

**NOTICE OF MEETING
WORKSESSION AGENDA**

1. CALL TO ORDER, 4:45 P.M.

2. AGENDA APPROVAL Only those matters on the noticed agenda may be considered,

3. Bishops Beach: How to Mitigate Vandalism, Partying and Trespass Issues **Page 3**

4. COMMENTS OF THE AUDIENCE

5. ADJOURNMENT NO LATER THAN 5:25 P.M.

THE NEXT REGULAR MEETING IS SCHEDULED FOR NOVEMBER 20, 2014 at 5:30pm in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer Alaska

City of Homer

Beach Policy

2007



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Appendix B: Mainland public access points to Kachemak Bay

1. Purpose and Intent

This document is an update to the Beach Policy Task Force Final Recommendations, adopted June 25th 2001. Since 2001, the City of Homer has annexed more land and beaches, and implemented parts of the original plan. The purpose of this document is to update the Beach Policy and make recommendations for future actions. The intent of the Beach Policy is to keep Homer's beaches safe and enjoyable for all users, and preserve natural environment.

Goals

Education

Educate beach users by providing signage and beach information at convenient locations.

Prevention

Limit conflicts between motorized users and pedestrians by encouraging courtesy and common sense.

Protect sensitive beach habitat and wildlife from inappropriate use of beaches – i.e. keep motorized vehicles out of lagoon areas.

Enforcement

Ensure adequate staffing on holiday weekends.

2. Definitions

a. 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.

b. 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 water-borne materials. A beach may have more than one storm berm.

Example: Grassy areas of Mariner Lagoon and Beluga Slough where highest tides and storm deposit logs and driftwood. Tall grasses grow there most of the time, and only at the highest tides and largest storms are logs thrown up on the beach.



3. General Recommendations for all Homer Beaches

1. Identify and improve beach access points. Heavy impacts are created by a large number of people accessing the beach at a small number of places. By finding, improving and publishing all public beach access points, we will diffuse the impacts and provide a more enjoyable experience to all.

A. Improve Access via: Crittenden Dr., Ocean Dr., Spit, Kachemak Dr.

B. Provide signage at all public access points.

1. Specifically, signage shall be maintained at Bishop's beach park, Ocean Drive Loop, the parking areas on the east side of the Homer Spit, on the Airport Beach Road, and Kachemak Drive.

C. Appendix A documents other public access points and the pros and cons of their development. The appendix should be expanded to include Homer Spit public access points, particularly on the east side of the spit.

2. Signage should be positive and informative.

A. Sign examples for the Mud Flats, Berms & Driftwood

1) Help build our beach berms and protect our critical habitat areas.

2) Please do not drive on or remove any material from the storm berms. The grasses growing here provide habitat and are an important part of berm stabilization. Driftwood plays an important role in building and protecting our berms.

3) The Mud Flats are fragile and important habitat for wildlife. They are hazardous and off-limits to vehicles and foot traffic.

4) Encouraging courtesy to other users.

B. Examples for private property:

1) Please be aware that private property extends 100' or more toward the water from the high tide line.

3. Ask for City Attorney opinion on location of seaward property lines. Although many people believe property lines stop at a water boundary, it has become apparent this is not the case in Kachemak Bay. Normal property lines next to the ocean are established at mean high tide, and slow erosion does change boundaries. The 1964 earthquake caused the sinking of the Spit and Homer area. The sea flowed over the lowered land. This sudden change is called avulsion and legally does not change land boundaries. (See attached opinion by State Attorney General)

4. Encourage better enforcement of applicable existing state and local laws. Examples of applicable laws include: HCC 19.08 Campgrounds, HCC 19.16 Vehicles on Homer Spit Beach, HCC 18.28.200 Waste or injury to land, and Alaska State Traffic Regulations regarding: DWI, Reckless Driving, Negligent Driving, Basic Speed, and Littering.

A) More evening enforcement in City campgrounds, and encourage/post quiet hours.

B) More enforcement of city driving laws on city beaches.

5. Develop and distribute brochures with a coordinated public relations campaign. It is important to enlist the public in the campaign to keep our beaches enjoyable for all, to limit the human damage to fragile areas and to minimize friction between user groups. We need everyone's help.

A. Prior to major holiday weekends, advertise beach rules and etiquette in the local newspapers. Consider a public service announcement on local radio stations. Budget at least \$500 annually for this advertising.

B. Budget at least \$500 a year for sign replacement.

C. Provide beach maps and brochures on beach etiquette at city campground facilities.

6. Perform an annual assessment of beach health and developing impacts.

A. City staff & Parks and Recreation Commission representatives prepare an assessment with reports to City Manager, City Council, & City Commissions. The report should be prepared in a timely manner so that items requiring maintenance or ongoing funding may be considered

during the budget process. Include an assessment of the condition of the storm berm at Mariner Park, specifically including pedestrian impacts.

B. Add each annual assessment to the original BPTF report with updated photos to create a continuous record.

7. Driftwood from berm areas should not be removed. Testimony by scientists emphasized the importance of the natural berm building process to protect the spit, lagoon and slough. The berms also provide important wildlife habitat. It was found that driftwood plays an important role in building and stabilizing berms. Thus, it is hoped that providing an alternate source of campfire wood for campers serves the important function of protecting the berms. Driftwood was also described as an important esthetic enhancement to the beach and a material resource.

A. Direct City Administration to investigate providing firewood to beach users or allowing firewood concessions in city campgrounds.

8. Find ways of supporting beach cleanup.

A. Support the efforts of spring clean up day to include Homer beaches. The City should actively continue to support the efforts of volunteers by providing trash bags for the event and dumpsters or trash removal at locations such as Bishop's Beach.

B. Support the efforts of the Center for Alaskan Coastal Studies for their annual CoastWalk and beach trash removal. Support may be in the form of providing trash bags, dumpster service at beach parks, and city funding for newspaper advertising for CoastWalk educational and beach clean up activities.

9. Increase Parking on the Spit

A. We need more parking and areas for people to access the beach. These parking areas distribute the impact of beach users, provide safe off-highway parking for vehicles.

B. Situate the parking close to Spit Road for aesthetic purposes.

C. Better parking further down the spit will allow pedestrians to enjoy to the beach where vehicles are not present.

4. Recommendations by Area (Following the beach line, East to West)

1. Area 1 - Miller's Landing to Airport Access Road.

A. Miller's Landing. Create a public viewing spot in the Beach Access Road Right of Way off of Kachemak Drive, by posting a sign stating the location of the public access. In the future, as use warrants, create a small parking area, and use boulders to discourage trespassing on adjacent properties.

B. Airport Access Road Signage (with diagram of berm-slope-flats).

- No camping
- Please keep vehicles between the storm berm and the mud flats.
- All of the areas above high tide (and much below) are private property and there are no designated camping areas. Voluntary limits to the areas used by vehicles will help protect sensitive areas.

2. Area 2 - Airport Beach Access Road to North End of Berm outside of Louie's Lagoon and Louie's Lagoon.

A. Due to expert testimony, it was agreed by the BPTF that limiting vehicle use in this area was necessary to protect the fragile habitats from Mud Bay to Louie's Lagoon.

B. Signage - identifying access and informing the public as to where vehicles are prohibited.

C. Vehicles should be prohibited in this entire area - outside of access driveways and parking.

D. Conservation zoning is suggested for all public lands in this area. Much of Area 2 already has a conservation easement.

E. Designate the platform area as a park and initiate cleanup of surface debris in Louie's Lagoon. A layer of dredge spoils to cover debris and more grass around the platform is also recommended. Investigate potential as a bird viewing platform.

F. Long term goal: Reconfigure the section line easement. The current section line easement goes across the mud flat in the bird sanctuary. A reconfiguration would provide better access to the beach, and protection for the sanctuary. As designated on attached map.

G. Preserve subsistence fishing access for vehicles, and public access to that part of the Spit. This has traditionally included an access across the northern portion of the English Bay property

I. Budget for rock placement at the Airport Beach Access to discourage travel to the west into Mud Bay. Contract the work out.

3. Area 3 - From Louie's Lagoon - South to end of Homer Spit and then North to City Campground across from Fishing Hole

A. Long range goal: Removal of beached barge on English Bay Corporation property.

B. Encourage the elimination of unsightly waste on properties near the beach by working with owners. Several highly visible properties have allowed the accumulation of waste and

industrial junk. The City has also allowed this to occur on City land, and should lead the way in the cleanup effort.

4. Area 4 - From City Fishing Hole Campground to the Outlet of Mariner Park Lagoon

A. At campground building across from the Fishing Hole, make beach use maps available, as well as information and signage that is interpretive about the berm building process, encourages courtesy to pedestrians, and states where vehicles are permitted.

B. Install signage at a controlled exit from the City Fishing Hole campground to the beach to direct vehicles to the base of the spit, and away from the no recreational vehicle area.

C. Define limits to Mariner Park campground by utilizing logs, rocks or other means to restrain vehicles from entering the lagoon. Similar to Parks & Recreation Advisory Commission Draft Master Plan for Mariner park campground, which extends a revetment to protect berms, grasses and tidal mud, with no additional incursion into the lagoon.

D. Create a cost estimate for placing boulders at Mariner Park to better define the park and places where motorized vehicles are prohibited. Include the project in the annual budget in the near future, and contract the work out.

E. Budget for a new kiosk at Mariner Park. Include a large interpretive map with beach access and user information. Include the project in the annual budget and contract the work out.

5. Area 5 - Mariner Park Lagoon including the storm berm

A. Install and maintain signage stating vehicles are prohibited in the Lagoon and above the high-tide line near the berm. This is a fragile berm.

B. Signage should also indicate the high potential of vehicles getting stuck in this area.

C. Finish transfer of ownership of parcels to City of Homer. Two large parcels in Mariner Park Lagoon were obtained by the City from DNR, but the transfer paperwork was not completed.

D. Enact Conservation Zoning and continue work on the conservation easement. Zoning changes may begin at any time. The land ownership transfer must be complete prior to the conservation easement completion.

6. Area 6 - Mariner Park Lagoon outlet (below the berm) to Beluga Slough outlet.

A. Provide signage discouraging motor vehicle usage and encouraging courtesy to pedestrians. Vehicle prohibition is not necessary, but use of vehicles in this area often leads to driving or parking on the storm berm.

B. Improve and identify with signage the Ocean Drive Loop beach and Beluga Slough access.

7. Area 7 - Beluga Slough Outlet to Bishops Beach Park access. This is a heavily used area, and has the greatest potential for conflicts between user groups. We do not wish to prohibit vehicle use, but would rather encourage a separation to enhance user experiences.

A. Support Fish & Wildlife efforts to protect berm and promote rye grass and driftwood buildup.

B. Support Fish & Wildlife work to develop a plan to maintain the ecological integrity of their educational reserve, including possible conservation zoning.

C. Increase parking at Bishop's Beach Park.

D. Signage at Bishop's Beach access:

1. "Pedestrian Zone, please limit vehicle use East to outlet of Beluga Slough."

2. "Unauthorized vehicles are prohibited on the storm berm and in the Beluga Slough area."

8. Area 8 - West from Bishops Beach Park Access to City Limits

A. Construct a kiosk with interpretive signage (Visitor information, berms, driftwood, private property, compass rose), encourages courtesy to pedestrians, and that vehicles are permitted to the west towards Anchor Point.

B. Provide and maintain signage requesting;

- Please do not remove driftwood from storm berms and private property

C. Develop Charles Way as a footpath for better pedestrian flow. Do not develop for vehicle access as the bluff is eroding and it is not worth the expense to the public to build a road that will have near future erosion problems. Improve erosion control and access at Crittenden Drive and at Main Street.

D. Improve access at Main Street. Construct a stairwell to the beach. Use the right of way at the end of Main Street for an erosion control project, using seeding, native grasses and other low impact techniques. Develop a stairway so people may access the beach without treading on the eroding bluff face.

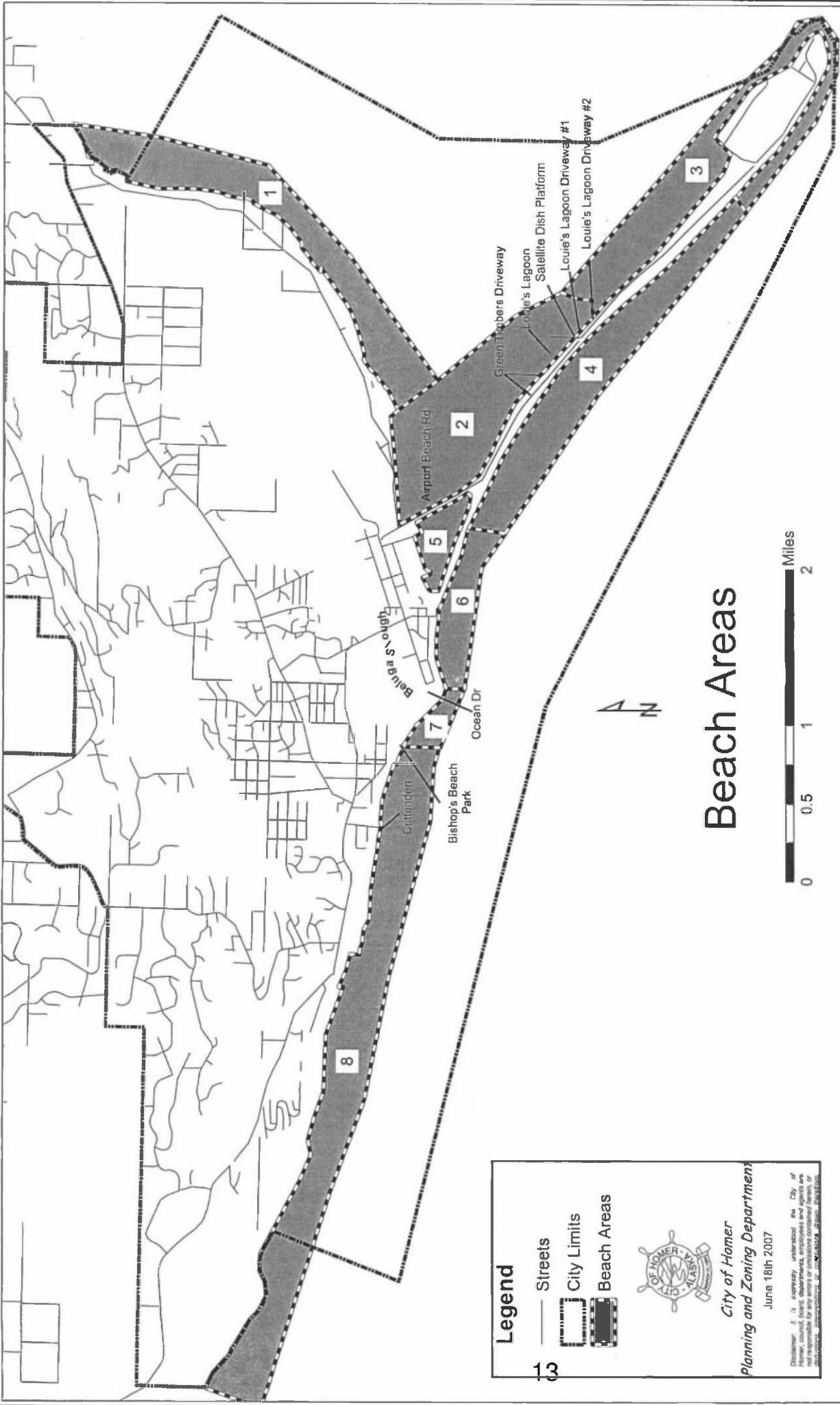
E. Correct the drainage ditch from Crittenden Drive so that the water is not eroding neighboring private property. Extending the culvert system down to the beach may be a solution. Work with adjacent landowners to secure public access easements to the beach, using a route that is sustainable.

F. Work with property owners and interested volunteers to remove the junk cars from the beach near the bottom of West Hill.

5. History

The original Beach Policy Task Force was established in 2000 and completed the beach policy in 2001. The City adopted it on June 25, 2001. In 2003, Ordinance 03-27, the city was awarded a \$75,000 Coastal Impact Assessment grant to fund beach access restriction improvements, regulatory signage, a GIS coastal erosion and beach habitat information mapping project and funds for the 2004 United States Geological Survey sediment transport study camera operation.

The Task Force made further recommendations in 2005, in Memorandum 2005-78, and concluded their work. In 2007, the City Council added advising on public beaches to the duties of Parks and Recreation Advisory Commission (Ordinance 2007-01(A)). The Commission formed a Beach Committee to update the Beach Policy, which resulted in this document.



Legend

- Streets
- City Limits
- Beach Areas

City of Hamer
Planning and Zoning Department
 June 18th 2007

Disclaimer: The City of Hamer, Alaska, and its employees and agents are not responsible for any errors or omissions contained herein, or for any consequences arising therefrom.

Beach Areas

Existing 50 ft Section Line Easement

City

City

Proposed re-route

Cousin's
Devilfish
Lagoon

Homer Spit Road

Hockey Rink



TOWNSHIP RANGE
MERIDIAN
SEC SECTION

BIRD
SANCTUARY

EASEMENT
PROPOSED

612 Meander Line

Lot 6-B
Louie's Lagoon

ABANDON THIS
SECTION OF
EASEMENT

Lot 7-
Louie's

Lot 6-A
Louie's Lagoon

STAR
OFFR

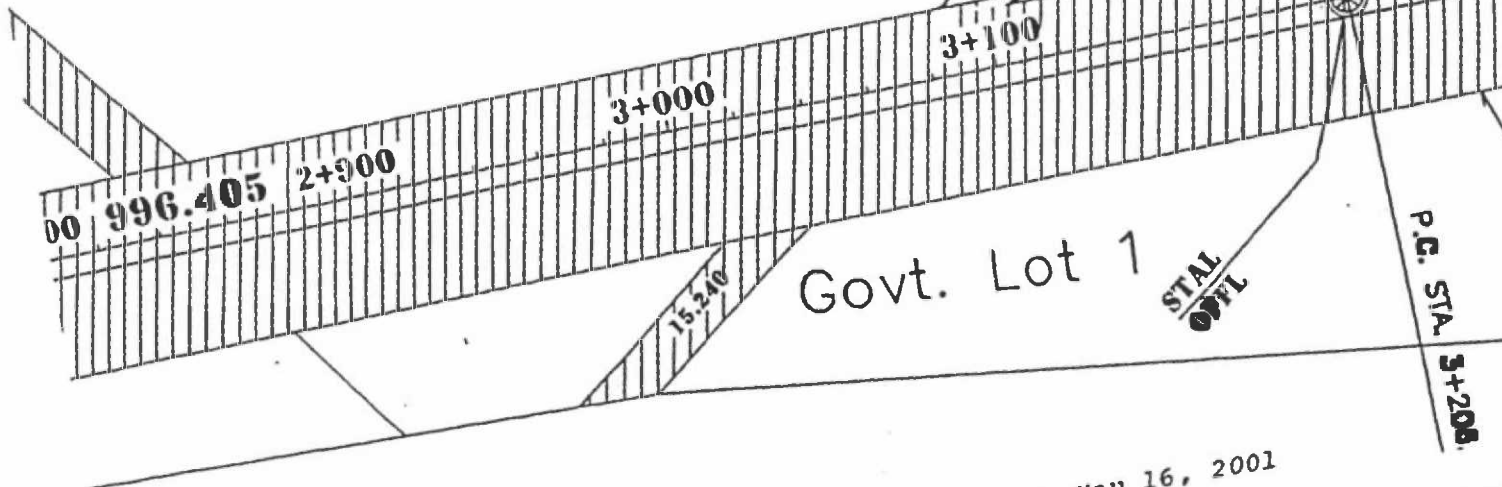
Note: Section line controls
location of R/W JOP
Section Line Easement

N 88°50'20" W
5.023

S 88°50'20" E
STAR
OFFR

Entry Date 4/2/23
Govt. Lot

183.228 34 27 26
34 3F



ine

STATE OF ALASKA

WILLIAM A. EGAN, GOVERNOR

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL / BOX 2170 - JUNEAU

1964 Opinions of the
Attorney General No. 6

September 14, 1964

F. C. L.

RECEIVED

SEP 22 1964

The Honorable Phil R. Holdsworth
Commissioner
Department of Natural Resources
Juneau, Alaska

Re: Effect of Earthquake on Tideland Boundaries

Dear Commissioner Holdsworth:

You have requested our opinion on the ownership of shoreline property enlarged or reduced, gradually or suddenly, by the earthquake of March 27, 1964, and its after-effects.

Accretion is the increase of riparian land through the gradual deposit of various materials which create dry land out of that formerly covered by water.^{1/} Erosion is the gradual washing away of land bordering on a body of water by the action of that water.^{2/} Reliction is the uncovering, whether gradual or sudden, of land by the withdrawal of waters previously covering it.^{3/} Avulsion is a sudden and perceptible addition or loss to land by the action of water or otherwise.^{4/}

1/ St. Louis, I. M. and S. R. Co. v. Ramsey, 53 Ark. 314, 13 S.W. 931, 933 (1890)

2/ Oklahoma v. Texas, 268 U.S. 252, 45 S.Ct. 497, 69 L.ed. 937, 943 (1925)

3/ Jefferis v. East Omaha Land Co., 134 U.S. 178, 10 S.Ct. 518, 33 L.ed. 872, 875-6 (1890)

4/ Nebraska v. Iowa, 143 U.S. 359, 12 S.Ct. 396, 36 L.ed. 186, 187 (1892); Barakis v. American Cyanamid Co., 161 F.Supp. 25, 29 (1958)

The Honorable Phil R. Holdsworth
Juneau, Alaska

September 14, 1964

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The means by which the change in shoreline occurs has significant legal consequences. If the location of the boundary of a tract of land at the mean high tide line is gradually and imperceptibly changed by accretion, erosion, or prolonged reliction, the margin of a tract at mean high tide, as so changed, remains the boundary. "Where . . . a boundary bank is changed by these processes, [accretion and erosion] the boundary, whether public or private, follows the change."^{5/} Lands eroded from a tract which, as a result, are below mean high tide are thereby re-vested in the State.^{6/}

On the contrary, if a tract undergoes sudden or violent change by reliction or avulsion, its boundaries remain the same and no change in ownership occurs.

