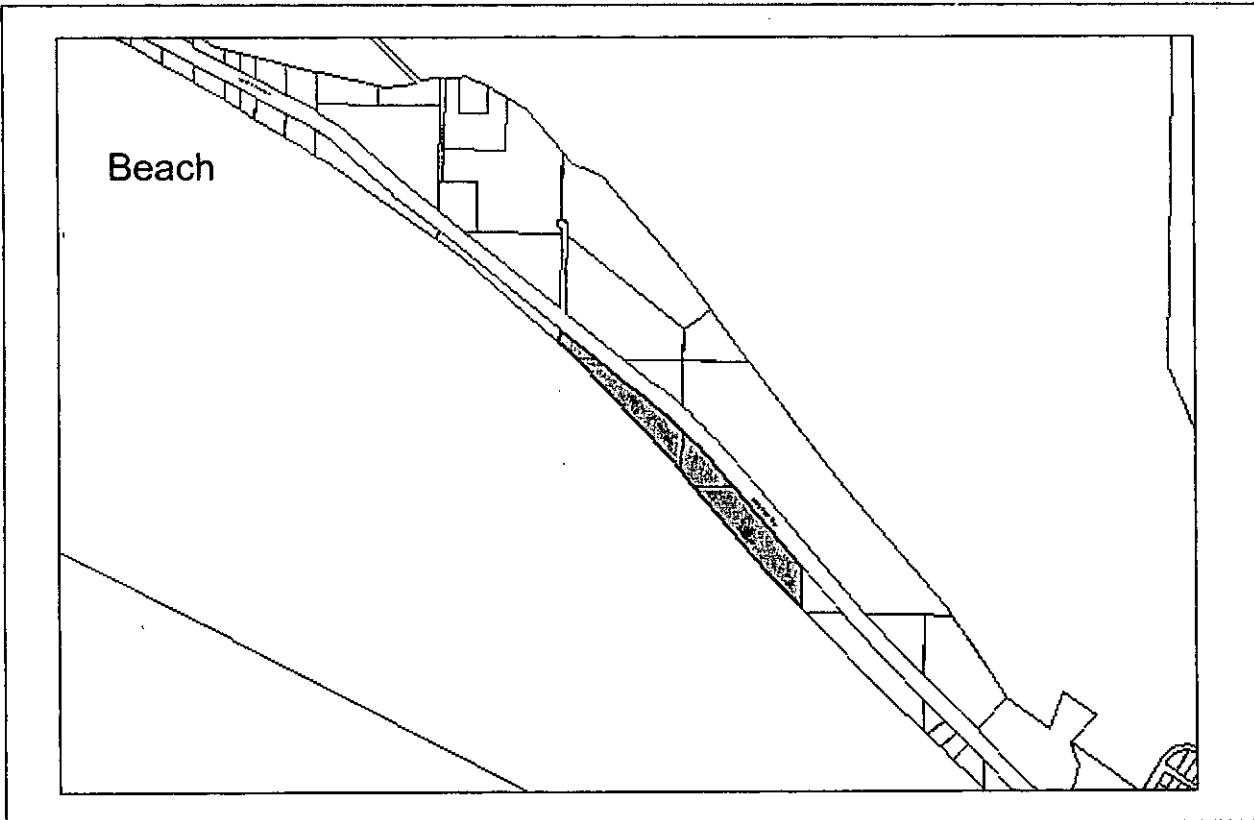
Zoning: Lot 2: Open Space Recreation. Lot 14: Marine Industrial

Infrastructure: Paved road, water and sewer

Notes: At most, 1/3 of the land is above the high tide line. The rest is beach or underwater.

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Public Use/ Open Space Recreation
Acquisition History: Ord 90-26 (KPB). Lot 6: EVOS purchase

Area: 23 acres	Parcel Number: 181030 02, 04, 06 18102011
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2006 Assessed Value: \$192,800

Legal Description: T 6S R 13W SEC 35 SEWARD MERIDIAN HM PORTION GOVT LOT 1,2, Sec 34 Lot 1, lot 6 SW of Sterling Hwy Sec 27

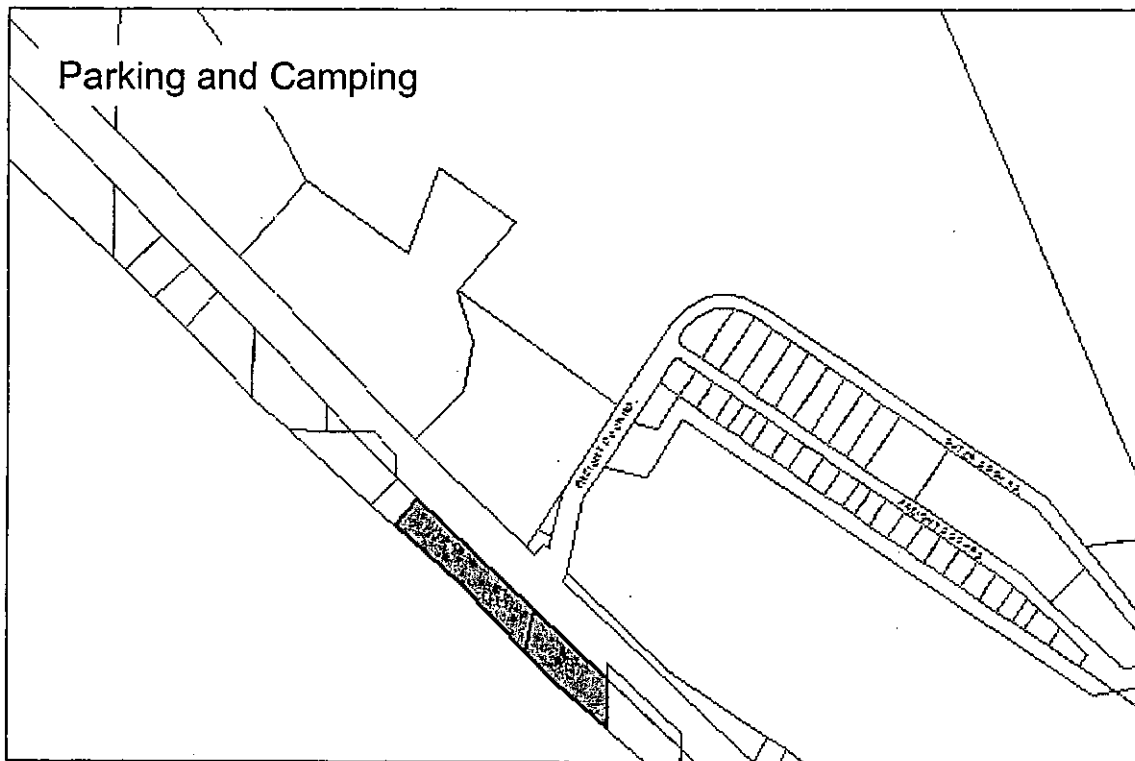
Zoning: Marine Industrial. Lot 6: Open Space Rec	Wetlands: Tidal
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Infrastructure: Paved Road access

Notes:
 Acquisition history of lot 6 should be researched.

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Western lot: Camping. East lot, parking
Acquisition History:

Area: 5.7 acres

Parcel Number: 18103301, 18103108

2006 Assessed Value: \$490,900

Legal Description: Homer Spit Amended Lots 7 and 9

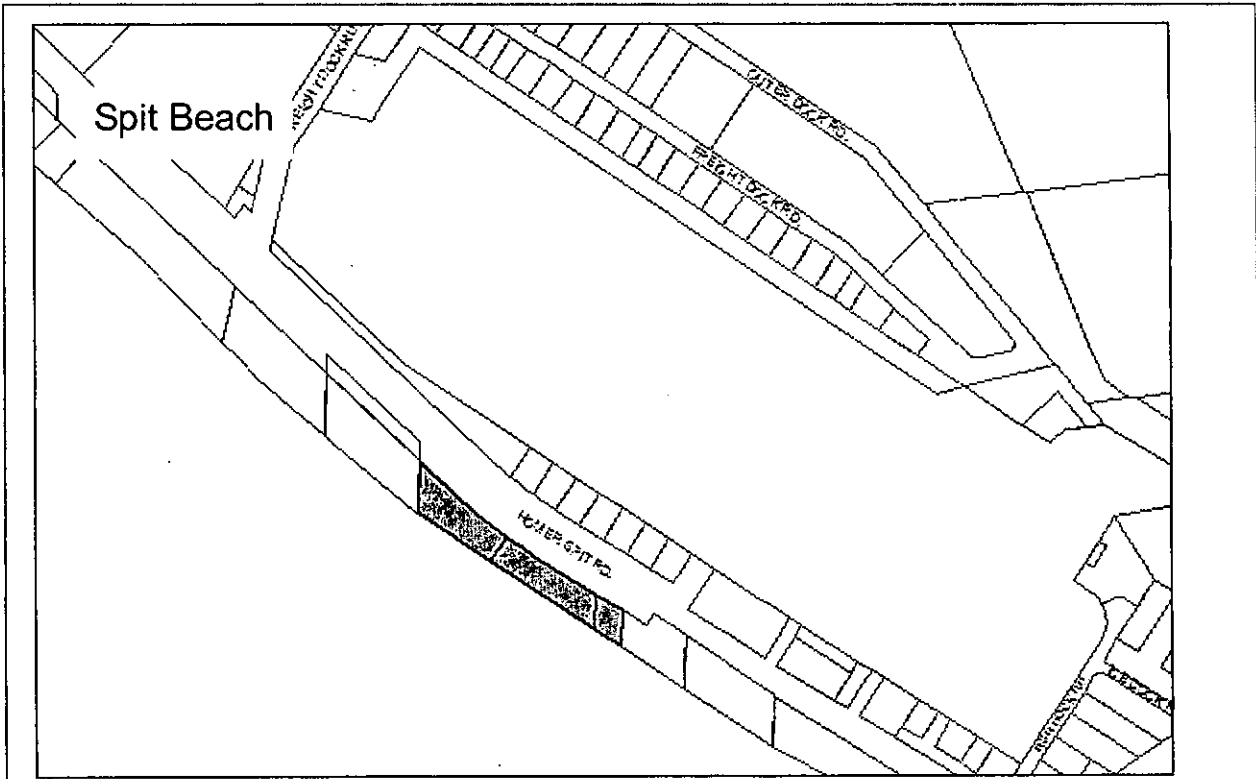
Zoning: Open Space Recreation

Wetlands: N/A

Infrastructure: Paved Road

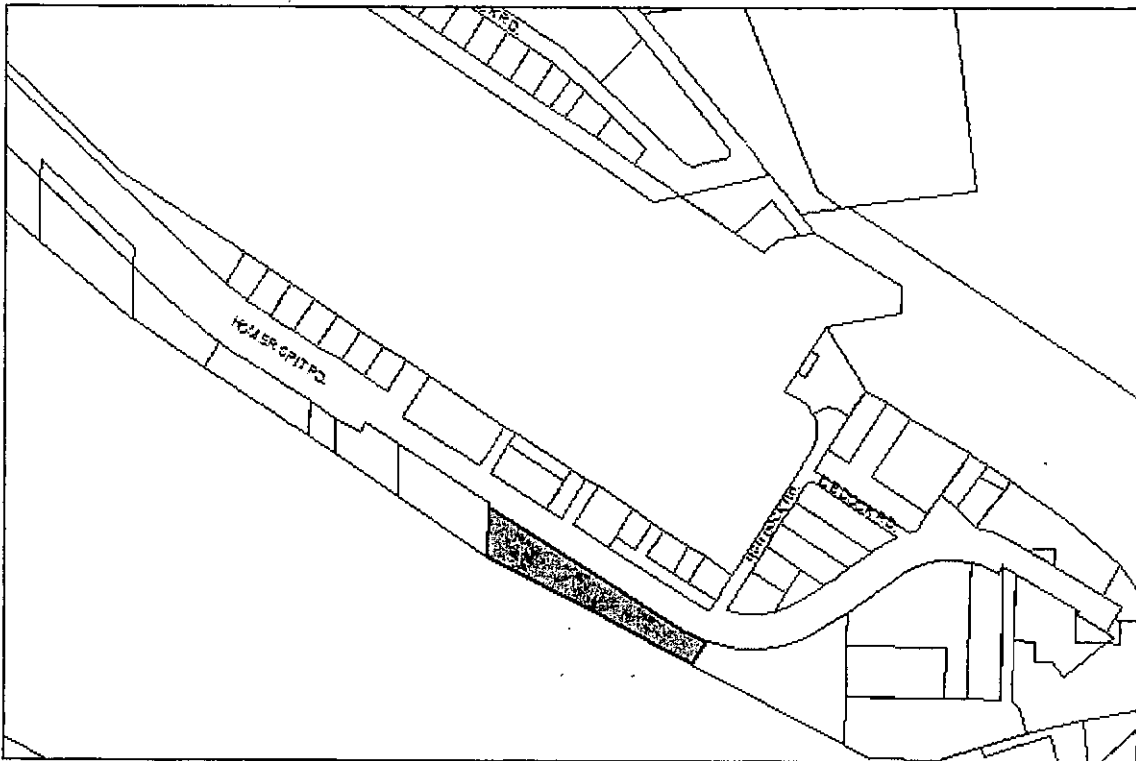
Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Open Space Recreation	
Acquisition History: Lot 11B: Reso 93-14, 3/24/93 Deed. Exchanged for other lands.	
Area: 2.36 acres	Parcel Number: 181030 4, 5, 6
2006 Assessed Value: \$302,200	
Legal Description: Homer Spit Subdivision Amended Lots 11 and 20. Lot 11B of HM 0640816.	
Zoning: Open Space Recreation	Wetlands: N/A
Infrastructure: Paved Road	
Notes:	
2006 Update:	
Finance Dept. Code:	

CITY OF HOMER LAND INFORMATION



Designated Use: Seafarer's Memorial and parking
Acquisition History:

Area: 2.52 acres

Parcel Number: 18103401

2006 Assessed Value: \$238,500

Legal Description: Homer Spit Amended Lot 31

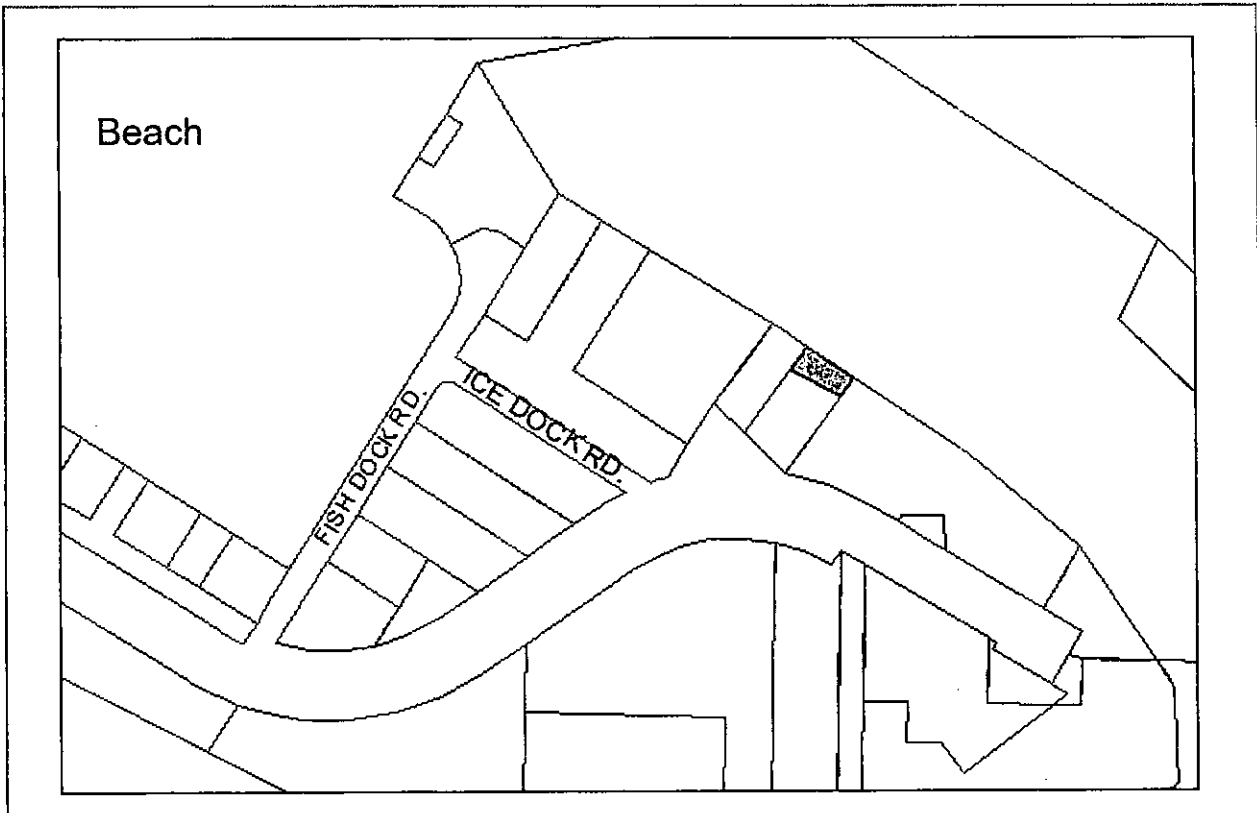
Zoning: Open Space Recreation

Wetlands: N/A

Infrastructure: Paved Road

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Beachfront between Icicle and Main Dock
Acquisition History:

Area: 0.11 acres

Parcel Number: 18103446

2006 Assessed Value: \$50,200

Legal Description: T 7S R 13W SEC 1 SEWARD MERIDIAN HM THAT PORTION OF GOVT LOT 20 LYING NE OF THE HOMER SPIT RD & BOUNDED ON THE NW BY LOT 43 OF HOMER SPIT SUB AMENDED & BOUNDED ON THE NE BY ATS 612 & BOUNDED ON THE SE BY LOT 45 OF HOMER SPIT SUB AMENDED & BOUNDED ON THE

Zoning: Marine Industrial

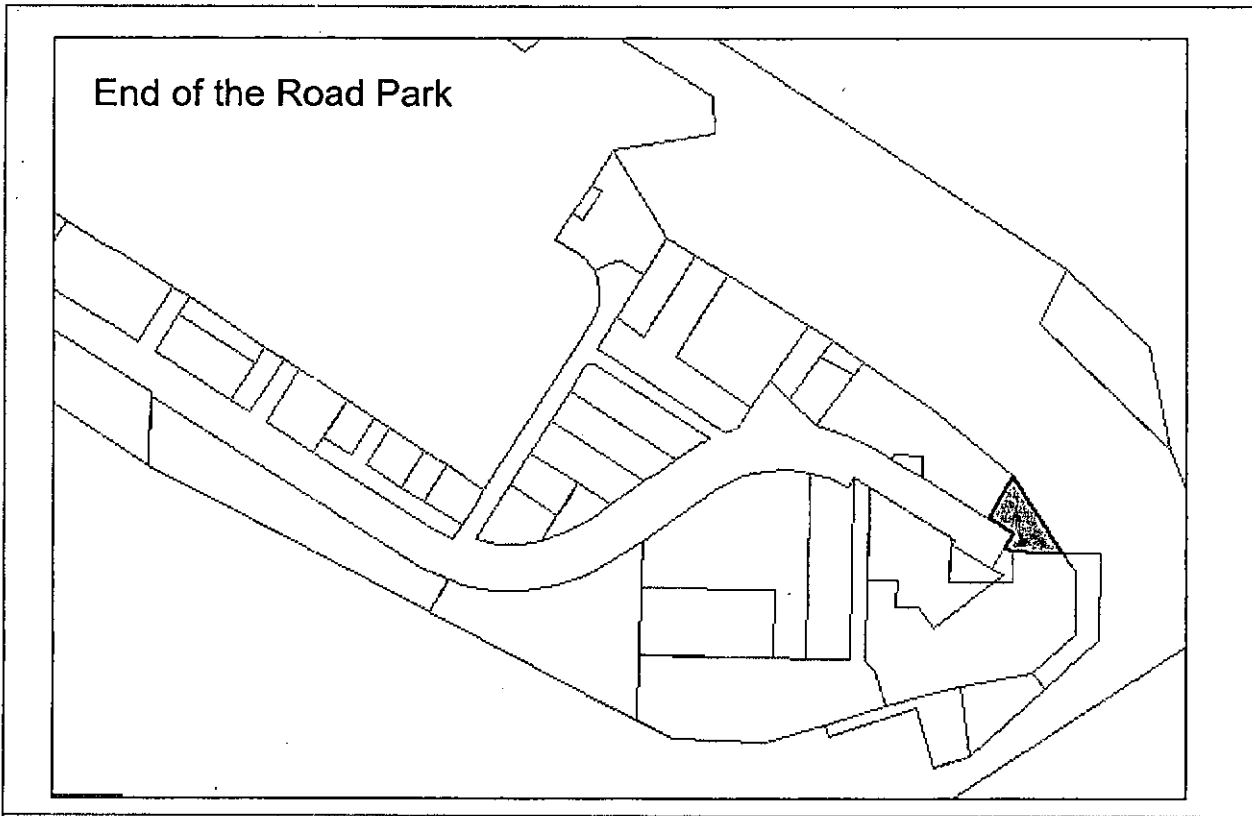
Wetlands: N/A tidal

Infrastructure:

Notes:

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION

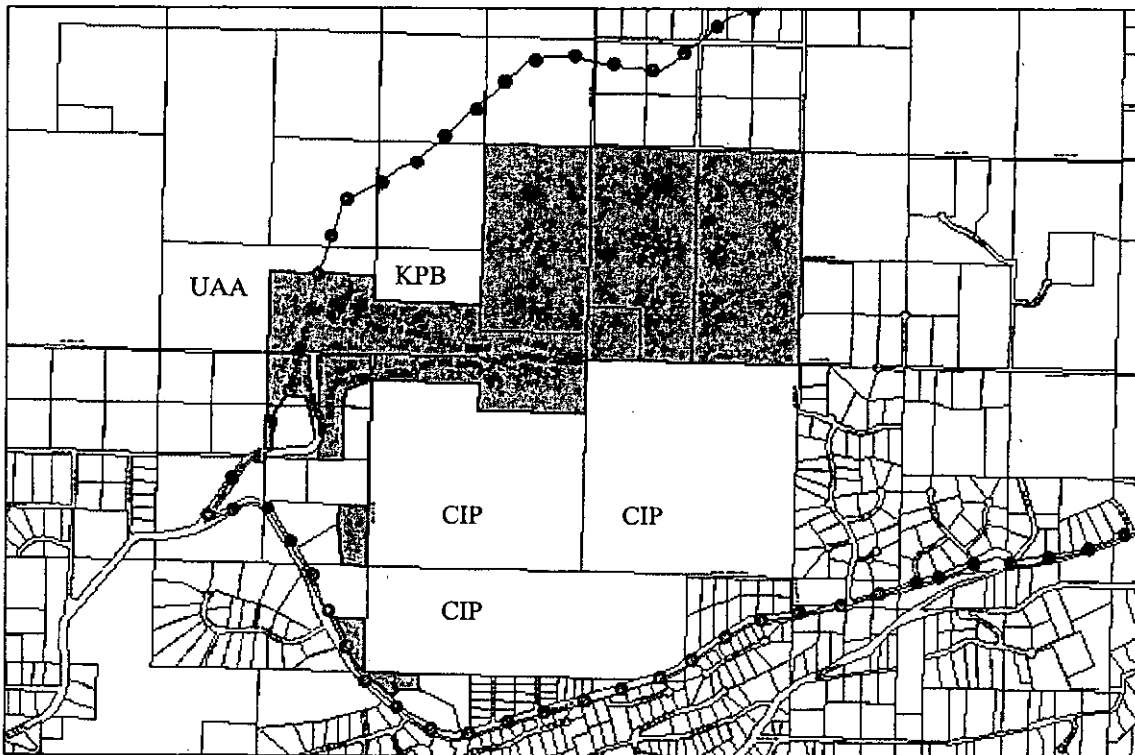


Designated Use: Not Designated	
Acquisition History:	
Area: 0.43 acres	Parcel Number: 18103448
2006 Assessed Value: \$126,600	
Legal Description: HM0930049 T07S R13W S01 HOMER SPIT SUB NO 6 VELMA'S ADDN LOT 45-B	
Zoning: Marine Industrial	Wetlands: N/A
Infrastructure: Water, sewer, paved road access	Address:
<ul style="list-style-type: none"> The land is used as End of the Road Park. 	
Finance Dept. Code:	

City Lands within the Bridge Creek Watershed Protection District

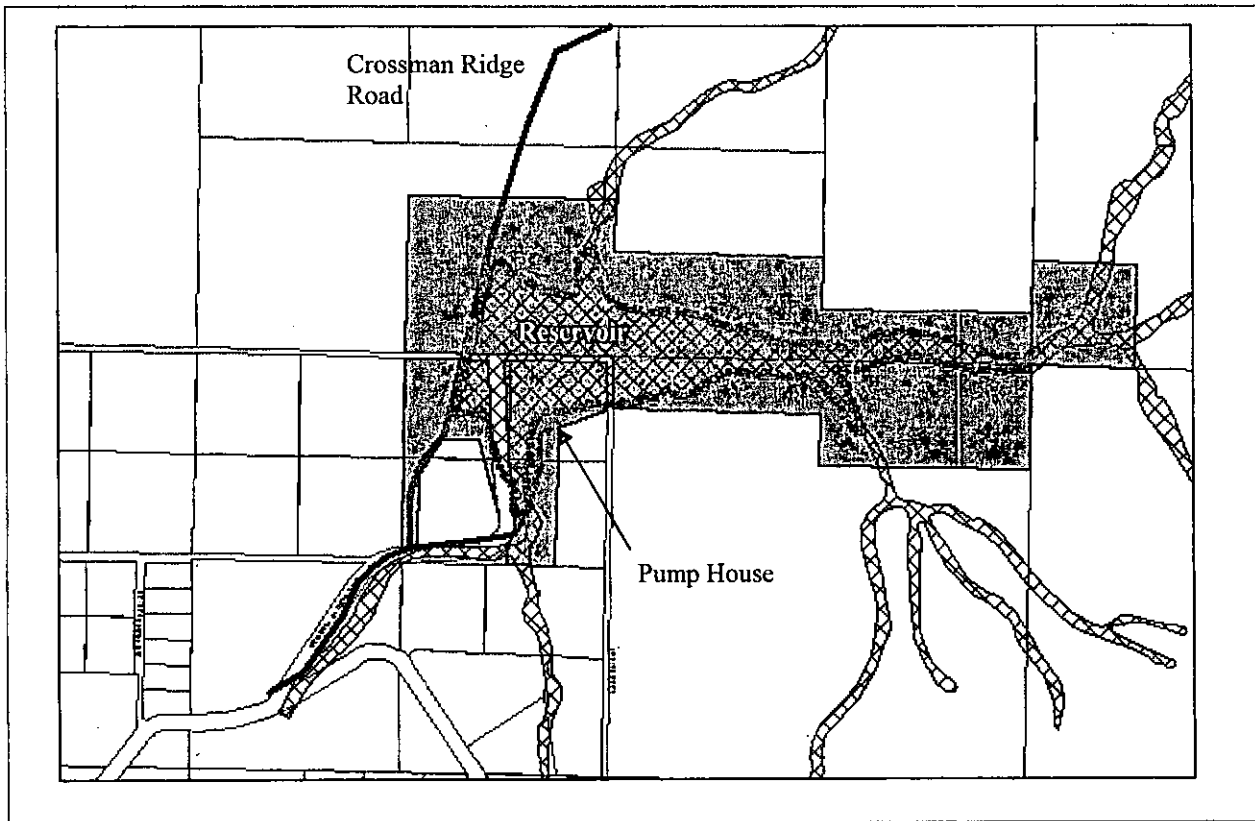
These properties lie within the Bridge Creek Watershed Protection District. The city owns 324.15 acres with an assessed value in 2006 of \$1,401,400. Lands include conservation purchases from the University of Alaska, and water system infrastructure such as the reservoir, pump house, and water treatment tanks.

In 2006, the number one CIP funding priority was the water supply, including the water treatment plant, water source and watershed land acquisitions. In particular, the City has requested funding to purchase additional property bordering the reservoir and Bridge Creek for both water treatment expansion and preservation.



This section updated 1/2009

CITY OF HOMER LAND INFORMATION



Designated Use: Bridge Creek Watershed, Reservoir and pump house
Acquisition History:

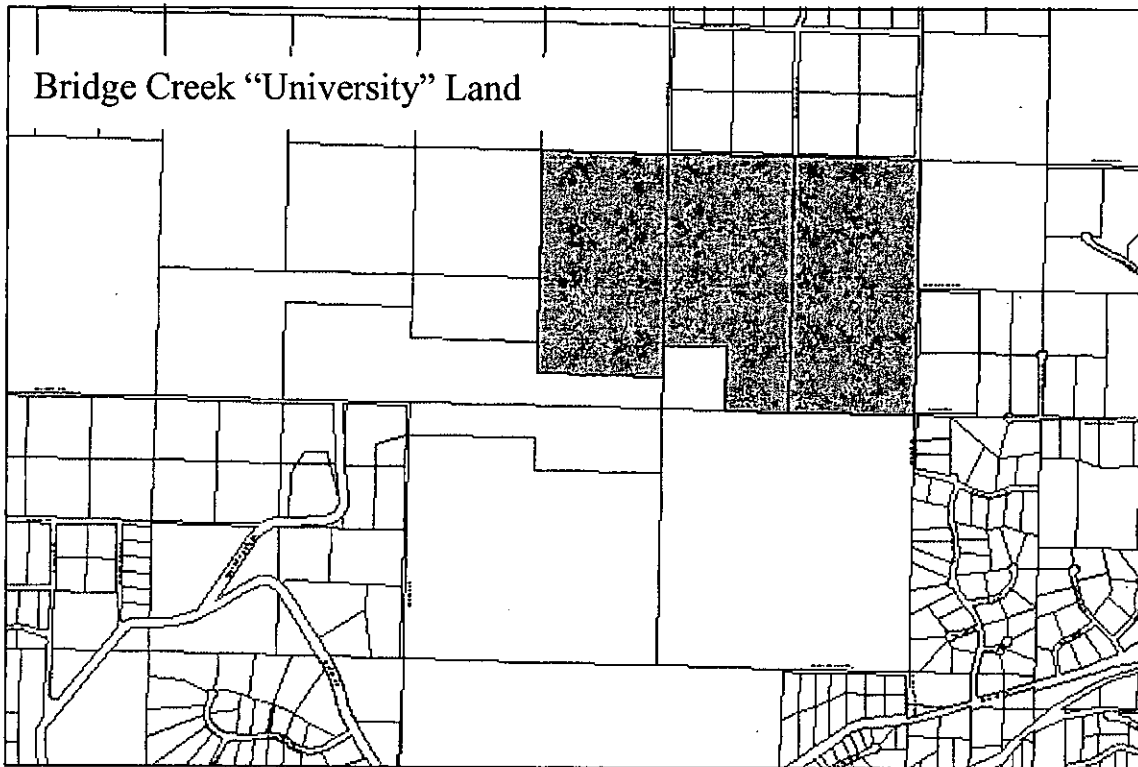
Area: 120.9 acres **Zoning:** Conservation **2006 Assessed Value:** \$355,400

PARCEL ACREAGE LEGAL

17307053	0.410	T 6S R 13W SEC 7 SEWARD MERIDIAN HM 0711238 DIAMOND RIDGE ESTATES SUB LOT 2 THAT PORTION THEREOF LYING EAST OF DIAMOND RIDGE ROAD
17307057	1.470	T 6S R 13W SEC 7 SEWARD MERIDIAN HM 0711238 DIAMOND RIDGE ESTATES SUB LOT 13 A PORTION THEREOF
17307059	0.130	T 6S R 13W SEC 7 SEWARD MERIDIAN HM 0711238 DIAMOND RIDGE ESTATES SUB LOT 13 A PORTION THEREOF
17307062	7.350	T 6S R 13W SEC 7 SEWARD MERIDIAN HM 0711238 DIAMOND RIDGE ESTATES SUB LOT 1 PORTION THEREOF
17307064	6.940	T 6S R 13W SEC 7 SEWARD MERIDIAN HM 0711238 DIAMOND RIDGE ESTATES SUB LOT 2 PORTION THEREOF
17305301	30.000	T 6S R 13W SEC 8 SEWARD MERIDIAN HM N1/2 N1/2 NW1/4 NW1/4 & N1/2 NE1/4 NW1/4
17305111	60.000	T 6S R 13W SEC 5 T 6S R 13W SEC 6 HM SEWARD MERIDIAN S1/2 S1/2 SE1/4 SW1/4 & S1/2 SW1/4 SW1/4 OF SEC 5 & S1/2 SE1/4 SE1/4 & S1/2 N1/2 SE1/4 SE1/4 OF SEC 6
17305236	10.000	T 6S R 13W SEC 5 SEWARD MERIDIAN HM SW1/4 SW1/4 SE1/4
17307060	4.600	T 6S R 13W SEC 7 SEWARD MERIDIAN HM 0711238 DIAMOND RIDGE ESTATES SUB LOT 14 THE W1/2 THEREOF

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Bridge Creek Watershed Property
Acquisition History: Ordinance 2003-7(A). Purchased from UAA.

Area: 220 acres	Parcel Number: 173 052 34, 35, 17305120
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2006 Assessed Value: \$122,400

Legal Description: The Northwest one-quarter of the Southeast one-quarter (NW1/4 SE1/4) and the East one-half of the Southwest one-Quarter of the Southeast one-quarter (E1/2 SW1/4 SE1/4) and the Northwest one-quarter of the Southwest one-quarter of the Southeast one-quarter (NW1/4 SW1/4 SE1/4) and the Northeast one-quarter of the Southwest one-quarter (NE1/4 SW1/4) and the North one-half of the South one-half of the Southeast one-quarter of the Southwest one-quarter (N1/2 S 1/2 SE1/4 SW1/4) and the East one-half of the Southeast one-quarter (E1/2 SE1/4) of Section 5, Township 6 South, Range 13 West, Seward Meridian, in the Homer Recording District, State of Alaska.

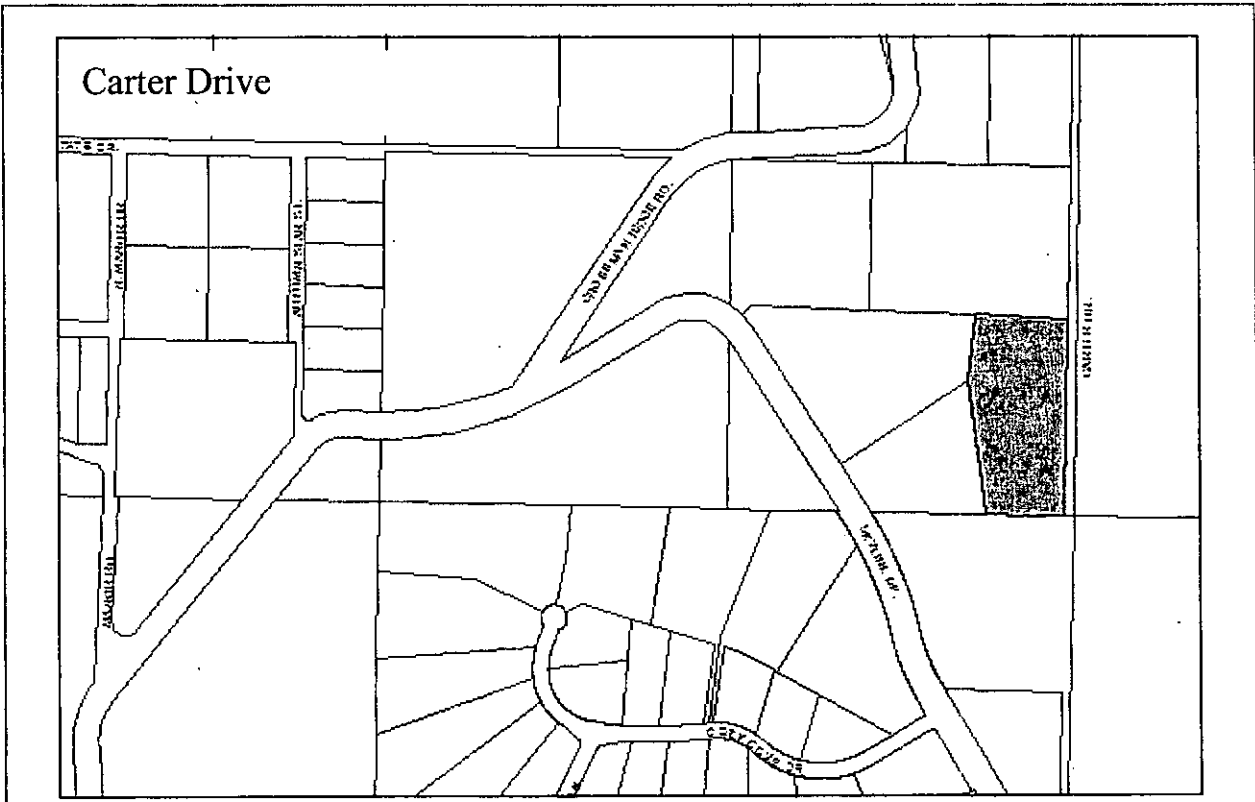
Zoning: Bridge Creek Watershed Protection District. Not within City Limits.	Wetlands: Some wetlands. Bridge Creek flows through the property.
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Infrastructure: None. Limited legal and physical access.

Notes:
 Paid \$265,000 for land in 2003.

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: A public use to protect and enhance the City's Bridge Creek Watershed and thereby protect its water quality

Acquisition History: Emergency Ordinance 2005-40, 2005-45.

Area: 5.93 acres	Parcel Number: 1730707600
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2006 Assessed Value: \$69,800 (Land \$50,700 Structure \$19,000)

Legal Description: HM0840119 T06S R13W S07 Pioneer Valley Subdivision Lot 2

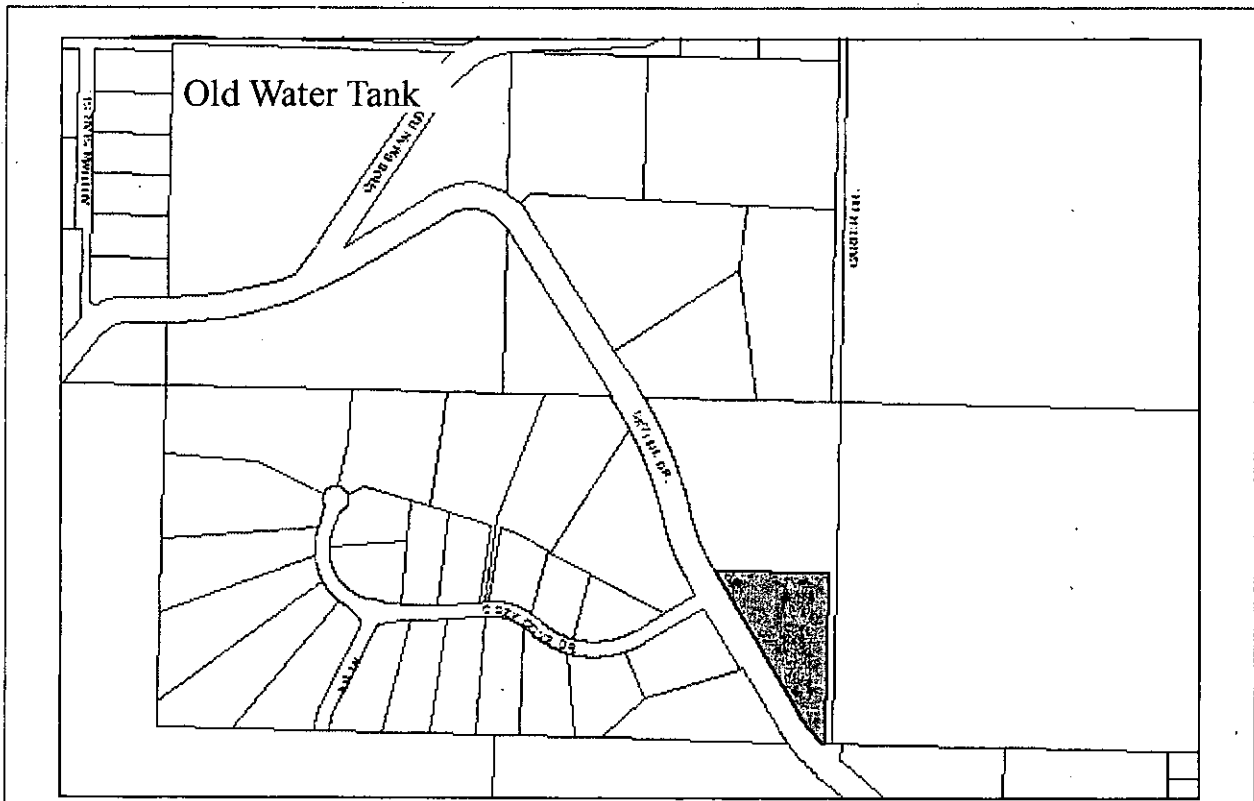
Zoning: Rural Residential, Bridge Creek WPD	Wetlands: Some discharge slope wetland, possibly a creek to the Reservoir.
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Infrastructure: Driveway access to property.

Notes: Property includes a small cabin.

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Water Tank and building/Public Purpose
Acquisition History:

Area: 4.32 acres

Parcel Number: 17307032

2006 Assessed Value: \$589,600 (Land: \$43,100 Structure: \$546,500)

Legal Description: HM T06S R13W S07 NE1/4 SE1/4 LYING NORTHEAST OF SKYLINE DR EXCLUDING THE NORTH 663 FT

Zoning: Conservation

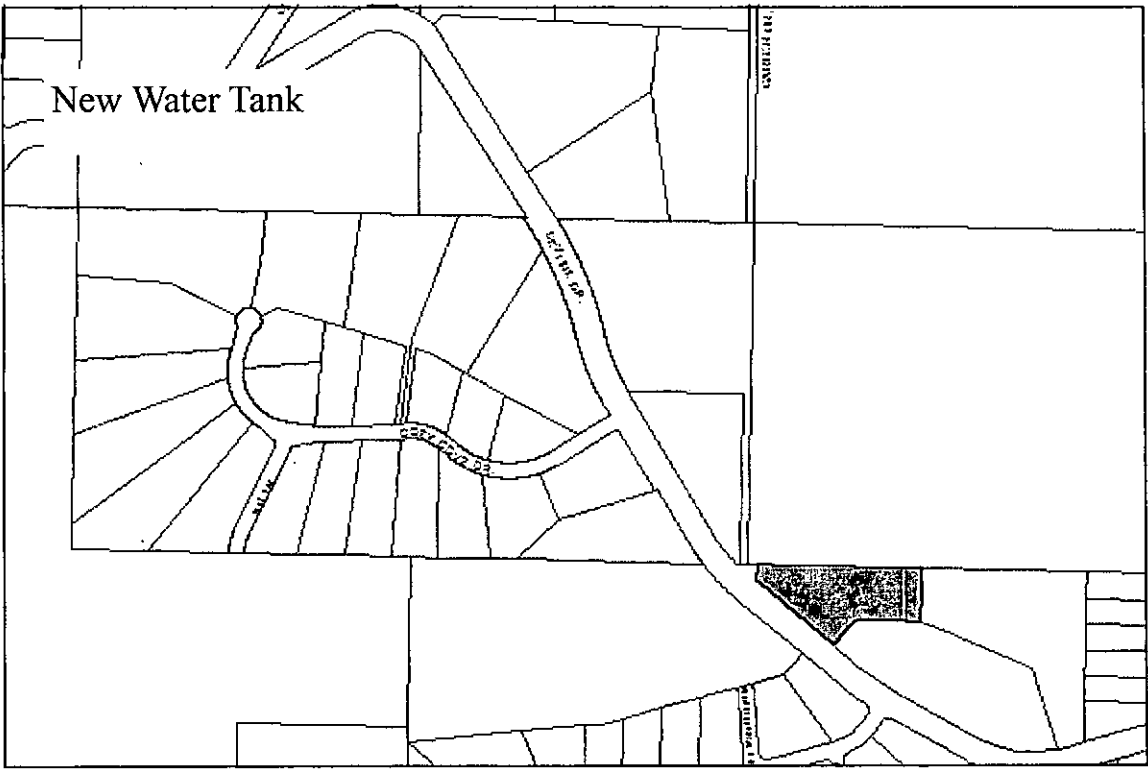
Wetlands: No

Infrastructure: Paved access, electricity.

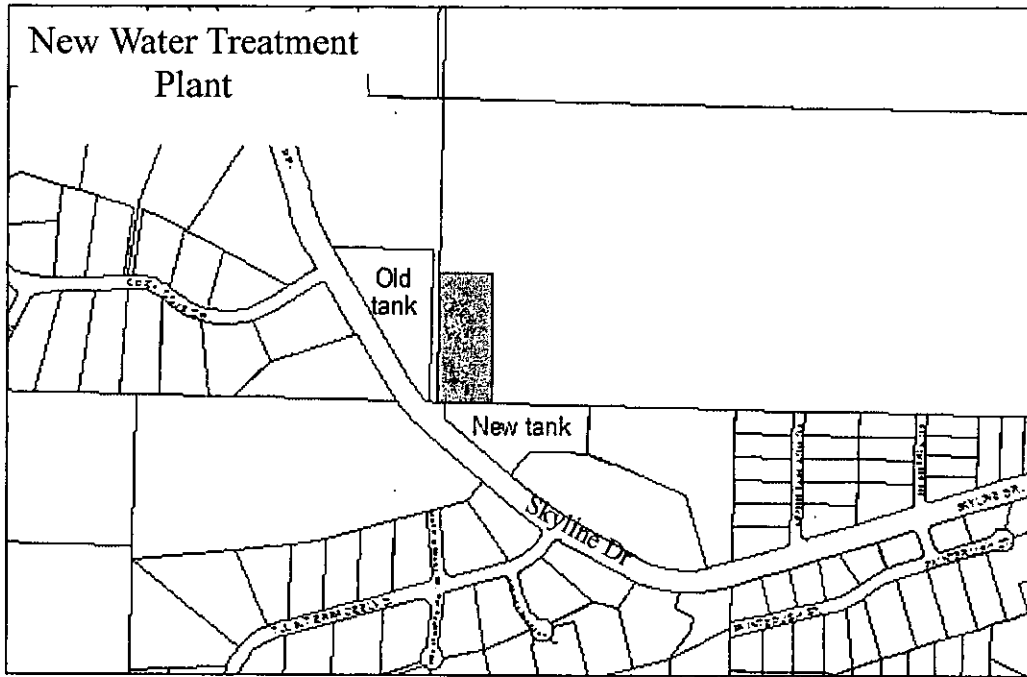
Notes: Location of old water storage tank.

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION

	
<p>Designated Use: City Well Reserve Water Tank and building/Public Purpose Acquisition History: Purchased 1/97 from Tulin.</p>	
<p>Area: 3 acres</p>	<p>Parcel Number: 17308034</p>
<p>2006 Assessed Value: \$363500 (Land: \$63, 500 Structure: \$300,000)</p>	
<p>Legal Description: HM0960051 T06S R13W S08 TULIN TERRACE SUB UPPER TERRACE LOT 34</p>	
<p>Zoning: Conservation</p>	<p>Wetlands: No</p>
<p>Infrastructure: Paved access, electricity.</p>	
<p>Notes: Location of new million gallon water storage tank.</p>	
<p>Finance Dept. Code:</p>	

CITY OF HOMER LAND INFORMATION



Designated Use: New Water Treatment Plant

Acquisition History: Undergoing eminent domain proceedings

Area: 4 acres (proposed)

Parcel Number:

2006 Assessed Value:

Legal Description:

Zoning: Not in city limits

Wetlands: No

Infrastructure: Paved access, electricity, water

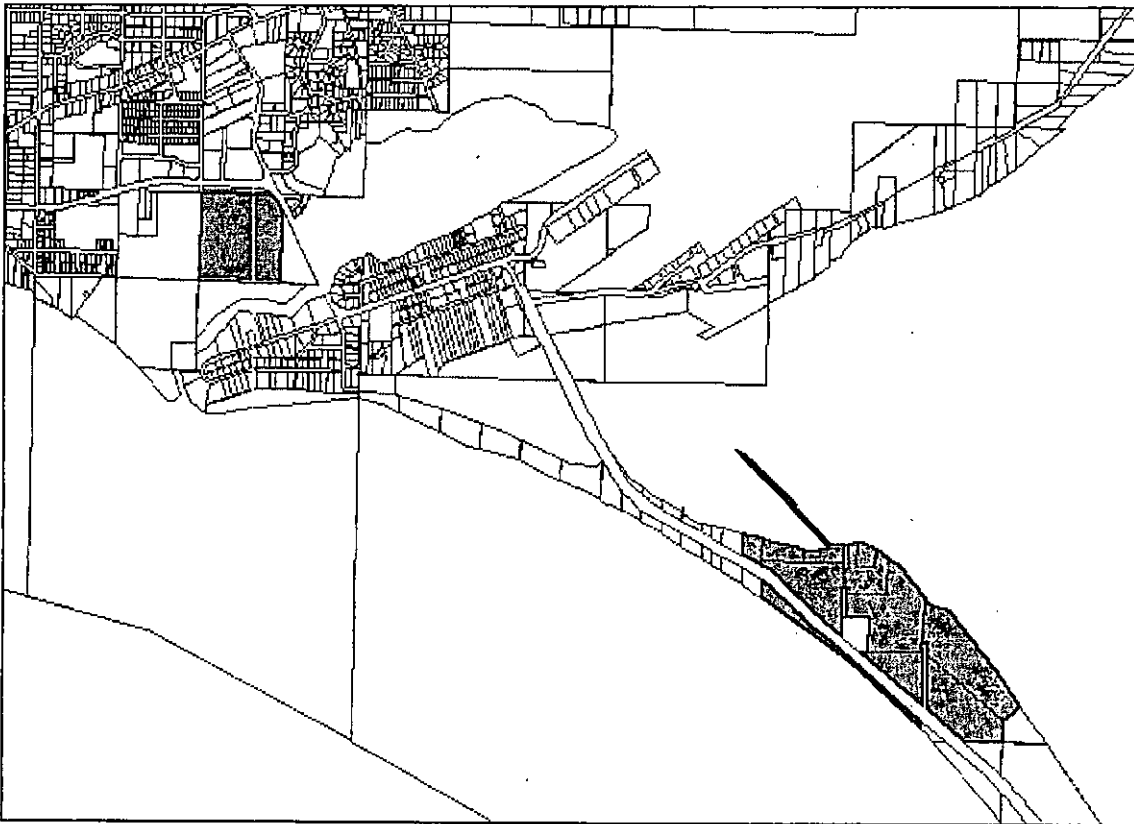
Notes: Location of new water treatment plant. Completion scheduled for 2009. Undergoing eminent domain proceedings.

Finance Dept. Code:

Homer Conservation Easement Lands

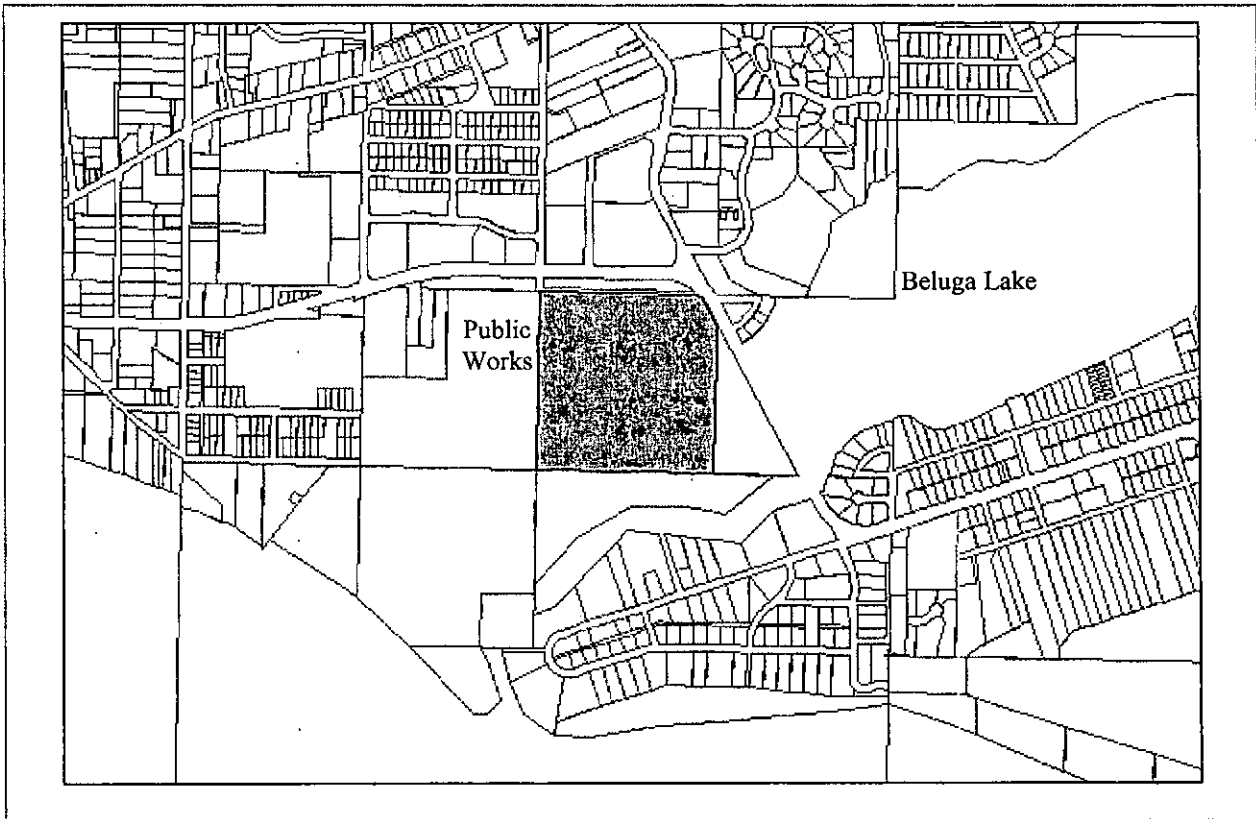
Existing conservation lands in Homer were mainly acquired through Exxon Valdez Oil Spill funding. Generally there are very strict easements on these lands as they were purchased to protect habitat, particularly shorebird habitat in sensitive areas. A portion of Louie's Lagoon has a conservation easement held by the Kachemak Heritage Land Trust.

Total acreage: 169.72 acres.



This section updated 1/2009

CITY OF HOMER LAND INFORMATION



Designated Use:
Acquisition History: EVOS purchase and conservation easement.

Area: 39.24 acres	Parcel Number: 17714006
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2006 Assessed Value: \$35,300

Legal Description: HM T06S R13W S20 NW1/4 SE1/4 EXC HOMER BY PASS RD

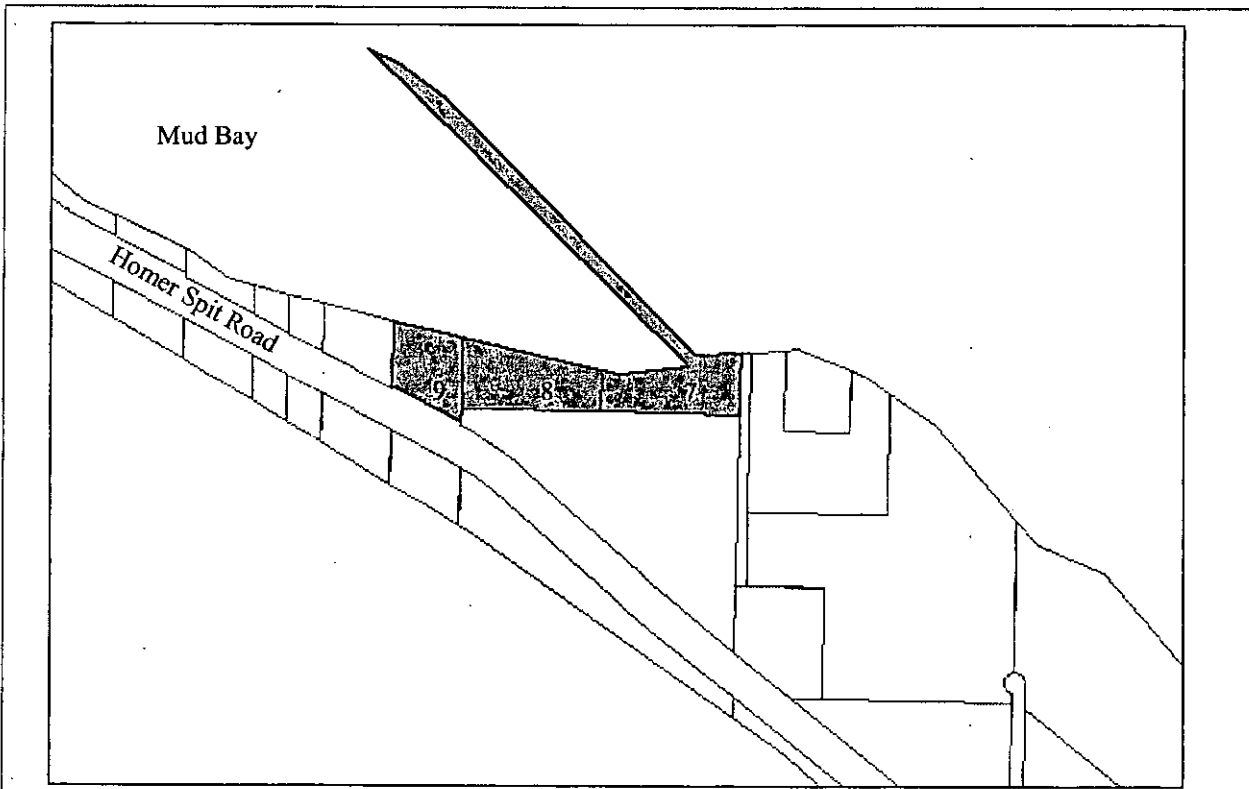
Zoning: Conservation	Wetlands: Beluga Slough Estuary
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Notes:

- Conservation Easement document recoded in Book 0275, Page 243, Homer Recording District, 4/21/98.
- Parcel is within a FEMA-mapped floodplain.

Finance Dept. Code: 392.0013

CITY OF HOMER LAND INFORMATION



Designated Use:
Acquisition History: EVOS purchase and conservation easement. Resolution 97-72 and 104.

