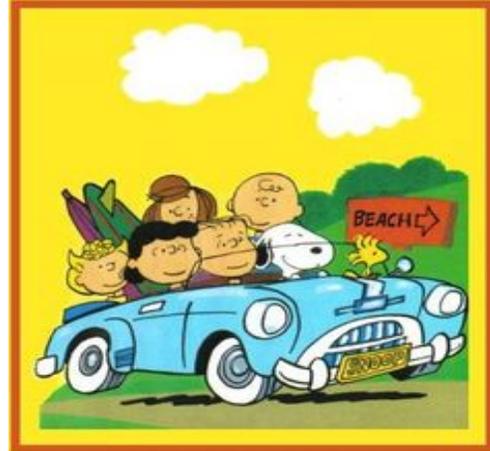




City Council
 February 8, 2016
 Monday



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

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

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February

- Monday 8th:** **CITY COUNCIL**
Worksession 4:00 p.m., Committee of the Whole 5:00 p.m., and Regular Meeting 6:00 p.m.
- Tuesday 9th:** **ECONOMIC DEVELOPMENT ADVISORY COMMISSION**
Regular Meeting 6:00 p.m.
- Wednesday 10th:** **PUBLIC SAFETY BUILDING REVIEW COMMITTEE**
Meeting 5:30 p.m.
- HICKERSON CEMETERY NEIGHBORHOOD MEETING**
Meeting 5:30 p.m.
- Thursday 11th:** **PUBLIC ARTS COMMITTEE**
Worksession 4:00 p.m. and Regular Meeting 5:00 p.m.
- Monday 15th:** **CITY OFFICES CLOSED IN OBSERVANCE OF PRESIDENTS' DAY**
- Tuesday 16th:** **CITY COUNCIL**
Worksession 5:00 p.m.
- Wednesday 17th:** **PLANNING COMMISSION**
Worksession 5:30 p.m. and Regular Meeting 6:30 p.m.
- Thursday 18th:** **PARKS AND RECREATION ADVISORY COMMISSION**
Regular Meeting 5:30 p.m.
- Monday 22nd:** **CITY COUNCIL**
Worksession 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 6:00 p.m.

Library Advisory Board 1st Tuesday with the exception of January, April, August and November 5:30 p.m.

Economic Development Advisory Commission 2nd Tuesday 6:00 p.m.

Parks and Recreation Advisory Commission 3rd Thursday with the exception of July, December and January 5:30 p.m.

Planning Commission 1st and 3rd Wednesday 6:30 p.m.

Port and Harbor Advisory Commission 4th Wednesday 5:00 p.m. (May-August 6:00 p.m.)

Cannabis Advisory Commission 4th Thursday 5:30 p.m.

Public Arts Committee Quarterly 2nd Thursday 5:00 p.m.

Permanent Fund Committee Quarterly 2nd Thursday 5:15 p.m.

MAYOR AND CITY COUNCILMEMBERS AND TERMS

BETH WYTHE, MAYOR - 16

BRYAN ZAK, COUNCILMEMBER - 16

DAVID LEWIS, COUNCILMEMBER - 17

GUS VAN DYKE, COUNCILMEMBER - 16

CATRIONA REYNOLDS, COUNCILMEMBER - 17

DONNA ADERHOLD, COUNCILMEMBER - 18

HEATH SMITH, COUNCILMEMBER - 18

**City Manager, Katie Koester
City Attorney, Thomas F. Klinkner**

<http://cityofhomer-ak.gov/cityclerk> 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 435-3106



MAYOR BETH WYTHE
COUNCIL MEMBER DAVID LEWIS
COUNCIL MEMBER BRYAN ZAK
COUNCIL MEMBER GUS VAN DYKE
COUNCIL MEMBER CATRIONA REYNOLDS
COUNCIL MEMBER DONNA ADERHOLD
COUNCIL MEMBER HEATH SMITH
CITY ATTORNEY THOMAS KLINKNER
CITY MANAGER KATIE KOESTER
CITY CLERK JO JOHNSON

WORKSESSION AGENDA

- 1. CALL TO ORDER, 4:00 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. HOMER ACCELERATED WATER AND SEWER PROGRAM (HAWSP) AND HOMER ACCELERATED ROADS AND TRAILS PROGRAM (HART)**

Memorandum 16-030 from City Manager as backup. Page 7
Memorandum 16-022 from Deputy City Clerk as backup. Page 13
Memorandum 15-099 from Economic Development Advisory Commission as backup. Page 43

Memorandums 15-193 and 16-027 from Public Works Director as backup. Pages 45/47
- 4. COMMENTS OF THE AUDIENCE**
- 5. ADJOURNMENT NO LATER THAN 4:50 P.M.**
Next Regular Meeting is Monday, February 22, 2016 at 6:00 p.m., Committee of the Whole 5:00 p.m., and a Worksession 4:00 p.m. A Worksession is scheduled for Tuesday, February 16, 2016 at 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

how a district is approved, HART and HAWSP are treated differently for how votes are counted and costs are allocated.

HART

Vote: Each lot owner is given a vote that is weighted by assessed value

Cost: Lot owners are charged \$17/foot for paving \$30/foot gravel reconstruction. Fixed cost for lot owners, variable for City

Payment Schedule: 10 years

New assessment generated when lot subdivides: No

HAWSP

Vote 1: Each lot owner is given a vote that is weighted by assessed value

Cost: Every lot pays the same (75% of project cost)

Payment Schedule: 20 years

New assessment generated when lot subdivides: Yes

Why haven't people been using the HART SAD program?

The last SAD constructed was the Crittenden/Webber Subdivision SAD (2013).

For the most part it was a gravel reconstruction and paving SAD (most lots were assessed \$30/foot for gravel reconstruction and \$17/foot for paving; for a total of \$47/frontage foot).

Total Cost = \$664,310

Total Assessments = \$122,832

% paid by property owners = 18%

This is the lowest property owner % that Public Works Director Meyer has seen. His understanding is that the original intention of the HARP/HART program was that the HART program would pay the majority of the cost (I'm not sure what that percentage was), but increasing construction costs over the years has lowered the percentage paid by property owners. This is a great deal, why is there not more utilization?

Many of the City lots are owned by seasonal residents who do not value as much year round good road/driving conditions. Some residents do not want their roads improved because poor road conditions necessitate slower driving which is favored in residential areas. The recent gas assessment also may discourage residents from additional investments in their local infrastructure.

The Clerk's office has prepared a survey and sent it out to our last 3 road SADs (which all failed) asking questions to help Council. The overwhelming reason people did not choose to

vote for the SAD was because it was too expensive. However, comments ranged from people not feeling like the improvements were necessary to a desire for other improvements. See summary of survey results.

How can the road improvement SAD process become more useful/relevant?

The current methodology allows the City to establish the cost to the property owner up front with no chance of a change. If the methodology were revised to a percent of actual total cost, the final assessment can change (like the water/sewer assessments). The other advantage for the City is that the current methodology is based on frontage foot (which does not change when lots are subdivided); in water/sewer SADs the subdivision of a lot creates an administrative burden associated with collecting an additional assessment from the new lot. When every lot benefited pays the same, it introduces the issue of how does the new lot pay its fair share and how do lots that have already paid an assessment get reimbursed for their fair share of the additional assessment. One way to address that issue is for payment to be based on square footage.

An advantage to road assessments being a percentage of total cost might be that property owners would better understand what a good deal the program provides. Currently they are told they will pay so much per frontage foot without understanding what the real cost is and that the HART program is paying a majority of the cost.

Another advantage to assessments being based on percentage of total cost might be that assessments could cover things other than gravel and paving. Originally neighborhoods were very satisfied with upgraded gravel roads and stripe paving. In the future, neighborhoods may want concrete curb and gutters, storm drains, sidewalks, street lighting, etc. (the cost of which may never have been included in the current per frontage foot fixed assessment amounts).

Keep in Mind

We have 3 road SADs in process right now. They would all proceed in the same manner as they were initiated, regardless if changes were made at this point. One of the SADs involves SVT land worth over 4 million dollars. This gives them the ability to kill or force the project.

Policy Questions on the Table:

Should the City look at standardization of how HART and HAWSP special assessment districts function (re: how costs are allocated, payment schedule, how votes are counted)?

Vote: (based on property value or not)

Cost: (percent of project cost? per foot, benefited area, everyone the same)

Payment Schedule: (how many years)

New assessment generated when lot subdivides:

How could the City incorporate long term maintenance costs into the cost of a project (or should we)?

The original intent of HART was to lower maintenance costs by upgrading roads with paving. When HART is used for projects like new construction (of trails, roads, or sidewalks) the increased maintenance cost becomes an issue. To address this, for new construction projects Council could incorporate estimated maintenance costs for a period of time into the total project cost. This would require voter approval. If maintenance costs were incorporated, there would be less money for construction. Another option could be just reducing the percentage that goes to HART – the remainder would de facto go toward maintenance.

Should there be a sunset for creating new assessments with the subdivision of lots (HAWSP)?

Should the City amend the HART policy manual to specifically establish a process for other improvements such as sidewalks and/or street lights? (See Memorandum 15-193 from Public Works Director.)

What to do about deferred assessments? (See Memorandum 16-027 on Shellfish from Public Works Director Meyer.)

Enc:

Outline of Homer Special Assessment District Process

Memorandum 16-022 from Deputy City Clerk Summary of HART survey results

Sample subdivision maps

Memorandum 15-099 from EDC recommendation regarding SADs levy of assessments after subdivision

Memorandum 15-193 from Public Works Director on Sidewalks

Memorandum 16-027 from Public Works Director on Shellfish

HART Policy Manual

HAWSP Policy Manual

OUTLINE OF HOMER'S SPECIAL ASSESSMENT DISTRICT (HSAD) PROCEDURE

Based on Homer City Code Chapter 17.04, effective April 10, 2012, the steps in the Homer Special Assessment District procedure may be described in a series of stages:

Stage 1 – Initiation of HSAD by resolution or petition

a. Resolution - Council may initiate a HSAD by resolution by a vote of no less than $\frac{3}{4}$ of the Council.

b. Petition - Property owners may initiate a HSAD by petition signatures of the record owners of not less than one half in value of the real property in the proposed district.

Stage 2 – Petition

a. If the HSAD is initiated by resolution of the Council there is no petition stage. Proceed to neighborhood meeting of owners within the district.

b. If the HSAD is initiated by property owner petition, the petition is prepared by the city clerk for distribution to all property owners in the district. If within 60 days the petition is returned with approving signatures of the owners of *at least 50% in value of the real property to be benefited*, the petition is forwarded to Council for adoption of a resolution to find the improvement is necessary.

If there are not sufficient signatures, Council is informed and adopts a resolution finding that the petition was insufficient and the HSAD fails.

Stage 3 – Neighborhood Meeting/Improvement Plan

a. Schedule a meeting of record owners of the real property in the proposed district. Property owners will receive an improvement plan that includes final boundaries, design, cost estimate, assessments against properties, method for allocating costs among the properties, time period which assessments will be financed, and a preliminary assessment roll.

Stage 4 – Public Hearing/Written Objection

a. A public hearing is scheduled and published. Property owners receive notice via certified mail no less than 60 days before the hearing.

b. A record owner of real property within the proposed district may file a written objection to the improvement plan no later than the day before the public hearing. If owners of real property that would bear 50% or more of the assessed cost of the improvement file timely written objections, Council may not proceed with the improvement unless it revises the improvement plan to reduce the assessed cost of the improvement that is borne by objecting owners to less than 50% of the assessed cost of the improvement. In the event of a boundary change Council must pass a resolution and all owners of property shall be notified of the change.

c. Council holds a public hearing and then adopts a resolution determining to proceed with the proposed improvement.

Stage 5 – Contract for Construction/Solicitation of Bids

a. After the HSAD has been created the City solicits bids for construction. If cost of constructing the improvement will exceed 115% of the estimated cost in the improvement plan, property owners will be notified via certified mail of the increased cost.

b. If record owners of property that would bear 50% or more of the cost of the improvement object in writing, the City will not contract to construct the improvement.

Stage 6 – Assessment Roll and Objections

a. After completion of the improvement, Council shall assess costs to each property benefitted in the district.

b. An assessment roll will include the name and address of the record owner, Kenai Peninsula Borough parcel number, property description, amount assessed, and assessed value of the property.

c. A hearing is scheduled to hear objections to the assessment roll.

d. Property owners are notified of the hearing date and sent the assessment roll via certified mail.

e. Council corrects any errors or inequalities in the assessment roll and confirms the assessment roll by resolution. Council sets the time for payments, interest rate, and penalties for delinquent payments by resolution.



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Memorandum 16-022

TO: KATIE KOESTER, CITY MANAGER
FROM: MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK
DATE: FEBRUARY 1, 2016
SUBJECT: FEEDBACK FROM MATTOX AREA ROAD SPECIAL ASSESSMENT DISTRICT PETITION

Property owners within the boundaries of the Mattox, Virginia Lynn, Fritz Subdivision Road improvement district were mailed a petition in February, 2015 and the petition failed. On January 5, 2016 a survey was mailed to the 44 property owners who did not sign the petition and 18 responded.

Why did you choose not to support the Petition for Road Reconstruction and Paving for Mattox, Virginia Lynn, & Fritz Subdivisions?

13 It was too expensive

1 There wasn't enough information provided to me to make an informed choice

4 I don't agree with the methodology

If you don't agree with the assessment methodology of a per front foot cost, would you have supported the petition if property owners paid an equal amount?

1 Yes

3 No

12 I'm satisfied with the current conditions of my road

9 Other (summarized)

- There were too many pages in the petition and it was confusing
- Less expensive methods could be used, speed bumps, mirrors at blind corners, hand painted signage, more enforcement, remove trees that obstruct view, sidewalks or delineated walking area
- It would detract from the "country feel", gravel roads provide better traction
- People already drive too fast and paving would make it worse
- Natural Gas Assessment
- Street lights are a more needed improvement
- Per front foot assessment discourages owners of larger lots



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January 5, 2016

Dear Property Owner:

A petition for road improvements was made for your neighborhood in February, 2015. The petition failed because less than one half of record owners in value of the real property in the area supported the petition. * It failed because only 14% supported the petition. (14% is a long way from "less than one half" 50%)

The City Council will be reviewing the Homer Accelerated Roads and Trails (HART) program and discussing ways to amend the current assessment method in an effort to make the program more successful for improving eligible roads within the City of Homer. Currently property owners are assessed up to \$47 (\$30 for reconstruction/gravel and \$17 for paving) per front foot for road improvements and the balance is paid by the City of Homer from the HART fund.

Please take a moment to complete the following information and return it to the City Clerk's office by Thursday, January 21st. You may email to clerk@ci.homer.ak.us, fax it to 907-235-3143, deliver it to City Hall, or mail it in the self-addressed stamped envelope included for your convenience.

Why did you choose not to support the Petition for Road Reconstruction and Paving for Mattox, Virginia Lynn, & Fritz Subdivisions?

It was too expensive

There wasn't enough information provided to me to make an informed choice

I don't agree with the assessment methodology of a per front foot cost

If you don't agree with the assessment methodology of a per front foot cost, would you have supported the petition if property owners paid an equal amount?

Yes No

I'm satisfied with the current conditions of my road

Other (you may use the other side or add a sheet if you need more room to comment)

* Unfortunate timing - we all just got our ENSTAR GAS LINE Assessments.

* This petition failed because it is not supported by 86% of the "record owners in value of the real property"

Thank you for your quick response to this brief questionnaire. Please feel free to include any feedback regarding the road reconstruction and paving assessment process that you would like the City Council to consider.

* It's very nice that the City of Homer (us collectively) has the HART Fund for these road improvements. We do need to consider that at this time a lot of the property owners (individuals) do not have money in our personal budgets to fund a road improvement.
* Mattox Road is just fine as it is... 15



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Yes No

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If you don't agree with the assessment methodology of a per front foot cost, would you have supported the petition if property owners paid an equal amount?

Yes No

I'm satisfied with the current conditions of my road

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_____ Yes _____ No

_____ I'm satisfied with the current conditions of my road

_____ Other (you may use the other side or add a sheet if you need more room to comment)

I voted for it! I think it is important for the safety & betterment of the community Thank you.

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WS



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Why did you choose not to support the Petition for Road Reconstruction and Paving for Mattox, Virginia Lynn, & Fritz Subdivisions?

It was too expensive

There wasn't enough information provided to me to make an informed choice

I don't agree with the assessment methodology of a per front foot cost

If you don't agree with the assessment methodology of a per front foot cost, would you have supported the petition if property owners paid an equal amount?

Yes No

I'm satisfied with the current conditions of my road

Other (you may use the other side or add a sheet if you need more room to comment)

Thank you for your quick response to this brief questionnaire. Please feel free to include any feedback regarding the road reconstruction and paving assessment process that you would like the City Council to consider.



City of Homer

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Office of the City Clerk

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(p) 907-235-3130

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JAN 19 2016

January 5, 2016

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NO → It was too expensive

TOO MUCH INFORMATION ON THE CONTRARY — TOO MUCH — CONFUSING!
TOO MANY PAGES There wasn't enough information provided to me to make an informed choice
THEN PEOPLE

WANTED NO → I don't agree with the assessment methodology of a per front foot cost
BUMPS OR
NO PAVING.

If you don't agree with the assessment methodology of a per front foot cost, would you have supported the petition if property owners paid an equal amount?

____ Yes ____ No

I want NO →
NO
BUMPS!

I want NO → I'm satisfied with the current conditions of my road

PAVING NO BUMPS, ✓
No speed bumps! ✓ Other (you may use the other side or add a sheet if you need more room to comment)

Rita
Campbell
107414 1526
4009 Beluga Circle
Homer, AK

There were too many pages, and I was confused where to sign. I was disappointed. I really wanted paving — no bumps

I already drive safely. I detest speed bumps. regarding the road reconstruction and paving assessment process that you would like the City Council to consider.

though. No ROAD BUMPS and islands, but yes! on paving. Please!

PAVING WOULD BE GREAT,



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907-61-NVP
JAN 19 2016
[Signature]

January 5, 2016

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It was too expensive

There wasn't enough information provided to me to make an informed choice

I don't agree with the assessment methodology of a per front foot cost

If you don't agree with the assessment methodology of a per front foot cost, would you have supported the petition if property owners paid an equal amount?

Yes No

I'm satisfied with the current conditions of my road

Other (you may use the other side or add a sheet if you need more room to comment)

see attached

Thank you for your quick response to this brief questionnaire. Please feel free to include any feedback regarding the road reconstruction and paving assessment process that you would like the City Council to consider.

City of Homer, Alaska

January 17, 2016

Reasons I am against road improvements in my subdivision;

- 1) Although I agree the reasons for improvements are probably sound (speeding cars), the solutions go way beyond practicable and seem geared more toward citification. I don't feel this quiet, lakeside neighborhood needs a divider down the middle of the road, decorative tree plantings, specially delineated areas for street parking, a roundabout at the corner of Mattox and Aurora, or a fancy sign at the top of Mattox. I am not willing to pay the city and/or state for these overboard "improvements" when simple, less expensive methods can be used:
 - a) Dirt speed bumps or removable rubber speed bumps (I'm hoping the streets will remain unpaved-see below).
 - b) Mirrors at the blind corners so cars can see oncoming people and cars (like the one on FAA road).
 - c) Hand-made signs stating "we drive 20" or whatever (like in Cooper Landing).
 - d) More police monitoring.
 - e) Cut down trees at top of Mattox that obstruct view.
 - f) Sidewalks, or some type of delineated walking area (if this can be done without paving).

One more thing I'd like to add—although speed may be a problem, Mattox goes straight down, so cars and pedestrians can see each other. Pedestrians and bikers can wear reflective gear and lights, and can walk/ride along the side of the road.

- 2) I feel the road improvements put too much of a cost burden, considering how overboard the solutions are. I, and probably others, have limited incomes, and are already saddled with the gas line bill, regardless of whether they wanted or could afford to hook it up.
- 3) I feel the improvements would detract from the "country" feel of this neighborhood. All the streets dead end and don't lead anywhere where there is traffic congestion, businesses or parking, except for Mattox, which meets up with East End.
- 4) I am against paving because of #3, and I don't feel it is necessary. Although I'm not knowledgeable about roads, water tends to collect at some of the intersections, creating potholes. It seems to me the city would have to constantly fill these holes with hot tar. Also I believe gravel roads provide better traction than a smooth, paved road, and this neighborhood gets very icy. Not to mention the occasional washboards which act as natural speed bumps!
- 5) With the city in financial difficulty and cutting down on winter maintenance, it seems a waste of money to spend it on "beautification" and citification. (That's if the city is going to pay for any of it). And the citizens, also suffering from a downturned economy, don't need to spend money on unnecessary fixes. Thanks for allowing me the opportunity to voice my opinion,

Katie Dawson

1155 Aurora Court

Homer, AK 99603

Rag1smith@gmail.com



City of Homer

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January 5, 2016

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Why did you choose not to support the Petition for Road Reconstruction and Paving for Mattox, Virginia Lynn, & Fritz Subdivisions?

- It was too expensive
- There wasn't enough information provided to me to make an informed choice
- I don't agree with the assessment methodology of a per front foot cost

If you don't agree with the assessment methodology of a per front foot cost, would you have supported the petition if property owners paid an equal amount?
 Yes No

- I'm satisfied with the current conditions of my road
- Other (you may use the other side or add a sheet if you need more room to comment)

People drive too fast on the road as it is, and paving would make it even worse. The city does a good

Thank you for your quick response to this brief questionnaire. Please feel free to include any feedback regarding the road reconstruction and paving assessment process that you would like the City Council to consider.

Job of maintaining Mattox & I don't see a cost/benefit in paving.



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January 5, 2016

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If you don't agree with the assessment methodology of a per front foot cost, would you have supported the petition if property owners paid an equal amount?

Yes

No

The people that want it should pay for it.

I'm satisfied with the current conditions of my road

Other (you may use the other side or add a sheet if you need more room to comment)

The reasons given for so-called improvements could have been addressed without all the expensive changes. Speed bumps are cheap. Paving would make people go even faster. Stupid plan all around.

Thank you for your quick response to this brief questionnaire. Please feel free to include any feedback regarding the road reconstruction and paving assessment process that you would like the City Council to consider.



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JAN 15 2016

January 5, 2016

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Yes No

I'm satisfied with the current conditions of my road

Other (you may use the other side or add a sheet if you need more room to comment)

*\$47⁰⁰/FOOT IS FAR TO EXPENSIVE FOR ME.
My two-lot FRONTAGE ON A CAL-DE-SAC IS 161 FEET 4
(OVER ->)*

Thank you for your quick response to this brief questionnaire. Please feel free to include any feedback regarding the road reconstruction and paving assessment process that you would like the City Council to consider.

I would have had to pay \$7,567⁰⁰
Right after getting it with a bill of
about \$6,500⁰⁰ for natural gas for my two
lots. I'm retired & live on a fixed
income & cannot afford to pay thousands or
~~thousands~~ dollars because a couple of neighbors
would like the road paved. There's over
7 million in the HART Fund now & little of it
has been used because people find out how
much the improvement they want will actually
cost them. Costs need to come down to about
\$20⁰⁰/foot & more of the fund used so that
a few projects can get done. If not, then I
would vote to abolish the HART Fund & use
the \$\$\$ to help run the city during tough times
to keep taxes down. I voted to do just that for 3
years in December. I had to sign up for \$400.00/year for
10 years for natural gas at 4% interest (\$800⁰⁰/year
for my two lots. If I had to do that to have the
road paved, my guess is that would be another
\$450⁰⁰/year, for a total of about 1,250⁰⁰/year
(not to mention the interest) which would be
significant to me! (and I bet if every one
paid the same, it would still be very priced!)

Ar De Foreman, Iris Court



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JAN 22 2016

January 5, 2016

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There wasn't enough information provided to me to make an informed choice

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Yes No

I'm satisfied with the current conditions of my road

Other (you may use the other side or add a sheet if you need more room to comment)

EVERY PROPERTY IN HOMER NEEDS TO BE
INCLUDED IN THE ASSESSMENT. WE WILL PAY THE
SAME MILL RATE

Thank you for your quick response to this brief questionnaire. Please feel free to include any feedback regarding the road reconstruction and paving assessment process that you would like the City Council to consider.



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JAN 21 2016

January 5, 2016

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_____ It was too expensive

_____ There wasn't enough information provided to me to make an informed choice

_____ I don't agree with the assessment methodology of a per front foot cost

If you don't agree with the assessment methodology of a per front foot cost, would you have supported the petition if property owners paid an equal amount?

_____ Yes _____ No

_____ I'm satisfied with the current conditions of my road

Other (you may use the other side or add a sheet if you need more room to comment)

Handwritten notes and signatures in black ink, including a signature that appears to read 'I don't agree with the assessment methodology...' and another signature below it.

Thank you for your quick response to this brief questionnaire. Please feel free to include any feedback regarding the road reconstruction and paving assessment process that you would like the City Council to consider.

~~THE CITY COUNCIL AT WORKING
DOWN HERE FOR THE
CARE OF THE PEOPLE.~~

MY WIFE REMINDS ME THAT WE DID VOTE
AND THAT I WAS TO DISAGREE. THE REASON
WAS SIMPLY, WE DIDN'T FEEL ALL THE
IMPROVEMENTS WERE ADVANTAGEOUS
AND THE COST WAS TOO HIGH -

ONE IMPROVEMENT WE CAN GET BEHIND
IS BRINGING IN STREET LIGHTS. ITS TOO
DARK DOWN HERE FOR PEDESTRIANS AND
KIDS TO BE SAFE. I WOULD FOR MY OWN
YARD DO STICK A POLE. THANKS.

Jo Johnson

From: David Stephens <maputodave@hotmail.com>
Sent: Friday, January 22, 2016 4:21 AM
To: Jo Johnson
Subject: Mattoon paving questionnaire

Hi Clerk,

My name is David Stephens, owner of 1241 Iris Court. I got the paving petition last year and the questionnaire just recently . My response is that it was too expensive. I also think a per foot assessment discourages owners of large lots, even though they have just one dwelling unit like everyone else.

Ciao.

David Stephens



City of Homer

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JAN 25 2016

January 5, 2016

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Yes No

I'm satisfied with the current conditions of my road

Other (you may use the other side or add a sheet if you need more room to comment)

If the people who use the road
the most would slow down, it is Fine

Thank you for your quick response to this brief questionnaire. Please feel free to include any feedback regarding the road reconstruction and paving assessment process that you would like the City Council to consider.

Received 1/21/16



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FEB - 2 2016

January 5, 2016

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_____ Yes _____ No

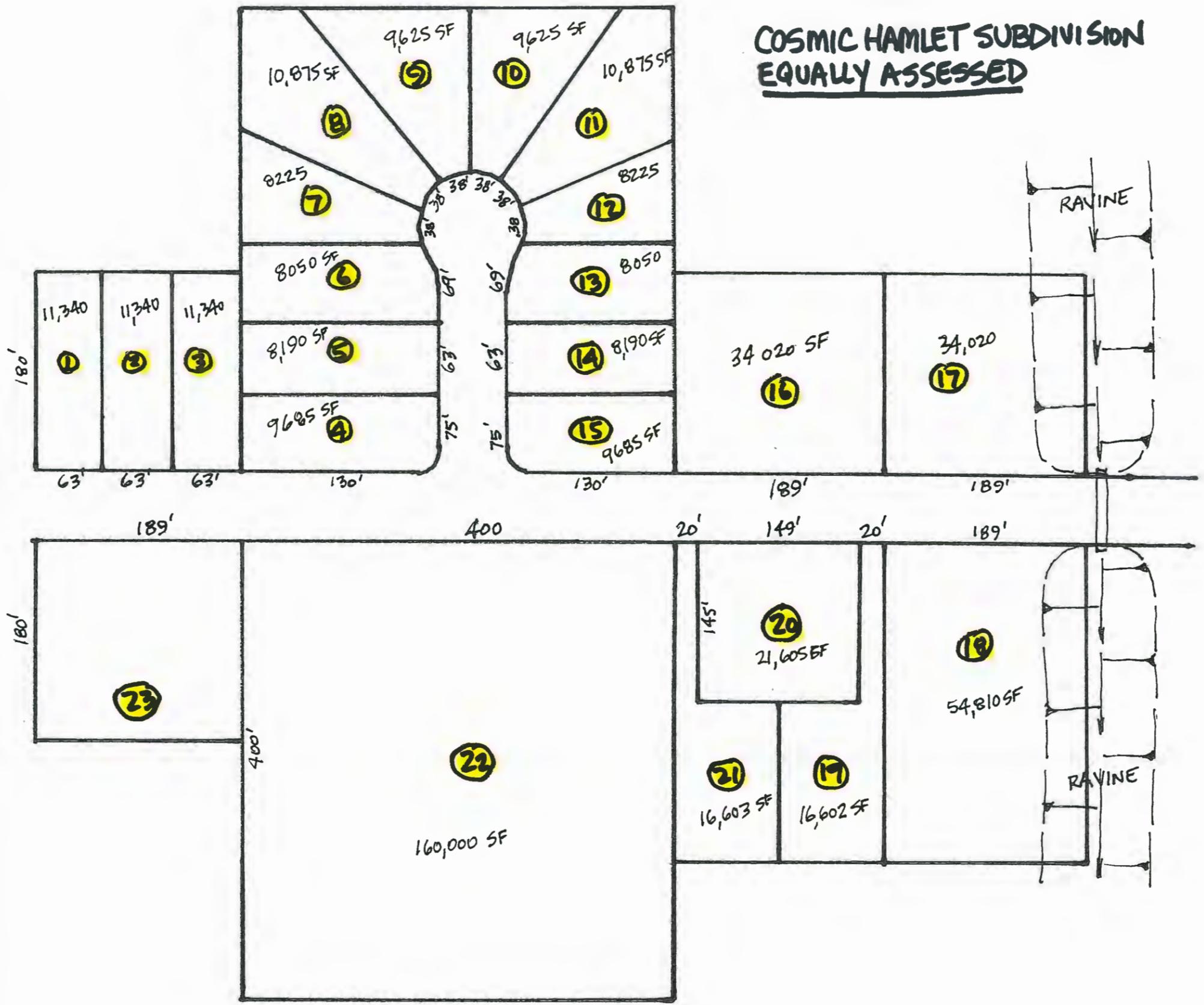
I'm satisfied with the current conditions of my road

Other (you may use the other side or add a sheet if you need more room to comment)

Having to pay for Natural Gas that was
Not asked for - requested - wanted is
enough to have to pay for!!!

Thank you for your quick response to this brief questionnaire. Please feel free to include any feedback regarding the road reconstruction and paving assessment process that you would like the City Council to consider.

**COSMIC HAMLET SUBDIVISION
EQUALLY ASSESSED**

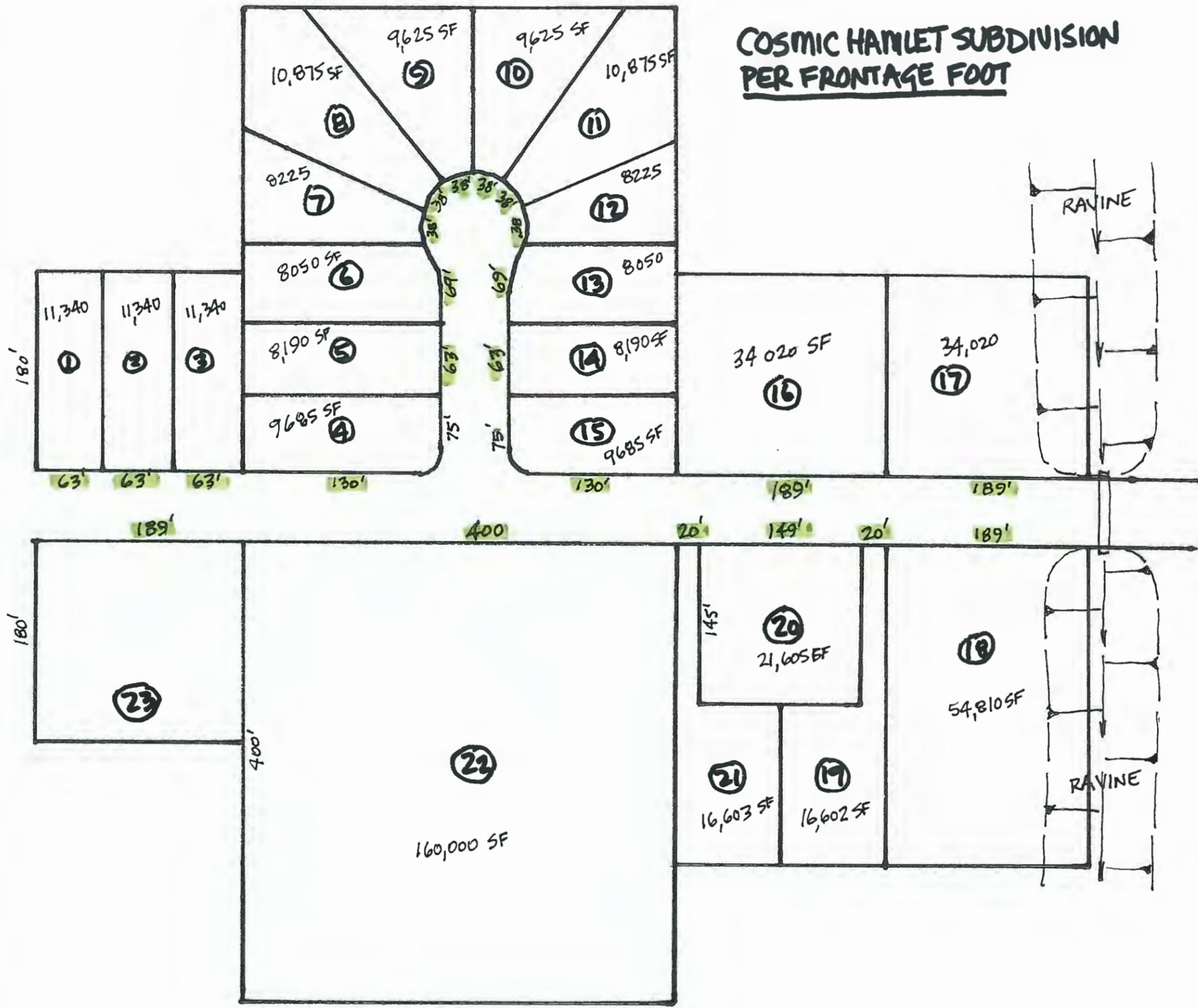


Cosmic Hamlet Subdivision SAD
Total Property Owner Cost = \$750,000

Lot	frontage foot	lot area (SF)	benefitted area (SF)	Assessment
				equally assessed
Lot 1	63	11340	11340	\$32,609
Lot 2	63	11340	11340	\$32,609
Lot 3	63	11340	11340	\$32,609
Lot 4	130	9685	9685	\$32,609
Lot 5	63	8190	8190	\$32,609
Lot 6	69	8050	8050	\$32,609
Lot 7	38	8225	8225	\$32,609
Lot 8	38	10875	10875	\$32,609
Lot 9	38	9625	9625	\$32,609
Lot 10	38	9625	9625	\$32,609
Lot 11	38	10875	10875	\$32,609
Lot 12	38	8225	8225	\$32,609
Lot 13	69	8050	8050	\$32,609
Lot 14	63	8190	8190	\$32,609
Lot 15	130	9685	9685	\$32,609
Lot 16	189	34020	34020	\$32,609
Lot 17	189	34020	25200	\$32,609
Lot 18	189	54810	25800	\$32,609
Lot 19	20	16602	16602	\$32,609
Lot 20	149	21605	21605	\$32,609
Lot 21	20	16602	16602	\$32,609
Lot 22	400	160000	80000	\$32,609
Lot 23	189	34020	34020	\$32,609

2286 514,999 397,169

COSMIC HAMLET SUBDIVISION PER FRONTAGE FOOT

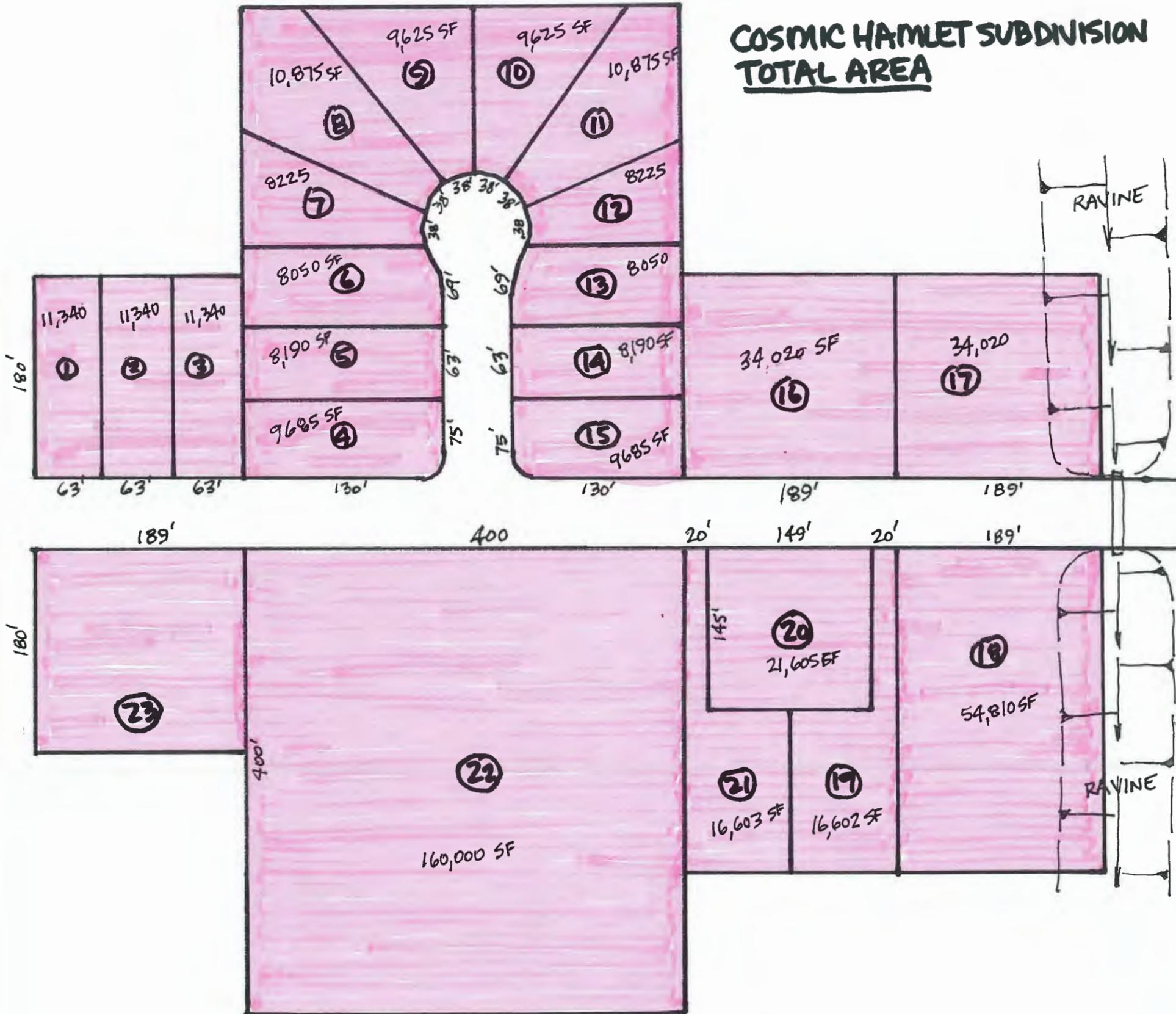


Cosmic Hamlet Subdivision SAD
Total Property Owner Cost = \$750,000

	frontage foot	lot area (SF)	benefitted area (SF)	Assessment per frontage foot
Lot 1	63	11340	11340	\$20,669
Lot 2	63	11340	11340	\$20,669
Lot 3	63	11340	11340	\$20,669
Lot 4	130	9685	9685	\$42,651
Lot 5	63	8190	8190	\$20,669
Lot 6	69	8050	8050	\$22,638
Lot 7	38	8225	8225	\$12,467
Lot 8	38	10875	10875	\$12,467
Lot 9	38	9625	9625	\$12,467
Lot 10	38	9625	9625	\$12,467
Lot 11	38	10875	10875	\$12,467
Lot 12	38	8225	8225	\$12,467
Lot 13	69	8050	8050	\$22,638
Lot 14	63	8190	8190	\$20,669
Lot 15	130	9685	9685	\$42,651
Lot 16	189	34020	34020	\$62,008
Lot 17	189	34020	25200	\$62,008
Lot 18	189	54810	25800	\$62,008
Lot 19	20	16602	16602	\$6,562
Lot 20	149	21605	21605	\$48,885
Lot 21	20	16602	16602	\$6,562
Lot 22	400	160000	80000	\$131,234
Lot 23	189	34020	34020	\$62,008

2286 514,999 397,169 \$750,000

COSMIC HAMLET SUBDIVISION TOTAL AREA

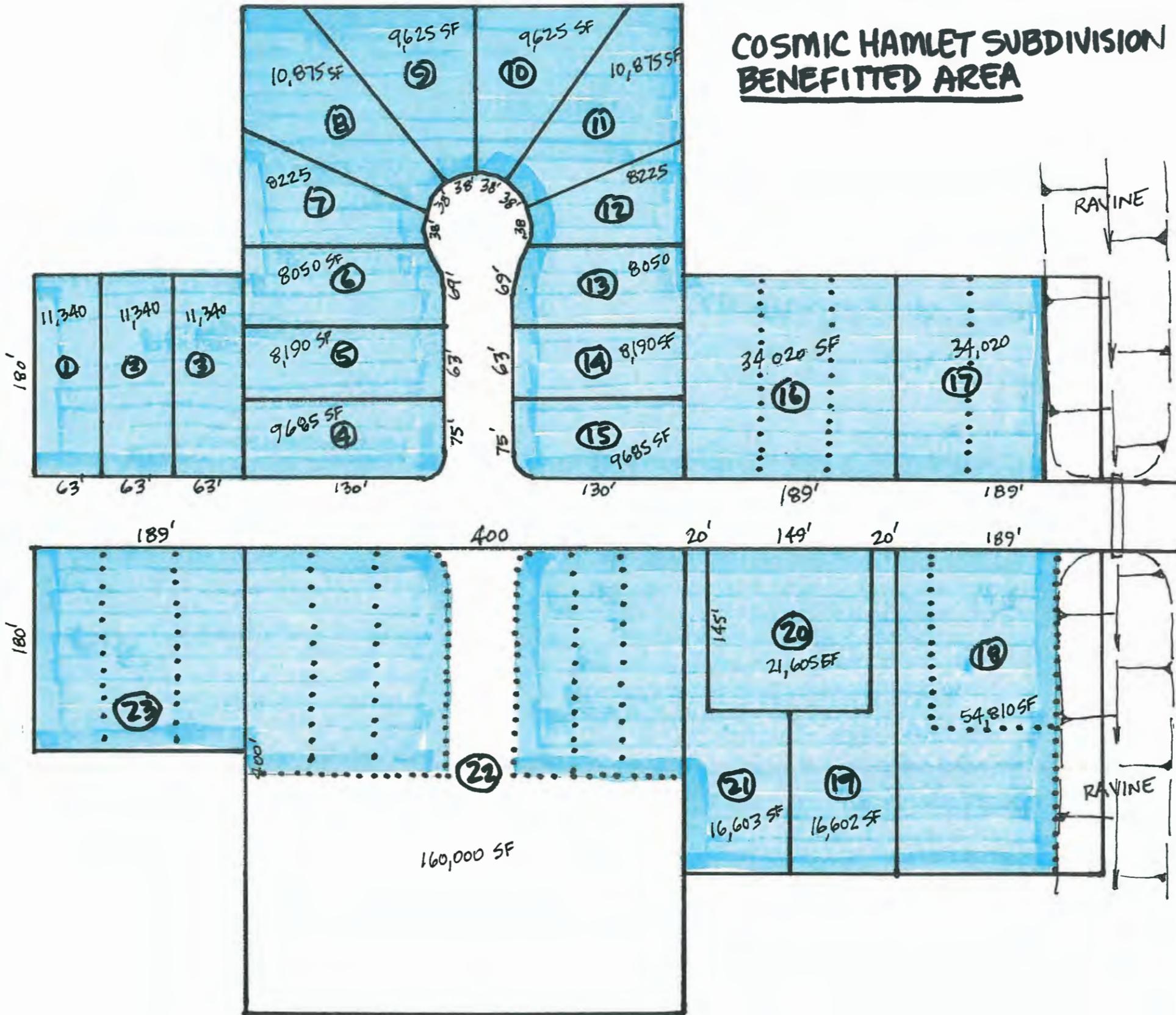


Cosmic Hamlet Subdivision SAD

Total Property Owner Cost = \$750,000

	frontage foot	lot area (SF)	benefitted area (SF)	Assessment
				per total lot area
Lot 1	63	11340	11340	\$16,515
Lot 2	63	11340	11340	\$16,515
Lot 3	63	11340	11340	\$16,515
Lot 4	130	9685	9685	\$14,104
Lot 5	63	8190	8190	\$11,927
Lot 6	69	8050	8050	\$11,723
Lot 7	38	8225	8225	\$11,978
Lot 8	38	10875	10875	\$15,837
Lot 9	38	9625	9625	\$14,017
Lot 10	38	9625	9625	\$14,017
Lot 11	38	10875	10875	\$15,837
Lot 12	38	8225	8225	\$11,978
Lot 13	69	8050	8050	\$11,723
Lot 14	63	8190	8190	\$11,927
Lot 15	130	9685	9685	\$14,104
Lot 16	189	34020	34020	\$49,544
Lot 17	189	34020	25200	\$49,544
Lot 18	189	54810	25800	\$79,821
Lot 19	20	16602	16602	\$24,178
Lot 20	149	21605	21605	\$31,464
Lot 21	20	16602	16602	\$24,178
Lot 22	400	160000	80000	\$233,010
Lot 23	189	34020	34020	\$49,544
	2286	514,999	397,169	\$750,000

COSMIC HAMLET SUBDIVISION BENEFITTED AREA



Cosmic Hamlet Subdivision SAD

Total Property Owner Cost = \$750,000

Lot	frontage foot	lot area (SF)	benefitted area (SF)	Assessment
				per benefitted lot area
Lot 1	63	11340	11340	\$22,081
Lot 2	63	11340	11340	\$22,081
Lot 3	63	11340	11340	\$22,081
Lot 4	130	9685	9685	\$18,859
Lot 5	63	8190	8190	\$15,948
Lot 6	69	8050	8050	\$15,675
Lot 7	38	8225	8225	\$16,016
Lot 8	38	10875	10875	\$21,176
Lot 9	38	9625	9625	\$18,742
Lot 10	38	9625	9625	\$18,742
Lot 11	38	10875	10875	\$21,176
Lot 12	38	8225	8225	\$16,016
Lot 13	69	8050	8050	\$15,675
Lot 14	63	8190	8190	\$15,948
Lot 15	130	9685	9685	\$18,859
Lot 16	189	34020	34020	\$66,244
Lot 17	189	34020	25200	\$49,069
Lot 18	189	54810	25800	\$50,238
Lot 19	20	16602	16602	\$32,327
Lot 20	149	21605	21605	\$42,069
Lot 21	20	16602	16602	\$32,327
Lot 22	400	160000	68000	\$132,409
Lot 23	189	34020	34020	\$66,244
	2286	514,999	385,169	\$750,000

Cosmic Hamlet Subdivision SAD

Total Property Owner Cost = \$750,000

	Assessment						
	frontage foot	lot area (SF)	benefitted area (SF)	equally assessed	per frontage foot	per total lot area	per benefitted lot area
Lot 1	63	11340	11340	\$32,609	\$20,669	\$16,515	\$22,081
Lot 2	63	11340	11340	\$32,609	\$20,669	\$16,515	\$22,081
Lot 3	63	11340	11340	\$32,609	\$20,669	\$16,515	\$22,081
Lot 4	130	9685	9685	\$32,609	\$42,651	\$14,104	\$18,859
Lot 5	63	8190	8190	\$32,609	\$20,669	\$11,927	\$15,948
Lot 6	69	8050	8050	\$32,609	\$22,638	\$11,723	\$15,675
Lot 7	38	8225	8225	\$32,609	\$12,467	\$11,978	\$16,016
Lot 8	38	10875	10875	\$32,609	\$12,467	\$15,837	\$21,176
Lot 9	38	9625	9625	\$32,609	\$12,467	\$14,017	\$18,742
Lot 10	38	9625	9625	\$32,609	\$12,467	\$14,017	\$18,742
Lot 11	38	10875	10875	\$32,609	\$12,467	\$15,837	\$21,176
Lot 12	38	8225	8225	\$32,609	\$12,467	\$11,978	\$16,016
Lot 13	69	8050	8050	\$32,609	\$22,638	\$11,723	\$15,675
Lot 14	63	8190	8190	\$32,609	\$20,669	\$11,927	\$15,948
Lot 15	130	9685	9685	\$32,609	\$42,651	\$14,104	\$18,859
Lot 16	189	34020	34020	\$32,609	\$62,008	\$49,544	\$66,244
Lot 17	189	34020	25200	\$32,609	\$62,008	\$49,544	\$49,069
Lot 18	189	54810	25800	\$32,609	\$62,008	\$79,821	\$50,238
Lot 19	20	16602	16602	\$32,609	\$6,562	\$24,178	\$32,327
Lot 20	149	21605	21605	\$32,609	\$48,885	\$31,464	\$42,069
Lot 21	20	16602	16602	\$32,609	\$6,562	\$24,178	\$32,327
Lot 22	400	160000	68000	\$32,609	\$131,234	\$233,010	\$132,409
Lot 23	189	34020	34020	\$32,609	\$62,008	\$49,544	\$66,244
	2286	514,999	385,169	\$750,000	\$750,000	\$750,000	\$750,000



City of Homer

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Memorandum 15-099

TO: MAYOR WYTHE AND HOMER CITY COUNCIL

FROM: MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

DATE: JUNE 22, 2015

SUBJECT: ECONOMIC DEVELOPMENT COMMISSION RECOMMENDATION REGARDING SPECIAL ASSESSMENT DISTRICTS LEVY OF ASSESSMENT AFTER SUBDIVISION

Throughout the course of discussion by the Economic Development Advisory Commission related to affordable housing, the Commission considered the impact of the Special Assessment District process, specifically related to the assessment of newly created lots within a district. It was the consensus of the Commission that the current methodology of levying an assessment on a newly created lot is a deterrent for property owners to subdivide larger lots. The Commission believes adding the full cost of the assessment along with the subdivision costs drives up the cost of the smaller lots making them more difficult to sell. The Commission also finds this inhibits a developer's opportunity to build affordable homes within the city.

At the June 9, 2015 regular meeting the Commission considered the following three options:

1. That the district stops collecting at the payoff date or other date specific;
2. That a formula be considered for a decreasing amount to be collected until zeroing out at the payoff or other specific date.
3. Do nothing.

They agreed unanimously to recommend option 1, that the district stops collecting at the payoff date, or other date specific, adding that it have a 5 year sunset for collections.

BROWN/ FRIEDLANDER RECOMMENDED THE NUMBER ONE SOLUTION AS PART OF A FAIRNESS DOCTRINE WITH A FIVE YEAR SUNSET CLAUSE FOR THE PAY OFF DATE TO ASSIST THOSE OWNERS.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

RECOMMENDATION: Consider the proposal from the Economic Development Advisory Commission and determine whether to bring forward an ordinance to amend Title 17 relating to subdivision after levy of assessments.



City of Homer

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Memorandum 15-193

TO: Katie Koester - City Manager
FROM: Carey Meyer - Public Works Director
DATE: November 18, 2015
SUBJECT: **Homer Accelerated Roads and Trails Program (HART)**

HART - Is Sidewalk Construction Eligible?

Background: The Homer Accelerated Roads Program (HARP) was created by the community in 1987 and formally established by Council per Resolution 87-61(S). The original purpose of the program was to upgrade approximately 39.5 miles of city streets at an estimated cost of \$24.8M; reconstruct local substandard city roads, improve access, reduce maintenance costs, increase property values, and improve the quality of life. A schedule of proposed street improvements was developed by Public Works which consisted of Groups I-IV as shown on charts and maps approved by the City Council.

The following qualifying criteria were established for eligible road upgrade/reconstruction projects:

- a. Life, safety, and traffic flow;
- b. Correct deficiencies of the existing systems;
- c. System wide basis versus local needs;
- d. Complete traffic circulation patterns;
- e. Encourage economic development;
- f. Correct drainage problems;
- g. Reduce maintenance costs;
- h. Built to City standards prior to acceptance;
- i. First come, first serve;
- j. Reconstruction is a higher priority than new construction;
- k. Property owner contribution through LID process (originally \$20 per front foot for gravel and \$11 per front foot for paving of a residential standard street; changed in 1995 to \$30 and \$17), and City pays all costs for additional improvements deemed necessary;
- l. City share can apply to related utilities, sidewalks, street lighting, drainage, paving, and/or reconstruction of roads identified in Groups I-IV;
- m. City share of road money is prorated proportionally between Groups I-IV;
- n. Other factors deemed appropriate by the City Council.

In 2007, the voters approved continuing to provide a funding source for street reconstruction improvements and related utilities (see Resolution 07-33), authorized the program to fund trails projects, and changed the name of the program to Homer Accelerated Roads and Trails program (HART).

What have HART funds been used for? HART funds have generally been used to:

- Upgrade/reconstruction existing streets through an LID process,
- Repave streets originally paved through an LID process,
- Construct trails and improve trailheads.

The HART program allows for sidewalks (and other road improvements such as drainage, street lighting, minor utility extensions, utility relocations, etc.) to be constructed as part of a road improvement project. There has been one situation where HARP funds have been used to pay for a stand-alone sidewalk construction project, approximately 250 LF of sidewalk was constructed from the Sterling Highway to the Homer West Elementary school (along Soundview Avenue).

What have HART funds not been used for? No HART funds have been used to support the maintenance of the existing road system or purchase maintenance equipment.

What are some of the anticipated future demands on the HART fund?

- Continued funding of residential neighborhood SAD road paving projects,
- Continued funding of street repaving projects,
- Funds for storm drainage/water quality improvements associated with roads,
- Matching funds for road improvement projects shown in the Capital Improvement Plan,
- Funding of trail improvements shown in the Non-Motorized Trails Plan,

What is the difference between a sidewalk and trail? The policy has been that a pedestrian improvement that is constructed within street right-of-way and generally runs parallel to a street is a sidewalk; a trail leaves street right-of-way and is generally constructed in easements across private property.

Have sidewalks been constructed using HART funds? All HART street improvement projects must include pedestrian amenities per Council direction. In most cases, these pedestrian improvements have consisted of widened shoulders/pavement. Generally, sidewalks (including curb and gutters) have been constructed using HART funds, but only as part of a street LID/SAD improvement project (where drainage issues and right-of-way constraints existed).

How much would it cost to construct sidewalks along all streets in Homer? Approximately 20 miles of paved roads exist in Homer. Another 25 miles of gravel roads exists. Assuming that a sidewalk requires a curb and gutter, catch basins and storm drains, and water quality mitigation improvements (such as detention basins or oil/water separator vaults); the cost ranges between \$30 and \$60 per linear foot. Therefore, the cost to construct sidewalks along one side of the existing paved roads (using the median cost) would be \$4.8M; both sides \$9.6M. When the gravel roads are paved, the cost to provide sidewalks along one side of these additional roads would be approximately \$6M; both sides \$12M.

How is sidewalk construction funded in other communities? Nationwide, the cost of constructing, maintaining and replacing sidewalks is normally borne by the adjacent property owner. Cities generally provide for sidewalk assessment districts to help property owners finance the costs associated with sidewalk construction.



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Memorandum 16-027

TO: Mary K. Koester – City Manager
FROM: Carey Meyer – Public Works Director
DATE: January 4, 2016
SUBJECT: **Future Intention to Create Deferred Assessments
Shellfish Avenue/South Slope Drive Water Main Extension Project**

Question – How should benefitted property owners pay their fair share of the cost of a water main?

Background: The Water/Sewer Master Plan for the City of Homer calls for improvements to the City's water system that would improve the reliability of the water service to the community and provide piped drinking water to those that are not currently served. The extension of a water main along Shellfish Avenue/South Slope Drive (see attached map) is one of those improvements. Public Works has completed the design of the improvement and has obtained a grant to help pay for construction. Normally, these types of improvements are constructed through the formation of a Special Assessment District (SAD) where benefitted property owners are assessed for their fair share. Water and sewer SAD assessments have normally been distributed equally to all benefitted lots.