"When land bordering a body of water is increased by accretion, . . . the new land thus formed belongs to the owner of the upland to which it attaches. . . . [Where] land [is] . . . lost by erosion, [it] returns to the ownership of the State. This is not the rule where the loss of the land occurs by avulsion, . . . the effect or extent of which is perceptible while it is in progress. In such cases, the boundaries do not change."^{7/}

In land precipitously lowered by the earthquake, the upland owner would have title out to the old high-water mark, regardless of the fact that the tract may now be partially submerged; if the owner previously owned the tidelands, he would still own the land out to his old low-water mark boundary. The character of the body of water as tidal, non-tidal, navigable or non-navigable is immaterial as respects the application of

^{5/} Oklahoma v. Texas, 268 U.S. 252, 45 S.Ct. 497, 69 L.ed. 937, 943 (1925)

^{6/} AS 44.03.020

^{7/} Arkansas v. Tennessee, 246 U.S. 158, 38 S.Ct. 301, 62 L.ed. 638, 647 (1918); In re City of Buffalo, 206 N.Y. 319, 99 N.E. 850, 852 (1912)

The Honorable Phil R. Holdsworth
Juneau, Alaska

September 14, 1964

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the rules relating to sudden reliction and avulsion. The rules governing changes of boundaries of tidelands and upland^{8/} are equally applicable to the State and to private persons.^{8/}

When land shifts occur by earthquake-generated avulsion, then, the element of suddenness creates a situation where no change occurs in the limits of State boundaries or private tracts; the old State and private boundaries, submerged or otherwise, survive.^{9/}

Briefly, then, these are the answers to your specific questions:

(a) Boundaries follow accretion and erosion because the change is gradual; boundaries do not change where land displacement occurs suddenly, as through avulsion or some kinds of reliction.

(b) State ownership of tidelands is measured by the old boundaries where sudden earthquake displacement has occurred.^{10/}

(c) Yes, the boundaries of tidelands set by pre-earthquake survey are fixed. See (a) and (b).

(d) Where old tideland boundaries were surveyed and known, they must be followed. Presumably, unsurveyed tideland

^{8/} Waynor v. Diboff, 9 Alaska 230, 232 (1937). See also footnote 5, supra.

^{9/} Louisiana v. Mississippi, 282 U.S. 458, 465, 51 S.Ct. 197 (1931)

^{10/} However, boundaries may be changed by State action and Congressional assent. Then, of course, the new mean high tide mark could be used to ascertain the extent of tidelands ownership. U. S. v. Louisiana, 363 U.S. 1, 8-9 (1960). c.f.: 43 U.S.C.A. 1311. Ownership of submerged lands.

Opinion No. 6

The Honorable Phil R. Holdsworth
neau, Alaska

September 14, 1964
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boundaries may now be surveyed and specified according to presently existing land contours, as there are no previously established boundaries to recognize.

We trust this information will be of help to you.

Yours very truly,


WARREN C. COLVER
ATTORNEY GENERAL

WCC/grg

cc: William A. Egan
Governor

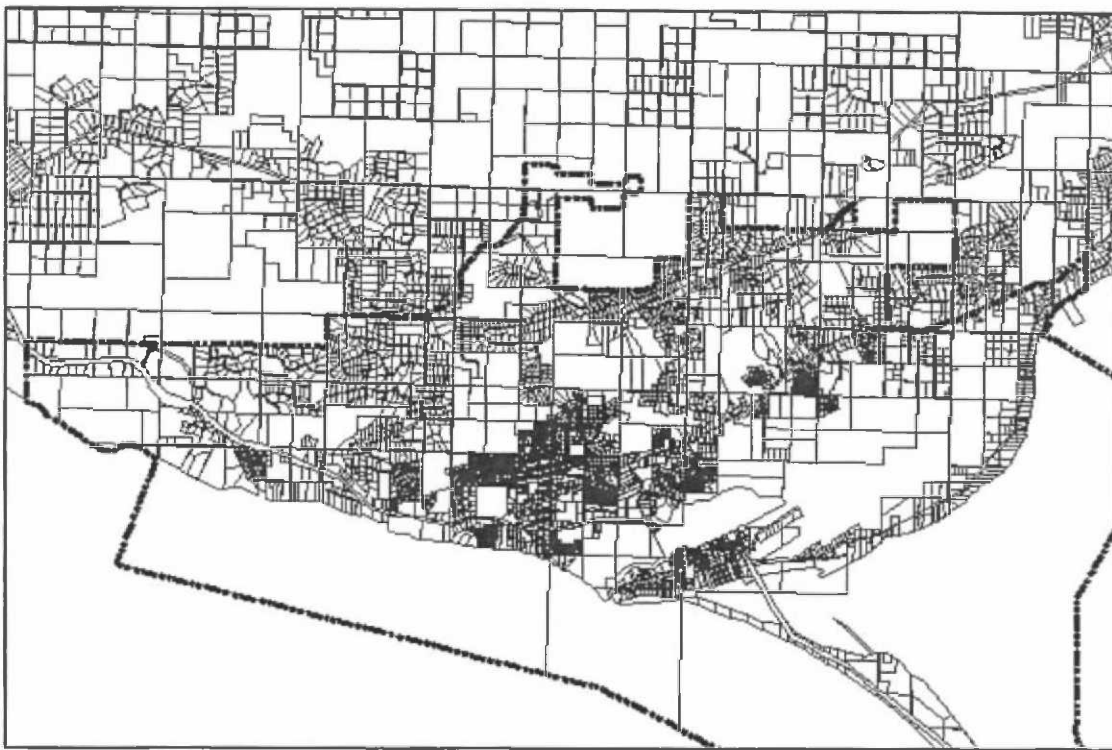
Floyd L. Guertin, Commissioner
Department of Administration

Appendix A: Beach Access Notes

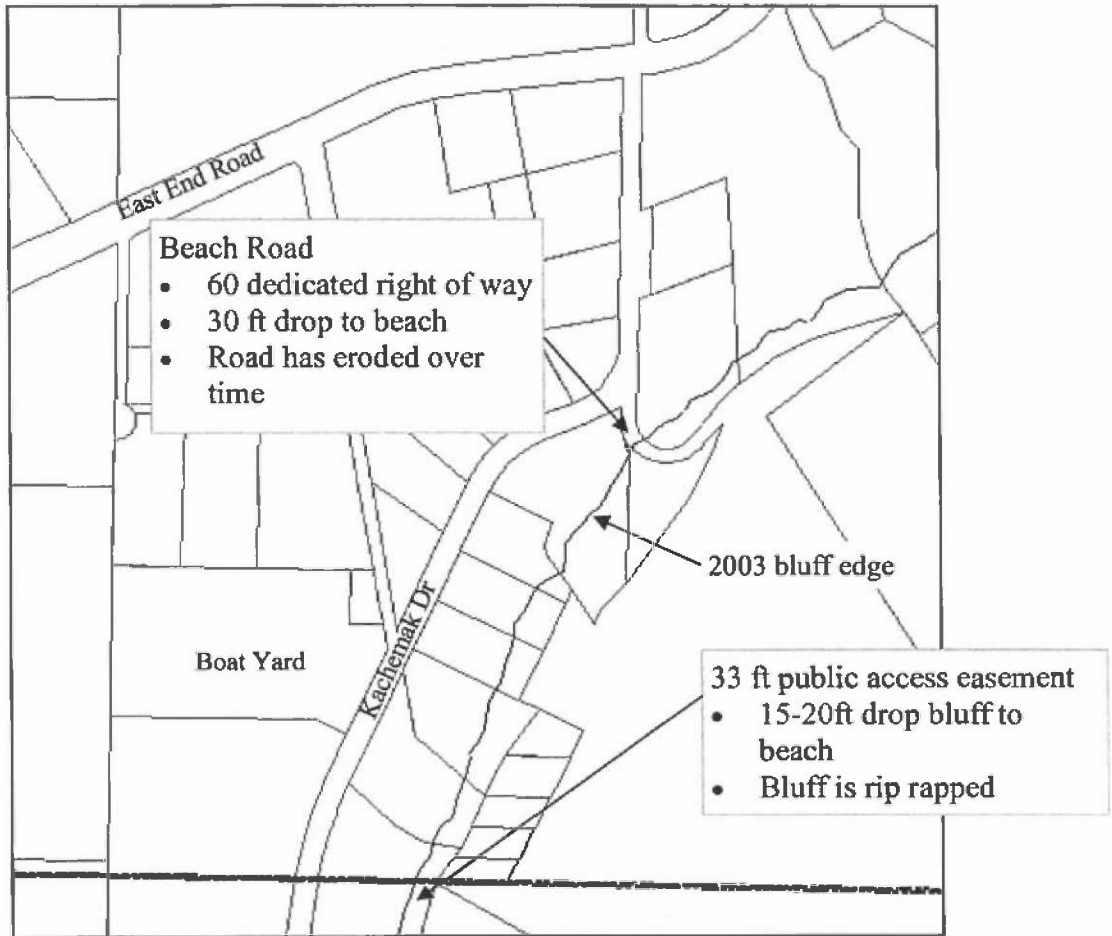
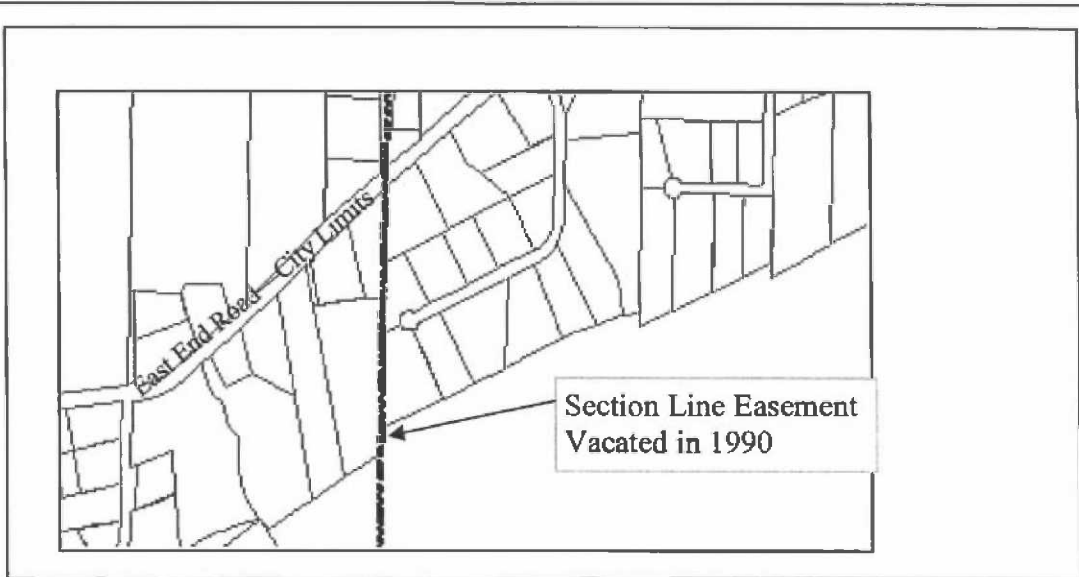
Public access points

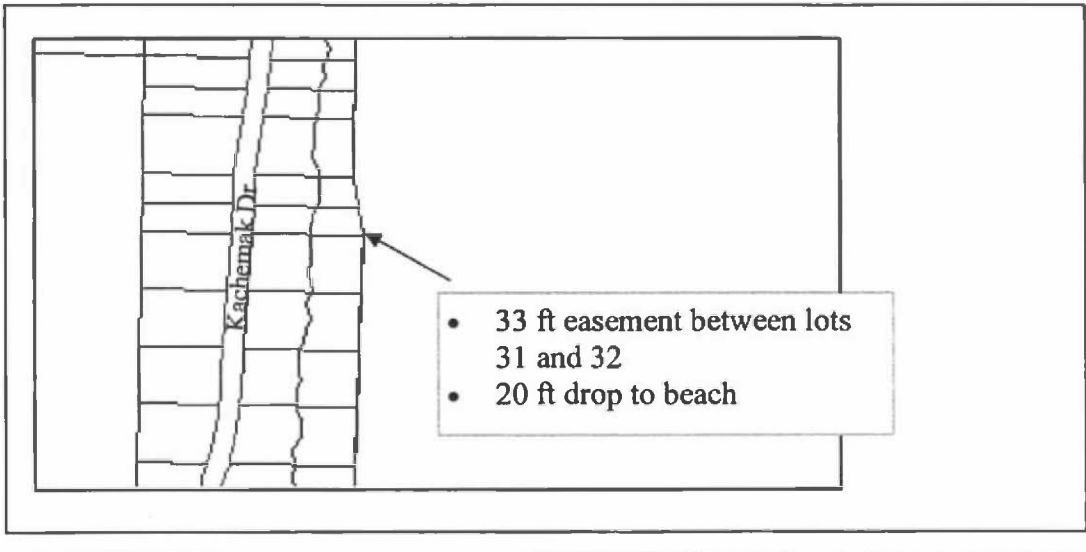
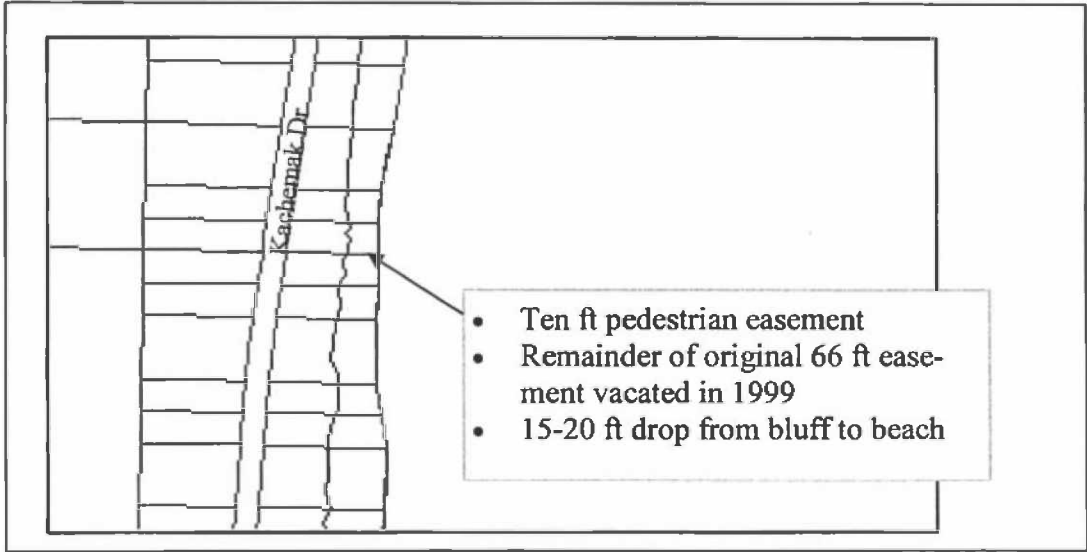
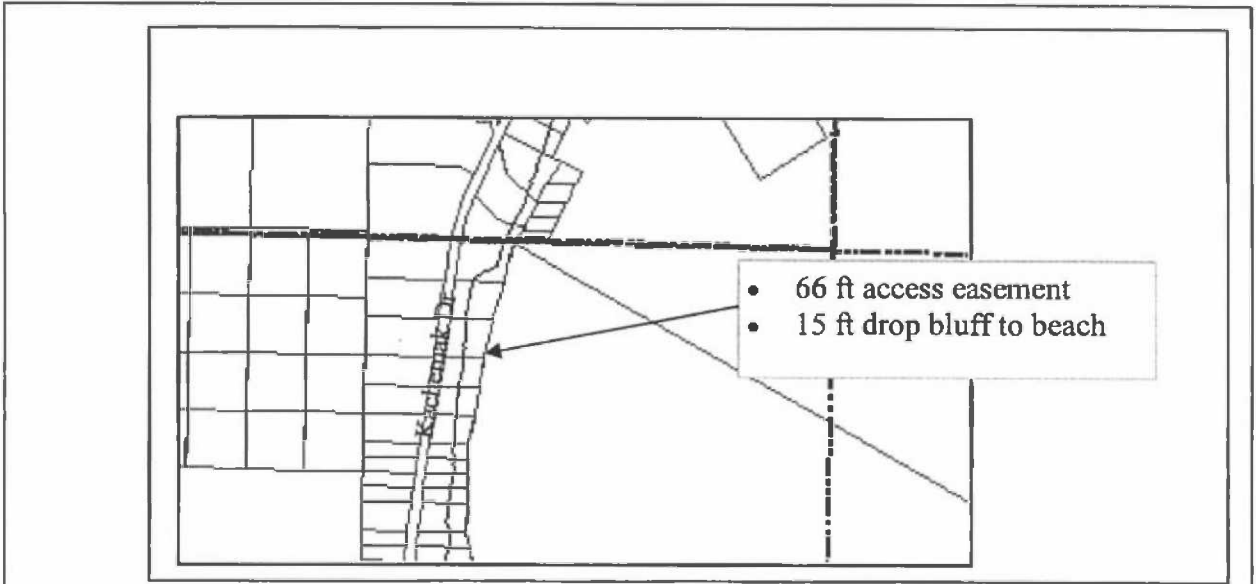
	Pros	Cons	Comments
Miller's Landing beach Road	Nice picnic spot Difficult trek down to the beach	No defined parking area	
Airport Access Road			
Spit			
Mariner Park	Large parking area for campers and day users	Occasionally motor vehicles drive around in the lagoon. There are user conflicts between pedestrians, vehicles and horses	Need more enforcement here Need more education here/kiosk
Lake Street			
Oscar Munson/Bell			Neighborhood Access Point
Bishop's beach	Flat beach access, public parking	High user conflicts	
Main Street	Section line easement access	Highly erosive, very steep trail	
Crittenden	Right of way access	Actual trail is on private property	Landowner allows neighborhood use of his trail to the beach.

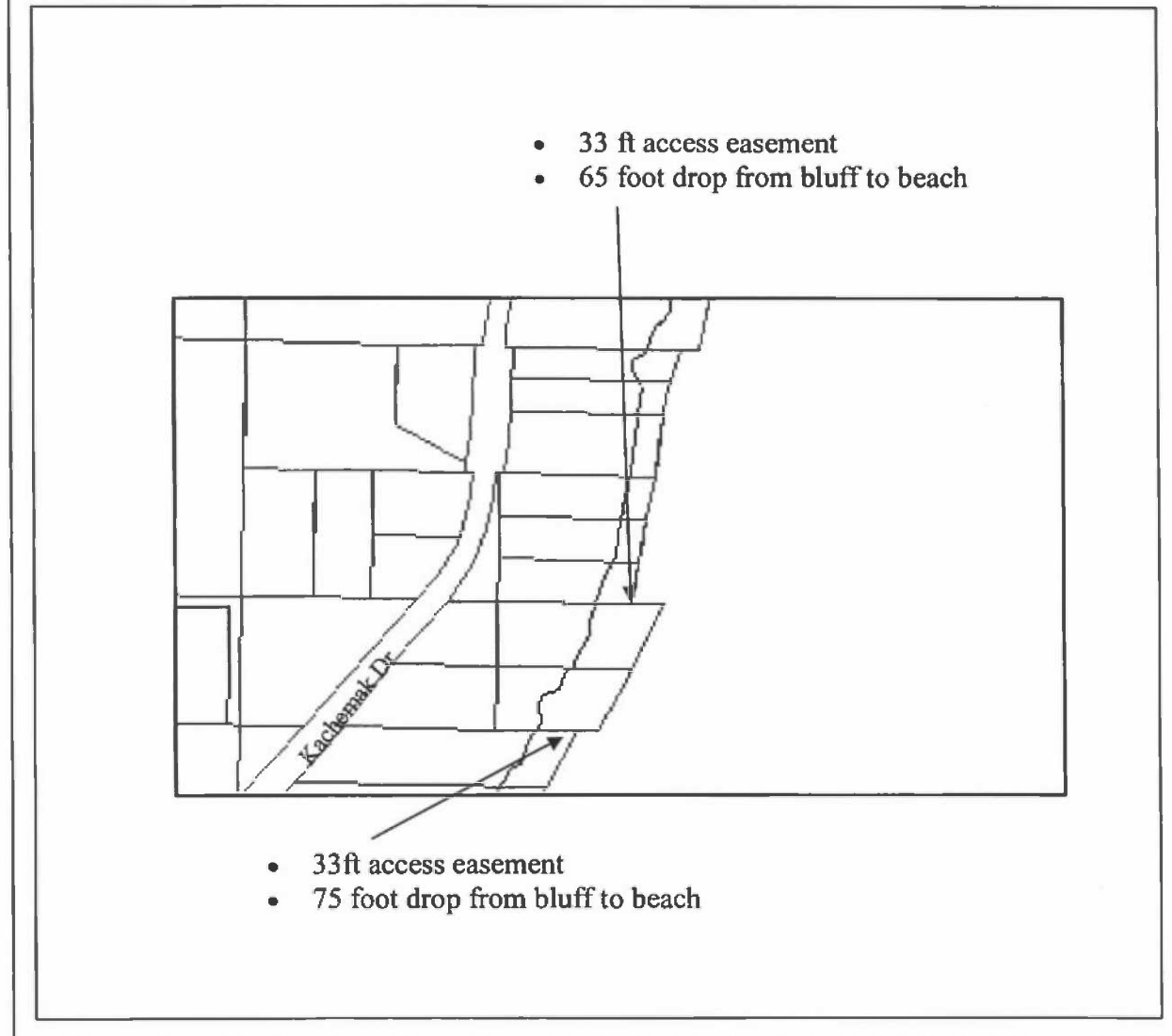
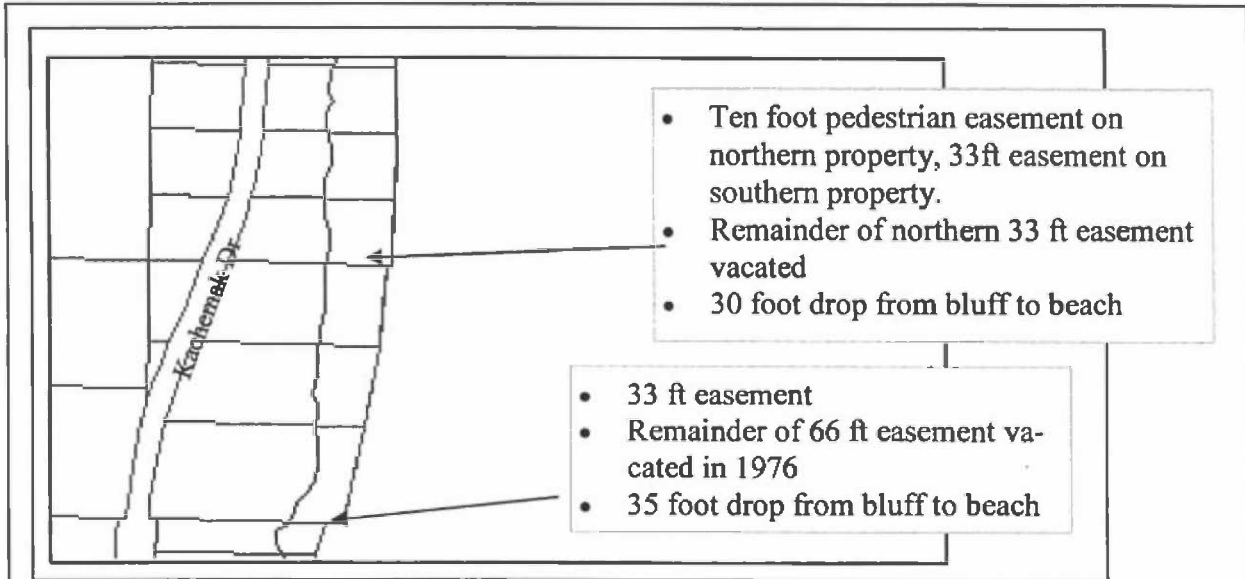
Beach Policy Appendix: B
Mainland Public Access Points to Kachemak Bay
Spring 2007