Area: Lot 7: 7.1 acres Lot 8: 3.94 acres Lot 9: 3.00 acres	Parcel Number: 181020 02, 01, 18101023
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2006 Assessed Value: Lot 7: \$84,500 Lot 8: \$55,900 Lot 9: \$47,500

Legal Description: HM T06S R13W S27 GOVT LOT 7 (east) and 8 (west)
 HM T06S R13W S28 THAT PORTION OF GOVT LOT 9 LYING NORTH OF HOMER SPIT RD

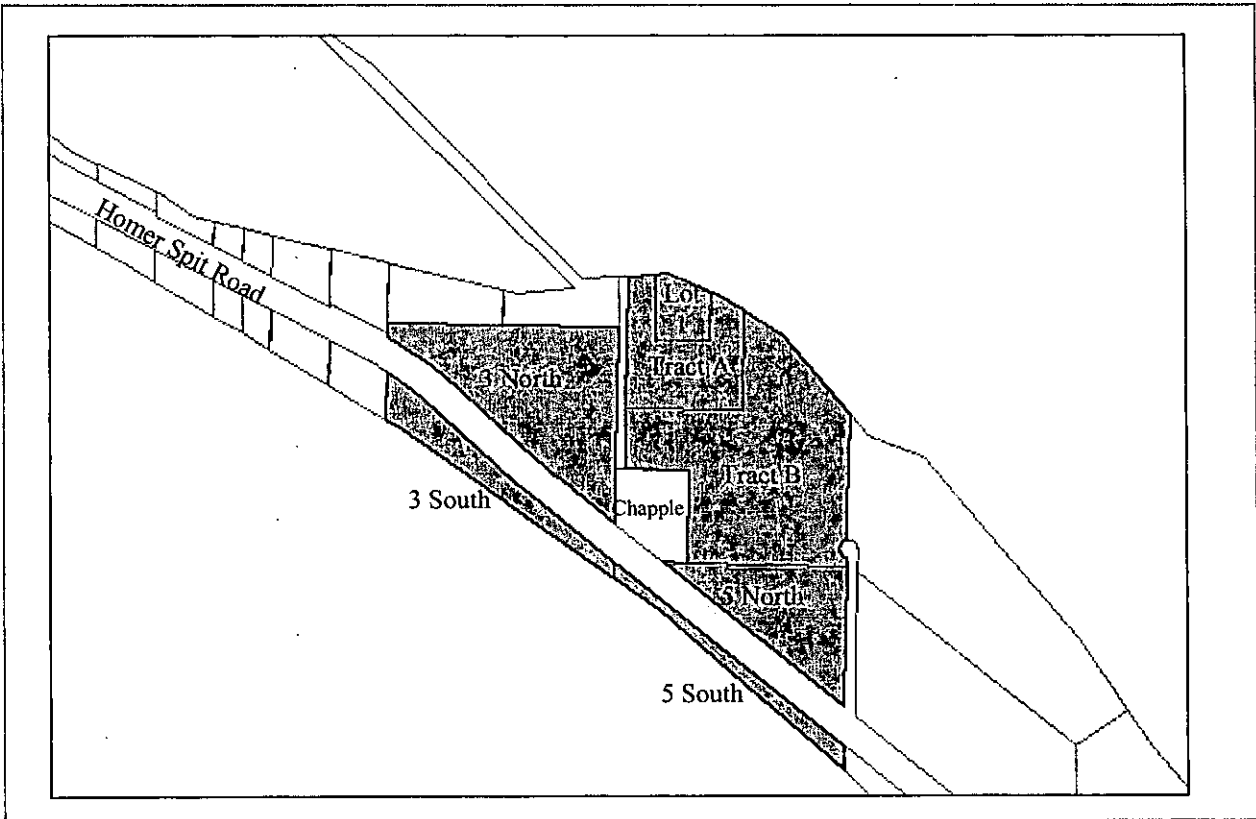
Zoning: Conservation—lots 7 and 8 Open Space Recreation—Lot 9	Environment: State Critical Habitat Area below 17.4 ft . mean high tide line.
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Notes:

- Conservation easement recorded in Book 0275, Page 229, Homer Recording District, 4/21/98.
- Parcels are within a FEMA-mapped flood hazard area.

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use:

Acquisition History: EVOS purchase and conservation easement.

Area: Total: 70.97 acres

Parcel Number: 18102 03, 04, 05, 06, 09, 10,14

2006 Assessed Value: Total: \$722,300

Legal Description: T 6S R 13W SEC 27 SEWARD MERIDIAN HM:

- 0630660 WALTER DUFOUR SUB LOT 1, 0630060 WALTER DUFOUR SUB TRACT A
- THAT PORTION OF GOVT LOT 3 LYING NORTH OF HOMER SPIT RD
- THAT PORTION OF GOVT LOT 3 LYING SOUTH OF HOMER SPIT RD
- THAT PORTION OF GOVT LOT 5 LYING NORTH OF HOMER SPIT RD
- PORTION OF GOVT LOT 5 LYING SOUTH OF HOMER SPIT HWY
- 0770055 WALTER DUFOUR SUB TRACT B TRACT B

Zoning: Conservation

South side of lot 5 is zoned Marine Industrial, but development is restricted by the conservation easement.

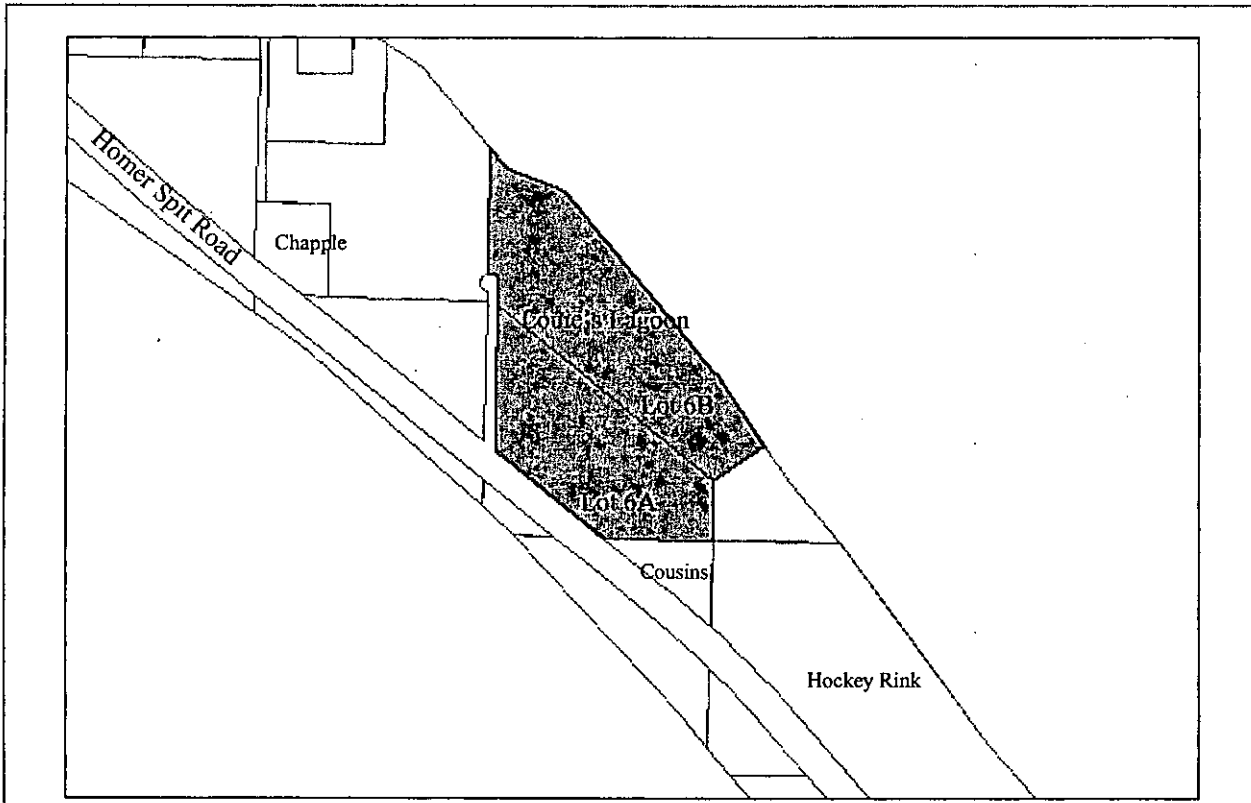
Environment: State Critical Habitat Area below 17.4 ft. mean high tide line.

Notes:

- Conservation easement recorded in Book 0275, Page 222, Homer Recording District ,4/21/98.
- Deeded to the City on same date, Book 0275, Page 236, HRD.
- Parcels are within a FEMA-mapped flood hazard area.

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use:

Acquisition History: EVOS purchase and conservation easement.

Area: Total: 45.47 acres

Parcel Number: 181-020 - 18, 19

2006 Assessed Value: Total: \$545,600

Legal Description: HM2001008 T06S R13W S27 LOUIE'S LAGOON LOT 6-A
HM2001008 T06S R13W S27 LOUIE'S LAGOON LOT 6-B

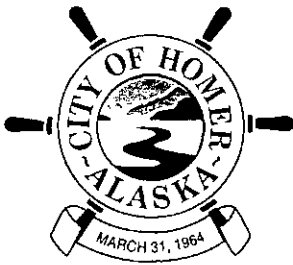
Zoning: Conservation

Environment: State Critical Habitat Area below 17.4 ft. mean high tide line.

Notes:

- Conservation easement recorded in Book 0275, Page 229, Homer Recording District, 4/21/98. This easement covers former Lot 6. See plat 2001-008.
- Conservation easement with Kachemak Heritage Land Trust on Lot 6B. Executed 10/4/02, document 2004-004843-0 HRD.
- Parcels are within a FEMA-mapped flood hazard area.

Finance Dept. Code:



City of Homer

Port / Harbor

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Web Site <http://port.ci.homer.ak.us>

MEMORANDUM 09-22

TO: MAYOR HORNADAY AND HOMER CITY COUNCIL

FROM: LEASE COMMITTEE

DATE: FEBRUARY 18, 2009

SUBJECT: LAND ALLOCATION PLAN 2009

The Lease Committee discussed Request for Proposals for available lots in 2009 at its Special meeting on February 12, 2009 as Item C, under Pending Business.

1. The Committee recommended by motions that the following lots remain in their current status of being available for lease in 2009:
 - Port Industrial Subdivision Lots 9A, 10A (separately), 13B
 - Homer Spit Subdivision No.5 Lots 4-12
2. The Committee recommended by motion that Lot 12B Port Industrial Subdivision be removed from the available list because the City's Fish Grinder is located on that lot.
3. The Committee recommended by motion that the following lots be available for Lease in 2009:
 - Homer Subdivision No. 5 Lots 21, 23, 24, 25, 26
(Lot 22 not included because of future public access needs)

The Committee further recommended the RFP states that proposers are encouraged to use overslope development standards in the improvement of these lots.

Excerpts of minutes:

Excerpts of minutes:

C. Request for Proposals (RFP) for available lots in 2009

- a. Memo from Port & Harbor Advisory Commission Re: 2007 Land Allocation Plan dated February 6, 2009.
- a. Memo to Port and Harbor Advisory Commission from Lease Committee dated January 21, 2009
- b. Memo 09-13 from City Clerk Re: Land Allocation Joint Worksession scheduled for 2/23/09 dated January 19, 2009.

Chair Erickson opened for discussion.

Committeemember Velsko suggested that this be postponed until the next meeting to discuss.

Deputy City Clerk Krause explained the process regarding the review of the Land Allocation Plan and submitting a memo to Council containing their recommendations.

Chair Erickson then reviewed the recommendations submitted by the Port & Harbor Advisory Commission. Committeemember Velsko explained for the Committee the intent behind the recommendations made by the Port & Harbor Advisory Commission.

Chair Erickson asked for input from the Committee. She requested further clarifications on the intent of the Seldovia Ferry for Lot 21.

In depth discussion followed on Lot 21.

Chair Erickson requested if the Committee was ready to support the recommendations made by the Port & Harbor Commission.

Committeemember Alderfer had some questions on some of the recommendations, he proposed the following motion:

ALDERFER/VELSKO - MOVED THAT THE LEASE COMMITTEE ACCEPT THE RECOMMENDATION OF THE PORT & HARBOR ADVISORY COMMISSION TO MAKE AVAILABLE LOTS 19 – 26 SEEKING REQUESTS FOR PROPOSALS FOR LONG TERM LEASE AND THAT OVERSLOPE DEVELOPMENT BE USED TO GUIDE DEVELOPMENT OF THE AVAILABLE LOTS.

HAWKINS/ - MOVED OFFER A FRIENDLY AMENDMENT TO THE MOTION TO REMOVE LOT 22 FROM AVAILABILITY.

This Lot will be used for public parking for Lot 21.

ALDERFER/ VELSKO - MOVED THAT THE LEASE COMMITTEE ACCEPT THE RECOMMENDATION OF THE PORT & HARBOR ADVISORY COMMISSION TO MAKE AVAILABLE LOTS 19 THROUGH 26, EXCLUDING LOT 22 SEEKING REQUESTS FOR PROPOSALS FOR LONG TERM LEASES AND THAT OVERSLOPE DEVELOPMENT BE USED TO GUIDE DEVELOPMENT OF THE AVAILABLE LOTS.

Committeemember Alderfer was concerned that letting the Lots 19-26 as a whole would garner all kinds of responses some acceptable and others not. He recommended that they be grouped in blocks, such as 19 and/or 20, 21, 23-26. Committeemember Velsko recommended that the motion incorporates overslope development as a guideline and in those standards there are recommended business uses outlined.

Chair Erickson inquired if Lot 21 and 22 would adequately cover the needs of the Ferry and future development in that area of the Spit. Committeemember Hawkins was not sure but the Ferry company was sure it would help. City Manager Wrede stated that is something that should be included in the proposal when submitted. Chair Erickson was concerned that an additional lot should be kept for future use and as a buffer. Committeemember Alderfer pointed out that leaving out other lots would effectively orphan some lots. Chair Erickson recommended excluding Lot 23 for future use. Committeemember Velsko recommended excluding Lots 19-20 until the Ferry is running, reserve Lot 21 for parking. The City may want 19-20 for revenue parking. Committeemember Hawkins felt that this was "over-thinking" the problem. Committeemember Alderfer stated the objective was to lease more land not reserve it and he would like to see more City owned lands for lease.

Chair Erickson requested clarification on the Port & Harbor's long range plan for these lots. Committeemember Hawkins stated previously that these lots were withheld and labeled Port Use, knowing that someone chose to make a proposal then they are open to listen to it. There was further discussion regarding the disposition of Lots 19-26 and the best use for these lots currently and in the future. Included in the discussion was reasons why the City may want to consider holding some lots back, exercising caution, the upcoming Spit Comprehensive Plan Update, Parking Study and paving projects this summer, some interest in leasing land and operating a parking structure for trailers.

Chair Erickson called for the question.

VOTE. YES. HARVILLE, ERICKSON, ALDERFER

VOTE. NO. HAWKINS, VELSKO, ABBOUD

Motion failed.

HAWKINS/ALDERFER - MOVED TO RECOMMEND CITY COUNCIL RELEASE LOT 21 OF THE HOMER SPIT SUBDIVISION TO BE AVAILABLE FOR REQUEST FOR PROPOSALS FOR LONG TERM LEASE AND THE PROPOSERS ARE ENCOURAGED TO USE OVERSLOPE DEVELOPMENT STANDARDS.

Committeemember Abboud stated that currently there is no Overslope Development in City Code and it would take some time to implement. He requested clarification on the urgency of needing this standard in regards to the Ferry. Committeemember Hawkins stated that the Ferry was not operating until 2010. Committeemember Abboud stated that would be feasible to have something in place.

Committeemember Velsko offered a friendly amendment to include Lots 23-26. Committeemember Hawkins accepted amendment.

Motion was restated.

HAWKINS/ALDERFER – MOVED TO RECOMMEND CITY COUNCIL RELEASE LOTS 21, 23, 24, 25, 26 OF THE HOMER SPIT SUBDIVISION TO BE AVAILABLE FOR REQUEST FOR PROPOSALS FOR LONG TERM LEASE AND THE PROPOSERS ARE ENCOURAGED TO USE OVERSLOPE DEVELOPMENT STANDARDS.

There was no further discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Erickson stated she would entertain a motion for Lots 9 and 10.

VELSKO/HAWKINS - MOVED TO SEPARATE 9A AND 10A INTO INDIVIDUAL RFP'S TO MAXIMIZE THE VALUE TO THE CITY.

There was no discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

HAWKINS/ VELSKO - LEASE COMMITTEE RECOMMENDS THE REMOVAL OF LOT 12B OF THE HOMER PORT INDUSTRIAL SUBDIVISION FROM ITS CURRENT DESIGNATION OF A LOT AVAILABLE FOR LONG TERM LEASE, DUE TO THE CITY'S FISH GRINDER IS LOCATED ON THIS LOT.

There was no discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Erickson called for additional recommendations.

HAWKINS/VELSKO - MOVED THAT THE LEASE COMMITTEE RECOMMENDS LOT 13B TO BE INCLUDED IN THE RFP PROCESS.

Brief discussion regarding the existing short term leases held by Fish Buyers and the existing policy does not allow consecutive short term leases. These business do provide a service for the Spit and consideration should be given to designating an area that can be used for short term, seasonal business. It was determine that could be addressed during the Spit Comprehensive Plan.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Erickson asked for a motion regarding Lots 4-12.

ABBOUD/VELSKO – MOVED THAT LOTS 4-12 BE INCLUDED IN THE RFP PROCESS.

There was no discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

There was a brief discussion if the Port & Harbor Advisory Commission made any recommendations to let for additional Fuel company. Committeemember Hawkins affirmed that the Commission made no designation of additional lots for that purpose.

There was no further discussion.



Homer Public Library
500 Hazel Avenue
Homer, Alaska 99603

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MEMORANDUM 09-23

TO: MAYOR HORNADAY AND CITY COUNCIL

FROM: LIBRARY ADVISORY BOARD

DATE: FEBRUARY 3, 2009

RE: 2009 LAND ALLOCATION PLAN

The Library Advisory Board reviewed the 2009 Land Allocation Plan at their regular Meeting on February 3, 2009 and made the following recommendations:

MARTIN/SEAMAN – MOVED THAT NO CHANGES SHOULD BE MADE TO THE 2008 ALLOCATION PLAN.

There was a brief discussion on attending the joint worksession with City Council on February 23, 2009 and that Chair Hawfield will be attending that meeting.

VOTE. YES. NON-OBJECTION. UNANIMOUS.

Motion carried.



City of Homer

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MEMORANDUM 09- 24

TO: MAYOR HORNADAY AND CITY COUNCIL
FROM: PORT AND HARBOR ADVISORY COMMISSION
DATE: FEBRUARY 11, 2009
SUBJ: LAND ALLOCATION PLAN

BACKGROUND:

The Port and Harbor Advisory Commission was requested to review and update as needed the 2009 Land Allocation Plan.

Below are the excerpts from the unapproved minutes, for the Regular Meeting of the Port and Harbor Advisory Commission, held January 28, 2009 and the Commission recommendations for the available city owned properties located on the Homer Spit.

NEW BUSINESS

A. Land Allocation Plan Review

Chair Kilcher requested a motion to bring to the floor.

HOGAN/ULMER - MOVED TO DISCUSS ITEM C. NEW BUSINESS.

There was no discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Discussion on the proposed lots for Lease on the Spit, Lot 21, Lots 11 and 12; concern from the Lease Committee was expressed at the last meeting on Lot 21 fitting into the Overslope Development; interest from Seldovia regarding Ferry; concern on ample parking for the Ferry; building a ramp and how it would be funded; the Ferry will be home ported in Seldovia and have priority parking not reserved.

Commissioner Wedin asked if leasing Lot 21 would diminish the value any. He confirmed with the Commissioners that certain parcels were already designated for parking. The Commissioners digressed briefly on the parking lot and road conditions in that area. Port and Harbor Director Hawkins responded that the Ferry is supposed to be ready this summer. There is no date set for actual operations starting. He directed the Commissioners that it must be considered if a private entity should be allowed to build a ramp into the Harbor. This issue was mentioned. The Commissioners discussed the estimated cost to the City to build a covered ramp. The parking would be priority use not reserved. It was recommended that if a ramp is built it should be built between two parcels or on one since the value of a "public ramp" built on leased lot would have no value, unless the entire lot was designated as parking and it should be paid parking; the difference in value to send multiple lots out for lease; all other parcels in the Land Allocation Plan has not changed;

VELSKO/ULMER – MOVED THAT THE PORT AND HARBOR ADVISORY COMMISSION RECOMMENDS THE LEASE COMMITTEE PUT LOT 21 OUT FOR PROPOSAL AS SOON AS REASONABLY POSSIBLE.

Commissioner Hogan did not feel that a lot should be singled out; that all City owned property should be bringing in revenue or be sold. It was noted that some of the land is being used for parking and recommended for Overslope Development. Commissioner Wedin asked if designated as overslope then parking was provided. It was stated that if one was doing overslope development that they would purchase lease uplands to provide parking for their business. Additional comments regarding decisions made on overslope development was conducted. It was questioned if the Overslope recommendations submitted were ever approved. A comment was made that it would be a more lucrative approach to change it to a Build to Suit Lease Policy instead of allowing individual businesses to lease a build whatever suits them. It was noted by that Lot 22 would be pulled from that Request for Proposal letting. More comments and discussion on bringing a more fixed direction and purpose to the Spit allowing for cohesiveness using overslope development, the probability of that happening in the current times, benefits of making the building requirements contain language that the structures installed should be "add onable". Commissioner Velsko felt that Port & Harbor Director Hawkins and himself can bring and represent the Commissions concerns to the Lease Committee without including language in the motion. Commissioner Wedin inquired about the Zoning laws; he agreed with Commissioner Ulmer's description and comments about the ultimate goals for the Spit he offered that if amenities, ramps etc are built that would encourage more businesses to come and build in that area.

HOGAN/ULMER – MOVED TO AMEND THAT MOTION TO READ "RECOMMENDS LOTS 19-26"

This would allow all lots to be offered and a person could lease one or all, building standards would be later, no parking designated.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Further discussion regarding the standards for building on the lots were held. It was agreed that it should be a separate motion.

Commissioner Hogan called for the question.

VOTE. (MAIN MOTION) YES. VELSKO, CARROLL, HOGAN, WEDIN, KILCHER, ULMER.

Motion carried.

Commissioner Ulmer stated she had concerns regarding the future development on the Spit and wanted to make sure they did not end up with mismatched shanties. She wanted the area cleaned up.

HOGAN/ULMER - MOVED TO RECOMMEND THAT DEVELOPMENT STANDARDS ON THE SPIT BE INCLUDED AS AN AGENDA ITEM AT THE LAND ALLOCATION PLAN WORKSESSION.

Commissioner Velsko commented that standards for overslope development were discussed in depth and created some time ago. It was agreed that Council has never approved or been presented the standards made on overslope development.

Port and Harbor Director Hawkins reminded the Commissioners that they spoke about making a motion to encourage overslope development of those lots that were to be let for proposal.

Chair Kilcher stated he would entertain a motion on that subject.

Deputy City Clerk Krause reminded the Commissioners that there was a motion on the floor.

Commissioner Hogan said he would accept this as an amendment to his motion.

VELSKO/ULMER – MOVED TO AMEND THE MOTION TO READ, "AND ENCOURAGE OVERSLOPE DEVELOPMENT STANDARDS BE USED FOR LOTS 19 THROUGH 26.

There was no discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Kilcher respoke the amended main motion as MOVED TO RECOMMEND DEVELOPMENT STANDARDS ON THE SPIT BE AN AGENDA ITEM FOR THE WORKSESSION AND THAT OVERSLOPE DEVELOPMENT STANDARDS BE USED FOR LOTS 19-26.

VOTE. (MAIN MOTION). YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

The Commission reviewed the additional lots available for lease and agreed with the current designations shown on the majority of the lots available on the Spit.

HOGAN/VELSKO - MOVED TO SEPARATE LOTS 9A, 10A AND LET OUT FOR PROPOSAL SEPARATELY AND REMOVE LOT 12B FROM AVAILABLE PROPERTIES TO LEASE.

Further discussion on the benefits of letting the lots out to RFP separately does not hinder someone from submitting a proposal on both lots.

There was a call for the question by Commissioner Carroll.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Additional discussion regarding Lots 13b, the old Porpoise Room. It did have short term leases. It was discussed whether the Commission should recommend to continue the short term leases. Port & Harbor Director Hawkins cited again that at this time they are outside the City Lease Policy. The Commissioners discussed what the term or length the RFP will stay advertised. Port & Harbor Director Hawkins related the incident with Kenai River Seafoods and that is what they wanted to avoid in the future. If no one is interested in long term leases then there should be the option that the City could lease on a monthly basis.

The commission agreed by consensus that Lot 13B should stay on the available list.

RECOMMENDATION:

The available Lots 19-26 to be advertised seeking Request for Proposals for Long Term Lease; Overslope Development be used to guide the development of these available lots and to add a discussion item on the worksession scheduled for February 23, 2009; current designation for remaining lots are agreeable and further recommend that Lots 9A, 10A should be advertised for Request for Proposal separately with the exception of Lot 12B which is to be pulled from the available property listing.

2009 Land Allocation Plan City of Homer

Review Draft January 2009

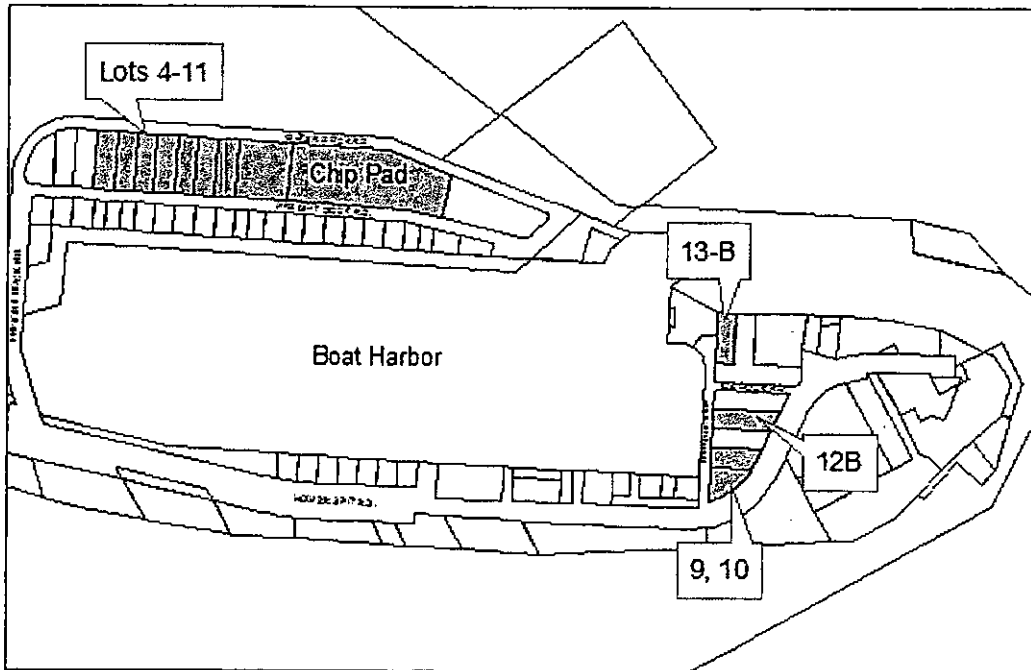
<u>Index</u>	<u>Page</u>
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4. City Facilities	55
5. Parks	75
6. Land within the Bridge Creek Watershed Protection District.....	107
7. Conservation Easement Lands	115

Notes: Any lands not included in this document are listed in the previous version of the Land Allocation Plan, and their designations carry forward to this plan.



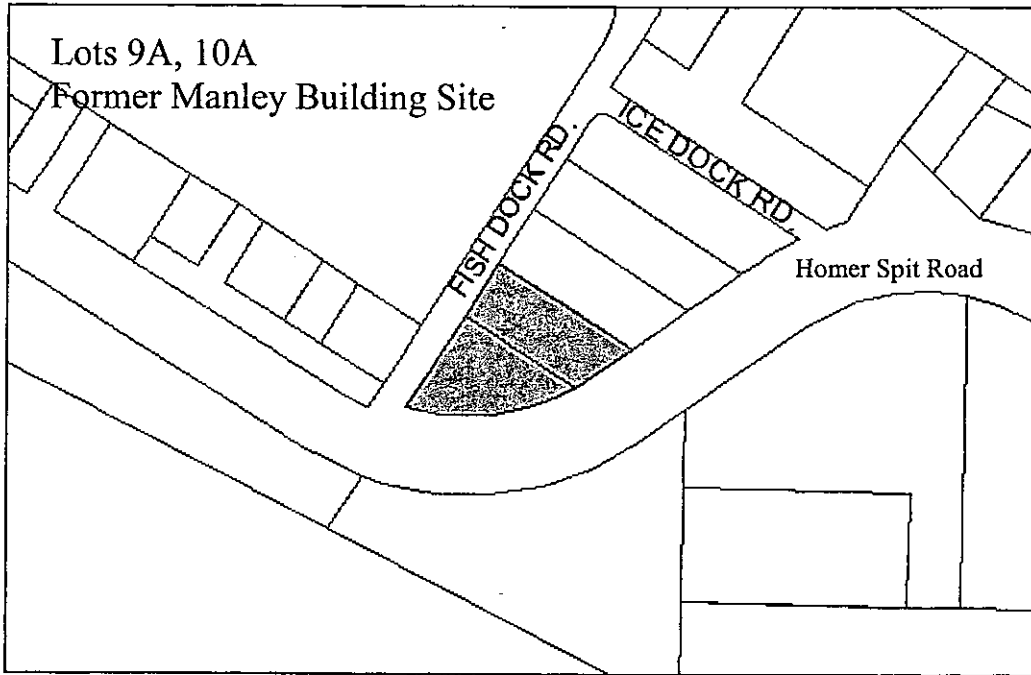
Lands available for lease

The following lots are available for lease in 2009. Lease procedures follow the City of Homer Lease Policy, and City Code.



Intentionally Blank

Designated Use: Acquisition History:	
Area: acres	Parcel Number:
2006 Assessed Value:	
Legal Description:	
Zoning: Marine Industrial	
Infrastructure: Water, sewer, paved road access	Address:
Finance Dept. Code:	



Designated Use: Lease
Acquisition History:

Area: 1.05 acres (0.52 and 0.53 acres)

Parcel Number: 18103477, 78

2008 Assessed Value: Land is valued over \$371,700.

Legal Description: T 7S R 13W SEC 1 SEWARD MERIDIAN HM 2007136 HOMER SPIT REPLAT 2006 LOT 9-A and 10A

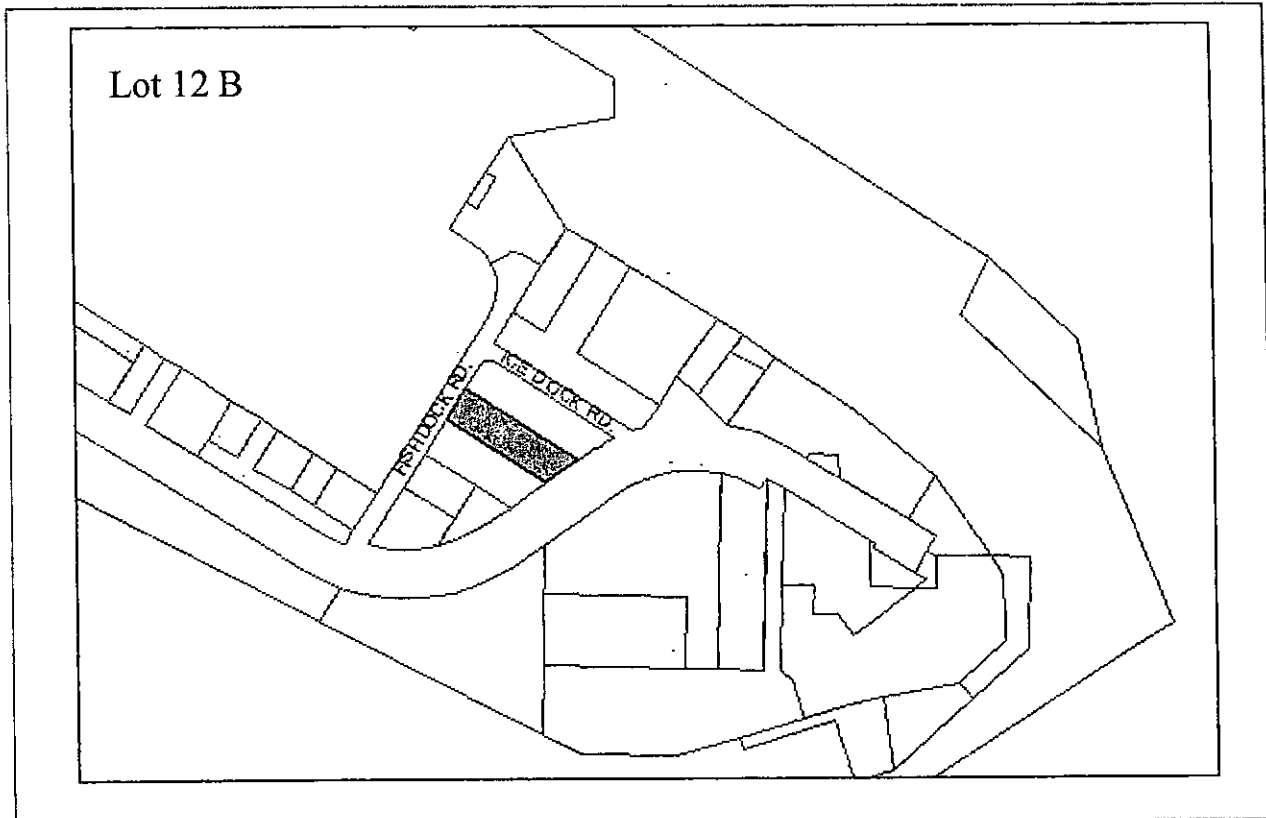
Zoning: Marine Industrial

Infrastructure: Water, sewer, paved road access

Address:

Former Manley building lots. Has been re-subdivided into two lots, rather than original three.

Finance Dept. Code:



Designated Use: Leased Lands
Acquisition History:

Area: 0.68 acres	Parcel Number: 18103451
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2006 Assessed Value: \$201,100

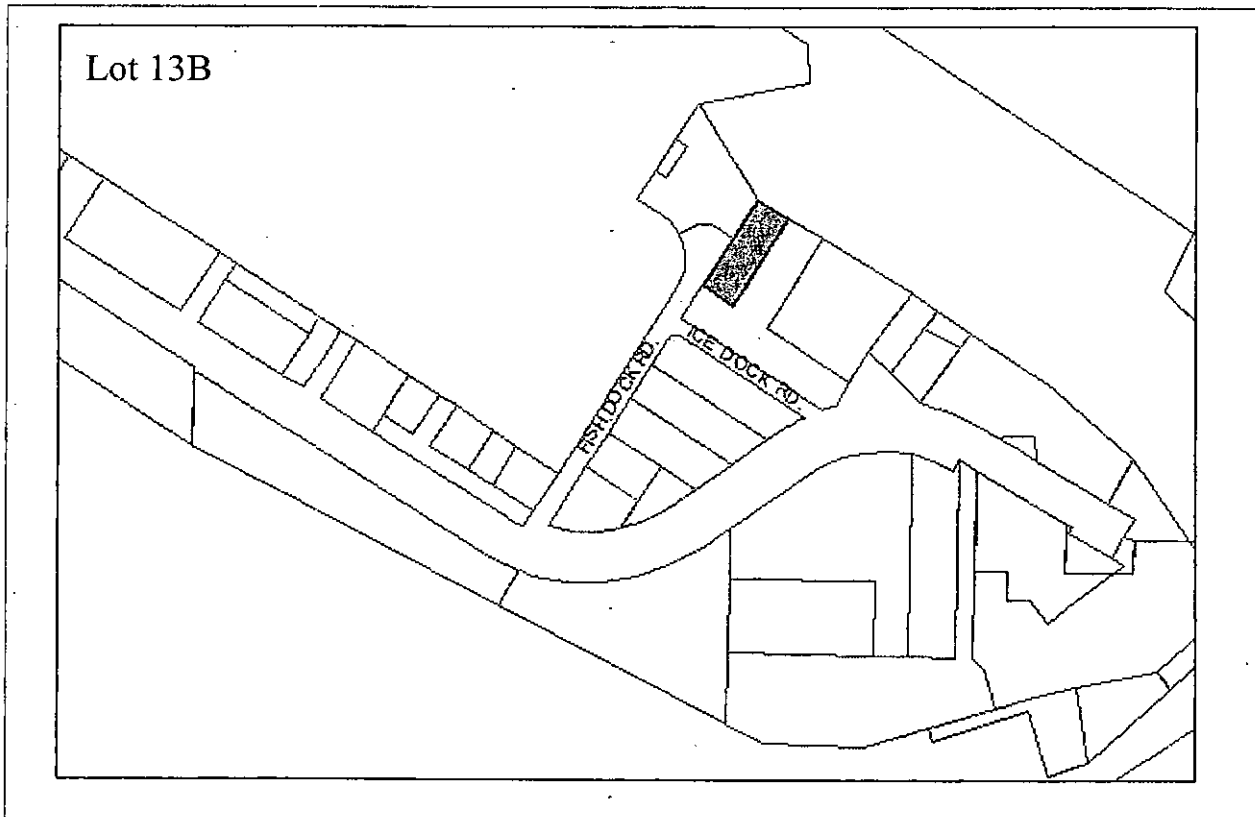
Legal Description: City of Homer Port Industrial Subdivision No 4 Lot 12-B

Zoning: Marine Industrial	
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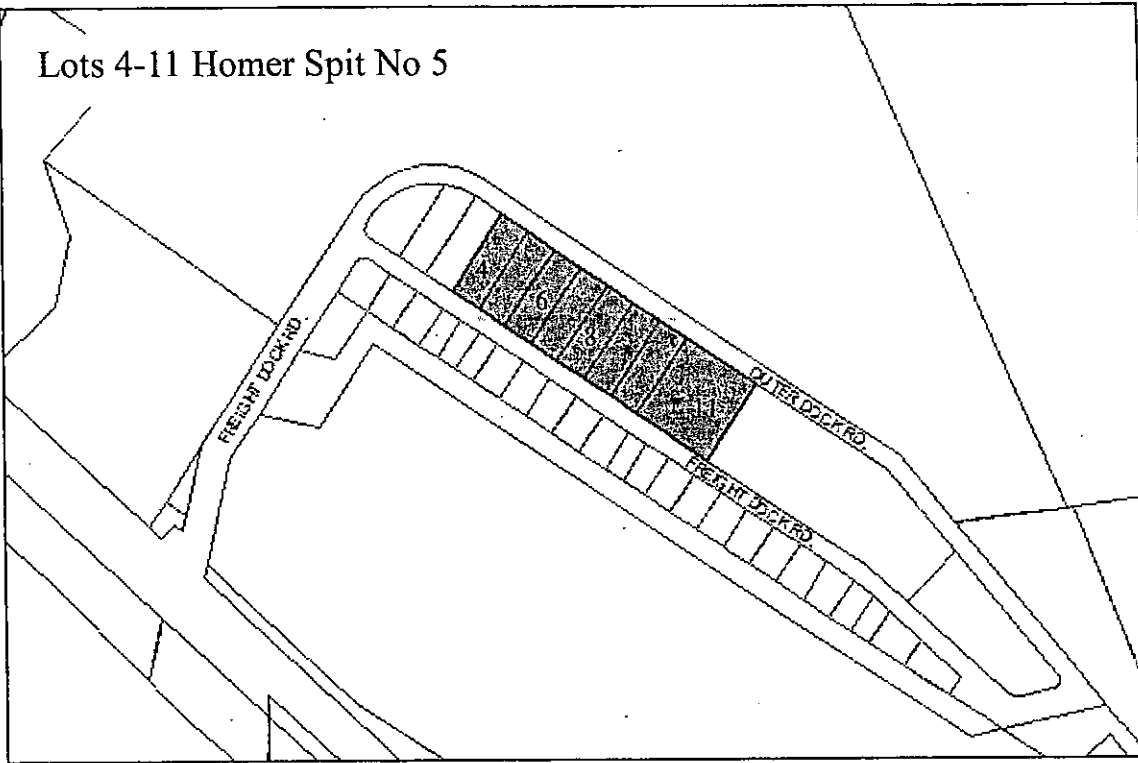
Infrastructure: Water, sewer, paved road access	Address:
--	-----------------

Parcel has the fish grinder on it, and possibly a short term lease for storage from neighboring business. The whole parcel is not readily available for a long term lease.

Finance Dept. Code:



Designated Use: Lease	
Acquisition History:	
Area: 0.52 acres	Parcel Number: 18103425
2006 Assessed Value: \$141,900	
Legal Description: City of Homer Port Industrial Subdivision No 2 Lot 13B	
Zoning: Marine Industrial	Wetlands: N/A
Infrastructure: Water, sewer, paved/gravel road access	Address: Fish Dock Road
Former Porpoise Room lot. Fisheries use encouraged but not required.	
Finance Dept. Code:	



Designated Use: Lease Lands
Acquisition History:

Area: 6.47 acres. Small lots are 0.67 acres, large lot is 1.78 acres

Parcel Number: 181032 23-30

2006 Assessed Value: \$1,533, 200. Smaller lots valued at \$171,000. One large lot valued at \$330,000

Legal Description: Homer Spit Subdivision No. 5 Lots 4 through 11

Zoning: Marine Industrial

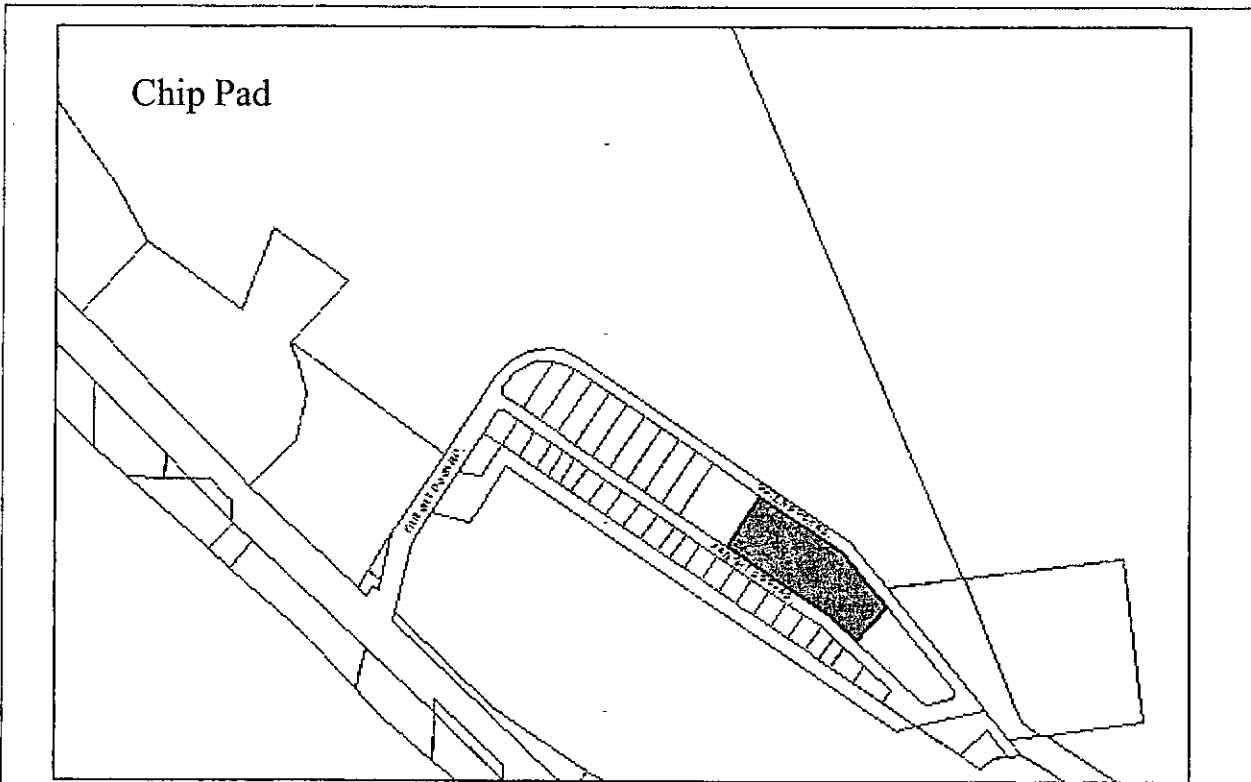
Infrastructure: Water, sewer, paved road access

Address:

Not available for long term lease. Used for seasonal summer parking. May be available for short term winter leases.

Resolution 2007-051: Lots 4-10, the RFP process should be delayed until the master parking plan is developed. The East Harbor expansion should be considered. Lot 11: should be held in reserve to attract a container ship/barge operation and/or an industrial support base to the Port of Homer. This should be a long term lease.

Finance Dept. Code:



Designated Use: Lease
Acquisition History:

Area: 5 acres

Parcel Number: 18103220

2006 Assessed Value: \$669,000

Legal Description: Homer Spit Subdivision no 5 Lot 12

Zoning: Marine Industrial

Infrastructure: Water, sewer, gravel road access

Address: 4380 Homer Spit Road

Old Gates Construction Chip Pad
 This lot was RFP'd in February 2007. 2008: Former lease issues are being resolved.

;

Leased Lands

These lands are under lease. Leases are based on a current market appraisal provided by a professional appraiser. The Kenai Peninsula Borough tax assessment is given as information only. It is not the basis for lease negotiations or fees. See the Lease Policy Manual for further information. Individual lease files contain information on rents and formal agreements.

CITY OF HOMER LAND INFORMATION

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Designated Use:
Acquisition History:

Area: acres	Parcel Number:
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2006 Assessed Value:

Legal Description:

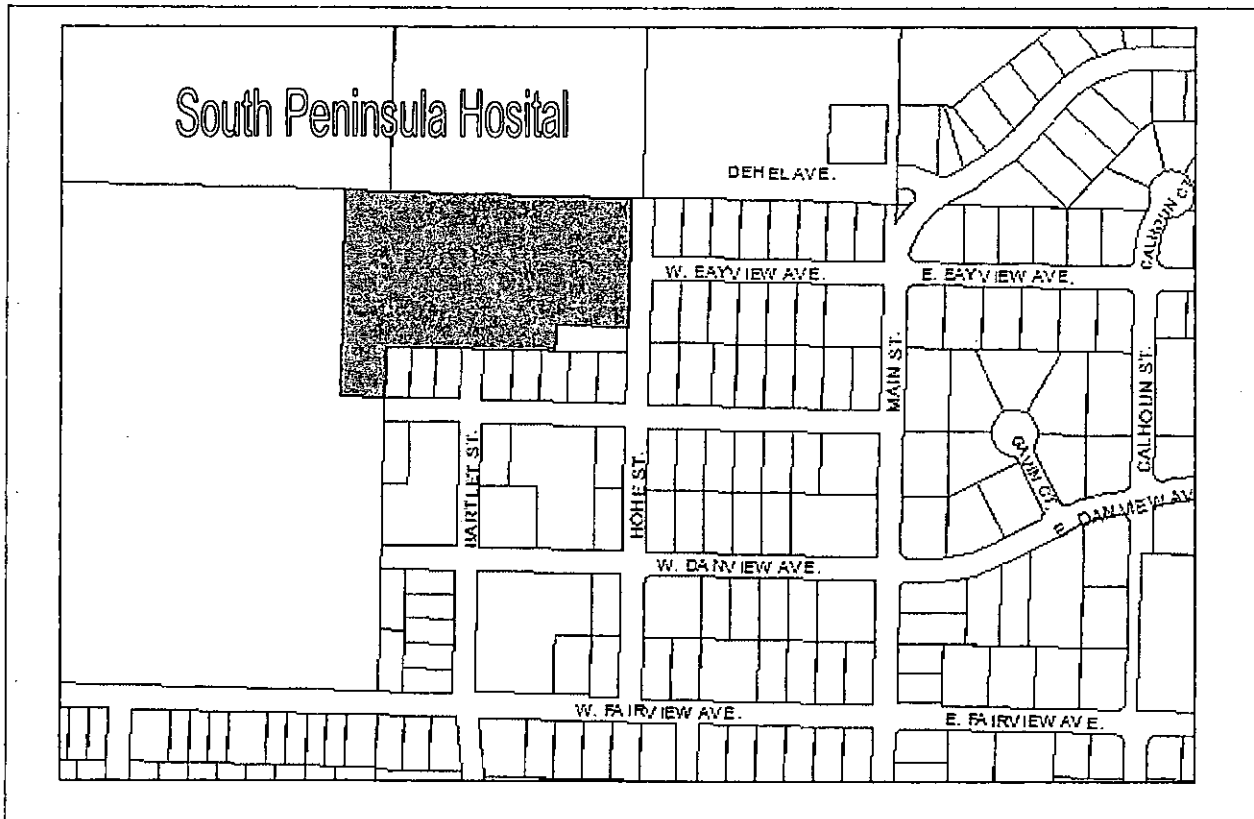
Zoning:	Wetlands: N/A
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Infrastructure: Water, sewer, paved road access	Address:
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Leased to:
Lease Renewal Options:
Expiration:

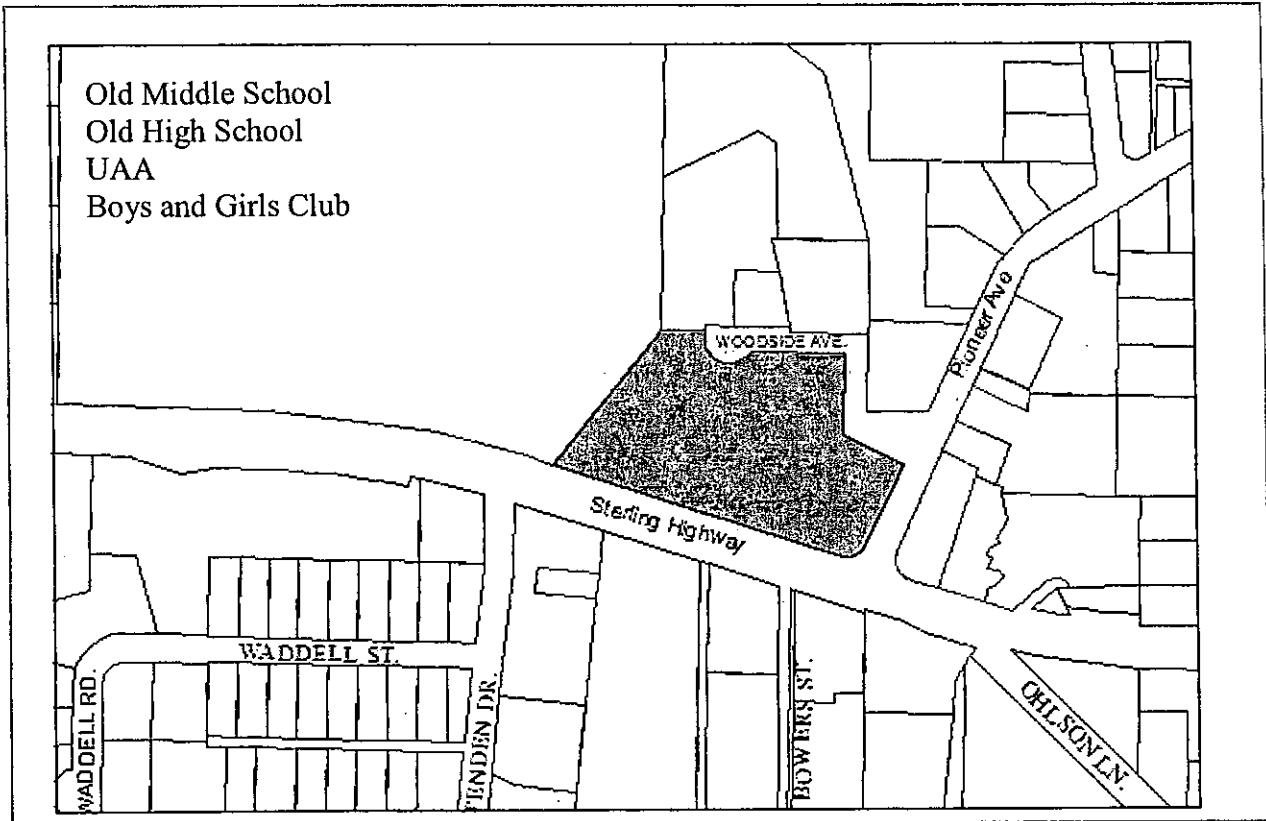
Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



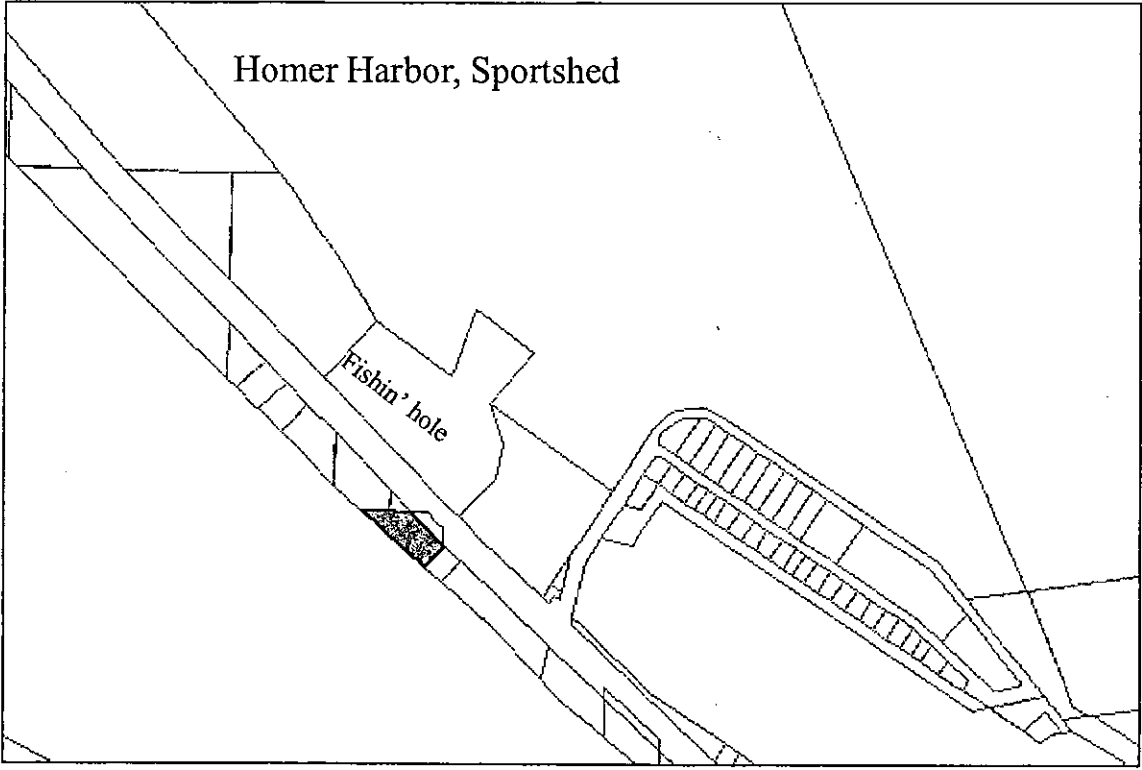
Designated Use: South Peninsula Hospital	
Acquisition History:	
Area: 7.12 acres	Parcel Number: 17504024
2006 Assessed Value: \$19,759,400 (Land \$136,400, Structures \$19,623,000)	
Legal Description: HM02008092T06S R13W S18 SOUTH PENINSULA HOSPITAL SUB 2008 Addition Tract A2	
Zoning: Residential Office	Wetlands: N/A
Infrastructure: Water, sewer, paved road access	
Notes: Hospital expansion project underway in 2006. Ordinance 2006-036 leased the land to the Kenai Peninsula Borough for 99 years. Structure is owned by KP.B.	
Finance Dept. Code:	

CITY OF HOMER LAND INFORMATION

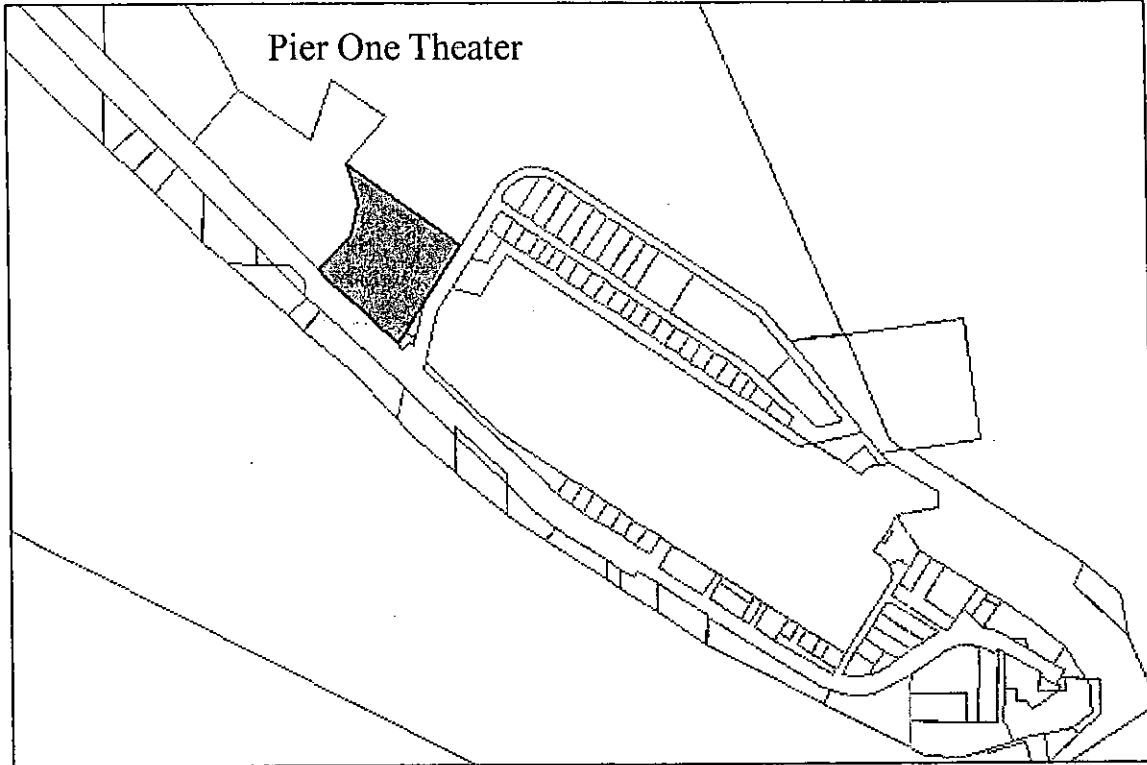


Designated Use: Public Government Lands with the intent to use for community purposes	
Acquisition History: Given to the City by KPB. Old Middle School and HS. Reso 98-63	
Area: 4.3 acres	Parcel Number: 17510070
2006 Assessed Value: \$4,108,000 (Land \$108,000 Structures \$4,000,000)	
Legal Description: HM2000022 T06S R13W S19 TRACT 2 HOMER SCHOOL SURVEY 1999 CITY ADDN	
Zoning: Central Business District	Wetlands: Creek on western edge
Infrastructure: Paved access and parking. Water and Sewer.	
<p>Notes: Currently Leased to the college and the Boys and Girls Club.</p> <ul style="list-style-type: none"> • College lease is short term. • Skateboard Park on premises. • Old Middle School has flooding problems in the basement. • Older building has asbestos. • Deed restrictions on the property for school or community purpose; may not be able to sell for commercial purposes. 	
Finance Dept. Code: 170.0032 175.100.05	