Public Works has engaged the property owners within the project area (see attached letters) to inform them of the project and discuss how they might be assessed for their fair share. There has been no support for creating a SAD. Those that have responded support deferred assessments as the preferred method of assessing their share, but feel that equal assessments were not fair because lots sizes vary dramatically in this neighborhood.

There is precedence for creating deferred assessments on benefitting properties to provide a mechanism for fairly charging the cost of water improvements to benefitted property owners. These deferred assessments are not created without the opportunity for the affected property owners to comment and if created do not become due until the property owner connects to the new water main. Connection to the water main may be contingent upon the installation of sewer service to the property before water service connections to the water main are approved.

Three schedules (A, B, and C) are attached that estimate the assessment for each benefitted lot (based on equal, per frontage foot and per benefitted area).

Equal assessments are calculated by dividing the total assessable cost by the number of benefitted lots. Frontage foot assessments are prorated for each lot based on the percent of

frontage each lot has on the right-of-way. Benefitted area assessments are based on the prorated share of the lot areas benefitted, except large parcels which the area is limited to the front 200 feet. Attached is a map showing in yellow the areas used to estimate assessments under Schedule C – benefitted area method.

Equal Assessments:

The attraction of equal assessments is simplicity. When every benefitted lot contains one house, the benefit received by each lot is essentially the same. The cost to provide service to the lot may not be equal because lots with more frontage cost more to serve. Larger lots are generally more costly to serve than smaller lots. When lot size within a district vary significantly, the large lots (which have a greater probability of being subdivided) are not initially assessed based on their ultimate capacity to support additional homes. There is a significant administrative burden associated with monitoring into the future the subdivision of large lots, collecting future assessments, and trying to reimburse other lots in the neighborhood. This method is most attractive when all benefitted lots are similar in size.

Frontage Foot Assessments:

The attraction of frontage foot assessments is that each lot is assessed based on the cost of extending a road, water main, or sewer main across the front of each benefitted property. Larger lots are generally more costly to serve than smaller lots. The disadvantage comes when dealing with lots in a cul-de-sac's or flag lots; because of their configuration results in very small lot frontages (not representative of the benefit they are receiving).

Benefitted Area Assessments:

The advantage of creating assessments using a benefitted area method is that the assessment for each lot can reflect the square footage of land benefitted by the road, water or sewer improvement. Larger parcels are assessed based on the area near the right-of-way that directly benefits from the improvement. The subdivision of larger lots in the future does not change the area benefitted; no unfairness is created as the neighborhood develops. Lot configurations (cul-de-sac and flag lots) do not distort assessment fairness. Areas that are not developable (i.e. - wet, steep sloped, or inaccessible areas) can accurately be removed from the assessment calculation. Larger lots are generally more costly to serve than smaller lots.

One More Thing:

It is good time to recognize that the cost per lot to provide road, water and sewer improvements in neighbor-hoods comprised of relatively large lots is higher than those comprised of smaller lots. Larger lots are generally more costly to serve than smaller lots, because they are generally wider and require more road or pipe to get across the front of the lots. The attached table (showing per lot assessments under the three scenarios) also shows what each lot would be assessed if the total cost of the proposed water main was assessed in a normal LID situation. Neighborhoods find it difficult to pay for road, water and sewer improvements when lot density is low. These improvements become affordable only when large lots are subdivided; reducing the cost per lot. In this case, because the City has obtained a grant that covers a significant portion of the design and construction costs, the cost per lot (in

this large lot neighborhood) is comparable to what it would cost per lot in a “normal” sized lot neighborhood. Housing is more affordable when lot sizes are small.

Recommendation: The City Council approve this Memorandum which reflects the Council’s intention to create deferred assessments on benefitted property owners based on the “benefitted area” method described herein. The intent of the City Council is to create deferred assessments by Resolution on benefitting property owners after actual costs are known and a public hearing is held where each property owner can be given the opportunity to comment. The Council may revise the method of assessment at that time.

Three Assessment Methodologies
Shellfish Avenue/South Slope Drive Water Main Extension

Design cost (45% of total design) = \$63,814
 Anticipated Construction Cost = \$974,075
 Total Project Cost = \$1,037,889
 Total Assessable Cost* = \$328,414

frontage (ft)	area (sf)	assessable area**
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Schedule A	Schedule B	Schedule C
Assessment based on		
equal	frontage foot	benefitted area
\$19,318	\$16,426	\$14,547
\$19,318	\$9,737	\$11,589
\$19,318	\$9,501	\$13,954
\$19,318	\$15,375	\$12,596
\$19,318	\$12,471	\$11,960
\$19,318	\$11,305	\$10,770
\$19,318	\$11,305	\$10,774
\$19,318	\$10,449	\$10,891
\$19,318	\$23,043	\$23,861
\$19,318	\$36,602	\$37,901
\$19,318	\$23,665	\$24,505
\$19,318	\$33,161	\$34,338
\$19,318	\$33,161	\$34,338
\$19,318	\$26,707	\$25,445
\$19,318	\$14,749	\$9,103
\$19,318	\$9,837	\$9,825
\$19,318	\$30,920	\$32,017

Remarks	Normal SAD assessment
	\$45,789
	\$45,789
	\$45,789
	\$45,789
	\$45,789
	\$45,789
	\$45,789
	\$45,789
large parcel **	\$45,789
	\$45,789
	\$45,789
	\$45,789
large parcel **	\$45,789

Lot 1	217.95	37,280	37,280
Lot 2	129.20	29,700	29,700
Lot 3	126.07	35,760	35,760
Lot 4	204.01	32,280	32,280
Lot 5	165.48	30,650	30,650
Lot 6	150.00	27,600	27,600
Lot 7	150.00	27,610	27,610
Lot 8	138.64	27,910	27,910
Lot 9	305.75	1,850,864	61,150
Lot 10	485.66	201,639	97,132
Lot 11	314.00	278,784	62,800
Lot 12	440.00	570,490	88,000
Lot 13	440.00	567,250	88,000
Lot 14	354.37	65,209	65,209
Lot 15	195.71	23,330	23,330
Lot 16	130.52	25,180	25,180
Lot 17	410.26	672,610	82,052

4357.60 4,504,147 841,643

* - 30% of construction plus design
 ** - only front 200 feet of large parcels

H.A.R.T. POLICY MANUAL

Homer Accelerated Roads and Trails Program



Adopted September 10, 2007

Produced & Distributed by the City Clerk's Office — 2/19/2008 — rt

H.A.R.T. POLICY MANUAL
(HOMER ACCELERATED ROADS AND TRAILS PROGRAM)

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February 2008

I. PURPOSE and INTENT

1. The H.A.R.T. is a combined local funding source of dedicated sales tax and assessments to upgrade city streets, new city streets and new city non-motorized trails.(Ordinance 06-42(S); Resolution 88-47 #1)
2. The intent of the program is to reconstruct local substandard city roads and/or upgrade existing city roads, construct new city streets and non motorized trails, thereby reducing maintenance cost, improving access, increasing property values and improving the quality of life. (Ordinance 06-42(S); Resolution 88-47 #2)
3. Reconstruction and new construction shall be to City Standards. (Ordinance 06-42(S) Resolution 88-47 #19)
4. The City will not accept a street for full time maintenance until it meets city standards and is shown on the official maintenance map.¹ (Ordinance 85-14 07/01/85; Resolution 88-47 #8)
5. When practical, the intent of the program is to preclude the destruction of existing property improvements in built up areas. (Resolution 88-77(A), be it further Resolved clause.)
6. State maintained roads are not part of this program. (Resolution 88-47 #7)
7. The criteria for the H.A.R.T. shall be reviewed annually by the Transportation Advisory Committee, with recommendations reported to the Homer City Council. (Resolution 88-47 #22)
8. Annexed roads are included as newly eligible roads, as listed on the Official Road Maintenance Map. (Resolution 03-116, 08/25/03)
9. New roads shall be listed on the Official Road Maintenance Map. (Resolution 07-82)
10. New trails shall be listed on a map in the City Clerk's Office. (Resolution 07-82)

II. DEFINITIONS

- A. Sidewalk- the term "sidewalk" means a pedestrian facility associated with a road and generally within a street right of way. (Resolution 07-82)
- B. Trail – a pedestrian facility detached from a road, or not within a street right of way. (Resolution 07-82)

¹1.Clerk's Note: Done by Ordinance

III. QUALIFYING CRITERIA

A. Roads

The schedule of street improvements and costs developed by the Public Works Department August 87, consisting of Groups I-IV and the annexed roads of the City boundary amendment of Ordinance 02-08(A) and as noted on the Official Road Maintenance Map, are hereby incorporated. (Resolution 05-70, 06/13/05; Ordinance 02-23(A), 06/10/02; Ordinance 02-08(A), 04/08/03; Resolution 03-116, 08/25/03)

Amendments to the schedule can be accomplished only by Council action and are limited to additions to the schedule due to revision of the street map or transfer of state rights-of-ways to the City.

All projects will be authorized only after a public hearing to insure public participation in the process. (Resolution 88-47 #13)

1. The following criteria may be considered for roads qualifying for reconstruction/utility improvements: (Resolution 88-47 #14, Resolution 87-61(S))

- a. Life, safety and traffic flow (Resolution 87-61(S), Resolution 88-47);
- b. Correct deficiencies of existing systems (Resolution 87-61(S), Resolution 88-47);
- c. System wide basis versus local needs (Resolution 87-61(S), Resolution 88-47);
- d. Complete traffic circulation pattern (Resolution 87-61(S), Resolution 88-47);
- e. Encourage economic development (Resolution 87-61(S), Resolution 88-47);
- f. Correct drainage problems (Resolution 87-61(S), Resolution 88-47);
- g. Reduce maintenance cost (Resolution 87-61(S), Resolution 88-47);
- h. Built to city standards prior to acceptance for maintenance (Resolution 61(S), Resolution 88-47);
- i. Reconstruction is a higher priority than new construction projects (Resolution 87-61(S), Resolution 88-47);
- j. Property owner contribution through LID process by paying \$30 per front foot for gravel and \$17 per front foot for paving cost of a residential standard street and the city pays all costs for additional improvements deemed necessary (Resolution 87-61(S); Resolution 88-47, Resolution 94-50; Resolution 95-97)
- k. City share can apply to related utilities, sidewalks, street lighting, drainage, paving and/or reconstruction of roads identified on the road maintenance map. (Resolution 88-47, Resolution 04-41(A).);
- l. Other factors deemed appropriate by the City Council. (Resolution 87-61(S), Resolution 88-47))

2. The following criteria may be considered for new local roads in addition to applicable criteria in 1:

- a. Connectivity to existing road(s), for example completes a traffic pattern.
- b. Arterials or thoroughfares;
- c. Existing utilities;
- d. Contributing funds such as property owner assessments, loans, grants, etc;
- e. Level of need. (Resolution 07-82)

B. Trails

New local non motorized trails shall be prioritized according to the following:

- a. Project is listed in the HNMTTP or furthers a stated goal of that plan;
- b. Solves a safety concern;
- c. Creates connectivity to existing trail(s), completes pattern or provides access to a point of interest;
- d. Protects an established trail;
- e. Creates or improves a trailhead;
- f. Has significant scenic or aesthetic value;
- g. Existence or potential for contributing funds;
- h. Property owner participation. (Resolution 07-82)

IV. FINANCING and ASSESSMENTS

1. The program will utilize an additional dedicated City sales tax not to exceed three quarters of one percent (¾%) supplemental with assessments against adjacent benefited properties. (Ordinance 06-42, Resolution 87-61(S), Resolution 88-47 #3).

2. A three quarters of one percent (¾) dedicated sales tax and will be collected for up to twenty years expiring December 31, 2007 and reauthorizing up to an additional twenty years expiring December 31, 2027 to participate in funding the accelerated roads and trails program (Ordinance 06-42, Resolution 87-61(S), Resolution 88-47 #4). Reauthorized twenty additional years at the October 3, 2006 election (Resolution 06-145(S)) to expire December 31, 2027. Ten percent of the annual revenue shall be used for trail projects.

3. The road improvements will be financed on a combined pay as you go basis as well as sale of revenue bonds in a fifty-fifty ratio. There may be future bond sales as revenues increase. (Resolution 87-47 #6)

4. The City will attempt to obtain long term financing for up to ten years for the private share of funding. (Resolution 88-74 #12, bond change Ordinance 89-17, regarding ten years financing.)

5. Interest, if any, generated from the program will remain with the program funds. (Resolution 88-47 #18)

6. Abutting property owners will share the cost of upgrading a street to residential standards by paying \$30 per front foot for gravel and \$17 per front foot for paving.² (Resolution 87-61(S), Resolution 88-47, Resolution 94-50, Resolution 95-97)

7. The City will pay all costs for any additional improvements required when deemed necessary by the City. Other improvements requested by the benefited property owners will be paid by those same property owners. (Resolution 88-47 #11)

8. The \$30/\$17 split in front foot assessment stands unless there is 100% agreement on a revised formula for a specific project or the amount is adjusted by the City Council. (Resolution 87-61(S), Resolution 88-47; #21; Resolution 95-97)

9. Road Reconstruction assessment payment date, penalty and interest shall be set as soon as the reconstruction project has been accepted by the Public Works Department regardless if the LID/Assessment district wherein reconstruction has been completed is also scheduled for paving as part of the same LID/Assessment District. Paving assessment payment date, penalty and interest will be set as soon as the paving project has been accepted by the Public Works Department. HCC 17.04.070--110. (Resolution 96-73)

10. New Local Roads may be constructed by 100% program funds when the construction thereof benefits the entire City or when the City owns the property wherein the road is to be constructed. The Road to be constructed must meet the qualifying criteria and be recommended by the Transportation Advisory Committee to the City Council. This expenditure must be approved via Ordinance with justification noted within the body of the Ordinance. Whenever possible, New Local Roads will be constructed using the LID process HCC 17.04 and the assessment methodology as noted in item 6. and 8. (Resolution 07-82)

11. HART funds may be used to leverage outside funds for New Local Roads and Trails. (Resolution 07-82)

12. New Local Trails may be constructed using 100% program funds and follow the procedures listed in item 10. (Resolution 07-82)

13. Sidewalks shall be paid for out of road funds, and trails shall be paid for out of the 10% allocated to trails. (Resolution 07-82)

² Danview/Svedlund and Sabrina/Mark White are grandfathered in at the \$20/\$11 split per Council action. (Resolution 94-52)

V. UTILITIES

1. Prior to street reconstruction, necessary related non existing water and sewer improvements shall be encouraged whenever possible. (Resolution 88-47 #9)
2. Water and Sewer utility extensions necessary to extend the utilities short distances beyond a construction area will be paid for by the program. (Resolution. 88-47 #10)
3. Water and sewer utility relocations directly caused by reconstruction will be paid for by the Accelerated Roads Program. (Resolution. 88-47 #10)
4. Water and sewer utility upgrades necessary for future capacity that are done concurrently with reconstruction and/or paving will be paid for by the utility (a) fund. (Resolution 88-47 #10)
5. The City shall recover from the property owner the cost of construction of City-provided sewer and water service connections by including the cost of construction of such connections in the service connection fee established under HCC Chapter 14.13. (Resolution. 88-47)
6. Cost of installing stub-outs would be a necessary expense to anyone building on lots requiring sewer and/or water service. Sewer and/or Water funds or other public money was provided to pay the cost of these stub-outs because of the benefit of a quality finished road and the use of stub-outs benefit only those particular lots. Costs will be recouped from benefiting property owners through deferred assessments. The Planning Clerk and Finance Department will maintain a listing of these deferred sewer and/or water service connection fees.
7. Whenever practical street lights shall be included in the construction of new local roads and shall be paid by HART funds. Property owners participating in a road reconstruction and/or paving LID may request street lights. If the project is deemed feasible the property owners shall be assessed for the installation of the street lights on an equal share per parcel methodology. Property owner approval of the street light assessment shall follow the process in HCC 17.04. Once constructed, the City will absorb the utility billing for the street light(s). (Resolution 07-82)

VI. SPECIAL PROVISIONS

1. Additional right-of-way required will be paid by this program, at no additional cost to abutting property owners. (Resolution 88-47 #20)
2. Corner lots are exempt from a double front footage assessment and the total assessed frontage shall not exceed the longest side of the lot. Reconstruction assessments apply to

reconstruction and paving. Corner lot agreement is required after 10/25/94. (Resolution 87-61(S) #15; Resolution. 88-47 #15, Resolution 91-68, Ordinance 94-16(A))

3. Lots having a frontage on two parallel streets, or flag lots having a frontage on two perpendicular streets, are exempt from a double front footage assessment unless actually accessing the lot from both streets either prior to or after reconstruction and/or paving Deferred Assessment Agreement Required pursuant to HCC 17.04.160. (Resolution 88-47 #16)

4. This program includes paving driveway aprons on contracts funded by H.A.R.P. (Resolution 88-47 #17; Resolution 91-48)

5. When at all practical, the center line of rights-of-way will be the established road center line. Where impractical, the center line may be shifted to mitigate improvement encroachments of high cost hillside excavation. (Resolution 88-77(A))

6. In established neighborhoods, where improvements such as housing, carports, lawns or landscaping have been constructed near the right-of-way line and ditching would seriously impact these improvements, alternates to open ditching may be considered. These alternates may include gently sloping ditches back to the lawn, trench drains, standard or rolled curbs and gutter or any other sound engineering practices. The cost of these alternates will be born by the road program unless the residents elect to participate in the curb, gutter and sidewalk programs. (Resolution 88-77(A))

7. Pedestrian amenities shall be included in all new road projects unless exempted by the City Council. (Resolution. 04-41(A))

8. Exempting Certain Lands that will not be Developed due to Conservation Easements or Owned by Organizations that Conserve Land for Public Purpose and/or Habitat Protection from the Homer Accelerated Roads Program and the Homer Accelerated Water and Sewer Program Assessment District Assessments on a Case by Case Basis and that Each Program Shall be Amended to Include this Exemption under Special Provisions. (Resolution 05-50(A).)

9. New Subdivisions may not participate in HART for the construction of subdivision roads or trails.

a. Exception: To encourage trail connectivity, the Subdivider will be required to pay a prorated share of the project cost not to exceed 75% of the cost of public trail construction. (Resolution 07-82)

10. HART funds may be used in accordance with Title 11.04.05. If a development includes a segment of an arterial or collector street as shown on the Master Plan, the

developer shall construct the streets on the alignment adopted in the Master Roads and Streets Plan, and conforming to the respective classification. The developer shall be required to construct the street to a twenty-eight-foot width in accordance with the minimum requirements of a local residential street; provided, however, that the City may, upon direction of the City Council, elect to require construction to the full standards and pay to the developer the cost difference between the required street and the proposed street. (Resolution 07-82)

VII. TRAIL PRIORITIZING CRITERIA AND PLANNING GUIDELINES

A. Trail Prioritizing. The TAC and Parks and Recreation Advisory Commission will review the trail priority list during the annual review of the HART. The list will be presented in a memorandum from staff, and will contain a mix of large and small projects. Generally it will include up to five trail projects that staff has reviewed and found ready for preliminary work. Trails on this list are planned for construction in the near term (one to three year timeframe). Staff will actively work to prepare those projects for construction. (Resolution 07-82)

B. Trail Planning Guidelines

Trail design shall take into account at minimum the following:

1. Use context sensitive design when locating and planning trails to take advantage of scenic resources.
2. Respect the character of trails based on function, setting, and expectation of accessibility.
3. Evaluate the soils, drainage, wetlands, Tsunami zone, flood plain, stream setbacks, historical resources, visual resources, topography, existing and potential land use, zoning and land ownership.
4. Where estimated costs, operating costs and outside funding availability are considerations and important criteria, care should be used to ensure that important trails are not eliminated solely using cost as a determinant.
5. Multi-use trails are encouraged. Design of the trail should include consideration of compatible uses such as pedestrians and bicycles.
6. All trails should be designed to recognize the requirements of ADA standards and guidelines. (Resolution 07-82)

**H. A. W. S. P.
(Homer Accelerated Water Sewer Program)**

POLICY MANUAL

Updated May 2005

HAWSP Original, June 22, 1999

**DATE Approved by Council
Resolution 99-53 - June 28, 1999
Program Authorized**

ERRATA

I. PURPOSE/INTENT - In General

II. QUALIFYING CRITERIA

1. Grandfather list updated, changes to Hillside Acres Sewer and Water and the Addition of West Lakeshore Drive Water and Sewer.
2. Resolution 03-80, deleted the methodology from Qualifying Criteria and placed more appropriately under Financing/Assessments.

III. FINANCING/ASSESSMENTS

1. Ordinance 99-14(S)(A), to use unexpended 3/4 of 1% sales tax revenues not used for debt retirement for funding water and sewer systems.
2. Resolution 01-21, amended the assessment methodology.
3. Resolution 03-80, amended the interest and payment date.
4. Resolution 03-80, assessment methodology set at equal shares.

IV. SPECIAL PROVISIONS, In Lieu of Agreements, Deferred Assessments

1. Ordinance 02-48, Subdividing. 17.04.095 and 17.04.180.
12. added by Resolution 05-50, Exempting Certain Lands.

GENERAL STATEMENTS

H. A. W. S. P. POLICY MANUAL

TABLE OF CONTENTS

I. Purpose/Intent - In General

II. Qualifying Criteria

III. Financing/Assessments

IV. Special Provisions

I. PURPOSE/INTENT - IN GENERAL

1. The H.A. W. S. P. is a combined local funding source of unexpended dedicated sales tax and dedicated sales tax, once the sewer debt is paid, and assessments to upgrade approximately 500 + homes to City water and/or sewer service.
2. The intent of the program is to improve the health and welfare of the Citizens of Homer by connecting residences to City water and/or sewer, thereby increasing the number of users on the system, increasing property values and improving the quality of life.
3. All water and/or sewer connections, upgraded, projects will be to City standards.
4. When practical, the intent of the program is to preclude the destruction of existing water and/or sewer services and, where practical, to eliminate spaghetti lines.
5. The criteria for the H.A.W. S.P. shall be reviewed annually by the Homer City Council.
6. No new subdivisions, formed after June 28, 1999 shall be eligible for this program.
7. Every attempt shall be made to include lots immediately adjacent to the water/sewer main lines within the project limits or boundaries as defined by the Public Works Department.

II. QUALIFYING CRITERIA

The following water and/or sewer Assessment Districts, aka, LIDS are on the Books: These LIDS should be grandfathered into the program and will received priority consideration. These LIDS/Assessment Districts are listed in Chronological order.

These projects have been reassessed, pursuant to Resolution 01-21 for a property owner share of 50%.

The City Council's regular meeting is scheduled for May 28, Memorial Day. The Council may change the meeting date to Tuesday, May 29th.

1. Harrington Heights - Water & Sewer, Public Hearing set for May 28/29, 2001. Objection period ends July 27/28, 2001.

2. Mariner Village/Thorn Subdivision - Water & Sewer, Public Hearing set for May 28/29, 2001. Objection period ends July 27/28, 2001.

3. Thompson Drive - Sewer, Public Hearing set for May 28/29, 2001. Objection period ends July 27/28, 2001.

4. Forest Glen Subdivision/Forest Glen Drive - Water & Sewer, Public Hearing set for May 28/29, 2001. Objection period ends July 27/28, 2001.

5. Salt Water Drive - Water and Sewer, Public Hearing set for May 28/29, 2001. Objection period ends July 27/28, 2001.

6. East Road - portion - Sewer, Public Hearing set for May 28/29, 2001. Objection period ends July 27/28, 2001.

7. Hillside Acres Sewer, Public Hearing set for May 28/29, 2001. Objection period ends July 27/28, 2001.

8. Hillside Acres Water, Public Hearing set for May 28/29, 2001. Objection period ends July 27/28, 2001.

9. W. Lakeshore Drive Water and Sewer, Public Hearing set for May 28/29, 2001. Objection period ends July 27/28, 2001.

Amendments to the schedule can be accomplished only by Council action.

LIDs/Assessment Districts formed after March 27, 2001 shall be assessed 75% property owner share of the project.

Qualifying Criteria Continued

All projects will be authorized only after a public hearing to insure public participation in the process pursuant to HCC 17.

The following criteria may be considered for qualifying as a water and/or sewer project.

- a. Health and Safety;
- b. Correct deficiencies of existing systems;
- c. System wide basis versus local needs;
- d. Complete utility loop;
- e. Encourage economic development;
- f. Correct problems;
- g. Reduce maintenance cost;
- h. Built to city standards prior to acceptance;
- i. Property owner contribution through LID process by paying \$1,100 per half acre increments for water and sewer each. With the exclusion of those 7. projects listed on the preceding page.
- j. Other factors deemed appropriate by the City Council.

III. FINANCING/ASSESSMENTS

1. Pursuant to Ordinance 99-14(S)(A) the program may utilize the unexpended sales tax revenue dedicated to sewer debt. Upon satisfaction of the sewer debt the 3/4 of 1% sales tax shall continue and shall be used for water and/or sewer system improvements. Approved by the Voters October, 1999.
2. A 3/4 of one percent (3/4%) dedicated sales tax can be expected to generate approximately \$750,000 annually. The unexpended portion is projected to be approximately \$300,000.
3. The utility improvements will be financed on a combined pay as you go basis as well as possible sale of revenue or assessment bonds, future bond sales or even the need for a General Obligation Bond if so deemed necessary by the Homer City Council and as recommended by staff.
4. The City will attempt to obtain long term financing for up to ten years for the private share of funding.
5. Interest, if any, generated from the program will remain with the program funds.
6. Abutting property owners will share the cost of the utilities.
7. The City will pay all costs for any additional improvements required when deemed necessary by the City.
8. Assessment payment date, penalty and interest shall be set as soon as the project has been accepted by the Public Works Department.

Interest and Payment Due date will be set by Resolution of the City Council. (Resolution 03-80, May 27, 2003.)

9. Methodology: Approved by Resolution 02-21 on March 27, 2001. The nine LIDs/Assessment Districts named herein, under Qualifying Criteria, shall be assessed 50% of the project. Districts formed after March 27, 2001 shall be assessed 75% of the project. Via Council action on April 28, 2003 assessment methodology for HAWSP LIDs/Assessment Districts will be equal shares. (Resolution 03-80, May 27, 2003.)

IV. SPECIAL PROVISIONS

1. Non existing water and sewer improvements districts shall be encouraged whenever possible. District is defined as: lots immediately adjacent to the water/sewer main lines within the project limits/boundaries as defined by Public Works.
2. HCC 17.04.150 Connection required: Owners of property within an approved water and/or sewer local improvement district that contains an occupied building shall connect to the utility within one year from the date of final approval of the assessment roll by City Council (Ord. 87-30, 1988.)
3. HCC 14.04.020(e), the City sewer is considered as not available to a structure when the nearest City sewer is located more than 200 feet from any point on the boundary of the lot or parcel of land on which the structure is located. Sewer connection will be required within one year of sewer becoming available. (Ord. 94-17(A)).
4. Additional easements required will be paid by this program, at no additional cost to abutting property owners.
5. No parcel shall be double assessed nor shall be included in two like assessment districts.
6. Whenever and wherever practical road improvements shall be done in conjunction with the water and/or sewer project, but not before.
7. HCC 17.04.165, Alternative methods of payment--Deferred payments.
8. HCC 17.04.170 "In lieu of assessment"--determination of amount--terms.
9. HCC 17.04.175 "In Lieu of assessments," , not to prevent inclusion in of property in future district.
10. HCC 17.04.095(b) Except as provided in subsection 17.04.095(d), if a landowner subdivides a tract originally assessed as one entire parcel, a proportionate share of the total amount of the assessment may be allocated to each individual subdivided lot abutting or benefitting from the improvement; road, waterline and/or sewer line. As individual lots are sold, the purchasers may elect to assume and pay assessment for that lot in installments as set by Council Resolution under section 17.04.090. Full payment shall be made within the same period as the number of years remaining on the installment plan for the specific assessment district. (c) The seller and purchaser of a subdivided lot shall execute an agreement providing for the assignment of the installment plan by the original landowner and an assumption of the terms and conditions of the installment plan by the purchaser. This agreement shall be executed on the date of closing or within five days thereafter. This agreement shall take effect only upon approval thereof by the City and after payment of a transfer fee to the City in the amount of twenty-five dollars. Subsequent purchasers of lots may also elect to assume the balance of any installment plan in the same manner as set forth in this section above. (d) If a landowner subdivides a parcel of land (including without limitation lots and tracts of any size) originally assessed

Special Provisions Continued

as one parcel in a local improvement district where assessments were set as a fixed and equal amount per parcel without regard to the characteristics of the parcel, i.e., without regard to the parcel size or dimensions, then section 17.04.180 shall govern and subsections 17.04.095(b) - (c) shall not apply. (Ordinance 02-48, December 10, 2002.)

11. HCC 17.04.180 Subdivided property connection fee. a. If a landowner subdivides a parcel of land (including without limitation lots and tracts of any size) originally assessed as one parcel in a local improvement district where assessments were set as a fixed and equal amount per parcel without regard to the characteristics of the parcel, i.e., without regard to the parcel size or dimensions, then prior to connecting any new parcel, lot or tract created by such subdivision to the improvement, the property owner shall pay a subdivided property connection fee. However, the lot that contains the original connection to the improvement for which the original assessment was paid is exempt from the subdivided property connection fee. b. The amount of the connection fee for each new lot created by the subdivision shall equal the amount of the original per parcel assessment, adjusted up or down by a percentage equal to the change in the Consumer Price Index, All Urban Consumers (CPI-U) for Anchorage, Alaska from the end of the calendar year preceding the original assessment date to the end of the calendar year preceding the date the subdivided property is connected to the improvement. c. If the owner of such subdivided property refuses to pay the subdivided property connection fee, the subdivided property shall be denied the benefit of the improvement. d. The City Manager is authorized to negotiate and execute a written payment plan with the property owner on payment terms that are substantially the same as those authorized for the local improvement district by the City Council resolution adopted pursuant to subsection 17.04.090, subject to the following:

- (i) The City Manager will refuse to enter into such a payment plan if the City Manager determines there is insufficient equity in the property to adequately collateralize payment of the amounts due.
- (ii) The property owner must execute a written agreement and a recorded deed of trust or other instrument creating a lien on the property for the payment of all sums due or to become due.
- (iii) The City Manager may adjust the interest rate on the payment plan up or down to reflect any change in interest rates from the date of the original assessment to the date of entering into the payment plan. The interest rate on the payment plan will be a fixed rate unless the interest rate on the original assessment set under section 17.04.090 was a variable interest rate.

e. The subdivided property connection fee paid pursuant to this section, shall, after collection by the City, be disbursed by the City to the owners of the property originally assessed and the City in proportion to the amounts paid by each toward the cost of the improvement. Such disbursements must be paid by the City to the current owner of record of the property at the time the disbursements are made without regard to the identity of the property owner or the payer at the time the original assessments were levied or paid. (Ordinance 02-48, December 10, 2003.)

Special Provisions Continued

12. Exempting Certain Lands that will not be Developed due to Conservation Easements or Owned by Organizations that Conserve Land for Public Purpose and/or Habitat Protection from the Homer Accelerated Roads Program and the Homer Accelerated Water and Sewer Program Assessment District Assessments on a Case by Case Basis and that Each Program Shall be Amended to Include this Exemption under Special Provisions. (Resolution 05-50.)



MAYOR BETH WYTHE
COUNCIL MEMBER DAVID LEWIS
COUNCIL MEMBER BRYAN ZAK
COUNCIL MEMBER GUS VAN DYKE
COUNCIL MEMBER CATRIONA REYNOLDS
COUNCIL MEMBER DONNA ADERHOLD
COUNCIL MEMBER HEATH SMITH
CITY ATTORNEY THOMAS KLINKNER
CITY MANAGER KATIE KOESTER
CITY CLERK JO JOHNSON

COMMITTEE OF THE WHOLE AGENDA

1. **CALL TO ORDER, 5:00 P.M.**
2. **AGENDA APPROVAL** (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg. 6)
3. **Ordinance 16-04(A)**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.18, Central Business District; Homer City Code 21.24, General Commercial 1; Homer City Code 21.26, General Commercial 2; Homer City Code 21.27, East End Mixed Use; Homer City Code 21.28, Marine Commercial; Homer City Code 21.40 to Identify the Zoning Districts Permitting Marijuana Facilities and Adopting Chapter 21.62 Entitled "Marijuana Facilities" Regarding General Land Use Requirements for Marijuana Cultivation, Manufacturing, Testing, and Retail Facilities. Planning Commission. Introduction January 25, 2016, Public Hearings February 8 and 22, 2016, and Second Reading February 22, 2016. Page 235

Ordinance 16-04(A)(S), An Ordinance of the City Council of Homer, Alaska, Amending **Homer City Code 21.12, Rural Residential**; Homer City Code 21.18, Central Business District; Homer City Code 21.24, General Commercial 1; Homer City Code 21.26, General Commercial 2; Homer City Code 21.27, East End Mixed Use; Homer City Code 21.40 to Identify the Zoning Districts Permitting Marijuana Facilities and Adopting Chapter 21.62 Entitled "Marijuana Facilities" Regarding General Land Use Requirements for Marijuana Cultivation, Manufacturing, Testing, and Retail Facilities. Lewis. Page 247

Memorandum 16-016 from City Clerk as backup. Page 261
Memorandums 16-017 and 16-023 from City Planner as backup. Pages 263/267

4. CONSENT AGENDA

5. REGULAR MEETING AGENDA

6. COMMENTS OF THE AUDIENCE

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

Next Regular Meeting is Monday, February 22, 2016 at 6:00 p.m., Committee of the Whole 5:00 p.m., and Worksession 4:00 p.m. A Worksession is scheduled for Tuesday, February 16, 2016 at 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

CALL TO ORDER
PLEDGE OF ALLEGIANCE
AGENDA APPROVAL

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



REGULAR MEETING
6:00 P.M. MONDAY
FEBRUARY 8, 2016
COWLES COUNCIL CHAMBERS

MAYOR BETH WYTHE
COUNCIL MEMBER DAVID LEWIS
COUNCIL MEMBER BRYAN ZAK
COUNCIL MEMBER GUS VAN DYKE
COUNCIL MEMBER CATRIONA REYNOLDS
COUNCIL MEMBER DONNA ADERHOLD
COUNCIL MEMBER HEATH SMITH
CITY ATTORNEY THOMAS KLINKNER
CITY MANAGER KATIE KOESTER
CITY CLERK JO JOHNSON

REGULAR MEETING AGENDA

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

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE

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

2. AGENDA APPROVAL

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

3. PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

4. RECONSIDERATION

5. CONSENT AGENDA

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

- A. Homer City Council unapproved Regular meeting minutes of January 25, 2016. City Clerk. Recommend adoption. Page 89

B. **Memorandum 16-020**, from Mayor Wythe, Re: Reappointment of Steve Zimmerman to the Port and Harbor Advisory Commission. Page 117

C. **Resolution 16-018**, A Resolution of the Homer City Council Awarding the Contract for City Hall, Parks, and Cemeteries Lawn Maintenance 2016, 2017, and 2018 to the Firm of Chugach Yard Care of Anchorage, Alaska, in the Amount of \$31,333.57 Per Year and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk/Public Works Director. Recommend adoption. Page 121

Memorandum 16-021 from Parks Maintenance Coordinator as backup. Page 123

D. **Resolution 16-019**, A Resolution of the Homer City Council Establishing an Americans With Disabilities Act Compliance Committee to Develop a Transition Plan and Establish a Grievance Procedure to Comply with ADA Requirements and Appointing Deputy City Clerk Melissa Jacobsen as the ADA Coordinator for the City of Homer. City Manager. Recommend adoption. Page 153

E. **Memorandum 16-028**, from City Clerk, Re: Vacation of the 30-Foot Wide (approximately 560 feet) Right-of-Way and Easement Along the South Lot Line of That Property Shown as Homer Electric Association on Plat HM 54-2021; Replatted as Lot E Heath Street Replat, HM 90-58, as Recorded in Book 165 Page 294 of the Homer Recording District. All Portions of the Requested Vacation are Located Within the W1/2 of the NE1/4 of Section 20, Township 06 South, Range 13 West, Seward Meridian, in the City of Homer, Alaska and Within the Kenai Peninsula Borough; KPB File 2016-003. Page 157

6. **VISITORS**

7. **ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS**

A. **Mayor's Proclamation**, Congenital Heart Defect Awareness Week, February 7 – 14, 2016 Page 205

B. **Mayor's Proclamation**, Brother Asaiah Bates Day – February 14, 2016 Page 207

C. **Mayor's Proclamation**, Winter Carnival and Parade, February 11 – 14, 2016 Page 209

D. Borough Report

E. Commissions/Board Reports:

1. Library Advisory Board
2. Homer Advisory Planning Commission
 - a. Minutes of January 20, 2016 Page 211
3. Economic Development Advisory Commission
4. Parks and Recreation Advisory Commission
5. Port and Harbor Advisory Commission
 - a. Memorandum 16-025 from Deputy City Clerk, Re: Port and Harbor Advisory Commission Recommendations for Camping on the Spit. Page 215
6. Cannabis Advisory Commission

8. PUBLIC HEARING(S)

- A. **Ordinance 16-04(A)**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.18, Central Business District; Homer City Code 21.24, General Commercial 1; Homer City Code 21.26, General Commercial 2; Homer City Code 21.27, East End Mixed Use; Homer City Code 21.40 to Identify the Zoning Districts Permitting Marijuana Facilities and Adopting Chapter 21.62 Entitled “Marijuana Facilities” Regarding General Land Use Requirements for Marijuana Cultivation, Manufacturing, Testing, and Retail Facilities. Planning Commission. Introduction January 25, 2016, Public Hearings February 8 and 22, 2016, and Second Reading February 22, 2016.

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- Ordinance 16-04(A)(S)**, An Ordinance of the City Council of Homer, Alaska, Amending **Homer City Code 21.12, Rural Residential**; Homer City Code 21.18, Central Business District; Homer City Code 21.24, General Commercial 1; Homer City Code 21.26, General Commercial 2; Homer City Code 21.27, East End Mixed Use; Homer City Code 21.40 to Identify the Zoning Districts Permitting Marijuana Facilities and Adopting Chapter 21.62 Entitled “Marijuana Facilities” Regarding General Land Use Requirements for Marijuana Cultivation, Manufacturing, Testing, and Retail Facilities. Lewis.

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- Memorandum 16-016 from City Clerk as backup.

Page 261

Memorandums 16-017 and 16-023 from City Planner as backup. Page 263

- B. **Ordinance 16-05**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 1.16.040, Disposition of Scheduled Offenses—Fine Schedule, Enacting Homer City Code Chapter 7.16, Vehicles in Beach Areas, and Repealing Homer City Code Chapter 19.16, Vehicles on Homer Spit Beach, to Restrict the Operation, Stopping and Parking of Motor Vehicles in Beach Areas. Reynolds. Introduction January 25, 2016, Public Hearing and Second Reading February 8, 2016.

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Ordinance 16-05(S), An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 1.16.040, Disposition of Scheduled Offenses—Fine Schedule, Enacting Homer City Code Chapter 7.16, Vehicles in Beach Areas, and Repealing Homer City Code Chapter 19.16, Vehicles on Homer Spit Beach, to Restrict the Operation, Stopping and Parking of Motor Vehicles in Beach Areas. Reynolds/Aderhold.

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Memorandum 16-018 from City Manager as backup. Page 291

Memorandum 16-031 from City Attorney as backup. Page 293

9. **ORDINANCE(S)**

- A. **Ordinance 16-06**, An Ordinance of the City Council of Homer, Alaska, Enacting Homer City Code Chapter 6.18, Marijuana Establishments, Prohibiting the Operation of Marijuana Cultivation Facilities, Marijuana Product Manufacturing Facilities, Marijuana Testing Facilities, and Retail Marijuana Stores in the City. Smith/Van Dyke. Recommended dates: Introduction February 8, 2016, Public Hearing and Second Reading February 22, 2016. Page 303

10. **CITY MANAGER'S REPORT**

- A. City Manager's Report Page 313

1. Memorandum 16-029 from Deputy City Clerk, Re: City Records Inventory. Page 327

- B. Bid Report Page 329

11. **CITY ATTORNEY REPORT**

12. **COMMITTEE REPORT**

- A. Public Arts Committee
- B. Employee Committee Report
- C. Public Safety Building Review Committee
- D. Sustainable Animal Control Review Committee
 - 1. Memorandum 16-026 from Sustainable Animal Control Review Committee, Re: Final Report. Page 335

13. PENDING BUSINESS

14. NEW BUSINESS

- A. **Memorandum 16-024**, from City Clerk, Re: Authorization for Councilmember Zak to Serve on the Alaska Municipal League Legislative Position Committee and Travel to the Legislative Meeting and Conferences as Required. Page 343

15. RESOLUTIONS

16. COMMENTS OF THE AUDIENCE

17. COMMENTS OF THE CITY ATTORNEY

18. COMMENTS OF THE CITY CLERK

19. COMMENTS OF THE CITY MANAGER

20. COMMENTS OF THE MAYOR

21. COMMENTS OF THE CITY COUNCIL

22. ADJOURNMENT

Next Regular Meeting is Monday, February 22, 2016 at 6:00 p.m., Committee of the Whole 5:00 p.m., and Worksession 4:00 p.m. A Worksession is scheduled for Tuesday, February 16, 2016 at 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PUBLIC COMMENTS
UPON MATTERS
ALREADY ON THE AGENDA

RECONSIDERATION

CONSENT AGENDA

Session 16-02 a Regular Meeting of the Homer City Council was called to order on January 25, 2016 at 6:00 p.m. by Mayor Mary E. Wythe at the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of Allegiance.

PRESENT: COUNCILMEMBERS: ADERHOLD, LEWIS, REYNOLDS, SMITH, VAN
DYKE, ZAK

STAFF: CITY MANAGER KOESTER
CITY CLERK JOHNSON
CITY ATTORNEY WELLS
CITY PLANNER ABOUD
POLICE CHIEF ROBL
PORT AND HARBOR DIRECTOR HAWKINS

Council met for a Worksession from 4:00 p.m. to 4:50 p.m. to discuss Strategic Doing – American Disabilities Act and Memorandum 16-019. From 5:00 p.m. to 5:56 p.m. Council met as a Committee of the Whole to discuss Ordinance 16-04, Memorandums 16-016 and 16-017, and Consent and Regular Meeting Agenda items.

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

AGENDA APPROVAL

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

There was no supplemental agenda.

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

LEWIS/REYNOLDS – SO MOVED.

Mayor Wythe called for a motion to move New Business Item C – Memorandum 16-015 City Manager’s Evaluation to be heard after Comments of the City Council.

LEWIS/REYNOLDS – SO MOVED.

There was no discussion.

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

Motion carried.

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

Motion carried.

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

Scott Adams, city resident, opposes Memorandum 16-014. He reminded Council they extended the lobbyist contract and at the last meeting still wanted to send three people to Juneau. Now they want to send one person to Juneau.

Carrie Harris, city resident, commented on the Strategic Doing priority list (Worksession). She votes for no on all projects except ADA which is a requirement.

Rika Mouw, city resident, questioned why speed limits, permissible activities, trash, and fire size were not spelled out in Ordinance 16-05. Currently all beaches below mean high tide line lie within Kachemak Bay critical habitat area. Fish and Game is likely to approve a tidelands permit on Bishop's Beach west of the parking lot, but they are not going to issue a permit for tidelands east of the Spit. It is premature to direct vehicular use in Area 1.

Jeremiah Emmerson, Alaska Small Cultivators Association, commented on Ordinance 16-04. He favors the attorney's advice on conditional use permits. He sees opportunity for revenues, increased public safety, and tested products. He has been fighting for limited cultivation facilities in rural residential areas to create an incentive for home-based growers to enter the legal growing market. If neighbors bring up a valid concern the State will investigate it. We may see our product exported to other cities that have opted out.

Tim Clark, city resident, commented on Ordinance 16-04. The green area on the map is not enough room for growing marijuana. There are a lot of black market growers and not allowing it in urban or rural areas will keep the black market going. There is a high demand for marijuana and not enough warehouses or buildings in the proposed areas. As to Ordinance 16-05, a person would be fined for driving over the storm berm to get to the west side of Bishop's Beach.

Louise Ashman, city resident, commented on Ordinance 16-05. Restricting driving in Areas 7, 6, and 4 is good; Council should look at including Area 1. Area 8 (to the west of the access) will still allow vehicle access for coal picking and vehicle enhanced recreation. She hopes the other recommendations from the Parks and Recreation Advisory Commission can be put into ordinance.

Crisi Matthews, city resident, spoke on Ordinance 16-04. She provided written information from Colorado on the adverse effects of marijuana legalization. She opposes retail marijuana on the Spit.

Chad Matthews, city resident, commented on Ordinance 16-04. He asked that the Spit be protected as it is a large tourist destination and big driver of income and taxes for the community. There are a lot of near fatality wrecks and a marijuana dispensary there would encourage people under the influence to go to the Spit and get more. He referenced the negative effects that marijuana legalization has had on Denver, Colorado.

RECONSIDERATION

CONSENT AGENDA

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

- A. Homer City Council unapproved Regular meeting minutes of January 11, 2016. City Clerk. Recommend adoption.
- B. **Memorandum 16-010**, from Mayor Wythe, Re: Appointment of Beth Carroll to the Cannabis Advisory Commission and Appointment of Councilmember Heath Smith as a Consulting Member of the Economic Development Advisory Commission.

Moved to New Business, Item C. Zak

- C. **Memorandum 16-011**, from Deputy City Clerk, Re: Liquor License Renewals for Homer Brewing Company, Oaken Keg #1832, Save-U-More Liquor #6, Harbor Grill, and Cosmic Kitchen.
- D. **Resolution 16-015**, A Resolution of the Homer City Council Establishing a Regular Meeting Schedule for 2016 Strategic Doing Work Sessions. Mayor/Council. Recommend adoption.

Item B, Memorandum 16-010 was moved to New Business, Item C. Zak.

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

LEWIS/REYNOLDS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

VISITORS

ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

- A. Borough Report
- B. Commissions/Board Reports:
 - 1. Library Advisory Board
 - 2. Homer Advisory Planning Commission
 - a. Minutes of January 6, 2016

Planning Commission Chair Don Stead reported the commission passed the marijuana ordinance to the Council. The commission held a public hearing and six people were supportive of loose rules associated with the ordinance. The commission was looking at towers, has held a public hearing, and will pass that ordinance to Council.

- 3. Economic Development Advisory Commission
- 4. Parks and Recreation Advisory Commission

Parks and Recreation Advisory Commissioner Deb Lowney reported they distributed 250 doggie pick-up disposable bags and containers. They were distributed to four non-profits to educate people of the importance of cleaning up after pets. People were enthused to kick it off. In that process the commission realized the need for more trash cans around town. Speaking on her own behalf, Commissioner Lowney supports the updated portion of Ordinance 16-05. The commission was not able to review it, but would have liked to have seen greater restrictions. There is conflict of what's being said and what is being allowed on the beaches. She encouraged the Council to address dogs in public spaces and parking lots as free running dogs have caused a lot of problems. The commission would like to see a leash law in parking lots and within a certain distance of parking lots so people can feel safe and comfortable. The HERC building space and its use continues to be of great concern to the commission and the public. She questioned how the numbers were obtained to place restrictions on the HERC.

- 5. Port and Harbor Advisory Commission
- 6. Cannabis Advisory Commission

Cannabis Advisory Commissioner Carrie Harris reported the commission discussed the City's need to get taxes back that the Borough places on marijuana sales.

- C. Letter from Mayor Wythe in Support of Kachemak Bay National Estuarine Research Reserve Transfer Proposal.

PUBLIC HEARING(S)

- A. **Ordinance 15-43(S)**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 3.10.130, Governance of Homer Permanent Fund Assets, Regarding the Management of Investments of the Homer Permanent Fund. City Clerk/Permanent Fund Committee. Introduction November 23, 2015, Public Hearing and Second Reading December 7, 2015, Postponed to January 11, 2016, Substitute Introduced, Public Hearing January 25, 2016.

Memorandum 15-190 from Permanent Fund Committee as backup.

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

Mayor Wythe called for a motion for the adoption of Ordinance 15-43(S) by reading of title only for second and final reading.

LEWIS/REYNOLDS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- B. **Ordinance 16-01(A)**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 2.08.030, Composition of Governing Body – Terms of Office, Homer City Code 4.10.010 Declaration Of Candidacy Homer City Code 4.35.010, Review of Election Documents by Canvass Board, and Homer City Code 4.40.010, Runoff Election – Required; and Enacting Homer City Code 4.35.020, Votes Required to be Elected, Homer City Code 4.35.030, Tie Vote, and Homer City Code 4.35.040, Certification of

Election; Regarding the Procedure for Electing the Mayor and Council Members. Mayor. Introduction January 11, 2016, Public Hearing and Second Reading January 25, 2016.

Ordinance 16-01(A)(S), An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 2.08.030, Composition of Governing Body – Terms of Office, Homer City Code 4.10.010, Declaration of Candidacy, Homer City Code 4.35.010, Review of Election Documents by Canvass Board, and Homer City Code 4.40.010, Runoff Election – Required; and Enacting Homer City Code 4.35.020, Votes Required to be Elected, Homer City Code 4.35.030, Tie Vote, and Homer City Code 4.35.040, Certification of Election; Regarding the Procedure for Electing the Mayor and Council Members. Mayor.

Memorandum 16-003 from City Clerk as backup.

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

Mayor Wythe called for a motion to substitute Ordinance 16-01(A)(S) for Ordinance 16-01(A).

LEWIS/REYNOLDS - SO MOVED.

Mayor Wythe called for a motion for the adoption of Ordinance 16-01(A)(S) by reading of title only for second and final reading.

LEWIS/REYNOLDS – SO MOVED.

Council discussed redundant language on Lines 28 – 32 when a person shall take office. It was clarified that one applies to a regular election and one applies to a run-off election.

Mayor Wythe called for a recess at 6:39 p.m. and reconvened the meeting at 6:41 p.m.

ZAK/REYNOLDS - MOVED TO AMEND LINE 42 CHANGING 4:30 P.M. TO NOON.

Councilmember Zak requested the candidacy filing period be consistent with the Borough. In the past, candidates who have filed in the afternoon have not been included in the candidate packet.

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

Motion carried.

ZAK/LEWIS - MOVED TO FURTHER AMEND THAT ANYWHERE ELSE 4:30 P.M. SHOWS UP WE CHANGE THAT TO 12:00 P.M.

There was no discussion.

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

Motion carried.

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

Motion carried.

- C. **Ordinance 16-02**, An Ordinance of the Homer City Council Amending the 2016 Operating Budget by Appropriating Funds in the Amount of \$20,000 From Port and Harbor Reserves to Purchase Eight Light Emitting Plasma (LEP) Lamps for the Fish Dock. City Manager/Port and Harbor Director. Introduction January 11, 2016, Public Hearing and Second Reading January 25, 2016.

Memorandum 16-007 from Port and Harbor Director as backup.

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

Mayor Wythe called for a motion for the adoption of Ordinance 16-02 by reading of title only for second and final reading.

LEWIS/REYNOLDS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- D. **Ordinance 16-03(S)**, An Ordinance of the City Council of Homer, Alaska Amending Ordinance 13-03(S)(2) to State the Actual Principal Amount of, and Change the Payment Dates for, the Natural Gas Distribution Special Assessment Bond Authorized by Ordinance 13-02, and Authorizing an Amendment to the Loan Agreement Between the City and the Kenai Peninsula Borough Regarding the Bond. City Manager. Introduction January 11, 2016, Public Hearing and Second Reading January 25, 2016.

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

Mayor Wythe called for a motion for the adoption of Ordinance 16-03(S) by reading of title only for second and final reading.

LEWIS/REYNOLDS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

E. **All Hazard Mitigation Plan 2015 Update**

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

ORDINANCE(S)

- A. **Ordinance 16-04**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.18, Central Business District; Homer City Code 21.24, General Commercial 1; Homer City Code 21.26, General Commercial 2; Homer City Code 21.27, East End Mixed Use; Homer City Code 21.28, Marine Commercial; Homer City Code 21.40 to Identify the Zoning Districts Permitting Marijuana Facilities and Adopting Chapter 21.62 Entitled "Marijuana Facilities" Regarding General Land Use Requirements for Marijuana Cultivation, Manufacturing, Testing, and Retail Facilities. Planning Commission. Recommended dates: Introduction January 25, 2016, Public Hearing and Second Reading February 8, 2016.

Memorandum 16-016 from City Clerk as backup.

Memorandum 16-017 from City Planner as backup.

Mayor Wythe called for a motion for the adoption of Ordinance 16-04 for introduction and first reading by reading of title only.

LEWIS/REYNOLDS – SO MOVED.

REYNOLDS/LEWIS - MOVED TO AMEND TO STRIKE SECOND READING ON FEBRUARY 8TH AND HAVE A PUBLIC HEARING ON FEBRUARY 8TH AND A SECOND PUBLIC HEARING AND FINAL READING ON FEBRUARY 22ND.

Mayor Wythe and Council expressed the need for an additional public hearing for people that are concerned or interested in the ordinance. Council may have changes to the ordinance also.

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

Motion carried.

LEWIS/REYNOLDS – MOVED TO AMEND THE CENTRAL BUSINESS DISTRICT (CBD) WHICH IS CUP (CONDITIONAL USE PERMIT) ONLY TO HAVE IT TO WHERE IT IS PERMITTED OUTRIGHT.

The amendment would require complaints to be presented at the state level instead of litigation against the city.

Asked about the liability of the CUP process, City Attorney Wells advised the CUP process has criteria with substantially related terms and wiggle room that creates vulnerability for legal challenges. Communities are putting a moratorium on the CUP process while others are using CUPs. It comes with legal costs that cannot be predicted. We will have a better understanding once the industry gets going in communities that are using CUPs.

Councilmember Lewis reminded Council the City has had a lot of litigation on CUPs and zoning issues. He would just as soon pass that cost off to the State instead of us bearing that cost.

VOTE: (amendment) YES. LEWIS, SMITH, ADERHOLD, REYNOLDS, ZAK, VAN DYKE

Motion carried.

Councilmember Van Dyke commented on Marine Commercial. The Homer Spit draws people from all over the state with families. There is the Homer Ice Rink, Nick Dudiak Fishing Lagoon, and parks and campgrounds up and down the Spit. Each one has tons of families and children. He would like to see no cannabis activity on the Spit.

VAN DYKE/SMITH– MOVED THAT MARINE COMMERCIAL BE A NO SALE ZONE.

Councilmember Lewis questioned the depiction of the Spit as a great, wholesome place with Salty Dawg Saloon, other bars and liquor stores, and five or six guys sitting out at night after a day's charter pounding down beers. It's not a good analogy to restrict the cannabis business there. On his visit to Denver he did not see derelicts hanging outside. There are laws on advertising.

Councilmember Smith asked what the economic benefit is that we are projecting versus the social costs.

Councilmember Lewis answered the problems are already there; we aren't going to bring anything new. The product and alcohol are there and some will use both. Those that want to use one or the other will use one or the other. It will not create more smoking and driving. Those that are going to do it will regardless if it is legal or not.

Mayor Wythe commented the majority of properties on the Spit are City of Homer properties. In complying with the eight guiding principles to keep us out of the federal target zone, one of those is growing marijuana on public lands and the public safety and environmental dangers posed by marijuana production. Although there wouldn't be marijuana growing on the Spit, people could not lease city properties to sell marijuana. We can start smaller and if it makes sense we can grow.

VOTE: (amendment) YES. ADERHOLD, ZAK, SMITH, VAN DYKE
VOTE: NO. REYNOLDS, LEWIS

Motion carried.

ZAK/VAN DYKE – MOVED TO AMEND TO MAKE THE HOMER SPIT A BUFFER ZONE.

City Planner Abboud advised no buffer is needed if Marine Commercial is a no sale zone. Adding a buffer to the Spit could be decided by the Planning Commission at a later date.

VOTE: (amendment) YES. VAN DYKE, ZAK, SMITH
VOTE: NO. REYNOLDS, ADERHOLD, LEWIS

Mayor Wythe broke the tie with a NO vote.

Motion failed.

ADERHOLD/LEWIS - MOVED TO AMEND LINE 20 to CHANGE the WORD "MANUFACTURER" TO "MANUFACTURE."

There was no discussion.

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

Motion carried.

Councilmember Zak asked the advantages or disadvantages of making regulations now versus later.

City Attorney Wells advised there are pros and cons to making regulations now or later. Juneau used to have a moratorium on their CUP process, but has now passed an ordinance zoning and regulating it and implementing the CUP process. They are going forward and have something on the ground. The City of Ketchikan does not have regulations and just made a decision not to ban it. The Ketchikan Gateway Borough has provided limited zoning. Homer will be somewhere in the middle time wise. The timeline from the Marijuana Control Board is: February 21 the application process will be initiated. The State is anticipated to take 90 days to start processing applications. The focus will be on manufacturing and cultivation facility applications. The manufacturing, cultivation, and testing of product are necessary before you can retail it. In mid-May applications will be processed and it will be even longer before you see retail facilities going into operation. February 24, 2016 is not the date when applications will go in to be processed. It is advisable to be ahead of the May date. Homer has already designated the local authority so that is a voice with the Marijuana Control Board which is important for the industry.