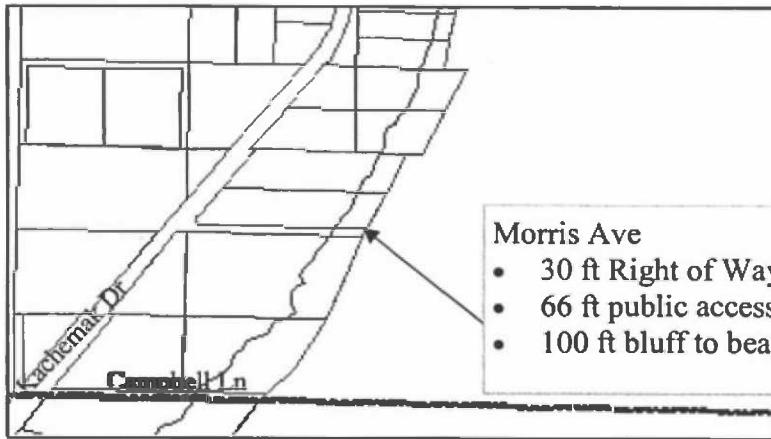


Prepared by the City of Homer Planning and Zoning Office.
Erosion data from KBRR 2004 coastal erosion study. Easement
data from plat research, and from 1982 Homer and Vicinity
orthotopographic map by Walker and Associates.

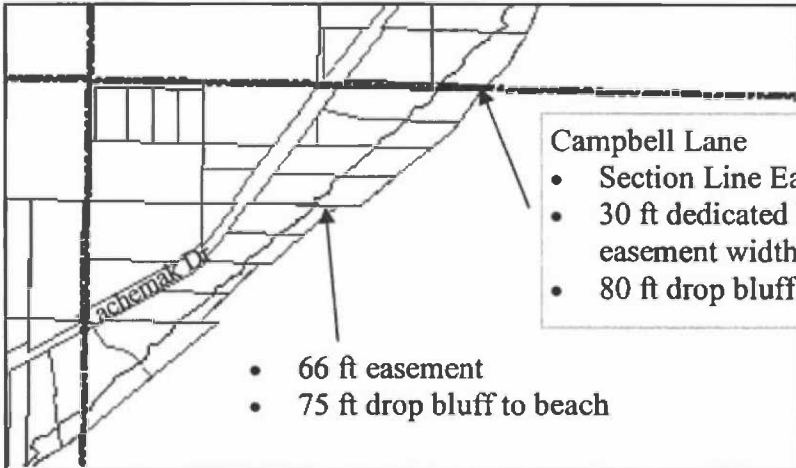






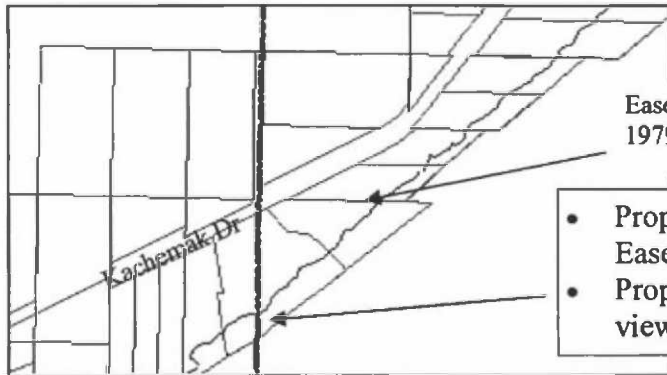


- Morris Ave**
- 30 ft Right of Way
 - 66 ft public access
 - 100 ft bluff to beach drop

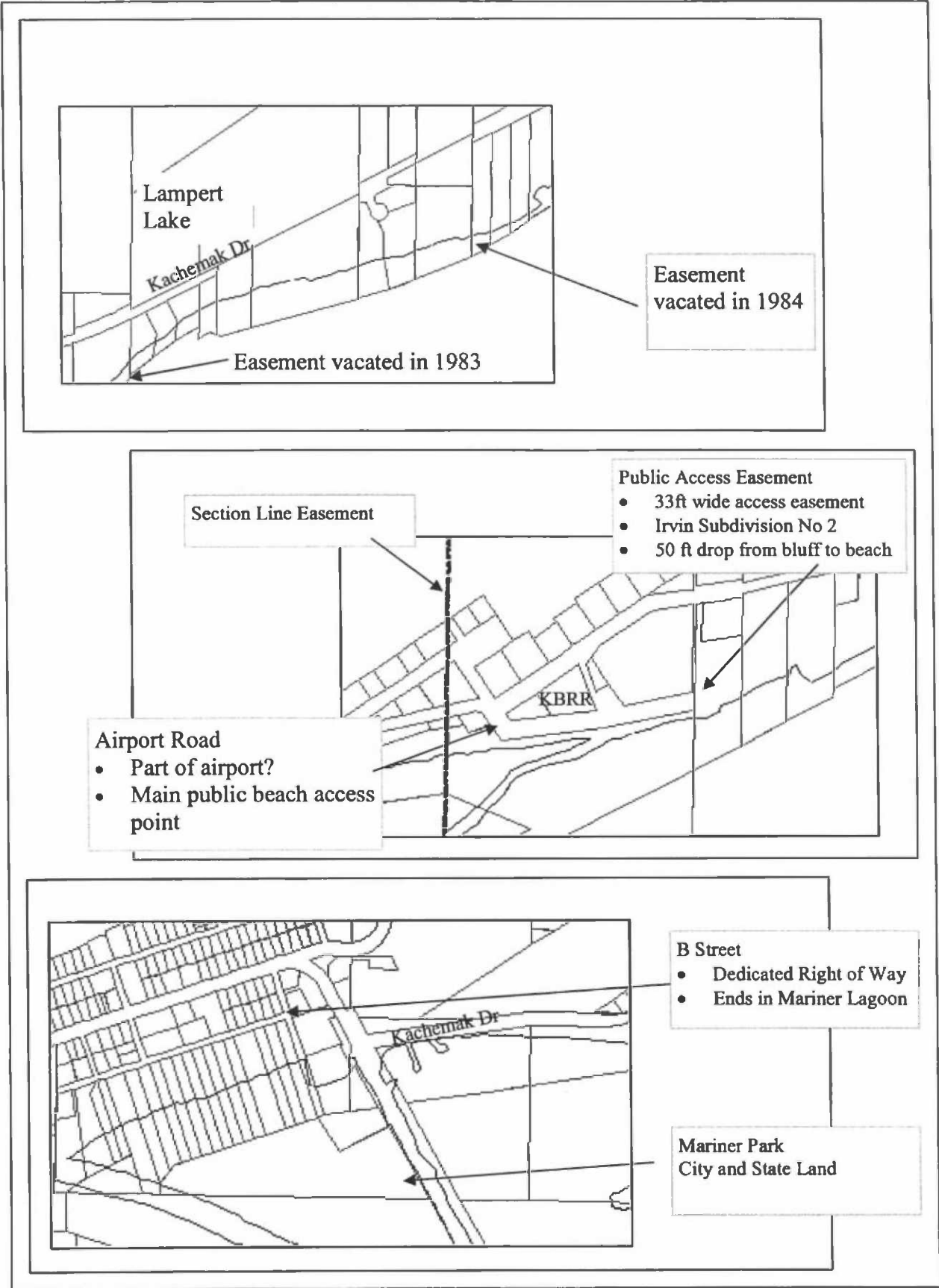


- Campbell Lane**
- Section Line Easement
 - 30 ft dedicated Right of Way, 66 ft total easement width
 - 80 ft drop bluff to beach

- 66 ft easement
- 75 ft drop bluff to beach



- Easement vacated in 1979
- Proposed Section Line Easement Vacation 2007.
 - Proposed public access viewpoint.





Lake Street

- Dedicated 60 ft Right of Way
- Sea wall cross the Right of Way

Section Line Easement

- 66 ft wide
- 30 ft drop from bluff to beach

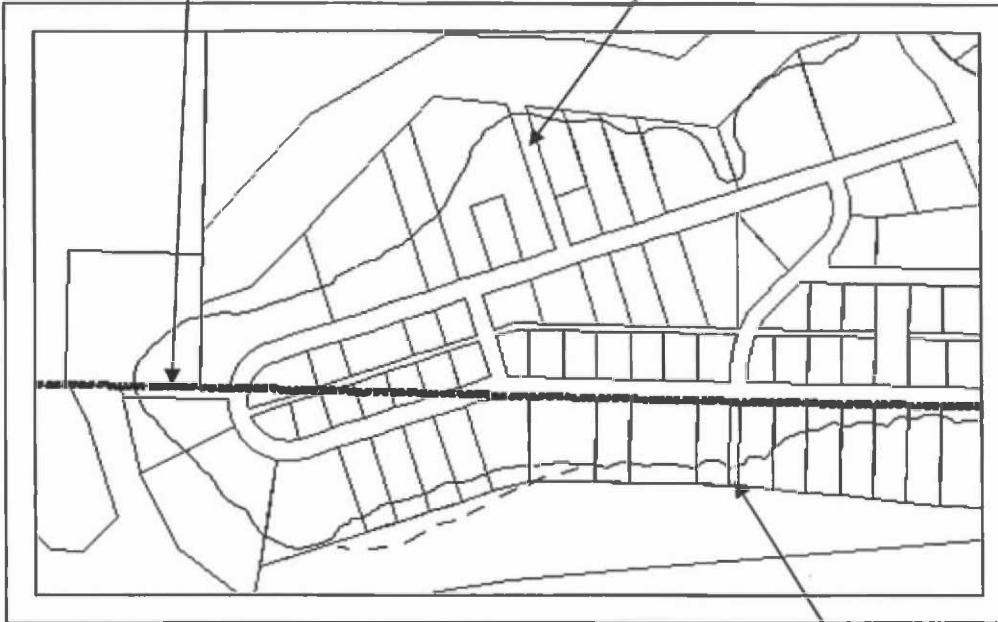
Oscar Munson Subdivision

Victoria Place

- 50 foot Right of Way
- Not constructed

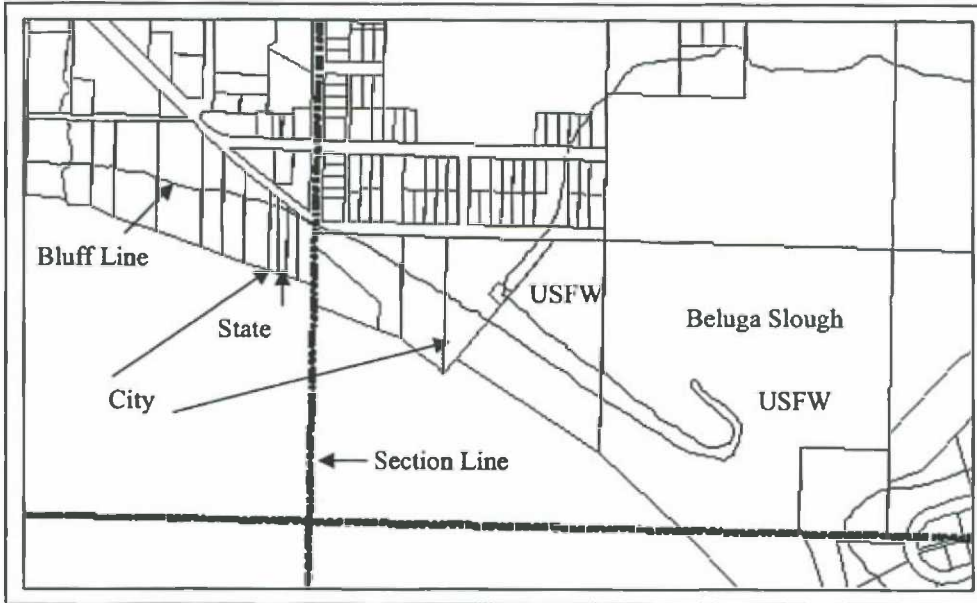
Section Line Easement/Right of Way

- 30 ft Right of Way, 33 ft section line
- Exact width of possible public access not know, but probably about 60 ft



Parson Lane

- 30 ft Right of Way
- About a 30 ft drop from street level to the beach
- Seawall runs along the bluff



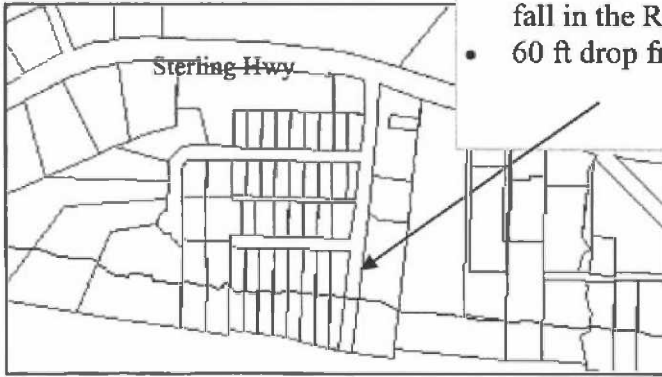
- Ohlson Lane Property**
- 15-20 ft drop from street level to the beach
 - City of Homer owns one lot; the state owns another

- Section Line Easement**
- Main Street is on a section line easement
 - 15-20 ft drop from street level to the beach

- Bishops Beach**
- One of the few easy access point to the beach

This is an area of moderate long term erosion, averaging about 2 and a half feet per year.

Crittenden Dr

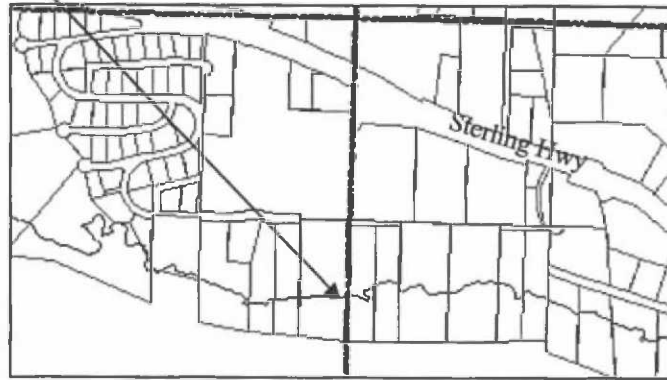


- 60 ft Right of Way
- Existing trail is mostly on private property
- Drainage ditch from the street has an out-fall in the ROW and is eroding the bluff
- 60 ft drop from Hidden Way to the beach



- Section Line Easement
- 120 ft drop from bluff to beach

- Section Line Easement
- 230 ft+ drop from bluff to beach



Leber Street

- 30 Right of Way Leber St
- Section Line Easement
- 25 foot drop from upland to beach.



- Section Line Easement, north-south along city limit boundary
- 60 foot bluff from beach to upland plateau
- EVOS and other public lands shown



(1 hits)

Chapter 19.20 PARKS AND RECREATIONAL FACILITIES

Sections:

- 19.20.010 Definitions.
- 19.20.020 General rules.
- 19.20.030 Park closure.
- 19.20.040 Park use agreements.
- 19.20.050 Campground host program.
- 19.20.060 Regulations.
- 19.20.070 Remedies and penalties.

19.20.010 Definitions.

In this chapter:

"Camp" means using an outdoor area or motor vehicle for sleeping or temporary living quarters, including without limitation erecting a tent or other temporary shelter.

"Park" means an area designated as a park, reservation, playground, beach, or recreation area, owned or managed by the City and devoted to active or passive recreation. [Ord. 12-24(A) § 2, 2012].

19.20.020 General rules.

The following general rules govern the public use of parks:

- a. No person may deface, disfigure, damage, tamper with, or displace or remove any building, structure, table, bench, fireplace, sign, notice, vegetation, or placard in a park.
- b. No person may cut, pick or damage trees, flowers or other vegetation in a park.
- c. No person may camp in a park except in an area and at a time designated for that purpose by the City Manager.
- d. No person may light, build, use or maintain an open fire or portable camp stove in a park except in a receptacle or area designated for that use. No person may leave an open fire or operating portable camp stove unattended. No person may use a flammable liquid other than charcoal lighting fluid to start or accelerate a fire.
- e. No person may operate, or stop, stand or park, a motorized vehicle in a park except:
 - 1. In an area designed for the use, and in a manner permitted by the designation; or
 - 2. Construction, enforcement, maintenance or emergency vehicles operated by the State, the Kenai Peninsula Borough, the City or their respective contractors.
- f. Where the operation of motor vehicles is permitted in a park, motor vehicles shall be operated in accordance with posted speed limits, in a prudent and safe manner, and at a speed not exceeding 10

miles per hour in parking areas.

g. A person having control or supervision of an animal that excretes feces in a park shall immediately collect and properly dispose of the feces.

h. No person may dump, deposit, or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage or refuse, or other trash, or water, sewage or effluent from sinks, portable toilets or other plumbing fixtures, directly upon the surface of land or water in a park.

i. Dumpsters provided at park facilities are intended for park use only. [Ord. 12-24(A) § 2, 2012].

19.20.030 Park closure.

a. The City Manager may designate times during which a park is closed to the public.

b. The City Manager shall notify the public of times during which a park is closed to the public by the placement of signs at entrances to the park or within the closed area. No person may enter or remain in a park during the hours of closure designated on such a sign. [Ord. 12-24(A) § 2, 2012].

19.20.040 Park use agreements.

The Council by resolution may authorize an agreement between the City and an organization providing for the organization's use, operation and maintenance of facilities within a park. The agreement will address such issues as scheduling, litter, sanitary facilities, damage, crowd control, traffic control, noise, insurance and public notice. [Ord. 12-24(A) § 2, 2012].

19.20.050 Campground host program.

The Council by resolution may authorize the City Manager to establish a campground host program for designated City parks, under which volunteers will provide campground host services to park users. [Ord. 12-24(A) § 2, 2012].

19.20.060 Regulations.

The City Manager is authorized to promulgate regulations, in addition to the rules stated in this chapter, to regulate the use of park and recreational facilities. [Ord. 12-24(A) § 2, 2012].

19.20.070 Remedies and penalties.

Remedies and penalties for violations of this chapter are as provided in Chapter 1.16 HCC. [Ord. 12-24(A) § 2, 2012].

**The Homer City Code is current through Ordinance 14-45,
passed September 22, 2014.**

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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 § 12-600.4].

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].

¹For provisions regarding the impounding of vehicles on Homer Spit Beach, see Chapter 7.08 HCC.

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19.12.050 Exceptions.

a. No permit shall be required for excavation necessary for the installation of sewage lines, water lines, underground power lines, armor rock or piling, wells, oil and fuel tanks and related lines and aboveground power lines from any location other than a berm area, provided such excavated material is not removed from site of construction, nor shall a permit be required for clearing or maintaining any public road.

b. This chapter shall not apply to the removal or excavation of gravel, gravel fill or other fill material from any beach or from any portion of the Homer Spit by the City of Homer.

c. This chapter shall not apply to dredge material placed or stored on the Homer Spit by the City of Homer. The City may provide for the use and disposal of such dredge material in the following order of priority, with all proceeds from sales of dredge material being deposited in the port/harbor enterprise fund:

1. Replacement of material removed from City beaches by storms or erosion.
2. Fill to improve City port and harbor facilities on the Homer Spit.
3. Sale for use as fill on privately owned or leased property on the Homer Spit.
4. Emergency repairs of erosion.
5. Sale for use as fill material at locations off the Homer Spit. [Ord. 11-09 § 3, 2011; Ord. 02-14(A) § 1, 2002; Ord. 98-2(A)(S)(A) § 1, 1998; Ord. 6-720.2. Code 1967 § 1-100.4].