CITY OF HOMER LAND INFORMATION

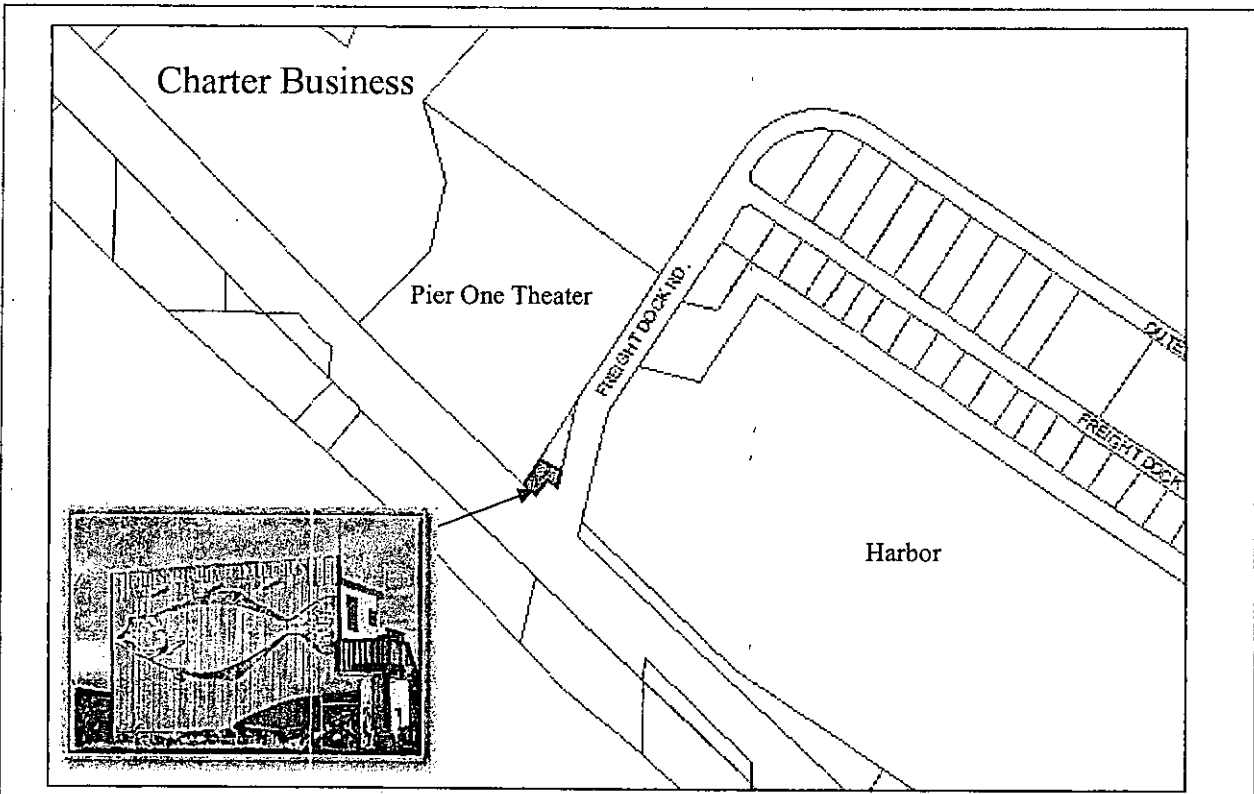
 <p>Homer Harbor, Sportshed</p>	
Designated Use: Leased Land Acquisition History:	
Area: 1.6 acres	Parcel Number: 18103105
2006 Assessed Value: \$288,000 (Land: \$49,700 Structure: \$238,300)	
Legal Description: HM0890034 T06S R13W S35 HOMER SPIT SUB AMENDED LOT 5	
Zoning: Marine Commercial	Wetlands: None
Infrastructure: Paved road, water and sewer.	Address: 3815 Homer Spit Road
Leased to: Sportshed Expiration: 4/30/2009	
Finance Dept. Code:	

CITY OF HOMER LAND INFORMATION



Designated Use: Fishing Lagoon	
Acquisition History: Ordinance 83-26. Purchase from World Seafood.	
Area: 11.27 acres	Parcel Number: 18103117
2006 Assessed Value: \$1,295,200 (Land: \$1,146,400 Structure: \$148,800)	
Legal Description: HM0940043 T06S R13W S35 TRACT 1-A THE FISHIN HOLE SUB NO 2	
Zoning: Marine Industrial	Wetlands: N/A
Infrastructure: Water, sewer, paved road access	Address: 3854 Homer Spit Road
<p>This is a large parcel that is used several ways.</p> <ul style="list-style-type: none"> • Dredge spoils dewatering and storage • City RV park/campground, and access to the only public RV dump on the spit • Pier One Theater Lease. Theater leases the building only; not the land. Resolution 89-36A. • Other summer only leases <p>Leased to: Pier One Theater Lease Renewal Options: Expiration: 12/9/2011 Resolution 2007-56 The Homer Spit Trail currently ends on this lot.</p>	
Finance Dept. Code:	

CITY OF HOMER LAND INFORMATION



Designated Use: Lease
Acquisition History: Ord 1983-26. Purchased from World Seafood

Area: 0.15 acres or 6,692 sq ft	Parcel Number: 18103118
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2006 Assessed Value: \$14,100 Land \$37,700 Structure

Legal Description: HM0940043 T06S R13W S35 TRACT 1-B THE FISHIN HOLE SUB NO 2

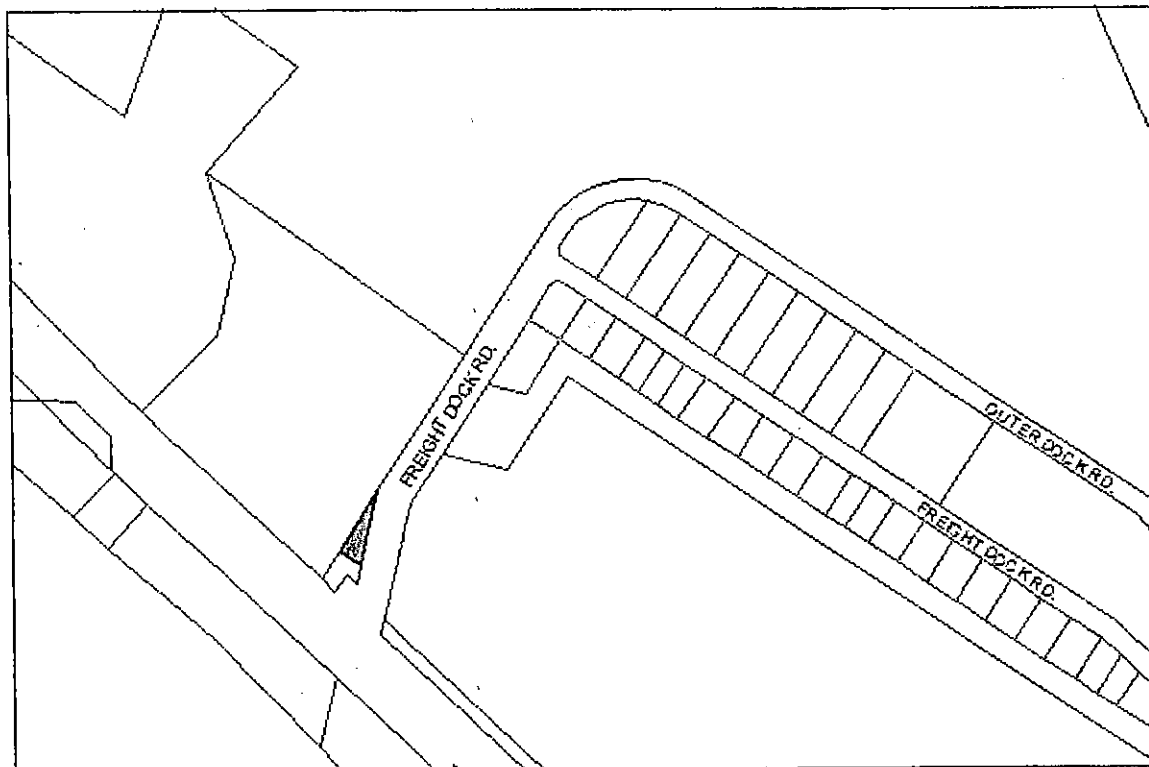
Zoning: Marine Industrial	Wetlands: None
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Infrastructure: Paved road, water and sewer.	Address: 3978 Homer Spit Road
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Leased to: Alaska High Hopes Charters Co. (Bob's Trophy Charters)
 Expiration: February 2013, with one 5 year option Resolution 08-43

Finance Dept. Code: 400.600.4650

CITY OF HOMER LAND INFORMATION



Designated Use: Leased Lands

Acquisition History: Ord 83-26 purchase from World Seafood

Area: 0.18 acres

Parcel Number: 18103119

2006 Assessed Value: \$72,000 (Land: \$16,100 Structure \$55,900)

Legal Description: HM0940043 T06S R13W S35 TRACT 1-C THE FISHIN HOLE SUB NO 2

Zoning: Marine Industrial

Wetlands: N/A

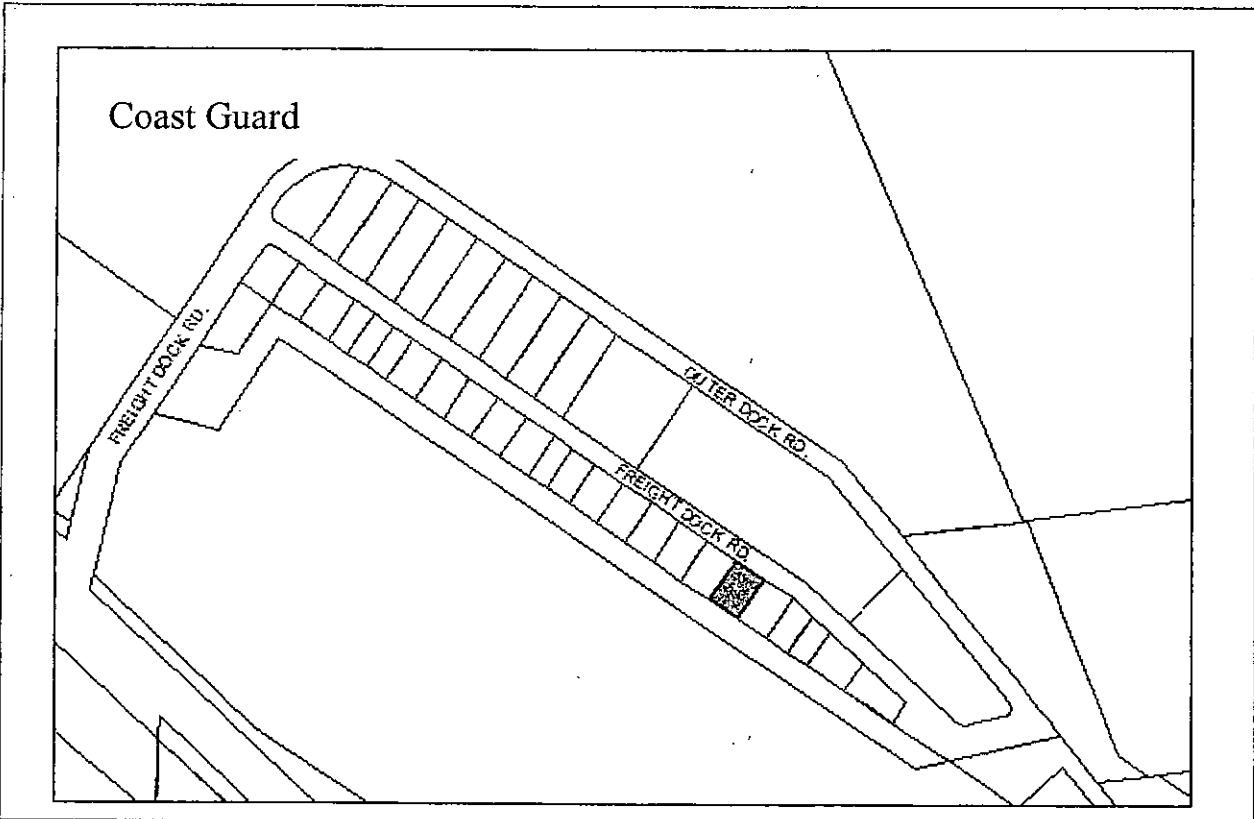
Infrastructure: Water, sewer, paved road access

Address: 1114 Freight Dock Road

Leased to: L.H. and Marcia Pierce. Sportsman Supply/RV
Resolution 08-42 leased the property until the end of February, 2013. One five year option.

Finance Dept. Code: 400.600.4650

CITY OF HOMER LAND INFORMATION



Designated Use: Leased to USCG
Acquisition History:

Area: 0.34 acres

Parcel Number: 18103218

2006 Assessed Value: \$532,400 (Land: \$103,800 Structure: \$428,600)

Legal Description: Homer Spit Four subdivision Lot 2

Zoning:

Wetlands: N/A

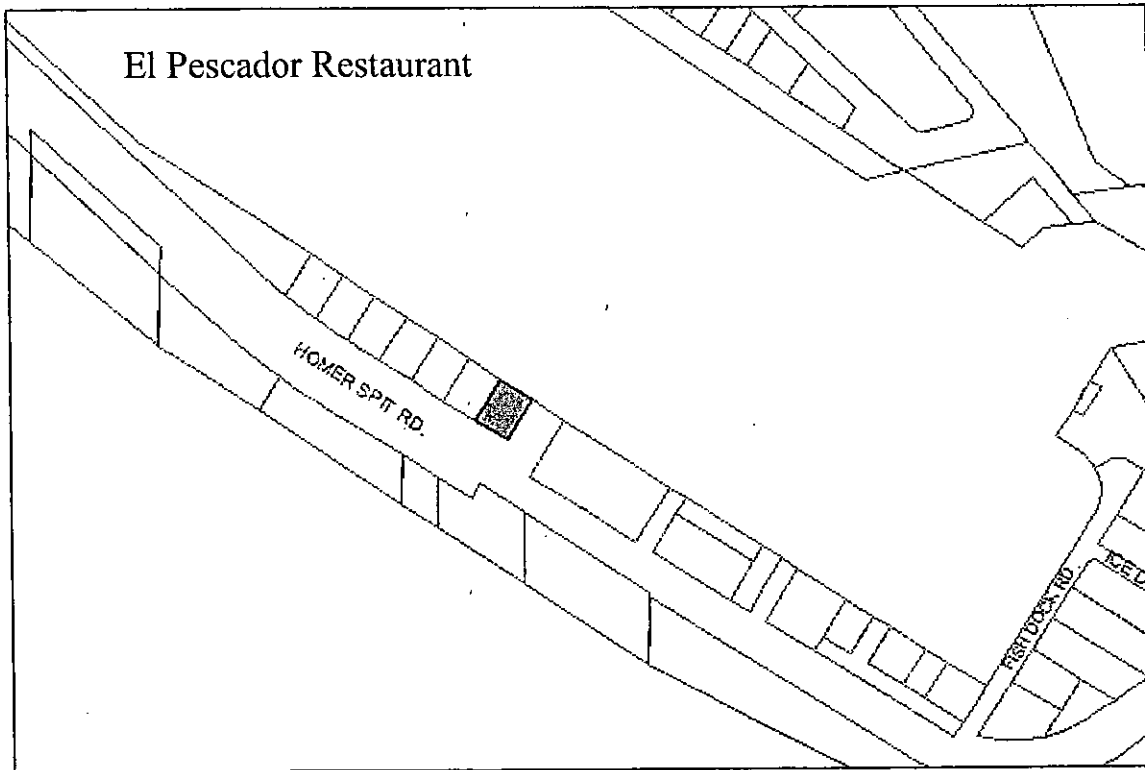
Infrastructure: Water, sewer, paved road access

Address:

Leased to: USCG
Lease Renewal Options:
Expiration:

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Leased Land
Acquisition History:

Area: 12,700 sq ft

Parcel Number: 18103316

2006 Assessed Value: \$507,000 (Land: \$59,100 Structure: \$447,900)

Legal Description: HM0890034 T07S R13W S01 HOMER SPIT SUB AMENDED LOT 19

Zoning: Marine Commercial

Wetlands: None

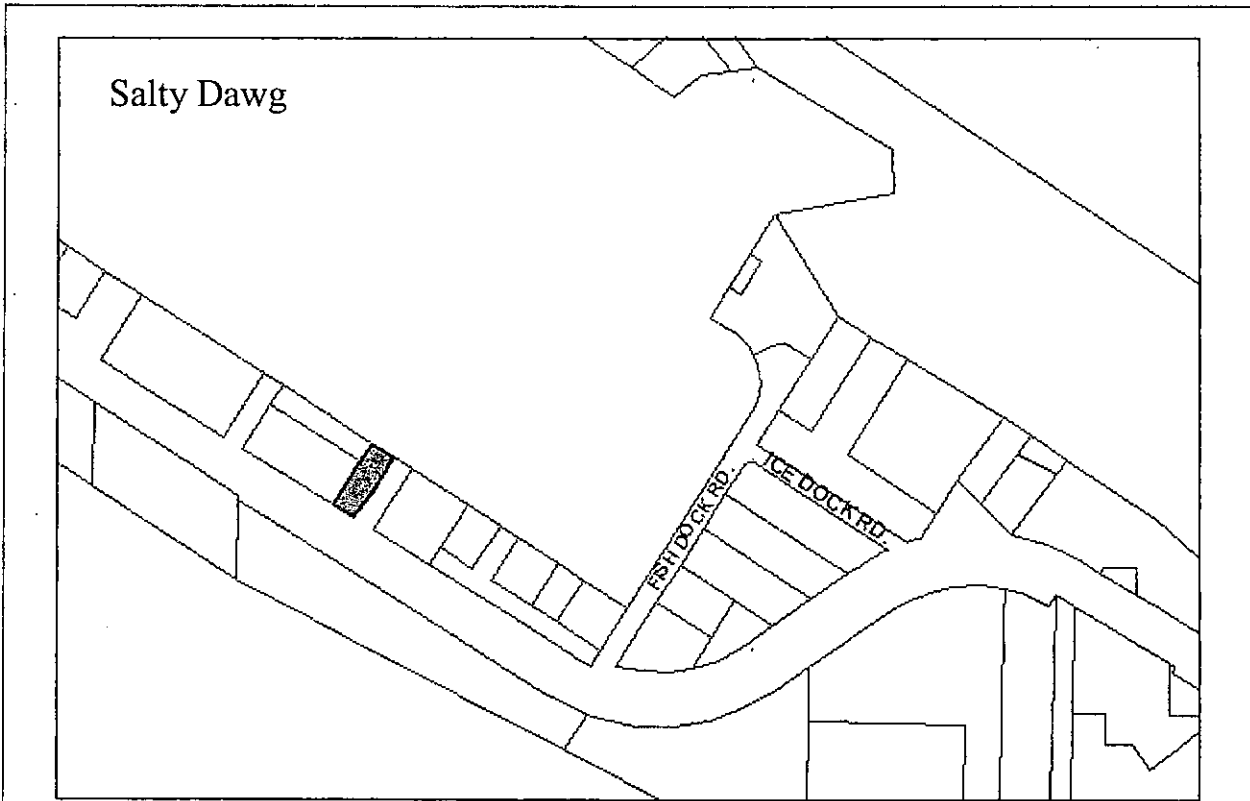
Infrastructure: Paved road, water and sewer

Address: 4262 Homer Spit Road

Leased to: Jose Ramos/El Pescador
Expiration: Lease expires 2/1/2016

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Leased Lands
Acquisition History:

Area: 0.23 acres	Parcel Number: 18103309
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2006 Assessed Value: \$209,500 (Land: \$70,000 Structure: \$139,500)

Legal Description: HM0890034 T07S R13W S01 HOMER SPIT SUB AMENDED LOT 30

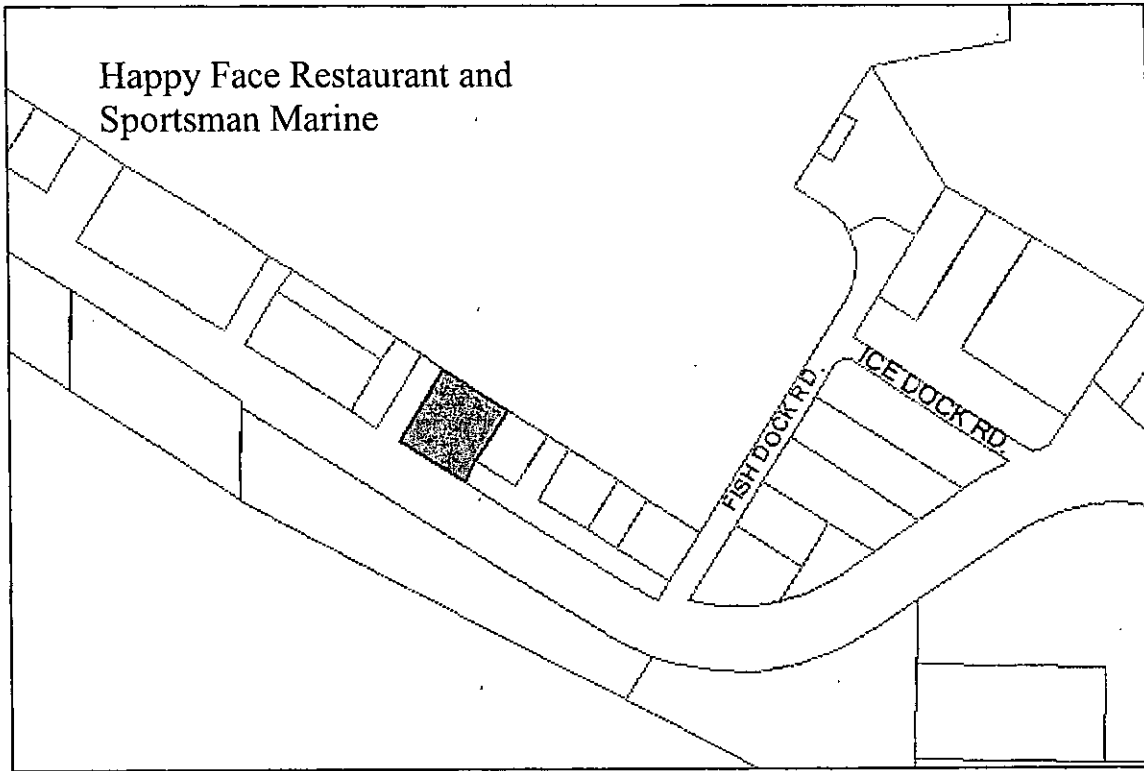
Zoning: Marine Industrial	Wetlands: N/A
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Infrastructure: Water, sewer, paved road access	Address:
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Leased to: John Warren, Salty Dawg
Expiration: 1/31/2026

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Leased Land
Acquisition History:

Area: 24,639 sq ft (0.57 acres)

Parcel Number: 18103432

2006 Assessed Value: \$548,400 (Land: \$88,000 Structure: \$460,400)

Legal Description: HM0890034 T07S R13W S01 HOMER SPIT AMENDED LOT 32

Zoning: Marine Industrial

Wetlands: None

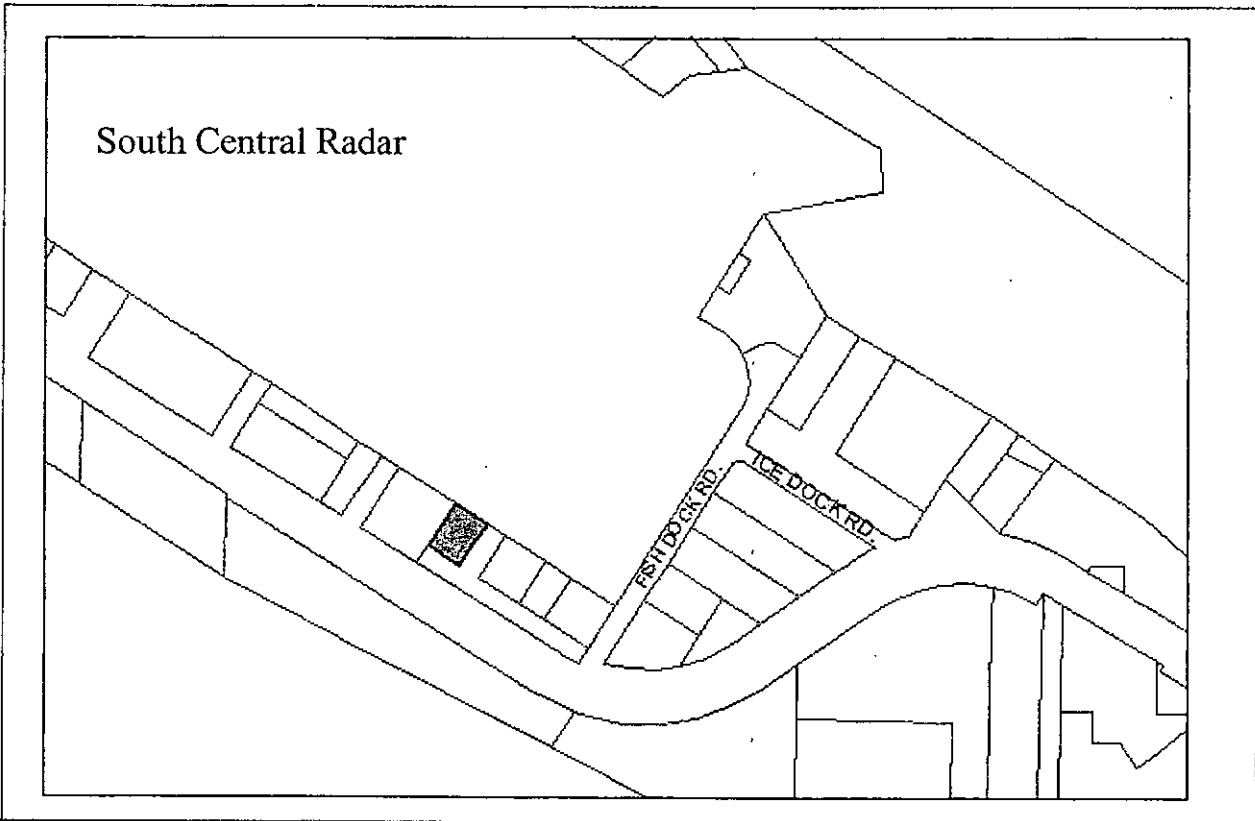
Infrastructure: Paved road, water and sewer.

Address: 4400 Homer Spit Road

Leased to: Happy Face Restaurant and Sportsman Marine
 Expiration: 12/31/2014

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Leased Land
Acquisition History:

Area: 0.2 acres

Parcel Number: 18103431

2006 Assessed Value: \$127,600 (Land: \$60,900 Structure: \$66,700)

Legal Description: HM0920050 T07S R13W S01 HOMER SPIT SUB NO TWO AMD LOT 88-1

Zoning: Marine Industrial

Wetlands: N/A

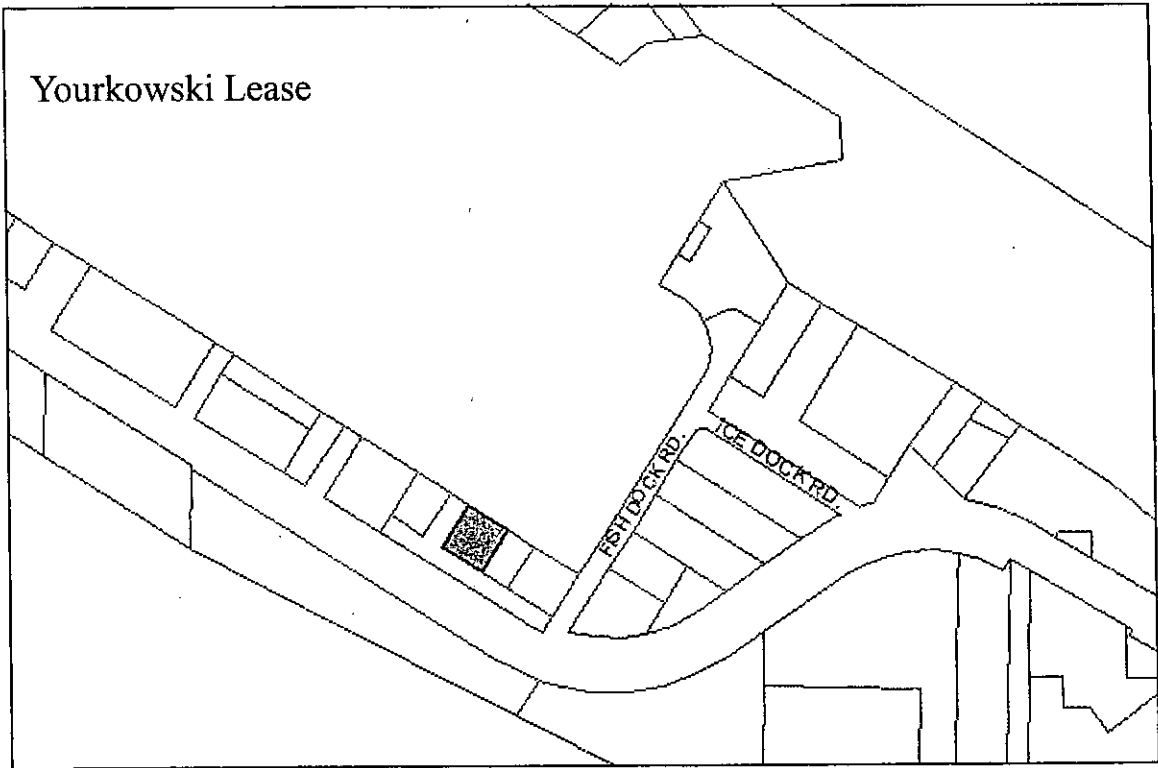
Infrastructure: Water, sewer, paved road access

Address: 4406 Homer Spit Road

Leased to: William Tener dba South Central Radar
Lease Renewal Options: 2 additional 5 year renewal options
Expiration: 11/1/2013. Renewal options after that.

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Leased Lands
Acquisition History:

Area: 0.29 acres

Parcel Number: 18103442

2006 Assessed Value: \$177,300 (Land: \$80,600 Structure: \$96,700)

Legal Description: HM0920050 T07S R13W S01 HOMER SPIT SUB NO TWO AMENDED LOT 88-2

Zoning: Marine Industrial

Wetlands: N/A

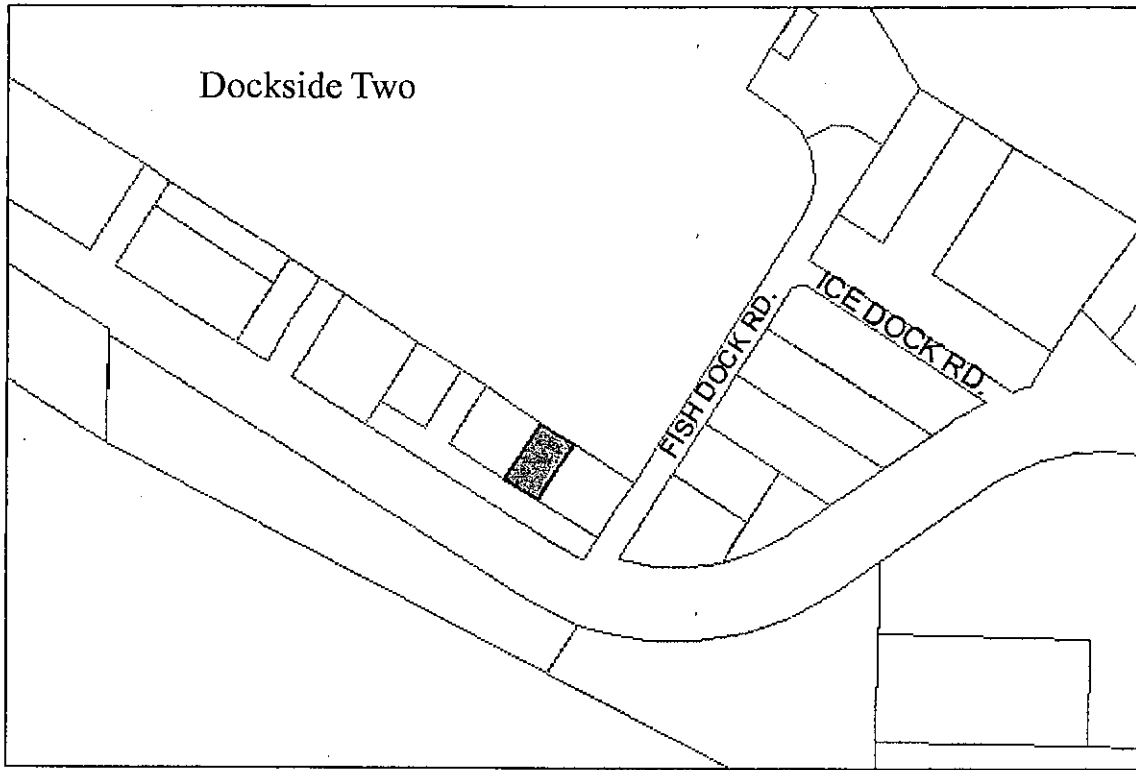
Infrastructure: Water, sewer, paved road access

Address: 4460 Homer Spit Road

Leased to: Mike Yourkowski
 Lease Renewal Options: one 10 year renewal option.
 Expiration: 11/30/15, plus renewal option.

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Leased Land
Acquisition History:

Area: 7,749 sq ft. (0.18 acres)

Parcel Number: 18103443

2006 Assessed Value: \$131,200 (Land: \$31,900, Structure: \$99,300)

Legal Description: HM0920050 T07S R13W S01 HOMER SPIT SUB NO TWO AMENDED LOT 88-3

Zoning: Marine Industrial

Wetlands: None

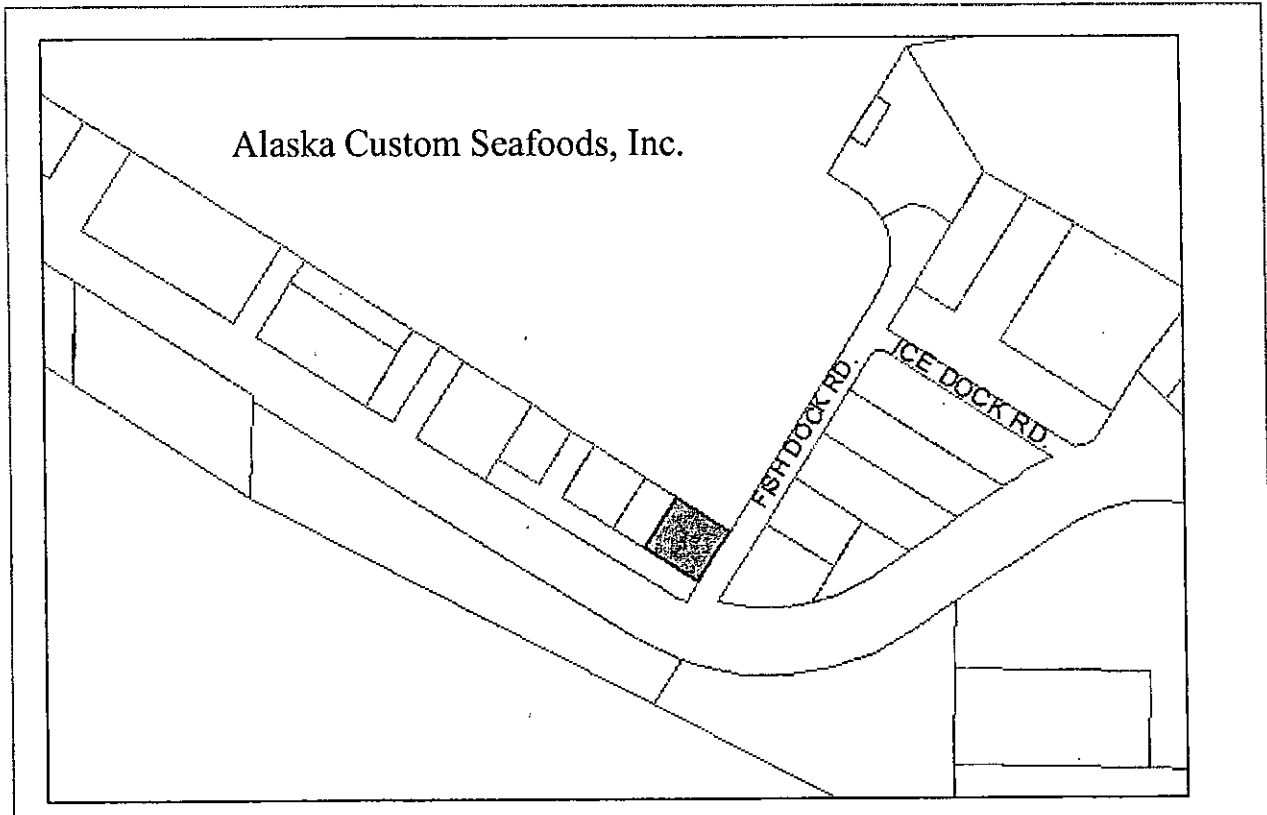
Infrastructure: Paved road, water and sewer.

Address: 4470 Homer Spit Road

Leased to: William Sullivan dba Docks Two
Expiration: 4/15/2012, no more options

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Leased land
Acquisition History:

Area: 0.31 acres, or 13,383 sq ft

Parcel Number: 18103444

2006 Assessed Value: \$132,800 Land Value - \$8400 Structure Value - \$124400

Legal Description: HM0920050 T07S R13W S01 HOMER SPIT SUB NO TWO AMENDED LOT 88-4

Zoning: Marine Industrial

Wetlands: None

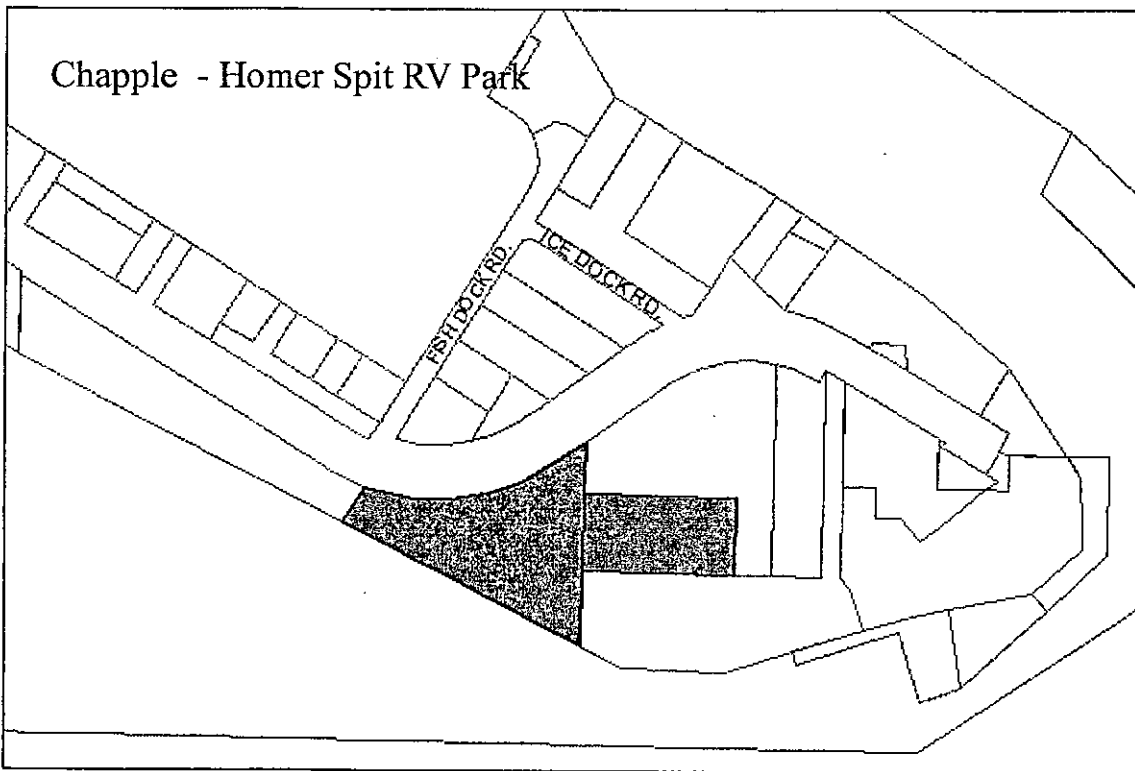
Infrastructure: Paved road, water and sewer.

Address: 4474 Homer Spit Road

Leased to: Brad Faulkner DBA Alaska Custom Seafoods, Inc.
 Expiration: Last option extended. Expires 8/14/2010.

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Leased Land
Acquisition History:

Area: 192,970 sq ft

Parcel Number: 18103402, 03

2006 Assessed Value: Total: \$465,200 Land: \$346,400 Structures: \$118,800

Legal Description: HM0890034 T07S R13W S01 HOMER SPIT SUB AMENDED LOT 50.
 HM0890034 T07S R13W S01 HOMER SPIT SUB AMENDED LOT 49 EXCLUDING THAT PORTION AS PER LICENSE AGREEMENT 190 @ 98.

Zoning: Marine Industrial

Wetlands: None

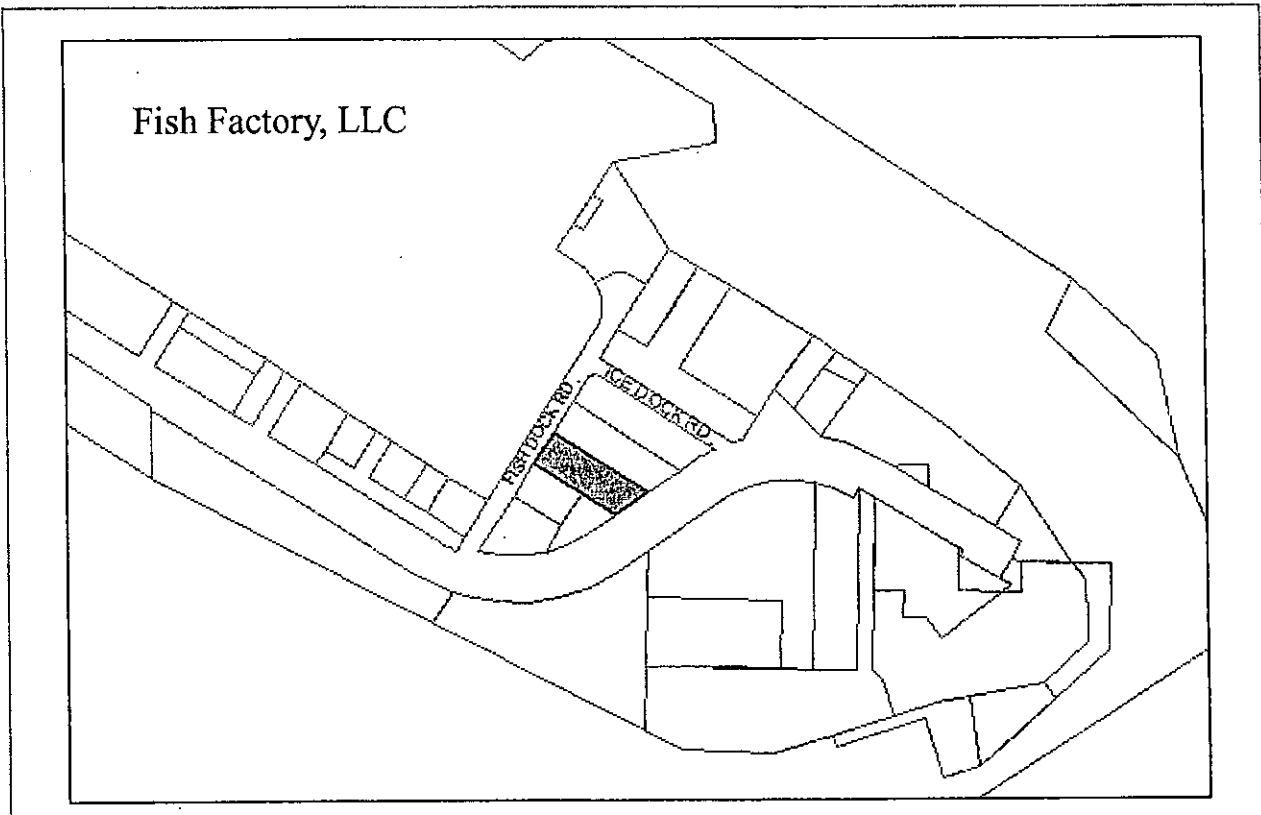
Infrastructure: Paved road, water and sewer.

Address: 4535 Homer Spit Road

Leased to: John & Margaret Chapple. Homer Spit Campground
 Expiration: 9/10/2011, no more options

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Leased Land
Acquisition History:

Area: 27,470 sq ft (0.63 acres)

Parcel Number: 18103421

2006 Assessed Value: \$831,500 (Land: \$158,500 Structure: \$673,000)

Legal Description: HM0900052 T07S R13W S01 CITY OF HOMER PORT INDUSTRIAL NO 3
 LOT 12-A1

Zoning: Marine Industrial

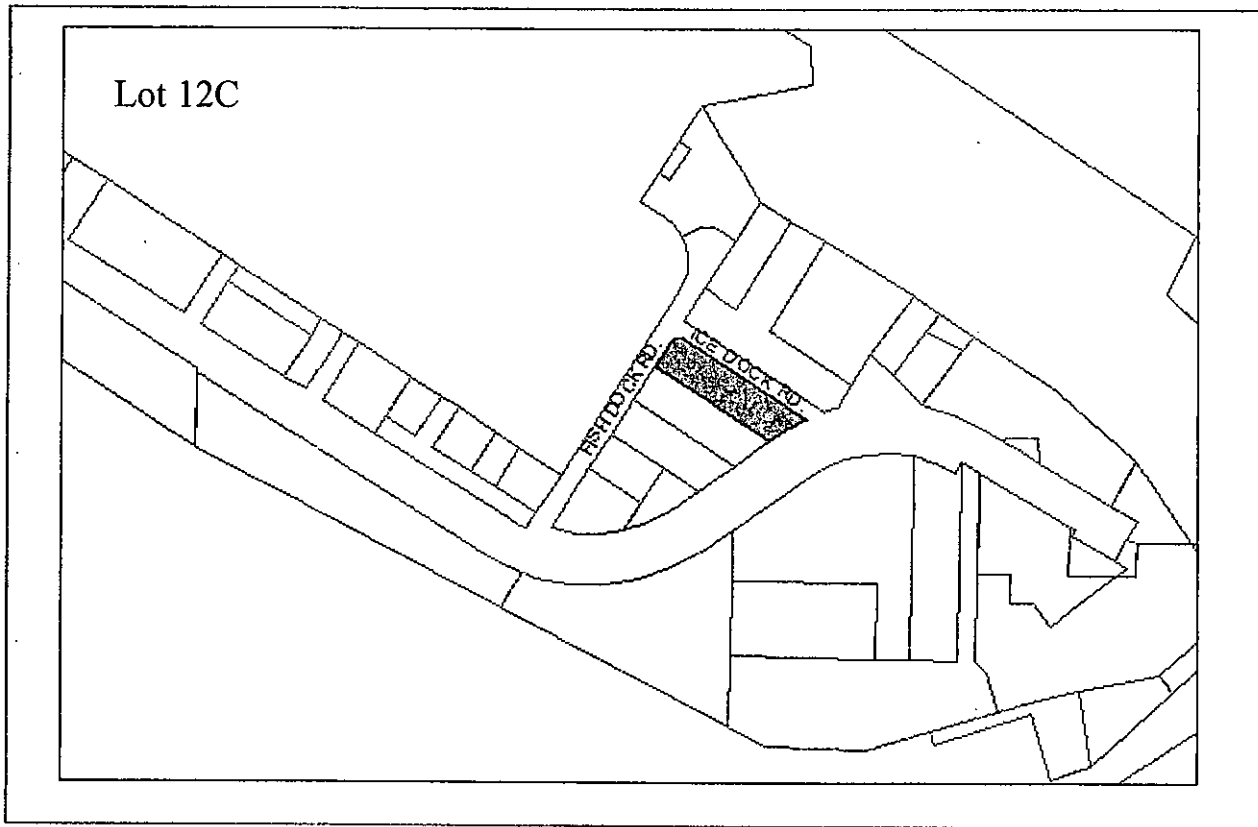
Wetlands: None

Infrastructure: Paved road, water and sewer.

Address: 800 Fish Dock Road

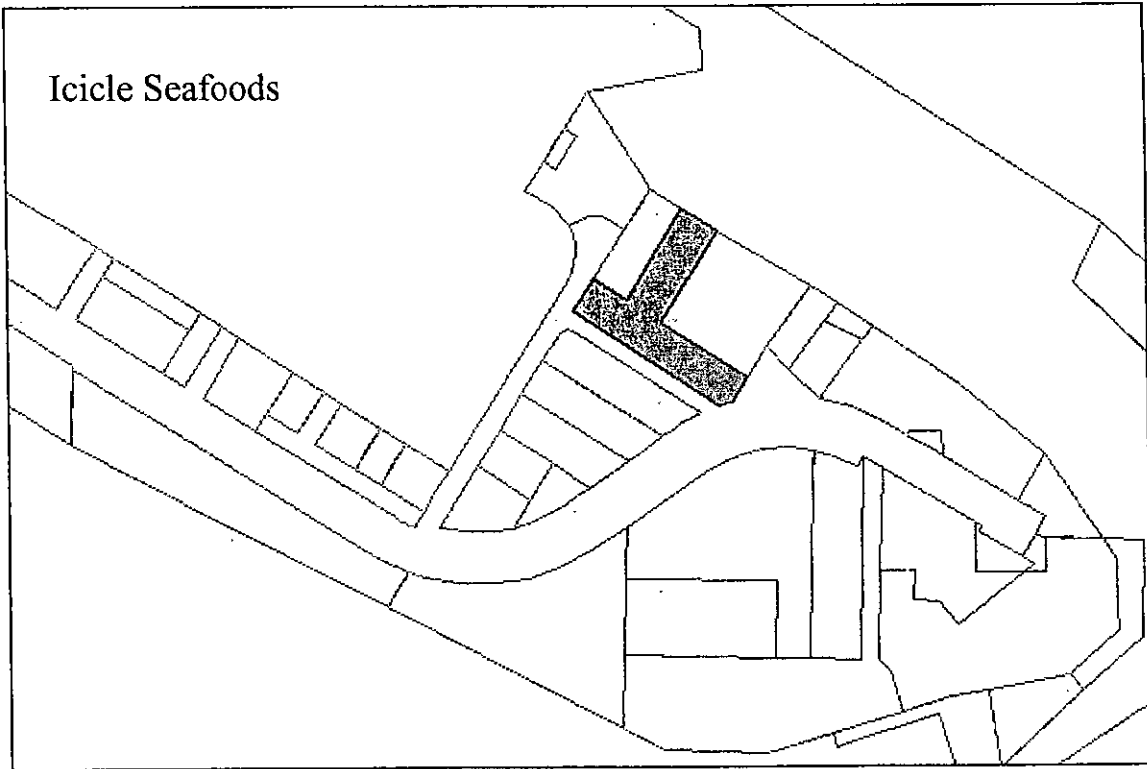
Leased to: Fish Factory, LLC
 Expiration: 3/31/2020 with two 10 year options

Finance Dept. Code:



Designated Use: Lease land	
Acquisition History:	
Area: 0.79 Acres	Parcel Number: 18103452
2006 Assessed Value: \$192,100	
Legal Description: City of Homer Port Industrial No 2 Lot 12C	
Zoning: Marine Industrial	
Infrastructure: Water, sewer, paved road access	Address: 4501 Ice Dock Road
Leased by Resolution 2008-37 to Harbor Leasing (Auction Block) Expiration: 3/31/2028 Options: two additional 5 year options	
Finance Dept. Code:	

CITY OF HOMER LAND INFORMATION



Designated Use: Leased Land
Acquisition History:

Area: 1.49 acres

Parcel Number: 18103419

2006 Assessed Value: \$436,800 (Land: \$261,500 Structure: \$175,300)

Legal Description: HM0890034 T07S R13W S01 HOMER SPIT SUB AMENDED ADL 18009 LOT 41 (ADL 18009)

Zoning: Marine Industrial

Wetlands: N/A

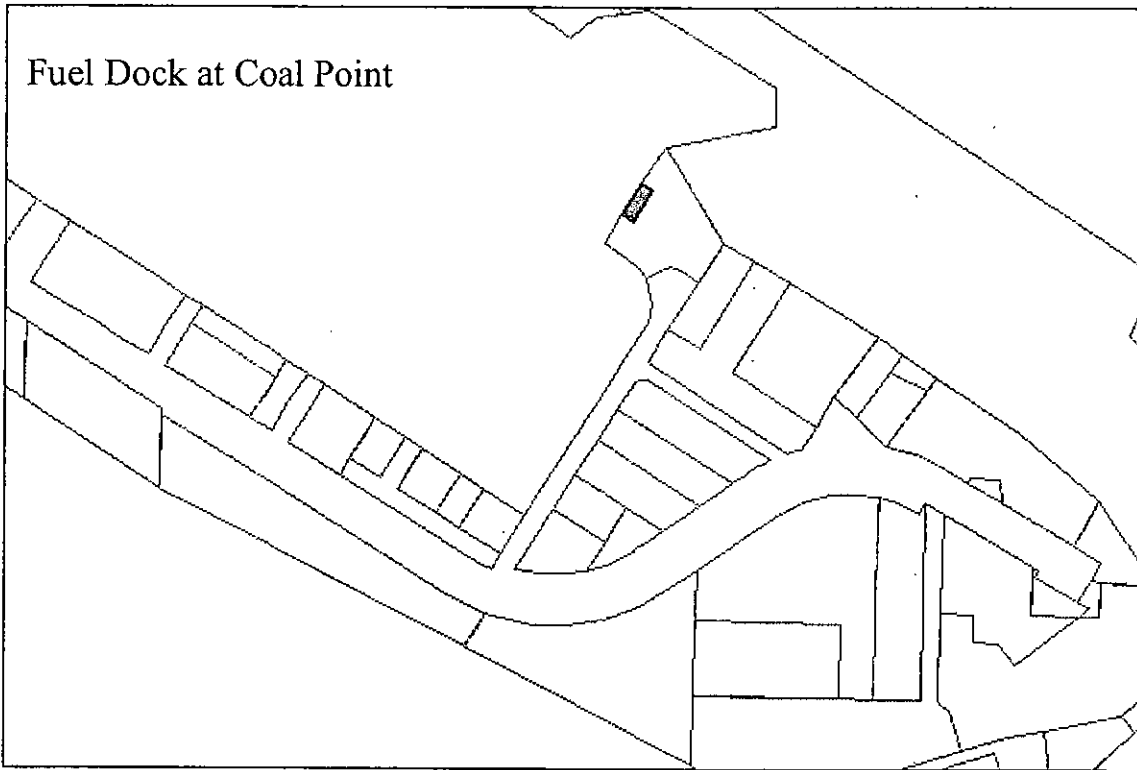
Infrastructure: Water, sewer, paved road access

Address:

Leased to: Icicle Seafoods, Inc
Expiration: 9/14/2029.

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Leased Land
Acquisition History:

Area: 0.07 acres

Parcel Number: 18103427

2006 Assessed Value: \$471,000 (Land: \$29,600 Structure: \$441,400)

Legal Description: HM0890034 T07S R13W S01 HOMER SPIT SUB AMENDED THAT PORTION OF COAL POINT MONUMENT PARK AS PER LEASE AGREEMENT 187 @ 921

Zoning: Marine Industrial

Wetlands: None

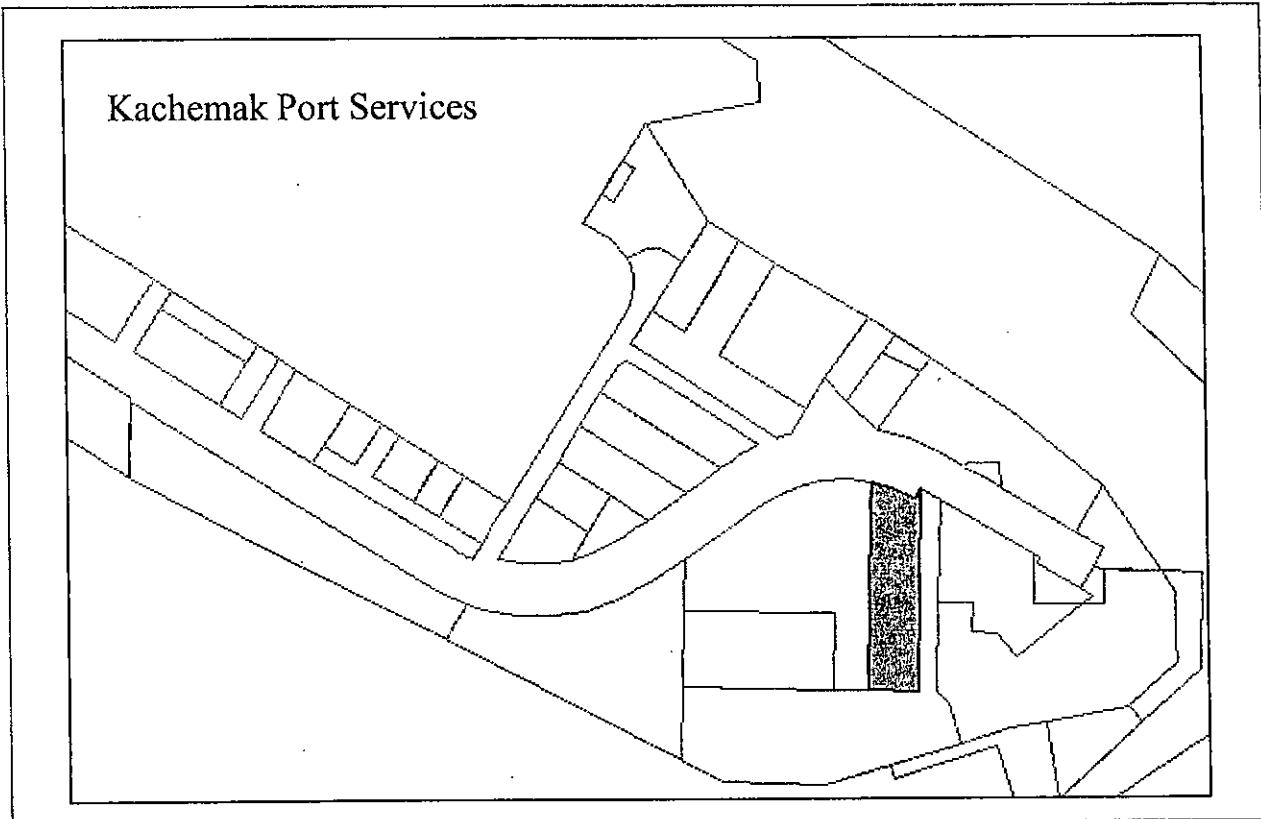
Infrastructure: Paved road, water and sewer.