Councilmember Zak asked if an applicant would have to designate the space where they would grow.

Mayor Wythe called for a recess at 7:11 p.m. and reconvened the meeting at 7:15 p.m.

City Attorney Wells answered an applicant is required to provide a description of the premises as well as the document showing their right to possession and the GPS coordinates. If they want to fill out an application on February 24th and have no restrictions, they have the ability to put an application on property that may be in a prohibited district. There are risks to a business entity deciding to do that. It doesn't change the City's timeline, except that it would have negative impacts on the industry. The City of Homer will be a part of the application process.

LEWIS/REYNOLDS - MOVED TO ALLOW LIMITED CULTIVATION FACILITIES IN RURAL RESIDENTIAL IN LOTS OF 20,000 FEET OR LARGER.

City Planner Abboud advised the amendment is going against the Planning Commission's recommendation due to the commercial nature of that activity. The commission discussed it at length and thought that commercial activity was not in line with the purpose of the district. Buffers will still remain in place. Animals, general farming, high tunnels, and other activities are permitted in rural residential.

Councilmember Aderhold noted we should say square feet. She expressed concern into moving into something too quickly before reviewing all the materials Council has received.

VOTE: (amendment) NO. VAN DYKE, LEWIS, REYNOLDS, ZAK, ADERHOLD, SMITH

Motion failed.

LEWIS/ZAK - MOVED TO AMEND TO ALLOW LIMITED CULTIVATION OPERATIONS AS DEFINED UNDER ALASKA STATE LAW THAT WOULD BE ALLOWED IN RURAL RESIDENTIAL LOTS OF 20,000 SQUARE FEET OR LARGER.

The Cannabis Advisory Commission decided a half acre would allow for everything without intruding on neighbors. There are setback requirements for cultivation and lighting and operations cannot be visible from the road.

City Attorney Wells confirmed there are controls on its appearance. She is not sure if they encompass setbacks.

City Planner Abboud commented there are concerns for open grows where the product can't be seen. If you have an enclosed grow in an auxiliary structure your house can still be 5 ft. from the property line and your operation can be within that. There are no additional buffers besides 20 ft. sight in front of the doors, be lit, and have a camera on it.

Councilmember Smith expressed opposition on the amendment that is a substantial change. It is in conflict with what we have received from the Planning Commission.

Councilmember Aderhold is not opposed to allowing grow operations in rural residential. She wants to make sure the language is right and is not arbitrary. She asked if someone can work on an amendment and bring a substitute ordinance at the next meeting.

VOTE: (amendment) YES. REYNOLDS, LEWIS
VOTE: NO. ZAK, VAN DYKE, SMITH, ADERHOLD

Motion failed.

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

Motion carried.

- B. **Ordinance 16-05**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 1.16.040, Disposition of Scheduled Offenses—Fine Schedule, Enacting Homer City Code Chapter 7.16, Vehicles in Beach Areas, and Repealing Homer City Code Chapter 19.16, Vehicles on Homer Spit Beach, to Restrict the

Operation, Stopping and Parking of Motor Vehicles in Beach Areas. Reynolds.
Recommended dates: Introduction January 25, 2016, Public Hearing and Second Reading February 8, 2016.

Memorandum 16-018 from City Manager as backup.

Mayor Wythe called for a motion for the adoption of Ordinance 16-05 for introduction and first reading by reading of title only.

LEWIS/ZAK – SO MOVED.

Councilmember Reynolds appreciates the work the Parks and Recreation Advisory Commission and the community put in on beach access. Ordinance 16-05 is a good compromise for people wanting no vehicular beach access and those that need access to gather coal and recreate. Islands and Ocean reached out to the City and encouraged us to be good neighbors to prevent cars driving left from Bishop's Beach. Katie and she worked hard with the Wildlife Refuge to clarify these areas.

Councilmember Aderhold agrees it is a needed ordinance since the beaches are loved to death and that is what is damaging them. She requested a discussion on Area 1 and why we are leaving it open for vehicular traffic. The proposed ordinance may be helping habitat in some areas, but it may be creating traffic in other areas of the beach.

Councilmember Reynolds clarified the ordinance addresses Bishop's Beach only because that is something the City of Homer has control over. The City has no jurisdiction at the airport beach (Area 1) so we can't block access or install signs.

Councilmember Smith questioned the signage cost of \$10,000.

City Manager Koester explained Fish and Wildlife estimated the cost of the very sturdy interpretive signage. They have offered to partner with the City by creating and paying for the signs.

VOTE: YES. SMITH, REYNOLDS, LEWIS, ZAK, ADERHOLD, VAN DYKE

Motion carried.

CITY MANAGER'S REPORT

A. City Manager's Report

Council Lunch Hour at Library

Thanks for embracing Lunch Hour with Council with such enthusiasm. First lunch hour will be February 8 at noon with Councilmembers Reynolds and Lewis.

Hickerson Cemetery

A reminder that the Hickerson Cemetery neighborhood meeting is scheduled for February 10 at 5:30 p.m. in Council Chambers. The Planning Department and Clerk's Office are helping spread the word and sending the attached notice out to the neighborhood. Site plans and frequently asked questions are posted on the website. Please let anyone you know who may be interested in the project – including the need for a municipal cemetery, of the upcoming meeting.

TORA with DOT for Maintenance of Pioneer Avenue

The City signed an agreement with ADOT for continued maintenance of Pioneer Avenue. Given the hit the ADOT maintenance and operations budget has taken, I am thankful the maintenance responsibilities and compensation remained static – \$34,000 a year. However, this amount has not increased since 2000. Depending on the snow load, it costs the City about 30% more than DOT's contract to provide services on Pioneer. As our main business corridor, Pioneer Avenue gets a higher level of service through the City. The more responsive service is critical for businesses along Pioneer and residents trying to get around town on foot, car, or bicycle.

City Applied for AFG Grant for Harbor Fire Carts and Ventilation System at Fire Hall

Chief Painter has applied for a grant for refurbishing fire carts in the Homer Harbor (\$170,000) and installing a ventilation system for vehicle exhaust at the Fire Hall (\$40,000). The fire cart replacement project has been on the City's CIP for years and in the last budget cycle it was included in the top 5. This project would purchase new pumps and motors for the Port and Harbor Maintenance to refurbish existing fire carts with. The fire hall needs a proper ventilation system to transfer toxic vehicle exhaust gases from the vehicle bays to outside (instead of up through the stairwell and into office and living quarters, like it does now).

Boathouse Pavilion

Organizers of the Boathouse Pavilion project, a timber frame pavilion planned for the old harbormaster's office lot on the Spit, had a successful kick off to the project Wednesday January 13. About 140 people attended the Open House and organizers have already raised 1/3 of the \$210,000 goal. The following morning the Public Works Director, Harbormaster and I met with organizers and about a dozen local builders/professionals in the construction trades at a work session. The Boathouse supporters are currently working with the architects to compile community input. Next steps for the group are to continue the local and statewide fundraising efforts and work with the City on a revised site plan.

Surplus Items Up for Grabs

Public Works will man the upstairs at the HERC Friday January 29th from 11 a.m. to 1 p.m. for interested nonprofits to come by and pick up free of charge an assortment of surplus office related equipment (see attached table). Items will be given away on a first come first serve

basis. Any equipment that is not picked up will be brought to the transfer site or recycled. Thanks to Public Works for taking on this spring cleaning project.

Insurance

Alaska Municipal League Joint Insurance Agency (AMLJIA) has provided insurance for the City of Homer for many years. They have provided an excellent level of service. They are incredibly responsive, have many professionals that the City can call on for advice, a workplace safety program that we have benefited from, and provide top notch legal representation when needed. However, their contract expires in June and I have given notice to AMLJIA, as is required, that we will be requesting competitive bids for 2017. There are two public providers of insurance in Alaska: AMLJIA and Alaska Public Entity Insurance (APEI). A number of municipalities have switched to APEI at significant cost savings. A very important variable for the Council to consider will include the quality and level of service. AMLJIA has requested the March 14 work session to update Council on current policy and services.

Why What Happened to the Drinking water in Flint, Michigan would not Happen in Homer

Homer Public Works staff works hard making sure that Homer drinking water meets EPA standards and is not contaminated with lead – as appears to be the case in Flint, Michigan.

The problems in Flint were first brought to the attention of the public when residents were found to have elevated levels of lead in their blood stream. The corrosive Flint River water may have caused lead from aging pipes to leach into the water supply, causing extremely elevated lead levels.

The City of Homer's drinking water source is not highly corrosive and our water distribution system has no lead components. There are some homes that may have some aging plumbing that do. Public Works does three things to make sure what happened in Flint does not happen in Homer:

- 1) At the treatment plant, small amounts of sodium hydroxide are added to the water for pH adjustment. This increases the pH of the water, minimizing the potential for the water to be aggressive, and reduces the opportunity for lead and copper to leach into the water.
- 2) Orthophosphate, a corrosion inhibitor, is added which creates a thin coating on the inside walls of the pipes in your home, creating a protective barrier between the water and the copper pipes/lead solder.
- 3) In homes constructed prior to 1986 (when lead was routinely used in building plumbing work), the City randomly completes testing at the tap to verify that lead and copper levels in the water meet EPA drinking water standards. Based on the encouraging results of these tests in Homer, EPA has approved reduced monitoring of this potential problem, but testing continues.

Public Works completes extensive testing - at the treatment plant, in the distribution system and in the homes of our customers to assure that your drinking water is safe – and that what is happening in Flint does not happen in Homer.

2016 Capital Project Update from Public Works Director Meyer

2016 promises to be another busy year for the City and Public Works. Public Works Director Meyer has compiled the following list of project updates:

- **Deep Water Dock Uplands Improvements** – This project consists of paving Outer Dock Road from Homer Spit Road to the Dock, removal of the “Walls” around the “Chip Pad”, installing chain link fence around the Chip pad (designated as a storage area for cargo coming off the dock), installing chain link fence around the gravel area between the Chip pad and the dock approach (designated as a laydown area for cargo staged for loading on to the dock), installation of security lighting and cameras, and miscellaneous drainage/paving improvements.

This project is completely funded by a legislative grant (in support of the expansion/upgrade of the Deep Water Dock). The project bids in January, will be awarded in February, work starts in April, and is to be completed by the end of June.

- **Waddell Way Road Improvements** – This project consists of the construction of a road and water line between Lake Street and Heath Street (just north of the Post Office) and a road connection south toward the Post Office. The road will include a sidewalk on one side, bike lanes on both sides, LED street lighting, and adjustments to the driveway off Heath Street to the HEA storage yard to the north.

This project is in large part funded by a legislative grant in support of the development of an east/west transportation corridor through the center of town. The project bids in January, will be awarded in March, work starts in May, and is to be completed in August.

- **Shellfish Avenue/South Slope Drive Water Main Improvements** – This project consists of the extension of a water main and installation of a pressure reducing vault from east Hill Road across to the eastern end of Mountain View Drive.

This project is in large part funded by an ADEC grant in support of interconnecting two isolated water pressure zones; increasing water service dependability City wide; providing more dependable domestic water service and fire flows to the South Peninsula Hospital, water and fire service to the adjacent properties, and water to the future Shellfish Avenue water storage tank site. The project bids in February, will be awarded in April, work starts in May, and is to be completed in September.

- **Other Significant Projects Anticipated:**

Kachemak Drive Water and Sewer Improvements (Phase III)

Backup Generator at the Library

Kramer Avenue Neighborhood Paving SAD

Lillian Walli Subdivision – Eric Lane Road and Sewer SAD

Road Repaving – Various local residential roads

Finishing Old Town Pedestrian Improvements
Hickerson Cemetery Expansion (Phase I)
West Homer Elementary Soundview Safety Improvements
Calhoun Trail Work
Soundview Sidewalk and Safety Improvements
Deep Water Dock Feasibility Study
 Deep Water Dock Bird Deterrent Project
 Roger Loop Trailhead Acquisition

City Manager Koester reported Homer came away relatively unscathed after the earthquake over the weekend. A non-structural crack was found in the Fire Hall and a few local businesses sustained minor damage. The police were out checking businesses and alarms. The earthquake made her aware of her own personal emergency planning. The Kenai Peninsula Borough has some good information on their emergency services webpage.

Councilmember Zak appreciated the information in the City Manager's report regarding the Flint, Michigan water crisis. Many Homer residents have lead pipes that may raise concern. He praised City Manager Koester for her comprehensive report that was done with detail and thought. City Manager Koester credited Public Works Director Carey Meyer for the Flint, Michigan water information and letting the public know we have good quality water here.

Councilmember Van Dyke questioned if the Boat House pavilion on the Spit was the wisest use for the property that once housed the port and harbor office. He questioned if there could have been a better revenue stream and where the money will come from for the City to maintain it.

City Manager Koester acknowledged there could be other uses for the lot. The Port and Harbor Advisory Commission endorsed the Boat House pavilion. The most immediate need on the Spit is for parking; the pavilion area will provide additional parking. The pavilion could be shifted to over-slope development in the future. Council approved a Memorandum of Understanding with The Homer Foundation to start fundraising for the project. The Boat House pavilion will become a city facility and the City will be responsible for maintaining it. The expense will fall under the port and harbor and the enterprise fund.

Port and Harbor Director Hawkins added there is no plan for paving the lot; that is a big expense. Paid parking could be added to the lot.

B. Bid Report

CITY ATTORNEY REPORT

COMMITTEE REPORT

- A. Public Arts Committee
- B. Permanent Fund Committee
- C. Employee Committee Report
- D. Public Safety Building Review Committee
- E. Sustainable Animal Control Review Committee

PENDING BUSINESS

- A. **Memorandum 16-001(A)**, from Mayor Wythe, Re: Appointment of Councilmember Bryan Zak to the Kenai Peninsula Economic Development District.

Mayor Wythe called for a motion for the approval of the recommendations of Memorandum 16-001(A) to appoint Councilmember Zak to the KPEDD.

LEWIS/REYNOLDS - SO MOVED.

Councilmember Zak was the appointee before City Manager Koester. A business retention and expansion survey may be accessed on the KPEDD website at www.kpedd.org. On Thursday and Friday the Industry Outlook Forum will be held at the old Carr's Mall in Kenai. The forum is free to the public but you must register with the KPEDD.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

NEW BUSINESS

- A. **Memorandum 16-013**, from City Clerk, Re: Travel Authorization for Councilmember Zak to Travel to Anchorage to Attend the Institute for Alaska Native Corporation Director Education and Institute for Tribal Council Training March 21 - 22, 2016.

Mayor Wythe called for a motion for the approval of the recommendations of Memorandum 16-013 to authorize Councilmember Zak to travel to Anchorage for Tribal Council Training.

SMITH/VAN DYKE – SO MOVED.

Councilmember Smith commented that people throughout the state are dialing back on travel and it is important for the City to start saving money on travel now.

Councilmember Zak requested Council vote the memorandum down since he is not able to attend the conference. He highly recommended and encouraged other councilmembers to attend the training for the development and future leaders of the community.

Mayor Wythe agreed with the need for council development and exposure to different activities, but questioned the applicability of this training.

VOTE: NO. LEWIS, SMITH, ADERHOLD, REYNOLDS, ZAK, VAN DYKE

Motion failed.

B. **Memorandum 16-014**, from Councilmember Lewis, Re: Travel Reimbursement for Mayor Wythe to Travel to Juneau February 2 – 4, 2016 to Advocate for the City.

Mayor Wythe called for a motion for the approval of the recommendations of Memorandum 16-014 to reimburse Mayor Wythe for travel to Juneau.

LEWIS/ZAK – SO MOVED.

Councilmember Lewis brought this up after the Mayor said she will travel to Juneau and foot the bill. He believes the City should pay the Mayor's travel to Juneau.

Mayor Wythe commented the mayor is the only person that can go and represent the City without authorization. She is not concerned about the City paying for her travel; she is concerned about the City being represented. While we may not be getting a lot of money, we don't want to get a lot of legislation that restricts our ability to raise funds that we do need.

Councilmember Zak believes we need to build long-term relationships. He voted in favor of the lobbyist because he has seen the benefit. The Mayor's travel to Juneau is important to our community. The City of Homer sometimes gets a paradigm from other communities that we don't participate. He would have preferred this to coincide with the Alaska Municipal League, but it is a small investment to have contacts with other leaders in the state.

Councilmember Smith sees value, but when we vote to send a lobbyist, pay AML membership, and elect a representative and senator to represent us in Juneau it has to be either or sometimes, not both.

ZAK – MOVED TO AMEND TO ALLOW COUNCILMEMBERS LEWIS AND REYNOLDS TO ALSO ATTEND WITH THE MAYOR IN JUNEAU.

Motion died for lack of second

VOTE: YES. ADERHOLD, REYNOLDS, LEWIS, ZAK, VAN DYKE

VOTE: NO. SMITH

Motion carried.

- C. **Memorandum 16-010**, from Mayor Wythe, Re: Appointment of Beth Carroll to the Cannabis Advisory Commission and Appointment of Councilmember Heath Smith as a Consulting Member of the Economic Development Advisory Commission.

Mayor Wythe called for a motion for the approval of the recommendations of Memorandum 16-010.

ZAK/LEWIS – SO MOVED.

Councilmember Zak previously served on the Economic Development Advisory Commission as the consulting member. He wished Heath well. It is a great opportunity to use resources and skills. Chairman Pat Brown was mentioned in the Governor's address as the blind person.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

RESOLUTIONS

- A. **Resolution 16-012**, A Resolution of the City Council of Homer, Alaska, Adopting the City of Homer All Hazard Mitigation Plan 2015 Update and Revision and Authorizing the City Manager to Forward the Document to the Kenai Peninsula Borough, the Federal Emergency Management Agency, the Alaska Division of Homeland Security, and Other Organizations as Appropriate. Reynolds.

Mayor Wythe called for a motion for the adoption of Resolution 16-012 by reading of title only.

LEWIS/REYNOLDS - SO MOVED.

Asked by Councilmember Reynolds if the plan should be amended to comply with ADA, City Manager Koester advised the Emergency Operations Plan would be the appropriate document to include ADA guidelines.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- B. **Resolution 16-013**, A Resolution of the Homer City Council Concerning the Harbor Enterprises, dba Petro 49, (Formerly Petro Marine Services) Lease for Lot 8-E-1 Homer Spit #6 and Directing that it be Canceled at the Term of the Lease December 1, 2018, and that the Property be Advertised for Lease in a Request for Proposals. City Manager. Recommend adoption.

Memorandum 16-012 from Port and Harbor Advisory Commission as backup.

Mayor Wythe called for a motion for the adoption of Resolution 16-013 by reading of title only.

LEWIS/VAN DYKE – SO MOVED.

Port and Harbor Director Hawkins requested postponement to provide adequate notice to Petro 49.

LEWIS/REYNOLDS - MOVED TO POSTPONE RESOLUTION 16-013 TO FEBRUARY 22, 2016.

There was no discussion.

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

Motion carried.

- C. **Resolution 16-014**, A Resolution of the Homer City Council Amending the Harbor Enterprises, dba Petro 49, (Formerly Petro Marine Services) Lease on the Coal Point Fuel Float and the Terminal Tank Farm on the Coal Point Lot (Sec 1 T7S, R13W, S.M.) and to Enter Into a New 20-Year Term Lease With the City, and Authorizing the City Manager to Execute the Appropriate Documents. City Manager. Recommend adoption.

Memorandum 16-012 from Port and Harbor Advisory Commission as backup.

Mayor Wythe called for a motion for the adoption of Resolution 16-014 by reading of title only.

LEWIS/REYNOLDS – SO MOVED.

Port and Harbor Director Hawkins requested postponement to provide adequate notice to Petro 49.

Mayor Wythe called for a motion to postpone Resolution 16-014 to February 22, 2016.

LEWIS/REYNOLDS – SO MOVED.

There was no discussion.

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

Motion carried.

- D. **Resolution 16-016**, A Resolution of the City Council of Homer, Alaska, in Support of the Homer Public Safety Building as Presented by the Public Safety Building Review Committee. Mayor.

Mayor Wythe called for a motion for the adoption of Resolution 16-016 by reading of title only.

LEWIS/REYNOLDS - SO MOVED.

Councilmember Smith noted the cheapest option is \$14.9M and he's fairly certain it will not pass bond. Although he appreciates the work of the committee, there needs to be a budget and framework. The size of the building is overblown. People will support the project if it is done responsibly. We need to reboot this and if it costs \$150,000 to do so it may save \$6M. He questioned what type of community we are building for the future; we are resigning to failure before getting started.

Councilmember Van Dyke commented the three different options include more wants than needs. Fifteen years ago we had a population of 4,000; we now have 5,000 people. That equates a 1% growth per year, so a 30-year building should be 30% bigger than we have now. The least expensive option is 24,000 square feet and is three times the amount of space we need. We need to rethink and take a good look. He suggested putting a 12,000 sq. ft. police department on the Waddell property and remodeling the fire department to make it good for another 10 years. These options will save the City a considerable amount of money.

Councilmember Zak added we are not in the same position when we started to look at the public safety building. The voters can be facing state income tax or sales tax. If you add a 25-

year bond it would be too expensive. It is an important decision for the long term and without additional revenue sources the project needs to be tabled. Otherwise we need to reboot and resize to better fit the needs of the community.

Mayor Wythe advised Council we need to provide some direction and a recommendation to the committee.

Councilmember Lewis commented if we pass a bond we will have the bond to pay off. Within three years we have to come up with an option instead of HART. Both topics should be discussed together.

Council agreed to add the public safety building to the revenue discussion on February 16th.

LEWIS/ADERHOLD - MOVED TO POSTPONE RESOLUTION 16-016 TO FEBRUARY 22.

This will allow Council to discuss the project at a February 16th Worksession.

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

Motion carried.

- E. **Resolution 16-017**, A Resolution of the City Council of Homer, Alaska, Expressing a Deep Sense of Urgency for the Alaska State Legislature to Take Immediate and Decisive Action During the 2016 Legislative Session to Enact a Complete Package of Initiatives to Provide for a Balanced, Sustainable, and Predictable State Budget for the Foreseeable Future. Mayor.

Mayor Wythe called for a motion for the adoption of Resolution 16-017 by reading of title only.

LEWIS/REYNOLDS – SO MOVED.

Mayor and Council expressed support and the need for the Legislature to take action this year.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

COMMENTS OF THE AUDIENCE

Carrie Harris, city resident, would have liked Catriona and Dave to go to Juneau and is glad that the Mayor offered to pay her own way. It is foolish not to send as much representation as possible.

Louise Ashman, city resident, commented on Ordinance 16-04. She asked to include the exceptions that exist and include the places where driving is not allowed to include private property, storm berms, and areas not permitted by Fish and Game as exceptions to the critical habitat.

Scott Adams, city resident, received figures from Finance on maintenance costs for the HERC building. For 2009 it cost \$122,000 and cost \$51,000 for 2015, but the two buildings did not show separated costs. He asked if the boiler can be switched over to natural gas. Mr. Adams asked if you are allowed to transport marijuana products.

City Attorney Wells answered you can sell and manufacture on the same facility. You can manufacture in a cultivation facility, but there are separation requirements for the spaces.

Scott Adams continued...he doesn't agree that city residents should maintain the Boat House. He would like to see Bishop's Beach west open and east closed and the beaches on the Spit used October until March. He suggested seeing how the first resolution works before bringing forward another.

Deb Lowney, city resident, appreciates the ADA accessibility, water quality, new conversation on the public safety building, and the beach ordinance. She expressed concern about Area 1 as it is a free for all. She urged Council to take the time to walk the area to see the deliberate destruction in Mud Bay.

COMMENTS OF THE CITY ATTORNEY

City Attorney Wells encouraged Council to ask questions about Ordinance 16-04 and she will be responsive. In response to the question posed during comments, she advised that a licensed standard cultivation marijuana facility may also apply for a retail or product manufacturing facility license. If they do get one of those licenses, they can conduct those operations in a room completely separate from the cultivation facility with some other requirements. If you just have the cultivation facility license you cannot manufacture and retail.

COMMENTS OF THE CITY CLERK

City Clerk Johnson had no comments.

COMMENTS OF THE CITY MANAGER

City Manager Koester had no comments.

COMMENTS OF THE MAYOR

Mayor Wythe thanked the Council for funding her trip to Juneau. She reiterated the importance of Council going to Juneau and encouraged a second trip. She thanked Melissa Jacobsen for taking on the ADA coordinator. Melissa has a full time job and just took on another full time job. It is important to clearly define her position of authority and to make sure Council provides good direction for that. She appreciates Council's time this evening as we did a lot of work.

COMMENTS OF THE CITY COUNCIL

Councilmember Reynolds regrets she missed the last meeting and is curious of the added meetings. She mentioned the Library statistics and the number of people participating in the library. She is reading a lot more lately and learning new things. She appreciates the conversation about travel to Juneau. She was honored to be asked to travel and somewhat disappointed the money wasn't available. She has work travel and would now have a conflict on the dates. The City Council, Parks and Recreation, and the community talked about all the pieces for improvements of the beach as one big item. It was unwieldy and we had a way forward that was clear and reasonable. This ordinance is about traffic and motorized vehicles on the beach. Although a gate seems easy it is not our road or gate to put up. That is why the beach ordinance focused on a different area than Area 1.

Councilmember Smith appreciates the Public Safety Building Review Committee and all the work they put in to it. The projects going forward need to reflect the economic temperature of the waters we are in. As to cannabis and marijuana, we need to consider the overall economic benefit to the community in comparison to the social costs. May people use Colorado as the standard, but there is very little here that compares to Colorado. They have six times the population as us, and a sixth of the land mass. Colorado has six different states that border them. Their market is tremendously larger than ours. It is important that we take into consideration and not overestimate the benefit of taxes that might be garnered. A lot of the population here has smoked marijuana for a long time. He doesn't think they will pay an additional \$30 to \$50 per ounce through the taxation of it and doesn't think there will be much tourism for cannabis. We need to focus on what it's going to mean to the community to give it an open door. He appreciates the opportunity to be here.

Councilmember Van Dyke commented the marijuana laws are going to be hard choices; the Council has a task ahead of us. The City is facing a fiscal shortfall and with us starting on solutions now is a definite jump ahead. He is glad that the City of Homer survived the earthquake with minimal to no damage.

Councilmember Lewis said cannabis is not going to be a God send or save the City, but it is what 53% of the people voted for it. More people voted for pot than to get rid of the sales tax

on food. It is what the majority of the voters wanted and we have to remember that. Not one person here got as many votes as what cannabis got in the two areas.

Councilmember Aderhold commented Homer hosted the cross country ski races as part of the Besh Cup Series at Lookout Mountain ski trails. We had some of the finest young skiers in the state from Anchorage, MatSu, Juneau, Fairbanks, and Nome. It was a very successful race. Her hat is off to the people who groom trails and make it happen with the challenging trail conditions. Several businesses donated food and items. She thanked the local businesses for their support in donating to sports and non-profits. Accurate earthquake information can be found at the Alaska Earthquake Information Center at www.earthquake.alaska.edu. Throughout the day on Sunday they posted new information regularly. She acknowledged the passing of a fantastic person in our community. She was a marine biologist, a poet, an essayist, and a writer. Eva Saulitis passed away on January 16th. She was a huge positive asset to the Homer community and influenced many people here, in Alaska, and throughout the United States. She will be missed.

Councilmember Zak thanked Catriona and Katie for putting together the beach policy. He thanked the Planning Commission for their work on cannabis. Tomorrow at noon is the Homer Chamber of Commerce meeting at the Elks Lodge. You can learn more about what the Chamber and Visitor Center does here. Senator Dan Sullivan's aid will be in attendance. It is a good opportunity to partner with more of the community members around the peninsula. He thanked Pat Brown, EDC Chair, for reaching out to the Governor. We are stronger together but can still make a difference individually. The Governor's speech addresses tourism and fishing. He is happy and optimistic about Homer. It is a good time for Mayor Wythe to be representing us in Juneau.

- C. **Memorandum 16-015**, from Mayor Wythe, Re: Request for Executive Session Pursuant to AS 44.62.310 (A-C)(2), Matters, Subjects that Tend to Prejudice the Reputation and Character of Any Person, Provided the Person May Request a Public Discussion. (City Manager Koester Annual Performance Evaluation/Employment Contract.

Mayor Wythe called for a motion for the approval of the recommendations of Memorandum 16-015 to meet in Executive Session to discuss City Manager Koester Annual Performance Evaluation/Employment Contract.

LEWIS/REYNOLDS - SO MOVED.

Mayor Wythe advised City Manager Koester of her right to have the evaluation conducted in the open meeting and City Manager Koester declined.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Mayor Wythe called for a motion to adjourn to Executive Session.

LEWIS/REYNOLDS - SO MOVED.

There was no discussion.

VOTE: YES. REYNOLDS, ADERHOLD, VAN DYKE, ZAK, SMITH, LEWIS

Motion carried.

Council adjourned to Executive Session at 8:54 p.m.

For the record Mayor Pro Tempore Lewis relayed the City Council met in Executive Session and reviewed and evaluated the City Manager. Council provided an evaluated rating of very good to excellent and we are honoring our contractual obligations.

ADJOURNMENT

There being no further business to come before the Council, Mayor Wythe adjourned the meeting at 8:55 p.m. The next Regular Meeting is Monday, February 8, 2016 at 6:00 p.m., Committee of the Whole 5:00 p.m., and Worksession 4:00 p.m. A Worksession is scheduled for Tuesday, February 16, 2016 at 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

JO JOHNSON, MMC, CITY CLERK

Approved: _____



City of Homer

www.cityofhomer-ak.gov

Office of the Mayor

491 East Pioneer Avenue
Homer, Alaska 99603

mayor@ci.homer.ak.us

(p) 907-235-3130

(f) 907-235-3143

Memorandum 16-020

TO: HOMER CITY COUNCIL
FROM: MARY E. WYTHE, MAYOR
DATE: FEBRUARY 1, 2016
SUBJECT: REAPPOINTMENT OF STEVE ZIMMERMAN TO THE PORT AND HARBOR
ADVISORY COMMISSION.

Steve Zimmerman is reappointed to the Port and Harbor Advisory Commission for a three-year term to expire February 1, 2019.

RECOMMENDATION:

Confirm the reappointment of Steve Zimmerman to the Port and Harbor Advisory Commission.

Fiscal Note: N/A

Jo Johnson

From: Melissa Jacobsen
Sent: Wednesday, January 13, 2016 8:42 AM
To: Jo Johnson
Subject: FW: Port Commission Appointment

From: Steve Zimmerman [<mailto:skzimm@gmail.com>]
Sent: Tuesday, January 12, 2016 9:58 PM
To: Melissa Jacobsen
Subject: Re: Port Commission Appointment

Hi Melissa,
I would like to be reappointed to the commission.
Thanks,
Steve

On Thu, Dec 31, 2015 at 4:34 PM, Melissa Jacobsen <MJacobsen@ci.homer.ak.us> wrote:

Hi Steve,

Just a note to let you know your Port Commission appointment expires February 1st. Please let me know by January 15th whether or not you would like to be reappointed to the Commission.

Thank you and Happy New Year!

Melissa

Melissa Jacobsen, CMC

Deputy City Clerk

City of Homer, Alaska

907-435-3107

City of Homer City Clerk's Office

PUBLIC RECORDS LAW DISCLOSURE: Most e-mails from or to this address will be available for public inspection under Alaska public records law.

--

Steve Zimmerman
Desperate Marine LLC
907-226-3003

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

3 City Clerk/
4 Public Works Director

5 **RESOLUTION 16-018**

6
7 A RESOLUTION OF THE HOMER CITY COUNCIL AWARDING THE
8 CONTRACT FOR CITY HALL, PARKS, AND CEMETERIES LAWN
9 MAINTENANCE 2016, 2017, and 2018 TO THE FIRM OF CHUGACH
10 YARD CARE OF ANCHORAGE, ALASKA, IN THE AMOUNT OF
11 \$31,333.57 PER YEAR AND AUTHORIZING THE CITY MANAGER TO
12 EXECUTE THE APPROPRIATE DOCUMENTS.

13
14 WHEREAS, In accordance with the Procurement Policy the Invitation to Bid was
15 advertised in the Homer News on January 7 and 14, 2016, posted on the Clerk's home page,
16 and sent to two in-state plans rooms; and

17
18 WHEREAS, Bids were due by 2:00 p.m. on Thursday, January 21, 2016 and four bids
19 were received by the City Clerk's Office; and

20
21 WHEREAS, Bids were publicly opened and read on January 21, 2016 and the firm of
22 Chugach Yard Care of Anchorage, Alaska, was determined to be the low responsive bidder in
23 the amount of \$31,333.57; and

24
25 WHEREAS, Chugach Yard Care is qualified to complete the work; and

26
27 WHEREAS, This award is not final until written notification is received by Chugach Yard
28 Care of Anchorage, Alaska, from the City of Homer.

29
30 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, approves
31 the contract award for the City Hall, Parks, and Cemeteries Lawn Maintenance 2016, 2017,
32 and 2018 to the firm of Chugach Yard Care of Anchorage, Alaska, in the amount of \$31,333.57
33 per year and authorizes the City Manager to execute the appropriate documents.

34
35 PASSED AND ADOPTED by the Homer City Council this 8th day of February, 2016.

36
37 CITY OF HOMER

38
39
40 _____
41 MARY E. WYTHE, MAYOR
42

43 ATTEST:

44

45

46

47 _____
JO JOHNSON, MMC, CITY CLERK

48

49 Fiscal Note: Funded under account 100.0175.5210.



City of Homer

www.cityofhomer-ak.gov

Public Works

3575 Heath Street
Homer, AK 99603

publicworks@cityofhomer-ak.gov

(p) 907- 235-3170

(f) 907-235-3145

Memorandum 16-021

TO: Katie Koester, City Manager

THRU: Carey Meyer, Public Works Director

FROM: Angie Otteson, Parks Maintenance Coordinator

DATE: February 1, 2016

SUBJECT: Award City Hall, Parks, and Cemeteries Lawn Maintenance 2016, 2017, and 2018 Contract

Discussion

An Invitation to Bid for the referenced contract was advertised in the Homer News on 1/7/16 and 1/14/16 with a bid date of 1/21/16.

The City received four bids for the referenced contract. This is a three year renewable contract with the bid price being for each year. For comparison, the price of the contract in 2015 was \$30,844.14.

The bids are summarized as follows:

Contractor	Bid Amount
Yard Chief Yard Care, Inc.	\$39,287.00
American Landscaping, Inc.	\$141,947.00
Chugach Yard Care	\$31,333.57
Dutch Boy Landscaping	\$34,534.83

Recommendation

City Council pass a resolution awarding the City Hall, Parks, and Cemeteries Lawn Maintenance 2016, 2017, & 2018 contract to Chugach Yard Care in the amount of \$31,333.57.

Fiscal Note

This contract is funded under account 100.0175.5210.

INVITATION TO BID

**By the City of Homer, Alaska
For CITY HALL, PARKS, and CEMETERIES LAWN MAINTENANCE
2016, 2017, & 2018**

Sealed Bids for CITY HALL, PARKS, and CEMETERIES MAINTENANCE will be received by the Office of the City Clerk, 491 E. Pioneer Avenue, Homer, Alaska 99603 until **2:00 p.m., Thursday, January 21, 2016**, at which time they will be publicly opened and read. Bids received after the time fixed for receipt of the Bid shall not be considered. **All bidders must submit a City of Homer Plan Holders Registration form to be on the Plan Holders List and to be considered responsive.** Plan holder registration forms, and Plans and Specifications are available on line <http://www.cityofhomer-ak.gov/rfps>

The project consists of furnishing all labor, materials, equipment, tools, supervision, and other facilities necessary to perform the project in accordance with the plans and specifications. The work includes, but is not limited to the following:

The mowing and trimming of the grasses of eight Parks, Airport, City Hall, Homer Police Department, two cemeteries and Homer Recreation Center, owned by and located throughout the City of Homer. One application of fertilizer shall be applied to these locations as identified in the project specifications.

Please direct all questions regarding this project to:

Angie Otteson
Parks Maintenance Coordinator
(907) 235-3170

An electronic copy of Plans and Specifications is available on the City's website <http://www.cityofhomer-ak.gov/rfps> or you may purchase hard copies for \$10.00 per set at the City Clerk's Office. All fees are non-refundable. 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.

Dated this December 28, 2015

City of Homer


Katie Koester, City Manager

PUB: HOMER NEWS: 1/7/16 and 1/14/16

INVITATION TO BID

**By the City of Homer, Alaska
For CITY HALL, PARKS, and CEMETERIES LAWN MAINTENANCE
2016, 2017, & 2018**

The City of Homer, Alaska, is requesting bids from qualified firms and individuals for the project described herein.

The following subjects are discussed herein to assist you in the preparation of your proposal.

- I. Scope of Services
- II. Fertilizer Specifications & Rates of Application
- III. Mowing Frequency
- IV. License and Insurance
- V. Areas of Work – Mowing and Trimming
- VI. Areas of Work - Fertilizing
- VII. Contract Period
- VIII. Project Schedule
- IX. Bid Schedule
- X. Mowing Area Maps

I. Scope of Services

This is a three-year, renewable contract. Bid prices shall remain in affect through the end of the contract period of 2018.

This Work consists of the mowing and trimming of the grasses at the Homer City Hall, Police Department, city-owned parks and cemeteries, Homer City Center(HERC) and airport, which are located throughout the City of Homer and identified in Section V of these specifications.

Work also consists of the furnishing and application of fertilizer to the areas identified in Section VI of these specifications.

The bidder shall be required to furnish all labor, materials, equipment, tools, supervision, and other facilities necessary to perform the work safely, and in accordance with the specifications.

II. Fertilizer Specifications & Rates of Application

A. Specifications:

Fertilizer shall be of the standard commercial type supplied and shall be rated as 10-20-20 variety.

B. Rates of Application:

Fertilizer application rates shall be at a minimum of ten pounds per 1000 square feet (10#/1000 s.f.).

C. Application Time:

One application of fertilizer shall be performed between **May 15th and June 15th**.

D. Payment:

This item of work shall be bid independently. Should the bids received exceed the budgeted amount, the City reserves the right to delete all, or portions of this item as stated Section IX, *Bid Schedule*.

III. Mowing Frequency

All areas, as identified in these specifications, shall be mowed and trimmed a minimum of one time per week.

Any area NOT completed on a weekly basis, due to the contractor’s failure to perform, shall subject the contractor to an assessment of **FIFTY DOLLARS** (\$50.00) per week for each week that the work is not completed. In addition, no payment will be made for the area not completed for that week.

IV. License and Insurance

The bidder shall be responsible to secure and maintain a minimum of FIVE HUNDRED THOUSAND DOLLARS (\$500,000) comprehensive general liability insurance, and comprehensive automobile insurance. The bidder shall also be required to secure and maintain such insurance as will protect him and any subcontractors from claims under the Workmen’s Compensation Acts.

All insurance certificates shall name the City of Homer as an Additional Insured.

The bidder is required to possess and maintain a current State of Alaska Business License.

A copy of the required License and Insurance Certificates shall be submitted upon award of the contract and prior to commencing any work.

V. Areas of Work – Mowing & Trimming (See attached mowing contract maps)

- “A” Karen Hornaday Park..... mow and trim lawn areas
- “B” WKFL Park..... mow and trim lawn areas
- “C” Ben Walter’s Park..... mow and trim lawn areas

“D”	Pioneer Cemetery.....	mow and trim lawn areas
“E”	Hickerson Cemetery.....	mow and trim lawn areas
“F”	Bayview Park.....	mow and trim lawn areas
“G”	Jeffrey Park.....	mow and trim lawn areas
“H”	Bishop’s Beach Park.....	mow and trim lawn areas
“I”	Woodside Park.....	mow and trim lawn areas
“J”	City Hall.....	mow and trim lawn areas
“K”	HERC.....	mow and trim lawn areas
“L”	Airport.....	mow and trim lawn areas
“M”	Jack Gist Park	mow and trim lawn areas
“N”	Homer Police Department.....	mow and trim lawn areas

***Note: Areas bordered by roadways shall be mowed and trimmed to roadway edge. Areas bordered by fences shall be mowed and trimmed on both sides of the fence.**

VI. Areas of Work – Fertilizer

“A”	Karen Hornaday Park.....	apply fertilizer - 384,807 s.f.
“B”	WKFL Park.....	apply fertilizer - 11,000 s.f.
“C”	Ben Walter’s Park.....	apply fertilizer - 12,260 s.f.
“D”	Pioneer Cemetery.....	apply fertilizer - 12,000 s.f.
“E”	Hickerson Cemetery.....	apply fertilizer - 140,000 s.f.
“F”	Bayview Park.....	apply fertilizer - 20,000 s.f.
“G”	Jeffrey Park.....	apply fertilizer - 24,000 s.f.
“H”	Bishop’s Beach Park.....	apply fertilizer - 14,000 s.f.
“I”	Woodside Park.....	apply fertilizer - 3,569 s.f.
“J”	City Hall.....	apply fertilizer - 12,120 s.f.
“K”	HERC.....	apply fertilizer - 54,400 s.f.
“L”	Airport	apply fertilizer - 9,300 s.f.
“M”	Jack Gist Park	apply fertilizer- 224,643 s.f.
“N”	Homer Police Department.....	apply fertilizer - 7,040 s.f.

VII. Contract Period

The following contract period dates apply to the year 2016. The dates may change slightly on subsequent years and will be established at the yearly contract renewal and Notice to Proceed.

Mowing and trimming work is to be provided from May 16, 2016 through September 2, 2016, for a total of sixteen (16) weeks.

Fertilizer application shall occur between May 15, 2016 and June 15, 2016.

Project Schedule

Advertise to Bid:

HOMER NEWS January 7 & 14, 2016

Bid Opening.....January 21, 2016

Council Award..... February 8, 2016

Contract Period..... May 15, 2016 through September 2, 2016

VIII. Bid Schedule

Bidders are required to bid each Area independently. The City reserves the right to deduct Areas from the contract prior to award if funds are insufficient to award the entire contract. If deduction becomes necessary, as determined by the City, the order of deductions shall be in the reverse order of the Areas as listed in Sections V. and VI. of these specifications.

**CITY HALL, PARKS, and CEMETERIES LAWN MAINTENANCE
 BID SCHEDULE "A"**

**Mowing and Trimming
 2016, 2017, & 2018**

ITEM	ESTIMATED QUANTITY	PAY ITEM NAME WITH UNIT BID PRICE WRITTEN IN WORDS	UNIT BID PRICE PER WEEK	TOTAL BID AMOUNT
101	16 (weeks)	Mow and Trim Area "A" at unit price of: _____		
		Per Week		
102	16 (weeks)	Mow and Trim Area "B" at unit price of: _____		
		Per Week		
103	16 (weeks)	Mow and Trim Area "C" at unit price of: _____		
		Per Week		
104	16 (weeks)	Mow and Trim Area "D" at unit price of: _____		
		Per Week		
105	16 (weeks)	Mow and Trim Area "E" at unit price of: _____		
		Per Week		
106	16 (weeks)	Mow and Trim Area "F" at unit price of: _____		
		Per Week		
107	16 (weeks)	Mow and Trim Area "G" at unit price of: _____		
		Per Week		
108	16 (weeks)	Mow and Trim Area "H" at unit price of: _____		
		Per Week		
109	16 (weeks)	Mow and Trim Area "I" at unit price of: _____		
		Per Week		

**CITY HALL, PARKS, and CEMETERIES LAWN MAINTENANCE
 BID SCHEDULE "A"**

**Mowing and Trimming
 2013, 2014, & 2015**

ITEM	ESTIMATED QUANTITY	PAY ITEM NAME WITH UNIT BID PRICE WRITTEN IN WORDS	UNIT BID PRICE PER WEEK	TOTAL BID AMOUNT
110	16 (weeks)	Mow and Trim Area "J" at unit price of: _____		
		Per Week		
111	16 (weeks)	Mow and Trim Area "K" at unit price of: _____		
		Per Week		
112	16 (weeks)	Mow and Trim Area "L" at unit price of: _____		
		Per Week		
113	16 (weeks)	Mow and Trim Area "M" at unit price of: _____		
		Per Week		
114	16 (weeks)	Mow and Trim Area "N" at unit price of: _____		
		Per Week		

COMBINED TOTAL BID AMOUNT - BID SCHEDULE "A": _____

**CITY HALL, PARKS, and CEMETERIES LAWN MAINTENANCE
 BID SCHEDULE "B"**

**Fertilizer – Furnish & Apply
 2013, 2014, & 2015**

ITEM	ESTIMATED QUANTITY	PAY ITEM NAME WITH UNIT BID PRICE WRITTEN IN WORDS	UNIT BID PRICE PER WEEK	TOTAL BID AMOUNT
101-1	384,807 S.F.	Apply Fertilizer Area "A" at the unit price of: _____		
		Per MSF (1000 s.f.)		
102-1	11,000 S.F.	Apply Fertilizer Area "B" at the unit price of: _____		
		Per MSF (1000 s.f.)		
103-1	12,260 S.F.	Apply Fertilizer Area "C" at the unit price of: _____		
		Per MSF (1000 s.f.)		
104-1	12,000 S.F.	Apply Fertilizer Area "D" at the unit price of: _____		
		Per MSF (1000 s.f.)		
105-1	140,000 S.F.	Apply Fertilizer Area "E" at the unit price of: _____		
		Per MSF (1000 s.f.)		
106-1	20,000 S.F.	Apply Fertilizer Area "F" at the unit price of: _____		
		Per MSF (1000 s.f.)		
107-1	24,000 S.F.	Apply Fertilizer Area "G" at the unit price of: _____		
		Per MSF (1000 s.f.)		
108-1	14,000 S.F.	Apply Fertilizer Area "H" at the unit price of: _____		
		Per MSF (1000 s.f.)		
109-1	3,569 S.F.	Apply Fertilizer Area "I" at the unit price of: _____		
		Per MSF (1000 s.f.)		

**CITY HALL, PARKS, and CEMETERIES LAWN MAINTENANCE
 BID SCHEDULE "B"**

**Fertilizer – Furnish & Apply
 2013, 2014, & 2015**

ITEM	ESTIMATED QUANTITY	PAY ITEM NAME WITH UNIT BID PRICE WRITTEN IN WORDS	UNIT BID PRICE PER WEEK	TOTAL BID AMOUNT
110-1	12,120 S.F.	Apply Fertilizer Area "J" at the unit price of: _____		
		Per MSF (1000 s.f.)		
111-1	54,400 S.F.	Apply Fertilizer Area "K" at the unit price of: _____		
		Per MSF (1000 s.f.)		
112-1	9,300 S.F.	Apply Fertilizer Area "L" at the unit price of: _____		
		Per MSF (1000 s.f.)		
113-1	224,643 S.F.	Apply Fertilizer Area "M" at unit price of: _____		
		Per MSF (1000 s.f.)		
114-1	7,040 S.F.	Apply Fertilizer Area "N" at unit price of: _____		
		Per MSF (1000 s.f.)		

COMBINED TOTAL BID AMOUNT – BID SCHEDULE "B": _____

BID

**CITY HALL, PARKS, and CEMETERIES LAWN MAINTENANCE
2016, 2017, & 2018**

TOTAL AMOUNT – BID SCHEDULE “A”: \$ _____

TOTAL AMOUNT – BID SCHEDULE “B”: \$ _____

TOTAL AMOUNT – BID SCHEDULE “A” & “B” \$ _____

In Numbers

Total Amount – Bid Schedule “A” & “B”

In Words

Name of Firm: _____

Address of Firm: _____

Authorized Signature: _____

Printed Name of Signature: _____

Date of Bid: _____

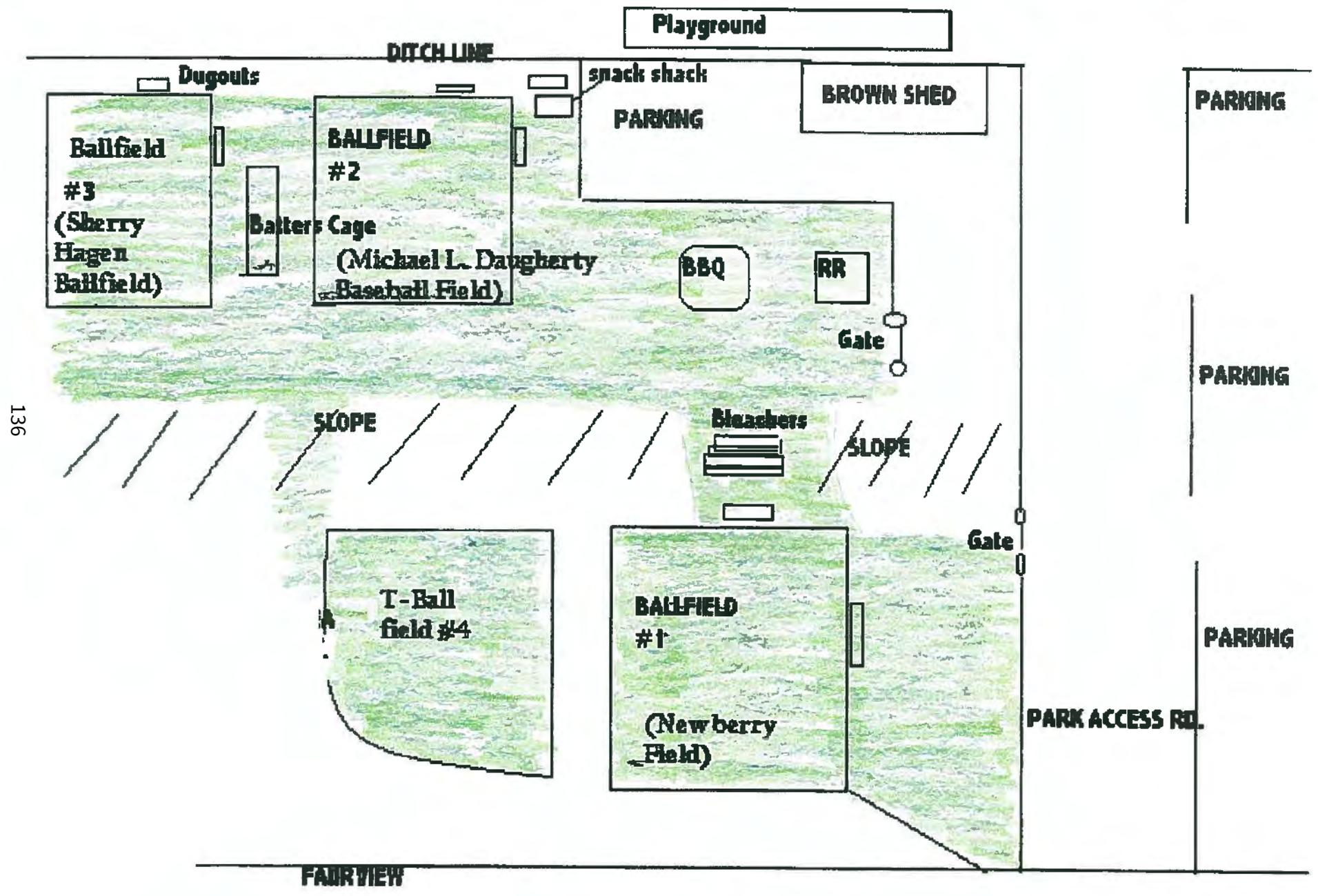
Section X

Mowing Contract Maps
For
City Hall, Parks & Cemeteries
Maintenance



Karen Hornaday Park
Mow & Trim Lawn Area
Fertilize 384,807 s.f.

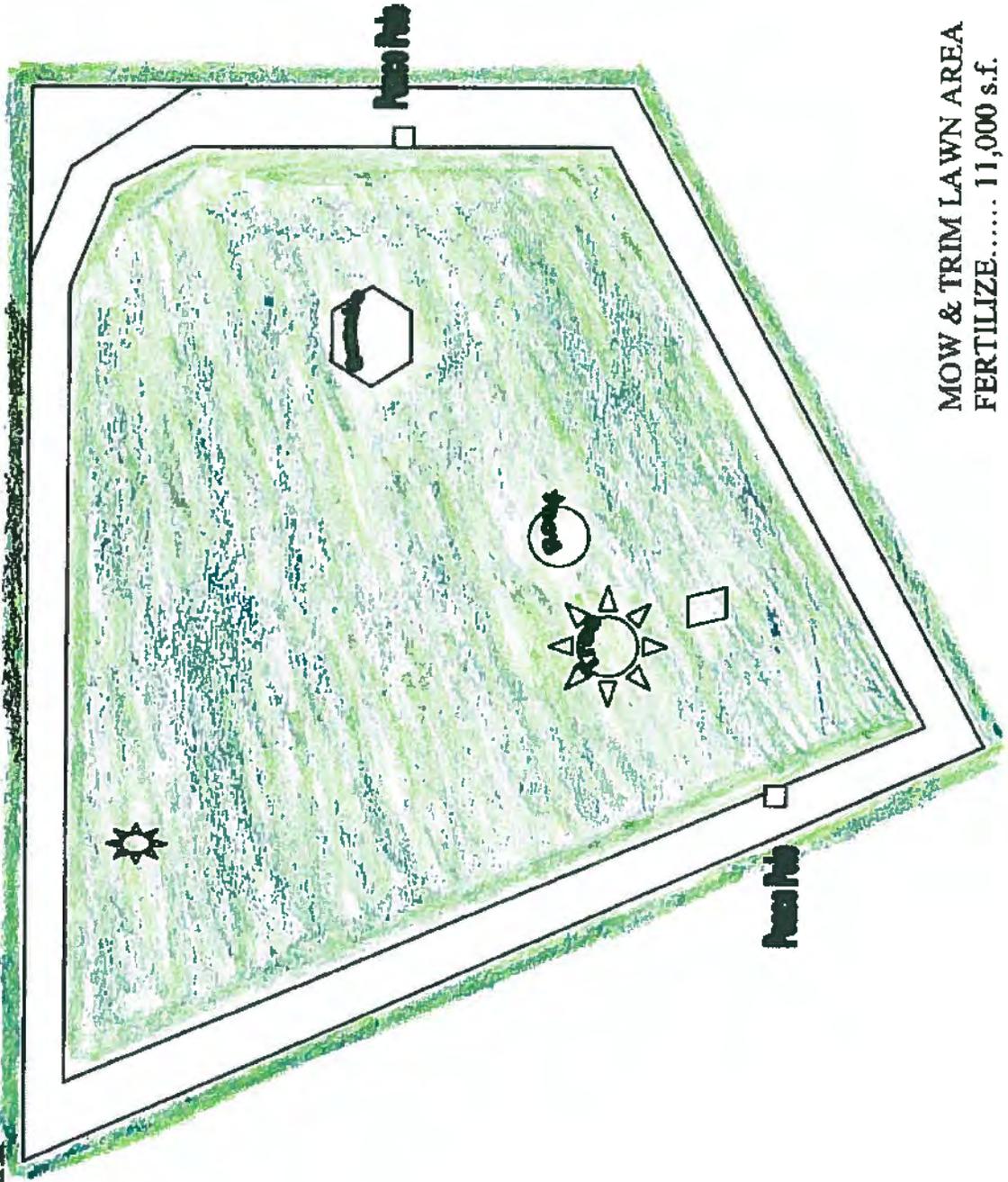
CAMPGROUND



136

FAIRVIEW

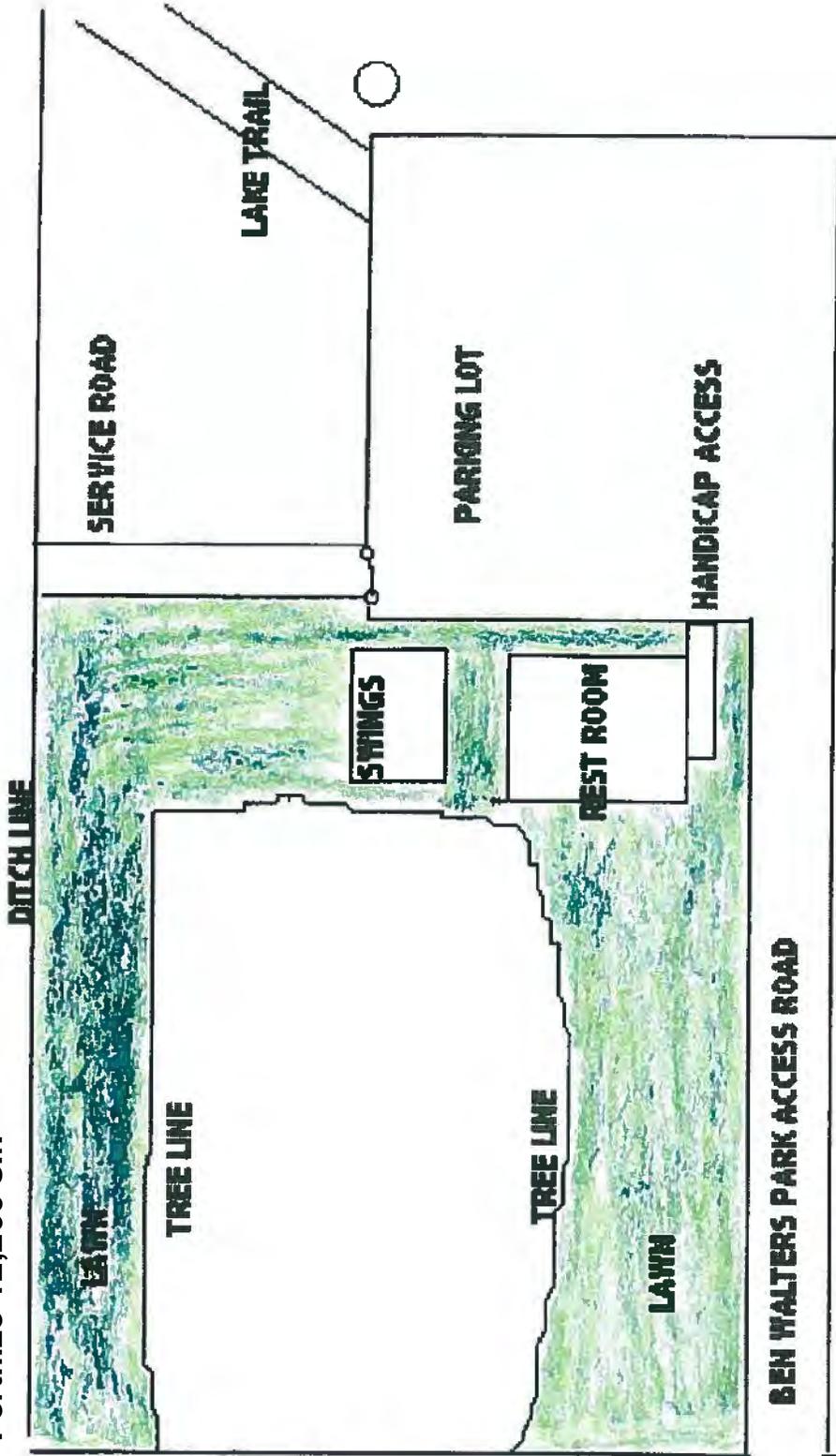
WKFL Park



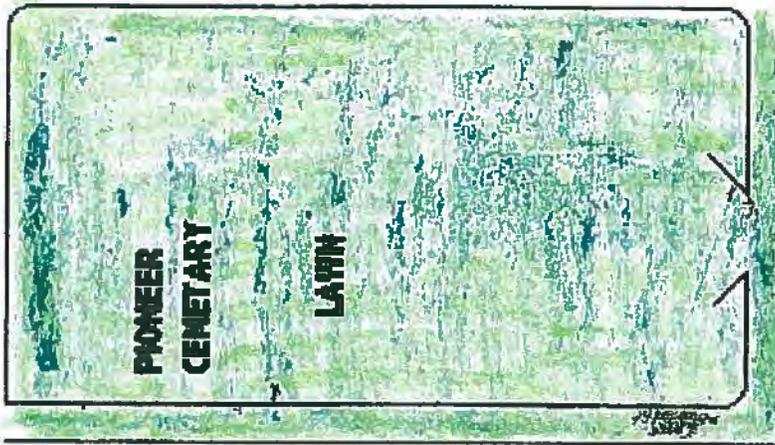
MOW & TRIM LAWN AREA
FERTILIZE..... 11,000 s.f.