19.12.060 Review.

Any person whose application is denied shall be entitled to a review of such denial by the City Council. A request for review shall be in writing and submitted to the City Clerk within 10 days of such denial. The City Clerk shall, whenever feasible, thereafter place the matter of review on the agenda for the next regularly scheduled meeting of the City Council, but in any event, such review shall not be later than the second regularly scheduled meeting after such request is received. [Code 1967 § 1-100.5].

19.12.070 Nonliability.

The City shall not be liable for damages accruing as a result of any excavation or removal of gravel, gravel fill or fill material pursuant to the issuance of a permit under this chapter. [Code 1967 § 1-100.6].

19.12.080 Conformance to permit.

Any excavation or removal of gravel, gravel fill or fill material except by permit where required shall be considered a violation of this chapter. [Code 1967 § 1-100.7].

19.12.090 Driftwood removal prohibited.

No person shall tamper with, burn or remove driftwood from a storm berm. [Ord. 02-14(A) § 1, 2002].

19.12.100 Violation – Penalties.

The violation of any provision contained in this chapter shall be punished under the general penalty provision, HCC 1.16.010. [Ord. 02-14(A) § 1, 2002. Code 1967 § 1-100.8].

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Chapter 1.16 GENERAL PENALTY¹

Sections:

- [1.16.010](#) General penalty.
- [1.16.020](#) Civil remedies.
- [1.16.030](#) Surcharge.
- [1.16.040](#) Disposition of scheduled offenses – Fine schedule.

1.16.010 General penalty.

Every act in violation of this code is declared unlawful. Unless another penalty is expressly provided by this code for any particular provision or section, every person convicted of a violation of any provision of this code or any rule or regulation adopted or issued in pursuance thereof shall be punished by a fine of not more than \$300.00. Every act of violation and every day upon which such violation shall occur shall constitute a separate offense. [Ord. [90-1 § 1](#), 1990; Ord. [88-14 § 4](#), 1988; Ord. [78-1 §§ 1, 2](#), 1978. Code 1967 § 1-100.7].

1.16.020 Civil remedies.

The City may institute a civil action against a person who violates any provision of this code or any rule or regulation adopted or issued in pursuance thereof. In addition to injunctive and compensatory relief, a civil penalty not to exceed \$1,000 may be imposed for each violation. An action to enjoin a violation may be brought notwithstanding the availability of any other remedy. On application for injunctive relief and a finding of a violation or threatened violation, the Superior Court shall grant the injunction. Each day that a violation continues constitutes a separate violation. [Ord. [90-1 § 2](#), 1990].

1.16.030 Surcharge.

In addition to any fine or other penalty prescribed by law, a defendant who pleads guilty or nolo contendere to, forfeits bail for, or is convicted of violating this code or any rule or regulation adopted or issued in pursuance thereof shall be assessed a surcharge in the amount, if any, prescribed by AS [12.55.039](#). The surcharge shall be collected as provided in AS [12.55.039](#) and [29.25.075](#). The failure to pay the surcharge is punishable as contempt of court as provided in AS [12.55.039](#). [Ord. [98-22](#), 1998].

1.16.040 Disposition of scheduled offenses – Fine schedule.

a. A person cited for an offense for which a fine is established in subsection (c) of this section may mail or personally deliver to the Finance Director the amount of the fine indicated on the citation for the offense plus any surcharge required to be imposed by AS [29.25.074](#), together with a copy of the citation signed by the person indicating the person's waiver of court appearance, entry of plea of no contest, and forfeiture of the fine. A citation for a scheduled offense may be mailed or personally delivered within 15 days after the date of the citation. The payment of a fine under this subsection shall be treated as a judgment of conviction. The fine paid is complete satisfaction for the offense.

b. If a person cited for an offense for which a fine amount is established in subsection (c) of this section appears in court to contest the citation and is found guilty, the maximum sentence which may be imposed is the scheduled fine amount plus any surcharge required to be imposed by AS [29.25.074](#).

c. The following violations of this code are amenable to disposition without court appearance upon payment of a fine in the amount listed below:

CODE SECTION	DESCRIPTION OF OFFENSE	FINE
HCC 5.38.010	Feeding or baiting certain birds (first offense)	\$50.00
HCC 5.38.010	Feeding or baiting certain birds (second and subsequent offenses)	\$200.00
HCC 19.20.020	General rules	\$300.00
HCC 19.20.030	Park closure	\$150.00

[Ord. [13-17\(S\)](#) § 1, 2013; Ord. [12-24\(A\)](#) § 1, 2012].

¹For statutory provisions authorizing municipalities to prescribe penalties for violation of ordinances, see AS [29.35.010\(7\)](#); for provisions limiting maximum penalties, see AS [29.25.070](#).

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**NOTICE OF MEETING
REGULAR MEETING AGENDA**

- 1. CALL TO ORDER**
- 2. AGENDA APPROVAL**
- 3. PUBLIC COMMENT UPON MATTERS ALREADY ON THE AGENDA** *(Three minute time limit)*
- 4. VISITORS** *(Visitors normally have 10 minutes for their presentation.)*
 - A. Marianne Aplin, Islands and Ocean Visitor Center
- 5. RECONSIDERATION**
- 6. ADOPTION OF CONSENT AGENDA** *All items on the consent agenda are considered routine and non-controversial by the Parks & Recreation Commission and are approved in one motion. There will be no separate discussion of these items unless requested by a Parks & Recreation Commissioner or someone from the public, in which case the item will be moved to the regular agenda and considered in normal sequence.*
 - A. Minutes for the regular meeting on September 18, 2014 **Page 43**
 - B. Review and Approval of the 2015 Regular Meeting Schedule **Page 51**
- 5. STAFF & COUNCIL REPORTS/COMMITTEE REPORTS/BOROUGH REPORTS**
 - A. Staff Report - Julie Engebretsen, Deputy City Planning Director **Page 57**
 - B. Parks Maintenance - Angie Otteson
 - C. Community Recreation - Mike Illg
 - D. Needs Assessment Report - Matt Steffy/Julie Engebretsen
- 6. PUBLIC HEARING**
- 7. PENDING BUSINESS**
 - A. Discussion on Lists of Thank Yous to Organizations, Volunteers and Additional Persons **Page 59**
 - B. Abandoned Property or Personal Property on City Owned Property or within City Limits **Page 61**
- 8. NEW BUSINESS**
 - A. Public Safety Building Site Selection - Discussion on the Recommendation to Council **Page 77**
 - B. Bishop's Beach - How to Mitigate Vandalism, Partying, and Trespass Issues **Page 79**
 - C. Land & Water Conservation Fund Grant Cycle **Page 81**
 - D. Seafarer's Memorial Parking Lot Extension Project **Page 101**
 - E. Town Center - A Vital Component to Linking Alternate Travel Routes Through the City of Homer **Page 103**
 - F. Outdated Senior Fitness Course - Discussion and Recommendation on Donation to West Homer Elementary **Page 105**
- 9. INFORMATIONAL MATERIALS**
 - A. Commission Annual Calendar **Page 107**
 - B. Commissioner Attendance Schedule At Council Meetings **Page 109**
 - C. Baycrest Overlook Gateway Project - Update **Page 111**
 - D. Needs Assessment Open House Flyer **Page 115**
- 10. COMMENTS OF THE AUDIENCE**
- 11. COMMENTS OF THE COUNCILMEMBER** (If one has been assigned)
- 12. COMMENTS OF STAFF MEMBERS**
- 13. COMMENTS OF THE COMMISSION**
- 14. COMMENTS OF THE CHAIR**
- 15. ADJOURNMENT THE NEXT REGULAR MEETING IS SCHEDULED FOR NOVEMBER 20, 2014** at 5:30pm in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer Alaska

Session 14-09 a Regular Meeting of the Parks and Recreation Advisory Commission was called to order on September 18, 2014 at 5:30 pm by Chair Matt Steffy at the Cowles Council Chambers City Hall located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS LOWNEY, ARCHIBALD, STEFFY, MACCAMPBELL, AND LILLIBRIDGE

STUDENT REP: PEDRO OCHOA

TELEPHONIC: COMMISSIONER BRANN

ABSENT: COMMISSIONER ROEDL (EXCUSED)

STAFF: CAREY MEYER, PUBLIC WORKS DIRECTOR
JULIE ENGBRETSSEN, DEPUTY CITY PLANNER
RENEE KRAUSE, CMC, DEPUTY CITY CLERK

APPROVAL OF THE AGENDA

The agenda was approved by consensus of the Commission.

PUBLIC COMMENT ON ITEMS ALREADY ON THE AGENDA

Adele Persons, city resident, reported on the actions taken at the recent Public Arts Committee meeting in support of the placement of the Loon Sculpture in Bishop's Beach Park.

Asia Freeman, resident, Bunnell Arts Center is providing this sculpture as a gift to the city, she described the construction process and materials, explained that the artist has been working over 10 years using and improving this process of Ferro concrete over steel mesh with steel armatures, the paint can be power-washed to remove any graffiti, easily mitigating the instances of vandalism. Ms. Freeman assured the commission of the integrity of the sculpture and noted that the Bunnell Arts Center will be donating \$1000 towards maintenance costs.

Michele Miller, speaking on behalf of the Public Arts Committee stated that the committee voted unanimously for acceptance the second time and Asia Freeman and Michael told the committee about the maintenance commitment of the sculpture but the committee left the placement to the experts.

Bill Ostwald, city resident, commented on the wonderful work and changes that have been implemented. Mr. Ostwald spoke about the improvements and enjoyment living in Old Town. He spoke in support of placing the sculpture at Bishops Beach. He expressed concern that vandalism would be a deterrent to the placement of the sculpture or any improvements. Mr. Ostwald stated he believe changes for good will change the environment. He further suggested changes to the environment to create good will chase away the bad guys and making changes to the rules regarding the parks will be needed otherwise you will end up with the monkeys running the zoo.

Tom Zitzman, city resident, commented on the beauty of the area and stated that the sculpture would add enhancement. There are many uses that do lend to compatibility but unfortunately there are uses that are incompatible. Do not be fearful of vandalism. This is making a statement of what we are trying to encourage in the community.

Lori Zitzman, city resident, commented on the art that has been placed and was in favor of placing the sculpture in the park. She wanted the commissioners to think about protecting the art and the park in that area so everyone can enjoy it. What is going on now on the beach with the trash, trespassing and the noise she believes it is time for a curfew and a gate. What is happening on the beach now is not compatible.

VISITORS

A. Beth Cumming, Trail Connections

Ms. Cumming presented a request to the commission to build trail connections and include these in the 2015 Budget Request. Following is a summary of her request and reasons:

- Connecting Bartlett and Hohe using a dedicated but undeveloped street right of way on Danview
- connect Lee Street and Pioneer Avenue using a dedicated but partly undeveloped street right of way of Shelford
- Both connections would be Level 1 Trails
- use HART funding for construction
- Both connections could be completed in minimal time frames
- These connections would allow pedestrians to bypass busy streets such as Bartlett and Main
- would offer a way to travel by foot to businesses on Pioneer Avenue

There was a brief discussion regarding motion for the request and determination of the amount to request could be done under Pending Business. Staff has provided a map in the memorandum that will be addressed under pending business.

RECONSIDERATION

There were no items for reconsideration.

ADOPTION OF THE CONSENT AGENDA

A. Minutes for the regular meeting of August 21, 2014

Chair Steffy requested a motion for adoption of the consent agenda.

LILLIBRIDGE/LOWNEY - MOVED TO ADOPT THE CONSENT AGENDA.

There was no discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

STAFF & COUNCIL REPORTS/COMMITTEE REPORTS/BOROUGH REPORTS

A. Staff Report - Julie Engebretsen, Deputy City Planner

Ms. Engebretsen stated that Ms. Marianne Aplin, manager of Islands & Ocean Visitor center has requested to be a visitor for the next meeting regarding Bishop's Beach, habitat restoration and a bit about what has been commented on tonight. She wanted to give the commission a heads up so it is not a surprise. Problems at Bishop's Beach will be brought up during the City Manager's Report at the Council meeting on Monday.

Moving forward with the PARC Needs Assessment, she will email Commissioner Lowney with some facts to report to Council. They are working on the survey and some advertising and have targeted the week of October 6th they will go live. A public meeting has been scheduled for November 13th at Islands and Ocean Visitor Center, no time has been designated yet for the event but it will be in the evening hours.

Commissioner Lowney inquired about incentives and Ms. Engebretsen commented that is later on the agenda under new business.

B. Parks Maintenance - Angie Otteson

Ms. Otteson was not in attendance.

C. Community Recreation - Mike Illg

Mr. Illg was unable to attend in person. He contacted the Clerk via email and has recommended the commission schedule a "Recreation Walk Through" for a Monday night.

PUBLIC HEARING

There were no items scheduled for this meeting.

PENDING BUSINESS

A. Budget 2015

Chair Steffy read over the approved budget requests. Ms. Engebretsen explained the new request for the trails and that they will need to make a motion.

Discussion ensued and covered the following points:

- funding sources
- Safety Issues with proximity to Kharacters and no lighting
- Current use of trails by the community
- Removal of an existing fence across Shelford from current project
- Improved safety to pedestrians along Bartlett and Main streets

Chair Steffy requested a motion to add Shelford Trail and Danview Trail connections.

MACCAMPBELL/LOWNEY - MOVED TO APPROVE THE SHELFORD AND DANVIEW TRAIL CONNECTIONS AND ADD TO THE 2015 BUDGET REQUEST

There was a brief discussion.

VOTE. YES. LOWNEY, MACCAMPBELL, ARCHIBALD, BRANN, LILLIBRIDGE, STEFFY

Motion carried.

Student Commissioner Ochoa voted in favor of the action.

NEW BUSINESS

A. Donation from Bunnell Street Art Center of a Loon Sculpture Created by Rachelle Dowdy for Bishop's Beach Park

Chair Steffy brought the item to the floor and asked for comments or concerns from the commission.

Commissioner Archibald commented on the sculpture noting his previous concerns and seeing it completed has changed his opinion somewhat but that he favored support for the sculpture being placed in the park.

Commissioner MacCampbell concurred.

Chair Steffy requested a motion to approve the placement of the sculpture in Bishop's Beach Park.

MACCAMPBELL/LOWNEY - SO MOVED.

Commissioner Archibald asked for a report from Carey Meyer, Public Works Director/City Engineer on his findings regarding soil conditions in the preferred locations within the park. Mr. Meyer stated that there were two test holes dug. He followed with the conditions found at each hole. The first one was unsuitable due to water. He expressed confidence that they will be able to construct a foundation that will disperse the load on the fill in the preferred area.

Commissioner Lillibridge showing an aerial view of the area requested Mr. Meyer to indicate where he is recommending the installation. Commissioner MacCampbell opined that the farther away from the parking lot the better commenting that vandals typically want access to a quick get-a-way. Commissioner Lowney reported that she has re-visited the Anchorage museum to view previous works of art from the artist and supported the location recommended by staff.

VOTE. YES. BRANN, ARCHIBALD, LILLIBRIDGE, STEFFY, MACCAMPBELL, LOWNEY

Motion carried.

Student Commissioner Ochoa voted in favor of the action.

B. Establishing a Fall Park/Recreation Walk through Date & Time

Chair Steffy introduced the item for discussion recommending the commission select a Monday at Mr. Illg's recommendation. Suggestions by the commissioners were the following Mondays: October 6th, 13th, and 20th.

It was agreed by consensus of the commission to schedule a recreation walk through for Monday, October 20th since the majority of the commission will be available. Commissioner MacCampbell will be out of town after the 11th but Commissioner Brann will be arriving in town that day however he could not commit his attendance.

Staff will contact Mr. Illg to confirm the best time and starting location for the visits.

C. Elections

Chair Steffy introduced the item and there was a brief commentary from several commissioners on the necessity to hold elections. Staff provided direction.

LOWNEY/LILLIBRIDGE - MOVED TO KEEP COMMISSIONER STEFFY AS CHAIR AND COMMISSIONER BRANN AS VICE CHAIR.

There was a brief discussion and compliments on the efforts of Commissioner Steffy and Brann.

VOTE. YES. LILLIBRIDGE, ARCHIBALD, MACCAMPBELL, LOWNEY, STEFFY, AND BRANN

Motion carried.

Student commissioner Ochoa voted in favor of the action.

D. Establishing a Karen Hornaday Park Fall Clean up Date & Time

Chair Steffy introduced the item to the floor for discussion and requested clarification from the Clerk on clean up. Ms. Krause explained that a year or two ago the commission established the annual fall cleanup for the park to "put it to bed for the winter."

Chair Steffy called for recommendations.

After a brief discussion on availability the commission agreed with Saturday, October 11, 2014 at 10:30 a.m. until 2:00 p.m. Staff will contact Angie Otteson to determine what the volunteers should plan to focus their energy on at the park.

Commissioner MacCampbell offered Angie the use of trailers and 4 wheelers if needed to contact him at her convenience.

E. Budget 2014: Discussion on Expenditures for the Remaining Balance of Commission Funds

Chair Steffy read the title into the record and inquired what the fund balance was at this time. Ms. Engebretsen stated that it was \$1634.

LOWNEY/ARCHIBALD - MOVED THAT AN AMOUNT NOT TO EXCEED \$800 BE EXPENDED FROM THE COMMISSION FUNDS TO PURCHASE DOOR PRIZES AND INCENTIVES FOR PUBLIC PARTICIPATION REGARDING THE NEEDS ASSESSMENT.

There was a brief discussion regarding funding for advertising in the paper, on the radio and postcards.

VOTE: YES. BRANN, STEFFY, LILLIBRIDGE, MACCAMPPELL, ARCHIBALD, LOWNEY

Motion carried.

Student Commissioner Ochoa voted in favor of the commission action.

The commissioners discussed additional expenditures they would like see for the remainder of the year as follows:

- Thank yous to volunteers - City has note cards that are suitable - No expenditure needed.
 - Need listing of names and organization but this can be on the October agenda
- Signage for parks as recommended from staff
 - Coal Point has a new sign
 - Which parks are in high need of signage
 - would like to do two signs if possible
 - Staff will contact Angie Otteson and have further information for the October meeting
- Interpretive signage at Coal Point Park
 - Staff will contact Carey Meyer regarding budget allowances from Spit Trail project and other sources of funding
- Providing Lunch to volunteers and staff at the park clean-up day

ARCHIBALD/LILLIBRIDGE - MOVED TO APPROVE EXPENDING UP TO \$150 AT SUBWAY FOR SANDWICH PLATTERS FOR THE FALL PARK CLEAN-UP ON OCTOBER 11, 2014

There was a brief discussion on the expenditure for sandwiches over pizza.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

INFORMATIONAL MATERIALS

A. Commission Annual Calendar

Chair Steffy noted that they have scheduled the KHP fall clean up, they will be approving the annual meeting schedule for 2015 and will be finalizing the thank yous at the next meeting.

B. Commissioner Attendance Schedule at Council Meeting

There was a brief discussion on commissioner attendance at council meetings for the remainder of the year.

Commissioner Lowney will attend Monday, September 22nd
Commissioner Steffy will attend Monday October 13th
Commissioner Archibald will attend Monday October 27th

Commissioner Lillibridge will attend Monday November 24th
Commissioner MacCampbell will attend Monday December 8th

Commissioner Lillibridge left the meeting at 7:15 p.m. after she made her comments for the record.

COMMENTS OF THE AUDIENCE

Ms. Person commented on the proximity of the trail to Kharacters and the benefits to getting people off of Main Street.

Beth Cumming, commented on the purpose for creating the two short connective paths. She described the connection of trails from Reber Trail to Pioneer Avenue and then to the library and the banks.

Tom Zitzman thanked the commission for serving and commented on the vandalism potential and related the terrible problems that are experienced from trash, loud parties and trespassers. He described that they endure each night from loud noise from parties to discharging of firearms. Today the characters that are enjoying the beach are such that the residents are too afraid to approach them. He has been told that he would have to press charges. He asked for the commissions help in dealing with this problem. He wants intervention and he hopes that something can be done to help with this matter. Thank you. Mr. Zitzman also commented on the signage he has installed and was taken down by those trespassers in response to Commissioners Lowney and MacCampbell statements/responses about posting signage and whose responsibility it would be regarding private beach property.

Chair Steffy asked for the Clerk to invite the Chief or his representative since he doesn't want to attempt to address these issues without some guidance. Commissioner MacCampbell commented in favor of the discussion also. Commissioner Lowney brought up the issue of access trails and do they want to create more spaces like this and if they do what are they going to do to stop this from happening in other areas.

Ms. Engebretsen commented that the commission can work on this issue all winter long and she believed that there are multiple places within City Code that this needs to be addressed. There is an element that is being pushed out of town center and they are going to places like the area by the airport and Bishop's Beach and also the Spit.

There was additional comments and discussion on the problems of vagrants and vandals, neighborhood watches, alternatives to putting up a gate, curfews, inviting neighbors to attend the next meeting or waiting to speak with the Chief and Administration. Staff advised waiting to discuss this before sending out an official invitation but of course the community can attend the meetings at any time.

COMMENTS OF THE CITY STAFF

Ms. Krause reminded the commissioners about the Volunteer Appreciation Party on Thursday September 25, 2014 6-8:00 p.m. and to please RSVP to Melissa or even to her.

Ms. Engebretsen had no additional comments.

COMMENTS OF THE COUNCILMEMBER *(If one is present)*

There were no council members present.