Address:

Leased to: Harbor Enterprises/Terminal Oil Sales. Coal Point Fuel Dock.
Expiration: 11/20/2008. Two 5 year options.

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Leased Land. Also includes the Port Maintenance Shop and a large tank.
Acquisition History:

Area: 1.23 acres (Lease is for a small portion of the lot)	Parcel Number: 18103404
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2006 Assessed Value: 1,302,200 (\$Land: \$262,700 Structure: \$1,039,500)

Legal Description: HM0890034 T07S R13W S01 HOMER SPIT SUB AMENDED LOT 48 EXCLUDING THAT PORTION AS PER LICENSE AGREEMENT 190 @ 98

Zoning: Marine Industrial	Wetlands: N/A
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Infrastructure: Water, sewer, paved road access	Address: 4667 Homer Spit Road
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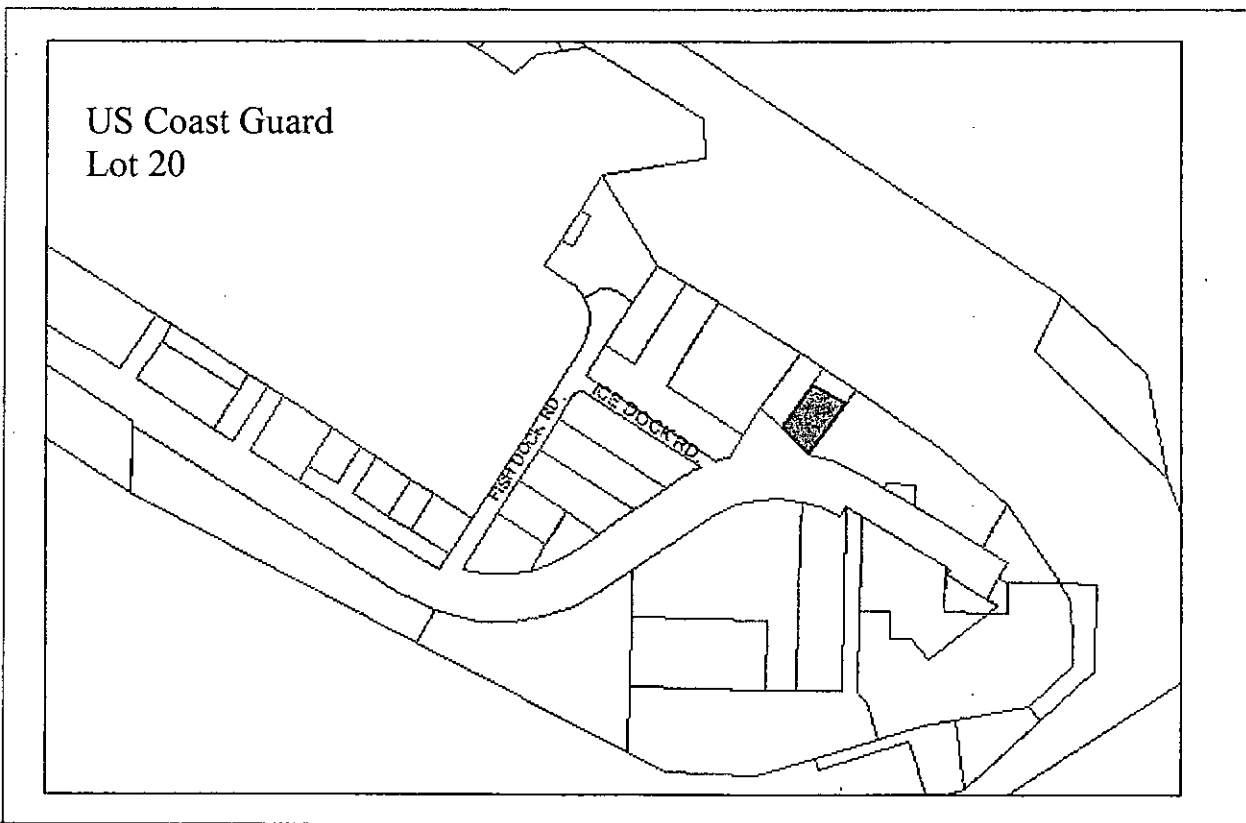
Leased to: Kachemak Port Services. See KPB 18103464.
 Total value: \$33,300. Land Value - \$1100, Structure Value - \$32200
 Lease Renewal Options: (2) 1 year extensions
 Expiration: 4/30/2007
 Only a small portion is leased to Kachemak Port Services.

The Port Maintenance Shop is on this lot, and a large water tank, and other accessory structures.

Need to work with KPB to clarify parcel boundaries shown on tax maps.

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Lease
Acquisition History:

Area: 0.35 acres	Parcel Number: 18103445
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2006 Assessed Value: \$110,800

Legal Description: Portion of Government Lot 20

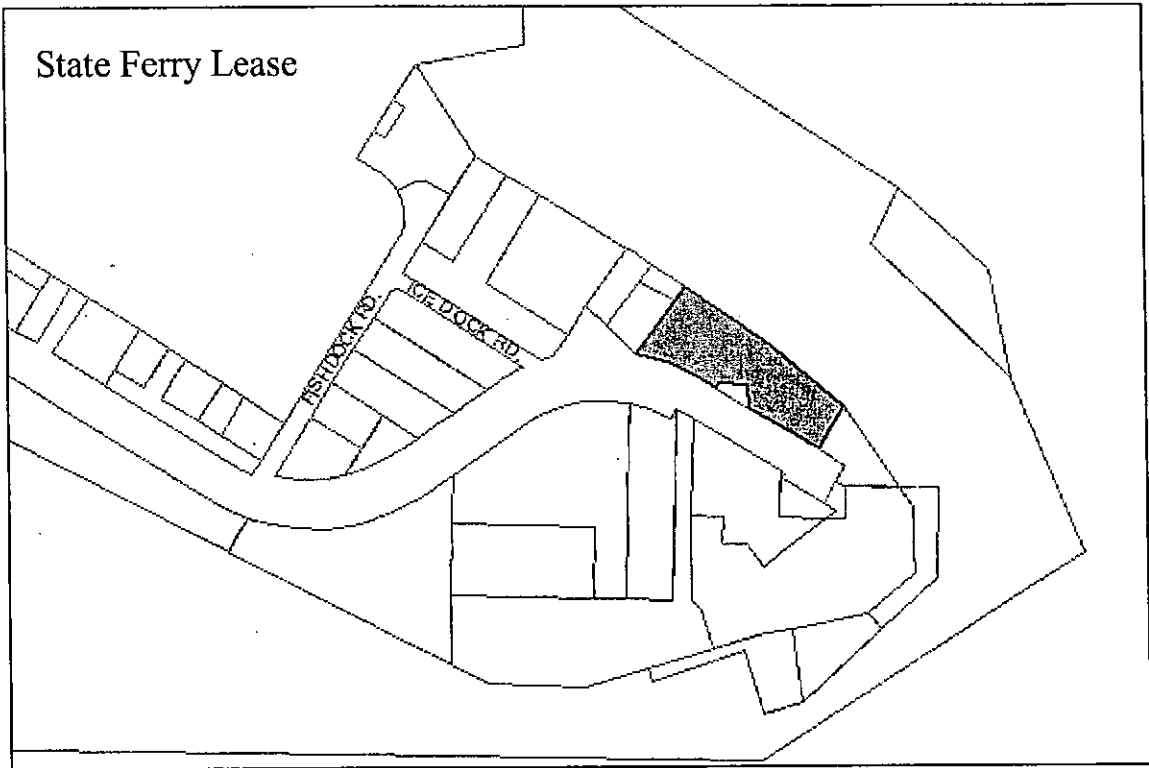
Zoning: Marine Industrial	Wetlands: N/A
----------------------------------	----------------------

Infrastructure: Water, sewer, paved road access	Address: 4688 Homer Spit Road
--	--------------------------------------

Leased to: US Coast Guard.
 Short term year to year lease pending the construction of an office/support structure.

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



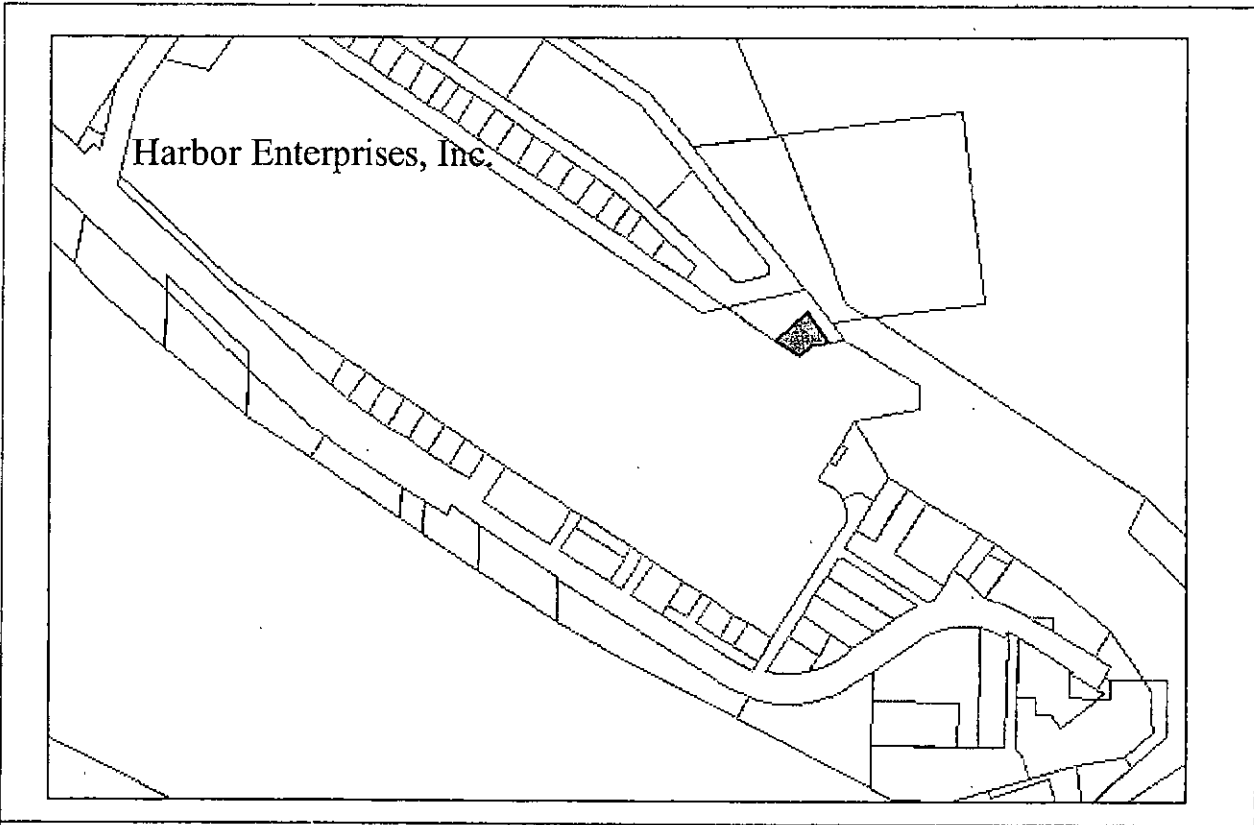
Designated Use: Ferry Terminal and Staging
Acquisition History: Quitclaim Deed to KPPUDIST #1 2/18/64; Orig Cert filed between KPPUD and BLM for Harbor use for 25 years on 7/29/55.

Area: 1.83 acres or 79,799 sq ft	Parcel Number: 18103447
2006 Assessed Value: \$1,001,800 (\$380,800 Land, \$621,000 Structure)	
Legal Description: HM0930049 T07S R13W S01 HOMER SPIT SUB NO 6 VELMA'S ADDN LOT 45-A	
Zoning: Marine Industrial	Wetlands: None
Infrastructure: Paved road, water and sewer.	Address: 4690 Homer Spit Road

Leased to: Alaska Marine Highway
 Expiration: 1-13-2029.
 MOA on file regarding ferry terminal and city maintenance shop.

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Leased Land (Fuel tanks for fuel dock)
Acquisition History:

Area: 20,000 sq ft (0.459 acres)

Parcel Number: 18103260

2006 Assessed Value: \$305,000 (Land: \$92,200 Structure: \$212,800)

Legal Description: HM0970072 T07S R13W S01 HOMER SPIT NO 6 8-E-1

Zoning: Marine Industrial

Wetlands: None

Infrastructure: Paved road, water and sewer.

Address: 4607 Freight Dock Road

Leased to: Harbor Enterprises/Terminal Oil Sales
Expiration: 12/1/2008 with one ten year option

Finance Dept. Code:

Other City Lands. Generally Undesignated

CITY OF HOMER LAND INFORMATION

Intentionally Blank

Designated Use: Public Purpose
Acquisition History:

Area:

Parcel Number:

2006 Assessed Value:

Legal Description:

Zoning:

Wetlands:

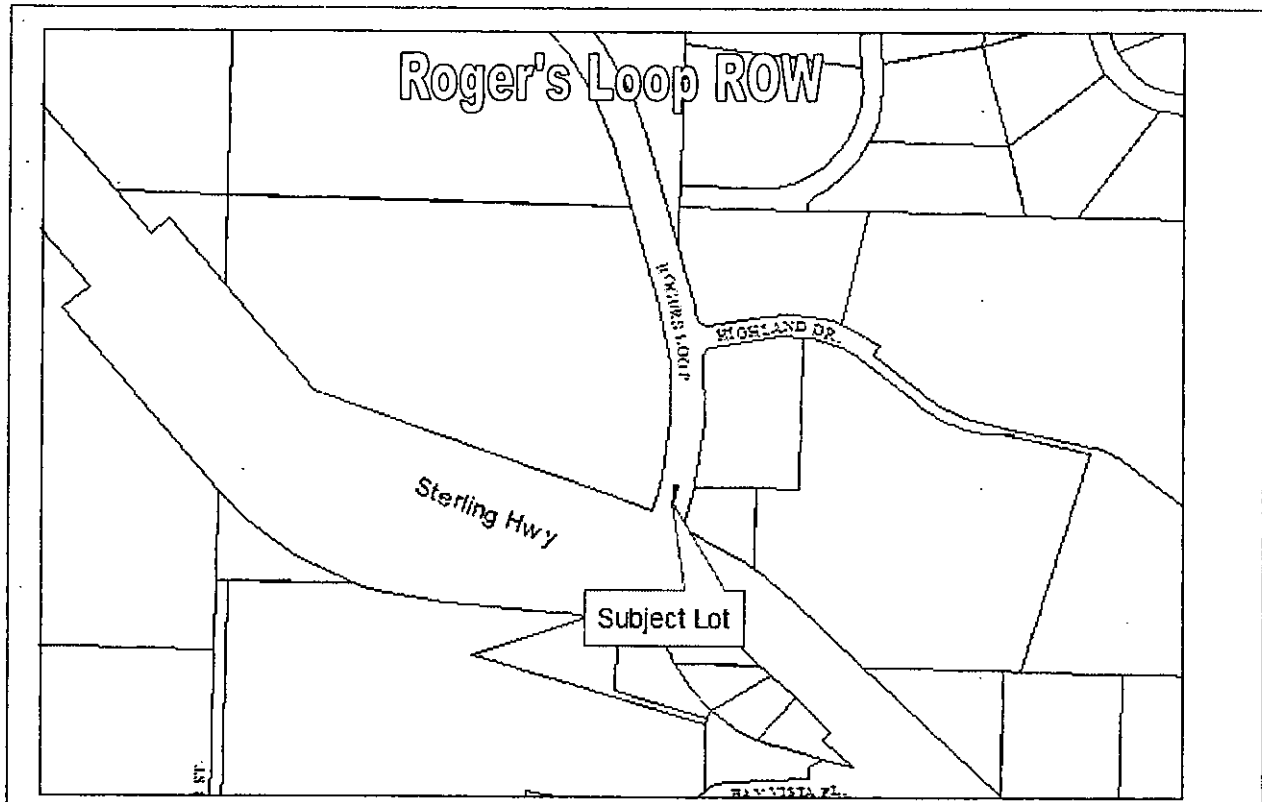
Infrastructure:

Notes:

2006 Update:

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Public Purpose/Roger's Loop & Sterling Highway ROW dedication
Acquisition History: KPB Ordinance 83-27

Area: .02 acres

Parcel Number: 17501046

2006 Assessed Value: \$100

Legal Description: HM T06S R14W S14 N 300 FT OF S 408 FT OF W 250 FT OF SW1/4 NE1/4 SW1/4 LYING W OF ROW & N OF STERLING HWY

Zoning: Rural Residential

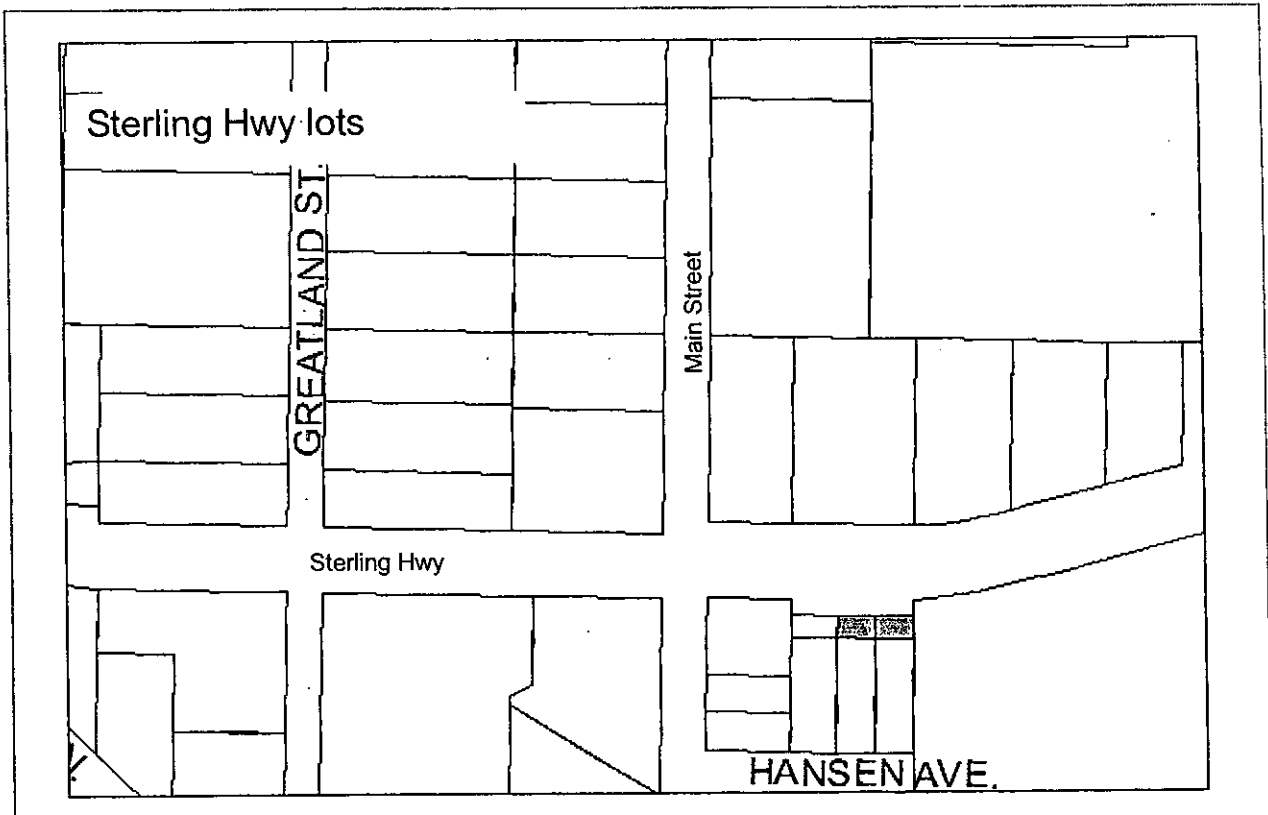
Wetlands: N/A

Infrastructure:

Notes: This parcel is part of the paved Roger's Loop roadway.
 Resolution 08-48, recommend deed to DOT.

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Undesignated
Acquisition History: Detling Deed 6/10/82

Area: 0.03 acres each. Total of 2,613 sq ft

Parcel Number: 177154 02, 03

2006 Assessed Value: \$1,000

Legal Description: T6S R 13W SEC 20 SEWARD MERIDIAN HM 0670365 W R BENSON SUB AMENDED LOT 46 EXCLUDING HOMER BY-PASS ROAD, T 6S R 13W SEC 20 SEWARD MERIDIAN HM 0670365 W R BENSONS SUB AMENDED LOT 47 EXC HOMER BY-PASS RD*

Zoning: Central Business District

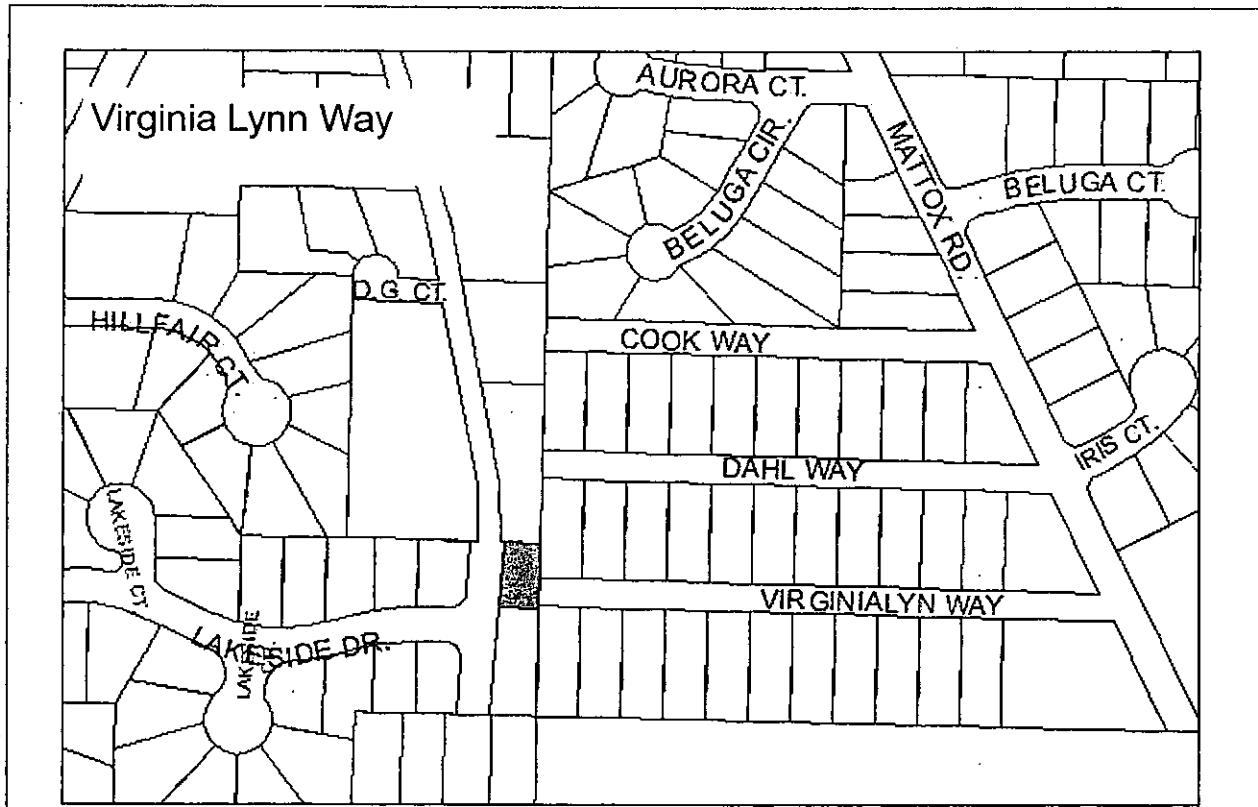
Wetlands: Possibly. Lots are steep.

Infrastructure: Paved Road and sidewalk

Notes: Lots are steep; they run from the Sterling Highway grade down the slope to the adjoining property. Lot dimensions are approximately 50'x30'.

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Public use easement for Virginia Lynn Way

Acquisition History: Quit Claim Deed from NBA 1/4/83

Area: 0.21 acres

Parcel Number: 17730239

2006 Assessed Value: \$22,800

Legal Description: T 6S R 13W SEC 20 SEWARD MERIDIAN HM 0840005 LAKESIDE VILLAGE SUB AMENDED LOT 2 BLK 4

Zoning: Urban Residential

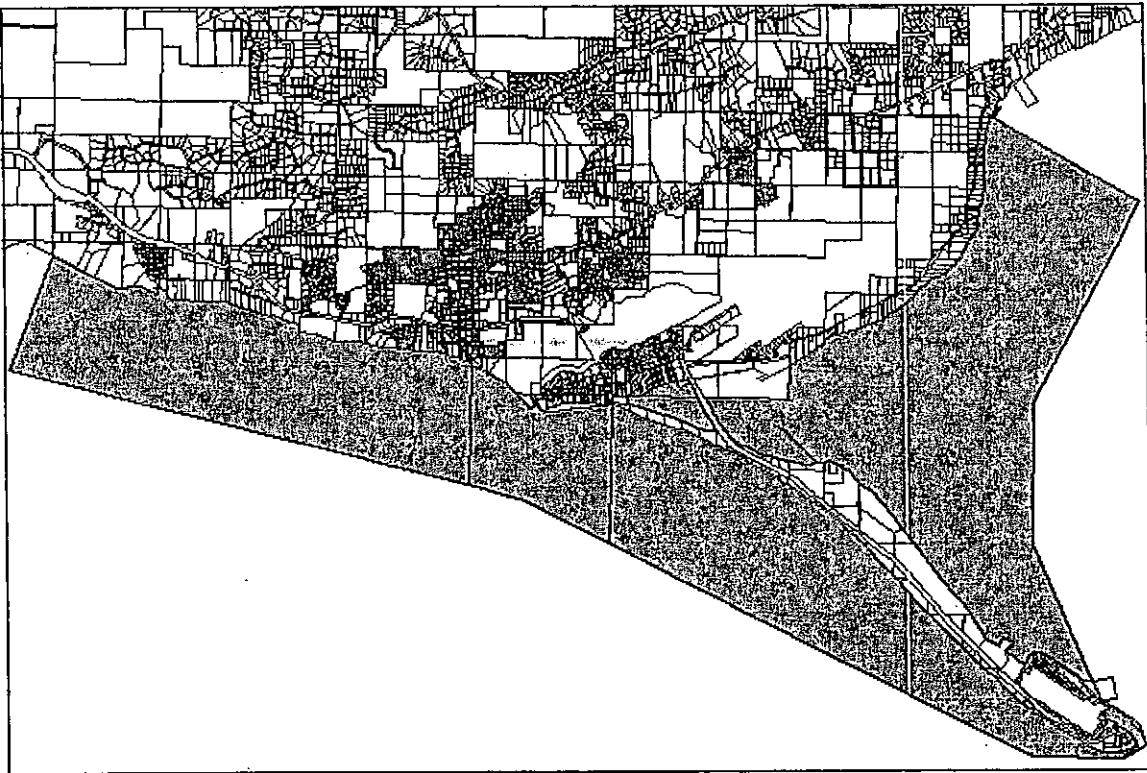
Wetlands: possibly on a small portion

Infrastructure: Road access

Notes: This lot has a public use easement granted by the plat. This lot will likely be needed in the future to connect Virginia Lynn Way, because the adjacent lots are not wetlands and are developable. Access to Mattox Road is not know at this time; the ground drops and becomes very swampy.

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Tidelands
Acquisition History:

Area:

Parcel Number:

2006 Assessed Value:

Legal Description:

Zoning: Not zoned

Wetlands:

Infrastructure:

17728001—HM0742265 T06S R13W S29 ALASKA TIDELAND SURVEY 612 . 499.54 acres, \$60,700 assessed value. Patent title 1977, 84-25 Annexed by City.

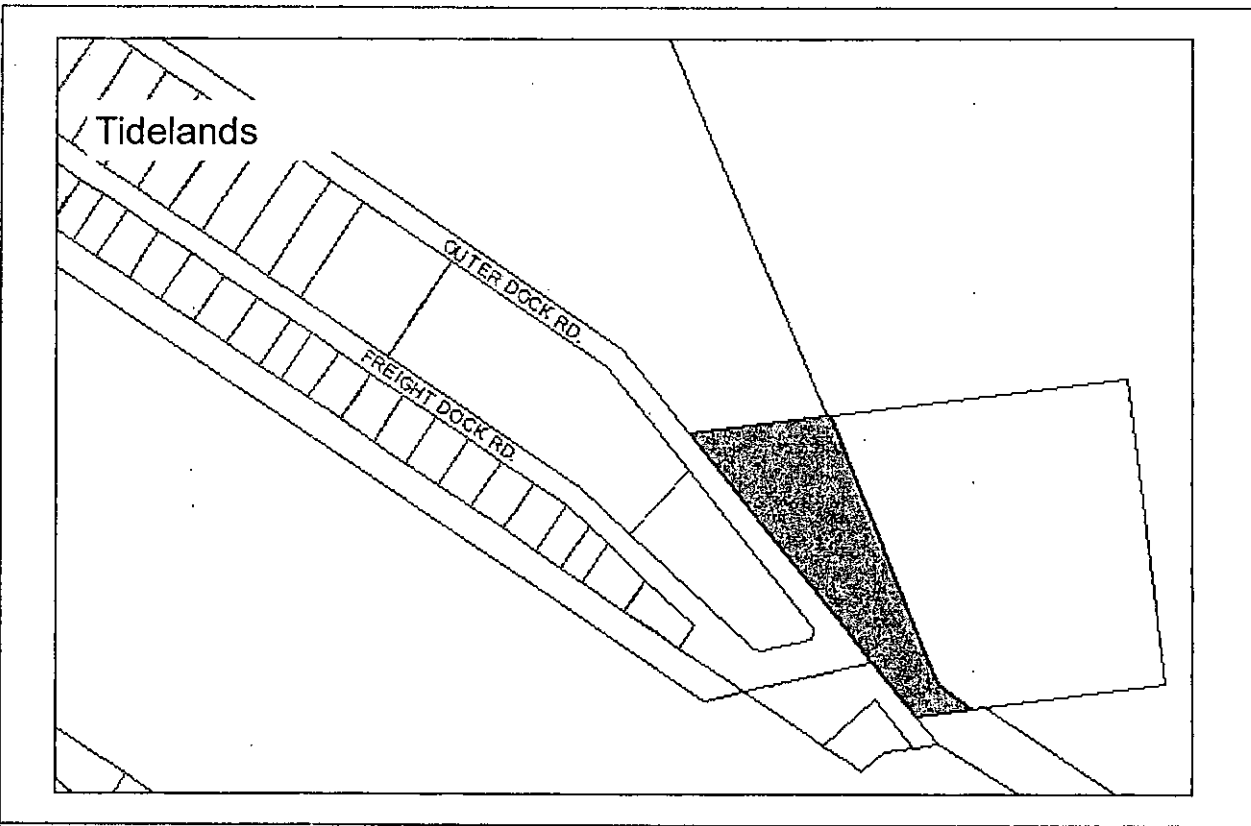
17528001 HM0770064 T06S R14W S30 ALASKA TIDELANDS SURVEY NO 612 POR SEC 23 24 & POR SEC 19 & 30. 1641.24 acres. Assessed Value: \$60,900. City Granted Title 1977 under Preference Right effective 1/3/59 Ord 84-25 Annexed by City.

18107001—HM0770064 T07S R13W S14 ALASKA TIDELANDS SURVEY 612 THAT PORTION LYING WITHIN SEC 13 & 14 & 22 THRU 24 & 26 THRU 28 & 33 THRU 36 OF T06SR13W & WITHIN SEC 1 & 2 OF T07SR13W EXCLUDING THAT PORTION OF TIDELANDS VESTED TO STATE OF ALASKA & EXCE. 4753 acres

Patent 1974 002459-0 Book 80 Page 171

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Tidelands
Acquisition History:

Area: 4.19 acres

Parcel Number: 18103213

2006 Assessed Value: \$584,500

Legal Description: T 6S R 13W SEC 36 T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0920050
 HOMER SPIT SUB NO TWO AMENDED TRACT A

Zoning: Not zoned

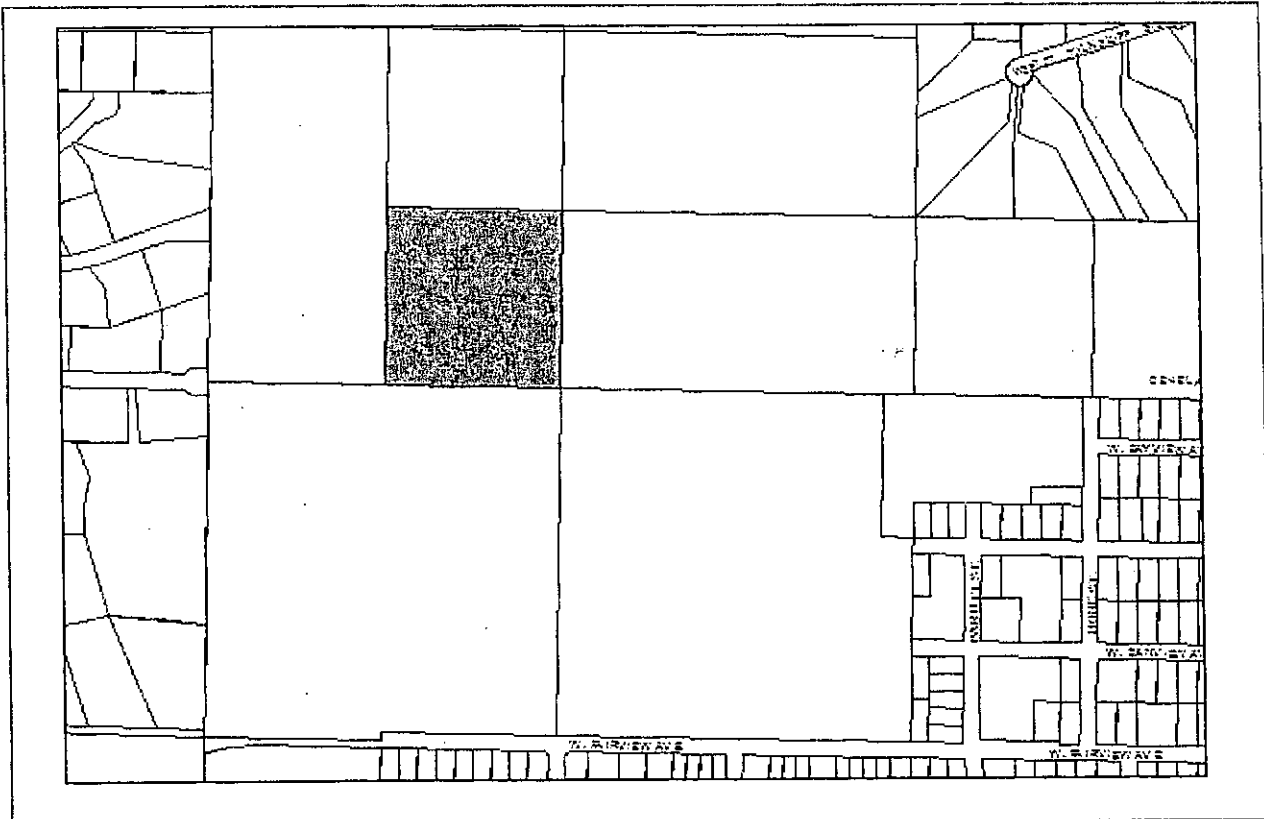
Wetlands: Tidelands

Infrastructure:

Includes part of the causeway for the deep water dock.

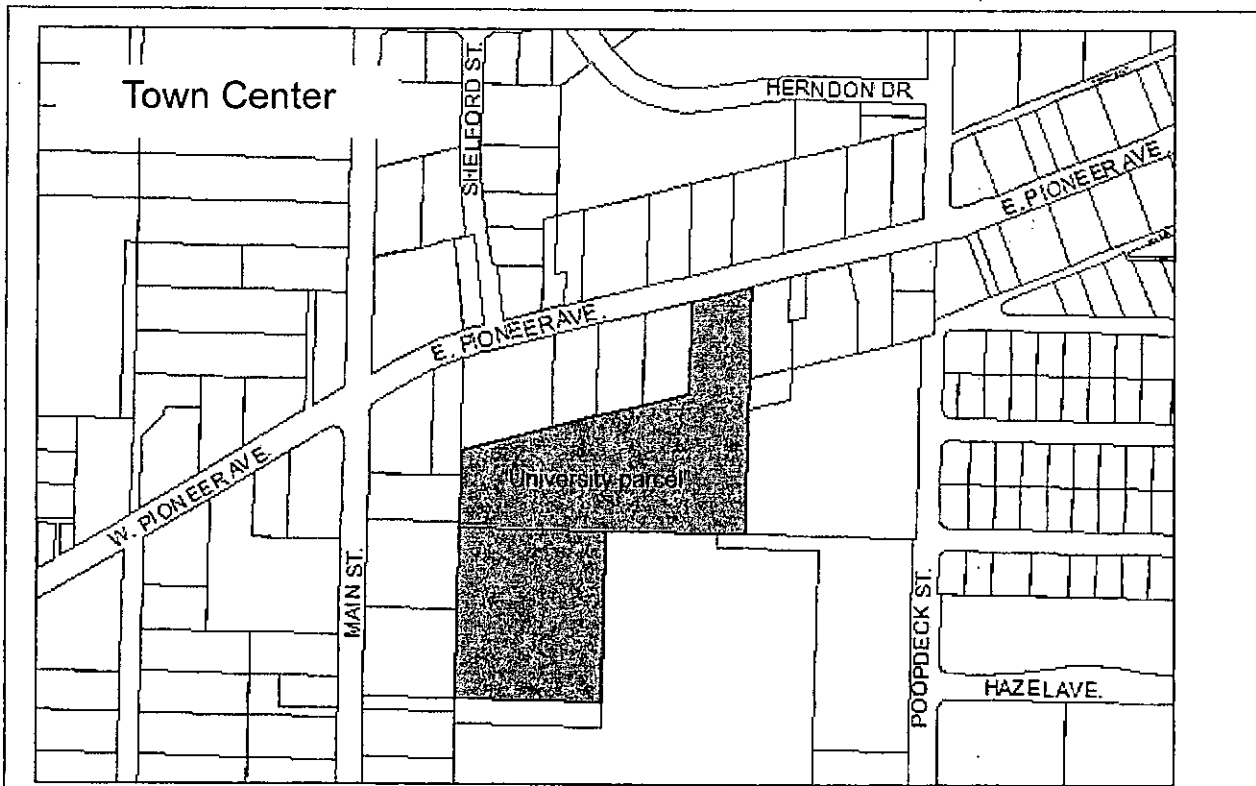
Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Acquisition History:	
Area: 10 acres	Parcel Number: 17504003
2006 Assessed Value: \$46,900 *	
Legal Description: T6S R13W Sec 18 SE1/4 NE1/4 SW1/4	
Zoning: Rural Residential	Wetlands: Drainages and wetlands may be present
Infrastructure: None. No access.	
Notes: *2007—Land could not be appraised due to lack of legal access.	
Finance Dept. Code:	

CITY OF HOMER LAND INFORMATION



Designated Use: UA land: Town center. FAA site: Held for possible UA/state shared consortium library agreement and land trade for land at Bridge Creek.

Acquisition History: UA: Ord 03-61 purchase.

Area: 7.71 acres

Parcel Number: 17719209, 17708015

2006 Assessed Value: \$379,700

Legal Description: Homer FAA Site Sub Tract 38A, UA lot: Portion of Nils O Svedlund Sub lot 7 tract B, long legal.

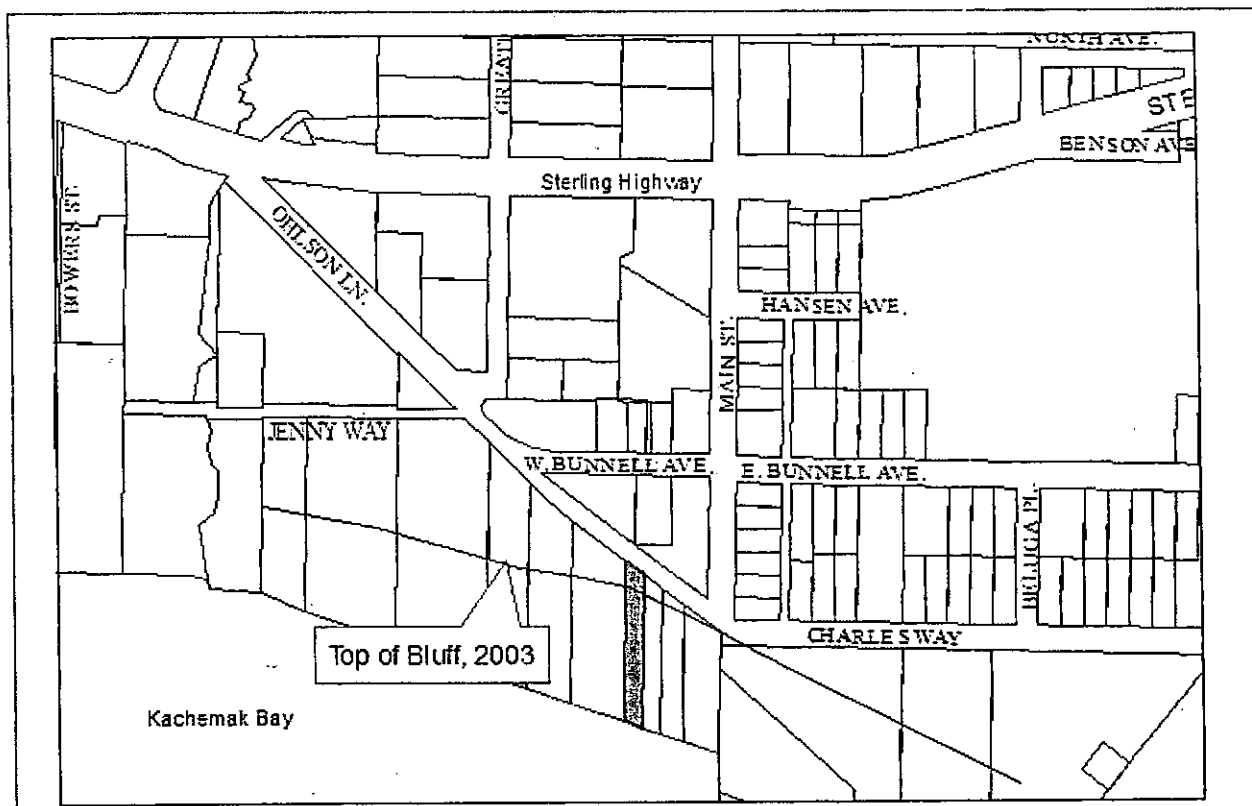
Zoning: Central Business District

Wetlands: City had a wetland delineation done in 2006. There is about a 1/2 acre of wetlands between the two sites.

Infrastructure: Must be developed as land is developed.

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Undesignated

Acquisition History: Donated by Herrick, Resolution 90-7

Area: 0.32 acres

Parcel Number: 17520009

2006 Assessed Value: \$20,100

Legal Description: HM T06S R13W S19 PORTION THEREOF S OF OLSEN LANE

Zoning: Central Business District

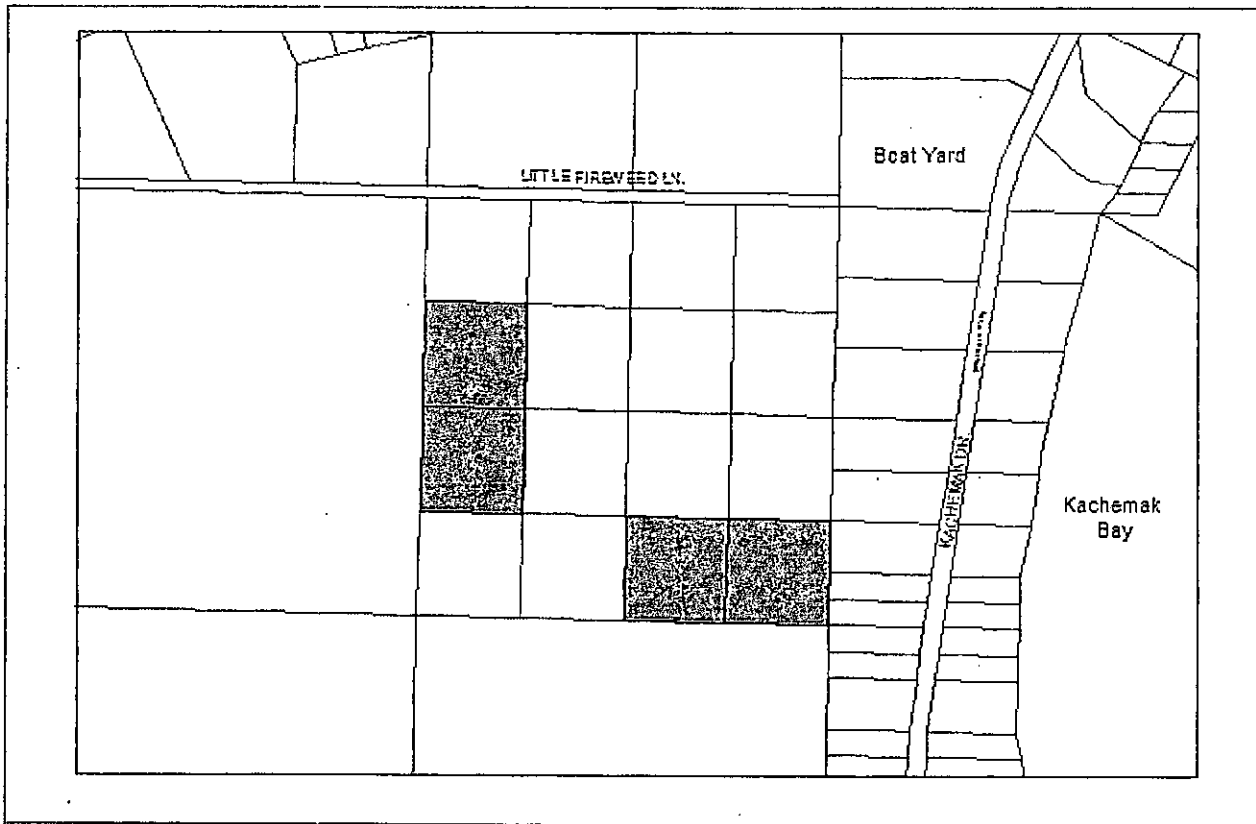
Wetlands: None. Bluff property.

Infrastructure: Gravel Road access, no water or sewer

Notes:

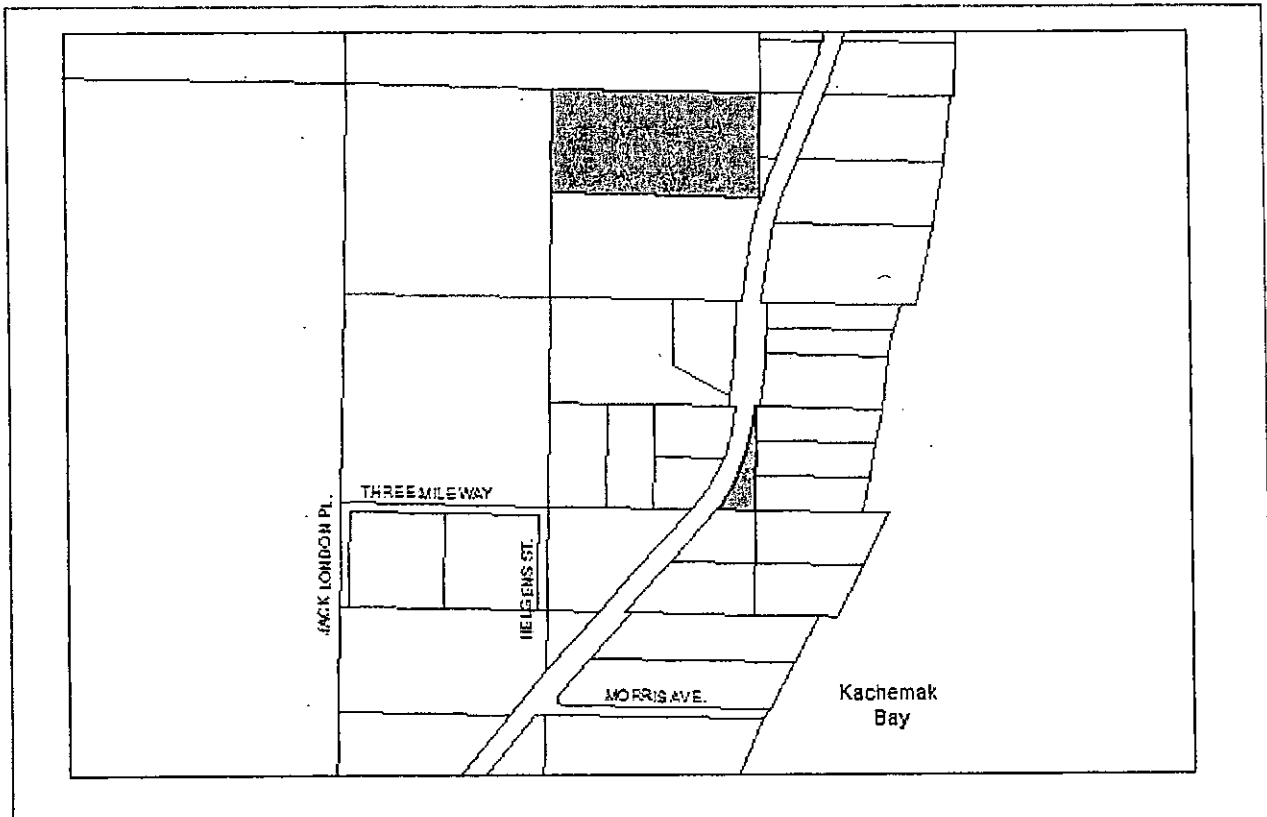
Finance Dept. Code: 392.0008

CITY OF HOMER LAND INFORMATION



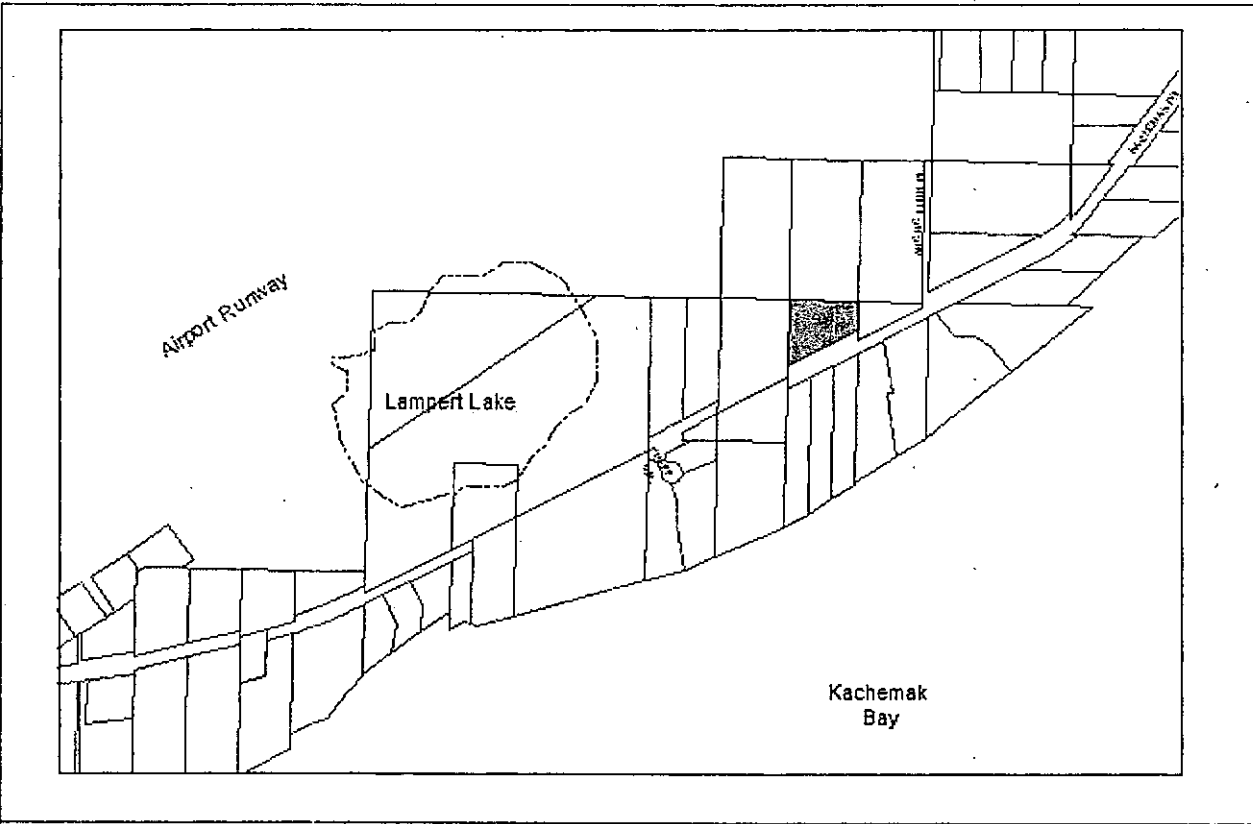
Designated Use: Undesignated	
Acquisition History: The western lots were granted by State Patent.	
Area: 10 acres total. Each lot is 2.5 acres.	Parcel Number: 175080 09,15,25,26
2006 Assessed Value: Each lot: \$14,900. Total: \$59,600	
Legal Description: Government Lots 10, 21, 24, 25, HM T06S R13W S14	
Zoning: General Commercial 2	Wetlands: Lots are mostly wetlands. Formal delineation would be needed prior to any project planning.
Infrastructure: No infrastructure currently available.	
<p>Notes: Two adjacent lots are privately owned. The rest of the square lots are owned by the Kenai Peninsula Borough.</p> <p>There is limited legal access to the eastern lots. There may be no legal access to the western lots.</p>	
Finance Dept. Code:	

CITY OF HOMER LAND INFORMATION



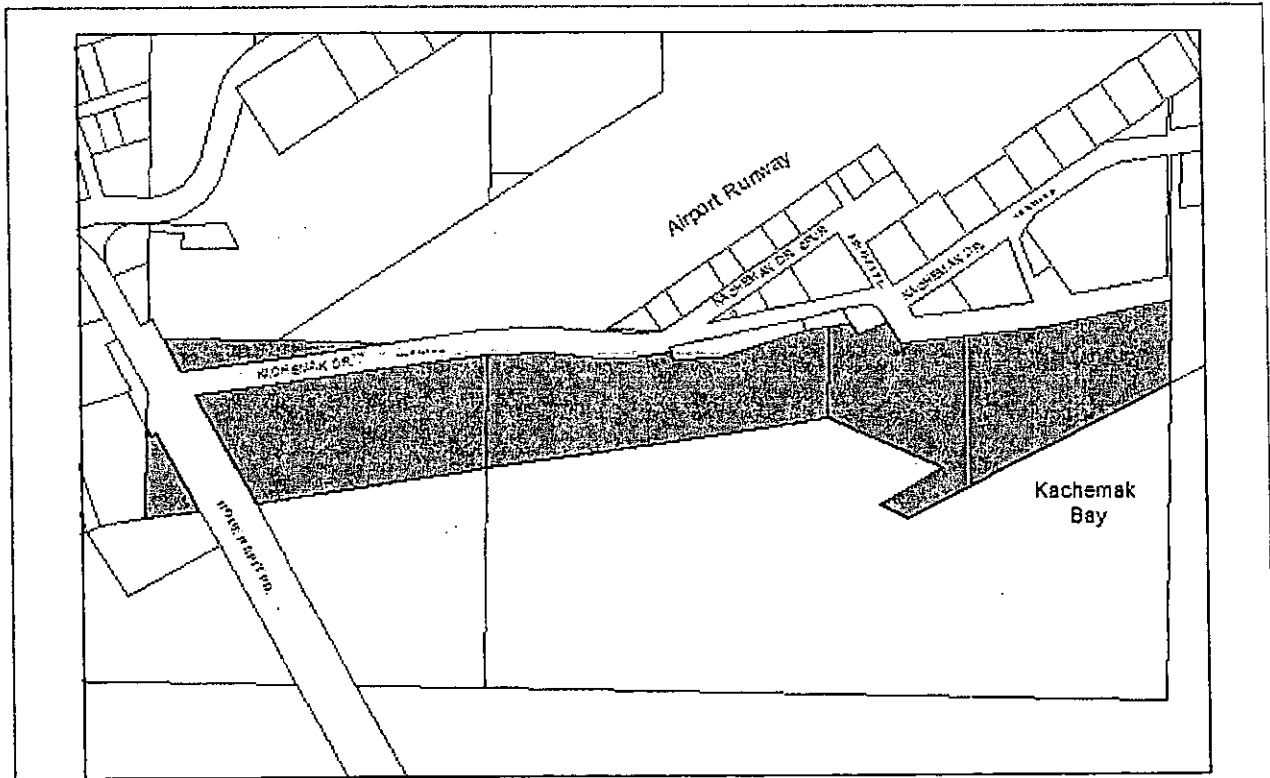
Designated Use: Large lot—undesignated. Small lot: Public Purpose Undesignated.	
Acquisition History: No history for Gov't Lot 36. Lot 1: Ordinance 97-06(S) KPB	
Area: Gov't Lot 36: 5 acres Harry Feyer Subdivision Lot 1: 0.39 acres	Parcel Number: 17910001, 17911005
2006 Assessed Value: \$52,800 (lot 36), \$17,400 (lot 1)	
Legal Description: Government Lot 36 HM T06S R13W S14, Harry Feyer Subdivision Lot 1	
Zoning: Rural Residential	Wetlands: Lot 36 is wetland. Lot 1 is not.
Infrastructure: Paved Road access, power.	
<p>Notes: Access to Gov't lot 36 is by public access easement rather than dedicated Right of Way. Future development of this lot would need to address any access concerns.</p> <p>Lot 1 is a sliver of land left over after the dedication of Kachemak Drive. Currently, two driveways cross the property to reach the homes to the west. The majority of this lot has an access easement across it, so there is only a portion of land that could be used for a structure. Further, Kachemak Drive is only 60 feet wide at this point instead of the usual 100 ft width.</p>	
Finance Dept. Code:	

CITY OF HOMER LAND INFORMATION



Designated Use: Public Purpose/Undesignated	
Acquisition History: Ord 96-16(A) (KPB)	
Area: 1.65 acres	Parcel Number: 17936020
2006 Assessed Value: \$7,700	
Legal Description: Scenic Bay Lot 4	
Zoning: General Commercial 2	Wetlands: 100% Wetlands
Infrastructure: Paved Road	
Notes:	
Finance Dept. Code:	

CITY OF HOMER LAND INFORMATION



Designated Use: Lots 13: undesignated. Spit Trailhead. Lot 14: Undesignated. Lot 3: Tidelands/public access/recreational

Acquisition History: Lot 13: ? Lot 14: ? Lot 3: Deed 4/98

Area: 35.16 acres

Parcel Number: 18101030, 18101032, 17940107

2006 Assessed Value: \$213,400

Legal Description: Government Lots 13 and 14, excluding Homer Spit Road and Kachemak Drive. Gov't lot 3, South of Airport lease lands Blocks 300 and 400. T6S R13W S22

Zoning: General Commercial 1, west of Homer Spit Road. General Commercial 2, east of Homer Spit Road

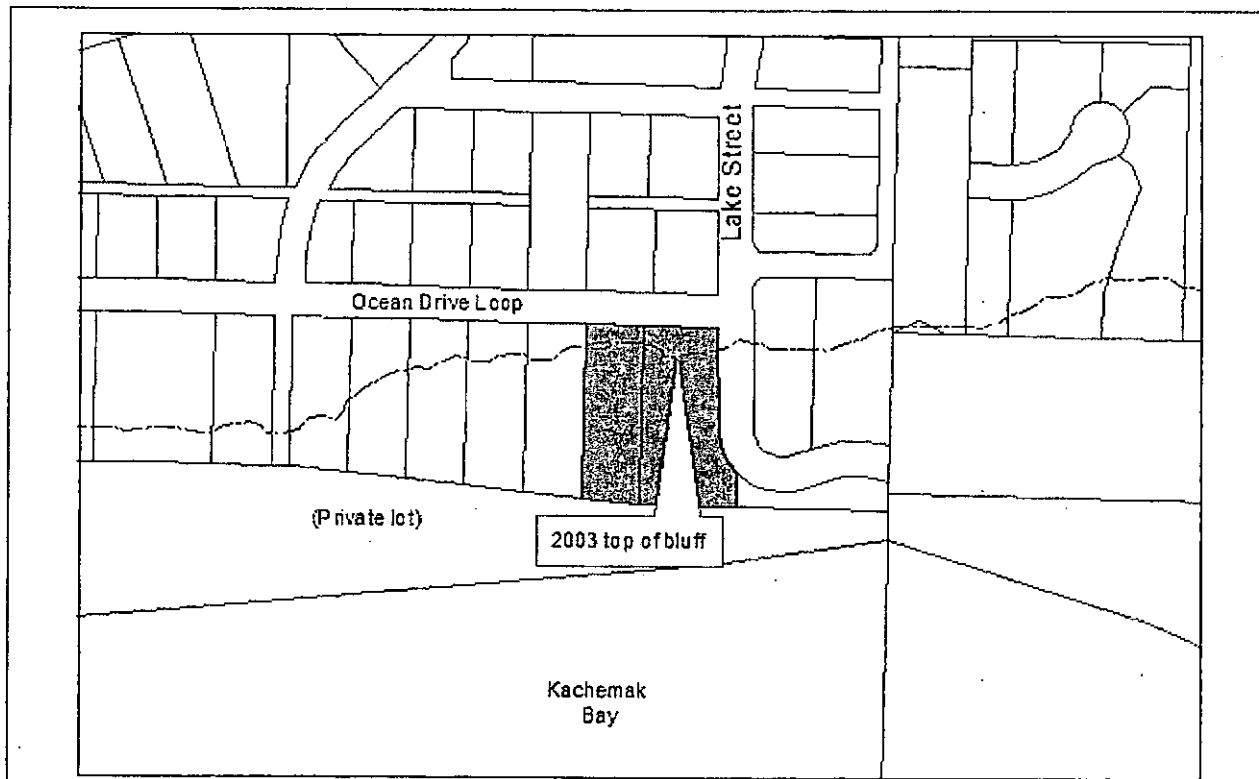
Wetlands: Coastal wetlands and critical habitat. Flood Hazard area.