Ben Walters Park

**Mow & Trim Lawn Area
Fertilize 12,260 s.f.**



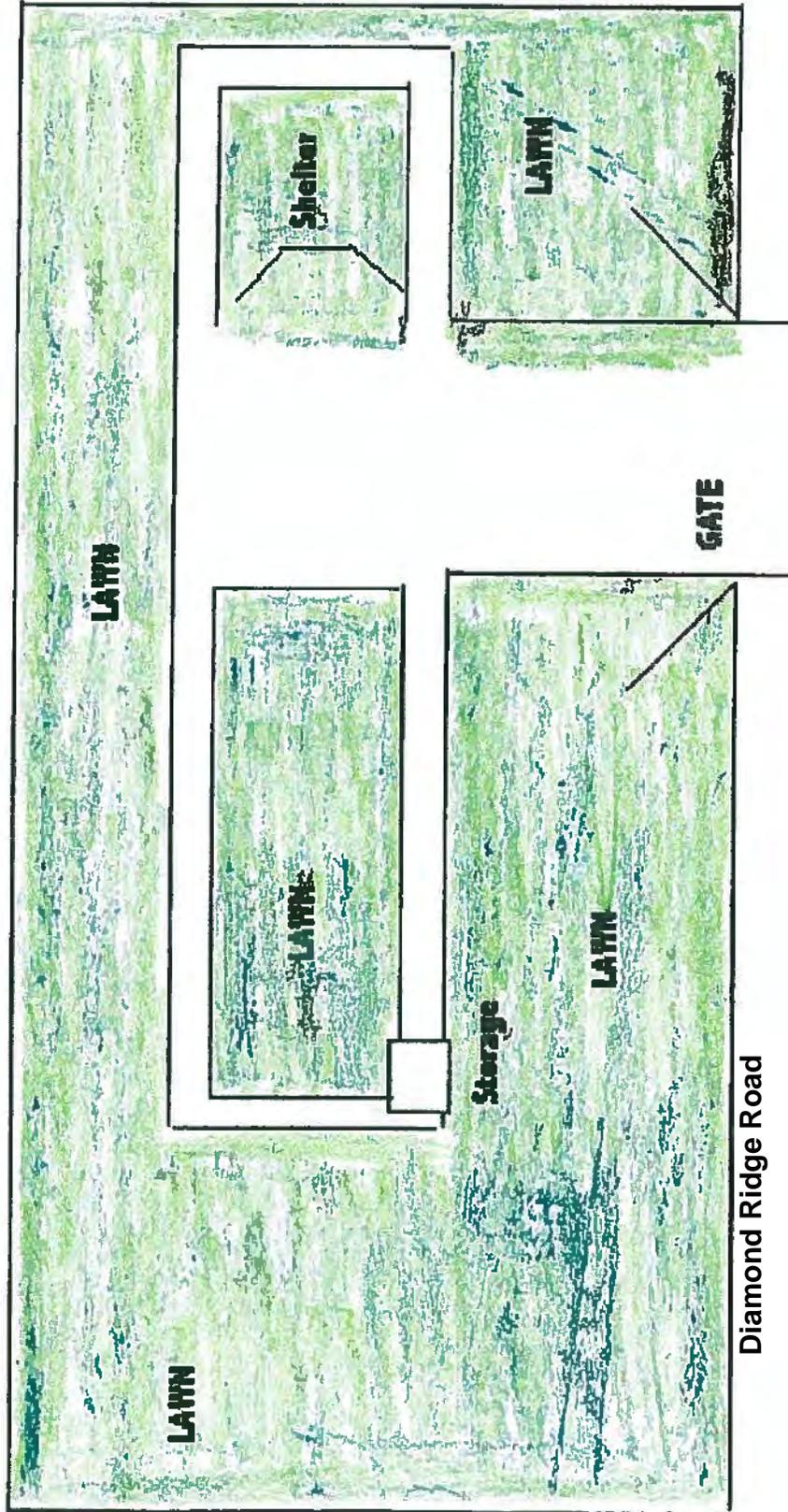
Pioneer Cemetery
Mow & Trim Lawn Area
Fertilize 12,000 s.f.



EAST END ROAD

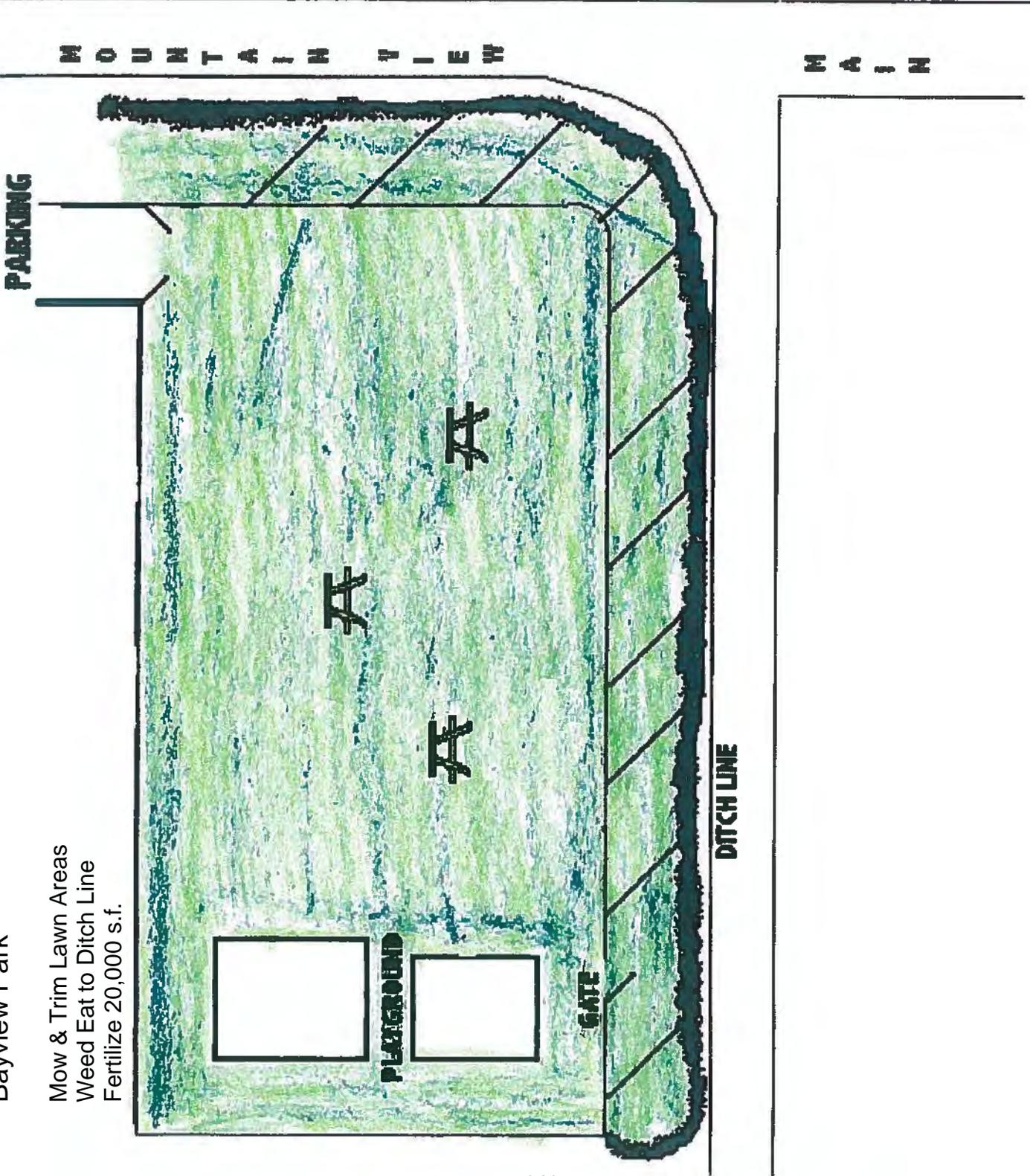
Hickerson Cemetery

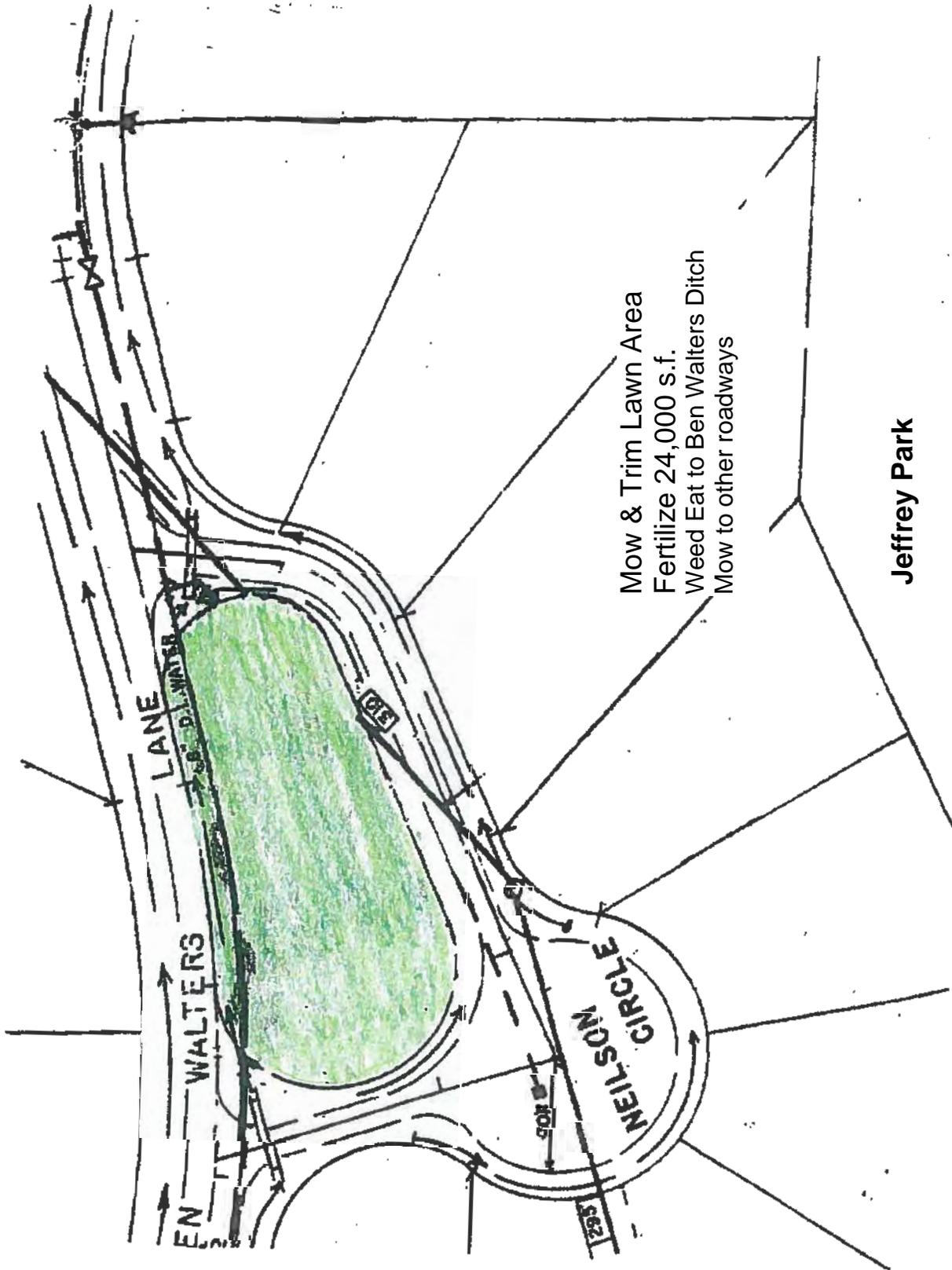
Mow & Fertilize Lawn Area
Fertilize 140,000 s.f.

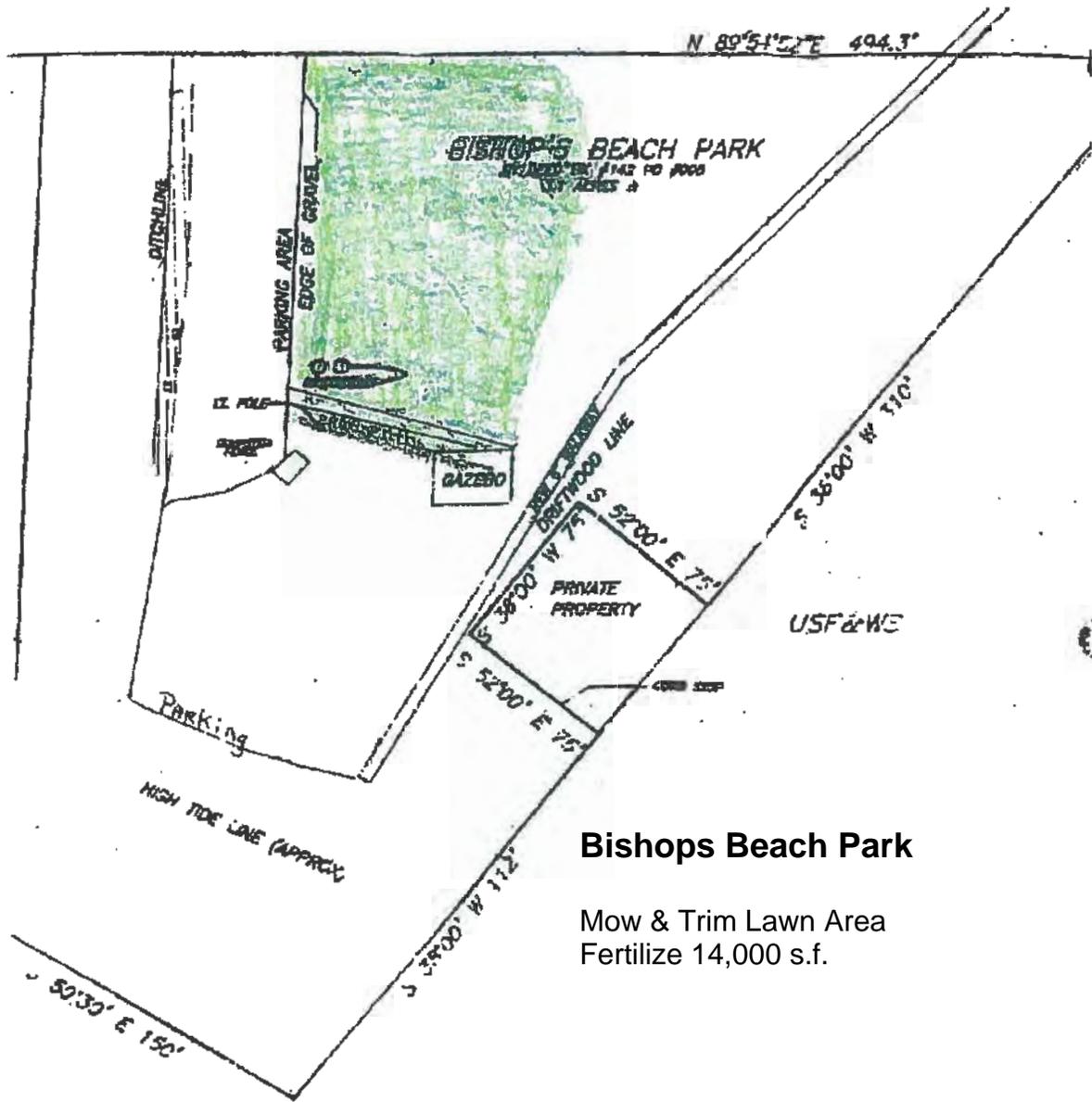


Bayview Park

- Mow & Trim Lawn Areas
- Weed Eat to Ditch Line
- Fertilize 20,000 s.f.

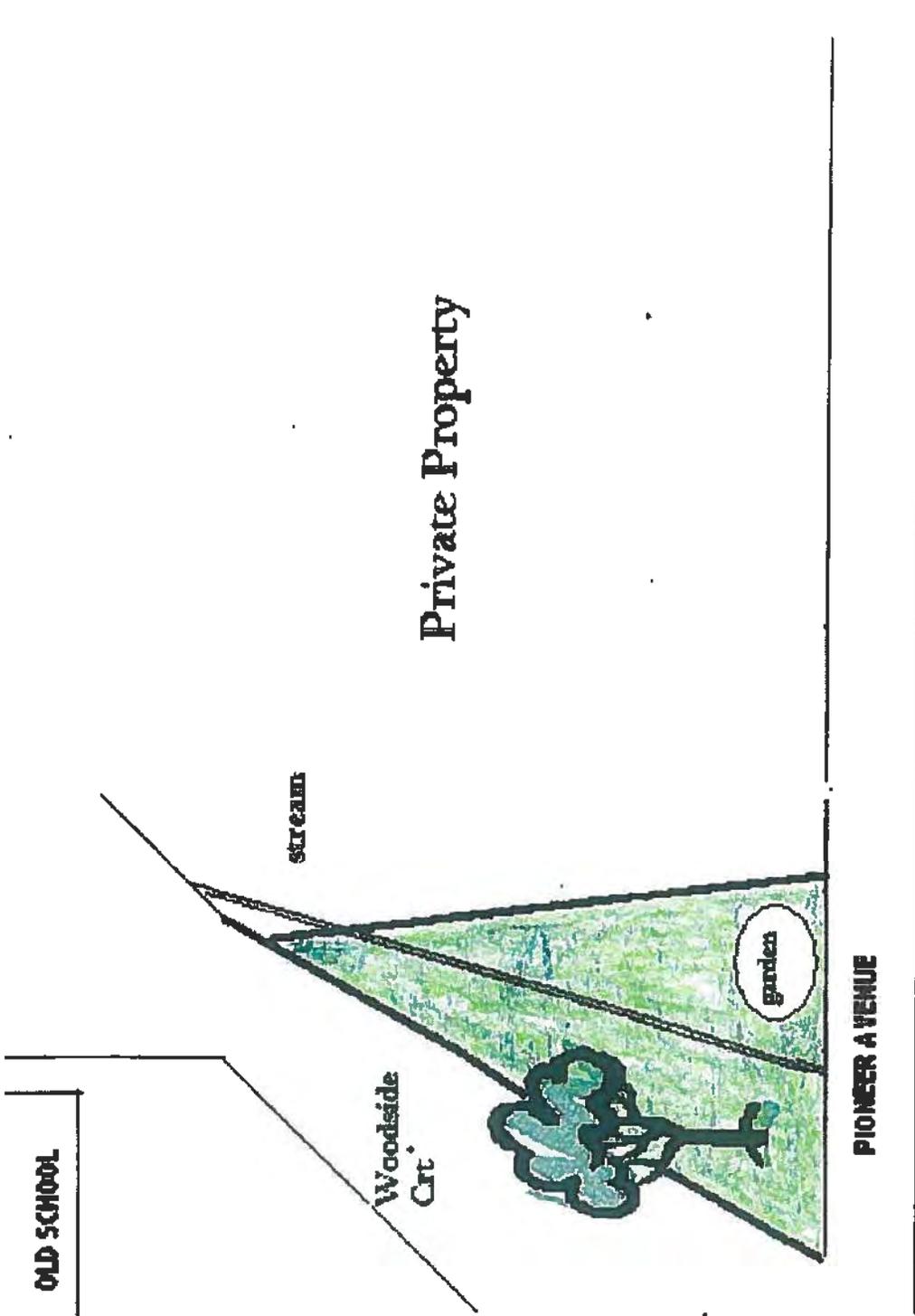






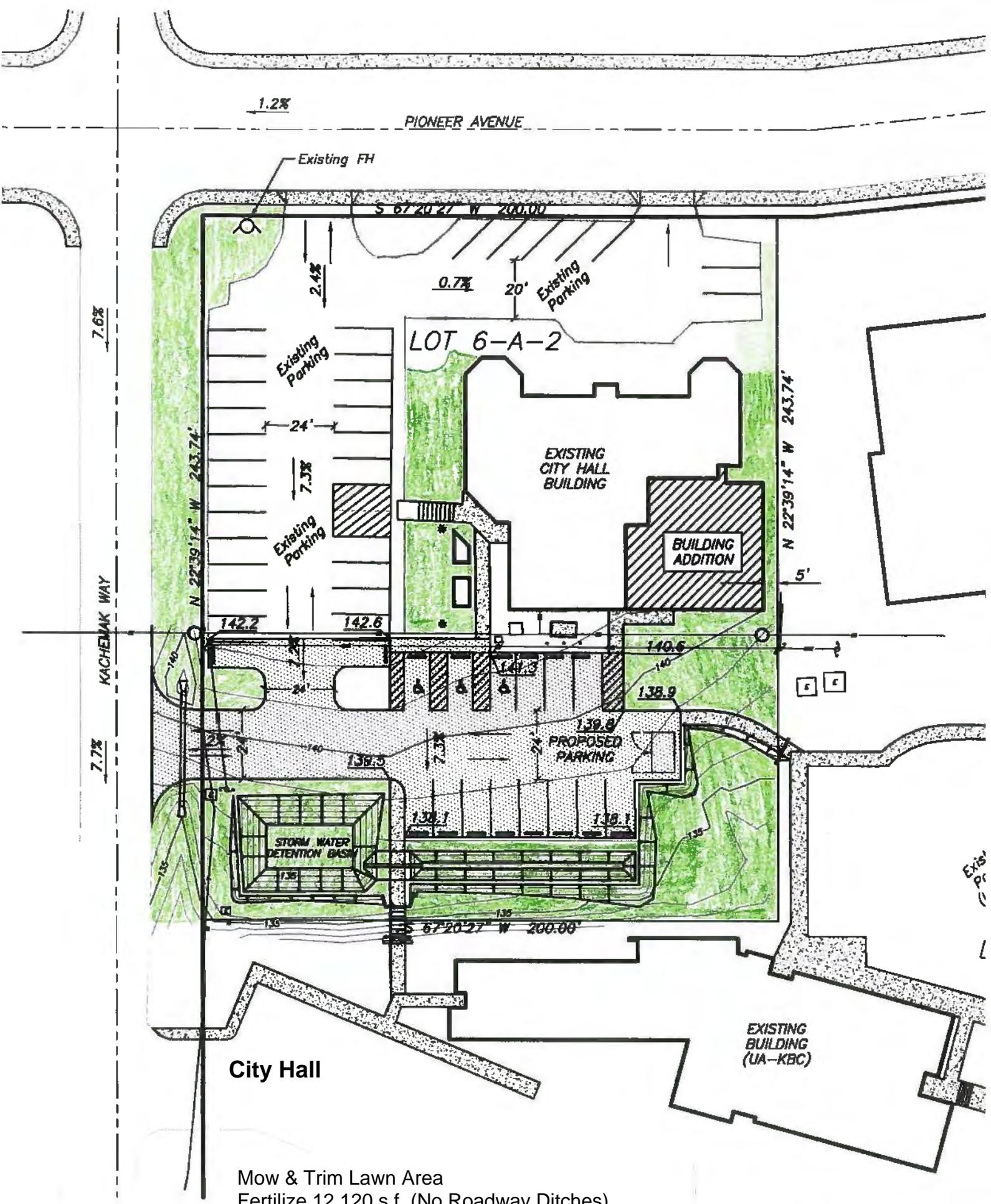
Bishops Beach Park

Mow & Trim Lawn Area
 Fertilize 14,000 s.f.



Mow & Trim Lawn Area
 Fertilize 3,569 s.f.

Woodside Park

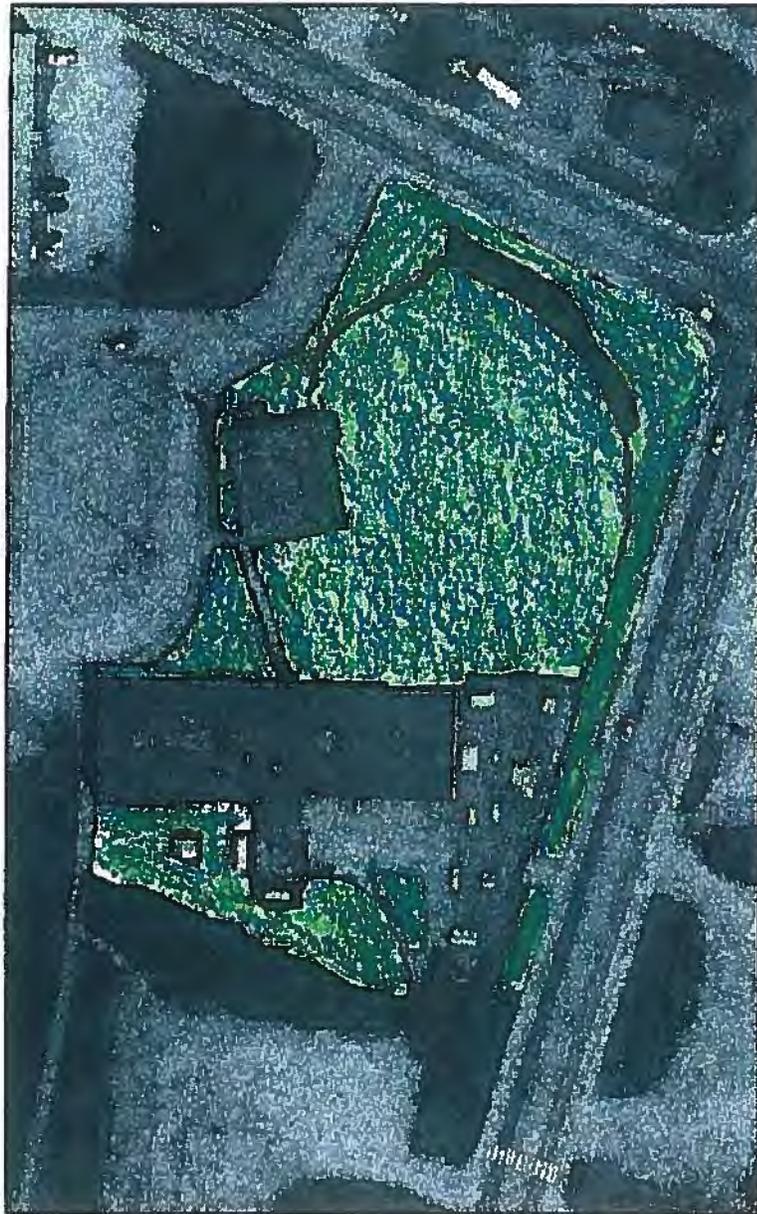


Mow & Trim Lawn Area
 Fertilize 12,120 s.f. (No Roadway Ditches)



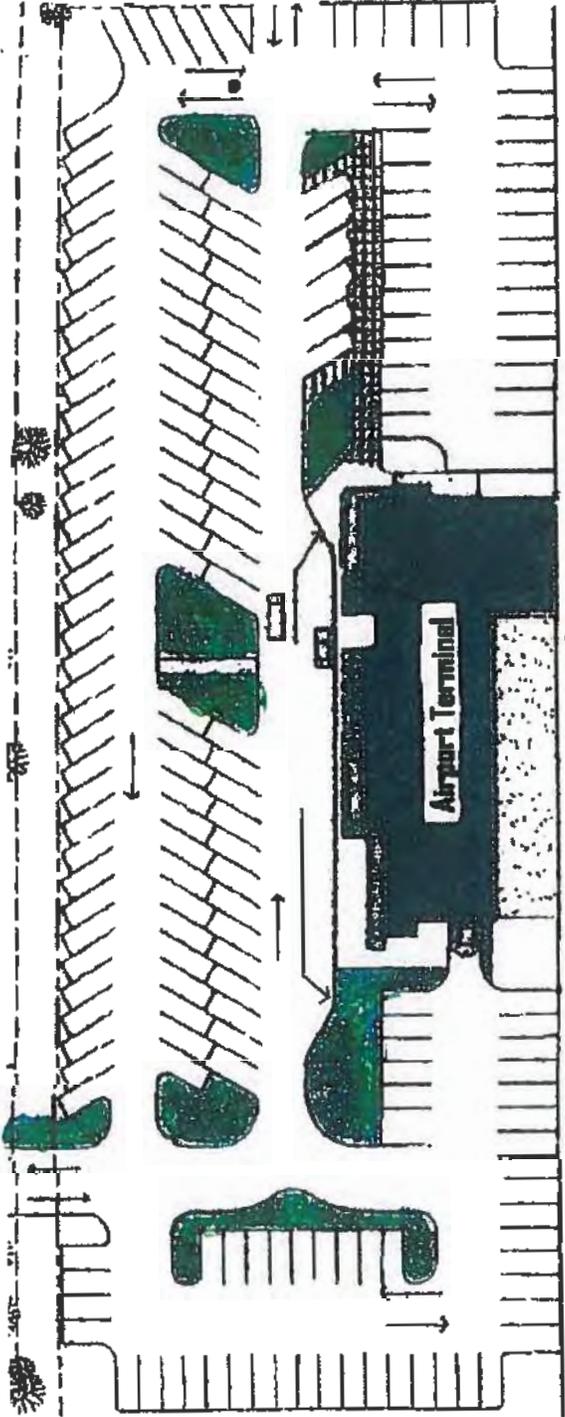
HERC

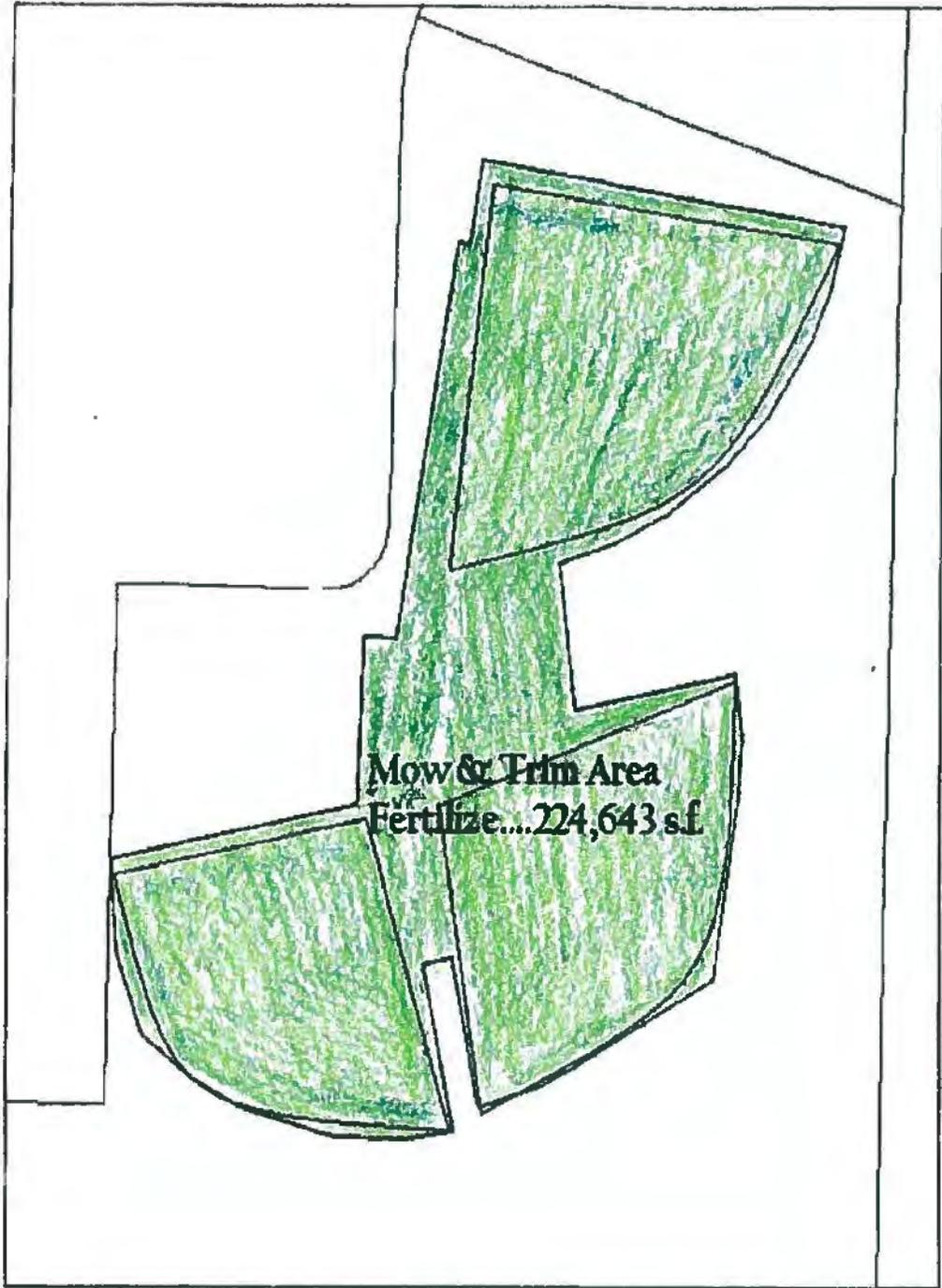
Mow & Trim Lawn Area
Fertilize 55,400 s.f.



Airport Terminal

Mow & Trim Lawn Area
Fertilize 9,300 s.f.



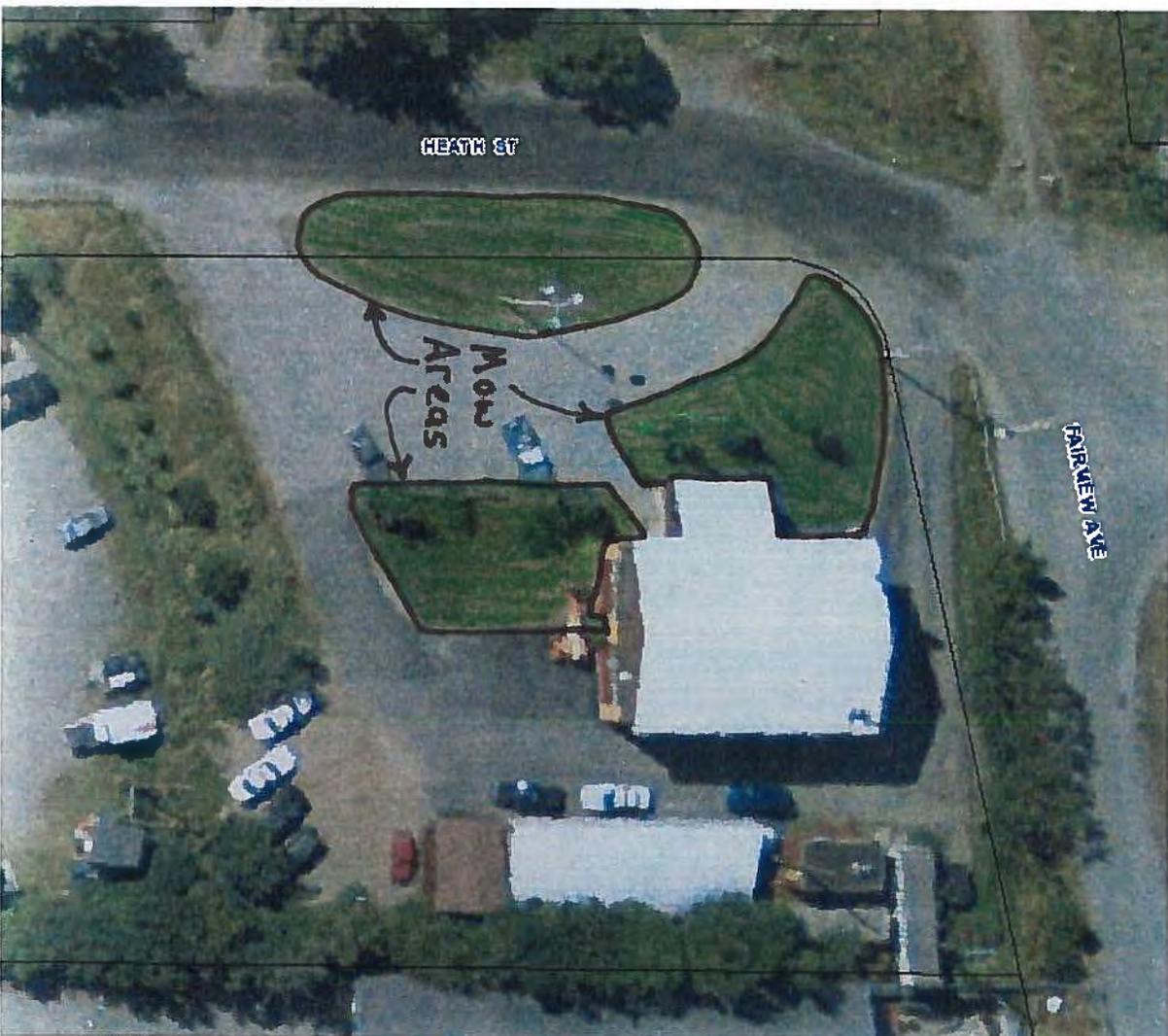


Jack Gist Park

Mow & Trim Lawn Area
Fertilize 224,643 s.f.

Homer Police Department

Mow & Trim Lawn Area
Fertilize 7040 s.f.



**CITY OF HOMER
 BID TALLY SHEET**

PROJECT: ITB City of Homer Lawn Maintenance Contract

DUE DATE & TIME: January 21, 2016 2:00 p.m.

CITY CLERK'S OFFICE

BIDDER NO.	BIDDER NAME & ADDRESS	BID AMOUNT
1.	Yard Chief Yard Care 1425 N Spar Ave. #2 Anchorage, AK 99501	Bid Schedule A- \$32,760.00 Bid Schedule B- \$6527.00 Total Bid - \$39,287.00
2.	American Landscaping 1313 Laona Cir Anchorage, AK 99503	Bid Schedule A- \$131,552.00 Bid Schedule B- \$10,395.00 Total Bid - \$141,947.00
3.	Alaska Hardy, LLC DBA Dutch Boy Landscaping PO Box 251 Homer, AK 99603	Bid Schedule A- \$28,960.00 Bid Schedule B- \$5,574.83 Total Bid - \$34,534.83
4.	Chugach Yard Care 7920 Resurrection Rd. Anchorage, AK	Bid Schedule A- \$28,373.57 Bid Schedule B- \$2,960.00 Total Bid - \$31,333.57

Staff Present: Melissa Jacobsen, Deputy City Clerk; Juli Swisher, Finance; and Angie Otteson Public Works

Comments: _____

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

3 City Manager

4 **RESOLUTION 16-019**

5
6 A RESOLUTION OF THE HOMER CITY COUNCIL ESTABLISHING AN
7 AMERICANS WITH DISABILITIES ACT COMPLIANCE COMMITTEE
8 TO DEVELOP A TRANSITION PLAN AND ESTABLISH A GRIEVANCE
9 PROCEDURE TO COMPLY WITH ADA REQUIREMENTS AND
10 APPOINTING DEPUTY CITY CLERK MELISSA JACOBSEN AS THE
11 ADA COORDINATOR FOR THE CITY OF HOMER.

12
13 WHEREAS, The Americans with Disability Act (ADA) requires that State and local
14 governments comply with Title II of the ADA that covers programs, activities, and
15 services of public entities; and

16
17 WHEREAS, Title II is intended to protect qualified individuals with disabilities from
18 discrimination on the basis of disability in the services, programs, or activities of all State and
19 local governments; and

20 WHEREAS, Title II requires that public entities take several steps designed to achieve
21 compliance with the ADA to include the preparation of a self-evaluation. In addition, public
22 entities with 50 or more employees are required to:

- 23 1) Develop a grievance procedure;
- 24 2) Designate an individual to oversee Title II compliance;
- 25 3) Develop a transition plan if structural changes are necessary for achieving program
26 accessibility; and
- 27 4) Retain the self-evaluation for three years.

28 WHEREAS, It is necessary to establish an ADA Compliance Committee (ADACC) to
29 develop a Transition Plan and Grievance Procedure and appoint an ADA Coordinator for the
30 City of Homer.

31
32 NOW, THEREFORE, BE IT RESOLVED that the City of Homer hereby establishes the
33 Americans with Disability Act Compliance Committee (ADDCC).

34
35 BE IT FURTHER RESOLVED that Melissa Jacobsen, Deputy City Clerk, is appointed as
36 the ADA Coordinator for the City of Homer.

37 BE IT FURTHER RESOLVED that the Committee membership shall be one member of
38 the City Council, and four members of the community, two of those members shall reside
39 with the City of Homer.

40
41 BE IT FURTHER RESOLVED that the committee should select within its membership a
42 chairperson to run meetings and provide the clerk's office with agenda content, a vice chair in
43 the chair's absence, and a secretary to take notes at meetings.

44
45 BE IT FURTHER RESOLVED that the scope of work shall include:

- 46
- 47 • Prepare a Self-Evaluation of the City's policies and practices and
48 analyze whether these policies and practices adversely affect the
49 full participation of individuals with disabilities in its programs,
50 activities, and services.
 - 51 • Develop a Transition Plan that lists the physical barriers in the City's
52 facilities that limit the accessibility of its programs, activities, or
53 services to individuals with disabilities; the methods to be utilized
54 to remove these barriers and make the facilities accessible; and
55 the schedule for taking necessary steps to achieve compliance.
 - 56 • Develop a Grievance Procedure to outline the process of providing for
57 prompt and equitable resolution of complaints alleging any
58 action that would be prohibited by Title II.
- 59

60 BE IT FURTHER RESOLVED that the Committee shall establish its own work schedule
61 and shall remain in effect to review any new programs, activities, and services within the City
62 of Homer.

63
64 PASSED AND ADOPTED by the Homer City Council this 8th day of February, 2016.

65
66
67 CITY OF HOMER

68
69
70
71 _____
72 MARY E. WYTHE, MAYOR

73
74
75
76 _____
77 JO JOHNSON, MMC, CITY CLERK

78 Fiscal information: N/A
79



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum 16-028

TO: MAYOR WYTHE AND CITY COUNCIL

FROM: JO JOHNSON, MMC, CITY CLERK

DATE: FEBRUARY 2, 2016

SUBJECT: VACATE THE 30-FOOT WIDE (APPROXIMATELY 560 FEET) RIGHT-OF-WAY AND EASEMENT ALONG THE SOUTH LOT LINE OF THAT PROPERTY SHOWN AS HOMER ELECTRIC ASSOCIATION ON PLAT HM 54-2021; REPLATTED AS LOT E HEATH STREET REPLAT, HM 90-58, AS RECORDED IN BOOK 165 PAGE 294 OF THE HOMER RECORDING DISTRICT. ALL PORTIONS OF THE REQUESTED VACATION ARE LOCATED WITHIN THE W1/2 OF THE NE1/4 OF SECTION 20, TOWNSHIP 06 SOUTH, RANGE 13 WEST, SEWARD MERIDIAN, IN THE CITY OF HOMER, ALASKA AND WITHIN THE KENAI PENINSULA BOROUGH; KPB FILE 2016-003.

At their January 25, 2016 meeting the Kenai Peninsula Borough Planning Commission approved to vacate the 30-foot wide (approximately 560 feet) right-of-way and easement along the south lot line of that property shown as Homer Electric Association on Plat HM 54-2021; replatted as Lot E Heath Street Replat, HM 90-58, as recorded in Book 165 Page 294 of the Homer Recording District. All portions of the requested vacation are located within the W1/2 of the NE1/4 of Section 20, Township 06 South, Range 13 West, Seward Meridian, in the City of Homer, Alaska and within the Kenai Peninsula Borough; KPB File 2016-003.

Notice of vacation was received on February 2, 2016 by mail. Per AS 29.40.140 no vacation of a City right-of-way and/or easement may be made without the consent of the City Council.

The City Council has thirty days from January 25, 2016 in which to veto the decision of the Kenai Peninsula Borough Planning Commission.

The Homer Advisory Planning Commission has no objection to granting this vacation as is reflected in the minutes of January 25, 2016, Staff Report given by Max Best, Vacation of a 30 ft. wide right-of-way and easement along the south lot line of that property shown as Homer Electric Association, replatted as Lot E Heath Street Replat.

RECOMMENDATION:

Voice non objection and consent to the vacation of the 30-foot wide (approximately 560 feet) right-of-way and easement along the south lot line of that property shown as Homer Electric Association on Plat HM 54-2021; replatted as Lot E Heath Street Replat, HM 90-58, as recorded in Book 165 Page 294 of the Homer Recording District. All portions of the requested vacation are located within the W1/2 of the NE1/4 of Section 20, Township 06 South, Range 13 West, Seward Meridian, in the City of Homer, Alaska and within the Kenai Peninsula Borough; KPB File 2016-003.

Fiscal Note: N/A



KENAI PENINSULA BOROUGH

PLANNING DEPARTMENT

144 North Binkley Street • Soldotna, Alaska 99669-7520

PHONE: (907) 714-2215 • **FAX:** (907) 714-2378

Toll-free within the Borough: 1-800-478-4441, Ext. 2215

www.kpb.us

**MIKE NAVARRE
BOROUGH MAYOR**

January 28, 2016

FEB - 2 2016

Homer City Council
491 East Pioneer Avenue
Homer, AK 99603-7645

RE: Vacate the 30-foot wide (approximately 560 feet) right-of-way and easement along the south lot line of that property shown as Homer Electric Association on Plat HM 54-2021; replatted as Lot E Heath Street Replat, HM 90-58, as recorded in Book 165 Page 294 of the Homer Recording District. All portions of the requested vacation are located within the W $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 20, Township 06 South, Range 13 West, Seward Meridian, in the City of Homer, Alaska and within the Kenai Peninsula Borough; KPB File 2016-003.

Dear Homer City Council Members:

In accordance with AS 29.40.140, no vacation of a city right-of-way and/or easement may be made without the consent of the city council. The KPB Planning Commission approved the referenced vacation during their regularly scheduled meeting of January 25, 2016. This petition is being sent to you for your consideration and action.

The City Council has 30 days from January 25, 2016 in which to veto the decision of the Planning Commission. If no veto is received from the Council within the 30-day period, the decision of the Planning Commission will stand.

Attached are draft, unapproved minutes of the pertinent portion of the meeting and other related material.

Sincerely,

Max J. Best
Planning Director

MJB:pdh

Attachments



KENAI PENINSULA BOROUGH

PLANNING DEPARTMENT

144 North Binkley Street • Soldotna, Alaska 99669-7520

PHONE: (907) 714-2200 • **FAX:** (907) 714-2378

Toll-free within the Borough: 1-800-478-4441, Ext. 2215

www.borough.kenai.ak.us

MIKE NAVARRE
BOROUGH MAYOR

January 28, 2016

KENAI PENINSULA BOROUGH PLANNING COMMISSION NOTICE OF DECISION

MEETING OF JANUARY 25, 2016

RE: Vacate the 30-foot wide (approximately 560 feet) right-of-way and easement along the south lot line of that property shown as Homer Electric Association on Plat HM 54-2021; replatted as Lot E Heath Street Replat, HM 90-58, as recorded in Book 165 Page 294 of the Homer Recording District. All portions of the requested vacation are located within the W $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 20, Township 06 South, Range 13 West, Seward Meridian, in the City of Homer, Alaska and within the Kenai Peninsula Borough; KPB File 2016-003.

During their regularly scheduled meeting of January 25, 2016, the Kenai Peninsula Borough Planning Commission granted approval of the proposed right-of-way and easement vacation based on the following findings of fact.

Findings

1. An alternative 30-foot right-of-way will be dedicated by the associated preliminary plat Waddell Park 2016 Replat, which will bring the right-of-way to a full 60-foot width per KPB 20.30.120.
2. One utility company (Homer Electric Association) is a petitioner.
3. ENSTAR submitted a statement of no comments, recommendations, or objections.
4. The proposed vacation is within the City of Homer.
5. Homer Advisory Planning Commission approved the proposed vacation on December 2, 2015.
6. Sufficient rights-of-way exist to serve surrounding properties.
7. No surrounding properties will be denied access.
8. Per the Homer Advisory Planning Commission December 2, 2015 meeting minutes, the easement/right-of-way is no longer needed by the city.
9. Per the Homer Advisory Planning Commission December 2, 2015 meeting minutes, the easement/right-of-way is currently being used for equipment storage.
10. Extending Waddell Way so it connects with Heath Street and Lake Street provides two blocks with looped access.
11. Per the December 2, 2015 Homer Advisory Planning Commission meeting minutes, the proposed vacation and replat of the properties by Waddell Park 2016 Replat are part of an upgrade project so Waddell Way will comply with city road standards.

In accordance with AS 29.40.140, no vacation of a city right-of-way and/or easement may be made without the consent of the city council. The proposed vacation has been forwarded to the Homer City Council. The City Council has 30 days from January 25, 2016 in which to veto the decision of the Planning Commission. If no veto is received from the Council within the 30-day period, the decision of the Commission will stand.

Please contact the Homer City Office to verify the date the subject vacation will be reviewed by the Council.

This notice and unapproved minutes of the subject portion of the meeting were sent January 28, 2016 to:

Katie Koester, City Manager
City of Homer
491 East Pioneer Ave.
Homer, AK 99603

Bradley Janorschke
Homer Electric Association
3977 Lake St.
Homer, AK 99603

Carey Meyer, Public Works Director
City of Homer
3575 Heath St.
Homer, AK 99603

Albert & Janice Waddell
3695 Lake Street
Homer, AK 99603

Homer City Council
491 East Pioneer Avenue
Homer, AK 99603

Homer Advisory Planning Commission
491 East Pioneer Avenue
Homer, AK 99603

AGENDA ITEM F. PUBLIC HEARINGS

2. Vacate the 30-foot wide (approximately 560 feet) right-of-way and easement along the south lot line of that property shown as Homer Electric Association on Plat HM 54-2021; replatted as Lot E Heath Street Replat, HM 90-58, as recorded in Book 165 Page 294 of the Homer Recording District. All portions of the requested vacation are located within the W½ of the NE¼ of Section 20, Township 06 South, Range 13 West, Seward Meridian, in the City of Homer, Alaska and within the Kenai Peninsula Borough; KPB File 2016-003.

Staff Report given by Max Best

PC Meeting: 1/25/16

Purpose as stated in petition: HEA is granting an equivalent 30' (width) to the south of existing "Waddell Way" ROW and the city is dedicating a full 60' of ROW via the "Waddell Park 2016 Replat" for the purpose of constructing East Grubstake Ave. to connect Lake St. and Heath St.

Petitioners: Katie Koester, City Manager, of Homer, AK and Bradley P. Janorschke, HEA, of Homer, AK

Notification:

Public notice appeared in the January 14, 2016 issue of the Homer News as a separate ad and January 21 as part of the Planning Commission's tentative agenda.

Nine certified mailings were sent to owners of property within 300 feet of the parcels. Eight receipts have been returned.

Thirty-five public hearing notices were sent by regular mail to owners within 600 feet of the proposed vacation.

Public hearing notices were emailed to 17 agencies and interested parties. Notices were sent by regular mail to two agencies. Public hearing notices were emailed to 11 KPB Departments. Notices were sent by regular mail to the Homer Post Office and Homer Community Library with a request to post in public places. The notice and maps were posted on the Borough bulletin board and Planning Department public hearing notice web site.

Comments Received:

Albert & James Waddell: Name the right-of-way being dedicated Gold Nugget or Nugget (Way, Street, Avenue).

ENSTAR: No comments, recommendations, or objections.

KPB Addressing Officer: No objection to the proposed vacation.

KPB River Center: This plat is not affected by the Anadromous Habitat Protection District. Homer Planning and Zoning Department should be consulted regarding a floodplain determination.

State Department of Natural Resources: No comments.

State Division of Parks & Outdoor Recreation: No comments.

State Department of Transportation: DOT has an easement per Book 264 Page 330 Homer Recording District that is not shown on the preliminary plat, which is also within this vacation area. Please see the attached ROW mapping for its location. It appears that DOT may have an interest in the easement being vacated (Book 165 Page 294). Petitioner should contact DOT and request a Quit Claim Deed of any interests that we may have in it. If the petitioner wants to vacate the easement (Book 264 Page 330), they will also need to request a relinquishment of it.

Staff Discussion:

The easement and right-of-way recorded in Book 165 Page 294 Homer Recording District was granted to the State of Alaska, City of Homer, and general public.

The preliminary plat that will finalize the vacation if it is approved is tentatively scheduled for review by the Plat Committee on February 8, 2016. Platting items including, but not limited to the following, will be addressed during the plat review:

- An exception to KPB 20.30.240 so the building setback depictions and plat notes can be removed; thereby bringing the plat into compliance with KPB 20.30.250.
- If the vacation is approved, show and label the easement and right-of-way being vacated on the plat along with the approval date.
- Changing the name of Waddell Way.
- Show and label the easement granted to the State Department of Transportation per Book 165 Page 294 Homer Recording District and clarify it is not being vacated by this petition.

Findings:

1. An alternative 30-foot right-of-way will be dedicated by the associated preliminary plat Waddell Park 2016 Replat, which will bring the right-of-way to a full 60-foot width per KPB 20.30.120.
2. One utility company (Homer Electric Association) is a petitioner.
3. ENSTAR submitted a statement of no comments, recommendations, or objections.
4. The proposed vacation is within the City of Homer.
5. Homer Advisory Planning Commission approved the proposed vacation on December 2, 2015.
6. Sufficient rights-of-way exist to serve surrounding properties.
7. No surrounding properties will be denied access.
8. Per the Homer Advisory Planning Commission December 2, 2015 meeting minutes, the easement/right-of-way is no longer needed by the city.
9. Per the Homer Advisory Planning Commission December 2, 2015 meeting minutes, the easement/right-of-way is currently being used for equipment storage.
10. Extending Waddell Way so it connects with Heath Street and Lake Street provides two blocks with looped access.
11. Per the December 2, 2015 Homer Advisory Planning Commission meeting minutes, the proposed vacation and replat of the properties by Waddell Park 2016 Replat are part of an upgrade project so Waddell Way will comply with city road standards.

STAFF RECOMMENDATION: Based on the above findings, staff recommends approval of the vacation as petitioned, subject to:

1. Confirm whether the State of Alaska has an interest in the easement/right-of-way being vacated.
2. If the State of Alaska does have an interest in the easement/right-of-way being vacated, work with the State Department of Transportation to quit claim and/or relinquish any interests the State has in the subject easement/right-of-way.
3. Submittal of the final plat in accordance with Chapter 20 of the KPB Code such that it can be recorded within one year of vacation consent per KPB 20.70.110.

KPB 20.70.110:

The Homer City Council shall have 30 calendar days from the date of approval in which to veto the planning commission decision. If no veto is received by the planning director within the specified period, the city shall be considered to have given consent to the vacation.

KPB 20.70.120:

- A. Denial of a vacation petition is a final act for which no further consideration shall be given by the Kenai Peninsula Borough.**
- B. Upon denial by the planning commission, no reapplication or petition concerning the same vacation may be filed within one calendar year of the date of the final denial action except in**

the case where new evidence or circumstances exist that were not available or present when the original petition was filed.

KPB 20.70.130:

THE FINAL PLAT MUST BE RECORDED WITHIN ONE YEAR OF THE VACATION CONSENT IN KPB 20.70.110.

END OF STAFF REPORT

Chairman Martin opened the meeting for public comment. Seeing and hearing no one wishing to speak Chairman Martin closed the public comment period and opened discussion among the Commission.

Commissioner Venuti recused himself from discussion and voting due to his vote at the Homer Advisory Planning Commission meeting.

MOTION: Commissioner Foster moved, seconded by Commissioner Ruffner to approve the vacation per staff recommendations and based on the following findings of fact.

Findings

1. An alternative 30-foot right-of-way will be dedicated by the associated preliminary plat Waddell Park 2016 Replat, which will bring the right-of-way to a full 60-foot width per KPB 20.30.120.
2. One utility company (Homer Electric Association) is a petitioner.
3. ENSTAR submitted a statement of no comments, recommendations, or objections.
4. The proposed vacation is within the City of Homer.
5. Homer Advisory Planning Commission approved the proposed vacation on December 2, 2015.
6. Sufficient rights-of-way exist to serve surrounding properties.
7. No surrounding properties will be denied access.
8. Per the Homer Advisory Planning Commission December 2, 2015 meeting minutes, the easement/right-of-way is no longer needed by the city.
9. Per the Homer Advisory Planning Commission December 2, 2015 meeting minutes, the easement/right-of-way is currently being used for equipment storage.
10. Extending Waddell Way so it connects with Heath Street and Lake Street provides two blocks with looped access.
11. Per the December 2, 2015 Homer Advisory Planning Commission meeting minutes, the proposed vacation and replat of the properties by Waddell Park 2016 Replat are part of an upgrade project so Waddell Way will comply with city road standards.

Commissioner Foster was pleased this was moving forward as it has been a long time coming.

VOTE: The motion passed by unanimous consent.

CARLUCCIO YES	COLLINS ABSENT	ECKLUND YES	ERNST YES	FOSTER YES	GLENDENING YES	HOLSTEN ABSENT
ISHAM YES	LOCKWOOD YES	MARTIN YES	RUFFNER YES	VENUTI RECUSED	WHITNEY YES	10 YES 1 RECUSED 2 ABSENT

AGENDA ITEM F. PUBLIC HEARINGS

3. Ordinance 2015-19-21, An Ordinance Authorizing the Acquisition of Real Property Located at 362 Tye Street, Soldotna Alaska on Behalf of Central Peninsula Hospital for Transitional Housing Purposes, Accepting and Appropriating Grant Funds of \$1,105,000, Appropriating \$395,000 from the CPGH, Inc. Plant Replacement and Expansion Fund for the Purchase and Remodel of the Property, and Authorizing an Amendment to the CPGH, Inc. Lease and Operating Agreement.

Memorandum & Staff Report given by Marcus Mueller

PC Meeting: 1/25/2016

AGENDA ITEM F. PUBLIC HEARINGS

2. Vacate the 30-foot wide (approximately 560 feet) right-of-way and easement along the south lot line of that property shown as Homer Electric Association on Plat HM 54-2021; replatted as Lot E Heath Street Replat, HM 90-58, as recorded in Book 165 Page 294 of the Homer Recording District. All portions of the requested vacation are located within the W½ of the NE¼ of Section 20, Township 06 South, Range 13 West, Seward Meridian, in the City of Homer, Alaska and within the Kenai Peninsula Borough; KPB File 2016-003.

STAFF REPORT

PC Meeting: 1/25/16

Purpose as stated in petition: HEA is granting an equivalent 30' (width) to the south of existing "Waddell Way" ROW and the city is dedicating a full 60' of ROW via the "Waddell Park 2016 Replat" for the purpose of constructing East Grubstake Ave. to connect Lake St. and Heath St.

Petitioners: Katie Koester, City Manager, of Homer, AK and Bradley P. Janorschke, HEA, of Homer, AK

Notification:

Public notice appeared in the January 14, 2016 issue of the Homer News as a separate ad and January 21 as part of the Planning Commission's tentative agenda.

Nine certified mailings were sent to owners of property within 300 feet of the parcels. Eight receipts have been returned.

Thirty-five public hearing notices were sent by regular mail to owners within 600 feet of the proposed vacation.

Public hearing notices were emailed to 17 agencies and interested parties. Notices were sent by regular mail to two agencies. Public hearing notices were emailed to 11 KPB Departments. Notices were sent by regular mail to the Homer Post Office and Homer Community Library with a request to post in public places. The notice and maps were posted on the Borough bulletin board and Planning Department public hearing notice web site.

Comments Received:

Albert & James Waddell: Name the right-of-way being dedicated Gold Nugget or Nugget (Way, Street, Avenue).

ENSTAR: No comments, recommendations, or objections.

KPB Addressing Officer: No objection to the proposed vacation.

KPB River Center: This plat is not affected by the Anadromous Habitat Protection District. Homer Planning and Zoning Department should be consulted regarding a floodplain determination.

State Department of Natural Resources: No comments.

State Division of Parks & Outdoor Recreation: No comments.

State Department of Transportation: DOT has an easement per Book 264 Page 330 Homer Recording District that is not shown on the preliminary plat, which is also within this vacation area. Please see the attached ROW mapping for its location. It appears that DOT may have an interest in the easement being vacated (Book 165 Page 294). Petitioner should contact DOT and request a Quit Claim Deed of any interests that we may have in it. If the petitioner wants to vacate the easement (Book 264 Page 330), they will also need to request a relinquishment of it.

Staff Discussion:

The easement and right-of-way recorded in Book 165 Page 294 Homer Recording District was granted to the State of Alaska, City of Homer, and general public.

The preliminary plat that will finalize the vacation if it is approved is tentatively scheduled for review by the Plat Committee on February 8, 2016. Platting items including, but not limited to the following, will be addressed during the plat review:

- An exception to KPB 20.30.240 so the building setback depictions and plat notes can be removed; thereby bringing the plat into compliance with KPB 20.30.250.
- If the vacation is approved, show and label the easement and right-of-way being vacated on the plat along with the approval date.
- Changing the name of Waddell Way.
- Show and label the easement granted to the State Department of Transportation per Book 165 Page 294 Homer Recording District and clarify it is not being vacated by this petition.

Findings:

1. An alternative 30-foot right-of-way will be dedicated by the associated preliminary plat Waddell Park 2016 Replat, which will bring the right-of-way to a full 60-foot width per KPB 20.30.120.
2. One utility company (Homer Electric Association) is a petitioner.
3. ENSTAR submitted a statement of no comments, recommendations, or objections.
4. The proposed vacation is within the City of Homer.
5. Homer Advisory Planning Commission approved the proposed vacation on December 2, 2015.
6. Sufficient rights-of-way exist to serve surrounding properties.
7. No surrounding properties will be denied access.
8. Per the Homer Advisory Planning Commission December 2, 2015 meeting minutes, the easement/right-of-way is no longer needed by the city.
9. Per the Homer Advisory Planning Commission December 2, 2015 meeting minutes, the easement/right-of-way is currently being used for equipment storage.
10. Extending Waddell Way so it connects with Heath Street and Lake Street provides two blocks with looped access.
11. Per the December 2, 2015 Homer Advisory Planning Commission meeting minutes, the proposed vacation and replat of the properties by Waddell Park 2016 Replat are part of an upgrade project so Waddell Way will comply with city road standards.

STAFF RECOMMENDATION: Based on the above findings, staff recommends approval of the vacation as petitioned, subject to:

1. Confirm whether the State of Alaska has an interest in the easement/right-of-way being vacated.
2. If the State of Alaska does have an interest in the easement/right-of-way being vacated,

work with the State Department of Transportation to quit claim and/or relinquish any interests the State has in the subject easement/right-of-way.

3. Submittal of the final plat in accordance with Chapter 20 of the KPB Code such that it can be recorded within one year of vacation consent per KPB 20.70.110.

KPB 20.70.110:

The Homer City Council shall have 30 calendar days from the date of approval in which to veto the planning commission decision. If no veto is received by the planning director within the specified period, the city shall be considered to have given consent to the vacation.

KPB 20.70.120:

- A. Denial of a vacation petition is a final act for which no further consideration shall be given by the Kenai Peninsula Borough.
- B. Upon denial by the planning commission, no reapplication or petition concerning the same vacation may be filed within one calendar year of the date of the final denial action except in the case where new evidence or circumstances exist that were not available or present when the original petition was filed.

KPB 20.70.130:

THE FINAL PLAT MUST BE RECORDED WITHIN ONE YEAR OF THE VACATION CONSENT IN KPB 20.70.110.

END OF STAFF REPORT

1/4 SEC. COR.- SECTIONS 17 AND 20
G.L.O. Monument

EAST ROAD

S. 60° 20' W
STERLING HIWAY 403.94
N 20° 20' E

AIRPORT ROAD
538 FT. 208.23

538 FT. 208.23

CARL A. SHOLIN

JOHN C. CLEMONS
1.90 ACRES
886.52

GEO. W. WILLARD
2.02 ACRES
953.81 743.81

KARL Z. NIELSEN
3.33 ACRES
771.95

HOMER ELECT. ASSOCIATION

Easement and
Right-of-Way, Book
0165 Pg 284 HRD

WADDELL SUBDIVISION
546.32

546.32

PLAT
OF A PORTION OF THE TRACTS OF
LAND SITUATED IN THE W 1/2 OF
THE N. 1/4, OF SECTION 20 TP. 6 S.
R. 13 W. S.M.

THIS PLAT REPRESENTS A FIELD SURVEY
MADE BY MYSELF TO LOCATE TRACTS
SHOWN HEREON

David R. Gear

SURVEYED: JUNE 1954
SCALE : 1 INCH = 100 FEET

CURVE DATA
D - 24.45
R - 112.6

CURVE DATA
A - 37° 31' L.
D - 24.45
T - 84.6



NOTES

1. NO PERMANENT STRUCTURES SHALL BE CONSTRUCTED OR PLACED WITHIN AN EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE SAID EASEMENT.
2. ALL WASTEWATER DISPOSAL SYSTEMS SHALL COMPLY WITH EXISTING APPLICABLE LAWS AT THE TIME OF CONSTRUCTION.
3. ALL DEVELOPMENT IN THIS SUBDIVISION IS SUBJECT TO THE REQUIREMENTS OF THE CITY OF HOMER'S ZONING DISTRICT.
4. THERE IS A 15' UTILITY EASEMENT FRONTING ON ALL STREET RIGHT OF WAYS, EXTENDING TO 20' WITHIN 5' OF SIDE LOT LINES.
5. THESE LOTS ARE SERVED BY THE CITY OF HOMER SEWER AND WATER.
6. A LOW-VALUE WETLAND PERMIT IS REQUIRED PRIOR TO ANY FILLING OF WETLANDS; A 20' EASEMENT EXISTS ALONG EXISTING DRAINAGE UNTIL SUCH TIME IT IS RELOCATED (#00-20 HRD).
7. THESE LOTS ARE SUBJECT TO THE ZONING LAWS AND REGULATIONS OF THE CITY OF HOMER.
8. NO DIRECT ACCESS TO STATE MAINTAINED RIGHTS-OF-WAY IS PERMITTED UNLESS APPROVED BY THE STATE OF ALASKA DEPARTMENT OF TRANSPORTATION.
9. THE RIGHT OF CONSTRUCT A "SKYWALK" FROM TRACT 2A ACROSS WADDELL WAY TO TRACT 3A, SUBJECT TO MINIMUM CROSSING AND MAXIMUM BUILDING HEIGHTS, IS HEREBY RESERVED (#87-27 HRD).

10. THE FOLLOWING BUILDING SETBACK LIMITS SHALL APPLY UNLESS A LESSER STANDARD IS APPROVED BY THE APPROPRIATE PLANNING COMMISSION (#87-27 HRD):
 - A) 60' FROM THE NORTHERN BOUNDARY OF TRACT A.
 - B) 70' FROM THE CENTERLINES OF LAKE STREET AND THE HOMER BYPASS.
 - C) A 170' RADIUS SETBACK FROM THE CENTERLINES OF THE INTERSECTION OF WADDELL WAY AND LAKE STREET.
 - D) 60' FROM THE CENTERLINE OF WADDELL WAY.

CURVE TABLE

CURVE	CHD. BRNG.	CHD. DIST.	RADIUS	LENGTH
C1	S 52°38'51" E	122.58'	70.00'	148.32' (R)
C2	S 16°17'55" E	185.85'	289.09'	188.32' (R)
C3	S 35°08'57" W	27.30'	25.00'	28.88' (R)

LEGEND

- 5/8" x 30" REBAR W/ 1.5" ALCAP (PLAT #2000-20 HRD)
- ⊖ 5/8" REBAR OF RECORD (PLAT #1987-27 HRD)
- ⊙ 5/8" x 30" REBAR (PLAT #2005-81 HRD)
- ⊕ 1/2" REBAR 3686-S 1982 (PLAT #2005-81 HRD)
- ⊗ 2" ALCAP 3686-S (PLAT #1990-58 HRD)
- ⊘ 1.5" ALCAP 3815-S 1989 (PLAT #2005-81 HRD)

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF

BY: _____ DATE _____
AUTHORIZED OFFICIAL
KENAI PENINSULA BOROUGH



WASTEWATER DISPOSAL

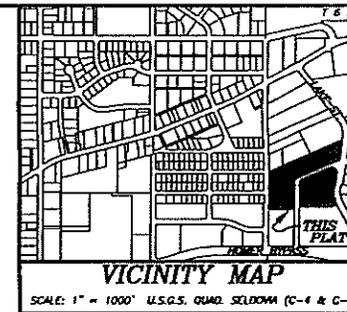
PLANS FOR WASTEWATER DISPOSAL THAT MEET REGULATORY REQUIREMENTS ARE ON FILE AT THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

NOTARY'S ACKNOWLEDGMENT

FOR: _____
 ACKNOWLEDGED BEFORE ME THIS _____
 DAY OF _____, 2015

NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES _____



CERTIFICATE OF OWNERSHIP

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON, THAT WE HEREBY ADOPT THIS PLAT OF SUBDIVISION, AND BY OUR FREE CONSENT DEDICATE ALL RIGHTS OF WAY AND PUBLIC AREAS TO PUBLIC USE, AND GRANT ALL EASEMENTS TO THE USE SHOWN HEREON.

 KATIE KOESTER, CITY MANAGER
 CITY OF HOMER
 491 EAST PIONEER AVENUE
 HOMER, AK 99603

 SIGNOR
 HOMER ELECTRIC ASSOCIATION, INC.
 3977 LAKE ST.
 HOMER, AK 99603

NOTARY'S ACKNOWLEDGMENT

FOR: _____
 ACKNOWLEDGED BEFORE ME THIS _____
 DAY OF _____, 2015

NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES _____

HOMER RECORDING DISTRICT KPB FILE No. 2015-177

WADDELL PARK 2016 REPLAT

A REPLAT OF LOT E HEATH ST. REPLAT HM 0900058, TRACT 2-A WADDELL PARK SUBD. 1985 REPLAT HM 0870027, AND LOT 2 WADDELL PARK 2000 HM 2000020, LOCATED WITHIN THE NE 1/4 SEC 20, T. 6 S., R. 13 W., S.M., WITHIN THE CITY OF HOMER, KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, ALASKA CONTAINING 10.439 ACRES

**SEABRIGHT SURVEY + DESIGN
KENTON T. BLOOM, P.L.S.**

1044 EAST ROAD, SUITE A
HOMER, ALASKA 99603
(907) 235-4247

DRAWN BY: KK	CHKD BY: KB	JOB #2015-43
DATE: 8/2015	SCALE: 1"=100'	SHEET #1 OF 1



ON 1/16 S. 20 - FOUND 3-1/4" ALUMINUM CAP
BASIS OF COORDINATES
N 48.675.480
E 52,841.437

FOUND 3-1/4" ALUMINUM CAP, 4489-S 1995
1.14' S and 0.11' W OF RECORD POSITION (PLAT 87-27)
MARKED NE 1/16 S. 20

N89°55'34"W 1320.63' (REC. PLAT 87-27 H.R.D.)

CURVE #	RADIUS	LENGTH	DELTA	CHORD	CHD. BRNG
(1)	70.00'	149.32'	122°13'11"	122.58'	N52°38'57"W
(2)	289.09'	182.32'	37°31'18"	185.95'	S101°25'52"E
(3)	147.64'	78.50'	30°21'58"	77.58'	N9°38'44"E
(4)	431.87'	25.91'	3°26'11"	25.92'	N88°14'13"W
(5)	25.00'	39.27'	90°00'00"	35.36'	S44°27'18"E
(6)	25.00'	28.88'	66°11'51"	27.30'	S33°08'17"W
(7)	431.97'	149.31'	19°53'05"	148.87'	N76°16'42"W

CURVE TABLE



CERTIFICATE OF OWNERSHIP

I hereby certify that I am the owners of the real property shown and described hereon, and that I hereby adopt this plat of subdivision, and by my free consent dedicate all rights of way and grant all easements to the use shown.

Ethel Waddell
Ethel Waddell, Personal Representative
of the Estate of Albert G. Waddell
by Order of PAUL B. VOELLER

Ethel Waddell
Ethel Waddell, Trustee
3895 LAKE STREET
HOMER, ALASKA 99603

NOTARY'S ACKNOWLEDGEMENT for Ethel Waddell Trustee

Subscribed and sworn before me this 24th day of MAY 2000

George Goerndt
Notary Public for Alaska
OFFICIAL SEAL
STATE OF ALASKA
GEORGE GOERNDT
NOTARY PUBLIC

SURVEYOR'S CERTIFICATE

I hereby certify that this survey was performed by me or under my direct supervision. I declare that the information shown hereon is true and correct to the best of my knowledge and belief.

Paul B. Voeller
Paul B. Voeller
5-24-00
Date

PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission in accordance with Section 20.04.070 Kenai Peninsula Borough Subdivision Regulations.

Date: June 2, 2000

Borough Official *Max J. Smith*

NOTES

1. WATER AND SEWER SERVICE WILL BE SUPPLIED BY THE CITY OF HOMER. WATER AND SEWER CONNECTIONS SHALL COMPLY WITH CITY OF HOMER REQUIREMENTS AT THE TIME OF INSTALLATION.
2. A LOW-VALUE WETLAND PERMIT IS REQUIRED PRIOR TO ANY FILLING OF WETLANDS; A 20' EASEMENT EXISTS ALONG EXISTING DRAINAGE UNTIL SUCH TIME IT IS RELOCATED.
3. PLAT NOTES, COVENANTS AND RESTRICTIONS FROM THE PARENT PLAT (87-27 H.R.D.) SHALL APPLY TO THIS PLAT.
4. NO PERMANENT STRUCTURES SHALL BE CONSTRUCTED OR PLACED WITHIN AN EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
5. NO ACCESS TO STATE MAINTAINED RIGHTS-OF-WAY IS PERMITTED UNLESS APPROVED BY THE STATE OF ALASKA DEPARTMENT OF TRANSPORTATION.
6. THESE LOTS ARE SUBJECT TO THE ZONING LAWS AND REGULATIONS OF THE CITY OF HOMER.

WASTEWATER DISPOSAL

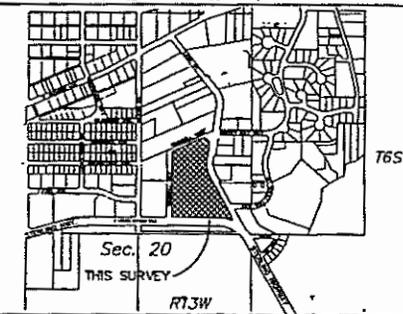
Plans for wastewater disposal, that meet regulatory requirements are on file at the Department of Environmental Conservation and City of Homer Public Works Department.

Paul B. Voeller CE-9920 5-24-00
Paul B. Voeller License # Date

LEGEND

- EXISTING POWER POLE AND LINE
- EXISTING WATER AND SEWER MAIN
- STUB-OUTS
- ▲ EXISTING FIRE HYDRANT
- ▲ EXISTING TELEPHONE PEDISTAL
- EXISTING LIGHT POLE
- C.G.M. CONTROL MONUMENT
- REBAR OR MONUMENT FOUND
- 5/8" x 30" REBAR AND 1/2" ALUMINUM CAP SET

VICINITY MAP SCALE 1" = 1000'



DATE: MAY 2000

SCALE: 1" = 100'

BASE MAP: AR-73

FIELD BOOK: S-20

KPB FILE: 2000-091

JOB No: 431

ZONING: C.O.H. CBD

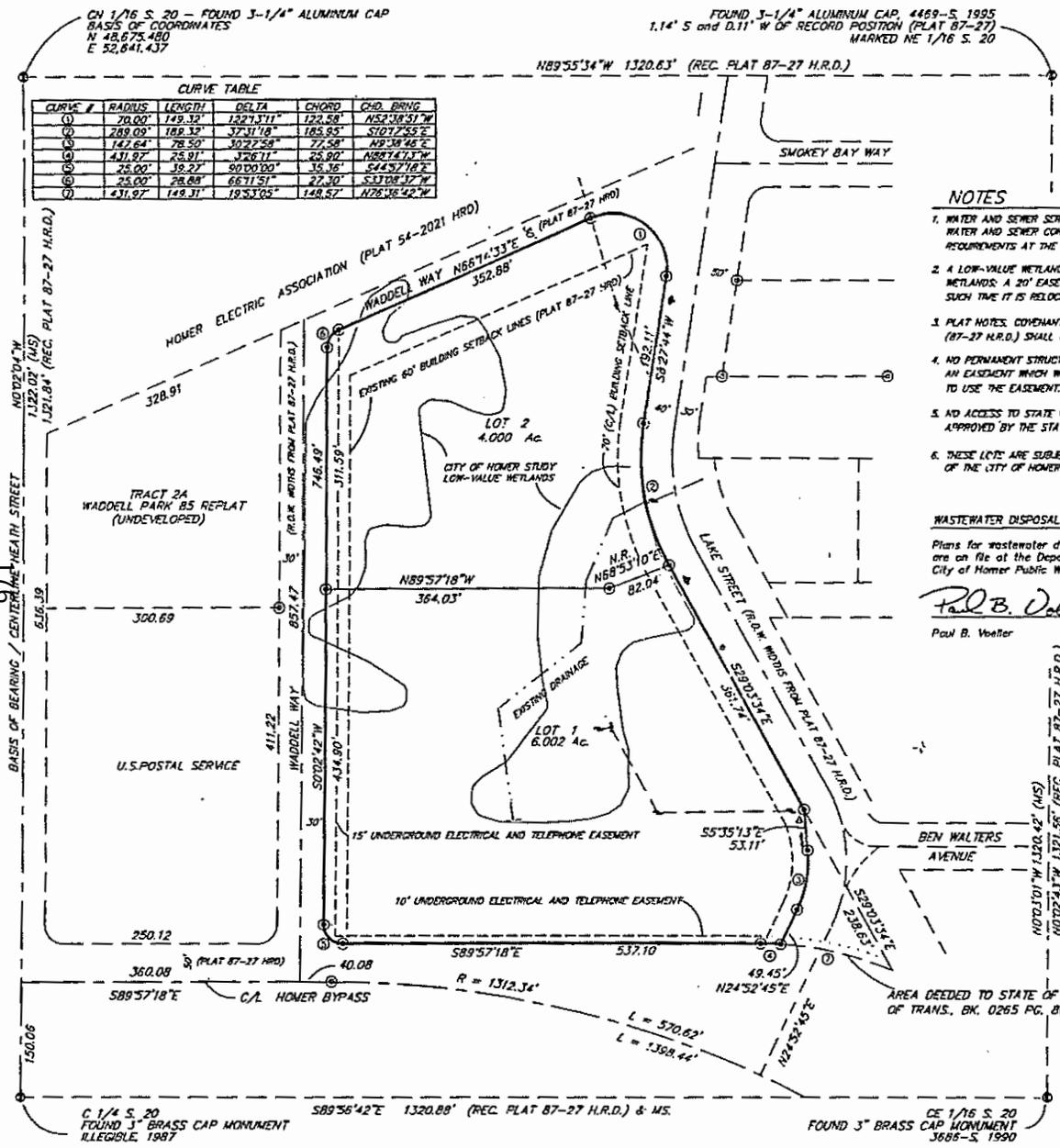


WADDELL PARK 2000

A SUBDIVISION OF TRACT 3A, WADDELL PARK, PLAT NO. 87-27 H.R.D. LOCATED WITHIN THE NE 1/4 S.20 T.6S, R.13W, S.M ALASKA, WITHIN THE CITY LIMITS OF HOMER, ALASKA; HOMER RECORDING DISTRICT. CONTAINING 10.002 ACRES

BORDERLINE

ENGINEERS - LAND SURVEYORS - ENVIRONMENTAL CONSULTANTS
34601 Alamar Road Anchor Point, Alaska 99556
(907)235-8078



ON 1/16 TH CITY OF HOMER MON. NO. 39
FOUND GRANITE STONE, 268-S
REPLACED BY BENCHMARK MON.
SET 1963 BY 368-S

N-4875.88
E-3264.437

...BASIS OF BEARING... CITY OF HOMER TO WASTE SURVEY

N. 89° 55' 58" W. 1320.63' (MON. TO MON.)

415.55

N-4875.88
E-3264.437

FOUND B.C. MON DURING
PRIOR SURVEY 1301-S 1978



CERTIFICATE OF OWNERSHIP
I hereby certify that I am the owner of the property shown and described
hereon. I hereby request approval of this plat showing such easements
for public utilities and roadways dedicated by me for public use or to the
use shown

Albert D. Waddell *Ethel Waddell*
ALBERT D. WADDELL ETHEL WADDELL
1633 HORNINGS AVENUE
ANCHORAGE, ALASKA

JERRY ANDERSON
NOTARY PUBLIC
STATE OF ALASKA

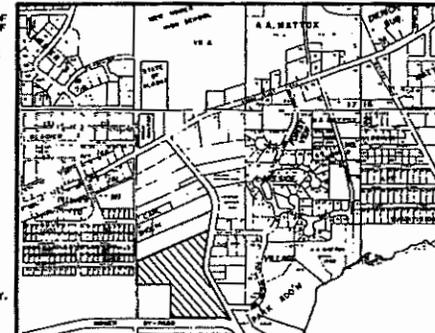
NOTARY ACKNOWLEDGEMENT
Subscribed and sworn to before me this 6th day of April 1987
[Signature] NOV 7 1987
Notary Public for Alaska My Commission Expires

SURVEYOR'S CERTIFICATE
I, the undersigned registered surveyor, hereby certify that a land
survey has been completed by me or under my direct supervision and
that corners and monuments have been located and established and that
dimensions shown hereon are true and correct.

[Signature]
Anderson, RLS No 3688 S APRIL 27
DATE

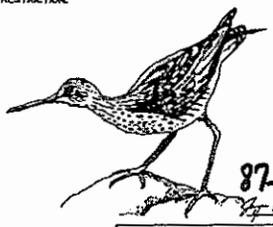
PLAT APPROVAL
This plat was approved by the Kenai Peninsula Borough Planning Com-
mission at the meeting of JUNE 5, 1986
Kenai Peninsula Borough
By *[Signature]* Authorized (Title 11)

VICINITY MAP 1" = 100'



- NOTES:**
- 1) NO DIRECT ACCESS TO STATE MAINTAINED RIGHTS OF WAY IS PERMITTED UNLESS APPROVED BY THE STATE OF ALASKA DEPARTMENT OF TRANSPORTATION
 - 2) NOTE 3 OF PLAT 84-26 HRD IS RESPONDED BY THIS PLAT AND NOTE 1 THEREOF.
 - 3) THE RIGHT TO CONSTRUCT A "SERVICIAL" FROM TRACT 2A ACROSS WADDELL WAY TO TRACT 3A SUBJECT TO MINIMUM CROSSING AND MAXIMUM BUILDING HEIGHTS, IS HEREBY RESERVED.
 - 4) THIS PLAT DOES NOT CONSTITUTE A SUBDIVISION AS DEFINED IN 10 AAC 75.030 AND IS NOT SUBJECT TO REVIEW UNDER 10 AAC 75.020.
 - 5) THE FOLLOWING BUILDING SETBACK LIMITS SHALL APPLY UNLESS A LESSEER STANDARD IS APPROVED BY THE APPROPRIATE PLANNING COMMISSION:
 - (A) 60' FROM THE NORTHERN BOUNDARY OF TRACT "A".
 - (B) 10' FROM THE CENTERLINES OF LAKE STREET AND THE HOMER BYPASS.
 - (C) A 170' RADIUS SETBACK FROM THE CENTERLINES OF THE INTERSECTION OF WADDELL WAY AND LAKE STREET.
 - (D) 60' FROM THE CENTERLINE OF WADDELL WAY.
 - 6) ACCESS TO TRACT 3A FROM THE HOMER BYPASS SHALL BE LIMITED TO THE EXISTING CURB CUT NEAR THE CENTER OF THE PARCEL, AS SHOWN. FURTHER SUBDIVISION OF TRACT 3A SHALL BEAR THE SAME RESTRICTION.

6) ACCESS TO TRACT 3A FROM THE HOMER BYPASS SHALL BE LIMITED TO THE EXISTING CURB CUT NEAR THE CENTER OF THE PARCEL, AS SHOWN. FURTHER SUBDIVISION OF TRACT 3A SHALL BEAR THE SAME RESTRICTION.



FILED 20
HOMER
DATE 4-22-87
TIME 1:50 P.
REGISTERED BY *[Signature]*
ADDRESS *[Signature]*

DATE NOV. 1985
SCALE 1" = 100'
GRID NO H-33
FLD BK NO 138
JOB NO 179



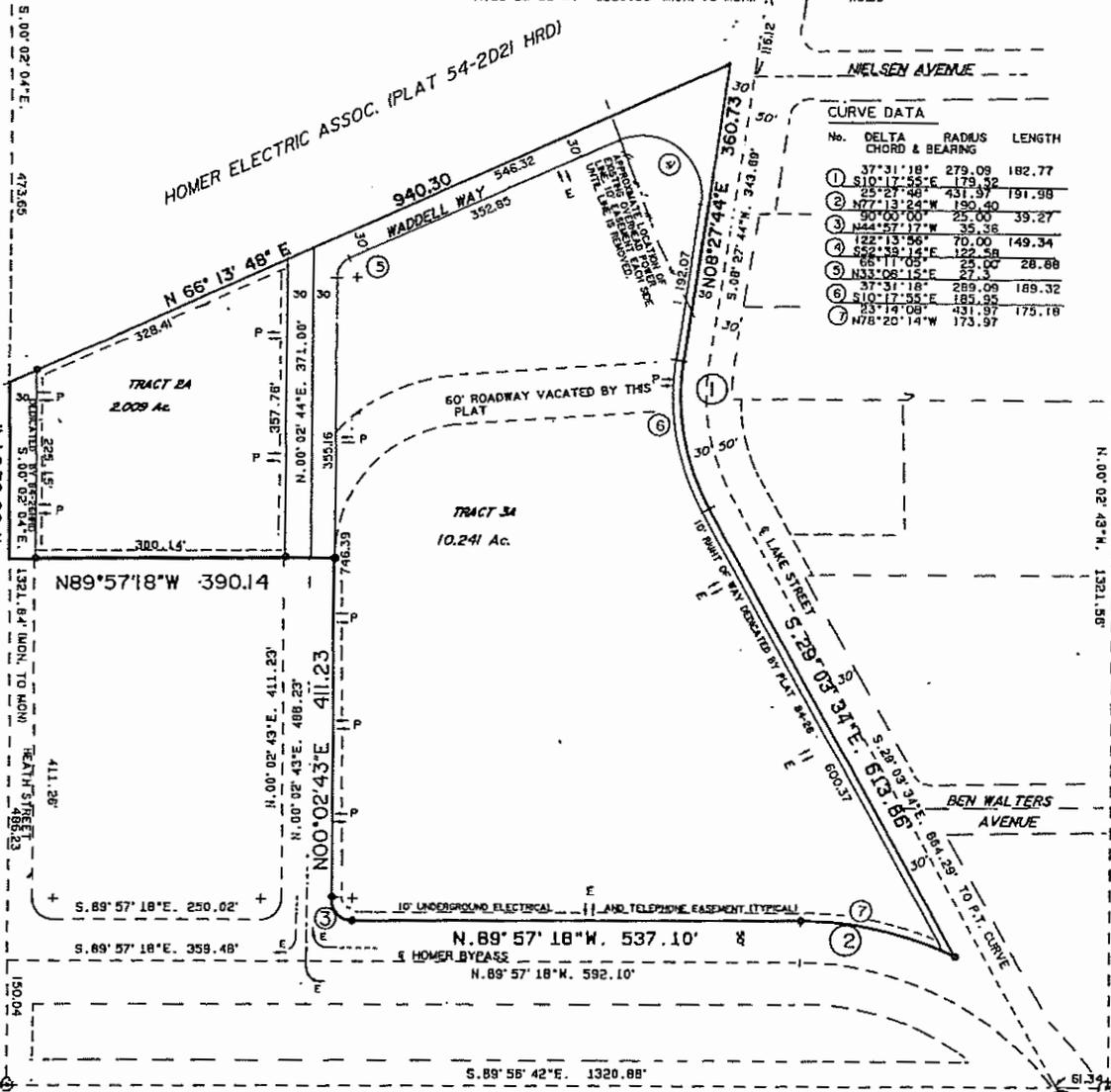
HOMER RECORDING DISTRICT
WADDELL PARK 1985 REPLAT
AREPLAT OF TRACTS 2 AND 3
WADDELL PARK, PLAT H94-26
SHOWING THE VACATION OF A
PORTION OF WADDELL WAY
WITHIN THE NE 1/4 S. 20 T. 6S, R. 3W, S.M. ALASKA
WITHIN THE CITY OF HOMER, ALASKA
CONTAINING 13.605 ACRES

ABILITY SURVEYS

KPB FILE No. 86-148

CURVE DATA

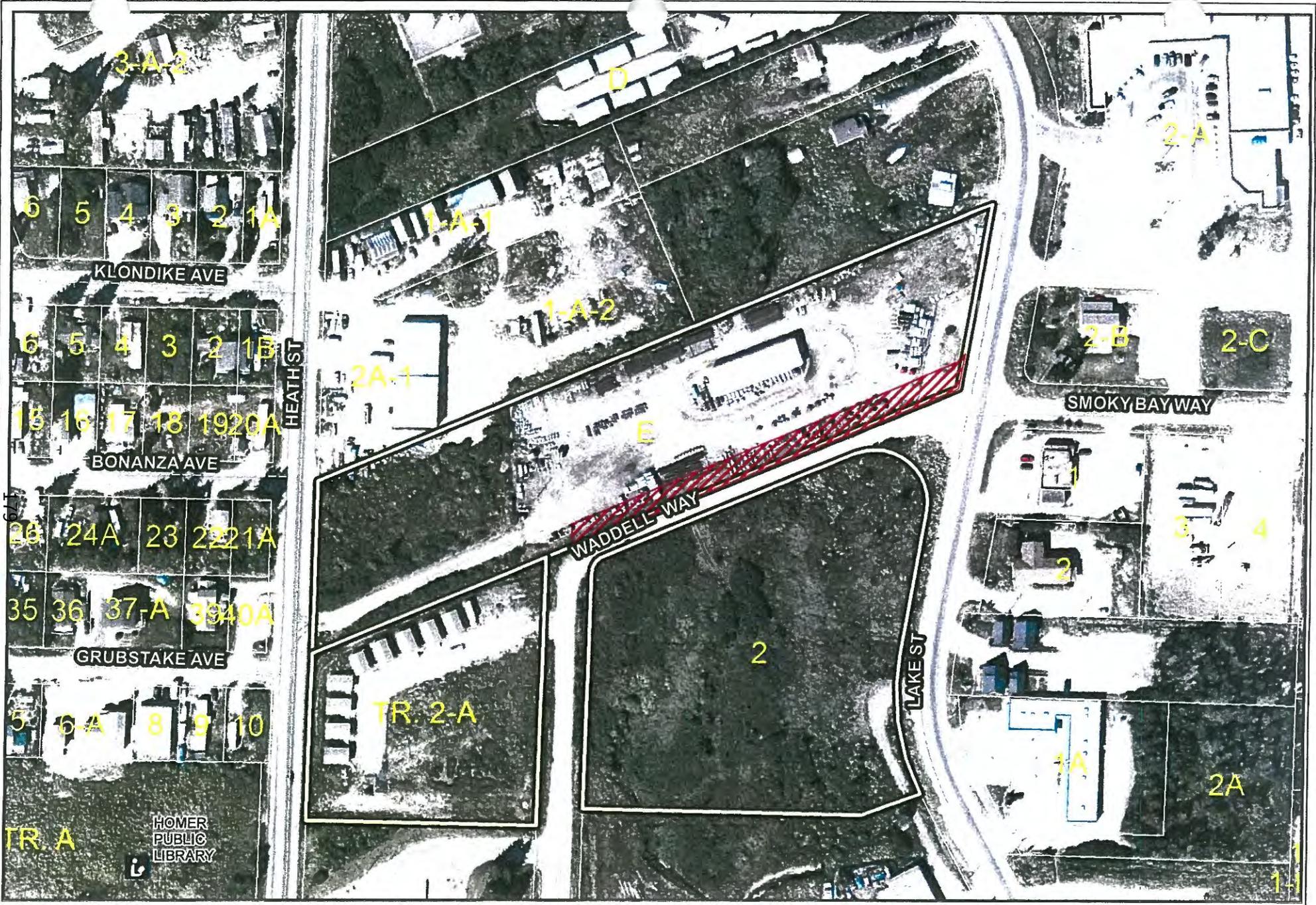
No.	DELTA CHORD & BEARING	RADIUS	LENGTH
1	S10°17'55"E 179.32	279.09	182.77
2	S5°27'48"E 431.37	179.32	191.98
3	N77°13'24"W 150.40	150.40	150.40
4	S0°00'00"E 25.00	25.00	39.27
5	N44°57'17"W 35.36	35.36	35.36
6	S52°48'14"E 122.58	70.00	149.34
7	S6°11'05"E 25.00	25.00	28.88
8	N33°08'15"E 27.3	27.3	27.3
9	S7°31'18"E 269.08	269.08	189.32
10	S10°17'55"E 185.95	185.95	185.95
11	S3°14'08"E 431.97	431.97	175.18
12	N78°20'14"W 173.97	173.97	173.97



C 114 FOUND GRANITE STONE, 268-S
DURING PRIOR SURVEY
AND 47258.37
CITY OF HOMER MON. NO. 36

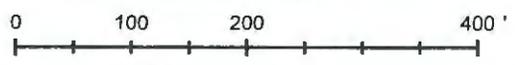
C 114 FOUND GRANITE
STONE 268-S
N-47258.37
E-3264.437

Hm 82-178
GLACIERVIEW No. 17 (185-38 HRD)
26.112
M 40420.00 N



The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

Aerial View

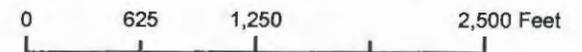


Proposed Right-of-Way & Easement Vacation



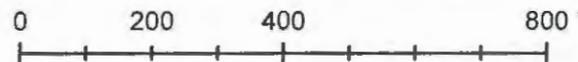
PRELIMINARY PLAT

ESolomon, KPB
Date: 12/9/2015



**KPB 2016-003
T06S R13W S20
CITY OF HOMER**

 **Right-of-Way & Easement Vacation**



The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for errors on this map.

ESolomon, KPB
Date: 12/22/2015

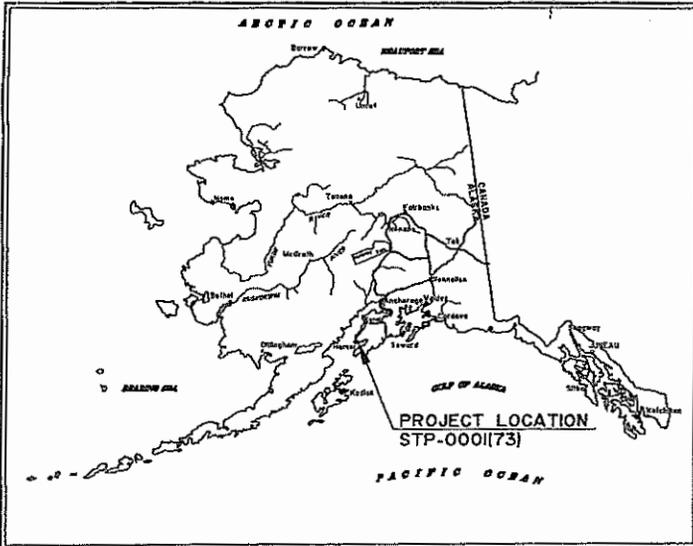
From: Hooyer, Patricia (DOT)
To: Voeller, Paul
Cc: Solomon, Elizabeth; Biloon, Joselyn (DOT); Stickman, Dorothy J (DOT); Smith, Carla J (DOT)
Subject: ROW VACATION REVIEW FOR JANUARY 25, 2016 MEETING
Date: Tuesday, December 22, 2015 2:36:52 PM

This vacation will need to go thru our planner, Joselyn Biloon for formal comments.

My observations are below:

DOT's has an easement (Bk 264 Pg 330 Homer RD) that is not shown on the preliminary plat drawing, which also is within this vacation area. Please see the attached ROW mapping for its location. It appears that DOT may have an interest in the easement being vacated (Bk 165 Pg 294). Petitioner should contact DOT and request a Quit Claim Deed of any interests that we may have in it. If petitioner wants to vacate the easement (Bk 264 Pg 330) they will also need to request a relinquishment of it.

Louise Hooyer, PLS, CFedS, SR/WA
ROW Engineering Supervisor
State of Alaska DOT&PF
4111 Aviation Drive
Anchorage, AK 99516
(907) 269-0713
fax: (907) 269-0828



STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION

&
PUBLIC FACILITIES

RIGHT OF WAY MAP

ALASKA PROJECT

HOMER-LAKE STREET
REHABILITATION
STP-0001(73)

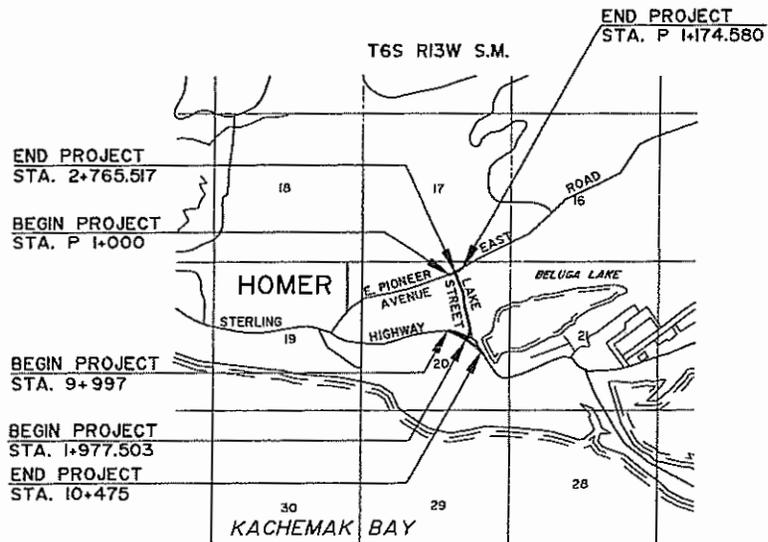
51238

PROJECT DESIGNATION	SHEET NO.	TOTAL SHEETS
STP-0001(73)	RI	45

CONSULTANT LOCATIONS SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF ALASKA AND THAT ALL RIGHT-OF-WAY CENTERLINE MONUMENT LOCATIONS HAVE BEEN ESTABLISHED AS INDICATED ON THE RIGHT-OF-WAY PLANS, ALL EXISTING FOUND SUBDIVISION MONUMENTS, PROPERTY CORNERS AND SECTION LINE MONUMENTATION AS INDICATED ON THE RIGHT-OF-WAY PLANS HAVE BEEN REFERENCED TO PROJECT SURVEY CONTROLS BY ME OR UNDER MY SUPERVISION.
DATE 11/21/96 REGISTRATION NUMBER 4015-3
James H. Steward
REGISTERED PROFESSIONAL LAND SURVEYOR

DEPARTMENT RIGHT-OF-WAY SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF ALASKA AND THAT THIS PLAT WAS MADE BY ME OR UNDER MY SUPERVISION, THIS PLAT WAS BASED UPON THE MONUMENTS RECOVERED DURING THE DEPARTMENT'S LOCATIONS SURVEY FOR THIS PROJECT.
DATE 11/27/96 REGISTRATION NUMBER 4015-3
James H. Steward
REGISTERED PROFESSIONAL LAND SURVEYOR

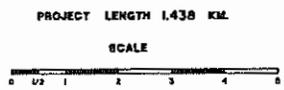
CONTRACTOR SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF ALASKA AND THAT THE RIGHT-OF-WAY CENTERLINE CONTROL ESTABLISHED BY THE DEPARTMENT'S SURVEYOR AND INDICATED ON THESE RIGHT-OF-WAY PLANS AND ALL OTHER MONUMENTS AS REQUIRED BY ALASKA STATUTE 34.65, HAVE BEEN REFERENCED, MONUMENTED, AND RECORDED ACCORDING TO ALASKA STATUTE 34.65, STATE REGULATION 3 AAC 06.030, 3 AAC 06.090 BY ME OR UNDER MY SUPERVISION.
DATE _____ REGISTRATION NUMBER _____
REGISTERED PROFESSIONAL LAND SURVEYOR _____



METRIC CONVERSION FACTORS
BASED ON METER - U.S. SURVEY FOOT RELATIONSHIP
1 METER = 39.37 INCHES EXACTLY. (METRIC LAW 1866)

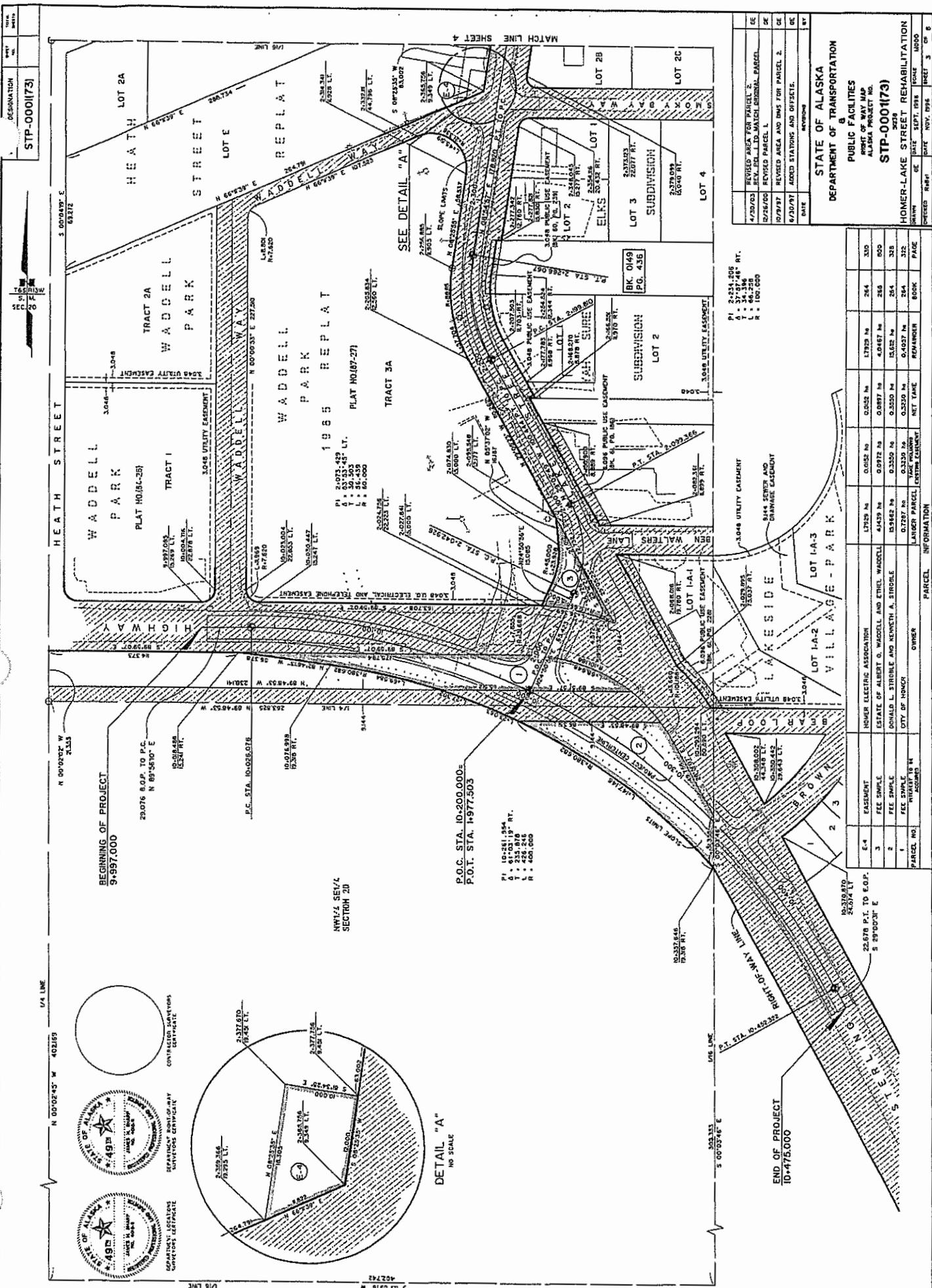
FROM	TO	MULTIPLY BY
FOOT (U.S. SURVEY)	METER (m)	0.304800610
ACRE	HECTARE (ha)	0.404687261
SQUARE FOOT	METER ² (m ²)	0.092903412
METER (m)	FOOT (U.S. SURVEY)	3.280833333
HECTARE (ha)	ACRE	2.471043930
METER ² (m ²)	SQUARE FEET	10.763867360

NOTE: 1 HECTARE = 10 000 m²; 1 ACRE = 43,560 SQUARE FEET



DEPARTMENT OF
TRANSPORTATION & PUBLIC FACILITIES

APPROVED Nov 27, 1996
Date
James H. Steward
DIRECTOR - DESIGN & CONSTRUCTION



STP-0001(73)

SECTION 20

HEALTH STREET

WADDELL PARK

REPLAT

LOT 2A

LOT E

HEALTH STREET

WADDELL PARK

REPLAT

LOT 2A

LOT E

LOT 2A

LOT E

WADDELL PARK

REPLAT

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HEALTH STREET

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HEALTH STREET

WADDELL PARK

REPLAT

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DATE	APPROVED	BY
6/20/97	ARND STANDING AND OFFSETS	CE
10/7/97	REVISED AREA AND RMS FOR PARCEL 2	CE
10/26/98	REVISED PARCEL 1	CE
4/20/98	REVISED AREA FOR PARCEL 2	CE

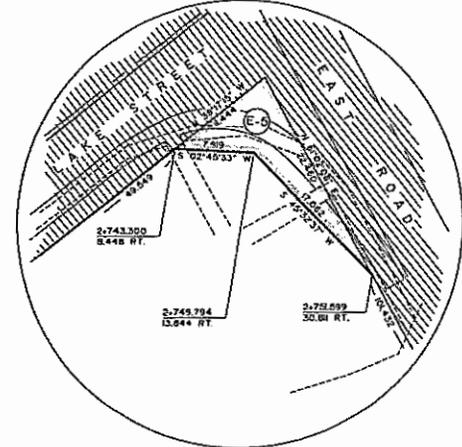
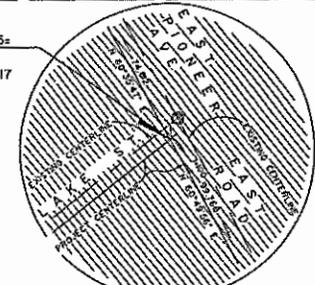
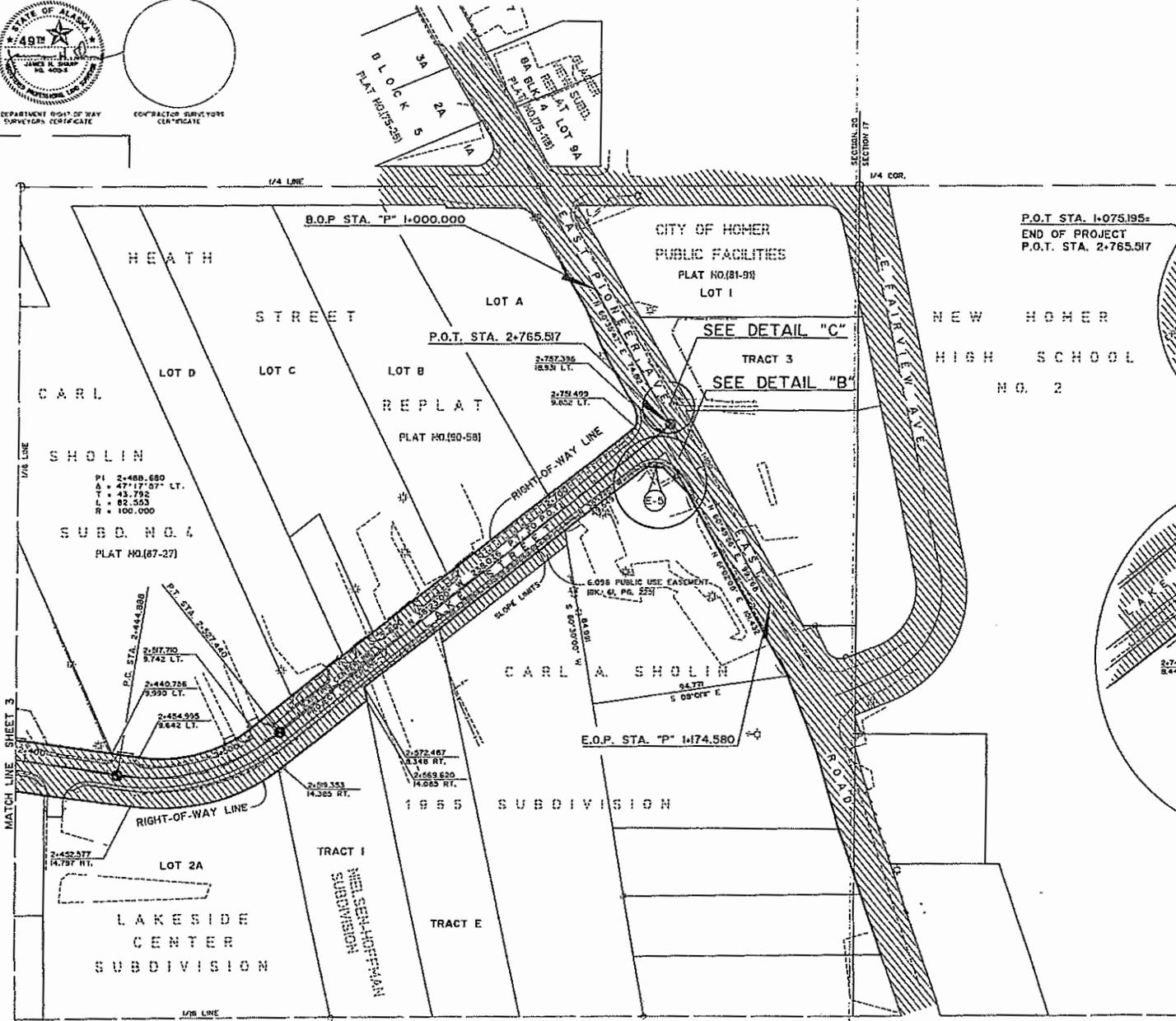
STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
PUBLIC FACILITIES
PROJECT OF WAY MAP
ALASKA PROJECT NO.
STP-0001(73)
HOMER-LAKE STREET REHABILITATION
DRAWN BY DATE SEPT. 1998 SCALE 1/8"=1'-0"
CHECKED BY DATE NOV. 1998 SHEET 3 OF 8

PARCEL NO.	OWNER	NET TAKE	REMARKS	BOOK	PAGE
E-4	EASEMENT	1.7825 Ac		264	310
3	ESTATE OF ALBERT G. WADDELL AND ETHEL WADDELL	0.0872 Ac		265	503
2	DONALD L. STIRBLE AND KENNETH A. STIRBLE	0.3350 Ac		264	318
1	CITY OF HOMER	0.7287 Ac		264	312
			LAGER PARCEL		
			OWNER		
			NET TAKE		
			REMARKS		

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			LAGER PARCEL		
			OWNER		
			NET TAKE		
			REMARKS		



PROJECT DESIGNATION	SHEET NO.	TOTAL SHEETS
STP-0001(73)	R4	45



184

E-5	EASEMENT	CAROLE E. EMMENGER, aka CAROLE C. MITCHELL, aka CAROLE E. MITCHELL, ATWATER	0.7754 ha	0.008 ha	0.008 ha	0.7704 ha	
PARCEL NO.	INTEREST TO BE ACQUIRED	OWNER	LARGER PARCEL	TAKE HOLDINGS EXCEPT EASEMENT	NET TAKE	REMAINDER	RECORDED

6/25/97	ADDED STATIONS AND OFFSETS.	CE
DATE	REVISIONS	BY
STATE OF ALASKA DEPARTMENT OF TRANSPORTATION PUBLIC FACILITIES RIGHT OF WAY MAP ALASKA PROJECT NO. STP-0001(73) HOMER-LAKE STREET REHABILITATION		
DRAWN	DATE	SCALE
1000	SEPT. 1996	1:5000
CHECKED	DATE	SHEET
NOV. 1996	4	OF 6

EASEMENT AND RIGHT-OF-WAY

For Ten Dollars and other good and valuable consideration, receipt of which is hereby acknowledged, the Grantor, HOMER ELECTRIC ASSOCIATION, INC., whose address is 3977 Lake Street, Homer, Alaska 99603, does hereby grant and convey to the Grantees, the STATE OF ALASKA, CITY OF HOMER, and the GENERAL PUBLIC, a grant of easement and right-of-way for purposes of ingress and egress, together with the right to construct, maintain, improve and repair a public street, highway or thoroughfare thereon, across over and upon the following lands, to wit:

A strip of land, 30 feet in width, described as follows:

Commencing for reference at the North East Corner of that property labeled "HOMER ELECT. ASSOCIATION" on plat 54-2021, "Carl Sholin Subdivision" as filed in the District Recorders office at Homer, Alaska;

Thence along the westerly right of way of LAKE STREET, S 08 deg 27 min 44 sec E 196.82 feet to the true point of beginning;

Thence along the arc of a curve to the right, (having a radius of 25.00 feet and a central angle of 57 deg 48 min 04 sec) 25.21 feet;

Thence S 66 deg 13 min 48 sec E 571.00 feet;

Thence S 00 deg 02 min 44 sec W, 32.79 feet, to the southerly boundary of said HOMER ELECT. ASSOCIATION property;

Thence along said boundary, N 66 deg 13 min 48 sec E 546.32 feet, to the westerly right of way of Lake Street;

Thence along said right of way N 80 deg 27 min 44 sec E 49.25 feet, to the point of beginning.

Reserving unto the Grantor the exclusive, unencumbered, and uninterrupted use of the property so long as the Grantor is owner thereof; but upon the conveyance of the property by Grantor, or upon the recording of a written document executed by Grantor waiving its rights hereunder then the Grantor's rights reserved hereunder shall terminate.

Grantee shall indemnify and hold Grantor harmless from and against any costs associated with relocating any existing or future three-phase underground power line, the existing telecommunication line, fencing, storage racks, or other storage facilities which may be upon, over, or under the property.

1/24/86
Date

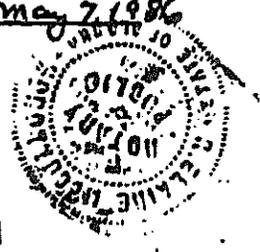
HOMER ELECTRIC ASSOCIATION, INC.

By: [Signature]
Its: [Signature]

STATE OF ALASKA)
THIRD JUDICIAL DISTRICT) ss.

The foregoing instrument was acknowledged before me this 24th day of January, 1986, by B. Kent Wink the General Manager of HOMER ELECTRIC ASSOCIATION, INC., on behalf of the corporation.

R. Elaine M. Cullough
NOTARY PUBLIC FOR ALASKA
My Commission Expires: May 7, 1986



88-0521
13-

RECORDED
HOMER RECORDING
DISTRICT

FEB 5 4 10 PM '86
REQUESTED BY Cheryl Survey
ADDRESS Box 378
Homer, Ak. 99603

- 2 -

407001

40

BOOK 264 PAGE 330

EASEMENT

THE GRANTOR, HOMER ELECTRIC ASSOCIATION, INCORPORATED, 3977 Lake Street, Homer, Alaska 99603-7680, for and in consideration of THREE THOUSAND THREE HUNDRED AND NO/100 DOLLARS (\$3,300.00) in hand paid, grants unto the GRANTEE, the STATE OF ALASKA, DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES, P.O. Box 196900, Anchorage, Alaska 99519-6900, their successors or assignees, an easement and right of way along, over, under and across the following described real estate in the State of Alaska, to wit:

A portion of Lot E, Heath Street Replat, in the Homer Recording District, Third Judicial District, State of Alaska,

delineated as to said tract of land on the plat attached hereto and made a part of hereof as page 3 of this instrument and designated as:

Parcel No. E-4

said parcel containing 0.0152 hectares, more or less, in addition to existing right of way, is hereby granted to the State of Alaska.

For the purpose of installation, construction and maintenance of drainage areas and related facilities.

And the Grantor hereby covenants that the Grantor has good title to the aforescribed tract of land and covenants that the Grantee shall have quiet and peaceable possession thereof.

Dated this 11th day of March, 1997

HOMER ELECTRIC ASSOCIATION, INCORPORATED

BY: *N. L. Story*
Norman L. Story, General Manager

RETURN TO:
STATE OF ALASKA DOT/PF
P.O. BOX 196900
ANCHORAGE, AK 99519-6900
RIGHT OF WAY BRANCH

Page 1 of 3

STATE BUSINESS
NO FEE

Project No. STP-0001(73)/
51238
Parcel No. E-4

RJOK 264 PAGE 331

CORPORATE ACKNOWLEDGMENT

STATE OF ALASKA
THIRD JUDICIAL DISTRICT

On this 11th day of March, 1997, before me, the undersigned, a Notary Public in and for the said State, personally appeared

Norman L. Story, General Manager

of HOMER

ELECTRIC ASSOCIATION, INCORPORATED, a company known to me to be the identical individuals who executed the foregoing instrument and they acknowledged to me that they executed the same as the free and voluntary act of said company, with full authority so to do and with full knowledge of its contents, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year before written.



Kathy Sonnichsen
Notary Public

CERTIFICATE OF ACCEPTANCE

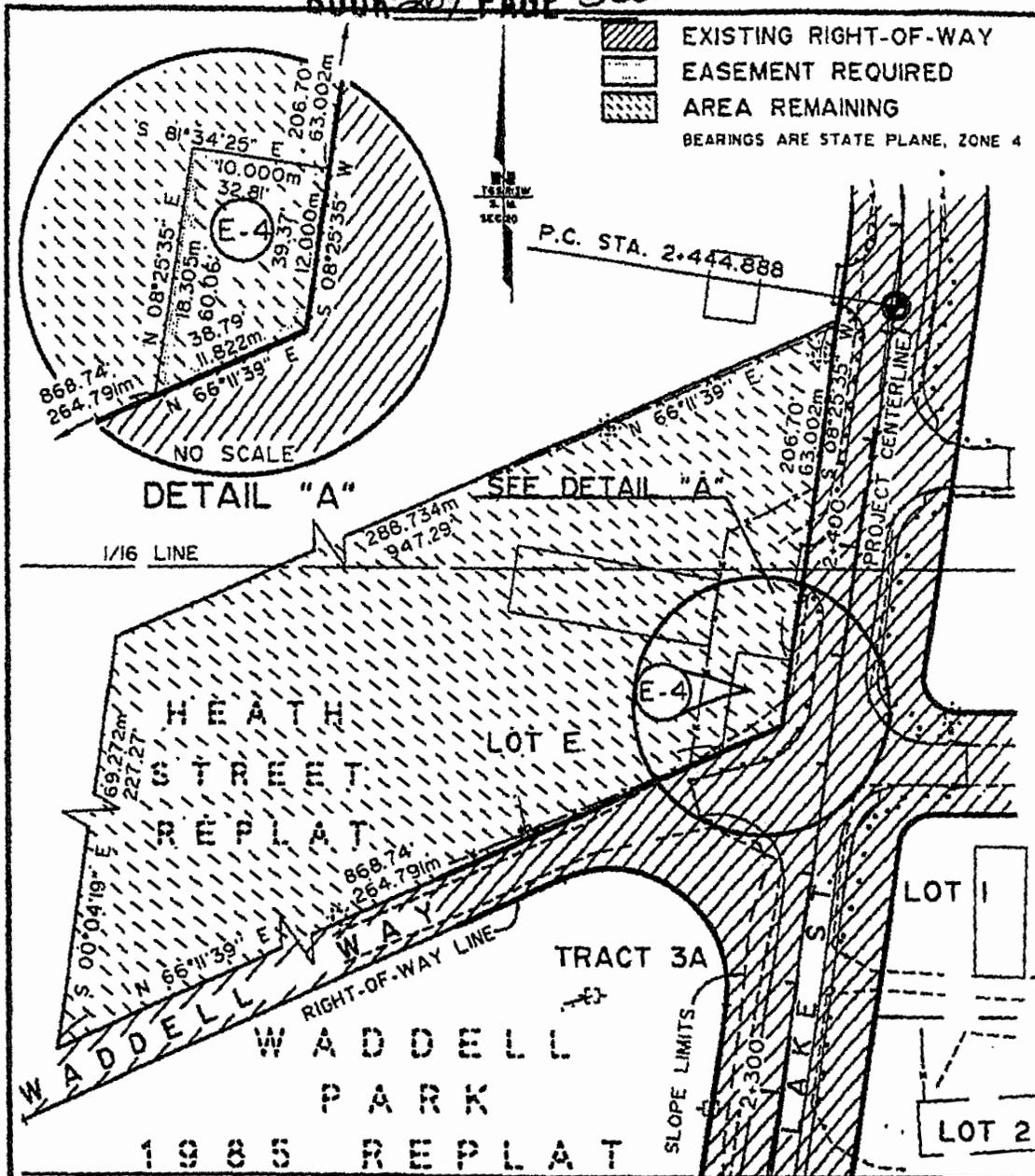
THIS IS TO CERTIFY that the STATE OF ALASKA, DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES, Grantee herein, acting by and through its Commissioner, hereby accepts for public purposes the real property, or interest therein, described in this instrument and consents to the recordation thereof:

IN WITNESS WHEREOF, I have hereunto set my hand this 19th day of MAY 1997.

JK

DEPARTMENT OF TRANSPORTATION AND
PUBLIC FACILITIES

By: [Signature] 5/19/97
For the Commissioner



STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES		RIGHT OF WAY REQUIRED FOR HOMER-LAKE STREET REHABILITATION STP-000(173)	
OWNER'S INITIAL <u>UB</u>		GROSS TAKE 0.0152 Ac 0.038 AC±	
ATTACHED TO <u>Easement</u>	DRAWN BY <u>GE</u>	NET TAKE 0.0152 Ac 0.038 AC±	REMAIN 1.7929 Ac 4.430 AC±
PAGE 3 OF 3 DATED <u>3/11/97</u>	SCALE 1:1000	DATE <u>JAN. 1997</u>	PARCEL NO. <u>E-4</u>

BOOK 264 PAGE 333

97-1657

RECORDED - FILE		N/C-cc	
Homer		REC. DIST.	
DATE	5/20	TO	97
TIME	11:21	A	M
RECORDED BY	AS/DOT		
ADDRESS			

Homer's Gold Mine Gifts
3695 Lake Street
Homer, Alaska 99603
Phone: (907) 235-6886/Fax: (907) 235-0105

Letter sent via FAX: (907) 7142378

December 30, 2015

Planning Commission
Kenai Peninsula Borough
144 Brinkley Street
Soldotna, AK 99669-7599

Attn: Liz Solomon

Re: Statement for Public Hearing on Waddell Way Extension, Homer, Alaska

Dear Ms. Solomon:

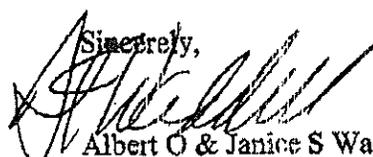
We received notification on the hearing regarding the extension of Waddell Way to be held on January 25, 2016. We will not be able to attend this hearing and would like to at least present this statement.

My family has owned the property that was sold to the city of Homer since 1950. We were told we had the right to at least recommend the future name of the extension which leads down to the Homer By Pass which now holds the name of Waddell Way. We understand the need for the name change as there is more than one "Waddell" name on streets in Homer.

We would like to recommend that the extension coming down to the Homer By-Pass be named "Gold Nugget" or "Nugget" Way, Street, Avenue, etc.

We hope you will take this under consideration. We have been Alaskan residents for over 60 years & since the family name is now being removed from the street sign, we felt we should have the right to state our family recommendation for consideration.

Thank you.

Sincerely,
 *Albert O. Waddell*
Albert O & Janice S Waddell

STROOZAS/HIGHLAND - MOVED TO AMEND THE MOTION THAT CONDITION THREE BE ADDED THAT THE APPLICANT BE REQUIRED TO ERECT A FENCE ALONG THE ENTIRE EAST SIDE OF THE PROPERTY.

Discussion ensued regarding adding a height requirement for the fence. The commission requested input from the applicant that the area motioned to be fenced is filled with very dense trees and would advocate for fencing up to the trees.

HIGHLAND/ VENUTI - MOVED TO AMEND THE AMENDMENT TO INCLUDE, INSTALLATION OF A FIVE FOOT FENCE FROM THE SOUTHEAST CORNER TO THE TREES THAT PROVIDE AN IMPASSABLE BARRIER ON THE EAST SIDE.

There was no additional discussion.

VOTE. (Amendment to the Amendment) YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Stead asked for any additional amendments or discussion on the amended motion.

VOTE. (Amendment). YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Stead then asked if there was any additional discussion on the issues of lighting. There was a brief discussion on lighting which the City Planner stated is included in the staff recommendation.

Commissioner Erickson asked about inclusion of a sunset clause. City Planner Abboud was not supportive of including a sunset clause.

Chair Stead asked the Clerk to do a roll call vote.

VOTE. (Main as Amended) YES. HIGHLAND, BRADLEY, ERICKSON, STEAD, VENUTI, STROOZAS

Motion carried.

B. Staff Report PL 15-79 Vacation of Easement - Waddell Way/HEA

Chair Stead read the item into the record. City Planner Abboud reviewed his report noting the following:

- Vacation of an Easement at Waddell Way and Lake Street
- Central Business District
- Notice sent to 32 property owners
- The Commission has already approved the preliminary plat for the project
- Dedicate 30 feet of right of way to allow construction of Waddell Way to city standards
- this easement is no longer needed by the city
- Access is dedicated and property owner is working with the city prior to upgrading Waddell Way
- there are no issues for the Fire Department

Chair Stead opened the public hearing. Hearing no public comment the hearing was closed.

ERICKSON/BRADLEY - MOVED TO ADOPT STAFF REPORT PL 15-79 TO APPROVE THE VACATION OF EASEMENT ALONG WADDELL WAY.

There was a brief clarification that the easement was already being used as equipment storage by HEA.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.



City of Homer

www.cityofhomer-ak.gov

Planning
491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us
(p) 907-235-3106
(f) 907-235-3118

Staff Report 15-79

TO: Homer Advisory Planning Commission
 THROUGH: Rick Abboud, City Planner
 FROM: Julie Engebretsen, Deputy City Planner
 DATE: December 2, 2015
 SUBJECT: Vacation of a right of way easement along Waddell Way

Requested Action: Recommend approval of the easement vacation

General Information:

Applicants:	City of Homer 491 E Pioneer Ave Homer, AK 99603	Homer Electric Association 3977 Lake St Homer, AK 99603
Location:	Waddell Way, west of Lake Street	
Parcel ID:	17711012	
Zoning Designation:	Central Business District	
Existing Land Use:	Homer Electric Association equipment/storage yard	
Surrounding Land Use:	North: Homer Electric Association operations center South: Vacant, retail, post office East: Commercial, retail, office West: Homer Electric Association, vacant, residential	
Comprehensive Plan:	Goal 1: Guide Homer's growth with a focus on increasing the supply and diversity of housing, protect community character, encourage infilling, and helping minimize global impacts of public facilities including limiting greenhouse gas emissions. Objective A: Continue to accommodate and support commercial, residential and other land uses, consistent with the policies of this plan.	
Public Notice:	Notice was sent to 32 property owners of 41 parcels as shown on the KPB tax assessor rolls.	

Analysis: This action vacates a right of way easement. The Homer Advisory Planning Commission has already recommended approval of preliminary plat, which would dedicate 30 feet of right of way

to the south, allowing for the construction of Waddell Way to city standards. This easement is no longer needed by the City.

Relevant KPB Code reference

“20.70.170. Vehicular access. The planning commission shall not approve the vacation of a right-of-way unless an equal or superior right-of-way for vehicular access exists or will be provided in exchange. Where two or more access points are necessary for large vacant or semi-vacant areas of land, the commission shall consider density, use, projected development, and maintain sufficient rights-of-way to serve potential use.”

Planning Staff comment: Access is dedicated along Waddell Way and Lake Street. The land owner is working with the City on the final dedication prior to the upgrading of Waddell Way to city road standards.

20.70.180. Other access. Other lawful uses that exist or are feasible for the right-of-way shall be considered when evaluating a vacation request. When such uses exist or could exist within rights-of-way which are not suited for general road use, the commission shall not approve the vacation request, unless it can be demonstrated that equal or superior access is or will be available. The planning commission shall consider whether alternate uses present public safety issues which support approval of the vacation.

Planning Staff comment: Superior access will be granted by the Waddell Park 2016 Replat.

Public Works Comments: No comments – Public Works is an applicant.

Fire Department Comments: There are no fire department issues.

Staff Recommendation:

Planning Commission listen to public testimony. If there are no compelling arguments for keeping the easement, recommend vacation of the right of way easement.

Attachments:

1. Petition
2. Public Notice
3. Aerial Map

EASEMENT AND RIGHT-OF-WAY

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Thence along the westerly right of way of LAKE STREET, S 08 deg 27 min 44 sec E 196.82 feet to the true point of beginning;

Thence along the arc of a curve to the right, (having a radius of 25.00 feet and a central angle of 57 deg 46 min 04 sec) 25.21 feet;

Thence S 66 deg 13 min 48 sec E 571.00 feet;

Thence S 00 deg 02 min 44 sec W, 32.79 feet, to the southerly boundary of said HOMER ELECT. ASSOCIATION property;

Thence along said boundary, N 66 deg 13 min 48 sec E 546.32 feet, to the westerly right of way of Lake Street;

Thence along said right of way N 80 deg 27 min 44 sec E 49.25 feet, to the point of beginning.

Reserving unto the Grantor the exclusive, unencumbered, and uninterrupted use of the property so long as the Grantor is owner thereof; but upon the conveyance of the property by Grantor, or upon the recording of a written document executed by Grantor waiving its rights hereunder then the Grantor's rights reserved hereunder shall terminate.

Grantee shall indemnify and hold Grantor harmless from and against any costs associated with relocating any existing or future three-phase underground power line, the existing telecommunication line, fencing, storage racks, or other storage facilities which may be upon, over, or under the property.

1/24/86
Date

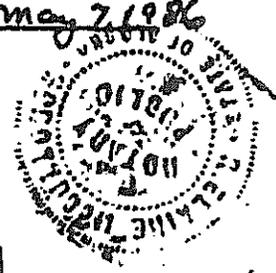
HOMER ELECTRIC ASSOCIATION, INC.

By: [Signature]
Its: [Signature]

STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

The foregoing instrument was acknowledged before me this 24th day of January, 1986, by R. Kent Wash, the General Manager of HOMER ELECTRIC ASSOCIATION, INC., on behalf of the corporation.

R. Elaine M^cCallough
NOTARY PUBLIC FOR ALASKA
My Commission Expires: May 7, 1986



88-0521
13-

RECORDED ~~1986~~
IN THE RECORDING
DISTRICT

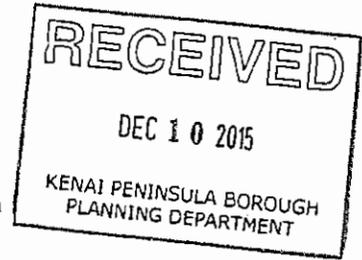
FEB 5 4 10 PM '86
REQUESTED BY Ability Survey
ADDRESS Box 378
Homer, Ak. 99603

- 2 -

407001



Kenai Peninsula Borough Planning Department
 144 North Binkley
 Soldotna, Alaska 99669-7599
 Toll free within the Borough 1-800-478-4441, extension 2200
 (907) 714-2200



**Petition to Vacate Public Right-of-Way/Easement/Platted Public Area
 Public Hearing Required**

Upon receipt of complete application with fees and all required attachments, a public hearing before the Planning Commission will be scheduled. The petition with all required information and attachments must be in the Planning Department at least 30 days prior to the preferred hearing date. By State Statute and Borough Code, the public hearing must be scheduled within 60 days of receipt of complete application.

OK

- \$500 non-refundable fee to help defray costs of advertising public hearing.
- City Advisory Planning Commission. Copy of minutes at which this item was acted on, along with a copy of City Staff Report.
- Name of public right-of-way proposed to be vacated is dedicated by the plat of N/A Subdivision, filed as Plat No. _____ in _____ Recording District.
- Are there associated utility easements to be vacated? Yes No
- Are easements in use by any utility company? If so, which company N/A
- Easement for public road or right-of-way as set out in (specify type of document) Easement and Right-of-Way as recorded in Book 0165 Page 294 of the Homer Recording District. (Copy of recorded document must be submitted with petition.) See Attachment A, this Petition
- Submit three copies of plat or map showing area proposed to be vacated. Must not exceed 11x17 inches in size. In the case of public right-of-way, the submittal must include a sketch showing which parcels the vacated area will be attached to. Proposed alternative dedication is to be shown and labeled on the sketch. Vacation to be shown on Final plat (Waddell Park 2016 Replat)
 - Has right-of-way been fully or partially constructed? Yes No
 - Is right-of-way used by vehicles / pedestrians / other? Yes No
 - Is alternative right-of-way being provided? Yes No

The petitioner must provide reasonable justification for the vacation. Reason for vacating:

HEA is granting an equivalent 30' (width) to the South of existing "Waddell Way" ROW & the City is dedicating a full 60' of ROW via the "Waddell Park 2016 Replat" for the purpose of constructing East Grubstake Ave. to connect Lake St. & Heath St.

The petition must be signed (written signature) by owners of the majority of land fronting the right-of-way, easement, or platted public area proposed to be vacated. Each petitioner must include address and legal description of his/her property.

Submitted By: Name: Carey Meyer, Dir Pub Wks Signature as: Petitioner Representative
 Address: Public Works Dept.
3575 Heath St.
Homer, AK 99603
 Phone: 907-435-3124

Petitioners:

Signature: *Katie Koester*
 Name: Katie Koester, City Manager
 Address: City of Homer
491 East Pioneer Ave
Homer, AK 99603
 Owner of: Lot 3-A-1

Signature: *Bradley P. Janenschke*
 Name: Bradley P. Janenschke
 Address: Homer Electric Association
3977 Lake St.
Homer, AK 99603
 Owner of: Lots 1-A-1 and 2-A-1

Signature _____
 Name _____
 Address _____

 Owner of _____

Signature _____
 Name _____
 Address _____

 Owner of _____



From: [Jackson, Byron](#)
To: [Solomon, Elizabeth](#)
Cc: "Wayne Aderhold"
Subject: FW: ROW VACATION REVIEW FOR JANUARY 25, 2016 MEETING: ROW Review Group, HEA, ACS, ENSTAR, GCI; KPB Homer; NTC; ES Homer; City of Homer
Date: Monday, January 25, 2016 8:09:41 AM

Good Morning,

After further review, ACS would like to withdraw its objection to this easement vacation. ACS now has no objections.

Thank You,

Byron T. Jackson

From: Jackson, Byron
Sent: Tuesday, January 19, 2016 1:40 PM
To: 'Solomon, Elizabeth' <ESolomon@kpb.us>
Subject: RE: ROW VACATION REVIEW FOR JANUARY 25, 2016 MEETING: ROW Review Group, HEA, ACS, ENSTAR, GCI; KPB Homer; NTC; ES Homer; City of Homer

ACS objects to this easement vacation as we have a 100-pair buried cable in the easement in question. Arrangements will need to be made to accommodate or reimburse for relocation of the cable.

Thank You,

Byron T. Jackson

From: Solomon, Elizabeth [<mailto:ESolomon@kpb.us>]
Sent: Monday, December 21, 2015 9:41 AM
To: 'Neuendorf, Cody' <CNeuendorf@HomerElectric.com>; Bradley Beck <bbeck@gci.com>; Jackson, Byron <Byron.Jackson@acsalaska.com>; Jennifer Diederich (Jennifer.Diederich@enstarnaturalgas.com) <Jennifer.Diederich@enstarnaturalgas.com>; Baxter, Tammaron <tbaxter@kpb.us>; Ivan Encelewski (ivan@niniichiktribe-nsn.gov) <ivan@niniichiktribe-nsn.gov>; Robert Painter (rpainter@ci.homer.ak.us) <rpainter@ci.homer.ak.us>; Dotti Harness (DHarness@ci.homer.ak.us) <DHarness@ci.homer.ak.us>; Aldridge, Morgan <MAldridge@kpb.us>; Anthony, Harmony <HAnthony@kpb.us>; Belinda Eaton - CDE-CR DESIGN/ENGINEERING (belinda.eaton@alaska.gov) <belinda.eaton@alaska.gov>; Biloan, Joselyn (DOT) <joselyn.biloan@alaska.gov>; Carver, Nancy <ncarver@kpb.us>; Danika Simpson - CDE-CR DESIGN/ENGINEERING (danika.simpson@alaska.gov) <danika.simpson@alaska.gov>; Dearlove, Tom <tdearlove@kpb.us>; Fuller, Karen <KFuller@kpb.us>; george.horton@alaska.gov; hans.rinke@alaska.gov; Henson, Carrie <CHenson@kpb.us>; Holly Zafian (holly.zafian@alaska.gov) <holly.zafian@alaska.gov>; Knackstedt, Henry <HKnackstedt@kpb.us>; Lorraine Kastner - CDE-CR DESIGN/ENGINEERING (lorraine.kastner@alaska.gov) <lorraine.kastner@alaska.gov>; Louise Hooyer



VISITORS

ANNOUNCEMENTS
PRESENTATIONS
BOROUGH REPORT
COMMISSION REPORTS

**CITY OF HOMER
HOMER, ALASKA**

MAYOR'S PROCLAMATION

CONGENITAL HEART DEFECT AWARENESS WEEK

February 7 - 14, 2016

WHEREAS, Congenital heart defects are the most frequently occurring birth defect and the leading cause of birth defect related deaths worldwide; and

WHEREAS, Over a million families across America are facing the challenges and hardships of raising children with congenital heart defects; and

WHEREAS, Every year, 40,000 babies are born in the United States with congenital heart defects; and

WHEREAS, Some congenital heart defects are not diagnosed until months or years after birth; and

WHEREAS, Undiagnosed congenital heart conditions cause many cases of sudden cardiac death in young athletes; and

WHEREAS, Congenital Heart Defect Awareness Week provides an opportunity for families whose lives have been affected to celebrate life and to remember loved ones lost, to honor dedicated health professionals, and to meet others and know they are not alone.

NOW, THEREFORE, I, Mary E. Wythe, Mayor of the City of Homer, do hereby proclaim February 7 – 14, 2016 as:

CONGENITAL HEART DEFECT AWARENESS WEEK

and encourage families to share experiences and information with the public and the media in order to raise public awareness about Congenital Heart Defects.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Homer, Alaska to be affixed this 8th day of February, 2016.

CITY OF HOMER

MARY E. WYTHE, MAYOR

ATTEST:

JO JOHNSON, MMC, CITY CLERK

**CITY OF HOMER
HOMER, ALASKA**

MAYOR'S PROCLAMATION

BROTHER ASAIAH BATES DAY

February 14, 2016

WHEREAS, Asaiah Bates served on the Homer City Council from January 8, 1973 to December 8, 1975; and

WHEREAS, He took up the cause of many who were unable to do so or who lacked the knowledge or were shy of the processes and procedures thereof; and

WHEREAS, He demonstrated time and again his selflessness and concern for others through contributions, volunteerism and monetary donations and moral support to the community and community members; and

WHEREAS, He was dedicated to assisting, developing and supporting children's programs and scholarships; and

WHEREAS, His faithful presence at Council meetings and well received input were a continual refreshment to the Council; and

WHEREAS, Because of his deep love for everyone and everything, Mayor Jack Cushing proclaimed February 14, 2000 as Asaiah Bates Day and encouraged everyone to recognize February 14th not only as Valentine's Day, but as Asaiah Bates Day.

NOW, THEREFORE, I, Mary E. Wythe, Mayor do hereby proclaim the day of February 14, 2016 as:

BROTHER ASAIAH BATES DAY

in the City of Homer, Alaska and encourage all Citizens to take time to remember this great Icon of Homer.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Homer, Alaska to be affixed this 8th day of February, 2016.

CITY OF HOMER

MARY E. WYTHE, MAYOR

ATTEST:

JO JOHNSON, MMC, CITY CLERK

**CITY OF HOMER
HOMER, ALASKA**

MAYOR'S PROCLAMATION

WINTER CARNIVAL AND PARADE

February 11 - 14, 2016

WHEREAS, The Homer Chamber of Commerce hosts an Annual Winter Carnival Parade along Pioneer Avenue in Downtown Homer and the theme this year is "Sunny Side Up" to celebrate the upside of Winter and to get outside and enjoy the sunshine; and

WHEREAS, The Winter Carnival Parade will be held on Saturday, February 13th starting at 12 Noon with the parade route running along Pioneer Avenue in downtown Homer from Heath Street to Woodside Avenue; and

WHEREAS, The Grand Marshal is Marie Walker, Pioneers of Alaska Women's Igloo #14 President; Alaska USA Federal Credit Union is the primary financial sponsor of the parade along with other business supporters, the Grog Shop, and Bella Bay Interiors; Bay Realty provides the Grandstand Balcony for the Master of Ceremonies and the Parade Judges; and

WHEREAS, Prize categories include: Antique Cars Trucks and Machinery, Bikes and Trikes, Performing Arts, Animals, Birds and Sea Creatures, Best of Show, Best Children's Group, Best Use of Theme, and Judge's Sentimental Favorite with all prizes as "Homer Bucks" that can be spent at local Homer businesses; and

WHEREAS, There is a new element to encourage businesses and organizations along Pioneer Avenue and throughout Homer to decorate their businesses and storefront windows with the Winter Carnival theme.

NOW, THEREFORE, I, Mary E. Wythe, Mayor of Homer, do hereby proclaim Thursday through Sunday, February 11-14, 2016 as:

2016 WINTER CARNIVAL AND PARADE

and urge residents, businesses and organizations of our community to participate in the four days of activities, including the parade.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Homer, Alaska, to be affixed this 8th day of February, 2016.

CITY OF HOMER

MARY E. WYTHER, MAYOR

ATTEST:

JO JOHNSON, MMC, CITY CLERK

Session 16-02, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Stead at 6:30 p.m. on January 20, 2016 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS BOS, HIGHLAND, STEAD STROOZAS, VENUTI

ABSENT: BRADLEY, ERICKSON

STAFF: CITY PLANNER ABBOUD
DEPUTY CITY CLERK JACOBSEN

Approval of Agenda

Chair Stead called for a motion to approve the agenda.

HIGHLAND/BOS SO MOVED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Public Comment

The public may speak to the Planning Commission regarding matters on the agenda that are not scheduled for public hearing or plat consideration. (3 minute time limit).

None

Reconsideration

Adoption of Consent Agenda

All items on the consent agenda are considered routine and non-controversial by the Planning Commission and are approved in one motion. There will be no separate discussion of these items unless requested by a Planning Commissioner or someone from the public, in which case the item will be moved to the regular agenda and considered in normal sequence.

A. Approval of Minutes of January 6, 2016 Regular Meeting Minutes

Chair Stead called for a motion to approve the consent agenda.

HIGHLAND/BOS SO MOVED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Presentations

Reports

- A. Staff Report PL 16-04, City Planner's Report

City Planner Abboud reviewed the staff report.

There was brief discussion regarding the Knox Box. The Commissioners reviewed the City Council meeting schedule and plan to attend the following dates:

Stead- January 25; Stroozas- February 8; Highland-February 22; Bos- March 2.

Public Hearings

Testimony limited to 3 minutes per speaker. 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. 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 16-05, Towers Draft Ordinance

City Planner Abboud reviewed the staff report.

There was brief discussion regarding the 1 to 1 ratio for setback.

Chair Stead opened the public hearing. No audience was present to comment and the hearing was closed.

There was also discussion about environmental effects of radio frequencies and people's concerns relating to microwave frequency emission. City Planner Abboud explained that the FCC regulations govern this and the city doesn't have a right to have greater standards.

VENUTI/STROOZAS MOVED TO APPROVE THE DRAFT ORDINANCE ON TOWER REGULATIONS AND FORWARD IT TO CITY COUNCIL FOR PUBLIC HEARING AND ADOPTION.

There was brief discussion supporting the ordinance.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Plat Consideration

Pending Business

New Business

- A. Staff Report PL 16-06, Hickerson Memorial Cemetery

City Planner Abboud reviewed the staff report.

There was brief discussion regarding the cities role on properties they own that are outside city limits. City Planner Abboud explained we don't have planning authority outside the city. He cited the example that they commented on the plan for the Diamond Creek recreation area as part of the city's involvement, but it's the other parties' property. The Borough gave the City extraterritorial power to regulate the Bridge Creek Watershed Protection District for water quality. The cemetery is an example of all the things you can do in Alaska that aren't really regulated. The City has a rule that you can't bury inside city limits but the Borough doesn't prohibit it.

Comment was made the City Manager Koester's letter that was included in their packet does a good job of addressing a lot of the issues that have been raised.

HIGHLAND/BOS MOVED TO POSTPONE THIS UNTIL AFTER THE PUBLIC MEETING ON FEBRUARY 10TH.

There was brief discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Informational Materials

- A. City Manager's Report
- B. Memorandum Comprehensive Plan Update
- C. Marijuana comment from B. Hayes

Comments of the Audience

None

Comments of Staff

None

Comments of the Commission

Commissioner Highland acknowledged the letter from Brenda Hayes.

Commissioner Bos had no further comment.

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
JANUARY 20, 2016

Commissioner Venuti noted that Ms. Hayes makes a good argument and if the City Council deems changes necessary they will send the ordinance back to the Commission.

Commissioner Stroozas commented about upcoming Chamber of Commerce events, including their annual membership meeting and Business After Hours hosted by Americas Cuisine.

Chair Stead said he will be absent at the next meeting.

Adjourn

There being no further business to come before the Commission, the meeting adjourned at 7:15 p.m. The next regular meeting is scheduled for February 3, 2016 at 6:30 p.m. in the City Hall Cowles Council Chambers. A worksession will be held at 5:30 p.m.

MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

Approved: _____



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum 16-025

TO: MAYOR WYTHE AND THE HOMER CITY COUNCIL

FROM: MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

DATE: FEBRUARY 1, 2016

SUBJECT: PORT AND HARBOR ADVISORY COMMISSION RECOMMENDATION REGARDING
SPIT CAMPING

The Port and Harbor Advisory Commission has discussed camping on the spit at various times over the past year. Most recently it came before them at their December 16, 2015 meeting when Scott Adams commented about the RV's parking near the Seafarer Memorial and the damage that occurred with someone breaking the electrical box and plugging into the outlet at the memorial.

Police Chief Robl provided information to the Commission explaining Homer Police Department's work to get the RV's relocated to the camping area that City Manager Koester opened near the Pier One Theatre. Chief Robl further explained the challenges and expense to the City in dealing with abandoned vehicles and RV's that show up in the winter, a problem that continues year after year.

The Commission reviewed this and other information at their January 27, 2016 regular meeting and took the following action:

CARROLL/STOCKBURGER MOVED TO FORWARD THE RECOMMENDATION IN THE MEMO ON PAGE 49 TO CITY COUNCIL.

Move that the City Council amend Homer City Code Chapter 19.08.030 (d) to eliminate the Spit camping area that is designated as the parking area immediately northwest of the Mariner Memorial and on the same side of the Spit Road; and amend the ordinance to provide a winter camping area designated and open to the public with normal camping fees and rules applied.

There was brief discussion clarifying that the 14 day camping limits and fees will apply to winter camping on the spit, that Parks and Recreation will manage the campground, and confirming that this amendment will provide for a winter camping location without the City Manager having to take action to open an area each year.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

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Homer, Alaska 99603

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(f) 907-235-3143

Memorandum

TO: CHAIR ULMER & THE PORT AND HARBOR ADVISORY COMMISSION

FROM: MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

DATE: JANUARY 21, 2016

SUBJECT: CAMPING ON THE HOMER SPIT

At the December 16th meeting, as well as meetings prior, the Commission discussed camping on the spit. A specific issue has been winter camping at the Seafarer's Memorial but talk has gone beyond that to summer camping and the possibility of offering unlimited camping to seasonal workers on the spit.

In response to winter camping and concerns about RV's in the Seafarer Memorial parking lot, City Manager Koester opened the Pier One Theater area campground for winter camping on December 29, 2015. I have included an email from Police Chief Robl addressing the situation and his recommendation to eliminate any free, unregulated camping areas from code and that we always have a winter camping area designated and open to the public with normal camping fees and rules applied.

Regarding summer camping, it has been suggested by some that camping regulations should be relaxed in an effort to better accommodate seasonal workers. That raises the question of why is it the cities responsibility to making living space available for seasonal workers on the spit.

I took the liberty of emailing Clerks in Kenai, Seward, Valdez, Cordova, Kodiak, King Cove, Dillingham, Petersburg and Sitka to find out what their cities offer in relation to seasonal workers who come to their communities. As of the writing of this memo I heard back from Kenai, Sitka, Valdez, and Dillingham. In summary, the processors provide housing for their workers and none of the cities offer any kind of free camping to accommodate seasonal workers. I included their replies for your review.

Recommendation: Move that the City Council amend Homer City Code Chapter 19.08.030 (d) to eliminate the Spit camping area that is designated as the parking area immediately northwest of the Mariner Memorial and on the same side of the Spit Road; and amend the ordinance to provide a winter camping area designated and open to the public with normal camping fees and rules applied.



City of Homer

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Office of the City Manager

491 East Pioneer Avenue

Homer, Alaska 99603

citymanager@cityofhomer-ak.gov

(p) 907-235-8121 x2222

(f) 907-235-3148

NOTICE

December 28, 2015

Due to a demand for camping outside of the traditional camping season, effective January 1, 2016, I am opening camp spaces 1 to 16 of the Fishing Hole Campground next to Pier One Theater on the Homer Spit until further notice. City campgrounds are closed by ordinance from September 30th to April 30th. However, according to Homer City Code 19.08.030d, they can be opened at any other time by order of the city manager.

Katie Koester
City Manager

From: Mark Robl
Sent: Thursday, January 07, 2016 8:36 AM
To: Melissa Jacobsen
Cc: Katie Koester; Bryan Hawkins; Will Hutt
Subject: RE: Port Commission & Seafarer Memorial Camping

Melissa,

I have been working with the city attorney, Katie and Bryan to empty out the Seafarer Memorial Parking Lot area. We started this process in December. We have had several problems with these campers. The “free” camping has caused more campers to move in than ever before. At one point we had twelve campers/motorhomes in there, some that had to be towed in. The people being attracted to this are not winter tourists. They have set up out there for the winter with no intent of leaving. We have had several complaints of them plugging into the power outlets in the memorial. We have arrested three people that list this parking lot as their “home”. We served one search warrant in one of the campers and arrested the man inside for taking part in a home invasion crime.

Katie has designated an area in the Pier One Theater area campground as being open for winter camping. Since we have an open campground, all those in the Seafarer’s Memorial lot will have to move into it. Normal campground rules will be in play and campers will have to pay and abide by the rules. Those currently camped in the Seafarer’s lot have been noticed but are not moving. The police department will be working to ensure they move over. We believe at least two of the campers in the lot have abandoned their equipment and it will have to be impounded at city expense. We have to clean up junk vehicles and campers every spring that showed up somewhere out on the spit during the winter. This typically costs in the thousands and gets worse every year. We have to take action more aggressively throughout the winter to keep these problems from piling up. I think there is a need for ongoing parking enforcement on the spit throughout the winter but this is another topic.

I suggest we eliminate any free, unregulated winter camping areas from code and we always have a winter camping area designated and open to the public. Normal camping fees and rules should always apply.

Mark

From: Melissa Jacobsen
Sent: Wednesday, January 06, 2016 10:53 AM
To: Mark Robl
Subject: Port Commission & Seafarer Memorial Camping

Hi Mark,

I’m helping Bryan with compiling some information for the Port Commission meeting this month. The Commission wants to talk about camping on the spit and for now we’re trying to keep it to the winter Seafarer Memorial camping. I have included the excerpt from City Code.

If you have any feedback or recommendations for the Commission to consider for amending this code please let me know by Tuesday, January 19th so I can include it in a memo for their packet.

Thank you for your help!! Melissa

19.08.030 Parking or camping prohibited – Enforcement.

- a. No person shall park any motor vehicle or camper or otherwise camp on any City-owned or City-controlled property where any official sign prohibits parking or camping.
- b. Camping, as defined in HCC [19.08.020](#), is prohibited in areas other than those so designated by the City, except where campers camping on private property have written permission to do so from the property owner.
- c. Persons who refuse to remove themselves and their personal property from unregulated camping areas upon request by an authorized representative of the City shall be removed, together with their personal property, from the areas using such force as may be necessary under the circumstances.
- d. Camping in a closed campground is prohibited. Except in the winter the Spit camping area is designated as the parking area immediately northwest of the Mariner Memorial¹ and on the same side of the Spit Road. Except when a campground is opened under a directive entered pursuant to this subsection, all City campgrounds shall be closed outside the camping season. The City Manager may, for cause, enter a written directive that one or more City campgrounds will be opened or closed up to 30 days before and 30 days after the camping season, or for any other period of time specified in the directive. As used in this subsection, “cause” includes, but is not limited to, emergencies, tourist caravans, and other tourist demand outside the camping season. [Ord. [99-18\(A\)](#) § 2, 1999; Ord. [82-10](#) § 1, 1982; Ord. [81-1\(S\)](#), 1981. Code 1967 § 5-700.2].

*Melissa Jacobsen, CMC
Deputy City Clerk
City of Homer, Alaska
907-435-3107*

[City of Homer City Clerk's Office](#)

PUBLIC RECORDS LAW DISCLOSURE: Most e-mails from or to [this](#) address will be available for public inspection under Alaska public records law.

From: Sara Peterson <sara.peterson@cityofsitka.org>
Sent: Wednesday, January 20, 2016 1:41 PM
To: Melissa Jacobsen; Sandra Modigh (smodigh@ci.kenai.ak.us);
bballou@cityofseward.net; Sheri Pierce ; Janice Williams
(cityclerk@dillinghamak.us); dmarlar@city.kodiak.ak.us;
kccityclerk@gmail.com; dthompson@petersburak.gov;
rwinters@ci.Unalaska.ak.us
Subject: RE: Summer Transient workers in Fish Plants

Hi Melissa,

We have three processing plants in Sitka and two, if not three, provide housing for their workers. Our campgrounds are regulated by the US Forest Service and have limitations on the number of days for camping.

Sara

From: Melissa Jacobsen [<mailto:MJacobsen@ci.homer.ak.us>]
Sent: Wednesday, January 20, 2016 11:36 AM
To: Sandra Modigh (smodigh@ci.kenai.ak.us); bballou@cityofseward.net; Sheri Pierce ; Janice Williams (cityclerk@dillinghamak.us); Sara Peterson; dmarlar@city.kodiak.ak.us; kccityclerk@gmail.com; dthompson@petersburak.gov; rwinters@ci.Unalaska.ak.us
Subject: Summer Transient workers in Fish Plants

Hello!

Homer's Port and Harbor Advisory Commission is talking about regulations regarding camping on the Homer Spit where our port and harbor and fish plants are located. It is also a popular tourist area with easy access to sport fishing, eco-tours, water taxis, etc.

Several years back before the Icicle plant in Homer burned, we had an influx of summer worker who camped out primarily on the Icicle lease property, and I'm sure some overflow camping on the beaches and campgrounds as well. Icicle no longer has a large facility here, but we still have folks that come to work at other smaller facilities in the summer and a few in the winter, who camp on the spit.

Currently the city has a 14 day limit on camping in city campgrounds in the summer and closes them in the winter. Our City Manager has just opened one of our campgrounds on the spit for winter camping due to several motorhomes settling in one of our harbor area parking lots.

Some of our commissioners and residents are adamant that city should offer unlimited camping to people who come to town to work in the fish plants on the spit.

I'm curious how your communities deal the temporary workers who come to town. Do your processors provide space for seasonal workers to live/camp? Is unlimited camping available to seasonal workers who come to town? Are there any city regulations relating to this?

I look forward to your input.

Thanks! Melissa

*Melissa Jacobsen, CMC
Deputy City Clerk
City of Homer, Alaska
907-435-3107*

[City of Homer City Clerk's Office](#)

PUBLIC RECORDS LAW DISCLOSURE: Most e-mails from or to [this](#) address will be available for public inspection under Alaska public records law.

From: Dillingham City Harbor <harbor@dillinghamak.us>
Sent: Wednesday, January 20, 2016 4:35 PM
To: Janice Williams; Sandra Modigh; Melissa Jacobsen
Subject: RE: Summer Transient workers in Fish Plants

Melissa – The City of Dillingham has a small transient campground located within the harbor area that is seldom used other than by people that are either waiting to go on a float trip on the surrounding lakes and rivers or just returning from one.

Our two fish processors have their own housing and bring their own people in to work and know how many people they need and have room for, there are very few that come to town on their own and work for them.

We never have had anyone want to camp in the winter months..... not sure I would allow it as I doubt many would have the correct gear.

We don't have a time limit as it has not come in to play as of yet but it does sound like something I might explore.

Other info can be found by going to the city of Dillingham website and look under the City code Chapter 12-06

Jean

Jean Barrett
Port Director
City of Dillingham
907-842-1069 office
907-843-1379 cell
harbor@dillinghamak.us

From: Janice Williams [mailto:cityclerk@dillinghamak.us]
Sent: Wednesday, January 20, 2016 2:54 PM
To: Sandra Modigh <smodigh@kenai.city>
Cc: Jean Barrett <harbor@dillinghamak.us>
Subject: RE: Summer Transient workers in Fish Plants

Sandra, I am forwarding this on to our Port Director Jean Barrett. He could probably do a much better job of answering than I. Very interesting.

Janice Williams
City Clerk

City of Dillingham
Office of City Clerk
PO Box 889
Street Address
Dillingham, AK 99576

From: Sheri Pierce <spierce@ci.valdez.ak.us>
Sent: Wednesday, January 20, 2016 4:56 PM
To: 'Sandra Modigh'; Melissa Jacobsen; bballou@cityofseward.net; Janice Williams (cityclerk@dillinghamak.us); Sara Peterson; dmarlar@city.kodiak.ak.us; kccityclerk@gmail.com; dthompson@petersburak.gov; rwinters@ci.Unalaska.ak.us
Subject: RE: Summer Transient workers in Fish Plants

Hi Melissa,

We had this problem years ago and resolved it by making it unlawful to camp overnight on city property unless it is a designated campground which is operated by a seasonal caretaker. So....the canneries now provide on-site temporary housing for all of their seasonal workers. We have seasonal "community service officers" who kindly direct people who are camping on city property to a designated public or private campground. The problem we had with seasonal workers or tourists in general camping on city property was that they did not clean up the mess they created and deterred the public from enjoying the use of our city parks and trails. So...we just do not allow it. I don't know if the spit is municipal property?? We have two seasonal city campgrounds which are operated under contract by local residents. They charge a fee and are responsible for regulating use.

I do remember visiting the Homer spit one summer and I was amazed at the amount of junk (like old couches/furniture and garbage) which we were told was left by the cannery workers. It is such a beautiful place and I remember thinking that it was a shame that people left it in such a condition.

Sheri L. Pierce, MMC
City Clerk, City of Valdez
907-834-3408

From: Sandra Modigh [<mailto:smodigh@kenai.city>]
Sent: Wednesday, January 20, 2016 1:04 PM
To: Melissa Jacobsen; bballou@cityofseward.net; Sheri Pierce; Janice Williams (cityclerk@dillinghamak.us); Sara Peterson; dmarlar@city.kodiak.ak.us; kccityclerk@gmail.com; dthompson@petersburak.gov; rwinters@ci.Unalaska.ak.us
Subject: RE: Summer Transient workers in Fish Plants

Hiya! This probably isn't very helpful as it relates to our dipnet season, but here it is anyway:
<http://www.kenai.city/node/264>

Thanks, Sandra

From: Melissa Jacobsen [<mailto:MJacobsen@ci.homer.ak.us>]
Sent: Wednesday, January 20, 2016 11:36 AM
To: Sandra Modigh <smodigh@kenai.city>; bballou@cityofseward.net; Sheri Pierce <spierce@ci.valdez.ak.us>; Janice Williams (cityclerk@dillinghamak.us) <cityclerk@dillinghamak.us>; Sara Peterson <sara@cityofsitka.com>; dmarlar@city.kodiak.ak.us; kccityclerk@gmail.com; dthompson@petersburak.gov; rwinters@ci.Unalaska.ak.us
Subject: Summer Transient workers in Fish Plants

Hello!

Published on *The City of Kenai* (<http://www.kenai.city>)

[Home](#) > [Living Here](#) > [Dipnet](#) > Detailed Fee Information

Detailed Dipnet Fee Information:

Day Use Parking:

Day use parking is available at all of the locations beginning at 5:00am. The price is \$20 per calendar day. If you arrive before 5:00am you will be required to purchase overnight parking. If you purchase a day use parking permit at 5:00am you will get 19 hours of parking for \$20. If you purchase a day use parking permit at 9:00pm you will get 3 hours of parking for \$20. You may park 1 car or truck with 1 trailer, or 1 motorhome, or 1 motorcycle, or up to 2 ATVs in a parking spot. You may not take up more than 10 feet of width, so if you have a camper with 2 tip-outs that make the motor home 12 feet wide, you will need to purchase a second permit. These permits are valid at all locations.

Overnight Parking:

Overnight parking is available at all of the locations except the dock. The price is \$45 and is valid from noon until noon the following day. If you arrive before noon, the price will be \$55 for the first day and \$45 for each additional day. If you arrive at 1:00am you will pay \$55 and get 35 hours of parking. If you arrive at 9:00pm you will pay \$45 and get 15 hours of parking. You may park 1 car or truck with 1 trailer, 1 motorhome, 1 motorcycle, or up to 2 ATVs in a parking spot. You may not take up more than 10 feet of width, so if you have a camper with 2 tip-outs that make the motor home 12 feet wide, you will need to purchase a second permit. These permits are valid at either beach location or in the overflow parking areas. Also included in overnight parking is 1 camping spot, which cannot exceed a 10 foot by 10 foot area.

Camping:

Camping is available at all of the locations except the dock. The price is \$25 and is valid from noon until noon the following day. If you arrive at 1:00am you will pay \$25 and the permit will expire at noon of the same day. If you wish to remain until the following day you would need to purchase 2 days of camping. The camping spot cannot exceed a 10 foot by 10 foot area. Parking is not included with camping.

Dock Boat Launch:

Boat launch and parking is available at the dock. The price is \$35 and is valid until midnight on the day that it is issued. You get one boat launch and retrieval, and one parking spot for a vehicle and a trailer. If you arrive at 5:00am you will pay \$35 and get 19 hours of parking. If you arrive at

6:00pm you will pay \$35 and get 6 hours of parking. If you launch on one day and wish to retrieve at a later date this will be permitted, but parking is limited to the day it was issued.

PUBLIC HEARING(S)

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

Ordinances 16-04(A) and 16-05

A **public hearing** is scheduled for **Monday, February 8, 2016** during a Regular City Council Meeting. The meeting begins at 6:00 p.m. in the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

Ordinances 16-04(A) and 16-05 internet address:
<http://www.cityofhomer-ak.gov/ordinances>

Ordinance 16-04(A), An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.18, Central Business District; Homer City Code 21.24, General Commercial 1; Homer City Code 21.26, General Commercial 2; Homer City Code 21.27, East End Mixed Use; Homer City Code 21.40 to Identify the Zoning Districts Permitting Marijuana Facilities and Adopting Chapter 21.62 Entitled “Marijuana Facilities” Regarding General Land Use Requirements for Marijuana Cultivation, Manufacturing, Testing, and Retail Facilities. Planning Commission.

Ordinance 16-05, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 1.16.040, Disposition of Scheduled Offenses—Fine Schedule, Enacting Homer City Code Chapter 7.16, Vehicles in Beach Areas, and Repealing Homer City Code Chapter 19.16, Vehicles on Homer Spit Beach, to Restrict the Operation, Stopping and Parking of Motor Vehicles in Beach Areas. Reynolds.



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

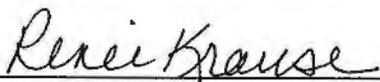
** Copies of proposed Ordinances, in entirety, are available for review at Homer City Clerk's Office. Copies of the proposed Ordinances are available for review at City Hall, the Homer Public Library, and the City's homepage - <http://clerk.ci.homer.ak.us>. Contact the Clerk's Office at City Hall if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

Jo Johnson, MMC, City Clerk
Publish: Homer Tribune: February 3, 2016

CLERK'S AFFIDAVIT OF POSTING

I, Renee Krause, Deputy City Clerk for the City of Homer, Alaska, do hereby certify that a copy of the Public Hearing Notice for **Ordinance 16-04(A)**, Amending Homer City Code 21.18, Central Business District; Homer City Code 21.24, General Commercial 1; Homer City Code 21.26, General Commercial 2; Homer City Code 21.27, East End Mixed Use; Homer City Code 21.40 to Identify the Zoning Districts Permitting Marijuana Facilities and Adopting Chapter 21.62 Entitled "Marijuana Facilities" Regarding General Land Use Requirements for Marijuana Cultivation, Manufacturing, Testing, and Retail Facilities; and **Ordinance 16-05**, Amending Homer City Code 1.16.040, Disposition of Scheduled Offenses—Fine Schedule, Enacting Homer City Code Chapter 7.16, Vehicles in Beach Areas, and Repealing Homer City Code Chapter 19.16, Vehicles on Homer Spit Beach, to Restrict the Operation, Stopping and Parking of Motor Vehicles in Beach Areas was distributed to the City of Homer kiosks located at City Clerk's Office, and the Homer Public Library on Friday, January 29, 2016 and posted the same on City of Homer Website on Thursday, January 28, 2016.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of said City of Homer this 29th day of January, 2016.



Renee Krause, CMC, Deputy City Clerk



ORDINANCE REFERENCE SHEET
2016 ORDINANCE
ORDINANCE 16-04

An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.18, Central Business District; Homer City Code 21.24, General Commercial 1; Homer City Code 21.26, General Commercial 2; Homer City Code 21.27, East End Mixed Use; Homer City Code 21.28, Marine Commercial; Homer City Code 21.40 to Identify the Zoning Districts Permitting Marijuana Facilities and Adopting Chapter 21.62 Entitled “Marijuana Facilities” Regarding General Land Use Requirements for Marijuana Cultivation, Manufacturing, Testing, and Retail Facilities.

Sponsor: Planning Commission

1. Council Regular Meeting January 25, 2016 Introduction
 - a. Memorandum 16-016 from City Clerk as backup
 - b. Memorandum 16-017 from City Planner as backup
 - c. Commercial Cannabis Cultivation Map
 - d. Commercial Cannabis Retail and Manufacturing Map
 - e. State of Alaska Marijuana Regulations as of December 1, 2015

1. Council Regular Meeting February 8, 2016 Public Hearing and Second Reading
 - a. Ordinance 16-04(A) (as amended by Council on January 25, 2016)
 - b. Substitute Ordinance 16-04(A)(S) (Lewis)
 - c. Memorandum 16-016 from City Clerk as backup
 - d. Memorandum 16-017 from City Planner as backup
 - e. Memorandum 16-023 from City Planner as backup
 - f. Commercial Cannabis Cultivation, Retail, Testing, and Manufacturing Map
 - g. Rural Residential Cannabis Cultivation Map
 - h. State of Alaska Marijuana Regulations as of December 1, 2015 (see January 25, 2016 council packet)

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

4 Planning Commission

5 **ORDINANCE 16-04(A)**
6

7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
8 AMENDING HOMER CITY CODE 21.18, CENTRAL BUSINESS
9 DISTRICT; HOMER CITY CODE 21.24, GENERAL COMMERCIAL 1;
10 HOMER CITY CODE 21.26, GENERAL COMMERCIAL 2; HOMER CITY
11 CODE 21.27, EAST END MIXED USE; HOMER CITY CODE 21.40 TO
12 IDENTIFY THE ZONING DISTRICTS PERMITTING MARIJUANA
13 FACILITIES AND ADOPTING CHAPTER 21.62 ENTITLED
14 "MARIJUANA FACILITIES" REGARDING GENERAL LAND USE
15 REQUIREMENTS FOR MARIJUANA CULTIVATION,
16 MANUFACTURING, TESTING, AND RETAIL FACILITIES.
17

18 WHEREAS, It is in the City's best interest to draft comprehensive regulations regarding
19 the use of property within the City to cultivate, manufacturer marijuana or to operate a retail
20 store selling marijuana; and
21

22 WHEREAS, The City is dedicated to drafting regulations that prevent the distribution of
23 marijuana to minors; prevents revenue from the sale of marijuana from going to criminal
24 enterprises, gangs, and cartels; prevents the diversion of marijuana from states where it is
25 legal under state law in some form to other states; prevents state-authorized marijuana
26 activity from being used as a cover or pretext for the trafficking of other illegal drugs or other
27 illegal activity; prevents violence and the use of firearms in the cultivation and distribution of
28 marijuana; prevents drugged driving and the exacerbation of other adverse public health
29 consequences associated with marijuana use; prevents the growing of marijuana on public
30 lands and the attendant public safety and environmental dangers posed by marijuana
31 production on public land; and prevents marijuana possession or use on federal property.
32

33 THE CITY OF HOMER ORDAINS:
34

35 Section 1. Homer City Code Chapter 21.18 is amended as follows:

36 Section 21.18.020 Permitted uses and structures.

37 The following uses are permitted outright in the Central Business District,
38 except when such use requires a conditional use permit by reason of size, traffic
39 volumes, or other reasons set forth in this chapter:

- 40 a. Retail business where the principal activity is the sale of merchandise
41 and incidental services in an enclosed building;
42 b. Personal service establishments;

[Bold and underlined added] Deleted language stricken through.]

- 43 c. Professional offices and general business offices;
- 44 d. Restaurants, clubs and drinking establishments that provide food or
- 45 drink for consumption on the premises;
- 46 e. Parking lots and parking garages, in accordance with
- 47 Chapter 21.55 HCC;
- 48 f. Hotels and motels;
- 49 g. Mortuaries;
- 50 h. Single-family, duplex, and multiple-family dwellings,
- 51 including townhouses, but not including mobile homes;
- 52 i. Floatplane tie-up facilities and air charter services;
- 53 j. Parks;
- 54 k. Retail and wholesale sales of building supplies and materials, only if
- 55 such use, including storage of materials, is wholly contained within one
- 56 or more enclosed buildings;
- 57 l. Customary accessory uses to any of the permitted uses listed in the
- 58 CBD district; provided, that a separate permit shall not be issued for the
- 59 construction of any detached accessory building prior to that of
- 60 the main building;
- 61 m. Mobile homes, provided they conform to the requirements set forth
- 62 in HCC 21.54.100;
- 63 n. Home occupations, provided they conform to the requirements of
- 64 HCC 21.51.010;
- 65 o. Ministorage;
- 66 p. Apartment units located in buildings primarily devoted to business or
- 67 commercial uses;
- 68 q. Religious, cultural, and fraternal assembly;
- 69 r. Entertainment establishments;
- 70 s. Public, private and commercial schools;
- 71 t. Museums and libraries;
- 72 u. Studios;
- 73 v. Plumbing, heating and appliance service shops, only if such use,
- 74 including the storage of materials, is wholly within an
- 75 enclosed building;

Added language ~~Deleted language stricken through.~~

- 76 w. Publishing, printing and bookbinding;
- 77 x. Recreational vehicle parks only if located south of the
- 78 Sterling Highway (Homer Bypass) from Lake Street west to the
- 79 boundary of the Central Business District abutting Webber Subdivision,
- 80 and from Heath Street to the west side of Lakeside Village Subdivision,
- 81 provided they shall conform to the standards in HCC 21.54.200 and
- 82 following sections;
- 83 y. Taxi operation limited to a dispatch office and fleet parking of no
- 84 more than five vehicles; maintenance of taxis must be conducted within
- 85 an enclosed structure, and requires prior approval by the City Planner
- 86 of a site, access and parking plan;
- 87 z. Mobile food services;
- 88 aa. Itinerant merchants, provided all activities shall be limited
- 89 to uses permitted outright under this zoning district;
- 90 bb. Day care homes and facilities; provided, however, that outdoor play
- 91 areas must be fenced;
- 92 cc. Rooming house, bed and breakfast and hostel;
- 93 dd. Auto repair and auto and trailer sales or rental areas, but only on
- 94 Main Street from Pioneer Avenue to the Sterling Highway,
- 95 excluding lots with frontage on Pioneer Avenue or the Sterling Highway,
- 96 subject to the following additional requirements: Vehicles awaiting
- 97 repair or service, inoperable vehicles, vehicles for parts, and vehicles
- 98 awaiting customer pickup shall be parked indoors or inside a fenced
- 99 enclosure so as to be concealed from view, on all sides. The fence shall
- 100 be a minimum height of eight feet and constructed to
- 101 prohibit visibility of anything inside of the enclosure. The portion of any
- 102 vehicle exceeding eight feet in height may be visible outside of the
- 103 fence. Vehicle parts (usable or unusable), vehicle service supplies, and
- 104 any other debris created in the repair or servicing of vehicles shall also
- 105 be stored indoors or inside the fenced enclosure out of view of the
- 106 public;
- 107 ee. Farmers' market;
- 108 ff. Dormitory;

[Bold and underlined added. Deleted language stricken through.]

- 109 gg. Financial institutions;
- 110 hh. As an accessory use, one small wind energy system per lot having a
- 111 rated capacity not exceeding 10 kilowatts;
- 112 ii. One detached dwelling unit, excluding mobile homes, as
- 113 an accessory building to a principal single-family dwelling on a lot.
- 114 **jj. Marijuana cultivation facilities, manufacturing facilities, retail**
- 115 **facilities, and testing facilities as defined by state law.**

116

117 Section 2. Homer City Code Chapter 21.24 is amended as follows:

118

118 Section 21.24.020 Permitted uses and structures.

119 The following uses are permitted outright in the General Commercial 1

120 District, except when such use requires a conditional use permit by reason of

121 size, traffic volumes, or other reasons set forth in this chapter.

122

- 122 a. Air charter operations and floatplane tie-up facilities;
- 123 b. General business offices and professional offices;
- 124 c. Dwelling units located in buildings primarily devoted to
- 125 business uses;
- 126 d. Auto repair;
- 127 e. Auto and trailer sales or rental areas;
- 128 f. Auto fueling stations and drive-in car washes;
- 129 g. Building supply and equipment sales and rentals;
- 130 h. Restaurants, including drive-in restaurants, clubs and drinking
- 131 establishments;
- 132 i. Garden supplies and greenhouses;
- 133 j. Heavy equipment and truck sales, rentals, service and repair;
- 134 k. Hotels and motels;
- 135 l. Lumberyards;
- 136 m. Boat and marine equipment sales, rentals, service and repair;
- 137 n. Mortuaries;
- 138 o. Open air businesses;
- 139 p. Parking lots and parking garages, in accordance with
- 140 Chapter 21.55 HCC;

[Bold and underlined added. Deleted language stricken through.]

- 141 q. Manufacturing of electronic equipment, electrical devices, pottery,
142 ceramics, musical instruments, toys, novelties, small molded products
143 and furniture;
144 r. Publishing, printing and bookbinding;
145 s. Recreation vehicle sales, rental, service and repair;
146 t. Retail businesses;
147 u. Trade, skilled or industrial schools;
148 v. Wholesale businesses, including storage and distribution services
149 incidental to the products to be sold;
150 w. Welding and mechanical repair;
151 x. Parks and open space;
152 y. Appliance sales and service;
153 z. Warehousing, commercial storage and mini-storage;
154 aa. Banks, savings and loans, credit unions and other financial
155 institutions;
156 bb. Customary accessory uses to any of the permitted uses listed in the
157 GC1 district; provided, that no separate permit shall be issued for the
158 construction of any type of accessory building prior to that of the main
159 building;
160 cc. Dry cleaning, laundry, and self-service laundries;
161 dd. Taxi operation;
162 ee. Mobile food services;
163 ff. Itinerant merchants, provided all activities shall be limited
164 to uses permitted outright under this zoning district;
165 gg. Recreational vehicle parks, provided they shall conform to the
166 standards in Article II of Chapter 21.54 HCC;
167 hh. Day care homes; provided, that a conditional use permit was
168 obtained for the dwelling, if required by HCC 21.24.030; all outdoor play
169 areas must be fenced;
170 ii. Rooming house and bed and breakfast;
171 jj. Dormitory;
172 kk. As an accessory use, one small wind energy system per lot.

Added language Deleted language ~~stricken through.~~

173 **II. Marijuana cultivation facilities, manufacturing facilities, retail**
174 **facilities, and testing facilities as defined by state law.**

175 Section 3. Homer City Code Chapter 21.26 is amended as follows:

176 Section 21.26.020 Permitted uses and structures.

177 The following uses are permitted outright in the General Commercial 2
178 District, except when such use requires a conditional use permit by reason of
179 size, traffic volumes, or other reasons set forth in this chapter:
180

- 181 a. Production, processing, assembly and packaging of fish, shellfish and
182 seafood products;
- 183 b. Construction, assembly and storage of boats and boat equipment;
- 184 c. Manufacture and assembly of pottery and ceramics, musical
185 instruments, toys, novelties, small molded products, electronic
186 instruments and equipment and electrical devices;
- 187 d. Research and development laboratories;
- 188 e. Trade, skills or industrial schools;
- 189 f. Publishing, printing and bookbinding facilities;
- 190 g. Auto, trailer, truck, recreational vehicle and heavy equipment sales,
191 rentals, service and repair, excluding storage of vehicles or equipment
192 that is inoperable or in need of repair;
- 193 h. Storage and distribution services and facilities, including truck
194 terminals, warehouses and storage buildings and yards, contractors'
195 establishments, lumberyards and sales, or similar uses;
- 196 i. Airports and air charter operations;
- 197 j. Underground bulk petroleum storage;
- 198 k. Cold storage facilities;
- 199 l. Parking lots and parking garages, in accordance with
200 Chapter 21.55 HCC;
- 201 m. Mobile commercial structures;
- 202 n. Accessory uses to the uses permitted in the GC2 district that are
203 clearly subordinate to the main use of the lot or building, such as
204 wharves, docks, restaurant or cafeteria facilities for employees; or
205 caretaker or dormitory residence if situated on a portion of the
206 principal lot; provided, that separate permits shall not be issued for the

[Bold and underlined added. Deleted language stricken through.]

- 207 construction of any type of accessory building prior to that of the main
208 building;
- 209 o. Taxi operation;
- 210 p. Mobile food services;
- 211 q. Itinerant merchants, provided all activities shall be limited
212 to uses permitted outright under this zoning district;
- 213 r. Recreational vehicle parks, provided they shall conform to the
214 standards in Chapter 21.54 HCC;
- 215 s. Hotels and motels;
- 216 t. Dormitory;
- 217 u. As an accessory use, one small wind energy system per lot;
- 218 v. Open air business.
- 219 **w. Marijuana cultivation facilities, manufacturing facilities, retail**
220 **facilities, and testing facilities as defined by state law.**

221
222 Section 4. Homer City Code Chapter 21.27 is amended to read as follows:

223
224 Section 21.27.020 Permitted uses and structures.

225
226 The following uses are permitted outright in the East End Mixed Use
227 District, except when such use requires a conditional use permit by reason of
228 size, traffic volumes, or other reasons set forth in this chapter:

- 229 a. Auto, trailer, truck, recreational vehicle and heavy equipment sales,
230 rentals, service and repair;
- 231 b. Drive-in car washes;
- 232 c. Building supply and equipment sales and rentals;
- 233 d. Garden supplies and greenhouses;
- 234 e. Boat and marine equipment sales, rentals, manufacturing,
235 storage yard, service and repair;
- 236 f. Welding and mechanical repair;
- 237 g. Restaurants, including drive-in restaurants, clubs and drinking
238 establishments;
- 239 h. Religious, cultural, and fraternal assembly;
- 240 i. Studios;
- 241 j. Personal services;
- 242 k. Agricultural activities, including general farming, truck farming,
243 nurseries, tree farms and greenhouses;
- 244 l. Private stables;
- 245 m. Storage of heavy equipment, vehicles or boats;

[Bold and underlined added. Deleted language stricken through.]

- 246 n. Plumbing, heating and appliance service shops;
- 247 o. Home occupations on a lot whose principal permitted use is
- 248 residential, provided they conform to the requirements of
- 249 HCC 21.51.010;
- 250 p. Mortuaries and crematoriums;
- 251 q. Open air businesses;
- 252 r. Parking lots and parking garages, in accordance with Chapter 21.55
- 253 HCC;
- 254 s. Manufacturing, fabrication and assembly;
- 255 t. Retail businesses;
- 256 u. Trade, skilled or industrial schools;
- 257 v. Wholesale businesses, including storage and distribution services
- 258 incidental to the products to be sold;
- 259 w. Parks and open space;
- 260 x. Warehousing, commercial storage and mini-storage;
- 261 y. Recreational vehicles, subject to the standards in HCC 21.54.320(a),
- 262 (b) and (c);
- 263 z. Dry cleaning, laundry, and self-service laundries;
- 264 aa. Mobile food services;
- 265 bb. As an accessory use, one small wind energy system per lot;
- 266 cc. Production, processing, assembly and packaging of fish, shellfish
- 267 and seafood products;
- 268 dd. Research and development laboratories;
- 269 ee. Storage and distribution services and facilities, including truck
- 270 terminals, warehouses and storage buildings and yards, contractors'
- 271 establishments, lumberyards and sales, or similar uses;
- 272 ff. Cold storage facilities;
- 273 gg. Mobile commercial structures;
- 274 hh. Single-family and duplex dwellings, only as an accessory use
- 275 incidental to a permitted principal use; provided, that no permit shall
- 276 be issued for the construction of an accessory dwelling prior to the
- 277 establishment of the principal use;
- 278 ii. The repair, replacement, reconstruction or expansion of a single-
- 279 family or duplex dwelling, including a mobile home, that existed
- 280 lawfully before its inclusion in the GC1, GC2 or EEMU zoning districts,
- 281 notwithstanding any provision of Chapter 21.61 HCC to the contrary;
- 282 provided, that a mobile home may not be used to replace or expand
- 283 such a dwelling;
- 284 jj. Customary accessory uses to any of the uses permitted in the EEMU
- 285 district that are clearly subordinate to the main use of the lot
- 286 or building, including without limitation wharves, docks, storage
- 287 facilities, restaurant or cafeteria facilities for employees; or caretaker or
- 288 employee dormitory residence if situated on a portion of the same lot

Added language Deleted language stricken through.]

289 as the principal use; provided, that no permit shall be issued for the
290 construction of any type of accessory building prior to the
291 establishment of the principal use;
292 kk. Taxi operation;
293 ll. Itinerant merchants, provided all activities shall be limited to uses
294 permitted outright under this zoning district;
295 mm. More than one building containing a permitted principal use on
296 a lot;
297 nn. The outdoor harboring or keeping of dogs, small animals and fowl
298 as an accessory use to a residential use in a manner consistent with the
299 requirements of all other provisions of the Homer City Code and as long
300 as such animals are pets of the residents of the dwelling and their
301 numbers are such as not to unreasonably annoy or disturb occupants of
302 neighboring property.

303 **oo. Marijuana cultivation facilities, manufacturing facilities, retail**
304 **facilities, and testing facilities as defined by state law.**
305

306 Section 5. Chapter 21.62 is hereby enacted as follows:
307

308 **Chapter 21.62**

309
310 **Marijuana Cultivation, Manufacturing, Retail, and Testing Facilities**

311
312 **Sections:**

313 **21.62.010 Scope.**

314 **21.62.020 Intent**

315 **21.62.030 Definitions**

316 **21.62.040 Pre-application conference.**

317 **21.62.050 Costs**

318 **21.62.060 Safety and Security Plan**

319 **21.62.070 Buffers.**

320 **21.62.080 General restrictions on all marijuana facilities.**

321
322 **21.62.010 Scope**

323
324 **a. This chapter applies to the operation of all marijuana cultivation,**
325 **manufacturing, retail , and testing facilities within the city boundaries.**
326

327 **b. This chapter in no way protects marijuana facilities from enforcement of**
328 **federal law nor is it intended to sanction conduct or operations prohibited by law.**
329 **All persons engaged in the marijuana industry within the city operate at their**
330 **own risk and have no legal recourse against the City in the event that city laws**
331 **are preempted, negated or otherwise found unenforceable based upon federal**

[Bold and underlined added. Deleted language stricken through.]

332 **law prohibiting the sale, distribution, consumption or possession of marijuana.**

333

334 **21.62.020 Intent**

335

336 **a. This chapter is intended to impose regulations that prevent:**

337

338

339 **1. The distribution of marijuana to minors;**
340 **2. Revenue from the sale of marijuana from going to criminal enterprises,**

341 **gangs, and cartels;**
342 **3. The diversion of marijuana from states where it is legal under state law in**

343 **some form to other states where it is unlawful;**
344 **4. State-authorized marijuana activity from being used as a cover or pretext**

345 **for the trafficking of other illegal drugs or other illegal activity;**
346 **5. Violence and the use of firearms in the cultivation and distribution of**

347 **marijuana;**
348 **6. Drugged driving and the exacerbation of other adverse public health**

349 **consequences associated with marijuana use;**
350 **7. The growing of marijuana on public lands and the attendant public safety**

351 **and environmental dangers posted by marijuana production on public**

352 **land; and**
353 **8. Marijuana possession or use on federal property.**

354 **21.62.030 Definitions [reserved]**

355

356 **21.62.040 Pre-application Conference.**

357

358 **21.57.050 Costs.**

359

360 **The cost of all permits, studies and investigation required under this**

361 **chapter shall be borne by the applicant.**

362

363 **When Title 21 requires a conditional use permit for a marijuana facility, the**

364 **applicant must meet with the City Planner to discuss the conditional use**

365 **permit process and any issues that may affect the proposed conditional**

366 **use. This meeting is to provide for an exchange of general and preliminary**

367 **information only and no statement made in such meeting by either the**

368 **applicant or the City Planner shall be regarded as binding or authoritative**

369 **for the purposes of this title.**

370

371 **21.62.060 Safety and Security Plan**

372

373 **A conditional use permit for a marijuana facility required by this title shall**

374 **include an analysis of the ways in which the intent and purpose of this**

[Bold and underlined added. Deleted language stricken through.]

375 chapter have been met and the safety concerns identified in Sections
376 21.62.010 and 21.62.020 will be addressed.

377
378 **21.62.070 Buffers**

379 a) The Commission may require buffers, including berms, fences, trees, and
381 shrubs, to minimize impacts to adjacent property. A landscaped buffer or
382 combination of landscaping and berms of no less than ten feet in width will
383 be required where the property with a marijuana facility adjoins districts
384 in which marijuana facilities are prohibited or permitted only as a
385 conditional use.

386
387 b) The following buffer zones shall be applied to all marijuana facilities in all
388 districts:

- 389
- | | | |
|-----|-----------------------------|------------------|
| 390 | 1. <u>Schools</u> | <u>1000 feet</u> |
| 391 | 2. <u>Churches</u> | <u>500 feet</u> |
| 392 | 3. <u>Jail</u> | <u>500 feet</u> |
| 393 | 4. <u>Youth/rec. center</u> | <u>500 feet</u> |
| 394 | 5. <u>Library</u> | <u>200 feet</u> |
- 395

396 c) Marijuana facilities abutting the Jack Gist Municipal Park, Karen Hornaday
397 Municipal Park, Bayview Municipal Park, or Ben Walters Municipal Park
398 must have 1000 feet or more buffers measured from the boundary of the
399 park.

400
401 d) For purposes of this section, “schools” mean property primarily used as a
402 private or public elementary or secondary education facility or property
403 primarily used as a post-secondary education facility, including but not
404 limited to private, faith-based, and public colleges and universities.

405
406 **21.62.80 General restrictions applied to all marijuana facilities.**

407
408 a) All marijuana facilities in all districts shall comply with Section 21.59.030 of this
409 title.

410
411 b) An application for a conditional use permit under this chapter shall not be
412 approved if the location of the facility violates the regulatory intent in Section
413 21.62.020.

414
415 Section 7. This ordinance shall take effect upon its adoption by the Homer City
416 Council.

417

[Bold and underlined added. Deleted language stricken through.]

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**CITY OF HOMER
HOMER, ALASKA**

Lewis

ORDINANCE 16-04(A)(S)

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING **HOMER CITY CODE 21.12, RURAL RESIDENTIAL**; HOMER CITY CODE 21.18, CENTRAL BUSINESS DISTRICT; HOMER CITY CODE 21.24, GENERAL COMMERCIAL 1; HOMER CITY CODE 21.26, GENERAL COMMERCIAL 2; HOMER CITY CODE 21.27, EAST END MIXED USE; HOMER CITY CODE 21.40 TO IDENTIFY THE ZONING DISTRICTS PERMITTING MARIJUANA FACILITIES AND ADOPTING CHAPTER 21.62 ENTITLED “MARIJUANA FACILITIES” REGARDING GENERAL LAND USE REQUIREMENTS FOR MARIJUANA CULTIVATION, MANUFACTURING, TESTING, AND RETAIL FACILITIES.

WHEREAS, It is in the City’s best interest to draft comprehensive regulations regarding the use of property within the City to cultivate, manufacturer marijuana or to operate a retail store selling marijuana; and

WHEREAS, The City is dedicated to drafting regulations that prevent the distribution of marijuana to minors; prevents revenue from the sale of marijuana from going to criminal enterprises, gangs, and cartels; prevents the diversion of marijuana from states where it is legal under state law in some form to other states; prevents state-authorized marijuana activity from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal activity; prevents violence and the use of firearms in the cultivation and distribution of marijuana; prevents drugged driving and the exacerbation of other adverse public health consequences associated with marijuana use; prevents the growing of marijuana on public lands and the attendant public safety and environmental dangers posed by marijuana production on public land; and prevents marijuana possession or use on federal property.

THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code Chapter 21.12 is amended as follows

Section 21.12.020 Permitted uses and structures.

The following uses are permitted outright in the Rural Residential District:

- a. Single-family dwelling;
- b. Duplex dwelling;

[Bold and underlined added] Deleted language stricken through.]

- 45 c. Multiple-family dwelling, only if the structure conforms to HCC
46 21.14.040(a)(2);
47
48 d. Public parks and playgrounds;
49
50 e. Rooming house, bed and breakfast and hostel;
51
52 f. Home occupations, provided they conform to the requirements of
53 HCC 21.51.010;
54
55 g. Agricultural activities, including general farming, truck farming,
56 livestock farming, nurseries, and greenhouses; provided, that:
57
58 1. Other than normal household pets, no poultry or livestock may be
59 housed and no fenced runs may be located within 100 feet of any
60 residence other than the dwelling on the same lot;
61
62 2. No retail or wholesale business sales office is maintained on the
63 premises;
64
65 h. Private stables;
66
67 i. Private floatplane tie-down as an accessory use incidental to
68 residential use;
69
70 j. Storage of personal commercial fishing gear in a safe and orderly
71 manner and separated by at least five feet from any property line as an
72 accessory use incidental to residential use;
73
74 k. As an accessory use incidental to residential use, the private outdoor
75 storage of noncommercial equipment, including noncommercial trucks,
76 boats, and not more than one recreational vehicle in a safe and orderly
77 manner and separated by at least five feet from any property line,
78 provided no stored equipment, boat or vehicle exceeds 36 feet in
79 length;
80
81 l. Other customary accessory uses incidental to any of the permitted
82 uses listed in the RR district; provided, that no separate permit shall be
83 issued for the construction of any detached accessory building prior to
84 that of the main building;
85
86 m. Temporary (seasonal) roadside stands for the sale of produce grown
87 on the premises;

Bold and underlined added. ~~Deleted language stricken through.~~

- 88 n. Mobile homes, subject to the requirements of HCC 21.54.100;
89
90 o. Day care homes; provided, however, that outdoor play areas must be
91 fenced;
92
93 p. Recreational vehicles, subject to the requirements of HCC 21.54.320;
94
95 q. Open space, but not including outdoor recreational facilities
96 described in HCC 21.12.030;
97
98 r. As an accessory use, one small wind energy system per lot having a
99 rated capacity not exceeding 10 kilowatts;
100
101 s. One detached dwelling unit, excluding mobile homes, as an accessory
102 building to a principal single family dwelling on a lot serviced by City
103 water and sewer services in compliance with HCC Title 14;
104
105 t. One detached dwelling unit, excluding mobile homes, as an accessory
106 building to a principal single family dwelling on a lot that is over one
107 acre and not serviced by City water and sewer services
108
109 **u. Limited marijuana cultivation facility as defined in state law**
110 **subject to the following provisions:**
111 **1. The facility shall only be located on lots greater than**
112 **20,000 square feet.**
113 **2. The facility shall comply with HCC 21.59, Off-site Impacts.**
114 **3. The facility shall be setback 50 feet from the lot line.**
115

116 Section 2. Homer City Code Chapter 21.18 is amended as follows:

117 Section 21.18.020 Permitted uses and structures.

118 The following uses are permitted outright in the Central Business District,
119 except when such use requires a conditional use permit by reason of size, traffic
120 volumes, or other reasons set forth in this chapter:

- 121 a. Retail business where the principal activity is the sale of merchandise
122 and incidental services in an enclosed building;
123 b. Personal service establishments;
124 c. Professional offices and general business offices;
125 d. Restaurants, clubs and drinking establishments that provide food or
126 drink for consumption on the premises;

[Bold and underlined added. Deleted language stricken through.]

- 127 e. Parking lots and parking garages, in accordance with
128 Chapter 21.55 HCC;
129 f. Hotels and motels;
130 g. Mortuaries;
131 h. Single-family, duplex, and multiple-family dwellings,
132 including townhouses, but not including mobile homes;
133 i. Floatplane tie-up facilities and air charter services;
134 j. Parks;
135 k. Retail and wholesale sales of building supplies and materials, only if
136 such use, including storage of materials, is wholly contained within one
137 or more enclosed buildings;
138 l. Customary accessory uses to any of the permitted uses listed in the
139 CBD district; provided, that a separate permit shall not be issued for the
140 construction of any detached accessory building prior to that of
141 the main building;
142 m. Mobile homes, provided they conform to the requirements set forth
143 in HCC 21.54.100;
144 n. Home occupations, provided they conform to the requirements of
145 HCC 21.51.010;
146 o. Ministorage;
147 p. Apartment units located in buildings primarily devoted to business or
148 commercial uses;
149 q. Religious, cultural, and fraternal assembly;
150 r. Entertainment establishments;
151 s. Public, private and commercial schools;
152 t. Museums and libraries;
153 u. Studios;
154 v. Plumbing, heating and appliance service shops, only if such use,
155 including the storage of materials, is wholly within an
156 enclosed building;
157 w. Publishing, printing and bookbinding;
158 x. Recreational vehicle parks only if located south of the
159 Sterling Highway (Homer Bypass) from Lake Street west to the

Added language Deleted language ~~stricken through.~~

160 boundary of the Central Business District abutting Webber Subdivision,
161 and from Heath Street to the west side of Lakeside Village Subdivision,
162 provided they shall conform to the standards in HCC 21.54.200 and
163 following sections;

164 y. Taxi operation limited to a dispatch office and fleet parking of no
165 more than five vehicles; maintenance of taxis must be conducted within
166 an enclosed structure, and requires prior approval by the City Planner
167 of a site, access and parking plan;

168 z. Mobile food services;

169 aa. Itinerant merchants, provided all activities shall be limited
170 to uses permitted outright under this zoning district;

171 bb. Day care homes and facilities; provided, however, that outdoor play
172 areas must be fenced;

173 cc. Rooming house, bed and breakfast and hostel;

174 dd. Auto repair and auto and trailer sales or rental areas, but only on
175 Main Street from Pioneer Avenue to the Sterling Highway,
176 excluding lots with frontage on Pioneer Avenue or the Sterling Highway,
177 subject to the following additional requirements: Vehicles awaiting
178 repair or service, inoperable vehicles, vehicles for parts, and vehicles
179 awaiting customer pickup shall be parked indoors or inside a fenced
180 enclosure so as to be concealed from view, on all sides. The fence shall
181 be a minimum height of eight feet and constructed to
182 prohibit visibility of anything inside of the enclosure. The portion of any
183 vehicle exceeding eight feet in height may be visible outside of the
184 fence. Vehicle parts (usable or unusable), vehicle service supplies, and
185 any other debris created in the repair or servicing of vehicles shall also
186 be stored indoors or inside the fenced enclosure out of view of the
187 public;

188 ee. Farmers' market;

189 ff. Dormitory;

190 gg. Financial institutions;

191 hh. As an accessory use, one small wind energy system per lot having a
192 rated capacity not exceeding 10 kilowatts;

[Bold and underlined added. Deleted language stricken through.]

- 193 ii. One detached dwelling unit, excluding mobile homes, as
194 an accessory building to a principal single-family dwelling on a lot.
195 **jj. Marijuana cultivation facilities, manufacturing facilities, retail**
196 **facilities, and testing facilities as defined by state law.**

197 -----
198 Section 3. Homer City Code Chapter 21.24 is amended as follows:
199 -----

200 Section 21.24.020 Permitted uses and structures.

201 The following uses are permitted outright in the General Commercial 1
202 District, except when such use requires a conditional use permit by reason of
203 size, traffic volumes, or other reasons set forth in this chapter.
204 -----

- 205 a. Air charter operations and floatplane tie-up facilities;
206 b. General business offices and professional offices;
207 c. Dwelling units located in buildings primarily devoted to
208 business uses;
209 d. Auto repair;
210 e. Auto and trailer sales or rental areas;
211 f. Auto fueling stations and drive-in car washes;
212 g. Building supply and equipment sales and rentals;
213 h. Restaurants, including drive-in restaurants, clubs and drinking
214 establishments;
215 i. Garden supplies and greenhouses;
216 j. Heavy equipment and truck sales, rentals, service and repair;
217 k. Hotels and motels;
218 l. Lumberyards;
219 m. Boat and marine equipment sales, rentals, service and repair;
220 n. Mortuaries;
221 o. Open air businesses;
222 p. Parking lots and parking garages, in accordance with
223 Chapter 21.55 HCC;
224 q. Manufacturing of electronic equipment, electrical devices, pottery,
225 ceramics, musical instruments, toys, novelties, small molded products
and furniture;
r. Publishing, printing and bookbinding;

[Bold and underlined added. Deleted language stricken through.]

- 226 s. Recreation vehicle sales, rental, service and repair;
227 t. Retail businesses;
228 u. Trade, skilled or industrial schools;
229 v. Wholesale businesses, including storage and distribution services
230 incidental to the products to be sold;
231 w. Welding and mechanical repair;
232 x. Parks and open space;
233 y. Appliance sales and service;
234 z. Warehousing, commercial storage and mini-storage;
235 aa. Banks, savings and loans, credit unions and other financial
236 institutions;
237 bb. Customary accessory uses to any of the permitted uses listed in the
238 GC1 district; provided, that no separate permit shall be issued for the
239 construction of any type of accessory building prior to that of the main
240 building;
241 cc. Dry cleaning, laundry, and self-service laundries;
242 dd. Taxi operation;
243 ee. Mobile food services;
244 ff. Itinerant merchants, provided all activities shall be limited
245 to uses permitted outright under this zoning district;
246 gg. Recreational vehicle parks, provided they shall conform to the
247 standards in Article II of Chapter 21.54 HCC;
248 hh. Day care homes; provided, that a conditional use permit was
249 obtained for the dwelling, if required by HCC 21.24.030; all outdoor play
250 areas must be fenced;
251 ii. Rooming house and bed and breakfast;
252 jj. Dormitory;
253 kk. As an accessory use, one small wind energy system per lot.
254 **ll. Marijuana cultivation facilities, manufacturing facilities, retail**
255 **facilities, and testing facilities as defined by state law.**
256

257 Section 4. Homer City Code Chapter 21.26 is amended as follows:

258 Section 21.26.020 Permitted uses and structures.
.....

[Bold and underlined added. Deleted language stricken through.]

259 The following uses are permitted outright in the General Commercial 2
260 District, except when such use requires a conditional use permit by reason of
261 size, traffic volumes, or other reasons set forth in this chapter:

- 262 a. Production, processing, assembly and packaging of fish, shellfish and
263 seafood products;
- 264 b. Construction, assembly and storage of boats and boat equipment;
- 265 c. Manufacture and assembly of pottery and ceramics, musical
266 instruments, toys, novelties, small molded products, electronic
267 instruments and equipment and electrical devices;
- 268 d. Research and development laboratories;
- 269 e. Trade, skills or industrial schools;
- 270 f. Publishing, printing and bookbinding facilities;
- 271 g. Auto, trailer, truck, recreational vehicle and heavy equipment sales,
272 rentals, service and repair, excluding storage of vehicles or equipment
273 that is inoperable or in need of repair;
- 274 h. Storage and distribution services and facilities, including truck
275 terminals, warehouses and storage buildings and yards, contractors'
276 establishments, lumberyards and sales, or similar uses;
- 277 i. Airports and air charter operations;
- 278 j. Underground bulk petroleum storage;
- 279 k. Cold storage facilities;
- 280 l. Parking lots and parking garages, in accordance with
281 Chapter 21.55 HCC;
- 282 m. Mobile commercial structures;
- 283 n. Accessory uses to the uses permitted in the GC2 district that are
284 clearly subordinate to the main use of the lot or building, such as
285 wharves, docks, restaurant or cafeteria facilities for employees; or
286 caretaker or dormitory residence if situated on a portion of the
287 principal lot; provided, that separate permits shall not be issued for the
288 construction of any type of accessory building prior to that of the main
289 building;
- 290 o. Taxi operation;
- 291 p. Mobile food services;

[Bold and underlined added. Deleted language stricken through.]

- 292 q. Itinerant merchants, provided all activities shall be limited
293 to uses permitted outright under this zoning district;
294 r. Recreational vehicle parks, provided they shall conform to the
295 standards in Chapter 21.54 HCC;
296 s. Hotels and motels;
297 t. Dormitory;
298 u. As an accessory use, one small wind energy system per lot;
299 v. Open air business.
300 **w. Marijuana cultivation facilities, manufacturing facilities, retail**
301 **facilities, and testing facilities as defined by state law.**

302
303 Section 5. Homer City Code Chapter 21.27 is amended to read as follows:
304

305 Section 21.27.020 Permitted uses and structures.
306

307 The following uses are permitted outright in the East End Mixed Use
308 District, except when such use requires a conditional use permit by reason of
309 size, traffic volumes, or other reasons set forth in this chapter:

- 310 a. Auto, trailer, truck, recreational vehicle and heavy equipment sales,
311 rentals, service and repair;
312 b. Drive-in car washes;
313 c. Building supply and equipment sales and rentals;
314 d. Garden supplies and greenhouses;
315 e. Boat and marine equipment sales, rentals, manufacturing,
316 storage yard, service and repair;
317 f. Welding and mechanical repair;
318 g. Restaurants, including drive-in restaurants, clubs and drinking
319 establishments;
320 h. Religious, cultural, and fraternal assembly;
321 i. Studios;
322 j. Personal services;
323 k. Agricultural activities, including general farming, truck farming,
324 nurseries, tree farms and greenhouses;
325 l. Private stables;
326 m. Storage of heavy equipment, vehicles or boats;
327 n. Plumbing, heating and appliance service shops;
328 o. Home occupations on a lot whose principal permitted use is
329 residential, provided they conform to the requirements of
330 HCC 21.51.010;
331 p. Mortuaries and crematoriums;

Added language. ~~Deleted language stricken through.~~

- 332 q. Open air businesses;
333 r. Parking lots and parking garages, in accordance with Chapter 21.55
334 HCC;
335 s. Manufacturing, fabrication and assembly;
336 t. Retail businesses;
337 u. Trade, skilled or industrial schools;
338 v. Wholesale businesses, including storage and distribution services
339 incidental to the products to be sold;
340 w. Parks and open space;
341 x. Warehousing, commercial storage and mini-storage;
342 y. Recreational vehicles, subject to the standards in HCC 21.54.320(a),
343 (b) and (c);
344 z. Dry cleaning, laundry, and self-service laundries;
345 aa. Mobile food services;
346 bb. As an accessory use, one small wind energy system per lot;
347 cc. Production, processing, assembly and packaging of fish, shellfish
348 and seafood products;
349 dd. Research and development laboratories;
350 ee. Storage and distribution services and facilities, including truck
351 terminals, warehouses and storage buildings and yards, contractors'
352 establishments, lumberyards and sales, or similar uses;
353 ff. Cold storage facilities;
354 gg. Mobile commercial structures;
355 hh. Single-family and duplex dwellings, only as an accessory use
356 incidental to a permitted principal use; provided, that no permit shall
357 be issued for the construction of an accessory dwelling prior to the
358 establishment of the principal use;
359 ii. The repair, replacement, reconstruction or expansion of a single-
360 family or duplex dwelling, including a mobile home, that existed
361 lawfully before its inclusion in the GC1, GC2 or EEMU zoning districts,
362 notwithstanding any provision of Chapter 21.61 HCC to the contrary;
363 provided, that a mobile home may not be used to replace or expand
364 such a dwelling;
365 jj. Customary accessory uses to any of the uses permitted in the EEMU
366 district that are clearly subordinate to the main use of the lot
367 or building, including without limitation wharves, docks, storage
368 facilities, restaurant or cafeteria facilities for employees; or caretaker or
369 employee dormitory residence if situated on a portion of the same lot
370 as the principal use; provided, that no permit shall be issued for the
371 construction of any type of accessory building prior to the
372 establishment of the principal use;
373 kk. Taxi operation;
374 ll. Itinerant merchants, provided all activities shall be limited to uses

Bold and underlined added. Deleted language stricken through.]

375 permitted outright under this zoning district;
376 mm. More than one building containing a permitted principal use on
377 a lot;
378 nn. The outdoor harboring or keeping of dogs, small animals and fowl
379 as an accessory use to a residential use in a manner consistent with the
380 requirements of all other provisions of the Homer City Code and as long
381 as such animals are pets of the residents of the dwelling and their
382 numbers are such as not to unreasonably annoy or disturb occupants of
383 neighboring property.

384 **oo. Marijuana cultivation facilities, manufacturing facilities, retail**
385 **facilities, and testing facilities as defined by state law.**
386

387 Section 6. Chapter 21.62 is hereby enacted as follows:
388

389 **Chapter 21.62**

390
391 **Marijuana Cultivation, Manufacturing, Retail, and Testing Facilities**
392

393 **Sections:**

394 **21.62.010 Scope.**

395 **21.62.020 Intent**

396 **21.62.030 Definitions**

397 **21.62.040 Pre-application conference.**

398 **21.62.050 Costs**

399 **21.62.060 Safety and Security Plan**

400 **21.62.070 Buffers.**

401 **21.62.080 General restrictions on all marijuana facilities.**
402

403 **21.62.010 Scope**

404
405 **a. This chapter applies to the operation of all marijuana cultivation,**
406 **manufacturing, retail, and testing facilities within the city boundaries.**
407

408 **b. This chapter in no way protects marijuana facilities from enforcement of**
409 **federal law nor is it intended to sanction conduct or operations prohibited by law.**
410 **All persons engaged in the marijuana industry within the city operate at their**
411 **own risk and have no legal recourse against the City in the event that city laws**
412 **are preempted, negated or otherwise found unenforceable based upon federal**
413 **law prohibiting the sale, distribution, consumption or possession of marijuana.**
414

415 **21.62.020 Intent**

416
417 **a. This chapter is intended to impose regulations that prevent:**

[Bold and underlined added. Deleted language stricken through.]

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1. **The distribution of marijuana to minors;**
2. **Revenue from the sale of marijuana from going to criminal enterprises, gangs, and cartels;**
3. **The diversion of marijuana from states where it is legal under state law in some form to other states where it is unlawful;**
4. **State-authorized marijuana activity from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal activity;**
5. **Violence and the use of firearms in the cultivation and distribution of marijuana;**
6. **Drugged driving and the exacerbation of other adverse public health consequences associated with marijuana use;**
7. **The growing of marijuana on public lands and the attendant public safety and environmental dangers posted by marijuana production on public land; and**
8. **Marijuana possession or use on federal property.**

21.62.030 Definitions [reserved]

21.62.040 Pre-application Conference.

21.57.050 Costs.

The cost of all permits, studies and investigation required under this chapter shall be borne by the applicant.

When Title 21 requires a conditional use permit for a marijuana facility, the applicant must meet with the City Planner to discuss the conditional use permit process and any issues that may affect the proposed conditional use. This meeting is to provide for an exchange of general and preliminary information only and no statement made in such meeting by either the applicant or the City Planner shall be regarded as binding or authoritative for the purposes of this title.

21.62.060 Safety and Security Plan

A conditional use permit for a marijuana facility required by this title shall include an analysis of the ways in which the intent and purpose of this chapter have been met and the safety concerns identified in Sections 21.62.010 and 21.62.020 will be addressed.

[Bold and underlined added. Deleted language stricken through.]

461 **21.62.070 Buffers**

462
463 a) **The Commission may require buffers, including berms, fences, trees, and**
464 **shrubs, to minimize impacts to adjacent property. A landscaped buffer or**
465 **combination of landscaping and berms of no less than ten feet in width will**
466 **be required where the property with a marijuana facility adjoins districts**
467 **in which marijuana facilities are prohibited or permitted only as a**
468 **conditional use.**

469
470 b) **The following buffer zones shall be applied to all marijuana facilities in all**
471 **districts:**

- 472
473 1. **Schools** **1000 feet**
474 2. **Churches** **500 feet**
475 3. **Jail** **500 feet**
476 4. **Youth/rec. center** **500 feet**
477 5. **Library** **200 feet**

478
479 c) **Marijuana facilities abutting the Jack Gist Municipal Park, Karen Hornaday**
480 **Municipal Park, Bayview Municipal Park, or Ben Walters Municipal Park**
481 **must have 1000 feet or more buffers measured from the boundary of the**
482 **park.**

483
484 d) **For purposes of this section, “schools” mean property primarily used as a**
485 **private or public elementary or secondary education facility or property**
486 **primarily used as a post-secondary education facility, including but not**
487 **limited to private, faith-based, and public colleges and universities.**

488
489 **21.62.80 General restrictions applied to all marijuana facilities.**

490
491 a) **All marijuana facilities in all districts shall comply with Section 21.59.030 of this**
492 **title.**

493
494 b) **An application for a conditional use permit under this chapter shall not be**
495 **approved if the location of the facility violates the regulatory intent in Section**
496 **21.62.020.**

497
498 Section 7. This ordinance shall take effect upon its adoption by the Homer City
499 Council.

500
501 Section 8. This ordinance is of a permanent and general character and shall be
502 included in the City code.

503

[Bold and underlined added. Deleted language stricken through.]

504 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this _____ day of
505 _____ 2016.

506

507

CITY OF HOMER

508

509

510

MARY E. WYTHE, MAYOR

511

512 ATTEST:

513

514

515

JO JOHNSON, MMC, CITY CLERK

517

518 AYES:

519 NOES:

520 ABSTAIN:

521 ABSENT:

522

523

524

525 First Reading:

526 Public Reading:

527 Second Reading:

528 Effective Date:

529

530

531

532 Reviewed and approved as to form:

533

534

Mary K. Koester, City Manager

Thomas F. Klinkner, City Attorney

536

537 Date: _____

Date: _____



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum 16-016

TO: MAYOR WYTHE AND CITY COUNCIL
FROM: JO JOHNSON, MMC, CITY CLERK
DATE: JANUARY 19, 2016
SUBJECT: RESULTS OF BALLOT MEASURE 2 TO LEGALIZE RECREATIONAL MARIJUANA FOR CITY OF HOMER VOTERS

Official election results from the General Election of November 4, 2014 of Ballot Measure 2 to legalize recreational marijuana for City of Homer voters are as follows:

BALLOT MEASURE 2	YES	NO	TOTAL VOTES
Homer No. 1	492	417	909
Homer No. 2	358	324	682
Totals	850	741	1,591

There were 4,499 registered voters in Homer No. 1 and 2 precincts with 1,591 people voting on Ballot Measure 2 for a 35% turnout.

53% of votes cast were YES for legalized recreational marijuana; 47% of votes cast were NO.

Informational only.



City of Homer

www.cityofhomer-ak.gov

Planning

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Memorandum 16-017

TO: MAYOR WYTHE AND HOMER CITY COUNCIL
 THROUGH: KATIE KOESTER, CITY MANAGER
 FROM: RICK ABBOUD, CITY PLANNER
 DATE: JANUARY 14, 2016
 SUBJECT: DRAFT ORDINANCE PROPOSING TO ZONE MARIJUANA RELATED ACTIVITIES WITHIN THE CITY OF HOMER

The Planning Commission has been working on this item since August. It has been an agenda item at six meetings, two of which have been public hearings. This proposed ordinance deals specifically with zoning regulations for the four activities defined by the state: Cultivation; Limited (small - under 500 square feet) and Standard (large - more than 5000 square feet), Manufacturing, Retail, and Testing. The best way to express this is the table below and the map attached. At this point, there is no distinction for zoning purposes between limited and standard cultivation operations.

Our goal with this ordinance is to provide a place to start with the regulation of the industry and to have some options available prior to the date when the state is scheduled to accept applications, February 24th. This will allow the City Council to introduce and hold two public hearing prior to this date. The Planning Commission wants to allow the industry to start in a somewhat limited area until we gain more experience, with the thought it would be much easier to loosen rules in the future rather than try to ratchet it back later and leave nonconformities behind. If the Council recommends something that needs to be review by the Planning Commission, I recommend passing the parts of the ordinance that are acceptable to the Council, so that entrepreneurs have reasonable options to apply for a license February 24th. If no ordinance is adopted, commercial marijuana will be an unlisted use, meaning every application will be a conditional use with a fairly high threshold for approval. This is an unreasonable expectation.

It is important to consider the regulation that is proposed by the state when considering the regulations proposed by the city. We may not propose anything that is more liberal than what the state proposes. A brief summary of the state regulation is provided and attached is the regulation proposed at the time of this report.

A = Allowed (reviewed by the Planning Office). C = Conditional Use Permit needed (hearing before the Planning Commission required).

Table 1. Cannabis Activity by Zoning

Activity	District					
	CBD	GC1	GC2	EEMU	MC	
Retail	C	A	A	A	C	
MFG	C	A	A	A		
Testing	A	A	A	A		
Cultivation						
small	C	A	A	A		
large	C	A	A	A	263	

The Planning Commission also proposes some buffer distances in addition to the state provisions. These buffers are based on the federal governments' double penalty zone as defined in US Code. This includes 1000 feet buffers from the two colleges, the Alaska Bible Institute and the Kenai Peninsula College. 1000 feet buffers from Karen Hornaday, Jack Gist, Bayview, and Ben Walters Parks are also recommended. Another recommendation is a 200 foot buffer from the library. The language used by the state and the federal government does not describe a library, but after a request from the Library Advisory Board, the commission did recommend a 200 foot buffer. This buffer with the buffer extended from the college and consideration of the uses and ownership of nearby properties realistically ensures that operations will not be proposed anywhere in close proximity to the library. The combination of the library and college buffers, and existing land uses and land ownership (post office, banks) realistically ensures that operations will not be proposed anywhere close to the library.

You will surely be made aware of a petition that proposes that limited cultivation be allowed outright in the Rural Residential District and that marijuana activities be allowed outright in the Central Business District. Both of these subjects have been discussed at length by the Planning Commission. The commission believes that the limited cultivation in the Rural Residential District is too commercial to meet the purpose of the district. A limited cultivation operation is required by the state to have exterior lighting to facilitate surveillance (including within 20 feet of each entrance), a security alarm on all windows and doors, and continuous video monitoring. Approval for a commercial business from the Fire Marshal is required. All persons dealing with the product must have a marijuana handler permit. There must be a plan for odor control to ensure that it is not detectable off the premises. This is just a sampling of the many requirements of the state licensing requirements found in the final regulations through 12-1-15. Another concern about limited cultivation in the Rural Residential District is density. Because of the city regulations for lot size, many lots that have access to water and sewer are small. In any event, the commission would not entertain commercial activities on lots less than 20,000 square feet (about half an acre). In addition, there was discussion about the minimum distance between a commercial grow operation, and the adjoining property. In the end, commercial cultivation was not recommended for the district.

The Commission also thought that cannabis activities in the Central Business District would be best with additional review of the Planning Commission and an opportunity for neighbors to be noticed and participate in the hearing.

State of Alaska

While the City is looking at regulating relatively small aspects of the industry, the meat of requirements are found in the proposed regulations of the state. These regulations are quite extensive. There are requirements (Article 7) that apply to all of the activities along with more specific requirements that address each of the 4 individual licensing areas individually. One really needs to understand the state regulations to get an accurate picture of what these businesses may look like when approved. There are 127 pages that compose articles 1-9 of the proposed state regulations. I have highlighted some of these below, and draw particular attention to those that are a relevant consideration for zoning.

Many aspects of marijuana businesses are regulated by the state including:

- All waste disposal
- Transportation of the product
- Signage and advertising
- Inventory tracking
- No odor may be detectable off site

- None of the product may be consumed in any licensed facility (with the exception of the newly proposed consumption component of the retail license-more rules to come)
- No facilities may reduce or expand without board approval
- No delivery off-site
- No operation between the hours of 5 am and 8 am
- All business activities must be secured. This means that cameras and lighting needs to be adequate to identify those inside the facility and anyone within 20 feet of the outside entrances.
- Commercial grade locks will need to be installed.
- State application procedures require announcement in the newspaper for 3 consecutive weeks and announcements on the radio twice a week for 3 consecutive weeks, as well as on-site and nearby postings.

The state has proposed buffers such as:

- 500 feet from a school, a recreation or youth center, a building which religious services are regularly conducted, or a correctional facility.

Other aspects of the industry not addressed

During our conversation with the commission we received testimony and talked about other aspects of the industry not related to zoning such as; public consumption, driving under the influence, and a host of other concerns related to consumption. These items are for the police. Another item that came up frequently is the cannabis club or cafe. I put this in two categories.

I consider the cannabis club as a fraternal organization of sorts. This is not open to the general public in the sense that you have to be a member to enter, think ELKs. In this case, I would treat this use as the 'run-of-the-mill' fraternal assembly. The fraternal assembly may do anything that is not against the law. If they break the law, it would be the business of law enforcement to address.

I would describe a cannabis café as a place open to the general public where sales and consumption take place. The state is working on an allowance for a retail marijuana store to have a place for consumption. We do not have the specifics of this yet, but it is in the realm of a state licensed activity. I will not propose provision in city code for an activity that is not recognized by the state. If the state rules change in the future, the City can address it at that time.

Att.

1. Ordinance 16-04
2. Commercial Cannabis Cultivation Map 1/25/16
3. Commercial Cannabis Retail and Manufacturing Map, 1/25/16
4. State Regulations



City of Homer

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Planning

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Memorandum 16-023

TO: MAYOR WYTHE AND HOMER CITY COUNCIL
THROUGH: KATIE KOESTER, CITY MANAGER
FROM: RICK ABBOUD, CITY PLANNER
DATE: FEBRUARY 1, 2016
SUBJECT: DRAFT ORDINANCE 16-04(A)(S) PROPOSING TO ZONE MARIJUANA
RELATED ACTIVITIES WITHIN THE CITY OF HOMER

Council Member Lewis proposes a substitute ordinance to Ordinance 16-04(A). This leaves the ordinance as amended intact. What it does is add Limited Cultivation (under 500 square feet of cultivation area) as a permitted use in the Rural Residential District when proposed within a few parameters (found on lines 112-117):

1. It shall be located on a lot greater than 20,000 square feet (a bit less than ½ an acre).
2. It shall comply with HCC 21.59, Off-site Impacts (This section of code is our nuisance standards that are applied to businesses in commercial districts from Residential Office to General Commercial 2. There are no nuisance standards in the Urban Residential and Rural Residential. It is and has been a subject of discussion. In general, we would not expect business located in these districts to present much of a nuisance).
3. It shall be located 50 feet from the lot line (some lots of irregular shapes, especially those closer to 20,000 square feet may be challenged to meet the standard).

Att.

1. Ordinance 16-04(A)(S)

Limited Cultivation Facilities

The Bread and Butter Of The Alaska Cannabis Industry

Presentation Created By



What Is A Limited Cultivation Facility..

Per state regulations cultivation facilities are defined as follows in AS 17.38 (Ballot Measure 2):

"marijuana cultivation facility" means an entity registered to cultivate, prepare, and package marijuana and to sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers;

The Alaska State Marijuana Control board, created two license types for “marijuana cultivation facilities”;

1. Standard Cultivation Facility
2. Limited Cultivation Facility

The only difference between the two, is a limited cultivation facility is only allowed to have 500 square feet of marijuana under cultivation. Roughly the size of a medium sized garage or small cabin.

Is a Limited Cultivation Facility Commercial In Nature?

One argument presented by those opposed to cannabis cultivation in residential zoned areas is that it is a commercial activity because of the operating requirements.

While yes, it is true, it is a commercial operation by definition, as there are cannabis sales occurring, however, let's look at some other commercial activities we do allow in residential areas:

1. Home offices;
2. Law firms;
3. Fitness Centers;
4. Daycares;
5. Greenhouses and open gardening;

So in conclusion it is a commercial activity, but not like an open store-front type of situation, it's a private affair especially when they are not selling directly to the consumers and most will transport their goods off site.

Cannabis Is A Drug, It's Not Family Friendly..

Before we make that statement, let's ask families who have been saved by cannabis.

Not all families are opposed to cannabis as there are numerous medicinal benefits, even for children, including treatment for severe epilepsy and relief from cancer.

Cannabis is a plant, and although one use is for recreation, there are far more uses to this miracle plant that trump any negatives associated with cannabis abuse.

Let's think of the careers that fathers and mothers can create for themselves within this industry, to better their children's futures...

Let's think of the medicine that can treat many different ailments, that increase quality of life..

Let's also think of the increased public safety due to ²⁷² tested, documented, regulated sales..

What Will Happen If We Do Allow It in Rural Residential?

More than likely we will see a significant boost to the local economy as more area would be able to be utilized for growing and less upfront costs will be realized by business owners, simply because they can utilize their own properties vs leasing commercial property.

Rather than only having a small number be able to engage in the growing side of the industry, anyone in Rural Residential areas, who pass the public protest and licensing phase, will be able to grow.

Since numerous communities have taken a conservative approach to cultivation in Rural Residential areas, and have forbidden it, this primes Homer for having a strong cultivation arena, that could potentially create a viable exports market to other communities who do not have enough growers to support their retail markets.

This inevitably leads to more dollars being kept in Homer, rather than the opposite of importing cannabis into Homer's retail stores from other areas in the state.

Will There Be Increased Crime And All That Other Nonsense?

Any business is subject to break-in's, theft, violence, etc.

The same applies to any home.

We cannot say for certain, that simply because it is a cannabis facility, it will be a bigger target than other businesses or homes.

We believe that with the tight security regulations, such as commercial grade locks, safes, security cameras, lighting, etc that thieves may actually be deterred and will target illegal grow operations or businesses as they are not required to have security measures in place.

Which Brings Me To The Last Point..

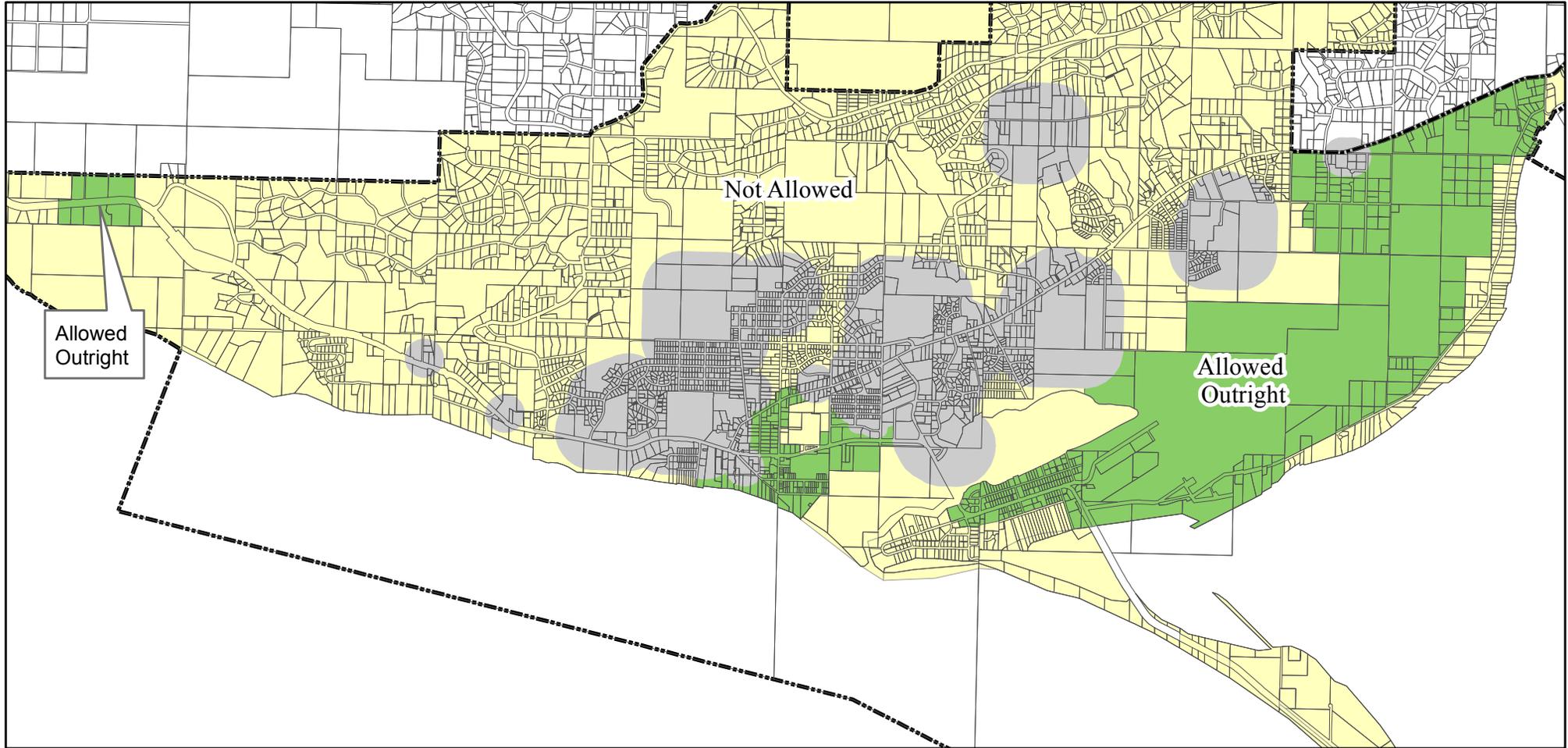
The goal is to convert as many black market growers to the legal market as possible, so product and public safety increases.

Traditionally most cannabis has been grown by home based growers and if we do not give them some sort of incentives to convert into a legitimate facility, on their own property, we run the risk of losing that conversion.

That loss, equates into unsafe products, less tax revenues, increased violence, etc.

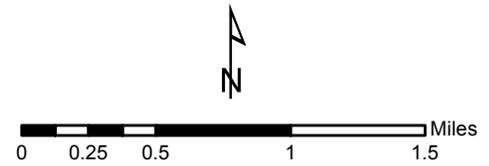
So, the goal is to try to provide some incentives..

Commercial Marijuana Map, February 8, 2016



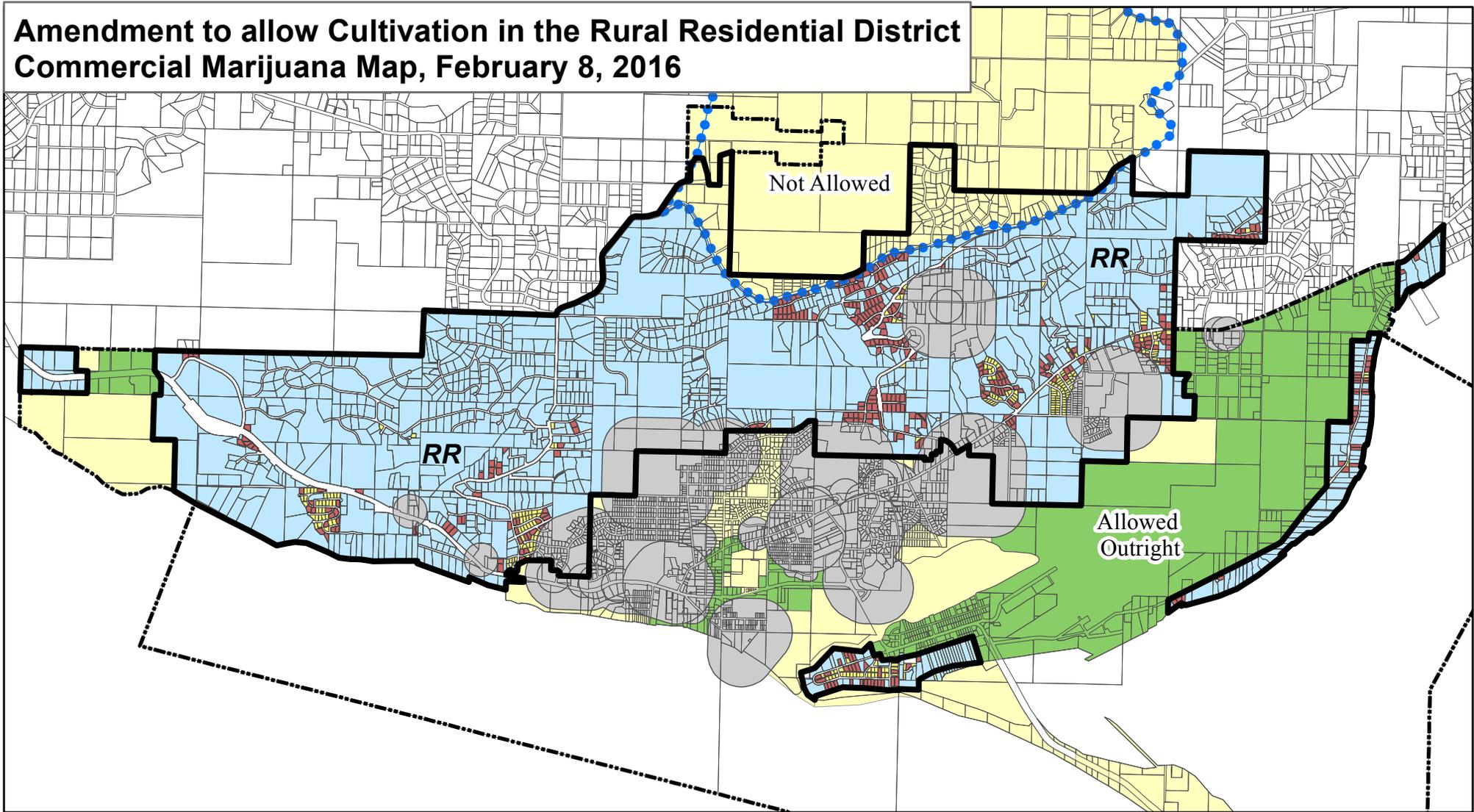
Legend

- Commercial Marijuana Activities**
-  City Limits
 -  Buffers
 -  No Commercial Cannabis Businesses
 -  Cultivation, Manufacturing Testing and Retail



Proposed state regulations call for buffers to be measured between the public entrance of the cannabis business, and the public entrances of churches and jails. Distances for schools and youth/rec centers are measured from the boundaries to the front door of the cannabis business. All distances are measured by the shortest pedestrian route.

Amendment to allow Cultivation in the Rural Residential District Commercial Marijuana Map, February 8, 2016



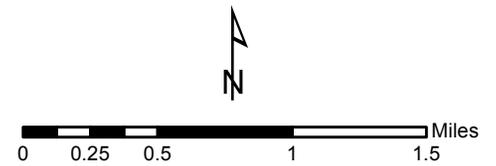
Legend

Zone

-  Rural Residential
-  Bridge Creek Watershed Protection District
-  RR Lots over 40,000 Sq Ft
-  RR Lots over 20,000 Sq Ft
-  Buffers
-  City Limits

Commercial Marijuana Activities

-  No Commercial Cannabis Businesses
-  Cultivation, Manufacturing Testing and Retail



Proposed state regulations call for buffers to be measured between the public entrance of the cannabis business, and the public entrances of churches and jails. Distances for schools and youth/rec centers are measured from the boundaries to the front door of the cannabis business. All distances are measured by the shortest pedestrian route.

ORDINANCE REFERENCE SHEET
2016 ORDINANCE
ORDINANCE 16-05

An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 1.16.040, Disposition of Scheduled Offenses—Fine Schedule, Enacting Homer City Code Chapter 7.16, Vehicles in Beach Areas, and Repealing Homer City Code Chapter 19.16, Vehicles on Homer Spit Beach, to Restrict the Operation, Stopping and Parking of Motor Vehicles in Beach Areas.

Sponsor: Reynolds

1. Council Regular Meeting January 25, 2016 Introduction
 - a. Memorandum 16-018 from City Manager as backup
 - b. HCC 19.16
 - c. Vehicles on Homer Beaches Map (revised)

2. Council Regular Meeting February 8, 2016 Public Hearing and Second reading
 - a. Substitute Ordinance 16-05(S) (Reynolds/Aderhold)
 - b. Memorandum 16-018 from City Manager as backup
 - c. Memorandum 16-031 from City Attorney as backup
 - d. HCC 19.16
 - e. Vehicles on Homer Beaches Map (revised)

**CITY OF HOMER
HOMER, ALASKA**

Reynolds

ORDINANCE 16-05

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING HOMER CITY CODE 1.16.040, DISPOSITION OF SCHEDULED OFFENSES—FINE SCHEDULE, ENACTING HOMER CITY CODE CHAPTER 7.16, VEHICLES IN BEACH AREAS, AND REPEALING HOMER CITY CODE CHAPTER 19.16, VEHICLES ON HOMER SPIT BEACH, TO RESTRICT THE OPERATION, STOPPING AND PARKING OF MOTOR VEHICLES IN BEACH AREAS.

THE CITY OF HOMER ORDAINS:

Section 1. Subsection (c) of Homer City Code 1.16.040, Disposition of scheduled offenses—fine schedule, is amended by adding new lines to read as follows:

Code Section	Description of Offense	Fine		
		1st offense	2nd offense	3rd & subsequent offenses
7.16.020	Motor vehicle in beach area	\$25	\$250	\$500
7.04.030	Motor vehicle on storm berm	\$25	\$250	\$500

Section 2. Homer City Code Chapter 7.16, Vehicles in Beach Areas, is enacted to read as follows:

7.16.010 Definitions.

In this chapter:

“Beach area” means all of the following, whether publicly or privately owned: submerged land, tideland, and the zone of sand, gravel and other unconsolidated materials that extends landward from the elevation of mean high water to the place where there is a marked change in material or physiographic form.

“Berm” means a natural, linear mound or series of mounds in a beach area composed of sand, gravel, or both, generally paralleling the water at or landward of the elevation of mean high water.

33 “Motor vehicle” means a device in, upon, or by which a person or property may be
34 transported or drawn upon or immediately over land, that is self-propelled except by human
35 or animal power.

36 “Storm berm” means a berm formed by the upper reach of storm wave surges or the
37 highest tides. Storm berms generally include an accumulation of seaweed, driftwood, and
38 other waterborne materials. A beach area may have more than one storm berm.

39 “Submerged land” means land covered by tidal water from the elevation of mean low
40 water seaward to the corporate boundary of the city.

41 “Tideland” means land that is periodically covered by tidal water between the
42 elevation of mean high water and mean low water.

43
44 7.16.020 Operating, stopping or parking of motor vehicles in beach areas prohibited;
45 Exceptions.

46 a. Except as provided in subsections b and c of this section, no person may operate,
47 stop or park a motor vehicle within or upon any beach area.

48 b. A person may operate, stop or park a motor vehicle within and upon the beach area
49 east of Airport Access Road, and within and upon the beach area west of Bishops Beach Park
50 Access.

51 c. An owner of property immediately adjacent to a beach area may operate, stop and
52 park a motor vehicle within or upon a beach area as is reasonably necessary to maintain the
53 owner’s property, in accordance with the terms of a permit issued for that purpose by the
54 chief of police.

55
56 7.16.030 Operating, stopping or parking of motor vehicles on storm berms prohibited.
57 No person may operate, stop or park a motor vehicle upon a storm berm.

58
59 7.16.040 Impoundment authorized.
60 A vehicle that is stopped or parked in violation of this chapter may be impounded as
61 provided in HCC Chapter 7.08.

62
63 Section 3. Homer City Code Chapter 19.16, Vehicles on Homer Spit Beach, is repealed.

64
65 Section 4. This Ordinance is of a permanent and general character and shall be
66 included in the City Code.

67
68 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this _____ day of
69 _____ 2016.

70 CITY OF HOMER
71
72
73 _____
74 MARY E. WYTHE, MAYOR

75 ATTEST:

76

77

78 _____

79 JO JOHNSON, MMC, CITY CLERK

80

81

82 AYES:

83 NOES:

84 ABSTAIN:

85 ABSENT:

86

87

88 First Reading:

89 Public Reading:

90 Second Reading:

91 Effective Date:

92

93

94 Reviewed and approved as to form:

95

96

97 _____

98 Mary K. Koester, City Manager

99

100 Date: _____

Thomas F. Klinkner, City Attorney

Date: _____

**CITY OF HOMER
HOMER, ALASKA**

Reynolds/Aderhold

ORDINANCE 16-05(S)

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING HOMER CITY CODE 1.16.040, DISPOSITION OF SCHEDULED OFFENSES—FINE SCHEDULE, ENACTING HOMER CITY CODE CHAPTER 7.16, VEHICLES IN BEACH AREAS, AND REPEALING HOMER CITY CODE CHAPTER 19.16, VEHICLES ON HOMER SPIT BEACH, TO RESTRICT THE OPERATION, STOPPING AND PARKING OF MOTOR VEHICLES IN BEACH AREAS.

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41 elevation of mean high water and mean low water.

42
43 7.16.020 Operating, stopping or parking of motor vehicles in beach areas prohibited;
44 Exceptions.

45 a. Except as provided in subsections b and c of this section, no person may operate,
46 stop or park a motor vehicle within or upon any beach area.

47 b. A person may operate, stop or park a motor vehicle within and upon the beach area
48 east of ~~Airport Access Road~~, **a line extending south from the southern end of Shirlene**
49 **Circle**, and within and upon the beach area west of Bishops Beach Park Access.

50 c. An owner of property immediately adjacent to a beach area may operate, stop and
51 park a motor vehicle within or upon a beach area as is reasonably necessary to maintain the
52 owner’s property, in accordance with the terms of a permit issued for that purpose by the
53 chief of police.

54 **d. Nothing in this section permits a person to operate, stop or park a motor**
55 **vehicle within or upon privately owned property in a beach area without the permission**
56 **of the property owner.**

57
58 7.16.030 Operating, stopping or parking of motor vehicles on storm berms prohibited.

59 No person may operate, stop or park a motor vehicle upon a storm berm.

60
61 7.16.040 Impoundment authorized.

62 A vehicle that is stopped or parked in violation of this chapter may be impounded as
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64
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66
67 Section 4. This Ordinance is of a permanent and general character and shall be
68 included in the City Code.

69
70 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this _____ day of
71 _____ 2016.

72 CITY OF HOMER

73
74
75 _____
76 MARY E. WYTHER, MAYOR

77 ATTEST:

78

79

80

81 _____
JO JOHNSON, MMC, CITY CLERK

82

83

84 AYES:

85 NOES:

86 ABSTAIN:

87 ABSENT:

88

89

90 First Reading:

91 Public Reading:

92 Second Reading:

93 Effective Date:

94

95

96 Reviewed and approved as to form:

97

98

99

100 _____
Mary K. Koester, City Manager

101

102 Date: _____

Thomas F. Klinkner, City Attorney

Date: _____



City of Homer

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Office of the City Manager

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Memorandum 16-018

TO: Mayor Wythe and Homer City Council
FROM: Katie Koester, City Manager
DATE: January 20, 2015
SUBJECT: Ordinance 16-05

Ordinance 16-05 would prohibit vehicles east of the Bishops Beach parking lot (Beluga Slough to Mariner Park). A physical barrier and educational signage at entry points to this newly prohibited area was suggested by the Parks and Recreation Advisory Commission. Fish and Wildlife, who owns the property just east of the parking lot, is interested in partnering with the City on this project to protect their land and habitat. Councilmember Reynolds and I met with Refuge Manager Steve Delehanty before the holidays to discuss what this might look like. The conclusion we came to was that each organization should cater to its strengths: Fish and Wildlife should take the lead on signage and the City in creating a physical barrier, budget permitting for both organizations.

According to Public Works Director Meyer, the most cost effective barrier would be a series of boulders (20) above the high tide line. Though vehicles could still access the area at low tide, the barrier and the signage would make it very clear that if they did, they would be engaging in a prohibited activity. Any work below the high tide line would be more expensive because of the high wave energy at the beach and would require permitting. Cost estimate for labor and materials above high tide only is \$9,000.

Fish and Wildlife would like to see signage at Bishops Beach parking lot that is informative, educational and friendly. The cost for the signage will be dependent on the quality – according to Steve, high quality long lasting interpretive signage to Fish and Wildlife standards would run around \$10,000. The City would like similar signage at Mariner Park so we can send the public a consistent message on beach access. I anticipate there is an acceptable compromise between cost and quality.

If Ordinance 16-05 passes, a Resolution amending the Beach Policy and an Ordinance asking for the appropriation of funds will follow. Funding will have to come from general fund as there are no funds in the parks and recreation reserve (the balance was eliminated for the Hickerson Cemetery expansion during the 2016 budget).



Birch Horton Bittner & Cherot

a professional corporation

Memorandum 16-031

**TO: KATIE KOESTER
CITY MANAGER, CITY OF HOMER**

FROM: THOMAS F. KLINKNER

RE: REGULATION OF MOTORIZED VEHICLES ON BEACHES

FILE NO.: 506,742.1003

DATE: AUGUST 26, 2015

This memorandum supplements and replaces my memorandum of August 18, 2015, on this subject, providing supporting citations and a more detailed analysis of the relationship between City regulation of motorized vehicle use in beach areas and state regulation of activities in beach areas within the Kachemak Bay Critical Habitat Area (“KBCHA”). I begin by discussing what constitutes the “beach area” under the current Homer City Code and proposed Ordinance 15-29, the geographic terms conventionally used to categorize the components of the “beach area,” and how those terms are related to property boundaries in the “beach area.” I then describe state regulation of motorized vehicle use in the KBCHA, and compare it to the regulation of motorized vehicle use under proposed Ordinance 15-29.

What is the “Beach Area”? Both current HCC 19.16.020 and proposed Ordinance 15-29 define the term “beach area” to include “the zone of sand, gravel and other unconsolidated materials that extends landward from the low water line to the place where there is a marked change in material or physiographic form.” This definition differs from the usual categorization of areas along a shoreline: (i) the area below the elevation of mean low water, referred to as “submerged lands”; (ii) the area between the elevations of mean low water and mean high water, referred to as “tidelands”; and (iii) the area above the elevation of mean high water, referred to as “uplands”.¹ The “beach area” as defined in HCC 19.16.020 and proposed Ordinance 15-29 begins at the elevation of mean low water—the boundary between submerged lands and tidelands—and extends landward to a “place where this is a marked change in material or physiographic form”—the bottom of road and other embankments on the Spit, and the toe of the bluff at most other locations—which includes uplands above the elevation of mean high water as well as tidelands.

¹ *City of Saint Paul v. State, Dept. of Natural Resources*, 137 P.3d 261, 262 (Alaska 2006).

Property Ownership in the “Beach Area.” Subject to the exception discussed below, the City owns the tidelands within the beach area,² while most of the uplands within the beach area are privately owned.³ In most cases, the boundary between tideland and upland property is “ambulatory,” moving seaward or landward with the erosion or accretion of material on the beach that determines the current mean high water line.⁴ The exception to this general rule occurs when the mean high water line changes as the result of a sudden subsidence or uplifting of the beach area caused by an event such as an earthquake. In such a case, the boundary of property ownership continues to be located at the mean high water line that existed before the sudden subsidence or uplifting event.⁵ This exception may affect property boundaries in beach areas in the City that experienced sudden subsidence during the 1964 earthquake. Where such subsidence occurred, the boundary of an upland parcel may extend seaward of the current mean high water line, resulting in private ownership of some beach areas that presently are tidelands. Determining the precise boundary of property ownership in such cases would require a detailed investigation of changes in the beach area topography at and after events such as the 1964 earthquake.

Regulation of Motorized Vehicle Use in the KBCHA. The KBCHA initially included all beach areas within the City that are below mean high water.⁶ In 2014, the legislature excluded certain areas on the north side of the Spit in and around the Homer Harbor from the KBCHA.⁷ This was done to accommodate the long-term docking of a jack-up rig at the Deep Water Dock, which it was believed otherwise would conflict with the regulations governing the KBCHA.⁸

Two regulations govern activities in the KBCHA. One regulation, 5 AAC 95.610, adopts by reference the goals and policies of the Kachemak Bay and Fox River Flats Critical Habitat Areas Management Plan (the “Plan”). Although the Plan provides that off-road use of motorized vehicles generally is not permitted in the KBCHA, the Plan states that it does not apply to City of Homer lands.⁹ Thus, the Plan’s provisions regarding off-road use of motorized vehicles do not apply to beach areas in the City.

² Before Alaska statehood, the federal government owned all of the tide and submerged lands in Alaska. Upon Alaska’s admission as a state, the Alaska Statehood Act transferred tide and submerged lands to the State of Alaska. *City of St. Paul*, 137 P.3d at 262 n. 1. The state later transferred to the City the tide and submerged lands located within the City limits.

³ Upland parcels owned by the City are identified in the City’s Land Allocation Plan.

⁴ *DeBoer v. United States*, 653 F.2d 1313, 1314-1315 (9th Cir. 1981).

⁵ *Honsinger v. State*, 642 P.2d 1352, 1354 (Alaska 1982).

⁶ AS 16.20.590(a).

⁷ Ch. 3 SLA 2014, enacting AS 16.20.590(b).

⁸ 5 AAC 95.420(a)(5) requires a special area permit for “natural resource or energy exploration, development, production or associated activities” in the KBCHA.

⁹ “The plan does not apply to federal or municipal lands within the critical habitat areas.” Plan, p. 1. “Both state land and private land are included in the critical habitat areas but

The other regulation, 5 AAC 95.420, requires a special permit from the Commissioner of Fish and Game to engage in certain activities in the KBCHA. Among those restricted activities is “off-road use of wheeled or tracked equipment unless the commissioner has issued a general permit under 5 AAC 95.770.”¹⁰ The restrictions in 5 AAC 95.420 are not subject to an exception for City of Homer lands, and therefore apply within the beach areas in the City that lie within the KBCHA. However, the Commissioner of Fish and Game has invoked the exception in 5 AAC 95.420(a)(7) by issuing a general permit under 5 AAC 95.770 that permits the off-road use in the KBCHA of vehicles of 10,000 pounds or less gross vehicle weight on unvegetated tidelands below mean high tide in motorized vehicle corridors that extend westward from Bidarki Creek and eastward from Miller’s Landing, to provide “normal personal and recreational transit.”¹¹

Comparing Proposed Ordinance 15-29 to the KBCHA Regulations. Proposed Ordinance 15-29 would permit motorized vehicle use in beach areas (i) on the southern side of the Spit from October 1 through March 31, and (ii) by owners of property immediately adjacent to a beach area as reasonably necessary to maintain the owner’s property, in accordance with the terms of a permit issued for that purpose by the chief of police. There are three distinct parts to the relationship between the permission of motorized vehicle use under proposed Ordinance 15-29 and the state’s regulation of motorized vehicle use in the KBCHA:

- To the extent that Ordinance 15-29 permits motorized vehicle use in beach areas above the mean high water line, it does not conflict with the state’s regulation of motorized vehicle use in the KBCHA, as beach areas above the mean high water line lie outside the KBCHA.
- To the extent that proposed Ordinance 15-29 permits motorized vehicle use in beach areas below the mean water line, it does not conflict with the Plan as incorporated in 5 AAC 95.610, because the Plan does not apply to City of Homer lands.
- The permission of motorized vehicle use in beach areas below the mean water line in proposed Ordinance 15-29 does conflict with 5 AAC 95.420(a)(7), which prohibits such use except under the general permit for motorized vehicle use in the areas west of Bidarki Creek and east of Miller’s Landing.

TFK/lcj

municipal (City of Homer and City of Seldovia tidelands) and federal lands are not under critical habitat area authority.” Plan, p. A-1.

¹⁰ 5 AAC 95.420(a)(7).

¹¹ Special Area Permit 15-V-0005-GP-SA, issued December 16, 2014.

Chapter 19.16

VEHICLES ON HOMER SPIT BEACH¹

Sections:

- 19.16.010 General.
- 19.16.020 Definitions.
- 19.16.030 Use of vehicles prohibited.
- 19.16.040 Violation – Penalty.

Prior legislation: Ord. 77-10.

19.16.010 General.

It is the intent of this chapter to preserve and protect certain beach areas of the Homer Spit from the uncontrolled and ever increasing use of such areas by persons driving wheeled, motorized vehicles thereon. [Code 1967 § 12-600.1].

19.16.020 Definitions.

For the purposes of this chapter, “beach area” shall include the zone of sand, gravel and other unconsolidated materials that extends landward from the low water line to the place where there is a marked change in material or physiographic form.

“Berm” means a natural, linear mound or series of mounds of sand or gravel, or both, generally paralleling the water at or landward of the line of ordinary high tide.

“Storm berm” means a berm formed by the upper reach of storm wave surges or the highest tides. Storm berms generally include an accumulation of seaweed, driftwood, and other waterborne materials. A beach may have more than one storm berm. [Ord. 02-14(A) § 2, 2002. Code 1967 § 12-600.2].

19.16.030 Use of vehicles prohibited.

a. No person shall operate a recreational vehicle, motorcycle, motor bike, or motor scooter within or upon that beach area as defined in HCC 19.16.020 located from a line bisecting the Homer Spit at the centerline of the mouth of the Fishin’ Hole to the tip of the Spit.

b. For the purpose of this section, recreational vehicle is defined as a self-propelled vehicle having wheels, tracks or rollers that may be operated on land areas located off the public roads. Use of vehicles engaged in commercial activity, as opposed to recreational, is exempted from this prohibition.

c. No person shall operate any motorized vehicle upon a storm berm on any beach within the City limits of Homer except in designated areas.

d. No person shall operate any motorized vehicle upon the following beach or tidal areas:

1. Mud Bay;
2. Louie's Lagoon;
3. Mariner Park Lagoon;
4. Beluga Slough.

e. The official "Beach Policy Map of the City of Homer" is enacted by reference and declared to be part of this chapter in its exact form as it exists on the date that the ordinance codified in this chapter is adopted by the City Council. [Ord. 02-14(A) § 2, 2002; Ord. 01-39, 2001; Ord. 78-16 § 1, 1978. Code 1967 § 12-60s.pdf">12-600.4].

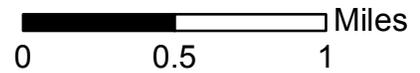
19.16.040 Violation – Penalty.

The violation of any provision contained in this chapter shall be punished as follows:

- a. First offense: \$25.00 fine;
- b. Second offense: \$250.00 fine;
- c. Third and subsequent offenses: \$499.00 fine. [Ord. 02-14(A) § 1, 2002. Code 1967 § 12-600.6].



REVISED Vehicles on Homer Beaches Map



August 18, 2015

ORDINANCE(S)

ORDINANCE REFERENCE SHEET
2016 ORDINANCE
ORDINANCE 16-06

An Ordinance of the City Council of Homer, Alaska, Enacting Homer City Code Chapter 6.18, Marijuana Establishments, Prohibiting the Operation of Marijuana Cultivation Facilities, Marijuana Product Manufacturing Facilities, Marijuana Testing Facilities, and Retail Marijuana Stores in the City.

Sponsor: Smith/Van Dyke

1. Council Regular Meeting February 8, 2016 Introduction
 - a. Ballot Measure 2 Language

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

3 Smith/Van Dyke

4 **ORDINANCE 16-06**

5 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
6 ENACTING HOMER CITY CODE CHAPTER 6.18, MARIJUANA
7 ESTABLISHMENTS, PROHIBITING THE OPERATION OF
8 MARIJUANA CULTIVATION FACILITIES, MARIJUANA PRODUCT
9 MANUFACTURING FACILITIES, MARIJUANA TESTING FACILITIES,
10 AND RETAIL MARIJUANA STORES IN THE CITY.
11

12
13 WHEREAS, Under Ballot Measure 2 the voters supported each community's right to
14 choose whether to permit marijuana-related establishments; and

15
16 WHEREAS, A community's choice not to permit marijuana establishments will not
17 impact an individual's ability to cultivate marijuana for personal use in the individual's home;
18 and

19
20 WHEREAS, No economic or social data has been provided to show that marijuana
21 establishments will benefit a community the size of Homer.

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

24
25 Section 1. Homer City Code Chapter 6.18, Marijuana Establishments, is enacted to
26 read as follows:

27
28 Chapter 6.18
29 MARIJUANA ESTABLISHMENTS

30
31 Sections:

32 6.18.010 Definitions.

33 6.18.020 Interpretation.

34 6.18.030 Marijuana establishments prohibited.

35
36 6.18.010 Definitions.

37 In this chapter:

38 "marijuana" means all parts of the plant of the genus cannabis whether growing or
39 not, the seeds thereof, the resin extracted from any part of the plant, and every compound,
40 manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin,
41 including marijuana concentrate; "marijuana" does not include fiber produced from the
42 stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is

43 incapable of germination, or the weight of any other ingredient combined with marijuana to
44 prepare topical or oral administrations, food, drink, or other products.

45 "marijuana cultivation facility" means an entity registered to cultivate, prepare, and
46 package marijuana and to sell marijuana to retail marijuana stores, to marijuana product
47 manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers;

48 "marijuana establishment" means a marijuana cultivation facility, a marijuana testing
49 facility, a marijuana product manufacturing facility, or a retail marijuana store.

50 "marijuana product manufacturing facility" means an entity registered to purchase
51 marijuana; manufacture, prepare, and package marijuana products; and sell marijuana and
52 marijuana products to other marijuana product manufacturing facilities and to retail
53 marijuana stores, but not to consumers.

54 "marijuana products" means concentrated marijuana products and marijuana
55 products that are comprised of marijuana and other ingredients and are intended for use or
56 consumption, such as, but not limited to, edible products, ointments, and tinctures.

57 "marijuana testing facility" means an entity registered to analyze and certify the safety
58 and potency of marijuana.

59 "retail marijuana store" means an entity registered to purchase marijuana from
60 marijuana cultivation facilities, to purchase marijuana and marijuana products from
61 marijuana product manufacturing facilities, and to sell marijuana and marijuana products to
62 consumers.

63
64 6.18.020 Interpretation.

65 All terms used in this chapter that are defined in AS 17.38 or the regulations
66 promulgated thereunder shall be interpreted in accordance with such definitions.

67
68 6.18.030 Marijuana establishments prohibited.

69 The operation of marijuana cultivation facilities, marijuana product manufacturing
70 facilities, marijuana testing facilities, and retail marijuana stores in the city is prohibited.

71
72 Section 2. This Ordinance is of a permanent and general character and shall be
73 included in the City Code.

74
75 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this _____ day of
76 _____, 2016.

77 CITY OF HOMER

78
79
80 _____
81 MARY E. WYTHE, MAYOR

82 ATTEST:

83

84

85 _____

86 JO JOHNSON, MMC, CITY CLERK

87

88

89 AYES:

90 NOES:

91 ABSTAIN:

92 ABSENT:

93

94

95 First Reading:

96 Public Reading:

97 Second Reading:

98 Effective Date:

99

100

101 Reviewed and approved as to form:

102

103

104 _____

105 Mary K. Koester, City Manager

106

107 Date: _____

Thomas F. Klinkner, City Attorney

Date: _____

Ballot Measure No. 2

An Act to Tax and Regulate the Production, Sale, and Use of Marijuana

BALLOT LANGUAGE

**Ballot Measure No. 2 – 13PSUM
An Act to Tax and Regulate the Production, Sale,
and Use of Marijuana**

This bill would tax and regulate the production, sale, and use of marijuana in Alaska.

The bill would make the use of marijuana legal for persons 21 years of age or older. The bill would allow a person to possess, use, show, buy, transport, or grow set amounts of marijuana, with the growing subject to certain restrictions. The bill would ban the public use of marijuana. The bill would prohibit a person under 21 years of age from using false identification to buy or try to buy marijuana or marijuana accessories.

The bill would allow validly registered marijuana-related entities and persons 21 years of age or older who own or are employed by these entities to make, possess, buy, distribute, sell, show, store, transport, deliver, transfer, receive, harvest, process, or package marijuana and marijuana products, subject to certain restrictions. Alaska Statute 17.30.020 (Controlled Substances) would not apply to these entities.

The bill would require the Alcoholic Beverage Control (ABC) Board to implement parts of the bill. But the bill would also let the legislature create a Marijuana Control Board to assume these duties. The bill would require the ABC Board to adopt regulations governing marijuana-related entities. The regulations would need to cover certain topics and be subject to certain restrictions. The bill would also create procedures for registering a marijuana-related entity. The procedures would be managed by the ABC board and local governments.

The bill would allow a local government to prohibit the operation of marijuana-related entities. A local government could do that by enacting an ordinance or through voter initiative. The ordinances could cover the time, place, manner, and registration of a marijuana entity's operations.

The bill would allow a person 21 years of age or older to possess, use, show, buy, or transport marijuana accessories. Marijuana accessories are products individuals use to grow or consume marijuana. The bill would also allow persons 21 years of age or older to make marijuana accessories and to distribute or sell them to persons who are 21 years of age or older.

The bill states that it is not intended to require an employer to allow marijuana use, transportation, possession, sale, growth, or transfer, or prevent an employer from prohibiting these activities. The bill does not intend to supersede laws prohibiting driving under the influence of marijuana. The bill does not intend to prohibit schools, correction facilities, hospitals, or private persons or entities from restricting marijuana on their property. The bill does not intend to limit the state's existing medical marijuana laws.

Ballot Measure No. 2

An Act to Tax and Regulate the Production, Sale, and Use of Marijuana

The bill would impose a \$50 per ounce (or proportionate) excise tax on the sale or transfer of marijuana from a cultivation facility to a retail store or marijuana product manufacturing facility. The marijuana cultivation facility would pay the tax and send monthly tax statements to the Department of Revenue. The Department of Revenue could exempt certain parts of the marijuana plant from the tax. It could also establish a lower tax rate for certain parts of the plant.

The bill defines numerous terms. The bill contains a statement of purpose and findings. The bill would impose civil fines and penalties for violations.

Should this initiative become law?

Yes No

CITY MANAGER'S REPORT



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

491 East Pioneer Avenue
Homer, Alaska 99603

citymanager@cityofhomer-ak.gov

(p) 907-235-8121 x2222

(f) 907-235-3148

City Manager's Report

TO: Honorable Mayor Wythe and Homer City Council
FROM: Katie Koester, City Manager
DATE: February 8, 2016
SUBJECT: City Manager's Report

City Manager's Office Staffing

I am happy to welcome Jennifer Carroll to the City Manager's Office as the new Special Projects/Communications Coordinator. Jenny brings a lot of experience working with the community as a grant writer, non-profit executive director and facilitator. I am looking forward to having the help in the office; we have a lot going on!

Website email subscriptions

When the City transferred from the old website to the new one, things went fairly smoothly except for a few broken links. However, one thing that did get dropped was the subscribers who had signed up to receive email notifications when various things were posted to the website (press releases, job offerings, bid openings, etc.) As soon as we became aware of this, we sent an email to all subscribers asking that they re-subscribe to the service. Sign up for email notifications on the City site under How Do I? Alerts & Notifications.

Dog Statue Donation for the Animal Shelter

Last fall, local area resident Alan Kelly passed away. Alan loved dogs and frequently walked them on Bishop's Beach. His brother, Steve Kelly, is a bronze sculpture artist. He has made a bronze sculpture of a dog as a memorial to Alan. Steve has been communicating with the Homer Animal Friends and would like to donate the statute to the Friends in his brother's memory. The Friends would like to place the statue in the memorial garden which is to the left of the driveway in the rocky area in front of the shelter. Alan's friend Ken Lewandowski has offered to pour a small concrete pad for the statue to sit on.

The statue is 2½ feet high and about 2 feet wide. It sits on a round bronze base and has a plaque at the base of its feet. It has horns and wings to represent a dog as being part angel and part devil. The artist estimates the value of this piece at \$6,000.

Since this artwork will be placed on city property, Homer Animal Friends will go before the Public Arts Committee on the 11th to discuss the statue and request Council accept it and authorize the installation.

A Road for the Big Boats

Bay Welding, a local welding and boat building business, requested a letter of support for a project proposal to the DOT/Marine Administration Small Shipyard grant program. With the approval of Council, I will draft a letter of support for their application.

The project consists of the construction of a road linking Bay Welding to the Northern Enterprises yard. This will allow more efficient transportation of larger vessels to the water without using the public roadways. With the construction of this road the size limitations for future boat construction, improvements, and repairs will be expanded. Future projects will encompass a broader customer base with services that up until now were not available in Homer. The road would benefit Homer by making our marine trades professionals more accessible to large vessels. This equates to jobs, quality, efficiency, and marketability in the marine market. See attached map for a visual.

Neighborhood Street Lighting

Public Works has received a number of calls this winter requesting installation of neighborhood street lighting. Currently we have around 50 lights that we pay HEA \$30 a month to operate. There is an installation cost for these lights of \$3,000 - \$4,000. Another option would be city-owned street lights; however installation costs are as much as \$20,000 and the monthly electric bill would be about what we pay HEA. Public Works has told people the funding is not there to install new street lights. I would like to get feedback from Council on how, or if, to approach this issue. See email from Public Works Superintendent Gardner for more information. Possible solutions include:

- 1) Establish a SAD program for street lighting. Pro is you get neighborhood buy-in and cost sharing (not everyone wants a street light on their corner). Con would be the administrative cost of a SAD for a relatively small project (estimate \$400 in staff time) and the ongoing electric bill.
- 2) Do nothing. At this time, the City cannot afford to take on new capital or operational costs.
- 3) Develop a criteria for when it justifies installing a neighborhood street light at the cost of the City.

Enc:

Map from Bay Welding grant application

Picture of dog statue

Email from Superintendent Gardner

Children's Library infographic

Letter of Support for DBAC Proposal

Proposed location of road to connect Bay Welding to Northern Enterprises Boat Yard







Katie Koester

From: Dan Gardner
Sent: Monday, February 01, 2016 11:46 AM
To: Katie Koester
Cc: Carey Meyer
Subject: Street Lighting Info
Attachments: Street Lights Map 1.jpg; Street Lights Map 2.jpg

Katie,

Per our meeting last week on considering the addition of more neighborhood street lights (HEA owned/maintained) or the consideration of installing in-series street lighting (owned/maintained by city, like Heath Street), I have the following cost information:

- We currently have 50 neighborhood lights owned/maintained by HEA at an annual cost of about \$18,000 (\$30 per light per month)
- We own 3 in-series street lights on Heath Street mounted on steel poles. We pay HEA based on meter consumption. Annual cost is \$1000, \$30 per light per month.
- We own one other steel street light at the intersection of Wright and Rangeview that runs \$42 per month.

If we chose to have HEA install a bunch of new neighborhood lights, there would be no discounted bulk installation rate. The light installation costs could range from \$3000 to \$4000 as previously mentioned. Some installations could be as low as \$25 if there were an existing pole and pedestal nearby. There is no way of knowing the installation costs without first providing HEA with a map of the desired locations. They would then provide us with an installation cost.

As far as HEA using LED fixtures and providing a potentially less cost per month, that does not appear to be a possibility. They are not using LEDs yet, but have gone to a Metal Halide in a 150 watt fixture, but the rate is still the same as what we are currently paying.

As discussed, the city could consider making a project where either city-owned street lights are installed or more HEA lights are installed. The HEA option would be less expensive to accomplish. Street lighting would require a design, considerable conduit and electrical lines, concrete column bases, and more expensive steel poles and fixtures than what HEA would install. But, depending on the street location, city-owned street lights may be a more applicable type than the HEA lights and poles. An installation cost estimate for city-owned street lights would be around \$18,000 to \$20,000 each.

Of course, the initial installation is just the beginning. The funding for a potential expansion project could potentially be funded from HART funds, but the annual GF operating budget would need to increase due to the increase in monthly electrical/operating costs for additional lighting. I have no estimate for this since I have no idea how many lights may be part of an expansion project. If 20 new lights were installed, the annual increase in the operating budget would be \$7000 to \$8000.

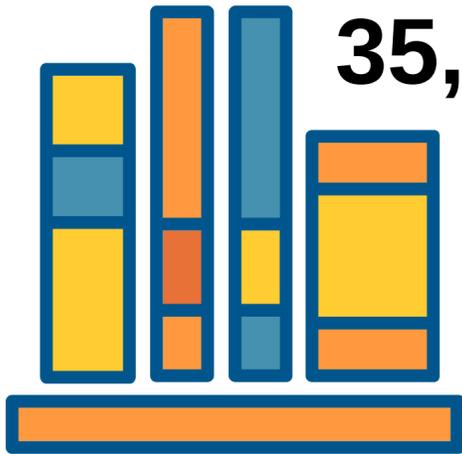
As discussed, I am bringing this issue up due to about a half dozen calls that have come in over the winter where folks are requesting a street light in their area and/or requesting to know what the process is for getting one. My answer has been, and continues to be, that the city does not have funding at present to make additions and that we are going to be looking at developing a process/criteria. As a reminder, Kenai has about 100 of the HEA neighborhood lights and they have no formal policy or criteria for installing additional lights. Sean, the PW Director, advised me that since he's worked there, only one light has been installed and it was driven by partying/littering in a darkened area.

Attached is a map of central Homer with existing HEA lighting shown.

I hope this information is helpful in determining how you may want to discuss it with council.

Dan

Children's Services 2015



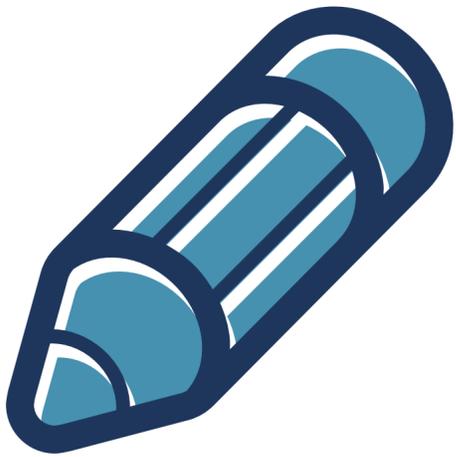
35,775

children's books,
audiobooks, CDs,
toys & magazines
were checked out



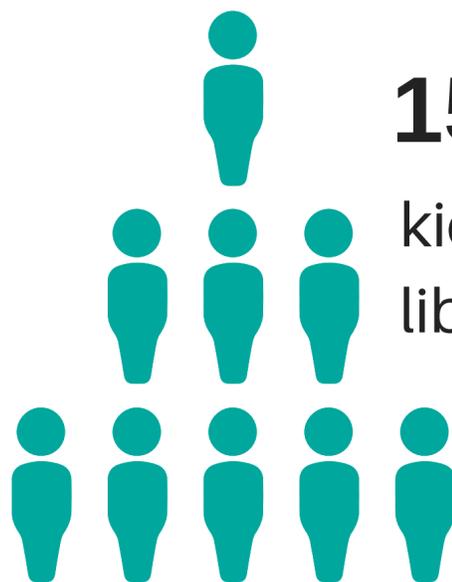
3,851

caregivers & children
attended 80
early literacy storytimes
at the library



321

school age
kids attended
afterschool
programs



155

kids visited the
library on a field trip



150

kids got a new library card

845

kids participated in
23 Summer@HPL events



Homer Public Library



235-3180 || www.cityofhomer-ak.gov/library



City of Homer

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Office of the City Manager

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(f) 907-235-3148

January 29, 2016

Kevin Gardner
Environmental Program Manager
ADEC Contaminated Sites Program
555 Cordova Street
Anchorage, AK 99501

Dear Mr. Gardner:

Please accept this letter of support for the DBAC proposal submitted for 305 East Pioneer Avenue in Homer, Alaska.

Pioneer Avenue represents the heart of Homer; it is the centerpiece of our business community. The City of Homer supports this area by providing street maintenance, beautification, and economic development coordination. Homer has a tremendous economy on the Spit during summer months; we'd like to replicate that success to support year round jobs and economic activity in Downtown Homer. One impediment to increasing the activeness and economic climate on Pioneer is the abandoned property at 305 East Pioneer Ave.

The property at 305 East Pioneer Avenue lies idle in the middle of Pioneer Avenue, and without additional assistance, it will remain a blight on the area. The Homer Chamber of Commerce, who is currently pursuing a \$500,000 grant to enhance Pioneer Avenue and the area around 305 East Pioneer through the Deluxe Small Business Revolution on Main Street grant program; while the prospects for obtaining this support remain uncertain, the process through which the proposal has been developed has spurred other funding acquisition efforts. The City, Chamber of Commerce, Bunnell Arts, a local arts organization, and private businesses on Pioneer are collaborating to apply for an ArtPlace America grant in the amount of \$150,000, to leverage other public and private funds to revitalize Pioneer Ave. We envision that every property owner will become involved in streetscape improvements, and building facelifts through the arts. This has been a successful model used in Old Town Homer, which was a previous recipient of ArtPlace funding. The Homer community can successfully improve the downtown core, but as a small community with small businesses with small budgets, we cannot overcome the hurdles of a contaminated site without additional funding.

As a result, support from the DBAC program would go a long way toward helping the community of Homer take an important step toward re-purposing a defunct property in the middle of town, and would reinforce ongoing efforts to enhance business and public-use opportunities.

Thank you for considering this letter and the DBAC proposal, and please feel free to contact me with any questions.

Sincerely,

Katie Koester
City Manager



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

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(f) 907-235-3143

Memorandum 16-029

TO: MAYOR WYTHE AND HOMER CITY COUNCIL
FROM: MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK
DATE: FEBRUARY 2, 2016
SUBJECT: ANNUAL CITY DEPARTMENT/OFFICE INVENTORY

Advising the Council pursuant to Homer City Code Section 2.08.010, Management of Public Records, Subsection c. Records Inventory. The City Clerk shall take and maintain an inventory of the City records. The inventory shall be reviewed and revised annually, and shall set forth each record series being developed, used, stored, or scheduled for disposal by the City.

Department and Office inventories through December 2015 have been received by the Office of the City Clerk.



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum

TO: MAYOR AND CITY COUNCIL
FROM: MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK
DATE: FEBRUARY 1, 2016
SUBJECT: BID REPORT

ITB DEEP WATER DOCK UPLANDS IMPROVEMENTS PROJECT 2016 - Sealed bids for the construction of the Deep Water Dock Uplands Improvements project will be received at the Office of the City Clerk, City Hall, City of Homer, 491 East Pioneer Avenue, Homer, Alaska, until 2:00 p.m., Thursday, February 18, 2016, at which time they will be publicly opened and read. The time of receipt will be determined by the City Clerk's time stamp. Bids received after the time fixed for the receipt of the bids shall not be considered. All bidders must submit a City of Homer Plan Holders Registration form to be on the Plan Holders List and to be considered responsive. Plan holder registration forms and Plans and Specifications are available online at <http://www.cityofhomer-ak.gov/rfps>

ITB AMBULANCE REPLACEMENT - Sealed bids for the manufacture of a new ambulance will be received at the Office of the City Clerk, City Hall, City of Homer, 491 East Pioneer Avenue, Homer, Alaska, until 2:00 p.m. Friday, February 26, 2016, at which time they will be publicly opened and read. The time of receipt will be determined by the City Clerk's time stamp. Bids received after the time fixed for the receipt of the bids shall not be considered. All bidders must submit a City of Homer Plan Holders Registration form to be on the Plan Holders List and to be considered responsive. Plan holder registration forms and Plans and Specifications are available online at <http://www.cityofhomer-ak.gov/rfps>

WADDELL WAY ROAD AND WATER MAIN IMPROVEMENTS 2016 - Sealed bids for the construction of the Waddell Way Road and Water Main Improvements 2016 project will be received at the Office of the City Clerk, City Hall, City of Homer, 491 East Pioneer Avenue, Homer, Alaska, until 2:00 p.m. Thursday, March 3, 2016, at which time they will be publicly opened and read. The time of receipt will be determined by the City Clerk's time stamp. Bids received after the time fixed for the receipt of the bids shall not be considered. All bidders must submit a City of Homer Plan Holders Registration form to be on the Plan Holders List and to be considered responsive. Plan holder registration forms and Plans and Specifications are available online at <http://www.cityofhomer-ak.gov/rfps>

CITY ATTORNEY REPORT

COMMITTEE REPORTS



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

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Memorandum 16-026

TO: MAYOR WYTHE AND THE HOMER CITY COUNCIL

FROM: MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

THROUGH: KATIE KOESTER, CITY MANAGER

DATE: FEBRUARY 1, 2016

SUBJECT: FINAL REPORT AND RECOMMENDATIONS FROM THE SUSTAINABLE ANIMAL CONTROL REVIEW COMMITTEE

The **Sustainable Animal Control Review Committee (SACRC)** met at least once monthly from October 2015 through January 2016. There was considerable public interest in this committee and members of the public attended the meeting on a regular basis. The purpose of the committee was to look at ways to operate the shelter more economically.

The SACRC recommended **fee changes** for the animal shelter to the Homer City Council, which were included and passed in the December 2015 budget process. The fees for the shelter had not been examined in many years and the committee felt these new fees will make the shelter more sustainable.

City liability was another issue the committee examined. The contract the City of Homer has with the contractor needs modification the next time an RFP is issued. The attorney recommends eliminating a specific paragraph in the contract (Page 16 Section V. Item C.) because the city cannot mandate contractor performance. It would be wise to review the content of the whole contract before issuing the RFP next December. Patrick Lawrence contacted AMLJIA and they suggested increasing the value of the insurance policy the contractor holds. The contractor has taken steps to increase the coverage in the new year.

The SACRC understands the city is in the process of changing the city **website**. While this activity is going on, the SACRC recommends that the city include links to the Animal Shelter contractor and Homer Animal Friends. Also the committee felt there would be more compliance with license purchase if an option to purchase the license were available online and all fees were clearly posted online.

Maintenance of the shelter was discussed. The city maintains the shelter and the contractor operates the shelter. Proper maintenance will sustain the building. The contractor and the Public Works department have discussed improved maintenance visits and communication. The HVAC system

maintenance was discussed in detail. The committee recommends cleaning the HVAC system once a year and perhaps twice a year.

Another way the committee felt the shelter could operate more economically was to have local **veterinarians** become involved. As a result of the SACRC process, the Homer Veterinary Clinic will be providing on-site support monthly to help the shelter contractor and volunteers meet the ASV (Association of Shelter Veterinarians) Standards of Care in Animal Shelters using ASPCA (American Society for the Prevention of Cruelty to Animals) checklists. This work will be provided pro-bono by staff veterinarians and licensed veterinary technicians.

Safety issues were considered. Limiting the city's liability was a topic of discussion. The committee looked at OSHA compliance and recommended an OSHA consultation in the future. The SACRC felt this voluntary visit by OSHA should be postponed for a few months, until the contractor feels they would benefit the most.

There are numerous **grants** available to nonprofit animal shelters that would provide considerable assistance to the operation of the shelter. The committee contemplated how the City of Homer could qualify for these grants, given the shelter is run by a contractor and the city does not operate the shelter. At this time, SACRC did not determine a way to qualify the shelter for these grants but the committee would encourage the new city grant writer to further examine possibilities for grants.

The committee examined other ways to **save funds** such as shelter specific software for financial tracking and records management. Improved tracking of income from the shelter will allow improved oversight of costs in running the shelter.

The SACRC felt that **education of the public** would also improve shelter operation. The committee understands the city intends to add informational brochures with bills in the future. To that end, a community volunteer from Homer Animal Friends has developed an informational brochure about the shelter and its fees to be included in the bills in the future.

Volunteers assist in smooth operation of the shelter. This topic was addressed in a myriad of ways. Most importantly, a Volunteer Release Form, per attorney advice, was developed to decrease city liability. The contractor reviewed their volunteer manual for both dog and cat care.

The committee looked at **Chapter 20** in the city code, which has not been updated since 1988. Time did not allow the committee to thoroughly review this chapter but there were several places in the code that members felt needed refining. For instance, there was nothing addressing safety of animals in open vehicles. The committee strongly encourages the City Council to update Chapter 20. City staff who participated on the committee is willing to assist with this and would solicit input from the contractor to provide recommended updates to the code in the future with Council's direction.

The SACRC did feel that the **most efficient operation** of the shelter would come from a city employee operating the shelter instead of a contractor.

Every member of the SACRC committee felt that it would be worthwhile for the city to continue an **Animal Shelter Review committee**. This committee would help the contractor with smooth

operation of the shelter and be a go between for the city and the contractor. The SACRC understands the council does not want to create new committees as a cost saving measure. The contractor has determined they will initiate a committee of their choosing to meet quarterly or as needed for shelter support.

As happens with committees, the scope of work seems to grow as members begin their work. There are numerous items that came up that could not be accomplished but we feel the process allowed us to work together raising awareness, soliciting input and establishing goals. Thank you so much for establishing this committee.

PENDING BUSINESS

NEW BUSINESS



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Memorandum 16-024

TO: MAYOR WYTHER AND HOMER CITY COUNCIL

FROM: JO JOHNSON, MMC, CITY CLERK

DATE: FEBRUARY 1, 2016

SUBJECT: AUTHORIZATION FOR COUNCILMEMBER ZAK TO SERVE ON THE ALASKA MUNICIPAL LEAGUE LEGISLATIVE POSITION COMMITTEE AND TRAVEL TO THE LEGISLATIVE MEETING AND CONFERENCES AS REQUIRED.

Councilmember Bryan Zak would like to serve on the Alaska Municipal League Legislative Position Committee for 2016. Committee membership is limited to elected officials of AML member communities.

A seat on the Legislative Position Committee requires support of the City of Homer to include travel to Juneau in February to meet during the Legislative Meeting, the Summer Conference in August, and the Annual Conference in November in Anchorage, Alaska.

The AML is a voluntary, nonprofit, nonpartisan, statewide organization of 140 cities, boroughs, and unified municipalities, representing over 97 percent of Alaska's residents. Originally organized in 1950, the League of Alaska Cities became the Alaska Municipal League in 1962 when boroughs joined the League.

Cost estimates for travel include round trip airfare from Homer to Juneau at \$625.00 and room rates at \$150.00 per night. Per diem is \$58.00 per day, for three meals.

For FY 2016 Council budgeted \$4,500 for transportation and \$2,500 for subsistence. To date \$0 has been expended from Transportation Acct. No. 100.0100.5236, leaving a balance of \$4,500; and \$0 has been expended from Subsistence Acct. No. 100.0100.5237, with a balance of \$2,500 remaining.

RECOMMENDATION:

Discuss Councilmember Zak's request to apply for the AML Legislative Position Committee and if approved allocate funds for travel as needed.

RESOLUTIONS

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