COMMENTS OF THE COMMISSION

Commissioner Lillibridge requested adding to the October agenda Bishop's Beach Park regarding implementing changes to park regulations. She went on to provide a detailed incident involving an abandoned and trashed truck that was left in the parking lot. She added that something can be done. She called and reported this to the police and the truck was gone the next day. She understood the feeling of being afraid she has been in the same situation. They have to discuss this and approach the different parameters of the situation and involve the public in the discussion too. They can make

change happen. It is unbelievable that there are people who think they do not have to follow the rules and there are many who carry weapons.

Commissioner Archibald would like to invite Chief Robl to see what the commission can do to assist them do their jobs better down there. He thanked the audience for coming and commented on Loon and after much review and comment he now believes he is kind of cool. Good job tonight.

Commissioner Lowney encouraged the community to participate and comment on what they think will fix the situation before the next meeting. She requested for the October or the following agenda a discussion on the proposed roads through Town Center. She believed they as a commission should speak on that issue. Commissioner Lowney also stated that the Open House for the Needs Assessment should be on the Events Calendar too.

Commissioner MacCampbell agreed with speaking with the Chief to find out what the regulations are and how they can effectively address the situation. It has been his experience that if you create a law there will be lawbreakers. He also stated that if you put up a gate it will only get torn down, so they need to find out what is happening a determine the best route to solving the problems. He appreciates everything that folks are doing and welcomed Pedro to the table.

Student commissioner Ochoa commented on the sculpture and thinks people will like it. It definitely caught his eye.

Commissioner Brann thanked the audience and believes it is important that the public let the commission know what is going on in the community. He also would like to see on the agenda the expansion of the parking lot on the spit in the grassy area next to Boardwalk Fish & Chips. He would hate to see the last bit of grassy area paved over and quoted a refrain from a popular song. Commissioner Brann also wanted to let folks know that while most Alaskans don't care how they do it down in the Lower 48, where he is at in California they are dealing with the same issues. He is enjoying some really nice trails and paved walk ways too.

COMMENTS OF THE CHAIR

Chair Steffy agreed that the discussion on the Bishop's Beach will be a long one but necessary and agreed also with Commissioner Archibald that they need to review what are the existing rules and boundaries. Then figure out how to best fix or enforce them. He thanked everyone for attending the meeting and providing the comments and suggestions.

ADJOURNMENT

There being no further business to come before the Commission, Chair Steffy adjourned the meeting at 7:38 p.m. The next **REGULAR MEETING IS SCHEDULED FOR THURSDAY OCTOBER 16, 2014** at 5:30 p.m. at City Hall Cowles Council Chambers 491 E. Pioneer Avenue, Homer, Alaska.

Renee Krause, CMC, Deputy City Clerk I

Approved: _____



City of Homer

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Memorandum

TO: COUNCIL'S ADVISORY BODIES
FROM: JO JOHNSON, MMC, CITY CLERK
DATE: SEPTEMBER 29, 2014
SUBJECT: 2015 MEETING SCHEDULE

Please review the 2015 meeting schedule for your Advisory Body and approve with or without amendments. The draft resolution includes the entire 2015 meeting schedule. The resolution will be presented to Council on December 8, 2014 for adoption.

A memo or excerpt from the meeting minutes noting the action by your advisory body is requested. Please return this to the City Clerk by December 2, 2014.

Thank you!

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

City Clerk

3
4 **RESOLUTION 14-XXX**

5
6 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
7 ESTABLISHING THE 2015 REGULAR MEETING SCHEDULE FOR
8 THE CITY COUNCIL, ECONOMIC DEVELOPMENT ADVISORY
9 COMMISSION, LIBRARY ADVISORY BOARD, PARKS AND
10 RECREATION ADVISORY COMMISSION, ADVISORY PLANNING
11 COMMISSION, PORT AND HARBOR ADVISORY COMMISSION,
12 PERMANENT FUND COMMITTEE, AND PUBLIC ARTS COMMITTEE.
13

14 WHEREAS, Pursuant to Homer City Code Section 1.14.020, the City Council annually
15 sets the schedule for regular and some special meetings, noting the dates, times and places
16 of the City Council, Advisory Commissions, and the Library Advisory Board meetings; and
17

18 WHEREAS, The public is informed of such meetings through the kiosks located at
19 Captain's Coffee, Harbormaster's Office, Redden Marine Services of Homer, and the City
20 Clerk's Office, Clerk's Calendar on KBBI, the City Clerk's Home Page on the Internet, and
21 postings at the Clerk's Office at City Hall, and the Public Library; and
22

23 WHEREAS, HCC 1.14.020 - 040 states that meetings may be advertised in a local paper
24 of general circulation at least three days before the date of the meeting and that special
25 meetings should be advertised in the same manner or may be broadcast by local radio at
26 least twice a day for three consecutive days or two consecutive days before the day of the
27 meeting plus the day of the meeting; and
28

29 WHEREAS, HCC 1.14.010 notes that the notice of meetings applies to the City Council
30 and all commissions, boards, committees, subcommittees, task forces and any sub-unit of
31 the foregoing public bodies of the City, whether meeting in a formal or informal meeting; that
32 the failure to give the notice provided for under this chapter does not invalidate or otherwise
33 affect any action or decision of a public body of the City; however, this sentence does not
34 change the consequences of failing to give the minimum notice required under State Statute;
35 that notice will ordinarily be given by the City Clerk; and that the presiding officer or the
36 person or persons calling a meeting are responsible for notifying the City Clerk of meetings in
37 sufficient time for the Clerk to publish notice in a newspaper of general circulation in the City;
38 and
39

40 WHEREAS, This Resolution does not preclude additional meetings such as emergency
41 meetings, special meetings, worksessions, and the like; and
42

43 WHEREAS, Council adopted Resolution 06-144 on October 9, 2006 establishing the
 44 Regular Meeting site for all bodies to be the City Hall Cowles Council Chambers.
 45

46 NOW, THEREFORE, BE IT RESOLVED by the Homer City Council, that the 2015 meeting
 47 schedule is established for the City Council, Economic Development Advisory Commission,
 48 Library Advisory Board, Parks and Recreation Advisory Commission, Advisory Planning
 49 Commission, Port and Harbor Advisory Commission, Permanent Fund Committee, and Public
 50 Arts Committee of the City of Homer, Alaska, as follows:
 51

52 Holidays - City Offices closed:

January 1*, New Year's Day, Thursday	February 16*, Presidents' Day, the third Monday	March 31*, Seward's Day, last Monday	May 25*, Memorial Day, last Monday	July 3*, Independence Day, Friday	September 7*, Labor Day, first Monday
October 19*, Alaska Day, Monday	November 11*, Veterans Day, Wednesday	November 26* Thanksgiving Day, Thursday	November 27*, Friday, the day after Thanksgiving	December 25*, Christmas, Friday	

53
 54 *Indicates holidays - City offices closed.
 55 **If on a Sunday, the following Monday is observed as the legal holiday; if on a Saturday, the
 56 preceding Friday is observed as the legal holiday pursuant to the City of Homer Personnel
 57 Rules and Regulations.
 58

59 CITY COUNCIL (CC)

January 12, 26	February 9, 23	March 9, 23	April 14, 28	May 11, 26*	June 8, 22
July 13**, 27	August 10, 24	September 14, 28	October 6 Election	October 12, 26, for Oath of Office 20*	Canvass Board October 9 or 12
November 3 Run- Off Election	November 9**, 23	December 14****	December 21**** if needed		

60
 61 City Council's Regular Committee of the Whole Meetings at 5:00 p.m. to no later than 5:50
 62 p.m. prior to every Regular Meeting which are held the second and fourth Monday of each
 63 month at 6:00 p.m. ***The City Council traditionally reschedules regular meetings that fall on
 64 holidays or High School Graduation days, for the following Tuesday. Council will not conduct
 65 a First Regular Meeting in July.
 66

67 AML Annual Conference Week is tentatively scheduled for November 16 – 20, 2015.

68 *Tuesday meeting due to Memorial Day/Alaska Day.

69 **There will be no First Regular Meeting in July or November.

70 **** The City Council traditionally cancels the last regular meeting in December and holds the
 71 first regular meeting and one to two Special Meetings as needed. Generally the second
 72 Special Meeting the third week of December, will not be held.

73

74 ECONOMIC DEVELOPMENT ADVISORY COMMISSION (EDC)

January 13	February 10	March 10	April 14	May 12	June 9
July 14	August 11	September 8	October 13	November 10	December 8

75

76 Economic Development Advisory Commission Regular Meetings are held on the second
 77 Tuesday of each Month at 6:00 p.m.

78

79 LIBRARY ADVISORY BOARD (LAB)

	February 3	March 3		May 5	June 2
July 7		September 1	October 6		December 1

80

81 Library Advisory Board Regular Meetings are held on the first Tuesday of each month at 5:00
 82 p.m.

83

84 PARKS AND RECREATION ADVISORY COMMISSION (P/R)

	February 19	March 19	April 16	
May 21	June 18		August 20	
September 17	October 15	November 19		

85

86 Parks and Recreation Advisory Commission Regular Meetings are held on the third Thursday
 87 of each month at 5:30 p.m. with the exception of January, July, and December.

88

89 PLANNING COMMISSION (P/C)

January 7, 21	February 4, 18	March 4, 18	April 1, 15	May 6, 20	June 3, 17
July 15**	August 5, 19	September 2, 16	October 7, 21	November 4**	December 2**

90

91 Advisory Planning Commission Regular Meetings are held on the first and third Wednesday of
 92 each month at 6:30 p.m. **There will be no First Regular Meeting in July or Second Regular
 93 Meetings in November and December.

94

95

96

97 PORT AND HARBOR ADVISORY COMMISSION (P/H)

January 28	February 25	March 25	April 22	May 27	June 24
July 22	August 26	September 23	October 28	November 18	December 16

98

99 Port and Harbor Advisory Commission Regular Meetings are held on the fourth Wednesday of
100 each month at 5:00 p.m., with the exception of May, June, July and August meetings that are
101 held at 6:00 p.m. The Regular Meetings in the months of November and December are
102 traditionally scheduled for the third Wednesday of the month.

103

104 PERMANENT FUND COMMITTEE (PFC)

February 12	May 14	August 13	November 12
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105

106 Permanent Fund Committee Regular Meetings are held quarterly on the second Thursday of
107 the months of February, May, August, and November at 5:15 p.m.

108

109 PUBLIC ARTS COMMITTEE (PAC)

February 12	May 14	August 13	November 12
-------------	--------	-----------	-------------

110

111 Public Arts Committee Regular Meetings are held quarterly on the second Thursday of the
112 months of February, May, August, and November at 5:00 p.m.

113

114 PASSED AND ADOPTED by the Homer City Council this 8th day of December, 2014.

115

116 CITY OF HOMER

117

118

119

120 MARY E. WYTHER, MAYOR

121 ATTEST:

122

123

124

125 JO JOHNSON, MMC, CITY CLERK

126

127 Fiscal Impact: Advertizing of meetings in regular weekly meeting ad and advertising of any
128 additional meetings.



City of Homer

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Planning
491 East Pioneer Avenue
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Planning@ci.homer.ak.us
(p) 907-235-3106
(f) 907-235-3118

To: Parks and Recreation Advisory Commission
From: Julie Engebretsen, Planning Technician
Date: October 10, 2014

October Staff Report

Staff Activities

Safe Routes to School

I have been busy working on a Safe Routes to School grant. The project would begin after the first of the year, and involves a written plan to increase the safety and number of K-8 students that walk or bike to school. Council approved a resolution to request \$15,000 in funding for the project on September 22nd.

Needs Assessment

Myself and Travis (planning clerk) have been working on the launch of the Park, Art Recreation and Culture Needs Assessment. The project website is up, and the community survey is open. You can find information on the City of Homer Parks and Recreation website. Please take a moment to take the survey! Paper copies are also available at a few places in town, including City Hall. There is a community meeting scheduled for November 13th, at Islands and Oceans, where the preliminary results of the community survey will be discussed.

If you are attending the Les Mis production at the High School, please take a few minutes to help distribute postcards about the needs assessment after the show. Extra post cards can be found on the Community Rec office door in the commons.

The draft 2015 budget will be released at Monday's Council meeting. I will provide an update at your meeting on Thursday.



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Memorandum

TO: PARKS AND RECREATION ADVISORY COMMISSION
FROM: RENEE KRAUSE, DEPUTY CITY CLERK
DATE: OCTOBER 10, 2014
SUBJECT: DISCUSSION ON LISTS OF THANK YOUS TO ORGANIZATIONS, VOLUNTEERS
AND ADDITIOANL PERSONS

Commissioner Lowney requested this item on the agenda at the last regular meeting. She requested each commissioner to bring in a list of names they would like recognized.



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Memorandum

TO: PARKS AND RECREATION ADVISORY COMMISSION
FROM: COMMISSIONER ROGER MACCAMPBELL
THRU: RENEE KRAUSE, CMC, DEPUTY CITY CLERK
DATE: OCTOBER 10, 2014
SUBJECT: ABANDONED PERSONAL PROPERTY ON CITY OWNED PROPERTY OR WITHIN CITY LIMITS

I can hopefully write a bit better off my office computer rather than iphone.

When I called Homer Police Department (HPD) about the junk- abandoned car at the Spit trailhead, intersection of Kachemak Drive and Spit Road, the dispatcher advised me that they were in the process of having it removed, but by city code the process took 30 days to remove vehicles or abandoned property from city property. The little black sports car has been there far longer than thirty days, and it is falling apart or getting worse in appearance.

There was also a mountain bike locked to a sign post on the corner for over a month this year; grass grew up through the chain and spokes. I called HPD about it, and was tempted to cut lock myself and take to HPD. Glad I didn't, it eventually went away, but I don't know if it was impounded or the owner finally showed up. Seems like a stupid place to lock your bike and leave for weeks.

I know over the years I have observed what appears to me to be campers left on the beach campgrounds.

I think that needs to change, at least for city parks, trailhead parking lots and campgrounds. These areas should not have junk or abandoned vehicles, tents, equipment or personal items left there for more than two or three days.

Maybe staff can ask Angie if she has a problem with equipment being left or abandoned campers. I have observed such on the Spit, doubt if much is left at Karen Hornaday, although the other day I drove through and picked up a bunch of trash, old boots, etc.

This may not be much of a problem, but it seems to me that park staff and commissioners should be able to notify HPD of what appears to be abandoned property, as well as HPD officers on patrol. A little investigation would determine if abandoned.

In campgrounds where a fee is required, and no payment has been made for a couple of days, the camper/vehicle tent should be impounded. These are valuable camping sites in crowded high demand areas and we should not allow people to just leave their stuff, not without payment and making arrangements with the Park Host or city/park staff.

State Parks has problems with this frequently. Here is our regulation and how we deal with it:

- Generally an officer makes a note or a host and we keep an eye on the camp or vehicle. We stick notes on doors or tape across doors, key holes, etc., so that upon follow up we can determine if anyone has been in the camper or tent.
- We run the license plate, get the phone number of the registered owner and attempt calling them. We investigate; takes ten minutes at most or maybe more if over a few days.
- We check for payment of fees if any, for developed campgrounds and with our hosts. Often times this is because people are trying to 'reserve' a site. They may in fact camp for a couple of days, then leave for several. When the campground is full, this is unfair to others desiring to camp. It is also not uncommon for us to find abandoned vehicles left in parks, even abandoned camps. I have one now up along the Anchor River that I need to impound, but just have not had the time and staff to gather all the junk (pick up load).

I don't know if these regulations are needed for the city or not. I do believe that having junk, abandoned vehicles in our special places, including trail head parking lots such as on the spit, are an eyesore and an embarrassment to the city (or should be) for our visitors and guests, let alone the citizens.

I would suggest, if possible similar city codes be drafted, that would apply to city parks, trailheads and other public use areas.

11 AAC 12.220 Unattended camps and equipment

(a) Within a developed campground a person may not leave a campsite unoccupied the first night after camping equipment is set up or a vehicle is parked in the campsite, or on each subsequent night, unless advance arrangements have been made with a state park officer. Camping equipment or a vehicle left unattended for a period of 48 hours at a campsite may be impounded unless advance arrangements have been made with a state park officer.

(b) A person may not leave camping equipment or a vehicle in an undeveloped areas of a state park for more than 72 hours unless the person is primarily engaged in recreation activities on a daily basis in the state park in which the camping equipment or vehicle is located or on public land adjacent to the state park. Unless advance arrangements are made with a state park officer, camping equipment or a vehicle left in a state park in an undeveloped area for more than 72 hours may be impounded by a state park officer if the officer determines the owner is not engaged in recreational activities in a state park or on public lands adjacent to the state park.

Recommendation:

Request Administration review the situations represented and address as needed. Suggest Staff do further research in possible updates to city code and bring back to a later meeting.

(19 hits)

Chapter 18.20 ABANDONED AND JUNK VEHICLES

Sections:

- 18.20.010 Definitions.
- 18.20.015 Storing, parking or leaving abandoned or junked vehicles prohibited and declared nuisance – Exceptions.
- 18.20.020 Responsibility for removal.
- 18.20.025 Notice to remove – Notice procedure.
- 18.20.030 Content of notice to remove.
- 18.20.035 Procedure for hearing.
- 18.20.040 Removal of vehicle.
- 18.20.045 Notice of removal.
- 18.20.050 Vesting of title.
- 18.20.055 Redemption of impounded vehicles.
- 18.20.060 Disposition of vehicles.
- 18.20.065 Public auction.
- 18.20.070 Liability for removal.
- 18.20.075 Lien for expense of removal.
- 18.20.080 Waiver of claims for damages.
- 18.20.085 Other impound provisions.
- 18.20.090 Penalty.

18.20.010 Definitions.

For the purposes of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

"Abandoned vehicle" is any vehicle, as defined by this section, that has been discarded, left unattended, standing or parked in a public right-of-way upon or within 10 feet of the traveled portion of a highway or street, in excess of 48 hours; or that has been discarded, left unattended, standing or parked upon private property without the consent of the owner or person in charge of the property in excess of 24 hours; or that has been discarded, left unattended, standing or parked upon public property without the consent of the person in charge of the property for more than 30 days.

"Junked vehicle" is any vehicle, as defined by this section, that does not have lawfully affixed thereto an unexpired license plate or plates or registration decal, if required by law for operation, and the condition of which is wrecked, dismantled, partially dismantled or inoperative, whether abandoned or not.

"Private property" shall mean any real property within the City that is privately owned and is not public property as defined in this section.

"Public property" shall mean any street or highway, which shall include the entire width between the

boundary lines of every way publicly maintained for the purposes of vehicular travel, and shall also mean any other publicly owned property or facility.

"Vehicle" is any vehicle which is self-propelled and designed to travel along the ground and shall include, but not be limited to, automobiles, buses, motor-bikes, motorcycles, motor scooters, trucks, tractors, go-carts, golf carts, and all-terrain vehicles. [Ord. 13-17(S) § 22, 2013; Ord. 95-14, 1995; Ord. 88-7, 1988; Ord. 85-41, 1985].

18.20.015 Storing, parking or leaving abandoned or junked vehicles prohibited and declared nuisance – Exceptions.

a. No person shall park, store, leave, or permit the parking, storing or leaving of any abandoned vehicle upon any public or private property within the City for any period of time in excess of periods specified in HCC 18.20.010. The presence of an abandoned vehicle, or parts thereof, on private or public property is hereby declared a public nuisance which may be abated as such in accordance with the provisions of this chapter.

b. No person shall park, store, leave, or permit the parking, storing or leaving of any junked vehicle upon any public or private property within the City for a period of time in excess of 72 hours. The presence of a junked vehicle, or parts thereof, on private or public property is hereby declared a public nuisance which may be abated as such in accordance with the provisions of this chapter.

c. This section shall not apply to any vehicle (1) enclosed within in a building on private property, (2) enclosed within a fence that prevents the vehicle from being seen from neighboring properties and public streets or highways, or (3) held in connection with a business enterprise, conducted and licensed in accordance with any applicable laws and regulations and properly operated in the appropriate business zone, pursuant to the zoning laws of the City when the keeping of such vehicle is necessary to the conduct of such business enterprise. [Ord. 95-14, 1995].

18.20.020 Responsibility for removal.

Upon proper notice and opportunity to be heard, the owner of the abandoned or junked vehicle and the owner or occupant of the private property on which the same is located, or any or all of them, shall be responsible for its removal. [Ord. 95-14, 1995; Ord. 85-41].

18.20.025 Notice to remove – Notice procedure.

a. Unless immediate action in removing an abandoned or junked vehicle is necessary for the protection of the health, safety or welfare of the public, a written notice to remove as prescribed in HCC 18.20.030 shall be served upon any owner and lienholder of record and any person known to be lawfully entitled to possession of the abandoned or junked vehicle, and upon the owner and occupant of the land where the vehicle is located, before the vehicle may be removed by the City as specified in this chapter. If immediate action is required under this section and an opportunity for a hearing cannot be afforded prior to removal of the vehicle, the vehicle may be removed pursuant to HCC 18.20.040 and a written notice of removal shall be given as prescribed in HCC 18.20.045.

b. The Chief of Police or his designee shall give notice to remove to any owner and lienholder of record and any person known to be lawfully entitled to possession of the vehicle, and to the owner or occupant of the private property where the vehicle is located, at least 10 days before the time of removal. Notice

shall be given either by personal delivery or by registered or certified mail, return receipt requested, to any owner and lienholder of record and any person known to be lawfully entitled to possession of the vehicle, and to the owner or occupant of the private property at his last known address. If the name and address of the owner and lienholder of the vehicle cannot be ascertained it shall constitute sufficient notice when a copy of same is affixed to the vehicle and duplicate copies are served either personally or by certified or registered mail, return receipt requested, on the owner or occupant of the private property on which the vehicle is located.

c. The giving of notice by mail is considered complete upon return of the receipt or upon return of the notice as undeliverable, refused or unclaimed. Proof of the giving of notice in either manner may be made by the affidavit of the person giving the notice by personal delivery or by mail, naming the person to whom notice was given and specifying the time, place and manner of giving the notice. [Ord. 95-14, 1995].