Infrastructure: Water, sewer and paved road access

Notes: 2008 DOT denied a permit to the city to extend the spit trailhead parking lot.

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Retained for public purpose/Undesignated
Acquisition History: Tax foreclosure (seawall) KPB Ord 02-41

Area: 1.66 acres

Parcel Number: 177174-06, 07

2006 Assessed Value: \$42,500

Legal Description: Lot 43 and 44, Oscar Munson Subdivision

Zoning: Rural Residential

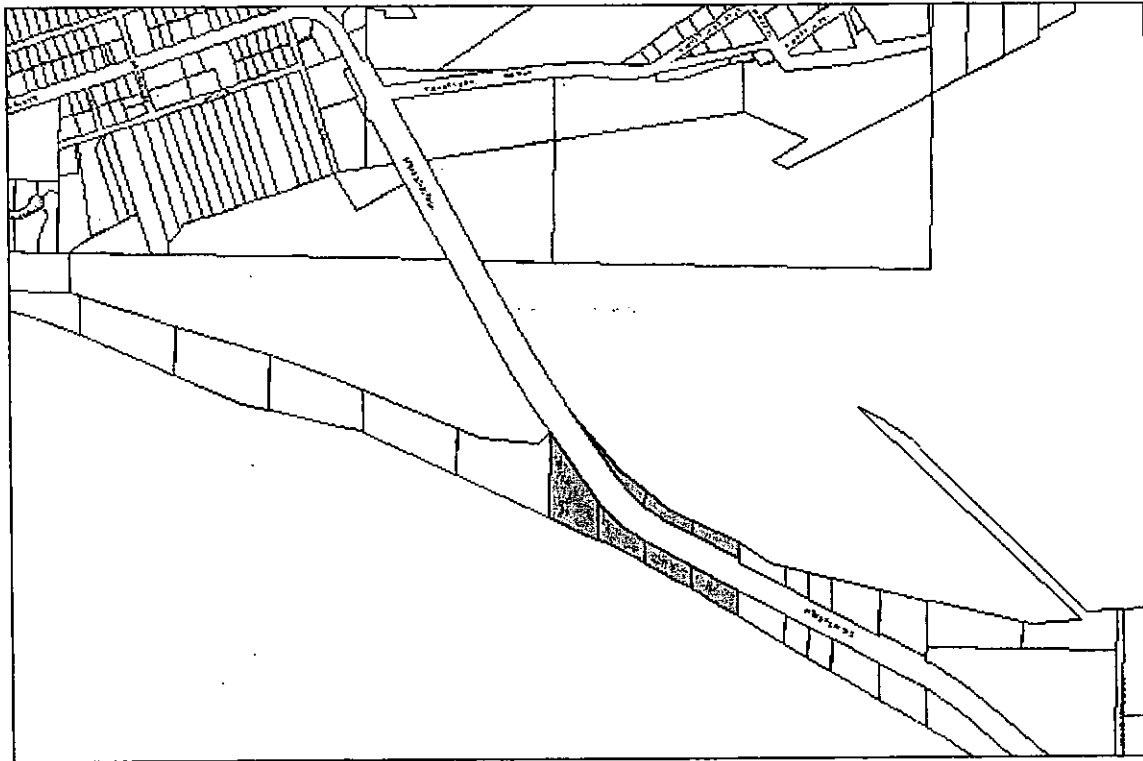
Wetlands: Most of these lots are tidal and critical habitat.

Infrastructure: Gravel road, water and sewer

Notes: These lots contain seawall frontage. There is little to any developable area. There continues to be bluff erosion above the seawall on these lots.

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Intertidal Wetland Habitat for Shorebirds To be Conservation Easement
Acquisition History: EVOS purchase/Unknown

Area: 10.96 acres

Parcel Number: 18101 08-14

2006 Assessed Value: \$76,200

Legal Description: T 6S R 13W SEC 28 SEWARD MERIDIAN HM GOVT LOTs 5,6,7,8

Zoning: N of Homer Spit Rd: Marine Industrial.
 S of road, Open Space Recreation

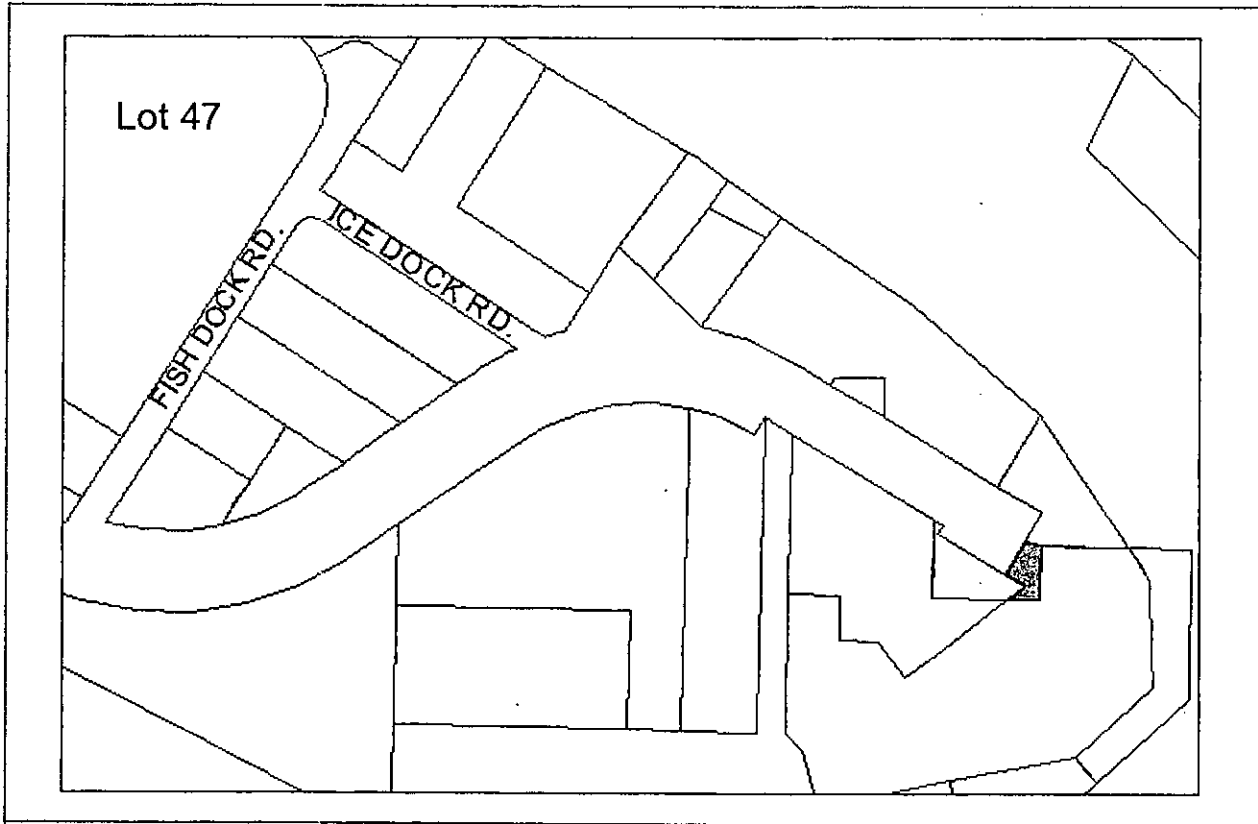
Wetlands: Tidal

Infrastructure: Paved road, Homer Spit Trail

Notes: Previous land allocation plan records show this property was an EVOS purchase and was to be placed into a conservation easement. However, this was never completed as far as staff can research, while the easements on the other EVOS properties were completed in 1998. These properties need further research: how they were acquired and any restrictions, and if they were in fact EVOS purchases or have any easements.

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Undesignated. Has easement to Land's End
Acquisition History:

Area: 0.08 acres

Parcel Number: 18103408

2006 Assessed Value: \$40,600

Legal Description: T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0890034 HOMER SPIT SUB AMENDED LOT 47

Zoning: Marine Industrial

Wetlands: N/A

Infrastructure: Paved road, sewer through lot

Notes:

Finance Dept. Code:

City Facilities

CITY OF HOMER LAND INFORMATION

Intentionally Blank

Designated Use: Public Purpose
Acquisition History:

Area:

Parcel Number:

2006 Assessed Value:

Legal Description:

Zoning:

Wetlands:

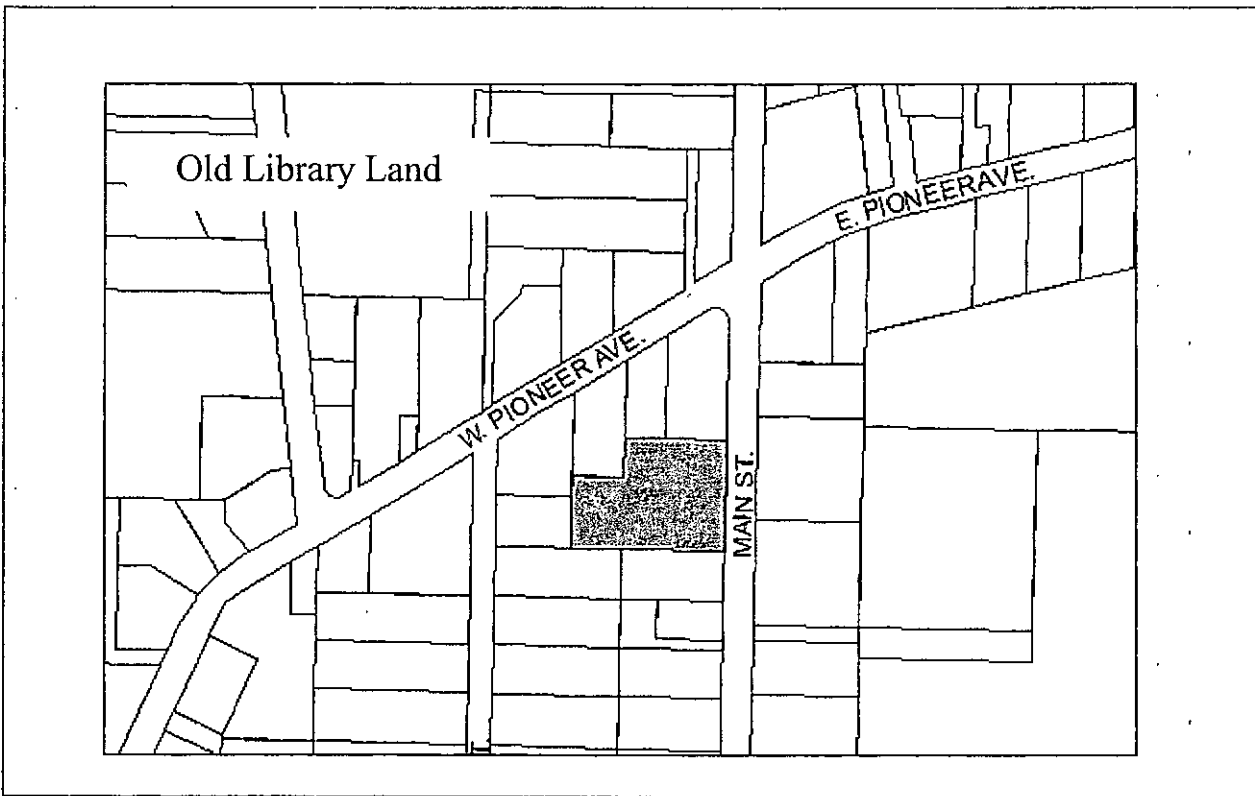
Infrastructure:

Notes:

2006 Update:

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Sell.
Acquisition History: Deed: Jewel July 1982 (back lot portion) Deed: Watson 1978 (library/Pioneer area)

Area: 1.31 acres	Parcel Number: 17514416
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2009 Assessed Value: TBA

Legal Description: T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2008016 HOMER PUBLIC LIBRARY NO 2 LOT 2

Zoning: Central Business District	Wetlands: Drainage and wetlands may be present
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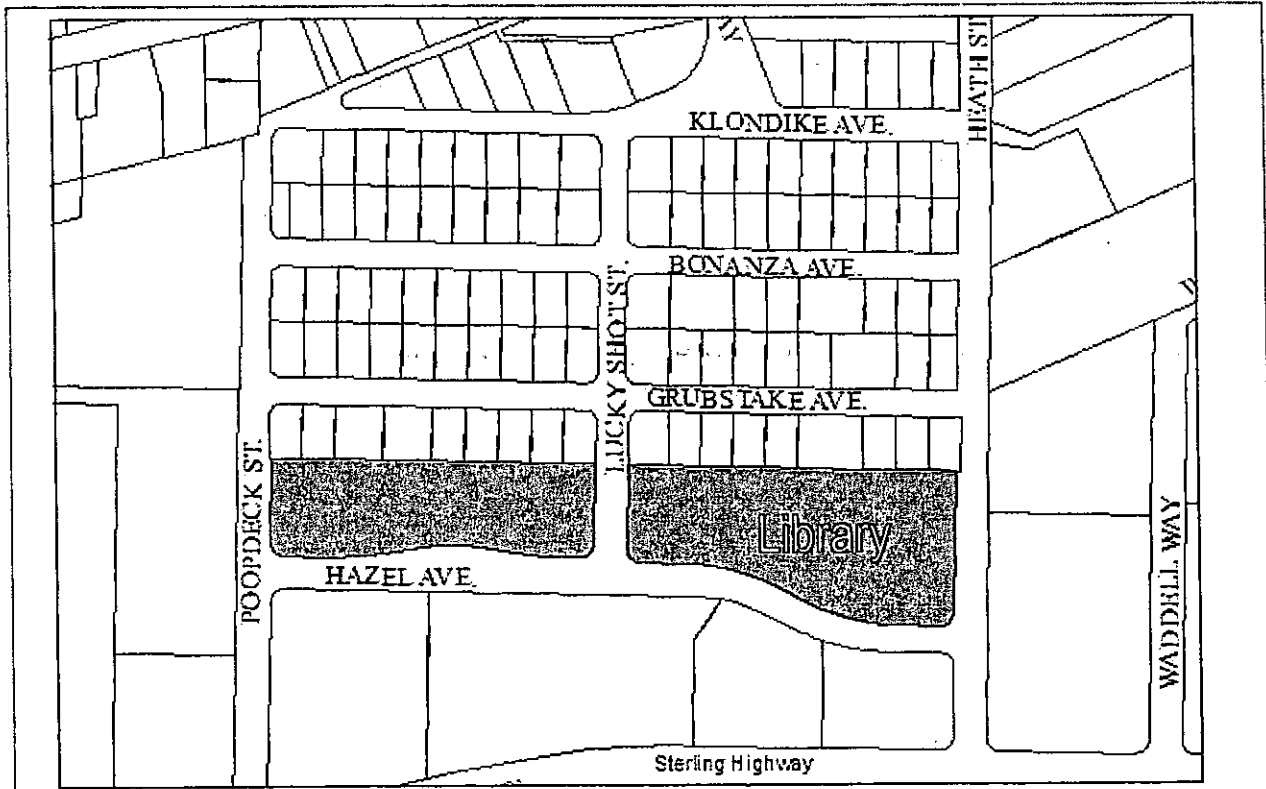
Infrastructure: Paved road, water, sewer

Notes: This land was formerly part of the old library site. The library building was subdivided onto its own lot, and sold. This lot was put up for sale but did not receive any bids. Minimum bid in late 2007 was set at \$462,500.

The land has a nice bay view, but would require stumping. Driveway access off of Main Street is very steep. It is likely significant dirt work would be needed to make this lot viable for commercial or multifamily development.

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Library. Resolution 2003-72
Acquisition History: KPB Ord 93-09

Area: 5.25 acres	Parcel Number: 17710739, 17710740
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2006 Assessed Value: \$3,244,700 (Land 244,700, Structure 3,000,000)

Legal Description: HM2005036 T06S R13W S20 TRACT B GLACIER VIEW SUB NO 26, HM2005036 T06S R13W S20 TRACT A GLACIER VIEW SUB NO 26

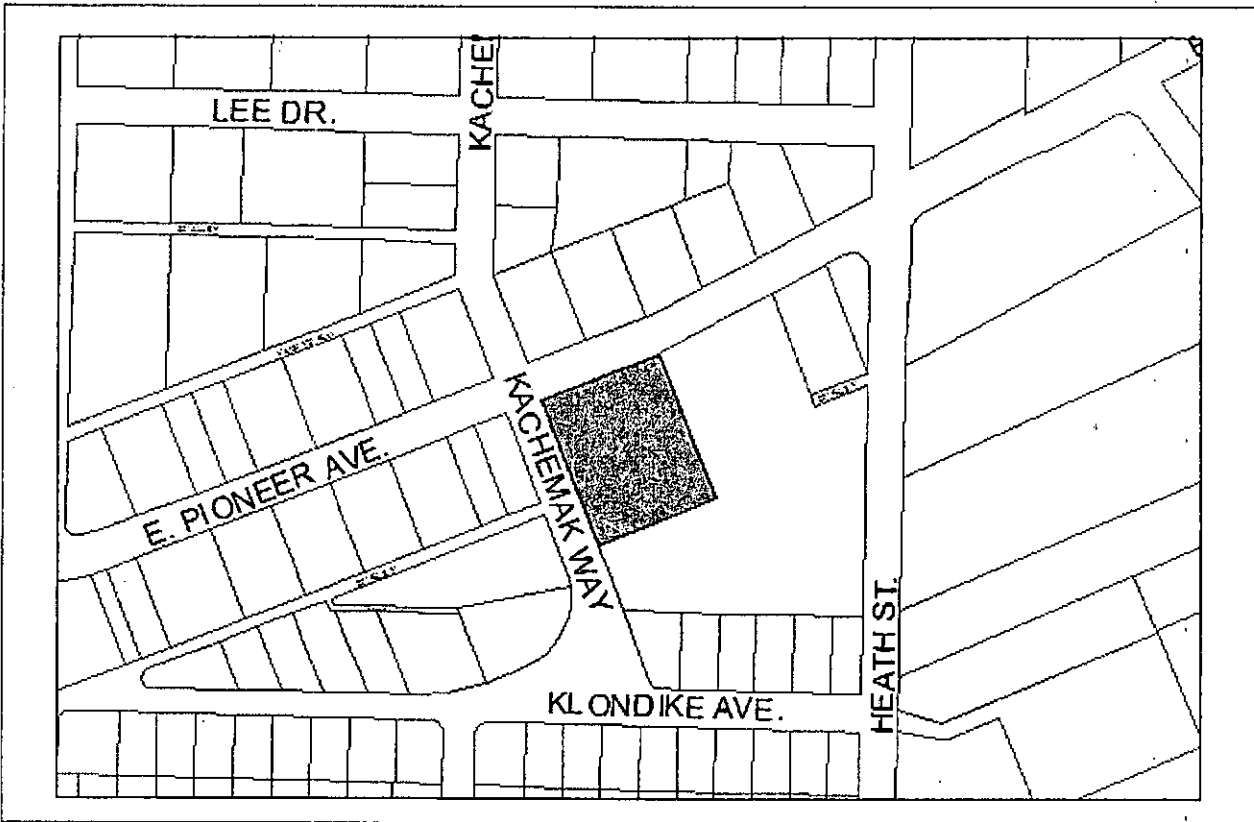
Zoning: Central Business District	Wetlands: Some wetlands present
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Infrastructure: Paved road access, trail access, water and sewer available.

Notes: Assessed value does not reflect the completed construction project.
 Built in 2005/06. 16,000 sq ft

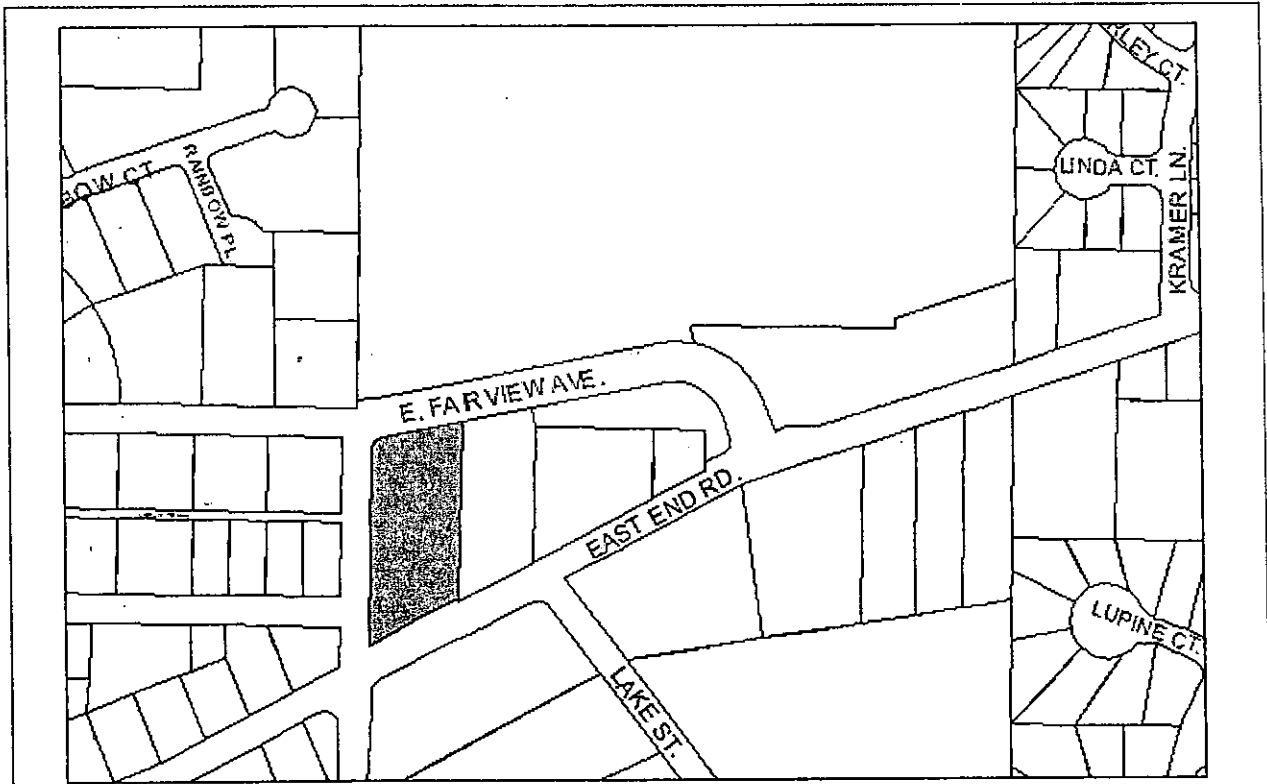
Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: City Hall	
Acquisition History: Purchased, Schoulz 12/31/86	
Area: 1.12 acres	Parcel Number: 17720408
2006 Assessed Value: \$1,035,600 (Land 144,600 Structure 981,000)	
Legal Description: HM2004048 T06S R13W S20 Glacier View Subdivision Campus Addition Lot 6-A-2	
Zoning: Central Business District	Wetlands: None
Infrastructure: Paved road access, water and sewer.	
Notes: Also includes two connex's used for storage	
Finance Dept. Code:	

CITY OF HOMER LAND INFORMATION



Designated Use: Police and fire stations
Acquisition History: Straub Warr Deed 4/74, partial purchase Straub 4/5/74

Area: 1.57 acres	Parcel Number: 17702057
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2006 Assessed Value: \$1,998,500 (Land: \$151,800 Structure: \$1,846,700)

Legal Description: HM 0870011 NEW HOMER HIGH SCHOOL NO 2 Tract 1-B

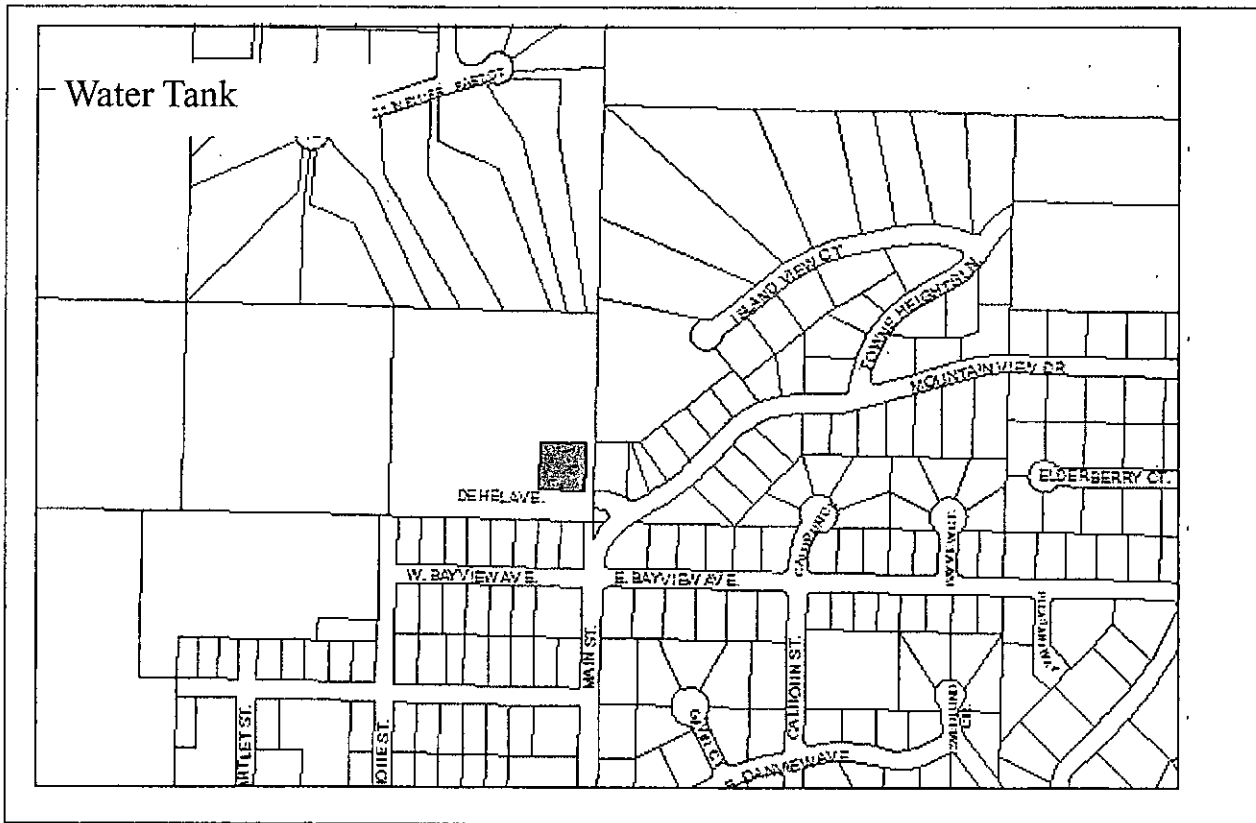
Zoning: Central Business District	Wetlands: N/A
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Infrastructure: Water, Sewer, Paved access

Notes:

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Water Tank (A Frame Tank)
Acquisition History: Dehel Deed 6/1/65

Area: 0.5 acres	Parcel Number: 17504011
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2006 Assessed Value: \$22,400

Legal Description: HM T06S R13W S18 N 150 FT OF THE S 250 FT OF THE E 180 FT OF THE NE1/4 SE1/4

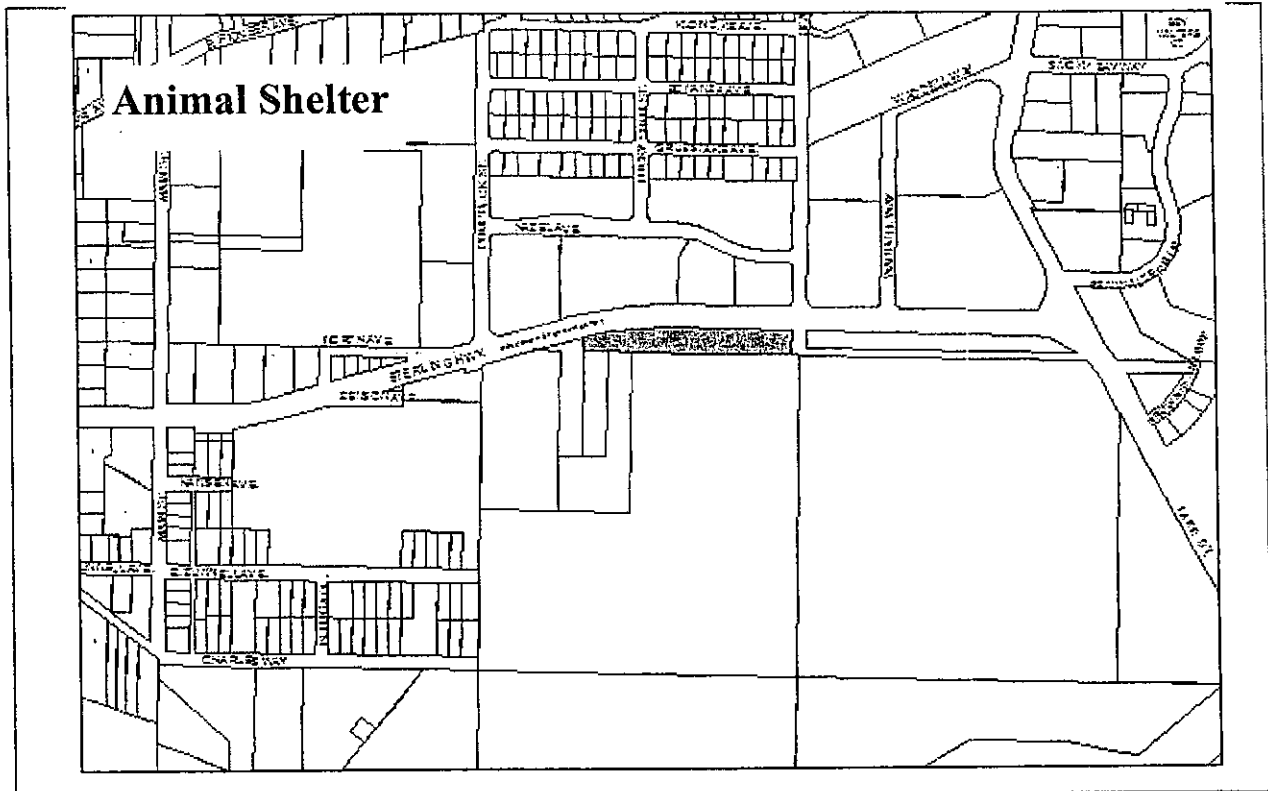
Zoning: Rural Residential	Wetlands: Possible drainage through site
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Infrastructure: N/A

Notes:

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Animal Shelter
Acquisition History: Heath Deed 3/10/71

Area: 1.85 acres

Parcel Number: 17714020

2006 Assessed Value: \$955,300 (Land \$80,000, Structure \$875,300)

Legal Description: Glacier View Subdivision No 18 Lot 1

Zoning: Central Business District

Wetlands: N/A

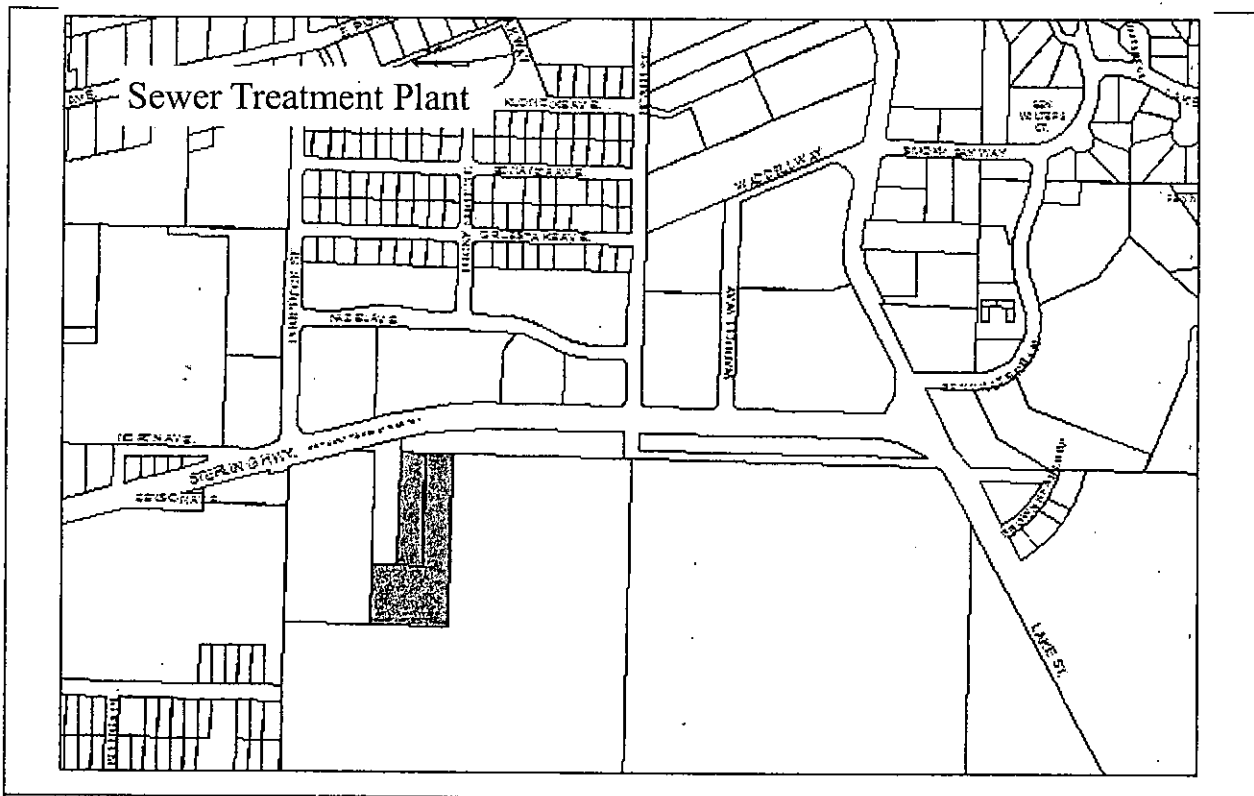
Infrastructure: Water, Sewer, gravel access via Public Works

Notes: Also includes landscaped area along the Sterling Highway maintained by Parks and Recreation, and named Superintendent's Park.

Constructed in 2004. 3,828 sq feet.

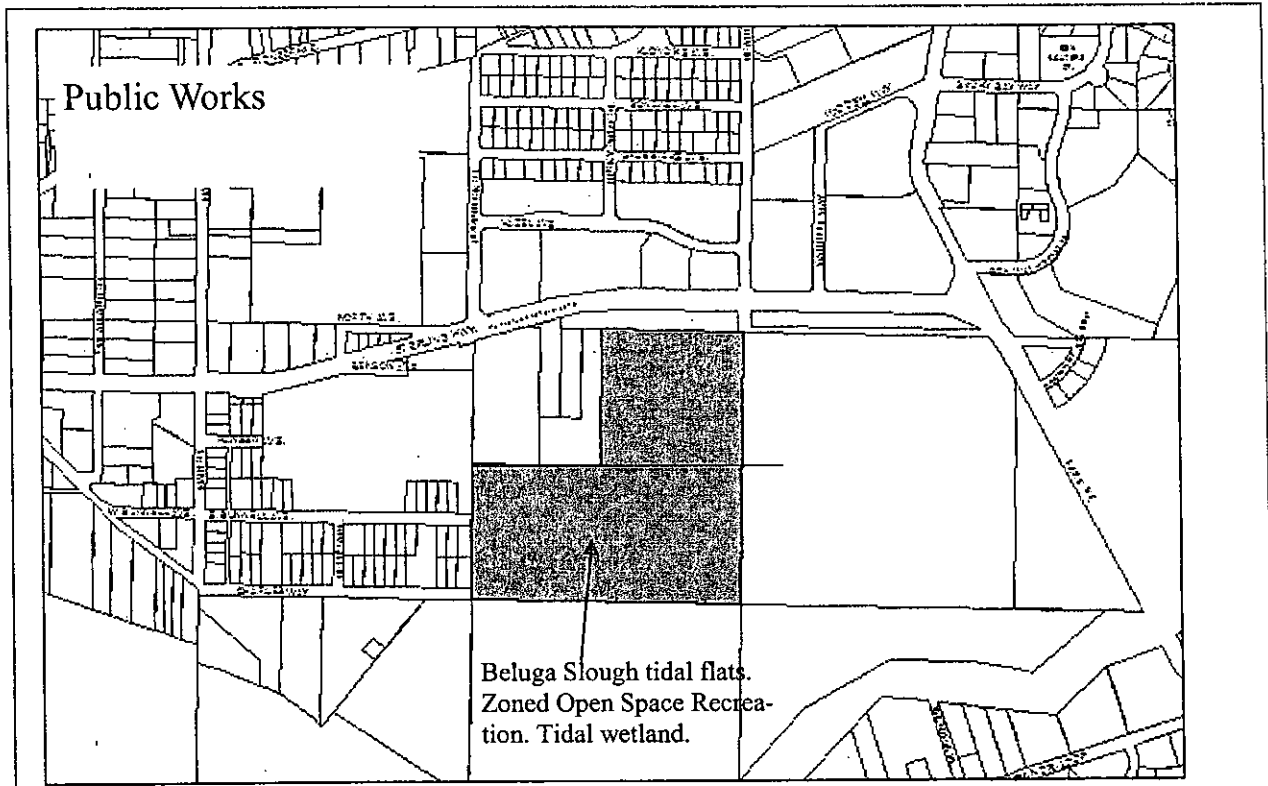
Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Sewage Treatment	
Acquisition History: see below	
Area: 4.08 acres	Parcel Number: 177140 14, 15
2006 Assessed Value: \$2,406,900 (Land: \$327,700 Structures/Improvements: \$2,079,200)	
Legal Description: T 6S R 13W SEC 20 SEWARD MERIDIAN HM POR PER E1/2 NW1/4 NE1/4 SW1/4 PER D-60-164, T 6S R 13W SEC 20 SEWARD MERIDIAN HM THAT PORTION OF E1/2 NW1/4 NE1/4 SW1/4 PER D-60 @ 05	
Zoning: Central Business District	Wetlands: Yes
Infrastructure: Water and Sewer. Access via PW complex	
<p>Notes: Acquisition: 17414014: Mitchell Warr Deed 1/9/84 17714015: Heath/Whitmore Deed 3-71</p> <p>2008 Resolution 08-48 recommends a replat to vacate common lot lines.</p>	
Finance Dept. Code:	

CITY OF HOMER LAND INFORMATION



Designated Use: Public Works
Acquisition History: Heath Dead 3/10/71

Area: 30 acres

Parcel Number: 17714016

2006 Assessed Value: \$1,630,400 (Land: \$427,400, Structures: \$1,203,000)

Legal Description: T 6S R 13W SEC 20 SEWARD MERIDIAN HM NE1/4 NE1/4 SW1/4 & S1/2 NE1/4 SW1/4

Zoning: Central Business/Open Space

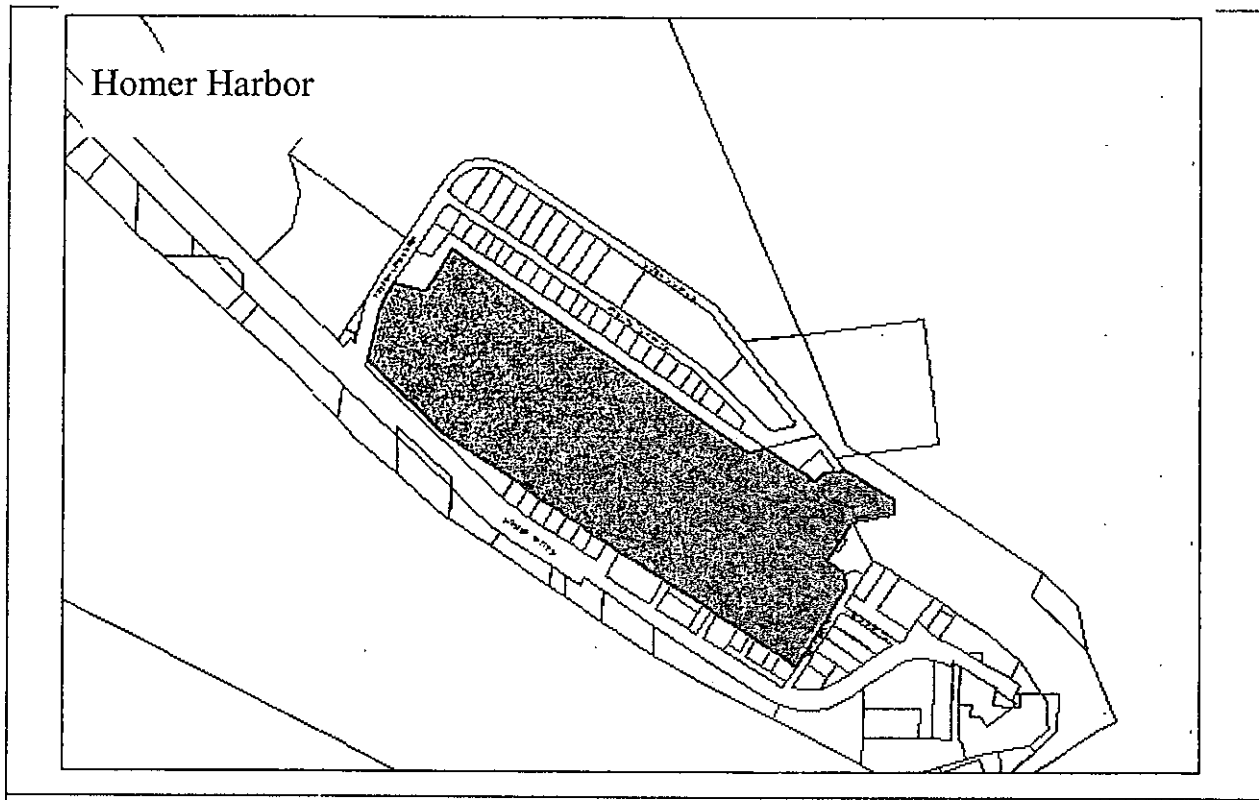
Wetlands: Yes

Infrastructure: Paved Road, water and sewer

Notes:

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Homer Small Boat Harbor
Acquisition History: Reso 99-51 Reconveyed from ACOE

Area: 72.94	Parcel Number: 18103214
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2006 Assessed Value: \$4,092,800

Legal Description: T 6S R 13W SEC 35 T 6S R 13W SEC 36 T 7S R 13W SEC 1 T 7S R 13W SEC 2 HM 0920050 HOMER SPIT SUB NO TWO AMENDED SMALL BOAT HARBOR SEWARD MERIDIAN

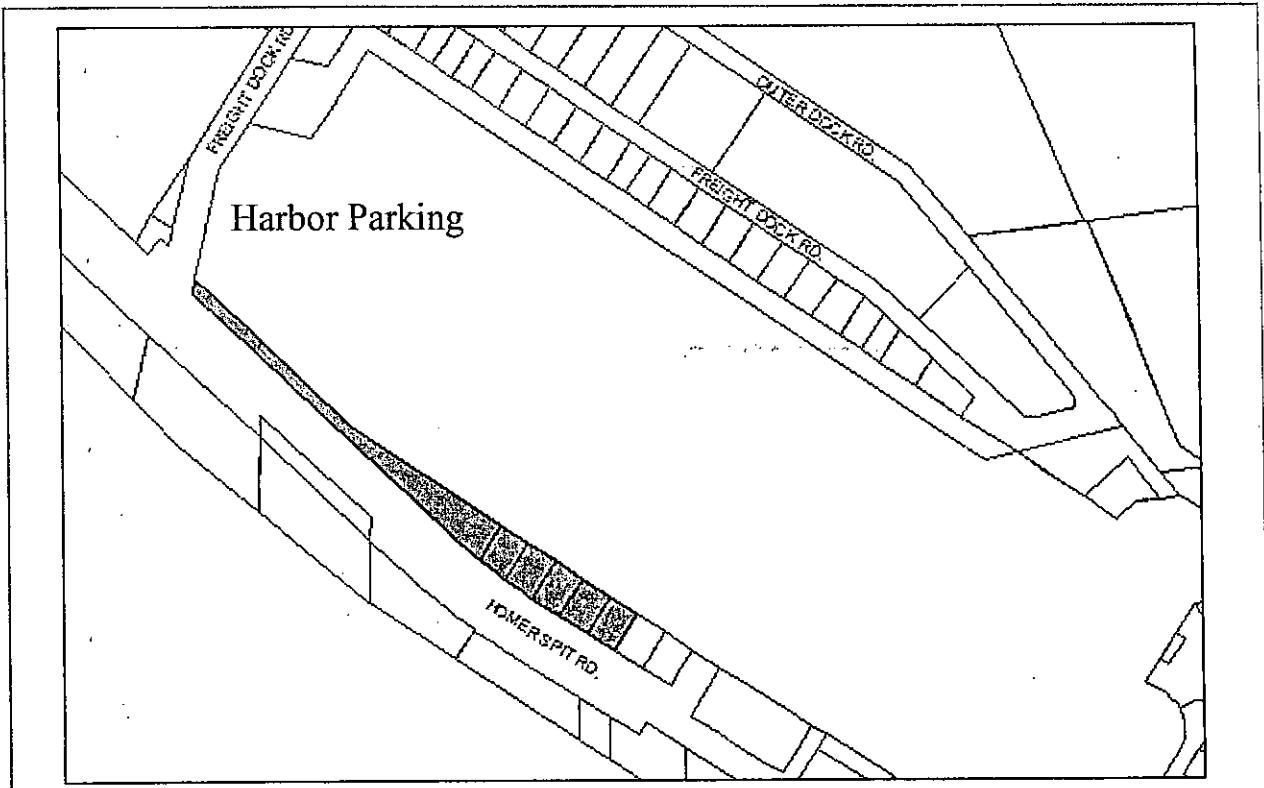
Zoning: Marine Commercial	Wetlands: N/A
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Infrastructure: floats, road access, water and sewer

Notes:

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Parking
Acquisition History:

Area: 3.12 acres

Parcel Number: 181034 18-22, 24

2006 Assessed Value: \$953,200

Legal Description: T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0890034 HOMER SPIT SUB AMENDED LOT 13-17, HM 0910003 HOMER SPIT SUB NO TWO SEWARD MERIDIAN LOT 12A

Zoning: Marine Commercial

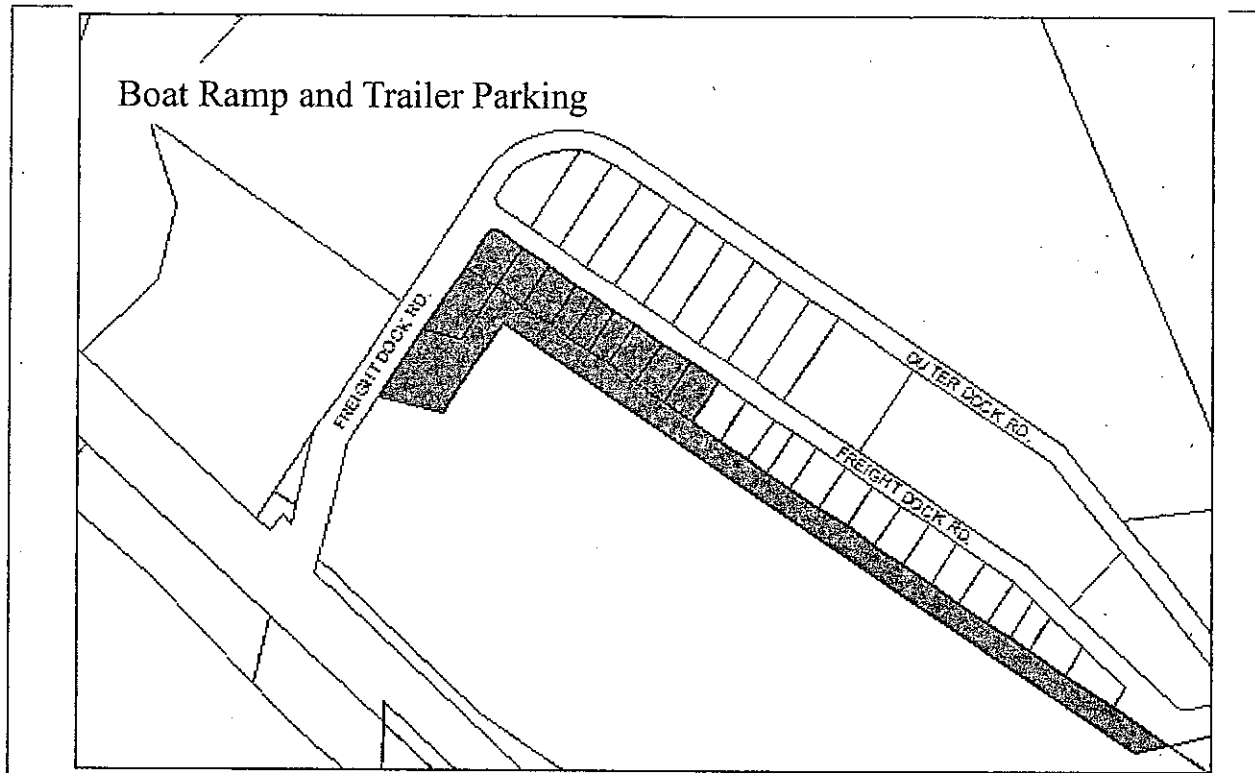
Wetlands: N/A

Infrastructure: Paved road, water and sewer, public restrooms

Notes:

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Boat ramp and trailer parking
Acquisition History:

Area: 8.32 acres

Parcel Number: 181032 47-58, 18103216

2006 Assessed Value: \$1,695,900

Legal Description: Homer Spit Sub No 5 Lots 28-37, Homer Spit Sub No 2 Amended Lot G-8

Zoning: Marine Industrial, over slope area is Marine Commercial

Wetlands: N/A

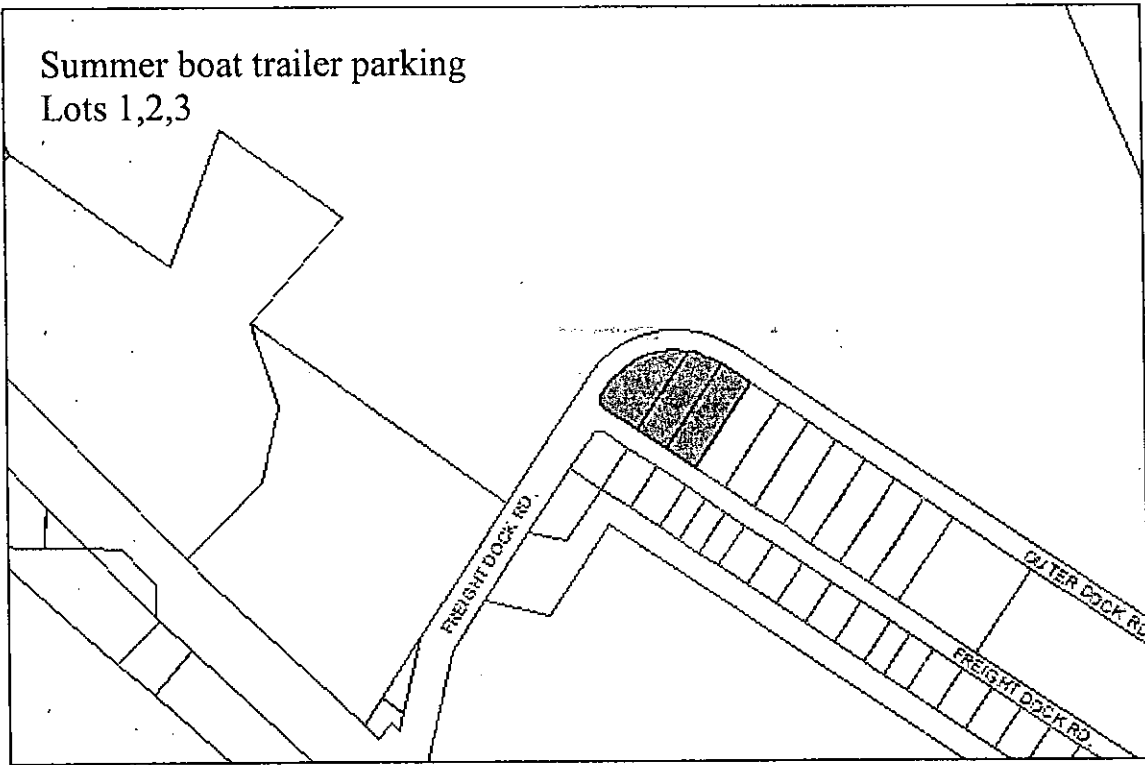
Infrastructure: Gravel road access, water and sewer, public restrooms

Notes: Includes boat launch and most of the trailer parking, two newly constructed public restrooms and over slope area along the harbor.

Resolution 2007-51: Lots 14-35, RFP process should be delayed until the master parking plan and over slope development standards and issues are dealt with.

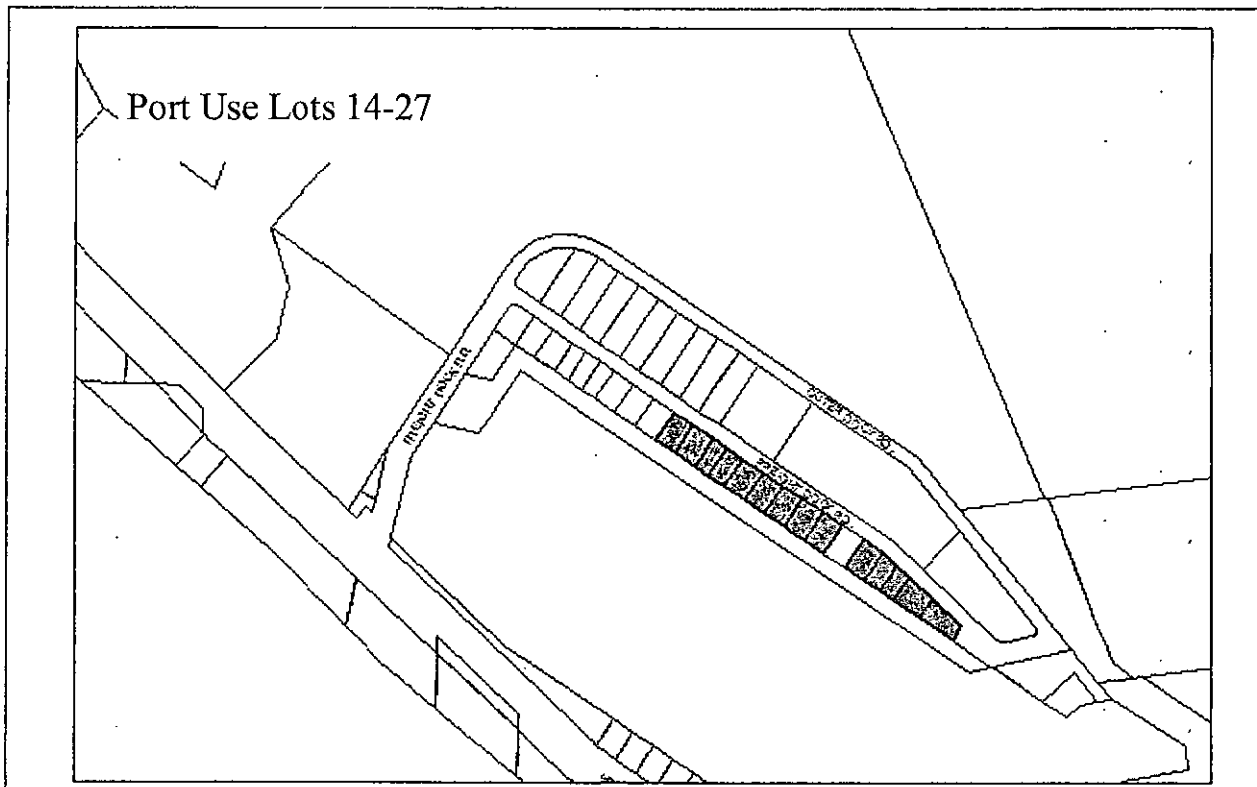
Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use:	
Acquisition History:	
Area: 1.98 acres	Parcel Number: 181032-21,22,31
2006 Assessed Value: \$509,900	
Legal Description: T 6S R 13W SEC 35 T 6S R 13W SEC 36 HM 0930012 HOMER SPIT SUB NO 5 SEWARD MERIDIAN LOT 1,2,3	
Zoning: Marine Industrial	Wetlands: N/A
Infrastructure: Gravel road, water and sewer, Barge ramp	
Notes:	
Finance Dept. Code:	

CITY OF HOMER LAND INFORMATION



Designated Use: Port Use
Acquisition History:

Area: 4.12 acres

Parcel Number: 18103233-46

2006 Assessed Value: \$1,374,900

Legal Description: Homer Spit No 5 Lots 14-27

Zoning: Marine Industrial

Wetlands: N/A

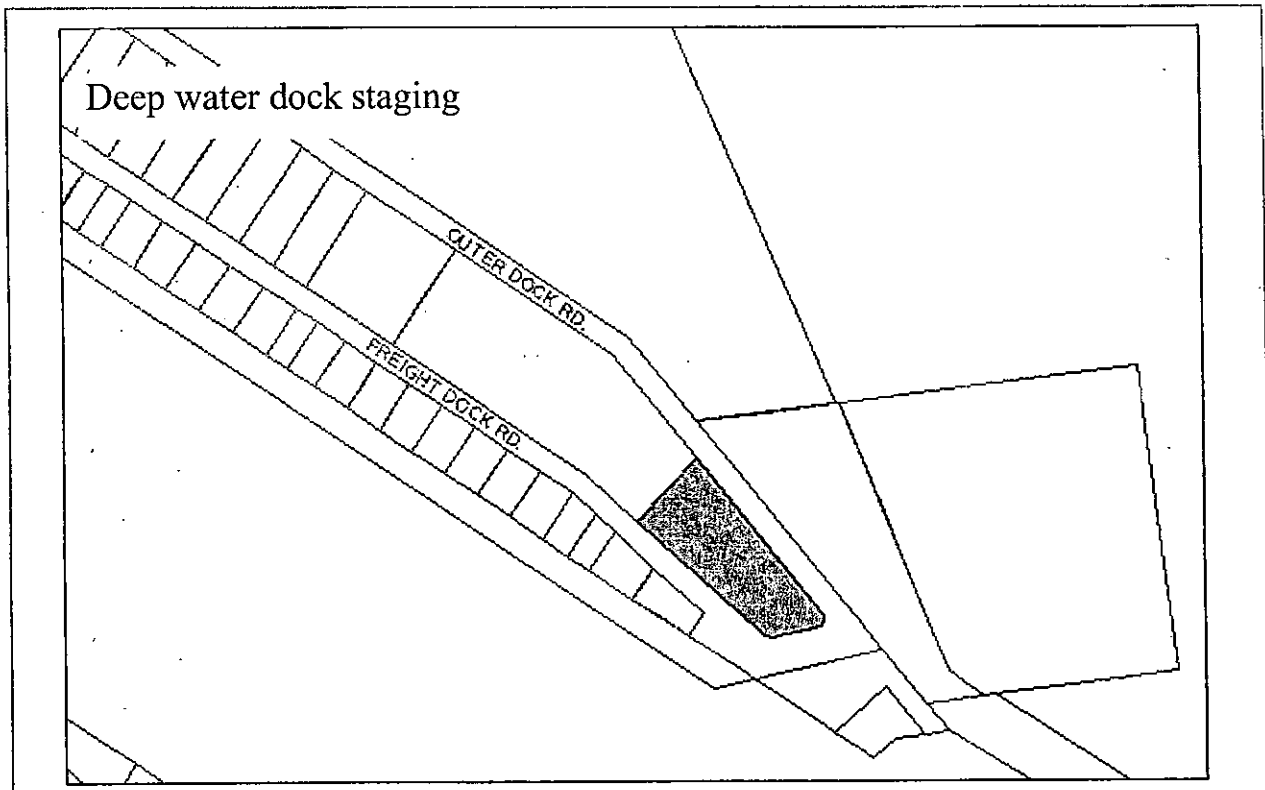
Infrastructure: gravel road, water and sewer

Notes:

Resolution 2007-51: Lots 14-35, RFP process should be delayed until the master parking plan and over slope development standards and issues are dealt with.

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Deep water dock staging
Acquisition History:

Area: 2.08 acres

Parcel Number: 18103232

2006 Assessed Value: \$363,200

Legal Description: T 6S R 13W SEC 36 T 7S R 13W SEC 1 HM 0930012 HOMER SPIT SUB NO 5 SEWARD MERIDIAN LOT 13

Zoning: Marine Industrial

Wetlands: N/A

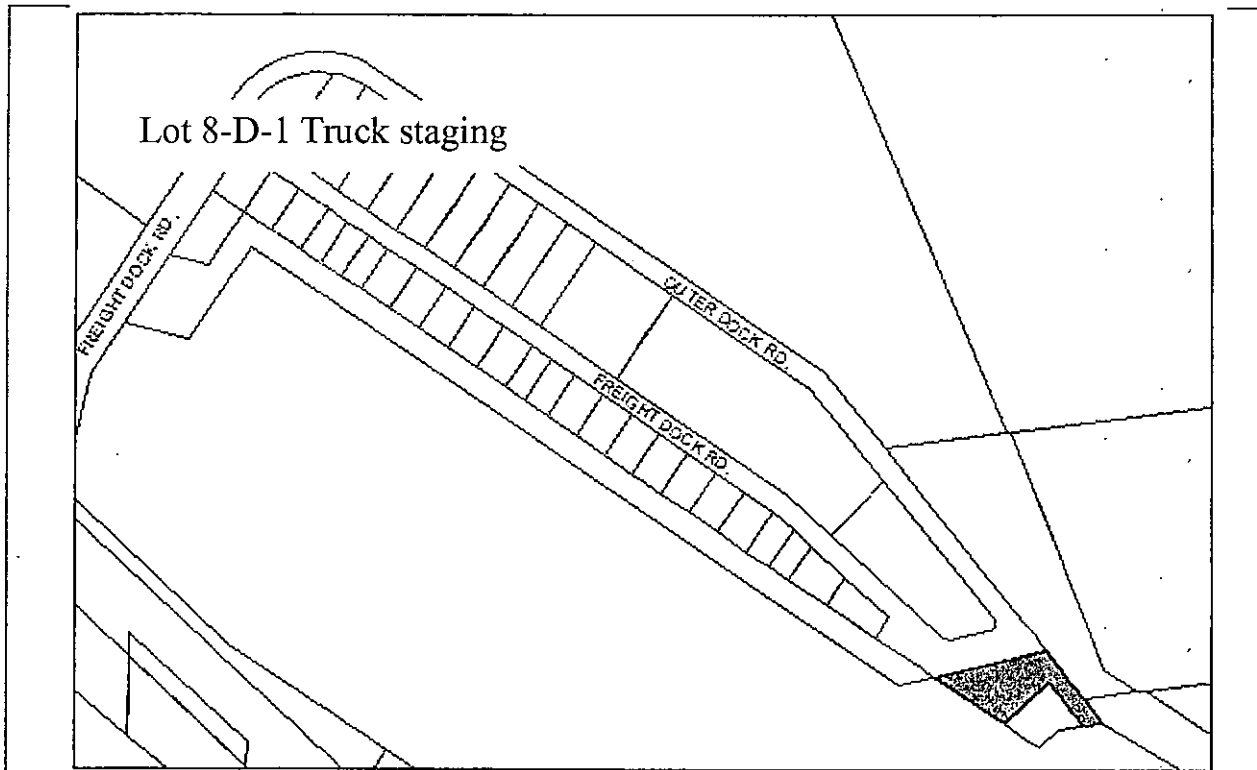
Infrastructure: gravel road, water and sewer

Notes:

Resolution 2007-51 Lot 13: Continue its current use as gear storage and cargo staging for Deep Water Dock cargo.

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Commercial Truck Staging
Acquisition History:

Area: 1.12 acres

Parcel Number: 18103259

2006 Assessed Value: \$253,800

Legal Description: T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0970072 HOMER SPIT NO 6 8-D-1

Zoning: Marine Industrial

Wetlands: N/A

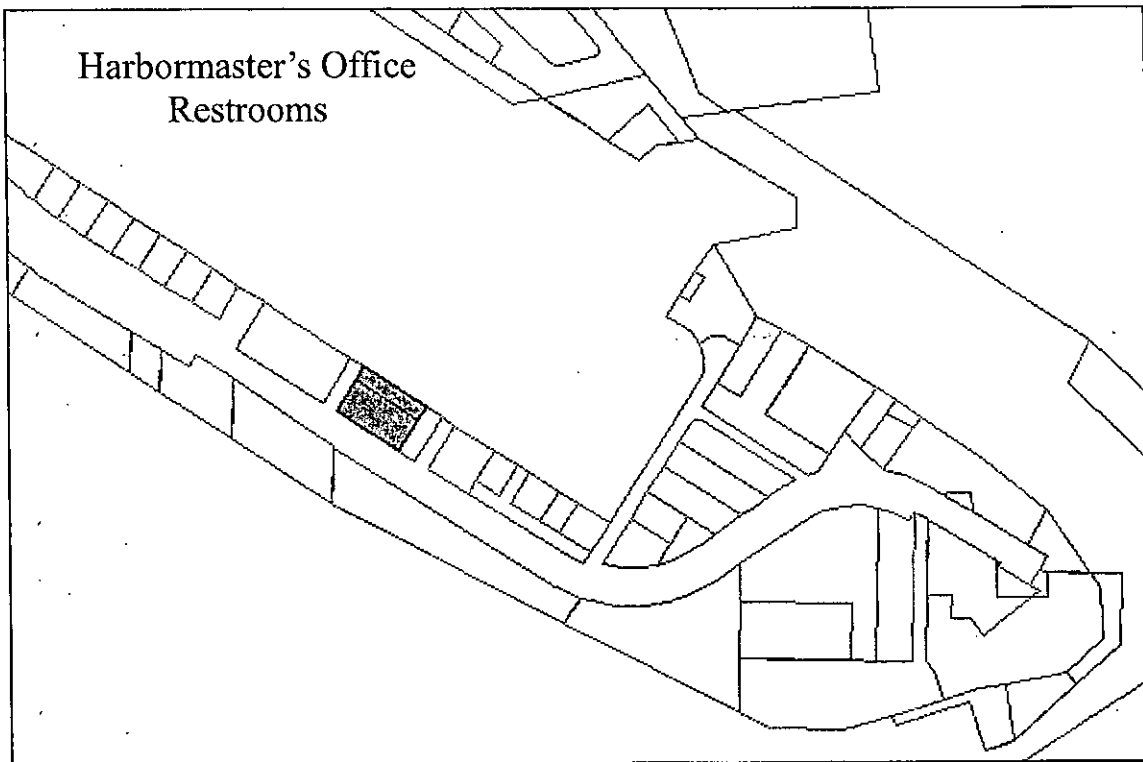
Infrastructure: Gravel road access, water and sewer

Notes:

Resolution 2007-51: Lot 8D1 should be reserved for a marine related business which could include a petroleum products tank farm and a pipeline out to the (expanded) Deep Water Dock. This lot to be RFP's at the appropriate time for this type of marine support activity.

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Harbormaster Office, parking and restrooms
Acquisition History:

Area: 0.65 and 0.28 acres, or 0.93 acres

Parcel Number: 181033 10, 11

2006 Assessed Value: \$260,100

Legal Description: Homer Spit Subdivision Amended, Lots 28 and 29

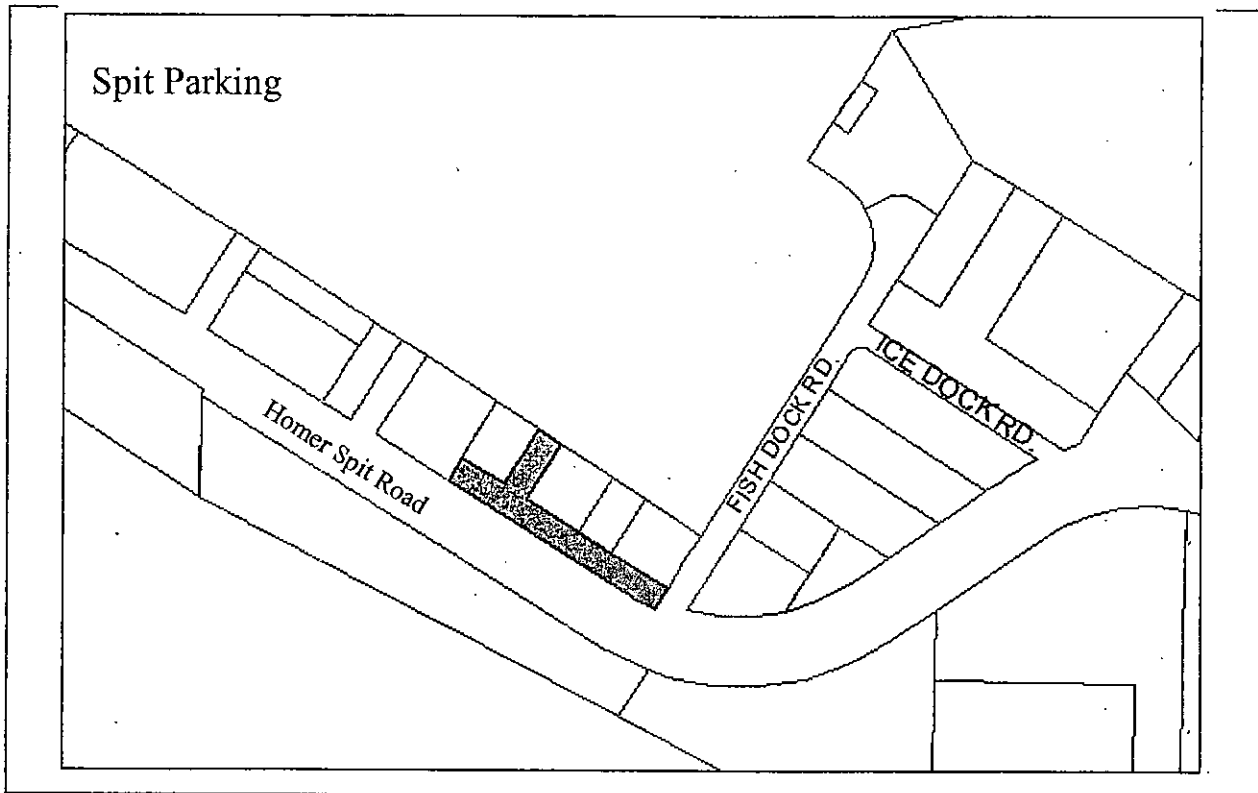
Zoning: Marine Industrial

Infrastructure: Paved road, water and sewer

Restrooms (?) Built in 1968, 2060 sq ft.

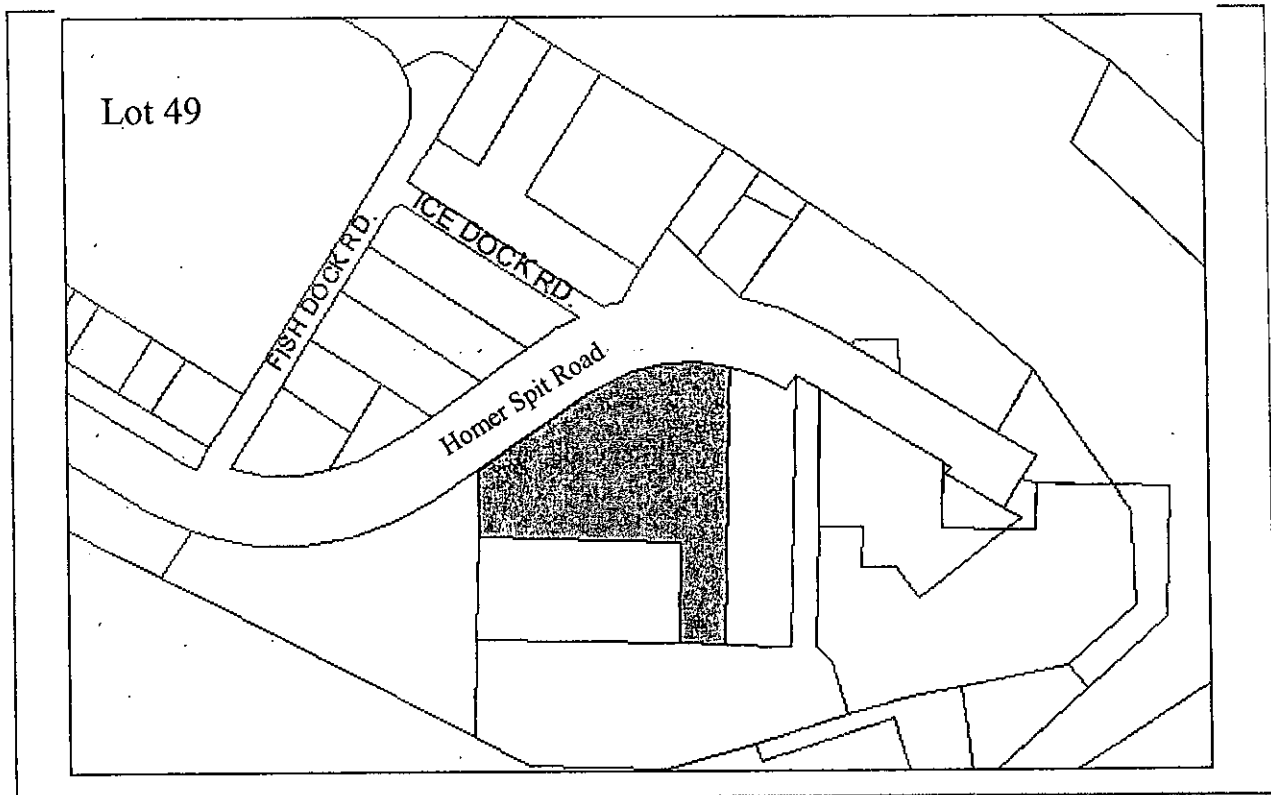
Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Parking and Access	
Acquisition History:	
Area: 0.6 acres	Parcel Number: 18103441
2006 Assessed Value: \$158,400	
Legal Description: T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0920050 HOMER SPIT SUB NO TWO AMENDED PARKING AND ACCESS AREA	
Zoning: Marine Industrial	Wetlands: N/A
Infrastructure: Paved road	
Notes: Provides parking for adjacent businesses, and harbor access.	
Finance Dept. Code:	

CITY OF HOMER LAND INFORMATION



Designated Use: Main Dock Staging
Acquisition History:

Area: 3 acres

Parcel Number: 18103436

2006 Assessed Value: \$512,500 (Land: \$37,200 Structure: \$475, 300)

Legal Description: T 7S R 13W SEC 1 HM 0890034 HOMER SPIT SUB AMENDED SEWARD MERIDIAN LOT 48 LOT 49 THOSE PORTIONS THEREOF AS PER LICINSE AGREEMENT 190 @ 98

Zoning: Marine Industrial

Wetlands: N/A

Infrastructure: Paved road, water and sewer

Notes:

Resolution 2007-51: Continue to use for dredge material dewatering.

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION

- Parks and Recreation
- Beaches
- Cemeteries
- Greenspace

CITY OF HOMER LAND INFORMATION

Intentionally Blank

Designated Use: Public Purpose
Acquisition History:

Area:

Parcel Number:

2006 Assessed Value:

Legal Description:

Zoning:

Wetlands:

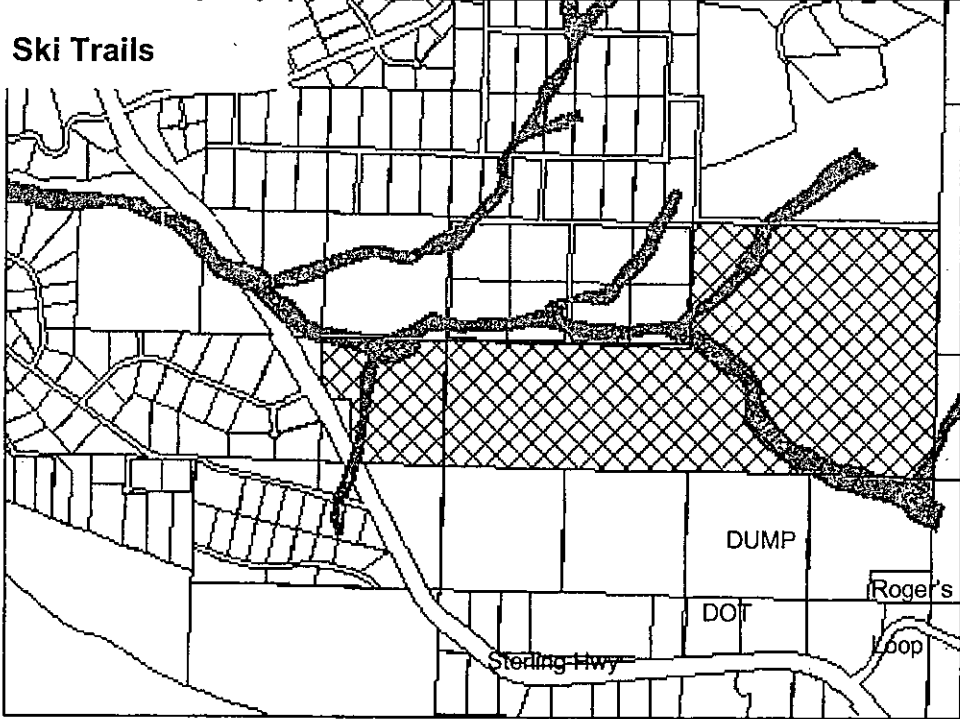
Infrastructure:

Notes:

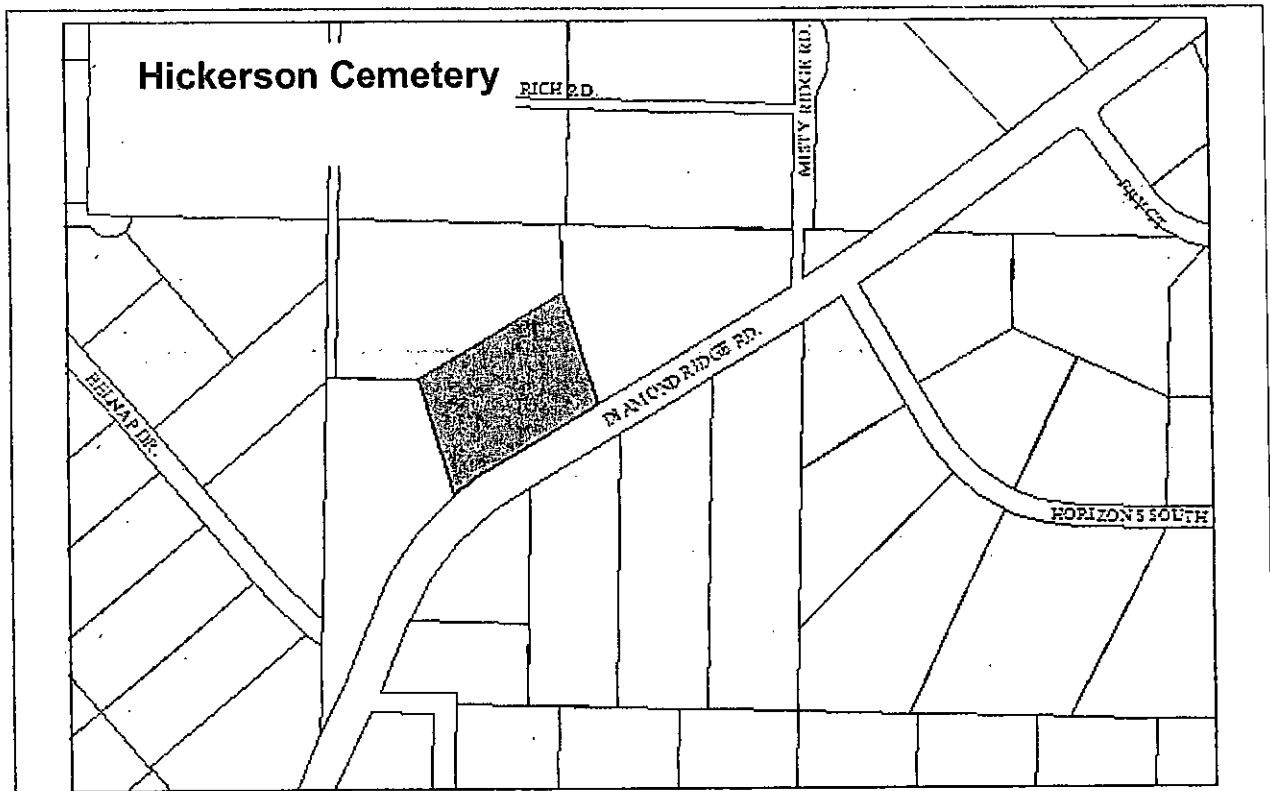
2006 Update:

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION

<p>Diamond Creek Property</p> <p>Ski Trails</p> 	
<p>Designated Use: Public Purpose for park land Acquisition History: Ordinance 07-03. Forest Legacy grant/KHLT/long term public ownership</p>	
<p>Area: 273 acres (240 acres and 33 acres)</p>	<p>Parcel Number: 17302201, 17303229</p>
<p>2008 Assessed Value: \$373,600</p>	
<p>Legal Description: HM T06S R14W S09 SE1/4 EXCLUDING THE W1/2 SW1/4 SE1/4 SE1/4 and HM T06S R14W S10 SE1/4 & S1/2 SW1/4.</p>	
<p>Zoning: Not in city limits</p>	<p>Wetlands: Yes. Diamond Creek flows through these lots. Larger lot is mostly wetland.</p>
<p>Infrastructure: Limited legal and physical access. Western lot has Sterling Highway frontage.</p>	
<p>Notes: Ski trails, managed by Kachemak Nordic Ski Club</p> <p>Acquisition notes: the Kachemak Heritage Land Trust purchased the property from the University of Alaska via a Forest Legacy Grant from the state of Alaska. The City accepted ownership of the land, to keep it for public park land in perpetuity, as required by the grant.</p>	
<p>Finance Dept. Code:</p>	

CITY OF HOMER LAND INFORMATION



Designated Use: Hickerson Memorial Cemetery
Acquisition History: Deed American Legion Gen Buckner Post 16 4/23/70

Area: 3.34 acres	Parcel Number: 17321011
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2006 Assessed Value: \$35,900 (Land \$30,700, Structure \$5200)

Legal Description: HM0631146 T06S R14W S03 TICE ACRES SUB HICKERSON MEMORIAL CEMETERY

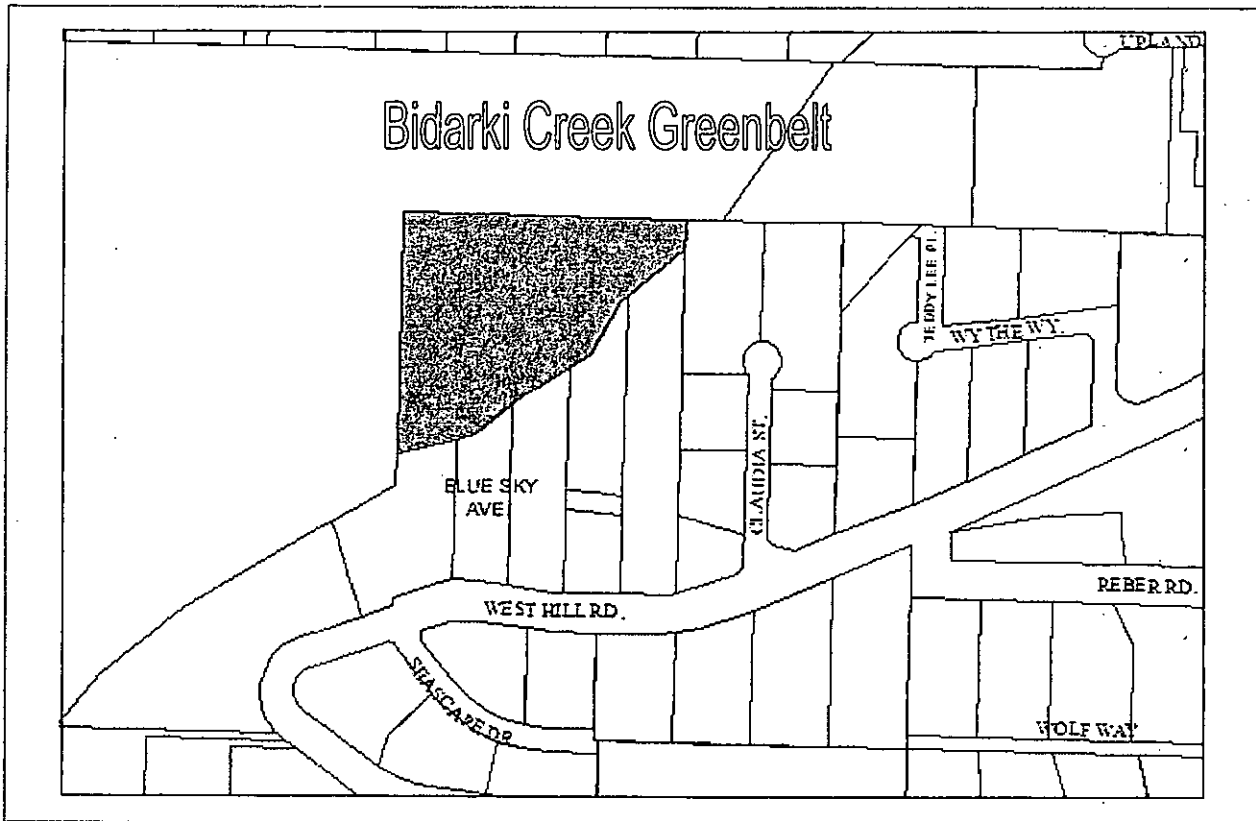
Zoning: Not within city limits	Wetlands: N/A
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Infrastructure: paved access

Notes: Will need to be expanded

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Public Purpose. Retain as undeveloped Greenbelt and to protect drainage.
Acquisition History: KPB Ordinance 83-01

Area: 6.57 acres

Parcel Number: 17503025

2006 Assessed Value: \$51,200

Legal Description: HM T06S R14W S13 SW1/4 SE1/4 NORTH OF SKYLINE DRIVE EXCLUDING SKYLINE DR SUB

Zoning: Rural Residential

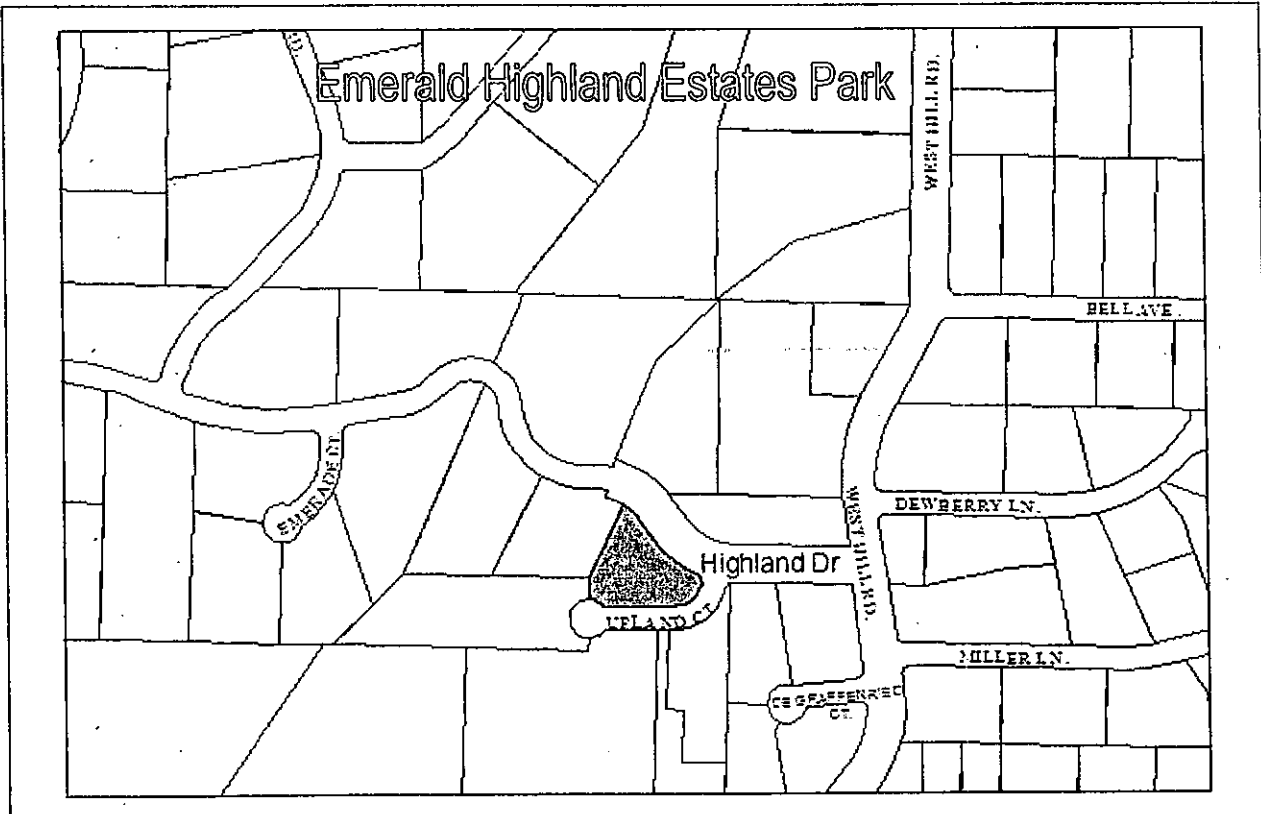
Wetlands: Bidarki Creek runs through the lot

Infrastructure: No access, no utilities

Notes: Much of the lot is very steep gorge, down to Bidarki Creek. One portion may be developable at the north end. Slope there is approximately 15%. There is no legal or physical access to the land at this time.

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Public Use/Emerald Highland Estates Park
Acquisition History: Gangle Deed, 12/1989

Area: 1.04 acres

Parcel Number: 17502056

2006 Assessed Value: \$36,000

Legal Description: HM0770024 T06S R14W S13 EMERALD HIGHLAND ESTATES SUB UNIT 3 LOT 1B BLOCK 3

Zoning: Rural Residential

Wetlands: The whole lot is potential wetlands.
 Creek present long western property line.

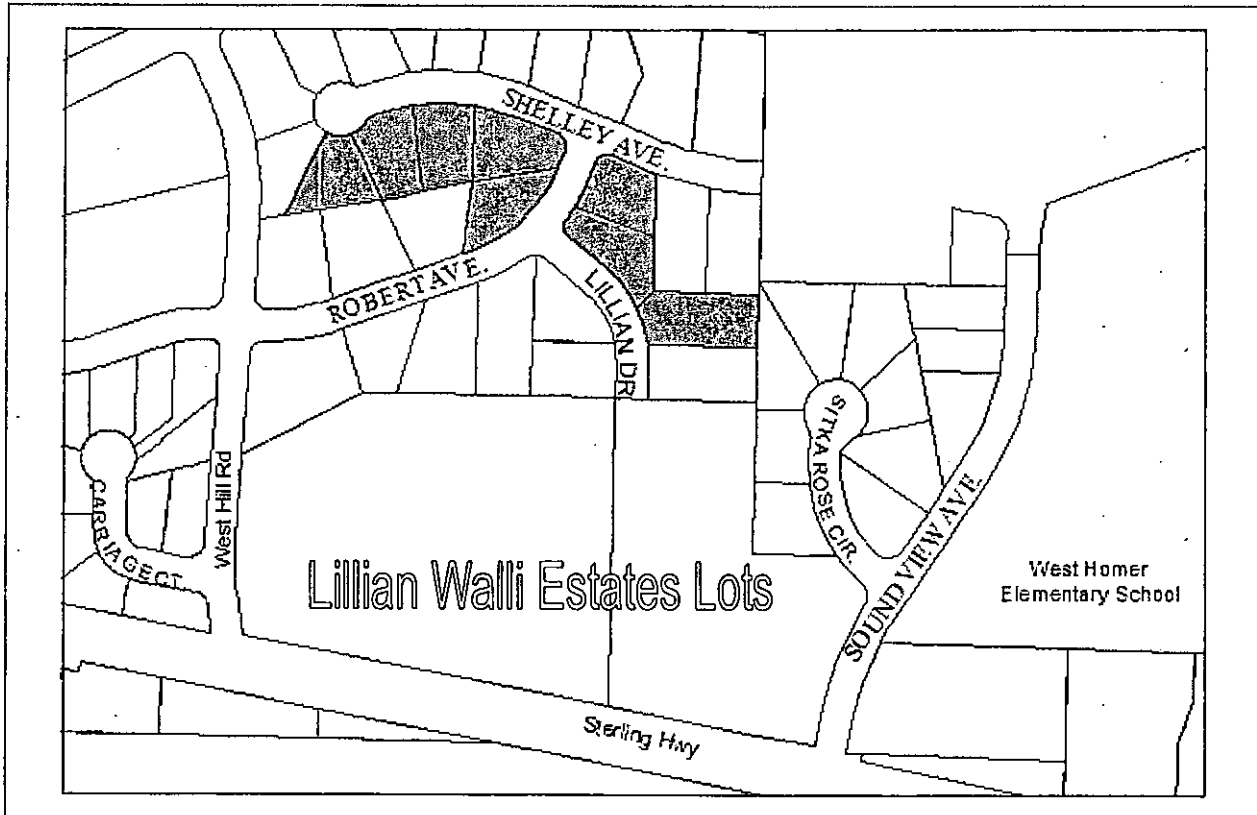
Infrastructure: Gravel road access

Notes: This land was deeded to the city by the original subdivider. However, there is a plat note restricting the use of the park to residents within the subdivision. Historically the city has not wanted to provide any services to a park that is not explicitly open to the public.

History:
 Resolution 2004-24A, Land Allocation Plan
 Resolution 2007-03 Emerald Park Master Plan

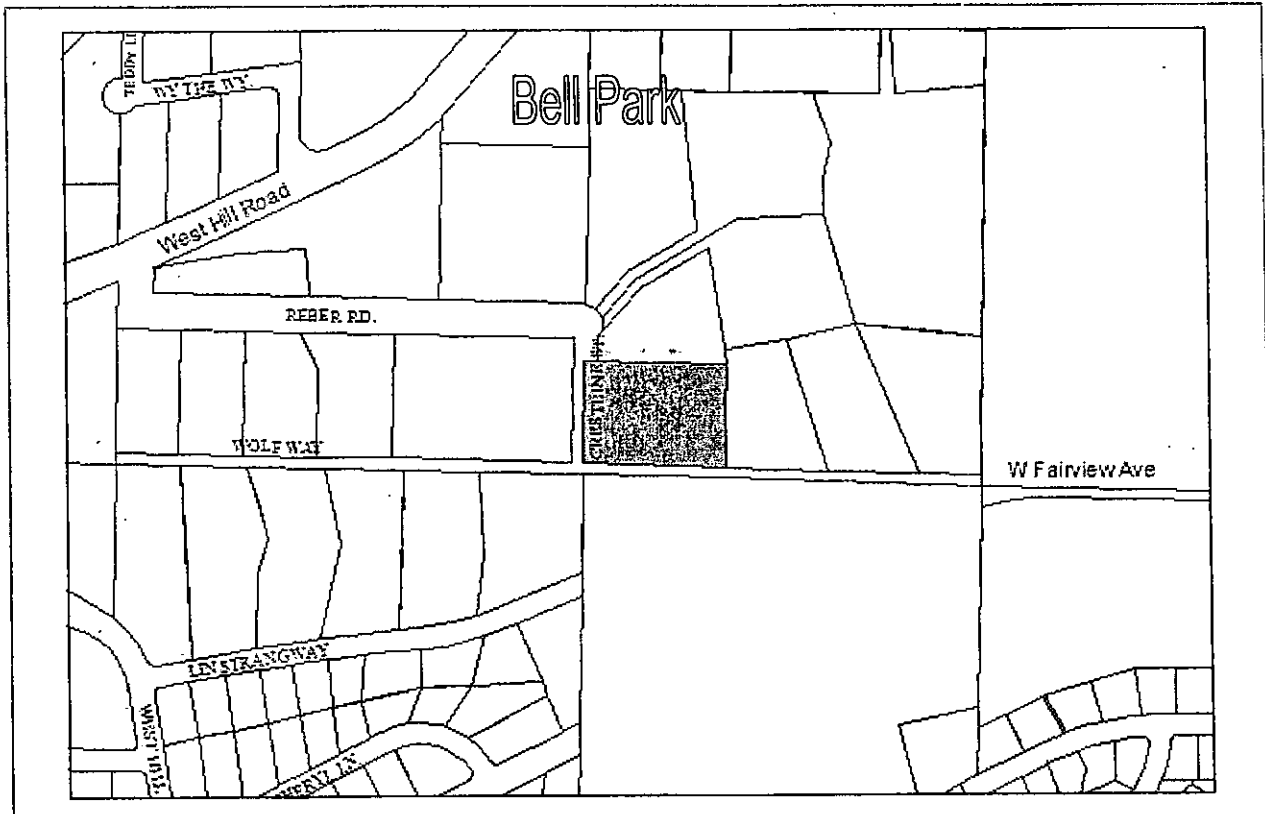
Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Public Purpose	
Acquisition History: Tax foreclosure. Eight lots, KPB Ord 93-09, 93-147, and 94-2(A)	
Area: East lot is just over a third of an acre. Total Acreage: 3.02 acres.	Parcel Number: 175241-10-12, 26-30
2006 Assessed Value: \$5,700-\$6,800 per lot. Total: \$47,400	
Legal Description: HM0880016 T06S R14W S24 LILLIAN WALLI ESTATE SUB LOT 60, 65, 66, 67, 57, 58, 59.	
Zoning: Rural Residential	Wetlands: All lots mapped as potential wetlands
Infrastructure: No roads, water or sewer immediately adjacent to these lots.	
<p>Notes: Resolution 2004-24A Land Allocation Plan: The Lillian Walli Estates Subdivision off of West Hill Road and the Sterling Highway presents some challenges for the City. The Council directed staff to work with Parks and Recreation to identify a lot to keep as a park. Staff recommends this decision wait until more wetlands information is available. Staff further recommends the Council direct the administration to work on a solution to the subdivision development agreement for this subdivision. This agreement prevents any development from occurring until all lots are fully served by infrastructure installed at the landowner's expense. This is a complicated issue and one that will affect other subdivided but undeveloped areas of the City. Staff requests time to create a policy that is fair and equitable.</p> <p>These lots were previously assessed for the Sterling Highway Sewer line.</p>	
Finance Dept. Code: 392.0005	

CITY OF HOMER LAND INFORMATION



Designated Use: W.R.Bell Public Park.

Acquisition History: Gifted by Daughter, Dene and Husband Edward Reber 8/20/1970

Area: 2.75 acres

Parcel Number: 17524006

2006 Assessed Value: \$59,700

Legal Description: HM0700402 T06S R13W S18 TRACT E W R BELL SUB

Zoning: Rural Residential

Wetlands: Drainages on lot.

Infrastructure: Gravel road access. Rough trails across property.

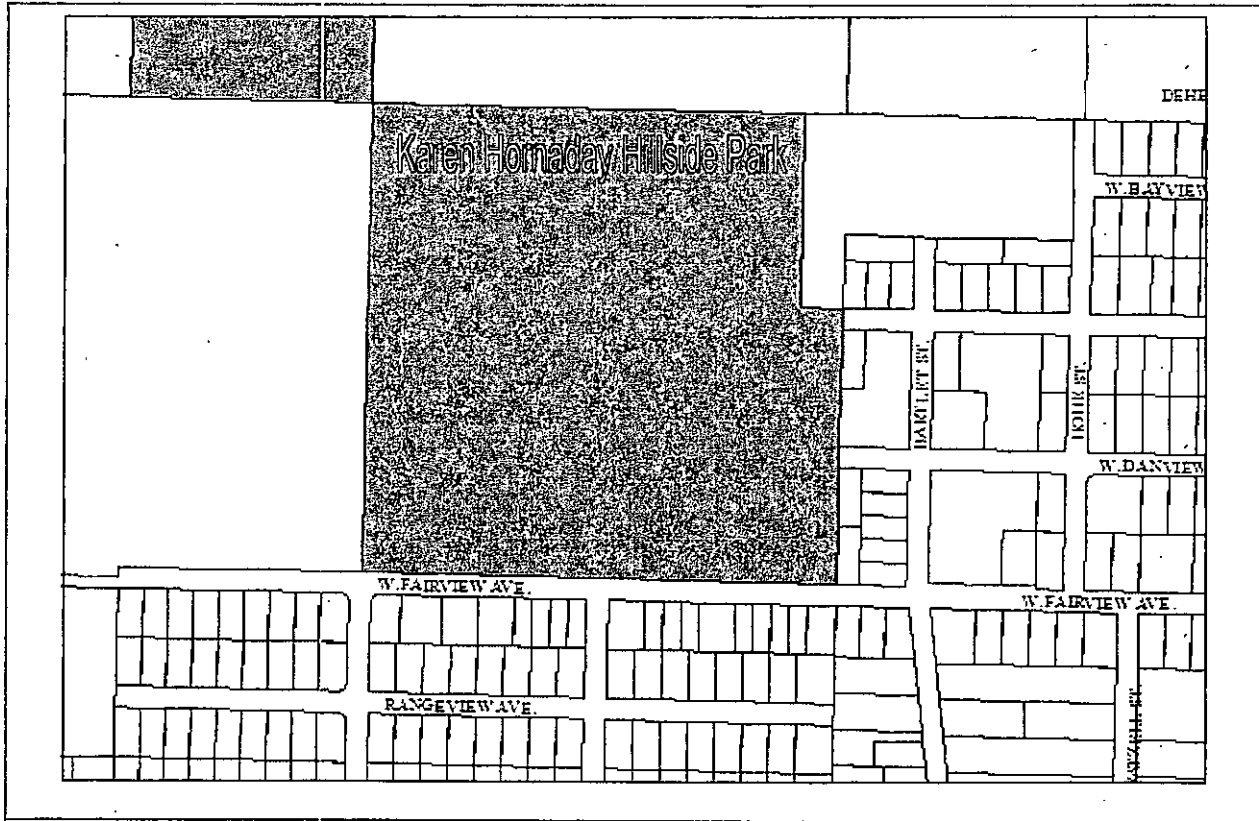
Notes:

Park contains the gravesite of W.R. Bell.

It can be expected that the land to the south will be come a housing development. Some homes will be accessed from W Fairview Ave.

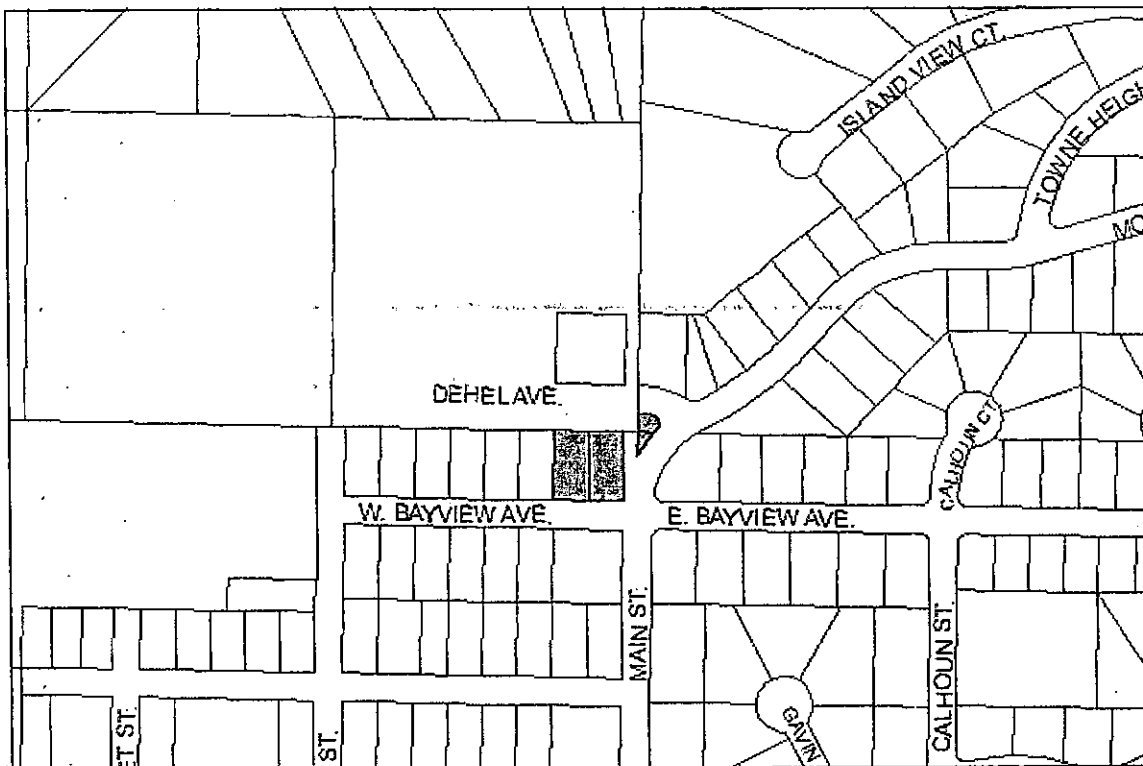
Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Public Recreational Purpose/Karen Hornaday Hillside Park	
Acquisition History: Homer Fair Association, Deed 8/1966 with covenants	
Area: 38.5 acres	Parcel Number: 17504023
2006 Assessed Value: \$311,400 (Land \$192,800 Structure \$118,600)	
Legal Description: HM0980004 T06S R13W S18 THAT PORTION OF SW1/4 SE1/4 EXCLUDING SOUTH PENINSULA HOSPITAL SUB 2008 Addn	
Zoning: Open Space Recreation	Wetlands: Some drainages
Infrastructure: Water, sewer and road access	
Notes: Campground, ball fields, day use picnic and playground area.	
2009: New draft master plan under review by the Parks and Recreation Advisory Commission.	
Finance Dept. Code: 175.0003 (driveway, parking), 175.0007 (campground)	

CITY OF HOMER LAND INFORMATION



Designated Use: Public Purpose/Bayview Park/Water tank access
Acquisition History: Large lots: Klemetsen Warranty Deed 5/8/67. Water tank access and part of Bayview Park. FINISH

Area: 0.58 acres total

Parcel Number: 175051 07, 08
 17726038, 17727049

2006 Assessed Value: \$66,900 total

Legal Description: 17505107: HM0562936 T06S R13W S18 TRACT A FAIRVIEW SUB LOT 2
 17505108: HM0562936 T06S R13W S18 TRACT A FAIRVIEW SUB LOT 1
 17726038: HM0760026 T06S R13W S17 KAPINGEN SUB UNIT 3 PARK RESERVE
 17727049: HM0770065 T06S R13W S17 ISLAND VIEW SUB PARK

Zoning: Rural Residential

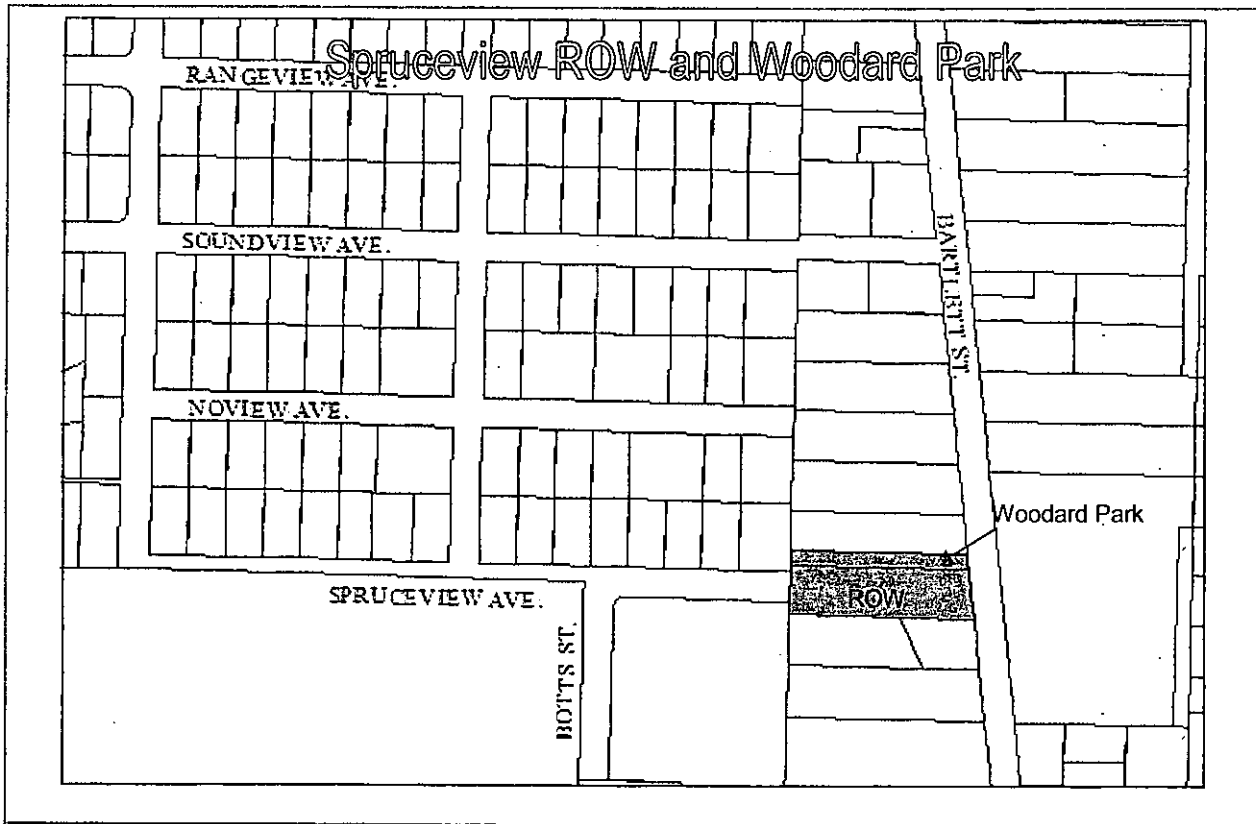
Wetlands: N/A

Infrastructure: Paved road access

Notes:

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: ROW and Woodard Park
Acquisition History: ROW: Purchased for Harrington Heights LID, Ord 2000-13(S) 7/2000. Woodard Park: Tax Foreclosure (Harry Gregoire), Park designation enacted in Reso 04-53

Area: ROW 0.85 acres Woodard Park: .025 acres	Parcel Number: 17513329 17513328
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2006 Assessed Value: ROW: \$44,800, Park: \$23,800

Legal Description: ROW: HM0860044 T06S R13W S19 BUNNELL'S SUB NO 17 LOT 12-A
 Woodard Park: HM0860044 T06S R13W S19 BUNNELL'S SUB NO 17 LOT 11-B

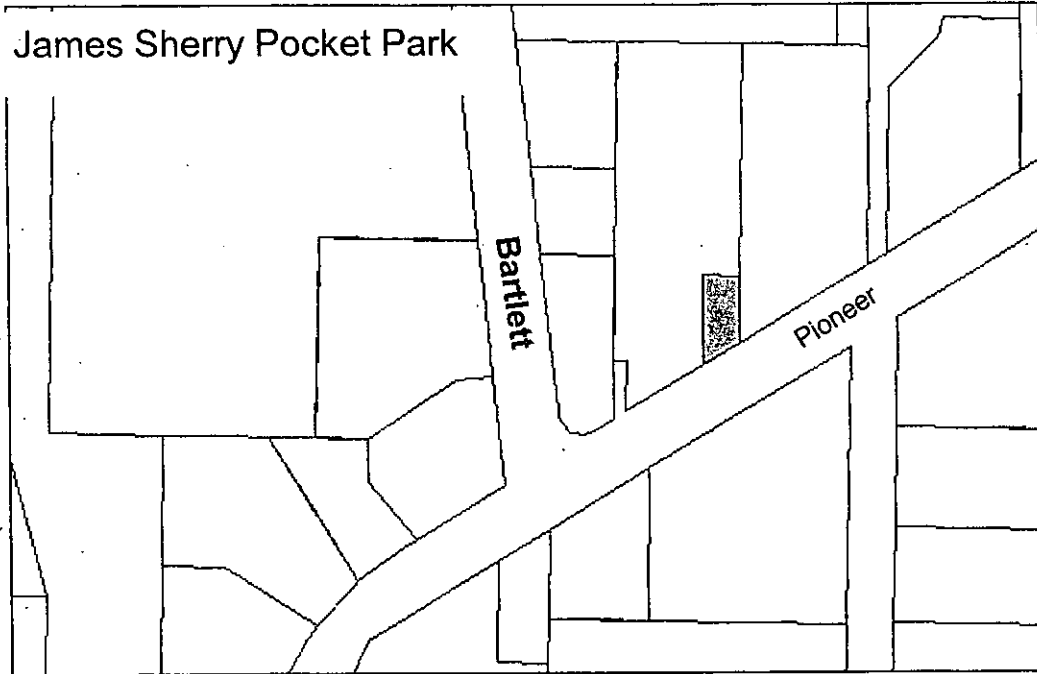
Zoning: Residential Office	Wetlands: Woodard Creek and wetlands present
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Infrastructure: Paved access on Bartlett. Part of completed Spruceview Road LID. Water and sewer present.