18.20.030 Content of notice to remove.

The notice to remove shall state the grounds for removal and contain a request for removal within 10 days after service of the notice. The notice shall advise that upon failure to comply with the notice to remove, the City or its designee shall undertake such removal with cost of removal to be levied against the owner of the abandoned or junked vehicle and the owner or occupant of the private property on which the same is located, either or all of them. The notice shall inform the person to be notified that he may request a hearing before the City Council or its designee within 10 days after service of the notice in order to contest the grounds for removal. [Ord. 95-14, 1995; Ord. 85-41, 1985].

18.20.035 Procedure for hearing.

The City Council or its designee shall hold a hearing not more than 10 days after a timely request for the hearing. At any such hearing the City and the persons to whom the notices have been directed may introduce such witnesses and evidence as either party deems necessary. Formal rules of evidence will not apply. If there is no timely request for a hearing, the hearing is deemed waived. [Ord. 95-14, 1995].

18.20.040 Removal of vehicle.

If immediate action in removing an abandoned or junked vehicle is necessary for the protection of the health, safety or welfare of the public, or if the violation described in the notice to remove has not been remedied within 10 days after service of notice, or in the event that a hearing is timely requested, a hearing is had, and the existence of the violation is affirmed by the City Council or its designee, the Chief of Police or his designee is authorized to remove or have removed to a place for storage any abandoned or junked vehicle which reasonably appears to be in violation of this chapter. Such vehicle shall be impounded until lawfully claimed or disposed of in accordance with this chapter. It shall be unlawful for any person to interfere with, hinder, or refuse to allow such person or persons to enter upon private property for the purpose of removing a vehicle under the provisions of this chapter. [Ord. 95-14, 1995; Ord. 85-41, 1985].

18.20.045 Notice of removal.

Within 48 hours of the removal of such vehicle, the Chief of Police shall give a written notice of removal to the registered owner and lienholder of record of the vehicle, if known, and also to the owner or occupant of the private property from which the vehicle was removed, that said vehicle has been

impounded and stored for violation of this chapter. The notice shall give the location of where the vehicle is stored, state the costs incurred by the City for removal, and advise that such vehicle shall be disposed of if unclaimed within 30 days after notice of removal is given. The notice of removal shall be given in the manner prescribed in HCC 18.20.025(b). If abandoned or junked vehicle is not registered in the State, or if the name and address of the owner and lienholder cannot be ascertained, notice of removal shall be published four times during four consecutive calendar weeks, once in each week, in a newspaper of general circulation within the City. [Ord. 95-14, 1995].

18.20.050 Vesting of title.

Title to an impounded vehicle not reclaimed by the registered owner, a lienholder or other person entitled to possession within 30 days from the notice of removal vests with the City. [Ord. 95-14, 1995; Ord. 85-41, 1985].

18.20.055 Redemption of impounded vehicles.

The owner of any vehicle removed under the provisions of this chapter may redeem such vehicle at any time after its removal but prior to the sale or destruction thereof upon proof of ownership and payment to the City of such sum as the City Manager may determine and fix for the actual and reasonable expense of removal and storage, including any notice, advertising and sale expenses. The City Council may, by resolution, fix a daily fee for storage of vehicles in a City facility. [Ord. 95-14, 1995].

18.20.060 Disposition of vehicles.

- a. Within 10 days after removal of a vehicle under this chapter, the Chief of Police shall make a reasonable good-faith estimate of the value of such vehicle.
- b. If the Chief of Police determines that the vehicle is scrapped, dismantled or destroyed beyond repair, or if the Chief of Police determines that the vehicle no longer has significant value due to the age and condition of the vehicle, the Chief of Police shall execute an affidavit so attesting. Upon satisfaction of the notice requirements set forth in this chapter, the Chief of Police may summarily dispose of the vehicle by destruction at the expiration of the 30-day period required by HCC 18.20.045. The City shall designate appropriate areas within its jurisdiction for the disposal of abandoned or junked vehicles.
- c. If the vehicle reasonably appears to be valued at over \$150.00, the City Manager shall, upon expiration of the 30-day period required by HCC 18.20.045, give notice that the vehicle will be sold at public auction. The notice of public auction shall be given not less than 20 days before the date of the proposed sale and shall be accomplished by publication in a newspaper of general circulation within the area in which the vehicle was found. The notice of public auction shall describe the vehicle, including make, model, license or decal number and any other information that will accurately identify the vehicle, and specify the date, time and place of the sale. A copy of the notice of public auction shall be conveyed to the Department of Public Safety. [Ord. 95-14, 1995; Ord. 85-41, 1985].

18.20.065 Public auction.

A vehicle sold at public auction shall be sold to the highest and best bidder. At the time of payment of the purchase price, the City Manager or his designee shall execute a certificate of sale in duplicate, the original of which is to be given to the purchaser and the copy thereof to be filed with the City Clerk. The purchaser shall be solely responsible for complying with all necessary title and registration requirements

imposed by law, including compliance with 13 AAC 70.050. Should the sale for any reason be invalid, the City's liability shall be limited to the return of the purchase price. [Ord. 95-14, 1995].

18.20.070 Liability for removal.

In the event of removal and disposition by the City, the owner of the abandoned or junked vehicle and the owner or occupant of the private property on which the same is located, or any or all of them, shall be liable for the expenses incurred. The City may maintain a personal action against the owner of the vehicle, the owner or occupant of the property, or any or all of them for the amount of such expenses. [Ord. 95-14, 1995; Ord. 85-41, 1985].

18.20.075 Lien for expense of removal.

Upon the failure of the owner or occupant of property from which abandoned or junked vehicles have been removed by the City to pay the unrecovered expenses incurred by the City in such removal, a lien may be placed upon such property for the amount of such expenses. [Ord. 95-14, 1995].

18.20.080 Waiver of claims for damages.

An owner of abandoned or junked vehicle waives all claims for damage to the vehicle that may result from actions taken pursuant to this chapter. Such damage includes, but is not limited to, accidental damage or destruction occasioned by removal, transport, storage, and acts of third parties. [Ord. 95-14, 1995; Ord. 85-41, 1985].

18.20.085 Other impound provisions.

Nothing in this chapter shall be construed to limit the City's authority to impound vehicles for authorized reasons under other provisions of law. [Ord. 95-14, 1995].

18.20.090 Penalty.

Every act prohibited by this chapter is unlawful. Any person found guilty of violating any of the provisions of this chapter shall be punished under the general penalty provisions of this code. [Ord. 95-14, 1995; Ord. 85-41, 1985].

**The Homer City Code is current through Ordinance 14-45,
passed September 22, 2014.**

Disclaimer: The City Clerk's Office has the official version of the Homer City Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

(4 hits)

Chapter 18.24 DISPOSAL OF ABANDONED PROPERTY

Sections:

- 18.24.010 Disposable property.
- 18.24.020 Notice of disposition.
- 18.24.030 Disposition.
- 18.24.040 Auction sale.
- 18.24.050 Reimbursement.
- 18.24.060 Dangerous or perishable property.

Prior legislation: Ord. 75-14.

18.24.010 Disposable property.

a. Except as provided in subsection (b) of this section the following property in possession of the City may be disposed of as provided in this chapter:

1. Property abandoned and not claimed by the owner within 90 days after the date on which the City obtained possession of the property; or
2. Property found and delivered to the City where proof of ownership of the property by the person claiming the property is not established to the satisfaction of the City Manager or the City Manager's designee within 90 days after the City obtained possession of the property.

b. This chapter does not apply to the following property:

1. Vehicles that are subject to Chapter 18.20 HCC, which shall be disposed of in accordance with Chapter 18.20 HCC.
2. Property that is subject to the Uniform Unclaimed Property Act, AS 34.45.010 through 34.45.780, which shall be disposed of in accordance with AS 34.45.010 through 34.45.780.
3. Property that is in the custody of the Homer Police Department and subject to AS 12.36.010 through 12.36.090, which shall be disposed of in accordance with AS 12.36.010 through 12.36.090. [Ord. 95-15, 1995. Code 1967 § 5-900.1].

18.24.020 Notice of disposition.

The City shall publish in a newspaper of general circulation in the City once a week for two consecutive weeks a notice of disposition of the stolen, abandoned, or found property to be disposed of whose owner is unknown. The notice shall include:

- a. A general description of the property;
- b. The date of obtaining possession of the property;
- c. The provision that the unclaimed property is to be sold at public auction at the time, date and place

stated in the notice;

d. The provision that the unclaimed property, if money, will be paid into the City treasury for deposit to the general fund;

e. The provision that the property must be claimed by the owner within 30 days after the last date of publication of the notice;

f. The provision that the finder of any such property must request the City to return to the finder the found and unclaimed money or property within 30 days after the last date of publication of the notice and that the failure to make the request forfeits all of the finder's rights, title, interest and claim in and to any found property unclaimed by the owner. [Ord. 95-15, 1995. Code 1967 § 5-900.2].

18.24.030 Disposition.

If the property is unclaimed by the owner after the publication of the notice of disposition under HCC 18.24.020, and after written notice to the last known address, if any, of the owner, the property shall be disposed of as follows:

a. If the property is money, the City Manager shall deliver it to the City treasury, unless the money is claimed by the finder as provided in subsection (b) of this section.

b. Found property, including money, shall be returned to the finder if he has timely and properly requested such return as provided in HCC 18.24.020(f).

c. All other property not claimed or returned to the finder shall be sold by the City at the public auction sale to be held pursuant to the notice to be given under HCC 18.24.020(c). [Ord. 95-15, 1995. Code 1967 § 5-900.3].

18.24.040 Auction sale.

The City Manager or designee shall sell the property to be disposed of to the highest bidder at the public auction sale for cash or upon such terms as the City Manager shall determine. The auction sale may be continued by the auctioneer to another time or times. The City Manager or designee shall certify as to the disposal of any property and shall execute the bill of sale to the property sold. Upon acceptance of the highest bid, the sale shall be final and not subject to redemption. Any property unsold shall become the property of the City and may be disposed of by the City in any manner without further notice. [Ord. 95-15, 1995. Code 1967 § 5-900.4].

18.24.050 Reimbursement.

Before returning property to a finder or owner, or before delivering any money to the City treasury, the City Manager or designee shall require reimbursement by the person receiving the property or money delivered, of the costs, as determined by the City Manager or designee, of publication, sale, storage or towing or other costs attributable to the property or money delivered. [Ord. 95-15, 1995. Code 1967 § 5-900.5].

18.24.060 Dangerous or perishable property.

Any property in the possession of the City and determined by the City Manager or designee to be perishable or to constitute an immediate danger to the public health or safety may be disposed of

immediately by the City Manager or designee in any manner without notice. [Ord. 95-15, 1995. Code 1967 § 5-900.6].

The Homer City Code is current through Ordinance 14-45, passed September 22, 2014.

Disclaimer: The City Clerk's Office has the official version of the Homer City Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

Chapter 7.08 STOPPING OR PARKING

Sections:

- 7.08.010 Intent.
- 7.08.020 Stopping or parking – Where prohibited.
- 7.08.021 Starting parked vehicles.
- 7.08.030 Stopping or parking – Size limitation.
- 7.08.040 Stopping or parking – Time limitation.
- 7.08.045 Unauthorized use of parking reserved for persons with disabilities.
- 7.08.050 Vehicles subject to impound.
- 7.08.051 Impound procedure.
- 7.08.052 Impoundment hearing.
- 7.08.053 Form of demand for hearing – Hearing officer.
- 7.08.058 Removal of impoundment notice of impounded vehicle prohibited.
- 7.08.060 Citation.

7.08.010 Intent.

It is the intent of this chapter to regulate vehicular stopping or parking in certain areas where officially posted. [Ord. 80-17, 1980. Code 1967 § 12-700.1].

7.08.020 Stopping or parking – Where prohibited.

- a. A person may not stop or park a vehicle in a place or area where an official sign or traffic control device prohibits stopping or parking of a vehicle.
- b. No parking shall be permitted on a City arterial, as defined in HCC 21.03.040.
- c. A person may not park or stop a vehicle along or abutting a City arterial in such manner as to require egress by means of backing onto the arterial. [Ord. 13-17(S) § 13, 2013; Ord. 84-6 § 1, 1984; Ord. 80-17, 1980. Code 1967 § 12-700.2].

7.08.021 Starting parked vehicles.

A person may not move onto a roadway a vehicle which is stopped, standing or parked until the movement can be made with reasonable safety. [Ord. 99-7, 1999; Ord. 83-12 § 1, 1983].

7.08.030 Stopping or parking – Size limitation.

- a. A person may not stop or park a vehicle or a combination of vehicles in excess of 20 feet in length in those areas where a sign prohibits parking of vehicles or a combination of vehicles in excess of 20 feet.
- b. A person may not stop or park a vehicle or a combination of vehicles in excess of 40 feet in length in those areas where a sign prohibits parking of vehicles or a combination of vehicles in excess of 40 feet. [Ord. 80-17, 1980. Code 1967 § 12-700.3].

7.08.040 Stopping or parking – Time limitation.

Where an official sign specifies a maximum time a vehicle may be parked in a specified area, it shall be

unlawful to leave a vehicle parked in that area longer than the time specified. [Ord. 80-17, 1980. Code 1967 § 12-700.4].

7.08.045 Unauthorized use of parking reserved for persons with disabilities.

a. A person may not park a motor vehicle in a parking space reserved for a person with a disability, whether such parking space is on public or private property, unless:

1. The person operating the vehicle has a special permit issued by the State of Alaska under AS 28.10.495;
2. The person operating the vehicle has parked the vehicle for the purpose of transporting a person who has a special permit issued by the State of Alaska under AS 28.10.495 and the person who has the special permit actually exits or enters the vehicle;
3. The motor vehicle displays a special license plate issued to a person with a disability under AS 28.10.181(d) and is operated by or used for the purpose of transporting a person with a disability; or
4. The motor vehicle displays a special license plate or permit issued to persons with disabilities by another state, province, territory, or country and is operated by or used for the purpose of transporting a person with a disability.

b. Any police officer or parking enforcement officer may enforce this section within any public or private parking area by issuing a citation, or within any public parking area by causing the vehicle parked in violation of this section to be immediately removed as provided by HCC 7.08.050. Only a person who owns or controls a private parking area containing a parking space reserved for a person with a disability may cause the vehicle parked in violation of this section to be removed as provided in HCC 7.08.050.

c. For purposes of this section, a "parking space reserved for a person with a disability" is a parking space conspicuously signed as being reserved for vehicles displaying a special permit or special license plate described in subsection (a) of this section; provided, that such signs shall, as far as practicable, conform to the current edition of the Alaska Manual on Uniform Traffic Control Devices prepared by the Alaska Department of Transportation and Public Facilities. [Ord. 13-40 § 6, 2013; Ord. 91-14 § 1, 1991; Ord. 87-27(A), 1987].

7.08.050 Vehicles subject to impound.

A police officer or authorized peace officer as defined in AS 11.81.900(b)(44) may impound and remove a vehicle which is found to be in violation of the provisions of this chapter. The owner of record of an impounded vehicle is responsible for all costs incurred for impounding, removing and storing the vehicle. [Ord. 94-10(S) § 1, 1994; Ord. 80-17, 1980. Code 1967 § 12-700.5].

7.08.051 Impound procedure.

a. Unless otherwise provided, the procedure set forth in this section through HCC 7.08.053 shall apply whenever a motor vehicle is subject to impoundment (including booting) and removal pursuant to motor vehicle, traffic or parking codes or laws, including without limitation unlawful stopping, standing, or parking under any provisions of the City code or regulations adopted thereunder.

b. An impoundment is effective when a written order of impoundment is placed on a vehicle. An order of impoundment shall identify the vehicle, state the reasons for impoundment, and be dated and signed by a police officer or an authorized peace officer. An impounded vehicle may be immediately towed and removed to a safe place upon the order of a police officer or peace officer.

c. Upon impoundment, a notice of procedure options shall be placed on the vehicle, and within six hours a copy shall be personally delivered or placed in the U.S. mail addressed to the owner of the vehicle. The notice shall state substantially as follows:

ATTENTION: Your vehicle has been impounded by the City of Homer. As the owner of an impounded vehicle, you have the following options:

(A) You may recover possession of the vehicle by paying to the person having custody of the vehicle the towing and storage fees that may have accrued.

(B) If you take issue with the impoundment of your vehicle, you may:

(i) Recover possession of the vehicle by paying the towing and storage fees that have accrued to such person and claim a refund by filing a demand (on a form provided by the city) for an administrative hearing before a hearing officer as to whether there was a sufficient factual and legal basis for impounding your vehicle; or

(ii) Demand (on a form provided by the city) an administrative hearing before a hearing officer as to whether there was a sufficient factual and legal basis for impounding your vehicle.

To be entitled to such a hearing, your written demand must be filed with the City Clerk (a) within 5 workdays after you learned that your vehicle was impounded or was missing; or (b) within 15 workdays after the city mailed notice to the vehicle's registered owner that the vehicle had been impounded; whichever occurs first. If you fail to make a timely request for a hearing you will lose all right to challenge the sufficiency of the basis for impoundment.

If timely requested, the hearing must be held within 48 hours after the filing of your written demand, not including Saturdays, Sundays, and city holidays. A determination that there was an insufficient factual or legal basis for impounding your vehicle will require the release of the vehicle to you without your having to pay the towing and storage fees, or will entitle you to a refund if you have already paid the fees.

A hearing may be demanded by filing the appropriate form with the City Clerk at 491 E. Pioneer Avenue, Homer between 8:00 a.m. and 5:00 p.m. on any day other than Saturday, Sunday and city holidays.

[Ord. 94-10(S) § 2, 1994].

7.08.052 Impoundment hearing.

a. If demand is timely made, the owner or the person entitled to possession of a vehicle is entitled to an administrative hearing to determine whether there was a sufficient factual legal basis for impoundment of the vehicle. To be entitled to such a hearing a written demand must be filed with the City Clerk (1) within five workdays after the owner or person entitled to possession learned that the vehicle was impounded or was missing; or (2) within 15 workdays after the City delivered or mailed the notice required by HCC 7.08.051(c) to the vehicle's owner; whichever comes first. If no timely request for a hearing is made, the

factual and legal basis for impoundment will be conclusively deemed sufficient for all purposes.

b. The hearing will be held within 48 hours after the filing of a written demand, not including Saturdays, Sundays, and City holidays.

c. The hearing officer shall not be bound by formal rules of evidence. A copy of the fully completed and signed order of impoundment will constitute prima facie proof of sufficient factual and legal basis for impoundment. The burden will be on the vehicle owner to prove by a preponderance of the evidence that there was an insufficient factual or legal basis for impounding the vehicle.

d. A determination by the hearing officer that there was an insufficient factual or legal basis for impounding the vehicle will require the release of the vehicle to the owner or other person entitled to possession without payment of the towing and storage fees, or will entitle the person to a refund if the fees have already been paid.

e. The City will be responsible for payment or refund of the towing and storage fees for any vehicle impounded upon order of a City police officer or City peace officer if the hearing officer determines that there was an insufficient factual or legal basis for such impound. [Ord. 94-10(S) § 3, 1994].

7.08.053 Form of demand for hearing – Hearing officer.

a. The City Clerk shall prepare and make available a form of demand for a hearing pursuant to HCC 7.08.052. Upon receipt of demand for a hearing the City Clerk shall immediately forward the demand to the City Manager or his designee, who shall schedule an administrative hearing and notify all parties.

b. The City Manager shall appoint one or more persons who shall serve as hearing officers to conduct hearings pursuant to HCC 7.08.052. No police officer or peace officer with authority to impound an improperly parked vehicle shall be eligible to serve as hearing officer. [Ord. 94-10(S) § 4, 1994].

7.08.058 Removal of impoundment notice or impounded vehicle prohibited.

a. Unless authorized by a police officer or peace officer with authority to enforce parking laws and regulations, it is unlawful for any person to remove an impoundment order from a vehicle upon which it has been posted.

b. Unless authorized by a police officer or peace officer with authority to enforce parking laws and regulations, it is unlawful for any person to move a vehicle after it has been posted with an impoundment order. [Ord. 13-40 § 7, 2013; Ord. 94-10(S) § 5, 1994].

7.08.060 Citation.

A police officer may issue a citation for a vehicle parked, stopped or standing in violation of this chapter, and deliver it to the operator of the vehicle or affix it to the vehicle if the vehicle is unattended at the time of issuance. [Ord. 13-40 § 8, 2013; Ord. 13-17(S) § 14, 2013; Ord. 91-14 § 2, 1991; Ord. 80-17, 1980. Code 1967 § 12-700.6].



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: PARKS AND RECREATION ADVISORY COMMISSION
FROM: RENEE KRAUSE, DEPUTY CITY CLERK
DATE: OCTOBER 10, 2014
SUBJECT: PUBLIC SAFETY BUILDING SITE RECOMMENDATION TO COUNCIL

Commissioner Lowney requested this item on the agenda . Following is an excerpt from the memorandum to council regarding the site recommendation.

At the September 24, 2014 meeting the Committee reviewed the HERC parcel against the criteria matrix created by the design team and determined that the following positive attributes could be applied:

PARCEL CHARACTERISTICS

Parcel Ownership and Cost

- Site Ownership & Potential for Drawing on Other Funding Resources
- Size and Available Configuration
- 4 or more acres

PHYSICAL CHARACTERISTICS

Environmental Risk

- Well above Tsunami Area
- Well above Flood Zone
- Structural Soils – Load bearing for seismic concerns – buildings have been there since before the 1964 earthquake.

Development Suitability

- Gravity loading, well- draining soils, no standing water issues
- Site Slope – relatively flat, slight slope for positive drainage
- Compatible with Existing Zoning – Central Business District

Utilities

- Existing Utilities
- Water, redundancy (piped, plus well or room for water storage tank)
- Electric, with redundancy (room for generator)
- Natural Gas
- Communications

COMMUNITY CHARACTERISTICS

Community Location

- Easy for the Public to Find, Access, Park
- Visible location that enhances Civic Identity

Traffic and Access

- Efficient access to major community collector/arterial roads for quick emerge

- *Low accident rate on adjacent roadways/intersections*
- *Located on corner lot with access to 2 streets*
- *Multiple site access options including entrances/exits for staff, visitors and vehicles/equipment*

Security

- *No adjacent raised structures (tall buildings, raised highways or viaducts)*
- *Lot configuration enables visible clear zone and security setbacks from nearby parcels and roadways*

Negative Attributes or Unknowns that could be applied from the matrix to the HERC site are as follows:

- *Wetlands*
- *Subsoil rock outcroppings, excavation expense – unknown*
- *Deep swale area at active creek*
- *Central to Fire Service Area – farther from the Spit*
- *Egress may be impeded onto main roads from traffic congestion or accidents without additional traffic aids*
- *Displaces groups that use existing facilities – recreation uses for the gym; Public Works maintenance personnel use the two-story building for office and storage space; Skateboard Park; access to the middle school, the basketball court and Special Olympics uses of the fenced in field area.*
- *Compatible with Adopted Plans – Unknown*
- *Concealed Areas adjacent to project - Unknown*
- *Not complimentary to adjacent and nearby land uses – Unknown*
- *Ability to locate impound storage so it is not visible or easily accessible – Unknown*

Recommendation:

Approve the Homer Education & Recreation Center (HERC) parcel as the future site of the Combined Public Safety Building.

Recommendation:

Informational in Nature. No Action was Requested.



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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: PARKS AND RECREATION ADVISORY COMMISSION
FROM: RENEE KRAUSE, CMC, DEPUTY CITY CLERK
DATE: OCTOBER 10, 2014
SUBJECT: BISHOP'S BEACH – HOW TO MITIGATE VANDALISM, PARTYING AND TRESPASS ISSUES

The commission met in a worksession prior to the meeting today. Chair Steffy will highlight the discussion for the record and announce additional action by administration, police and staff as discussed.



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

To: Parks and Recreation Advisory Commission
From: Julie Engebretsen, Planning Technician
Date: October 10, 2014

Land and Water Conservation Fund Grant Cycle

A new cycle of grant funding is available. Unfortunately, there isn't very much time to develop a proposal. Applications are due December 5th and I don't have a scope of work or budget estimates for any projects, and administrative staff may not be available to work on the application. These federal grants take a tremendous amount of work. Usual worth the effort if we can leverage a large dollar amount! This cycle, funding is between \$25,000 and \$125,000, with a 50/50 match.

Every grant project must result in a useable recreation facility. The grant can't just be for restrooms, design work or a parking area, because these are not physical rec facilities. But if those improvements are part of a larger project, that includes a rec facility at the same time, then it may be approved. So a parking lot and a new playground could be funded simultaneously, but not parking alone.

Bayview Park might be a good candidate for a grant application; its part of the CIP, has a well-organized support network, and has achievable recreation facilities that are grant eligible.

Its also possible to apply for more funding for Karen Hornaday Park, but I don't have a grant-ready project, and again, drainage, parking and the road are not eligible in themselves. If the Commission can identify a rec project, staff can attempt to create a project budget.

Either way, I can't guarantee staff is available to work on the application. But the first step is for the Commission to decide if you want to make a recommendation to Council to apply for a grant.

I have attached the grant program and application paperwork if you are interested in the details.

Recommendations: Move to request the City apply for a LWCF grant for Bayview Park.



Land and Water Conservation Fund

Grant Program in Alaska

Information for Applicants



State of Alaska: Department of Natural Resources
Division of Parks and Outdoor Recreation

Prepared by

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF PARKS AND OUTDOOR RECREATION

GRANTS AND ADMINISTRATION



The LWCF grant program is comprised of federal funds from the National Park Service. Regulations of the U.S. Department of the Interior strictly prohibit unlawful discrimination in federally assisted programs on the basis of race, color, national origin, age or handicap. Any person who believes he or she has been discriminated against in any program, activity or facility operated by a recipient of federal assistance should contact:

Director, Office of Equal Opportunity
U.S. Department of the Interior
National Park Service
1849 C Street, NW
Washington, D.C. 20240

Rev: Sept 2014

State of Alaska
Department of Natural Resources
Division of Parks and Outdoor Recreation

Land and Water Conservation Fund
Information for Applicants

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FORWARD

This informational booklet provides an overview of the Land and Water Conservation Fund (LWCF) grant program. For further information, please contact:

State of Alaska
Department of Natural Resources
Division of Parks and Outdoor Recreation
Grants and Administration
550 W 7th Avenue, Suite 1380
Anchorage, Alaska 99501-3561

E-Mail: jean.ayers@alaska.gov
Phone: 907-269-8694
Fax: 907-269-8907

Find an LWCF Preliminary Grant Application, the Statewide Comprehensive Outdoor Recreation Plan (SCORP), Rating Forms, Budget Forms and Examples, Maps and more online at <http://dnr.alaska.gov/parks/grants/lwcf.htm>

SECTION I - INTRODUCTION TO LWCF

Overview: The Land and Water Conservation Fund (LWCF) is a federal grant program administered by the National Park Service (NPS) through the State of Alaska, Division of Parks and Outdoor Recreation (DPOR), Grants and Administration Section. LWCF can provide up to 50% matching funds (less State indirect costs) for the acquisition or development of outdoor recreation facilities.

Legislative Authority: Authority for the program is vested in the Land and Water Conservation Fund Act of 1965 passed by Congress under Public Law 88-578. The Act created a grants-in-aid fund to assist in preserving, developing and assuring access to quality outdoor recreation resources, and to strengthen the health and vitality of both current and future denizens of the United States.

Reimbursable and Matching: This is a reimbursable grant program. A grantee/sponsor will not receive a cash grant at the time of project approval. The grantee will incur project costs and be reimbursed up to 50% of the eligible expenses (less State indirect costs) upon submission of acceptable financial and narrative documents. A grantee may submit interim billings for reimbursement as often as quarterly.

A grantee's share of project costs (match) may come from sources such as local appropriations or bonds, in-kind use of equipment, materials, labor and administration, or donations of labor, land or materials. The value of land owned by the project sponsor is not eligible to be used as part of the sponsor's match.

State Indirect Costs: In addition to direct costs incurred by the grantee, the State may add an indirect fee to the total project budget. This fee covers costs associated with initiating the project, monitoring development or acquisition, and providing on-site inspections per NPS requirements, in perpetuity. Indirect costs are collected by the State from the federal share, prior to reimbursing the grantee. The fee may fluctuate through the period of the grant, but generally will not exceed 10% of any billing.

SECTION II - ELIGIBILITY REQUIREMENTS

Eligible Applicants: State, regional, or local governments with the legal authority to provide park and recreation services on public lands are eligible to apply for LWCF assistance.

If an applicant has an active LWCF grant, billings must be current, the project on schedule, and any audit problems resolved to be eligible to apply for a new grant. Entities which have previously received an LWCF grant may apply for a new grant if there are no outstanding compliance problems or if the grantee is actively working to resolve any compliance problems.

Grant Requests: Only one application per local entity (i.e., city or borough) will be accepted per funding cycle. Local applicants may request LWCF grant assistance of \$25,000 through \$125,000. Since this is a 50-50 matching grant, total project costs would be at least double the grant request. For example, if the Fairbanks North Star Borough requested \$125,000 for an LWCF grant, they would need to document at least \$250,000 in eligible expenses.

Phasing Projects: Applicants are encouraged to phase larger development projects. Even if an application is only one phase of a multi-phased project, the project must result in a usable

recreation facility. For example, suppose a sponsor wants a park, which when complete, would include a parking area, restroom, ball field and picnic area. The sponsor may develop the parking area and ball field in the first phase, and then develop the restroom and the picnic area in the second phase. This is acceptable because the first phase would result in a usable recreation facility. If, however, the sponsor wanted the first phase to be the parking area and restroom facilities, this type of phasing would not be eligible because there will be no usable recreation outcome from this combination of facilities.

Land Ownership: The applicant/sponsor must own the land on which the development is to take place. Land that is leased is not eligible for development assistance.

Statewide Comprehensive Outdoor Recreation Plan (SCORP): Per LWCF program requirements, all projects approved for funding must meet an outdoor recreation priority as identified in the current Statewide Comprehensive Outdoor Recreation Plan (SCORP). The Alaska Division of Parks and Outdoor Recreation develops this plan every five years with public participation. Check the LWCF component of the most current SCORP to see if your proposal reflects a stated priority. Occasionally the need for a certain type of facility exists in a community, but, because this same type of facility is not a statewide need, it is not identified as a priority in the SCORP. Unfortunately, because the project is not identified in the SCORP as a priority, it cannot be considered for LWCF funding.

Local Plan: Applicants must have a local planning document that identifies the proposed outdoor recreation project as a community need. Provide documentation on the short or long-range outdoor recreation needs of the community and show how this specific proposal rates within that plan. Public input into the plan and community support for the proposal must be documented. Need and support may be documented by submitting copies of completed outdoor recreation preference surveys, minutes of public meetings detailing attendees and their comments, etc.

Eligible Project Types: Below are examples of projects eligible for assistance under the LWCF program. This is not an exclusive listing.

Eligible Development Projects:

- master planning for a specific recreation area (in conjunction with development of equal or greater cost at same site)
- outdoor sports and play fields
- picnic facilities
- camping facilities
- tot lots
- neighborhood parks
- boating facilities
- fishing facilities (if for sport fish access, must have previously applied for and been turned down by Dingell-Johnson program)
- hunting facilities
- winter sports facilities
- community gardens
- rehabilitation of existing outdoor recreation facilities (provided deterioration is not due to lack of maintenance or repair)
- landscaping
- support facilities: restrooms, parking areas, fences, roads within the park area, utilities, etc., when included in a project with outdoor recreation development
- covered or sheltered facilities are eligible only under limited circumstances – contact LWCF grants administrator prior to completing an application

Ineligible Development Projects:

- running tracks and athletic fields used primarily for interscholastic sports
- tourist facilities primarily for economic development rather than outdoor recreation
- fairgrounds, livestock and produce exhibits
- professional sports facilities
- facilities that contribute primarily to indoor recreation use
- roads constructed outside the boundaries of the recreation area
- projects that conflict with private enterprise

Eligible Acquisition Projects:

- land for outdoor recreation activities
- waterfront property or the acquisition of water bodies themselves
- land for creating water-based public outdoor recreation opportunities
- areas that provide special recreation opportunities such as flood plains or wetlands
- land for natural areas and preserves, and outstanding scenic areas

Ineligible Acquisition Projects:

- historic sites or structures
- museums or archaeological excavation sites
- land to help meet a public school's minimum site size requirement
- areas to be used primarily for semi-professional or professional arts and athletics
- areas to be used solely for game refuges or fish production purposes
- land to be used mainly for the construction of indoor recreation facilities
- sites containing luxury lodges, motels, and similar elaborate facilities
- caretaker or park ranger residences

Eligible Reimbursements: Only project expenditures (or donations) occurring after a project is approved by NPS and prior to the expiration date of the grant are eligible for reimbursement.

The following types of expenditures are normally eligible for reimbursement:

- site planning and engineering, including construction supervision
- demolition
- construction costs
- fixed equipment such as play apparatus, backstops, basketball standards, etc.
- permanent and temporary project signs
- acquisition costs (not to include the cost of appraisals or title insurance)

SECTION III - GRANTEE COMMITMENTS AND RESPONSIBILITIES

Retention and Use: Property acquired or developed with LWCF funding assistance **must be retained and used solely for outdoor recreation, in perpetuity**. A covenant must be attached to the title of any LWCF-assisted site, reserving use of the site strictly for outdoor recreation prior to reimbursement under this grant. Any property acquired or developed with LWCF monies may not be wholly or partly converted to anything other than public outdoor recreation uses without the prior approval of the Secretary of the U.S. Department of the Interior and the Director of Alaska Division of Parks and Outdoor Recreation. Such approval will be given only when other property and facilities of at least equal fair market value and of reasonably equivalent usefulness, quality, and location is substituted.

Financial and Legal Responsibility: Grantees are required to keep accurate records of project expenditures and be accountable for all funds and assets. It is the responsibility of the grantee to submit accurate and timely financial billings and to retain documentation relative to those billings.

Grantees are required to comply with the federal Single Audit Act of 1984. Required audits will be performed at the grantee's expense, and all audit exceptions must be satisfactorily resolved.

It is the responsibility of the grantee to comply with all applicable federal, state and local laws, as well as LWCF program requirements in the acquisition and/or development of a LWCF-assisted site.

Inspection, Operation and Maintenance: During development, a project is subject to inspection by the State and/or the National Park Service yearly. After completion, a project must be inspected every five years at a minimum.

Adequate operation and maintenance is the responsibility of the grantee. The facility must be attractive and inviting, clean and open for public use. Supervision must be adequate to meet the type of use. Health and safety problems are to be corrected immediately. Facilities cannot be kept locked and opened only for special occasions. They must be opened at reasonable hours and times of the year, according to the type of area or facility.

LWCF funds are not available for operation and maintenance costs. After completion of the grant, all subsequent costs are to be borne solely by the grantee.

Accessibility: The area or facility must be available for use by all persons regardless of race, color, sex, creed, national origin or place of residence. A facility must be developed and maintained so that it is accessible to persons with disabilities.

All LWCF facilities must be designed & constructed in conformance with 1) the Architectural Barriers Act of 1968 (P.L. 90-480) and the Uniform Federal Accessibility Standards (www.access-board.gov/ufas), or 2) the Department of the Interior regulations on Section 504 of the Rehabilitation Act of 1973 (43 CFR Part 17) and the Minimum Guidelines and Requirements for Accessible Design as issued by the Architectural and Transportation Barriers Compliance Board (ATBCB), 36 CFR Part 1190 (www.access-board.gov/ada-aba).

SECTION IV - ADMINISTRATION

State Responsibility: The Director of the State of Alaska, Division of Parks and Outdoor Recreation (DPOR) is appointed by the Governor to serve as the State Liaison Officer (SLO) for the LWCF program in Alaska. The SLO is responsible for the administration of the program. Potential participants must contact the State on all matters relating to the program.

The DPOR Grants and Administration Section is responsible for the day-to-day administration of the LWCF program. All questions regarding the program should be directed to the grants staff.

Application Process: If an entity is interested in applying during an open competition for an LWCF grant, the first step is to complete the Qualifying Criteria Checklist. If the proposed project satisfies all criteria on the checklist, the entity may complete a preliminary application. A preliminary application is simply that. Projects prioritized high enough to receive funding will be invited to complete a full application which requires much more detailed information.

Preliminary Project Selection: Preliminary Applications will be reviewed first by the Staff Evaluation Committee (SEC) for basic eligibility requirements. The SEC will disseminate eligible applications to the Outdoor Recreation and Trails Advisory Board (ORTAB) for review and scoring. The State Liaison Officer has final approval of the ranking or recommendation.

Full Application: Only projects ranked high enough above the anticipated funding level will be asked to complete the full application package. Fully completed application packages will be forwarded to the National Park Service for final approval and obligation of funds.

Project Activation: Development or acquisition expenses incurred prior to NPS grant approval will not be eligible for reimbursement under the program. Note: Until a project is officially approved by NPS, no title to land can be taken, nor development initiated.

Each grant has a specific period of time in which acquisition and/or development must be completed. This grant period is usually two construction seasons, unless otherwise requested and justified by the grantee.

Post-Completion Responsibilities: The grantee is solely responsible for adequate maintenance and operation of the completed facility. The site must be maintained to satisfy accessibility standards. In addition, the property acquired or developed with LWCF assistance must be dedicated for public outdoor recreation use by covenant attached to the title of the property, and the property may only be used for outdoor recreation purposes, in perpetuity.

SLO and NPS Inspection: Inspections are performed by the SLO or NPS staff at their discretion and when deemed necessary. The SLO or NPS staff may notify the project sponsor of any forthcoming inspections and give the sponsor an opportunity to accompany the inspection of any LWCF-assisted grant project.

Records Retention: The sponsor should maintain a copy of all inspection reports in their grant files for future reference.



Bayview Park Restoration

Project Description & Benefit:

The goal of this project is to improve the accessibility and safety of Bayview Park and its playground elements with a focus on making the park more user-friendly to young children (infant-toddler-preschool age) and for children and parents/caregivers with disabilities or mobility issues.

- **Stage 1, Summer 2014:** Improve the ADA parking space and create an ADA trail from parking area, inside the fence and over to the existing playground equipment.
- **Stage 2, Summer 2015:** Replace existing white picket fence with a wood frame-chain link fence to improve the stability and durability of the fence (current fence is in constant need of repair). Parents/caregivers appreciate having fence as it provides a level of safety for young children around the busy roads and ditches surrounding the park.
- **Stage 3, Summer 2016-17:** Upgrade ground cover to playground standards, replace jungle gym, add additional swing port, and extend ADA trail to new elements as needed. The goal is to provide new playground elements that are designed for younger/toddler age and to have some accessible for children with disabilities.

Plans & Progress: In 2011 Best Beginnings Homer raised money and funded a new slide and boulders that were installed by the City. Several parents built and installed stepping logs and 2 small “bridges”. In 2013 Best Beginnings Homer coordinated with Corvus Design to meet with local families and children for project ideas and create a master plan with cost estimates. \$5,347.76 was raised to purchase and install elements and pay for design costs.

During the summer of 2014 \$5,118 and additional in-kind donations (equipment and labor) were spent to complete the ADA parking/trail improvements.

Best Beginnings Playspaces Work Group (Kate Crowley, Cheryl Illg, Angie Otteson-City of Homer, Jenny Martin, and Rick Malley- ADA specialist from ILP.) have developed a fundraising plan to raise additional funds through grant writing, community donations and in-kind donations of supplies, equipment, and labor. The group meets regularly to discuss design plans and fundraising.

Total Project Cost: \$189,974



Though charming, the white picket fence that surrounds Bayview Park is in need of constant repair. A more practical chain length fence is needed to keep young children out of roads and ditches.

Proposed by Best Beginnings Homer and Parks & Rec. Want to make it a City project. Ok with administration.

PROPOSED NEW PROJECT - DRAFT



**2014 PRELIMINARY APPLICATION
Land and Water Conservation Fund
Grant Program for Alaska**



Purpose: The Land and Water Conservation Fund (LWCF) grant program can provide up to 50% matching assistance for land acquisition or development of public outdoor recreation facilities. Funded through the National Park Service, the LWCF grant program is administered by the State of Alaska Department of Natural Resources, Division of Parks and Outdoor Recreation.

Eligibility: State, regional or local governments with the legal authority to provide outdoor recreation services on public lands are eligible to apply. Only one application per sponsor will be accepted.

Amount Available: Applications requesting no less than \$25,000 and no more than \$125,000 in grant funds are allowed. For these 50-50 matching grants, the applicant's total project cost would be at least double the grant request.

To apply:

1. Read *Information for Applicants*
2. Review State and Community Priorities listed in the *SCORP Summary: 2009-2014*, pages 6 & 7
3. Review *Alaska's Outdoor Legacy: Statewide Comprehensive Outdoor Recreation Plan (SCORP)*
4. Review the *Rating Form*
5. Submit a complete *2014 Preliminary Application* by the deadline.

View or download these documents at <http://dnr.alaska.gov/parks/grants/lwcf.htm>

Deadline: 5:00 PM on Friday, December 5, 2014. Postmark, fax, e-mail or deliver to:

Jean Ayers, Grants Administrator
State of Alaska: Dept. of Natural Resources
Division of Parks and Outdoor Recreation
550 W 7th Avenue, Suite 1380
Anchorage, AK 99501-3561

For questions, e-mail the LWCF grants administrator at jean.ayers@alaska.gov or call 907-269-8694.

Applicant: Proposed Project Name and Location: _____

Project Type: ___ Development ___ Acquisition ___ Combination Acq/Dev

Use the checklist below to ensure all required submittals for your project type.

Checklist: Development Projects		Checklist: Acquisition Projects	
	1. Qualifying Criteria and Certification		1. Qualifying Criteria and Certification
	2. Project Narrative		2. Project Narrative
	3. Budget		3. Budget
	4. Maps: Location & Project Boundary 6(f)(3)		4. Maps: Location & Project Boundary 6(f)(3)
	5. Site Plan		5. Future Development Plan
	6. Land: Title, Deed and Certification		6. Land: Appraisal, if available
			7. Acquisition Summary

1. QUALIFYING CRITERIA and CERTIFICATION

Qualifying Criteria: The following are basic eligibility requirements an applicant must meet to be eligible for and sponsor a grant from the Land and Water Conservation Fund. A response of NO to any of the following items will automatically disqualify an application.

1.	The project type is identified in the SCORP as a priority.	Yes	No
2.	The applicant is a State, regional, or local entity with legal authority to provide outdoor recreation services on public lands. <i>(Provide documentation to verify authority.)</i>	Yes	No
3.	The land is now owned or will be acquired by the applicant/sponsor. <i>(Provide documentation to verify land ownership.)</i>	Yes	No
4.	Applicant has resolved or is actively working to resolve LWCF compliance problems.	Yes	No
5.	Applicant has a Section 504 Self-Evaluation and Transition Plan or is willing to prepare one prior to receiving a grant.	Yes	No
6.	Project development shall be accessible to persons with disabilities.	Yes	No
7.	The grant request (for local or regional applicant) is between \$25,000 -- \$125,000.	Yes	No
8.	Information for Applicants, Priorities, SCORP or SCORP Summary, and the Rating Form have been reviewed.	Yes	No

Certification: On behalf of the entity named below, I submit this preliminary application for the project described herein for grant assistance from the federal Land and Water Conservation Fund program. I acknowledge that substantial additional documentation will be required to complete a full application, if this preliminary request is prioritized high enough to receive funding. Further, I agree to cooperate with the Alaska Division of Parks and Outdoor Recreation by furnishing all information necessary to qualify for federal aid, to execute a State/Local Grant Agreement, and to adhere to state statutes and federal regulations governing the LWCF program.

I am aware that this is a 50-50 matching grant program and certify that match is available. I am also aware that the grant, if approved, will be paid on a reimbursable basis and the State of Alaska includes an indirect cost on this project. I am aware that any properties receiving LWCF grant assistance must be maintained, *in perpetuity*, for public outdoor recreation. A deed or restrictive covenant will be placed on the property designating such, prior to any reimbursement from an LWCF grant.

I certify to the best of my knowledge, the information in this application is true and correct.

Entity Name:	
Address:	
City, State and Zip:	
Authorized Representative (Print or Type)	Contact Person for this Pre-Application:
Name:	Name:
Title:	Title:
E-mail:	E-mail:
Date:	Telephone:
Authorizing Signature:	

2. PROJECT NARRATIVE

1. Approach
 - a. What do you plan to do with the grant funds? Describe exactly what you plan to acquire or develop and how you expect to proceed with the project.
 - b. Describe any unique features or special community involvement.
 - c. Give a detailed time schedule for completion of this project.
 - d. Explain what other agencies, organizations, consultants or individuals will be doing on the project.
 - e. Describe your ability to operate and maintain the facility after acquisition/development.
 - f. Describe any future development plans.
2. Objectives and Need for this Assistance
 - a. Describe how your proposal meets the priorities identified for your community in the current Statewide Comprehensive Outdoor Recreation Plan (SCORP).
 - b. Review your local and/or regional park and recreation plan. Describe how your proposal ranks as a priority identified in that plan.
 - c. Include public participation in your planning process. Which community goal(s) will this project address? How did the community identify this need? Summarize any planning studies that highlight the issue.
 - d. Why does your community need this particular project? Provide information about economic, social, financial, physical, institutional or other problems related to the need. Give examples of how people are adversely affected by the present situation.
 - e. For acquisition projects: Explain any particular urgency in acquiring the site.
3. Results or Benefits Expected
 - a. Who will benefit, and in what way, from this project? Be specific.
 - b. How will this project help your community?
4. Geographic Location

Where is the project located in your community in relation to other public facilities and the area to be served by the project?
5. Other - if applicable
Describe any other federal funds that are involved in this project or may be used in the future.

3. BUDGET

Submit a budget estimating all costs associated with the proposed project. Show expected match amounts and describe sources. See budget guide (form) and budget example.

4. MAPS: GEOGRAPHIC LOCATION & PROJECT BOUNDARY 6(f)(3)

Separate maps are recommended for the Geographic Location Map and Project Boundary Map. However, they may be combined if detailed enough to legibly depict all pertinent information. See examples.

Geographic Location: Submit a map with North arrow depicting the location of the proposed project. A street map, section map, or aerial view using Google Earth or a similar program is acceptable if it shows enough detail (street names, local landmarks, etc.) so that a person unfamiliar with the area could find the site.

Project Boundary: Generally, the boundary will include the entire area of the park, open space or recreation area being developed or acquired. At a minimum, the area must be a viable public outdoor recreation unit capable of being self-sustaining without reliance upon adjoining or additional areas not identified in the scope of the project. Any area on the site not intended for outdoor recreation (i.e., fire halls, libraries, cell towers) must be delineated on the map and excluded from the boundary.

Depict the following on the project boundary 6(f)(3) map:

1. Project title
2. North arrow
3. Outstanding rights, encumbrances or interests held by others: easements, rights-of-way, power lines, etc. Attach a narrative that explains any immediate or potential impact on the proposed use of the property.
4. Legal description and/or GPS points
5. Size of protected area (in acres)
6. Signature of authorized representative
7. Date

Section 6(f)(3) of the Land and Water Conservation Fund Act requires that property acquired or developed with LWCF assistance be maintained, **in perpetuity**, for public outdoor recreation. Upon execution of an LWCF grant agreement, the area within the proposed or acquired project boundary shall be committed to public outdoor recreation. If development or activity unrelated to public outdoor recreation takes place, it may trigger Section 6(f)(3) provisions regarding conversions. A conversion of 6(f)(3) protected property requires coordination with the State of Alaska and the National Park Service wherein, among other processes, the sponsor must appraise the land “taken” and substitute property of greater or equal fair market value and reasonably equivalent recreational usefulness and location.

Parcel Map: A parcel map may also be furnished with this application. The parcel map must show nearby street names, land uses, existing structures and natural features, and easements such as for power lines or pipelines. Show parcel numbers and area in acres per parcel. Indicate planned disposition or usage of any existing buildings. For **Acquisition Projects** make sure parcel numbers match the numbers shown on the Acquisition Information Summary.

5. SITE PLAN or FUTURE DEVELOPMENT PLAN

Development Projects: Submit a site plan showing all existing, proposed and future development. Project development proposed under this request must be clearly depicted. Existing development and future development should be noted as such. Identify all proposed and existing support facilities, and utilities such as power lines, underground water and sewer lines. If a phased project, provide a master plan for the entire site showing all proposed development. Note portions of the project that currently exist, the portions proposed for development in this request, and those planned for future development.

See example site plan.

Acquisition Projects: Submit a map showing existing and future recreational use of the area to be acquired as well as any contiguous park land. Future uses do not have to be delineated exactly. They may be blocked in to show with reasonable accuracy the intended future location. The map need not be professionally drawn, but must be complete and accurate.

6. LAND INFORMATION

Development Projects -- Title or Deed: The applicant must have control and tenure of the project site to be developed. Submit a copy of the title or deed to the property with this application. A copy of the title insurance (no less than one year old) may also be provided. In lieu of title insurance, an applicant may submit certification from an authorized representative that title is vested in the applicant entity and that there are no outstanding liens or encumbrances imposed against the property that would adversely affect the proposed outdoor recreation development.

Acquisition Projects: If available, submit a recent copy of an appraisal for the proposed area. Complete the Acquisition Summary Form.



Seafarers Memorial Parking Expansion

Project Description & Benefit: This project would use materials from dredging the harbor to build up a parking lot between Seafarers Memorial and the east end of the nearby boardwalk complex. The additional parking will be a welcome improvement as it is often hard to find parking during peak summer months on this section of the Spit. The project has the added benefit of replenishing the beaches on the east side of the Spit and protecting infrastructure from erosion. The material will be placed on the beaches as part of the Army Corps of Engineers' dredging/disposal operations. Funding is needed to supplement hauling costs, compact material, cap with gravel and pave the lot. A Corps permit will be needed to accomplish this work.

Plans & Progress: The City has appropriated \$15,000 for the Homer Area Roads and Trails (HART) fund for engineering and permitting of this project completed in 2014. The dredged materials are scheduled to be placed in the lot by fall of 2014.

Total Project Cost: \$635,000

Schedule:

2014 (Design and Permitting): \$8,000

2014 (Dredged Material Placement by Corps): In kind

2015 (Construction): \$627,000

Priority Level: 1



cc added to the CIP on 9/22/14



This project would fill in, level and pave the grassy area pictured above between the Seafarer's Memorial and the nearby boardwalk.

**Proposed By: P&H
Director and Port
& Harbor Com-
mission. P&H
Commission #2
priority.**

PROPOSED NEW PROJECT - DRAFT



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: PARKS AND RECREATION ADVISORY COMMISSION
FROM: RENEE KRAUSE, CMC, DEPUTY CITY CLERK
DATE: OCTOBER 10, 2014
SUBJECT: TOWN CENTER – A VITAL COMPONENT TO LINKING ALTERNATE TRAVEL
ROUTES THROUGH THE CITY OF HOMER

Commissioner Lowney and MacCampbell expressed a desire for discussion on the last major green space in the center of town in regards to impending road construction planned for the future.

Recommendation:

Request staff to provide at a future meeting all approved plans on roads and the town center for the commission's through review and discussion.



City of Homer

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Memorandum

TO: PARKS AND RECREATION ADVISORY COMMISSION
FROM: RENEE KRAUSE, CMC, DEPUTY CITY CLERK
DATE: OCTOBER 10, 2014
SUBJECT: OUTDATED SENIOR FITNESS COURSE – DISCUSSION AND RECOMMENDATION
ON DONATION TO WEST HOMER ELEMENTARY

Commissioner Lowney working with Angie Otteson, Keri Sythe, and Lynn Maslow are interested in establishing a fitness course around a nature trail behind the West Homer Elementary school. They would like the support of the commission in recommending the city donate this unused equipment.

Recommendation:

Make a motion to support the city donate the outdated and unused senior fitness course to West Homer Elementary School for use in their fitness course.

**PARKS AND RECREATION ADVISORY COMMISSION ANNUAL CALENDAR
FOR THE 2014 MEETING SCHEDULE**

<u>MEETING DATE</u>	<u>SCHEDULED EVENTS OR AGENDA ITEM</u>
<input type="checkbox"/> FEBRUARY 20, 2014	LAND ALLOCATION PLAN REVIEW & RECOMMENDATIONS TO COUNCIL
<input type="checkbox"/> MARCH 20, 2014	CEMETERY STATUS REPORT
<input type="checkbox"/> APRIL 17, 2014	SELECT SPRING PARK &/ OR BEACH WALK THROUGH ESTABLISH PARK DAY EVENT DATE – COMMISSIONER
ATTENDANCE	
<input type="checkbox"/> MAY 15, 2014	PLANNING PARK DAY OR SIMILAR EVENT SPRING PARK AND/OR BEACHES WALK THROUGH
<input type="checkbox"/> JUNE 19, 2014	COMPLETE ARRANGEMENTS FOR PARK DAY OR SIMILAR EVENT INITIAL BUDGET REVIEW – WHAT DOES THE COMMISSION FOR 2015? THANK YOU ADVERTISEMENT FOR THE FIRST HALF OF THE YEAR REVIEW CAPITAL IMPROVEMENT PLAN PARK DAY
WANT	
<input type="checkbox"/> JULY 17, 2014	NO MEETING SCHEDULED
<input type="checkbox"/> AUGUST 14, 2014	BUDGET REVIEW & RECOMMENDATIONS TO CITY MANAGER & CITY COUNCIL
<input type="checkbox"/> SEPTEMBER 18, 2014	FALL PARK WALK THROUGH AND BEACH WALK; ELECTIONS; SELECT KHP CLEAN UP DAY BUDGET DISCUSSION
<input type="checkbox"/> OCTOBER 17, 2014	KAREN HORNADAY PARK CLEAN-UP REVIEW AND APPROVE THE 2015 MEETING SCHEDULE THANK YOU ADVERTISEMENT FOR 2 ND HALF OF THE YEAR
<input type="checkbox"/> NOVEMBER 20, 2014	STRATEGIC PLAN REVIEW & PLANNING REVIEW OF KAREN HORNADAY MASTER PLAN & PROGRESS
DECEMBER 2014	NO MEETING SCHEDULED HAPPY HOLIDAYS!

PARKS AND RECREATION ADVISORY COMMISSION ANNUAL CALENDAR
FOR THE 2014 MEETING SCHEDULE

2014 HOMER CITY COUNCIL MEETINGS
PARKS AND RECREATION ADVISORY COMMISSION ATTENDANCE

It is the goal of the Commission to have a member speak regularly to the City Council at council meetings. There is a special place on the council's agenda specifically for this. After Council approves the consent agenda and any scheduled visitors it is then time for staff reports, commission reports and borough reports. That is when you would stand and be recognized by the Mayor to approach and give a brief report on what the Commission is currently addressing, projects, events, etc. **A commissioner is scheduled to speak and has a choice at which council meeting they will attend. It is only required to attend one meeting during the month that you are assigned.** However, if your schedule permits please feel free to attend both meetings. Remember you cannot be heard if you do not speak.

The following Meeting Dates for City Council for 2014 is as follows:

Commissioner Archibald will attend as needed depending on his work schedule.

January 13, 27 2014	<u>Commissioner Steffy , Commissioner Brann</u>
February 10, 24 2014	<u>Commissioner Lillibridge, Commissioner Steffy</u>
March 10, 24 2014	<u>Commissioner Lowney</u>
April 14, 28 2014	<u>Commissioner MacCampbell, Commissioner Steffy</u>
May 12, 27 (Tues)	<u>Commissioner Brann, Commissioner Steffy</u>
June 9, 23 2014	_____
July 21 2014	<u>Commissioner Roedl</u>
August 11, 25 2014	_____
September 8, 22 2014	<u>Commissioner Lowney</u>
October 13, 27 2014	<u>Commissioner Steffy, Commissioner Archibald</u>
November 24, 2014	<u>Commissioner Lillibridge</u>
December 8, 2014	<u>Commissioner MacCampbell</u>

Please review and if you will be unable to make the meeting you are tentatively scheduled for please discuss.

PLEASE NOTE: When additional commissioners are appointed the proposed schedule above will reflect those added commissioners.



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

September 25, 2014

Mari Gallion
Public Involvement Planner
DOWL HKM
4041 B Street
Anchorage, AK 99503
Delivered electronically

Ms. Gallion,

I am writing as a follow up to the email you received from Joe Meehan discussing the plans for improvements at the Baycrest Overlook. As Joe mentioned, planning for improvements to this overlook have been a collaborative effort between Alaska Department of Fish and Game, Alaska Department of Transportation and Public Facilities, Alaska Division of Parks and Outdoor Recreation, Alaska Maritime Wildlife Refuge, Homer Chamber of Commerce, City of Homer, and other community partners. As a pull out along the Sterling Highway Scenic Byway, and gateway to the City of Homer, visitors and residents frequently stop at Baycrest Overlook to take pictures, use the restroom, enjoy a picnic lunch or take in the breathtaking vista that spans from Kachemak Bay to Cook Inlet.

Improvements to the Baycrest Overlook have been on the City of Homer's Capital Improvement Plan since 2013. This project is a priority for the City and community, as demonstrated by the many community and agency partners involved. Incorporating improvements to the park such as re-paving, ADA accessibility improvements, striping, curbs, concrete planters, fencing and interpretive signage would dovetail with the work that is being proposed for Sterling Highway Milepost 157-169. I hope you are able to consider these much needed upgrades in the project. Baycrest Overlook is managed much like a park by the City on land leased from the Department of Transportation and Public Facilities. The City would welcome a partnership to make this scenic stop on the Sterling Highway more accessible, user friendly and informative.

Please feel free to contact me if you have any questions or if I can be of assistance in any manner.

Sincerely,

Walt Wrede
City Manager, Homer

Enc: Baycrest Overlook Gateway Project 2014-2019 CIP write-up

Cc: Tom Schmid, P.E. Project Manager Sterling Highway Milepost 1570169
Joe Meehan, Statewide Program Coordinator ADF&G Division of Wildlife Conservation



Baycrest Overlook Gateway Project

Project Description & Benefit: The Homer Public Arts Committee has designated the Baycrest Hill Overlook as one of the major elements of the Gateway Project, which entails enhancing visitor and resident experiences at the entrances to Homer. The other Gateways are the Homer Airport and the Homer Port.

Everyone who has driven to Homer remembers the first time they came around the corner on the Sterling Highway and saw the breathtaking panorama of Kachemak Bay. For many that was the same moment they made the decision to become part of this diverse, eclectic, and energetic community. In the 1990s visionaries at Alaska Department of Transportation and Public Facilities constructed the current pullout during the Sterling Highway reconstruction effort. However, the current site does not adequately meet the goals of the Gateway Program.

Improving the landscaping and comfort of Baycrest Overlook will inspire locals and visitors and enhance this phenomenal setting. Interpretive signage will tell the story of Homer and the surrounding communities and highlight the phenomenal natural resources of Kachemak Bay. Improvements to the overlook will spur economic development, welcoming everyone and encouraging commerce and trade in a community dedicated to unique and natural quality of life experiences.

Plans & Progress: The first Gateway Project was undertaken in 2009. A collaborative effort with the City of Homer Public Arts Committee, City of Homer Airport Manager, City of Homer Public Works Director, Alaska State Parks, National Park Service, Kachemak Research Reserve and U.S. Fish and Wildlife created a beautiful diorama highlighting the wealth of public and private resources available to everyone who comes to Kachemak Bay.

This group plus representatives from Alaska Department of Fish and Game, Alaska Department of Transportation, Pratt Museum, Homer Chamber of Commerce, Kachemak Bay Conservation Society and Homer Garden Club have come together to work on the Baycrest Overlook Gateway Project.

The State and the City of Homer spent \$6,000 in 2013 to produce the Baycrest Overlook Interpretive Plan. The Plan included design, development, and locations for welcome and interpretive signage and was officially adopted by Council in 2013. Public Arts Committee meetings on the project are ongoing and a public comment meeting was held on September 18, 2012.

The project will consist of three phases:

1. Interpretive signage, benches and picnic areas
2. Enhanced landscaping
3. New restrooms and paving upgrades.

Total Project Cost: \$256,000

2012 (Design): \$6,000

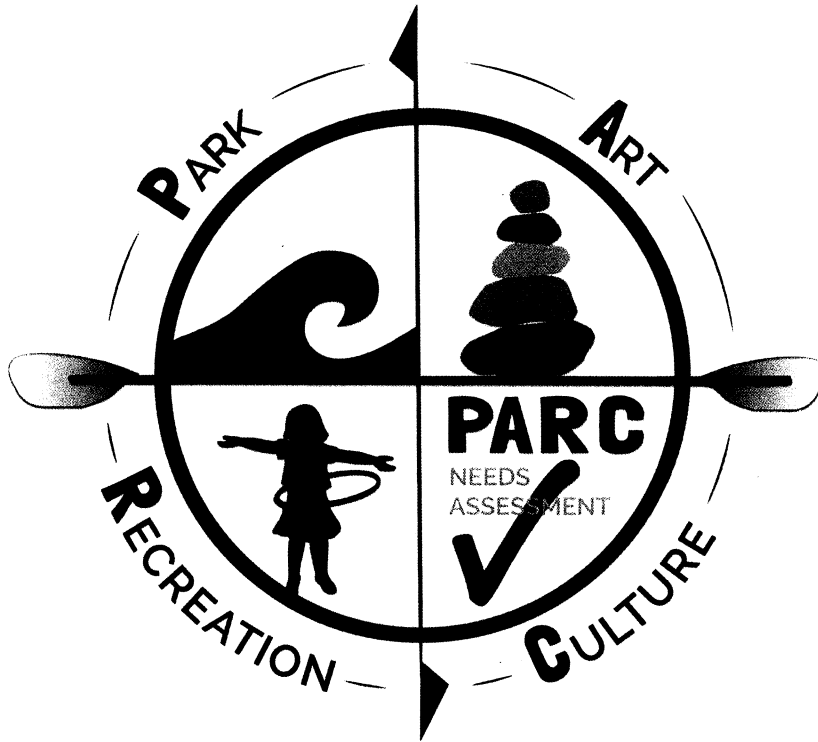
2014 (Construction): \$250,000

Signage/Benches: \$100,000

Landscaping: \$75,000;

Restrooms and Paving: \$75,000





For Community Members in:

Homer + Anchor Point + Kachemak City + Diamond Ridge + East End

Take the Survey: City of Homer Parks and Recreation Website

(Paper surveys available at City Hall, Library, Community Recreation office in the Homer High School Commons, and Homer Council on the Arts)

Go to: www.cityofhomer-ak.gov/recreation

Save the Date: Thursday, November 13th

Community Meeting, Islands and Ocean Visitor Center

PARC = Parks, Art, Recreation + Culture Needs Assessment

Homer + Anchor Point + Kachemak City + Diamond Ridge + East End

For a long time, the Homer area has had a rich offering of parks, arts, recreation and cultural amenities. Community parks, indoor and outdoor sports, visual and performing arts, cultural events and festivals are all part of life in Homer. This is part of what makes the area what it is, attracts new friends and family to live here, and keeps us healthy and engaged in community life.

The City and a number of community organizations have overcommitted or inadequate physical facilities, face tight budgets and other limitations to their ability to sustain programming and facilities. **It's time** to get creatively organized – as a community – about how to make the most of what we have, to build on our existing foundation to provide new amenities, or to move existing programs and facilities in new directions.

A needs assessment is not simply a wish list. It is a thoughtful look forward over the next 10 to 15 years to understand the big picture of our existing PARC activities and resources, what is missing, and which changes we – as a community – would like to see. Please join in the discussion. Your participation is important!

Take the online survey: <http://www.cityofhomer-ak.gov/recreation>

Not online? Paper copies will also be available at City Hall, Library, Community Recreation office in the Homer High School Commons, and Homer Council on the Arts

The Needs Assessment will also include:

- **Focus group discussions** with youth, seniors, and differently-abled community members to better understand their particular needs and resources.
- **Telephone survey** to provide an objective, statistically valid picture of the PARC activities, programs and facilities Homer-area residents value. If you are called, please take a few minutes to give your input!
- **A summary report** with public review and comment opportunities. Check back to the website throughout the next few months for more information.

Project Timeline:

- Fall 2014: Gather information, including surveys, community workshop.
- Winter 2014-2015: Produce needs assessment.
- Spring 2015: Release summary report for community review and approval.

Come to the community workshop:

Thursday, November 13, 2014 at the Islands and Ocean Visitor Center.

Questions? Contact Julie Engebretsen at 235-3106