Notes:

Finance Dept. Code: ROW: 500.0051 Park:

CITY OF HOMER LAND INFORMATION



Designated Use: Retain for use as public park or parking
Acquisition History: Ord 83-01 (KPB)

Area: 0.06 acres or 2,766 sq ft

Parcel Number: 17514235

2008 Assessed Value: \$39,100

Legal Description: T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2007124 BUNNELLS SUB NO 21 LOT 37F-1

Zoning: Central Business District

Wetlands: Ditch across property

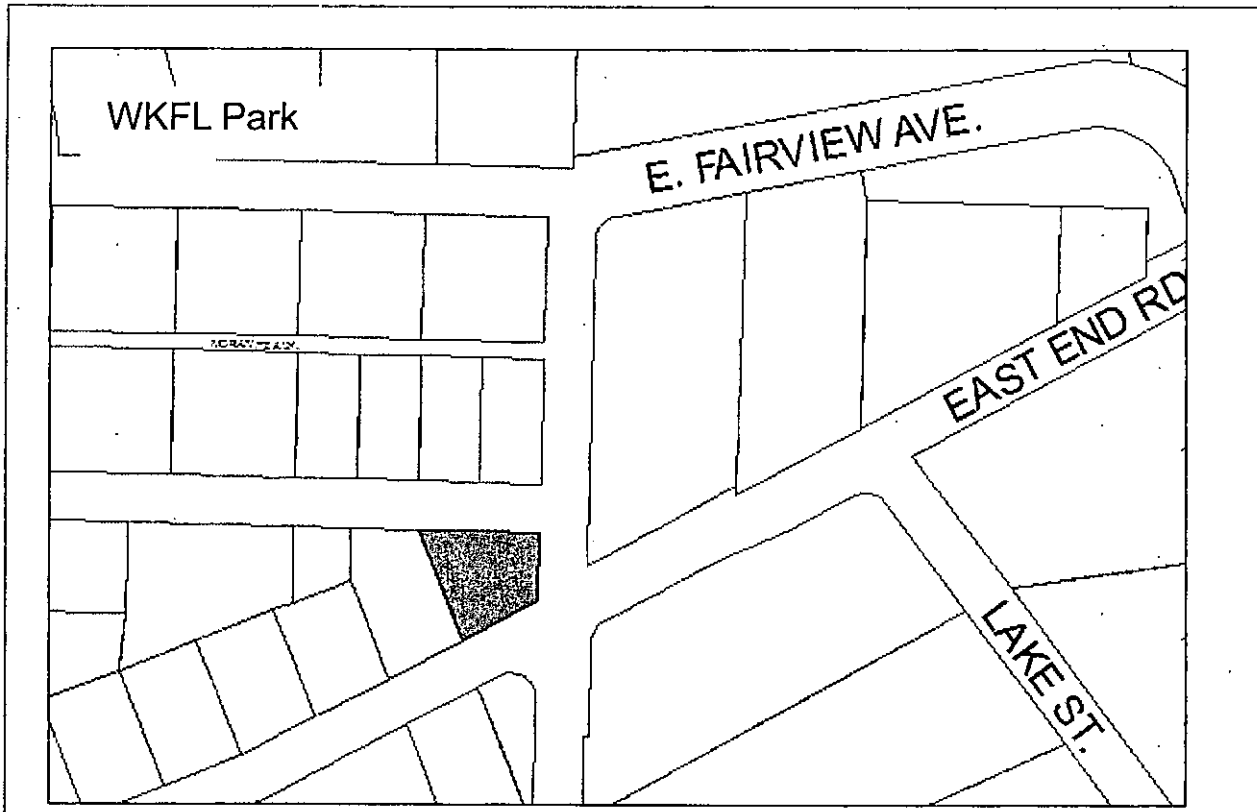
Infrastructure: Water and Sewer, paved sidewalk

Notes:

HEA/phone company utility infrastructure on lot—big green boxes.

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: WKFL Park
Acquisition History: Asaiah Bates Deed 3/88

Area: 0.31 acres

Parcel Number: 17720204

2006 Assessed Value: \$70,700

Legal Description: Glacier View Subdivision No 1 Replat of Lots 1, 8 & 9, Block 4 Lot 9-A

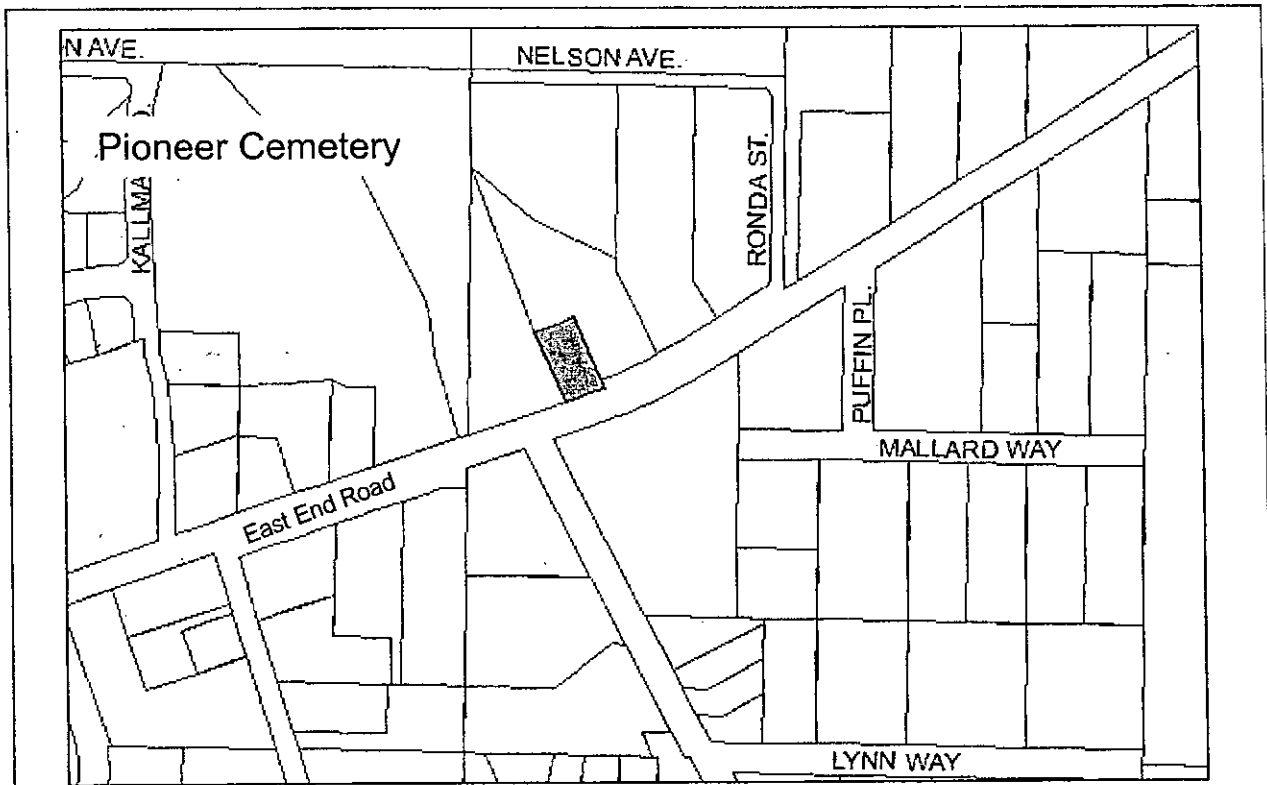
Zoning: Central Business District

Wetlands: N/A

Infrastructure: Water, paved road, electricity

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Pioneer Cemetery
Acquisition History: Quitclaim Deed Nelson 4/27/66

Area: 0.28 acres

Parcel Number: 17903007

2006 Assessed Value: \$19,300

Legal Description: James Waddell Survey of Tract 4 Lot 4A

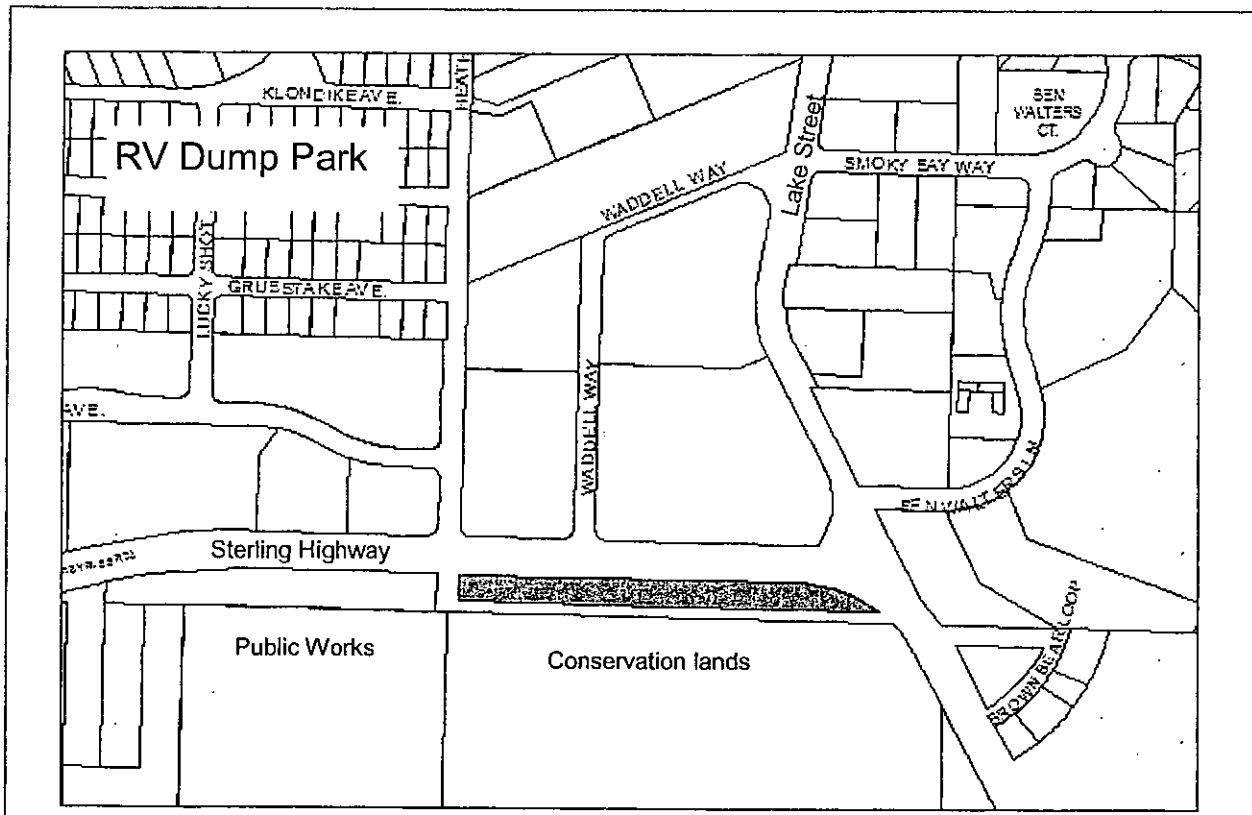
Zoning: Residential Office

Wetlands: N/A

Infrastructure: Paved Road

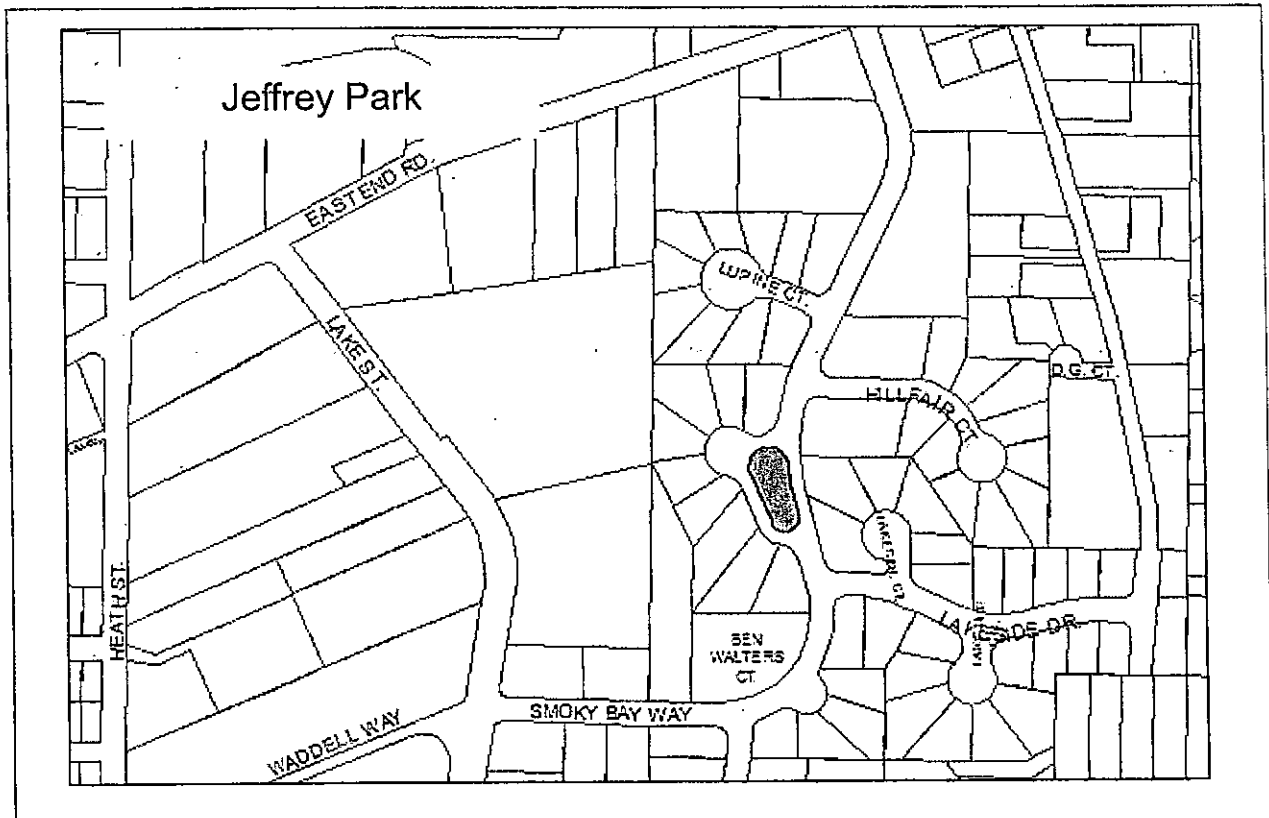
Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: RV Water/Sump station	
Acquisition History: Deed states "Waddell Park Tract"	
Area: 1.73 acres	Parcel Number: 17712014
2006 Assessed Value: \$157,500	
Legal Description: Waddell Subdivision, portion S of Homer Bypass Road	
Zoning: Central Business District	Wetlands:
Infrastructure: Water, Sewer, gravel/paved access	
Notes:	
Finance Dept. Code:	

CITY OF HOMER LAND INFORMATION



Designated Use: Public Purpose/Greenbelt/Jeffrey Park
Acquisition History: Ordinance 83-27 (KPB)

Area: 0.38 acres

Parcel Number: 17730251

2006 Assessed Value: \$30,600

Legal Description: Lakeside Village Amended Jeffrey Park

Zoning: Urban Residential

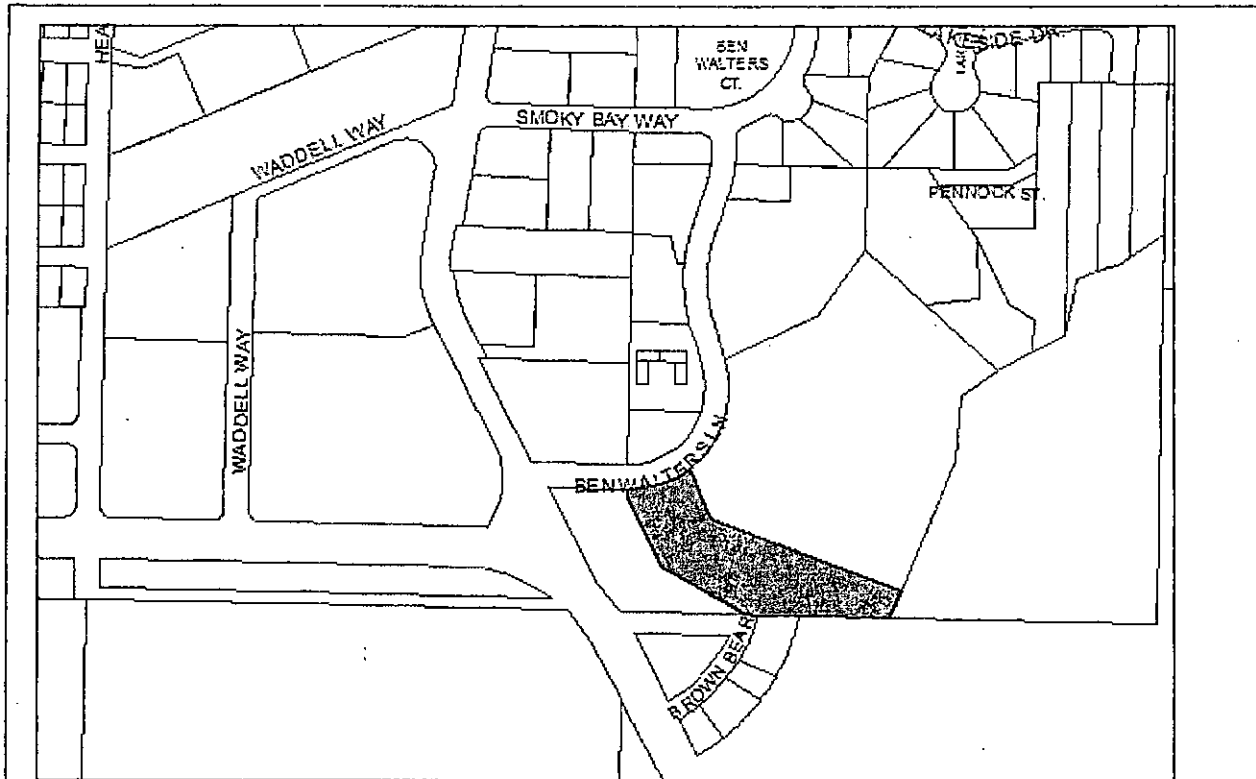
Wetlands:

Infrastructure: Paved Road, water, sewer

Notes: Neighborhood park with grass and new swing sets installed in 2005. Fill brought in to the park to raise the ground level and deal with drainage issues., 2007.

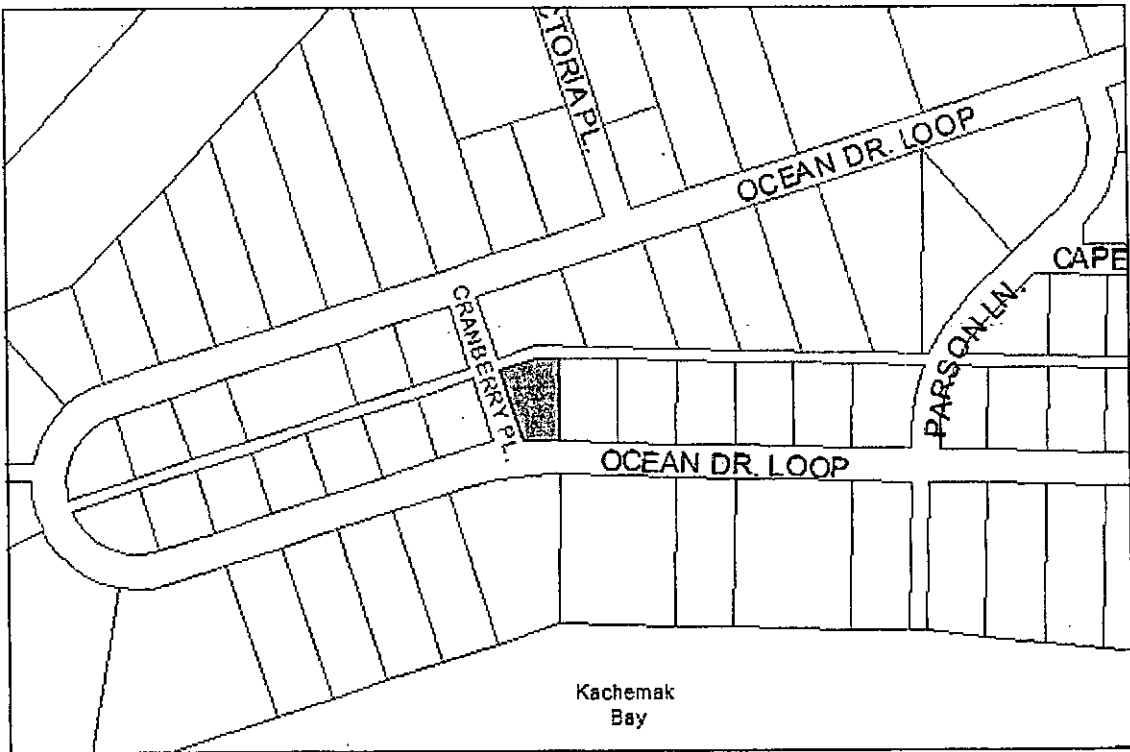
Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Ben Walters Park. Public park or greenbelt per deed.	
Acquisition History: Reso 83-22(S) Neal Deed 5/4/83. Donated. Deed amended 6/1/83.	
Area: 2.48 acres	Parcel Number: 17712022
2006 Assessed Value: \$328,400 (Land \$281,800, Structure \$46,600)	
Legal Description: Lakeside Village Park Addition Replat Lot 1A-2	
Zoning: Central Business District	Wetlands: 3664 Ben Walters Lane
Infrastructure: Paved Road, water and sewer. Public restrooms, covered fire pit, lake access and dock.	
Notes: New swing set installed, 2008. New dock to be installed in 2009.	
Finance Dept. Code:	

CITY OF HOMER LAND INFORMATION



Designated Use: Undesignated

Acquisition History: Ootsulen Susumu Ocean Drive Loop 1981

Area: 0.25 acres

Parcel Number: 17717422

2006 Assessed Value: \$15,500

Legal Description: Lot 79, Oscar Munson Subdivision

Zoning: Rural Residential

Wetlands: Some wetlands map be present

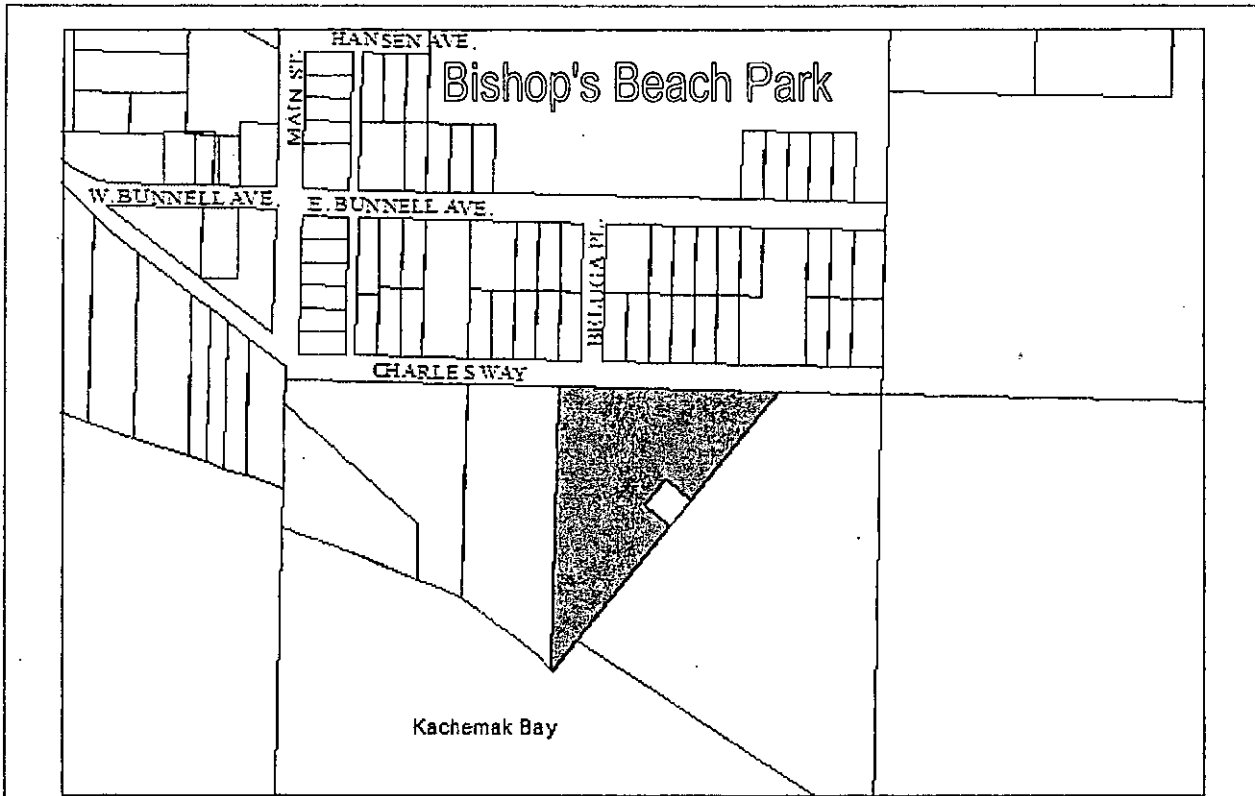
Infrastructure: Gravel road access. Part of Ocean Drive Loop Sewer LID. Water.

Notes:

2006 Update: In 2005, the Parks and Recs Commission recommended this lot be retained as green space. Council did not formally act on the recommendation. The land is currently undesignated.

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Bishop's Beach Park
Acquisition History: McKinley Warrant Deed 1/9/1984

Area: 3.46 acres

Parcel Number: 17714010

2006 Assessed Value: \$44,400 (Land \$33,100, Structure \$11,300)

Legal Description: HM T06S R13W S20 PTN GL 2 BEGIN S 1/16 CORNER SECS 19 & 20 & NW CORNER LOT 2 TH S 89 DEG 57'30" E 600 FT ALONG N BOUND LT 2 TO POB TH S 0 DEG 2' E 391 FT TO CORNER 2 ON MHW KACHEMAK BAY TH S 59 DEG 30' E 150 FT TO CORNER 3 TH N 38 DEG 0' E

Zoning: Central Business District

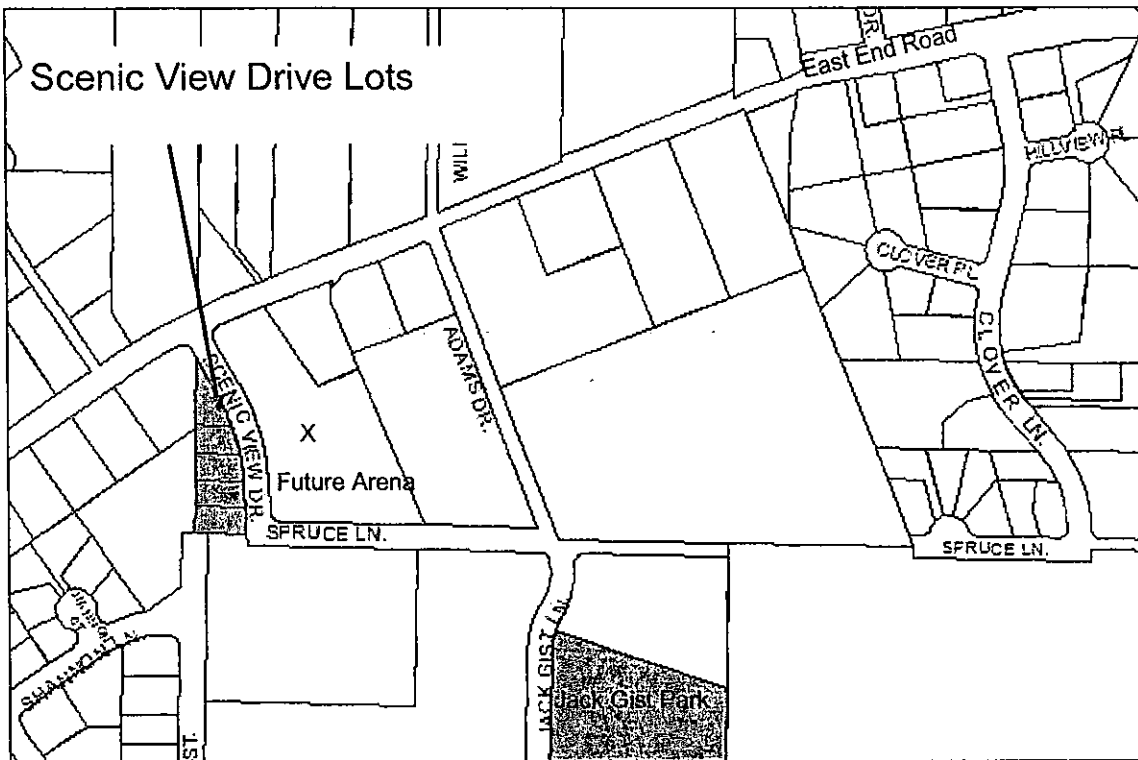
Wetlands: Some wetlands (along boardwalk).
Flood hazard area.

Infrastructure: Paved road access. No water or sewer. City maintained outhouses.

Notes:

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Public Park and future Donation to Equestrian group.
Acquisition History: Donated by property owners (ord 06-34) to city as public park with relevant deed restrictions. City passed reso 06-116 to give the land to the equestrian group when the main horse park area is purchased.

Area: 0.89 acres total

Parcel Number:

2006 Assessed Value: \$31,600

Legal Description: Scenic View Subdivision No. 6 Lots 1-5

Zoning: Rural Residential

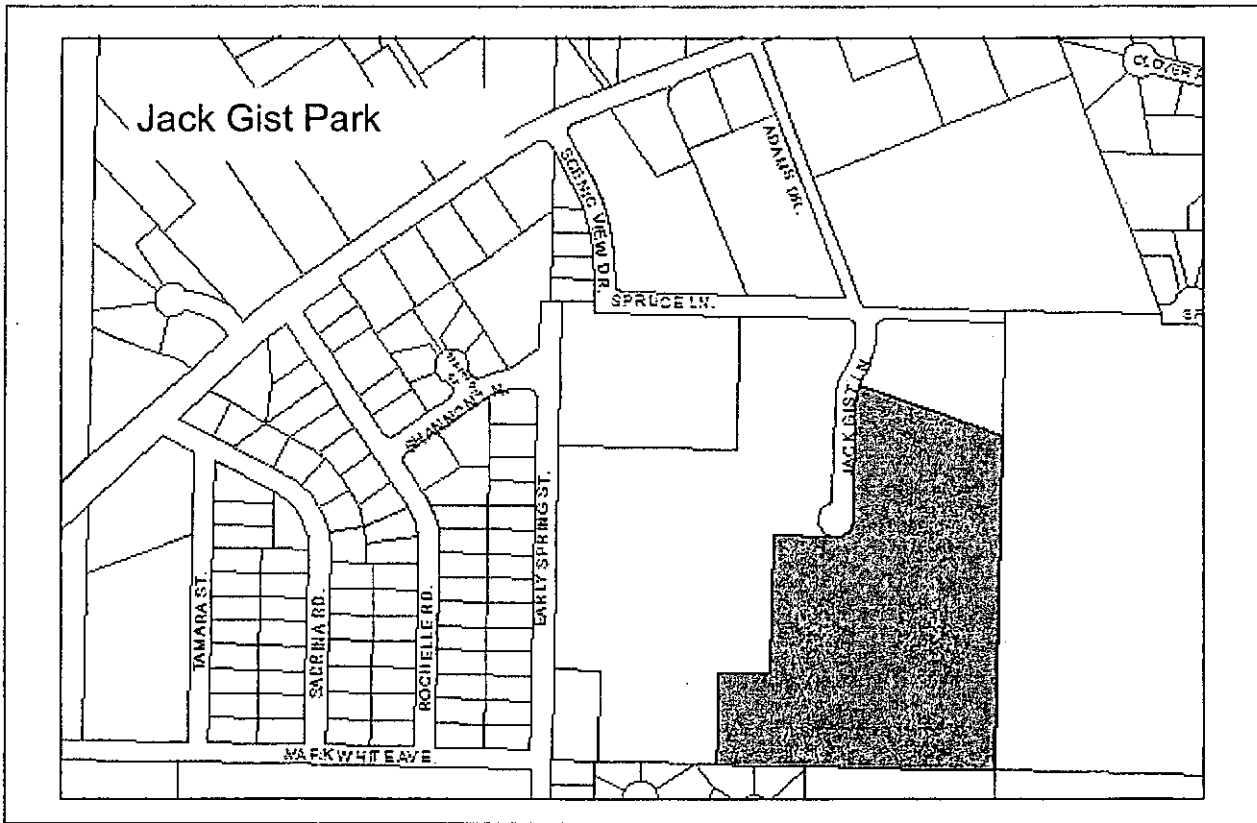
Wetlands: Yes, the back half of the lots has a creek and wetlands.

Infrastructure: Gravel road

Notes:

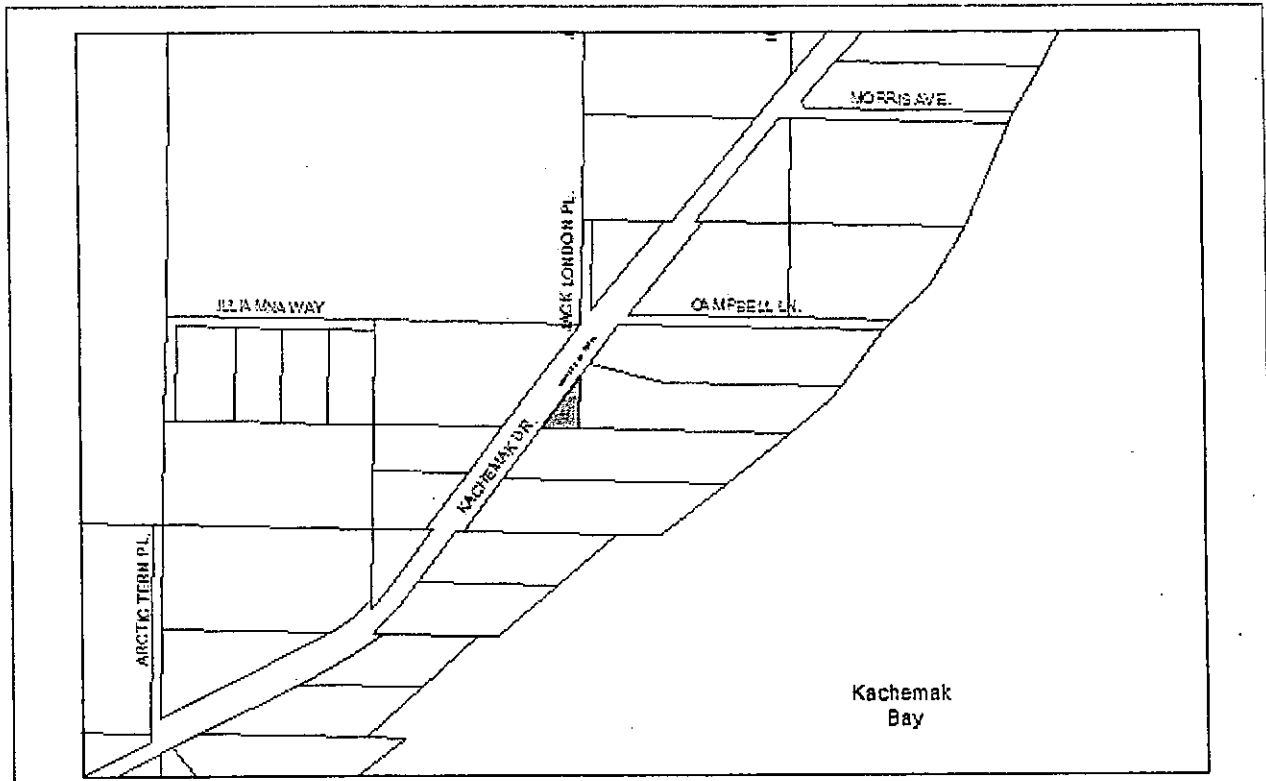
Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Jack Gist Ball Park	
Acquisition History: Warranty Deed Moss 8/27/98	
Area: 14.6 acres	Parcel Number: 17901023
2006 Assessed Value: \$63,300	
Legal Description: HM0990063 T06S R13W S15 JACK GIST SUB LOT 2	
Zoning: Rural Residential	Wetlands: May be present. Site is mostly fill and old dump.
Infrastructure: Gravel road access.	
Notes: Old dump site. No water or sewer to service the new ball fields. Parking lot constructed in 2006. Major funding needed to construct restrooms.	
Finance Dept. Code:	

CITY OF HOMER LAND INFORMATION



Designated Use: Public Park/Designated Public Use
Acquisition History: Tax Foreclosure Ord 78/18

Area: 0.24 acres

Parcel Number: 17915003

2006 Assessed Value: \$13,300

Legal Description: That Portion of Govt Lot 3 Lying southwesterly of Kachemak Drive, T6S R13W S23

Zoning: Rural Residential

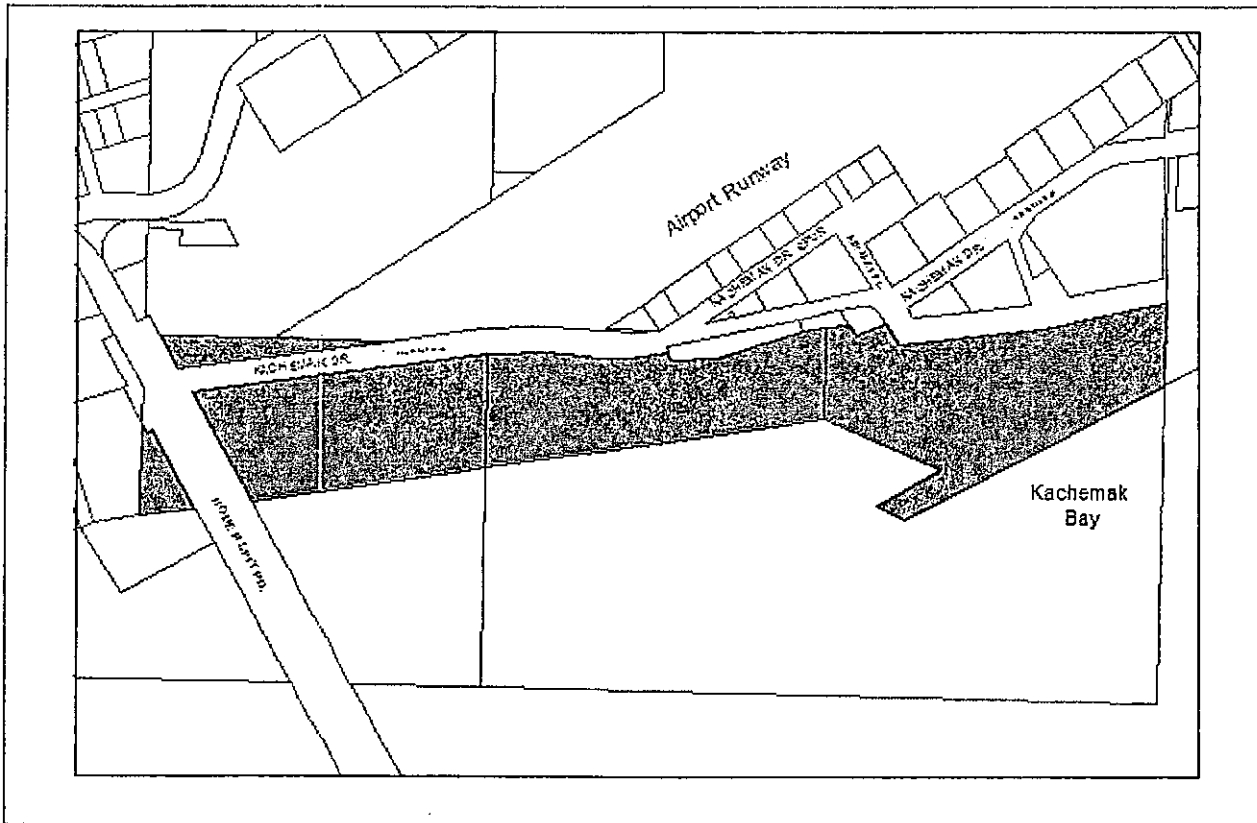
Wetlands: No wetlands

Infrastructure: Paved road access

Notes: Limited developable area due to setback requirements from Kachemak Dr.

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Lots 13: undesignated. Spit Trailhead. Lot 14: Undesignated. Lot 3: Tidelands/public access/recreational

Acquisition History: Lot 13: ? Lot 14: ? Lot 3: Deed 4/98

Area: 35.16 acres

Parcel Number: 18101030, 18101032, 17940107

2006 Assessed Value: \$213,400

Legal Description: Government Lots 13 and 14, excluding Homer Spit Road and Kachemak Drive. Gov't lot 3, South of Airport lease lands Blocks 300 and 400. T6S R13W S22

Zoning: General Commercial 1, west of Homer Spit Road. General Commercial 2, east of Homer Spit Road

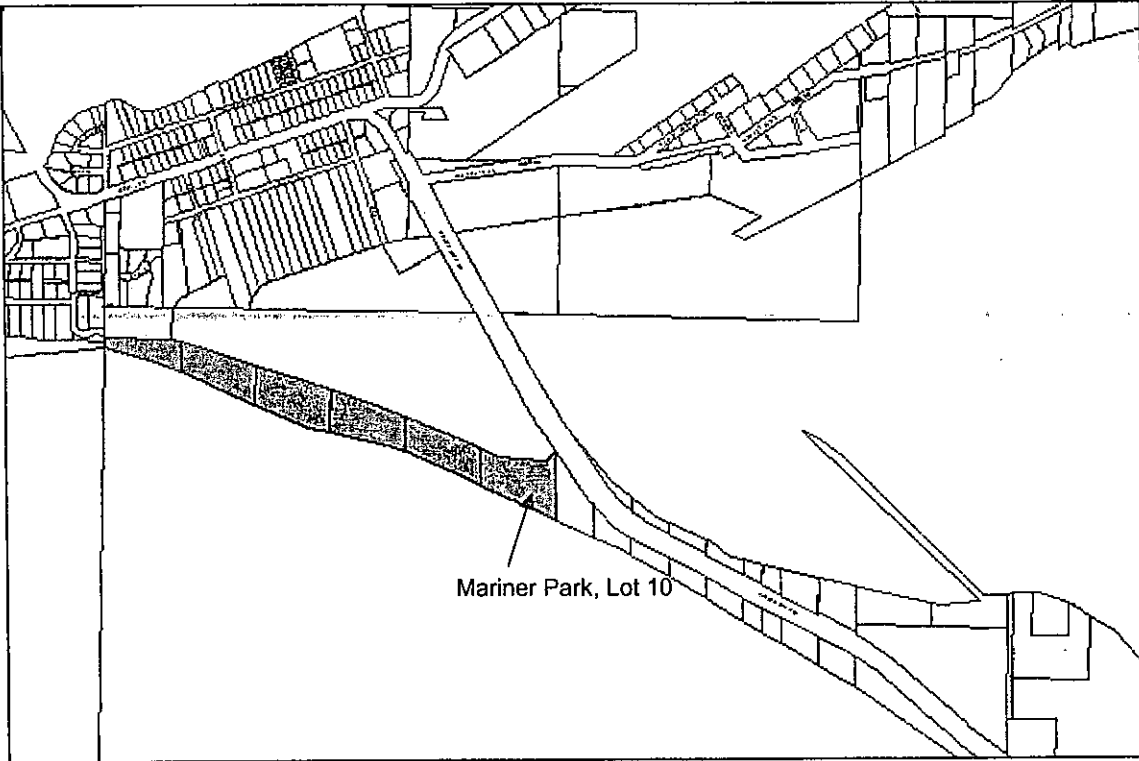
Wetlands: Coastal wetlands and critical habitat. Flood Hazard area.

Infrastructure: Water, sewer and paved road access

Notes:

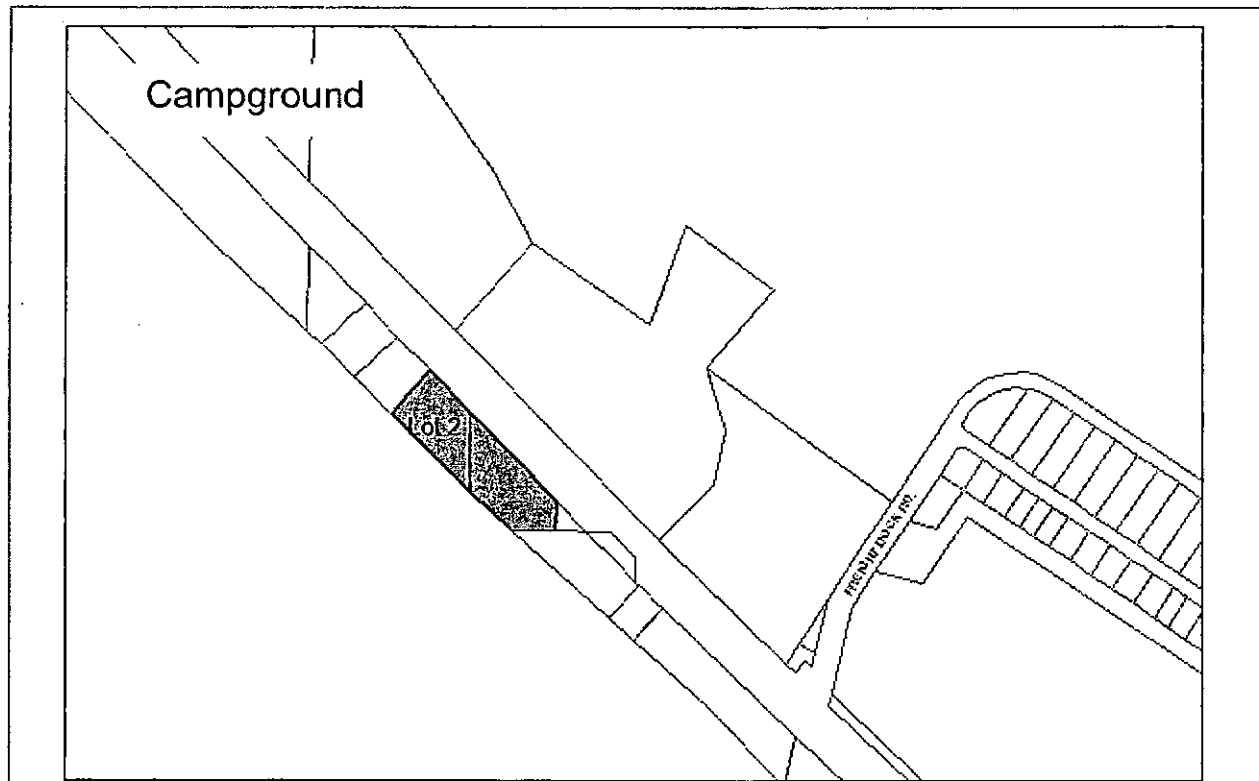
Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Undesignated	
Acquisition History: Lot 10: Simmons purchase, 1983. Other are EVOS purchases.	
Area: 32.32 acres	Parcel Number: 18101002-07
2006 Assessed Value: \$105,600	
Legal Description: T 6S R 13W SEC 28 SEWARD MERIDIAN HM GOVT LOTS 10-15	
Zoning: Open Space Recreation	Wetlands: Tidal
Infrastructure: No infrastructure	
<p>Notes: Acquisition of Lots 11-145 should be researched to see how they were acquired.</p> <p>Mariner Park is not a designated Park. Part of the park facilities are located in the lot to the north, which may also be owned by the City. The City has requested the state research this matter. Fall 2006</p>	
Finance Dept. Code:	

CITY OF HOMER LAND INFORMATION



Designated Use: Camping
Acquisition History:

Area: 3.92 acres (2.1 and 1.82 acres)

Parcel Number: 18103102, 05

2006 Assessed Value: \$435,100 (Includes value of the campground office)

Legal Description: Homer Spit Subdivision Amended Lot 2, and that portion of Government Lot 14 lying south of the Homer Spit Road T6S R13W S35

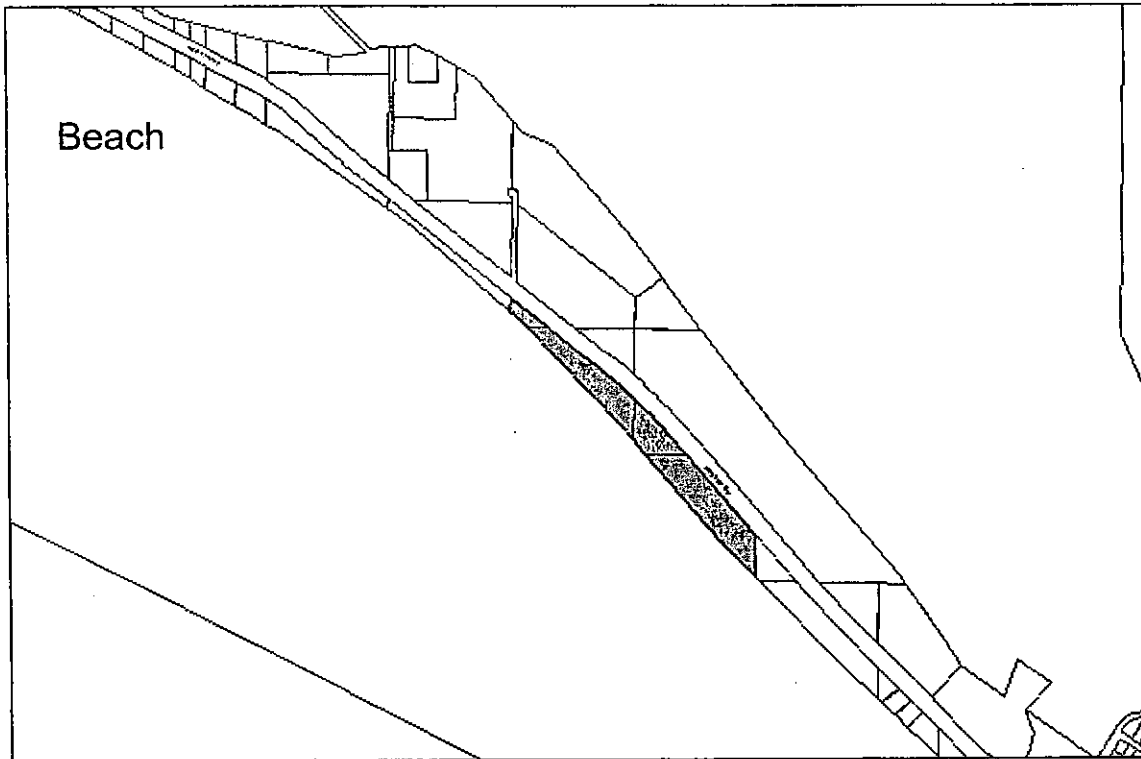
Zoning: Lot 2: Open Space Recreation. Lot 14: Marine Industrial

Infrastructure: Paved road, water and sewer

Notes: At most, 1/3 of the land is above the high tide line. The rest is beach or underwater.

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Public Use/ Open Space Recreation
Acquisition History: Ord 90-26 (KPB). Lot 6: EVOS purchase

Area: 23 acres

Parcel Number: 181030 02, 04, 06 18102011

2006 Assessed Value: \$192,800

Legal Description: T 6S R 13W SEC 35 SEWARD MERIDIAN HM PORTION GOVT LOT 1,2, Sec 34 Lot 1, lot 6 SW of Sterling Hwy Sec 27

Zoning: Marine Industrial. Lot 6: Open Space Rec

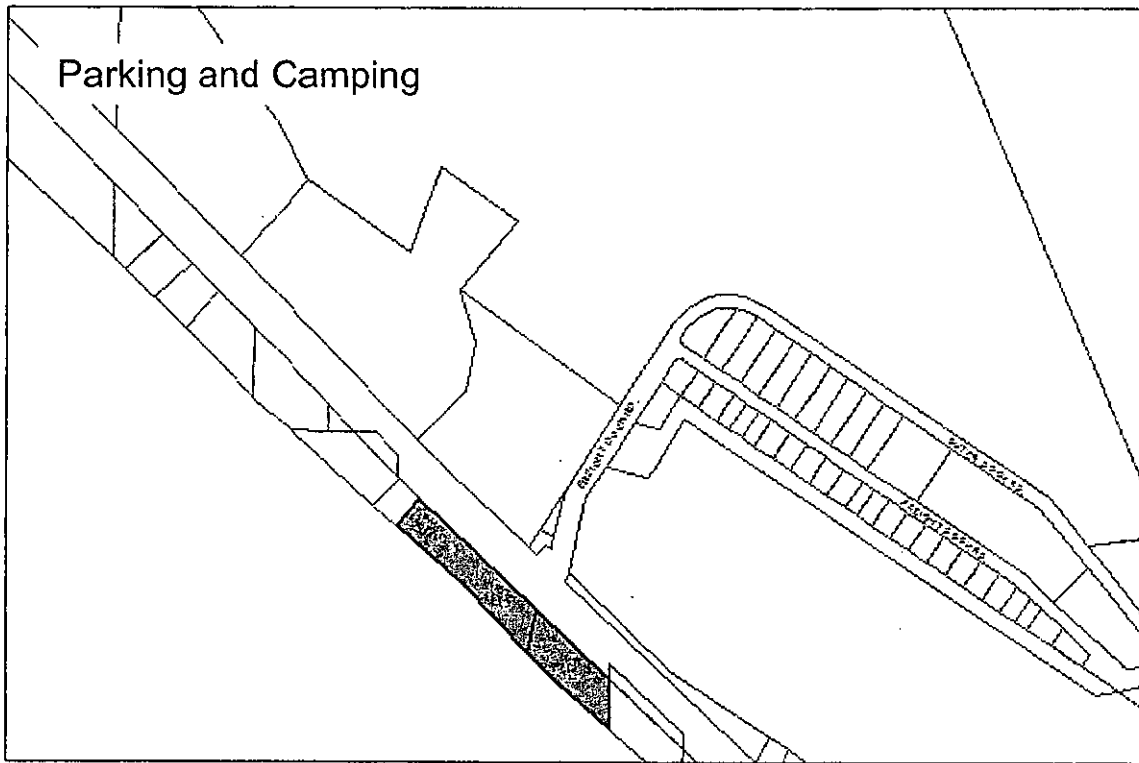
Wetlands: Tidal

Infrastructure: Paved Road access

Notes:
 Acquisition history of lot 6 should be researched.

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Western lot: Camping. East lot, parking
Acquisition History:

Area: 5.7 acres

Parcel Number: 18103301, 18103108

2006 Assessed Value: \$490,900

Legal Description: Homer Spit Amended Lots 7 and 9

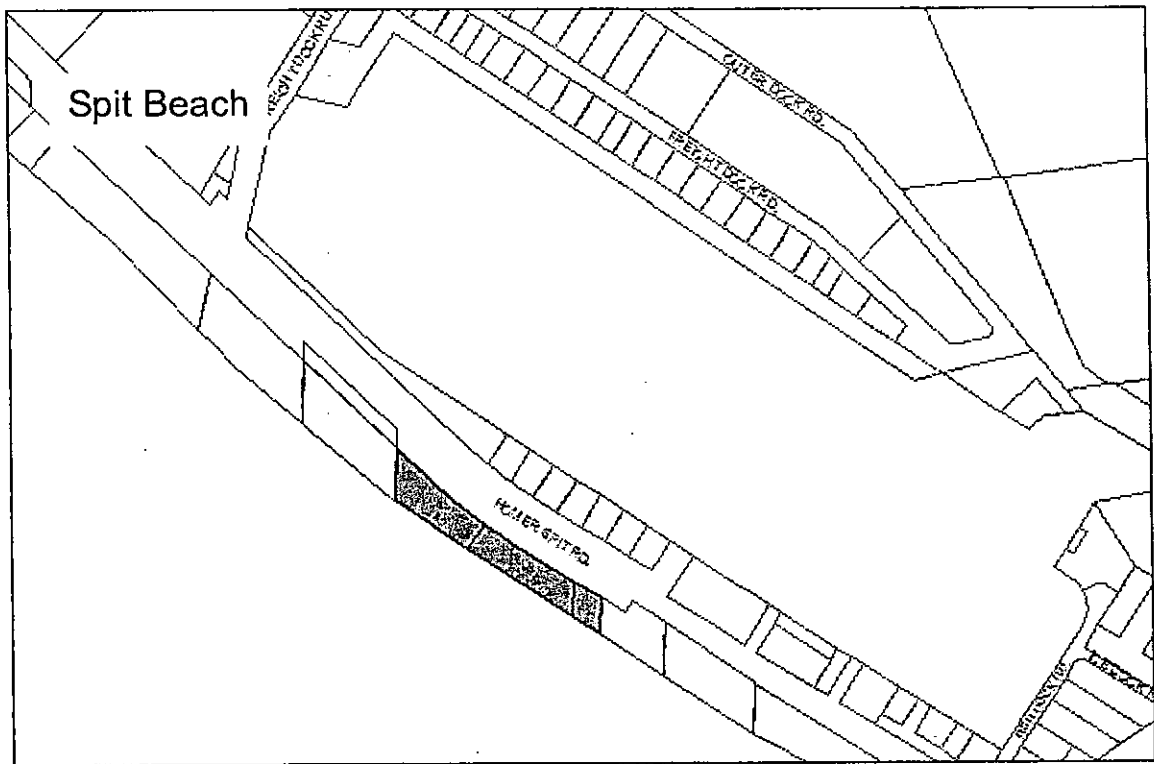
Zoning: Open Space Recreation

Wetlands: N/A

Infrastructure: Paved Road

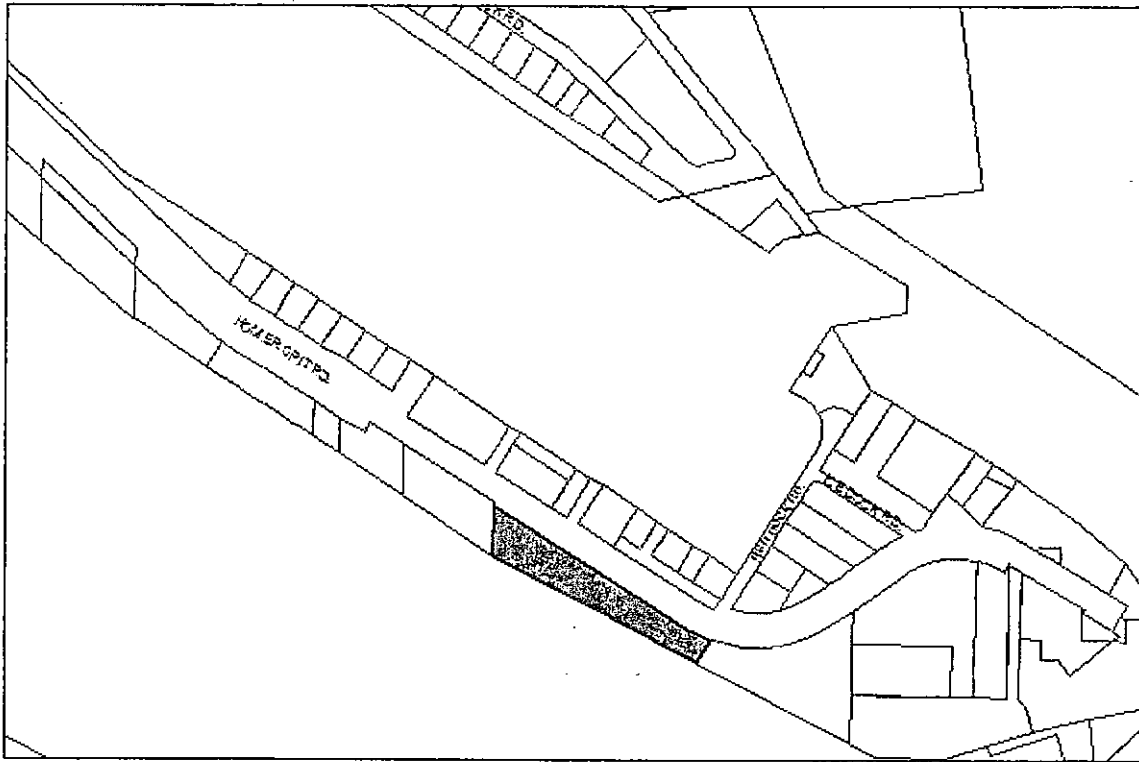
Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Open Space Recreation	
Acquisition History: Lot 11B: Reso 93-14, 3/24/93 Deed. Exchanged for other lands.	
Area: 2.36 acres	Parcel Number: 181030 4, 5, 6
2006 Assessed Value: \$302,200	
Legal Description: Homer Spit Subdivision Amended Lots 11 and 20. Lot 11B of HM 0640816.	
Zoning: Open Space Recreation	Wetlands: N/A
Infrastructure: Paved Road	
Notes:	
2006 Update:	
Finance Dept. Code:	

CITY OF HOMER LAND INFORMATION



Designated Use: Seafarer's Memorial and parking
Acquisition History:

Area: 2.52 acres

Parcel Number: 18103401

2006 Assessed Value: \$238,500

Legal Description: Homer Spit Amended Lot 31

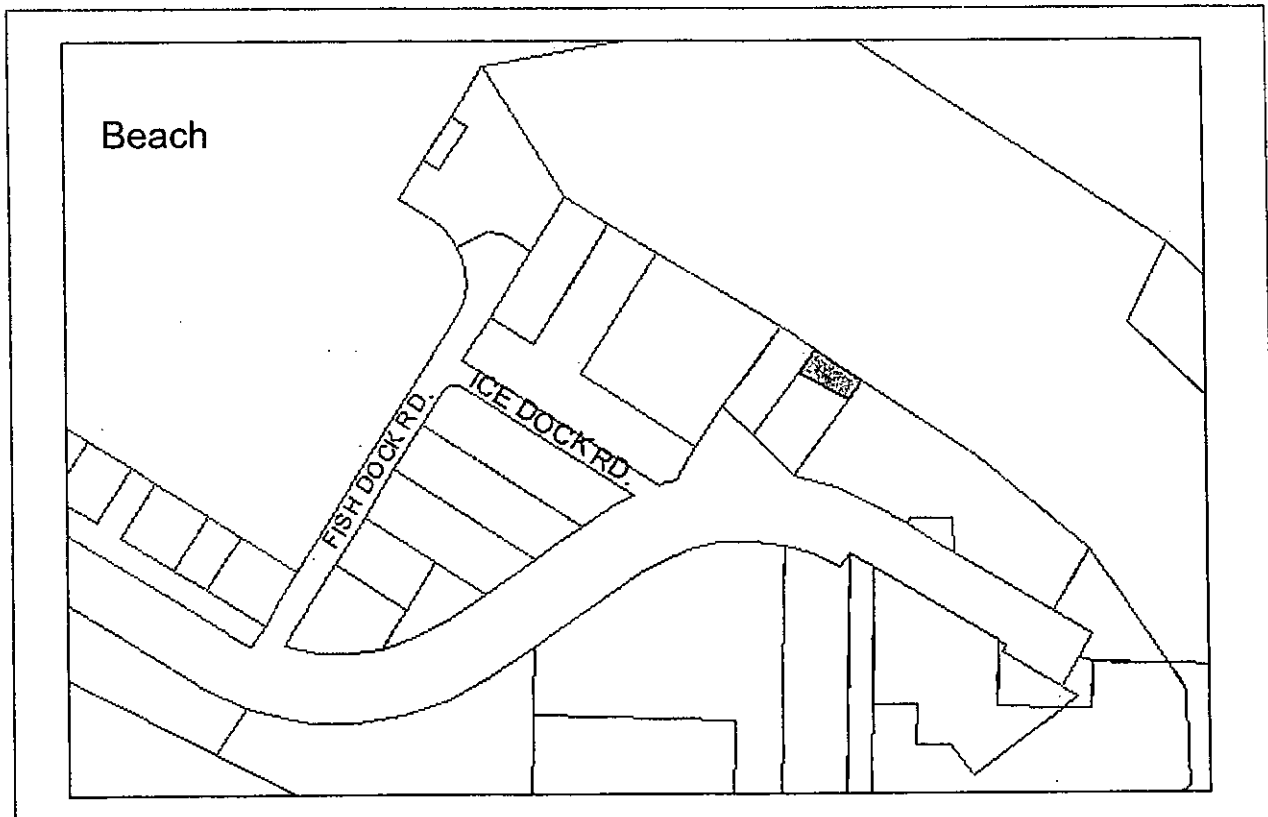
Zoning: Open Space Recreation

Wetlands: N/A

Infrastructure: Paved Road

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Beachfront between Icicle and Main Dock
Acquisition History:

Area: 0.11 acres

Parcel Number: 18103446

2006 Assessed Value: \$50,200

Legal Description: T 7S R 13W SEC 1 SEWARD MERIDIAN HM THAT PORTION OF GOVT LOT 20 LYING NE OF THE HOMER SPIT RD & BOUNDED ON THE NW BY LOT 43 OF HOMER SPIT SUB AMENDED & BOUNDED ON THE NE BY ATS 612 & BOUNDED ON THE SE BY LOT 45 OF HOMER SPIT SUB AMENDED & BOUNDED ON THE

Zoning: Marine Industrial

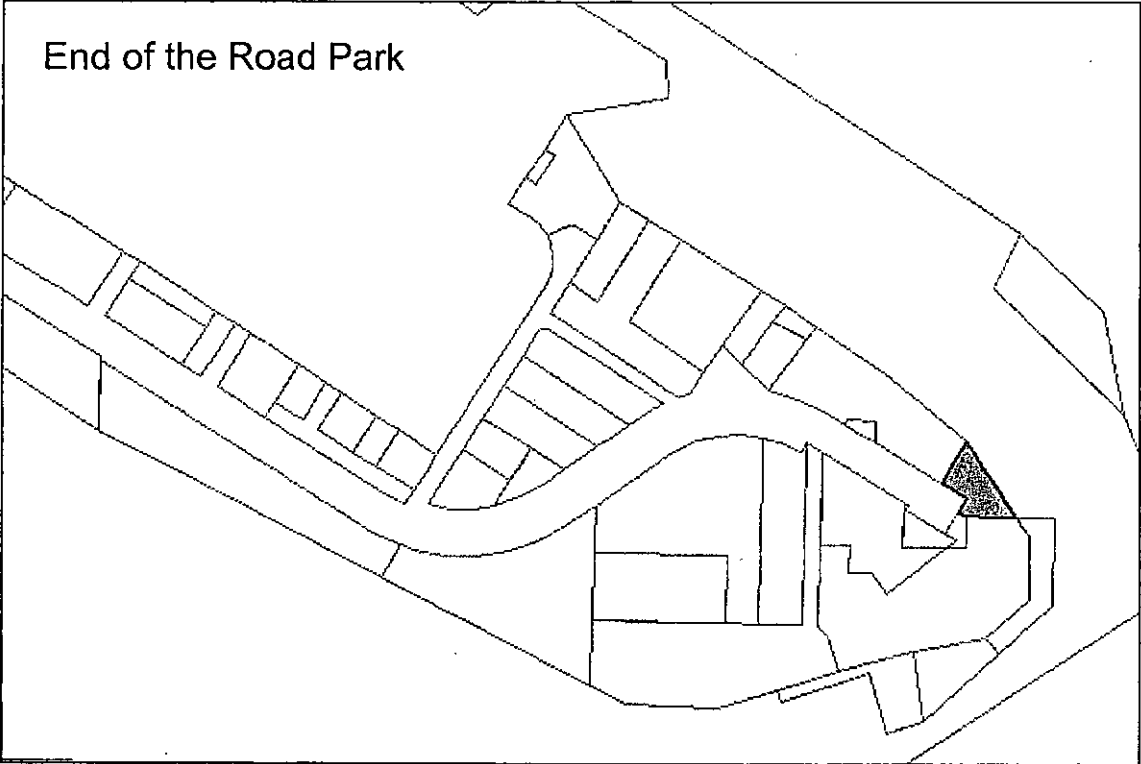
Wetlands: N/A tidal

Infrastructure:

Notes:

Finance Dept. Code:

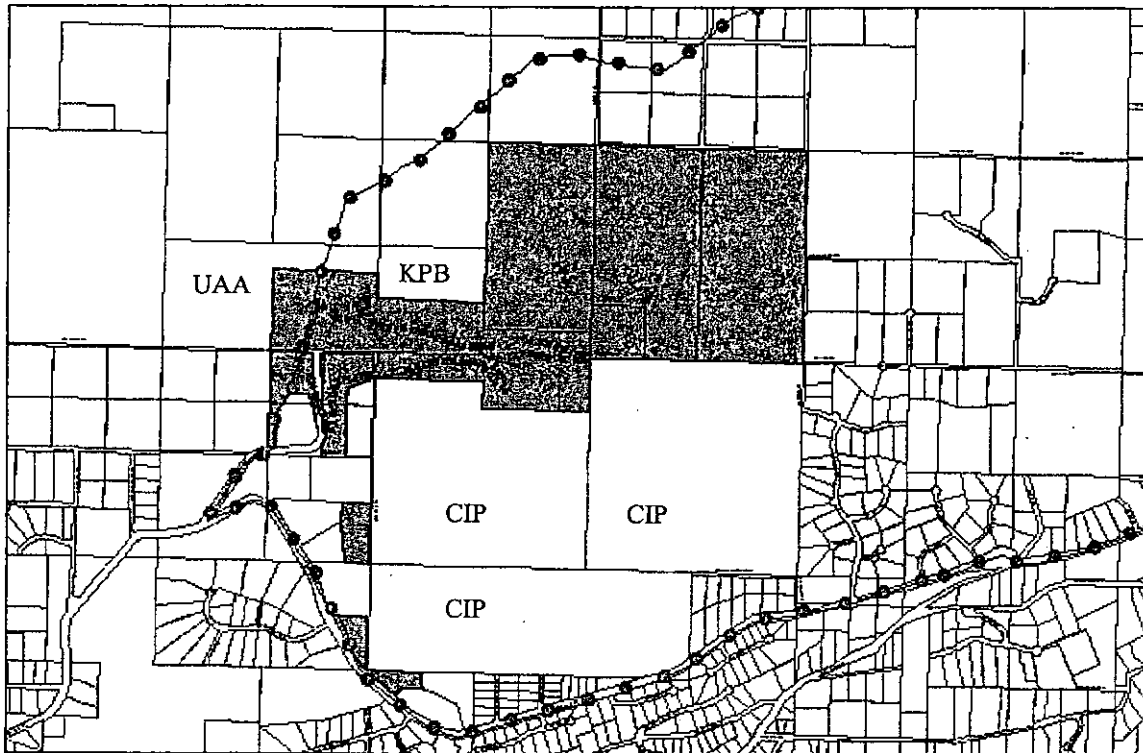
CITY OF HOMER LAND INFORMATION

 <p>End of the Road Park</p>	
Designated Use: Not Designated Acquisition History:	
Area: 0.43 acres	Parcel Number: 18103448
2006 Assessed Value: \$126,600	
Legal Description: HM0930049 T07S R13W S01 HOMER SPIT SUB NO 6 VELMA'S ADDN LOT 45-B	
Zoning: Marine Industrial	Wetlands: N/A
Infrastructure: Water, sewer, paved road access	Address:
<ul style="list-style-type: none"> The land is used as End of the Road Park. 	
Finance Dept. Code:	

City Lands within the Bridge Creek Watershed Protection District

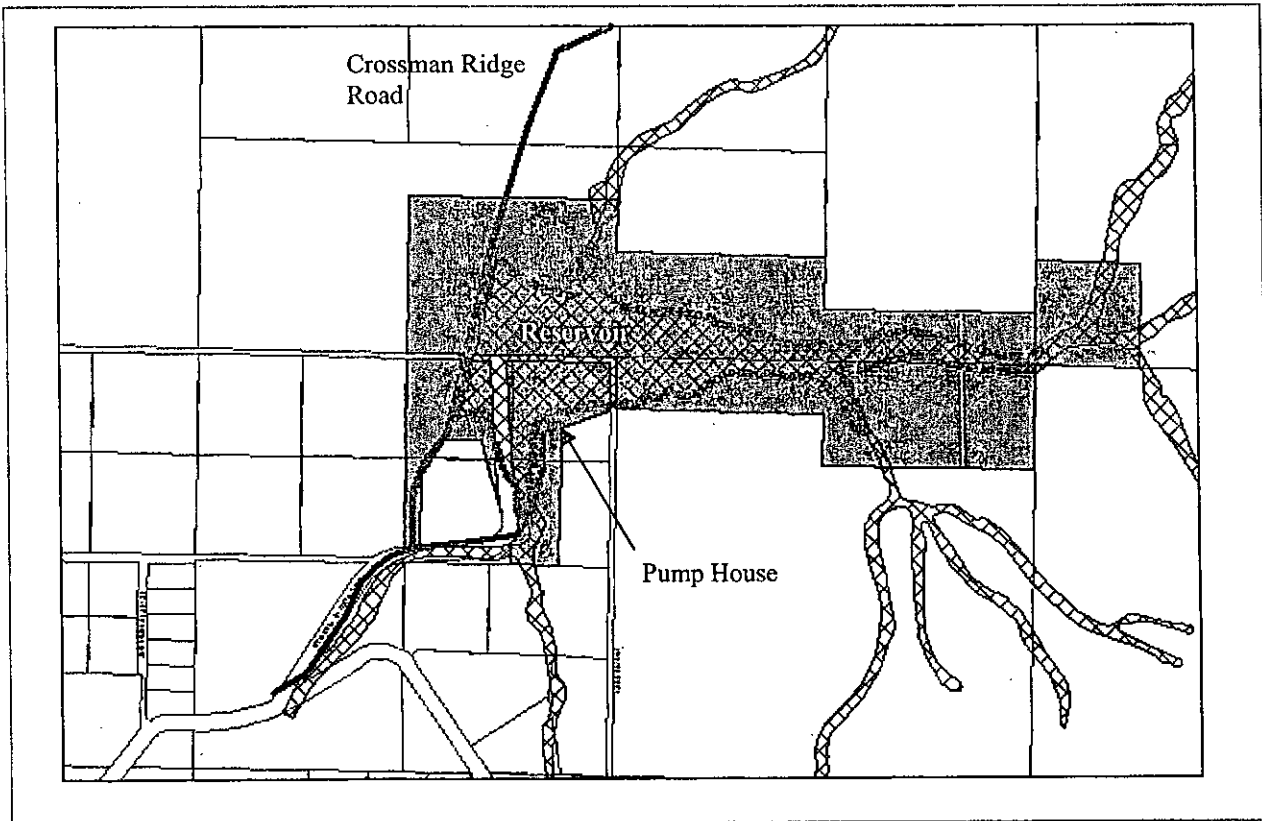
These properties lie within the Bridge Creek Watershed Protection District. The city owns 324.15 acres with an assessed value in 2006 of \$1,401,400. Lands include conservation purchases from the University of Alaska, and water system infrastructure such as the reservoir, pump house, and water treatment tanks.

In 2006, the number one CIP funding priority was the water supply, including the water treatment plant, water source and watershed land acquisitions. In particular, the City has requested funding to purchase additional property bordering the reservoir and Bridge Creek for both water treatment expansion and preservation.



This section updated 1/2009

CITY OF HOMER LAND INFORMATION



Designated Use: Bridge Creek Watershed, Reservoir and pump house
Acquisition History:

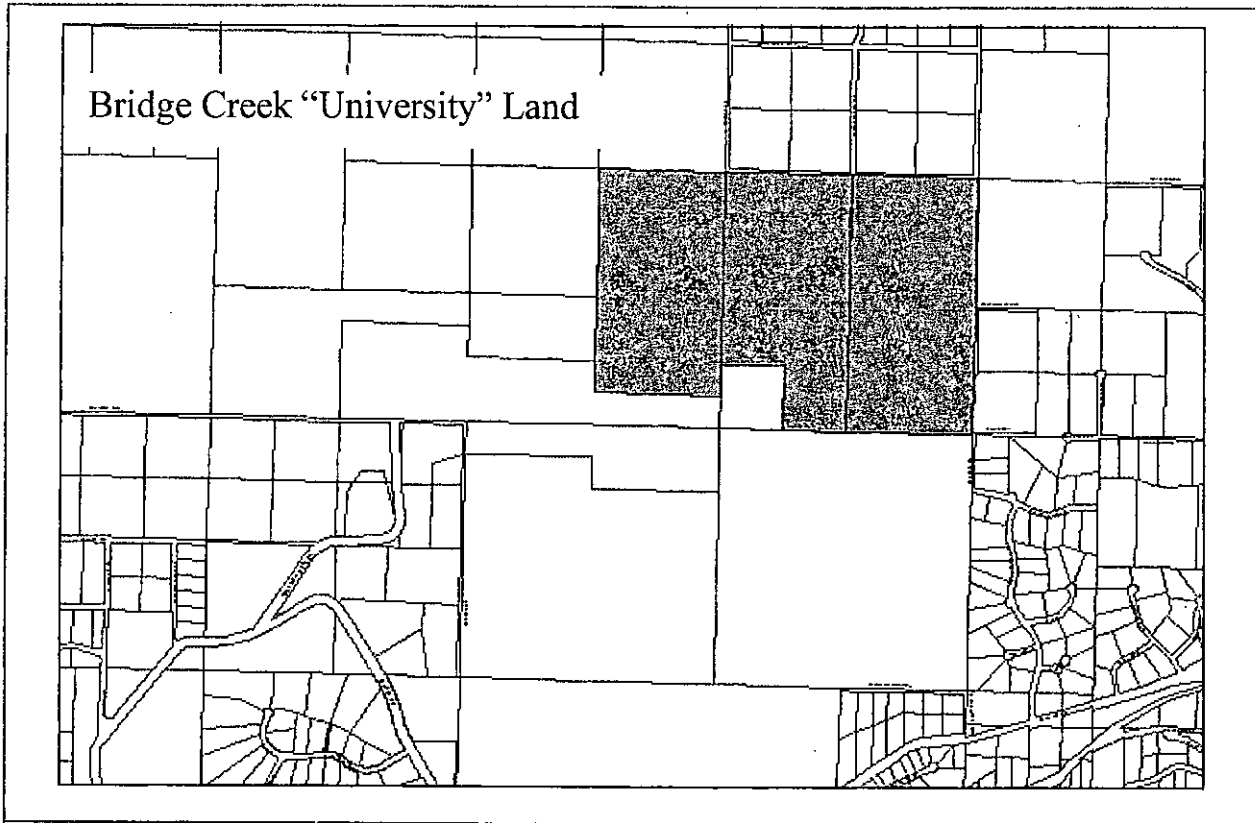
Area: 120.9 acres **Zoning:** Conservation **2006 Assessed Value:** \$355,400

PARCEL ACREAGE LEGAL

17307053	0.410	T 6S R 13W SEC 7 SEWARD MERIDIAN HM 0711238 DIAMOND RIDGE ESTATES SUB LOT 2 THAT PORTION THEREOF LYING EAST OF DIAMOND RIDGE ROAD
17307057	1.470	T 6S R 13W SEC 7 SEWARD MERIDIAN HM 0711238 DIAMOND RIDGE ESTATES SUB LOT 13 A PORTION THEREOF
17307059	0.130	T 6S R 13W SEC 7 SEWARD MERIDIAN HM 0711238 DIAMOND RIDGE ESTATES SUB LOT 13 A PORTION THEREOF
17307062	7.350	T 6S R 13W SEC 7 SEWARD MERIDIAN HM 0711238 DIAMOND RIDGE ESTATES SUB LOT 1 PORTION THEREOF
17307064	6.940	T 6S R 13W SEC 7 SEWARD MERIDIAN HM 0711238 DIAMOND RIDGE ESTATES SUB LOT 2 PORTION THEREOF
17305301	30.000	T 6S R 13W SEC 8 SEWARD MERIDIAN HM N1/2 N1/2 NW1/4 NW1/4 & N1/2 NE1/4 NW1/4
17305111	60.000	T 6S R 13W SEC 5 T 6S R 13W SEC 6 HM SEWARD MERIDIAN S1/2 S1/2 SE1/4 SW1/4 & S1/2 SW1/4 SW1/4 OF SEC 5 & S1/2 SE1/4 SE1/4 & S1/2 N1/2 SE1/4 SE1/4 OF SEC 6
17305236	10.000	T 6S R 13W SEC 5 SEWARD MERIDIAN HM SW1/4 SW1/4 SE1/4
17307060	4.600	T 6S R 13W SEC 7 SEWARD MERIDIAN HM 0711238 DIAMOND RIDGE ESTATES SUB LOT 14 THE W1/2 THEREOF

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Bridge Creek Watershed Property
Acquisition History: Ordinance 2003-7(A). Purchased from UAA.

Area: 220 acres	Parcel Number: 173 052 34, 35, 17305120
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2006 Assessed Value: \$122,400

Legal Description: The Northwest one-quarter of the Southeast one-quarter (NW1/4 SE1/4) and the East one-half of the Southwest one-Quarter of the Southeast one-quarter (E1/2 SW1/4 SE1/4) and the Northwest one-quarter of the Southwest one-quarter of the Southeast one-quarter (NW1/4 SW1/4 SE1/4) and the Northeast one-quarter of the Southwest one-quarter (NE1/4 SW1/4) and the North one-half of the South one-half of the Southeast one-quarter of the Southwest one-quarter (N1/2 S 1/2 SE1/4 SW1/4) and the East one-half of the Southeast one-quarter (E1/2 SE1/4) of Section 5, Township 6 South, Range 13 West, Seward Meridian, in the Homer Recording District, State of Alaska.

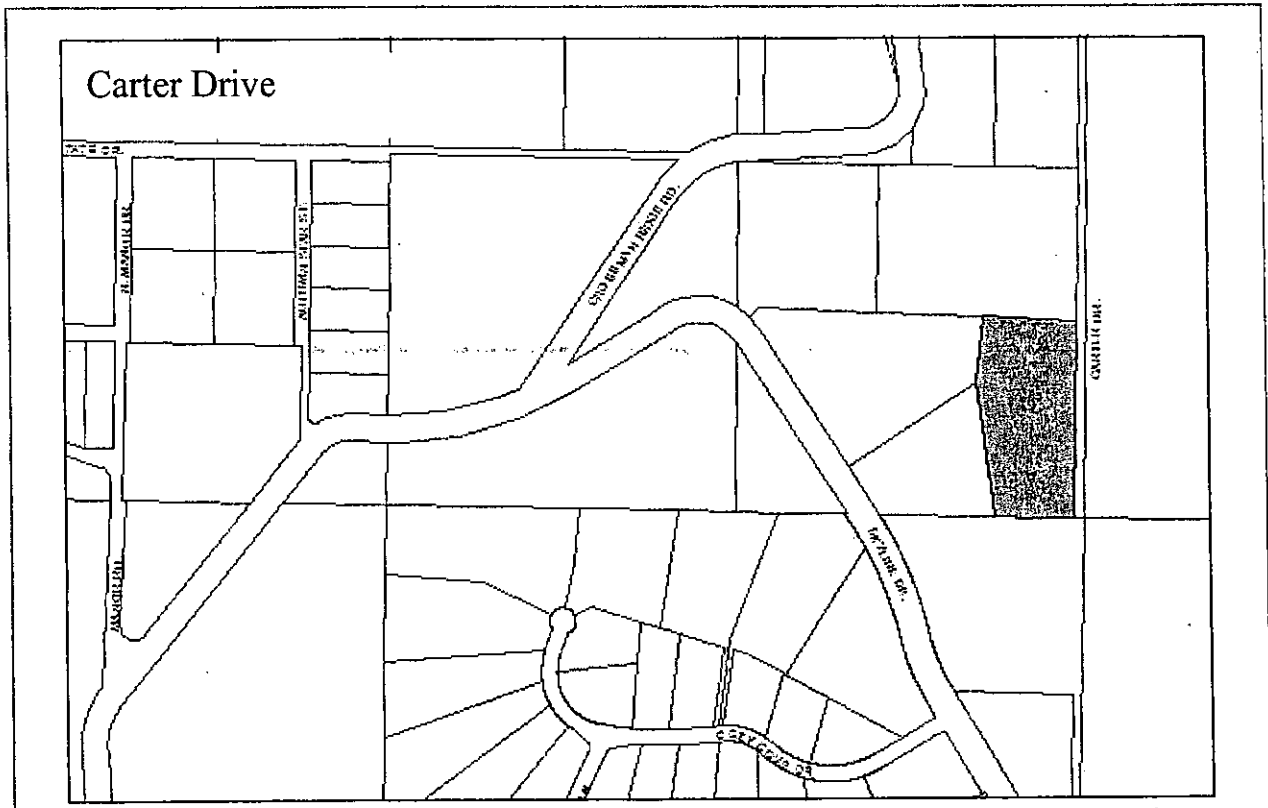
Zoning: Bridge Creek Watershed Protection District. Not within City Limits.	Wetlands: Some wetlands. Bridge Creek flows through the property.
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Infrastructure: None. Limited legal and physical access.

Notes:
 Paid \$265,000 for land in 2003.

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: A public use to protect and enhance the City's Bridge Creek Watershed and thereby protect its water quality

Acquisition History: Emergency Ordinance 2005-40, 2005-45.

Area: 5.93 acres

Parcel Number: 1730707600

2006 Assessed Value: \$69,800 (Land \$50,700 Structure \$19,000)

Legal Description: HM0840119 T06S R13W S07 Pioneer Valley Subdivision Lot 2

Zoning: Rural Residential, Bridge Creek WPD

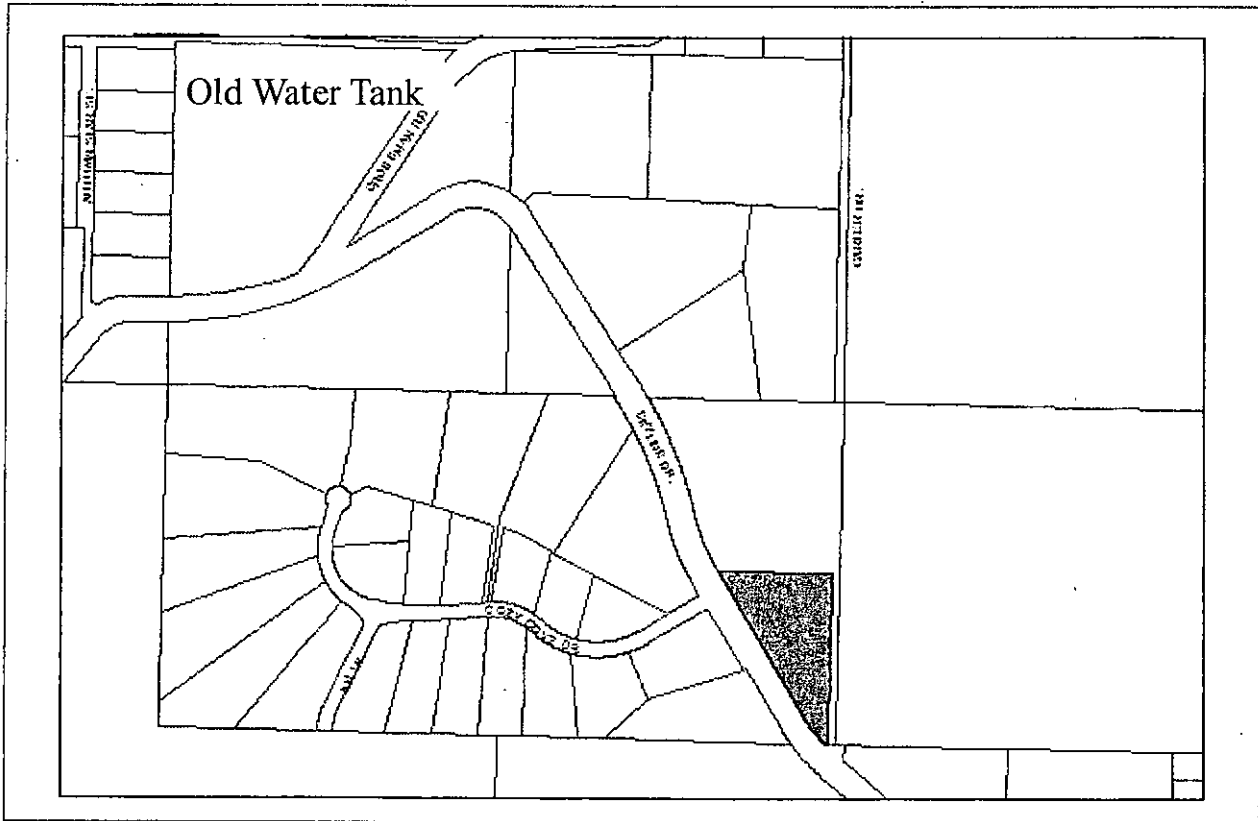
Wetlands: Some discharge slope wetland, possibly a creek to the Reservoir.

Infrastructure: Driveway access to property.

Notes: Property includes a small cabin.

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: Water Tank and building/Public Purpose
Acquisition History:

Area: 4.32 acres

Parcel Number: 17307032

2006 Assessed Value: \$589,600 (Land: \$43,100 Structure: \$546,500)

Legal Description: HM T06S R13W S07 NE1/4 SE1/4 LYING NORTHEAST OF SKYLINE DR EXCLUDING THE NORTH 663 FT

Zoning: Conservation

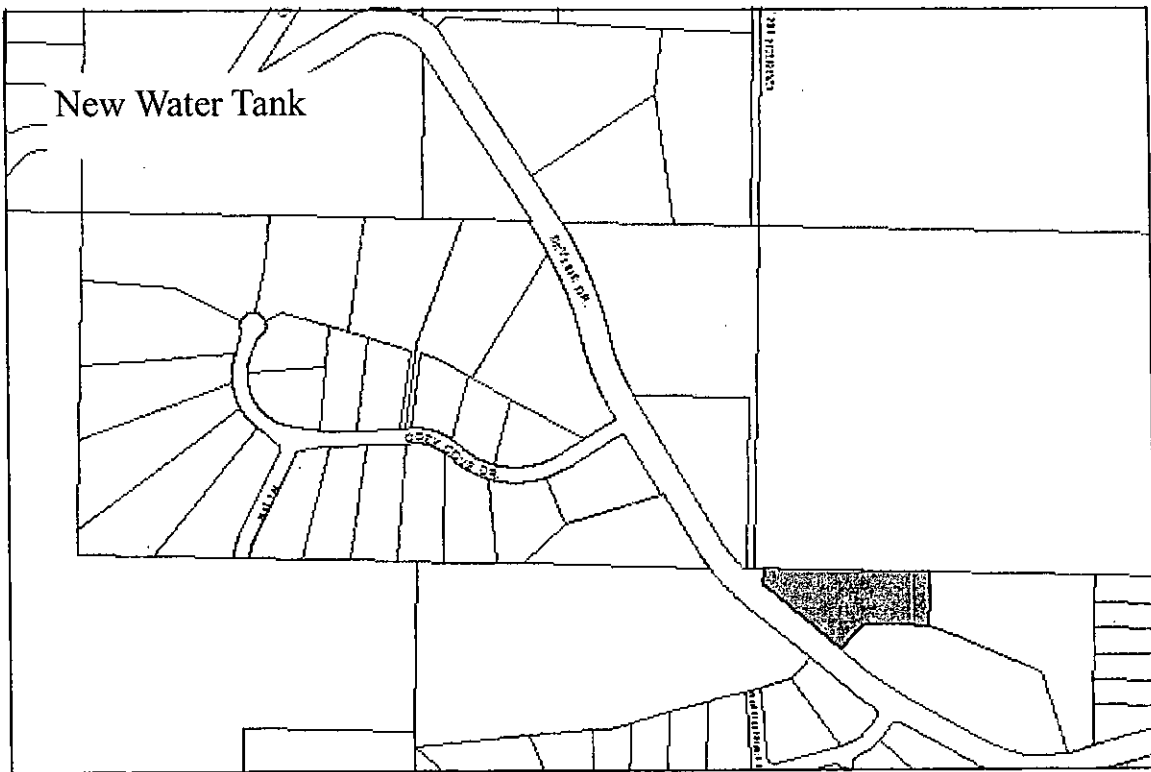
Wetlands: No

Infrastructure: Paved access, electricity.

Notes: Location of old water storage tank.

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: City Well Reserve Water Tank and building/Public Purpose
Acquisition History: Purchased 1/97 from Tulin.

Area: 3 acres

Parcel Number: 17308034

2006 Assessed Value: \$363500 (Land: \$63, 500 Structure: \$300,000)

Legal Description: HM0960051 T06S R13W S08 TULIN TERRACE SUB UPPER TERRACE LOT 34

Zoning: Conservation

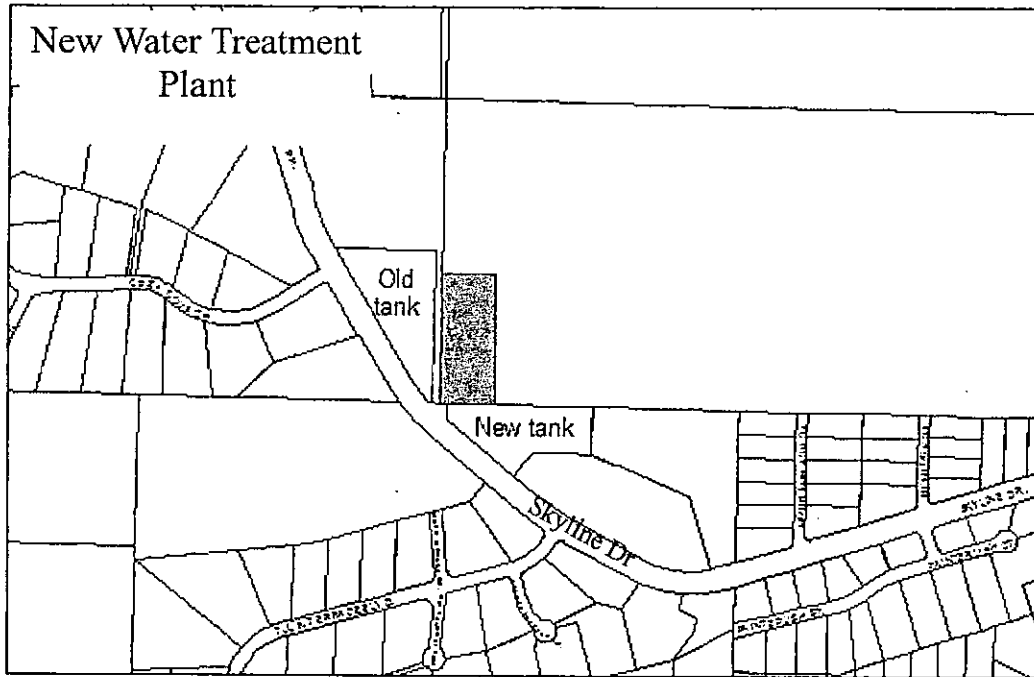
Wetlands: No

Infrastructure: Paved access, electricity.

Notes: Location of new million gallon water storage tank.

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use: New Water Treatment Plant
Acquisition History: Undergoing eminent domain proceedings

Area: 4 acres (proposed) **Parcel Number:**

2006 Assessed Value:

Legal Description:

Zoning: Not in city limits **Wetlands:** No

Infrastructure: Paved access, electricity, water

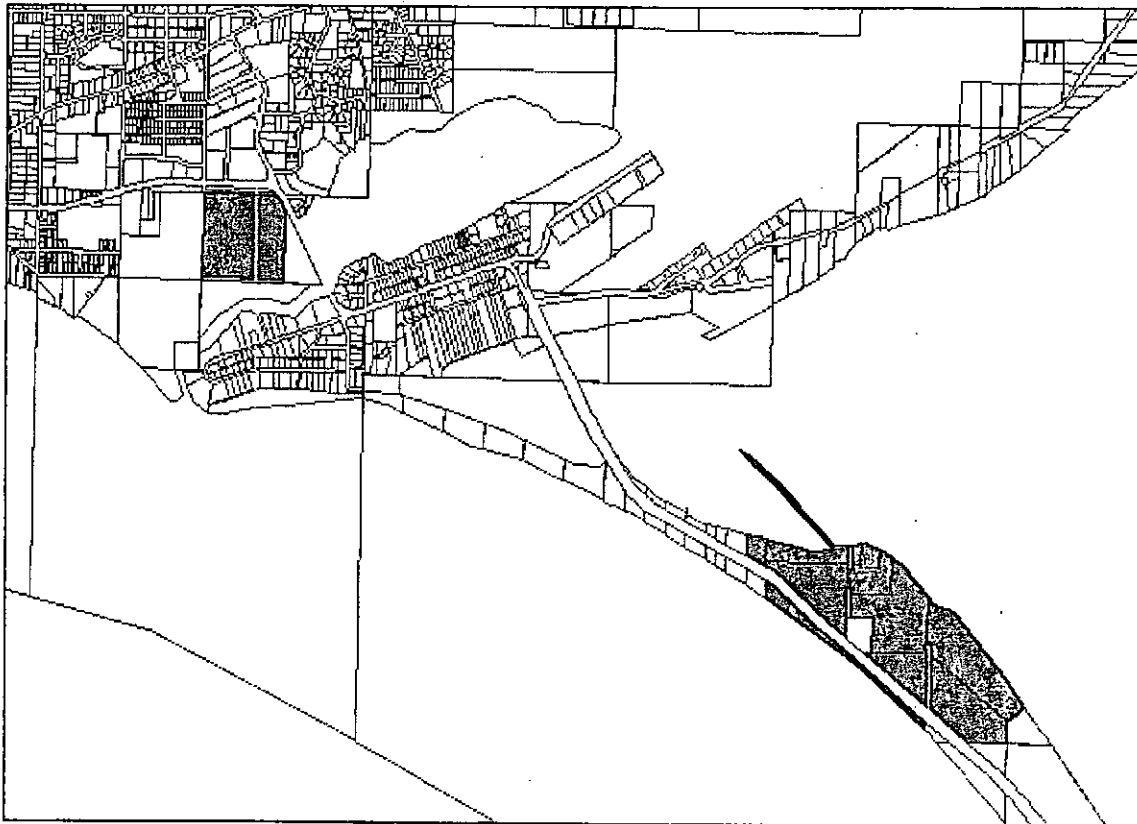
Notes: Location of new water treatment plant. Completion scheduled for 2009. Undergoing eminent domain proceedings.

Finance Dept. Code:

Homer Conservation Easement Lands

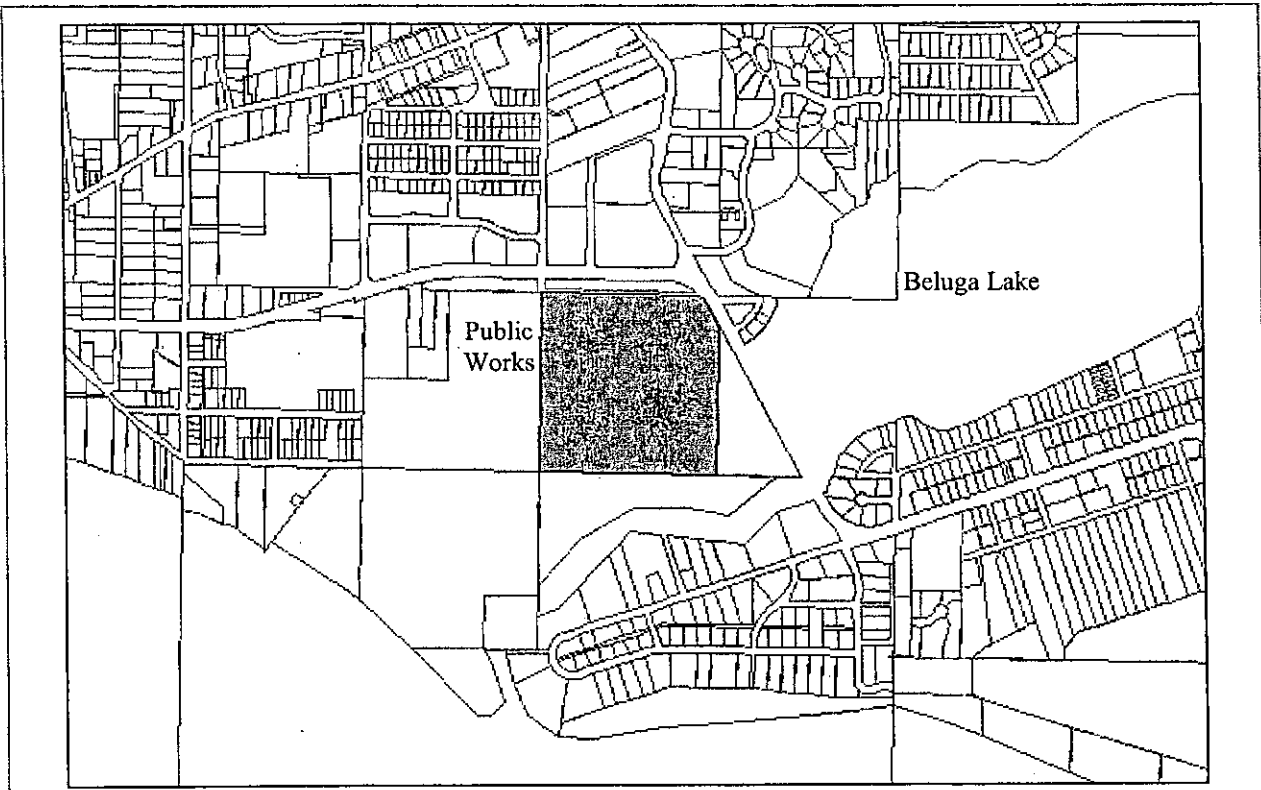
Existing conservation lands in Homer were mainly acquired through Exxon Valdez Oil Spill funding. Generally there are very strict easements on these lands as they were purchased to protect habitat, particularly shorebird habitat in sensitive areas. A portion of Louie's Lagoon has a conservation easement held by the Kachemak Heritage Land Trust.

Total acreage: 169.72 acres.



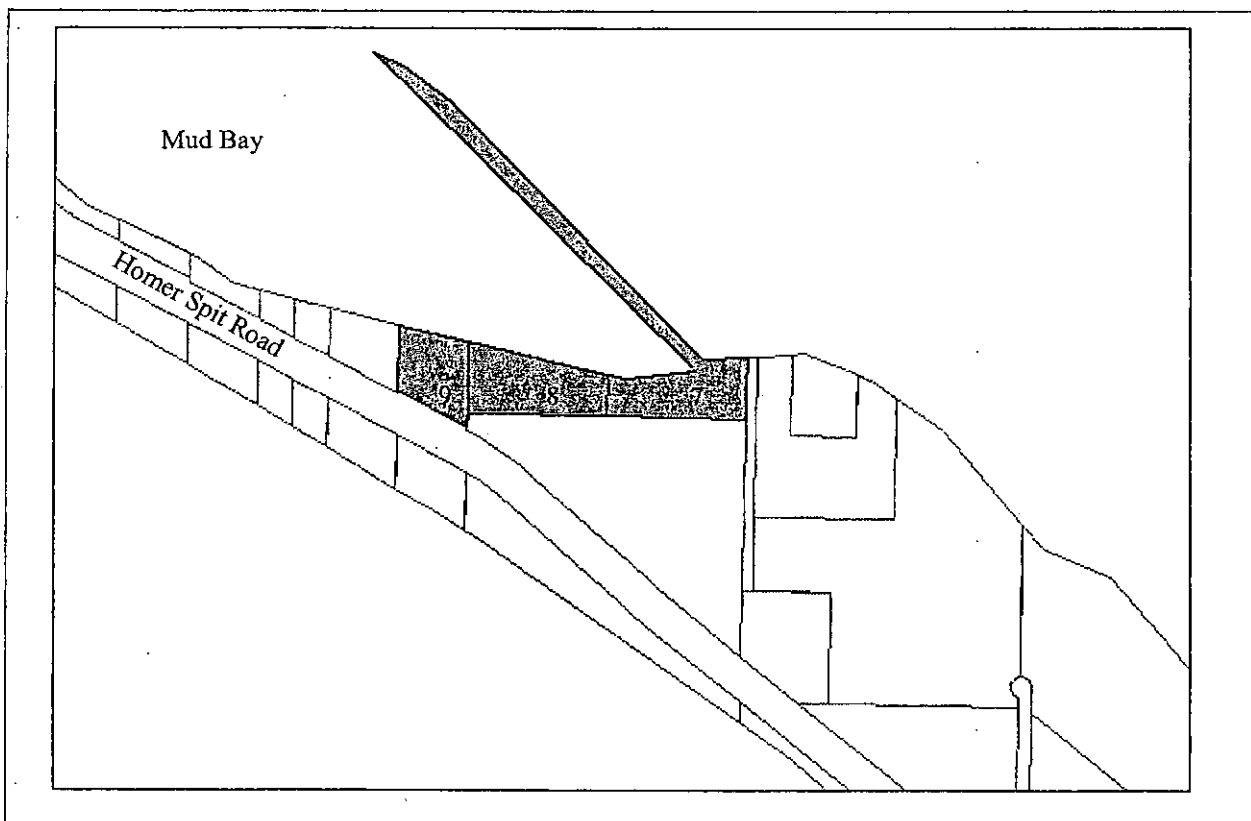
This section updated 1/2009

CITY OF HOMER LAND INFORMATION



Designated Use:	
Acquisition History: EVOS purchase and conservation easement.	
Area: 39.24 acres	Parcel Number: 17714006
2006 Assessed Value: \$35,300	
Legal Description: HM T06S R13W S20 NW1/4 SE1/4 EXC HOMER BY PASS RD	
Zoning: Conservation	Wetlands: Beluga Slough Estuary
Notes: <ul style="list-style-type: none"> • Conservation Easement document recoded in Book 0275, Page 243, Homer Recording District, 4/21/98. • Parcel is within a FEMA-mapped floodplain. 	
Finance Dept. Code: 392.0013	

CITY OF HOMER LAND INFORMATION



Designated Use:
Acquisition History: EVOS purchase and conservation easement. Resolution 97-72 and 104.

Area: Lot 7: 7.1 acres Lot 8: 3.94 acres Lot 9: 3.00 acres	Parcel Number: 181020 02, 01, 18101023
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2006 Assessed Value: Lot 7: \$84,500 Lot 8: \$55,900 Lot 9: \$47,500

Legal Description: HM T06S R13W S27 GOVT LOT 7 (east) and 8 (west)
 HM T06S R13W S28 THAT PORTION OF GOVT LOT 9 LYING NORTH OF HOMER SPIT RD

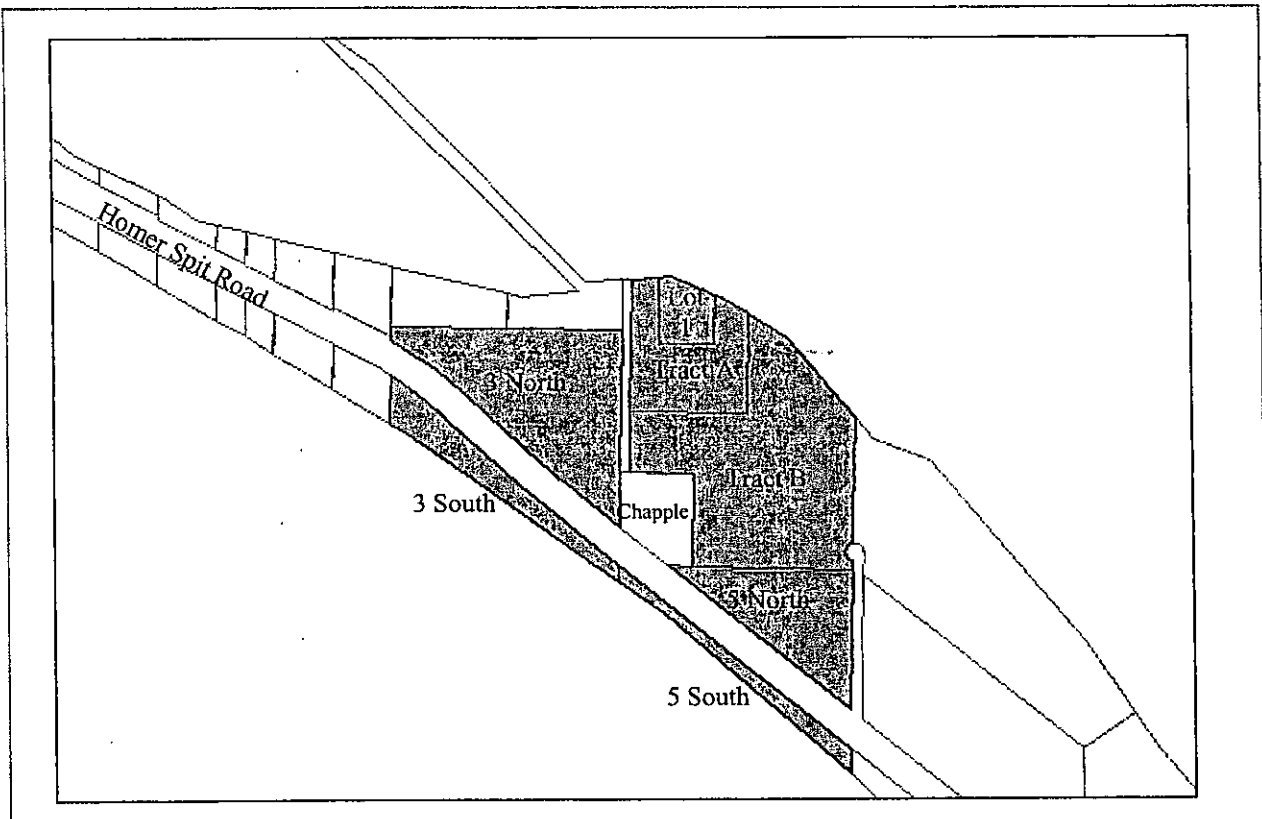
Zoning: Conservation—lots 7 and 8 Open Space Recreation—Lot 9	Environment: State Critical Habitat Area below 17.4 ft . mean high tide line.
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Notes:

- Conservation easement recorded in Book 0275, Page 229, Homer Recording District, 4/21/98.
- Parcels are within a FEMA-mapped flood hazard area.

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use:

Acquisition History: EVOS purchase and conservation easement.

Area: Total: 70.97 acres

Parcel Number: 18102 03, 04, 05, 06, 09, 10, 14

2006 Assessed Value: Total: \$722,300

Legal Description: T 6S R 13W SEC 27 SEWARD MERIDIAN HM:

- 0630660 WALTER DUFOUR SUB LOT 1, 0630060 WALTER DUFOUR SUB TRACT A
- THAT PORTION OF GOVT LOT 3 LYING NORTH OF HOMER SPIT RD
- THAT PORTION OF GOVT LOT 3 LYING SOUTH OF HOMER SPIT RD
- THAT PORTION OF GOVT LOT 5 LYING NORTH OF HOMER SPIT RD
- PORTION OF GOVT LOT 5 LYING SOUTH OF HOMER SPIT HWY
- 0770055 WALTER DUFOUR SUB TRACT B TRACT B

Zoning: Conservation

South side of lot 5 is zoned Marine Industrial, but development is restricted by the conservation easement.

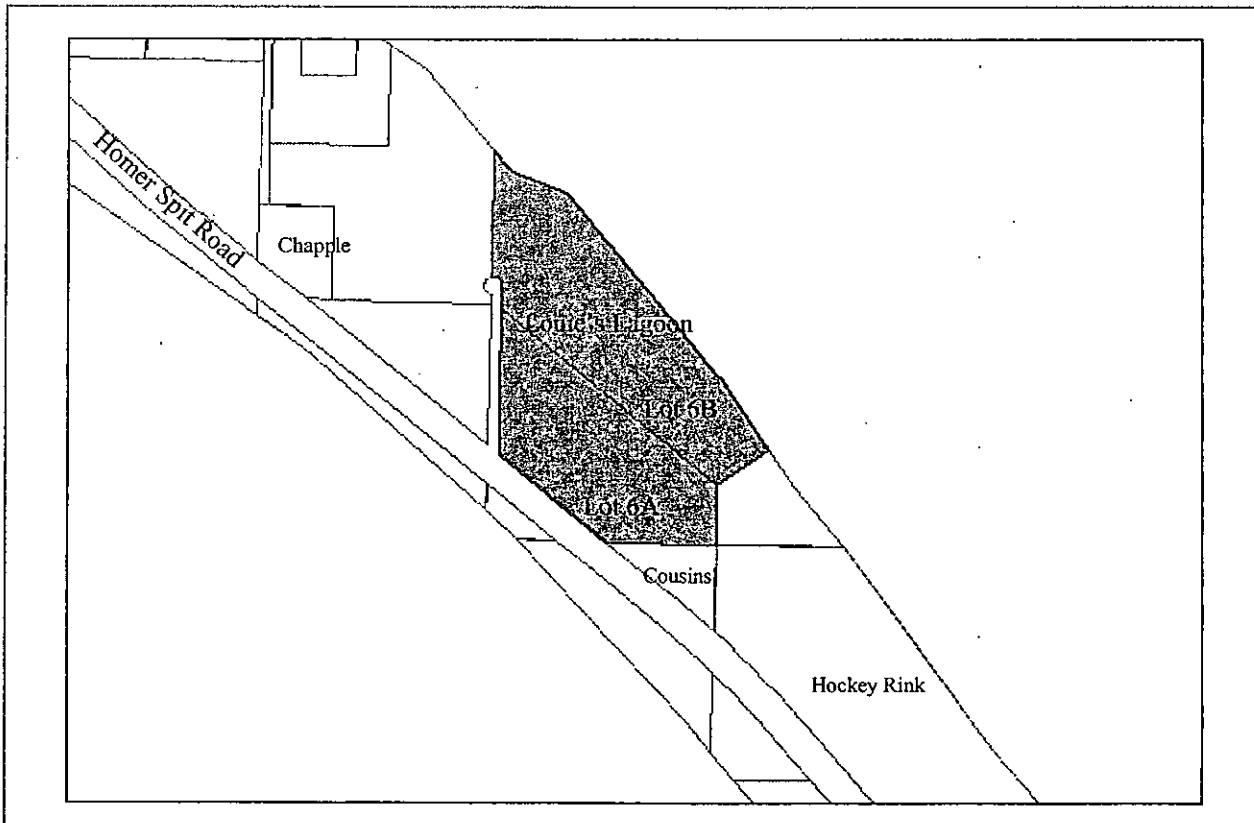
Environment: State Critical Habitat Area below 17.4 ft. mean high tide line.

Notes:

- Conservation easement recorded in Book 0275, Page 222, Homer Recording District, 4/21/98.
- Deeded to the City on same date, Book 0275, Page 236, HRD.
- Parcels are within a FEMA-mapped flood hazard area.

Finance Dept. Code:

CITY OF HOMER LAND INFORMATION



Designated Use:
Acquisition History: EVOS purchase and conservation easement.

Area: Total: 45.47 acres	Parcel Number: 181-020 - 18, 19
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2006 Assessed Value: Total: \$545,600

Legal Description: HM2001008 T06S R13W S27 LOUIE'S LAGOON LOT 6-A
 HM2001008 T06S R13W S27 LOUIE'S LAGOON LOT 6-B

Zoning: Conservation	Environment: State Critical Habitat Area below 17.4 ft. mean high tide line.
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- Notes:**
- Conservation easement recorded in Book 0275, Page 229, Homer Recording District, 4/21/98. This easement covers former Lot 6. See plat 2001-008.
 - Conservation easement with Kachemak Heritage Land Trust on Lot 6B. Executed 10/4/02, document 2004-004843-0 HRD.
 - Parcels are within a FEMA-mapped flood hazard area.

Finance Dept. Code: