City Council
Monday
November 22, 2010

Committee of the Whole
5:00 p.m.
Regular Meeting
6:00 p.m.

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

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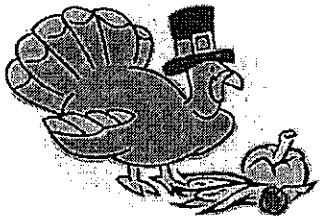
November/December 2010



Monday 22nd	CITY COUNCIL **Committee of the Whole 5:00 p.m., and Regular Meeting 6:00 p.m.**
Thursday 25th & Friday 26th	CITY OFFICES CLOSED **for Thanksgiving Holiday.**
Monday 29th	PUBLIC ARTS COMMITTEE **Worksession 4:00 p.m. and Special Meeting 5:00 p.m.**
Tuesday 30th	LEASE COMMITTEE **Special Meeting 3:00 p.m.**
Wednesday 1st	PLANNING COMMISSION **Worksession 5:30 p.m. and Regular Meeting 7:00 p.m.**
Monday 6th	CITY HALL RENOVATION & EXPANSION TASK FORCE **Regular Meeting 5:00 p.m.**
Tuesday 7th	LIBRARY ADVISORY BOARD **Regular Meeting 6:00 p.m.**
Wednesday 8th	BOARD OF ADJUSTMENT **(Refuge Chapel Appeal) Special Meeting 5:30 p.m.**
Monday 13th d	CITY COUNCIL **Committee of the Whole 5:00 p.m. and Regular Meeting 6:00 p.m.**

Regular Meeting Schedule
City Council 2nd and 4th Mondays 6 p.m.
Library Advisory Board 1st Tuesday 6 p.m.
Economic Development Advisory Commission 2nd Tuesday 6 p.m.
Parks and Recreation Advisory Commission 3rd Thursday of the months of January, March, May, June, July, August, September and November 6:30 p.m.
Planning Commission 1st and 3rd Wednesday 7 p.m.
Port and Harbor Advisory Commission 4th Wednesday 5 p.m.
Transportation Advisory Committee Quarterly 3rd Tuesday 5:30 p.m.
Public Arts Committee Quarterly 3rd Thursday 11 a.m.
Lease Committee Quarterly 2nd Thursday 3 p.m.
Permanent Fund Committee Quarterly 2nd Thursday 5:15 p.m.

MAYOR AND CITY COUNCILMEMBERS AND TERMS
JAMES C. HORNADAY, MAYOR – 12
KEVIN HOGAN, COUNCILMEMBER – 12
BARBARA HOWARD, COUNCILMEMBER – 11
DAVID LEWIS, COUNCILMEMBER – 11
FRANCIE ROBERTS, COUNCILMEMBER – 12
MARY E. (BETH) WYTHE, COUNCILMEMBER – 13
BRYAN ZAK, COUNCILMEMBER – 13
City Manager, Walt Wrede
City Attorney, Thomas Klinkner

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

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

NOVEMBER 22, 2010
MONDAY, AT 5:00 P.M.
COWLES COUNCIL CHAMBERS

MEETING NOTICE
COMMITTEE OF THE WHOLE AGENDA

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

Councilmember Zak has requested telephonic participation.

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

3. **2011 Budget** Page 13

4. **REGULAR MEETING AGENDA**

5. **COMMENTS OF THE AUDIENCE**

6. **ADJOURNMENT NO LATER THAN 5:50 p.m. Next Committee of the Whole scheduled for Monday, December 13, 2010 at 5:00 p.m. Next Regular Meeting is Monday, December 13, 2010 at 6:00 p.m. Special Meetings are scheduled for Wednesday, December 8, 2010 at 5:30 p.m. and Tuesday, December 14, 2010 at 6:00 p.m. All meetings are scheduled to be held in the City Hall Cowles Council Chambers.**

City of Homer
2011 Operating Budget

Proposed Budget Amendments

Amendme No.	Council Member	Fund	Page #	Dept #	Account	Description	Change in Budget	Proposed Budget Changes: General	Water/Sewer	Port & Harbor	Projects	Net Impact - Considers
		Water / Sewer - Meters	C-15	200 - 406	5105	Overtime	-		(2,000)			
		Sewer - Administration	C -21	200 - 500	5105	Overtime	-		(1,000)			
		Sewer - Sewer Plant	C - 22	200 - 501	5105	Overtime	-		(8,000)			
		Sewer - Sewer Pumps/Lift Stations	C -24	200 - 503	5105	Overtime	-		(1,700)			
		Sewer - Sewer Collection System	C - 25	200 - 504	5105	Overtime	-		(1,000)			
		General Fund - Clerks/Planning	B-13/B-31	100-101 & 130	5103	P/T Employee	+	19,000				
		Water / Sewer - Administration	C-9	200 - 400	5103	P/T Employee	+		25,000			
		Port & Harbor - Administration	C-33	400-600	5105	Overtime	-			(2,000)		
		Port & Harbor - Harbor		400-601	5105	Overtime	-			(16,159)		
		Port & Harbor - Pioneer Dock		400-602	5105	Overtime	-			(795)		
		Port & Harbor - Fish Dock		400-603	5105	Overtime	-			(7,000)		
		Port & Harbor - Deep Water Dock		400-604	5105	Overtime	-			(845)		
		Port & Harbor - Admin Maintenance		400-610	5105	Overtime	-			(100)		
		Port & Harbor - Harbor Maintenance		400-611	5105	Overtime	-			(1,500)		
		Port & Harbor - Pioneer Maintenance		400-612	5105	Overtime	-			(100)		
		Port & Harbor - DWD Maintenance		400-614	5105	Overtime	-			(500)		
		Port & Harbor - Administration		400-601 - 603	5103	PT Harbor Temp	+			45,000		
		General Fund - IT (all from Apr - Dec)	B - 23	100 - 113	5101 - 5614	All	-	(149,277)				
		General Fund - IT Outsource / RFP	B - 23	100 - 113	5101 - 5614	All	+	90,000				
		General Fund - Police Department	B-45 - 52	100-160 - 165	5601	Uniforms	-	(24,500)				
		General Fund - Fire Department	B-39 - 43	100-150 -152	5601	Uniforms	-	(4,500)				
		General Fund - PW	B-53 - 68	100-170 - 178	5601	Uniforms	-	(4,900)				
		General Fund - Information Systems	B - 23	100 - 113	5614	Car Allowance	-	(2,250)				
		General Fund - Finance	B - 29	100 - 120	5614	Car Allowance	-	(1,500)				
		General Fund - Contributions	B - 69	100 - 350	5801	Museum	-	(33,250)				
		General Fund - Contributions	B - 69	100 - 350	5830	Homer Foundation	-	(19,000)				
		General Fund - City Council	B - 11	100 - 100	5210	Legal Fees - Apr - Dec	-	(99,000)				
		General Fund - City Council	B - 11	100-100	5210	Legal Fees/In-house 3/4 yr	+	99,000				
		Water / Sewer - Administration	C-9	200-400	5252	Credit Card Expense	-		(24,000)			
		Water / Sewer - Administration	C-19	200-500	5252	Credit Card Expense	-		(24,000)			
		Port & Harbor - Administration	C-33	400-600	5252	Credit Card Expense	-			(30,000)		
		Port & Harbor - Harbor	C-35	400-601	5218	Water/ Floats	-			(37,000)		
		General Fund - Patrol	B-50	100-163	5101-5102	Police Officer	+	91,287				
		General Fund - City Council	B-11	100-100	5248	Lobbying Expense	+	44,000				
		Reserves - Port Depreciation	D-19/C-33	456-380		Forklift	-				(65,000)	
		General Fund - Economic Development	B-21	100-112	5101-5102	Marketing Director	+	32,500				
		Port & Harbor - Administration	C-33	400-600	5101-5102	Marketing Director	+			32,500		
						Total Change		(168,640)	(82,700)	(50,899)	(65,000)	(367,239)
A-5	Wrede	General Fund - City Clerk	B-13	100-101	5105	Overtime	+	3,000				
		General Fund - City Manager's	B-17	100-110	5105	Overtime	+	2,000				
		General Fund - Planning	B-31	100-130	5105	Overtime	+	3,000				
								8,000				8,000
	Justification:	*With the adjustments made to the General Fund, there is a balance to cover this expenditure.*										

City of Homer
2011 Operating Budget

Proposed Budget Amendments

Amendment No.	Council Member	Fund	Page #	Dept #	Account	Description	Change in Budget	Proposed Budget Changes: General	Water/Sewer	Port & Harbor	Projects	Net Impact - Considers Rev. Stream
								$ 10,054,085	$ 3,538,191	$ 3,599,145	$ 1,866,743	
A-1	Wythe	General - Mayor/Council	B-11	100-100	5101-5102	Council Wages	-	(9,829)				(9,829)
	Justification:	*Cut council Pay and taxes*										
A-2	Hornaday	General - Police Department	B45 - B49	100-163	5101-5107	Salaries & Benefits	+	91,287				91,287
		G/F Fund Balance	B3	100-100	-	Fund Balance						
	Justification:	*In the interest of Public Safety, it is imperative that we fund an additional police officer. Once the adjustments are made to the General Fund, for the Library and the Jail, there is an available fund balance of $59,808 toward this officer's salary.*										
A-3	Howard	General - Council	B-11	100-100	5235	Membership	-	(7,000)				
		General - Council	B-11	100-100	5236	Transportation	-	(2,500)				
		General - Council	B-11	100-100	5237	Subsistence	-	(2,000)				
		General - Council	B-11	100-100	5603	Training	-	(1,200)				
		General - Personnel	B-19	100-111	5229	Periodicals	-	(3,000)				
		General - Finance	B-29	100-120	5105	Overtime	-	(2,500)				
		General - Finance	B-29	100-120	5235	Membership	-	(800)				
		General - Finance	B-29	100-120	5237	Subsistence	-	(500)				
		General - Finance	B-29	100-120	5603	Training	-	(3,000)				
		General - Finance	B-29	100-120	5614	Car Allowance	-	(1,500)				
		General - Planning	B-31	100-130	5235	Membership	-	(1,500)				
		General - Planning	B-31	100-130	5236	Transportation	-	(4,000)				
		General - Planning	B-31	100-130	5237	Subsistence	-	(900)				
		General - Planning	B-31	100-130	5603	Training	-	(2,500)				
		General - Library	B-35	100-145	5228	Books	-	(20,000)				
		General - Library	B-35	100-145	5235	Membership	-	(1,200)				
		General - Library	B-35	100-145	5236	Transportation	-	(5,500)				
		General - Library	B-35	100-145	5237	Subsistence	-	(1,218)				
		General - Library	B-35	100-145	5603	Training	-	(3,335)				
		General - Jail	B-51	100-164	5603	Training	-	(3,000)				
		General - Public Works Admin	B-55	100-170	5603	Training	-	(2,000)				
		General - Public Works Maintenance	B-57	100-171	5603	Training	-	(2,000)				
		General - Public Works Parks	B-63	100-175	5603	Training	-	(900)				
		General - Police	B-50	100-163	5101-5107	Employee/Fringe Benes	+	70,000				
	Justification:	*One full time Police - 10 months*				Total Change		(2,053)				(2,053)
A-4	Hogan	General - All Departments	Sect B	100	5102	Fringe Benefits	-	(115,200)				
		Water / Sewer - All Departments	Sect C	200	5102	Fringe Benefits	-		(27,000)			
		Port & Harbor - All Departments	Sect C	400	5102	Fringe Benefits	-			(32,400)		
		General - Clerks	B-13	100-101	5105	Overtime	-	(5,000)				
		General - Elections	B-15	100-102	5105	Overtime	-	(1,500)				
		General - Planning	B-31	100-130	5105	Overtime	-	(1,500)				
		General - Library	B-35	100-145	5105	Overtime	-	(1,000)				
		General - Airport	B-37	100-149	5105	Overtime	-	(2,050)				
		General - Fire	B-39 - 43	100-150 - 152	5105	Overtime	-	(20,000)				
		General - Police	B-45 - 52	100-160 - 165	5105	Overtime	-	(50,000)				
		General - Public Works	B-53 - 68	100-170 - 178	5105	Overtime	-	(10,000)				
		Water / Sewer - Administration	C-9	200 - 400	5105	Overtime	-		(1,000)			
		Water / Sewer - Water Treatment Plant	C-10	200 - 401	5105	Overtime	-		(8,000)			
		Water / Sewer - Wtr Dist Systems	C-13	200 - 404	5105	Overtime	-		(10,000)			

CITY OF HOMER

2011 PROPOSED BUDGET AMENDMENT FORM

Date Submitted: 10\25\10
Date Received:

Fund #	Dept #	Acct #	Account Description	Increase	Decrease
100		5101	Reg Emps (Stipends)		9,000
100		5102	Fringe Benefits (taxes)		829
			General Fund	9,829	
			Total (Must Be Balanced)	9,829	9,829

Cut Council pay + taxes.

Requested by: MFW

Prepared By

CITY OF HOMER

2011 PROPOSED BUDGET AMENDMENT FORM

Date Submitted:_____
Date Received:_____

Fund #	Dept #	Acct #	Account Description	Increase	Decrease
100	100		G.F. FUND BALANCE	$91,000	
			POLICE OFFICER		
			Total (Must Be Balanced)		

With the adjustment to the General Fund Balance, this position can be partially be covered through the available $59,808 from 2011 Preliminary Budget

James C. Hawk

Requested by: **Prepared By**

Memo in Support of Additional Police Officer
11 4 10 James C. Hornaday

The Chief has advised that Homer has fewer police officers than either Kenai or Soldatna, two communities of comparable size and complexity to Homer. He also advised that there are times when there is only one officer on duty. We are also advised that at times there are no officers on duty. Both Anchorage and Hoonah, Alaska's largest city and one of Alaska's smaller communities have had two officers shot in the last year or so. Homer has a very serious and continuing alcohol and drug problem which heavily contributes to the crime problem. In the interest of the public safety of the members of the community and the safety of our officers it is imperative that we fund an additional police officer. We are close to or exceeding the amounts in the general fund reserve (6 months operating funds). I believe the needs for an additional police officer justify spending the necessary $91,000 from the general fund reserve to fund an additional officer. I am also open to discussing further reductions in other sections of the budget to fund an additional police officer.

CITY OF HOMER

2011 PROPOSED BUDGET AMENDMENT FORM

Date Submitted: 11/8/2010
Date Received: / /

Fund #	Dept #	Acct #	Account Description	Increase	Decrease
100	Council	5235	Membership		7000
		5236	Transportation		2500
		5237	Subsistence		2000
		5603	Training		1200
111	Personnel	5229	Recruitment		3000
120	Finance	5105	Overtime		2500
		5235	Membership		800
		5237	Subsistence		500
		[illegible]	Training		3000
		[illegible]	Miscellaneous		500
130	Planning	5235	Membership		1500
		[illegible]	Transportation		4000
		5237	Subsistence		900
		5603	Training		2500
145	Library	5218	Books		20,500
		5235	Membership		1200
		5236	Transportation		5500
		5237	Subsistence		1218
		5603	Training		3355
Police	Police		1 FTE · 10 months	70,000	70,000
			Total (Must Be Balanced)		

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Requested by: B Howard	Prepared By B Howard

CITY OF HOMER

2011 PROPOSED BUDGET AMENDMENT FORM

Date Submitted:_____
Date Received:_____

Fund #	Dept #	Acct #	Account Description	Increase	Decrease
100	164/JAIL	5603	Training		3000
100	170/PWA		Training		2,000
	171/PW		Training		2,000
	175 P/R		Training		900
			Total (Must Be Balanced)		

Requested by: Howard

Prepared By

CITY OF HOMER

2011 PROPOSED BUDGET AMENDMENT FORM

Date Submitted:
Date Received: 11/10/2010

Fund #	Dept #	Acct #	Account Description	Increase	Decrease
100	ALL	5102	$550 per mo Employee Health Contribution		174,600
100	101	5105	OVERTIME CLERK		5,000
100	102	5105	" " Elections		1500
100	130	5105	OT Planning		1500
100	145	5105	OT Library		1000
100	149	5105	OT Airport		2050
100	150-152	5105	OT Fire		20,000
100	160-165	5105	OT Police		50,000
100	170-178	5105	OT PW		10,000
200	400	5105	OT WOS Adm		1000
200	401	5105	OT WT Plant		8000
200	404	5105	OT H_2O Dist		10,000
200	406	5105	OT Meters		2000
200	500	5105	OT WS Admin		1,000
200	501	5105	OT Sewer Plant		8000
200	503	5105	OT Sewer Pumps		1700
200	504	5105	OT Sewer collection		1000
100/200	101 102 130	5103	PT Clerk / Planning	19,000	
200			PT Public works Temp	25,000	
			continued →		
			Running Total (Must Be Balanced)	44,000	295,350

Page 1

Requested by: Hogan	Prepared By

CITY OF HOMER

2011 PROPOSED BUDGET AMENDMENT FORM

Date Submitted:_____
Date Received:_____

Prev Page 44000 295350

Fund #	Dept #	Acct #	Account Description	Increase	Decrease
400	603	5105	OT Port Admin		2000
400	601	5105	OT Harbor		16859
400	602	5105	OT Pioneer Dk		795
	603	5105	OT Fish Dk		7000
	604	5105	OT Deep Dk		845
	610	5105	OT Admin Maint		100
	611	5105	OT Harbor Maint		1500
	612	5105	OT Pioneer " "		100
	614	5105	OT DWD " "		500
400	601 603	5103	PT Harbor Temp	45,000	
100	113	ALL	DELETE Dept April→DEC		149277
100	113		OUTSOURCE IT RFP	90,000	
100	ALL	5601	uniforms		33900
100	ALL	5614	CAR ALLOWANCE		3750
100		5801	PRATT		33250
100		5620 ?	Homer Foundation		15000
100		5210	Birch Horton Bittner APRIL DEC DELETE		99,000
		5210	INHOUSE ATTNY 3/4 YR	99,000	
200	400	5252	CREDIT CARD EX WATER ADMIN		24,000
200	500	5252	" " " Sewer		24,000
		2PAGE	RUNNING Total (Must Be Balanced)	278,000	710526

Page 2

Requested by: Hogan	Prepared By

CITY OF HOMER

2011 PROPOSED BUDGET AMENDMENT FORM

Date Submitted:_____
Date Received:_____

Fund #	Dept #	Acct #	Account Description	Increase	Decrease
400	601	5248	CHARGE for H.O on Floats		37,000
400	601	5252	CREDIT CARD Harbor		30,000
100	100 163	5101-02	Police officer	91287	
100		5248	Lobbying	44,000	
456	380		Harbor Forklift		65000
400/100		5101-02	HARBOR/ECO DEVLOP MARKETING DIRECTOR	65000	
			Total (Must Be Balanced)	478287	842526
Requested by: Hogan			Prepared By		

CITY OF HOMER

2011 PROPOSED BUDGET AMENDMENT FORM

Date Submitted: 11/16/2010
Date Received:_____

Fund #	Dept #	Acct #	Account Description	Increase	Decrease
100	101	5105	OVERTIME - CLERKS	3,000	
100	110	5105	OVERTIME – CITY MANAGER'S	2,000	
100	130	5105	OVERTIME - PLANNING	3,000	
			FUND BALANCE		8,000
			Total (Must Be Balanced)	8,000	8,000

IT IS RECOMMENDED THAT OVERTIME BE INCREASED FOR THE ABOVE MENTIONED DEPARTMENTS. THE FUND BALANCE IN THE PROPOSED 2011 BUDGET HAS ENOUGH TO COVER THIS ADDITIONAL EXPENDITURE & STILL MAINTAIN A BALANCED BUDGET.

Requested by: **Prepared By**

CITY OF HOMER
2011 PRELIMINARY BUDGET
CHANGES MADE BY MANAGEMENT

GENERAL FUND:

2011 Preliminary Budget: (Page B - 7) **$10,058,874**

Page Number	Department Number	Account Number	Name	+/- Change	$	
B - 35	100-145	5103	Library	-	22,079	($22,079)
B - 35	100-145	5104	Library	-	2,033	($2,033)

Justification: Library Salaries. Incorrect Allocation.

Page Number	Department Number	Account Number	Name	+/- Change	$	
B-51	100-164	5102	Jail	-	29,009	($29,009)

Justification: Jail Benefits, Incorrect Allocation.

Page Number	Department Number	Account Number	Name	+/- Change	$	
B - 27	100-115	5103	Community Recreation	+	2,000	$2,000

Justification: Incorrect amount was considered in the Preliminary Budget.

Page Number	Department Number	Account Number	Name	+/- Change	$	
B - 33	100-140	5210	City Hall/Web	+	4,000	$4,000

Justification: Incorrect amount was considered for Website Annual Maintenance Contract in Preliminary Budget.

Page Number	Department Number	Account Number	Name	+/- Change	$	
B - 25	100-114	ALL	Leased Property	+	42,332	$42,332

Justification: Incorrect amount was considered for Website Annual Maintenance Contract in Preliminary Budget.

CHANGE IN 2011 PROPOSED BUDGET **$10,054,085**

PORT & HARBOR ENTERPRISE FUND

2011 Preliminary Budget: (Page C - 28) **$3,612,501**

Page Number	Department Number	Account Number	Name	+/- Change	$	
C - 35	400-601	5103	P & H - Part Time	-	12,482	($12,482)
C - 35	400-601	5104	P & H - PT Benefits	-	1,538	($1,538)

Justification: Only one Enforcement Aide was to be funded by Port & Harbor for the 2011 year.

Page Number	Department Number	Account Number	Name	+/- Change	$	
C - 33	400-600	5241	G/F Administrative Sevices	+	664	664

Justification: Due to changes in the General Fund Budget, there is a minor allocation change.

CHANGE IN 2011 PROPOSED BUDGET **$3,599,145**

WATER/SEWER ENTERPRISE FUND

2011 Preliminary Budget: (Page C - 1) **$3,536,743**

Page Number	Department Number	Account Number	Name	+/- Change	$	
C - 9	200-400	5241	G/F Administrative Sevices	+	724	724
C - 19	200-500	5241	G/F Administrative Sevices	+	724	724

Justification: Due to changes in the General Fund Budget, there is a minor allocation change.

CHANGE IN 2011 PROPOSED BUDGET **$3,538,191**

CAPITAL PROJECTS

2011 Preliminary Budget: (Page D2 - D 3) **$1,873,358**

Page Number	Department Number	Account Number	Name	+/- Change	$	
D - 27	205-375	5241	G/F Administrative Sevices	-	(3,903)	(3,903)
D - 28	160-766	5241	G/F Administrative Sevices	-	(2,442)	(2,442)
D - 29	165-375	5241	G/F Administrative Sevices	-	(271)	(271)

Justification: Due to changes in the General Fund Budget, there is a minor allocation change.

CHANGE IN 2011 PROPOSED BUDGET **$1,866,743**

CITY OF HOMER
HOMER, ALASKA

City Manager

ORDINANCE 10-51

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, APPROPRIATING FUNDS FOR THE CALENDAR YEAR 2010 FOR THE GENERAL FUND, THE WATER-SEWER FUND, THE PORT/HARBOR FUND, DEBT FUNDS, CAPITAL RESERVE FUNDS (CONDITIONAL EXPENDITURES).

THE CITY OF HOMER ORDAINS:

Section 1. Pursuant to the authority of Alaska Statute, Title 29, the appropriations for Calendar Year ending December 2010 are appropriated as follows:

General Fund	~~$10,058,874~~	$10,054,084
Water-Sewer Fund	~~$ 3,536,743~~	$ 3,538,191
Port/Harbor Fund	~~$ 3,612,500~~	$ 3,599,145
Capital Projects	~~$ 1,866,335~~	$ 1,866,743
Internal Service Funds	$ 1,698,272	$ 1,698,272
Total Expenditures	$ ~~20,772,724~~	$20,756,435

Section 2. Such amounts are appropriated to the objects and purposes stated in the adopted budget.

Section 3. A copy of the budget shall be certified by the City Clerk and filed in the Office of the City Clerk.

Section 4. The supporting Line Item Budget detail as presented by the Administration and reviewed by the City Council is incorporated as part of this Budget Ordinance.

Section 5. The property tax mill levy is set at 4.5 mills for 2010.

Section 6. This Ordinance is limited to approval of the Budget and appropriations for Calendar Year 2011, is a non code Ordinance and shall become effective January 1, 2011.

PASSED AND ENACTED by the Homer City Council on this _____ day of December, 2010.

CITY OF HOMER

_____
JAMES C. HORNADAY, MAYOR

ATTEST:

_____
JO JOHNSON, CMC, CITY CLERK

Introduction:
Public Hearing:
Second Reading:
Effective Date:

Ayes:
Noes:
Abstain:
Absent:

Reviewed and approved as to form and content:

_____
Walt E. Wrede, City Manager

Date: _____

_____
; City Attorney

Date: _____

Fiscal Note: See Line Item Budget and detail

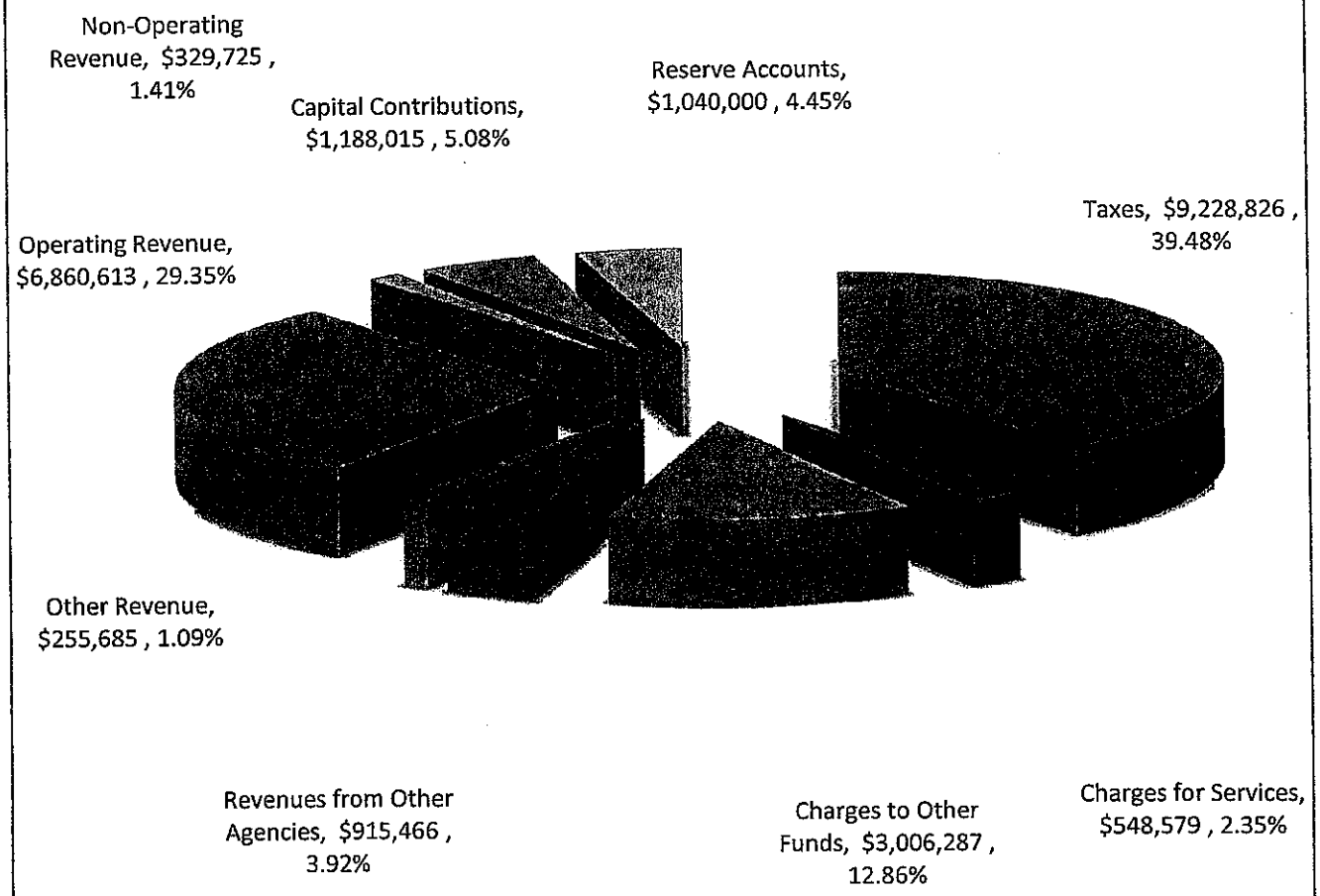
City of Homer
2011 Operating Budget

COMBINED REVENUES AND APPROPRIATIONS

ALL FUND TYPES

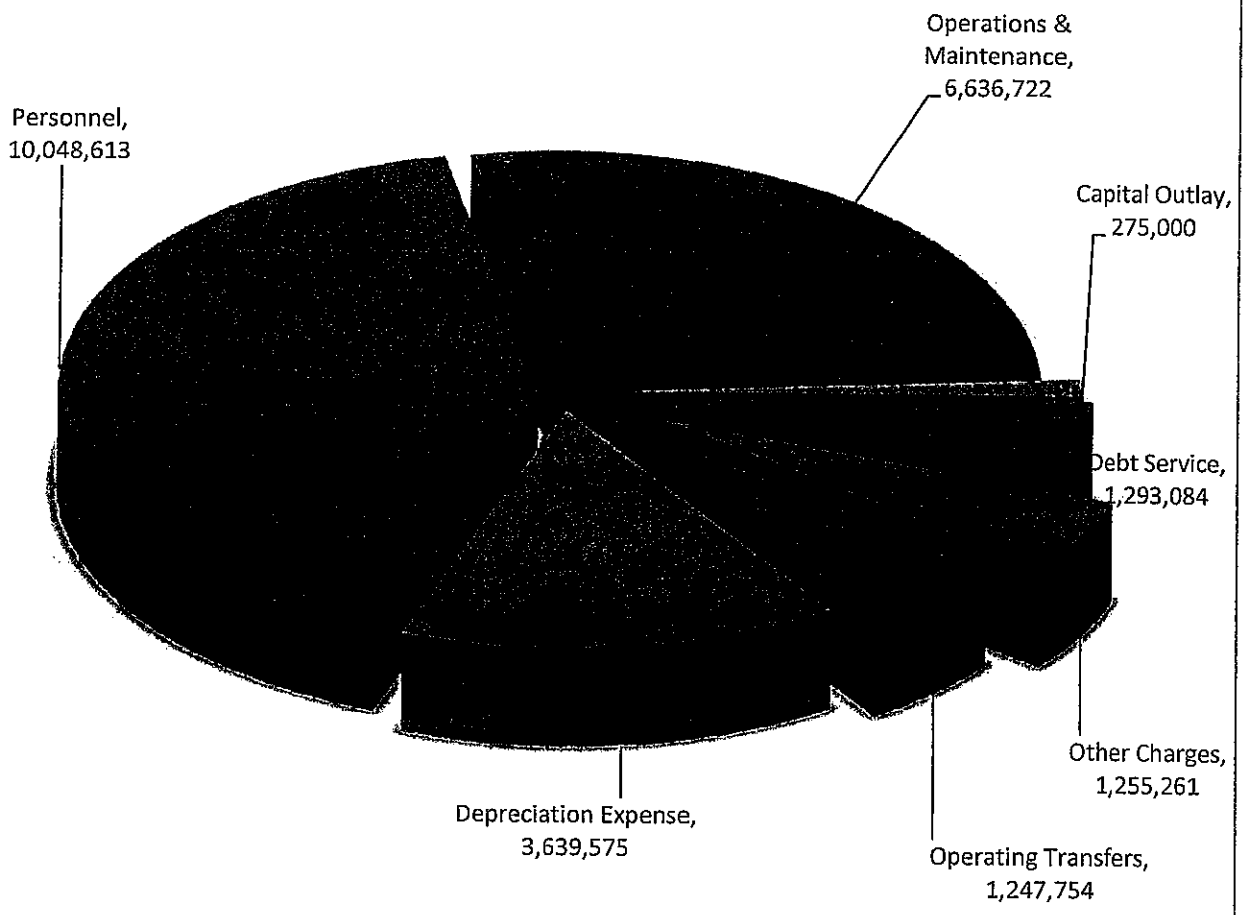
	General Fund	Capital Project Funds	Enterprise Funds	Internal Service Funds	Total
Revenues:					
Taxes	$ 7,138,901	$ 2,089,925	$ -	$ -	$ 9,228,826
Charges for Services	548,579	-	-	-	548,579
Charges to Other Funds	1,255,261	52,754	-	1,698,272	3,006,287
Revenues from Other Agencies	915,466	-	-	-	915,466
Other Revenue	255,685	-	-	-	255,685
Operating Revenue	-	-	6,860,613	-	6,860,613
Non-Operating Revenue	-	73,000	256,725	-	329,725
Capital Contributions	-	-	1,188,015	-	1,188,015
Reserve Accounts	-	1,040,000	-	-	1,040,000
Total Revenues	**10,113,892**	**3,255,679**	**8,305,353**	**1,698,272**	**$ 23,373,196**
Expenditure/Expenses					
Personnel	6,816,632	-	3,231,981	-	10,048,613
Operations & Maintenance	2,962,327	-	1,976,123	1,698,272	6,636,722
Capital Outlay	-	275,000	-	-	275,000
Debt Service	99,824	1,181,694	11,566	-	1,293,084
Other Charges	-	410,049	845,212	-	1,255,261
Operating Transfers	175,301	-	1,072,453	-	1,247,754
Depreciation Expense	-	-	3,639,575	-	3,639,575
Total Expenditures/Expenses	**10,054,084**	**1,866,743**	**10,776,910**	**1,698,272**	**$ 24,396,009**
Change in Fund Balance/Net Earnings	**59,808**	**1,388,936**	**(2,471,557)**	**-**	**$ (1,022,813)**
Beginning Fund Balance/Net Assets	4,684,756	(9,486,214)	17,012,251	386,111	12,596,904
Ending Fund Balance/Net Assets	**4,744,564**	**(8,097,278)**	**14,540,694**	**386,111**	**$ 12,596,904**

TOTAL PROJECTED GOVERNMENT REVENUES BY SOURCE - FY2011 $23,373,196

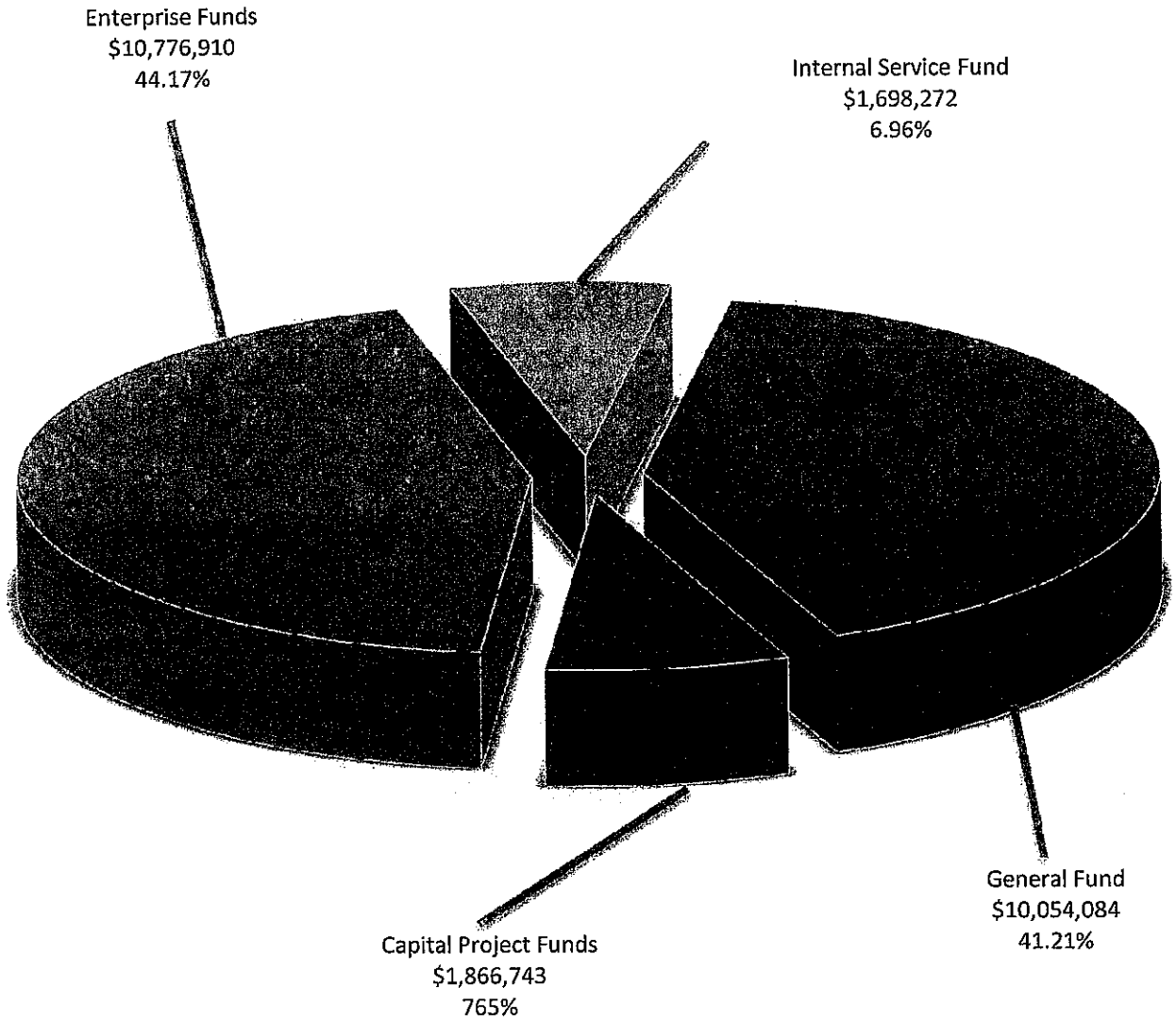


CITY OF HOMER
2011 OPERATING BUDGET

TOTAL GOVERNMENT ESTIMATED EXPENDITURES
FY 2011 - $24,396,009



TOTAL GOVERNTMENT ESTIMATED EXPENDITURES
FY2011 - BY FUNCTION
24,396,009



Note: In this graph, depreciation is considered in the Enterprise Funds.

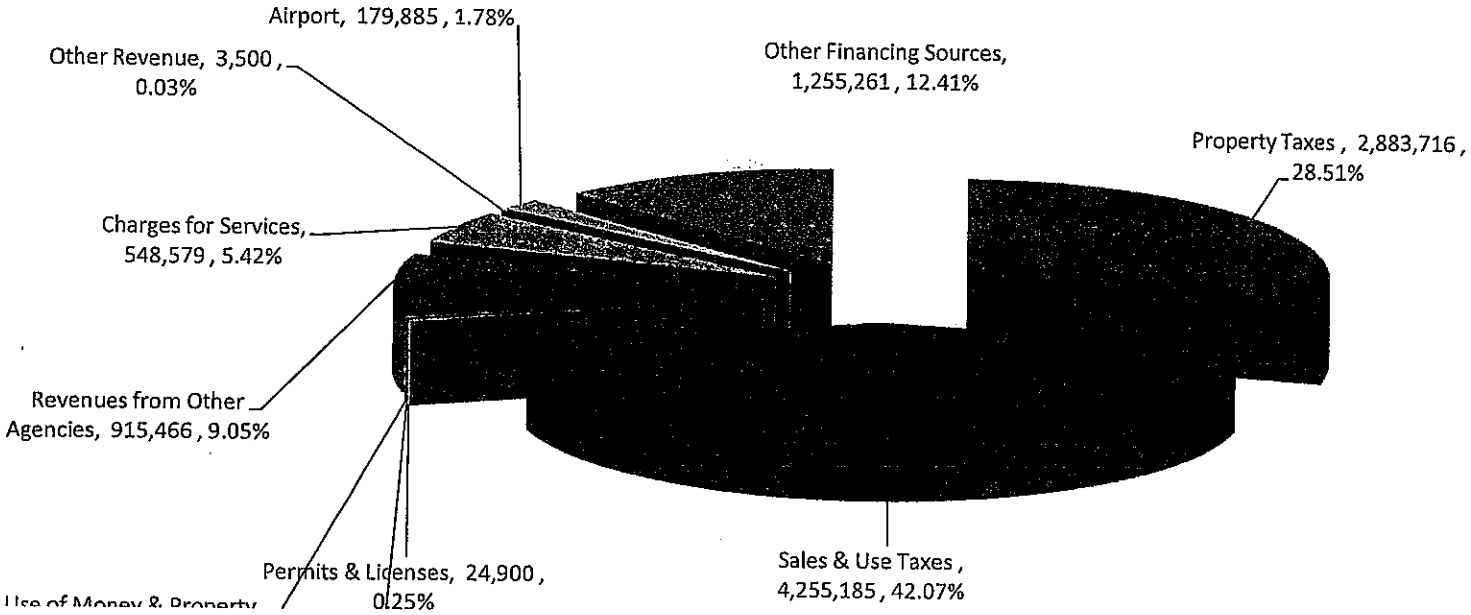
CITY OF HOMER
OVERHEAD ALLOCATION
BASED ON ADOPTED 2011 BUDGET
BASIS: ESTIMATED WORK EFFORT BY DEPARTMENT

Department	TOTAL	General Fund	HART Fund	HAWSP Fund	Water Fund	Sewer Fund	Port & Harbor Fund
Mayor & Council	$ 262,791	$170,814	$18,395	$28,907	$7,884	$7,884	$28,907
Distribution		*65%*	*7%*	*11%*	*3%*	*3%*	*11%*
City Clerk	312,706	203,259	21,889	34,398	9,381	9,381	34,398
Distribution		*65%*	*7%*	*11%*	*3%*	*3%*	*11%*
Janitorial	152,258	114,193	-	-	7,613	7,613	22,839
Distribution		*75%*	*0%*	*0%*	*5%*	*5%*	*15%*
City Manager	267,952	163,451	18,757	29,475	8,039	8,039	40,193
Distribution		*61%*	*7%*	*11%*	*3%*	*3%*	*15%*
Economic Development	*104,727*	41,891	-	-	20,945	20,945	20,945
Distribution		*40%*	*0%*	*0%*	*20%*	*20%*	*20%*
Personnel/Publications	131,913	89,617	-	-	10,118	9,940	22,238
Distribution		*68%*	*0%*	*0%*	*8%*	*8%*	*17%*
Information Systems	199,036	135,217	-	-	15,266	14,998	33,554
Distribution		*68%*	*0%*	*0%*	*8%*	*8%*	*17%*
Finance	719,858	215,957	50,390	93,582	136,773	129,574	93,582
Distribution		*30%*	*7%*	*13%*	*19%*	*18%*	*13%*
Planning Zoning	397,032	297,774	7,941	7,941	11,911	11,911	59,555
Distribution		*75%*	*2%*	*2%*	*3%*	*3%*	*15%*
City Hall Complex	148,210	59,284	7,559	7,559	24,603	24,603	24,603
Distribution		*40%*	*5%*	*5%*	*17%*	*17%*	*17%*
PW Eng-Inspection	177,260	141,808	8,863	26,589	-	-	-
Distribution		*80%*	*5%*	*15%*	*0%*	*0%*	*0%*
Public Works Administration	239,031	83,661	23,903	23,903	47,806	47,806	11,952
Distribution (excludes debt)		*35%*	*10%*	*10%*	*20%*	*20%*	*5%*
Allocation before adjustments	**3,112,773**	**1,716,926**	**157,697**	**252,352**	**300,339**	**292,695**	**392,765**
Total Water Allocation	**$3,112,773**	**$1,716,926**	**$157,697**	**$252,352**	**$300,339**	**$292,695**	**$392,765**
Less Hydrant Reimbursement	(85,690)	-	-	-	(85,690)	-	-
Less Labor Portion of PW already charged to Depts.	(25,082)	-	-	-	(8,361)	(8,361)	(8,361)
Less Labor Portion of Janitorial already charged to Depts.	(29,814)	-	-	-	(5,963)	(5,963)	(17,889)
Total Allocated	**$2,972,187**	**$1,716,926**	**$157,697**	**$252,352**	**$200,326**	**$278,371**	**$366,515**
Percent of Allocation	**100%**	**57.77%**	**5.31%**	**8.49%**	**6.74%**	**9.37%**	**12.33%**

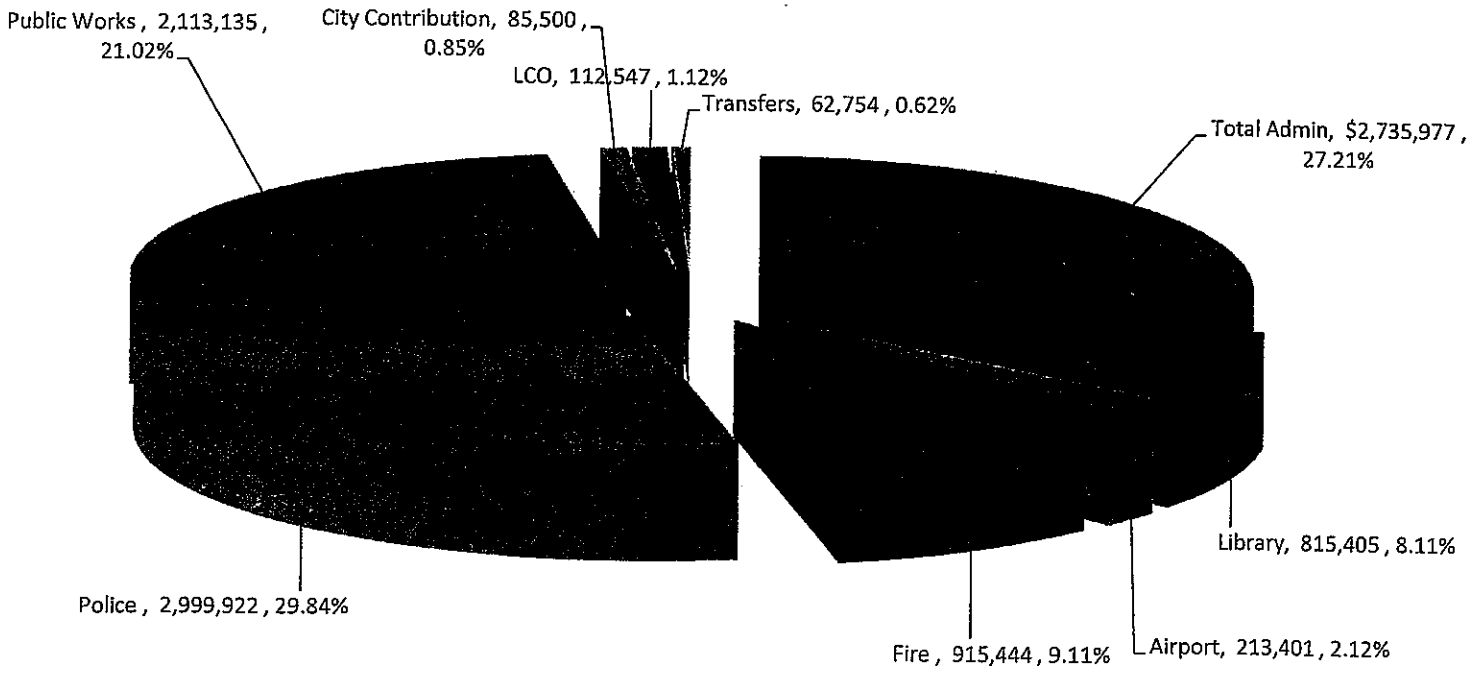
COMPARISON OF ALLOCATION 2010 TO 2011

PERCENT:							
2010 Adopted Budget	**100.00%**	**57.77%**	**5.31%**	**8.49%**	**6.74%**	**9.37%**	**12.33%**
2010 Budget	100.00%	52.72%	7.89%	12.36%	6.20%	8.63%	12.20%
DOLLARS:							
2011 Preliminary Budget	**$2,972,187**	**1,716,926**	**$157,697**	**$252,352**	**$200,326**	**$278,371**	**$366,515**
2010 Budget	2,992,375	1,741,192	160,951	256,478	195,392	281,469	356,894
Difference (Decrease)	**($20,188)**	**($24,266)**	**($3,254)**	**($4,126)**	**$4,934**	**($3,098)**	**$9,621**

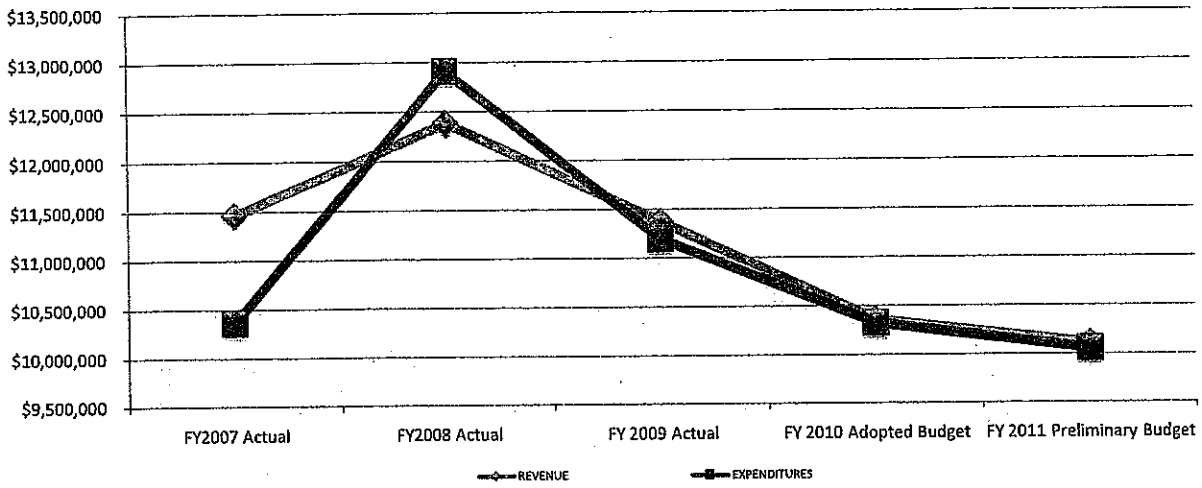
WHERE THE MONEY COMES FROM, GENERAL FUND REVENUE PROJECTIONS - FY2011
$10,113,893



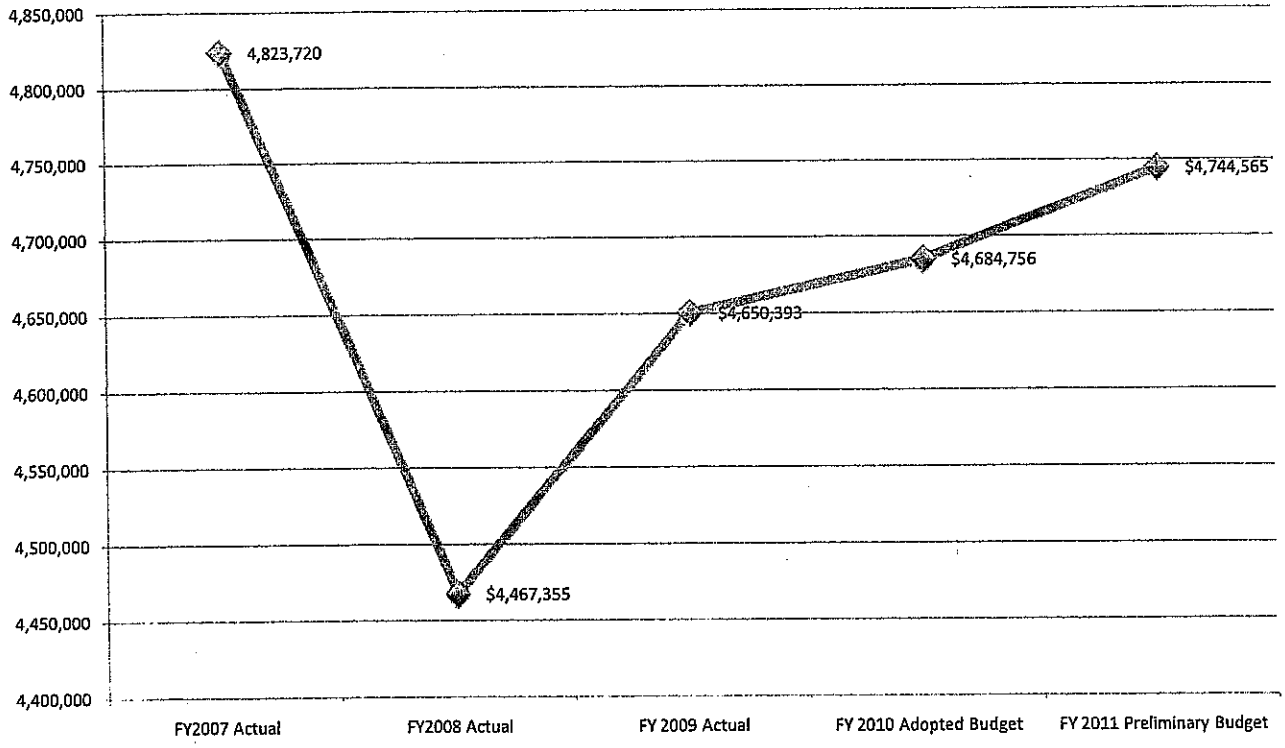
WHERE THE MONEY GOES, GENERAL FUND EXPENSE PROJECTIONS - FY2011
$10,054,084



GENERAL FUND
REVENUES AND EXPENDITURES



GENERAL FUND
AVAILABLE FUND BALANCE



FUND: 100 GENERAL FUND COMBINING STATEMENT

FUND BUDGET:	FY2007 Actual	FY2008 Actual	FY 2009 Actual	FY 2010 Adopted Budget	FY2011 Preliminary Budget	FY2012 Budget Projection	FY2013 Budget Projection	FY2014 Budget Projection
REVENUE								
Property Taxes	$ 2,504,624	$ 2,980,981	$ 2,934,631	$ 3,021,093	$ 2,883,716	$ 2,941,390	$ 3,000,218	$ 3,060,222
Sales & Use Taxes	4,985,075	5,124,805	4,336,888	4,234,185	4,255,185	4,340,289	4,427,095	4,515,637
Permits & Licenses	45,948	28,007	21,472	29,000	24,900	25,398	25,906	26,424
Fines & Forfeitures	19,941	34,193	16,065	24,090	17,400	17,748	18,103	18,465
Use of Money & Property	88,987	62,514	28,333	35,000	30,000	30,600	31,212	31,836
Revenues from Other Agencies	1,437,788	1,316,168	1,406,136	970,699	915,466	933,775	952,451	971,500
Charges for Services	920,023	576,320	910,175	620,180	548,579	559,551	570,742	582,157
Other Revenue	3,466	502,546	65,342	3,500	3,500	3,570	3,641	3,714
Airport	170,944	169,196	165,781	170,010	179,885	183,483	187,153	190,896
Total General Fund Revenue	**$10,176,797**	**$10,794,728**	**$9,884,823**	**$9,107,757**	**$8,858,631**	**$9,035,804**	**$9,216,521**	**$9,400,851**
Transfers from other Funds								
Charges to Other Funds	1,283,976	1,586,764	1,490,832	1,251,184	1,255,261	1,280,367	1,305,974	1,332,093
Total Transfer from other Funds	**1,283,976**	**1,586,764**	**1,490,832**	**1,251,184**	**1,255,261**	**1,280,367**	**1,305,974**	**1,332,093**
Total Revenues & Transfers	**$ 11,460,773**	**$ 12,381,492**	**$ 11,375,655**	**$ 10,358,941**	**$ 10,113,893**	**$ 10,316,171**	**$ 10,522,495**	**$ 10,732,944**
Expenditures								
Personnel	6,361,413	7,211,897	7,356,074	6,838,539	6,816,632	6,952,965	7,092,024	7,233,864
Operations & Maintenance	2,678,772	3,195,207	3,098,279	3,202,012	2,962,327	3,021,574	3,082,005	3,143,645
Capital Outlay	289	-	93,433	-	-	-	-	-
Debt Service	220,604	546,427	121,813	106,670	99,824	101,820	103,856	105,933
Total Operating Expenditures	**9,261,078**	**10,953,532**	**10,669,599**	**10,147,222**	**9,878,783**	**10,076,359**	**10,277,885**	**10,483,442**
		620,180						
Operating Surplus before Transfers	**2,199,695**	**1,427,960**	**706,055**	**211,719**	**235,109**	**239,812**	**244,610**	**249,502**
Operating Transfers To:								
384 City Hall Depreciation Reserve	11,618	857,434	4,647	-	-	-	-	-
385 Parks & Recreation Res.	20,100	30,000	12,000	-	-	-	-	-
387 Planning Projects Reserve	20,000	20,000	8,000	-	-	-	-	-
388 Airport Terminal Depreciation Rese	15,088	15,088	6,035	-	-	-	-	-
390 Library Depreciation Reserve	15,088	15,088	6,035	-	-	-	-	-
393 Fire Depreciation Reserve	54,316	54,316	21,726	-	-	-	-	-
394 Police Depreciation Reserve	54,316	54,316	21,726	-	-	-	-	-
395 PW Depreciation Reserve	101,541	101,541	40,616	-	-	-	-	-
396 Leased Property Depreciation	60,351	60,351	24,140	-	-	-	-	-
Sustainability (AML Account)	-	15,000	-	-	-	-	-	-
Watershed Land Acquistion(Ord 09-08)			124,115					
Fleet Allocation Reserve (380-383)	140,000	526,221	50,000	-	-	-	-	-
367 Public Arts Reserve	-	4,000	-	-	-	-	-	-
369 Seawall Maintenance Reserve	15,000	15,000	13,000	10,000	10,000	10,200	10,404	10,612
Arctic Winter Games - Ord 05-24	-	31,593	-	-	-	-	-	-
170- City Hall / Town Hall Project	440,011	-	-	-	-	-	-	-
Animal Control Debt	52,754	52,754	52,754	52,754	52,754	52,754	52,754	52,754
360 Leave Cash Out Bank	95,849	92,938	138,222	114,602	112,547	114,798	117,094	119,436
Total Operating Transfers:	**1,106,032**	**1,955,640**	**523,018**	**177,356**	**175,301**	**177,752**	**180,252**	**182,802**
Total Expenditures & Operating Transfers	**10,367,110**	**12,909,172**	**11,192,617**	**10,324,578**	**10,054,084**	**10,254,111**	**10,394,979**	**10,602,878**
Total Deficit/Surplus	1,093,663	(527,679)	183,038	34,363	59,808	62,060	127,516	130,066
Beginning Fund Balance	3,901,371	4,995,034	4,467,355	4,650,393	4,684,756	4,744,565	4,806,625	4,934,141
Ending Fund Balance	4,995,034	4,467,355	4,650,393	4,684,756	4,744,565	4,806,625	4,934,141	5,064,207
Fund Balance Adjustment (PERS)	(171,314)							
Available Fund Balance	**4,823,720**	**$ 4,467,355**	**$ 4,650,393**	**$ 4,684,756**	**$ 4,744,565**	**$ 4,806,625**	**$ 4,934,141**	**$ 5,064,207**

FUND 100
EXPENDITURE SUMMARY BY LINE ITEM

		FY2007 Actual	FY2008 Actual	FY 2009 Actual	FY 2010 Adopted Budget	FY 2011 Preliminary Budget	Difference Between 2010 Adopted & 2011 Preliminary Budget	
	Salaries and Benefits							
5101	Regular Employees	3,457,118	3,704,972	3,780,224	3,818,098	3,903,110	85,012	2.23%
5102	Fringe Benefits	2,286,087	2,720,134	2,843,305	2,487,590	2,392,122	(95,468)	-3.84%
5103	P/T Employees	293,395	419,038	394,710	309,265	288,331	(20,934)	-6.77%
5104	Fringe Benefits P/T	73,395	97,802	98,108	44,927	50,092	5,165	11.50%
5105	Overtime	237,293	240,101	219,467	177,592	181,477	3,885	2.19%
5107	Part Time Overtime	14,125	29,852	20,261	1,068	1,500	432	40.45%
Total Salaries and Benefits		$ 6,361,413	$ 7,211,897	$ 7,356,074	$ 6,838,539	$ 6,816,632	$ (21,908)	-0.32%
	Maintenance and Operations							
5201	Office Supplies	41,128	50,232	40,188	53,305	52,131	(1,174)	-2.20%
5202	Operating Supplies	142,748	133,918	194,441	202,949	205,270	2,321	1.14%
5203	Fuel/Lube	270,275	396,731	293,337	385,418	298,472	(86,946)	-22.56%
5204	Chemicals	69,911	75,918	75,000	65,440	72,000	6,560	10.02%
5205	Ammunition	11,662	10,371	10,140	10,000	6,000	(4,000)	-40.00%
5206	Food/Staples	34,794	32,661	34,385	35,400	30,550	(4,850)	-13.70%
5207	Vehicle/Boat Maintenance	123,516	143,556	139,680	136,500	131,500	(5,000)	-3.66%
5208	Equipment Maintenance	22,363	31,445	19,013	52,116	45,800	(6,316)	-12.12%
5209	Building & Grounds Maintenance	74,797	60,463	59,713	80,650	61,475	(19,175)	-23.78%
5210	Professional & Special Services	530,703	580,444	717,644	546,487	540,545	(5,942)	-1.09%
5211	Accounting/Audit	10,800	38,465	33,235	41,009	45,812	4,803	11.71%
5213	Survey/Appraisal	1,527	-	-	4,500	4,500	-	0.00%
5214	Rent & Leases	77,156	83,933	100,977	108,369	103,133	(5,236)	-4.83%
5215	Communications	102,987	109,513	112,276	114,070	123,055	8,985	7.88%
5216	Postage/Freight	22,913	15,546	24,986	30,375	30,087	(288)	-0.95%
5217	Electricity	201,483	212,835	249,771	241,181	223,034	(18,148)	-7.52%
5218	Water	31,052	35,170	34,022	47,190	43,177	(4,013)	-8.50%
5219	Sewer	41,051	39,639	37,187	45,447	40,951	(4,496)	-9.89%
5220	Refuse/Disposal	28,857	32,638	6,005	34,700	34,600	(100)	-0.29%
5221	Property Insurance	24,179	23,988	21,009	22,579	18,176	(4,403)	-19.50%
5222	Auto Insurance	37,810	40,489	43,043	43,982	42,260	(1,722)	-3.91%
5223	Liability Insurance	141,755	226,507	232,475	254,992	192,740	(62,252)	-24.41%
5224	Fidelity Bond Insurance	458	458	458	470	470	-	0.00%
5227	Advertising	25,462	29,235	28,074	26,450	25,700	(750)	-2.84%
5228	Books	20,095	24,196	26,849	26,950	26,950	-	0.00%
5229	Periodicals	9,565	9,921	11,009	12,627	12,644	17	0.13%
5230	Audio/Visual Materials	1,906	2,998	6,556	6,395	6,420	25	0.39%
5231	Tools/Equipment	108,765	158,614	96,012	86,870	80,775	(6,095)	-7.02%
5233	Computer/Related items	4,446	13,116	39,745	3,500	8,500	5,000	142.86%
5234	Recording/Permit Fees	367	1,069	548	1,000	1,000	-	0.00%
5235	Memberships/Dues	14,443	12,775	16,855	17,535	18,175	640	3.65%
5236	Transportation	29,716	39,340	22,877	30,944	27,019	(3,925)	-12.68%
5237	Subsistence	14,044	8,031	13,668	22,466	14,168	(8,298)	-36.94%
5238	Printing/Binding	4,640	6,810	3,474	11,400	9,350	(2,050)	-17.98%
5242	Janitorial	3	74	32	600	675	75	12.50%
5243	Courier	11,460	18,000	-	-	-	-	0.00%
5244	Snow Removal	5,248	13,269	12,452	13,200	15,980	2,780	21.06%
5248	Lobbying	4,207	-	-	-	-	-	0.00%
5251	Pioneer Ave. Beautification	733	924	1,040	618	618	-	0.00%

FUND 100
EXPENDITURE SUMMARY BY LINE ITEM

		FY2007 Actual	FY2008 Actual	FY 2009 Actual	FY 2010 Adopted Budget	FY 2011 Preliminary Budget	Difference Between 2010 Adopted & 2011 Preliminary Budget	
5252	Credit Card Expenses	-	-	-	80	80	-	0.00%
5254	Cash Over/Short	(238)	(10)	20	-	-	-	0.00%
5259	Amount to Be Reimbursed	-	1,300	-	-	-	-	0.00%
5280	Volunteer Incentive Program	18,157	28,979	26,369	35,000	35,000	-	0.00%
5282	City Hall Maintenance	2,389	3,558	3,607	3,150	3,000	(150)	-4.76%
5283	Library Maintenance	11,872	14,133	8,533	10,800	10,000	(800)	-7.41%
5284	Police Dept Maintenance	5,613	3,310	3,888	5,400	5,000	(400)	-7.41%
5285	Fire Dept Maintenance	1,568	682	668	2,700	2,700	-	0.00%
5286	Old School Maintenance	8,926	9,410	8,518	8,550	8,500	(50)	-0.58%
5287	Animal Shelter Maintenance	3,869	8,725	1,202	3,150	3,000	(150)	-4.76%
5292	City Hall Motor Pool Maintenance	4	-	-	500	500	-	0.00%
5293	Police Dept Motor Pool Maintenance	12,712	22,618	15,497	20,000	20,000	-	0.00%
5294	Fire Dept Motor Pool Maintenance	21,009	9,385	17,262	15,000	15,000	-	0.00%
5295	Global Warming	-	-	6,353	-	-	-	0.00%
5601	Uniform/Clothing Allowance	29,397	29,206	34,740	33,478	33,900	422	1.26%
5602	Safety Equipment	20,773	34,677	14,696	32,000	33,750	1,750	5.47%
5603	Employee Training	82,891	90,211	71,234	103,020	83,435	(19,585)	-19.01%
5604	Public Education	2,144	744	1,028	3,000	3,000	-	0.00%
5605	Sister Cities	14	-	-	-	-	-	0.00%
5614	Car Allowance	6,600	7,288	7,950	3,000	3,750	750	25.00%
5621	Unidentified Credit Card Amount	45	-	-	-	-	-	0.00%
5801	Pratt Museum	90,000	90,000	85,000	70,000	66,500	(3,500)	-5.00%
5804	Homer Chamber of Commerce	5,000	-	-	-	-	-	0.00%
5616	Statehood Anniversary	-	-	8,541	-	-	-	0.00%
5813	North Pacific Fisheries	-	700	-	-	-	-	0.00%
5814	Homer Hockey Assoc.	-	50,000	-	-	-	-	0.00%
5823	Fish Stocking	7,000	7,000	-	-	7,000	7,000	100.00%
5830	Homer Foundation	50,000	70,000	25,000	20,000	19,000	(1,000)	-5.00%
5630	Haven House			-	13,000	13,000	-	0.00%
5625	Impound Costs	-	-	-	2,500	2,500	-	0.00%
Total Maintenance and Operations		$ 2,678,772	$ 3,195,207	$ 3,098,279	$ 3,202,012	$ 2,962,327	(239,685)	-7.49%
	Capital Outlay, Transfers and Reserves							
5903	C/O Buildings	289	-	27,750	-	-	-	0.00%
5106	Leave Cash Out	95,849	92,938	138,222	114,602	112,547	(2,055)	-1.79%
5901	Capital Purchases			65,684	-	-	-	0.00%
5990	Transfers to Reserves	1,010,183	1,862,702	384,794	62,754	62,754	-	0.00%
Total Capital Outlay, Transfers & Reserves		$ 1,106,321	$ 1,955,640	$ 616,450	$ 177,356	$ 175,301	(2,055)	-1.16%
	Debt Payment							
5607	Debt Repayment	128,151	405,413	57,934	44,960	39,835	(5,125)	-11.40%
5608	Debt Payment Interest	92,454	141,014	63,879	61,710	59,989	(1,721)	-2.79%
Total Debt Payment		$ 220,604	$ 546,427	$ 121,813	$ 106,670	$ 99,824	(6,846)	-6.42%
Total		$ 10,367,110	$ 12,909,172	$ 11,192,616	$ 10,324,578	$ 10,054,084	(270,493)	-2.62%

FUND 100
REVENUE DETAIL BY LINE ITEM
Sorted by Type

	REVENUE ACCOUNTS	FY2007 Actual	FY2008 Actual	FY 2009 Actual	FY 2010 Adopted Budget	FY 2011 Preliminary Budget	Difference Between 2010 Adopted & 2011 Preliminary Budget	
005	PROPERTY TAXES:							
4101	Real Property Taxes	$ 2,309,398	$ 2,745,270	$ 2,676,885	$2,799,011	$2,635,374	($163,637)	-5.85%
4102	Personal Property Taxes	133,641	146,479	179,288	141,082	167,342	26,260	18.61%
4103	Vehicle Property Taxes	51,425	64,715	58,999	60,000	60,000	-	0.00%
4104	Prior Years Taxes	7,228	18,985	15,525	16,000	16,000	-	0.00%
4105	Penalty & Interest Prop. Taxes	2,931	5,532	3,935	5,000	5,000	-	0.00%
	TOTAL	$ 2,504,624	$ 2,980,981	$ 2,934,631	$ 3,021,093	$ 2,883,716	($137,377)	-4.55%
010	SALES & USE TAXES:							
4201	Sales Tax	4,934,456	5,067,159	4,284,887	4,180,603	4,205,603	25,000	0.60%
4202	Public Utility Tax	28,168	28,287	28,452	28,582	28,582	-	0.00%
4203	Liquor License	18,450	28,550	19,550	24,000	20,000	(4,000)	-16.67%
4205	Sales Tax Commissions	4,000	809	4,000	1,000	1,000	-	0.00%
	TOTAL	$ 4,985,075	$ 5,124,805	$ 4,336,888	$ 4,234,185	$ 4,255,185	$21,000	0.50%
015	PERMITS & LICENSES:							
4301	Driveway Permits	2,115	1,320	1,395	1,400	1,400	-	0.00%
4302	Sign Permits	1,250	650	900	700	700	-	0.00%
4303	Building Permits	20,130	17,250	12,551	18,000	15,000	(3,000)	-16.67%
4304	Peddler Permits	75	329	408	400	400	-	0.00%
4305	Animal Licenses	170	280	-	300	300	-	0.00%
4308	Zoning Fees	19,850	5,990	4,200	6,000	5,000	(1,000)	-16.67%
4309	Right of Way Permits	175	400	160	400	300	(100)	-25.00%
4314	Taxi/Chauffeurs/safety inspection	2,183	1,788	1,858	1,800	1,800	-	0.00%
	TOTAL	$ 45,948	$ 28,007	$ 21,472	$ 29,000	$ 24,900	($4,100)	-14.14%
020	FINES & FORFEITURES:							
4401	Fines & Forfeitures	19,721	33,664	13,782	23,690	17,000	(6,690)	-28.24%
4402	Non-Moving Fines	220	529	2,283	400	400	-	0.00%
	TOTAL	$ 19,941	$ 34,193	$ 16,065	$ 24,090	$ 17,400	($6,690)	-27.77%
025	USE OF MONEY:							
4801	Interest on Investments	88,897	62,514	28,333	35,000	30,000	(5,000)	-14.29%
4802	Penalties & Interest	90	-	-	-	-	-	0.00%
	TOTAL	$ 88,987	$ 62,514	$ 28,333	$ 35,000	$ 30,000	($5,000)	-14.29%
030	REVENUES-OTHER AGENCIES:							
4501	Alaska Shared Revenue	544,922	379,649	370,967	375,000	374,392	(608)	-0.16%
4503	Prisoner Care Contract	$ 416,244	$ 416,244	$ 444,087	$ 416,244	$ 416,244	-	0.00%
4504	Borough 911	48,480	48,480	49,440	48,480	48,480	-	0.00%
4505	Police Special Services	72,500	90,625	72,500	90,625	36,000	(54,625)	-60.28%
4507	Library State Grant	6,350	6,350	6,350	6,350	6,350	-	0.00%
4511	P/W Street Maint Cont DOT	34,000	-	34,000	34,000	34,000	-	0.00%
4512	Reimbursement For Expenses	5,745	-	11,614	-	-	-	0.00%
4514	Other Grants	4,940	-	43,204	-	-	-	0.00%
4527	PERS Revenue	302,637	374,720	372,845	-	-	-	0.00%
4909	Restitution	1,971	100	1,129	-	-	-	0.00%
	TOTAL	$ 1,437,788	$ 1,316,168	$ 1,406,136	$ 970,699	$ 915,466	(55,233)	-5.69%

FUND 100
REVENUE DETAIL BY LINE ITEM-CONTINUED

	REVENUE ACCOUNTS	FY2007 Actual	FY2008 Actual	FY 2009 Actual	FY 2010 Adopted Budget	FY 2011 Preliminary Budget	Difference Between 2010 Adopted & 2011 Preliminary Budget	
035	CHARGES FOR SERVICES:							
4311	Library Cards	10	200	(20)	-	-	-	0.00%
4316	LID Application Fee	300	100	200	100	100	-	0.00%
4317	Billing Fee	1,236	1,077	1,128	1,000	1,000	-	0.00%
4516	Public Works Eq & Services	28,544	6,550	4,274	7,000	4,500	(2,500)	-35.71%
4599	Pioneer Beautification	932	910	800	1,000	800	(200)	-20.00%
4601	Ambulance Fees	211,005	225,461	205,110	225,000	210,000	(15,000)	-6.67%
4602	Fire Contracts (KESA)	195,386	575	346,210	-	-	-	0.00%
4603	Fire Contracts (Kachemak City)	27,289	57,606	65,737	65,000	65,000	-	0.00%
4604	EMS Class Fees	1,855	-	250	-	-	-	0.00%
4606	Wildland Fires	-	-	(2,874)			-	0.00%
4607	Other- Services City Hall	977	807	32	200	200	-	0.00%
4607	Other-Police Services	181	194	90	200	200	-	0.00%
4607	Other-Fire Services	3,985	313	(155)	325	325	-	0.00%
4607	Other-Library Services	26,941	27,326	26,071	27,000	27,000	-	0.00%
4607	Other-Public Works	-	2,000	-	1,000	1,000	-	0.00%
4608	City Campground Fees	19,683	17,139	22,300	18,000	18,000	-	0.00%
4609	Animal Care Fees	9,674	8,535	9,239	8,600	9,200	600	6.98%
4610	Sale of Plans & Spec	240	725	685	500	500	-	0.00%
4611	City Clerk Fees	710	2,123	577	1,500	600	(900)	-60.00%
4612	Publication Fees-Planning	15	-	5	-	-	-	0.00%
4613	Cemetery Plots	1,200	1,700	3,600	1,800	1,800	-	0.00%
4614	Community Schools Class Fees	38,696	27,058	28,166	35,000	28,000	(7,000)	-20.00%
4650	Rent & Leases-Spit Property	133,461	-	-	-	-	-	0.00%
4654	Spit Camping Fees	163,627	140,126	143,549	142,000	142,000	-	0.00%
4660	C.S. Advertising Revenue	-	675	2,335	2,500	2,500	-	0.00%
4902	Other Revenue	-	-	422	-	-	-	0.00%
4905	Donations/Gifts	-	-	5	-	-	-	0.00%
4907	Old School Lease Fees	54,078	55,120	52,439	82,455	35,854	(46,601)	-56.52%
	TOTAL	$ 920,023	$ 576,320	$ 910,175	$ 620,180	$ 548,579	(71,601)	-11.55%
040	OTHER REVENUE:							
4901	Sale of Property-City Wide	3,171	499,189	4,869	-	-	-	0.00%
4902	Other Revenue	255	3,356	59,145	3,500	3,500	-	0.00%
4903	Planning Trust	-	-	6	-	-	-	0.00%
4905	Donations/Gifts	40	-	600	-	-	-	0.00%
4906	Proceeds-Law Suits	-	-	722	-	-	-	0.00%
	TOTAL	$ 3,466	$ 502,546	$ 65,342	$ 3,500	$ 3,500	-	0.00%
045	AIRPORT TERMINAL REVENUES:							
4655	Air Carrier Leases	$ 90,880	$ 92,195	$ 91,362	$ 92,000	$ 92,000	-	0.00%
4656	Concessions	936	2,048	2,018	2,000	2,000	-	0.00%
4657	Car Rental Commissions	52,103	45,931	46,779	45,000	50,000	5,000	11.11%
4658	Parking Fees	25,993	28,012	24,911	30,000	35,000	5,000	16.67%
4659	Vending Machines Fees	383	360	61	360	360	-	0.00%
4660	Advertisement	650	650	650	650	525	(125)	-19.23%
	TOTAL	$ 170,944	$ 169,196	$ 165,781	$ 170,010	$ 179,885	9,875	5.81%
TOTAL GENERAL FUND OPR. REV.		$ 10,176,797	$ 10,794,728	$ 9,884,823	$ 9,107,757	$ 8,858,631	(1,026,192)	-11.27%
099	OPERATING TRANSFERS							
4981	G/F Admin Services from Water	242,364	208,205	183,822	195,392	200,326	4,934	2.53%
4982	G/F Admin Services from Sewer	325,559	289,489	283,494	281,469	278,371	(3,098)	-1.10%
4983	G/F Admin Services from P & H	369,976	409,475	406,541	356,894	366,515	9,621	2.70%
4984	G/F Admin Services from HART	121,866	264,789	239,134	160,951	157,697	(3,254)	-2.02%
4985	G/F Admin Services From HAWSP	224,211	414,806	377,840	256,478	252,352	(4,126)	-1.61%
TOTAL OPERATING TRANSFERS		$ 1,283,976	$ 1,586,764	$ 1,490,832	$ 1,251,184	$ 1,255,261	4,077	0.33%
TOTAL GENERAL FUND REVENUES AND TRANSFERS		$ 11,460,773	$ 12,381,492	$11,375,655	$ 10,358,941	$ 10,113,893	(245,048)	-2.37%

NARRATIVE

GENERAL FUND - MAYOR COUNCIL

The legislative power of the City is vested in the Mayor and City Council and may engage in a broad range of decision making that affects all functions of the City government. The Council's main goal is to work together with the Mayor and Administrative Staff
to establish policy of the City; to serve the resident citizens of the City in the best manner possible; and to make decisions for the greater good and benefit of those citizens.

The Mayor and Council support economic and tourism development, and represent the Kenai Tourism Marketing Council and the Borough Economic Development District. They also contract with the Chamber of Commerce to promote economic and tourism development.

Council's participation and/or attendance at Alaska Municipal League, Sister City Programs, Sister City International, conferences, and other functions are essential for training, being informed, increasing lobbying skills, developing contacts and being a part of the municipal and state legislative bodies.

NARRATIVE
GENERAL FUND - LEASED PROPERTY

This budget reflects the costs associated with providing maintenance of the old school facilities obtained from the borough and other properties the city owns and leases out. UAA has a lease with the City of Homer through May, 2011. The Boys and Girls Club also utilize this facility.

FUND 100
114 - LEASED PROPERTY

		FY2007 Actual	FY2008 Actual	FY 2009 Actual	FY 2010 Adopted Budget	FY 2011 Preliminary Budget	Difference Between 2010 Adopted & 2011 Preliminary Budget	
	Maintenance and Operations							
5203	Fuel/Lube	51,538	87,750	54,561	87,908	44,477	(43,431)	-49.41%
5208	Equipment Maintenance	-	-	-	1,200	700	(500)	-41.67%
5209	Building & Grounds Maintenance	-	6,076	4,047	5,500	3,375	(2,125)	-38.64%
5210	Professional & Special Services	8,446	3,988	3,571	3,500	1,875	(1,625)	-46.43%
5215	Communications	1,745	961	1,019	1,200	700	(500)	-41.67%
5217	Electricity	25,104	25,403	27,215	17,999	12,000	(5,999)	-33.33%
5218	Water	2,635	1,644	1,468	6,050	3,513	(2,537)	-41.93%
5219	Sewer	3,055	2,252	1,785	6,050	3,513	(2,537)	-41.93%
5220	Refuse/Disposal	-	-	-	300	200	(100)	-33.33%
5221	Property Insurance	2,831	2,834	2,621	2,649	1,934	(715)	-27.00%
5223	Liability Insurance	1,271	1,961	2,086	2,219	1,244	(975)	-43.94%
5227	Advertising	1,002	839	293	-	-	-	0.00%
	Total Maintenance and Operations	**97,625**	**133,709**	**98,664**	**134,575**	**73,531**	**(61,044)**	**-45.36%**
	Capital Outlay, Transfers and Reserves							
5990	Transfers to Reserves	60,351	60,351	24,140	-	-	-	0.00%
	Total Capital Outlay, Transfers and Reserves	**60,351**	**60,351**	**24,140**	**-**	**-**	**-**	**0.00%**
	Total	**$ 157,976**	**$ 194,060**	**$ 122,804**	**$ 134,575**	**$ 73,531**	**(61,044)**	**-45.36%**

LINE - ITEM EXPLANATIONS:

Account Number Explanations: Sec G-17

Dept	Reserve		2011 Beginning Balance	Transfers In	Expenditures	2011 End Balance
396	Depreciation Reserves		193,002		-	193,002

NARRATIVE

GENERAL FUND - COMMUNITY RECREATION

Homer Community Recreation promotes community involvement in and life-long learning through, educational and recreational opportunities for people of all ages. This is accomplished through maximizing usage of all community facilities and resources, while utilizing, expanding and uniting local business and school resources. The program is designed to enhance quality of life through participation in programs which will reduce stress, provide for socialization, mental and physical well being.

FY 2011 Objectives:

Offer educational, recreational and leisure opportunities for Homer in a safe, cost effective manner.

Seek alternate revenue sources such as advertisements, sponsorships, grants and donations.

Maintain adequate fees to assist with sustaining overall program.

Provide volunteer opportunities for community members who would like to support the Community Recreation program.

Colllaborate with Parks & Recreation with coordinating, promoting and improving, existing parks, trails, user group agreements and other related activities and projects.

FUND 100
115 - COMMUNITY RECREATION

		FY2007 Actual	FY2008 Actual	FY 2009 Actual	FY 2010 Adopted Budget	FY 2011 Preliminary Budget	2010 Adopted & 2011 Preliminary Budget	
	Salaries and Benefits							
5101	Regular Employees	$ 41,980	$ 51,390	$ 53,771	$ 48,418	$ 51,199	2,780	5.74%
5102	Fringe Benefits	26,476	31,787	34,374	31,563	29,991	(1,571)	-4.98%
5103	P/T Employees	3,726	2,854	2,276	2,000	4,000	2,000	100.00%
5104	Fringe Benefits P/T	399	245	192	186	184	(2)	-0.97%
	Total Salaries and Benefits	**72,581**	**86,276**	**90,614**	**82,167**	**85,374**	**3,207**	**3.90%**
	Maintenance and Operations							
5201	Office Supplies	404	121	-	500	500	-	0.00%
5202	Operating Supplies	586	1,650	1,440	2,500	2,500	-	0.00%
5208	Equipment	-	453	193	500	500	-	0.00%
5210	Professional & Special Services	9,317	10,430	4,875	9,500	15,500	6,000	63.16%
5215	Communications	1,883	2,434	1,734	1,950	1,950	-	0.00%
5216	Postage/Freight	2,126	1,927	364	750	50	(700)	-93.33%
5223	Liability Insurance	696	1,473	1,529	1,666	940	(726)	-43.59%
5227	Advertising	251	522	-	250	950	700	280.00%
5235	Memberships/Dues	-	175	183	185	185	-	0.00%
5236	Transportation	129	1,081	283	100	250	150	150.00%
5237	Subsistence	25	187	189	-	250	250	0.00%
5238	Printing/Binding	2,245	2,060	1,560	1,600	1,800	200	12.50%
5603	Employee Training	-	1,988	2,000	-	250	250	0.00%
	Total Maintenance and Operations	**17,661**	**24,501**	**14,350**	**19,501**	**25,625**	**6,124**	**31.40%**
	Total	**$ 90,242**	**$ 110,777**	**$ 104,964**	**$ 101,668**	**$ 110,999**	**9,331**	**9.18%**
	Staffing History	**1.00**	**1.00**	**1.00**	**0.88**	**0.88**		

LINE - ITEM EXPLANATIONS:

5101 - 5104 - Part of the Community Schools Coordinator Position was moved to Parks & Recreation (.12), where this position will assist in coordinating summer events.
5103 - To increase P/T Wages for the collection of fees at events.
5238 - Quarterly binding was switched to bi-annual printing.
5210 - Basketball Referees', background checks, and KPB user fees of $6,000.

Account Number Explanations: Sec G-17

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"WHERE THE LAND ENDS AND THE SEA BEGINS"

FUND 100
140 - CITY HALL COMPLEX

		FY2007 Actual	FY2008 Actual	FY 2009 Actual	FY 2010 Adopted Budget	FY 2011 Preliminary Budget	Difference Between 2010 Adopted & 2011 Preliminary Budget	
	Salaries and Benefits							
5103	P/T Employees	38	148	-	-	-	-	0.00%
5104	Fringe Benefits P/T	6	25	-	-	-	-	0.00%
	Total Salaries and Benefits	44	173	-	-	-	-	0.00%
	Maintenance and Operations							
5201	Office Supplies	11,434	11,425	5,840	9,426	7,926	(1,500)	-15.91%
5202	Operating Supplies	1,292	2,760	4,503	3,500	1,500	(2,000)	-57.14%
5203	Fuel/Lube	370	488	1,283	500	1,300	800	160.00%
5208	Equipment Maintenance	611	-	526	3,000	1,500	(1,500)	-50.00%
5209	Building & Grounds Maintenance	3,882	3,724	2,314	4,000	2,600	(1,400)	-35.00%
5210	Professional & Special Services	3,297	16,801	3,250	4,000	9,000	5,000	125.00%
5214	Rents & Leases Expense	33,363	32,591	47,286	41,000	43,910	2,910	7.10%
5215	Communications	15,096	10,931	15,027	15,000	15,000	-	0.00%
5216	Postage/Freight	10,134	3,673	13,561	13,500	13,500	-	0.00%
5217	Electricity	29,645	31,843	35,191	35,475	35,475	-	0.00%
5218	Water	1,751	1,208	1,258	2,000	2,000	-	0.00%
5219	Sewer	2,152	1,473	1,437	2,500	2,500	-	0.00%
5220	Refuse/Disposal	766	805	598	1,200	1,200	-	0.00%
5221	Property Insurance	3,731	3,892	3,741	3,939	3,341	(598)	-15.18%
5222	Auto Insurance	1,056	844	844	877	877	0	0.02%
5223	Liability Insurance	2,818	3,528	3,661	3,704	2,611	(1,093)	-29.52%
5224	Fidelity Bond	458	458	458	470	470	-	0.00%
5227	Advertising	196	350	792	400	800	400	100.00%
5231	Tools/Equipment	4,288	13,837	-	-	-	-	0.00%
5236	Transportation	-	226	-	-		-	0.00%
5243	Courier	11,460	18,000	-	-		-	0.00%
5244	Snow Removal	1,403	2,660	1,650	2,700	2,700	-	0.00%
5254	Cash Over/Short	(231)	(10)	20	-	-	-	0.00%
5295	Global Warming	-	-	6,353	-	-	-	100.00%
	Total Maintenance and Operations	138,970	161,507	149,591	147,191	148,210	1,019	0.69%
	Capital Outlay, Transfers and Reserves							
5901	C/O Equipment	-	-	65,684	-	-	-	0.00%
5990	Transfer to Reserves	11,618	26,618	4,647	-	-	-	0.00%
	Total Capital Outlay, Transfers and Reserve	11,618	26,618	70,331	-	-	-	0.00%
	Total	$ 150,632	$ 188,298	$ 219,922	$ 147,191	$ 148,210	1,019	0.69%

LINE - ITEM EXPLANATIONS:

5210 - Increase due to website annual maintenance contract.

Account Number Explanations: Sec G-17
Capital Outlay: Sec D

Dept	Reserve		2011 Beg Bal	Transfers In	Expenditures	2011 End Bal
384	Depreciation Reserves		41,265			41,265
170-733	Building Fund		395,462		-	395,462

CITY OF HOMER
2011 OPERATING BUDGET

NARRATIVE

GENERAL FUND - LIBRARY

The mission of the Homer Public Library is to support the information needs of the community by providing access to quality resources in a welcoming atmosphere by a knowledgeable and caring staff. We take seriously our responsibility to serve as a place for children to discover the joy of reading and the value of libraries. We pledge to promote literacy, learning, and enrichment for people of all ages, thereby enhancing the economic, social, and cultural vitality of our community.

FY2011 OBJECTIVES:

The main objective of the library staff in 2011 will be to meet patron needs based on results of the community-wide survey of library programs and services by:

1. Expanding evening and weekend hours to accomodate more working people and students.
2. Focusing on patron services in areas such as job hunting, resume writing, computer skills, etc. which are needed more than ever during times of economic crisis.
3. Expanding the library's collection, especially the Children's, Young Adult, Large-Print, Adult Fiction, Adult Non-fiction, Biography, and Alaskana sections. In addition, we will need to purchase reference resources in electronic format as publishing companies are phasing out print resources (i.e. encyclopedias).
4. Expanding staff training especially in areas of information technology, multigenerational services, volunteer training, and sending staff to library conferences to interact and network with peers from other libraries. Staff training in how to handle difficult patrons with mental and substance abuse problems will continue.
5. Expanding services through technology such as the library's website, online catalog, and social networking programs to reach out to young adults, busy families, and patrons who are not able to travel to the library

FY2010 ACCOMPLISHMENTS:

1. Provided library services to 125,441 patrons and circulated 101,290 items.
2. Issued 1,020 new library cards.
3. Through inter-library loan program, borrowed over 995 items from other libraries and loaned 907 items to other libraries.
4. Continued collection development program; added 2,232 new books, 171 audio-books, and 181 videos, and discarded 1,896 books, 82 audio-books, and 129 videos – all old, worn, and low circulating.
5. Provided Internet service via 20 public access computers to 44,987 patrons.
6. Coordinated volunteer readers and provided a weekly preschool story hour for over 1,645 children and their families.
7. Developed and implemented an 8-week summer reading program that attracted approximately 300 children and parents.
8. Recruited, scheduled, trained and co-ordinated 1,157 volunteers who generously contributed 2,149 hours to library operations, programs and services.

CITY OF HOMER
2011 OPERATING BUDGET

FUND 100
145 - LIBRARY

		FY2007 Actual	FY2008 Actual	FY 2009 Actual	FY 2010 Adopted Budget	FY 2011 Preliminary Budget	Difference Between 2010 Adopted & 2011 Preliminary Budget	
	Salaries and Benefits							
5101	Regular Employees	$ 215,712	$ 232,806	$ 254,345	$ 258,877	$ 266,809	$ 7,932	3.06%
5102	Fringe Benefits	147,709	173,678	187,117	157,210	159,453	2,243	1.43%
5103	P/T Employees	61,883	79,077	86,381	98,945	101,096	2,151	2.17%
5104	Fringe Benefits P/T	20,493	26,041	26,567	13,237	18,188	4,951	37.40%
5105	Overtime	-	224	6	1,000	1,000	-	0.00%
	Total Salaries and Benefits	**445,797**	**512,419**	**554,417**	**529,269**	**546,546**	**17,277**	**3.26%**
	Maintenance and Operations							
5201	Office Supplies	3,728	4,047	3,819	4,619	7,120	2,501	54.15%
5202	Operating Supplies	2,832	4,209	3,166	3,084	670	(2,414)	-78.27%
5203	Fuel/Lube	30,923	39,295	29,624	43,807	26,014	(17,793)	-40.62%
5208	Equipment Maintenance	574	3,990	1,896	2,866	3,065	199	6.94%
5209	Building & Grounds Maintenance	33	893	-	1,000	500	(500)	-50.00%
5210	Professional & Special Services	14,658	14,748	14,726	19,183	18,845	(338)	-1.76%
5214	Rents & Leases Expense	3,715	3,953	4,861	4,752	5,340	588	12.37%
5215	Communications	2,896	1,743	1,386	1,820	1,077	(743)	-40.82%
5216	Postage/Freight	3,963	2,884	4,485	4,745	5,457	712	15.01%
5217	Electricity	24,917	24,974	29,441	31,185	20,415	(10,770)	-34.54%
5218	Water	1,245	1,453	1,288	1,575	1,203	(372)	-23.62%
5219	Sewer	1,488	1,869	1,489	2,000	1,241	(759)	-37.95%
5221	Property Insurance	7,052	6,355	5,562	5,646	5,936	290	5.13%
5223	Liability Insurance	6,367	8,852	9,686	11,555	7,582	(3,973)	-34.38%
5227	Advertising	188	334	-	-	-	-	0.00%
5228	Books	12,915	16,778	19,851	20,000	20,000	-	0.00%
5229	Periodicals	6,088	6,632	7,397	8,677	8,994	317	3.65%
5230	Audio/Visual Materials	1,906	2,998	6,556	6,395	6,420	25	0.39%
5231	Tools/Equipment	6,391	1,138	3,554	1,750	3,125	1,375	78.57%
5235	Memberships/Dues	774	635	950	1,200	1,205	5	0.42%
5236	Transportation	4,123	5,912	2,851	2,444	5,569	3,125	127.86%
5237	Subsistence	546	892	495	4,766	1,218	(3,548)	-74.44%
5242	Janitorial	3	74	32	-	75	75	0.00%
5244	Snow Removal	2,300	6,705	8,435	5,500	8,280	2,780	50.55%
5603	Employee Training	1,361	2,052	764	2,525	3,335	810	32.08%
	Total Maintenance and Operations	**140,981**	**163,414**	**162,313**	**191,094**	**162,685**	**(28,409)**	**-14.87%**
	Capital Outlay, Transfers and Reserves							
5903	C/O Building	-	-	1,070	-	-	-	0.00%
5990	Transfer to Reserves	15,088	15,088	6,035	-	-	-	0.00%
	Total Capital Outlay, Transfers and Reserves	**15,088**	**15,088**	**7,105**	**-**	**-**	**-**	**0.00%**
	Debt Payment							
5607	Debt Payment	36,875	361,437	36,887	38,257	39,835	1,578	4.12%
5608	Debt Payment Interest	86,437	138,138	62,937	61,567	59,989	(1,578)	-2.56%
	Total Debt Payment	**123,312**	**499,575**	**99,824**	**99,824**	**99,824**	**-**	**0.00%**
	Total	**$ 725,177**	**$ 1,190,496**	**$ 823,659**	**$ 820,187**	**$ 809,055**	**(11,132)**	**-1.36%**
	Staffing History	6.90	7.40	7.40	7.40	7.40		

LINE - ITEM EXPLANATIONS:

Account Number Explanations: Sec G-17

Dept	Reserve	2011 Beg Bal	Transfers In	Expenditures	2011 End Bal
390		55,626			55,626

Dept	Debt	2011 Beg Bal	Principal	Interest	2011 End Bal
2006	New Library	1,454,284	39,835	59,989	1,414,449

NARRATIVE

GENERAL FUND - LIBRARY STATE GRANTS

To account for the grant provided by the State for senior employment. Senior Grant moved to the Senior Center in 2001.

FUND 100
146 LIBRARY STATE GRANTS

		FY2007 Actual	FY2008 Actual	FY 2009 Actual	FY 2010 Adopted Budget	FY 2011 Preliminary Budget	Difference Between 2010 Adopted & 2011 Preliminary Budget	
	Maintenance and Operations							
5227	Advertising (Senior Grant)	-	-	-	-	-	-	0.00%
5228	Books	6,350	6,350	6,350	6,350	6,350	-	0.00%
5229	Periodicals	-	-	-	-	-	-	0.00%
5230	Audio/Visual Materials	-	-	-	-	-	-	0.00%
5236	Transportation	-	-	-	-	-	-	0.00%
5603	Employee Training (Senior Grant)	-	-	-	-	-	-	0.00%
	Total Maintenance and Operations	6,350	6,350	6,350	6,350	6,350	-	0.00%
	Total	$ 6,350	$ 6,350	$ 6,350	$ 6,350	$ 6,350	$ -	0.00%

LINE - ITEM EXPLANATIONS:

Account Number Explanations: Sec G-17

CITY OF HOMER
2011 OPERATING BUDGET

FUND 100
POLICE CONSOLIDATION, INCLUDES POLICE ADMINISTRATION, DISPATCH, INVESTIGATION, PATROL, JAIL & ANIMAL CONTROL
(COST CENTERS - 160 - 165)

		FY2007 Actual	FY2008 Actual	FY 2009 Actual	FY 2010 Adopted Budget	FY 2011 Preliminary Budget	Difference Between 2010 Adopted & 2011 Preliminary Budget	
	Salaries and Benefits							
5101	Regular Employees	1,072,524	1,227,461	1,233,676	1,263,892	1,292,803	28,911	2.29%
5102	Fringe Benefits	741,572	886,902	927,092	832,199	839,915	7,715	0.93%
5103	P/T Employees	148,149	169,823	148,777	86,296	87,529	1,233	1.43%
5104	Fringe Benefits P/T	35,948	38,534	37,053	10,631	10,783	152	1.43%
5105	Overtime	144,510	155,107	132,603	115,806	118,745	2,939	2.54%
5107	Part Time OT	12,014	24,050	17,377	-	-	-	0.00%
	Total Salaries and Benefits	**2,154,718**	**2,501,878**	**2,496,577**	**2,308,824**	**2,349,775**	**40,951**	**1.77%**
	Maintenance and Operations							
5201	Office Supplies	7,082	9,126	6,057	11,000	10,000	(1,000)	-9.09%
5202	Operating Supplies	16,459	13,642	11,972	24,750	24,350	(400)	-1.62%
5203	Fuel/Lube	61,685	85,843	53,910	86,200	63,200	(23,000)	-26.68%
5205	Ammunition	11,662	10,371	10,140	10,000	6,000	(4,000)	-40.00%
5206	Food/Staples	23,877	21,201	21,811	20,200	20,500	300	1.49%
5207	Vehicle/Boat Maintenance	4,198	5,801	4,666	3,500	3,500	-	0.00%
5208	Equipment Maintenance	4,508	10,487	3,302	17,200	13,200	(4,000)	-23.26%
5209	Building & Grounds Maint.	13,963	3,205	11,779	18,500	14,500	(4,000)	-21.62%
5210	Professional & Special Services	129,700	125,685	140,981	142,154	148,300	6,146	4.32%
5214	Rents & Leases	3,230	6,711	6,083	7,000	7,000	-	0.00%
5215	Communications	27,103	39,921	35,331	38,200	37,200	(1,000)	-2.62%
5216	Postage/Frt	1,906	2,411	2,415	4,100	3,900	(200)	-4.88%
5217	Electricity	32,110	31,597	38,664	37,257	37,257	-	0.00%
5218	Water	3,703	3,166	3,160	4,733	4,733	-	0.00%
5219	Sewer	4,927	3,886	3,754	5,897	5,897	-	0.00%
5220	Refuse/Disposal	2,499	2,130	1,245	2,800	2,800	-	0.00%
5221	Property Insurance	3,200	3,299	3,096	3,165	1,916	(1,249)	-39.46%
5222	Auto Insurance	11,282	11,662	12,409	12,886	12,885	(1)	0.00%
5223	Liability Insurance	69,470	130,780	130,325	146,071	126,458	(19,613)	-13.43%
5227	Advertising	4,594	5,083	3,837	2,500	2,500	-	0.00%
5231	Tools/Equipment	18,946	20,728	25,055	25,500	23,000	(2,500)	-9.80%
5235	Memberships/Dues	940	803	558	1,250	1,250	-	0.00%
5236	Transportation	2,351	1,572	1,426	3,400	3,400	-	0.00%
5237	Subsistence	1,222	886	2,726	1,800	1,800	-	0.00%
5242	Janitorial	-	-	-	600	600	-	0.00%
5244	Snow Removal	1,545	3,904	2,367	5,000	5,000	-	0.00%
5601	Clothing/Uniforms	24,562	21,384	29,458	24,000	24,500	500	2.08%
5603	Employee Training	30,653	33,577	22,257	43,500	29,000	(14,500)	-33.33%
5630	Haven House				13,000	13,000	-	100.00%
5625	Impound Costs	-	-	-	2,500	2,500	-	100.00%
	Total Maintenance and Operations	**517,377**	**608,862**	**588,781**	**718,663**	**650,147**	**-68,516**	**-9.53%**
	Capital Outlay, Transfers and Reserves							
5903	C/O Building & Improvements	289	-	26,680				
5990	Transfers	172,070	172,070	94,480	-	-	-	0.00%
	Total Capital Outlay, Transfers and Reserv	**172,359**	**172,070**	**121,160**	**0**	**0**	**-**	**0.00%**
	Total	$ 2,844,454	$ 3,282,810	$ 3,206,518	$ 3,027,487	$ 2,999,922	$ (27,565)	-0.91%
	Staffing History	24.30	26.45	25.80	22.70	22.70		

LINE - ITEM EXPLANATIONS:

5101 - 5106 - 1 Police Officer and 1 Dispatch position not filled. Beach patrol moved to Port & Harbor. Laid off 1 PT Employee due to 2010 budget cuts. These positions are not being removed, however they will not be funded this year.

Account Number Explanations: *Sec. G-17*
Capital Outlay/Transfers: *See Section D for Details.*

	Depreciation Reserve		2011 Beg Bal	Transfers In	Expenditures	2011 End Bal
394			101,907			101,907
382	Fleet Reserve		23,133			23,133
	Debt		**2011 Beg Bal**	**Principal**	**Interest**	**2011 End Bal**
2005 Animal Shelter Loan			100,000	50,000	2,754	50,000

NARRATIVE

GENERAL FUND - POLICE ADMINISTRATION

The function of the Department of Public Safety is to preserve order, enforce laws and ordinances in the city, preserve the peace, render medical aid to victims and help prevent and extinguish fires. The Department of Public Safety is divided into the police department and fire department. The Chief of Police and Fire Chief directs and supervises the activities of these departments.

The police department consists of administration, patrol, investigations, jail and dispatch services. The police department has a staff of 12 certified officers. The police officers are responsible for patrol, investigations, traffic enforcement and general duty police work within the City of Homer.

NARRATIVE
GENERAL FUND - JAIL

The Homer Jail, operated by the police department, is a city owned facility contracted with the State of Alaska to house prisoners arrested by the Homer Police, the Alaska State Troopers and other allied agencies. This facility consists of four cells with two bunks in three of these cells and one bunk in the fourth cell. The prisoners held in this facility may serve up to ten days of their sentence. The Homer Jail is staffed by two full time community jail officers and four part time community jail officers who are responsible for the health and welfare of the prisoners as well as record keeping and court proceedings associated with these prisoners.

FUND 100
164 - JAIL

		FY2007 Actual	FY2008 Actual	FY 2009 Actual	FY 2010 Adopted Budget	FY 2011 Preliminary Budget	Difference Between 2010 Adopted & 2011 Preliminary Budget	
	Salaries and Benefits							
5101	Regular Employees	$ 223,862	$ 234,704	$ 222,254	$ 236,405	$ 240,255	$ 3,850	1.63%
5102	Fringe Benefits	147,548	144,456	156,019	167,069	165,822	(1,247)	-0.75%
5103	P/T Employees	114,626	143,290	128,091	73,352	74,585	1,233	1.68%
5104	Fringe Benefits P/T	32,776	35,455	33,669	9,834	9,986	152	1.55%
5105	Overtime	30,340	36,123	27,613	8,887	9,144	257	2.89%
5107	P/T Overtime	11,612	23,428	16,747	-	-	-	0.00%
	Total Salaries and Benefits	560,765	617,456	584,392	495,547	499,792	4,245	0.86%
	Maintenance and Operations							
5201	Office Supplies	1,540	1,838	335	2,000	2,000	-	0.00%
5202	Operating Supplies	3,044	3,500	2,020	4,500	4,500	-	0.00%
5203	Fuel/Lube	24	-	783	1,200	1,200	-	0.00%
5206	Food/Staples	20,938	16,248	17,377	18,500	18,500	-	0.00%
5207	Vehicle Maintenance	11	682	68	500	500	-	0.00%
5209	Building & Grounds Maintenance	5,350	1,149	8,116	6,500	6,500	-	0.00%
5210	Professional & Special Services	5,330	1,041	1,687	3,500	3,500	-	0.00%
5216	Postage/Freight	635	-	89	500	500	-	0.00%
5217	Electricity	9,172	8,668	12,131	11,000	11,000	-	0.00%
5218	Water	551	417	350	600	600	-	0.00%
5219	Sewer	693	425	419	800	800	-	0.00%
5223	Liability Insurance	33,063	54,963	71,003	80,671	$80,347	(324)	-0.40%
5231	Tools/Equipment	1,682	2,085	579	2,000	2,000	-	0.00%
5236	Transportation	72	10	-	900	900	-	0.00%
5237	Subsistence	39	60	60	500	500	-	0.00%
5601	Uniform/Clothing Allowance	10,045	7,377	10,750	5,000	5,500	500	10.00%
5603	Employee Training	1,000	1,084	255	3,000	3,000	-	0.00%
	Total Maintenance and Operations	93,189	99,547	126,022	141,671	141,847	176	0.12%
	Capital Outlay, Transfers and Reserves							
5903	C/O Building & Improvements	289	-	26,680	-	-	-	0.00%
5990	Transfers to Reserves	15,000	15,000	-	-	-	-	0.00%
	Total Capital Outlay, Transfers & Reserves	15,289	15,000	26,680	-	-	-	0.00%
	Total	$ 669,243	$ 732,003	$ 737,094	$ 637,218	$ 641,639	4,421	0.69%
	Staffing History	6.80	6.80	6.95	6.10	6.10		

LINE - ITEM EXPLANATIONS:

5101 - 5106 - Lay off of one PT Judicial Serv Adm Asst due to 2010 Budget Cuts. This position is not being removed, however it will not be funded this year.

5206 Prisoner meal contract costs, estimated at normal prisoner man days.

Account Number Explanations: Sec G-17
Capital Outlay: See Section D for Details

NARRATIVE
GENERAL FUND - ANIMAL CONTROL

The Homer Animal Shelter is administered by the Homer Police Department. The shelter is staffed and maintained by a private contractor, Coastal Animal Care. They are responsible for the care and welfare of animals.

FUND 100
165 - ANIMAL CONTROL

		FY2007 Actual	FY2008 Actual	FY 2009 Actual	FY 2010 Adopted Budget	FY 2011 Preliminary Budget	Difference Between 2010 Adopted & 2011 Preliminary Budget	
	Maintenance and Operations							
5202	Operating Supplies	279	234	-	-	-	-	0.00%
5203	Fuel/Lube	25,237	24,384	15,254	25,000	22,000	(3,000)	-12.00%
5206	Food/Staples	-	-	-	500	500	-	0.00%
5208	Equipment Maintenance	-	-	-	1,000	1,000	-	0.00%
5209	Building & Grounds Maintenance	2,460	528	147	3,000	3,000	-	0.00%
5210	Professional & Special Services	101,850	107,295	113,053	117,904	123,800	5,896	5.00%
5215	Communications	-	-	229	1,200	1,200	-	0.00%
5217	Electricity	4,982	5,115	5,598	5,257	5,257	-	0.00%
5218	Water	950	1,449	1,411	1,633	1,633	-	0.00%
5219	Sewer	1,460	1,852	1,656	2,097	2,097	-	0.00%
5220	Refuse/Disposal	493	520	309	500	500	-	0.00%
5221	Property Insurance	1,196	1,232	$1,175	$1,216	$736	(480)	-39.47%
5223	Liability Insurance	1,533	2,437	$2,728	$3,040	$2,012	(1,028)	-33.82%
5244	Snow Removal	-	1,099	-	2,500	2,500	-	0.00%
	Total Maintenance and Operations	**140,441**	**146,144**	**141,559**	**164,847**	**166,235**	**1,388**	**0.84%**
	Capital Outlay, Transfers and Reserves							
5990	Transfer to Debt Service	52,754	52,754	52,754	52,754	52,754	-	0.00%
	Total Capital Outlay, Transfers & Reserves	**52,754**	**52,754**	**52,754**	**52,754**	**52,754**	**-**	**0.00%**
	Total	**$ 193,195**	**$ 198,898**	**$ 194,313**	**$ 217,601**	**$ 218,989**	**1,388**	**0.64%**

LINE - ITEM EXPLANATIONS:

In 2006, a contract was issued for the operations of the Animal Shelter. Contract provisions =$97,000 + 5% annual increase effective starting in January 2007.

Account Number Explanations: Sec G-17
Capital Outlay: See Section D for Details

Debt	2011 Beg Bal	Principal	Interest	2011 End Bal
2005 Animal Shelter Loan	100,000	50,000	2,754	50,000

City of Homer
2011 Operating Budget

COMBINED REVENUES AND EXPENSES
ENTERPRISE FUNDS
Preliminary

	Water/Sewer Fund	Port & Harbor Fund	Total Enterprise Funds
Revenue			
Total Operating Revenue	$ **3,419,043**	$ **3,441,571**	$ **6,860,613**
Operating Expenses before Depreciation:			
Personnel	1,598,078	1,633,904	3,231,981
Operations & Maintenance	913,227	1,062,896	1,976,123
Debt Service	11,566	-	11,566
Other Charges	478,697	366,515	845,212
Total Operating Expenses	**3,001,568**	**3,063,315**	**6,064,883**
Operating Income before Depreciation:	**417,474**	**378,256**	**795,730**
Depreciation Expense	2,203,705	1,435,870	3,639,575
Earnings from Operations	**(1,786,231)**	**(1,057,614)**	**(2,843,845)**
Total Non - Operating Revenue	31,000	225,725	256,725
Earnings before contributions & transfers	$ **(1,755,231)**	$ **(831,889)**	$ **(2,587,120)**
Capital Contributions	1,188,015	-	1,188,015
Reserves	500,000	500,000	1,000,000
Leave Cash Out Bank	36,623	35,830	72,453
Change in Net Assets	**(1,103,839)**	**(1,367,720)**	**(2,471,558)**
Beginning Net Assets	$ 14,372,835	$ 2,639,417	$ 17,012,251
Ending Net Assets	$ **13,268,996**	$ **1,271,697**	$ **14,540,693**

City of Homer
2011 Operating Budget

FUND: 200 WATER/SEWER FUND							
FUND BUDGET:	FY2007 Actual	FY2008 Actual	FY 2009 Actual	FY2010 Budget	FY2011 Budget	FY2012 Projection	FY2013 Projection
Revenue							
Water Revenue	$ 1,199,744	$ 1,475,565	$ 1,551,497	$ 1,671,940	$ 1,547,482	$ 1,578,432	$ 1,610,000
Sewer Revenue	1,380,994	1,457,354	1,478,825	1,871,561	1,871,561	1,908,992	1,947,172
Total Operating Revenue:	**$ 2,683,847**	**$ 2,932,919**	**$ 3,277,986**	**$ 3,543,501**	**$ 3,419,043**	**$ 3,343,546**	**$ 3,614,371**
Operating Expenses before Depreciation :							
Personnel	$ 1,593,155	$ 1,817,854	$ 1,846,907	$ 1,636,709	$ 1,598,078	$ 1,630,039	$ 1,662,640
Operations & Maintenance	742,817	849,247	1,091,714	862,656	913,227	931,492	950,122
Debt Service	13,183	882	3,038	23,132	11,566	11,797	12,033
Other Charges (Administrative Cost	567,923	497,694	467,317	476,861	478,697	488,271	498,036
Total Operating Expenses	**$ 2,917,077**	**$ 3,165,677**	**$ 3,408,975**	**$ 2,999,358**	**$ 3,001,568**	**$ 3,061,600**	**$ 3,122,832**
Operating Income before Depreciation:	**(233,230)**	**(232,758)**	**(130,989)**	**544,143**	**417,474**	**281,946**	**491,539**
Depreciation Expense	2,016,613	2,069,133	2,225,964	1,744,755	2,203,705	2,048,441	2,203,705
Earnings from Operations	**$ (2,249,843)**	**$ (2,301,891)**	**$ (2,356,953)**	**$ (1,200,612)**	**$ (1,786,231)**	**$ (1,766,495)**	**$ (1,712,166)**
Total Non - Operating Revenue	140,091	394,364	132,265	31,000	31,000	31,620	31,620
Earnings before contributions & transfers	**$ (2,109,752)**	**$ (1,907,527)**	**$ (2,224,688)**	**$ (1,169,612)**	**$ (1,755,231)**	**$ (1,734,875)**	**$ (1,680,546)**
Capital Contributions	1,118,516	1,249,118	1,251,292	1,188,015	1,188,015	1,188,015	1,188,015
Reserves	440,000	100,000	100,000	500,000	500,000	500,000	500
Leave Cash Out Bank	22,704	54,837	37,439	30,849	36,623	38,454	40,377
Change in Net Assets	**(1,453,940)**	**(813,246)**	**(1,110,835)**	**(512,446)**	**(1,103,839)**	**(1,085,314)**	**(533,408)**
Beginning Net Assets	8,662,264	8,927,368	12,112,443	14,885,280	14,372,835	13,268,996	12,183,682
** Fixed asset adj for contributed Asse	1,719,044	3,998,321	3,883,672				
Ending Net Assets	**8,927,368**	**12,112,443**	**14,885,280**	**14,372,835**	**13,268,996**	**12,183,682**	**11,650,275**

City of Homer
2011 Operating Budget

EXPENDITURE SUMMARY BY LINE ITEM

		FY2007 Actual	FY2008 Actual	FY 2009 Actual	FY 2010 Adopted Budget	FY 2011 Preliminary Budget	Difference Between 2010 Adopted & 2011 Preliminary	
Salaries and Benefits								
5101	Permanent Employees	441,109	537,268	528,422	508,226	517,702	9,476	1.86%
5102	Fringe Benefits	344,524	399,529	413,459	349,786	318,601	(31,185)	-8.92%
5103	Part Time Employees	3,536	2,106	8,299	4,909	4,909	0	0.00%
5104	P/T Fringe Benefits	461	-	857	663	663	-	0.00%
5105	Overtime	42,817	26,328	36,760	26,000	26,400	400	1.54%
5106	Leave Cash Out	-	-	-	-	-	-	0.00%
5107	Part Time Overtime	-	-	30	-	-	-	0.00%
	Total Salaries and Benefits	**832,448**	**965,231**	**987,827**	**889,584**	**868,276**	**$ (21,308)**	**-2.40%**
Maintenance and Operations								
5201	Office Supplies	666	732	242	1,350	1,200	(150)	-11.11%
5202	Operating Supplies	55,220	67,707	95,369	41,250	41,200	(50)	-0.12%
5203	Fuel/Lube	19,551	25,019	25,746	35,879	35,000	(879)	-2.45%
5204	Chemicals	26,325	26,094	44,398	29,000	32,000	3,000	10.34%
5207	Vehicle/Boat Maintenance	212	-	-	1,200	1,200	-	0.00%
5208	Equipment Maintenance	26,015	30,401	35,014	43,200	42,500	(700)	-1.62%
5209	Building & Grounds Maintenance	2,538	2,343	101,675	12,750	12,500	(250)	-1.96%
5210	Professional & Special Services	17,956	29,915	23,422	37,100	28,600	(8,500)	-22.91%
5211	Accounting/Auditing	2,200	9,059	6,715	8,365	9,342	977	11.68%
5213	Survey/Appraisal	750	750	-	1,200	1,200	-	0.00%
5214	Rents & Leases	-	-	-	2,000	2,000	-	0.00%
5215	Communications	5,972	6,017	4,119	4,500	4,200	(300)	-6.67%
5216	Postage/Freight	3,796	2,200	1,684	1,800	1,500	(300)	-16.67%
5217	Electricity	93,331	108,417	143,794	121,442	127,000	5,558	4.58%
5220	Refuse/Disposal	-	-	270	-	-		0.00%
5221	Property Insurance	11,156	11,567	11,108	11,583	15,349	3,766	32.51%
5222	Auto Insurance	11,372	12,299	14,086	12,672	11,140	(1,532)	-12.09%
5223	Liability Insurance	16,699	19,145	21,695	24,320	17,602	(6,718)	-27.62%
5226	Testing/Analysis	10,534	12,480	14,444	8,000	16,000	8,000	100.00%
5227	Advertising	469	-	-	700	700	-	0.00%
5231	Tools/Equipment	10,263	6,845	6,985	10,200	9,200	(1,000)	-9.80%
5233	Computer Related Items	240	-	-	-	-	-	0.00%
5234	Recording/Permit Fees	150	-	235	1,000	1,000	-	0.00%
5235	Memberships/Dues	774	276	724	1,375	1,000	(375)	-27.27%
5252	Credit Card Expense	1,388	19,761	23,043	-	24,000	24,000	0.00%
5259	Amount to be reimbursed	4,785	-	-	-	-	-	0.00%
5602	Safety Equipment	1,263	2,120	2,426	2,000	2,000	-	0.00%
5603	Employee Training	3,457	8,766	5,123	8,250	8,400	150	1.82%
5606	Bad Debt Expense	4,078	(5,907)	12,164	-	-	-	0.00%
	Total Maintenance & Operations	**331,159**	**396,003**	**594,480**	**421,136**	**445,833**	**24,697**	**5.86%**
Capital Outlay, Transfers and Reserves								
5990	Transfers To Reserves	220,000	50,000	50,000	250,000	250,000	-	0.00%
	Leave Cash Out Bank Transfer	14,761	14,893	15,901	12,785	16,211	3,426	26.80%
	Total Capital Outlay, Transfers & Reserves	**234,761**	**64,893**	**65,901**	**262,785**	**266,211**	**3,426**	**1.30%**
5607	Debt Payment	-	-	-	11,324	-	(11,324)	-100.00%
5608	Interest Expense	7,154	653	1,673	242	-	(242)	-100.00%
	Total Debt Service	**7,154**	**653**	**1,673**	**11,566**	**-**	**(11,566)**	**-100.00%**
5241	G/F Admin Services	242,364	208,205	183,822	195,392	200,326	4,934	2.53%
	Total Other Charges	**242,364**	**208,205**	**183,822**	**195,392**	**200,326**	**4,934**	**2.53%**
TOTAL		**$ 1,647,885**	**$ 1,634,986**	**$ 1,833,703**	**$ 1,780,463**	**$ 1,780,646**	**183**	**0.01%**

NARRATIVE

WATER FUND - ADMINISTRATION

Provide professional, technical, supervisory and administrative resources necessary to support the operation and maintenance of the City's water system. This includes the water source, treatment plant, storage tanks, pressure reducing stations, booster pumps, transmission and distribution pipelines.

Maintain the system to provide for reliable fire suppression, commercial, industrial, bulk water usage, and complete all testing required to ensure the drinking water for City residents meet or exceed all state and federal requirements.

Expenditures reflect costs for producing the EPA mandated water quality report annually.

FUND 200
400 - WATER FUND ADMINISTRATION

		FY2007 Actual	FY2008 Actual	FY 2009 Actual	FY 2010 Adopted Budget	FY 2011 Preliminary Budget	Difference Between 2010 Adopted & 2011 Preliminary	
	Salaries and Benefits							
5101	Regular Employees	$ 123,915	$ 146,571	$ 128,604	$ 115,073	$ 122,180	7,107	6.18%
5102	Fringe Benefits	109,611	141,008	133,287	74,285	71,345	(2,940)	-3.96%
5103	P/T Employees	(129)	-	1,457	-	-	-	0.00%
5104	Fringe Benefits P/T	(23)	-	-	-	-	-	0.00%
5105	Overtime	2,525	1,318	-	1,000	1,000	-	0.00%
	Total Salaries and Benefits	**235,899**	**288,897**	**263,347**	**190,358**	**194,524**	**$ 4,166**	**2.19%**
	Maintenance and Operations							
5201	Office Supplies	666	732	242	1,350	1,200	(150)	-11.11%
5202	Operating Supplies	(36)	295	787	900	900	-	0.00%
5203	Food/Staples	-	-	1,511	-	-	-	0.00%
5208	Equipment Maintenance	-	2,416	-	1,200	1,000	(200)	-16.67%
5210	Professional & Special Services	12,860	14,387	7,668	13,500	13,500	-	0.00%
5211	Accounting/Audit	2,200	9,059	6,715	8,365	9,342	977	11.68%
5215	Communications	5,972	6,017	4,119	4,500	4,200	(300)	-6.67%
5216	Postage/Freight	3,796	2,200	1,684	1,800	1,500	(300)	-16.67%
5221	Property Insurance	11,156	11,567	11,108	11,583	15,349	3,766	32.51%
5222	Auto Insurance	11,372	12,299	14,086	12,672	11,140	(1,532)	-12.09%
5223	Liability Insurance	16,699	19,145	21,695	24,320	17,602	(6,718)	-27.62%
5227	Advertising	469	-	-	700	700	-	0.00%
5231	Tools/Equipment	1,666	50	803	1,350	1,200	(150)	-11.11%
5233	Computers and Related Items	240	-	-	-	1,000	1,000	0.00%
5234	Recording/Permit Fees	150	-	235	1,000	1,000	-	0.00%
5235	Memberships/Dues	774	276	724	1,375	1,000	(375)	-27.27%
5252	Credit Card Service Fees	1,388	19,761	23,043	-	24,000	24,000	100.00%
5259	Amount To Be Reimbursed	4,785	-	-	-	-	-	0.00%
5602	Safety Equipment	551	581	427	750	750	-	0.00%
5603	Employee Training	3,357	8,163	3,346	7,200	7,200	-	0.00%
5606	Bad Debt Expense	4,078	(5,907)	12,164	-	-	-	0.00%
	Total Maintenance and Operations	**82,144**	**101,041**	**110,356**	**92,565**	**112,583**	**20,018**	**21.63%**
	Capital Outlay, Transfers and Reserves							
5106	Leave Cash Out Bank	14,761	14,893	15,901	12,785	16,211	3,426	26.80%
5990	Transfers to Reserves	220,000	50,000	50,000	250,000	250,000	-	0.00%
	Total Capital Outlay, Transfers & Reserves	**234,761**	**64,893**	**65,901**	**262,785**	**266,211**	**3,426**	**1.30%**
	Debt Payment							
5607	Debt Payment	-	-	-	11,324	-	(11,324)	-100.00%
5608	Debt Payment Interest	7,154	653	1,673	242	-	(242)	-100.00%
	Total Debt Payment	**7,154**	**653**	**1,673**	**11,566**	**-**	**(11,566)**	**-100.00%**
5241	**G/F Administrative Services**	**242,364**	**208,205**	**183,822**	**195,392**	**200,326**	**4,934**	**2.53%**
	Total	**$ 802,321**	**$ 663,690**	**$ 625,099**	**$ 752,666**	**$ 773,644**	**$ 20,978**	**2.79%**
	Staffing History	**2.25**	**2.86**	**2.15**	**1.85**	**1.85**		

LINE - ITEM EXPLANATIONS:

5101 - 5106 - Decrease due to 2010 Budget Cuts in the General Fund. This represents a portion of an office position that will remain vacant during the 2010 year.

Account Number Explanations: Sec G-17
Capital Outlay: Sec D

Dept	Reserve		2011 Beginning Balance	Transfer In	Budgeted Expenditure	2011 Ending Balance
378	Depreciation Reserve		1,394,696	250,000		1,644,696
	Leave Bank		-	16,211	16,211	

City of Homer
2011 Operating Budget

NARRATIVE

WATER FUND - WATER TREATMENT PLANT OPERATIONS

Provide for the operation and maintenance of the water treatment plant. The plant is rated at 2 million gallons per day, utilizing mostly automated controls.

Treatment requires the use of chemicals including chlorine, alum caustic soda, soda ash and a corrosion inhibitor. Fluctuating water source quality demands the constant attention of plant operators.

FUND 200
401 - WATER TREATMENT PLANT

		FY2007 Actual	FY2008 Actual	FY 2009 Actual	FY 2010 Adopted Budget	FY 2011 Preliminary Budget	Difference Between 2010 Adopted & 2011 Preliminary	
	Salaries and Benefits							
5101	Regular Employees	$ 92,343	$ 96,437	$ 93,026	$ 95,717	$ 99,173	3,456	3.61%
5102	Fringe Benefits	66,070	59,597	72,628	68,484	64,550	(3,934)	-5.74%
5103	P/T Employees	147	2,106	5,987	4,295	4,295	0	0.01%
5104	Fringe Benefits P/T	-	-	753	580	580	(0)	-0.02%
5105	Overtime	17,651	15,030	21,234	11,500	11,500	-	0.00%
5107	P/T Overtime	-	-	27	-	-	-	0.00%
	Total Salaries and Benefits	**176,210**	**173,169**	**193,655**	**180,576**	**180,098**	**$ (478)**	**-0.26%**
	Maintenance and Operations							
5202	Operating Supplies	12,038	8,697	14,455	6,000	6,000	-	0.00%
5203	Fuel/Lube	18,385	25,019	24,234	34,879	34,000	(879)	-2.52%
5204	Chemicals	26,325	26,094	44,398	29,000	32,000	3,000	10.34%
5207	Vehicle/Boat Maintenance	212	-	-	1,200	1,200	-	0.00%
5208	Equipment Maintenance	17,975	8,648	15,124	21,000	21,000	-	0.00%
5209	Building & Grounds Maintenance	458	665	4,756	4,000	4,000	-	0.00%
5210	Professional & Special Services	1,571	4,284	1,036	3,800	3,800	-	0.00%
5214	Rents & Leases Expense	-	-	-	2,000	2,000	-	0.00%
5217	Electricity	14,597	24,118	46,085	24,505	40,000	15,495	63.23%
5226	Testing/Analysis	-	-	504	-	-	-	0.00%
5602	Safety Equipment	20	551	888	500	500	-	0.00%
	Total Maintenance and Operations	**91,581**	**98,076**	**151,481**	**126,884**	**144,500**	**17,616**	**13.88%**
	Total	**$ 267,792**	**$ 271,245**	**$ 345,135**	**$ 307,460**	**$ 324,598**	**17,138**	**5.57%**
	Staffing History	**1.52**	**2.05**	**2.00**	**1.94**	**1.94**		

LINE - ITEM EXPLANATIONS:

5101 - 5107 Decrease due to 2010 Budget Cuts in the General Fund. The summer PT employees work at various locations throughout the City, this represents this department's share of PT employees. The positions will remain vacant for 2010.

Account Number Explanations: Sec G-17

City of Homer
2011 Operating Budget

FUND 200 SEWER
EXPENDITURE SUMMARY BY LINE ITEM

		FY2007 Actual	FY2008 Actual	FY 2009 Actual	FY 2010 Adopted Budget	FY 2011 Preliminary Budget	Difference Between 2010 Adopted & 2011 Preliminary	
5101	Regular Employees	$ 424,369	$ 476,732	$ 460,688	$ 429,777	$ 438,625	8,848	2.06%
5102	Fringe Benefits	301,466	353,028	362,256	294,490	268,319	(26,171)	-8.89%
5103	Part Time Employees	3,615	3,612	10,264	7,364	7,364	(0)	0.00%
5104	P/T Fringe Benefits	476	-	1,274	994	994	0	0.01%
5105	Overtime	30,781	19,251	24,552	14,500	14,500	-	0.00%
	Total Salaries and Benefits	**760,707**	**852,623**	**859,079**	**747,125**	**729,802**	**(17,323)**	**-2.32%**
	Maintenance and Operations							
5201	Office Supplies	-	460	571	-	-	-	0.00%
5202	Operating Supplies	28,158	20,035	29,954	25,065	24,300	(765)	-3.05%
5203	Fuel/Lube	36,218	39,201	33,339	45,000	45,000	-	0.00%
5204	Chemicals	37,922	55,068	34,121	24,500	25,000	500	2.04%
5208	Equipment Maintenance	50,166	34,011	22,666	30,275	29,200	(1,075)	-3.55%
5209	Building & Grounds Maintenance	10,032	1,175	2,462	3,900	3,500	(400)	-10.26%
5210	Professional & Special Services	24,580	28,503	43,839	21,100	41,100	20,000	94.79%
5211	Accounting/Auditing	2,200	7,060	6,715	8,364	9,341	977	11.68%
5214	Rents & Leases	1,205	1,063	250	1,500	1,500	-	0.00%
5215	Communications	2,631	3,325	286	5,500	4,500	(1,000)	-18.18%
5216	Postage/Freight	2,122	2,146	1,645	4,940	2,500	(2,440)	-49.39%
5217	Electricity	149,971	174,610	210,521	190,542	189,700	(842)	-0.44%
5218	Water	6,123	11,092	16,541	11,104	15,000	3,896	35.09%
5219	Sewer	667	906	796	931	900	(31)	-3.36%
5221	Property Insurance	18,308	18,464	17,279	17,661	9,314	(8,347)	-47.26%
5222	Auto Insurance	11,372	12,299	12,585	12,672	11,140	(1,532)	-12.09%
5223	Liability Insurance	17,182	18,740	23,174	24,516	15,149	(9,367)	-38.21%
5226	Testing/Analysis	2,606	1,810	3,974	3,000	4,000	1,000	33.33%
5227	Advertising	-	-	338	500	500	-	0.00%
5231	Tools/Equipment	7,193	2,421	3,290	4,500	4,500	-	0.00%
5235	Memberships/Dues	188	90	50	1,500	1,500	-	0.00%
5252	Credit Card Expense	-	18,726	23,043	-	24,000	24,000	100.00%
5601	Clothing/Uniforms	271	93	-	250	250	-	0.00%
5602	Safety Equipment	1,083	1,341	1,895	1,500	1,500	-	0.00%
5603	Employee Training	4,244	4,906	1,143	2,700	4,000	1,300	48.15%
5606	Bad Debt Expense	(2,780)	(4,300)	6,756	-	-	-	0.00%
Total Operations & Maintenance		**411,658**	**453,244**	**497,234**	**441,520**	**467,395**	**25,875**	**5.86%**
	Capital Outlay, Transfers and Reserves							
5990	Transfer to Reserves	220,000	50,000	50,000	250,000	250,000	-	0.00%
5106	Leave Cash Out Bank Transfer	7,943	39,944	21,538	18,064	20,412	2,348	13.00%
Total Capital Outlay, Transfers and Reserves		**227,943**	**89,944**	**71,538**	**268,064**	**270,412**	**2,348**	**0.88%**
5607	Debt Payment	-	-	-	11,324	11,324	-	0.00%
5608	Interest Expense	6,029	229	1,365	242	242	-	0.00%
	Total Debt Service	**6,029**	**229**	**1,365**	**11,566**	**11,566**	**-**	**0.00%**
5241	G/F Admin Services	325,559	289,489	283,494	281,469	278,371	(3,098)	-1.10%
	Total Other Charges	**325,559**	**289,489**	**283,494**	**281,469**	**278,371**	**(3,098)**	**-1.10%**
	Totals	**$ 1,731,896**	**$1,685,529**	**$ 1,712,711**	**$ 1,749,744**	**$ 1,757,545**	**7,801**	**0.45%**

SEWER FUND - ADMINISTRATION

Provides the professional, technical, supervisory and administrative resources necessary to support the operation and maintenance of the City's sanitary sewer system. This includes the sewer collection facilities and treatment plant.

The system serves an increasing number of Homer and Kachemak City residents utilizing, to the extent possible, economical gravity sewer mains; but force mains and lift stations are required due to the topography of the service area.

FUND 200
500 - SEWER ADMINISTRATION

		FY2007 Actual	FY2008 Actual	FY 2009 Actual	FY 2010 Adopted Budget	FY 2011 Preliminary Budget	Difference Between 2010 Adopted & 2011 Preliminary	
	Salaries and Benefits							
5101	Regular Employees	$ 129,375	$ 155,209	$ 128,992	$ 110,692	$ 117,473	6,781	6.13%
5102	Fringe Benefits	85,942	134,897	130,448	70,860	68,092	(2,768)	-3.91%
5103	P/T Employees	(49)	-	-	-	-	-	0.00%
5105	Overtime	2,538	1,038	1,402	1,000	1,000	-	0.00%
	Total Salaries and Benefits	**217,798**	**291,144**	**260,841**	**182,552**	**186,566**	**4,014**	**2.20%**
	Maintenance and Operations							
5201	Office Supplies	-	460	571	-	-	-	0.00%
5202	Operating Supplies	86	30	263	810	800	(10)	-1.23%
5208	Equipment Maintenance	-	715	-	-	-	-	0.00%
5210	Professional & Special Services	7,052	6,970	2,658	15,000	10,000	(5,000)	-33.33%
5211	Accounting/Auditing	2,200	7,060	6,715	8,364	9,341	977	11.68%
5215	Communications	2,631	3,325	286	5,500	4,500	(1,000)	-18.18%
5216	Postage/Freight	2,122	2,146	1,645	4,940	2,500	(2,440)	-49.39%
5221	Property Insurance	18,308	18,464	17,279	17,661	9,314	(8,347)	-47.26%
5222	Auto Insurance	11,372	12,299	12,585	12,672	11,140	(1,532)	-12.09%
5223	Liability Insurance	17,182	18,740	23,174	24,516	15,149	(9,367)	-38.21%
5227	Advertising	-	-	338	500	500	-	0.00%
5231	Tools/Equipment	1,305	395	23	1,500	1,500	-	0.00%
5235	Memberships/Dues	188	90	50	1,500	1,500	-	0.00%
5252	Credit Card Services	-	18,726	23,043	-	24,000	24,000	0.00%
5601	Uniform/Clothing Allowance	271	93	-	250	250	-	0.00%
5602	Safety Equipment	1,083	1,341	1,871	1,500	1,500	-	0.00%
5603	Employee Training	3,667	4,906	1,143	2,700	4,000	1,300	48.15%
5606	Bad Debt Expense	(2,780)	(4,300)	6,756	-	-	-	0.00%
	Total Maintenance and Operation	**64,685**	**91,460**	**98,400**	**97,413**	**95,995**	**(1,418)**	**-1.46%**
	Capital Outlay, Transfers and Reserves							
5106	Leave Cash Out	7,943	39,944	21,538	18,064	20,412	2,348	13.00%
5990	Transfer to Reserves	220,000	50,000	50,000	250,000	250,000	-	0.00%
	Total Capital Outlay, Transfers & Reserve	**227,943**	**89,944**	**71,538**	**268,064**	**270,412**	**2,348**	**0.88%**
	Debt Payment							
5607	Debt Payment	-	-	21,714	11,324	11,324	-	0.00%
5608	Debt Payment Interest	6,029	229	1,365	242	242	-	0.00%
	Total Debt Payment	**6,029**	**229**	**23,079**	**11,566**	**11,566**	**-**	**0.00%**
5241	**G/F Administration Services**	**325,559**	**289,489**	**283,494**	**281,469**	**278,371**	**(3,098)**	**-1.10%**
	Total	**$ 842,014**	**$ 762,265**	**$ 737,352**	**$ 841,064**	**$ 842,909**	**$ 1,845**	**0.22%**
	Staffing History	**2.55**	**3.19**	**2.05**	**1.75**	**1.75**		

Account Number Explanations: Sec G-17
Capital Outlay: Sec D

Dept	Reserve		2011 Beg Balance	Transfer In	Budgeted Expenditure	2011 Ending Balance
378	Depreciation Reserve		2,037,680	250,000	85,000	2,202,680
	Leave Cash Out Bank		-	20,412	20,412	-

NARRATIVE
SEWER FUND - SEWER PLANT OPERATION

The sewer treatment plant is automated to the extent possible, however, the treatment processes require continuous monitoring. The treatment process consists of screening and solids removal (primary treatment); lagoon discharge, and ultra-violet disinfectant.

All treatment plant operators are state certified and costs associated with training and certifications are reflected here.

FUND 200
501 - SEWER PLANT OPERATIONS

		FY2007 Actual	FY2008 Actual	FY 2009 Actual	FY 2010 Adopted Budget	FY 2011 Preliminary Budget	Difference Between 2010 Adopted & 2011 Preliminary	
	Salaries and Benefits							
5101	Regular Employees	$ 109,379	$ 120,489	$ 133,279	$ 124,927	$ 129,154	4,227	3.38%
5102	Fringe Benefits	81,634	89,871	91,356	90,677	85,261	(5,416)	-5.97%
5103	P/T Employees	3,664	2,106	10,264	7,364	7,364	(0)	0.00%
5104	Fringe Benefits P/T	485	-	1,274	994	994	0	0.01%
5105	Overtime	19,952	16,008	16,296	10,600	10,600	-	0.00%
5107	P/T Overtime	-	-	46	-	-	-	0.00%
5106	Leave Cash Out	-	-	-	-	-	-	0.00%
	Total Salaries and Benefits	**215,114**	**228,474**	**252,514**	**234,562**	**233,372**	**(1,190)**	**-0.51%**
	Maintenance and Operations							
5202	Operating Supplies	8,887	6,441	11,272	7,500	7,500	-	0.00%
5203	Fuel/Lube	36,218	39,201	33,339	45,000	45,000	-	0.00%
5204	Chemicals	37,922	55,068	34,121	24,500	25,000	500	2.04%
5208	Equipment Maintenance	29,807	27,746	18,419	21,000	21,000	-	0.00%
5209	Building & Grounds Maintenance	3,025	827	1,183	1,500	1,500	-	0.00%
5210	Professional & Special Services	2,947	2,703	2,488	3,000	3,000	-	0.00%
5214	Rents & Leases Expense	521	1,063	-	1,500	1,500	-	0.00%
5217	Electricity	135,980	153,316	179,202	173,218	173,200	(18)	-0.01%
5218	Water	6,123	11,092	16,541	11,104	15,000	3,896	35.09%
5219	Sewer	667	906	796	931	900	(31)	-3.36%
5231	Tools/Equipment	-	120	-	-	-	-	0.00%
5602	Safety Equipment	-	-	25	-	-	-	0.00%
5603	Employee Training	576	-	-	-	-	-	0.00%
	Total Maintenance and Operation	**262,673**	**298,482**	**297,387**	**289,254**	**293,600**	**4,346**	**1.50%**
	Total	**$ 477,786**	**$ 526,957**	**$ 549,901**	**$ 523,816**	**$ 526,972**	**3,157**	**0.60%**
	Staffing History	**2.06**	**2.55**	**2.50**	**2.69**	**2.69**		

LINE - ITEM EXPLANATIONS:

5210 SCADA Technical support.
5214 Includes sludge hauling truck rental.

Account Number Explanations: Sec G-17
Capital Outlay: Sec D

FUND: 400 PORT AND HARBOR FUND

FUND BUDGET:	FY2007 Actual	FY2008 Actual	FY 2009 Actual	FY 2010 Adopted Budget	FY2011 Preliminary	FY2012 Projection
Port & Harbor Revenue						
Total Operating Revenue	**$ 2,482,669**	**$ 2,782,329**	**$ 3,236,597**	**$ 3,351,361**	**$ 3,441,571**	**$ 3,510,402**
Operating Expenses before Depreciation:						
Personnel	1,678,675	1,677,906	1,794,059	1,699,121	1,633,904	1,666,582
Operations & Maintenance	938,052	906,872	1,030,724	1,047,164	1,062,896	1,084,154
Debt Service	23,510	16,220	6,112	9,720	-	-
Other Charges (Administrative Fees)	369,976	409,475	406,541	356,894	366,515	373,845
Total Operating Expenses	**$ 3,010,212**	**$ 3,010,473**	**$ 3,237,437**	**$ 3,112,899**	**$ 3,063,315**	**$ 3,124,581**
Operating Income before Depreciation:	(527,543)	(228,144)	(840)	238,462	378,256	385,821
Depreciation Expense	1,378,419	1,411,020	1,462,396	1,407,716	1,435,870	1,464,587
Earnings from Operations:	**$(1,905,962)**	**$ (1,639,164)**	**$(1,463,236)**	**$ (1,169,254)**	**$ (1,057,614)**	**$ (1,078,766)**
Total Non-Operating Revenue	420,014	883,593	316,577	239,225	225,725	230,240
Earnings (Losses) before contributions & transfers	**(1,485,948)**	**(755,571)**	**(1,146,659)**	**(930,029)**	**(831,889)**	**(848,526)**
Capital Contributions	1,354,291	-	-	-	-	-
Reserves	354,530	354,530	354,530	354,530	500,000	510,000
Leave Cash Out Bank	21,447	12,224	49,339	39,549	35,830	36,547
Change in Net Assets	**(507,634)**	**(1,122,325)**	**(1,550,528)**	**(1,324,108)**	**(1,367,720)**	**(1,395,073)**
Beginning Net Assets	6,604,572	6,255,219	5,354,722	3,963,525	2,639,417	1,271,697
Fixed asset adj for contributed Assets	158,281	221,828	159,330			
Ending Net Assets	**6,255,219**	**5,354,722**	**3,963,525**	**2,639,417**	**1,271,697**	**(123,376)**

PORT & HARBOR BUDGET DETAIL

FUND 400
EXPENDITURE SUMMARY BY LINE ITEM

		FY2007 Actual	FY2008 Actual	FY 2009 Actual	FY 2010 Adopted Budget	FY 2011 Preliminary Budget	Difference Between 2010 Adopted & 2011 Preliminary	
	Salaries and Benefits							
5101	Regular Employees	$ 896,945	$ 842,318	$ 914,557	$ 899,323	$ 889,995	$ (9,328)	-1.04%
5102	Fringe Benefits	661,669	679,589	708,077	636,549	585,109	(51,440)	-8.08%
5103	Part Time Employees	64,056	89,069	100,985	116,638	111,391	(5,247)	-4.50%
5104	P/T Fringe Benefits	18,849	18,240	25,170	19,767	18,409	(1,358)	-6.87%
5105	Overtime	34,584	36,663	41,534	26,844	28,999	2,155	8.03%
5107	Part Time Overtime	2,572	1,943	3,737	-	-	-	0.00%
	Total Salaries and Benefits	**1,678,675**	**1,667,823**	**1,794,059**	**1,699,121**	**1,633,904**	**$ (65,217)**	**-3.84%**
	Maintenance and Operations							
5201	Office Supplies	2,513	2,973	3,605	3,450	3,450	$ -	0.00%
5202	Operating Supplies	21,031	17,039	19,335	25,800	15,200	(10,600)	-41.09%
5203	Fuel/Lube	18,883	35,074	25,193	38,098	29,300	(8,798)	-23.09%
5204	Chemicals	6,908	4,435	6,712	7,000	7,200	200	2.86%
5207	Vehicle/Boat Maintenance	5,084	10,411	6,509	12,950	13,000	50	0.39%
5208	Equipment Maintenance	74,393	44,469	102,851	67,900	69,500	1,600	2.36%
5209	Building & Grounds Maintenance	55,510	28,209	34,610	36,555	38,000	1,445	3.95%
5210	Professional & Special Services	104,280	12,628	11,444	17,200	20,050	2,850	16.57%
5211	Accounting/Auditing	4,800	15,402	25,067	16,937	19,305	2,368	13.98%
5213	Surveyor/Appraisal	-	1,600	-	500	1,200	700	140.00%
5214	Rents & Leases	4,108	4,047	6,172	5,000	7,000	2,000	40.00%
5215	Communications	11,312	11,187	5,740	12,200	10,000	(2,200)	-18.03%
5216	Postage/Freight	3,506	3,461	3,331	4,000	4,000	-	0.00%
5217	Electricity	322,477	369,876	430,109	445,640	444,800	(840)	-0.19%
5218	Water	48,830	62,205	37,695	69,082	73,200	4,118	5.96%
5219	Sewer	2,216	4,677	7,437	7,214	7,214	-	0.00%
5220	Refuse/Disposal	34,757	37,529	39,194	23,000	23,000	-	0.00%
5221	Property Insurance	8,334	8,666	8,282	8,593	5,727	(2,866)	-33.35%
5222	Auto Insurance	6,025	6,524	6,511	9,600	9,846	246	2.56%
5223	Liability Insurance	57,643	79,999	104,039	83,612	63,705	(19,907)	-23.81%
5227	Advertising	4,656	2,719	2,388	4,649	4,649	-	0.00%
5231	Tools/Equipment	10,777	14,077	9,424	20,830	19,300	(1,530)	-7.35%
5233	Computers and Related Items	-	1,702	-	-	-	-	0.00%
5235	Memberships/Dues	995	1,095	978	1,500	1,500	-	0.00%
5236	Transportation	1,272	2,689	3,729	7,000	8,000	1,000	14.29%
5237	Subsistence	483	2,813	2,413	4,500	5,000	500	11.11%
5238	Printing/Binding	3,569	2,725	2,002	4,000	4,000	-	0.00%
5249	Oil Spill Materials Recovery	4,320	1,781	1,639	2,000	2,000	-	0.00%
5252	Credit Card Expense	40,885	21,643	36,100	16,554	30,000	13,446	81.23%
5256	Waste Oil Disposal	17,726	29,891	16,425	27,500	27,500	-	0.00%
5258	Float & Ramp Repairs	(1,764)	11,705	1,672	11,250	10,000	(1,250)	-11.11%
5287	Electrical Supplies	1,803	3,032	574	3,000	3,000	-	0.00%
5601	Clothing/Uniforms	3,328	3,745	3,773	5,000	5,000	-	0.00%
5602	Safety Equipment	6,317	4,520	5,993	9,550	9,250	(300)	-3.14%
5603	Employee Training	4,037	8,951	5,357	11,000	11,000	-	0.00%
5606	Bad Debt Expense	35,598	21,935	42,984	22,000	22,000	-	0.00%
5612	Deferred Loss Expense	6,107	6,107	6,107	-	-	-	0.00%
5613	Bond Issue Fees	5,331	5,331	5,331	-	-	-	0.00%
5627	Port Security	-	-	-	2,500	36,000	33,500	1340.00%
	Total Operations & Maintenance	**938,052**	**906,872**	**1,030,724**	**1,047,164**	**1,062,896**	**$ 15,732**	**1.50%**
	Capital Outlay, Transfers and Reserves							
5990	Transfer to Reserves	354,530	354,530	354,530	354,530	500,000	145,470	41.03%
5106	Transfer to Leave Cash Out Bank	21,447	12,224	49,339	39,549	35,830	(3,719)	-9.40%
	Total Capital Outlay	**375,977**	**366,754**	**403,869**	**394,079**	**535,830**	**$ 141,751**	**35.97%**
	Debt Payment							
2305	Debt Payment	170,000	180,000	185,000	9,517	-	(9,517)	-100.00%
5608	Debt Payment Interest	23,510	16,220	6,112	203	-	(203)	-100.00%
	Total Debt Service	**193,510**	**196,220**	**191,112**	**9,720**	**-**	**$ (9,720)**	**-100.00%**
	Other Charges							
5241	G/F Admin Services	369,976	409,475	406,541	356,894	366,515	9,621	**2.37%**
	Total Other Charges	**369,976**	**409,475**	**406,541**	**356,894**	**366,515**	**$ 9,621**	**2.70%**
	Totals	**$ 3,556,189**	**$ 3,547,144**	**$ 3,826,306**	**$ 3,506,978**	**$ 3,599,145**	**(227,161)**	**-6.48%**

CITY OF HOMER
2011 OPERATING BUDGET

FUND 400
600 - PORT & HARBOR - ADMINISTRATION

		FY2007 Actual	FY2008 Actual	FY 2009 Actual	FY 2010 Adopted Budget	FY 2011 Preliminary Budget	Difference Between 2010 Adopted & 2011 Preliminary	
	Salaries and Benefits							
5101	Regular Employees	$ 209,448	$ 196,568	$ 217,790	$ 211,389	$ 213,025	$ 1,636	0.77%
5102	Fringe Benefits	166,544	226,057	226,930	142,126	132,128	(9,998)	-7.03%
5103	P/T Employees	7,162	-	-	-	-	-	0.00%
5104	Fringe Benefits P/T	1,260	346	-	-	-	-	0.00%
5105	Overtime	242	1,539	1,436	300	2,000	1,700	566.67%
	Total Salaries and Benefits	**384,657**	**424,510**	**446,156**	**353,815**	**347,152**	**(6,663)**	**-1.88%**
	Maintenance and Operations							
5201	Office Supplies	1,611	1,673	1,516	2,000	2,000	-	0.00%
5202	Operating Supplies	1,628	813	324	2,000	2,000	-	0.00%
5207	Vehicle/Boat Maintenance	390	18	706	-	-	-	0.00%
5208	Equipment Maintenance	149	-	169	1,000	-	(1,000)	-100.00%
5209	Building & Grounds Maintenance	3,304	171	3	2,000	4,000	2,000	100.00%
5210	Professional & Special Services	91,431	1,384	81	1,800	2,800	1,000	55.56%
5211	Accounting/Auditing	4,800	15,402	25,067	16,437	18,805	2,368	14.41%
5213	Survey/Appraisal	-	1,600	-	-	1,200	1,200	0.00%
5214	Rents & Leases Expense	4,108	4,047	6,172	5,000	7,000	2,000	40.00%
5215	Communications	7,148	6,911	2,847	8,000	7,000	(1,000)	-12.50%
5216	Postage/Freight	3,506	3,461	3,331	4,000	4,000	-	0.00%
5221	Property Insurance	8,334	8,666	8,282	8,593	5,727	(2,866)	-33.35%
5222	Auto Insurance	6,025	6,524	6,511	9,600	9,846	246	2.56%
5223	Liability Insurance	57,643	79,999	104,039	83,612	63,705	(19,907)	-23.81%
5227	Advertising	4,192	2,719	2,279	3,649	3,649	-	0.00%
5231	Tools/Equipment	1,010	1,934	567	2,500	2,500	-	0.00%
5235	Memberships/Dues	995	1,095	978	1,500	1,500	-	0.00%
5236	Transportation	1,272	2,689	3,729	4,000	4,000	-	0.00%
5237	Subsistence	483	2,813	2,413	3,000	3,000	-	0.00%
5238	Printing/Binding	1,915	975	439	2,000	2,000	-	0.00%
5252	Credit Card Service Fees	40,885	21,643	36,100	16,554	30,000	13,446	81.23%
5603	Employee Training	-	882	1,605	3,000	3,000	-	0.00%
5606	Bad Debt Expense	35,598	21,935	42,984	22,000	22,000	-	0.00%
5612	Deferred Loss Expense	6,107	6,107	-	-	-	-	0.00%
5613	Bond Issue Fees	5,331	5,331	-	-	-	-	0.00%
	Total Maintenance and Operations	**287,864**	**198,792**	**250,143**	**202,245**	**199,732**	**(2,513)**	**-1.24%**
	Capital Outlay, Transfers and Reserves							
5990	Transfer to Reserves	30,000	30,000	30,000	30,000	42,310	12,310	41.03%
5106	Leave Cash Out Bank	21,447	12,224	49,339	39,549	35,830	(3,719)	-9.40%
	Total Capital Outlay, Transfers & Reserv	**51,447**	**42,224**	**79,339**	**69,549**	**78,140**	**8,591**	**12.35%**
	Debt Payment							
2305	Debt Payment (Acct 400-000-2305)	170,000	180,000	185,000	9,517	-	(9,517)	-100.00%
5608	Debt Payment Interest	23,510	16,220	6,112	203	-	(203)	-100.00%
	Total Debt Payment	**193,510**	**196,220**	**191,112**	**9,720**	**-**	**(9,720)**	**-100.00%**
5241	**G/F Administrative Services**	**369,976**	**409,475**	**406,541**	**$356,894**	**$366,515**	**9,621**	**2.70%**
	Total	**$ 1,287,454**	**$ 1,271,221**	**$ 1,373,292**	**$ 992,223**	**$ 991,540**	**(683)**	**-0.07%**
	Staffing History	**4.00**	**4.24**	**4.40**	**4.00**	**4.00**		

LINE - ITEM EXPLANATIONS:

5101 -5105 - Reallocated costs to a different cost center. Decrease due to 2010 Budget Cuts in the General Fund. The summer PT employees work at various locations throughout the City, this represents this department's share of PT employees.
5223 / 5252 - Insurance and Credit Card Service Fee increased due to the increased cost of doing business.

Account Number Explanations: Sec G-17
Capital Outlay: Section D

Dept	Reserve		2011 Beg Balance	Transfer In	Budgeted Expense	2011 Ending Balance
380	Depreciation Reserve		932,977	470,000	160,000	1,242,977
	Leave Cash Out			35,830	35,830	
152-374	Fleet Reserve		76,071	30,000	30,000	
						76,071

NARRATIVE

PORT & HARBOR - HARBOR

The Harbor 601 is the "operations division" of Port and Harbor Department, actively managing and operating our Port and Harbor Facilities. Harbor Officers provide 24-hours, 365 days security and patrolling of Port and Harbor facilities and are first responders in case of fire, medical or other emergency situations such as vessels taking on water. Harbor Officers report new vessel arrivals for moorage billings; inspect facilities for safety and service problems; and initiate work requests for needed repairs. Harbor Officers monitor transient moorage, reserved slip moorage, Fish Dock, wood and steel grid schedules, Pioneer Dock and Deep Water Dock on a regular basis. All high displacement vessel arrivals and departures are observed and any associated damage to our facilities is reported. Frequent towage services for vessels that lost power or to shift vessels from mooring space to other moorings are performed by Harbor Officers using skiffs or the harbor tug. Vessel inventory is performed nightly of all vessels in the Small Boat Harbor and on our docks and repair grids to enable moorage charges and service charges to be billed out by Administrative staff.

Harbor Officers receive training in CPR, First Aid, Automatic External Defibrillator use, Emergency Trauma Training (ETT), hazardous materials handling, marine fire fighting, port security and USCG licensing.

FUND 400
601 - PORT & HARBOR - HARBOR

		FY2007 Actual	FY2008 Actual	FY 2009 Actual	FY 2010 Adopted Budget	FY 2011 Preliminary Budget	Difference Between 2010 Adopted & 2011 Preliminary	
	Salaries and Benefits							
5101	Regular Employees	$ 278,038	$ 250,637	$ 283,488	$ 281,001	$ 287,470	$ 6,469	2.30%
5102	Fringe Benefits	198,850	183,736	194,759	199,663	186,050	(13,613)	-6.82%
5103	P/T Employees	37,456	54,764	56,490	70,861	57,296	(13,565)	-19.14%
5104	Fringe Benefits P/T	7,195	9,407	12,729	9,598	9,005	(593)	-6.17%
5105	Overtime	18,459	21,668	20,517	16,159	16,159	-	0.00%
5107	P/T Overtime	230	107	993	-	-	-	0.00%
	Total Salaries and Benefits	**540,229**	**520,318**	**568,975**	**577,282**	**555,981**	**(21,301)**	**-3.69%**
	Maintenance and Operations							
5201	Office Supplies	734	920	1,435	1,000	1,000	-	0.00%
5202	Operating Supplies	13,019	10,589	10,151	12,000	1,400	(10,600)	-88.33%
5203	Fuel/Lube	8,273	14,224	10,958	15,933	12,000	(3,933)	-24.68%
5204	Chemicals	2,460	2,833	2,692	3,000	3,000	-	0.00%
5207	Vehicle/Boat Maintenance	3,402	8,873	2,568	8,000	8,000	-	0.00%
5208	Equipment Maintenance	98	425	779	1,000	2,000	1,000	100.00%
5209	Buildings & Grounds Maintenance	3,862	3,904	4,419	5,000	5,000	-	0.00%
5210	Professional & Special Services	2,870	4,270	3,401	5,000	5,000	-	0.00%
5211	Surveyor/Appraisal	-	-	-	500	500	-	0.00%
5217	Electricity	194,817	220,844	252,011	280,000	280,000	-	0.00%
5218	Water	36,582	30,570	34,202	37,000	37,000	-	0.00%
5219	Sewer	2,257	4,232	6,138	4,114	4,114	-	0.00%
5220	Refuse/Disposal	34,757	37,529	39,194	23,000	23,000	-	0.00%
5227	Advertising	464	-	108	1,000	1,000	-	0.00%
5231	Tools/Equipment	3,245	4,230	3,641	5,000	5,000	-	0.00%
5236	Transportation	-	-	-	3,000	4,000	1,000	33.33%
5237	Subsistence	-	-	-	1,500	2,000	500	33.33%
5238	Printing/Binding	1,654	1,750	1,563	2,000	2,000	-	0.00%
5249	Oil Spill Response Supplies	4,320	1,781	1,639	2,000	2,000	-	0.00%
5287	Electrical Supplies	1,803	3,032	574	3,000	3,000	-	0.00%
5601	Uniform/Clothing Allowance	1,434	1,727	1,750	2,000	2,500	500	25.00%
5602	Safety Equipment	3,889	3,414	2,486	4,000	4,000	-	0.00%
5603	Employee Training	2,813	3,789	3,752	4,000	4,000	-	0.00%
5627	Port Security	-	-	-	2,500	36,000	33,500	1340.00%
	Total Maintenance and Operatior	**322,752**	**358,937**	**383,462**	**425,547**	**447,514**	**21,967**	**5.16%**
	Capital Outlay, Transfers and Reserves							
5990	Transfer to Reserves	68,901	68,901	68,901	68,901	97,171	28,270	41.03%
	Total Capital Outlay, Transfers & Reser	**68,901**	**68,901**	**68,901**	**68,901**	**97,171**	**28,270**	**41.03%**
	Total	**$ 931,881**	**$ 948,156**	**$ 1,021,338**	**$ 1,071,730**	**$ 1,100,666**	**28,936**	**2.70%**
	Staffing History	**7.05**	**10.32**	**6.55**	**7.29**	**6.89**		

LINE - ITEM EXPLANATIONS:

5101 - 5105 Removes one Enforcement Aide from the Harbor Budget. In 2010, Port & Harbor funded (2) Enforcement Aides, in 2011 Budget, only one is to be budgeted.
5236 - 5237 Have been using Admin Budget, moved in correct department.

Account Number Explanations: Sec G-17

NARRATIVE

PORT & HARBOR - PIONEER DOCK

The Pioneer Dock berths the Coast Guard Buoy Tender Hickory (which replaced the Sedge in 2003), the Alaska Marine Highway System Ferries, and occasional tugs and barges. Fuel barges land here to pump petroleum products through pipelines to Petro Marine Services shore tanks. This new dock was completed in October-2002, and encompasses a portion of the old Main Dock within its "U-shaped" structure with two trestles. Modifications to the Coast Guard berth were completed in 2004, funded by the USCG.

Objectives include marketing the Pioneer Dock to medium size cruise ships enabling passengers to access locally provided tours and sales goods. Numerous USCG mandated security improvements, training, exercises and drills have been conducted at the Pioneer Dock during 2007. Demolition of the old Main Dock has been identified as a future capital project.

FUND 400
602 - PORT & HARBOR - PIONEER DOCK

		FY2007 Actual	FY2008 Actual	FY 2009 Actual	FY 2010 Adopted Budget	FY 2011 Preliminary Budget	Difference Between 2010 Adopted & 2011 Preliminary	
	Salaries and Benefits							
5101	Regular Employees	$ 15,086	$ 14,913	$ 16,302	$ 16,442	$ 16,827	$ 385	2.34%
5102	Fringe Benefits	11,576	10,778	11,998	11,717	13,075	1,358	11.59%
5103	P/T Employees	-	414	2,524	2,638	2,636	(2)	-0.07%
5104	Fringe Benefits P/T	-	67	308	376	236	(140)	-37.25%
5105	Overtime	825	1,275	1,211	795	795	-	0.00%
5107	P/T Overtime	-	3	37	-	-	-	0.00%
	Total Salaries and Benefits	**27,487**	**27,449**	**32,380**	**31,968**	**33,569**	**1,601**	**5.01%**
	Maintenance and Operations							
5201	Office Supplies	-	-	100	100	100	-	0.00%
5202	Operating Supplies	-	414	500	500	500	-	0.00%
5210	Professional & Special Services	-	(25)	464	500	2,000	1,500	300.00%
5217	Electricity	2,864	1,877	1,506	2,000	1,800	(200)	-10.00%
5218	Water	-	-	-	3,000	3,000	-	0.00%
5231	Tools/Equipment	174	300	300	300	300	-	0.00%
5602	Safety Equipment	400	500	500	500	500	-	0.00%
	Total Maintenance and Operations	**3,438**	**3,066**	**3,370**	**6,900**	**8,200**	**1,300**	**18.84%**
	Capital Outlay, Transfers and Reserves							
5990	Transfer to Reserves	50,000	50,000	50,000	50,000	70,516	20,516	41.03%
	Total Capital Outlay, Transfers & Reserves	**50,000**	**50,000**	**50,000**	**50,000**	**70,516**	**20,516**	**41.03%**
	Total	**$ 80,925**	**$ 80,515**	**$ 85,750**	**$ 88,868**	**$ 112,285**	**23,417**	**26.35%**
	Staffing History	**0.30**	**0.30**	**0.50**	**0.48**	**0.48**		

LINE - ITEM EXPLANATIONS:

5103-5104 - Decrease due to 2010 Budget Cuts in the General Fund. The summer PT employees work at various locations throughout the City, this represents this department's share of PT employees

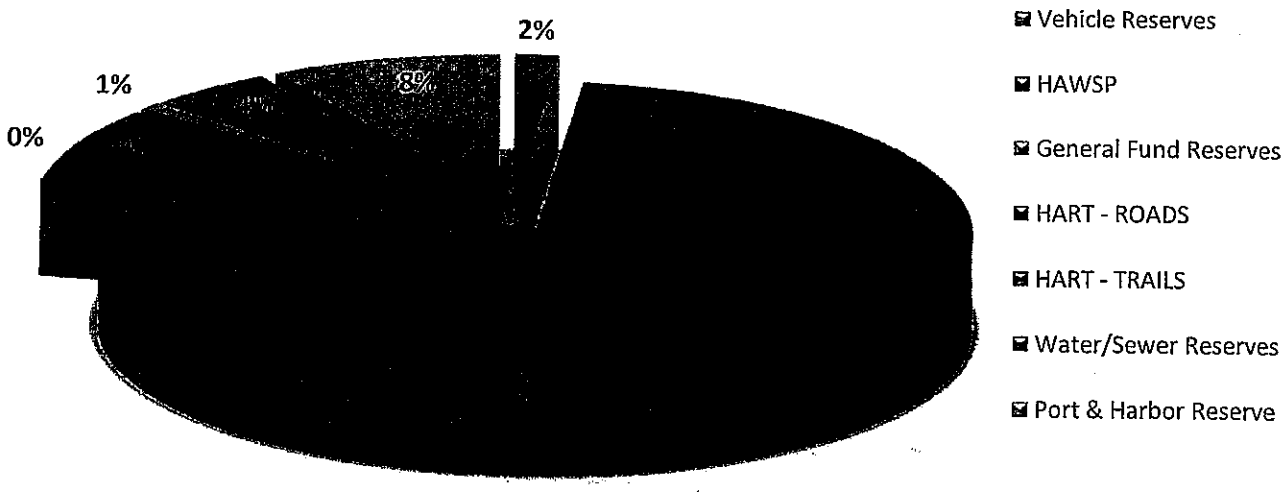
5210 Professional & Specialty Services reflect historical expenditures.
5217 Electricity reflects historical data (Hickory is now on its own electricity meter and account for USCG power.)

Account Number Explanations: Sec G-17
Capital Outlay: Section D

DEPARTMENT FUNCTION

GENERAL OBJECTIVES: To oversee the capital improvements program, including ongoing projects and future projects. All funding for staff will come from project revenues.

Total Capital Project Appropriations by Function - FY2011 $1,866,743



CITY OF HOMER
2011 OPERATING BUDGET

DEPRECIATION RESERVES			2011 Est. Beginning	Transfer	Other	Expected	2011 Estimated
Fund	Dept	Reserve	Balance	In/Out	Income	Expenditures	Balance
GENERAL FUND DEPRECIATION							
156	367	Public Art	537	-			537
	369	Seawall Maintenance Reserve	2,701	-	10,000		12,701
	370	Animal Shelter	4,750				4,750
	375	General	816,703				816,703
	384	City Hall (Balance moved to 170)	23,432				23,432
	385	Parks & Rec	18,305				18,305
	387	Planning	34,679				34,679
	388	Airport	23,652				23,652
	390	Library	52,845				52,845
	393	Fire	73,248				73,248
	394	Police	96,812				96,812
	395	Public Works	(34,627)				(34,627)
	396	Leased Property	180,737				180,737
	399	Sister Cities	24,933				24,933
			1,318,708	-	10,000	-	1,328,708
170	733	New City Hall (Ord 07-29)	395,462	-			395,462
WATER - SEWER DEPRECIATION							
256	378	Water	1,305,721	250,000	-	-	1,555,721
	379	Sewer	1,948,705	250,000	-	85,000	2,113,705
	380	Spit Water Tank Repair	(1,758)				(1,758)
	932	Ocean Dr, Sewer	90,000				90,000
	934	Hillside, Ocean Lp	40,000				40,000
			3,382,668	500,000	-	85,000	3,797,668
PORT DEPRECIATION							
456	380	Port & Harbor	923,782	500,000	-	160,000	1,263,782
FLEET DEPRECIATION							
152	374	Port & Harbor	68,545	30,000	-	30,000	68,545
	375	General	49,991		-	-	49,991
	380	Administrative	41,929		-	-	41,929
	381	Fire	100,856		-	-	100,856
	382	Police	23,133		-	-	23,133
	383	Public Works	336,700		-	-	336,700
	391	Insurance	130,363	-		-	130,363
			751,516	30,000	-	30,000	751,516
Total 2010 Depreciation Reserve Balances			**6,643,893**	**1,030,000**	**10,000**	**275,000**	**7,408,893**

2009 Depreciable Capital Assets			
Resolution 06-100 Mandates that 40% of depreciable capital assets be maintained in Depreciation Reserves	General Fund	35,391,874	
	Enterprise Fund	61,594,604	96,986,478
		* 40%	38,794,591
Ordinance Shortfall			(31,385,698)

CITY OF HOMER
2011 OPERATING BUDGET

PROJECT RESERVES			2011 Estimated Balance	Transfer In/Out	Other Income	Expected Expenditures	2011 Estimated Balance
Fund	Dept	Reserve					
GENERAL FUND - CAPITAL PROJECT RESERVES							
151	275	Special Fund (Ord 04-24(A)	864,124		52,754		916,878
	375	General	(23,639)		-		(23,639)
	720	Computer Software Upgrade	26,433		-		26,433
	722	Library Building	192,330		-		192,330
	726	Hockey	750		-		750
	727	Mariner Park	22,582		-		22,582
	735	Jack Gist Park	(89,757)		-		(89,757)
	736	Fire Small Grants	(7,500)		-		(7,500)
	738	AMLR Radios	(1,225)				(1,225)
	741	Ocean Drive Bluff Erosion	(501,714)		-		(501,714)
	746	Broom Truck	(145,355)				(145,355)
	784	SHSGP II & LETPP Grant	75				75
	793	Senior Center Trail	(36,164)				(36,164)
	795	2008 Homeland Security	(7,969)				(7,969)
	865	Reber Trail (Ord 08-28A, Reso 07-	(109,491)				(109,491)
			183,479	-	52,754	-	236,233
GENERAL FUND - NON-CAPITAL PROJECT RESERVES							
157	375	General	25,249		-		25,249
	730	Library Book Grant	(46)		-		(46)
	731	Commercial Vehicle Inspection	7,454		-		7,454
	736	Fire Small Grants	(12,502)		-		(12,502)
	739	Police Small Grants	(12,784)		-		(12,784)
	745	Drug Forfeiture	3,482		-		3,482
	770	Wetland Study	(60,952)		-		(60,952)
	780	Safety Saturation	(6,757)		-		(6,757)
	781	Police Small Grants	7,775		-		7,775
	783	Trails Grants	(1,057)		-		(1,057)
	786	Conference Center Feasibility	(761)		-		(761)
	791	State Grant	(8,486)		-		(8,486)
	860	Scenic Byways	4,740		-		4,740
	862	Climate Action Plan	(9,809)		-		(9,809)
			(63,954)	-	-	-	(63,954)
HAWSP / WATER - SEWER PROJECTS							
205		HAWSP	(15,862,617)	-	1,089,963	1,434,046	(16,206,701)
215	710	E End Utility Upgrade	(1,311,322)				(1,311,322)
215	748	Coastal Impact Assist Program	(2,329)				(2,329)
215	820	East Road Sewer	(131,255)				(131,255)
215	822	Thompson Drive Sewer	(133,220)				(133,220)
215	825	WS Master Plan	(115,690)				(115,690)
215	826	Kach Dr Phase I Sewer	(33,724)				(33,724)
215	829	PVC Pipe Replacement	(15,276)				(15,276)
215	831	Kach Dr Phase II	(188,219)				(188,219)
215	832	Sanitary Sewer	(28,749)				(28,749)
215	833	Pressure Reducing Valve	(14,721)				(14,721)
215	859	E End Road W/S Expansion	(524,614)				(524,614)
215	865	Design Water Treatment Plant	(2,798,390)				(2,798,390)
215	866	Electric Turbine/Hyro	(13,277)				(13,277)
215	867	MD Hill PRV Stairs	(192,173)				(192,173)
			(21,365,576)	-	1,089,963	1,434,046	(21,709,659)
PORT & HARBOR PROJECTS							
415	380	Port Reserve	1,808				1,808
	397	Hickory Dock	67,450				67,450
	910	DWD Reimbursement	(54,231)				(54,231)
	917	4 & 5 Restrooms	(28,458)				(28,458)
	921	Ramp 4 Fish Cleaning Facility	(881)				(881)
			(14,311)	-	-	-	(14,311)
OTHER RESERVES							
150	392	Land	39,530	-		-	39,530
160		HART - Roads	4,641,081	-	966,466	141,927	5,465,620
165		HART - Trails	121,036		106,496	15,770	211,763
174	732	Junk Cars	12,917				12,917
620	375	Energy Fund	315,691				315,691
			5,130,256	-	1,072,962	157,697	6,045,521
Total Reserves			**(9,486,214)**	**1,030,000**	**2,225,679**	**1,866,743**	**(8,097,278)**

CITY OF HOMER
2011 OPERATING BUDGET

Public Arts Reserve
156 - 367

Acct #		2008 Actual	2009 Budget	2010 Budget	2011 Budget
	Beginning Balance	-	1,596	991	537
4992	Annual Transfer	4,000	-	-	-
4905	donations			46	
5xxx	Expenditures	(2,404)	(605)	(500)	
	Subtotal	1,596	991	537	537
	Encumbered	-			
	Ending Balance	**1,596**	**991**	**537**	**537**

Expenditure Detail		2008		2009		2010		2011	
	Ord #	**Budget**	**Actual**	**Budget**	**Actual**	**Budget**	**Actual**	**Budget**	**Actual**
			2,404		605				
Advertising							500		
		-		-		-		-	
		-	**2,404**	**-**	**605**	**-**	**500**	**-**	**-**

CITY OF HOMER
2011 OPERATING BUDGET

HAWSP Reserves
Fund 205

Acct #		2004 Actual	2005 Actual	2006 Actual	2007 Actual	2008 Actual	2009 Actual	2010 Budget	2011 Budget	
	Beginning Balance	1,780,106	2,176,343	2,602,265	3,311,409	3,234,478	(8,383,970)	(15,440,841)	(15,862,618)	
	Revenue									
4201	Sales Tax	1,019,645	1,031,167	1,134,096	1,235,022	1,266,790	1,072,222	1,044,963	1,044,963	*From Page A6*
4801	Investment Interest	21,819	40,321	78,669	119,521	54,140	9,726	30,000	-	
	Assessment Interest						60,774	45,000	45,000	
4992	Transfers In									
	Total Revenue	1,041,464	1,071,488	1,346,367	1,354,543	1,320,930	1,142,722	1,119,963	1,089,963	
5xxx	Expenditures		4,414	11,282						
	Debt Payment - Principal	370,079	371,670	433,292	728,493	698,642	7,635,905	1,090,260	1,016,531	*From Page E4*
	Debt Payment - Interest	77,122	66,670				109,764	195,002	165,163	*From Page E4*
	GF Admin Fees	188,276	207,226	188,235	224,211	414,806	377,840	256,478	252,352	*From Page A15*
	Fairview Ave Water Main Ext Ord 09-36/57(a)						76,084			
	To 215-816 Hillside Match				125,029					
	To 215-821 Lakeshore Match				22,511					
	To 215-815 Bartlett Hohe				162,768					
	To 215-814 Water Storage Tank					104,824				
	To 215-816 Hillside Match					(12,733)				
	To 215-827 Ocean Loop Sewer					26,252				
376	Paintbrush (Ord 06-40)				168,462	5,207				
	Total Expenditures, Encumbrances &	645,227	645,566	621,527	1,431,474	1,236,997	8,199,593	1,541,740	1,434,046	
	Change in Net Assets				(76,931)	83,933	(7,056,871)	(421,777)	(344,083)	
	Ending Balance	2,176,343	2,602,265	3,327,105	3,234,478	3,318,411	(15,440,841)	(15,862,618)	(16,206,701)	
	Combine Fund 205 (HAWSP, LID Assessments & Debt)					(11,702,381)				
						(8,383,970)				

HART Roads Reserves
160 - 766

Acct #		2004 Actual	2005 Actual	2006 Actual	2007 Actual	2008 Actual	2009 Actual	2010 Budget	2011 Budget
	Beginning Balance	**2,463,502**	**2,968,759**	**3,487,676**	**3,294,757**	**2,570,799**	**3,750,253**	**3,818,917**	**4,641,081**
	Revenue								
4201	Sales Tax	1,019,645	1,031,167	1,134,096	1,186,825	1,121,406	966,263	940,466	940,466
4801	Investment Interest	25,561	61,117	98,777	93,541	46,579	26,359	28,000	26,000
4610	Plans (766)								
	Total Revenue	**1,045,206**	**1,092,284**	**1,232,873**	**1,280,365**	**1,167,985**	**992,622**	**968,466**	**966,466**
	Encumbered								
	Transfers Out								
	Debt Payment - Principal	390,000	420,000	460,000	475,000	(321,290)	Close Out Fund 161 - Debt Paid in full		
	Debt Payment - Interest	43,854	27,766	24,916	20,781	-			
	Fund 100 - GF Admin Fees	85,421	96,768	100,894	121,866	238,310	215,221	144,856	141,927
	To 151-741 Ocean Drive Ord 04-37	9,750	-	-		-			
	Total Transfers	**529,025**	**544,534**	**585,810**	**617,647**	**(82,980)**	**215,221**	**144,856**	**141,927**
	Expenditures								
766	Spruceview Ord. 04-50	1,114	27,201	246,709	1,214,649	39,952			
768	Paving Projects			591,926	7,788				
769	2009 Paving Projects						473,880		
770	Freight Dock						234,857		
771	Soundview/Woodard Sewer (Ord 10-11)							1,446	
773	Soundview				48,818				
789	Douglas Street			1,346	112,553	31,559			
	Misc	9,810	1,632		2,869				
		10,924	**28,833**	**839,982**	**1,386,677**	**71,511**	**708,737**	**1,446**	**-**
	Total Encumbrances, Transfers & Expend	**539,949**	**573,367**	**1,425,792**	**2,004,324**	**(11,469)**	**923,958**	**146,302**	**141,927**
	End Balance	**2,968,759**	**3,487,676**	**3,294,757**	**2,570,799**	**3,750,253**	**3,818,917**	**4,641,081**	**5,465,620**

HART Trail Reserves
165-375

Acct #		2007 Actual	2008 Actual	2009 Actual	2010 Budget	2011 Budget
	Beginning Balance	-	48,651	168,949	25,135	121,036
	Revenue					
4201	Sales Tax	48,197	145,384	105,959	104,496	104,496
4801	Investment Interest	454	1,394	1,131	7,500	2,000
	Total Revenue	48,651	146,777	107,090	111,996	106,496
5xxx	Expenditures			9,321		
	Encumbered			108,179		
	Transfers Out					
	Debt Payment - Principal					
	Debt Payment - Interest					
	Fund 100 - GF Admin Fees		26,479	23,913	16,095	15,770
	To 151-741 Ocean Drive					
	Trasnfers			109,491		
	Total Transfers	-	26,479	133,404	16,095	15,770
	Total Expenditures, Encumbrances & Transfers	-	26,479	250,904	16,095	15,770
	Ending Balance	48,651	168,949	25,135	121,036	211,762

Expenditure Detail	Ord #	2008 Budget	2008 Actual	2009 Budget	2009 Actual	2010 Budget	2010 Actual	2011 Budget	2011 Actual
Beluga Slough Trail - HART		25,000		25,000					
HART - Reber Trail	07-90	54,500		54,500					
HART - W Homer Elementary Trail Phase 1		8,000		8,000	1,119				
Contract for a Trail Design Criteria Manual		30,000		30,000	8,203				
		117,500	-	117,500	9,321	-	-	-	-

City of Homer
2011 Operating Budget

Junk Cars
174 - 732

Acct #		2008 Actual	2009 Budget	2010 Budget	2011 Budget
	Beginning Balance		-		12,917
4992	Annual Transfer		-	-	-
4992	Extra Transfer per Council			10,000	
4992	Fm Planning Res			5,000	
4801	Interest Income				
5xxx	Expenditures		-	(2,083)	-
	Subtotal	-	-	12,917	12,917
	Encumbered				
	Ending Balance	-	-	**12,917**	**12,917**

Expenditure Detail	Ord #	2007 Actual	2008 Actual	2009 Actual	2010 Actual	2011 Actual
Advertising					583	
Contractor-Moore&Moore					1,500	
					0	0
			-	-	**2,083**	-

CALL TO ORDER

PLEDGE OF ALLEGIANCE

AGENDA APPROVAL

HOMER CITY COUNCIL
491 E. PIONEER AVENUE
HOMER, ALASKA

NOVEMBER 22, 2010
MONDAY, AT 6:00 P.M.
COWLES COUNCIL CHAMBERS

MEETING NOTICE
REGULAR MEETING AGENDA

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

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE

Councilmember Zak has requested telephonic participation.

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

2. AGENDA APPROVAL

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

3. PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

4. RECONSIDERATION

5. CONSENT AGENDA

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

A. Homer City Council unapproved Special Meeting minutes of October 19, 25 and 26, 2010 and Regular Meeting minutes of October 25, 2010. City Clerk. Recommend adoption. Page 79

B. **Memorandum 10-133,** from City Clerk, Re: Liquor License Ownership Transfer for Duggans Waterfront Bar to APS Investments LLC and Renewal for Alice's Champagne Palace. Page 107

C. **Memorandum 10-134,** from Mayor, Re: Appointment of Gillian Munn to the Library Advisory Board, Mike Heimbuch, Barbara Howard, Michael Pate, Norm Story, and Bryan Zak to the Natural Gas Distribution System Task Force, and Reappointment of Bumppo Bremicker to the Parks and Recreation Advisory Commission. Page 129

6. VISITORS

A. **Amber McDonough,** Siemens Building Technologies, Inc., Energy Audits of City Buildings and Facilities, 10 minutes.

7. ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

A. Borough Report

B. Commissions/Board Reports:

1. Library Advisory Board

2. Homer Advisory Planning Commission

3. Economic Development Advisory Commission

   A. Community Economic Development Strategy Page 145

4. Parks and Recreation Advisory Commission

5. Port and Harbor Advisory Commission

8. PUBLIC HEARING(S)

A. **Ordinance 10-51,** An Ordinance of the City Council of Homer, Alaska, Appropriating Funds for the Calendar Year 2011 for the General Fund, the Water-Sewer Fund, the Port/Harbor Fund, Debt Funds, and Capital Reserve Funds (Conditional Expenditures). City Manager. Introduction October 25, 2010, Public Hearings November 22 and December 13, 2010, and Second Reading December 13, 2010. Page 199

B. **Resolution 10-89,** A Resolution of the City Council of Homer, Alaska, Revising Certain Portions of the Port and Harbor of Homer Terminal Tariff No. 600 and Amending the City of Homer Fee Schedule Accordingly. City Clerk. Introduction October 25, 2010 and Public Hearings November 22 and December 13, 2010. (To follow Budget Ordinance 10-51.) Page 205

C. **Resolution 10-90,** A Resolution of the City Council Amending the City of Homer Fee Schedule Under Airport Terminal Facility, Long Term Parking, Under Public Safety, Parking Tickets, and Under Administrative Fees, Modem Transmission, Data Fees, and Document Copy Fees. City Clerk. Introduction October 25, 2010 and Public Hearings November 22 and December 13, 2010. (To follow Budget Ordinance 10-51.) Page 211

D. **Resolution 10-91,** A Resolution of the City Council of Homer, Alaska Authorizing the City Administration and the City Auditors to Operate, Budget for, and Audit the Water and Sewer Enterprise Fund as a Special Revenue Fund Under Relevant Statutes and Other Applicable Authorities and Renaming the Homer Water and Sewer Enterprise Fund the Homer Water and Sewer Special Revenue Fund. City Manager/Finance Director. Introduction October 25, 2010, Public Hearings November 22 and December 13, 2010. (To follow Budget Ordinance 10-51.) Page 217

9. ORDINANCE(S)

A. **Ordinance 10-52,** An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a Homeland Security and Emergency Management Grant in the Amount of $30,000.00 in Federal Funds to Purchase Emergency Medical Dispatch ProQA Software, and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Police Chief. Recommended dates: Introduction November 22, 2010, Public Hearing and Second Reading December 13, 2010. Page 219

Memorandums 10-135 and 10-136 from Police Chief as backup. Page 223

B. **Ordinance 10-53,** An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating and Alaska Department of Transportation (ADOT) Reimbursement of up to $6,720.00 for Commercial Vehicle Enforcement Inspections and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Police Chief. Recommended dates: Introduction November 22, 2010, Public Hearing and Second Reading December 13, 2010. Page 229

Memorandum 10-137 from Police Chief as backup. Page 233

C. **Ordinance 10-54,** An Ordinance of the City Council of Homer, Alaska, Enacting Subsection (d) of Homer City Code 21.50.020, Site Development Standards – Level One, and Homer City Code 21.50.150, Fill Standards, Regarding the Requirement of a Storm Water Plan, and Establishing Standards for Filling Land. Planning. Recommended dates: Introduction November 22, 2010, Public Hearing and Second Reading December 13, 2010. Page 247

Memorandum 10-138 from City Planner as backup. Page 251

10. CITY MANAGER'S REPORT

A. City Manager's Report Page 347

1. Memorandum 10-141 from Library Director, re: Response to Proposed Amendments to the FY2011 Budget Page 355
2. Memorandum 10-142 from Port and Harbor Director, re: Derelict Vessels Page 365
3. Memorandum 10-144 from Public Works Director, re: Energy Audit – City Facilities 65% Recommendations Page 367
4. Memorandum 10-145 from Public Works Director, re: Kachemak Drive Water/Sewer Project (Phase II) What's Next? Page 373

B. Bid Report Page 375

11. CITY ATTORNEY REPORT

12. COMMITTEE REPORT

A. Public Arts Committee

B. Transportation Advisory Committee

C. Permanent Fund Committee

D. Lease Committee

E. City Hall Renovation and Expansion Task Force

13. PENDING BUSINESS

A. **Resolution 10-79,** A Resolution of the City Council of Homer, Alaska, Determining the Area Within Which The City May Provide Water Utility Service. Zak. (Postponed from October 11, 2010.) Page 377

B. **Resolution 10-80,** A Resolution of the City Council of Homer, Alaska, Adopting the Amended Public Arts Committee Administrative Guidelines to Incorporate Amendments to Composition, 1% for the Arts Program, Preservation, Promotion and Awareness, and De-Accessioning Sections; and to Add Sections Declaration of Purpose, Meetings, Organization and Procedures, Accession and Gift Policies, and Procedures to Propose a Donation. City Clerk/Public Arts Committee. (Postponed from October 25, 2010.) Page 381

Memorandum 10-122 and 10-130 from Public Arts Committee as backup. Page 397

C. **Resolution 10-81(A),** A Resolution of the City Council of Homer, Alaska, Amending the Homer Public Arts Committee Administrative Guidelines to Establish the Second Thursday at 5:00 p.m. Not to Exceed Ninety Minutes as the Regular Quarterly Meeting Day, Time, and Length. City Clerk/Public Arts Committee. (Postponed from October 25, 2010.) Page 403

Memorandum 10-123 from Public Arts Committee as backup. Page 405

14. NEW BUSINESS

A. **Memorandum 10-139,** from City Clerk, re: Vacate a portion of the 30-foot right-of-way easement within the panhandle of a deeded parcel recorded in Book 39, Page 7 of the Homer Recording District, within Section 7, Township 6 South, Range 13 West, Seward Meridian, Alaska, within the City of Homer and the Kenai Peninsula Borough. And vacate the 66-foot portion of the section line easement underlying the above right-of-way easement vacation centered on the line common to Sections 7 and 8, extending north from Skyline Drive to the ¼ corner common to said Sections 7 and 8; within Township 6 South, Range 13 West, S.M., Alaska; within the City of Homer and the Kenai Peninsula Borough; KPB File 2010-152 & 2010-153; Location: City of Homer. Page 407

15. RESOLUTIONS

A. **Resolution 10-92,** A Resolution of the City Council of Homer, Alaska, Authorizing the Purchase of a 2-Stage Snow Blower Attachment, Utilizing General Fund Monies Previously Appropriated in the Amount of $124,105. City Manager/Public Works Director. Page 447

Memorandum 10-140 from Public Works Superintendent as backup. Page 449

B. **Resolution 10-93,** A Resolution of the City Council of Homer, Alaska, Opposing an Application to the U.S. Food and Drug Administration (FDA) to Approve and Market Genetically Engineered Atlantic Salmon in the United States. Hogan. Page 453

C. **Resolution 10-94,** A Resolution of the City Council of Homer, Alaska, Approving a New Lease for Brad Faulkner on Lot 88-4, and Finding that it is in the Public Interest to do so Without a Competitive Bidding Process. Lease Committee. Page 455

Memorandum 10-143 from Lease Committee as backup. Page 457

D. **Resolution 10-95,** A Resolution of the City Council of Homer, Alaska, Expressing Support for Public Radio and Urging Continued Funding from the State and Federal Governments. Lewis. Page 495

16. **COMMENTS OF THE AUDIENCE**
17. **COMMENTS OF THE CITY ATTORNEY**
18. **COMMENTS OF THE CITY CLERK**
19. **COMMENTS OF THE CITY MANAGER**
20. **COMMENTS OF THE MAYOR**
21. **COMMENTS OF THE CITY COUNCIL**
22. **ADJOURNMENT/NEXT REGULAR MEETING IS SCHEDULED FOR MONDAY, DECEMBER 13, 2010 AT 6:00 P.M. THE NEXT COMMITTEE OF THE WHOLE IS SCHEDULED FOR MONDAY, DECEMBER 13, 2010 AT 5:00 P.M. SPECIAL MEETINGS ARE SCHEDULED FOR WEDNESDAY, DECEMBER 8, 2010 AT 5:30 P.M. AND TUESDAY, DECEMBER 14, 2010 AT 6:00 P.M.** All meetings scheduled to be held in the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

RECONSIDERATION

CONSENT AGENDA

Session 10-29 a Special Meeting of the Homer City Council was called to order on October 19, 2010 at 6:01 p.m. by Mayor Pro Tempore Wythe at the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of Allegiance.

PRESENT:	COUNCILMEMBERS:	HOGAN, HOWARD, LEWIS, ROBERTS, WYTHE, ZAK
	STAFF:	CITY MANAGER WREDE CITY CLERK JOHNSON

Mayor Hornaday requested telephonic participation for the swearing in.

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

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

HOWARD/LEWIS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

There were no public comments.

VISITORS

None.

CITY MANAGER'S REPORT

None.

CITY ATTORNEY'S REPORT

None.

PENDING BUSINESS

None.

NEW BUSINESS

A. Oath of Office administered to the Newly Elected Officials, James C. Hornaday, Bryan Zak, and Mary E. (Beth) Wythe.

City Clerk Johnson administered the oath of office to Councilmembers Zak and Wythe. City Clerk Johnson administered the oath of office to Mayor Hornaday via telephone.

Following the oath of office, Mayor Hornaday excused himself from further participation in the meeting.

B. **Memorandum 10-128,** from City Clerk, Re: Selection/Appointment of Mayor Pro Tempore.

ROBERTS/HOWARD – MOVED TO NOMINATE BETH WYTHE AS MAYOR PRO TEMPORE.

With no further nominations, Mayor Pro Tempore Wythe called for a motion to close the nominations.

HOWARD/LEWIS – SO MOVED.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

By consent of the Council the seating arrangement remained the same.

C. Discussion on the Police Annual Report.

Councilmember Howard referenced the Homer Police Department Annual 2009 Report that was presented to Council earlier. Council had not discussed the report and she asked that it be brought forward with Police Chief Robl providing the highlights. Additionally, Sharon Whytal of the Southern Kenai Peninsula Communities Project was invited to provide input.

Chief Robl explained the report was based on an annual report to the FBI. It is a uniform nationwide crime reporting system of crime statistics. An 1870 congressional act was passed requiring the Attorney General to acquire crime statistics. Not much happened until 1893 when the International Association of Chiefs of Police was formed. They took over the reporting requirement until 1930, at which time the FBI took over. The report allows comparison of crimes nationwide to prepare a unified response.

Highlights of Homer's report for 2009 includes:
27 death investigations for unattended deaths (3 suicides, 2 drug overdoses, some accidental, 2 homeless). It is a high number with a lot of officer man time involved.

74 drug investigations – 50 is average.

6 minor consuming – in 1996 there were 96 cases.

Requests for service – 6,139 with 5,456 serious enough to be reported incidences. All requests for service are slowly creeping up; the increase in the last 10 years is not all that great. Comparisons include:

Homer 6,139
Kenai 6,156
Soldotna 3,348
Seward 1,837

Homer crime runs 10% to 15% above the average from the Lower 48 for a similar size community. Alaska is always a little higher, especially in domestic violence and sexual assault cases.

The national average of police officers is 2.3 – 2.8 officers per 1,000 residents in a community. If Homer was average we would have 12-14 officers. We have 11.
Kenai has 18 officers, Soldotna 14, and Seward 9.

Arrests: 374 - this year we will break a record with 407 to date; the total arrest for 2010 will be close to 500. The Chief cannot recall the last time there were that many arrests.

Police services provided outside city limits: 96 in 2009.

There have been 44 felony arrests this year, which is 10 over last year. Felony cases have to be ready to go to grand jury within 7 days. It can take several officers' time. 50% of the major cases are theft related.

Motor vehicle accidents – no fatalities in 2009/2008.

Jail capacity is 7 people with a 10-day maximum, if longer stay they are sent to Wildwood.
Jail statistics are consistent over the last 15 years.

49% of arrests are alcohol/drug related.

Police Chief Robl answered questions from Council regarding DUI stops and the crack problem in Homer. Suspected DUI's are given a PBT, the officer evaluates the suspect and if a certain level of intoxication is detected a DUI is charged. The crack fad has come and gone. The main problem is methamphetamine and prescription drug abuse. Asked to describe the difference between alcohol vs. drug crime related paperwork, Chief Robl answered working a case against someone selling drugs illegally takes more time, as the search requirements are high. To successfully complete the investigation you have to be fairly invasive, sometimes getting into their personal phone and bank records. Involved investigations are not easily done. Marijuana can be grown in your house for personal use. You cannot sell or possess it in public.

Crack is cocaine. Meth can be smoked, inhaled, and injected. There are several hard core meth users in town.

Asked if there is any tracking per economic status, Chief Robl answered at the height of our recession (2 years ago) crime declined a bit. The last 18 months crime has been increasing. Although there are many minor consuming charges listed in the newspaper, the majority are handled through the youth court, thus are not included in the statistics.

Sharon Whytal, Southern Kenai Peninsula Communities Project Coordinator, reported community surveys and interviews were done to collect hard data. Substance abuse and violence kept coming up as a concern. A draft of the whole health improvement plan will be available soon. Information was collected from the Police Chief, the Alcohol Beverage Control Board,

courts, schools, and students.

Bonnie Betley reported she is on the domestic violence work group. On Friday, October 22nd at 9:30 a.m. at the college there will be a copy of the health improvement plan and layout of what we want to accomplish in the next three years.

Asked about gang activity, Chief Robl answered they have seen some tagging, but it does not look serious. Tagging is generally associated with gang activity. The tagging is not consistent enough to believe we have a gang problem. There are no gangs at Homer High School.

Asked to rate the drug and alcohol activity in the city, Chief Robl answered in the early 80's there was tons of cocaine. Fishermen came in with a pocket full of money and a boat load of dope. There were 25-40 arrests; they have not seen cases like that in 10 years. In 1996 there were 226 DUI arrests, which was a record, resulting in a call from the FBI. Chief Robl wrote and secured a grant from the Alaska Highway Safety Foundation and the FBI to target DUI's for a 3-year time frame. DUI's were reduced by over 50% by aggressive enforcement and education at the bars. They now average 50-60 DUI arrests per year. In 1996 there were 96 minor consuming charges.

Police Chief Robl reported methamphetamine is highly addictive, very dangerous, and users cannot get off the meth addiction. We have IV meth users. They get so desperate for the drug they will do anything. There are high profile arrests targeting prescription drug abuse. Recently a FedEx package was intercepted with 300 oxicontin pills. Yesterday morning a burglar broke into Ulmers and stole oxicontin. The dry up of the prescription drug link in the Central Peninsula and Anchorage will affect Homer. Dealers and users will be desperate, so we have to be weary and watchful now.

Chief Robl said there has been a frustrating lack of resources at the Kenai D.A. office since he has been a police officer. They have the highest case load per attorney of any office in the state. For Homer it means good cases go away on a technicality. Even though the Homer City Council passed resolutions supporting a probation officer and district attorney, we never saw anything come out it. They did hire another attorney in the Kenai D.A. office.

Councilmember Howard stated the City is involved with much of this work. She is asking to be appointed to the work group that meets frequently. She could be the representative to keep the City highly involved.

Sharon Whytal commented they are trying to put together a MOU to get a lot more done. With the City's involvement they could apply for grants.

ROBERTS/LEWIS – MOVED THAT BARBARA HOWARD BE APPOINTED AS REPRESENTATIVE TO THE SOUTHERN KENAI PENINSULA COMMUNITIES PROJECT.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

COMMENTS OF THE AUDIENCE

There were no comments of the audience.

COMMENTS OF THE CITY ATTORNEY

City Attorney Klinkner was not present.

COMMENTS OF THE CITY CLERK

City Clerk Johnson offered congratulations to Councilmembers Wythe and Zak for their victory.

COMMENTS OF THE CITY MANAGER

City Manager Wrede echoed congratulations to the winning candidates.

COMMENTS OF THE MAYOR

Mayor Hornaday was no longer present.

COMMENTS OF THE CITY COUNCIL

Councilmember Roberts thanked the people sworn in tonight. They have all dedicated a number of years of service to the community.

Councilmember Howard congratulated Beth and Bryan and Beth as the Mayor Pro Tempore.

Councilmember Zak congratulated Beth and the Mayor. He expressed appreciation to Councilmember Howard for asking the Chief to come to the meeting. He is sorry about appearing ignorant with drug matters, but things change over time and he had to ask some questions.

Councilmember Hogan stated it was important to get a District Attorney and a legislative team for Homer. This and a few other issues would be worth a lobbyist. It would bring Juneau's attention to the community.

Councilmember Lewis had no comment.

ADJOURNMENT

There being no further business to come before the Council, Mayor Pro Tempore Wythe adjourned the meeting at 7:14 p.m. The next Regular Meeting is scheduled for Monday, October 25, 2010 at 6:00 p.m. The next Committee of the Whole scheduled for Monday, October 25, 2010 at 5:00 p.m. A Special Meeting is scheduled for Tuesday, October 26, 2010 at 6:00 p.m. All meetings are scheduled to be held in the City Hall Cowles Council Chambers.

_____
JO JOHNSON, CMC, CITY CLERK

Approved: _____

Session 10-30 a Special Meeting of the Homer City Council was called to order on October 25, 2010 at 4:02 p.m. by Mayor James C. Hornaday at the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of Allegiance.

PRESENT: COUNCILMEMBERS: HOGAN, HOWARD, LEWIS, ROBERTS, WYTHE, ZAK

STAFF: CITY MANAGER WREDE
CITY CLERK JOHNSON

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

The agenda was approved by consensus of the Council.

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

There were no public comments.

NEW BUSINESS

A. **Memorandum 10-132,** from City Clerk Re: Request for Executive Session Pursuant to AS §44.62.310(C)(2), Subjects that Tend to Prejudice the Reputation and Character of Any Person, Provided the Person May Request a Public Discussion. (City Manager Wrede Annual Performance Evaluation/Employment Contract.)

City Manager Wrede stated he prefers the Executive Session so Council can speak frankly.

Mayor Hornaday called for a motion for the approval of the recommendations of Memorandum 10-132 to discuss City Manager Evaluation.

LEWIS/WYTHE – SO MOVED.

There was no discussion.

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

Motion carried.

Council recessed to Executive Session at 4:05 p.m. and reconvened the Regular Meeting at 4:55 p.m.

Mayor Pro Tempore Wythe stated Council met and provided a performance evaluation for City Manager Wrede and Francie will put together the minutes and recommendations. Walt will work with the Mayor on the duration of his contract extension.

COMMENTS OF THE AUDIENCE

There were no comments of the audience.

COMMENTS OF THE CITY ATTORNEY

City Attorney Klinkner was not present.

COMMENTS OF THE CITY CLERK

City Clerk Johnson had no comment.

COMMENTS OF THE CITY MANAGER

City Manager Wrede had no comment.

COMMENTS OF THE MAYOR

Mayor Hornaday had no comment.

COMMENTS OF THE CITY COUNCIL

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

ADJOURNMENT

There being no further business to come before the Council, Mayor Hornaday adjourned the meeting at 4:56 p.m. The next Regular Meeting is scheduled for Monday, November 22, 2010 at 6:00 p.m. The next Committee of the Whole is scheduled for Monday, November 22, 2010 at 5:00 p.m. A Special Meeting is scheduled for Tuesday, October 26, 2010 at 6:00 p.m. All meetings scheduled to be held in the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

_____
JO JOHNSON, CMC, CITY CLERK

Approved: _____

Session 10-32 a Special Meeting of the Homer City Council was called to order on October 26, 2010 at 6:00 p.m. by Mayor Pro Tempore Beth Wythe at the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of Allegiance.

PRESENT:	COUNCILMEMBERS:	HOGAN, LEWIS, ROBERTS, WYTHE, ZAK, HOWARD (arrived at 6:02 p.m.)
	STAFF:	CITY MANAGER WREDE CITY CLERK JOHNSON ATTORNEY LEVESQUE

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

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

LEWIS/ROBERTS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

There were no public comments.

NEW BUSINESS

A. City Council Appeal Hearing – City Manager's Decision Denying Public Records Request of Frank Griswold

Mayor Pro Tempore Wythe identified the case and acknowledged receipt of written correspondence from both parties.

Parties present were Frank Griswold, Appellant, and City Manager Walt Wrede, Appellee, both representing themselves.

PRELIMINARY ISSUES

Mayor Pro Tempore Wythe noted:

(1) Part of this appeal concerns public records denial to Mr. Griswold because they were deemed to be attorney/client privileged.

Frank Griswold outlined HCC 1.32.010 the City Attorney duties. City Attorney Gordon Tans represented Council at the previous appeal hearing of the City Manager's denial of his April 16, 2008 public records request. Attorney Tom Klinkner represented Council in the ensuing Superior Court appeal. The City Manager should not have sought advice from Attorney Klinkner and forced the Council to hire Mr. Levesque. Mr. Griswold referenced HCC 1.18.020 and a personal bias or prejudice for or against a party, including the party's lawyer. Attorney Levesque would like to continue his professional relationship with the City Manager and the City, but would jeopardize future employment if he acted in a manner contrary to the City Manager's interests.

Mr. Griswold added Attorney Levesque and Mayor Pro Tempore Wythe have conspired to scuttle his appeal by denying him the right to present evidence and question witnesses. They collaborated on the Procedural Notice. Attorney Levesque did not have the authority to set hearing procedures, excuse witnesses, rule that no new evidence or testimony would be allowed, or alter the procedures adopted by Council on Memorandum 10-118.

Mr. Griswold cited State v. Lundgren Pacific Construction Company Inc., 603 P.2d 889, 895 (Alaska 1979) and In re Robsen, 575 P.2d 771, 774 (Alaska 1978) in regard to impartiality by a personal bias or personal prejudice. Mr. Griswold related Mayor Pro Tempore Wythe's long-standing animosity towards him and her long-standing close and friendly relationship with City Manager Wrede. He asserted Mrs. Wythe traveled to Washington, DC with City Manager Wrede to meet Congressman Don Young and lobby for city projects. She worked closely with the City Manager promoting the Town Square/City Hall project in the media and at public forums. Mr. Griswold asserted Mayor Pro Tempore Wythe's animosity stemmed from his challenge of friends and family including her step-father-in-law Ray Kranich's residency as a planning commissioner and a zoning decision granted to the Blackwells for a nonconforming use status. Additionally Mr. Griswold filed a complaint against Ray Kranich challenging the validity of signatures he had collected on an initiative petition for size limits for retail and wholesale stores in Homer.

Mr. Griswold referenced Kenneth C. Davis & Richard J. Pierce, Jr., ADMINISTRATIVE LAW TREATISE, §9.5 (3D ED. 1994) as to the Procedural Notice. He noted that HCC 1.80.070 does not prohibit or limit the taking of new evidence or prohibit or limit the questioning of witnesses. Mr. Griswold referenced the Vaughn appeal and her being denied due process.

Mr. Griswold noted the importance of sworn testimony from the City Manager and several city employees to determine what role they played, if any, in destroying public records. Mr. Griswold asserted City Manager Wrede and others may have deliberately destroyed e-mails and/or authorized their destruction to keep him from inspecting them. Mr. Griswold noted the Council should be able to impose sanctions for the illegal destruction of public records.

Mr. Griswold referenced the City Manager's undated and unsigned response brief he received and noted the index should be corrected to reflect the correct date of the response brief instead of September 1, 2010. He noted it was prejudicial for the Record of Appeal to state Griswold vs. City of Homer when it is Griswold vs. Wrede. Default judgment should be awarded to him because his appeal was not decided in the 30-day deadline per HCC 1.80.070(b).

Attorney Levesque stated Mr. Griswold had talked about the series of cases that allowed him procedural due process. The cases cited talk about bias about issues of law or powers of policy are not grounds for disqualification. The memorandum Mr. Griswold referred to talks about how tribunals have to be careful in understanding they don't have to investigate cases that should be heard below. Appeal hearings are not a place where new evidence can be brought in, but it did happen at a previous hearing. The issue before Council is if Mr. Griswold is entitled to further documents that were not provided.

ZAK/LEWIS – MOVED TO DISMISS, IF THERE ARE ANY CITY EMPLOYEES HERE, WE ACTUALLY DISMISS THEM AND ALLOW THEM TO GO HOME BECAUSE I DON'T THINK THEY SHOULD BE QUESTIONED AT THIS HEARING.

Discussion ensued on the reason for the appeal. Per page 78 the appeal is based on Mr. Griswold's assertion the City has not released the correct emails to him.

Attorney Levesque clarified Mr. Griswold believes he did not get emails from the people he thought they would be from.

Councilmember Hogan expressed confusion on how Council was operating since they were not a Board of Adjustment or a Board of Ethics. His understanding is Council is limited to the ordinance that talks about records.

Mayor Pro Tempore Wythe identified the two requests Council should respond to: the City should make every effort to recover and produce all documents that were deliberately or inadvertently deleted from the City data base. The Council should review all alleged confidential emails to show if they were truly exempt from disclosure.

Councilmember Hogan enounced he is trying to grasp what the authority is under Title 29.

Attorney Levesque stated he has reviewed Title 29 many times and has found no part of it that talks about public records retention or the Council being part of an appeal review if public records are deemed not turned over to a requestor. Council has an ordinance that is pretty clear. HCC 1.80.060 defines how responses to public records are handled. All requests shall be approved or denied by the City Manager. A good faith effort will be made to locate records and if the request is denied the City Manager will make an explanation as to why. HCC 1.80.070 defines appeals: Any denial of a request for inspection of records may be appealed to the City Council by the person making the request. The City Council will hear and decide the appeal. An appeal to the Council's decision may be made to the Superior Court within 30 days. If appealed to the trial court they would decide if there would be new evidence. If the trial court allows discovery Mr. Griswold would have the chance to take depositions.

Councilmember Howard referenced the email dated October 12th about money to get rid of the appeal. Mr. Levesque acknowledged the email communication between Mr. Griswold and the City Clerk, but advised it is not part of the record.

Mayor Pro Tempore Wythe asked Attorney Levesque if the date stamp on the response brief was a concern. Attorney Levesque stated the Clerk is the official who attests the legality of documents in the city. If the Clerk says the document was received on September 1, 2010, unless it is proved otherwise that is the date it was received. On page 84 there is a certification by the City Clerk that the document was delivered on Sept. 8th. Mr. Griswold is complaining about it taking seven days to be distributed.

Mayor Pro Tempore called for a recess at 7:08 p.m. and reconvened the meeting at 7:10 p.m.

Mayor Pro Tempore Wythe stated September 13th was to be the regular date of this hearing. Frequently Mr. Wrede dates the documents the date he is going to present them to us.

Mr. Griswold objected that this is presenting new heresay evidence.

ORAL ARGUMENT

Mayor Pro Tempore Wythe recommended Council hear oral arguments and grant each side a total 30 minutes, if they need it. There was no objection from the Council. Mayor Pro Tempore Wythe reminded both parties that the only issue before the Council is whether the City Manager properly denied Mr. Griswold's public records request. The only issue before the Council is whether the City Manager properly withheld documents under the exception that the documents are privileged. Argument should be confined to whether the requested records come within this exception to disclosure. There is no reason for either party to address the reasons for Mr. Griswold's request for the records, as they are not relevant to the appeal.

Appellant Frank Griswold stated Council has essentially bound and gagged him by not allowing him to present relevant evidence or question witnesses. There is no provision in Homer City Code to prohibit it. In the past Council has allowed it. In the previous proceeding Walt Wrede had the opportunity to cross examine Mr. Griswold but declined to do so. In the Board of Adjustment code there is a remand for the taking of new evidence, and he believes it should be allowed. If witnesses don't want to appear in person they could provide an affidavit. At the least Mr. Griswold needs to hear from the IT person if additional recovery software could be obtained to recover the documents.

Mr. Griswold stated there is no provision in code that provides for oral argument. All issues and positions of the parties have been thoroughly briefed. No party requested oral argument. Wrede argues he is not able to disclose all the records requested because Mr. Griswold is on a fishing expedition and by denying them it will save taxpayer's money (per response brief R84). Council has no authority to impose sanctions so the issue of wrongdoing is moot. At the November 24, 2008 Vaughn appeal, Mayor Hornaday stated "there is no reason for either party to address the reasons for Ms. Vaughn's request for the records as they are not relevant to the appeal." Likewise there is no reason to question Mr. Griswold's reasons for the public records in this appeal. Council has the authority and the duty to impose sanctions against Wrede and anyone else responsible for illegally destroying public records. The only reason any issue of the appeal is moot is because it was not decided within 30 days per HCC 1.80.70(b). Mr. Griswold asked how

used based on guidance from the City Attorney. Most were attorney client privilege. Some had to do with litigation, legal advice for enforcement matters, and personnel issues. There may be a mistake or two.

Mayor Pro Tempore Wythe asked Attorney Levesque if rebuttal was allowed at this time. Attorney Levesque advised Mr. Griswold, as the Appellant, is allowed to reserve some of his time for rebuttal. This is Mr. Wrede's time to speak and he has 30 minutes.

Mr. Wrede stated we made a good faith effort to comply with what the Board of Adjustment and the court asked us to do. There has been reference several times to the last BOA hearing. References were made that cross examination was allowed. The Mayor was presiding and did not want to allow cross examination as he did not think it was appropriate. Mr. Wrede interjected himself that he was fine with it and was happy to take questions. Mr. Tans jumped in and said it was okay to do so for the reasons cited. It happened differently than Mr. Griswold would lead Council to believe. Mr. Griswold said Council had no ability to sanction the City Manager, but he does not know where Mr. Griswold got that.

Mr. Wrede stated he never said we should treat emails any differently than any other documents. Emails are subject to the records retention schedule. Under the city code if it is of historical, legal, or financial value it is to be kept. Mr. Wrede does not remember Mr. Klinkner admitting that documents were destroyed after the date of the public records request. He may have said they may have been or could have been, but to say he admitted documents were destroyed is not the case. The record shows we did the best we could to follow the instructions of the Board of Adjustment and the court. Mr. Wrede's written report will testify to that.

There were no questions from the Council.

REBUTTAL

Mr. Griswold stated Attorney Klinkner did say the records were deleted or destroyed after April 16. Mr. Griswold cited that in his brief and is now confused since some supplemental evidence was accepted and not others. There is question over what was said at the previous hearing. Mr. Griswold stated he submitted the entire transcript of that hearing. It is all verbatim. If Council is not going to accept it, that is their fault. He keeps hearing about the BOA. In Mr. Griswold's response brief he pointed out appeal hearings are not Board of Adjustment hearings. All these rules that pertain to BOAs do not pertain here. Rules here are only ten lines long. If Council is going to apply the BOA hearing procedures they do allow for a remand to present additional evidence. Even though there is no restriction in the code for presenting evidence at an appeal hearing Council does not want to hear it. This sounds like a kangaroo court. It just pushes the City into more prolonged litigation where you have to get a court to say you will follow state and federal laws and you will take the evidence. Mr. Griswold has asked repeatedly for Council's reconsideration. Council should accept all the evidence Mr. Griswold presented, including Mr. Klinkner's letter stating evidence was destroyed before and after the April 16th request.

City Clerk Johnson had no comment.

COMMENTS OF THE CITY MANAGER

City Manager Wrede was no longer present.

COMMENTS OF THE MAYOR

Mayor Pro Tempore Wythe had no comment.

COMMENTS OF THE CITY COUNCIL

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

ADJOURNMENT

There being no further business to come before the Council Mayor Pro Tempore Wythe adjourned the meeting at 7:50 p.m. The next Regular Meeting is scheduled for Monday, November 22, 2010 at 6:00 p.m. The next Committee of the Whole is scheduled for Monday, November 22, 2010 at 5:00 p.m. All meetings scheduled to be held in the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

_____
JO JOHNSON, CMC, CITY CLERK

Approved: _____

Session 10-31 a Regular Meeting of the Homer City Council was called to order on October 25, 2010 at 6:00 p.m. by Mayor James C. Hornaday at the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of Allegiance.

PRESENT: COUNCILMEMBERS: HOGAN, HOWARD, LEWIS, ROBERTS, WYTHE, ZAK

STAFF: CITY MANAGER WREDE
CITY CLERK JOHNSON
FINANCE DIRECTOR HARVILLE

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

Council met for a Special Meeting from 4:02 p.m. to 4:56 p.m. to hear **Memorandum 10-132,** from City Clerk Re: Request for Executive Session Pursuant to AS §44.62.310(C)(2), Subjects that Tend to Prejudice the Reputation and Character of Any Person, Provided the Person May Request a Public Discussion. (City Manager Wrede Annual Performance Evaluation/Employment Contract.)

Council met as a Committee of the Whole from 5:00 p.m. to 5:36 p.m. to discuss: **2011 Budget; Resolution 10-80,** A Resolution of the City Council of Homer, Alaska, Adopting the Amended Public Arts Committee Administrative Guidelines to Incorporate Amendments to Composition, 1% for the Arts Program, Preservation, Promotion and Awareness, and De-Accessioning Sections; and to Add Sections Declaration of Purpose, Meetings, Organization and Procedures, Accession and Gift Policies, and Procedures to Propose a Donation. City Clerk/Public Arts Committee; Memorandum 10-122 and 10-130 from Public Arts Committee as backup; and Regular Meeting Agenda items.

AGENDA APPROVAL

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

The agenda was amended to add: CONSENT AGENDA - **Memorandum 10-129(A),** Appointment of Patricia Lillibridge to the Parks and Recreation Advisory Commission, Terry Yager to the Lease Committee, and Reappointment of Mary E. (Beth) Wythe to the Economic Development Advisory Commission and the Permanent Fund Committee.

Resolution title on the agenda was amended: **Resolution 10-85,** A Resolution of the City Council of Homer, Alaska, Authorizing the City Administration to Apply for a Denali Commission Grant in the Amount of $440,000 for Design and Pre-Construction Activities Related to Priority Capital Improvements Within the Homer Boat Harbor (Ramp 3 / Float Replacement and System 5 Upgrades) and Stipulating that if the Grant is Awarded, the Council will Appropriate the Required Twenty Percent Local Match ($110,000). City Manager/Port and Harbor Director.

Councilmember Hogan pulled Resolution 10-88 and Consent Agenda item B. Memorandum 10-129(A) was moved to New Business.

The agenda as amended was approved by consensus of the Council.

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

There were no public comments.

RECONSIDERATION

None.

CONSENT AGENDA

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

A. Homer City Council unapproved Special and Regular Meeting minutes of October 11, 2010. City Clerk. Recommend adoption.

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

ROBERTS/WYTHE - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

B. **Memorandum 10-129,** from Mayor, Re: Appointment Of Patricia Lillibridge to the Parks and Recreation Advisory Commission, Terry Yager to the Lease Committee, and Reappointment of Mary E. (Beth) Wythe to the Economic Development Advisory Commission and the Permanent Fund Committee.

Memorandum 10-129(A), from Mayor, Re: Appointment Of Patricia Lillibridge to the Parks and Recreation Advisory Commission, Terry Yager to the Lease Committee, and Reappointment of Mary E. (Beth) Wythe to the Economic Development Advisory Commission and the Permanent Fund Committee.

Item B moved to New Business.

VISITORS

A. **Paul Dauphinais,** Executive Director, Homer Chamber of Commerce

Paul Dauphinais, Executive Director of the Homer Chamber of Commerce, referenced documents presented to Council. With marketing efforts and the City's funding the Chamber has increased their reach and value. They have taken input from the Sportsman's Show and are getting good press as depicted in the articles he presented to Council. There are two television programs in progress, one filming in Homer now. The economic benefits are enormous. On July 17 the Chamber had 101 visitors, with 20% of the people signing the book. They have had approximately 10,000 visitors; Senator Begich noted 15% of the visitors are international. The Chamber advertises in movie theatres and will work with Kenai agencies to extend their reach. There will be more Alaska shows. It has been a very good year for advertising in Alaska.

Asked by Councilmember Hogan if the Chamber is doing anything to attract new industry, Mr. Dauphinais answered they are working for potential exports from other areas of the country. Those include a group in Nebraska to ship sweet corn to Homer. They are working with local businesses, one that does 3-D modeling. That business needs band width and the creative environment Homer offers. They are trying to promote local businesses and help business grow, complementing what is already here.

Asked by Councilmember Lewis about the poor attendance at the Fishing Hole this year, Mr. Dauphinais answered he is not aware of any comments to the Chamber. They do not track sports teams, but he wants to put the word out to athletic directors about accommodations for the parents of students.

Councilmember Zak thanked Mr. Dauphinais for the Chamber providing room for the Alaska Small Business Development Center. This year we had more cruise ships, with 19 stops anticipated next year. A number of volunteers handed out materials to visitors as they came off the ships. It is difficult for visitors to have a strong Homer experience due to time restraints, but the Chamber is working on ideas for next year's cruise ship visitors. The Chamber's budget is $650,000 to $700,000, originating from the car raffle, halibut derby, and winter king derby. About 65% to 70% of the Chamber's budget comes from those activities.

B. **Bobbie Mumm**, Independent Living Center, Trails Program

Bobbie Mumm, Trails Development Specialist with the Independent Living Center, referenced a Department of Natural Resources grant of $50,000. The Center failed to meet the grant deadline and will focus on another $250,000 grant in the springtime. The funds would be used to make a crossing across Woodard Creek.

Doug Schwiesow has been involved with trail design, construction, maintenance, and use for many years. He is still a trail user and appreciates the trail network. He realizes the many opportunities for improvement. After learning of the Woodard Creek crossing he is excited about a connection of Karen Hornaday Park, the hospital, and the surrounding area. The aluminum ramp the City owns is 6 ft. wide and 75 ft. long and could be designated as a pedestrian access. It would work very well, saving the city thousands of dollars. Trails give people an opportunity to be out in the nature, are less risk of street traffic, and provide a feeling of independence. He urged the City to support the trails project.

ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

A. Borough Report

B. Commissions/Board Reports:

1. Library Advisory Board
2. Homer Advisory Planning Commission
3. Economic Development Advisory Commission
4. Parks and Recreation Advisory Commission
5. Port and Harbor Advisory Commission

PUBLIC HEARING(S)

None.

ORDINANCE(S)

A. **Ordinance 10-51,** An Ordinance of the City Council of Homer, Alaska, Appropriating Funds for the Calendar Year 2011 for the General Fund, the Water-Sewer Fund, the Port/Harbor Fund, Debt Funds, and Capital Reserve Funds (Conditional Expenditures). City Manager. Recommended dates: Introduction October 25, 2010, Public Hearings November 22 and December 13, 2010.

Mayor Hornaday called for a motion for the adoption of Ordinance 10-51 for introduction and first reading by reading of title only.

WYTHE/ROBERTS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

CITY MANAGER'S REPORT

A. City Manager's Report

City Manager Wrede stated the written report provided is dedicated to the budget.

Mayor Hornaday commented the budget was discussed at an earlier meeting. This year it is very difficult; Council will do the best they can.

B. Bid Report

CITY ATTORNEY REPORT

None.

COMMITTEE REPORT

A. Public Arts Committee

B. Transportation Advisory Committee

C. Permanent Fund Committee

D. Lease Committee

E. City Hall Renovation and Expansion Task Force

1. Meeting minutes of October 4, 2010

PENDING BUSINESS

A. **Resolution 10-80,** A Resolution of the City Council of Homer, Alaska, Adopting the Amended Public Arts Committee Administrative Guidelines to Incorporate Amendments to Composition, 1% for the Arts Program, Preservation, Promotion and Awareness, and De-Accessioning Sections; and to Add Sections Declaration of Purpose, Meetings, Organization and Procedures, Accession and Gift Policies, and Procedures to Propose a Donation. City Clerk/Public Arts Committee.

Memorandum 10-122 and 10-130 from Public Arts Committee as backup.

Motion on the floor from October 11th: ROBERTS/LEWIS – MOVED FOR THE ADOPTION OF RESOLUTION 10-80.

HOWARD/HOGAN – MOVED TO STRIKE LINES 329 – 333.

Discussion ensued on the City's responsibility to return art to the artist after purchase. It was suggested the City could provide a courtesy notice to the artist if the artwork were to be moved, altered, or removed.

Councilmember Howard moved for a friendly amendment to strike lines 330-333. Councilmember Hogan accepted the amendment.

The copyright clause was questioned. It was determined there were amendments needed, the City Attorney had not yet reviewed the guidelines, and the document would be forwarded to the attorney for review and comment.

HOWARD/HOGAN – MOVED TO WITHDRAW THE MOTION.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

ROBERTS/HOWARD – MOVED TO POSTPONE TO NOVEMBER 22ND.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

B. **Resolution 10-81(A),** A Resolution of the City Council of Homer, Alaska, Amending the Homer Public Arts Committee Administrative Guidelines to Establish the Second Thursday at 5:00 p.m. Not to Exceed Ninety Minutes as the Regular Quarterly Meeting Day, Time, and Length. City Clerk/Public Arts Committee.

Memorandum 10-123 from Public Arts Committee as backup.

Motion on the floor from October 11th: LEWIS/ROBERTS - MOTION FOR THE ADOPTION OF RESOLUTION 10-81 BY READING OF TITLE ONLY.

WYTHE/ROBERTS – MOVED TO POSTPONE RESOLUTION 10-81(A) TO FOLLOW RESOLUTION 10-80.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

NEW BUSINESS

A. **Memorandum 10-129,** from Mayor, Re: Appointment Of Patricia Lillibridge to the Parks and Recreation Advisory Commission, Terry Yager to the Lease Committee, and Reappointment of Mary E. (Beth) Wythe to the Economic Development Advisory Commission and the Permanent Fund Committee.

Memorandum 10-129(A), from Mayor, Re: Appointment Of Patricia Lillibridge to the Parks and Recreation Advisory Commission, Terry Yager to the Lease Committee, and Reappointment of Mary E. (Beth) Wythe to the Economic Development Advisory Commission and the Permanent Fund Committee.

WYTHE/ZAK - MOVED FOR THE APPOINTMENTS AS PRESENTED.

Councilmember Hogan is thrilled to see Terry Yager for the Lease Committee. The Mayor does not have the authority to appoint a committee member. Per the Lease Policy the authority lies solely with the City Manager.

HOGAN/LEWIS - MOVED TO AMEND AND APPOINT THE TWO (Lillibridge and Wythe).

City Manager Wrede intends to appoint Terry Yager to the Lease Committee.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

RESOLUTIONS

A. A Resolution of the City Council of Homer, Alaska, Authorizing the City Administration to Apply for a Denali Commission Grant in the Amount of $440,000 for Design and Pre-Construction Activities Related to Priority Capital Improvements Within the Homer Boat Harbor (Ramp 3 / Float Replacement and System 5 Upgrades) and Stipulating that if the Grant is Awarded, the Council will Appropriate the Required Twenty Percent Local Match ($110,000). City Manager/Port and Harbor Director.

Mayor Hornaday called for a motion for the adoption of Resolution 10-85 by reading of title only.

WYTHE/ROBERTS – SO MOVED.

City Manager Wrede advised Council the money will come from Port and Harbor reserves. There is sufficient money in the reserves if Council will come up with a 20% match.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

B. **Resolution 10-86,** A Resolution of the City Council of Homer, Alaska, Creating the Old Homer Intermediate School Reuse Task Force. Zak.

Mayor Hornaday called for a motion for the adoption of Resolution 10-86 by reading of title only.

WYTHE/ZAK – SO MOVED.

WYTHE/HOWARD - MOVED TO AMEND TO MOVE TO THE ECONOMIC DEVELOPMENT COMMISSION FOR DEVELOPMENT AND PROCESSING.

Councilmember Roberts supports Councilmember Zak's idea about a future use, but creating another committee adds more costs and staff time to the Clerk's office.

Councilmember Zak concurs with the costs associated of establishing a new commission. Knowing the time restrictions and finding a home for the Boys and Girls Club is foremost; we need to prepare for the end of January when the college moves out. If we move it forward to the EDC he hopes there is a time restriction and priority established.

Councilmember Hogan supports the idea of a stand-alone task force. He would like to see the citizen's committee with a focus to move fast.

Councilmembers Howard and Wythe expressed support at sending the task directly to the EDC. It would be the fastest and most efficient route since the EDC is a predefined commission.

City Manager Wrede suggested a motion directing the City Manager to write a memo to the EDC stating it was the will of the Council. It would be the EDC's priority to get it done as soon as possible.

It was decided the current resolution could be amended to refer the task to the EDC.

Mayor Hornaday called for a recess at 6:45 p.m. and reconvened the meeting at 6:57 p.m.

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

Motion failed.

WYTHE/LEWIS - MOVED TO CHANGE THE TITLE OF RESOLUTION 10-86 TO READ: A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, DIRECTING THE ECONOMIC DEVELOPMENT ADVISORY COMMISSION TO CONSIDER OPTIONS FOR THE REUSE OF THE OLD HOMER INTERMEDIATE SCHOOL.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

WYTHE/HOGAN – MOVED TO AMEND THE FIRST NOW THEREFORE BE IT RESOLVED TO READ: NOW, THEREFORE, BE IT RESOLVED THAT THE HOMER CITY COUNCIL DIRECTS THE ECONOMIC DEVELOPMENT ADVISORY COMMISSION TO EXPLORE OPTIONS REGARDING FUTURE USES OF THE PROPERTY WITHIN THE SCOPE OF THE PROPERTY USE RESTRICTIONS.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

WYTHE/HOWARD - MOVED TO AMEND TO STRIKE THE 2ND BE IT THEREFORE RESOLVED THAT IDENTIFIES THE ESTABLISHMENT OF THE COMMITTEE.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

WYTHE/HOWARD – MOVED TO AMEND THE 3RD BE IT THEREFORE RESOLVED TO READ: BE IT FURTHER RESOLVED THAT THE ECONOMIC DEVELOPMENT ADVISORY COMMISSION SHALL ADVISE THE CITY MANAGER AND THE COUNCIL ON FUTURE REUSE OPTIONS OF COST BENEFIT ANALYSIS AND POTENTIAL SOCIAL AND ECONOMIC BENEFITS TO THE COMMUNITY AT LARGE.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

WYTHE/HOWARD – MOVED TO AMEND TO STRIKE THE NEXT BE IT FURTHER RESOLVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

WYTHE/LEWIS - MOVED TO AMEND THE LAST BE IT FURTHER RESOLVED TO STRIKE "TASK FORCE" AND REPLACE WITH "ECONOMIC DEVELOPMENT ADVISORY COMMISSION".

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

The matter will be placed on the November 9th EDC agenda. The amendments move the direction from a separate committee to the EDC but still retain the process of finding uses for the Old Intermediate School.

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

Motion carried.

C. **Resolution 10-87,** A Resolution of the Homer City Council Expressing its Continued Strong Support for the Homer Deep Water Dock Construction Phase II Project and Expressing its Intent to Place a Bond Proposition in the Amount of Two Million Dollars on the October 2011 Regular Election Ballot Instead of the October 2010 Regular Election Ballot as Authorized by Resolution 08-72. City Manager.

Mayor Hornaday called for a motion for the adoption of Resolution 10-87 by reading of title only.

WYTHE/LEWIS - SO MOVED.

Councilmember Zak asked if there was a chance to include the East Boat Harbor. City Manager Wrede answered there are other projects besides this that can be included in the bond sale. The project goes way back to Senator Stevens and we keep pushing it back for housekeeping purposes.

Councilmember Hogan expressed concern that if we build it they will come. A strong marketing effort is needed to bring in customers.

City Manager Wrede clarified the resolution pushes the project off in the future. When the time comes, Council does not have to place the bond proposition on the ballot.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

D. **Resolution 10-88,** A Resolution of the Homer City Council Determining that South Peninsula Haven House, Inc. Meets the Criteria in the Homer City Code and the Property Management Policy and Procedures for Leasing City Property for Less than Fair Market Rent, and Authorizing the City Manager to Negotiate Such a Lease of the Former College West Campus Facility to South Peninsula Haven House, Inc. Hogan.

Pulled by Councilmember Hogan at agenda approval.

E. **Resolution 10-89,** A Resolution of the City Council of Homer, Alaska, Revising Certain Portions of the Port and Harbor of Homer Terminal Tariff No. 600 and Amending the City of Homer Fee Schedule Accordingly. City Clerk. Recommended dates: Introduction October 25, 2010 and Public Hearings November 22 and December 13, 2010. (To follow Budget Ordinance 10-51.)

Mayor Hornaday called for a motion for the adoption of Resolution 10-89 by reading of title only.

WYTHE/HOWARD - SO MOVED.

Resolution 10-89 will follow Budget Ordinance 10-51.

Councilmember Lewis asked if there was a conflict of interest if he rented a boat slip. Mayor Hornaday ruled there was not since it was such a large group. There was no objection expressed by the Council.

WYTHE/ROBERTS - MOVED TO POSTPONE APPROVAL OF RESOLUTION 10-89 UNTIL THE APPROVAL OF THE FINAL BUDGET.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

F. **Resolution 10-90,** A Resolution of the City Council Amending the City of Homer Fee Schedule Under Airport Terminal Facility, Long Term Parking, Under Public Safety, Parking Tickets, and Under Administrative Fees, Modem Transmission, Data Fees, and Document Copy Fees. City Clerk. Recommended dates: Introduction October 25, 2010 and Public Hearings November 22 and December 13, 2010. (To follow Budget Ordinance 10-51.)

Mayor Hornaday called for a motion for the adoption of Resolution 10-90 by reading of title only.

WYTHE/ROBERTS – SO MOVED.

WYTHE/ROBERTS - MOVED TO POSTPONE RESOLUTION 10-90 UNTIL THE APPROVAL OF THE FINAL BUDGET.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

G. **Resolution 10-91,** A Resolution of the City Council of Homer, Alaska Authorizing the City Administration and the City Auditors to Operate, Budget for, and Audit the Water and Sewer Enterprise Fund as a Special Revenue Fund Under Relevant Statutes and Other Applicable Authorities and Renaming the Homer Water and Sewer Enterprise Fund the Homer Water and Sewer Special Revenue Fund. City Manager/Finance Director. Recommended dates: Introduction October 25, 2010 and Public Hearings November 22 and December 13, 2010. (To follow Budget Ordinance 10-51.)

Memorandum 10-131 from Finance Director as backup.

Mayor Hornaday called for a motion for the adoption of Resolution 10-91 by reading of title only.

LEWIS/ROBERTS – SO MOVED.

ROBERTS/LEWIS - MOVED TO POSTPONE RESOLUTION 10-91 TO FOLLOW THE BUDGET ORDINANCE 10-51.

Councilmember Wythe asked for a Worksession to hear the pros and cons. City Manager Wrede stated there is not a huge rush, although we would like to have it done by the end of the fiscal year.

Resolution 10-91 is to be discussed at a Worksession scheduled for November 8th at 5:00 p.m.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

COMMENTS OF THE AUDIENCE

There were no comments of the audience.

COMMENTS OF THE CITY ATTORNEY

City Attorney Klinkner was not present.

COMMENTS OF THE CITY CLERK

City Clerk Johnson had no comment.

COMMENTS OF THE CITY MANAGER

City Manager Wrede had no comment.

COMMENTS OF THE MAYOR

Mayor Hornaday had no comment.

COMMENTS OF THE CITY COUNCIL

Councilmember Lewis reminded everyone to vote between now and November 2nd.

Councilmember Hogan thanked Councilmember Lewis and the City Manager for matching the United Way Challenge and asked everyone else to.

Councilmember Howard commented last Saturday Council met with Senator Begich. She was never more proud of our city, our government's process as it relates to the Capital Improvement Projects. The staff presentation was distinct, informative, and the pictures told the story in a memorable fashion. Our message was clear and convincing. She particularly appreciated the City Manager's guarantee to the Senator of the process used to identify and prioritize the needs of our community. The vetting process will give the Senator confidence he can and should feel comfortable to request the funding we so desperately need. She complimented the staff and City Council for the good work that led to the presentation.

Councilmember Zak noted that Senator Begich talked about healthcare.gov, a website with good information on future health care requirements. He thanked Paul Dauphinais from the Chamber for coming tonight. There will be 19 cruise ships next year. He is glad to have the Homer Chamber of Commerce there to provide the support. He reminded people to buy a raffle ticket.

Councilmembers Wythe and Roberts had no comment.

ADJOURNMENT

There being no further business to come before the Council, Mayor Hornaday adjourned the meeting at 7:10 p.m. The next Regular Meeting is scheduled for Monday, November 22, 2010 at 6:00 p.m. The next Committee of the Whole is scheduled for Monday, November 22, 2010 at 5:00 p.m. A Special Meeting is scheduled for Tuesday, October 26, 2010 at 6:00 p.m. A Worksession is scheduled for Monday, November 8, 2010 at 5:00 p.m. All meetings scheduled to be held in the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

_____
JO JOHNSON, CMC, CITY CLERK

Approved: _____

Office of the City Clerk

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

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

M E M O R A N D U M 10-133

TO: MAYOR HORNADAY AND HOMER CITY COUNCIL

FROM: JO JOHNSON, CMC, CITY CLERK

DATE: NOVEMBER 16, 2010

SUBJECT: LIQUOR LICENSE OWNERSHIP TRANSFER FOR DUGGANS WATERFRONT BAR TO APS INVESTMENTS LLC AND RENEWAL FOR ALICE'S CHAMPAGNE PALACE.

Notice was received on October 23, 2010 from the Alcoholic Beverage Control Board of the application for Liquor License Ownership Transfer as follows:

Type: Beverage Dispensary
DBA: Duggans Waterfront Bar
Licensee: APS Investments LLC – License #1252
Location: 120 W. Bunnell Ave., Homer, AK 99603

Notice was received on November 8, 2010 from the alcoholic Beverage Control Board of the application for Liquor License Renewal as follows:

Type: Beverage Dispensary
DBA: Alice's Champagne Palace
Licensee: Homer Beverages Inc. – License #253
Location: 195 E. Pioneer Ave., Homer, AK 99603

The Homer Chief of Police has voiced non objection.

The Kenai Peninsula Borough has voiced non objection.

RECOMMENDATION:
Voice non objection and approval for the Liquor License Ownership Transfer and Liquor License Renewal as listed above.

Fiscal Note: Revenues.

KENAI PENINSULA BOROUGH
144 N. BINKLEY ST • SOLDOTNA, ALASKA • 99669-7520
PHONE: (907) 714-2160 • **FAX:** (907) 714-2388
Toll-free within the Borough: 1-800-478-4441, Ext. 2160
EMAIL: assemblyclerk@borough.kenai.ak.us

October 25, 2010

JOHNI BLANKENSHIP, CMC
BOROUGH CLERK

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

RE: Non-Objection of Ownership Transfer Application

Business Name	:	Duggans Waterfront Bar
License Type	:	Beverage Dispensary/Restaurant Designation
License Location	:	City of Homer
License No.	:	1252

Dear Ms. Holland-Williams,

This serves to advise that the Finance Department has reviewed the above referenced application and has no objection to the issuance of this license.

Should you have any questions, or need additional information, please don't hesitate to let us know.

Sincerely,

Johni Blankenship, CMC
Borough Clerk

JB/klr

cc: Applicant
City of Homer
KPB Finance Department
File

KENAI PENINSULA BOROUGH
144 North Binkley Street • Soldotna, Alaska 99669-7520
PHONE: (907) 714-2160 • **FAX:** (907) 714-2388
Toll-free within the Borough: 1-800-478-4441 Ext. 2160
Email: assemblyclerk@borough.kenai.ak.us

November 10, 2010

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

RE: Non-Objection of License Renewal

Business Name	:	Alice's Champagne Palace
License Type	:	Beverage Dispensary
License Location	:	City of Homer
License No.	:	253

Dear Ms. Holland-Williams,

This serves to advise that the Finance Department has reviewed the above referenced application and has no objection to the renewal of this license.

Should you have any questions, or need additional information, please don't hesitate to let us know.

Sincerely,

Johni Blankenship, CMC
Borough Clerk

JB/klr

cc: Applicant
City of Homer
KPB Finance Department
File

CITY OF HOMER
POLICE DEPARTMENT

4060 HEATH STREET HOMER, AK 99603-7609
EMERGENCY 911
TELEPHONE (907) 235-3150
TELECOPIER (907) 235-3151

MEMORANDUM

DATE: October 28, 2010

TO: Melissa Jacobsen, Deputy City Clerk

FROM: Mark Robl, Chief of Police

SUBJECT: Liquor License Transfer

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

Beverage Dispensary

License	#1252
D.B.A.	Duggans Waterfront Bar
Licensee/Applicant:	APS Investments LLC
Physical Location:	120 W Bunnell Ave
Mailing Address:	135 W Bunnell Ave Homer, AK 99603
Telephone #:	907-235-9949
EIN:	27-3374887

CITY OF HOMER
POLICE DEPARTMENT

4060 HEATH STREET HOMER, AK 99603-7609
EMERGENCY 911
TELEPHONE (907) 235-3150
TELECOPIER (907) 235-3151

MEMORANDUM

DATE: November 15, 2010

TO: Melissa Jacobsen, Deputy City Clerk

FROM: Mark Robl, Chief of Police

SUBJECT: Liquor License Renewal

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

Beverage Dispensary:

License: Alice's Champagne Palace, License #253
Location: 195 E. Pioneer Avenue
Owner: Homer Beverages Inc.
Mailing Address: 1637 Stanton Avenue, Anchorage, AK 99508

STATE OF ALASKA
ALCOHOLIC BEVERAGE CONTROL BOARD
APPLICATION FOR RESTAURANT DESIGNATION PERMIT - AS 04.16.049 & 15 AAC 104.715-794
FEE: $50.00

The granting of this permit allows access of persons under 21 years of age to designated licensed premises for purposes of dining, and and persons under the age of 19 for employment. If for employment, please state in detail, how the person will be employed, duties, etc. (13 AAC 104.745).

This application is for designation of premises where : (please mark appropriate items).

1 X Under AS 04.16.010(c) Bona fide restaurant/eating place.
2 X Persons between 16 & 21 may dine unaccompanied.
3 X Persons under 16 may dine accompanied by a person 21 years or older.
4 X Persons between 16 and 19 years may be employed. (See note below).

LICENSEE: APS Investments, LLC

D/B/A: Duggan's Waterfront Bar

ADDRESS: 120 W. Bunnell Ave, Homer, AK 99603

1. Hours of Operation: 11AM to 12pm Telephone # 907-299-8014
2. Have police ever been called to your premises by you or anyone else for any reason: [ ] Yes [X] No
If yes, date(s) and explanation(s).

3. Duties of employment: bussing, kitchen prep work, dishwashing and hostess
4. Are video games available to the public on your premises? yes
5. Do you provide entertainment: [X] Yes [ ] No If yes, describe. weekly live music
6. How is food served? ____ Table Service ____ Buffet Service X Counter Service ____ Other*
7. Is the owner, manager, or assistant manager always present during business hours? [X] Yes [ ] No

*** A MENU AND A DETAILED LICENSED PREMISES DIAGRAM MUST ACCOMPANY THIS APPLICATION ***

This permit remains in effect until the liquor license is transferred OR at the discretion of the Alcoholic Beverage Control Board. (13 AAC 104.795)

I certify that I have read AS 04.16.049, AS 04.16.060, 13 AAC 104.715-795 and have instructed my employees about provisions contained therein.

Applicant(s) signature

Subscribed and sworn to before me this 19th day of October, 2010

Notary Public in and for Alaska

My Commission Expires Aug 12 2013

Notary Public
S. PEGARRO
State of Alaska
My Commission Expires Aug 12, 2013

Application approved (13 AAC 104.725(e)
Governing Body Official

Date: ____

Director, ABC Board

Date: ____

NOTE: AS 04.16.049(c) requires that written parental consent and an exemption by the Department of Labor must be provided to the licensee by the employee who is under 19 years of age. Persons 19 and 20 years of age are not required to have the consent or exemption.

* Describe how food is served on back of form.

STATE OF ALASKA
ALCOHOL BEVERAGE CONTROL BOARD
Licensed Premises Diagram

INSTRUCTIONS: Draw a detailed floor plan of your present or proposed licensed premises on the graph below; show all entrances and exits, and all fixtures such as tables, booths, games, counters, bars, coolers, stages, etc

DBA: DUGGANS WATERFRONT BAR

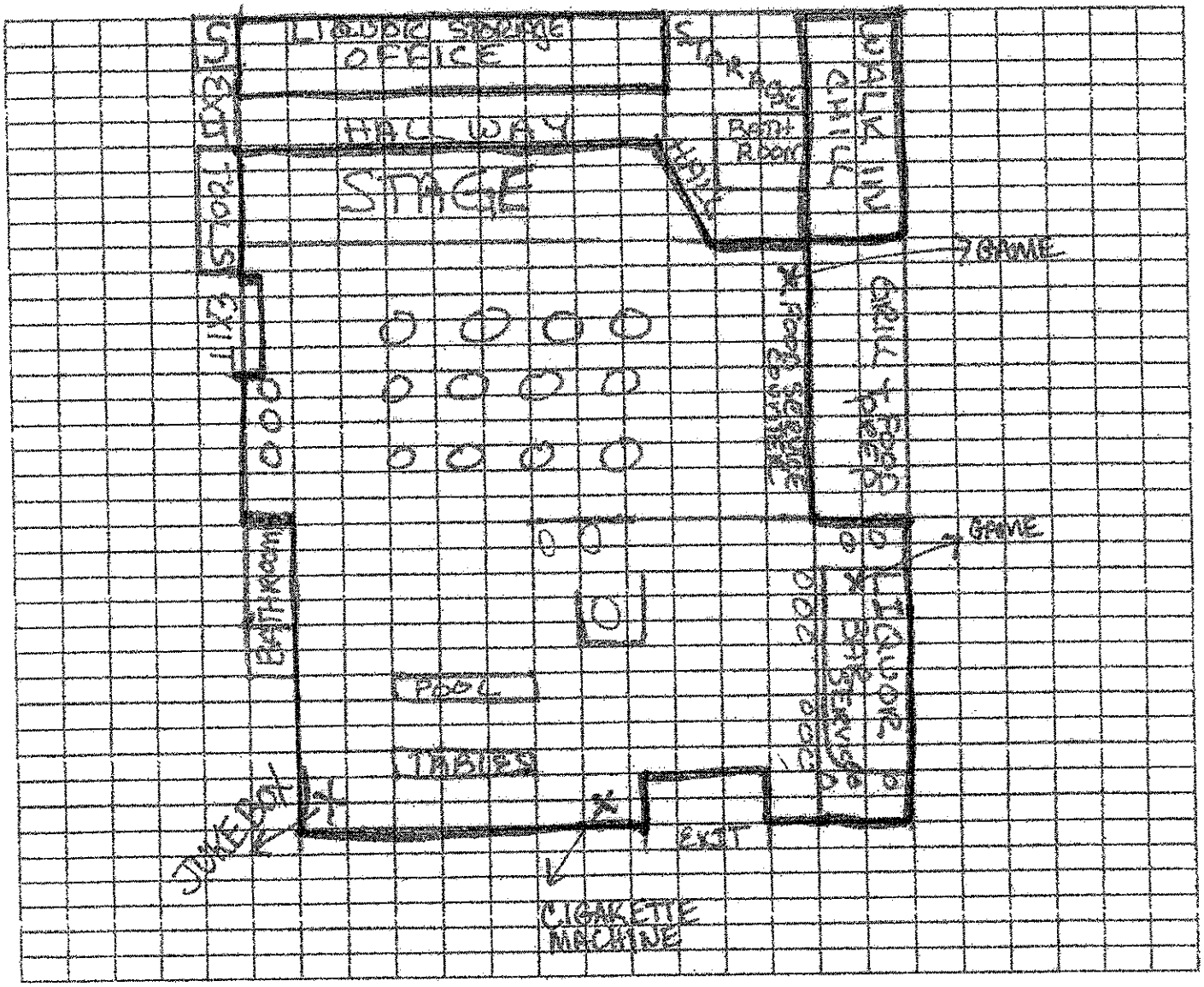
PREMISES LOCATION: 120 W. Bunnell AVE HOMER AK 99603

Indicate scale by x after appropriate statement or show length and width of premises. _____ 1 SQ. = 4 FT.

SCALE A: _____ 1 SQ. = 1 FT. SCALE B: X 1 Sq = 3 Ft

Length and width of premises in feet:

Outline the area to be designated for sale, service, storage, and consumption of alcoholic beverages in red.
DO NOT USE BLUE INK OR PENCIL ON THIS DIAGRAM.



Sides & Starters

Crab Cakes - A special mixture of crab meat, herbs,spices and bread crumbs served with honey habenero sauce. _____ $10

Calamari -Breaded calamari served with honey habanero. $10

Buffalo Wings - Chicken wings, tossed in buffalo sauce. Served with our Bleu cheese dressing & crisp celery sticks. __ $7

Jalapeño Poppers -Jalapeños stuffed with cream cheese, lightly breaded, served with ranch dressing_____ $7

Chicken Fingers -Strips of lightly breaded chicken breast, deep fried & served with ranch dressing. _____ $8

Clam Strips- Served with tarter or cocktail sauce _____ $10

Basket O' Fries - _____ $5 add cheese $2

Chili Cheese Fries - _____ $8

Nachos -Corn tortila chips with cheese, onions, olives, tomatos and meat _____ $10

Basket O' Rings - Hot, crispy & delicious onion rings. __ $7

Small Salad - _____ $5 Coleslaw - _____ $4

Salads & Soups

Garden Salad - Fresh tossed greens topped with chopped egg, olives, mushrooms, tomatoes & cheese. Choice of dressing. __ $8

Bleus Salad -Fresh greens topped with chopped egg, olives Bleu cheese, tomatoes, mushrooms, & bacon. _____ $9

Cajun Chicken Breast _____ add $3 Deli Meat _____ add $2

Soup of the Day - Special daily creation! Cup $4 __ Bowl $5

Chowder - Roland's blue ribbon chowder recipe! Cup $4 Bowl $5

Molly's Homemade Chili - Our own special shredded beef chili recipe, cheese & onions. Cup $4 _____ Bowl $5

Duggan's Favorites

Tacos - Three ground beef tacos with lettuce, cheese, tomatos & a side of salsa. _____ $7

Irish Tacos - Three tacos filled with grilled corned beef, cheese,lettuce, salsa & creamy horseradish sauce. _____ $9

Supreme Tacos - Three tacos filled with grilled chicken breast or steak, with lettuce, cheese, salsa & sour cream. _____ $10

Quesadilla - Fresh flour tortillas stuffed with cheese. Served with homemade salsa & real sour cream. _____ $7

Corned Beef or Ground Beef _____ $9

Sirloin Steak or Chicken Breast _____ $10

Fish & Chips - The best Alaskan fish filets fried to a golden brown. Served with french fries, coleslaw & tartar sauce. __ $14

Mini Burger Basket - Four mini flame-broiled burgers in a basket. _____ $8 Add Cheese for $2

Top Sirloin Steak - Flame-broiled USDA choice beef served with corn, bread, fries or baked potato & small salad. _____ $19

Duggan's Galley
Located inside
Duggan's Pub
235-7747

Duggan's Galley

Homer, Alaska

Duggan's Waterfront Pub
120 W. Bunnel St.
235-9949

Burgers

Duggan's Burgers come on a tasty traditional toasted bun topped with a big tomato slice, crisp fresh lettuce, pickle & onion.

BEEF	FISH	VEGGIE	CHICKEN
A full 1/3 lb. of fresh 100% USDA Choice Ground Chuck	Fresh Local caught Fish Filet Market Price	A tasty gardenburger vegetable patty	A tender grilled chicken breast add $2

Chip's Burger - A true classic & delicious. _____ $7

Cheeseburger - Pick your favorite: American or Swiss ___ $8

Mushroom Swiss Burger - Fresh sautéed mushrooms and double Swiss cheese. A tasty combo. _____ $10

BBQ Burger - Topped with onion rings, our special tangy whiskey BBQ sauce and double Swiss cheese. _____ $10

Bleus Burger - Try one with real Bleu cheese. _____ $9

Bacon Cheeseburger - Thick, crispy, bacon & cheese _ $10

Sandwiches

Patty Melt - Flame-broiled beef or veggie patty, served on grilled rye bread with Swiss cheese & grilled onions. _____ $10

Duggan's Club - Freshly sliced roasted turkey, ham, bacon, lettuce, tomato & mayo. _____ $10

Rueben - Stacked corned beef topped with Swiss cheese, sauerkraut, 1000 Island & served on grilled rye. _____ $10

Turkey Reuben - A fresh oven-roasted turkey topped with Swiss cheese & 1000 Island, served on grilled rye. _____ $10

Ham Heaven - Ham, cheese, lettuce, tomato & mayo. ___ $7

Turkey Delight - Turkey, cheese, lettuce, tomato & mayo. $7

Grilled Cheese - _____ $5

COMPLETE YOUR MEAL WITH...

FRIES	Small SALAD	Cheese FRIES	Chili FRIES	Onion RINGS
Half Order add $2	add $3	Half Order add $3	Half Order add $4	Half Order add $3

COLESLAW add $2 SOUP or CHILI (Cup of) add $3

State of Alaska
Alcoholic Beverage Control Board

Date of Notice: October 20, 2010

Application Type: **NEW**____

__X____**TRANSFER**
__X____Ownership
_____Location
_____Name Change

Governing Body: **City of Homer**
Community Councils: None

License #: **1252**
License Type: **Beverage Dispensary**
D.B.A.*: Duggans Waterfront Bar
Licensee/Applicant: **APS Investments LLC**
Physical Location: 120 W Bunnell Ave

Mail Address: 135 W Bunnell Ave Homer AK 99603
Telephone #: 907-235-9949 907-235-5669 Fax
EIN: 27-3374887

Corp/LLC Agent:	**Address**	**Phone**	**Date and State of Limited Partnership/Corporation**	**Good standing?**
Adrienne & Alexander Sweeney	4919 Cape Seville Dr. Anchorage AK 99516	907-299-8019	August 31, 2010 Alaska	Yes

Please note: the Members/Officers/Directors/Shareholders (principals) listed below are the principal members. There may be additional members that we are not aware of because they are not primary members. We have listed all principal members and those who hold at least 10% shares.

Member/Officer/Director:	**DOB**	**Address**	**Phone**	**Title/Shares (%)**
Adrienne Sweeney	2/13/70	4919 Cape Seville Dr. Anchorage AK 99516	907-299-8019	Member 51%
Alexander Sweeney	3/31/51	4919 Cape Seville Dr. Anchorage AK 99516	907-317-6582	Member 49%

If **transfer** application, current license information:
License #: 1252
Current D.B.A.: Duggans Waterfront Bar
Current Licensee: William F Duggan II & Noreen O'Brien-Duggan
Current Location: Same

Additional comments: Restaurant Designation Permit enclosed.

***Date of Birth*
** Doing Business As*
Cc: Kenai Peninsula Borough

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

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

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

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

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

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

Sincerely,

/s/ Reeda Jaramillo
Reeda Jaramillo
Lead Business Registration Examiner

Email 10/27/10

Office of the City Clerk

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

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

MEMORANDUM

DATE: October 23, 2010

TO: Mark Robl, Police Chief

FROM: Melissa Jacobsen, CMC, Deputy City Clerk

SUBJECT: Liquor License Transfer

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

License #: 1252
License Type: Beverage Dispensary
D.B.A.*: Duggans Waterfront Bar
Licensee/Applicant: APS Investments LLC
Physical Location: 120 W Bunnell Ave

Mail Address: 135 W Bunnell Ave Homer AK 99603
Telephone #: 907-235-9949 907-235-5669 Fax
EIN: 27-3374887

This matter is scheduled for the April 26, 2010 City Council meeting. Please respond with any objections/non-objections to this liquor license renewal by **Wednesday, November 3, 2010**

Thank you for your assistance.

State of Alaska
Alcoholic Beverage Control Board

Date of Notice: October 20, 2010

Application Type: **NEW**___ X **TRANSFER**
X Ownership
_____Location
_____Name Change

Governing Body: **City of Homer**
Community Councils: None

License #: **1252**
License Type: **Beverage Dispensary**
D.B.A.*: Duggans Waterfront Bar
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Corp/LLC Agent:	**Address**	**Phone**	**Date and State of Limited Partnership/Corporation**	**Good standing?**
Adrienne & Alexander Sweeney	4919 Cape Seville Dr. Anchorage AK 99516	907-299-8019	August 31, 2010 Alaska	Yes

Please note: the Members/Officers/Directors/Shareholders (principals) listed below are the principal members. There may be additional members that we are not aware of because they are not primary members. We have listed all principal members and those who hold at least 10% shares.

Member/Officer/Director:	**DOB**	**Address**	**Phone**	**Title/Shares (%)**
Adrienne Sweeney	2/13/70	4919 Cape Seville Dr. Anchorage AK 99516	907-299-8019	Member 51%
Alexander Sweeney	3/31/51	4919 Cape Seville Dr. Anchorage AK 99516	907-317-6582	Member 49%

If **transfer** application, current license information:
License #: 1252
Current D.B.A.: Duggans Waterfront Bar
Current Licensee: William F Duggan II & Noreen O'Brien-Duggan
Current Location: Same

Additional comments: Restaurant Designation Permit enclosed.

***Date of Birth*
** Doing Business As*
Cc: Kenai Peninsula Borough

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

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

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

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

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

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

Sincerely,

/s/ Reeda Jaramillo
Reeda Jaramillo
Lead Business Registration Examiner

STATE OF ALASKA
ALCOHOLIC BEVERAGE CONTROL BOARD
APPLICATION FOR RESTAURANT DESIGNATION PERMIT - AS 04.16.049 & 15 AAC 104.715-794
FEE: $50.00

The granting of this permit allows access of persons under 21 years of age to designated licensed premises for purposes of dining, and and persons under the age of 19 for employment. If for employment, please state in detail, how the person will be employed, duties, etc. (13 AAC 104.745).

This application is for designation of premises where : (please mark appropriate items).

1 X Under AS 04.16.010(c) Bona fide restaurant/eating place.
2 X Persons between 16 & 21 may dine unaccompanied.
3 X Persons under 16 may dine accompanied by a person 21 years or older.
4 X Persons between 16 and 19 years may be employed. (See note below).

LICENSEE: APS Investments, LLC

D/B/A: Diggan's Waterfront Bar

ADDRESS: 120 W. Bunnell Ave, Homer, AK 99603

1. Hours of Operation: 11AM to 12pm Telephone # 907-299-8019
2. Have police ever been called to your premises by you or anyone else for any reason: [ ] Yes [X] No
   If yes, date(s) and explanation(s).
3. Duties of employment: bussing, kitchen prep work, dishwashing and waitress
4. Are video games available to the public on your premises? yes
5. Do you provide entertainment: [X] Yes [ ] No If yes, describe. weekly live music
6. How is food served? ____ Table Service ____ Buffet Service X Counter Service ____ Other*
7. Is the owner, manager, or assistant manager always present during business hours? [X] Yes [ ] No

*** A MENU AND A DETAILED LICENSED PREMISES DIAGRAM MUST ACCOMPANY THIS APPLICATION ***

This permit remains in effect until the liquor license is transferred OR at the discretion of the Alcoholic Beverage Control Board. (13 AAC 104.795)

I certify that I have read AS 04.16.049, AS 04.16.060, 13 AAC 104.715-795 and have instructed my employees about provisions contained therein.

Applicant(s) signature

Subscribed and sworn to before me this 14th day of October 2010

Notary Public in and for Alaska

My Commission expires Aug 12 2013

Notary Public
S. PEGARRO
State of Alaska
My Commission Expires Aug 12, 2013

Application approved (13 AAC 104.725(e)
Governing Body Official

Date:

Director, ABC Board

Date:

NOTE: AS 04.16.049(c) requires that written parental consent and an exemption by the Department of Labor must be provided to the licensee by the employee who is under 19 years of age. Persons 19 and 20 years of age are not required to have the consent or exemption.

* Describe how food is served on back of form.

STATE OF ALASKA

ALCOHOL BEVERAGE CONTROL BOARD

Licensed Premises Diagram

INSTRUCTIONS: [illegible] and all fixtures such as tables, booths, games, counters, bars, coolers, stages, etc.

DBA: DUGANS WATERFRONT BAR

PREMISES LOCATION: 20 W. BUNNELL AVE HOMER AK 99603

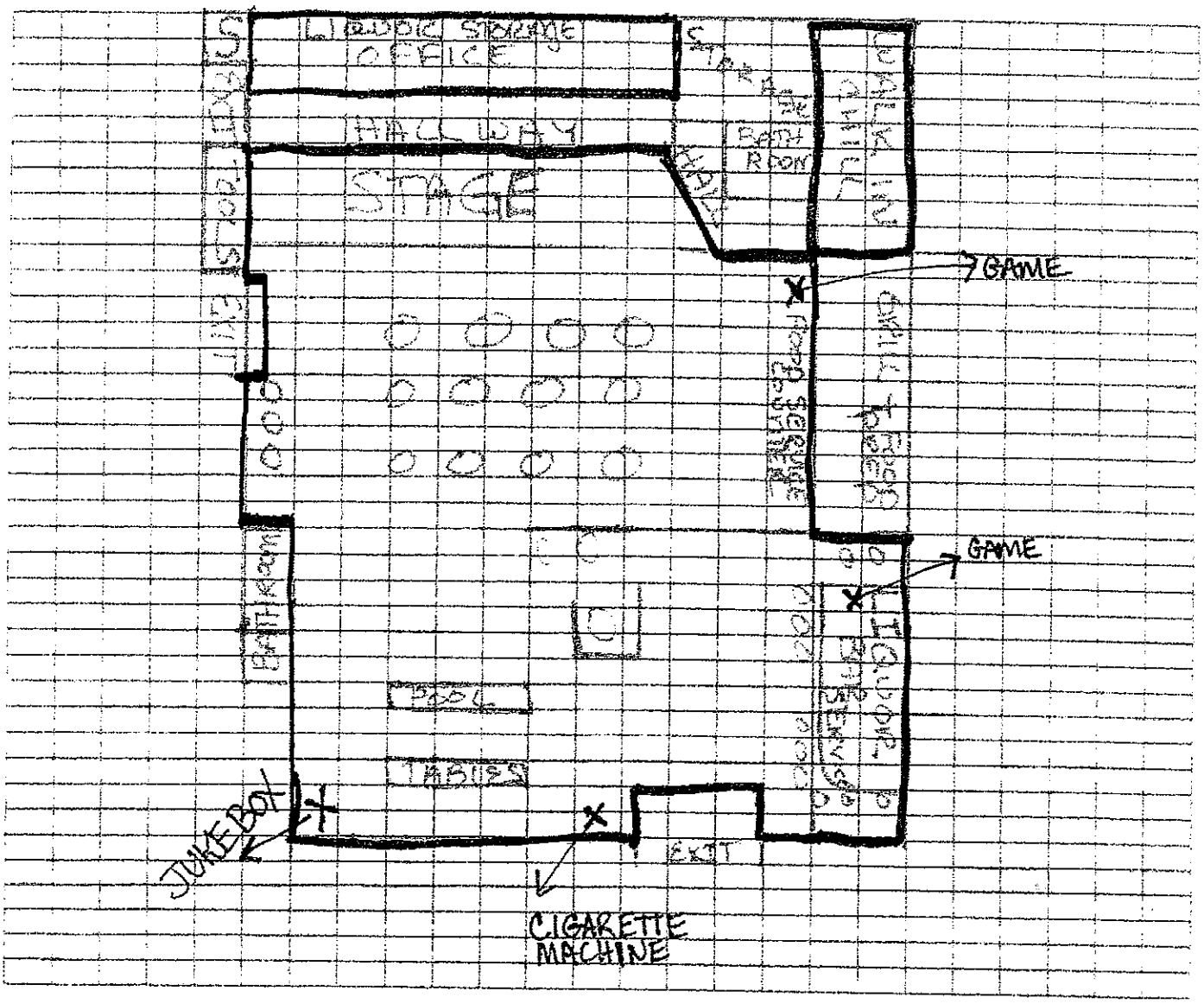
Outline scale by drawing appropriate state item or show length and width of premises _____ FT.

SCALE A: _____ INCH = 1 FT SCALE B: X 1 SQ = 3 FT

Length and width of premises in feet

Outline the area to be designated for sale, service, storage and consumption of alcoholic beverages in red.

DO NOT USE BLUE INK OR PENCIL ON THIS DIAGRAM.



Sides & Starters

Crab Cakes - [illegible] served with [illegible] sauce _____ $12

Calamari - breaded calamari served with [illegible] Fahrenheit $12

Buffalo Wings - Chicken wings [illegible] served with our Blue cheese dressing & crisp celery sticks $7

Jalapeño Poppers - Jalapeños stuffed with [illegible] cheese [illegible] served with [illegible] dressing _____ $7

Chicken Fingers - Strips of [illegible] chicken breast deep fried & served with [illegible] dressing _____ $8

Clam Strips - Served with [illegible] $12

Basket O' Fries - _____ $3 add cheese $2

Chili Cheese Fries - _____ $6

Nachos - Corn tortilla chips with cheese, [illegible] _____ $12

Basket O' Rings - Hot, crisp & delicious onion rings. $7

Small Salad - _____ $5 Coleslaw - $4

Salads & Soups

Garden Salad - Fresh mixed greens topped with chopped egg, [illegible] & choice of dressing $8

Bleus Salad - Fresh greens topped with chopped egg, [illegible] cheese, [illegible] tomatoes, mushrooms, & bacon _____ $9

Grilled Chicken Bleus add $3 Deli Meat add $2

Soup of the Day - [illegible] Cup $4 Bowl $5

Chowder - [illegible] Cup $4 Bowl $5

Molly's Homemade Chili - Our own special [illegible] Cup $4 Bowl $5

Duggan's Favorites

Tacos - Two ground beef tacos with lettuce, cheese, tomatoes & [illegible] _____ $7

Irish Tacos - Three tacos filled with grilled corned beef, [illegible] & creamy horseradish sauce. $9

Supreme Tacos - Two tacos filled with grilled chicken breast, [illegible] cheese, salsa & sour cream. _____ $12

Quesadilla - Fresh flour tortilla stuffed with cheese, [illegible] tomato sauce & our own [illegible] $7

Corned Beef or Ground Beef $9

Sirloin Steak or Chicken Breast $12

Fish & Chips - Our own Alaskan fish filets fried in a golden [illegible] served with fries, coleslaw & tartar sauce. $14

Mini Burger Basket - [illegible] $8 Add Cheese for $2

Top Sirloin Steak - Flame-broiled USDA choice beef served with [illegible] bread, baked potato & small salad. _____ $19

Duggan's Galley
Located inside
Duggan's Pub
235-7747

Duggan's Galley

Homer, Alaska

Duggan's Waterfront Pub
[illegible] W. Bunnell St.
[illegible]

Burgers

Duggan's burgers are [illegible]

BEEF	FISH	VEGGIE	CHICKEN
A half lb. of prime 100% USDA Choice Ground Chuck	Fresh local caught Fish fillet	Veggie garden burger served [illegible]	Tender grilled chicken breast add $2
	Market Price		

Chip's Burger - A [illegible] $7

Cheeseburger - Fresh [illegible] $8

Mushroom Swiss Burger - [illegible] and double Swiss cheese. A [illegible] $[illegible]

BBQ Burger - Topped with onion rings and [illegible] whiskey BBQ sauce and [illegible] $[illegible]

Bleus Burger - [illegible] $[illegible]

Bacon Cheeseburger - [illegible] $[illegible]

Sandwiches

Patty Melt - Flame-broiled [illegible] grilled rye bread with swiss cheese & grilled onions. _____ $[illegible]

Duggan's Club - Freshly sliced roasted turkey, ham, bacon, lettuce, tomato & mayo. $[illegible]

Rueben - Stacked corned beef topped with Swiss cheese, sauerkraut, 1000 Island & served on grilled rye. _____ $[illegible]

Turkey Reuben - A fresh oven-roasted turkey topped with Swiss cheese & 1000 Island, served on grilled rye. _____ $12

Ham Heaven - Ham, cheese, lettuce, tomato & mayo. _____ $7

Turkey Delight - Turkey, cheese, lettuce, tomato & mayo. $7

Grilled Cheese - _____ $5

COMPLETE YOUR MEAL WITH...

FRIES	Small SALAD	Cheese FRIES	Chili FRIES	Onion RINGS
Half Order add $2	add $5	Half Order add $5	Half Order add $4	Half Order add $5

COLESLAW add $2 SOUP or CHILI add $3 Cup or [illegible]

Office of the City Clerk

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

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

MEMORANDUM

DATE: October 23, 2010

TO: Mark Robl, Police Chief

FROM: Melissa Jacobsen, CMC, Deputy City Clerk

SUBJECT: Liquor License Transfer

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

License #: 1252
License Type: Beverage Dispensary
D.B.A.*: Duggans Waterfront Bar
Licensee/Applicant: APS Investments LLC
Physical Location: 120 W Bunnell Ave

Mail Address: 135 W Bunnell Ave Homer AK 99603
Telephone #: 907-235-9949 907-235-5669 Fax
EIN: 27-3374887

This matter is scheduled for the April 26, 2010 City Council meeting. Please respond with any objections/non-objections to this liquor license renewal by **Wednesday, November 3, 2010**

Thank you for your assistance.

Office of the City Clerk

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

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

MEMORANDUM

DATE: November 15, 2010

TO: Mark Robl, Police Chief

FROM: Melissa Jacobsen, CMC, Deputy City Clerk

SUBJECT: Liquor License Renewal

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

Type:	Beverage Dispensary
Lic. #	253
DBA Name:	Alice's Champagne Palace
Premise Address:	195 E. Pioneer Ave.
Owner:	Homer Beverages, Inc.
Mailing Address:	1637 Stanton Ave. Anchorage, 99508

This matter is scheduled for the November 22, 2010 City Council meeting. Please respond with any objections/non-objections to this liquor license renewal by **Wednesday, November 17, 2010**

Thank you for your assistance.

HOMER

Type:	Beverage Dispensary
Lic #:	253
DBA Name:	Alice's Champagne Palace
Premise Address:	195 E Pioneer Ave.
Owner:	Homer Beverages Inc.
Mailing Address:	1637 Stanton Ave., Anchorage 99508

SEWARD

Type:	Restaurant Eating Place – Public Convenience
Lic #:	4882
DBA Name:	Oriental Garden
Premise Address:	311 Fourth Ave.
Owner:	Kyung Ok Yoo
Mailing Address:	PO Box 405, Seward 99664

SOLDOTNA

Type:	Beverage Dispensary
Lic #:	466
DBA Name:	Good Time Charlies
Premise Address:	42140 Sterling Hwy.
Owner:	Charles L. Cunningham
Mailing Address:	PO Box 605, Soldotna 99669

SELDOVIA

Type:	Restaurant Eating Place - Seasonal
Lic #:	209
DBA Name:	The Mad Fish Restaurant
Premise Address:	221 Main Street
Owner:	Isabelle's Fine Catering, Inc.
Mailing Address:	35022 Forest Lane, Soldotna 99669

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

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

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

Sincerely,
SHIRLEY A. GIFFORD
Director

/s/ Christine C. Lambert
Christine C. Lambert
Records & Licensing Supervisor
269-0359
Christine.lambert@alaska.gov

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

Phone 907-235-8121 x2229
Fax 907-235-3143

MEMORANDUM 10-134

TO: HOMER CITY COUNCIL

FROM: JAMES C. HORNADAY, MAYOR

DATE: NOVEMBER 16, 2010

SUBJECT: APPOINTMENT OF GILLIAN MUNN TO THE LIBRARY ADVISORY BOARD, MIKE HEIMBUCH, BARBARA HOWARD, MICHAEL PATE, NORM STORY, AND BRYAN ZAK TO THE NATURAL GAS DISTRIBUTION SYSTEM TASK FORCE, AND REAPPOINTMENT OF BUMPPO BREMICKER TO THE PARKS AND RECREATION ADVISORY COMMISSION.

Gillian Munn is appointed to the Library Advisory Board to fill the seat vacated by Nancy Lord. Ms. Munn's term will expire April 1, 2012.

Mike Heimbuch, Barbara Howard, Michael Pate, Norm Story, and Bryan Zak are appointed to the Natural Gas Distribution System Task Force.

Bumppo Bremicker is reappointed to the Parks and Recreation Advisory Commission with a term to expire October 31, 2013.

RECOMMENDATION:

Confirm the appointment of Gillian Munn to the Library Advisory Board, Mike Heimbuch, Barbara Howard, Michael Pate, Norm Story, and Bryan Zak to the Natural Gas Distribution System Task Force, and the reappointment of Bumppo Bremicker to the Parks and Recreation Advisory Commission.

Fiscal Note: NA

NOV 15 2010 PM02:45 RK

CITY OF HOMER
COMMISSION, COMMITTEE, BOARD & TASK FORCE
APPLICATION FORM

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

RECEIVED BY CLERK'S OFFICE

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

Name: GILLIAN MUNN Date: 11-8-10

Physical Address: 4309 HEIDI CT City: HOMER

Mailing Address: Zip Code: 99603

Phone: 907 226 2493 Work #: Cell #: 510 816 8149

Email Address: gillian.munn@yahoo.com

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

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

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

i have been a resident of the City for 3 ☐ mos. ☐ yrs i have been a resident of the area for 3 ☐ mos. ☐ yrs.

I am presently employed as: RETIRED RN

List any special training, education or background you have which is related to your choice of commission, committee, board or task force:

NONE - EXCEPT A LOVE OF BOOKS!

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

If so, when and where? VESTRY/COMMITTEE AT EPISCOPAL CHURCH 10-12 MEMBERS MET MONTHLY TO DEAL WITH CHURCH FINANCES ETC

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

I am interested in serving on the above because:

I WAS APROACHED BY TWO MEMBERS OF COMMITTEE RE MY POSSIBLE MEMBERSHIP. HAVING THOUGHT ABOUT IT - I DECIDED I WOULD LIKE THE CHALLENGE

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

☐ Yes ☒ No If yes, please list organizations:

Questions regarding the Homer Advisory Planning Commission:

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

NO

Questions regarding the Port & Harbor Advisory Commission:

Do you use the Homer Port and/ or Harbor on a regular basis? NO

If yes, is you use primarily: ☐ Commercial ☐ Recreational ☐ Both

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

When you have completed the form please review all the information. Submit to the City Clerk's Office.

OCT 20 2010 AM09:57

CITY OF HOMER
COMMISSION, COMMITTEE, BOARD & TASK FORCE
APPLICATION FORM

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

RECEIVED BY CLERK'S OFFICE

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

Name Mike Heimbach Date 10-20-2010

Physical Address 4540 Anderson St City Homer

Mailing Address Same Zip Code

Phone 235-6350 Work # 235-6183 Cell # 299-6328

Email Address MUSICMAN@xyz.net

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

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

Select	COMMISSION/COMMITTEE/BOARD.TASK FORCE	REGULAR MEETING SCHEDULE
☐	ADVISORY PLANNING COMMISSION	1ST & 3RD WEDNESDAY OF THE MONTH AT 7:00 P.M. WORKSESSIONS AT 5:30 P.M.
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☐	TRANSPORTATION ADVISORY COMMITTEE	3RD TUESDAY OF THE MONTH AT 5:30 P.M.
☐	PERMANENT FUND COMMITTEE	QUARTERLY - 2ND THURSDAY OF THE MONTH AT 6:00 P.M.
☐	LEASE COMMITTEE	QUARTERLY - 2ND THURSDAY AT 3:00 P.M.
☒	OTHER - PLEASE ENTER THE COMMITTEE/TASK FORCE	Natural Gas Task Force

I have been a resident of the City for 35 ☐ mos. ☒ ☐ yrs I have been a resident of the area for ____ ☐ mos. ☐ yrs.

I am presently employed as: Self employed

List any special training, education or background you have which is related to your choice of commission, committee, board, or task force:

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

If so, when & where:

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

I am interested in serving on the above because:

It's time

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

☐ Yes ☐ No If yes, please list organizations:

Questions regarding the Homer Advisory Planning Commission:

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

Questions regarding the Port & Harbor Advisory Commission:

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

If yes, is you use primarily: ☐ Commercial ☐ Recreational ☐ Both

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

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

Print Form Submit by Email

CITY OF HOMER
COMMISSION, COMMITTEE, BOARD & TASK FORCE
APPLICATION FORM

RECEIVED
NOV - 9 2010
City of Homer City Clerk

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

RECEIVED BY CLERK'S OFFICE
W

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

Name Barbara Howard Date November 8, 2010

Physical Address 629 Rangeview City Homer

Mailing Address Same Zip Code 99603

Phone 907.226.2025 Work # 907.235.6539 Cell # 907.299.3124

Email Address bhfish@gci.net

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

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

Select	COMMISSION/COMMITTEE/BOARD.TASK FORCE	REGULAR MEETING SCHEDULE
☐	ADVISORY PLANNING COMMISSION	1ST & 3RD WEDNESDAY OF THE MONTH AT 7:00 P.M. WORKSESSIONS AT 5:30 P.M.
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☐	LEASE COMMITTEE	QUARTERLY - 2ND THURSDAY AT 3:00 P.M.
☒	OTHER - PLEASE ENTER THE COMMITTEE/TASK FORCE	Natural Gas

I have been a resident of the City for ____ ☐ mos. ☐ yrs 7 I have been a resident of the area for ____ ☐ mos. ☐ yrs.

I am presently employed as: OWNER OF CURVES Fitness

List any special training, education or background you have which is related to your choice of commission, committee, board, or task force:

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

If so, when & where:

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

I am interested in serving on the above because:

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

☐ Yes ☐ No If yes, please list organizations:

Questions regarding the Homer Advisory Planning Commission:

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

Questions regarding the Port & Harbor Advisory Commission:

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

If yes, is you use primarily: ☐ Commercial ☐ Recreational ☐ Both

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

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

Print Form Submit by Email

CITY OF HOMER
COMMISSION, COMMITTEE, BOARD & TASK FORCE
APPLICATION FORM

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

RECEIVED
NOV - 8 2010
City of Homer City Clerk
RECEIVED BY CLERK'S OFFICE

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

Name BRYAN ZAK Date NOV 8, 2010

Physical Address Mount Augustine Dr City Homer

Mailing Address 2525 Sterling Hwy Zip Code 99603

Phone 907-223-6681 Work# 907-260-9629 Cell # 907-223-6681

Email Address BRYANZAK@AOL.COM

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

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

Select	COMMISSION/COMMITTEE/BOARD.TASK FORCE	REGULAR MEETING SCHEDULE
☐	ADVISORY PLANNING COMMISSION	1ST & 3RD WEDNESDAY OF THE MONTH AT 7:00 P.M. WORKSESSIONS AT 5:30 P.M.
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☐	LEASE COMMITTEE	QUARTERLY - 2ND THURSDAY AT 3:00 P.M.
☒	OTHER - PLEASE ENTER THE COMMITTEE/TASK FORCE	Natural Gas Commission

I have been a resident of the City for 5 ☐ mos. ☑ yrs I have been a resident of the area for ____ ☐ mos. ☐ yrs.

I am presently employed as: Regional Director Alaska Small Business Development Center

List any special training, education or background you have which is related to your choice of commission, committee, board, or task force: Backing Examiner 2010

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

If so, when & where: Planning Commission Homer Alaska 2005

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

I am interested in serving on the above because:

Natural Gas to Homer and the surrounding area is important economically.

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

☐ Yes ☑ No If yes, please list organizations:

Questions regarding the Homer Advisory Planning Commission:

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

Alaska Adventure Cabins

Questions regarding the Port & Harbor Advisory Commission:

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

If yes, is you use primarily: ☐ Commercial ☒ Recreational ☐ Both

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

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

Print Form Submit by Email

NOV 15 2010 PM12:24

CITY OF HOMER
COMMISSION, COMMITTEE, BOARD & TASK FORCE
APPLICATION FORM

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

RECEIVED BY CLERK'S OFFICE

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

Name: JOHN MICHAEL PATE Date: 11/14/10

Physical Address: 1850 HIGHLAND DR. City: HOMER

Mailing Address: PO BOX 257, HOMER, AK Zip Code: 99603

Phone: 907 235-6507 Work #: 907 226-8103 Cell #: 907 399-1517

Email Address: JMICHAELPATE@GMAIL.COM

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

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

Select	COMMISSION/COMMITTEE/BOARD.TASK FORCE	REGULAR MEETING SCHEDULE
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☐	LEASE COMMITTEE	QUARTERLY - 2ND THURSDAY AT 3:00 P.M.
☒	OTHER - PLEASE ENTER THE COMMITTEE/TASK FORCE	ENERGY TASK FORCE

i have been a resident of the City for 35 ☐ mos. ☒ yrs i have been a resident of the area for 60 ☐ mos. ☐ yrs.

I am presently employed as: INSURANCE BROKER / MANAGER

List any special training, education or background you have which is related to your choice of commission, committee, board or task force:

22 YRS HEA BOARD MEMBER

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

If so, when and where? HEA

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

I am interested in serving on the above because:

THE POTENTIAL OF A NEW ENERGY SOURCE FOR THE COMMUNITY.

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

☐ Yes ☒ No If yes, please list organizations:

Questions regarding the Homer Advisory Planning Commission:

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

Questions regarding the Port & Harbor Advisory Commission:

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

If yes, is you use primarily: ☐ Commercial ☐ Recreational ☐ Both

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

Working through the various State & potentially Federal regulatory & funding agencies can be challenging. I believe my experience on the HEA Board could be of some value.

When you have completed the form please review all the information. Submit to the City Clerk's Office.

NOV 16 2010 PM03:17

CITY OF HOMER
COMMISSION, COMMITTEE, BOARD & TASK FORCE
APPLICATION FORM

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

RECEIVED BY CLERK'S OFFICE

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

Name: NORM STORY Date: 11-16-10

Physical Address: 4034 KACHEMAK WAY City: HOMER

Mailing Address: P.O. BOX 1287 Zip Code: 99603

Phone: 235-8653 Work #: Cell #: 299-1453

Email Address: NORLYNN@ALASKA.NET

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

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

Select	COMMISSION/COMMITTEE/BOARD.TASK FORCE	REGULAR MEETING SCHEDULE
☐	ADVISORY PLANNING COMMISSION	1ST & 3RD WEDNESDAY OF THE MONTH AT 7:00 P.M. WORKSESSIONS AT 5:30 P.M.
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☐	LEASE COMMITTEE	QUARTERLY - 2ND THURSDAY AT 3:00 P.M.
☒	OTHER - PLEASE ENTER THE COMMITTEE/TASK FORCE	N. GAS TASK FORCE

I have been a resident of the City for 20 ☐ mos. ☒ yrs I have been a resident of the area for 39 ☐ mos. ☒ yrs.

I am presently employed as: RETIRED

List any special training, education or background you have which is related to your choice of commission, committee, board or task force:

30 years ELECTRIC UTILITY

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

If so, when and where? DURING DEVELOPMENT of HOMERS DEEP SHAFT SEWER SYSTEM

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

I am interested in serving on the above because:

N. GAS for HOMER

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

☐ Yes ☒ No If yes, please list organizations:

Questions regarding the Homer Advisory Planning Commission:

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

RESIDENTIAL HOME CONTRUCTION

Questions regarding the Port & Harbor Advisory Commission:

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

If yes, is you use primarily: ☐ Commercial ☒ Recreational ☐ Both

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

When you have completed the form please review all the information. Submit to the City Clerk's Office.

NOV 10 2010 PM02:35 RK

Dear Mayor and City Council -

I would like to serve another term on the Parks, Recreation and Beaches Commission.

Bumppo Bremicker
11/10/10

VISITORS

ANNOUNCEMENTS/PRESENTATIONS

BOROUGH/COMMISSION REPORTS

Homer Comprehensive Economic Development Strategy

City of Homer
491 E. Pioneer Avenue
Homer, Alaska 99603

Approved by the Economic Development Advisory Commission November 9, 2010

ACKNOWLEDGEMENTS

Economic Development Commission

Shelly Erickson, Chair
Dean Ravin, Vice-chair
Micheal Neece
Brad Faulkner
Todd Hoppe
Paul Dauphinais
Alexander Simpson

City Staff

Anne Marie Holen, Special Projects Coordinator
Additional support provided by City Planner Rick Abboud, Planning Technician Julie Engebretsen, Port and Harbor Director Bryan Hawkins, and City Manager Walt Wrede.

Mayor and City Council

Mayor Jim Hornaday
Mary E. (Beth) Wythe
Francie Roberts
Bryan Zak
Barbara Howard
David Lewis
Kevin Hogan

We gratefully acknowledge the assistance of Carol Bevis, Volunteers In Service to America (VISTA), provided through cooperation with the University of Alaska-Anchorage Center for Economic Development.

We also acknowledge the contributions of past City of Homer Economic Development Commission members, Chamber of Commerce Economic Development Committee members, and other community members who provided many of the ideas and suggestions in this plan.

Homer Comprehensive Economic Development Strategy

TABLE OF CONTENTS

INTRODUCTION

What Is Economic Development?

This Comprehensive Economic Development Strategy (CEDS) reflects a fairly broad view of economic development, which in turn reflects many of the comments made by members of the public in the development of this plan.

The following definition is taken from *An Economic Development Toolbox: Strategies and Methods* and is presented here as a useful definition for our purposes:[1]

> ***Economic development*** *is the process of improving a community's well-being through job creation, business growth, and income growth, as well as through improvements to the wider social and natural environment that strengthen the economy.*

Use of the word "economy" in the definition above necessitates a definition of that word as well. The following is provided as a simple, straight-forward definition of "economy":

> *An economy (or* ***"the economy"****) is a social system that includes the production, exchange, distribution, and consumption of goods and services of a given area.*

A discussion of economic development would not be complete without exploring the concepts of **basic vs. non-basic sectors**. These terms relate to the fact that no economy is self-sufficient. All economies have to buy goods and services that aren't produced locally. If that loss isn't offset by new money flowing in, the local economy will collapse. **Basic sectors** and industries are those which bring new money into the local economy. Examples in Alaska include oil and gas, seafood, minerals, and timber (export commodities) as well as tourism and air cargo (services). Scott Goldsmith of the University of Alaska Institute for Social and Economic Research provides another example of a basic economic sector: "Money also arrives via the mailboxes of retirees, who collect Social Security, federal retirement benefits, and pensions. Other Alaskans collect earnings from investments outside the state. The federal government doesn't produce commodities or services for sale in the market, but it's a basic sector because all federal money coming into Alaska is new money."[2]

Authors of *An Economic Development Toolbox* point out that "in most cases, the retail sector is not a basic one because it primarily serves local residents and therefore exchanges dollars within the community rather than bringing in new dollars. The exceptions are in tourist-serving communities, and in cases of import substitution."[3]

Non-basic sectors depend on money generated by the basic sectors, but they are also vital to the economy because they circulate money. As the money circulates, it generates additional jobs and income. This is known

---

[1] Terry Moore, S. Meck, and J. Ebenhoh, *An Economic Development Toolbox: Strategies and Methods.* American Planning Association, October 2006, p. 5.

[2] Scott Goldsmith, "What Drives the Alaska Economy?" UA Research Summary No. 13, Institute of Social and Economic Research, University of Alaska Anchorage, December 2008.

[3] Terry Moore, S. Meck, and J. Ebenhoh, *An Economic Development Toolbox: Strategies and Methods.* American Planning Association, October 2006, p. 14.

as the **multiplier effect**. The larger the non-basic sectors are, the more times the money turns over in the economy and the bigger the multiplier effect.

A Vision for Economic Development in Homer

The following vision statement is taken directly from the Homer Comprehensive Plan, adopted by the Homer City Council in April 2010 following three years of public input, including input from the Economic Development Commission (EDC):

> *Homer's economic industries including marine trades, commercial fishing, tourism, education, arts and culture remain strong and show continued growth. Quality of life is preserved as Homer benefits from the creation of more year-round living wage jobs.*

It should be noted that the list of economic sectors in the vision statement is not meant to be all-inclusive. This plan will look beyond the five sectors listed to present a broader picture.

Nexus of the CEDS with Other Plans

As seen above in the vision statement, this plan is intended to be consistent with other plans already approved by the Homer City Council. Most significantly, it reflects goals and objectives found in Chapter 8 ("Economic Vitality") of the Homer Comprehensive Plan. Other plans that are relevant to the CEDS include the Homer Spit Comprehensive Plan, Town Center Development Plan, Transportation Plan, Non-Motorized Transportation and Trail Plan, Water and Sewer Master Plan, and Climate Action Plan.

This CEDS is technically an update of the City of Homer Overall Economic Development Plan (OEDP) last updated in 1999. The OEDP served as an important resource in the development of the CEDS. By way of explanation, the name was changed from "Overall Economic Development Plan" to "Comprehensive Economic Development Strategy" to reflect the recommendations and terminology used by the U.S. Economic Development Administration for local economic development planning.

Public Participation in this Planning Effort

The process of incorporating public input in the development of this plan was greatly assisted by the efforts of Carol Bevis, who joined the project as a VISTA (Volunteers in Service to America) in April 2009 and worked full-time for a year, producing a CEDS scoping document before she left. Carol reviewed economic literature as well as previous local plans and surveys, conducted 21 interviews with local citizens from diverse backgrounds, and helped compile the results of 99 interviews that were part of the Southern Kenai Peninsula Communities Project. In addition, Carol organized and facilitated two public forums on behalf of the City of Homer Economic Development Commission and the Chamber of Commerce Economic Development Committee, with the goal of brainstorming ideas and identifying priorities. A diverse group of citizens participated (35 at each meeting) and others contributed their thoughts and ideas via email. Additional public input was received at City of Homer EDC regular meetings and work sessions.

Homer History and Demographics

The following timeline is not intended to provide a complete history of Homer but rather to describe a few events which serve to illustrate Homer's development and character as it has evolved over time. Sources include local historians Janet Klein and Dave Brann and the Alaska Department of Fish and Game.

6000 BC ..... Native people inhabit the Kachemak Bay area then and now.

1896 ..... Con man Homer Pennock promotes gold mining in the Homer area, but coal mining is much more successful.

1902 ..... Homer is virtually abandoned between 1902 and 1915 due to lack of coal markets.

1915 ..... Charlie Miller winters 95 horses at his homestead (Miller's Landing) for the Alaska Railroad.

1917 ..... Delphina Woodard develops a dairy farm in what is now downtown Homer.

1919 ..... First school opens at Miller's Landing.

1920 ..... 46 people reside in the census area designated as "Homer Spit and Vicinity."

1925 ..... A rudimentary telephone system is established.

1930-40 ..... Commercial and civic activity increases significantly. By 1938, Homer has an airplane runway, several general stores, two restaurants, and a new dock built by the Homer Civic League. Supply ships now bypass Seldovia to deliver goods directly to Homer. Homer's population in 1940 is pegged at 325.

1941-42 ..... Alaska Road Commission creates Beluga Lake by damming the slough.

1945 ..... Homer Electric Association is incorporated.

1946-47 ..... The coldest winter in history is recorded for North America. Much of inner Kachemak Bay freezes over.

1948-51 ..... Construction of the Sterling Highway puts Homer on the road system and fuels growth.

1950 ..... Homer's population is 307.

1955 ..... South Peninsula Hospital opens.

1960 ..... The population of Homer, at 1,247, exceeds that of Seldovia for the first time.

1964 ..... The Good Friday earthquake causes much of Homer to subside 2-8 feet, with serious damage to the harbor. Homer incorporates as a city on March 31. The damaged harbor is rebuilt with federal funds.

1969 ..... Classes are offered for the first time at the Kachemak Bay Campus of UAA-KPC.

1970 ..... Homer's population is 1,803.

1971 ..... Kachemak Bay State Park is created, contributing to the growth of tourism in Homer.

1976 ..... The state of Alaska sells several oil leases in Kachemak Bay. After the jack-up oil rig *George Ferris* gets stuck in the mud, public outcry persuades the state to buy back the leases.

1980 ..... Homer's population is 2,209.

1985 ..... Homer gets its first fast-food chain restaurant (McDonalds).

1986 ..... The Homer "Bypass" is built, bypassing Pioneer Avenue and creating another commercial corridor.

1989 ..... Homer fishermen and others are impacted by the Exxon Valdez oil spill.

1990 ..... Homer's population is 3,660.

1998 ..... Icicle Seafoods—Homer's only fish-processing plant and the town's largest seasonal employer—burns to the ground.

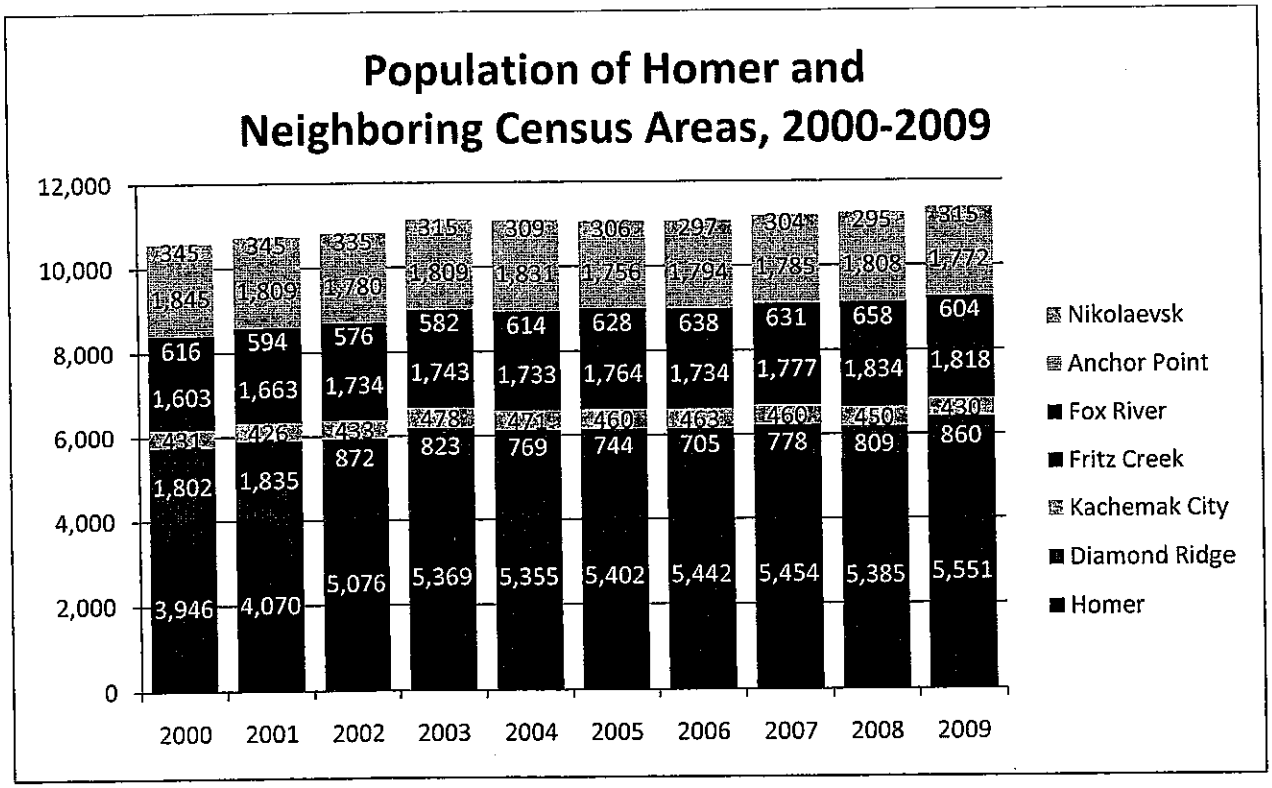
2000 ..... Homer's population is 3,946.

2002 ..... Homer annexes 4.6 square miles.

2009 ..... Homer's population is estimated at 5,551 (Alaska Dept. of Labor).

Because detailed U.S. Census data for the year 2010 is being compiled as this report is being written, we will leave it for the next update of the CEDS to include the latest demographic information about age, education, employment, and economic characteristics of Homer residents and note significant changes or trends.

The chart below illustrates Homer's population (2000-2009) in relation to the greater Homer area. In general, it is safe to say that the greater community population is at least twice the population of Homer within city limits. Many of those who reside outside city limits commute to Homer for work. Most rely on Homer outlets for groceries and other goods and services.



Notes regarding population chart: Homer annexed part of Diamond Ridge and all of Miller's Landing in April 2002. (Miller's Landing is not shown in this graph. It had a population of 70 before annexation.) Year 2000 population is from the 2000 U.S. Census. Population figures for 2001-2008 are estimates provided by the Alaska Dept. of Labor and Workforce Development.

Data collected by the Kenai Peninsula Borough shows that in 2008, the top ten employers in Homer were:

Kenai Peninsula Borough Schools
South Peninsula Hospital
Safeway
South Peninsula Behavioral Health Services
City of Homer
State of Alaska (not including the University of Alaska)
Land's End Resort
Homer Senior Citizens
Homer Electric Association
University of Alaska

Only two of the above employers are private corporations. However, Homer is known for its many small, locally-owned businesses that together employ many residents and help create a diversified economy. A 2004 article in *Alaska Economic Trends,* published by the Alaska Department of Labor, noted that "entrepreneurship is a key element in Homer's economic equation" and that Homer has the highest percentage of self-employed workers on the Kenai Peninsula as documented in the 2000 Census.[4]

More information on specific sectors of the Homer economy can be found in other sections of this plan.

[4] *Alaska Economic Trends,* Alaska Department of Labor and Workforce Development, November 2004, p. 14.

The Role of Government Policies and Programs in Local Economic Development

Even though government cannot affect all the factors important to economic development, it can have a significant impact through both its traditional role as public service provider and regulator, and its entrepreneurial role as a deal-maker and business recruiter. Of these two roles, the former is essential—government must provide quality basic services and an efficient regulatory environment if it wishes to create economic development. Providing further incentives to businesses is optional—whether it makes sense depends on what government can reasonably offer, the extent to which such offerings are necessary to attract firms, and the cost of those offerings.

Public policy can affect factors that are important to businesses, primarily through regulation, taxes, and incentives.

- Regulation—Regulations protect the health and safety of a community and help maintain the quality of life. However, simplified bureaucracies and straightforward regulations can help firms react quickly in a competitive marketplace. Predictability is usually more appreciated by business than a lax regulatory system.
- Taxes—Firms tend to seek locations where they can optimize their after-tax profits. But tax rates are not a primary location factor; they usually matter only after corporations have made decisions on labor, transportation, raw material, and capital costs.
- Financial incentives—Governments sometimes offer incentives to businesses to encourage growth. Generally economic research has shown that most types of incentives have had little significant effect on firm locations between regions.

To evaluate the comparative advantages a local economy has with respect to government policies and incentives, consider whether government is using the tools above to create a climate for business that is welcoming and supportive but which is also financially and environmentally sustainable. A city with low taxes and an array of financial incentives does not necessarily have an advantage over a city with higher taxes and no financial incentives if it does not provide the infrastructure and services businesses need to thrive.

—from *An Economic Development Toolbox: Strategies and Methods*, pages 8 and 30.

THE BIGGER PICTURE: FACTORS THAT INFLUENCE OVERALL ECONOMIC DEVELOPMENT

In any community, there are certain factors that can either inhibit or encourage economic development. Some of them are reflected in the kinds of questions people ask when they think about moving to a new town: Does it have good schools? Is it attractive? Is it affordable? Will my family feel safe there? Business owners have additional questions: Is there property available in a good location? Can I find skilled workers?

Few would argue that one of Homer's greatest assets is its spectacular natural setting. We all know people who tell the story of driving down over Baycrest Hill and falling in love with the view—and that this is what made them decide to stay. After that, other factors either contributed to or detracted from their initial excitement.

The mountains and bay aren't going away, and for this we can be grateful. This section will explore some of the other "bigger picture" factors over which we, as a community, have more control.

Local Government Policies and Services

Government policies and programs will be addressed throughout this plan, with specific recommendations to support specific activities. This section will look more broadly at three key areas: Land use policies, infra-structure/services, and taxes.

A. Land use policies and other regulations should serve the overall public interest without unduly restricting development. Chapter 4 of the Homer Comprehensive Plan provides detailed recommendations on land use which are aimed at finding the right balance between protecting community aesthetics and property values, on the one hand, while providing options and opportunities for both residential housing and business development.
   1. The City should aim for fairness, consistency, and predictability in its land use policies (including lease policies) and regulations.
      a. Speedy processing of permit and lease applications should be emphasized while ensuring that all reasonable conditions are met.
      b. City employees involved in permitting should project a "How can we help you?" attitude to those navigating the permit process.
      c. Existing policies and practices should be examined and possibly revised at least every five years with these goals in mind.
   2. The increased emphasis on careful mixed-use development in the Comprehensive Plan highlights a welcome trend in land use policies. This trend should be embraced to allow greater latitude in land use, reduce the need to drive, and contribute to a more vibrant community. At the same time, concerns of landowners about aesthetics, noise, and safety need to be taken into consideration.

B. Government-provided infrastructure and services must be maintained to support and encourage private sector development. In Homer, local government builds and maintains roads, trails, sidewalks, and public parks; maintains and operates the port and harbor facilities; provides clean piped water to homes and businesses; and provides wastewater treatment services. In addition, the City provides police and fire protection, other emergency response services, public library services, an animal shelter, and limited

recreation programs. The importance of these basic services to the overall economic health of the community should not be underestimated or taken for granted.

1. The City should leverage as much assistance as possible—e.g., through grant applications, requests for legislative appropriations, and public/private partnerships—to maximize investment in infrastructure at the lowest cost to local residents.
2. Maintenance of infrastructure should be a priority to protect the public investment and project a positive image of Homer.
3. The City should recognize that many so-called "amenities" are actually vital characteristics of a community that hopes to attract and retain business owners and workers. *See section below on quality of life factors.*

C. Tax rates should be kept as low as possible while still covering the costs of services that meet basic needs and enhance economic development. As noted above, government expenditures are important for creating the kind of community that attracts potential business owners (and workers and retirees); but at the same time, government spending must be kept in check to prevent high taxes from discouraging those same people from living here.

1. Property tax rates should be adjusted downward as property values increase. The City of Homer has done this in the past and should continue to do so if assessed values continue to rise.
2. Financial incentives for businesses should be viewed skeptically, in light of research that shows this is generally not an important factor in business location decisions and because it means that less revenue is available for other projects and programs.

> We baby boomers in America and Western Europe were raised to believe there really was a Tooth Fairy, whose magic would allow conservatives to cut taxes without cutting services and liberals to expand services without raising taxes.
>
> —*Thomas Friedman*

Quality of Life Factors

The term "quality of life" lacks a precise definition, but when used to describe a town or community, the term typically includes factors such as those listed in the left column below, as compared to the right column.

Desirable Qualities	Undesirable Attributes
Visual impact is pleasing, creating impression of "a nice town." (For example: Houses and businesses are well-maintained; streets and sidewalks are in good repair; attention is given to landscaping and public art; parks, greenways, and flower gardens are evident.)	Town looks run-down, trashy, uncared-for.
The city has a lively arts and culture scene (e.g., live music and stage productions; one or more movie theaters; a variety of art galleries; one or more museums and library; wide range of offerings for different tastes; opportunities to get involved with local art/music/writing groups or classes).	Very limited opportunities to enjoy art, music, drama or similar activities.
Educational opportunities exist for all ages. Town has a reputation for good public schools and options for private	Town has a reputation for problem schools, delinquency, high teacher turnover, etc.

and/or charter public schools. Area includes one or more local colleges and/or trade schools.	Little or no opportunity for non-traditional or post-secondary education.
Town is "easy to get around in," including being bicycle and pedestrian-friendly. Larger towns have good public transport-ation system.	Town is plagued by traffic congestion/sprawl. Streets lack sidewalks or bike lanes. Walking is unpleasant and biking feels unsafe.
Diverse recreational/fitness opportunities abound for all ages, year-round.	Recreational opportunities are limited, especially those with outdoor/physical fitness benefits.
The community has one or more hospitals and an array of health care services.	No local hospital and limited health services.
Opportunities for shopping and dining out are enjoyed by residents and visitors alike.	Stores and eating establishments are boring and lack both quality and variety.
Festivals and events create a sense of fun and community spirit.	Not much ever happens that's fun. Little or no sense of community pride.
Town has an appealing, vibrant, well-defined downtown district.	Downtown is dilapidated, not pleasant for walking, or essentially non-existent.

The above examples should make it obvious that no single entity—government, business, or non-profit—can create "quality of life." In many ways quality of life characteristics are synergistic, with different aspects working together to enhance each other and attract further positive development.

Rather than offer specific recommendations to enhance quality of life in Homer, this plan will simply note the importance of these attributes for promoting economic development and urge City Council members, business owners, and private citizens to work together to protect and enhance the qualities that make Homer an appealing place to live.

Affordable Housing

Cost of living in general will influence economic development, particularly for those who are not wealthy. Nowhere is this more important than in the housing sector. The Urban Land Institute describes the problem this way:

> Housing that is affordable to workers and close to their jobs is essential to the proper functioning of the local economy. Housing costs are one of the determining factors in workers' relocation decisions—and as housing affordability declines, it becomes more difficult to recruit and retain employees. In the tight labor market that results, employers must offer higher salaries in order to attract and retain employees, which increases the cost of doing business. A high cost of doing business, in turn, makes an area less desirable to employers.
>
> —*Developing Housing for the Workforce: A Toolkit*, Urban Land Institute, 2007, p. 12

Lack of affordable housing is a problem that plagues many resort towns. In Homer, where second-home buyers and wealthy retirees have helped drive up the cost of real estate, less wealthy workers commute from as far away as Ninilchik. For many of them, the main reason they settled so far from town is because that's where they found affordable property. Now with gasoline prices rising, these families are feeling financially stressed in ways they didn't foresee.

> **A local jurisdiction with a high level of amenity and other quality-of-life factors (e.g., good schools, a clean environment, affordable and appropriate housing, and a diverse and exciting culture) attracts people simply because it is a nice place to be. In particular, it attracts skilled workers, decreasing labor costs for businesses.**
>
> —*An Economic Development Toolbox*, APA, p. 8

Kenai Peninsula Housing Initiatives, a not-for-profit Community Housing Development Organization, manages three housing developments in Homer (18 units), with plans for at least 15 additional units for low income/special needs residents. In a 2004 study commissioned by KPHI, these characteristics were noted in regard to affordable housing in Homer:

- A limited number of 1-2 bedroom affordable apartments (100% occupied) and no affordable 3-4 bedroom apartments.
- A limited number of 3-bedroom market-rate apartments (100% occupied) and no 4-bedroom market-rate apartments.
- Market rates in Homer are higher than the rest of the KPB and often do not include utility costs.
- Vacancy rates are typically low.

The Homer Comprehensive Plan (Chapter 4—Land Use, Goal 5, Objective A) notes the growing problem of affordable housing in Homer and offers several strategies to address the problem. The handbook *Developing Housing for the Workforce: A Toolkit* describes a more focused, comprehensive approach, as outlined below:

CREATING A WORKFORCE HOUSING STRATEGY

1. Inventory the current housing supply
2. Inventory public lands and structures
3. Inventory privately held vacant and abandoned properties
4. Assess workforce housing needs
5. Assess current workforce housing programs and policies
6. Assess the barriers to workforce housing production
   A. Community opposition
   B. Regulatory barriers
7. Set workforce housing production goals
8. Build a workforce housing coalition
9. Organize for action
10. Identify viable workforce housing tools
11. Create a flexible, multifaceted housing strategy
    A. Land acquisition and assembly

B. Planning and regulatory approaches
C. Financing programs
D. Maintaining long-term affordability

12. Assess what is working, and revise what is not

If the City of Homer and others concerned about affordable housing (including student housing) in this community hope to prevent an existing problem from getting much worse, it would be wise to begin working together now to assess the problem and identify and implement solutions. One recommendation would be to appoint a task force with this goal in mind.

A Skilled, Educated Workforce

For companies and businesses needing to hire skilled workers, lack of workers will be a reason to pass up one community in favor of another. Small towns are at a distinct disadvantage compared to larger cities with one or more universities, other worker-training programs, and a larger pool of prospective workers of all types.

Strategies for addressing the need for skilled workers in Homer include:

A. Continue to support quality public school programs offered by the Kenai Peninsula Borough School District.
   1. Advocate for vocational/technical training programs and basic skills classes as well as college-preparatory curricula.
   2. Support efforts to provide students with hands-on learning experiences, including apprenticeship and/or mentoring programs.

B. Support growth of the UAA-KPC-Kachemak Bay Campus, especially programs that anticipate areas of future job growth and offer classes to provide workers for those jobs.
   1. Support efforts to market Homer as a place to go to college.
   2. Support KBC goals aimed at adding buildings and facilities to allow for growth and attract students.
   3. Support the development of student housing for the local college.
   4. Support the development of new college programs to meet existing needs and likely areas of future job growth.

> The more a region is able to attract employers on the basis of highly skilled workers, as well as high quality of life, good value-for-money public services, efficient regulations, and well-supported business clusters, the less pressure for a region to have a "low cost" workforce.
>
> —*An Economic Development Toolbox*, APA, p. 27

C. Advocate for new vocational/technical training programs and centers in or near Homer.
   1. Support Homer as the location for a Maritime Academy.
   2. Support other vocational/technical programs; e.g., those that might be offered locally at the college, high school, through the Alaska Vocational/Technical Center, or by private companies.

D. Seek to provide and protect the "quality of life" factors that are known to attract skilled workers. *See previous section on this topic.*

Technical and Financial Assistance for Business Owners

Building a successful business is a challenging and financially risky proposition, particularly for someone with limited or no previous experience. Chances of success are greater for those who have access to capital as well as technical assistance in business management.

The Economic Development Committee of the Homer Chamber of Commerce has grappled with both of these issues during many of its meetings in 2009 and 2010. The following recommendations reflect input from the Chamber of Commerce EDC:

A. Continue to support the Small Business Development Center housed within the Chamber of Commerce. This center, which operates with funding from the U.S. Small Business Administration and the University of Alaska, provides free consulting services and low cost educational programs to entrepreneurs. One-to-one sessions cover areas of management, marketing, sales, finance, accounting and other disciplines required for small business growth, expansion and innovation.

B. Develop and implement a new program aimed at helping entrepreneurs identify and secure needed capital. Possible sources of capital would include a new microloan program, local angel investing network, traditional bank loans, and existing revolving loan programs.

C. Develop and implement a program to provide mentoring and other networking opportunities for local entrepreneurs.

The Value of Small Business Assistance Centers

Small businesses, by definition, do not have as many employees as larger firms, but they are more numerous, so they account for a significant proportion of jobs in a city. Since many large employers are increasingly owned by companies outside a region, small business development is a way of fostering economic benefits that stay within the region. In addition, most large businesses started off as small businesses, so small business development can eventually lead to large local businesses. Because this strategy focuses on assisting local businesspeople who are likely to have strong ties to the community, the results can be a benefit for the community if the small business hires locally or serves as a role model for other local entrepreneurs. Another advantage is that these programs are usually not as costly as loans, grants, or tax relief.

—*An Economic Development Toolbox*, APA, p. 41.

While the existing Small Business Development Center provides valuable services, its mission is limited and it is not equipped to take on a larger role. Additional activities to assist business owners and promote economic development in other ways could be undertaken by either the City of Homer, the Chamber of Commerce, or a new independent economic development organization. *See the Organizational Structure section of this plan for more discussion on this topic.*

The Bigger World

No economy is an island, and events far outside Homer's borders have influenced and will continue to influence economic prosperity here. Business owners in Homer, particularly in the retail/tourist sectors, experienced serious losses as a result of the global recession sparked in 2008 by the growing trend of securitization of real estate mortgages in the United States—something the average American can scarcely understand.

In the mid-1980s, all of Alaska was hit hard by a drastic drop in the price of oil. In a state where a third of all jobs are tied to the petroleum sector,[5] a large drop in oil prices can be counted on to send shock waves throughout the economy.

Ironically, while rising oil prices are good for the Alaska treasury (because of the royalties collected), they nevertheless hit individual households and businesses hard. Arguably one of the greatest threats to the local economy is the price shocks that will come from declining oil production. Among those who study global oil production, there is a growing consensus that "peak oil" is happening now and that production of all liquid fuels, including oil, will drop within 20 years to half what it is today.[6] With declining production, oil prices will become more volatile and progressively higher when demand increases and supply can't keep up. Instability in oil supply and price has serious potential consequences for virtually all sectors of the global economy, particularly transportation, agriculture, and manufacturing. An example of a local vulnerability can be seen in the following statistic: Alaskan farmers grow only 5%-10% of the produce consumed in the state. For the rest, we rely on produce driven thousands of miles to supermarkets by way of a supply chain heavily dependent on cheap oil.[7]

Peak Oil and Energy Uncertainty: A Changing World

"The days of inexpensive, convenient, abundant energy resources are quickly drawing to a close."
—Donald Fournier and Eileen Westervelt, US Army Corps of Engineers, "Energy Trends and Their Implications," September 2005.

"Oil (and natural gas) are the essential components in the fertilizer on which world agriculture depends; oil makes it possible to transport food to the totally non-self-sufficient megacities of the world. Oil also provides the plastics and chemicals that are the bricks and mortar of contemporary civilization."
—Daniel Yergen, in *The Prize: The Epic Quest for Oil, Money, and Power.*

"One of the issues that we keep running into is, oil *is* the economy."
—Rowan Wolf, sociology professor and member of the Portland, Oregon Peak Oil Task Force

"Identifying and mitigating community vulnerabilities is probably one of the more important—if often unwritten—expectations we have of our local governments."
—Daniel Lerch, *Post Carbon Cities: Planning for Energy and Climate Uncertainty,*" 2007.

Other cities have convened task forces to study community vulnerabilities to peak oil and make recommendations on how to prepare and adapt. It would be beyond the scope of this economic development plan to provide

[5] Scott Goldsmith, "What Drives the Alaska Economy?" UA Research Summary No. 13, Institute of Social and Economic Research, University of Alaska Anchorage, December 2008.
[6] U.S. Department of Energy, "Meeting the World's Demand for Liquid Fuels: A Roundtable Discussion," April 7, 2009.
[7] University of Alaska: www.alaska.edu/voice/2010/May_2010/announcements/local-food/

such a detailed analysis. However, the following recommendations are common-sense approaches to building community self-reliance and resilience in the face of a wide array of threats and uncertainties beyond our direct control:

A. Appoint a Local Food Commission to recommend and facilitate policies and programs designed to increase local agricultural production and consumption.
B. Continue to support development of renewable energy sources to help reduce dependence on fossil fuels.
C. At the same time, work to bring natural gas to Homer as a lower-carbon (and possibly lower cost) alternative to fuel oil to meet home and business heating needs. Direct hookups to natural gas may also provide a lower cost alternative to electricity and propane and serve as an important transition energy source.
D. Support "Smart Growth" principles such as mixed-use development, transportation options, and affordable housing to help reduce the need to drive.
E. In development decisions, take into account possible future impacts of global greenhouse gas emissions; e.g., sea level rise and ocean acidification (negative impacts) and longer, warmer growing seasons (positive impacts).
F. Support continued management of Alaska fisheries based on principles of sustainability.
G. Support programs which help local business owners (as well as homeowners) improve energy efficiency in their buildings and facilities.

ECONOMIC SECTORS

While Homer's economy is often described as "fishing and tourism," it is actually far more complex and diversified than that description would suggest. This is a good thing. Further diversification is desirable as it will help create more year-round jobs and reduce the economic shock that occurs when one particular sector experiences a significant downturn or collapse.

This section of the Comprehensive Economic Development Strategy is not intended to capture all of the current economic activity in Homer. Many successful enterprises do not fit easily into any particular category. Others span multiple sectors.

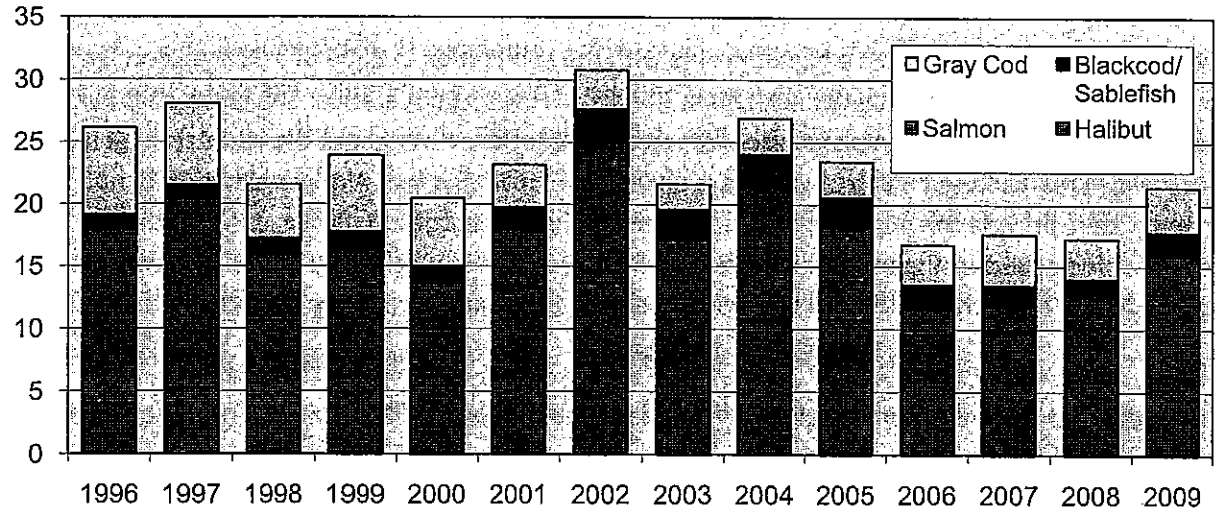
It should also be noted that some of the economic activity described on the following pages takes place outside city limits but nevertheless contributes to Homer's economic health as a result of money spent on goods and services in addition to wages.

Commercial Fishing and Mariculture

Commercial harvest and processing of fish in the region traditionally includes five species of salmon, halibut, three species of crab, shrimp, clams, scallops, herring, and various groundfish. New markets are presenting themselves in farmed oysters, mussels, seaweed, sea urchin, sea anemone, and various other seafood products.[8]

Homer is the number one port in the world for commercial halibut. The graph below illustrates pounds of halibut, salmon, black cod/sablefish, and gray cod landed at the Homer Fish Dock from 1996 to 2009.

Commercial fish landings in millions of pounds, 1996-2009, Port of Homer



[8] Kenai Peninsula Borough website, "Our Economy," http://www.borough.kenai.ak.us/econ01.htm.

The Homer area has the highest number of local residents in the Kenai Peninsula Borough who depend on commercial fishing as a livelihood. Many fishers participate in multiple fisheries, some of which are far from home. Estimated gross earnings from commercial fishing among Homer permit holders in 2008 were $68,347,552. A total of 396 Homer fishers utilizing 600 permits landed 90.5 million pounds of fish (including crab) that year.[9]

A boat unloads its catch at the Homer Fish Dock.

Eight cranes make it convenient for boats to deliver their catch 24 hours a day to the publicly-owned (municipal) Fish Dock. An ice plant produces and sells high quality flake ice to serve the commercial fishing industry, up to 100 tons per day.

The State of Alaska collects fisheries-related business taxes, landing taxes, salmon marketing taxes, and other seafood taxes from licensed seafood processors, floating processors, and seafood exporters, and shares fisheries taxes generated within incorporated municipalities. Despite Homer's prominence in Alaska's seafood industry, the City of Homer received only $98,041 in 2009 from fisheries taxes,[10] because most of what happens to raw fish landed in Homer does not meet the definition of "processing." City of Homer Fish Dock operations cost $810,594 that same year. While fees for services cover these expenses, they do not cover the costs of equipment and facility replacement.

Mariculture activity in Homer has taken a higher profile with the completion in 2009 of a $1.5 million facility on the Homer Spit owned and operated by the Kachemak Shellfish Growers Cooperative. The co-op sells oysters to local residents, tourists, and restaurants and also ships them to locations throughout the country. In general, it is felt that the shellfish mariculture industry in Alaska is under-developed and that Alaska's clean, cold, nutrient-rich, protected waters provide the perfect medium for developing jobs in coastal Alaska. Differentiating itself from the other seafood species, the oyster business runs 52 weeks a year. Shellfish growers in Kachemak Bay and throughout Alaska have proved that shellfish grow well and command the loyalty of state and national markets.[11]

Economic development related to commercial fishing and mariculture would likely benefit from the following actions:

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[9] Alaska Commercial Fisheries Entry Commission, http://www.cfec.state.ak.us/gpbycen/2008.
[10] Alaska Department of Community and Economic Development and City of Homer Port & Harbor Department.
[11] Global Food Cooperative, www.globalfoodcollaborative.com/articles/kachemak-bay-oysters-coop-growing-and-seeking-new-partnerships.

A. The City of Homer should continue its unwritten policy of not taking sides in disputes between commercial and sport fishing interests, recognizing that both are vital to the Homer economy. Instead, the emphasis should be on supporting state/federal regulatory measures that help ensure sustainable fisheries to protect this resource for current and future generations.
   1. Stay abreast of information related to fisheries health, including possible impacts of ocean acidification caused by the uptake of excess carbon dioxide from the atmosphere.
   2. Unless there are clear reasons to doubt the objectivity or veracity of information from regulatory agencies, support proposals aimed at maintaining healthy populations and sustainable harvest levels.
B. Seek to provide and maintain the infrastructure at the Port of Homer needed to support and grow commercial fishing as an export industry.
   1. Seek ways to either redefine "fish processing" at the state level or meet the current definition at the local level to help capture more of the fisheries taxes collected by the Alaska Department of Revenue. These funds could then be used to help build and maintain fisheries-related infrastructure.
   2. Continue to seek funding for expansion of the small boat harbor (e.g., construction of the proposed East Boat Harbor) to make room for more commercial fishing vessels.
C. Encourage development of the local seafood industry beyond traditional products and markets. *See business ideas in sidebar, next page.*
D. Actively market Homer as a center for commercial fishing and quality seafood products.
   1. Develop and promote local product identification.
   2. Publicize the advantages of doing fisheries-related business in Homer.

General Marine Trades/Port and Harbor Development

Economic clusters are defined as "geographic concentrations of competing, complementary, or interdependent firms and industries that do business with each other and/or have common needs for talent, technology, and infrastructure. The firms included in the cluster may be both competitive and cooperative. They may compete directly with some members of the cluster, purchase inputs from other cluster members, and rely on the services of other cluster firms in the operation of their business."[12]

Examples of industry clusters include North Carolina's Research Triangle; Hartford, Connecticut's insurance and finance markets; Hollywood's film industry; the carpet industry in Dalton, Georgia; tourism in south Florida; and technology in Silicon Valley, California.

The marine trades in Homer could be thought of as an industry cluster, as could tourism. (The two clusters overlap in the form of the sport fishing, water taxi, and cruise ship industries. These industries will primarily be covered in the Tourism section of the CEDS.)

Businesses which make up the local marine trades cluster include commercial fishing and processing operations; marine electronics; boat storage, maintenance, and repair; suppliers of fishing equipment (nets, brailer bags, etc.); businesses that provide training in marine operations; and marine transportation services (e.g., tug and barge services, oil tanker escort services, marine fuel services). This list is by no means exhaustive. Many of the

[12] Economic Development Administration, http://www.eda.gov/Research/ClusterBased.xml.

small businesses located in the Port & Harbor area play a role in the marine trades. Local operations related to the U.S. Coast Guard, Alaska Marine Highway, National Oceanic and Atmospheric Administration, Kachemak Bay Research Reserve, and Alaska Maritime National Wildlife Refuge will be discussed primarily in the "Government" section of this plan, but the overlap with the marine trades is obvious.

Recommendations to promote growth and vitality of the marine trades in Homer include:

A. Utilize City of Homer lease policies to help ensure that property needed for marine businesses is available on the Homer Spit at reasonable terms.

B. Continue to seek funding for capital projects that will benefit the marine trades, such as Deep Water Dock expansion, small boat harbor expansion (East Boat Harbor), a new Port and Harbor building, and new/improved restroom facilities.

C. Promote Homer as the site for an Alaska Maritime Academy.

D. Encourage new businesses that will fill unmet needs within the marine trades cluster. *See sidebar for examples.*

E. Address parking problems on the Spit, as discussed in the Homer Spit Comprehensive Plan.

F. Encourage overslope development through public/private partnership whereby the City of Homer will invest in the necessary platforms and pilings to support further development.

Commercial Fishing/ Marine Trades Business Ideas

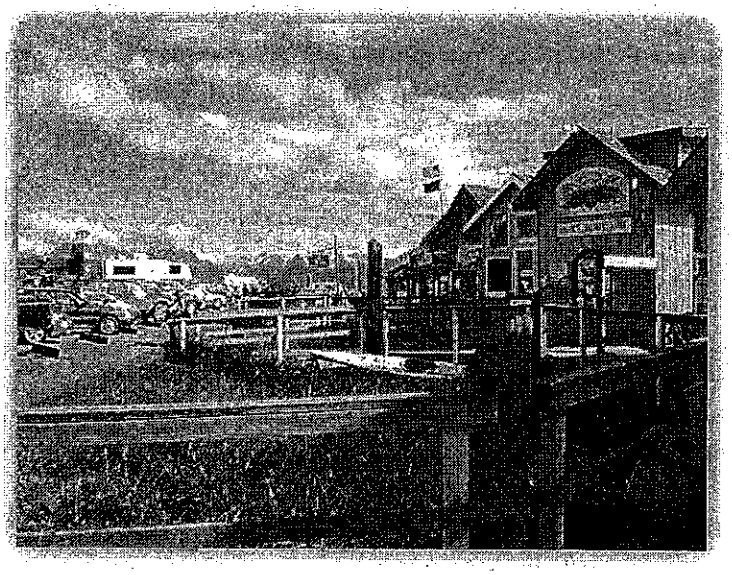
Following are some of the ideas for new marine trades business activity that have surfaced in discussions about local economic development:

- Boat lift to facilitate work on marine vessels
- Hardware store in the vicinity of the harbor to cater to other businesses in the area
- Another seafood processing plant like Icicle (which burned down in 1998)
- Utilize fish waste to make fertilizer or food for aquaculture
- Value-added seafood products; e.g., smoked oysters
- Harvesting and processing of under or non-utilized seafood resources; e.g., octopus, sandfish, sea urchins, seaweed

See also recommendations under "Commercial Fishing/Mariculture" in the previous section.

Tourism/Visitor Industry

The economic impact of the visitor industry in Homer is unquestionably large but difficult to quantify. Based on business licenses under "Accommodations/Food Service" and "Art, Entertainment, Recreation," the Alaska Department of Commerce estimates that tourism represented almost 23% of all business activity in Homer in 2008, with over $28 million in gross sales.[13] Reported information does not include self-employed individuals who are exempt from reporting requirements.



The Homer Spit, with its abundance of small shops, restaurants, charter businesses, and scenic views, is one of the most popular tourist destinations in Alaska.

Homer is somewhat unique among popular coastal communities in Alaska in that the visitor industry is not dominated by cruise ships. While Homer typically sees a few cruise ships each year, it is primarily known for its appeal to independent travelers from around the country (as well as from foreign countries) and also as a destination for other Alaskans; e.g., from Anchorage.

Encouraging Longer Visits

One economic development strategy is to find ways to encourage visitors to stay in the community longer during their visit, or to visit again in the future... Even staying an hour or two longer in the community may result in visitors eating more meals in local restaurants or spending more money shopping. The City benefits through increased sales tax revenue. To keep Homer an attractive destination requires that the City and private business work in partnership to provide the basic services that visitors and locals expect. These improvements and public expenditures should also benefit local taxpayers.

—*Homer Comprehensive Plan*, April 2010, p. 8-7, 8-8.

Homer Visitor Center counts have fluctuated from 7,891 in 2001 to 11,215 in 2008 and 8,550 in 2009. The Pratt Museum hosts approximately 35,000 visitors each year from 47 different countries. (Numbers do not include tour groups or school field trips.) The Alaska Department of Commerce estimates that approximately half a million people visit the Kenai Peninsula each year, with at least one-fifth journeying to Homer.

According to the Homer Chamber of Commerce, most visitors to Homer arrive via the Sterling Highway in their own or rented cars and RVs. They are drawn to Homer due to its reputation for spectacular scenery, opportunities for sportfishing and other outdoor recreation, as well as the mix of arts, culture, shopping, and dining experiences.

[13] Reported in Kenai Peninsula Borough *Situations and Prospects for Year Ending December 1, 2008*, p. 234 and 238.

As mentioned previously, tourism falls in the category of a basic economic sector in that it brings new money into a community or region rather than simply circulating money. Homer businesses that benefit most directly from tourism are lodging (including many B&Bs); shops, galleries, and restaurants; charter fishing operations; and sightseeing/wildlife viewing/water taxi businesses. Wages paid to employees in these businesses in turn help support other businesses in town.

The Homer Comprehensive Plan, Economic Vitality chapter, provides a number of recommendations to strengthen Homer as a tourism destination. Three primary objectives are listed:

A. Invest in local infrastructure, parks, and civic improvements that will serve locals as well as visitors by promoting longer stays, increased expenditures per person, and more repeat visitation as a form of economic development.
B. Support efforts to improve community attractions, including Town Center, trails, and access to marine activities and the marine environment. Improve links between attractions.
C. Increase the net benefits that tourism brings to Homer.

Fifteen separate implementation strategies are suggested to accomplish these objectives. Rather than repeat them here, we encourage readers of this economic development plan to read pages 8-7 through 8-10 of the Homer Comprehensive Plan. The discussion below will focus on one particular implementation strategy listed under Objective C. Strategy 6 is to "actively promote Homer to identified target markets, including Alaska residents, out-of-state independent travelers, and small group package tour travelers." One specific recommended action is that Homer "continue to explore the establishment of conference and convention capabilities in existing and/or new facilities."

Tourism promotion suggestions offered by members of the public:

- Sponsor a quilting show event in the shoulder season
- Produce a restaurant guide — online and printed versions
- Promote Homer as an alternative health/healthy recreation destination
- Market Homer as the "Bear Viewing Capital of the World"
- Advertise in birding magazines
- Provide parking for RVs in downtown Homer with signage to make it easy for drivers to locate the parking

—from emails and public meetings, 2009 and 2010

In 2005, the City of Homer commissioned a feasibility study for a potential new conference center. The following table summarizes the findings:[14]

[14] "Feasibility Study for a Potential New Conference Center in Homer, Alaska;" prepared by Conventions, Sports & Leisure International for the City of Homer, July 2005.

HOMER CONFERENCE CENTER FEASIBILITY STUDY ESTIMATES AND RECOMMENDATIONS

Note: Estimate of demand is "moderate." For more detail, see full study.

Type of facility	Recommended size	Estimated utilization days per year (local & non-local events)	Total economic benefit (annual direct and indirect spending by out-of-towners)	Potential costs (public subsidy)
1. Stand-alone (City owned and managed)	10,000 sf banquet/multipurpose space; 3,000 sf breakout meeting space	113	$2.62 million	$203,000 annually (before debt service and reserve funding)
2. Public/ private partnership with hotel	7,500 sf banquet space; 3,000 sf breakout meeting space	114	$1.754 million	will depend on particular partnership agreement
3. Joint use build-out with another public project	6,000 sf total meeting/banquet space	76	$847,000	possibly break-even, with staffing and overhead shared with operations of the primary facility (e.g., new City Hall)

The study noted that virtually any conference center that is not part of a hotel business will require a subsidy of public money to support construction and operations. In many cities, bed tax (also known as lodging or accommodations tax) revenues are used for this purpose. (Anchorage, for example, has a 12% bed tax, a portion of which supports the Denaina Convention Center.) No bed tax is levied in Homer despite the prominence of the visitor industry here.

A conference center remains an identified need in Homer. As explained in the Organizational Structure section of this plan, the City of Homer could seek permission from the Kenai Peninsula Borough Assembly and from local voters to enact a bed tax here. A modest 4% tax (less than one-third of the national average) would likely generate enough revenue to support a conference center and an economic development office that would, among other things, market and manage the conference center. This proposal deserves serious consideration.

Arts and the Creative Class

Few would argue that one of Homer's economic assets is its reputation as an arts community. In 2005, Homer was listed in John Villani's book *The 100 Best Small Art Towns in America* and it is often praised for its many galleries, arts events, and non-profit organizations that help promote the arts.

In 2005, Homer was included in a study sponsored by Americans for the Arts, which assessed the economic impact of non-profit arts organizations and their audiences. The study estimated that non-profit arts organizations in Homer spend $1.1 million each year, resulting in an additional $1.6 million spent by arts audiences, which further stimulates the local economy.[15]

"The arts" is a broad term that encompasses traditional visual art (painting, sculpture, photography, fiber art, etc.) as well as music, drama, and dance. "The creative class" is an even broader term popularized by economist Richard Florida that refers to certain scientists and engineers, university professors, poets and architects, and people in design, education, arts, music, and entertainment, whose economic function is to create new ideas, new technology, and/or creative content.[16]

The Arts, Quality of Place, and the Knowledge Economy

In the past decade, states have begun to realize that their economic fortunes are increasingly tied to the location preferences of highly mobile knowledge-workers who form the intellectual backbone of the new economy. These workers value "quality of life" above nearly all other factors—including job market conditions—in choosing where to locate. According to Professor Richard Florida of Carnegie Melon University, four factors determine quality of place: lifestyle, environmental quality, a vibrant music and arts scene, and natural and outdoor amenities.

—"The Role of the Arts in Economic Development," National Governor's Association Center for Best Practices, June 25, 2001.

In addition to the overlap in terms of occupation, there is another key relationship between members of the traditional arts community and those of the broader "creative class," which is that the arts help create the type of environment that in turn attracts other creative people, including those in the highly desirable, knowledge-based ("new economy") industries. The benefits work both ways, since knowledge-based workers tend to be well paid and will spend discretionary income on the arts, which they value.

In discussing arts and the economy with local artists and art advocates during development of this plan, three primary reasons were given to explain why Homer has attracted artists in the past and continues to do so: 1) The natural beauty of the area attracts people who appreciate beauty. 2) The community supports art and provides a nurturing environment for all types of artists. 3) Artists encourage and stimulate each other.

The following strategies have been suggested as ways to attract artists and other members of the creative class and maximize the economic benefit to the community:

A. Work to enhance and protect the quality of life factors that make Homer attractive to artists and other creative people. *See previous discussion of Quality of Life.*

B. Support public art above and beyond the existing 1% for the Arts ordinance.

   1. Commission public art for existing parks, buildings, streets/sidewalks, and other facilities.

[15] "The Economic Impact of Nonprofit Arts Organizations and their Audiences in Homer, Alaska," Americans for the Arts, 2005.

[16] Richard Florida, *The Rise of the Creative Class and How it is Transforming Work, Leisure, Community and Everyday Life.* New York: Perseus Books, 2002, p. 8.

2. Encourage artists to create public art by providing spaces, permanent and temporary, for art installations and music/performance art events.

C. Publicly recognize the value of art in our lives and in our community.

D. Support arts education in the public schools and elsewhere.

E. Partner with local arts organizations and businesses to promote art in the community.

Health, Wellness, and Recreation

With a hospital, 20 or so physicians in private practice, at least a dozen dentists, several physical therapists, a large non-profit mental health/ behavioral counseling clinic, other counselors in private practice, numerous alternative health services ranging from chiropractic care to therapeutic massage to acupuncture, a health club and other for-fee exercise facilities, Homer provides a wide range of health and wellness services for residents and visitors. A relatively new addition to the health sector in Homer is the Seldovia Village Tribe Health Center, which provides medical and dental services to both Native and non-Native patients. In addition to these traditional services, other businesses and programs offer opportunities for organized sports, wilderness outings, and other healthy forms of recreation.

The topic of health and wellness is actually much broader than the list in the previous paragraph would suggest. The Southern Kenai Peninsula Communities Project, launched in November 2008 with leadership provided by South Peninsula Hospital, conducted an area-wide health needs assessment that looked at issues ranging from environmental health, access to local foods, a diverse and sustainable small-town economy, and citizen involvement in community affairs.[17] The SKP Communities Project vision is depicted on the next page.

Rural health services provide benefits additional to improvements in health outcomes. Because the health sector may contribute significantly to job and income generation, particularly in rural communities, it is imperative that rural communities have quality health services that local decision-makers work to evaluate, maintain, and possibly expand.

—G.A. Doeksen and V. Schott, "Economic importance of the health-care sector in a rural economy," *Journal of Rural and Remote Health Research, Education, Practice and Policy,* June 2003.

Ideas suggested by local health professionals for possible new businesses in Homer:

- Joint replacement surgery
- Expanded cancer care
- Pediatric care
- Alzheimer's care
- Substance addiction treatment
- Dermatology practice

Due to restrictions intended to protect proprietary information, the State of Alaska no longer releases sales data specific to the "Medical-Social Services" NAICS line-of-business category (and many others). Therefore, it is difficult to gauge the economic impact of this sector. However, no one would question that it is significant. In addition to money spent directly on health and

[17] Southern Kenai Peninsula Communities Project, Project Summary, December 2009

wellness services, access to these services in a community is an important quality of life factor that helps make the area an attractive place to live. Recreational opportunities are another important quality of life consideration.

Some of the recommendations in other sections of this plan, most notably in the Agriculture and Tourism sectors, will also enhance the Health, Wellness, and Recreation sector. Additional recommendations are offered below:

A. Support efforts to provide modern technology in the health care sector; e.g., at South Peninsula Hospital. Advanced technological services will not only help keep local dollars from leaving the community, they will also help attract new residents. Current needs include bariatric equipment to meet the needs of severely overweight patients, an enhanced communication system integrated with an improved electronic record-keeping system, and an electronic asset tracking system.

B. Support local job training programs in the health care field; e.g., at UAA-KPC-Kachemak Bay Campus.

C. Seek to attract medical specialists in areas where there is unmet need.

D. Support growth of services to meet the health care needs of senior citizens; e.g., senior care, chronic illness management, cancer care.

E. Support necessary steps to comply with the 2010 federal health care reform mandates at the local level.

F. Publicize Homer's many health care and wellness options and quality of care; e.g., through a directory of local health and wellness services.

G. Expand and improve the City of Homer's Parks and Recreation program.

   1. Complete a community recreation needs assessment.
   2. Investigate successful models from other towns.
   3. Develop a community parks and recreation master plan that describes program elements, staffing needs, and potential funding sources.
   4. Seek funding from multiple sources for the Parks and Recreation program.

Education

As in the health care sector, education is a major employer in Homer. A key difference is that most health care providers work in the private sector and most educators and support staff are government employees. *(See Government section of this plan for more discussion about this broad sector.)* A key similarity is the critical role that both health care and education play in the decisions of potential residents and business owners about whether to settle in a community or not. The quality of K-12 education is an important consideration for parents of school-age children (an important demographic group), and the presence of local workforce training programs will help to attract potential employers.

Homer schools within the Kenai Peninsula Borough School District are (in alphabetical order): Fireweed Academy (K-6 charter school), Homer Flex High School, Homer High School, Homer Middle School, Paul Banks Elementary School, and West Homer Elementary School.

A total of 1,164 students were enrolled in these schools for the 2008-2009 school year, a slight (2.1%) drop from the previous year. (Fireweed Academy, Homer Flex, and Homer High School experienced losses; Homer Middle, Paul Banks, and West Homer experienced gains.)[18]

The school district also operates the Connections

> While college towns have long been considered recession-resistant, their ability to avoid the depths of the financial crisis shaking the rest of the nation is noteworthy. The ones faring the best right now are not only major education centers; they also are regional health-care hubs that draw people into the city and benefit from a stable, educated, highly skilled work force.
>
> —*Kelly Evans, "Why College Towns are Looking Smart," Wall Street Journal, March 24, 2009.*

[18] Kenai Peninsula Borough School District data reported in Kenai Peninsula Borough *Situations and Prospects for Year Ending December 31, 2008,* p. 38.

program to support home-schooling on the Kenai Peninsula. In 2010, approximately 300 students in the Homer area were enrolled in the program.

Early childhood education is provided through the Birth-2-3 program, a non-profit organization. A federally-funded Head Start program operated by Chugachmiut (an Alaska Native health and social service organization), is headquartered in Homer. The economic value of these programs stems from the fact that a child's readiness for school is a strong indicator of how he or she will fare in life in the long term. One analysis found that every dollar spent on high-quality early childhood programs for disadvantaged children results in $7 to $9 in future savings to communities.[19]

Kenai Peninsula College's Kachemak Bay Campus serves as the focal point of the University of Alaska's programs and services on the southern Kenai Peninsula. Its value to the community was reflected in the fact that "making Homer more of a college town" and "expanding vocational education" received the most votes in an economic development public forum held in Homer in spring 2009.

KPC offers two-year Associates of Arts and Associates of Applied Science degrees, as well as courses leading to vocational certificates and industry certification. Some programs leading to baccalaureate degrees can be earned at the Kachemak Bay Campus. A number of other four-year degree programs are available through KBC courses and distance delivery from other University of Alaska campuses. Continuing education and professional development programs are provided that include conferences, summer programs, Elderhostel, workshops, classes, and a visiting writers' series.[20]

A 2007 study prepared for the University of Alaska[21] noted the following economic benefits of Alaska's university system:

- In FY 207, for every dollar of State investment, the University created just over three dollars in total economic activity in the state, a total return on investment of 200%.
- The University of Alaska directly employed a peak of 8,000 workers in Alaska in 2006 (37 in Homer).
- In addition to its direct employment, UA indirectly supports approximately 7,100 jobs in the support sector of the Alaska economy.
- The payroll for the Kachemak Bay Campus in FY 2007 was $900,000.
- An additional $1.0 million was spent on goods and services in the Homer community.
- Nationally and in Alaska, 25 percent of all jobs require a 4-year degree or higher.
- As of 2006, two-thirds of the UA graduates from the classes of 1989 to 2006 were still living in Alaska.
- National data indicates that a female UA graduate earns nearly $16,000 more per year than a female high school graduate while a male UA graduate earns almost 18,000 more than his high school educated peers (2006 dollars).

Specific recommendations for enhancing economic development through the education sector in Homer include:

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[19] Robert Duggar. "Investing in early-childhood programs would yield dividends for Ohio," Cleveland.com, June 14, 2009.
[20] http://www.homer.alaska.edu/about/index.html
[21] McDowell Group, "The Economic Impact of the University of Alaska, 2007 Update," February 2008.

A. Support early childhood education programs in Homer.
B. Support adequate funding for Kenai Peninsula School District operations in Homer, with an expansion of vocational-technical education.
C. Support goals of the Kachemak Bay Campus of UAA-KPC, including consolidation of operations at the East Pioneer campus, expansion of the campus, and provision of student housing.
D. Support expansion of educational programs to take advantage of emerging economic opportunities and/or to capitalize on Homer's existing strengths and assets, such as:
   1. Interest in green technology, local agriculture/sustainability, renewable energy, etc.
   2. Proximity to the sea and its resources
   3. Arts and culture

Some recommendations overlap with those involving the benefits of a skilled, educated workforce. *See p. 11.*

Three Broad Sectors:

1. Construction and Manufacturing

The Construction and Manufacturing sectors include traditional building trades (employing architects and engineers, heavy equipment operators, carpenters, plumbers, welders, electricians, etc.) along with light manufacturing enterprises such as Nomar's line of fleece clothing and soft luggage, Alpenglow handmade soaps, and Nomad Shelter yurts (to name a few). Some businesses in the Manufacturing sector overlap with the Marine Trades sector (e.g., boat building) or with the Arts sector (e.g., locally made jewelry, ceramics, and other art gallery items). Stretching the definition of manufacturing further allows us to include locally made beer, wine, and mead.

Nomad Shelter's yurt business is an example of a manufacturing enterprise based in Homer.

Many locally manufactured products are sold to individuals or other businesses outside the city, which makes them part of the basic economy that brings new money into the community. New manufacturing/light industry/export businesses should be encouraged for this reason and because they have potential to provide good year-round jobs.

2. Retail

A great many retail businesses in Homer do not primarily target tourists nor do they fit neatly into other economic sectors already described in this plan. They range in size from "mom and pop" businesses to much larger outlets such as Spenard Builders Supply, Ulmers, and Safeway. Collectively, they employ hundreds of people and form a vital part of the local economy. Retail goods can be considered part of the basic economy if 1) people from outside the community are buying

the products; or 2) locals are buying the products rather than purchasing similar items from sources outside the community (import substitution).

The latter point raises the topic of larger "big box" retailers, a discussion that has been a source of controversy in Homer since 2002, when the Kroger Company first broached the idea of building a 98,000 square foot Fred Meyer store in the Central Business District. Following a moratorium on construction of any store larger than 20,000 square feet, the footprint size cap was first set at 45,000 sf, then 66,000 sf, and is now at 75,000 sf in Homer's commercial districts. (By way of comparison, the existing Safeway, including liquor store, is 30,250 sf.) As Homer and the surrounding area continue to grow, the need for a larger Fred Meyer or Wal-Mart type store is likely to become more apparent.

3. Services

Likewise, Homer's service economy is strong and diverse. In addition to some of the service businesses mentioned elsewhere in this plan (e.g., health services), local businesses meet the needs of Homer residents and visitors in areas ranging from financial services to haircutting to legal assistance.

General recommendations for maximizing the benefits of these sectors (1, 2 and 3 above) include:

A. Encourage enterprises that will provide jobs and other economic benefits without serious negative side effects; e.g., environmental pollution.
B. Encourage value-added manufacturing to maximize local resources and provide products for export.
C. Convey a "How can we help you?" attitude to assist prospective business owners and those seeking to expand existing businesses.
    1. Utilize zoning to ensure adequate land for different needs and publicize available land zoned for different purposes.
    2. Improve the permitting process to clearly communicate requirements and reduce time and frustration for applicants.
    3. Publicize resources provided by other organizations that can assist local business owners; e.g., the Small Business Development Center at the Homer Chamber of Commerce.
D. Assist with efforts to publicize the availability of locally manufactured goods; promote local procurement of goods and services.

High tech/Internet Businesses

Many businesses in this sector; for example, Information Technology (IT) support services and website design; can also be classified in the Services sector. Other examples of high tech businesses include modern filmmaking/editing, computer-assisted graphic design/printing, software development, and Geographic Information System (GIS) services used for surveying and mapping. *See also discussion regarding Arts and the Creative Class.*

While most if not all businesses in the 21st century utilize computers, Internet-based businesses comprise a special category, wherein the business owner markets and sells a product or service almost solely via the Internet. Because there is no visible retail outlet or office, these businesses may go largely unnoticed by the community at large, yet bring significant money into the community.

The availability of Internet/email service has also made it possible for some individuals to function as "lone eagles," or as the Homer Comprehensive Plan puts it, "footloose entrepreneurs." These are the individuals who could live almost anywhere and conduct business via Internet/email. In other words, their choice of where to live is based to a major extent on quality of life factors such as natural beauty, arts and culture, and recreational opportunities rather than factors such as availability of land, labor, or local markets.

What Can Homer Do To Attract "Lone Eagle" Entrepreneurs?

Comments submitted by two area residents via email during development of the Comprehensive Economic Development Strategy. Comments have been edited for space.

My husband and I are what you would call "knowledge entrepreneurs." We are a good example of the kind of niche markets that are developing because of the Internet. We have customers from around the globe including Australia, Ireland, Italy, Singapore, Canada, and the U.S.

[In response to the question: Do you feel like Homer is currently providing the infrastructure your business needs?] For the most part, yes. We have printers, office supply, Internet, airport, computer folks and supplies etc. DSL needs to be improved in the outlying areas.

[In response to the question: What could we do to attract more lone eagles?] Keep the town attractive. Where you find the most migration to smaller towns is in those towns that have some sort of appeal. This cannot be overstated. If you travel around Oregon and Washington, or elsewhere, the small towns that are thriving are those that have appealed to people who can choose to live where they want and bring with them either retirement income or a small or home-based business. These towns survived the loss of the resource-focused boom/bust economies and reinvented themselves with what they had left. What these towns have to offer is predominantly natural beauty and access to outdoor activities or a quaint setting (like the coastal towns of Oregon and Washington). Homer has numerous benefits over some of these other small towns. Those assets should be advertised.

Your suggestion to promote "lone eagles" to live in Homer has merit. It capitalizes on Homer's main strength—quality of life. I was a "lone eagle" prior to my retirement. One type of "lone eagle" is the telecommuter. The list of occupations that this would include is almost endless. The following are areas to promote or improve to facilitate getting "lone eagles" to live in Homer:

1) For telecommuters it is necessary to have easy access to the fastest Internet and telecommunications networks available. Currently, Homer has no 3G nor do we have the fastest Internet connections. 2) For the old-fashioned commuter, easy, reliable, and affordable access to Anchorage is essential. 3) The "lone eagle" promotion should be carried out in state with North Slope workers, fishermen, offshore oil field workers, and miners from Red Dog and the potential Pebble project. 4) Homer must avoid putting up a negative image by putting up barriers to people and ideas.

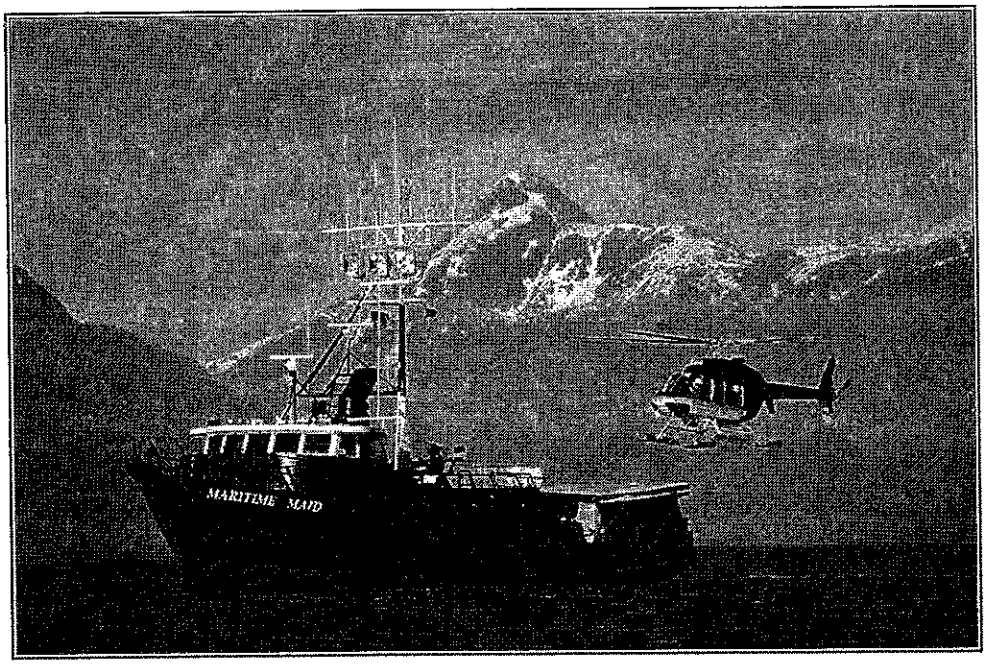
Recommendations for growing the high tech/Internet sectors of the Homer economy include:

A. Support technical upgrades that benefit individuals and businesses who utilize these services extensively; e.g., high speed broadband Internet, improved cell phone service, and wireless connectivity.
B. Market Homer's quality of life factors and suitability for high-tech/Internet based operations. Use marketing to counter the image of Homer and Alaska in general as too remote for modern business ventures to succeed.
C. Support training opportunities for skill development in computer-related fields, including Internet-based commerce.

Transportation and Warehousing

The Kenai Peninsula Borough includes the following types of businesses under the heading of Transportation and Warehousing: air transportation, water transportation, truck transportation, transit and ground transportation, pipeline, scenic and sightseeing, support activities, postal service, couriers and messengers, and warehousing and storage. (Guiding by land and guiding by water are classified under Tourism.) In 2008, there were 126 businesses licensed in this sector in Homer, with gross sales of $19.4 million.[22]

Homer benefits economically by having an airport, a float plane lake, a harbor that supports numerous water taxi businesses, and port facilities that include preferential berthing for Alaska Marine Highway vessels. (The Marine Highway can also be classified within the Government sector.) In 2010, Seldovia Village Tribe began offering passenger/light freight ferry service three times a day between Homer and Seldovia, aboard the *Kachemak Voyager,* expanding the options available for getting across the bay.



Maritime Helicopters, based in Homer, has been in business since1973 supporting marine, petroleum, and construction industries as well as government agencies. In addition to a fleet of helicopters, the company operates the 86-foot vessel *Maritime Maid,* equipped for helicopter operations at sea.

(Photo and information from maritimehelicopters.com)

[22]Kenai Peninsula Borough, *Situations and Prospects for Year Ending December 31, 2008,* p. 224.

One of the most significant needs identified in Homer in the transportation sector is to provide containerized cargo handling capability at the Deep Water Dock. It is thought that with this capability, Homer will emerge as a major transportation hub for the Kenai Peninsula. Freight could be landed in Homer and trucked to outlets as far away as Kenai/Soldotna, eliminating the need to truck goods down from Anchorage and thus reducing costs. Dock expansion would also put Homer in a good position to provide staging for barged freight service to the Lake and Peninsula Borough via the Williamsport-Pile Bay Road or other facilities built to meet the needs of future resource development across Cook Inlet. The 30-acre industrial site at the base of the dock would support freight transfer operations.

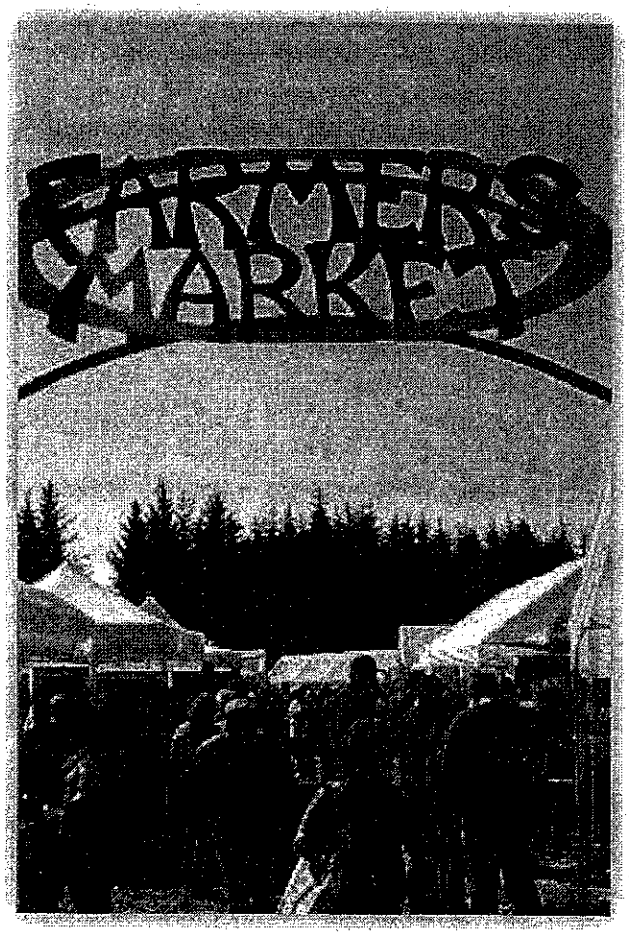
Recommendations to enhance the transportation sector include:

A. Improve and expand Homer's Port and Harbor facilities, including expansion of the Deep Water Dock and construction of the proposed East Boat Harbor.
B. Utilize lease policies to simultaneously benefit the broader community and individual business owners.
C. Market Homer to attract new transportation-related businesses.
D. Improve and expand Homer's overall transportation network in keeping with the goals of the Homer Comprehensive Plan, Transportation Plan, and Non-Motorized Transportation and Trails Plan.
E. Support the development of a rail line connecting Homer to Anchorage.

Agriculture

Although agricultural enterprises have been present in the Homer area since Delphina Woodard operated a dairy farm in downtown Homer in 1917, the agricultural sector of the local economy is, at this time, small. However, it is also widely seen as having great potential for growth, given the expected effects of global climate change (warmer temperatures/longer growing seasons), recognition of the need for local self-reliance in the age of dwindling oil supplies, and increasing interest in local/organic food on the part of consumers, including restaurant owners. Growth in local agriculture has the potential to expand the export economy if products are purchased for shipment outside the local area.

Many local growers of produce, livestock, and poultry live outside Homer city limits but contribute to the local economy through sales at local outlets (e.g., the Farmers Market) and by spending money from sales at local stores. Local restaurants also benefit by being able to tout their use of locally-grown produce.



The Homer Farmers Market has become a popular destination in recent years.

Why "the market" alone can't save local agriculture

The problem facing local food production isn't lack of demand; it's lack of infrastructure. To boost production, a given area's small-scale farms need access to capital—to invest in farm equipment, composting capacity, washing and cooling facilities, and delivery trucks.

Since small farms generally lose money, they can hardly be counted on to make those investments themselves, and few banks are eager to invest in businesses with negative operating margins. Yet the situation need not be so bleak. The farmers who supply the nation's farmers' markets and CSAs, despite brutal economics, represent a huge asset. Communities, and the nation as a whole, should figure out ways to collectively leverage the passion of these growers. Not through direct payments—as with the current $14.5 billion per year subsidy boondoggle—but rather through strategic investments in food-production infrastructure.

As for individuals, the way forward is clear: seek out farmers' markets, CSAs, and restaurants that procure locally. And stifle your sticker shock. That two-dollar tomato will likely deliver an experience that can't be bought at any price at a supermarket. The cheap-food regime under which we feed ourselves is really a costly scam.

—Tom Philpott, www.grist.org/article/local3

In the Homer area, agricultural goods and produce include many vegetables, limited fruits, grass-fed beef, local eggs, and honey. Value-added products include jams, jellies, and mead made with local honey and berries. Some businesses sell nursery plants, seeds, soil, and compost. Recently, cut flowers, particularly peonies, have become a local economic enterprise, since peonies grow well in this climate and bloom at a time when they are not available elsewhere.

The Homer Farmers Market provides a low-cost venue for many local farmers. In operation seasonally since 2000, the Farmers Market attracts locals and visitors twice a week with booths featuring local handicrafts and prepared foods as well as fresh local produce, seedlings, and other agricultural offerings.

Farmers Market spokespeople have noted that local agriculture could benefit significantly through efforts to identify markets and connect producers with those markets. The Homer Farmers Market and Sustainable Homer were successful in obtaining a VISTA (Volunteer in Service to America) to assist in meeting this goal. The VISTA is coordinating a 3-year project launched in November 2010.

Farmer and writer Tom Philpott offers one prescription for helping local agriculture entrepreneurs succeed. *(See sidebar.)* Philpott, Michael Pollan, and other nationally known local food advocates have written extensively on the need for reform of agricultural policy at the federal level to assist smaller-scale farmers, reduce food miles traveled, and provide Americans with healthier food.

Recommendations made by Homer-area growers and advocates include the following:

A. Provide the Homer Farmers Market with a permanent location; e.g., in the proposed Town Center.
B. Advocate for a USDA-approved meat processing facility on the southern Kenai Peninsula. (Currently, local farmers who wish to sell their chickens, beef, or pork commercially must first take it to Anchorage to get the USDA stamp.)

C. Support construction of a community cold storage/freezer facility. Investigate use of a sea water heat-exchange loop in the harbor to help reduce electrical usage of the facility.
D. Support development of a "kitchen incubator" that provides food producers and processors in start-up and growth phases with access to technical assistance and shared facilities including a commercial kitchen, storage, and offices in a cooperative environment at below market rates. Such a facility would encourage the production of value-added food products for local purchase or export.
E. Build a new greenhouse for the City to use for its plantings so that Homer High School can have a full year-long curriculum based around the greenhouses there. The new City greenhouse could be built as a demonstration project, easily accessible to the public and full of all the latest power-reducing technology.
F. Support efforts to encourage local food production, connect local farmers with markets, and publicize the benefits of "eating local."
G. Consider land use and/or tax incentives to take full advantage of the fact that the Homer bench is an extremely valuable agricultural microclimate.
H. To increase the amount of land dedicated to agriculture and help meet local demand, establish a program whereby City crews and equipment will assist in turning lawns into garden plots, at either no or low cost to property owners.
I. Eliminate the City sales tax on locally grown non-prepared food.
J. Support changes in borough tax policy to classify greenhouses as "agricultural." (Currently borough farm tax benefits apply only to fields, not to structures, so greenhouses are not taxed as agricultural but rather at the higher rate applied to any other structure.)
K. Network and collaborate with University of Alaska–Fairbanks and Cooperative Extension Service personnel regarding research and funding opportunities; e.g., to support local food demonstration projects.
L. Establish a Local Food Commission to further develop goals and strategies related to local agriculture/ sustainability and facilitate achievement of the goals.

Retirees and Second-Home Residents

Anyone who has lived in Homer 20 years or more cannot fail to have noticed a change in demographics in our community. Not only has the average age of residents increased, but wealth is far more noticeable.

Part of the increase in average age is due to the fact that the American population as a whole is aging and Alaska is aging more than most states. In fact, the number of people age 65 and older grew faster in Alaska than in any other state between 1997 and 2007.[23] Many Alaskans over age 65 have lived in the state for many years, if not their entire lives. Others moved to the state after retirement. Homer has attracted more retirees and second-home/part-time residents than most other destinations in Alaska.

Around the country, local and county governments tend to view retirees as an asset and some engage in active marketing to attract new residents from this demographic group. In truth, such governments are particularly interested in a subset of the senior population: those with enough money to enhance the tax base without placing a heavy burden on local services. Once again, Homer finds itself in an enviable position in this regard. Casual observation and anecdotal reports from local realtors reveal that the Homer area has become

[23] Alaska Commission on Aging, "We're #1: Alaska Tops in Senior Population Growth," Feb. 17, 2009.

increasingly popular as a retirement/second-home location for wealthy or relatively well-off individuals and couples from Anchorage and the Lower 48 states.

As with many other forms of economic development, not all the consequences of senior migration to Homer are positive. Wealth from outside the community has been a factor in driving up real estate prices locally, making it harder for less wealthy individuals to afford housing. By state law, Alaskans age 65 years and older are exempt from property taxes on their primary residence up to the first $150,000 of assessed value. (Local governments can extend the exemption above this cap if they wish. The City of Homer has not done so; however, the Kenai Peninsula Borough has increased the exemption to include the first $300,000 of assessed value.) A policy of lower taxes on senior citizens increases the pressure on other residents to cover the costs of services provided by local government.

In a paper titled "**Chasing the Elderly: Can State and Local Governments Attract Recent Retirees?**," the authors looked at a number of studies regarding factors that influence senior migration. They concluded:

> ...Returning to the question posed in the title of this paper, state and local fiscal policies do appear to influence location decisions, but they represent a secondary consideration in the migration decisions of most households.
>
> What are the policy implications of our findings for policymakers contemplating strategies for attracting elder migrants? Changes in tax burdens and service levels can affect elder location decisions. Of the fiscal variables, inheritance taxes, income taxes, and property taxes have the largest relative effects. However, very large tax reductions would be required to attract even one more elder migrant to a county. Unless these tax breaks could be narrowly targeted to the group of elderly most likely to consider migrating, the revenue losses from such a program are likely to significantly outweigh the economic and fiscal benefits. Our results suggest that states should focus on marketing their amenities, rather than using fiscal policy to recruit retirees.
>
> —William Duncombe, Mark Robins, and Douglas Wolf, "Chasing the Elderly: Can State and Local Governments Attract Recent Retirees?" Center for Policy Research, Maxwell School of Citizenship and Public Affairs, Syracuse University, September 2000, p. 26.

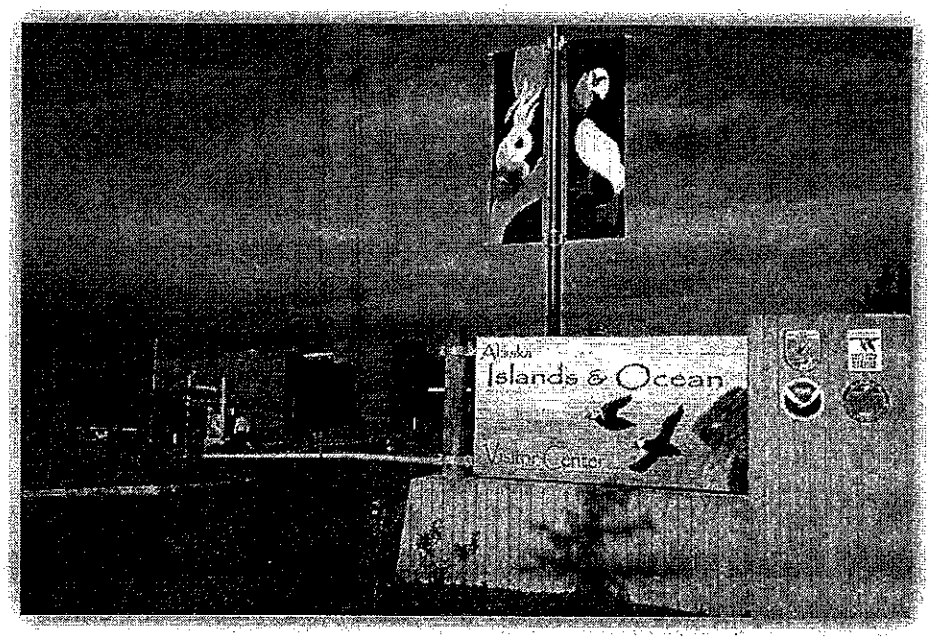
Recommendations for enhancing Homer's economy by attracting retirees and second-home residents include:

A. Recognize that quality of life factors (an attractive town, arts and culture, walkability, health services, etc.) are the most important in attracting retirees and second-home buyers. Focus on enhancing and marketing these features (which benefit all residents) rather than offering financial incentives to attract retirees.
B. Support the growth of senior services in Homer; e.g., the programs and facilities of Homer Senior Citizens, Inc. and geriatric health services.
C. Support efforts that result in vacation travel by seniors to Homer—e.g., through Elderhostel programs or on cruise ships—and seek to create a positive first impression for these visitors to help plant the idea of Homer as a place to retire or purchase a second home.

Government

Local, borough, state, and federal government offices and agencies represent a major economic sector in Homer. Looking at state and federal government only, we see the following listed as having offices/operations in Homer:[24]

STATE	FEDERAL
Court System	U.S. Dept. of Agriculture
Fish & Game, including Kachemak Bay National Estuarine Research Reserve	National Marine Fisheries Service
Health and Social Services (several programs)	National Oceanic and Atmospheric Administration
Dept. of Labor (Homer Job Center)	U.S. Coast Guard
Alaska Housing Finance Corp.	U.S. Fish & Wildlife – Alaska Maritime National Wildlife Refuge
Legislative Affairs	U.S. Dept. of the Interior – Indian Affairs
Division of Motor Vehicles	Post Office
Dept. of Natural Resources	Federal Aviation Administration
Alaska Marine Highway	
Homer Airport	
University of Alaska, Kenai Peninsula College, Kachemak Bay Branch	



The Alaska Islands and Ocean Visitor Center serves as headquarters for the Kachemak Bay Research Reserve (a program of the Alaska Department of Fish and Game and the National Oceanic and Atmospheric Administration) and the Alaska Maritime National Wildlife Refuge (part of the U.S. Fish and Wildlife Service). More than 40 people work at the Center, which is also a major tourist destination, attracting 70,000 visitors per year.

Native tribes can also be considered governments. Seldovia Village Tribe and Chugachmiut operate facilities in Homer. Public school teachers are employees of the Kenai Peninsula Borough.

[24] 2010 ACS Yellow Pages, Kenai Peninsula, Government Offices section

In the 2000 Census, 16.9 percent of individuals working in Homer were classified as "government workers." Many are professionals with college degrees. It can be assumed that their wages, when spent locally, make a significant contribution to the local economy. Other financial benefits come from leased office space, moorage fees, money spent locally on procurement, etc.

The following are general recommendations for maximizing the contributions of government as an economic sector in Homer:

A. Advocate for expansion of borough, state, federal, and tribal government offices and programs in Homer, as appropriate. (Growth for the sake of growth is not justified.)
B. Seek to understand the needs of government agencies in Homer and work cooperatively to ensure those needs are met for the mutual benefit of the agencies and the community. Be proactive in recognizing and addressing potential problems.
C. Respond to requests for letters and resolutions of support by government agencies seeking funding for programs and facilities.
D. Take advantage of opportunities for networking and collaboration to help foster positive relationships with representatives of government agencies.

DOWNTOWN VITALIZATION

Homer's first Comprehensive Development Plan (1969) includes this sentence on the first page: *"This plan outlines objectives for future development, emphasizing the need for a strong centralized downtown and the development of a road system that will encourage the economies of centralization, while providing a bypass route for industrial traffic."*

More than 40 years later, Homer still lacks a strong centralized downtown. This is why the term "vitalization" is used in the section heading above, rather than "revitalization."

"Downtown" is a commonly used word, but what does it mean? Most of us can easily conjure up an image of a vibrant downtown: lots of people on foot in a relatively small, densely developed area; lots of activity; a multitude of shopping and dining options. People walk right by store and café windows and are enticed to go in. Outside, there are opportunities to sit on a park bench, drink a latte, and enjoy the view or people-watching. The best downtowns allow a mix of uses, including retail, office, and residential. Some include a central park, square, or commons.

Interestingly, Homer has many of the characteristics of a vibrant downtown in the area of the small boat harbor on the Homer Spit—at least in the summer. The Spit is characterized by park-and-walk activity and is a magnet for shopping and sightseeing, popular with locals and visitors alike. Can we create a downtown district in the heart of Homer with similar appeal, but with businesses open all year?

Some thoughts on "downtown"

A dense urban center creates a critical mass of people, ideas, products and activities that promote growth and trade... Really good downtowns are congested. Stop worrying about it—pray for it.

—Alan Jacobs, professor emeritus of city and regional planning, University of California, Berkeley

Downtown is everyone's neighborhood and the heart of the city.

—Bernard Lynch, City Manager, Lowell, MA

Great downtowns fill cities with life, and succeed when people come first. If you plan cities for cars and traffic, you get cars and traffic. If you plan for people and places, you get people and places.

—Fred Kent, Project for Public Spaces

Our town looks like a dump! No pride of ownership. No sense of downtown.

—respondent to City of Homer Citizen Survey, December 2002

Pioneer Street looks like a crappy jumble of a town according to tourists I've talked to. It's too bad.

—another respondent to City of Homer Citizen Survey, December 2002

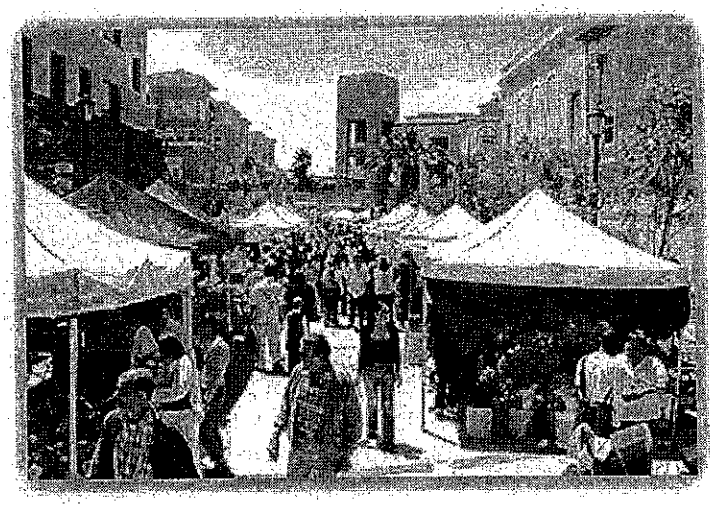
Town Center will be a community focal point to provide for business development, instill a greater sense of pride in the downtown area, enhance mobility for all forms of transportation, and contribute to a higher quality of life.

—from the Homer Town Center Development Plan, April 2006

This, essentially, is the goal of the Homer Town Center Development Plan, approved by the City Council in April 2006. The plan presents a vision of a

"viable and vibrant Town Center" achieved through a mix of uses including commercial, residential, civic, and outdoor/open space. A 2003 study prepared by economist Steve Colt of the Institute of Social and Economic Research predicted that Town Center development, as envisioned at that time, would lead to 50% higher commercial taxable sales and 35% more revenue from property taxes in a 5-year period within the designated area, and that direct employment in the area would increase by about 33% over the same period.[25]

Downtown Ithaca, New York (population 30,000) includes a "commons" and other features that make it an attractive destination.



Public markets can create a strong draw to a downtown district, as seen here in Fruitvale, California.

Momentum for developing Homer's Town Center stalled in 2008 after the defeat of a ballot proposition that would have authorized selling bonds for the purpose of building a new city hall and adjacent plaza ("town square"). This project was intended to serve as the civic anchor for Town Center, provide some of the roads, sidewalks, and utilities infrastructure, and thus help attract additional (private) development.

In light of the public rejection of a new city hall/town square, it is recommended that downtown vitalization include the following strategies:

A. Complete master planning for the Town Center district.
   1. Identify preferred routes and design for new roads, trails, sidewalks, parking areas, and community open space. Consider the needs of RV drivers in parking plans.
   2. Work with landowners to accomplish land trades or lot line adjustments as needed for roads, trails, etc.
   3. Consider a public market as a primary anchor for Town Center development and include space for the market in the master plan. Work with Homer Farmers Market toward this goal.
B. Emphasize connections to Pioneer Avenue, Main Street, and Old Town to help ensure that Town Center development benefits existing and future businesses in these areas.

[25] Steve Colt, "Fiscal and Economic Analysis of Homer Town Square Proposed Development Alternatives," Institute of Social and Economic Research, University of Alaska Anchorage, April 10, 2003.

C. Take steps to make Pioneer Avenue more appealing as a commercial district; e.g., through zoning changes and street improvements that encourage new businesses and help create a more attractive and pedestrian friendly corridor. Support similar improvements on Main Street and Bunnell Street.

D. Seek funding from public and private sources to build the first roads, sidewalks, parking lots, and trails and provide utilities as outlined in the Town Center master plan. Establish a town square or commons to serve as the location for a public market and other events.

E. Actively promote Town Center as a location for dense, attractive, mixed-use development in keeping with the overall vision for downtown vitalization.

Jobs at the Heart and Soul of a Community

All vital cities showcase at least one multi-use destination – an interesting place where people can go for a variety of activities that involve more than shopping. A multi-use destination that is the heart and soul of a community can both create an identity and generate good jobs and economic growth for that city.

A classic example is Granville Island, a tiny (38 acre) patch of waterfront in Vancouver, Canada... It is the most visited destination in British Columbia but has one of the smallest budgets for tourism advertising of any Vancouver destination.

The economic anchor is the Granville Island Market which has 50 full time local vendors that sell from market stalls, including a variety of small eating establishments with many different ethnic foods, and 45 spaces for part time vendors. And there are no chains! About 3,000 people are employed on the Island and it generates over $215 million in economic activity each year.

More than a picturesque, public-spirited, feel-good trend, markets are potent economic incubators. People go to markets not only because they can buy the fresh food they need at a price they can afford but also because markets are sociable, fun places that make for a rewarding experience.

People often think of these spots as tourist havens, with the usual low-pay, no-future tourist jobs. But a closer look shows that tourists are not the primary force behind the economic success of these places. At the Granville Island Market the highest-performing vendor is the meat market, which shows that it is a major attraction for locals. No one is going to take fresh pork chops home on the airplane or fry sausage in their hotel room. In fact, the market is busiest in the off-season when tourists are more scarce in rainy Vancouver.

—from "Putting Our Jobs Back in Place," Project for Public Spaces, pps.org

AN ORGANIZATIONAL STRUCTURE FOR ECONOMIC DEVELOPMENT

Almost everyone in the Homer community supports the idea of economic development and most would agree that there is room for improvement in that arena in our community. What are the current barriers to making these improvements?

As with many ambitious initiatives, lack of money, lack of time, and lack of organizational focus contribute to lack of progress. This section of the CEDS is intended to address these issues.

Existing structure

The organizations currently working to promote economic development in Homer are primarily the City of Homer, Homer Chamber of Commerce, Small Business Development Center, Kenai Peninsula Economic Development District (KPEDD), the Kenai Peninsula Tourism Marketing Council (KPTMC).

The KPEDD is an Alaska Regional Development Organization with offices in Kenai. It manages a business incubator on site along with two revolving loan programs and has a contract with the Kenai Peninsula Borough to produce the Kenai Peninsula Comprehensive Economic Development Strategy. The EDD also sponsors annual or semi-annual forums during which economic development topics are presented. The EDD does little to promote individual communities.

Likewise, the Kenai Peninsula Tourism Marketing Council focuses on the entire peninsula. Tourism is the only economic sector that is promoted by KPTMC.

The Homer Chamber of Commerce ("the Chamber") is a member-based organization whose mission is "to promote cooperative economic development that preserves the essence of the community while enhancing the quality of life." The Chamber operates a visitor information center, produces an annual visitors guide, sponsors events such as the Homer Halibut Derby and Kachemak Bay Shorebird Festival, and in general works to promote Homer and support local businesses both to the resident population (as with its Buy Local campaign) and to potential visitors. While the Chamber's structure includes an Economic Development Committee, the all-volunteer nature of the committee and lack of funding limits what it can accomplish.

The Small Business Development Center, housed within the Chamber of Commerce, provides valuable services but, as discussed on p. 12 of this plan, its mission is limited and it is not equipped to take on a larger role.

The City of Homer does not have an economic development department or division. Among its advisory bodies is an Economic Development Commission which has existed off and on since 1993. The commission is currently staffed by the Special Projects Coordinator who has many other responsibilities and no real background in economic development. The City's economic development activities mostly consist of support and fundraising for specific capital improvement projects aimed at upgrading or expanding public infrastructure and other facilities.

Recommendations for a new structure

A. The City of Homer (as opposed to the Chamber of Commerce or a new independent organization) should provide the governing structure for an Office of Economic Development (OED).

While the City would continue to work closely with the Chamber of Commerce to promote Homer, it makes sense that local government should assume a broad economic development role which seeks to benefit the public at large and future generations. Clear lines of authority and an established budget process will facilitate creation and management of the OED.

B. The geographic reach of the new economic development efforts should be the greater Homer area, to include Homer, Diamond Ridge, Kachemak City, and Fritz Creek.

While an argument could be made for limiting the reach to City of Homer boundaries only, this would greatly reduce the impact of the efforts and would ignore the reality that most of the people in the areas named above consider themselves part of the Homer community. The fact that the City of Homer already allows non-residents to serve on advisory bodies reflects this reality.

> **The location of the economic development function in a local government sends an important signal to existing and potential businesses as well as the local government's operating departments. For small local governments, it is common to find an economic development coordinator who works for the government's chief executive officer in a staff capacity... This person may be the single point of contact in the organization for handling requests for information about the community, undertaking staff work about tax incentives, and generally seeing that other local government departments are responsive to business needs.**
>
> —*An Economic Development Toolbox*, APA, p. 38.

C. The Office of Economic Development should be funded through a modest local bed tax.

While taxes are always a touchy subject, the fact is that the OED will not be effective without funding for a director of some sort and a budget for office expenses and program activities. The money has to come from somewhere. If it comes from existing City revenues, it would be at the expense of other City efforts.

Under state law (As 29.45.700), the Kenai Peninsula Borough could grant permission to the City of Homer to enact a local bed tax, without requiring a vote of the entire KPB electorate. Approval by voters in the affected area would still be needed to enact the tax, which could be dedicated to support the OED and, perhaps, other economic development efforts. (Some cities, for example, use bed tax revenues to finance construction and operation of conference center facilities. *See Tourism/Visitor Industry section.*)

How much revenue would a bed tax raise? If we assume that there are 1,000 rooms in the area's hotels and B&Bs, rented out for 100 nights per year at an average of $150 per night,[26] a 4% bed tax would mean an extra $6 per night per room. Multiply this by 100 nights = $600. Multiply this by 1000 rooms = $600,000 collected annually. Even after covering the costs of collecting the tax, this should be enough to fund an Office of Economic Development and cover the costs of a conference center—yet the local bed tax rate would be less than one-third of the national average of 12.6%.[27]

[26] Estimate provided by Paul Dauphinais, Executive Director, Homer Chamber of Commerce.
[27] Reported by American Hotel and Lodging Association, June 2008.

Specific activities and programs of an Office of Economic Development might include:

- Serve as the primary point of contact for individuals seeking information on starting or relocating a business in Homer.
- Guide those seeking assistance to other appropriate resources, such as the Small Business Development Center, Planning and Public Works staff, the Chamber of Commerce, or the Kenai Peninsula Economic Development District.
- Serve as liaison with the Planning and Public Works departments to help business owners understand relevant City codes and navigate the permitting process as efficiently as possible.
- Maintain the Economic Development section of the City of Homer website.
- Provide staff support to the Economic Development Commission. Assist with updates of the Comprehensive Economic Development Strategy.
- Facilitate development of a local angel investing network.
- Serve on economic development related task forces and committees, as requested.
- Help coordinate local economic development forums and events.
- If a conference center is built as a City facility, market and manage the facility for maximum community benefit.
- In general, work with other groups and individuals to identify and implement specific strategies for enhancing economic development in the Homer area.

CONCLUSION

Homer is fortunate to have earned a reputation for its beautiful setting, abundance of outdoor recreation activities, arts and culture, and unique small town charm. The economy is also reasonably diversified and healthy. However, as Homer grows, it would benefit from more focused attention on economic development to attract and retain the types of enterprises that provide good jobs and contribute to the overall vibrancy and long-term well-being of the community. This plan provides concrete recommendations which build on Homer's existing assets and, if implemented, will promote business and commerce while preserving and enhancing the quality-of-life characteristics that are so valued by residents and visitors.

IMPLEMENTATION PLAN

Successful implementation of the CEDS will depend on a collaboration of local government with members of Homer's business and non-profit communities. Many activities will be ongoing in nature. Others will set the stage for additional progress.

STRATEGY	RESPONSIBILITIES
"BIGGER PICTURE" FACTORS	
LOCAL GOVERNMENT POLICIES & SERVICES	
Goal: Local government will provide quality basic services and infrastructure needed to support and encourage private sector economic activity for the benefit of current and future generations.	
A: Utilize land use policies and other regulations to serve the overall public interest without unduly restricting development.	Planning Dept., Port & Harbor Dept., Public Works Dept.
1. Process permit and lease applications more efficiently/quickly.	
2. Project "How can we help you?" attitude in permitting process.	
3. Review policies and practices at least every 5 years.	
B. Provide high-quality public services and infrastructure.	
1. Maximize outside investment in City infrastructure to reduce burden on local taxpayers.	City Manager's Office, Public Works Dept., Port & Harbor Dept.
2. Make maintenance of infrastructure a priority.	City Council
3. Support "quality of life" through City services and infrastructure.	City Council
QUALITY-OF-LIFE FACTORS Goals include enhancing /protecting Homer's visual impact, arts and culture scene, educational opportunities, ease of transportation including walking and biking, recreation and fitness opportunities, health services, festivals and special events, and vitality of the downtown district.	City Council and all departments, in collaboration with other community groups.
AFFORDABLE HOUSING	
Goal: Assess options to meet current and future needs for affordable housing.	
A. Form task force to assess current housing supply, identify needs and barriers, evaluate options, and make recommendations.	City Council/Kenai Peninsula Housing Initiatives
A SKILLED, EDUCATED WORKFORCE	
Goal: Ensure quality life-long learning opportunities in Homer.	
A. Support quality public school programs.	City Council
1. Advocate for vocational/technical programs and basic skills classes as well as college-preparatory curricula.	
2. Support efforts to provide students with hands-on learning experiences.	
B. Support growth of UAA-KPC-Kachemak Bay Campus.	City Council
1. Support efforts to market Homer as a place to go to college.	

2. Support KBC goals aimed at expanding the campus with new buildings and facilities.	
3. Support the development of student housing.	
4. Support the development of new college programs to meet existing needs and likely areas of future job growth.	
C. Advocate for new vocational/technical training programs and centers in or near Homer.	City Council
1. Support Homer as the location for a Maritime Academy.	
2. Support vocational/technical programs offered at the college, high school, Alaska Vocational/Technical Center, and private companies or non-profit organizations	
D. Provide and protect the quality-of-life attributes known to attract skilled workers.	City Council and all departments in collaboration with other community groups
TECHNICAL AND FINANCIAL ASSISTANCE FOR BUSINESS OWNERS	
Goal: Improve chances of success for local entrepreneurs seeking to start or expand a business.	
A. Continue to support the Small Business Development Center housed at the Chamber of Commerce.	City Council
B. Support development of a new program aimed at helping entrepreneurs identify and secure needed capital.	Chamber of Commerce, City of Homer Economic Development Coordinator[28]
C. Support development of a program to provide mentoring and other networking opportunities for local entrepreneurs.	Chamber of Commerce, Economic Development Coordinator
THE BIGGER WORLD	
Goal: Help create a community that is resilient to adverse economic impacts related to such things as global financial crises, climate change, and escalating fossil fuel prices.	
A. Appoint a Local Food Commission to recommend and facilitate policies and programs designed to increase local agricultural production and consumption.	City Council
B. Continue to support development of renewable energy sources to help reduce dependence on fossil fuels.	City Council
C. Continue to work to bring natural gas to Homer.	City Council
D. Support Smart Growth principals such as mixed-use development, transportation options, and affordable housing.	City Council, Planning Commission, Planning Department
E. In development decisions, take into account possible future impacts of global greenhouse gas emissions such as sea level rise and ocean acidification, as well as potential positive effects such as longer, warmer growing seasons.	City Council, City departments
F. Support continued management of Alaska fisheries based on principles of sustainability.	City Council

[28] Economic Development Coordinator refers to a new position. See recommendations for "An Organizational Structure for Economic Development."

G. Support programs which help local business owners and homeowners improve energy efficiency in their buildings and facilities.	City Council
ECONOMIC SECTORS	
COMMERCIAL FISHING AND MARICULTURE	
Goal: Protect and enhance commercial fishing and mariculture as a key element in Homer's basic (export) economy.	
A. Support state/federal regulatory measures that help ensure sustainable fisheries.	City Council
1. Keep abreast of information related to fisheries health.	
2. Support regulatory proposals aimed at maintaining healthy populations and sustainable harvest levels.	
B. Provide and maintain infrastructure at the Port of Homer needed to support and grow the local fishing industry.	City Council, City Manager, Port & Harbor Director
1. Seek ways to either redefine "fish processing" at the state level or meet the current definition at the local level to help capture more of the fisheries taxes collected by the Alaska Dept. of Revenue.	
2. Continue to seek funding for expansion of the small boat harbor to make room for more commercial fishing vessels.	
C. Encourage development of the local seafood industry beyond traditional products and markets.	City of Homer Economic Development Coordinator, Small Business Development Center, Kenai Peninsula Economic Development District
D. Market Homer as a center for commercial fishing and quality seafood products.	Chamber of Commerce, industry groups, City Council
1. Develop and promote local product identification.	
2. Publicize the advantages of doing fisheries-related business in Homer.	
GENERAL MARINE TRADES/PORT & HARBOR DEVELOPMENT	
Goal: Promote growth and vitality of the marine trades as an economic cluster in Homer.	
A. Utilize City lease policies to help ensure that property needed for marine businesses is available on the Homer Spit at reasonable terms.	City Council, City Manager, Lease Committee
B. Continue to seek funding for capital projects that will benefit the marine trades, such as Deep Water Dock expansion and expansion of the Small Boat Harbor.	City Council, Special Projects Coordinator, Port & Harbor Director
C. Promote Homer as the site for an Alaska Maritime Academy.	City Council
D. Encourage new businesses that will fill unmet needs within the marine trades cluster.	Economic Development Coordinator, Chamber of Commerce
E. Address parking problems on the Spit	City Council
F. Encourage overslope development through public/private partnership whereby the City of Homer will invest in the necessary platforms and pilings to support further development.	City Council

TOURISM/VISITOR INDUSTRY	
Goal: Increase the net benefits that tourism brings to Homer. *Note: The following objectives (A, B, and C) are taken from the Homer Comprehensive Plan, Economic Vitality Chapter. For more information including proposed strategies, see the Homer Comprehensive Plan, Chapter 8.*	
A. Invest in local infrastructure, parks, and civic improvements that will serve locals as well as visitors.	City Council
B. Support efforts to improve community attractions, including access to attractions and links between them.	City Council, Parks and Recreation Division, partner organizations such as Pratt Museum
C. Increase the net benefits that tourism brings to Homer. *The following strategy is one of those listed in the Homer Comprehensive Plan for achieving this objective: "Continue to explore the establishment of conference and convention capabilities in existing and/or new facilities."*	City Council, City Manager
1. (EDC recommendation): Pursue enactment of a modest local bed tax to support a conference center and other economic development activities.	
ARTS AND THE CREATIVE CLASS	
Goal: Continue to attract artists and other members of the creative class to Homer and maximize economic benefit to the community.	
A. Work to enhance and protect the quality of life factors that make Homer attractive to artists and other creative people.	City Council
B. Support public art above and beyond the existing 1% for Arts ordinance.	City Council and all departments, in collaboration with other community groups and businesses
1. Commission public art for existing parks, buildings, streets/sidewalks, and other facilities.	
2. Provide spaces, permanent and temporary, for art installations and music/performance art events.	
C. Publicly recognize the value of art in our lives and in our community.	City Council, Chamber of Commerce, other organizations
D. Support arts education in the public schools and elsewhere.	Kenai Peninsula Borough School District, City of Homer
E. Partner with local arts organizations and businesses to promote art in the community.	City Council, Chamber of Commerce
HEALTH, WELLNESS, AND RECREATION	
Goal: Enhance the economic benefits to Homer from health, wellness, and recreation programs and providers.	
A. Support efforts to provide modern technology in the health care sector; e.g., at South Peninsula Hospital.	South Peninsula Hospital, City Council
B. Support local job training programs in the health care field.	City Council, UAA-KPC-Kachemak Bay Campus

C. Seek to attract medical specialists in areas where there is unmet need.	Medical community, social service agencies
D. Support growth of services to meet the needs of senior citizens.	Homer Senior Citizens, other social service agencies, City Council
E. Support necessary steps to comply with federal health care reform mandates at the local level.	South Peninsula Hospital, other health providers, City Council
F. Publicize Homer's many health care and wellness options through a directory of local health and wellness services.	Chamber of Commerce, Economic Development Coordinator
G. Expand and improve the City of Homer's Parks and Recreation Program.	City Council, Parks and Recreation Commission, Community Recreation Coordinator
1. Complete a community recreation needs assessment.	
2. Investigate successful models from other towns.	
3. Develop a community parks and recreation master plan that describes program elements, staffing needs, and potential funding sources.	
4. Seek funding from multiple sources for the Parks and Recreation Program.	
EDUCATION	
Goal: Enhance economic development in Homer through the education sector.	
A. Support early childhood education programs in Homer.	City Council
B. Support adequate funding for Kenai Peninsula School District operations in Homer, with an expansion of vocational-technical education.	City Council
C. Support goals of the Kachemak Bay Campus of UAA-KPC including expansion of the campus and provision of student housing.	City Council
D. Support expansion of educational programs to take advantage of emerging economic opportunities and/or to capitalize on Homer's existing strengths and assets, such as interest in sustainability, proximity to ocean resources, and arts/culture.	City Council, local college, local arts organizations and other non-profits
THREE BROAD SECTORS: CONSTRUCTION & MANUFACTURING, RETAIL, SERVICES	
Goal: Increase the contribution these sectors make to Homer's overall economic health.	
A. Encourage enterprises that will provide jobs and other economic benefits without serious negative side effects.	City Council, Economic Development Commission, Economic Development Coordinator, Chamber of Commerce
B. Encourage value-added manufacturing to maximize local resources and provide products for export.	City Council, Economic Development Commission, Economic Development Coordinator, Chamber of Commerce
C. Convey a "How can we help you?" attitude to assist prospective business owners and those seeking to expand existing businesses.	City Council, Planning Commission, Planning Department
1. Utilize zoning to ensure adequate land for different needs and publicize available land zoned for different purposes.	

2. Improve the permitting process to clearly communicate requirements and reduce time and frustration for applicants.	
3. Publicize resources provided by other organizations that can assist local business owners.	
HIGH TECH/INTERNET BUSINESSES	
Goal: Support the growth of the high tech sector in Homer, including Internet-based businesses.	
A. Support technical upgrades that benefit individuals and businesses who utilize these services extensively; e.g., high speed broadband Internet, improved cell phone service, and wireless connectivity.	City Council, Economic Development Coordinator, Chamber of Commerce
B. Market Homer's quality of life factors and suitability for high-tech/Internet-based operations.	City Council, Economic Development Coordinator, Chamber of Commerce
C. Support training opportunities for skill development in computer-related fields, including Internet-based commerce.	UAA-KPC-Kachemak Bay Campus, local high schools
TRANSPORTATION AND WAREHOUSING	
Goal: Increase the role of transportation and warehousing in Homer's economy.	
A. Improve and expand Homer's Port and Harbor facilities, including expansion of the Deep Water Dock and construction of the proposed East Boat Harbor.	City Council, City Manager, Port and Harbor Dept.
B. Utilize lease policies to simultaneously benefit the broader community and individual business owners.	City Council, City Manager, Lease Committee
C. Market Homer to attract new transportation-related businesses.	City Council, Chamber of Commerce
D. Improve and expand Homer's overall transportation network in keeping with the goals of the Homer Comprehensive Plan, Transportation Plan, and Non-Motorized Transportation and Trail Plan.	City Council, Planning Commission, Planning Dept., Public Works Dept.
E. Support the development of a rail line connecting Homer to Anchorage.	City Council
AGRICULTURE	
Goal: Support expansion of local agricultural enterprises in the Homer area.	
A. Provide the Homer Farmers Market with a permanent location; e.g., in the proposed Town Center.	City Council
B. Advocate for a USDA-approved meat processing facility on the southern Kenai Peninsula.	City Council, Homer Farmers Market
C. Support construction of a community cold storage/freezer facility.	City Council, Homer Farmers Market
D. Support development of a "kitchen incubator" that provides food producers and processors in start-up and growth phases with access to technical assistance and shared facilities.	City Council, Homer Farmers Market
E. Build a new greenhouse for the City to use and donate existing greenhouses to Homer High School for use in a full year-long agriculture curriculum.	City Council, Kenai Peninsula Borough School District

F. Support efforts to encourage local food production, connect local farmers with markets, and publicize the benefits of "eating local."	Homer Farmers Market, Sustainable Homer, City Council, Chamber of Commerce
G. Consider land use and/or tax incentives to take full advantage of the fact that the Homer bench is an extremely valuable agricultural microclimate.	City Council
H. Establish a program whereby City crews and equipment will assist in turning lawns into garden plots, at either no or low cost to property owners.	City Council, Public Works Dept.
I. Eliminate the City sales tax on locally grown non-prepared food.	City Council
J. Support changes in borough tax policy to classify greenhouses as "agricultural."	City Council
K. Network and collaborate with University of Alaska-Fairbanks and Cooperative Extension Service personnel regarding research and funding opportunities.	Homer Farmers Market, City Council
L. Establish a Local Food Commission to further develop goals and strategies related to local agriculture/sustainability and facilitate achievement of the goals.	City Council
RETIREES AND SECOND-HOME RESIDENTS	
Goal: Maximize the benefits of retirees and second-home residents to the local economy.	
A. Focus on enhancing and marketing quality of life factors rather than offering financial incentives to attract retirees.	City Council
B. Support the growth of senior services in Homer, including health services.	Homer Senior Citizens, South Peninsula Hospital, and other health and social service agencies
C. Support efforts that result in vacation travel by seniors to Homer and seek to create a positive first impression for these visitors.	City Council, Chamber of Commerce
GOVERNMENT	
Goal: Without advocating unnecessary growth of government, maximize the contributions of government (especially borough, state, and federal) as an economic sector in Homer.	
A. Advocate for expansion of borough, state, federal, and tribal government offices and programs in Homer, as appropriate.	City Council
B. Seek to understand the needs of government agencies in Homer and work cooperatively to ensure those needs are met.	City Council
C. Respond to requests for letters and resolutions of support by government agencies, as appropriate.	City Council, City Manager
D. Take advantage of opportunities for networking and collaboration to help foster positive relationships with representatives of government agencies.	City Council, City departments

DOWNTOWN VITALIZATION	
Goal: Enhance downtown Homer as a magnet for business development, a destination for residents and visitors, and a recognized asset contributing to Homer's quality of life.	
A. Complete master planning for the Town Center district.	City Council, possibly working with task force
1. Identify preferred routes and design for new roads, trails, sidewalks, parking areas, and community open space.	
2. Work with landowners to accomplish land trades or lot line adjustments as needed.	
3. Consider a public market as a primary anchor for Town Center development and include space for the market in the master plan. Work with Homer Farmers Market toward this goal.	
B. Emphasize connections to Pioneer Avenue, Main Street, and Old Town to help ensure that Town Center development benefits existing and future businesses in these areas.	City Council, Planning Department, Public Works Department
C. Take steps to make Pioneer Avenue more appealing as a commercial district. Support similar improvements on Main Street and Bunnell Street.	City Council, Planning Department, Chamber of Commerce
D. Seek funding from public and private sources to build the first roads, sidewalks, parking lots, and trails and provide utilities as outlined in the Town Center master plan.	City Council, City Manager, Special Projects Coordinator
E. Actively promote Town Center as a location for dense, attractive, mixed-use development.	City Council, Economic Development Coordinator, Chamber of Commerce
AN ORGANIZATIONAL STRUCTURE FOR ECONOMIC DEVELOPMENT	
Goal: Greatly increase the chances that other goals in this plan will be accomplished by providing funding and staffing for an economic development office.	
A. Seek permission from the Kenai Peninsula Borough and from voters to enact a modest local bed tax to provide a revenue stream to support economic development activities, possibly including construction and operation of a conference center.	City Council
B. Establish the economic development office as a City division (or initially, a single full-time position).	City Council
C. Establish the geographic reach of the new program as the greater Homer area, to include Homer, Diamond Ridge, Kachemak City, and Fritz Creek.	City Council

PUBLIC HEARINGS

CITY OF HOMER
PUBLIC HEARING NOTICE
CITY COUNCIL MEETING

Ordinance 10-51, Resolutions 10-89, 10-90, & 10-91

A **public hearing** is scheduled for **Monday, November 22, 2010** during a Regular City Council Meeting. The meeting begins at 6:00 p.m. in the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

Ordinance 10-51 internet address:
http://www.ci.homer.ak.us/ordinances/city-ordinances-1979-2010

Ordinance 10-51, An Ordinance of the City Council of Homer, Alaska, Appropriating Funds for the Calendar Year 2011 for the General Fund, the Water-Sewer Fund, the Port/Harbor Fund, Debt Funds, and Capital Reserve Funds (Conditional Expenditures). City Manager.

View the Preliminary Budget for Fiscal Year 2011 at: **http://finance.ci.homer.ak.us/2011.pdf**

Resolution 10-89 internet address:
http://www.ci.homer.ak.us/resolutions/city-resolutions-1983-2010

Resolution 10-89, A Resolution of the City Council of Homer, Alaska, Revising Certain Portions of the Port and Harbor of Homer Terminal Tariff No. 600 and Amending the City of Homer Fee Schedule Accordingly. City Clerk.

Resolution 10-90 internet address:
http://www.ci.homer.ak.us/resolutions/city-resolutions-1983-2010

Resolution 10-90, A Resolution of the City Council Amending the City of Homer Fee Schedule Under Airport Terminal Facility, Long Term Parking, Under Public Safety, Parking Tickets, and Under Administrative Fees, Modem Transmission, Data Fees, and Document Copy Fees. City Clerk.

Resolution 10-91 internet address:
http://www.ci.homer.ak.us/resolutions/city-resolutions-1983-2010

Resolution 10-91, A Resolution of the City Council of Homer, Alaska Authorizing the City Administration and the City Auditors to Operate, Budget for, and Audit the Water and Sewer Enterprise Fund as a Special Revenue Fund Under Relevant Statutes and Other Applicable Authorities and Renaming the Homer Water and Sewer Enterprise Fund the Homer Water and Sewer Special Revenue Fund. City Manager/Finance Director.

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

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

Jo Johnson, CMC, City Clerk

Publish: Homer News: November 18, 2010

CLERK'S AFFIDAVIT OF POSTING

I, Renee Krause, CMC, Deputy City Clerk I for the City of Homer, Alaska, do hereby certify that a copy of the Public Hearing Notice for Ordinance 10-51, Appropriating Funds for the Calendar Year 2011 for the General Fund, the Water-Sewer Fund, the Port/Harbor Fund, Debt Funds and Capital Reserve Funds (Conditional Expenditures); Resolution 10-89, Revising Certain Portions of the Port and Harbor of Homer Terminal Tariff No. 600 and Amending the City of Homer Fee Schedule Accordingly; Resolution 10-90, Amending the City of Homer Fee Schedule Under Airport Terminal Facility, Long Term Parking, Under Public Safety, Parking Tickets, and Under Administrative Fees, Modem Transmission, Data Fees, and Document Copy Fees; and Resolution 10-91, Authorizing the City Administration and the City Auditors to Operate, Budget for, and Audit the Water and Sewer Enterprise Fund as a Special Revenue Fund Under Relevant Statutes and Other Applicable Authorities and Renaming the Homer Water and Sewer Enterprise Fund the Homer Water and Sewer Special Revenue Fund at the City of Homer kiosks located at City Clerk's Office, Captain's Coffee Roasting Co., Harbormaster's Office, and Redden Marine Supply of Homer, on November 12, 2010 and that the City Clerk posted same on City of Homer Homepage on November 10, 2010.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of said City of Homer this 10th day of November, 2010.

Renee Krause

Renee Krause, CMC, Deputy City Clerk I

ORDINANCE REFERENCE SHEET
2010 ORDINANCE
ORDINANCE 10-51

An Ordinance of the City Council of Homer, Alaska, Appropriating Funds for the Calendar Year 2011 for the General Fund, the Water-Sewer Fund, the Port/Harbor Fund, Debt Funds, and Capital Reserve Funds (Conditional Expenditures).

Sponsor: City Manager

1. City Council Regular Meeting October 25, 2010 Introduction

2. City Council Regular Meeting November 22, 2010 Public Hearing

CITY OF HOMER
HOMER, ALASKA

City Manager

ORDINANCE 10-51

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, APPROPRIATING FUNDS FOR THE CALENDAR YEAR 2011 FOR THE GENERAL FUND, THE WATER-SEWER FUND, THE PORT/HARBOR FUND, DEBT FUNDS, AND CAPITAL RESERVE FUNDS (CONDITIONAL EXPENDITURES).

THE CITY OF HOMER ORDAINS:

Section 1. Pursuant to the authority of Alaska Statute, Title 29, the appropriations for Calendar Year ending December 2011 are appropriated as follows:

General Fund	$10,058,874
Water-Sewer Fund	$ 3,536,743
Port/Harbor Fund	$ 3,612,500
Capital Projects	$ 1,866,335
Internal Service Funds	$ 1,698,272
Total Expenditures	$ 20,772,724

Section 2. Such amounts are appropriated to the objects and purposes stated in the adopted budget.

Section 3. A copy of the budget shall be certified by the City Clerk and filed in the Office of the City Clerk.

Section 4. The supporting Line Item Budget detail as presented by the Administration and reviewed by the City Council is incorporated as part of this Budget Ordinance.

Section 5. The property tax mill levy is set at 4.5 mills for 2011.

Section 6. This Ordinance is limited to approval of the Budget and appropriations for Calendar Year 2011, is a non code Ordinance and shall become effective January 1, 2011.

PASSED AND ENACTED by the Homer City Council on this _____ day of December, 2010.

CITY OF HOMER

_____
JAMES C. HORNADAY, MAYOR

ATTEST:

_____
JO JOHNSON, CMC, CITY CLERK

Introduction:
Public Hearing:
Second Reading:
Effective Date:

AYES:
NOES:
ABSTAIN:
ABSENT:

Reviewed and approved as to form:

_____
Walt E. Wrede, City Manager

Date: _____

_____
Thomas F. Klinkner, City Attorney

Date: _____

Fiscal Note: See line item budget and detail.

CITY OF HOMER
HOMER, ALASKA

City Clerk

RESOLUTION 10-89

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, REVISING CERTAIN PORTIONS OF THE PORT AND HARBOR OF HOMER TERMINAL TARIFF NO. 600 AND AMENDING THE CITY OF HOMER FEE SCHEDULE ACCORDINGLY.

WHEREAS, These rates correspond with CY2011 Budget Ordinance and shall be effective January 1, 2011; and

WHEREAS, These revisions are effective upon filing with the Federal Maritime Commission as an amendment to the Homer Port and Harbor Tariff.

NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby revises certain portions of the Port and Harbor of Homer Terminal Tariff No. 600 as follows, those portions of the Tariff not expressly mentioned shall remain in effect without revision and that the City of Homer Fee Schedule shall be amended accordingly.

Rules or Category	Current 2010 Rates	Proposed 2011 Rates
34.13 Wait List Fee	$ 30.00	$ 30.00
34.15 Waste Oil over 5 gallon per gallon	$ 3.25	$ 3.25
34.18b Annual Moorage Fee	$ 34.19	$ 35.22
Administrative Charge	$ 50.00	$ 50.00
34.19		
Dockage	$ 2.20	$ 2.27
Cruise Ship Dockage	$ 2.20	$ 2.27
Cruise Ship Service Charge	$ 467.50	$ 481.53
Dockage Service Charge	$ 50.00	$ 52.00

34.2		
Freight N.O.S.	$ 7.96	$ 7.96
Freight at Barge Ramp	$ 5.14	$ 5.14
Poles, Logs, cants or cut	$ 3.95	$ 3.95
Petroleum Products		
Barrel	$ 0.37	$ 0.39
Gallon	$ 0.01	$ 0.0103
Seafood/Fish Products	$ 4.62	$ 4.76
Livestock	$ 10.12	$ 10.12
Fowl	$ 10.12	$ 10.12
Boats		
Up to 20 ft. Each	$ 15.66	$ 15.66
Over 20 ft. per lineal ft.	$ 1.60	$ 1.60
34.21		
Demurrage per sq. ft.	$ 0.08	$ 0.09
34.22 Uplands Storage		
Open area fishing gear	$ 0.12	$ 0.12
Open area non-fishing gear	$ 0.17	$ 0.17
Fenced storage yard	$ 0.24	$ 0.24
34.23 Tidal Grids		
0 - 59'	$ 1.02	$ 1.05
60 - 80'	$ 2.48	$ 2.55
81 - 100'	$ 3.16	$ 3.25
101 - 120'	$ 3.70	$ 3.82
121 - 140'	$ 4.11	$ 4.24

34.25		
DWD Potable Water		
Per Thousand Gallon	$ 37.68	$ 38.81
Connect/Disconnect Scheduled	$ 99.00	$ 102.00
Connect/Disconnect Not Scheduled	$ 135.26	$ 139.32
Electricity		
Reserved Stall		
Meter Availability Fee	$ 23.25	$ 23.95
Connect/Disconnect Fee	$ 27.96	$ 28.80
Transient Vessel		
Meter Availibility Fee	$ 27.96	$ 28.80
Connect/Disconnect Fee	$ 27.96	$ 28.80
Non-Metered Power		
Daily		
110 volt	$ 9.90	$ 10.20
220 volt	$ 19.53	$ 20.12
208 volt three phase	$ 43.88	$ 45.20
Monthly		
110 volt	$ 148.22	$ 152.67
220 volt	$ 331.74	$ 341.70
Towing inside Harbor		
1/2 hour	$ 66.00	$ 68.00
1 hour	$ 99.00	$ 102.00
Pumping Vessel		
Elect Pump per day	$	$

	39.60	40.79
Gas Pump per hour (includes attendant)	$ 67.93	$ 69.97
City Personnel Labor		
per hour	$ 99.00	$ 102.00
per 1/2 hour	$ 49.50	$ 51.00
Waste oil over 5 gal - per gal	$ 3.25	$ 3.35
Regulated Garbage Handling	$ 800.00	$ 800.00
Regulated Garbage per 100 lbs.	$ 90.00	$ 90.00
34.27 Search & Rescue per hour	$ 99.00	$ 102.00
34.28		
Boat Launch Ramp		
Per day	$ 12.00	$ 13.00
Season Pass	$ 125.00	$ 130.00
34.29		
Beaches/Barge Ramp		
Vessels up to 50 ft. per foot	$ 1.45	$ 1.50
Vessels over 50 ft. per foot	$ 1.45	$ 1.50
34.3		
Fish Dock		
Vessels blocking cranes per hr	$ 150.00	$ 150.00
Unattended vessels	$ 150.00	$ 150.00
Annual access	$ 50.00	$ 52.00
Card Replacement Fee	$ 15.00	$ 15.00
Cold Storage Fee per month	$ 325.00	$ 334.75

Two consecutive months	$ 300.00	$ 309.00
Three consecutive months	$ 275.00	$ 283.25
Nine month season	$ 250.00	$ 257.50
Bait Storage Fee (4x4x4)		
Per day	$ 5.00	$ 5.15
Per week	$ 25.00	$ 25.75
Per month	$ 75.00	$ 77.25
Crane usage per hour	$ 88.00	$ 90.64
Ice per ton	$ 115.50	$ 119.00
Seafood wharfage	$ 4.62	$ 4.76
Freight non seafood per ton	$ 14.00	$ 14.50
Parking per calendar day Labor Day - Memorial Day	$ 5.00	$ 5.00
Fish Grinder		
Tub	$ 4.00	$ 5.00
Tote	$ 20.00	$ 30.00
Swap Request	$ 25.00	$ 25.00

PASSED AND ADOPTED by the Homer City Council this ____ day of December, 2010.

CITY OF HOMER

_____
JAMES C. HORNADAY, MAYOR

ATTEST:

_____
JO JOHNSON, CMC, CITY CLERK

Fiscal Note: Included in the CY2011 budget proposal.

CITY OF HOMER
HOMER, ALASKA

City Clerk

RESOLUTION 10-90

A RESOLUTION OF THE CITY COUNCIL AMENDING THE CITY OF HOMER FEE SCHEDULE UNDER AIRPORT TERMINAL FACILITY, LONG TERM PARKING, UNDER PUBLIC SAFETY, PARKING TICKETS, AND UNDER ADMINISTRATIVE FEES, MODEM TRANSMISSION, DATA FEES, AND DOCUMENT COPY FEES.

WHEREAS, Fees for long term parking at the Airport are increased; and

WHEREAS, Fees for parking tickets under Public Safety have been increased; and

WHEREAS, Fees for copies under Administrative Fees have been revised and fees for modem transmission and data have been eliminated and replaced with electronic transmission fees.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby amends the City of Homer Fee Schedule, Airport Terminal Facility, Public Safety, and Administrative Fees as follows:

AIRPORT TERMINAL FACILITY

Administration - 235-8121 (ext 2225)

(The following fees have been set by legislative enactments, Resolution 04-98(S)(A). 94-61, 93-107, 08-124).

Advertising only:
$ 75/yr. - size 9X4"
$ 100/yr. - size 9X7"
$125/yr. - size 9X11"

Advertising w/Direct Dial Phone - $350/year
Long Term Parking - Per day ~~$3~~**$5**
Annual Pass $500/year
Vending Machine Space $30/month

PUBLIC SAFETY

Emergency 911
Administrative Office 235-3150
HPD = Homer Police Department

(The following fees have been set by legislative enactments to HCC 7): Resolution 06-45
Handicap Parking Violation $100

Noisy Vehicles - enforcement begins April 28, 2004.
Noise greater than 85 decibels (dBA) at a distance of fifty (50) feet is prohibited. Between the hours of 8 p.m. and 8 a.m. not greater than 75 dBA at a distance of fifty (50) feet.

Offense	Penalty/Fine
Muffler not working properly	CORR/$500
Muffler modified/excessive noise	CORR/$500
Muffler removed or inoperative	CORR/$500
Noise exceeds limits:	
First conviction	$100
Second conviction within 6 months of first conviction	$200
Third conviction within 6 months of any prior conviction	$300
Sale of vehicle exceeding noise limits:	
First conviction	$100
Second conviction within six (6) months of first conviction	$200
Third conviction within six (6) months of any prior conviction	$300
Jake brake use prohibited:	
First conviction	$100
Second conviction within six (6) months of first conviction	$200 plus proof of satisfactory HPD commercial vehicle inspection
Third conviction within six (6) months of any prior conviction	$300 plus proof of satisfactory HPD commercial vehicle inspection

CORR: "CORR" means a correctable/dismissable offense. A citation for one of these offenses may be dismissed (or voided) if proof of correction is presented to a HPD vehicle inspector within thirty (30) days. If the required repair is not made and shown to a vehicle inspector within the specified time, the defendant must pay the fine.
Public Transportation (HCC 8.12.150 and 8.12.200):

Vehicle Permit $75 Fiscal Year, expires June 30th
Permit $37.50 after January 1st, expires June 30th
$5 Replacement Permit

Chauffeurs License $75 application fee plus the fees in the amount of $35.00 (for Fingerprinting to the State of Alaska)(none of these fees are refundable)
Annual Safety Inspection commercial vehicles $100

(The following fees have been set by legislative enactments AAC 13 (Paid at City Hall).

Parking Tickets -~~$10~~**$25**

(The following fees have been set by legislative enactments to HCC 8, Ord. 01-20).

Itinerant Merchant -	$110/for 60 days
Mobile Food Unit -	$130/per yr.

ADMINISTRATIVE FEES FOR THE CITY OF HOMER

(The following fees have been set by legislative enactments, Ordinances 04-53(S)(A), 03-36(A), 01-13(S)(A); Resolutions 06-24(S), 05-125(S), 05-49, 05-22, 04-98(S)(A), 04-96, 04-95, 04-94(S)(A), 03-159, 00-14, 99-116, 99-50, 95-1 and 92-10(A), Regulations Concerning Public Record Inspections dated March 2003.)

These fees are administrative fees for all departments of the City of Homer unless otherwise specified under that department. All fees are inclusive of sales tax. Unless otherwise specified: Any item mailed may have an additional fee added for actual postage. Handling fees may be added up to the actual staff time spent preparing the item for shipping.

An application for indigency may be filed with the City Manager for waiving or partially waiving the costs of fees. The City Manager may allow an applicant, who qualifies as an indigent, a reduced fee, a payment plan or a waiver of the fee where the Manager is able to make a written finding, based on information provided by the applicant, that payment of the fee would be a financial hardship. Based upon the information provided, the fee may be reduced or waived in accordance with the following scale:

Annual Income as a Percent of current Health and Human Services (HHS) Poverty Guidelines for Alaska	Percent of fee reduced
1-100%	100% Waiver
101-149%	75% Waiver
150-174%	50% Waiver
175-199%	25% Waiver
200% plus	No Waiver

Airport Pickup/delivery $25
Annual Safety Inspection commercial vehicles $100
Annual Taxi Permit $75
Appeal Fees

Water and Sewer Appeals, under HCC 14.04 and 14.08 – shall be set by Resolution; in the event the appellant is the prevailing party the fee shall be refundable. Ordinance 05-43(A).

Zoning Appeals – fee $250.00 subject to refund if the appellant is successful on any aspect of appeal. Resolution 06-24(S)

Credit Cards are accepted for other than real property lease payments with a minimum of $10.
Computer Disc (includes 1st class postage): $10/disc

CD Reproductions: $20.00

~~Data fee $ .10/2000bytes~~

Document copying fees: ~~The first nine (9) copies are free. Ten (10) copies are $2.50. More than ten (10) copies are~~ $ .25/page

Certification Fee: $10/report

Driver License Records $10

Fax: w/in Alaska $1/page, Continental US $2/1st page, Subsequent pages $1/page. Other destination $5/1st page. Subsequent pages $2/page.

~~Modem Transmission $10. Data fees $.10/2,000 bytes~~

Electronic transmission: $1/page (Scanned PDF document)

Lease application fee $30

Lease fee $300
Lease Assignment Fee $250

Local Bidder's Preference

Non-local bid is	Local bid is not more than
$0 - $500,000.00	5 percent higher than non-local bid
$0 - $1,000,000.00	5 percent higher than non-local bid on first $500,000.00 and 2.5 percent higher than non-local bid on amount in excess of $500,000.00 to $1,000,000.00

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

Photograph Copying: $10/order (includes shipping and; handling)
If done commercially – Actual Costs plus 5%

Production Fees -

Per requestor in a calendar month exceeds five-person hours the fee is the City employee's actual salary plus benefit costs. An estimate will be prepared and the requestor must deposit the estimated production and copying fees in advance. If the actual costs are greater than the estimate the records will not be released until the difference is paid and if the actual costs are less the requestor will receive a refund of the difference.

No fee for simple inspection, except when the production of records by one requestor exceeds five person hours in a calendar month.

Local Improvement Districts (LID's):

HARP (Homer Accelerated Roads Program) LID's
Assessments are: $30 per front foot for Road Reconstruction
$17 per front foot for Paving
HAWSP (Homer Accelerated Water and Sewer Program) LID's
Assessments are: 75% of the total project cost allocated in equal shares to each participating parcel
OTHER LID's if approved by the Council are at 100% property owner participation.

Application Fee	$100
Bill Fee	$3.00 per bill
Administrative Fee	
0-500,000	5%
over 500,000	$25,000 plus 2.5%

Notary $5.00

Smoking prohibited in City Facilities, Vehicles and Watercraft - $25 fine

Tapes: Audio Cassette (Police Department) $25 tape
Subsequent, $15/tape Includes 1st class postage
Video Cassette (Police Department) $30/tape
Vehicle Impound/Storage Fees (actual costs + towing) Storage, $7.50/per day

PASSED AND ADOPTED by the City Council of Homer, Alaska, this ____ day of _____, 2010.

CITY OF HOMER

JAMES C. HORNADAY, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

Fiscal Note: Revenue amounts not defined in CY2011 budget.

CITY OF HOMER
HOMER, ALASKA

City Manager/
Finance Director

RESOLUTION 10-91

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, AUTHORIZING THE CITY ADMINISTRATION AND THE CITY AUDITORS TO OPERATE, BUDGET FOR, AND AUDIT THE WATER AND SEWER ENTERPRISE FUND AS A SPECIAL REVENUE FUND UNDER RELEVANT STATUTES AND OTHER APPLICABLE AUTHORITIES AND RENAMING THE HOMER WATER AND SEWER ENTERPRISE FUND THE HOMER WATER AND SEWER SPECIAL REVENUE FUND.

WHEREAS, The Homer Water and Sewer Fund is presently being referred to, budgeted for, and audited as though it were a true enterprise fund in which all expenses, including full depreciation, were paid for by users of the utility; and

WHEREAS, A basic principle of enterprise funds is that all depreciation expenses must be shared with the users of the utility; and

WHEREAS, In reality, the Water and Sewer Fund is not a true enterprise fund because capital costs, and most replacement and depreciation costs are paid for by grants or sales tax revenues through the Homer Accelerated Water and Sewer Fund Program and these improvements then become assets of the Water and Sewer Fund even though that fund did not pay for them; and

WHEREAS, Auditing and establishing operating budgets for the Water and Sewer Fund as though it were a true enterprise fund results in a skewed and deceptive presentation of the fund balance and the overall fiscal condition of the fund; and

WHEREAS, It is common for municipally owned utilities that operate with mixed revenue sources to establish Special Revenue Funds to budget for and audit those utilities; and

WHEREAS, The Finance Department has consulted with the City Auditors, utility rate setting experts, bonding and financing authorities, and other municipalities and has concluded that it is in the best interest of the City to operate the Water and Sewer Fund as a Special Revenue Fund for the reasons provided in the attached memorandum.

NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby authorizes the City Administration and the City Auditors to operate, budget for, and audit the Homer Water and Sewer Fund as a Special Revenue Fund under relevant statutes and other applicable authorities.

BE IT FURTHER RESOLVED that the Homer City Council hereby officially renames the Homer Water and Sewer Enterprise Fund the Homer Water and Sewer Special Revenue Fund.

PASSED AND ADOPTED by the Homer City Council this 25th day of October, 2010.

CITY OF HOMER

_____
JAMES C. HORNADAY, MAYOR

ATTEST:

_____
JO JOHNSON, CMC, CITY CLERK

Fiscal Note: N/A

ORDINANCE(S)

ORDINANCE REFERENCE SHEET
2010 ORDINANCE
ORDINANCE 10-52

An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a Homeland Security and Emergency Management Grant in the Amount of $30,000.00 in Federal Funds to Purchase Emergency Medical Dispatch ProQA Software, and Authorizing the City Manager to Execute the Appropriate Documents.

Sponsor: City Manager/Police Chief

1. City Council Regular Meeting November 22, 2010 Introduction

    a. Memorandum 10-135 from Police Chief as backup
    b. Memorandum 10-136 from Police Chief as backup
    c. Project Budget

CITY OF HOMER
HOMER, ALASKA

City Manager/
Police Chief

ORDINANCE 10-52

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, ACCEPTING AND APPROPRIATING A HOMELAND SECURITY AND EMERGENCY MANAGEMENT GRANT IN THE AMOUNT OF $30,000.00 IN FEDERAL FUNDS TO PURCHASE EMERGENCY MEDICAL DISPATCH PROQA SOFTWARE, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPROPRIATE DOCUMENTS.

WHEREAS, A Homeland Security Grant in the amount of $30,000 was awarded to the Homer Police Department; and

WHEREAS, This grant is to be used for new Emergency Medical Dispatch ProQA software to enable dispatchers to use a computerized program to assist emergency medical dispatch functions; and

WHEREAS, The Emergency Medical Dispatch ProQA software will enhance Dispatch's ability to help ensure proper responses for medical emergencies.

NOW, THEREFORE, BE IT ORDAINED by the City of Homer:

Section 1. The Homer City Council hereby accepts and appropriates a grant of $30,000 from Homeland Security as follows:

Revenue:

Account No.	Description	Amount
151-774	Homeland Security Grant	$30,000

Expenditure:

Account No.	Description	Amount
151-774	Emergency Medical Dispatch ProQA Software	$30,000

Section 2. This ordinance is a budget amendment only, is not of a permanent nature and is a non code ordinance.

PASSED AND ENACTED by the Homer City Council this ____ day of _____, 2010.

CITY OF HOMER

_____
JAMES C. HORNADAY, MAYOR

ATTEST:

_____
JO JOHNSON, CMC, CITY CLERK

Introduction:
Public Hearing:
Second Reading:
Effective Date:

Ayes:
Noes:
Abstain:
Absent:

Reviewed and approved as to form:

_____
Walt E. Wrede City Manager

Date:_____

_____
Thomas F. Klinkner, City Attorney

Date: _____

Fiscal Note: Fiscal information included in body of Ordinance.

CITY OF HOMER
POLICE DEPARTMENT

4060 HEATH STREET HOMER, AK 99603-7609

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

MEMORANDUM 10-135

DATE: November 5th, 2010

TO: Walt Wrede, City Manager

FROM: Mark Robl, Chief of Police

SUBJECT: Homeland Security Grant for Dispatch Software

We have been awarded a grant of $30,000 from the state's Homeland Security Grant Program for new Emergency Medical Dispatch ProQA software. I request council approval to accept this grant and purchase the new software from Priority Dispatch.

Police department dispatchers currently use a manual card system when performing the emergency medical dispatch function. The dispatcher pages through the manual card system until the proper page is reached that describes the patients symptoms and then issues patient care instructions until EMT's arrive on scene. The ProQA software computerizes the card system allowing dispatchers to find the appropriate care instructions quickly, move through them as conditions change with a keystroke and it generates a very accurate record of the incident. The record is incorporated into a quality improvement component that will automate our entire emergency medical dispatch case review process. This will help us to pinpoint specific training needs and liability risks. The new software will also aide with many tasks such as data entry, compliance scoring, record keeping and reporting.

CITY OF HOMER
POLICE DEPARTMENT

4060 HEATH STREET HOMER, AK 99603-7609

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

MEMORANDUM 10-136

DATE: November 15, 2010

TO: Walt Wrede, City Manager

FROM: Chief Mark Robl

SUBJECT: Dispatch Grant

Earlier this year, the Police Department applied for a grant from the Department of Homeland Security and Emergency Management. The grant has been awarded to us and we request that the council accept and appropriate it for our use.

This grant will give us $30,000.00 in federal funds to purchase Emergency Medical Dispatch ProQA software. This software will greatly enhance Dispatch's ability to address a wide range of medical emergencies and help ensure proper responses. This software will replace a manual card system that has been in place for many years.

Fiscal Note:
Revenue: $30,000.00 to 156-371-5210
Expenditure: $30,000.00 from 156-371-5210

CITY OF HOMER
PROJECT BUDGET

REQUEST FOR PROJECT # 151-774 DATE 11/15/2010

Project Name: Emergency Medical Dispatch ProQA Software

Project Start Date: 10/1/2010 Project End Date: 12/31/2012

Project Description: A software packge that integrates Emergency Medical Dispatch protocols with computer technology aiding in more accurate and rapid response times.

Funding Source: SHSP $30,000.00 Grant Award

Other Comments:

Project Budget

Codes	Expense Description	Grant	Match
5101/2	Project -Salaries & Benefits		
5202	Materials		
5210	Professional Services	30,000.00	
5212	Engr / Arch / Design		
5216	Postage / Freight		
5227	Advertising		
5261	Construction		
5262	Contingency		
5903	Equipment		
	TOTAL	$ 30,000.00	$ -

Approvals

Requesting Department — Date 11-15-2010

Finance Department — Date 11/15/2010

City Manager — Date 11/15-2010

Resolution : Ordinance:

Copies Sent: City Clerk: 11-15-2010 Finance Dept.: 11-15-2010

Requesting Dept.: 11-15-2010 Project File: 11-15-2010

(Rev 5/2010)

NOTICE OF INTENT TO ACCEPT GRANT AWARD

State of Alaska
Department of Military and Veterans Affairs
Homeland Security & Emergency Management

State Grant No: 10SHSP-GR34067

Recipient Address	Issuing Office Address
491 E. Pioneer Ave. Homer, Alaska 99603	Department of Military and Veterans Affairs Division of Homeland Security and Emergency Management P.O. Box 5750 Fort Richardson, Alaska 99505-5750 http://ready.alaska.gov/grants.htm

This is notice of City of Homer (Jurisdiction Name) intent to accept the Emergency Medical Dispatch ProQA Software Grant. Before this award can be accepted, approval must be garnered through our local government. The requirement for this process is located in the following local government document - Ordinance (Document name or number) citation # _____ (If applicable). This process will take longer than the 30-day period of acceptance within this grant award. We request a 60 (# of days) day extension of the acceptance period to seek proper approval.

It is understood if we are unable to obtain acceptance by the extension date the grant award will be rescended.

If approved, you will receive written notification within three working days.

Signature of Jurisdiction Signatory Official	Date	Phone: (907) 235-8121
Walt Wrede	11/4/10 3-Nov-10	Fax: (907) 235-3140
Printed Name and Title: Walt Wrede, City Manager		Email: wwrede@ci.homer.ak.us

November 2009

Email or fax form to jim.king@alaska.gov or 907-428-7009

APPROVED Date: 11/04/10

ORDINANCE REFERENCE SHEET
2010 ORDINANCE
ORDINANCE 10-53

An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating and Alaska Department of Transportation (ADOT) Reimbursement of up to $6,720.00 for Commercial Vehicle Enforcement Inspections and Authorizing the City Manager to Execute the Appropriate Documents.

Sponsor: City Manager/Police Chief

1. City Council Regular Meeting November 22, 2010 Introduction

    a. Memorandum 10-137 from Police Chief as backup w/Standard Agreement Form
    b. Email from Finance re: account number

CITY OF HOMER
HOMER, ALASKA

City Manager/Police Chief

ORDINANCE 10-53

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, ACCEPTING AND APPROPRIATING AN ALASKA DEPARTMENT OF TRANSPORTATION (ADOT) REIMBURSEMENT OF UP TO $6,720.00 FOR COMMERCIAL VEHICLE ENFORCEMENT INSPECTIONS AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPROPRIATE DOCUMENTS.

WHEREAS, The Homer Police Department (HPD) has received a contract from ADOT for reimbursement for Commercial Vehicle Inspections; and

WHEREAS, The State will reimburse the HPD up to $6,720.00; and

WHEREAS, This is at a rate of $105.00 for a level one inspection, $83.00 for a level two inspection and $28.00 for a level three inspection.

NOW, THEREFORE, BE IT ORDAINED by the City of Homer:

Section 1. That the ADOT reimbursement of up to $7,168.00 for Commercial Vehicle Inspections is accepted and appropriated as follows:

Revenue:

Account No.	Description	Amount
157-731	ADOT Commercial Vehicle Inspection Reimbursement	$6,720.00

Expenditure:

Account No.	Description	Amount
157-731	ADOT Commercial Vehicle Inspection Reimbursement	$6,720.00

Section 2. This ordinance is a budget amendment only, is not of a permanent nature and is a non code ordinance.

PASSED AND ENACTED by the Homer City Council this _____ day of _____, 2010.

CITY OF HOMER

_____
JAMES C. HORNADAY, MAYOR

ATTEST:

_____
JO JOHNSON, CMC, CITY CLERK

Introduction:
Public Hearing:
Second Reading:
Effective Date:

Ayes:
Noes:
Abstain:
Absent:

Reviewed and approved as to form:

_____
Walt Wrede City Manager

Date: _____

_____
Thomas F. Klinkner, City Attorney

Date: _____

Fiscal Note: Fiscal information included in body of Ordinance.

CITY OF HOMER
POLICE DEPARTMENT

4060 HEATH STREET HOMER, AK 99603-7609

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

MEMORANDUM 10-137

DATE: November 8, 2010

TO: Walt Wrede, City Manager W. Wrede

FROM: Mark Robl, Chief of Police MR

SUBJECT: Commercial Vehicle Enforcement Contract Renewal

The state has offered to renew our commercial vehicle enforcement contract with them for the coming year. A copy of the new contract is attached. We have been doing commercial vehicle safety and condition inspections in Homer for 9 years. This is a very important public safety program that should continue. I request that we obtain Council approval to renew this contract.

Fiscal note:

Revenue: 151-731-4512	$6,720
Expenditure: 151-731	$6,720

STANDARD AGREEMENT FORM

1. Agency Contract Number	2. ASPS Number	3. Financial Coding	4. Agency Assigned Encumbrance Number
11-PD-003			

5. Vendor Number	6. Alaska Business License Number

This contract is between the State of Alaska

7. Department of	Division	
Transportation and Public Facilities	MSCVE	**hereafter the State, and**

8. Contractor

City of Homer Police Department **hereafter the Contractor**

Mailing Address	Street or P.O. Box	City	State	Zip + 4
4060 Heath Street		Homer	AK	99603

9.

ARTICLE 1. **Appendices:** Appendices referred to in this Contract and attached to it are considered part of it.

ARTICLE 2. **Performance of Service:**

2.1 Appendix A (General Provisions), Articles 1 through 16, governs the performance of services under this contract.

2.2 Appendix B sets forth the liability and insurance provisions of this contract.

2.3 Appendix C sets forth the services to be performed by the Contractor.

ARTICLE 3. **Period of Performance:** The period of performance for this Contract begins Oct. 1, 2010 and ends September 30, 2011.

ARTICLE 4. **Considerations:**

4.1 In full consideration of the Contractor's performance under this contract, the State shall pay the Contractor a sum not to exceed $6,720 In accordance with the provisions of Appendix D.

4.2 When billing the State, the Contractor shall refer to the Authority Number or the Agency Contract Number and send the billing to:

10. Department of	Attention: Division of
Transportation and Public Facilities	MSCVE
Mailing Address	Attention:
11900 Industry Way, Bldg. M; Anchorage, AK 99515	Ulf Petersen

11. CONTRACTOR

Name of Firm	
City of Homer	
Signature of Authorized Representative	Date
Typed or Printed Name of Authorized Representative	
Title	Employer ID No. (EIN) or SSN

13. CERTIFICATION: I certify that the facts herein and on supporting documents are correct, that this voucher constitutes a legal charge against funds and appropriations cited, that sufficient funds are encumbered to pay this obligation, or that there is a sufficient balance in the appropriation cited to cover this obligation. I am aware that to knowingly make or allow false entries or alterations on a public record, or knowingly destroy, mutilate, suppress, conceal, remove or otherwise impair the variety, legibility or availability of a public record constitutes tampering with public records punishable under AS 11.56.815 – 820. Other disciplinary action may be taken up to and including dismissal.

12. CONTRACTING AGENCY

Department/Division	Date	Signature of Head of Contracting Agency or Designee	Date
DOT&PF; MSCVE			
Signature of Project Director		Typed or Printed Name	
		Dan Breeden	
Typed or Printed Name of Project Director			
Rex Young			
Title		Title	
Chief, Commercial Vehicle Enforcement		Director, MSCVE	

NOTICE: This Contract has no effect until signed by the head of the contracting agency or designee.

APPENDIX A
GENERAL PROVISIONS

Article 1. Definitions.

1.1 In this Contract and appendices, "Project Director" or "Agency Head" or "Procurement Officer" means the person who signs this Contract on behalf of the Requesting Agency and includes a successor or authorized representative.

1.2 "State Contracting Agency" means the department for which this Contract is to be performed and for which the Commissioner or Authorized Designee acted in signing this contract.

Article 2. Inspection and Reports.

2.1 The department may inspect, in a manner and at reasonable times it considers appropriate, all the Contractor's facilities and activities under this contract.

2.2 The Contractor shall make progress and other reports in the manner and at the times the department reasonably requires.

Article 3. Disputes.

3.1 Any dispute concerning a question of fact arising under this Contract which is not disposed of by mutual agreement shall be decided in accordance with AS 36.30.620-632.

Article 4. Equal Employment Opportunity.

4.1 The Contractor may not discriminate against any employee or applicant for employment because of race, religion, color, national origin, or because of age, physical handicap, sex, marital status, changes in marital status, pregnancy or parenthood when the reasonable demands of the position(s) do not require distinction on the basis of age, physical handicap, sex, marital status, changes in marital status, pregnancy or parenthood. The Contractor shall take affirmative action to insure that the applicants are considered for employment and that employees are treated during employment without unlawful regard to their race, color, religion, national origin, ancestry, physical handicap, age, sex, marital status, changes in marital status, pregnancy or parenthood. This action must include, but need not be limited to the following: employment, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training including apprenticeship. The Contractor shall post in conspicuous places, available to employees and applicants for employment, notices setting out the provisions of this paragraph.

4.2 The Contractor shall state, in all solicitations or advertisements for employees to work on State of Alaska contract jobs, that it is an equal opportunity employer and that all qualified applicants will receive consideration for employment without regard to race, religion, color, national origin, age, physical handicap, sex, marital status, changes in marital status, pregnancy or parenthood.

4.3 The Contractor shall send to each labor union, or representative of workers with which the Contractor has a collective bargaining agreement or other Contract or understanding, a notice advising the labor union or workers' compensation representative of the Contractor's commitments under this article and post copies of the notice in conspicuous places to all employees and applicants for employment.

4.4 The Contractor shall include the provisions of this article in every contract, and shall require the inclusion of these provisions in every Contract entered into by any of its subcontractors, so that those provisions will be binding upon each subcontractor. For the purpose of including those provisions in any Contract or subcontract, as required by this contract, "Contractor" and "subcontractor" may be changed to reflect appropriately the name or designation of the parties of the Contract or subcontract.

4.5 The Contractor shall cooperate fully with State efforts which seek to deal with the problem of unlawful discrimination, and with other State efforts to guarantee fair employment practices under this contract, and promptly comply with all requests and directions from the State Commission for Human Rights or any of its officers or agents relating to prevention of discriminatory employment practices.

4.6 Full cooperation in paragraph 4.5 includes, but is not limited to, being a witness in any proceeding involving questions of unlawful discrimination if that is requested by any official or agency of the State of Alaska; permitting employees of the Contractor to be witnesses or complainants in any proceeding involving questions of unlawful discrimination, if that is requested by any official or agency of the State of Alaska; participating in meetings; submitting periodic reports on the equal employment aspects of present and future employment; assisting inspection of the Contractor's facilities; and promptly complying with all State directives considered essential by any office or agency of the State of Alaska to insure compliance with all federal and State laws, regulations, and policies pertaining to the prevention of discriminatory employment practices.

4.7 Failure to perform under this article constitutes a material breach of the contract.

Article 5. Termination.
The Project Director, by written notice, may terminate this contract, in whole or in part, when it is in the best interest of the State. The State is liable only for payment in accordance with the payment provisions of this Contract for services rendered before the effective date of termination.

Article 6. No assignment or Delegation.
The Contractor may not assign or delegate this contract, or any part of it, or any right to any of the money to be paid under it, except with the written consent of the Project Director and the Agency Head.

Article 7. No Additional Work or Material.
No claim for additional services, not specifically provided in this contract, performed or furnished by the Contractor, will be allowed, nor may the Contractor do any work or furnish any material not covered by the Contract unless the work or material is ordered in writing by the Project Director and approved by the Agency Head.

Article 8. Independent Contractor.
The Contractor and any agents and employees of the Contractor act in an independent capacity and are not officers or employees or agents of the State in the performance of this contract.

Article 9. Payment of Taxes.
As a condition of performance of this contract, the Contractor shall pay all federal, State and local taxes incurred by the Contractor and shall require their payment by any Subcontractor or any other persons in the performance of this contract. Satisfactory performance of this paragraph is a condition precedent to payment by the State under this contract.

Article 10. Ownership of Documents.
All designs, drawings, specifications, notes, artwork, and other work developed in the performance of this agreement are produced for hire and remain the sole property of the State of Alaska and may be used by the State for any other purpose without additional compensation to the Contractor. The Contractor agrees not to assert any rights and not to establish any claim under the design patent or copyright laws. The Contractor, for a period of three years after final payment under this Contract agrees to furnish and provide access to all retained materials at the request of the Project Director. Unless otherwise directed by the Project Director, the Contractor may retain copies of all the materials.

Article 11. Governing Law.
This Contract is governed by the laws of the State of Alaska. All actions concerning this Contract shall be brought in the Superior Court of the State of Alaska.

Article 12. Conflicting Provisions.
Unless specifically amended and approved by the Department of Law, the General Provisions of this Contract supersede any provisions in other appendices.

Article 13. Officials Not to Benefit.
Contractor must comply with all applicable federal or State laws regulating ethical conduct of public officers and employees.

Article 14. Covenant Against Contingent Fees.
The Contractor warrants that no person or agency has been employed or retained to solicit or secure this Contract upon an agreement or understanding for a commission, percentage, contingent fee, or brokerage except employees or agencies maintained by the Contractor for the purpose of securing business. For the breach or violation of this warranty, the State may terminate this Contract without liability or in its discretion deduct from the Contract price or consideration the full amount of the commission, percentage, brokerage, or contingent fee.

Article 15. Civil Rights of Clients

1. The Contractor shall comply with Title VI and VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, Section 594 of the Rehabilitation Act of 1973, the Food Stamp Act of 1977, Alaska Statute 18.80.200-280, and pertinent portions of the Code of Federal Regulation (CFR) for implementation of the foregoing.

   The Contractor shall make no distinction or discriminate against the client, recipient, applicant or beneficiary of the Department's federally assisted programs on the basis of race, color, age, national origin, sex, political belief, religious creed, or handicap. No client, recipient, applicant or beneficiary of these federally assisted programs shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Department has responsibility.

2. Distinction on the ground of race, color, age, national origin, sex, political belief, religious creed, or handicap includes:
   a. Any type of segregation, separate or different treatment, or other discrimination on that ground;
   b. The imposition of any admission, enrollment, quota eligibility, or other requirement or condition which individuals must meet in order to be provided any service or other benefit under the program or to be afforded an opportunity to participate in the program if the race, color, age, national origin, sex, political belief, religious creed, or handicap of individuals is considered in determining whether they meet any such requirement or condition;
   c. The use of membership in a group as a basis for the selection of individuals for any purpose if in selecting members of the group there is discrimination on the grounds of race, color, age, national origin, sex, political belief, religious creed, or handicap;
   d. The assignment of personnel to provide services, or the assignment of times or places for the provision of service, on the basis of race, color, age, national origin, sex, political belief, religious creed, or handicap of the individual to be served.

3. In determination of whether a Contractor is illegally discriminating in the provision of benefits or services, consideration shall be given to the purpose of the service as expressly stated in any federal statute, state statute, or local statute or ordinance adopted by an elected general purpose legislative body. In making such determination it shall be acknowledged that certain federal, state or local funding is legally designated for specific groups by age, sex, handicap, income, or other specific and legal eligibility criteria. For example, programs for the aging, blind, disabled and youth provide services legally only for those groups. Also, institutions may legally serve a special age, sex, or handicap group depending upon their protective treatment, or rehabilitative needs and funding sources to provide the services.

Article 16. Written Notice of Change in Contract Amount.
Subject to the availability of spending authority to the Department of Transportation and Public Facilities to fund this agreement, and provided such spending authority is not revoked, rescinded, reduced, or withheld, the total amount shall not exceed $6,720. The Department will promptly provide the Contractor written notice if funding under this agreement is revoked, rescinded, reduced, or withheld, and the effective date of such action.

APPENDIX B
INDEMNITY AND INSURANCE

Article 1. Indemnification

The Contractor shall indemnify, hold harmless, and defend the contracting agency from and against any claim of, or liability for error, omission or negligent act of the Contractor under this agreement. The Contractor shall not be required to indemnify the contracting agency for a claim of, or liability for, the independent negligence of the contracting agency. If there is a claim of, or liability for, the joint negligent error or omission of the Contractor and the independent negligence of the Contracting agency, the indemnification and hold harmless obligation shall be apportioned on a comparative fault basis. "Contractor" and "Contracting agency", as used within this and the following article, include the employees, agents and other contractors who are directly responsible, respectively, to each. The term "independent negligence" is negligence other than in the Contracting agency's selection, administration, monitoring, or controlling of the Contractor and in approving or accepting the Contract's work.

Article 2. Insurance

Without limiting Contractor's indemnification, it is agreed that Contractor shall purchase at its own expense and maintain in force at all times during the performance of services under this agreement the following policies of insurance. Where specific limits are shown, it is understood that they shall be the minimum acceptable limits. If the Contractor's policy contains higher limits, the state shall be entitled to coverage to the extent of such higher limits. Certificates of Insurance must be furnished to the Contracting Officer prior to beginning work and must provide for a 30-day prior notice of cancellation, nonrenewal or material change of conditions. Failure to furnish satisfactory evidence of insurance or lapse of the policy is a material breach of this Contract and shall be grounds for termination of the Contractor's services. All insurance policies shall comply with, and be issued by insurers licensed to transact the business of insurance under AS 21.

2.1 **Worker' Compensation Insurance:** The Contractor shall provide and maintain, for all employees engaged in work under this contract, coverage as required by AS 23.30.045, and; where applicable, any other statutory obligations including but not limited to Federal U.S.L.&H. & Jones Act requirements. The policy must waive subrogation against the State.

2.2 **Commercial General Liability Insurance:** Covering all business premises and operations used by the Contractor in the performance of services under this agreement with minimum coverage limits of $300,000 combined single limit per occurrence.

2.3 **Commercial Automobile Liability Insurance:** Covering all vehicles used by the Contractor in the performance of services under this agreement with minimum coverage limits of $300,000 combined single limit per occurrence.

2.4 **Professional Liability Insurance:** Covering all errors, omissions or negligent acts in the performance of professional services under this agreement. Limits required are per the following schedule:

Contract Amount	Minimum Required Limits
Under $100,000	$300,000 per Occurrence/Annual Aggregate
$100,000 - $499,999	$500,000 per Occurrence/Annual Aggregate
$500,000 - $999,999	$1,000,000 per Occurrence/Annual Aggregate
$1,000,000 or over	Refer to Risk Management

APPENDIX C
DESCRIPTION OF SERVICES

This Contract is for the inspection of commercial vehicles operating within the City of Homer. These inspections are intended to determine the appropriateness of driver credentials as well as roadworthiness of commercial vehicles with the ultimate goal of having a measurable impact on improving commercial vehicle safety in Homer.

Inspections will not be conducted at manned weigh stations except for training purposes. Inspections will be conducted at locations that are adequate to protect the safety of drivers and enforcement personnel. Inspections will be conducted during carriers' normal day-to-day operations, not in carriers' facilities. Unmarked commercial vehicles will be especially targeted for inspections to focus on the marking requirements in CFR 390.21. Inspections will be conducted throughout the period this Contract is in force.

The Contractor agrees to conduct 32 Level I inspections per officer to be performed by Commercial Vehicle Safety Alliance (CVSA) certified officers during the term of this agreement. Up to 8 of the 32 inspections may be conducted at carriers' facilities as Level V inspections. The Contractor shall use a laptop with ASPEN software during inspections and shall upload inspections within 48 hours of the time of inspection. Paper forms shall only be used if the laptop is not working. Paper inspection reports must be submitted to the following address within 48 hours of the time of inspection: MCSAP Clerk, Commercial Vehicle Operations, 11900 Industry Way, Bldg. M., Anchorage, AK 99515.

FMCSA's technical support hotline at (617) 494-3003 shall be the primary contact for ASPEN support or inspection upload issues.

Reimbursement to the Contractor will be based on the following:

Inspections
For all inspections conducted by CVSA certified personnel, the Contractor will be reimbursed at the rate of $105.00 for Level I or V inspections, $83.00 for Level II inspections and $28.00 for Level III inspections completed, up to a maximum of $6,720 for the duration of the contract. Compensable inspections include those that are complete, correct, legible, and acceptable for uploading into Safetynet. The most precise 49 CFR code will be used. Inspections that are found to be unacceptable in any way are ineligible for reimbursement and may be returned to the Contractor. Reinspections are not reimbursable.

Equipment
The Contractor agrees to provide vehicles, fuel, communications equipment, administrative oversight, clerical support and all other operating requirements in performing the obligations of this agreement.

Billing
The Contractor will send to the address noted in item 9 article 4.2 and item 10 of this agreement no later than the 30th calendar day of the subsequent month, a monthly activity report for the previous month's activity. At a minimum, this report will identify for each inspection being billed for the month, the inspection form number, inspector, and type of inspection completed during the reporting period. This will be compared to the MSCVE Safetynet database as a quality control check. An invoice for conducting the inspections will be included with this monthly report, and will be for the period identified by the report. Invoices received that do not follow the guidelines established in Appendix C of this agreement will not be subject to reimbursement under this agreement.

APPENDIX D
PAYMENT DESCRIPTION

Payment for Contract services shall not exceed $6,720 for the period of performance of this Contract.

Payment for Contract services shall be on a reimbursable basis. The bill shall itemize the costs for which it is seeking reimbursement, based on the activities and rates associated with those activities listed in Appendix C of this agreement. The bill shall reference the Contract number. Example monthly report is shown below.

Notwithstanding any other provision of this contract, it is understood and agreed that the State shall withhold payment at any time the Contractor fails to perform work as required under Appendix C and/or D of this contract.

Monthly Report of Inspections and Invoice

Name of Police Agency
April 1 - 31, 2010

Item #	Officer's Perm ID	Inspection Number	Inspection Type
1	For Example: DW42	22222	Level 1
2	DW42	22223	Level 1
3	DW42	22224	Level 1
4	DW42	22225	Level 1
5	DW42	22226	Level 1
6	DW42	22227	Level 1
7	DW42	22228	Level 1
8	DW42	22229	Level 1
9	DW42	22230	Level 1
10	DW42	22231	Level 1
11	DW42	22232	Level 1
12	DW42	22233	Level 1
13	DW42	22234	Level 1
14	DW42	22235	Level 1
15	DW42	22236	Level 1
16	DW42	22237	Level 1
17	DW42	22238	Level 1
18	DW42	22239	Level 1
19	DW42	22240	Level 1
20	DW42	22241	Level 1
21	DW42	22242	Level 1
22	DW42	22243	Level 1
23	DW42	22244	Level 1
24	DW42	22245	Level 1
25	DW42	22246	Level 1
26	DW42	22247	Level 1
27	DW42	22248	Level 1
28	DW42	22249	Level 1
29	DW42	22250	Level 1
30	DW42	22251	Level 1
31	DW42	22252	Level 1
32	DW42	22253	Level 1
33	DW42	22254	Level 1
34	DW42	22255	Level 1

Invoice

Total Level 1 Inspections	13	@$105/ea.	$1,365.00
Total Level 2 Inspections	15	@$83/ea.	$1,245.00
Total Level 3 Inspections	6	@$28/ea.	$168.00
Total Invoice	**34**		**$2,778.00**

Jo Johnson

From: Jo Earls
Sent: Tuesday, November 16, 2010 11:53 AM
To: Laurie Moore
Cc: Jo Johnson
Subject: RE: Please verify acct. no.

The correct special project account number for the Commercial Vehicle Inspections is **157-731**.

Jo Earls
Accounting Tech. III
City of Homer
491 E. Pioneer Ave.
Homer, Alaska 99603
(907) 235-8121 ext 2231

From: Laurie Moore
Sent: Tuesday, November 16, 2010 11:33 AM
To: Jo Earls
Subject: FW: Please verify acct. no.

Hi Jo,

Can you please help Jo Johnson with this ordinance.

Thanks, Laurie

Laurie Moore
Acccounting Supervisor
City of Homer, Alaska
Ph - 1-907-435-3113
E-mail - lrmoore@ci.homer.ak.us
Fax - 1-907-235-3140

"It is our responsibilities, not ourselves, that we should take seriously."
Peter Ustinov
British actor and writer

From: Jo Johnson
Sent: Tuesday, November 16, 2010 11:10 AM
To: Laurie Moore
Cc: Regina Harville
Subject: Please verify acct. no.

Laurie,
I do not have a Project Budget for this ordinance. Please verify the acct. nos.

Thanks!

Jo Johnson

City Clerk
City of Homer
491 E. Pioneer Ave.
Homer, AK 99603
907-235-3130 Fax 907-235-3143

CITY OF HOMER
HOMER, ALASKA

Planning

ORDINANCE 10-54

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, ENACTING SUBSECTION (d) OF HOMER CITY CODE 21.50.020, SITE DEVELOPMENT STANDARDS – LEVEL ONE, AND HOMER CITY CODE 21.50.150, FILL STANDARDS, REGARDING THE REQUIREMENT OF A STORM WATER PLAN, AND ESTABLISHING STANDARDS FOR FILLING LAND.

WHEREAS, Chapter 4 Land Use, Goal 3 of the 2008 Comprehensive Plan states, "Encourage high quality buildings and site design that complement's Homer's beautiful natural setting," and recommends developing specific policies regarding site development such as grading; and

WHEREAS, Chapter 4, Goal 2 Objective C of the Comprehensive Plan, item #7 states: "Develop and apply in all districts new standards addressing environmental issues including the management of storm water…"; and

WHEREAS, Chapter 6 Public Services and Facilities, Goal 1, Objective F Storm Water Control, states "Provide for current and future needs and explore options for expanding the quality and extent of storm water control"; and

WHEREAS, There are currently storm water plan requirements in the commercial zoning districts, but not in residential, recreational or conservation zoning districts; and

WHEREAS, This ordinance applies basic storm water plan requirements city-wide; and

WHEREAS, This ordinance applies basic fill requirements city-wide.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Subsection (d) of Homer City Code 21.50.020, Site development standards – level one, is enacted to read as follows:

d. A Storm Water Plan approved under HCC Chapter 21.75 is required for development that:

1. Creates more than 25,000 square feet of new impervious surface area on a lot;

2. Increases the total impervious surface area of a lot beyond one acre;

3. Includes grading, excavation or filling that cumulatively moves 1,000 cubic yards or more of material; or

[**Bold and underlined added.** ~~Deleted language stricken through.~~]

4. Includes grading, excavation or filling that creates a permanent slope of 3:1 or more, and that has a total height, measured vertically from toe of slope to top of slope, exceeding ten feet.

Section 2. Homer City Code 21.50.150, Fill standards, is enacted to read as follows:

21. 50.150 Fill standards. a. Except as permitted in (b) of this section, fill material shall be free of large organic debris (including without limitation stumps), construction or demolition debris (including without limitation concrete and asphalt), garbage and any material that is categorized as hazardous or toxic under federal or state law.

b. Fill material that will not support a structure may include large organic debris that originated on the lot where the fill is placed, provided that it is capped with clean fill for future landscaping or driveway use.

c. The placement of fill to a depth greater than three feet over 25% or more of a lot is subject to following requirements:

1. Before any fill is placed, a grading plan for the lot must be approved by the City Engineer. The grading plan shall show the following:

i. The existing grade and finished grade of the lot using contour intervals sufficiently small to show the nature and extent of the work, and its compliance with the requirements of this title; and

ii. The existing grade on adjoining properties in sufficient detail to identify how grade changes will conform to the requirements of this title.

2. Best management practices shall be used to limit sedimentation and storm water runoff, and shall be installed before fill is placed on the lot.

3. All corners of the lot shall be flagged before fill is placed on the lot.

4. The slope of the fill shall not exceed 50% or 1:2.

5. No fill may be placed closer than five feet to a side or rear lot line, except that clean fill may be placed on adjoining lots up to their common lot line after approval of a development plan including a drainage plan by the City Engineer and the owners of all lots on which the fill will be placed.

6. The placement of fill shall be completed within 24 months after its commencement, and the filled area shall be capped and seeded as soon as possible within the growing season.

Section 3. This ordinance shall be effective upon adoption, except that land development plans that received final approval prior to the effective date of this ordinance shall not be subject to the amendments in this ordinance.

Section 4. This Ordinance is of a permanent and general character and shall be included in the City Code.

[**Bold and underlined added.** ~~Deleted language stricken through.~~]

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

CITY OF HOMER

_____
JAMES C. HORNADAY, MAYOR

ATTEST:

_____
JO JOHNSON, CMC, CITY CLERK

YES:
NO:
ABSTAIN:
ABSENT:

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

Reviewed and approved as to form:

_____
Walt E. Wrede, City Manager
Date: _____

_____
Thomas F. Klinkner, City Attorney
Date: _____

[**Bold and underlined added.** ~~Deleted language stricken through.~~]

City of Homer
Planning & Zoning
491 East Pioneer Avenue
Homer, Alaska 99603-7645

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

MEMORANDUM 10-138

TO: Mayor Hornaday and Homer City Council
THRU: Walt Wrede, City Manager
FROM: Rick Abboud City Planner
DATE: November 25, 2009
SUBJ: Ordinance 10-54 amending HCC 21.50.020, Site development standards – level one and HCC 21.50.150, Fill Standards.

Introduction

This proposed ordinance makes two changes to city code. First, it requires storm water plans (SWP) city-wide in some circumstances. Second, it sets standards for filling a lot, and requires a grading plan, again in some circumstances.

Storm water plans
Ordinance 2004-11(A), adopted in April 2004, required storm water plans in the commercial business districts, but excluded the residential districts. For at least 3 years, the Planning Commission has sought to address further standards for dealing with storm water runoff for all larger projects, not just those in the commercial district as currently found in the code. The Residential Office district was amended in earlier this year to require storm water plans. Previously, projects like the hospital and other large buildings were not required to address storm water. As Homer becomes denser over the coming years, drainage and water runoff must be addressed so that problems are prevented. Ordinance 10-xx will apply storm water standards to the rest of the districts, so that if a contractor is building an apartment building, the same rules apply no matter where in the city the project is located.

There is one major difference between this ordinance, and the commercial district code already in place. HCC 21.50.030 (e) lists the criteria for when a project must provide a storm water plan. This new code will be less stringent i.e., you could build a bigger project without triggering a storm water plan. Generally speaking, the code is written to avoid requiring storm water plans for most single family home construction in the residential districts. But larger projects, like an apartment building, school, church or major park project would need a SWP.

Lot Filling
In addition to the storm water requirements, the commission also wishes to address standards for filling lots to ensure that best management practices are adhered to concerning limitations of what may be included in fill and physical requirements for the placement of a large amount of fill. One concern the Commission wanted to address was the use of stumps for fill; this creates a potential problem for future developers who may not know they purchased a lot full of stumps. The proposed ordinance limits the use of stumps to those that originated on the property. It is recognized that stumps can be difficult to get rid of and that burial in limited quantities is reasonable; entire lots used for stump dumping is what the

Commission wants to avoid. The ordinance also addresses the use of asphalt, concrete and other construction debris.

Another component of the second section of the ordinance is the requirement for a grading plan. As smaller lots are filled and homes are built, filling can easily create drainage problems for existing neighboring homes, or for future development on downhill lots. Homer does not have a current drainage management plan, which is a growing problem as more of the city is developed. Creating and implementing a new plan will be very expensive; and interim solution is to more closely regulate lot filling. One of the more difficult problems planning and public works is asked to address is when home owners call to say their neighbor is causing a drainage problem, or doing something that will cause a problem. Staff tries to work with land owners to find common ground solutions, but there are situations where it is obvious there will be a problem, and the city has no requirements to address it. The grading plan is a first step at addressing some of these issues, without adopting a building code.

This subject has been explored at numerous work sessions and Planning Commission Meetings. Prior to the public hearings held September 15th and October 6th Planning Commission meetings, a personal notice was sent to all identified construction contractors and realtors in the Homer area, notifying them of the ordinance and the opportunity for input. All were invited to the Kachemak Board of Realtors meeting in September, where staff made a presentation, and the public hearings.

The Homer Advisory Planning Commission recommended adoption of the ordinance at their meeting on October 20, 2010.

Recommendation: Adopt Ordinance 10-54 amending HCC 21.50.020, Site development standards – level one and HCC 21.50.150, Fill Standards.

PC Amended 10/20/2010

CITY OF HOMER
HOMER, ALASKA

Planning

ORDINANCE 10-

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, ENACTING SUBSECTION (d) OF HOMER CITY CODE 21.50.020, SITE DEVEOPMENT STANDARDS – LEVEL ONE, REGARDING THE REQUIRMENT OF A STORM WATER PLAN, AND HOMER CITY CODE 21.50.150, FILL STANDARDS, ESTABLISHING STANDARDS FOR FILLING LAND.

WHEREAS, Chapter 4 Land Use, Goal 3 of the 2008 Comprehensive Plan states, "Encourage high quality buildings and site design that complement's Homer's beautiful natural setting," and recommends developing specific policies regarding site development such as grading; and

WHEREAS, Chapter 4, Goal 2 Objective C of the Comprehensive Plan, item #7 states: "Develop and apply in all districts new standards addressing environmental issues including the management of storm water…;"and

WHEREAS, Chapter 6 Public Services and Facilities, Goal 1, Objective F Storm Water Control, states "Provide for current and future needs and explore options for expanding the quality and extent of storm water control;" and

WHEREAS, there are currently storm water plan requirements in the commercial zoning districts, but not in residential, recreational or conservation zoning districts; and

WHEREAS, this ordinance applies basic storm water plan requirements city-wide; and

WHEREAS, this ordinance applies basic fill requirements city-wide;

NOW THEREFORE THE CITY OF HOMER ORDAINS:

Section 1. Subsection (d) of Homer City Code 21.50.020, Site development standards – level one, is enacted to read as follows:

d. A Storm Water Plan approved under HCC Chapter 21.75 is required for development that:

[**Bold and underlined added.** ~~Deleted language stricken through.~~]

1. Creates more than 25,000 square feet of new impervious surface area on a lot;

2. Increases the total impervious surface area of a lot beyond one acre;

3. Includes grading, excavation or filling that cumulatively moves 1,000 cubic yards or more of material; or

4. Includes grading, excavation or filling that creates a permanent slope of 1:3 or more, and that has a total height, measured vertically from toe of slope to top of slope, exceeding ten feet.

Section 2. Homer City Code 21.50.150, Fill standards, is enacted to read as follows:

21. 50.150 Fill standards. a. Except as permitted in (b) of this section, fill material shall be free of large organic debris (including without limitation stumps), construction or demolition debris (including without limitation concrete and asphalt), garbage and any material that is categorized as hazardous or toxic under federal or state law.

b. Fill material that will not support a structure may include large organic debris that originated on the lot where the fill is placed, provided that it is capped with clean fill for future landscaping or driveway use.

c. The placement of fill to a depth greater than three feet over 25% or more of a lot is subject to following requirements:

1. Before any fill is placed, a grading plan for the lot must be approved by the City Engineer. The grading plan shall show the following:

i. The existing grade and finished grade of the lot using contour intervals sufficiently small to show the nature and extent of the work, and its compliance with the requirements of this title; and

ii. The existing grade on adjoining properties in sufficient detail to identify how grade changes will conform to the requirements of this title.

2. Best management practices shall be used to limit sedimentation and storm water runoff, and shall be installed prior to the placement of fill on the lot.

3. All corners of the lot shall be flagged before fill is placed on the lot.

4. The slope of the fill shall not exceed 50%, or 1:2.

5. No fill may be placed closer than five feet to a side or rear lot line **with the following exception, only clean fill may be placed across common lot lines after a development plan that includes a drainage plan has been approved by all property owners and the City Engineer**.

6. The placement of fill shall be completed within 24 months after its commencement, and the filled area shall be capped and seeded as soon as possible within the growing season.

[**Bold and underlined added.** ~~Deleted language stricken through.~~]

Section 3. This ordinance shall be effective upon adoption, except that land development plans that received final approval prior to the effective date of this ordinance shall not be subject to the amendments in this ordinance.

Section 4. This Ordinance is of a permanent and general character and shall be included in the City Code.

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

CITY OF HOMER

_____
JAMES C. HORNADAY, MAYOR

ATTEST:

_____
JO JOHNSON, CMC, CITY CLERK

YES:
NO:
ABSTAIN:
ABSENT:
First Reading:
Public Hearing:
Second Reading:
Effective Date:

Reviewed and approved as to form:

_____
Walt E. Wrede, City Manager
Date: _____

_____
Thomas F. Klinkner, City Attorney
Date: _____

[**Bold and underlined added.** ~~Deleted language stricken through.~~]

C:\Documents and Settings\JJohnson\Local Settings\Temporary Internet Files\Content.Outlook\2WRYTPB1\PCPH9012010amended10 26.docx

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

B. Staff Report PL 10-102, Ordinance 10-Xx Amending 21.50 Site Development Standards to Require Storm Water Plans, Enacting 21.50.150 Fill Standard and Establishing Standards for Fill

City Planner Abboud reviewed Rick reviewed staff report and reviewed Commissioner Kranich's laydown. He suggested they have discussion of consequences and consider the bigger picture resulting from the amendments.

BOS/KRANICH MOVED TO BRING THIS TO THE FLOOR FOR DISCUSSION AND RECOMMENDATION.

Commissioner Bos asked if they are creating an undesirable situation if they are allowing fill up to five feet of the lot line and a utility comes in needing a 15 foot easement. He does not support allowing concrete as fill. City Planner Abboud said he didn't see it as an issue as long as it is regular fill and not debris in the setback area. Commissioner Kranich noted that he is not changing the first part of line 74 where it states no fill closer than 5 feet to a side or rear lot line. He is recommending adding an exception when adjacent property owners agree to fill across the lot line with a development plan approved by the City Engineer.

Points raised regarding concrete as fill included:

- The concrete won't be visible because the area filled has to be capped.
- A concern is not what you see, but what you don't see.
- When building structure you will have to dig through all that stuff to lay lines and so forth.
- Regulating the size of concrete allowed as fill, it would behave the same way as rock.
- Ditch Witches tend to bounce of rock but seem to want to pick up concrete.
- How often is concrete available to be used for fill.

There was discussion about providing an opportunity to go through the CUP process for placing fill on a lot. City Planner Abboud commented that if this is a use it would become an ongoing issue and essentially create a dump. Chair Minsch noted that when this started they were trying to get away from that and now it is coming back. The debris needs to go out, as a city we are moving towards density and development on smaller lots in smaller areas resulting in less of a footprint and less of an opportunity to bury that stuff. She feels like they have lost their focus.

Commissioner Kranich suggested that we are trying to support responsible development, yet we are saying if you have something you create during the development get it out of the city. If we as the city are going to encourage the development we should be able to address all aspects of it. This will put a heavy strain on the landfill and soon have to start taking it up the road. There aren't many places in the city to place unused fill, but having a CUP, the public and a potential buyer are protected because when a title search is done, the CUP will show up and the City will have a record of what happened on the lot as well.

The Commission continued their discussion on the ideas for concrete, dump sites, filling across lot lines, and CUP's.

KRANICH/BOS MOVED TO PAGE DELETE NUMBER 5 LINE 74 AS INDICATED AND SUBSTITUTE AS PRESENTED IN THE LAYDOWN:

> NO FILL MAY BE PLACED CLOSER THAN 5 FEET TO A SIDE OR REAR LOT LINE, WITH THE FOLLOWING EXCEPTION; FILL MAY BE PLACED ACROSS COMMON LOT LINES AFTER A DEVELOPMENT PLAN THAT INCLUDES A DRAINAGE PLAN HAS BEN APPROVED BY ALL PROPERTY OWNERS AND THE CITY ENGINEER.

There was discussion about what can be used as fill according to the ordinance.

MINSCH/KRANICH MOVED TO AMEND THE AMENDMENT TO SAY "CLEAN FILL" MAY BE PLACED...

There was no discussion.

VOTE: (Primary amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

There was no further discussion on the main motion as amended.

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

Motion carried.

Commissioner Highland suggested considering a motion to address the ability to use concrete.

There was brief discussion that the Commission can continue to work through the notion of dealing with concrete and uses as dump sites after this ordinance is approved. This way they can get something on the books to start and take time to give appropriate consideration to uses of dump sites, districts, and so forth.

DOLMA/KRANICH MOVED TO ACCEPT HCC 21.50.150 AS AMENDED AND MOVE IT TO CITY COUNCIL.

There was brief discussion confirming that the entire ordinance as amended is moving forward to City Council and that staff will bring something back to them regarding fill and uses.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

C. Staff Report PL 10-101, Ordinance 10-xx amending Draft Steep Slope Ordinance

City Planner Abboud reviewed the staff report and laydown information from Commissioner Kranich.

KRANICH/BOS BRING TO THE FLOOR FOR DISCUSSION, RECOMMENDATIONS AND SCHEDULE FOR PUBLIC HEARING.

There was discussed of Commissioner Kranich's amendment after line 96 insert: 3. In 1 and 2 above the allowable area of development may be exceeded by and approved site plan,

REPORTS

A. Staff Report PL 10-95, City Planner's Report

City Planner Abboud reviewed his report that was included in the packet.

PUBLIC HEARINGS

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

A. Staff Report PL 10-85, Ordinance 10-xx Amending 21.50 Site Development Standards to Require Storm Water Plans, Enacting 21.50.150 Fill Standards and Establishing Standards for Filling Land

City Planner Abboud commented there was no change to the staff report or ordinance.

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

KRANICH/HIGHLAND MOVED TO APPROVE THE DRAFT ORDINANCE AMENDING 21.50 SITE DEVELOPMENT STANDARDS TO REQUIRE STORM WATER PLANS, ENACTING 21.50.150 FILL STANDARDS AND ESTABLISHING STANDARDS FOR FILLING LAND AND FORWARD IT TO COUNCIL FOR PUBLIC HEARING AND ADOPTION.

Commissioner Highland noted that the entire title of the ordinance wasn't read prior to the public hearing and wondered if there was public that intended to speak about the fill standards. It was determined that there was public wanting to comment and the opening of the hearing was not clear.

HIGHLAND/DOLMA MOVED TO POSTPONE DISCUSSION UNTIL AFTER THE PUBLIC HEARING IS RE-OPENED AND PUBLIC HAS THE OPPORTUNITY TO COMMENT.

Chair Minsch opened the public hearing.

Scott Adams, 30 year resident in the area and city resident by annexation, questioned why the City wants its own standards when the Corps of Engineers oversees whether you can put fill on your property. There was discussion that the ACOE addresses fill in the wetlands. Mr. Adams said they still look even if you aren't in the wetlands.

Beau Burgess, city resident, commented that the Corps of Engineers regulate any lot that has a portion of wetland; and upward of at least ¾ the land mass in Homer does have wetland via discharge slope or semi riparian area. He is trying to fully understand the need to regulate the kinds of fill that can be used. It seems like we are not accounting for all the possibilities of kinds of fill or uses for the fill. We are simply trying to legislate to avoid particular instances like what occurred out East Road where a large amount of trash was being used. He understands the need for the ordinance but would like to see a lot more flexibility and far thinking foresight put into what people can do. There is not a sufficient process for redress in situations. In his business they frequently remove stumps and macro woody debris when

clearing lots and put it to good use as retaining walls, mulch, or other products that can actually reduce erosion and serve some of the purposes this ordinance is trying to address. If we think this is an important thing to regulate, granted we are already overlapping Corps of Engineers jurisdiction when talking about wetlands, are we really putting enough thought into kinds of fill, what's allowed and addressing every possible situation.

There was brief discussion that there isn't an avenue through a CUP or other means in the ordinance for doing something as Mr. Burgess has suggested.

Dr. Nancy Livingston, city resident, commented that she supports this document and referenced her property, noting that in the absence of any regulation on fill in residential areas the lot adjacent to her was completely filled so that water was diverted and she had flooding in her home and damming in the property she owns in front of her home. The Daybreeze Subdivision lot where her property is located is made up of over 60 small lots. Lots now are smaller and regulations are needed as to what can be done in good conscience according to professional and industry standards. In her case good standards were not applied and there was no good conscience in what happened to her property. Therefore she had to resort to litigation to resolve it rather than looking to building and construction codes that should have been aligned and accountable to what is going on when the town is developing itself with regard to high quality residence. She thinks what is written here well address that and with the greater growth we have in area, and the topography for drainage and flooding, this needs to be addressed legislatively. We can not rely on the hands of novices. Should this not happen she would submit that the City needs to look at warning waivers and liability documents for realtors to issue to people purchasing such small lots, clarifying that there are no code regulations that apply to damages from fill should you incur it from another property owner that is adjacent to you so that you know this going in that your recourse will be expensive litigation. She encouraged the Commission to support the ordinance.

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

The postponed motion to adopt is back on the floor.

The Commission considered the concepts suggested by Mr. Burgess and ways to incorporate them so there isn't abuse of fill, but have a mechanism to allow the creative ideas. It was suggested it could be through a waiver or CUP that could be considered by staff or the Commission to utilize the materials the manners Mr. Burgess spoke of. It was noted that the ordinance does allow stumps and organic fill in any manner except where housing will be built. It doesn't appear to prohibit fill and placing stumps for erosion control. The ordinance doesn't prohibit removing stumps off your lot and taking them to the landfill or a disposal site that is probably outside the city. People are misusing fill and Homer is far enough along in its development that there needs to be some rules in place for this.

There was brief discussion of placement of fill along property lines where adjoining property owners are in agreement for filling their lots why would we want a setback that could create a canyon between the two lots. Point was raised that this could impact drainage. Public Works Director noted that there are situations where two lots might fill next to each other and it is a big encumbrance to have to provide a swale or ditch between them deeper than needed for drainage. He suggested that no fill can be placed within 5 feet of a side lot line of an adjacent lot that is not receiving fill. Two adjoining lots that are proposed to be filled to the same elevation, the five foot setback does not apply. City Planner Abboud suggested that

this gets into an area where it goes beyond our expertise and you would be looking at a waiver per an expert in the field. Mr. Meyer noted that there is a provision in the ordinance that a grading plan be prepared that is approved by the City Engineer so maybe that is an opportunity for the possibility of fill being placed up to the property line.

Question was raised why concrete is prohibited; it is no worse than large stone and it is not prohibited by DEC. Public Works Director Meyer participated in the discussion about using concrete. He noted that it is an inert substance and perhaps it is better used in someone's back yard than taking up expensive space in the land fill and smaller chunks of concrete are better than larger chunks. He advised against asphalt as it has potentially toxic substances in it. It is best not to place concrete under buildings, but trucking stuff to the land fill is an expensive way for society to deal with that type of material. Point was raised that we don't have building inspections or an avenue for establishing where it should and should not be placed.

Commissioner Kranich said he would talk to staff wording for amendments.

KRANICH/HIGHLAND MOVED TO POSTPONE ADOPTION TO THE NEXT MEETING.

There was brief discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

B. Staff Report PL 10-84, Ordinance 10-xx Amending Draft Steep Slope Ordinance

City Planner Abboud reviewed laydown item noting that if the intent of the Commission to regulate setbacks from steep slope that they add they add the term steep slope into the list of ravine and non coastal bluff. He also suggests adding where they have 1/3 the height of the bluff, add or steep slope but not less than 15 feet.

Chair Minsch opened the public hearing.

Scott Adams, 30 year resident in the area and city resident by annexation, has a lot with slope development on East Hill. He agrees with the slope of 15 to 30% and not exceed the 25% of total area. He said when it comes to an area with a slope over 30% you are only allowed 10%, if you have a space that requires a long driveway, it is going to eat up a lot of the allowable area. He suggested it be increased to 15%. It states if a person wants to clear, fill, or grade they have to get a permit and he said that it is a lot of oversight by the city, and he questioned if he needs a permit to clear a few trees off his property or ditching around his house. Mr. Adams also noted that it gets vague when it comes to development of slopes 45% or greater. There should be a specific number so people can see what is happening and express their opinions about that. He knows Homer has interesting ground under each location so thinks that he has a hard time with this. His wife purchased a neighboring lot for a retirement property. With restrictions like this it is costly to develop and puts this expense on property owners.

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

B. Staff Presentation on Draft Ordinances Regarding Site Development Standards and Steep Slopes by Planning Technician Engebretsen

Planning Technician Engebretsen said she gave this presentation earlier in the day at the Realtors luncheon. They invited over 40 contractor type business people and surveyors and only one came.

She went through the power point presentation with the Commission touching on steep slopes and bluff setbacks, grading and filling, and residential storm water plans.

REPORTS

A. Staff Report PL 10-83, City Planner's Report

City Planner Abboud reviewed his report that was included in the packet.

PUBLIC HEARINGS

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

A. Staff Report PL 10-85, Ordinance 10-xx Amending 21.50 Site Development Standards to Require Storm Water Plans, Enacting 21.50.150 Fill Standards and Establishing Standards for Filling Land

City Planner Abboud said the presentation touched on this and he didn't have anything to add.

Chair Minsch opened the public hearing.

Beauregard Burgess, city resident, commented regarding the slope portion, that there is an overlap with other government agencies. When looking at working with a hydrologist or soil engineer you are looking at $8,000 to $10,000. He appreciates the intent of the slopes ordinance to allow people to develop larger aspects, where before they couldn't, but doesn't agree with mandating the use of an expensive third party to determine whether or not you can build on the steeper slopes. We should be wary of mandating this on a large scale without considering the bureaucratic strain it could put on city engineers, or an over worked planning department. You can't legislate for people to build intelligently, but you can provide guidelines. He just wonders if this is something that should be imposed on everyone due to costs and time lines associated.

Regarding fill, Mr. Burgess commented that he has a landscaping, dirt moving company and has concerns about limiting fill. If he can't take macro-woody debris that he is removing on one lot and place it on another lot than it ends up at the dump or puts a financial burden on customers and consumers in the city when lots need to be cleared. He wonders of there is a way to tone it back to larger projects or ocean side setbacks. He questioned if this is legislating ahead of our ability to effectively enforce or to have city resources for residents to turn to without giving them the flexibility that those of us without financial means could use.

Mr. Burgess responded to question regarding moving material from peoples lots. He explained that using non organic fill or construction debris is obviously undesirable. But if he has a customer who wants to clear a portion of their lot responsibility, to get the woody debris off the lot they can either bury it or burn it. He can take it to his lot process it, turn it to mulch for compost, use it for retaining walls, or other products he can sell. He has to take it to his own lot for processing, or he can take it to the dump, which costs money and in essence either becomes carbon in the atmosphere or turned into a land fill. You are putting a restriction on developers or smaller land owners on how they can use the material and process it effectively. He agrees with what they are trying to do with the ordinance to keep people from burying a lot of garbage but at the same time they want to allow for peoples rights to essentially assert their own aesthetic. A pile of logs or dirt one person may not like, may be able to be a valuable product to someone else and he doesn't think that should be mandated. We need to allow for those unanticipated situations.

Dr. Nancy Livingston, property owner in the city, asked the Commission to recall a photo from the presentation of two houses next to each other and between them a drainage and dirt fill issue in regard to that. It referred to a high field being built after a home was already built on one lot. Her lot is at 825 Soundview in Daybreeze Park Subdivision. The lot was previously owned; they are the third owners and were not participants in the development or placement of dirt or gravel. They purchased the home last August and remained in the home for five weeks. When she returned to the home in June she saw a similar situation to the one in the photo with the exception that the water wasn't there at that time because in June to late July there were substantial volumes of rain. In recalling the photo you see the five foot setback and the slope coming down to the common property line which runs approximately 123 feet from Soundview down to the acknowledged drainage. Their gravel, driveway, and walkway were destroyed by a 10 blade cat that came down, which they did not hire and knew nothing about. She thinks it is necessary to adopt this ordinance. Having to take legal action as she will have to do to redress her damages should not be a necessity for people of good will to purchase property and have a reasonable expectation that massive damage that can be guided by law and doesn't affect the development of this community. Dr. Livingston urged the Commission to support this ordinance so these circumstances do not continue to occur.

Kevin Walker, Kachemak City resident, commented regarding the storm water portion that small culverts often freeze and he worries about flooding with new development going on up hill from him. Three of the small culverts in the subdivision have frozen over the last two winters and that's what protects his home from the water coming down the hill. The back slopes are too steep at the 1.5 to 1 which is legal if it is engineered. But they put them everywhere and several failed including one on the uphill side of the street from him. When it failed all the dirt and grass seed went into the ditch. Now they have wonderful grass in the culvert, but not much room for water. It has glaciated the last two winters, closing the subdivision until city crews can open it up. He explained that he lives just below the entrance of the Canyon Trails Subdivision on Golden Plover and borders city of Homer property.

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

KRANICH/VENUTI MOVED TO TAKE NO ACTION UNTIL AFTER THE NEXT PUBLIC HEARING.
There was no discussion.
VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

PUBLIC HEARINGS

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

A. Staff Report PL 10-47, Draft Ordinance Amending the Appeal Procedure

City Planner Abboud explained that lines 44-45 of the document were corrected from "**and shall state the number of members of the body hearing the appeal who participated in the appeal, how many voted in favor of the decision, and the number voting in favor of the decision**" to "**and shall state the number of members of the body hearing the appeal who participated in the appeal, how many voted in favor of the decision, and the number voting in ~~favor of~~ opposion of the decision**.

KRANICH/BOS - MOVED TO AMEND LINE 45 AS RECOMMENDED AND FORWARD TO HOMER CITY COUNCIL.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

PLAT CONSIDERATION

There were no plats.

PENDING BUSINESS

A. Staff Report PL 10-49, Draft Spit Comprehensive Plan

Pages 14-21 were reviewed, and work will resume on line 599, with the goal being to work through the rest of the document.

Discussion continued from the work session, regarding development while preserving views, areas for residential use, and traffic speed and control. There was discussion about differences between marine commercial and marine industrial, best use of land, and the possibility of residential zoning provided a conditional use permit is obtained.

The commission requested staff make the recommended changes to the document and provide a track changes version for the next meeting on June 16th.

B. Staff Report PL 10-51, Draft Ordinance Amending Storm Water Requirements and Establishing Standards for Filling Land

City Planner Abboud advised there were a few minor changes recommended by the city attorney. He recommended a public hearing be scheduled for September 1, 2010.

KRANICH/BOS - MOVED TO ADOPT STAFF REPORT 10-51 WITH STAFF RECOMMENDATION TO SCHEDULE A PUBLIC HEARING ON SEPT 1, 2010.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

NEW BUSINESS

A. Staff Report PL 10-50, **Memorandum 10-74,** from Mayor Hornaday, Re: Refer to Planning Commission for Recommendation of Candidates for the Kenai Peninsula Borough Planning Commission.

D. Staff Report PL 10-42, Spit Comprehensive Plan

Chair Minsch stated she would entertain a motion to postpone action on this item until the commission has had the time to properly review the draft document.

City Planner Abboud commented on the draft document. He was pleased with the efforts to include implementation items; ideas from the last commission meeting were included; definitely some changes required in relationship issues. Chair Minsch instructed the Commission to review their notes and incorporate them into the new draft plan since this is the document that they will be using in two weeks. City Planner Abboud recommended the Commissioners think about the time frame for approving this document.

KRANICH/ HIGHLAND - MOVED TO CONTINUE THE HOMER SPIT COMPREHENSIVE PLAN AT THE NEXT WORKSESSION MEETING.

There was no discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

E. Staff Report PL 10-43, Draft Ordinance Amending Storm Water Requirements and Establishing Standards for Filling Land

Planning Technician Engebretsen stated that the Commission discussed this draft ordinance at the worksession and requested staff to bring the revised draft with the recommended changes to the fill standard section of it for their next worksession.

KRANICH/HIGHLAND - MOVED TO SEND THE DRAFT ORDINANCE AMENDING STORM WATER REQUIREMENTS AND ESTABLISHING STANDARDS FOR FILLING LAND BACK TO STAFF FOR AMENDMENT AND RETURN FOR REVIEW AT THE NEXT WORKSESSION.

Clarification was made on keeping the storm water and land fill together on one ordinance.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

NEW BUSINESS

None.

INFORMATIONAL MATERIALS

None.

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

There were no audience comments.

COMMENTS OF STAFF

City Planner Abboud stated the sun was still shining after a meeting.

There was no objection and discussion ensued.

Chair Minsch noted that the Commission talked about the Land Allocation Plan at tonight's worksession.

The Commission agreed that they would not forward a recommendation because they do not appear to have a unified position. Other comments included:

- Council does not give the Commission information to make decisions on; they are presented with a hundred pages of properties and their designations. They could spend hours on the plan, but the Commission has seen that Council doesn't do much if anything with the Commissions input.
- The current structure of the review isn't effective and is not a valuable use of the Commission's time.

Commissioner Kranich said he plans to attend the meeting. It was noted that any of the other Commissioners could attend if they are interested in the process.

NEW BUSINESS

A. Staff Report PL 10-22, State of Alaska Right-of-way Acquisition for East End Road

Planning Technician Engebretsen reviewed the staff report and discussed the process of the acquisition with the Commission.

The Commission had no recommendations and no action was taken.

B. Staff Report PL 10-25, Dirt Work Ordinance

City Planner Abboud reviewed the staff report.

KRANICH/BOS MOVED TO BRING THIS TO THE FLOOR FOR DISCUSSION AND POSSIBLE REVISION.

There was no objection and discussion ensued. Points discussed included:

- Homer has no building regulations, why regulate the fill.
- Line 17, how do you define a large rock.
- Most excavators aren't going to be filling with large rocks, stumps, or garbage.
- The ordinance needs to be enforceable.
- Line 29/30 "retention ditches, silt fencing, and storm water settling ponds" change "and" to "or" so it does not seem all inclusive.
- When developing in mapped wetland area the proper documentation is required by the City.
- Clarify garbage on lines 17 and 44.
- If the City Engineer is going to be responsible for reviewing, a fiscal note should be included so Council will be aware of the impact.

KRANICH/BOS MOVED TO REQUEST STAFF SEND THE DRAFT DIRT WORK ORDINANCE TO LEGAL FOR REVIEW AND THEN RETURN TO THE COMMISSION FOR REVIEW.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

INFORMATIONAL MATERIALS

A. Letter Dated March 10, 2010 to Darren Williams, Refuge Room from Rick Abboud, City Planner regarding Use of Refuge Room/Enforcement Order

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

No audience was present to comment.

COMMENTS OF STAFF

Staff had no comments.

COMMENTS OF THE COMMISSION

Commissioners Sinn and Druhot had no comment.

Commissioner Bos wished everyone Happy St. Patrick's Day. He said it was a good meeting.

Commissioner Kranich said it was a good meeting and they covered a lot.

Commissioner Highland said she would like to see about getting the storm water management plan on the agenda for ordinance work to begin. There was discussion of the process for the worklist. She will make a list to bring for the worklist discussion. It was requested that she be provided with a copy of the worklist. She thanked everyone.

Chair Minch commended the group on their work tonight.

ADJOURN
Meetings adjourn promptly at 10 p.m. An extension is allowed by a vote of the Commission. Notice of the next regular or special meeting or work session will appear on the agenda following "adjournment".

There being no further business to come before the Commission, the meeting adjourned at 9:07 p.m. The next Regular Meeting is scheduled for April 7, 2010 at 7:00 p.m. in the City Hall Cowles Council Chambers. There is a worksession at 5:30 p.m. prior to the meeting.

_____
MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

Approved:_____

BOS/MINSCH MOVED TO AMEND LINE I THAT PUBLIC SIGN DESIGN AND PLACEMENT BE SUBMITTED TO PLANNING AND ZONING RATHER THAN THE PLANNING COMMISSION FOR REVIEW.

Point was raised that there aren't that many public signs and it provides another opportunity for public input.

VOTE: YES: BOS
NO: KRANICH, HAINA, SINN, MINSCH

Motion failed.

KRANICH/MINSCH MOVED TO STRIKE ITEM C.

There was brief discussion that it explains what the code requires and the change in the definition of public signs.

VOTE: NO: BOS, MINSCH, HAINA, KRANICH, SINN

Motion failed.

There was no further discussion on the main motion as amended.

VOTE (amended main motion): YES: MINSCH, HAINA, KRANICH, SINN, BOS

Motion carried.

C. Staff Report PL 09-70, Dirt Work

Chair Minsch noted that there was extensive discussion with staff during the worksession and asked if there is consensus that they want more worksession time on this draft ordinance.

KRANICH/BOS MOVED TO SEND STAFF REPORT PL 09-70 AND THE ASSOCIATED DRAFT TO STAFF FOR FURTHER CLARIFICATION.

Commissioner Sinn commented that he would like clarification on the way to determine a difference between what is large in commercial and dictate storm water plans and site drainage plans as opposed to an owner builder who hires his own dirt guy, and trying to find that separation so we don't regulate a homeowner into an expensive and costly deal.

There was discussion that it is situational and there are models that are all over the board. Chair Minsch noted that this is not a judicial decision and it would be acceptable to get some feedback from dirt contractors, and bring the information back to the worksession for discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

INFORMATIONAL MATERIALS

Chair Minsch called for a motion to adopt staff report PL09-69 Bayview Gardens Ireland Addition Preliminary Plat with Staff Recommendations.

KRANICH/SINN SO MOVED.

There was discussion about staff recommendation three is to comply with Public Works comments. Question was raised whether adopting that would tie the subdividers into having to hook up to the sewer. It was suggested the action be postpone until the applicant can discuss this further with Public Works.

KRANICH/SINN MOVED TO POSTPONE THIS STAFF REPORT UNTIL BROUGHT BACK BY STAFF.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

PENDING BUSINESS

A. Staff Report PL 09-73, Draft Grading and Filling

The Commission discussed this at the worksession.

KRANICH/SINN MOVED TO POSTPONE UNTIL BROUGHT BACK BY STAFF.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

NEW BUSINESS

The Commission hears a report from staff. Commission business includes resolutions, ordinances, zoning issues, requests for reconsideration and other issues as needed. The Commission may ask questions of staff, applicants, and the public. Any items brought before the Commission for discussion are on the floor for discussion following introduction of the item. The Commission will accept testimony or a presentation on agenda items that involve an applicant (such as acceptance of a non conformity).

A. Staff Report PL 09-74, Election of Officers

Chair Minsch was nominated as Chair and Commissioner Kranich was nominated as Vice Chair. There was no objection voiced.

INFORMATIONAL MATERIALS

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

A. Memorandum dated August 26, 2009 to HAPC from Thomas Klinkner, City Attorney regarding Remand of CUP 07-03

4. *Construction activities shall minimize impact to the site, and natural vegetation shall be retained to the maximum extent possible.*
5. *Areas disturbed by construction shall be planted or seeded as soon as possible to reduce sedimentation.*
6. *Silt fencing, straw bales and other best management practices will be used to control erosion and sedimentation during construction. These measures to be in place prior to the issuance of a zoning permit and maintained until re-seeding is complete.*

Chair Kranich asked staff for clarification on decks being impervious. Mr. Fetterhoff was asked a few more questions regarding drainage. He responded there was a culvert installed at the end of the drive and that the driveway length was shortened to thirty- (30) feet instead of sixty (60) feet so he did not feel there would be much run-off. He would consider construction of a retention pond area for runoff. Commissioner Scheer recommended alternative mitigation methods for a ditch. He is not recommending change for this application just a more economical and aesthetic appearance.

VOTE. YES. KRANICH, FOSTER, CHESLEY, ZAK, SCHEER, HESS, MINSCH

Motion carried.

B. Staff Report PL 07-51, Draft Grading and Filling Regulations

Chair Kranich excused himself at 9:22pm and returned at 9:26pm.

City Planner McKibben briefly reviewed the staff report.

Staff answered questions from the commission regarding the following:
1. If a smaller number chosen than the DAP would there be advantage to applying this to all building districts.
2. During the research was there a percentage indicated.
3. Applicability of formula to determine fill amount. Need to lower threshold.

Discussions regarding the thoroughness of the draft document and that it needed only minor revisions to be complete.

Commissioner Minsch recommended that the use of stumps for fill should be changed to vegetative materials cannot be used for fill of any kind including landscape or driveway.

Commissioner Scheer commented on the requirement for fill slopes and recommended that include the top of any cut slope. Commissioner Minsch asked how this could be enforced. City Planner McKibben stated that her department performs site visits during the project to ensure work is being done in accordance with the code. Commissioner Minsch asked if the city staff was qualified to make these decisions. Her concern is that the City does not do asbuilt surveys or flag lot lines, etc. Therefore, for the staff to go out and perform inspections when they are not fully qualified to do this, could create problems; how do they know where the lot lines are and such. Commissioner Scheer stated that it would be common sense to get a survey done before starting work. Homer does not require that a survey be done. It was commented that maybe it should.

Commissioner Foster addressed the question regarding requiring permits from both the parcel fill being removed from and the parcel being filled. He has reviewed the permit requirements for this and he recommended that both parcels require permitting for fill and removal.

Chair Kranich asked a question regarding the definition of clearing, if it should be more specific.

Commissioners addressed questions from staff concerning total amounts of fill materials, total area of disturbance allowed, expiration and renewal of permits.

Commissioner Minsch stated that more discussion was needed to discuss Item 2 Fill Standards; item b. should not be allowed period due to decomposition causing unstable land. Commissioner Hess agreed. It was noted that this issue may not be addressed this time around, but it should addressed. Commissioner Scheer recommended adding detailed fill material descriptions. Commissioner Hess pointed out that item h, under Grading Excavation and Fill Permits, addresses that issue and recommended keeping it.
Commissioners discussed whether these regulations should apply to BCWPD. The Commission was in consensus that they did want the regulations to apply to all areas.

Commissioner Hess asked if Mark Kinney could be invited to give advice regarding the language to be used regarding fill materials. It may help with the decision making process on the regulations by the Commission.

City Planner McKibben reminded the commission that the majority of the document was taken from the City of Anchorage. It also contains similar language to the EPA requirements for clean fill. Further discussion evolved regarding the definition of clean fill, problems and concerns. Commissioner Scheer commented that if tree roots cannot be used as fill material he was sure that the document would not be approved by the Commission. He inquired if a trigger for Public Hearing would be considered on fill material at some point. City Planner McKibben stated no hearing were planned at this time. He had concerns regarding other projects causing greater environmental impacts to a neighborhood. He was of the opinion that at some time the public should have an opportunity to comment on proposed work.

Commissioner Chesley asked staff about time limitations on issuance of permits from Zoning, as he could not locate it at this time. He wanted to recommend that the requirement be included and keep things consistent within the code. He also recommended that City Planner McKibben double-check this issue.

ZAK/MINSCH – MOVE TO TABLE THIS ITEM TO A FUTURE WORKSESSION AT UNDETERMINED TIME.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

C. Planning Directors Report, Staff Report PL 07-50

City Planner McKibben briefly reviewed the report regarding the Open Meetings Act and Due Process Requirements.

The Commission discussed the issues surrounding independent research in conjunction with the regulations and laws. Commissioner Chesley reported that in the Commissioners Handbook published by the State of Alaska that it encouraged the use of independent research, total opposite from what the City Attorney reported. There is a section in the Handbook that warns about "ex parte" communication. Commissioners were mixed on the issue of obtaining information in order to make an informed decision.

City Planner McKibben gave further explanation regarding the legal requirement to make all information available to all parties, possible parties, and the public. The Commissioners are allowed to talk to Staff to clarify information or ask questions. Commissioner Hess could not see where going on the internet, and looking up Fire Access Code Regulations for example, that that information could not be allowed. The internet is such a vast and easily accessible source of information. City Planner pointed out one example how information was taken from the Internet was brought to the meeting. Noting that staff was unaware of the information and the applicant had no knowledge of the available information so the applicant was unable to address the information. Therefore, independent research does not protect the due process of the applicant.

Commissioner Chesley thought that was an interesting point and related that during the time of the Commission deliberations on that issue, he asked the Fire Chief a question regarding the requirements. The Fire Chief was surprised that the Commission was asking about it since that document had been forwarded to the Planning Department previously.

From: Ray Kranich

Date: October 20, 2010

Re: Dirt Work

HCC 21.50.150 Fill Standards be amended: to allow a lot or lots (multiple lots must be owned by the same person) to be used as a dump site for large and small organic debris, and concrete without limitation, fill material shall be free of construction or demolition debris (including without limitation asphalt), GARBAGE AND ANY MATERIAL THAT IS CATEGORIZED AS HAZARDOUS OR TOXIC UNDER FEDERAL OR STATE LAW. Prior to beginning filling, a CUP must be obtained from the Homer Advisory Planning Commission. Information to be provided to the Planning Commission shall include a Development Plan that includes drainage patterns during the filling process, as well as drainage patterns upon completion. This Development Plan shall be approved by the City Engineer prior to being submitted to the HAPC.

With a CUP, the filling may take longer than 24 months to complete.

21.50.150 (c) (5) shall be amended to read:

No fill may be placed closer than 5 feet to a side or rear lot line, with the following exception; fill may be placed across common lot lines after a development plan that includes a drainage plan has been approved by all property owners and the City Engineer.

City of Homer
Planning & Zoning
491 East Pioneer Avenue
Homer, Alaska 99603-7645

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

STAFF REPORT PL 10-102

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
MEETING: October 20, 2010
SUBJECT: Ordinance 10-xx Amending 21.50 site development standards to require storm water plans, enacting 21.50.150 fill standards and establishing standards for filling land

Requested Action: Review

GENERAL INFORMATION

The Commission seemed to want to think about amending the ordinance to allow for some activities that might be exceptions to the ordinance in its current form. I would like to have discussions for more specific changes that should be made with concurrence of a majority of the commission. I would then further refine and bring the ordinance back for public hearing if significant changes are proposed.

STAFF COMMENTS/RECOMMENDATIONS:

Discuss and make suggestions to revise or not.

ATTACHMENTS

1. Draft Ordinance

City of Homer
Planning & Zoning
491 East Pioneer Avenue
Homer, Alaska 99603-7645

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

STAFF REPORT PL 10-85

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Planning Technician
MEETING: September 15, 2010, Oct. 6, 2010
SUBJECT: Ordinance 10-xx Amending 21.50 site development standards to require storm water plans, enacting 21.50.150 fill standards and establishing standards for filling land

Requested Action: Conduct a public hearing September 15th and October 6th, and forward a recommendation to the City Council.

GENERAL INFORMATION

The Commission has discussed many different ideas for regulating fill, and storm water.

What does this ordinance do?

This ordinance is intended to address the following problems:

1. Lack of storm water regulation outside of the commercial districts for large development projects.

2. Lack of regulation of fill, such as stump or dumping lots.

3. Inadequate regulations to address filling and the affect of runoff on adjacent lots when fill is placed over a large area.

Storm water regulations

The City currently requires storm water plans in the commercial business districts. This ordinance would extend the storm water plan requirements city wide.

Placement of fill

There are two parts to the new regulations. First, construction debris may not be used as fill, nor can stumps be brought from one lot onto another lot. Only clean fill may be used for a building pad. Second, when a development will place more than three feet of fill over more than 25% of a lot, a grading plan that meets certain standards is required.

What is not addressed by this ordinance?

This ordinance does not address the cumulative effect of development on area storm water systems. It only addresses larger projects, and will probably not affect most development. This ordinance does not

address all of the drainage problems that arise between property owners. The grading plan requirements only apply when more than 25% of the lot will be filled more than three feet deep. However, it is an incremental step toward regulating drainage in Homer as a larger system, instead of lot by lot.

City wide, the storm water plan (SWP) requirements will be identical. But WHEN a storm water plan is required will be different. In the business districts, an SWP is required when development will be within ten feet of a wetland, or if more than 60% of the lot will be impervious. These two requirements will not apply in this ordinance. The intent of storm water plan requirement is to apply to larger projects, not the average single family home.

STAFF COMMENTS/RECOMMENDATIONS:
Planning Commission conduct two public hearings and forward a recommendation to the City Council.

ATTACHMENTS

1. Draft Ordinance

Planning Commission Public Hearing Draft September 15, 2010

CITY OF HOMER
HOMER, ALASKA

Planning

ORDINANCE 10-

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, ENACTING SUBSECTION (d) OF HOMER CITY CODE 21.50.020, SITE DEVEOPMENT STANDARDS – LEVEL ONE, AND HOMER CITY CODE 21.50.150, FILL STANDARDS, REGARDING THE REQUIRMENT OF A STORM WATER PLAN, AND ESTABLISHING STANDARDS FOR FILLING LAND.

WHEREAS, Chapter 4 Land Use, Goal 3 of the 2008 Comprehensive Plan states, "Encourage high quality buildings and site design that complement's Homer's beautiful natural setting," and recommends developing specific policies regarding site development such as grading; and

WHEREAS, Chapter 4, Goal 2 Objective C of the Comprehensive Plan, item #7 states: "Develop and apply in all districts new standards addressing environmental issues including the management of storm water…;"and

WHEREAS, Chapter 6 Public Services and Facilities, Goal 1, Objective F Storm Water Control, states "Provide for current and future needs and explore options for expanding the quality and extent of storm water control;" and

WHEREAS, there are currently storm water plan requirements in the commercial zoning districts, but not in residential, recreational or conservation zoning districts; and

WHEREAS, this ordinance applies basic storm water plan requirements city-wide; and

WHEREAS, this ordinance applies basic fill requirements city-wide;

NOW THEREFORE THE CITY OF HOMER ORDAINS:

Section 1. Subsection (d) of Homer City Code 21.50.020, Site development standards – level one, is enacted to read as follows:

d. A Storm Water Plan approved under HCC Chapter 21.75 is required for development that:

1. Creates more than 25,000 square feet of new impervious surface area on a lot;

[**Bold and underlined added.** ~~Deleted language stricken through.~~]

2. Increases the total impervious surface area of a lot beyond one acre;

3. Includes grading, excavation or filling that cumulatively moves 1,000 cubic yards or more of material; or

4. Includes grading, excavation or filling that creates a permanent slope of 1:3 or more, and that has a total height, measured vertically from toe of slope to top of slope, exceeding ten feet.

Section 2. Homer City Code 21.50.150, Fill standards, is enacted to read as follows:

21. 50.150 Fill standards. a. Except as permitted in (b) of this section, fill material shall be free of large organic debris (including without limitation stumps), construction or demolition debris (including without limitation concrete and asphalt), garbage and any material that is categorized as hazardous or toxic under federal or state law.

b. Fill material that will not support a structure may include large organic debris that originated on the lot where the fill is placed, provided that it is capped with clean fill for future landscaping or driveway use.

c. The placement of fill to a depth greater than three feet over 25% or more of a lot is subject to following requirements:

1. Before any fill is placed, a grading plan for the lot must be approved by the City Engineer. The grading plan shall show the following:

i. The existing grade and finished grade of the lot using contour intervals sufficiently small to show the nature and extent of the work, and its compliance with the requirements of this title; and

ii. The existing grade on adjoining properties in sufficient detail to identify how grade changes will conform to the requirements of this title.

2. Best management practices shall be used to limit sedimentation and storm water runoff, and shall be installed prior to the placement of fill on the lot.

3. All corners of the lot shall be flagged before fill is placed on the lot.

4. The slope of the fill shall not exceed 50%, or 1:2.

5. No fill may be placed closer than five feet to a side or rear lot line.

6. The placement of fill shall be completed within 24 months after its commencement, and the filled area shall be capped and seeded as soon as possible within the growing season.

Section 3. This ordinance shall be effective upon adoption, except that land development plans that received final approval prior to the effective date of this ordinance shall not be subject to the amendments in this ordinance.

Section 4. This Ordinance is of a permanent and general character and shall be included in the City Code.

[**Bold and underlined added.** ~~Deleted language stricken through.~~]

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

CITY OF HOMER

_____
JAMES C. HORNADAY, MAYOR

ATTEST:

_____
JO JOHNSON, CMC, CITY CLERK

YES:
NO:
ABSTAIN:
ABSENT:
First Reading:
Public Hearing:
Second Reading:
Effective Date:

Reviewed and approved as to form:

_____
Walt E. Wrede, City Manager
Date: _____

_____
Thomas F. Klinkner, City Attorney
Date: _____

[**Bold and underlined added.** ~~Deleted language stricken through.~~]

City of Homer
Planning & Zoning
491 East Pioneer Avenue
Homer, Alaska 99603-7645

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

STAFF REPORT PL 10-51

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Planning Technician
MEETING: June 2, 2010
SUBJECT: Draft ordinance amending storm water requirements and establishing standards for filling land

GENERAL INFORMATION
Staff has made some minor amendments to the dirt work ordinance and clarified some of the language provided by the attorney.

STAFF COMMENTS/RECOMMENDATIONS:
Planning Commission review the ordinance, and schedule for public hearing on September 1, 2010.

ATTACHMENTS

1. May 25, 2010 draft ordinance

May25, 2010 Draft

CITY OF HOMER
HOMER, ALASKA

Planning

ORDINANCE 10-

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, ENACTING SUBSECTION (d) OF HOMER CITY CODE 21.50.020, SITE DEVEOPMENT STANDARDS – LEVEL ONE, AND HOMER CITY CODE 21.50.150, FILL STANDARDS, REGARDING THE REQUIRMENT OF A STORM WATER PLAN, AND ESTABLISHING STANDARDS FOR FILLING LAND.

WHEREAS, Chapter 4 Land Use, Goal 3 of the 2008 Comprehensive Plan states, "Encourage high quality buildings and site design that complement's Homer's beautiful natural setting," and recommends developing specific policies regarding site development such as grading; and

WHEREAS, Chapter 4, Goal 2 Objective C of the Comprehensive Plan, item #7 states: "Develop and apply in all districts new standards addressing environmental issues including the management of storm water…;"and

WHEREAS, Chapter 6 Public Services and Facilities, Goal 1, Objective F Storm Water Control, states "Provide for current and future needs and explore options for expanding the quality and extent of storm water control;" and

WHEREAS, there are currently storm water plan requirements in the commercial zoning districts, but not in residential, recreational or conservation zoning districts; and

WHEREAS, this ordinance applies basic storm water plan requirements city-wide; and

WHEREAS, this ordinance applies basic fill requirements city-wide;

NOW THEREFORE THE CITY OF HOMER ORDAINS:

Section 1. Subsection (d) of Homer City Code 21.50.020, Site development standards – level one, is enacted to read as follows:

d. A Storm Water Plan approved under HCC Chapter 21.75 is required for development that:

1. Creates more than 25,000 square feet of new impervious surface area on a lot;

[**Bold and underlined added.** ~~Deleted language stricken through.~~]

2. Increases the total impervious surface area of a lot beyond one acre;

3. Includes grading, excavation or filling that cumulatively moves 1,000 cubic yards or more of material; or

4. Includes grading, excavation or filling that creates a permanent slope of ~~3:1~~1:3 or more, and that has a total height, measured vertically from toe of slope to top of slope, exceeding ten feet.

Section 2. Homer City Code 21.50.150, Fill standards, is enacted to read as follows:

21. 50.150 Fill standards. a. Except as permitted in (b) of this section, fill material shall be free of large organic debris (including without limitation stumps), construction or demolition debris (including without limitation concrete and asphalt), garbage and any material that is categorized as hazardous or toxic under federal or state law.

b. Fill material that will not support a structure may include large organic debris that originated on the lot where the fill is placed, provided that it is capped with clean fill for future landscaping or driveway use.

c. The placement of fill to a depth greater than three feet over 25% or more of a lot is subject to following requirements:

1. Before any fill is placed, a grading plan for the lot must be approved by the City Engineer. The grading plan shall show the following:

i. The existing grade and finished grade of the lot using contour intervals sufficiently small to show the nature and extent of the work, and its compliance with the requirements of this title; and

ii. The existing grade on adjoining properties in sufficient detail to identify how grade changes will conform to the requirements of this title.

2. Best management practices shall be used to limit sedimentation and storm water runoff, and shall be installed prior to the placement of fill on the lot.

3. All corners of the lot shall be flagged before fill is placed on the lot.

4. The slope of the fill shall not exceed 50%, or 1:2.

5. No fill may be placed closer than five feet to a side or rear lot line.

6. The placement of fill shall be completed within 24 months after its commencement, and the filled area shall be capped and seeded as soon as possible within the growing season.

Section 3. This ordinance shall be effective upon adoption, except that land development plans that received final approval prior to the effective date of this ordinance shall not be subject to the amendments in this ordinance.

Section 4. This Ordinance is of a permanent and general character and shall be included in the City Code.

[**Bold and underlined added.** ~~Deleted language stricken through.~~]

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

CITY OF HOMER

_____
JAMES C. HORNADAY, MAYOR

ATTEST:

_____
JO JOHNSON, CMC, CITY CLERK

YES:
NO:
ABSTAIN:
ABSENT:
First Reading:
Public Hearing:
Second Reading:
Effective Date:

Reviewed and approved as to form:

_____
Walt E. Wrede, City Manager
Date: _____

_____
Thomas F. Klinkner, City Attorney
Date: _____

[**Bold and underlined added.** ~~Deleted language stricken through.~~]

City of Homer
Planning & Zoning
491 East Pioneer Avenue
Homer, Alaska 99603-7645

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

STAFF REPORT PL 10-43

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Planning Technician
MEETING: May 5, 2010
SUBJECT: Draft ordinance amending storm water requirements and establishing standards for filling land

GENERAL INFORMATION
The Commission last discussed this ordinance on March 17, 2010. At that time it was forwarded to the City Attorney for review. The Attorney has reviewed and revised the draft ordinance, and it is attached. The purpose of the ordinance is to require storm water plans city wide for certain developments, and to regulate the placement of fill on lots. Public Works Director Meyer has been invited to the work session if the Commission has questions about this ordinance. Staff will also present a very short power point presentation with pictures of various development scenarios that would fall under the new regulations.

This ordinance is intended to address the following problems:
1. Lack of storm water regulation for large dirt moving projects outside of the commercial districts, or projects with a large impervious surface area.
2. Lack of regulation of fill, such as stump or dumping lots, and the affect of runoff on adjacent lots when fill is placed over a large area of a lot.

This ordinance creates the following rules:

1. Requires storm water plans in all districts. See Attached Table!

2. Creates standards for the filling of land, city wide
A. Fill standards are set – i.e. no garbage or hazardous material may be used as fill.
B. Tree stumps and organic materials may be used as fill ONLY on the lot where they originated, and in locations where a building is not planned.
C. City wide, a grading plan will be required when fill will be placed at a depth of 3 feet or more, over 25% or more of the lot.

PC questions
Line 165: "in situ" means "in place" soil tests. (As opposed to offsite laboratory tests). In situ tests include measuring shear strength, cone penetration, etc. This is a common technical term and is appropriately used in this ordinance under the geotechnical engineering report.

Next steps
Staff and the Commission have been working on this ordinance off and on for over three years. Staff recommends inviting local contractors to a PC meeting to talk about this ordinance either prior to or at a public hearing. Staff recommends the Commission continue to work on this ordinance until it is 'finalized' (and you are very familiar with it), and then schedule a meeting to invite contractors and interested public.

STAFF COMMENTS/RECOMMENDATIONS:
Planning Commission review and amend the draft ordinance, and continue to a future meeting.

ATTACHMENTS

1. Storm Water Triggers Table
2. Draft Ordinance, April 27, 2010
3. March 17, 2010 HAPC minutes

Storm Water Plan Triggers

Existing Code - Commercial Zones	Staff comment	New Code - rest of city
When the lot becomes 60% impervious, a SWP is required.	Staff dislikes the % requirement. A small lot that is 59% impervious and wants to add a 200 sq ft addition needs an SWP. A big lot might be able to create 20,000 sq ft impervious and not need an SWP.	No lot percentage requirement
The cumulative addition of 25,000 square feet or greater of impervious surface area	This is about half an acre	SAME
Grading an acre or more	There are no area based requirements in these other districts. (state/fed rules now require a SWPPP, or storm water pollution prevention plan at 1 acre. This rule as not in effect when the original storm water plan was written into city code)	no city rules (state/fed rules still apply)
Grading involving the movement of 10,000 cubic yards or more of material	In commercial districts, a development activity plan is required when moving a lot of dirt. But the PC did not want to require a DAP in the residential districts. However, PC still wanted to regulate when lots of dirt is moving around. 100 dump trucks is a lot of material and is what the new residential rules are based on.	Grading/excavation/filling of 1,000 cubic yards, (that's about 100 dump trucks.)
Grading that will result in a temporary or permanent slope having a steepness of 3:1 or greater and having a total slope height, measured vertically from toe of slope to top of slope, exceeding ten feet; or		SAME
Any land clearing or grading on a slope steeper than 25 percent, or within ten feet of any wetland, watercourse, or water body.	If the Commission wants to talk about clearing on slopes lets do that at the work session. The second part regulates based on distance to wetlands; that is not real useful in the less dense parts of town. Lots of Homer is wetland, and this requirment would trigger an SWP for most new home construction, even if ACOE had already required a storm water pond or otherwise permitted the project.	No new rules for clearing on slopes or near water/wetlands

April 27, 2010 Draft

CITY OF HOMER
HOMER, ALASKA

Planning

ORDINANCE 10-

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, ENACTING SUBSECTION (d) OF HOMER CITY CODE 21.50.020, SITE DEVEOPMENT STANDARDS – LEVEL ONE, AND HOMER CITY CODE 21.50.150, FILL STANDARDS, REGARDING THE REQUIRMENT OF A STORM WATER PLAN, AND ESTABLISHING STANDARDS FOR FILLING LAND.

WHEREAS,

WHEREAS,

THE CITY OF HOMER ORDAINS:

Section 1. Subsection (d) of Homer City Code 21.50.020, Site development standards – level one, is enacted to read as follows:

d. A Storm Water Plan approved under HCC Chapter 21.75 is required for development that:

1. Creates more than 25,000 square feet of new impervious surface area on a lot;

2. Increases the total impervious surface area of a lot beyond one acre;

3. Includes grading, excavation or filling that cumulatively moves 1,000 cubic yards or more of material; or

4. Includes grading, excavation or filling that creates a permanent slope of 3:1 or more, and that has a total height, measured vertically from toe of slope to top of slope, exceeding ten feet.

Section 2. Homer City Code 21.50.150, Fill standards, is enacted to read as follows:

21. 50.150 Fill standards. a. Except as permitted in (b) of this section, fill material shall be free of large organic debris (including without limitation stumps), construction or demolition debris (including without limitation concrete and asphalt), garbage and any material that is categorized as hazardous or toxic under federal or state law.

[**Bold and underlined added.** ~~Deleted language stricken through.~~]

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b. Fill material that will not support a structure may include large organic debris that originated on the lot where the fill is placed, provided that it is capped with clean fill for future landscaping or driveway use.

c. The placement of fill to a depth greater than three feet over 25% or more of a lot is subject to following requirements:

1. Before any fill is placed, a grading plan for the lot must be approved by the City Engineer. The grading plan shall show the following:

i. The existing grade and finished grade of the lot using contour intervals sufficiently small to show the nature and extent of the work, and its compliance with the requirements of this title; and

ii. The existing grade on adjoining properties in sufficient detail to identify how grade changes will conform to the requirements of this title.

2. Best management practices such as retention ditches, silt fencing, ~~and~~ or a storm water settling pond shall be installed before fill is placed on the lot. *Staff comment: staff recommends different language here and will bring forward a recommendation. Something like: Best management practices shall be used to limit sedimentation and storm water runoff, and shall be installed prior to the placement of fill on the lot.*

3. All corners of the lot shall be flagged before fill is placed on the lot.

4. The slope between the existing grade of the lot adjacent to the fill and the top of the fill shall not exceed 50%. *(Add description of 50% here, for ease of reference)*

5. No fill may be placed closer than five feet to a side or rear lot line.

6. The placement of fill shall be completed within 24 months after its commencement.

7. When the placement of fill has been completed, the filled area shall be capped and seeded. *(Staff: Ask Carey of input here: better language might be, by August 31st of the second year of the permit. The commission wanted a time limit on how long the filling was going on, and for the site to be seeded and cleaned up. Staff work on language to help ensure regs will accomplish that.)*

Section 3. This ordinance shall be effective upon adoption, except that land development plans that received final approval prior to the effective date of this ordinance shall not be subject to the amendments in this ordinance.

Section 4. This Ordinance is of a permanent and general character and shall be included in the City Code.

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

CITY OF HOMER

[**Bold and underlined added.** ~~Deleted language stricken through.~~]

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JAMES C. HORNADAY, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

YES:
NO:
ABSTAIN:
ABSENT:
First Reading:
Public Hearing:
Second Reading:
Effective Date:

Reviewed and approved as to form:

Walt E. Wrede, City Manager
Date: _____

Thomas F. Klinkner, City Attorney
Date: _____

[**Bold and underlined added.** ~~Deleted language stricken through.~~]

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City of Homer
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Web Site *www.ci.homer.ak.us*

STAFF REPORT PL 10-25

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Planning Technician
MEETING: March 17, 2010
SUBJECT: Draft dirt work ordinance

Requested Action: review the draft ordinance, forward to city attorney for review and schedule for public hearing. Staff recommends the Commission be familiar with the ordinance for the March 17th meeting, and finalizing the ordinance on April 7th, prior to sending it to the attorney for review. After attorney review, then schedule a public hearing.

Introduction
This ordinance creates two new regulations. First, it requires storm water plans for certain projects in residential districts. Second, it creates standards for fill.

The Commission previously discussed how much regulation should apply in residential districts, and it was felt that best management practices and education were preferred over more rules at this time. In addition, storm water plans and development activity plans are now required in the Residential Office district for commercial development (ordinance 10-06, adopted February 9, 2010).

Storm Water Plans
The way Homer City Code title 21 is written, all development in a district must meet the development standards of "level one" which is generally the residential districts, or "level two" which is mostly commercial districts. The rules in the commercial districts are stricter – they require development activity plans (DAP), and Storm Water Plans (SWP) under certain conditions. Please read HCC 21.50 .020. and .030. to familiarize yourself with the differences in code.

This ordinance would require storm water plans (for the first time) in residential districts under certain circumstances. The ordinance is written so that the rules for the residential districts are more relaxed than for commercial districts. For example, in a commercial district, a project within 10 feet of a wetland would trigger an SWP. This ordinance as it applies to residential districts would not use this as a trigger. There are many homes built each year in mapped wetlands (that may or may not be jurisdictional wetlands) and to require an SWP would be a substantial cost for what amounts to a very small footprint of development. Only very large projects (schools, large parking lots, etc) will likely trigger an SWP in 'level one" districts.

Public Works Involvement

Discussion Points:

1. Does the Commission want Public Works, i.e. the City Engineer, to review the grading and filling plans (see lines 24 and 29, and 51 and 56)?

2. Rather than, or in addition to PW review, should other review standards be established? Should the ordinance be more specific about what must be used as a best management practice (line 28 and56)?

For this ordinance and the steep slope ordinance, the Commission had asked for input from Public Works, on having PW review these applications/permits. Staff met with PW Directory Carey Meyer to discuss the impacts of PW reviewing more permits. At this time, Public Works can handle these additional duties, but, these are zoning regulations. At some point, Public Works may not have the staff time to review these zoning related issues. There should be substantial fees associated with these reviews to defray the cost of providing the service.

The draft steep slope ordinance is with the attorney for review. Staff anticipates both the steep slope ordinance and this dirt work ordinance will be on the agenda for April 7th. At that time, Mr. Meyer will be invited to participate at the Commission meeting to discuss Public Work's involvement with zoning related permits.

Fill Standards

This ordinance creates standards for large amounts or areas of fill, regardless of where in the city the project is. The ordinance inserts a section under both 'level one' and 'level two' site development requirements.

- The ordinance would limit 'stump dumping' ie using a lot for dumping stumps from anywhere off site.
- Sets performance standards for fill, such as a timeframe for filling, reseeding requirements, marking lot corners, etc.

Staff recommendation: Discuss the draft ordinance. At the April 7th meeting, forward to attorney for review, and schedule public hearing. Please discuss if there is additional public outreach the Commission would like to conduct.

Attachments

1. Draft Ordinance (2/23/2010 version)
2. USACOE regulations for fill in wetlands

Draft dirt work Ordinance 2/23/2010

21.50.020 Site development standards – level one. This section establishes level one site development standards. Level one site development standards apply in all zoning districts, unless otherwise provided by another provision of the zoning code.

d. A Storm Water Plan approved under HCC Chapter 21.75 is required if the project includes:

1. **Creating new impervious coverage over 25,000 square feet,**
2. **Creating a cumulative impervious coverage over 1 acre**
3. **Grading, excavation and fill involving the cumulative movement of 1,000 cubic yards or more of material;**
4. **Grading, excavation and filling that will result in a permanent slope having a steepness of 3:1 or greater and having a total slope height, measured vertically from toe of slope to top of slope, exceeding ten feet; or**

e. Fill standards

1. **Fill used for buildings shall be free of large rocks, stumps, garbage and shall comply with state and federal regulations.**
2. **Non structural fill may include larger organic debris such as stumps provided that the stumps originated on the subject lot, and are capped with clean fill for future landscaping or driveway use.**
3. **Lots where fill will be placed more than three feet in height over 25% or more of the lot, shall meet the following requirements:**
   a. **Submit a grading plan showing the existing grade and finished grade in contour intervals of sufficient clarity to indicate the nature and extent of the work and show in detail that it complies with the requirements of this code. The plans shall show the existing grade on adjoining properties in sufficient detail to identify how grade changes will conform to the requirements of this code.**
   b. **Prior to filling, best management practices such as retention ditches, silt fencing, and a storm water settling pond shall be installed.** ***(needs discussion)***
   c. **All property corners shall be flagged prior to filling.**
   d. **The slope of the sides of the fill shall not exceed 2:1, or 50%.**
   e. **Fill shall not be placed within five feet of the side and rear property lines**
   f. **Filling shall be completed within a two year timeframe.**
   g. **At the completion of the project, the site shall be capped and seeded.**

21.50.030 Site development standards – level two. This section establishes level two site development standards. Level two standards apply when specified by the applicable zoning district regulations or by another provision of the code.

g. Fill standards

1. Fill used for buildings shall be free of large rocks, stumps, garbage and shall comply with state and federal regulations.
2. Non structural fill may include larger organic debris such as stumps provided that the stumps originated on the subject lot, and are capped with clean fill for future landscaping or driveway use.
3. Lots where fill will be placed more than three feet in height over 25% or more of the lot, shall meet the following requirements:
   a. Submit a grading plan showing the existing grade and finished grade in contour intervals of sufficient clarity to indicate the nature and extent of the work and show in detail that it complies with the requirements of this code. The plans shall show the existing grade on adjoining properties in sufficient detail to identify how grade changes will conform to the requirements of this code.
   b. Prior to filling, best management practices such as retention ditches, silt fencing, and a storm water settling pond shall be installed. *(needs discussion)*
   c. All property corners shall be flagged prior to filling.
   d. The slope of the sides of the fill shall not exceed 2:1, or 50%.
   e. Fill shall not be placed within five feet of the side and rear property lines
   f. Filling shall be completed within a two year timeframe.
   g. At the completion of the project, the site shall be capped and seeded.

Federal Rules for placing fills in wetlands

Alaska DEC also has rules about junk car burial (Cits. ano)

US Army Corps
of Engineers
Alaska District
Regulatory Division (1145)
Post Office Box 6898
Number
Anchorage, Alaska 99506-0898
(907) 753-2712
(800) 478-2712 (AK Toll Free)

Date:
October 5, 2009
Identification No:
SPN 2009-1063
In reply refer to above Identification

SPECIAL PUBLIC NOTICE 2009-1063

Corps of Engineers Regulatory Program
Notice of Fill Prohibitions and Restrictions

The Alaska District Regulatory Division, U.S. Army Corps of Engineers (Corps), by publication of this Special Public Notice is hereby issuing prohibitions and restrictions on the discharge of specified materials as fill into waters of the United States (U.S.) under the Clean Water Act (33 U.S.C. 1344). The purpose of these prohibitions and restrictions is to ensure compliance with the Clean Water Act goals of: restoring and maintaining the physical, chemical, and biological integrity of our Nation's waters.

The following materials are prohibited from use as fill material in waters of the U.S. within the regulatory boundaries of the Alaska District (for additional information on Alaska District regulatory boundaries, visit our web site at: www.poa.usace.army.mil/reg):

1. Vehicle bodies, farm machinery, appliances, containers, or other materials generally considered unsuitable as fill, or which contain contaminants or toxic substances, such as those listed by the Environmental Protection Agency under Section 307 of the Clean Water Act (http://www.epa.gov/waterscience/methods/pollutants.htm) and listed in the Alaska Water Quality Criteria Manual for Toxic and Other Deleterious Organic and Inorganic Substances (http://www.dec.state.ak.us/water/wqsar/wqs).

2. Small aggregate shall not be placed below the ordinary high water mark or high tide line of any water body for the purpose of erosion control or bank stabilization if the aggregate and/or associated structure is unstable or likely to fail. Small aggregate may be placed as bedding or as material to enhance plantings, in combination with adequate measures to prevent erosion (e.g. overlain by filter fabric and anchored by riprap or sufficiently stabilized vegetative materials such as tree revetments). All exposed soil and other fills must be permanently stabilized at the earliest practicable date.

3. Construction debris, including scrap wood, sheet rock, roofing materials, asphalt, or chemically treated materials prone to leaching in an aquatic environment.

The following materials are restricted from use as fill material in waters of the U.S. unless evaluated on a case by case basis and meet the criteria below:

1. Properly anchored trees, hay bales; and woodchips. Note: use of woodchips may be restricted to maximum fill depths, mixing requirements, and/or adequate compaction, and may also require an impermeable cap to limit leachate movement into ground water.

2. Brick, cinder blocks, and broken concrete may be utilized if properly stabilized and sufficiently covered my mineral soil. Broken concrete shall be free of exposed rebar, with the length of each piece being no longer than 3.5 times its width.

Please note that this Special Public Notice does not negate the requirement to obtain proper authorizations for any discharge of dredged or fill material into a water of the United States. Anyone considering such work is encouraged to contact the nearest field office listed below for information and assistance (Note that we also have a **toll free number** for use in Alaska at **(800) 478-2712**):

Anchorage Regulatory Field Office
U.S. Army Corps of Engineers
1600 A. Street, Suite 110
Anchorage, Alaska 99501
Phone (907) 753-2619
Fax (907) 279-0064

Fairbanks Regulatory Field Office
U.S. Army Corps of Engineers,
2175 University Avenue, Suite 201E
Fairbanks, Alaska 99709-4910
Phone (907) 474-2166
Fax (907) 474-2164

Main Regulatory Office
U.S. Army Corps of Engineers
P.O. Box 6898
Elmendorf AFB, Alaska 99506-0898
Phone (907) 753-2712
Fax (907) 753-5567

Sitka Regulatory Field Office
U.S. Army Corps of Engineers
P.O. Box 16
Sitka, Alaska 99835
Phone (907) 747-0658

Juneau Regulatory Field Office
U.S. Army Corps of Engineers
8800 Glacier Highway, Suite 106
Juneau, Alaska 99801-8079
Phone (907) 790-4490

Kenai Regulatory Field Office
U.S. Army Corps of Engineers
Benco Building
805 Frontage Road, Suite 200C
Kenai, Alaska 99611-7755
Phone (907) 283-3519
Fax (907) 283-3981

Mat-Su Regulatory Field Office
U.S. Army Corps of Engineers
Century Plaza building, Suite 102
1075 South Check Street
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STAFF REPORT PL 09-73

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Planning Technician
MEETING: September 2, 2009
SUBJECT: Draft Grading and filling ordinance.

GENERAL INFORMATION
Staff anticipates using work session time to have a discussion on when various regulations would apply. Staff would like to facilitate a discussion, using the information in Staff Report 09-70, and the outline below.

Outline for discussion

A. Storm water plans in residential districts
   1. Why they are needed
   2. When they would apply

B. Development Activity Plans
   1. Why are they needed
   2. When would they apply
   3. What are the requirements

C. Fill Regulations
   1. Why are they needed
   2. When would they apply

STAFF COMMENTS/RECOMMENDATIONS:
Planning Commission discuss items in the outline and provide staff direction.

ATTACHMENTS
1. Table 1, current and proposed regulatory thresholds
2. SR 09-70 and minutes

Code triggers for further review and requirements

	Proposed Residential Districts DAP 1	Existing Business Districts DAP 2	Proposed Residential Districts SWP 1	Existing Business Districts SWP2
Cubic yards of dirt to be moved	100 ?	1000	10000	10000
Area of land clearing/grading	x sq ft?	10,000 sq ft	1 acre	1 acre
new impervious surface		5000 sq ft	25000	25000
cumulative impervious coverage			1 acre	60% of lot area

25,000 sq ft is 60% of 1 acre

2-Sep-09

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STAFF REPORT PL 09-70

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Planning Technician
MEETING: August 5, 2009
SUBJECT: Draft ordinance 09-xx, Dirt Work

GENERAL INFORMATION
This ordinance was presented to the HAPC in June 2007, and after a few meetings, was tabled. The topic is still on the work list. Staff would like the Planning Commission to review the draft ordinance again and provide direction so this work list item can be accomplished or eliminated.

The original concerns of the Commission, in 2007, were:

1. Stump dumping – using vacant lots for dumping large numbers of stumps
2. Placement of fill without other long term development plans
3. Concerns over fill slope stabilization, sedimentation and erosion
4. Conflicts between neighbors on the placement of fill on small lots and associated drainage problems

The draft Ordinance addresses these issues three ways:
1. Creates fill regulations
2. Expands Storm water regulations (ie, post construction stormwater retention) beyond the existing business districts to all districts
3. Expands grading, filling and excavation regulations to all districts

Storm Water Plan (SWP) vs Development Activity Plan (DAP) – what's on the books, why
There are two sets of regulations under Homer city code that apply to development, in the business districts only. A DAP is geared towards the actual dirt moving and construction phase of a project. An SWP is intended to deal with long term, post construction concerns, such as storm water runoff and sedimentation, for the life of the building. So there are things applicants would address during construction that would be short term via a DAP (like silt fencing) and others that would have a long term effect, like building a storm water pond, under an SWP.

These regulations were adopted into city code when the community created box store regulations a few years ago. The regulations were meant to deal with large construction sites. The draft ordinance does water down how these rules would be applied in non-business districts because the impact is lower in areas with less impervious surface area.

What's a SWPPP?
The Commission should also be familiar with the existence of state and federal regulations under the NPDES (*National Pollutant Discharge Elimination System*). For the purposes of this discussion, there are federal rules, administered by the state, that apply to all development over 1 acre, and to areas with a population over 50,000 people or an average population density over 1,000 people per square mile. Fairbanks and Anchorage have municipal NPDES storm water permits in this state. These rules require a Storm Water Pollution and Prevention Plans (SWPPP, 'swep') be submitted to the proper authority prior to construction. If you speak with a contractor and say stormwater, they will think of this state permit, which is VERY RIGOUROUS. Locally, subdivision development or large construction projects such as the water treatment plant would need a SWPPP. This SWPPP is completely different than a city SWP. Staff points out that regardless of zoning, larger projects are already regulated under the NPDES process. The draft ordinance is new city regulation for projects under the one acre threshold.

Storm water regulations
Staff created a new set of triggers for a storm water plan (SWP). For example, the current SWP requirements in the business districts apply to development projects within 10 feet of wetlands. If these were applied city wide, many single family homes would trigger an SWP because so much of Homer is wetland. Generally the only SWP requirement that would apply is would be the need to hire a civil engineer to design a stormwater detention system. This is a high cost and high level of effort for a home owner, with very little benefit from a stormwater perspective. Instead, the new SWP regulations will be triggered by larger development projects. It is larger buildings, with big parking lots, that have the greatest potential to create run off problems for neighboring property owners. The draft ordinance would require these developments to have engineered storm water plans.

DAP – Level 1 vs level 2
This ordinance also creates a new type of DAP – called a DAP level 1. The existing DAP rules would remain the same but that section of code would be renamed to Level 2. The new Level 1 DAP is a simplified version of existing rules. A level 1 DAP would not require an engineer; a homeowner or contractor can provide the information and accomplish the work.

The intent of a level one DAP is for the contractor or homeowner to be aware of site development and erosion issues, and take an active role in prevention, without the requirement to hire an engineer. Planning staff will generally review and approve level one DAP's. If a zoning permit is required, the DAP is part of the review process. If no zoning permit is required, a DAP must be submitted and approved prior to site disturbance beyond general clearing as defined by (exemptions, f).

A level two DAP is intended for commercial and multifamily projects that trigger a review under current code. No change is recommended at the moment.

Grading and Filing
Staff has spent considerable time researching grading, filling and excavation regulations. The driving factors for most regulation is federal law (NPDES as discussed above), and building codes. So the rules of various communities depends on what level of environmental quality they are required to meet by their overall federal or state NPDES permit, and by their adopted building codes. Some lower 48 communities have very strict rules, while others have more relaxed regulations. Typical grading permit

fees for single family dwellings are $200 to $600, and may or may not involve one or more city inspections. Fees for larger projects were based on a sliding scale.

Questions for the Commission

The question at this point for the Commission is how much should the city regulate, what is the problem we're trying to solve or prevent, and what is the end result we are looking for? Should the city regulate every dump truck load of dirt that enters or exits a site? Should every building site be required to have erosion controls such as silt fencing in place?

In the draft ordinance, there are numbers in parenthesis; staff requests the Commission decide when the regulation applies. Should development of 6,000 square feet for a single family home trigger additional regulations, or should a half acre or more? Staff found some communities began regulating at 7,000 sq ft of disturbance, or not until 26,000 or even 1 acre. Our current commercial districts are not regulated unless they are creating more than 5,000 square feet of new impervious surface, ot are disturbing more than 10,000 square feet.

Staff Recommendations: Discuss the draft ordinance and work through it in sections.

1. Discuss the fill standards on line 47 -54. There are existing state and federal laws about burying cars, asphalt etc; it is not staff's intent to repeat those laws in city code.

Does the commission agree with the language: please make changes, suggestions etc, is this something the city should regulate?

2. Storm Water Plans city wide: Lines 87-97 lists the triggers for a storm water plan.

Please discuss, make changes, etc. Staff may make some minor changes in this section but we're pretty comfortable with the problems we're experiencing and using storm water plans to solve them.

3. Development Activity Plans. 56-85 (triggers and exceptions), 197-238 (performance standards). This is the most difficult of the three parts of this ordinance and will need some discussion! Again, defining the problem is key; without a well defined problem and desired outcome, the regulations will probably not be successful in reaching that goal.

ATTACHMENTS

1. Draft 8/5/09 ordinance
2. HAPC minutes from June 20, 2007

DRAFT Ordinance 09-xx Dirt Work

August 5, 2009 working version

BOLD UNDERLINES TEXT IS NEW LANGUAGE

21.50.020 Site development standards – level one. This section establishes level one site development standards. Level one site development standards apply in all zoning districts, unless otherwise provided by another provision of the zoning code.

a. Slopes. All development on lots with slopes of 15 percent more is subject to the following standards:

1. For lots with slopes of 15 to 30 percent, the area used for development shall not exceed 25 percent of the lot. If the development site includes more than one lot, a conditional use permit is required.

2. For lots with slopes of greater than 30 percent, the area used for development shall not exceed ten percent of the lot. If the development site includes more than one lot, a conditional use permit is required.

3. Vegetation shall remain undisturbed except as necessary to construct improvements and to eliminate hazardous conditions, in which case it must be replanted with approved materials including ground cover, shrubs and trees. Native vegetation is preferred for replanting operations, and will be used where practicable.

4. Grading shall not alter the natural contours of the terrain except as necessary for building sites or to correct unsafe conditions. The locations of buildings and roads shall be planned to follow and conform to existing contours as nearly as possible.

b. Drainage. All development activity on lands shall conform to the following:

1. Development shall provide a drainage system that is designed to deposit all runoff into either an engineered drainage system or into a natural drainage.

2. Where open-ditch construction is used to handle drainage within the development, a minimum of 15 feet shall be provided between any structures and the top of the bank of the defined channel of the drainage ditch.

3. When a closed system is used to handle drainage within the development, all structures shall be a minimum of ten feet from the closed system.

c. Landscaping Requirements. All development activity on lands shall conform to the following:

1. Development activities shall not adversely impact other properties by causing damaging alteration of surface water drainage, surface water ponding, slope failure, erosion, siltation, intentional or inadvertent fill or root damage to neighboring trees, or other damaging physical impacts. The property owner and developer shall take such steps, including installation of culverts or buffers, or other methods, as necessary to comply with this requirement.

2. Upon completion of earthwork, all exposed slopes and all cleared, filled, and disturbed soils shall be protected against subsequent erosion by methods such as, but limited to, landscaping, planting, and maintenance of vegetative cover.

3. All exposed, cleared, filled and disturbed soils shall be revegetated within 16 months following the initiation of earthwork. Natural revegetation is acceptable if the site naturally revegetates within that 16 month period. If natural revegetation is not successful within that 16 month period, the property owner and developer shall revegetate by other means no later than the end of that 16 month period.

4. Drainage can be stabilized by other means than vegetation, if approved in writing by the City Engineer. (Ord. 08-29, 2008).

d. Fill standards Fill standards

a. Fill used for buildings shall be free of large rocks, stumps, organic materials, garbage and general slash, and shall comply with state and federal regulations.

b. Non structural fill may include larger organic debris such as stumps provided that the stumps originated on the subject lot, and are capped with clean fill for future landscaping or driveway use.

c. Stumps from other sites may not be used as fill unless approved permitted by a DAP or Zoning Permit by the City Planner.

e. A Development Activity Plan Level one approved under 21.xx.xxx is required if the project includes

1. Level One DAP Required.

A level one Development Activity Plan (DAP) is required if the project includes:

1. Land disturbing, grading, excavation, filling or stumping activity of (5,000)(25,000) square feet or greater;

2. Grading, filling or excavating involving the movement of more than (100) cubic yards of material;

3. Grading activities that will result in a temporary or permanent slope having a steepness of 2:1 and having a total slope height, measured vertically from toe of slope to top of slope, exceeding 5 feet;

4. Grading activities that will result in the diversion of existing drainage courses, both natural or human-made, from their existing point of entry or exit from the grading site; PW to approve such change in writing....

Exceptions: No DAP is required... Exemptions. The following are exempt from level one DAP requirements:

a. Grading on a parcel or contiguous parcels in one ownership less than 20,000 square feet in size for the purpose of construction, landscaping and associated improvements for a single family or duplex dwelling on sites with less than 25% average slope.

b. Development of a subdivision that has completed a Storm Water Pollution Prevention Plan (SWPPP), an Army Corps of Engineers Individual or Nationwide Permit, or has an approved and recorded Subdivision Development Agreement.

c. Construction of public roads.

d. Installation of utilities such as phone, cable, electricity and water and sewer lines.

e. Development on individual lots related to wells, septic systems, utilities, and driveways up to 30 ft in length, if no zoning permit is required. (again, have the 5,000or 25,000sq ft, 100 CU already).

f. No permit is required for any emergency activity that is immediately necessary for the protection of life, property or natural resources due to floods, natural disasters, etc.

f. A Storm Water Plan One approved under HCC Chapter 21.75 is required if the project includes:

1. **projects creating new impervious coverage over 25,000 square feet,**
2. **projects that create a cumulative impervious coverage over 1 acre**
3. **Grading, excavation and fill involving the cumulative movement of 10,000 (less? That's 1000 dump truck loads)cubic yards or more of material;**
4. **Grading that will result in a temporary or permanent slope having a steepness of 3:1 or greater and having a total slope height, measured vertically from toe of slope to top of slope, exceeding ten feet; or**
5. *Grading of an area greater than 10,000 sq ft on a slope steeper than 25 percent,*...staff still working on this. Insight is welcome!

21.50.030 Site development standards – level two. This section establishes level two site development standards. Level two standards apply when specified by the applicable zoning district regulations or by another provision of the code.

a. Site Development.

1. Development shall not adversely impact other properties by causing damaging alteration of surface water drainage, surface water ponding, slope failure, erosion, siltation, or root damage to neighboring trees, or other adverse effects.

2. Upon completion of earthwork, all exposed slopes, and all cleared, filled, and disturbed soils shall be protected against subsequent erosion by methods, such as, but not limited to, landscaping, planting, and maintenance of vegetative cover.

3. All exposed, cleared, filled and disturbed soils shall be revegetated within 16 months following the initiation of earthwork.

b. Slopes. All development on lots with slopes of 20 percent or more shall be subject to the following standards:

1. For lots with slopes of 20 percent to 30 percent, the area used for development shall not exceed 25 percent of the lot. If the development site includes more than one lot, a conditional use permit is required.

2. For lots with slopes greater than 30 percent, the area used for development shall not exceed ten percent of the lot. If the development site includes more than one lot, a conditional use permit is required.

3. Vegetation shall remain undisturbed except as necessary to construct improvements and to eliminate hazardous conditions, unless replanted with as much native vegetation as practicable including ground cover, shrubs and trees.

4. Grading shall not alter the natural contours of the terrain except as necessary for building sites or to correct unsafe conditions. The locations of buildings and roads shall be planned to follow and conform to existing contours as nearly as possible.

c. Drainage.

1. Development shall provide a drainage system, as approved by the City, that is designed to deposit all runoff into either an engineered drainage system or into a natural drainage.

2. Where open-ditch construction is used to handle drainage within the development, a minimum of 15 feet shall be provided between any structures and the top of the bank of the defined channel of the drainage ditch.

3. When a closed system is used to handle drainage within the development, all structures shall be a minimum of ten feet horizontally from the closed system.

4. Drainage can be stabilized by methods other than vegetation, if approved in writing by the City Engineer.

d. A Development Activity Plan (DAP) **Level 2** approved by the City under HCC Chapter 21.74.xx is required if the project includes:

1. Land clearing or grading of 10,000 square feet or greater surface area;

2. The cumulative addition of 5,000 square feet or greater of impervious surface area from pre-development conditions;

3. Grading involving the movement of 1,000 cubic yards or more of material;

4. Grading that will result in a temporary or permanent slope having a steepness of 3:1 or greater and having a total slope height, measured vertically from toe of slope to top of slope, exceeding five feet;

5. Grading that will result in the diversion of an existing drainage course, either natural or human-made, from its existing point of entry to or exit from the grading site; or

6. Any land clearing or grading on a slope steeper than 20 percent, or within 20 feet of any wetland, watercourse, or water body.

e. A Storm Water Plan (SWP) approved under HCC Chapter 21.75 is required if the project includes:

1. An impervious surface coverage that is greater than 60 percent of the lot area (existing and proposed development combined);

2. The cumulative addition of 25,000 square feet or greater of impervious surface area from the pre-development conditions;

3. Land grading of one acre or greater surface area;

4. Grading involving the movement of 10,000 cubic yards or more of material;

5. Grading that will result in a temporary or permanent slope having a steepness of 3:1 or greater and having a total slope height, measured vertically from toe of slope to top of slope, exceeding ten feet; or

6. Any land clearing or grading on a slope steeper than 25 percent, or within ten feet of any wetland, watercourse, or water body.

f. Landscaping Requirements. All development shall conform to the following landscaping requirements:

1. Landscaping shall include the retention of native vegetation to the maximum extent possible and shall include, but is not limited to, the following:

a. Buffers:

i. A buffer of three feet minimum width along all lot lines where setbacks permit; except where a single use is contiguous across common lot lines, such as, but not limited to, shared driveways and parking areas. Whenever such contiguous uses cease the required buffers shall be installed.

ii. A buffer of 15 feet minimum width from the top of the bank of any defined drainage channel or stream.

b. Parking Lots:

i. A minimum of ten percent of the area of parking lots with 24 spaces or more shall be landscaped in islands, dividers, or a combination of the two;

ii. Parking lots with 24 spaces or more must have a minimum ten foot landscaped buffer adjacent to road rights-of-way;

iii. Parking lots with only one single loaded or one double loaded aisle that have a 15 foot minimum landscaped buffer adjacent to road rights-of-way are exempt from the requirement of subparagraph (f)(1)(b)(i) of this section.

2. Topsoil addition, final grading, seeding, and all plantings of flora must be completed within nine months of substantial completion of the project, or within the first full growing season after substantial completion of the project, whichever comes first. Required landscaping will be maintained thereafter, with all shrubs, trees, and groundcover being replaced as needed. (Ord. 08-29, 2008).

g. Fill standards Fill standards

d. Fill used for buildings shall be free of large rocks, stumps, organic materials and general slash..garbage?.

e. Non structural fill may include larger organic debris such as stumps provided that the stumps originated on the subject lot, and are capped with clean fill for future landscaping or driveway use.

f. Stumps from other sites may not be used as fill unless approved permitted by a DAP or Zoning Permit by the City Planner.

DAP level 1

Performance Standards

1. Stabilization and sediment trapping

a. Required erosion and sediment control measures must be in place prior to land disturbing activity. All erosion and sediment control methods must be maintained during construction and shall be removed within thirty days after final site stabilization is achieved or after the temporary methods are no longer needed.

b. All material stockpiles over 50 cubic yards shall be stabilized to prevent erosion within three days. Applicable practices may include, but are not limited to, the installation of silt fences, vegetative establishment, mulching, plastic covering, and straw bales.

c. All exposed or disturbed soils with grades exceeding 10 percent and soils exposed to concentrated surface runoff flows, shall be stabilized in a way that protects soil from the erosive forces of weather and flowing water. Applicable practices include, but are not limited to, the installation of silt fences, vegetative establishment, mulching, plastic covering, and the early application of gravel base on areas to be paved.

c. Slope Stabilization. Cut and fill slopes shall be constructed in a manner that will minimize erosion. Roughened soil surfaces are preferred to smooth surfaces. Interceptors

should be constructed at the top of long, steep slopes that have significant areas above that contribute runoff. Concentrated runoff should not be allowed to flow down the face of a cut or fill slope unless contained within an adequate channel or pipe slope drain. Wherever a slope face crosses a water seepage plane, adequate drainage or other protection should be provided.

d. Protection of adjacent properties. Adjacent properties shall be protected from sediment deposition by appropriate use of vegetative buffer strips, sediment barriers or filters, dikes or mulching, or by a combination of these measures and other appropriate methods.

e. Constructed access routes. When the project site is on a paved road, mud and dirt from the construction site shall not be tracked onto the street. If sediment or debris is transported onto a road surface, the road shall be cleaned thoroughly, at a minimum, at the end of each day. Sediment or debris shall be removed from roads and sidewalks by shoveling or sweeping prior to washing the street. Street washing may not flush swept material into the drainage system.

2. On-site flagging.

a. Clearing limits, setbacks, buffers, and sensitive or critical areas such as steep slopes, wetlands and drainages shall be clearly marked on the zoning permit site plan and flagged in the field. *(SHOULD THIS BE INSPECTED by the city prior to construction? "and inspected by the City prior to commencement of land clearing activities."?*

3. Changes in Site Topography:

a. The maximum surface gradient on any artificially created slope shall be two (2) feet of horizontal run to one (1) foot of vertical fall (2:1). (3:1)?

b. Toe of any fill slope shall be x feet from the property line (5 feet? 3 feet?)

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STAFF REPORT PL 07-65

TO: Homer Advisory Planning Commission

THROUGH: Beth McKibben, City Planner

FROM: Julie Engebretsen, Planning Technician

MEETING: August 1, 2007, Work Session

SUBJECT: Grading and filling permit/Development Activity Plan

GENERAL INFORMATION

Attorney Gordon Tans is working with Planning Staff on the Title 21 re-write. It is a technical rewrite, meaning that the code is reorganized, and inconsistencies resolved. In the coming months, the new code will come before the Commission. In the mean time, staff is working on this clearing and grading ordinance. The best way to make it fit into city code is to follow the new code format. The easiest example of how the new format is different is to look at home occupations. Currently, each district may list home occupations as a use, but the definitions and applicable code language only actually appears in one district (RO) – all the other districts refer to it. Which means if you ask planning staff about home occupations, we would supply you with the code for the district you are in as well as a copy of the RO, where standards for home occupations are discussed. This is not very convenient or clear for the customer. In the new code, home occupations will be listed in each district as before, but the standard for home occupations will be its own subchapter.

Mr. Tans has taken this new organization one step further. You may have noticed that for a project in a business district, the code requirements for a site and access plan are quite a bit more detailed than the requirements for a zoning permit site plan. Understandably so; a commercial project on Ocean Drive has much greater traffic and parking circulation considerations than a single-family home in a rural area. In the code rewrite, rather than having different site plan requirements in various districts, there will be one section of code for site plans. There will be a level one site plan, which is more basic, and a level two, which is more complex. The code would point the developer to which level of site plan they need to provide. A homebuilder will need a simple site plan, level one, and a commercial project a more detailed level two plan.

At the last meeting, the HAPC reviewed a draft clearing, grading and filling permit. After reviewing the Commission's comments, staff decided to rewrite the draft regulation, and use the current Development

Activity Plan as a template. Rather than create a whole new permit, reworking our existing regulation will create a more streamlined process for the public.

Staff proposes the new DAP work the same way as the home occupation example given above. Instead of the DAP listed in some districts and not others, it will become citywide. There will be two levels; again, a big project in the CBD has different issues than a single family home. A Level One DAP will be geared for single-family, duplex and triplex projects citywide, and a Level Two will apply to larger residential projects and commercial projects citywide. The attached draft ordinance includes the proposed Level One DAP. A Level Two DAP would simply be the existing code language with no changes.

STAFF COMMENTS/RECOMMENDATIONS:
Please review this draft document at the work session and provide comments to staff.

ATTACHMENTS

1. Draft "DAP" Ordinance 07-XX

Introduction

Staff incorporated the Commission comments from the June 20th meeting. Staff also deleted the clearing section as it did not appear to be an important issue (see the strikethrough parts and if you disagree, let us know). Staff requests further discussion and direction on the following:

Worksession goals:

1. Clarify the goal of the ordinance.
2. Discuss the minimum threshold for an excavation/grading permit.
3. Discuss the triggers for a public hearing.
4. Discuss when to invite Mark Kinney to talk about stumps.

1. Please clarify the goal of the ordinance. Staff was under the impression that the goal of this ordinance was to have some oversight of development outside of the business districts, because our current regulations in other districts are very minimal and difficult to enforce. New rules are needed to give some regulatory authority over cut and fill projects. The comments of some of the commission reflect the desire for the regulations to cover all districts, which would mean more oversight in the business districts. So what is the goal: regulations for currently unregulated areas? More stringent regulations for business districts? Both?

Staff recommendation: stay focused on areas outside of the business district. Staff does not think that one size fits all regulation for the CBD and Rural residential districts is appropriate at this time.

2. Line 49, (h) The Commission recommended a threshold of 2,000 square feet. A threshold this small would mean that projects the size of the landscaping at Aurora Jems (corner of Pioneer and the Sterling Highway) would trigger the need for a permit, because that ground disturbance was over 2,000 square feet. What is the goal of such a small threshold? Please provide staff some feedback : is the goal is to have oversight over impervious surfaces in all districts? Or should all disturbances get a permit?

Examples: Olympia WA. Grading under 20,000 sq for a single family/duplex residences is exempt from permit requirements. This includes construction landscaping and associated improvements.

Anchorage: clearing on lots under two acres is exempt from a clearing permit. Exceptions to dirt work permits: Excavation shallower than 2 feet, and fill less than 3 feet in depth and less than 50 cubic yards are exempt.

Staff comment: If the goal is to talk about impervious surfaces, not landscaping, say so. And then give direction on performance standards so staff is clear what the regulatory guidelines would be.

Staff recommends a threshold of not less than 10,000 sq ft, preferably 20,000 sq ft. Please be aware that staff time and skills would not allow us to determine the different between a 10,000 sq disturbed area and a 12,000 sq ft area out in the field.

3. Public Hearing triggers. The Commission discussed the need for public hearings. Please direct staff on your wishes: what level of development would trigger a public hearing?

4. Mark Kinney as a guest speaker. When would the Commission like to invite Mr. Kinney to speak about stumps?

Issues: So is the goal to have BMPs for everything over 10,000 sq ft, if so, lets work towards that… otherwise projects with a zoning permit are exempt from the performance standards.

Zoning permit
Level one and level two DAP

Level one residential up to 2 units, level two, commercial, triplex, etc.
10,000 sq new disturbance. Cumulative over 20 K.

performance standards.. earth disturbance standards….

DAP Intent

General statement here, Beth to grab language for previous PC work.....The intent of a level one DAP is for the contractor or homeowner to be aware of site development and erosion issues and take an active role in prevention, without the requirement to hire an engineer. Planning staff will generally review and approve level one DAP's. A level two DAP is intended for commercial and non-residential projects. A level two DAP will usually be reviewed by the Planning and Public Works Director.

Purpose

The purpose of the Development Activity Plan (DAP) is to ensure that construction activity is proactive in minimizing the effects of erosion, sediment transport, water runoff and pollutants.

Permit (review?) Required All clearing, excavating, and filling activities within the City of Homer and the Bridge Creek Watershed Protection District require a Development Activity Plan.

Exemptions. The following are exempt from DAP requirements:

a. Development of a subdivision that has completed any required federal or state reviews such as a Coastal Management Consistency Review, or an ACOE Nationwide or Individual Permit, or has an approved and recorded Subdivision Development Agreement.

b. Construction of public roads.

c. Installation of utilities such as phone, cable, electricity and water and sewer lines.

d. Development on individual lots related to wells, septic systems, utilities, and driveways up to 30 ft in length, if no zoning permit has been issued.

e. Placement of not more than 5 dump truck loads or 50 cubic yards of topsoil or clean fill material, which ever is less, for general lot improvement such as leveling and landscaping, however drainage and side yard setbacks shall be observed.

f. Minor development or ground disturbance under 2,000 sq ft such as, but not limited to, the creation of lawns, gardens, landscaping, parking areas and accessory uses that do not require a zoning permit.

g. No permit is required for any emergency activity that is immediately necessary for the protection of life, property or natural resources.

Level One DAP

A level one Development Activity Plan (DAP) is required if the project includes:

1. Construction of residential structures with a footprint of 600 square feet or greater such as single-family homes, duplexes or triplexes and accessory structures. (staff comment – that is a 2 car garage)
2. Additions to existing residential structures greater than 1000 sq ft footprint (not including decks; they should be exempt)
3. Land disturbing, excavation, filling or stumping activity of ~~10,000~~ **2,000** SF or greater;
4. ~~3.~~ Grading, filling or excavating involving the movement of ~~1,000~~ **50** cubic yards of material;
5. 4. Grading activities that will result in a temporary or permanent slope having a steepness of 3:1 and having a total slope height, measured vertically from toe of slope to top of slope, exceeding 5 feet;
6. ~~5.~~ Grading activities that will result in the diversion of existing drainage courses, both natural or human-made, from their existing point of entry or exit from the grading site;

Fill standards

a. Only clean fill shall be used for structural fill. (Do we need a definition of clean fill?)

b. Non structural fill may include larger organic debris such as stumps provided that the stumps originated on the subject lot, and are capped with clean fill for future landscaping or driveway use.

c. Stumps from other sites may not be used as fill unless approved under permitted by DAP or Zoning permit by the City Planner.

Performance Standards

1. Stabilization and sediment trapping

a. Erosion and sediment control measures must be in place prior to land disturbing activity. All erosion and sediment control methods must be maintained during construction, shall be removed within thirty days after final site stabilization is achieved or after the temporary methods are no longer needed.

b. All material stockpiles over 50 cubic yards shall be stabilized to prevent erosion within three days. Applicable practices include, but are not limited to, the installation of silt fences, vegetative establishment, mulching, plastic covering, and straw bales.

c. Slope Stabilization. Cut and fill slopes shall be constructed in a manner that will minimize erosion. Roughened soil surfaces are preferred to smooth surfaces. Interceptors should be constructed at the top of long, steep slopes that have significant areas above that contribute runoff. Concentrated runoff should not be allowed to flow down the face of a cut or fill slope unless contained within an adequate channel or pipe slope drain. Wherever a slope face crosses a water seepage plane, adequate drainage or other protection should be provided.

d. Protection of adjacent properties. Adjacent properties shall be protected from sediment deposition by appropriate use of vegetative buffer strips, sediment barriers or filters, dikes or mulching, or by a combination of these measures and other appropriate methods.

e. Constructed access routes. When the project site is on a paved road, mud and dirt from the construction site shall not be tracked onto the street. If sediment or debris is transported onto a road surface, the road shall be cleaned thoroughly, at a minimum, at the end of each day. Sediment or debris shall be removed from roads and sidewalks by shoveling or sweeping prior to washing the street. Street washing may not flush swept material into the drainage system.

2. On-site flagging.

a. Clearing limits, setbacks, buffers, and sensitive or critical areas such as steep slopes, wetlands and drainages shall be clearly marked on the site plan and flagged in the field.

3. Changes in Site Topography:

a. the maximum surface gradient on any artificially created slope shall be two (2) feet of horizontal run to one (1) foot of vertical fall (2:1).

DAP level Two: see current code language 21.48.060 (d)

City of Homer
Planning & Zoning
491 East Pioneer Avenue
Homer, Alaska 99603-7645

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

STAFF REPORT PL 07-51

TO: Homer Advisory Planning Commission

THROUGH: Beth McKibben, City Planner

FROM: Julie Engebretsen, Planning Technician

MEETING: June 20, 2007

SUBJECT: Draft Grading and Filling Regulations

Introduction
Issues to address: Cut and fill edges, slope, stability and drainage

Staff extensively researched grading and filling regulations from different parts of the country. However, without a building inspection program, or a large scale drainage management plan, it was hard to Homerize those regulations. The end product presented here is mainly from Anchorage, and tempered by limits of staff time and resources. The goal of this draft document is to address the largest problems in a way that is manageable for the general public and staff resources. The problems that staff has identified are:

1. stump dumping
2. placement of fill without other long term development plans
3. concerns over fill slope stabilization, sedimentation and erosion
4. Conflicts between neighbors on the placement of fill on small lots and associated drainage problems

Other concerns raised by the Commission but not fully addressed as yet in the draft document: cut and fill edges, general slope concerns (which may be more appropriately addressed in the steep slope regulations?)

Applicability
These regulations would apply in RR, UR, and RO, Open Space Rec and Conservation districts. The business districts are already regulated through the DAP and SWP requirements. These rules are meant to deal with stumps and small lot development, not the larger commercial development that is occurring in the business districts. The intent is to deal with filling activities on lots that do not have a permitted project underway, and to development that does not already have an approved zoning permit, or floodplain development permit. These rules would apply only to development under forty thousand

square feet, Once that much area has been disturbed, an SWPP or Storm Water Protection plan is required by DEC. It is not staff's intent to duplicate this permit requirement. Information about DEC's program are attached.

Specific Questions for the Commission to answer

1. Line 21. Should this regulation apply to all of the Bridge Creek Watershed Protection District, or, are there enough regulations for that area? In the BCWPD, ground disturbance over 6,000 sq ft requires a conditional use permit and an erosion sediment control plan, which is much more rigorous than these regulations.
2. Line 49. What is the minimum amount of development that will trigger the need for a dirt work permit? In staff's research, this bottom threshold varies from 10,000 square feet of disturbed area to more than an acre before permit requirements are triggered. What are the wishes of the Commission?

Levels of permits

In Anchorage, the more intense the development/disturbance, the greater the permit regulations. Or the least amount of disturbance requires the easiest permit. So there is a separate, short permit process for land clearing, and a more lengthy process for grading, filling and excavation. See line 72.

STAFF COMMENTS/RECOMMENDATIONS:

1. Review the attachments and comment on the draft document. If this is not the direction the Commission wants to go, or it is not what you had in mind, staff can present something different. Specifically, the attached model ordinance language form the EPA could be customized for Homer.
2. After reviewing and completing a draft set of regulations, ask a developer or hire a contractor to review the proposed regulations to ensure they are reasonable and practical in Homer's building environment.

ATTACHMENTS

1. Draft regulations
2. DEC storm water and NPDES web pages
3. Model ordinance language from EPA

DRAFT Land Clearing, Excavation, Grading and Filling Permits

Purpose and intent
Definitions
Permit required
Permit fee
Exemptions
Permit standards
Types of permits
Expiration of Permits

Issues to address: Cut and fill edges, slope, stability, drainage

Intent. Intent is to screen(find a different word) development activity that does not trigger a zoning permit or other local, state or federal review, to ensure that wetlands are not accidentally filled, that stumps are not buried in inappropriate places, and that excavation and fill does not cause drainage or siltation problems on the property or for neighboring lots.

Definitions

Clearing: Definition is in title 21 code rewrite. However, the general definition is broad (too broad, and other parts of code use it for that broad purpose), so a more specific definition may be needed.
Clean fill: Not containing peat, sand, garbage, metal, large concrete chunks or large amounts of brush or stumps.
Development: Definition is in title 21 code rewrite. Need to clarify it?
Structural fill: Fill for a build pad.
Non-structural fill: fill for a driveway or landscaped area but not including a building pad for an occupied structure.

Permit Required

All clearing, excavating, grading and filling within the City of Homer (and the BCWPD ?) requires a dirt work permit.

Exemptions. The following are exempt from applying for a dirt work permit:

a. Development that requires a State of Alaska Storm Water Pollution Prevention Plan provided that a copy of the plan and EPA Notice of Intent are given to the planning department.
b. Development on a lot with a current zoning or flood plain development permit.
c. Development of a subdivision that have completed any required federal or state reviews such as a Coastal Management Consistency Review, or an ACOE Nationwide or Individual Permit, or has an approved and recorded Subdivision Development Agreement.
d. Construction of public roads.
e. Installation of utilities such as phone, cable, electricity and water and sewer lines.
f. Development on individual lots related to wells, septic systems, utilities, and driveways up to 30 ft in length, if no zoning permit has been issued.

g. Placement of not more than 5 dump truck loads or 50 cubic yards of topsoil, which ever is less, or clean fill, for general lot improvement such as leveling and landscaping, however drainage and side yard setbacks shall be observed.

h. Minor development or ground disturbance under_____(20,000?) sq ft such as, but not limited to, the creation of lawns, gardens, landscaping, parking areas or other accessory uses that do not require a zoning permit.

i. No permit is required for any emergency activity that us immediately necessary for the protection of life, property of natural resources.

Permit Standards

a. All activity shall conform to the requirements of 21.44.050 Performance standards.

b. Paved public access roads shall be kept clean by the manner described in 21.48.060 e 11 (DAP street cleaning)

c. Setbacks

1. Drainage setbacks listed under the performance standards of each district apply.

2. Fill shall not be placed within a required side yard setback. The toe of any fill slope shall be a minimum of 5 feet from all property lines. The slope of the fill shall not exceed a 3:1 ratio and shall be stabilized and vegetated per the landscaping requirements of the district.

3. Setback exception: if adjacent property owners jointly file for a permit to fill within a required setback, the fill project and drainage permit must be approved by Public Works and provisions made for adequate drainage. In urban areas with small lot sizes and existing structures, care shall be taken that any fill or drainage alteration does not negatively impact other properties in the area.

Types of dirt work permits

A single dirt work permit may be issued for all development under this section. (intent statement about levels of permit, purpose?) If the proposed development is only for land clearing, the following applies:

Land Clearing Permits.

1. Any mechanized land clearing that disturbs the soil by up uprooting trees on undeveloped lots of ____ (size) (20,000 sq ft) (Or number of trees/stumps?) or more with no zoning permit, requires a land clearing permit. Clearing that does not involve uprooting stumps is does not require a land clearing permit.

a. Application shall include:

1. Legal description of the development site (may include more than one contiguous lot)

2. Description proposed of land clearing activity.

3. Copies of any Army Corps of Engineers permits or determinations if the project is with a wetland.

4. A description of how the slash will be disposed of (burning, or offsite dumping)

2. Revegetation is required according to the zoning district's performance standards.

3. Expiration of Permits. Land Clearing permits expire two years after issuance unless other arrangements are made with the City Planner during the application process.

Grading, Excavation and Fill Permits

Question: If fill is removed from one lot and taken to another, does each site need a separate permit? Is there an easy way to streamline this?

1. Application. Applications for grading, excavation or fill permits must include the following information and materials:

a. Legal description of the development site (may include more than one contiguous lot)

b. Amount of material to be excavated/filled.

c. Type of fill material (Note: large amounts of organic, i.e. trees, lumber, stumps, peat and large rocks or concrete slabs are not allowed in fills)

d. Source of fill material

e. Where excavated material is going

f. Two site plans to scale showing the limits of the fill/excavation area and drainage patterns before and after the development.

g. Cross sections to scale showing existing and final grades, slope ratios, terracing width and height, erosion control measures and setback distances from the property line.

h. A written statement of the intended purpose of the fill/excavation; i.e. landscaping, enhance for resale, site preparation for further development, etc (QUESTION: why do we want to know, can we cut this make and make the process faster/easier?)

i. Wetlands permit or determination is the property is located in a wetland.

j. Flood hazard permit if the property is located in a flood plain.

k. All surface water impacts must also have Public Works approval. A checklist must be submitted for review before obtaining a fill permit from the Planning and Zoning Office.

2. Expiration of Permits

Dirt work permits expire two years after issuance unless other arrangements are made with the City Planner during the application process. Permit may not be renewed. If work continues after the permit expires a new permit shall be applied for.

Permit - fee. The applicant for a dirt work permit shall pay a fee according to the fee schedule established by resolution of the City Council. No application shall be processed until the fee is paid.

A. Permit Review and Approval

The City Planner shall review each application to determine its conformance with the provisions of this regulation. Within 30 days of receiving the application, the City Planner shall, in writing,

1. Approve the application

2. Approve the permit subject to such reasonable conditions as may be necessary to secure substantially the objectives of these regulations, and issue the permit subject to these conditions; or

3. Disapprove the permit application, indicating the reason(s) and procedure for submitting a revised application.

B. Failure of the City Planner to act on an original or revised application within 30 days of receipt shall authorize the application to proceed in accordance with the plans as filed unless such time is extended by agreement between the applicant and the City Planner. Pending preparation and approval of a revised plan, development activities shall be allowed to proceed in accordance with conditions established by the City Planner.

NOTES: Below copied and pasted from the DAP. It could be a little more simple for the intended residential use; the language needs to be a little more approachable for our average homeowner. We could also say, commercial development shall meet 21.48.060 Site Development Requirements (DAP requirements)… that would catch the larger commercial projects with more comprehensive regulations if that is a goal.

Performance Standards

1. Stabilization and sediment trapping a. All soil stockpiles over 50 cubic yards shall be stabilized to prevent erosion. Applicable practices include, but are not limited to, the installation of silt fences, vegetative establishment, mulching, plastic covering, and the early application of gravel base on areas to be paved.

b. Slope Stabilization. Cut and fill slopes shall be constructed in a manner that will minimize erosion. Roughened soil surfaces are preferred to smooth surfaces. Interceptors should be constructed at the top of long, steep slopes that have significant areas above that contribute runoff. Concentrated runoff should not be allowed to flow down the face of a cut or fill slope unless contained within an adequate channel or pipe slope drain. Wherever a slope face crosses a water seepage plane, adequate drainage or other protection should be provided. In addition, slopes should be stabilized in accordance with item (1) above.

c. Protection of adjacent properties. Adjacent properties shall be protected from sediment deposition by appropriate use of vegetative buffer strips, sediment barriers or filters, dikes or mulching, or by a combination of these measures and other appropriate methods.

d. Removal of temporary erosion and sediment control methods. All temporary erosion and sediment control methods shall be removed within thirty days after final site stabilization is achieved or after the temporary methods are no longer needed. Trapped sediment shall be removed or stabilized on-site. Disturbed soil areas resulting from removal of temporary methods shall be permanently stabilized. The removal of temporary erosion and sediment control methods may not be required for those projects, such as single family developments, that will be followed by additional construction under a different permit. In these circumstances, the need for removing or retaining the measures will be evaluated on a site-specific basis.

e. Controlling off-site erosion. Properties and waterways downstream from development sites shall be protected from erosion due to increases in the volume, velocity, and peak flow rate of storm water runoff from the development site by the implementation of appropriate methods to minimize adverse downstream impacts.

2. Fill standards

a. Only clean fill shall be used for structural fill.

b. Non structural fill may include larger organic debris such as stumps provided that the stumps originated on the subject lot, and are capped with clean fill for future landscaping or driveway use.

c. Stumps from other sites may not be used as fill unless approved under a dirt work permit by the City Planner.

NOTES: Not dealt with: cut and fill. NEED HELP HERE. Somehow I think this is referring to the steep parts of town, that is where we see drastic cuts and some fills… how much do we think the steep slope rules will cover this? Is there another scenario we can think of that I could use to visualize the development? OR – can we flesh out the performance standards above?

NOTES: Slope stability. Struggling here too. I think we have the construction aspect covered under performance standards, but not final slope stabilization, unless we think the current language (vegetation with a timeframe) is enough, and we can just refer to that part of code. OR – can we flesh out the performance standards above?

Storm Water

Storm Water Discharges From Construction Activities

What Are Your Permit Responsibilities As a Construction Operator?

If your project disturbs less than one acre and is not part of the planned disturbance of a larger common plan of development or sale, no permit is required. Otherwise, you must develop and follow a Storm Water Pollution Prevention Plan (SWPPP) to manage materials, equipment, and runoff from your construction site.

(Note that this is only a partial list of your responsibilities and that you must consult the Construction General Permit for details.)

- Obtain and read the Construction General Permit (CGP).
- Develop a SWPPP. Development and implementation of a construction storm water pollution prevention plan is the key condition of the CGP.
- Submit an original, signed Notice of Intent (NOI) to EPA, at least seven days before construction begins. The NOI can be filed by hardcopy or electronically.
- Submissions to DEC:
  - Provide a copy of the NOI to DEC.
  - If your project disturbs 5 acres or more and is either outside the Municipality of Anchorage or is publicly funded and within the MOA, provide a copy of the SWPPP to DEC and s ubmit a check payable to State of Alaska – DEC in amount determined by 18 AAC 72.995 Table D Plan Review Fee.
  - If your project is privately funded and is within the MOA, provide a copy of the SWPPP to MOA, along with any Municipality-required fee. Find more information click here.
  - SEND TO:
    GregoryDrzewiecki, Storm Water Coordinator, Nonpoint Source Section
    Division of Water - Alaska Department of Environmental Conservation
    555 Cordova Street
    Anchorage, AK 99501
- Implement the storm water controls described in your SWPPP.
- Receive a "Discharge Authorization" confirmation letter from EPA, assigning a unique permit number to your site.
- Conduct and document inspections of the disturbed areas on site (a)at least every 14 days and within 24 hours of a storm event, or (b) at least every seven days.
- Maintain erosion and sediment controls whenever necessary, so they operate effectively.
- Keep a copy of the permit and all associated records on site during the entire construction phase.
- Revise your SWPPP whenever necessary to protect water quality, or to reflect current conditions on site.
- After construction is completed, submit a Notice of Termination (NOT) to EPA and a copy of the NOT to DEC.
- Retain all records for a period of at least three (3) years from the date that the site is permanently stabilized.

For EPA's chart on how to apply for the Construction General Permit click here.

NEW! **EPA's SWPPP Preparation Guidance and SWPPP Template for construction sites (January 2007)**
http://cfpub.epa.gov/npdes/stormwater/swppp.cfm

Find tips on Construction Projects in Alaska
DEC's Tips for Construction Stormwater
EPA Region 10's Storm Water Pollution Prevention Plan Checklist
EPA Region 10's Inspector's Checklist

Storm Water

NonPoint Source Water Pollution Control - Storm Water

The goal of the Storm Water Program is to reduce or eliminate pollutants in storm waters so that pollutants don't reach land or waters of the state. Storm water discharges are generated by runoff from land and impervious areas such as paved streets, parking lots, and building rooftops, during rainfall and snowmelt events. Storm water discharges often contain pollutants in quantities that could adversely affect water quality.

Storm water discharges are regulated under the NPDES program and certain storm water discharges require an NPDES permit from EPA.

Under the NPDES program the state of Alaska does not have permitting and enforcement authority. However, pursuant to Section 401 of the CWA the state of Alaska certifies EPA general permits (MSGP and CGP). This is commonly known as "401 Certification". These conditions are shown in both permits as "Conditions Applicable to Specific States, Indian Country Lands or Territories", and must be respected by permitees.

In addition, DEC reviews construction designs (plans) for storm water under 18 AAC 72.600.

Types of regulated storm water discharges :

- From construction activities – construction projects disturbing more than one acre require an NPDES permit and DEC review
- From industrial activities – certain industries require an NPDES permit and DEC review
- From municipal separate storm sewer systems (MS4s) – certain municipalities require an NPDES permit
- From sites served by a storm sewer systems – these require a DEC construction design (plan) review

References for Best Management Practices

- Alaska Department of Transportation: http://www.dot.state.ak.us/stwddes/dcsenviron/assets/pdf/swppp/english/eng_f.pdf
- Municipality of Anchorage : Municipality of Anchorage's Erosion and Sediment Control and Materials Containment Guidance Manual

For more information, please contact:

Gregory Drzewiecki, Storm Water Coordinator, Nonpoint Source Section
Division of Water – Alaska Department of Environmental Conservation
555 Cordova Street
Anchorage, AK 99501
Telephone: 907-269-7692
Fax Number: 907-269-7508
Email Address: Greg_Drzewiecki@dec.state.ak.us

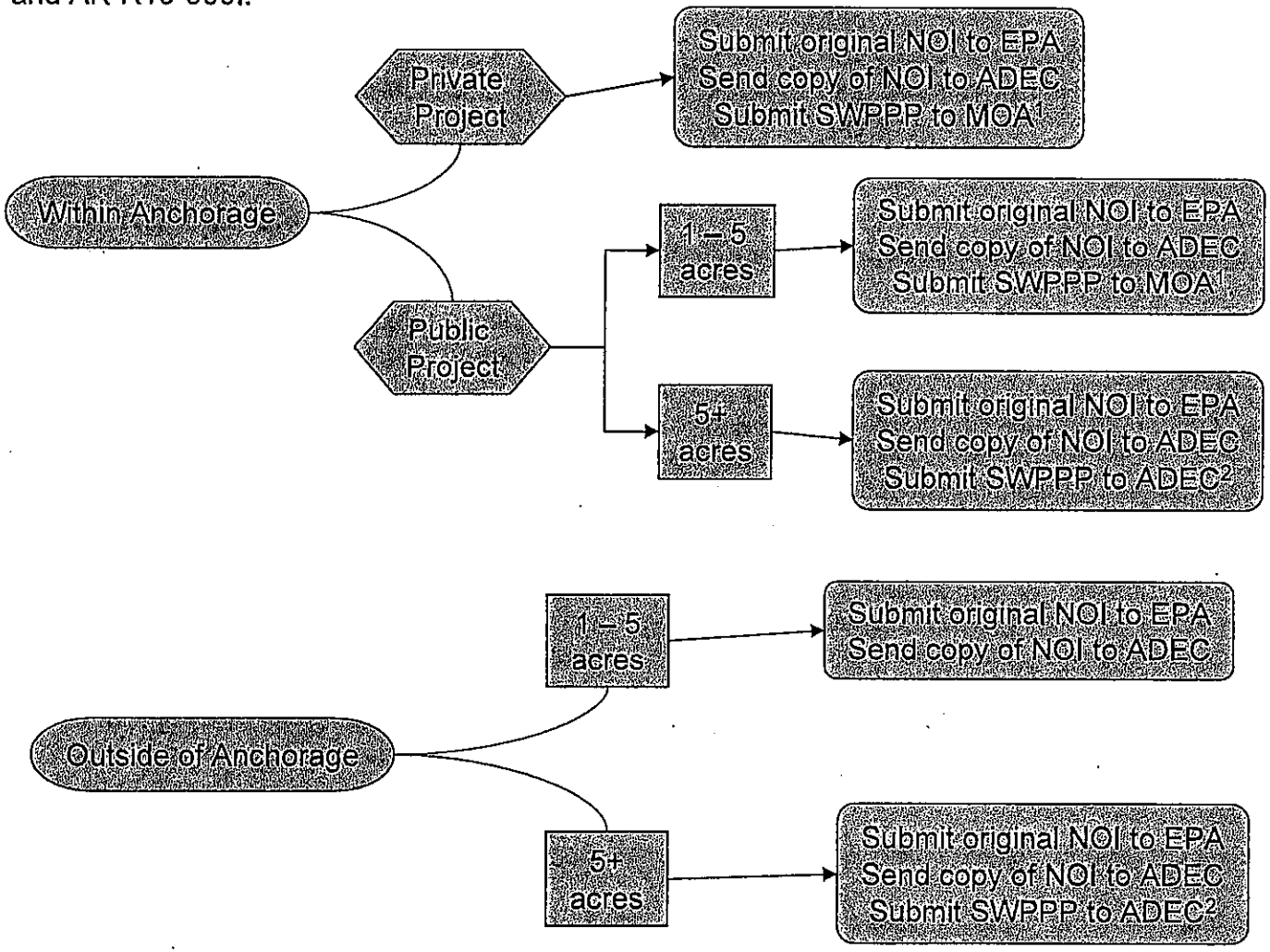
Of Interest...
- NEW! Snow Disposal Policy
- NEW! Snow Disposal S Guidance
- Brief Federal Legislat History
- 401 Certification
- State Regulations
- Fairbanks Stormwate BMP Effectiveness Report
- Snow Disposal Effectiveness Report Nearshore Marine Environments

For projects within the Municipality of Anchorage boundaries, except municipal, state, and federal projects, contact:

Steve Ellis Stormwater Plan Reviewer
Project Management and Engineering - Watershed Management
Municipality of Anchorage
4700 South Bragaw
Anchorage, AK 99519-6650
Telephone: 907-343-8115
Fax Number: 907-343-8088
Email Address: sellissm@muni.org

NPDES Construction General Permit Conditions Applicable in the State of Alaska

This chart summarizes the submittal requirements associated with the U.S. Environmental Protection Agency's NPDES General Permit for Storm Water Associated with Large and Small Construction Activities for Alaska (CGP), as contained in Part 9.F.1 of the CGP. These requirements specify to whom construction operators in Alaska must provide copies of Notice of Intent (NOIs) or Storm Water Pollution Prevention Plans (SWPPPs) when applying to EPA for permit coverage, for NPDES permit AK-R10-0000 and AK-R10-000I.



Operators must send documents at left to the following addresses. If you have questions for the agency, call the phone number provided below:

US EPA
Storm Water NOI Processing Center
Mail Code 4203 M
1200 Pennsylvania Avenue
Washington, DC 20460
(866) 352-7755

Or submit NOI electronically at:
www.epa.gov/npdes/enoi

Alaska Department of Environmental Conservation
Water Quality Division
555 Cordova Street
Anchorage, AK 99501
(907) 269-7692

Municipality of Anchorage
Dept. of Planning, Development & Public Works
4700 S. Bragaw Street
P.O. Box 196650
Anchorage, AK 99519
(907) 343-8115

1 Fee applies [see Anchorage Municipal Code (AMC) 21.67]
2 Fee applies [see Alaska Administrative Code (AAC) 18 ACC 72.995, Table D]

Frequently Asked Questions

Will EPA review my SWPPP?
Typically EPA does not review SWPPPs; instead ADEC and/or MOA complete this review, as noted above. Only occasionally does EPA request a copy of your SWPPP for review, either through a letter or at the time of an inspection.

If ADEC or MOA reviews my SWPPP and has no objections to it, can I assume it is in compliance with the requirements in the CGP?
Not necessarily. Submittal of the SWPPP to MOA or ADEC is a requirement of the CGP, but each of these agencies reviews the document with its own objectives in mind. ADEC reviews SWPPPs to make sure they contain each of the necessary elements outlined in the CGP, but it can not evaluate the thoroughness of each SWPPP element, the appropriateness of selected storm water controls or whether the SWPPP is being kept up-to-date throughout the project. MOA reviews SWPPPs for compliance with local erosion and sediment control ordinances. In either case, it is possible for you to be in compliance with ADEC or MOA directives and to be found in violation of the SWPPP requirements in the CGP. For this reason, you should make sure you have read the CGP carefully and understand the requirements before proceeding with your project.

Who conducts inspections and what are the objectives of each inspection?
ADEC, MOA, and EPA have the authority to conduct inspections at your construction site; however, the objective of each inspection depends on the agency. EPA inspectors assess a facility's compliance with the CGP and the federal Clean Water Act; ADEC inspectors assess a facility's compliance with Alaska Water Quality Standards; and MOA inspectors assess a facility's compliance with local ordinances. Some state rules and local erosion and sediment control ordinances may overlap with the requirements in EPA's CGP; however, you should not assume that a directive from any one of these agencies will bring you into compliance with the requirements of the other two.

Please contact the following representatives, if you have further questions about how to comply with requirements for construction sites in Alaska:

Misha Vakoc, Storm Water Coordinator
USEPA Region 10
1200 Sixth Avenue, OWW-130
Seattle, WA 98101
(800) 424-4372 ext. 6650

Greg Drzewiecki
ADEC
555 Cordova Street
Anchorage, AK 99501
(907) 269-7692

Steve Ellis
MOA
P.O. Box 196650
Anchorage, AK 99519
(907) 343-8078

U.S. Environmental Protection Agency

Model Ordinances to Protect Local Resources

Home
Aquatic Buffers
Erosion & Sediment Control
Open Space Development
Stormwater Control Operation & Maintenance
Illicit Discharges
Post Construction Controls
Source Water Protection
Miscellaneous Ordinances
Site Map
Links

Model Ordinances Language

This document is downloadable in WordPerfect format.

Model Ordinances Language

Ordinances & Supporting Materials

Section I. Introduction/ Purpose

During the construction process, soil is highly vulnerable to erosion by wind and water. Eroded soil endangers water resources by reducing water quality and causing the siltation of aquatic habitat for fish and other desirable species. Eroded soil also necessitates repair of sewers and ditches and the dredging of lakes. In addition, clearing and grading during construction cause the loss of native vegetation necessary for terrestrial and aquatic habitat.

As a result, the purpose of this local regulation is to safeguard persons, protect property, and prevent damage to the environment in _____ (*municipality*). This ordinance will also promote the public welfare by guiding, regulating, and controlling the design, construction, use, and maintenance of any development or other activity that disturbs or breaks the topsoil or results in the movement of earth on land in _____ (*municipality*).

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Section II. Definitions

Certified Contractor
A person who has received training and is licensed by _____ (*state or local environmental agency*) to inspect and maintain erosion and sediment control practices.

Clearing
Any activity that removes the vegetative surface cover.

Drainage Way
Any channel that conveys surface runoff throughout the site.

Erosion Control
A measure that prevents erosion.

Erosion and Sediment
A set of plans prepared by or under the direction of a licensed professional engineer

Control Plan
indicating the specific measures and sequencing to be used to control sediment and erosion on a development site during and after construction.

Grading
Excavation or fill of material, including the resulting conditions thereof.

Perimeter Control
A barrier that prevents sediment from leaving a site by filtering sediment-laden runoff or diverting it to a sediment trap or basin.

Phasing
Clearing a parcel of land in distinct phases, with the stabilization of each phase completed before the clearing of the next.

Sediment Control
Measures that prevent eroded sediment from leaving the site.

Site
A parcel of land or a contiguous combination thereof, where grading work is performed as a single unified operation.

Site Development
A permit issued by the municipality for the construction or alteration of ground

Permit
improvements and structures for the control of erosion, runoff, and grading.

Stabilization
The use of practices that prevent exposed soil from eroding.

Start of Construction
The first land-disturbing activity associated with a development, including land preparation such as clearing, grading, and filling; installation of streets and walkways; excavation for basements, footings, piers, or foundations; erection of temporary forms; and installation of accessory buildings such as garages.

Watercourse Any body of water, including, but not limited to lakes, ponds, rivers, streams, and bodies of water delineated by _____ (*municipality*).

Waterway
A channel that directs surface runoff to a watercourse or to the

public storm drain.

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Section III. Permits

A. No person shall be granted a site development permit for land-disturbing activity that would require the uncovering of *10,000 or more square feet* without the approval of an Erosion and Sediment Control Plan by _____ (*erosion and sediment control agency*).

> *The size of the site regulated under the erosion and sediment control ordinance varies widely. The proposed Phase II of USEPA's National Pollutant Discharge Elimination System (NPDES) rules regulates disturbances greater than 1 acre, but communities may regulate sites as small as 2,000 square feet.*

B. No site development permit is required for the following activities:
   1. Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.
   2. Existing nursery and agricultural operations conducted as a permitted main or accessory use.

> *Communities may choose to exempt other activities, such as mining, from an erosion and sediment control permit, or in some cases include the exempted uses cited above.*

C. Each application shall bear the name(s) and address(es) of the owner or developer of the site, and of any consulting firm retained by the applicant together with the name of the applicant's principal contact at such firm and shall be accompanied by a filing fee.

D. Each application shall include a statement that any land clearing, construction, or development involving the movement of earth shall be in accordance with the Erosion and Sediment Control Plan and that a certified contractor shall be on site on all days when construction or grading activity takes place.

> *Some states have "Certified Contractor" programs, in which contractors successfully complete a training course in basic erosion and sediment control. This person would be responsible for ensuring the regular maintenance and proper installation of erosion and sediment control measures.*

E. The applicant will be required to file with _____ (*municipality*) a faithful performance bond, letter of credit, or other improvement security in an amount deemed sufficient by _____ (*erosion and sediment control agency*) to cover all costs of improvements, landscaping, maintenance of improvements for such period as specified by _____ (*municipality*), and engineering and inspection costs to cover the cost of failure or repair of improvements installed on the site.

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Section IV. Review and approval

1. _____ (*erosion and sediment control agency*) will review each application for a site development permit to determine its conformance with the provisions of this regulation. Within 30 days after receiving an application, _____ (*erosion and sediment control agency*) shall, in writing:
   1. Approve the permit application;
   2. Approve the permit application subject to such reasonable conditions as may be necessary to secure substantially the objectives of this regulation, and issue the permit subject to these conditions; or
   3. Disapprove the permit application, indicating the reason(s) and procedure for submitting a revised application and/or submission.
2. Failure of the _____ (*erosion and sediment control agency*) to act on an original or revised application within 30 days of receipt shall authorize the applicant to proceed in accordance with the plans as filed unless such time is extended by agreement between the applicant and _____ (*erosion and sediment control agency*). Pending preparation and approval of a revised plan, development activities shall be allowed to proceed in accordance with conditions established by _____ (*erosion and sediment control agency*).

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Section V. Erosion and Sediment Control Plan

A. The Erosion and Sediment Control Plan shall include the following:
   1. A natural resources map identifying soils, forest cover, and resources protected under other chapters of this code.

> *This map should be at a scale no smaller than 1"=100'. For a more detailed discussion, see the buffer ordinance.*

2. A sequence of construction of the development site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation.
3. All erosion and sediment control measures necessary to meet the objectives of this local regulation throughout all phases of construction and after completion of development of the site. Depending upon the complexity of the project, the drafting of intermediate plans may be required at the close of each season.
4. Seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilizer application, and kind and quantity of mulching for both temporary and permanent vegetative control measures.
5. Provisions for maintenance of control facilities, including easements and estimates of the cost of maintenance.

B. Modifications to the plan shall be processed and approved or disapproved in the same manner as Section IV of this regulation, may be authorized by _____ (*erosion and sediment control agency*) by written authorization to the permittee, and shall include
   1. Major amendments of the erosion and sediment control plan submitted to _____ (*erosion and sediment control agency*)
   2. Field modifications of a minor nature

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Section VI. Design Requirements

1. Grading, erosion control practices, sediment control practices, and waterway crossings shall meet the design criteria set forth in the most recent version of _____ (*erosion and sediment control manual*), and shall be adequate to prevent transportation of sediment from the site to the satisfaction of (*erosion and sediment control agency*). Cut and fill slopes shall be *no greater than 2:1*, except as approved by _____ (*erosion and sediment control agency*) to meet other community or environmental objectives.

2. Clearing and grading of natural resources, such as forests and wetlands, shall not be permitted, except when in compliance with all other chapters of this Code. Clearing techniques that retain natural vegetation and drainage patterns, as described in _____ (*erosion and sediment control manual*), shall be used to the satisfaction of _____ (*erosion and sediment control agency*).

3. Clearing, except that necessary to establish sediment control devices, shall not begin until all sediment control devices have been installed and have been stabilized.

> *For example, the stream buffer codes as well as the forest conservation code in the "Miscellaneous Ordinances" section would also restrict clearing.*

4. Phasing shall be required on all sites disturbing greater than 30 acres, with the size of each phase to be established at plan review and as approved by (*erosion and sediment control agency*).

> *Although many communities encourage phasing, few actually require it. Phasing construction can reduce erosion significantly when well designed. (See Claytor, 1997.)*

5. Erosion control requirements shall include the following:

    1. Soil stabilization shall be completed within *five days* of clearing or inactivity in construction.
    2. If seeding or another vegetative erosion control method is used, it shall become established within *two weeks* or _____ (*erosion and sediment control agency)* may require the site to be reseeded or a nonvegetative option employed.

    > *Numerical standards regarding the time to stabilization will vary. In particular, the time to establish seeding will depend on the climate.*

    3. Special techniques that meet the design criteria outlined in (*erosion and sediment control manual)* on steep slopes or in drainage ways shall be used to ensure stabilization.
    4. Soil stockpiles must be stabilized or covered at the end of each workday.
    5. The entire site must be stabilized, using a heavy mulch layer or another method that does not require germination to control erosion, at the close of the construction season.
    6. Techniques shall be employed to prevent the blowing of dust or sediment from the site.

    > *Dust control is most important in arid regions of the country*

    7. Techniques that divert upland runoff past disturbed slopes shall be employed.

6. Sediment controls requirements shall include

1. Settling basins, sediment traps, or tanks and perimeter controls.
2. Settling basins that are designed in a manner that allows adaptation to provide long term stormwater management, if required by _____ (*erosion and sediment control agency)*
3. Protection for adjacent properties by the use of a vegetated buffer strip in combination with perimeter controls

7. Waterway and watercourse protection requirements shall include

    1. A temporary stream crossing installed and approved by _____ (*approving agency, e.g., Waterways Division, ESC agency*) if a wet watercourse will be crossed regularly during construction
    2. Stabilization of the watercourse channel before, during, and after any in-channel work
    3. All on-site stormwater conveyance channels designed according to the criteria outlined in _____ (*erosion and sediment control manual*)
    4. Stabilization adequate to prevent erosion located at the outlets of all pipes and paved channels

8. Construction site access requirements shall include

    1. a temporary access road provided at all sites
    2. other measures required by _____ (*erosion and sediment control agency*) in order to ensure that sediment is not tracked onto public streets by construction vehicles or washed into storm drains

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Section VII. Inspection

1. _____ (*erosion and sediment control agency*) or designated agent shall make inspections as hereinafter required and either shall approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with the Erosion and Sediment Control Plan as approved. Plans for grading, stripping, excavating, and filling work bearing the stamp of approval of the _____ (*erosion and sediment control agency*) shall be maintained at the site during the progress of the work. To obtain inspections, the permittee shall notify _____ (*erosion and sediment control agency*) at least two working days before the following:

    1. Start of construction
    2. Installation of sediment and erosion measures
    3. Completion of site clearing
    4. Completion of rough grading
    5. Completion of final grading

6. Close of the construction season
7. Completion of final landscaping

> *The "Certified Inspector Program" in Delaware allows developers to hire an inspector who has passed a state licensing program. This person would inspect the site at regular intervals and file reports to the erosion and sediment control agency. The agency would then be responsible for spot checks on these reports.*

2. The permittee or his/her agent shall make regular inspections of all control measures in accordance with the inspection schedule outlined on the approved Erosion and Sediment Control Plan(s). The purpose of such inspections will be to determine the overall effectiveness of the control plan and the need for additional control measures. All inspections shall be documented in written form and submitted to _____ (*erosion and sediment control agency*) at the time interval specified in the approved permit.

3. _____ (*erosion and sediment control agency*) or its designated agent shall enter the property of the applicant as deemed necessary to make regular inspections to ensure the validity of the reports filed under Section B.

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Section VIII. Enforcement

1. Stop-Work Order; Revocation of Permit
   In the event that any person holding a site development permit pursuant to this ordinance violates the terms of the permit or implements site development in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood or development site so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, _____ (*erosion and sediment control agency*) may suspend or revoke the site development permit.

2. Violation and Penalties
   No person shall construct, enlarge, alter, repair, or maintain any grading, excavation, or fill, or cause the same to be done, contrary to or in violation of any terms of this ordinance. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and each day during which any violation of any of the provisions of this ordinance is committed, continued, or permitted, shall constitute a separate offense. Upon conviction of any such violation, such person, partnership, or corporation shall be punished by a fine of not more than $ _____ for each offense. In addition to any other penalty authorized by this section, any person, partnership, or corporation convicted of violating any of the provisions of this ordinance

shall be required to bear the expense of such restoration.

Specific penalties will vary between communities and should reflect enforceable penalties given the political realities of a jurisdiction.

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Section IX. Separability

The provisions and sections of this ordinance shall be deemed to be separable, and the invalidity of any portion of this ordinance shall not affect the validity of the remainder.

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References

Claytor, R. 1997. Practical Tips for Construction Site Phasing. *Watershed Protection Techniques 2(3): 413-417.*

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URL: http://www.epa.gov/owow/nps/ordinance/mol2.htm%23ml2

CITY MANAGER'S REPORT

MANAGERS REPORT
November 22, 2010

TO: MAYOR HORNADAY / HOMER CITY COUNCIL

FROM: WALT WREDE W. Wrede

UPDATES / FOLLOW-UP

1. Website Launched: You may have noticed or heard that the new City website has been launched. If you have not been there yet, please take the time to check it out. www.ci.homer.ak.us. Please keep in mind that this is still very much a work in progress. Links are still being established and documents and other information posted. But generally, everyone seems pretty excited about the capabilities of the new site. It should be a much more useful tool for the public. For example, one of the new features allows folks to sign up for e-mail alerts. And you can pick what you want. So, if for example, a resident just wants to receive copies of Port and Harbor Commission agendas, they can do so. The Library page and the Clerk's page are particularly impressive. This new site will save time for staff when it comes to disseminating public information. But it will also require a refocus and more effort spent on keeping the site current. Terry Felde is the Website Coordinator and she has done an excellent job pulling this together. She also had a great deal of help from the liaisons in each department. Please let us know if you would like a public demonstration and/or training on the new site. We could do that at an upcoming workshop.
2. Comprehensive Economic Development Strategy (CEDS): The Economic Development Commission has completed its work on the CEDS. It voted to pass the draft document on to the Council for review and approval at its regular meeting on November 9, 2010. A copy of the document was provided with your packet as an informational item so that you have some time to look it over and give it some thought. We thought it would be a good idea to put the resolution approving the CEDS off until the January 10 meeting so that the Council will be able to devote as much attention as possible to the budget. As you know, there are only two more scheduled meetings this year.
3. Business Travel: Last week I traveled to Soldotna along with Carey, Bryan, and Rick to meet with the Corps of Engineers. In the morning we discussed transfer of the Corps permit for the seawall to the property owners and a City permit application to make beneficial use of dredged spoils. In the afternoon we discussed a regional general wetlands permit for the proposed Enstar transmission, distribution, main,and service lines. A little more information about all of these topics appears below. The week of November 15 I will be travelling to Anchorage to meet with DOT/PF about several stalled projects including the Main St. traffic signal, the Spit Trail extension, the Deep Water Dock, and the TORA Agreement. These four projects will be top priorities in the coming year.

4. Fire Training Facility: Chief Painter is scheduled to travel to California on December 2 through December 4 to conduct a pre-delivery construction inspection. If everything looks OK, the facility will be shipped to Homer and we anticipate its arrival before the end of this year. After much discussion, we have decided that the best location for the facility, at least initially, is on the Spit. It was hard to find a location that was away from residential areas and close to a water source. The Spit provides both including access to a hydrant. The spot chosen is on gravel, but within the Chip Pad enclosure, at the Northwest corner, near the road and the fire hydrant. There will be some limited smoke several times a year during training exercises. We really look forward to getting this facility up and running.
5. Update: Fire Mitigation Project / Bridge Creek Watershed: This project is moving along slowly and methodically. As everyone knows, this is a sensitive area and no one wants to do anything that would endanger water quality or important habitat. The Bridge Creek Watershed Protection District Ordinance contains many requirements that must be met before an operation of this type can be undertaken. The ordinance also requires that the Homer Soil and Water Conservation Service review the plan and make recommendations on the required erosion and sedimentation plan. All of this takes time. We have received recommendations from the Soil and Water Conservation District and also consulted with the Department of Fish and Game and Cook Inlet Keeper. A field trip took place several weeks ago. On Tuesday of this week, the Spruce Bark Beetle program staff will be here to discuss where we are and to perhaps start putting together the Conditional Use Permit application. It is starting to get a little late in the season and much will depend upon the weather and how long it takes to obtain the CUP.
6. Update: Enstar Project: Enstar has completed the distribution line from the North Fork Road to the Chapman School. It is my understanding that the school and some of the businesses fronting the line are now hooked up and will be served with gas next spring. Enstar is preparing design and costs estimates for extending the distribution line down to Homer and beyond. The goal is to have the information ready for the legislature to consider in January. The Corps of Engineers is actively discussing a regional general wetlands permit for Enstar's transmission, distribution, main, and services lies. The idea is to issue one permit for the entire expected build-out of the project instead of many individual permits for each segment or subdivision. This will save a lot of time and red tape. In the next few months, Enstar and the City will map out the expected location of the Main lines in City streets. We hope to get the gas distribution task force up and running soon to help with this effort. The Kachemak City City Council has already decided that it will finance the installation of the gas mains throughout the entire City and pay for it with an increase in the mil rate. So, they are significantly ahead of Homer in that regard. The City, the State, and Enstar are still working on amendments to the grant agreement to satisfy the concerns expressed by the Council. At the time this was written, I had still not signed the construction agreement. I covered a lot of ground quickly here. Please let me know if you have questions.

7. Kachemak Drive Phase II Water and Sewer: What is next?: As you know, after new information came to light, the City rejected all bids and returned the bid bonds to all bidders for the Kachemak Drive Phase II Water and Sewer LID. At this time, we suggest going back to the engineer who produced the project cost estimate (five years old now) and reevaluating the estimate and looking for some value engineering to lower costs. If the new cost estimate is more than 15% higher that the estimate the property owners approved, or if the new scope of work is significantly changed, it is likely that we would have to go back to the property owners for approval. The goal is to re-bid the project and work toward construction beginning next summer or fall. Attached is a memorandum from the Public Works Director suggesting the way forward. Please let us know if you want to spend more time on this at some future meeting. This may become an action item for the Council at some point. We do have some time in which to consider this carefully since the Council has already extended the project timeline. It is my understanding that all secured permits are good for at least three years.
8. Energy Audit / City Buildings and Facilities: The consultants have completed their energy audits and recommendations for City buildings and facilities. A representative for the contractor will make a presentation as a visitor on the regular agenda. Attached is a memorandum from the Public Works Director along with a spreadsheet which shows the energy saving projects with the biggest payback. The work on these projects is at 65%. We are looking for tacit approval from the Council to move specific projects to 95%. At that point we would be ready to ask the Council to appropriate funds to make the improvements. Note that the estimated costs to do all of the projects exceeds what we currently have available. Discussion will be necessary about which projects to proceed with, whether we want to expend the entire RLF in one shot, and whether more money should be appropriated or applied for. Again, let us know if you want to add this topic to a future workshop.
9. Derelict Vessels: Several years ago, the Council asked lots of questions about why we had so many derelict vessels in the harbor. Since that time, Bryan and his staff, working closely with the City Attorneys, have redoubled efforts to get these vessels out of the harbor. It is difficult and tricky to do this and many harbors are struggling with the same problem. Bryan has done an excellent job and he has been able to use a number of creative approaches to making this happen. We have reported to you about several vessels that have been removed over the past two years. Some vessels were cut up and recycled and left with the rest of the scrap steel this summer. This includes one large barge and derelict vessel that were beached on City tidelands. The latest vessel to leave is the Inlet Harvester. Many of you will remember this ship. It has been inactive and tied up at JJ Float for well over a decade. It was taking up a huge amount of moorage space. Now that it is gone, the space is available for "working" boats. We are trying hard to impress upon people that the Homer Harbor is not a storage yard. It is a working harbor and we want vessels that are actively working and providing jobs and revenues to this community. Attached is a memorandum from the Port and Harbor Director summarizing efforts in the past few years.

10. Tidal Power Update: We recently learned that the Alaska Energy Authority intends to reject the City's Round IV tidal power feasibility study application. The reason given is that this pot of alternative energy money is for construction, not feasibility studies; something that we have received very mixed messages on in the past. So, that is the bad news. The good news is that AEA is suddenly very interested in exploring tidal power and they want to do a joint project directly with NOAA to look at the feasibility of tidal power in all of Cook Inlet, including Kachemak Bay. So, from my point of view, this is a win-win situation for the City. We now have reasonable assurance that tidal power opportunities will be explored. And, the City is relieved of the responsibility of being the grant recipient and the project manager; something that would have required a great deal of staff time and effort.
11. Beneficial Uses of Dredge Spoils: The City has submitted an application to the Corps of Engineers to use dredge spoils to create several new parking lots and to replenish certain beaches that have experienced erosion. We did this for several reasons. 1). An attempt to assist the Corps as it attempts to devise a 20-year dredging plan, 2) an attempt to replenish eroded beaches which has been encouraged in the past, 3) an effort to create more off street parking which has been recommended. Beneficial uses of dredged materials is encouraged in official Corps documents. The Corps held an initial scoping meeting with permitting agencies and we expect that they will request more information. Concern was expressed about proposed revetments and possible contamination of the dredged materials.
12. Seawall Update: We continue to be faced with seawall issues and are attempting to make progress. We are working with the Corps to have the permit transferred to the property owners which is where it should have rested in the first place. The Corps has responded that under its rules, it can only transfer a permit to a willing party. We have explained the unique circumstances to them and they have requested more information. I will be initiating a conversation with the property owners to determine if there is a willingness to assume responsibility for the permit. I will also make another attempt to sell the two lots the City owns as directed by the Council. In the meantime, the property owners met with Senator Begich when he was here and they want support from the City for improvements to the wall. It seems like there is room for agreement on a path that benefits everyone here and I will continue to attempt to find a solution.
13. Budget Amendments: We have made some changes to the draft budget without going through the formal budget amendment process. Regina will provide you with new budget pages that you can insert into your draft budget. These changes are simply clerical errors. They are not substantive changes. For example, they include the $22,000 mistake that Francie discovered in the library personnel budget, another $29,000 mistake that was discovered in the jail personnel budget, inclusion of the $5,000 expenditure for website hosting and maintenance which Council had approved previously, and changes to the Old Intermediate School Budget (Leased Properties) that reflect changing circumstances.
14. Records Retention: Tom Klinkner, Holly Wells and I have been talking about the need to amend the City Code section on records retention as it relates to e-mails

for awhile now. This section of the code needs to be changed to reflect changes in technology and the law. Work on that ordinance is in progress and I hope to bring you something on it in January.

15. Senator Begich Follow-up: We are working to follow-up on the requests Senator Begich had when he was here. Some information we can provide right now, such as information on Homer intersection improvements, earmark money and the stalled deep water dock project, and the erosion problem at mile 150-157, Sterling Highway. Anne Marie is providing that information to the Senator. Other items he requested will be forwarded when they are complete. Those include the Enstar design and cost estimates for extending the gas transmission line to Homer and beyond and the Corps of Engineers technical report on the proposed East Boat Harbor.
16. Old Water Treatment Plant: Progress is being made regarding the demolition of the old water treatment plant building. Most of the electrical and other important and salvageable equipment has now been removed. We anticipate that a request for bids will be issued next month or in January and that demolition will take place this winter. This spring we can focus on the new fire station facility on the remaining cement pad.
17. Fire Department Recruitment: The Fire department is conducting a Firefighter I class and testing will take place in December. There are presently eight students taking the class. An EMT training class will begin in January. The Department is working hard to step up recruitment and efforts appear to be paying off.
18. Library / Budget Questions: At the last budget workshop, questions were raised regarding the impacts of reducing the book budget, reducing travel and training costs, and charging for computer use, among other things. Attached is a memorandum from the Library Director which discusses these topics.

ATTACHMENTS

1. November Employee Anniversaries
2. Memorandum from Library Director re: Budget Questions from last Workshop
3. Memorandum from Public Works Director re: Kachemak Drive Water and Sewer
4. Memorandum from Public Works Director re: Energy Audits and Recommendations for capital expenditures.
5. Memorandum from Port and harbor Director re: Derelict Vessels

City of Homer

Memorandum

To: Mayor Hornaday and Homer City Council

From: Walt Wrede, City Manager W. Wrede

Date: November 1, 2010

Re: November Employee Anniversaries

I want to thank the following employees for the dedication and service they have provided the City and taxpayers of Homer over the years. Each of these employees will have an anniversary this month.

Dave Shealy, Police	13 Years
Mike Riley, Public Works	10 Years
Lisa Ellington, Port and Harbor	4 Years
Paul Clark, Police	3 Years
Jenna deLumeau, Finance	1 Year

City Manager 907-235-8121 X 2222 or Fax 907-235-3148

Homer Public Library
500 Hazel Avenue
Homer, Alaska 99603
907-235-3180

MEMORANDUM 10-141

TO: Mayor and Council

THROUGH: Walt Wrede, City Manager

FROM: Helen Hill, Library Director

DATE: November 15, 2010

RE: Response to Proposed Amendments to the FY2011 Budget

Introduction
In our effort to serve every member of the Homer community, young and old and everyone in between, we offer a mixture of traditional and technological library programs and services. These days, a member of the library staff must still have a good working knowledge of authors and literature, traditional reference resources, and how to present a good Story Hour program. But they must also know when it is best to answer a reference question using a print or an electronic resource, and how to construct efficient searches. They must also stay at least one step ahead of the public and know how best to help patrons troubleshoot software and hardware problems.

In 2009, we checked out (and checked in!) over 101,000 items, which lets us know that books and reading are still thriving in our community. Computers and technology have enabled us to help the public with their information needs in ways we never dreamed possible, but have also resulted in a higher skill set for library employees. Below are responses to the Council's inquiries of why it is necessary for the library to offer computer access free of charge, maintain its modest book budget of $20,000, and pursue training and professional membership opportunities.

Alaska Library Law and Grant Requirements
AS 40.25.140 Public Library Requirements:
"A public library established under this section shall provide at least the following services free of charge to the residents of the municipality or community:

1. Establish and maintain a collection of books and other materials for loaning;
2. Provide access to interlibrary loan services;
3. Provide reading or other educational programs for children; and
4. Provide reference information."

Computer Use in Public Libraries
First, I'd like to clarify my response to the question about charging for computer use at the library. Public use computers have become a standard library service over the past ten years. Computers are

viewed as a basic component of the public library in the same way as a collection of books or a pre-school story hour program. As you'll read below, electronic and print resources have become intertwined, and these days, people must have a combination of print and electronic resources to fulfill their information needs. Many patrons who use computers at the library cannot afford a personal computer, don't have access to anything other than dial-up service due to where they live, or don't have access to a computer while they're in town. Asking patrons to pay to use computers in a public library is a barrier to free and open access to information. The format of information and reference resources might change, but the function of the public library has not, and when we charge for services, it compromises the purpose of the public library as an institution that ensures free and open access to the world's knowledge.

The public library is the community access point for computers and the Internet. Public libraries provide:

- Access to Internet training and related technologies
- Access to E-Government
- Databases and Digital Reference
- Homework Resources
- Digital and Electronic Publications

In 2009, 99 percent of public libraries offered free public access to Internet-enabled workstations. To meet the public's needs, public libraries average 14.2 workstations for public use, a number which has increased from last year. (The Homer Public Library provides 19 public use computers.) Demand for increased community access via public libraries is due to:

- E-Government (see below)
- Shift of educational activities from print to online (for example, online databases)
- Shift of employment activities from print to online (for example, online job applications)

To manage public access demand, 92.3 percent of public libraries have established time limits to ensure equitable access to information needs. The Homer Public Library provides cardholders with two 45-minute sessions per day and visitors with one 45-minute session per day.

Public libraries are experiencing more requests for computer and Internet training, and the Homer Public Library is no exception. The Friends of the Homer Public Library are generously funding basic computer drop-in training for seniors. The free drop-in sessions are so popular that another training session has been added to the schedule.

(Source for statistics in this section is from the "Public Libraries & Access" handout from the Center for Library and Information Innovation)

E-Government

"The irony of the government requiring people to do everything online is that it most affects the people who don't have the resources to go online." (Indiana library director)

The purpose of the E-Government Act of 2002 was "to improve the methods by which Government information, including information on the Internet, is organized, preserved, and made accessible to the public." (Title II, sec. 207). As a result, government services are becoming more digital and in some cases, digital only. A few examples of common online transactions include:

- Filling out disability forms

- Completing Medicare Part D forms
- Making appointments with immigration officials
- Filing court petitions
- Paying fees

State governments are also migrating to online services. The most recent Digital States Survey found that more than 80 percent of states, including Alaska, provide online transactions for:

- Business
- Individual tax filing and payment
- Unemployment insurance applications
- Professional license renewals
- Permanent Fund Dividend applications

In 2010, 79 percent of libraries reported they provide assistance to patrons to access E-Government services, up from 23% in 2009. The Homer Public Library staff has assisted patrons with many State of Alaska transactions such as downloading business licenses, Permanent Fund Dividend applications, divorce certificates, and Public Assistance information.

For the millions of Americans who lack home Internet access, including those in the Homer community who don't own computers or who only have dial-up access due to the location of their homes, the place to conduct government transactions free of charge is at the public library.

(Source for statistics in this section is from the "U.S. Public Libraries & E-Government Services" handout from the ALA Office for Research & Statistics, June 2010)

Bandwidth

More than 50 percent of public libraries nationwide report that bandwidth is not sufficient to meet patron demand. Without high quality broadband connectivity, public libraries are unable to offer essential public access services on which people rely these days to support their employment, E-Government, and education needs.

The maximum speed in most libraries is 200 kilobits (kbps) per second in at least one direction. This speed is lower than broadband in most other technologically advanced nations. In fact, the United States is ranked 19th in required capacity to meet the definition of broadband. Challenges regarding broadband capacity are availability and cost. "The public access service context, combined with the continually increasing bandwidth needs of new technologies, services, and resources, dictate the need for libraries to continually increase their connectivity speeds, modify their networks, and actively manage their connectivity. Not doing so will leave behind the millions of people in communities who rely on public access technologies and Internet connectivity provided through the public library."

(Source for statistics in this section is from the "Public Libraries & Broadband" handout from the Center for Library and Information Innovation)

Alaska Online With Libraries (OWL) Project

In September, the Alaska State Library announced that it had received a $5.4 million award from the U.S. Department of Commerce to create a broadband network which will unite 104 public library computer centers in a statewide Internet and video conferencing network (Homer Public Library included). The

$2.9 million in matching funds includes generous support from the Bill & Melinda Gates Foundation and the Rasmuson Foundation.

Some of the specific benefits of the network will include promoting public safety initiatives and providing training offered by a diverse group of public agencies, including those involved in health, education, and public safety. The OWL project will also allow Alaskans of all ages throughout the state to pursue individual educational goals. Increased bandwidth will give students access to online digital resources, including Live Homework Help, the Alaska Digital Archives, and the Digital Pipeline (all available on the Homer Public Library's website).

All public libraries in Alaska will be provided with updated computers and videoconferencing capable equipment. The result of providing increased bandwidth, updated equipment and videoconferencing capabilities will be a network of public libraries that will unite communities and users across the state.

Books

As mentioned above, in 2009 over 101,000 items were checked out from the library's collection. New books are shelved in the "New" area for six months before they are integrated into the main collection. A book can circulate many times before it either falls apart, is lost or damaged, or becomes out-of-date. Standards and classics remain on our shelves and are used for many years after purchase. Also, library staff are trained in book mending and are able to extend the life of a book for many years.

The library usually receives a 20 percent (or even 30 to 40 percent) discount as well as free shipping on book purchases. The average price of a hardbound book is $25.00; a 20 percent discount will bring the cost of a library book down to $20.00. A book budget of $20,000 would cover the cost of about 1,000 new books for the library's collection in the following sections:

- Fiction
- Nonfiction (please see attached General Dewey Decimal Categories)
- Juvenile (Fiction, Nonfiction, Easy Readers, picture books, board books for babies, etc.)
- Young Adult (Fiction and Nonfiction)
- Alaskana
- Biography
- Large Print
- Russian
- Reference

The library is able to use the $20,000 book budget funded by the City as a match for collection grants awarded by the Rasmuson Foundation and the State Library. Neither will fund a collection grant for the library if the City zeroes out the library's book budget.

Below are a few comments from the two surveys the library has conducted since moving into the new library.

<u>Book-related comments from HPL's Customer Satisfaction Survey</u> (February 8-22, 2010):

- Need more adventure books, more movies (mysteries!!).
- More materials money please – collection is well chosen but thin.
- More books!
- Very good library but needs more funding to be open more and more purchasing power.

Book-related comments from HPL Community Opinion Survey (Summer 2008):

- More books.
- Keep upgrading the collection.
- Need more books!
- Newer books!
- Larger book selections, more new books.
- Surprisingly a small amount of books to be found in such an enormous space.
- The library building is great – the book collection is not. We need more and better books.
- I was disappointed that there weren't many new titles compared to the old library.
- You need newer editions/books on many subjects.
- Wider variety of books.
- Exchange older books.
- ALL! (In response to the categories listed in question 8: Select the areas you would like to see expanded or improved – Fiction Bestsellers, Fiction Classics, Mysteries, Alaskana, Non-Fiction, Business, Poetry, Science Fiction/Fantasy, Westerns, Health/Medical/Self-Help, Magazines/Newspapers, and Literary Fiction).
- The limited amount of books is very sad. I try to get info, but a lot of times there are no books on the subjects I'm researching. Lack of books is awful.
- I would like to see more books that are true and teach you interesting things.
- More modern nonfiction books on history.
- New non-fiction books.
- Keep up with current best sellers.
- Foreign authors and plays.
- Home building and construction books from this century. All your stuff is old and outdated. This area is a common interest in the Homer vicinity and sorely lacking in your library.
- Culturally specific segments.
- Crafts, needlework.
- Current books on knitting, sewing, quilting, and fiber arts. Most of the ones in the collection are from the early 80's and a LOT has happened since then. Travel seems pretty current
- Animal care books.
- Get rid of some of the old outdated nonfiction, especially the "medical" books. They have grossly inaccurate content.
- Some of the children's non-fiction books are pretty old and should be replaced with newer better books as funds allow (We homeschool.) I love the new library.
- More books, especially children's books!
- Could use more training manuals (SAT and GRE etc.).
- Larger variety of books to use for research and school assignments.
- Christian fiction, home organizing (*Real Simple, Better Homes and Gardens*). Thanks for making Karen Kingsbury's books available. She is one of my favorite authors.
- Christian literature.
- More Christian Nonfiction.
- The number and range of topics in your magazine section seems limited.
- Investment Publications (ex. *Investment Business Daily*), Self-Help Audio Books.

Training

State regulations (4 AAC 57.064 under section a. 4.) have an eligibility requirement which requires the library director to complete "every two years at least one continuing education program approved by the state librarian." However, due to rapidly changing technology and to keep up with best practices in the field of librarianship, I believe that the library director and at least one or two staff members (on a rotating basis) should attend a state, regional, or national conference once a year. In many libraries, attending a conference is part of the annual performance evaluation.

The State Library offers many free training opportunities for library directors and staff in Alaska, and we take advantage of all free training that is applicable to our work in Homer. The State Library also encourages training through Continuing Education Grants (one grant available annually to each library in Alaska for any staff member except for the director). They also send out a monthly list of free online training and keep us informed of paid training as well.

Below is a list of training taken by the library staff in 2010:

Conferences

Conferences provide face-to-face educational, networking, and social opportunities for library staff. In Alaska, this is particularly important because libraries are located at great distances from each other and it is difficult to get together with other librarians for monthly brown-bag lunch sessions and local workshops which are common in the Lower 48. Networking is particularly important for library staff due to technological advances that are rapidly changing our profession. For example, Amy Gordon of our staff attended her first AkLA conference in Kodiak in 2009 and met the IT librarian from the Juneau Public Library. When we needed to replace our public computer use software, Amy was able to correspond with the Juneau librarian and receive advice about how to implement the new software. Since the Homer Public Library doesn't have an IT librarian on staff, we were able to use the expertise of another librarian in the State in combination with the expertise and assistance of our City IT staff. Sending Amy to the conference to attend educational sessions and make useful contacts was well worth the travel costs.

The costs below include transportation, subsistence, and registration fees. Travel is expensive in general in Alaska, and more so from Homer. Whenever possible, we apply for training grants, and share hotel rooms and transportation costs (if driving). All social events costs are borne by the employee. Please note that the PLA and PNLA conferences are usually not held every year and rarely are all held in one year; it is unusual for me to attend more than one or two conference in a year, but this year was an exception.

Alaska State Library Conference in Anchorage

- Four-day conference
- Three library staff attended
- Cost of library director was $1,117.52
- Cost of two library technicians was $354.00 (Awarded Continuing Education Grant of $1,000.00 from State Library)

Public Library Association in Portland

- Five-day conference
- Library director attended
- Cost was $1,816.26

Genealogy Workshop in Anchorage

- One-day workshop
- One library technician attended
- Cost was $116.19

Serials Cataloging Workshop in Anchorage

- Two-day workshop
- Two library technicians attended
- Cost was $1,386.48

Pacific Northwest Library Association Conference in Victoria

- Four-day conference
- Library director attended
- Cost was $1,550.24

Paper Conservation (book mending) Workshop in Anchorage

- One-day workshop
- One library technician attended
- Cost was $267.00

Paid Training

All training in this category was online.

- MARC 21 In Your Library, Part Two, MARC Coding: The Core Codes and Their Functions (TMQ/OCLC)
- Online Research Strategies for Librarians
- Readers Advisory Services
- Web 2.0 Fundamentals
- General Principles and Practices of Cataloging
- Interpreting the MARC Record
- Copy Cataloging with OCLC Connexion
- Basic MARC Tagging for Serials
- SirsiDynix Reports Lab

Training Paid by Grants

All training in this category was in-person.

- Library Customer Service Workshop for Library Staff of the Kenai Peninsula (AK State Library ILC Grant)
- Serials Cataloging Workshop paid by partial grant from the State Library
- Paper Conservation (book mending) Workshop partially funded by grant from the State Library
- Alaska State Library Continuing Education Grant covered all costs for one employee and partial costs for a second employee to attend the Alaska Library Association conference.
- Directors' Leadership Annual Meeting (AK State Library ILC Grant)

Free Training
All training in this category was online.

- The Scoop on Series Nonfiction: What's New for Fall (Booklist Online)
- Nonfiction Fall Announcements Book Buzz 2010 Webcast (School Library Journal)
- MARC 21 In Your Library, Part One, MARC and Bibliographic Information: The Underlying Fundamentals (TMQ)
- Grolier Online: New Book of Knowledge and America the Beautiful (Scholastic)
- BookFlix University (Scholastic)
- Gadgets: Personal Electronics for Your Library (ALA TechSource/WebJunction)
- Let's Get Graphic: Kids' Comics in Classrooms and Libraries (Booklist Online)
- Best Practices in Policies Directory (OCLC)
- RDA Toolkit: A Guided Tour! (ALA)
- Directions in Metadata (ALA TechSource/SirsiDynix)
- RDA and OCLC Webinar (OCLC)
- Digitize Summer Reading with Wikis and Glogs (Texas State Library & Archives Commission)
- Online Collaboration Tools
- Integrating Social Media into Your Website
- How to Make Your Website More Dynamic
- MARC of Excellent Cataloging
- Using Technology to Move Your Small Library Forward
- Continuing Education with SirsiDynix Mentor
- SirsiDynix Windows Symphony Server Administration
- SirsiDynix Windows Symphony Circulation Module
- SirsiDynix Windows Symphony Cataloging Module
- SirsiDynix Windows Symphony Reports Module
- SirsiDynix Windows Symphony Acquisitions Module
- Leadership Webinar (OCLC)
- SirsiDynix Introduction to WorkFlows
- ListenAlaska Orientation (Overdrive)

All City of Homer employees were required to complete:

- National Incidence Management System courses (online and in-person - FEMA)
- Safety Courses (AMLJIA Online University)
- Sexual Harassment: A Commonsense Approach (video - Kantola Productions)

Attending library conferences, meetings, and training has been invaluable. We couldn't accomplish a fraction of what we do without help from professionals and colleagues in the state, region, and nationwide.

Summary
Public libraries have evolved along with technology while keeping the best of their traditional services and are busier than ever, especially during these tough economic times. A public library is able to maintain an unbiased print collection and free and open access to information because it is funded by public, not private funds. Libraries strengthen communities by offering free access to books, ideas, resources, and information, which are imperative for education, employment, and self-government.

GENERAL DEWEY DECIMAL CATEGORIES (NON-FICTION SUBJECTS)

000
GENERALITIES

010 Bibliography
020 Library & information sciences
030 General encyclopedic works
040 Unassigned
050 General serials & their indexes
060 General organizations & museology
070 News media, journalism, publishing
080 General collections
090 Manuscripts & rare books

100
PHYLOSOPHY & PSYCHOLOGY

110 Metaphysics
120 Epistemology, causation, humankind
130 Paranormal phenomena, Occult
140 Specific philosophical schools
150 Psychology
160 Logic
170 Ethics (moral philosophy)
180 Ancient, medieval, Oriental philosophy
190 Modern Western philosophy

200
RELIGION

210 Natural theology
220 Bible
230 Christian theology
240 Christian moral & devotional theology
250 Christian orders & local church
260 Christian social theology
270 Christian church history
280 Christian denominations & sects
290 Other & comparative religions

300
SOCIAL SCIENCES

300 Sociology and anthropology
310 General statistics
320 Political science
330 Economics
340 Law
350 Public administration
360 Social services; associations
370 Education
380 Commerce, communications, transport
390 Customs, etiquette, folklore

400
LANGUAGE

410 Linguistics
420 English & Old English
430 Germanic languages German
440 Romance languages French
450 Italian, Romanian languages
460 Spanish & Portuguese languages
470 Italic languages, Latin
480 Hellenic languages, Classical Greek
490 Other languages

500
NATURAL SCIENCES AND MATHEMATICS

510 Mathematics
520 Astronomy & allied sciences
530 Physics
540 Chemistry & allied sciences
550 Earth sciences
560 Paleontology, paleozoology
570 Life sciences
580 Botanical sciences
590 Zoological sciences

600
TECHNOLOGY & APPLIED SCIENCES

600 General technology
610 Medical sciences and medicine
620 Engineering & allied operations
630 Agriculture
640 Home economics & family living
650 Management & auxiliary services
660 Chemical engineering
670 Manufacturing
680 Manufacture for specific uses
690 Buildings

700
ARTS

710 Civic & landscape art
720 Architecture
730 Plastic arts, sculpture
740 Drawing & decorative arts
750 Painting & paintings (museums)
760 Graphic arts, printmaking & prints, postage stamps
770 Photography & photographs
780 Music
790 Recreational & performing arts

800
LITERATURE & RHETORIC

810 American literature
820 English & Old English literatures
830 Literatures of Germanic languages
840 Literatures of Romance languages
850 Italian, Romanian literatures
860 Spanish & Portuguese literatures
870 Italic literatures, Latin
880 Hellenic literatures, Classical Greek
890 Literatures of other languages

900
GEOGRAPHY & HISTORY

900 World History
910 Geography and travel
920 Biography, genealogy, insignia
930 History of the ancient world
940 General history of Europe
950 General history of Asia, Far East
960 General history of Africa
970 General history of North America
980 General history of South America
990 General history of other areas

FOR A DETAILED LIST OF CATEGORIES, CHECK OUT:
www-lib.nearnorth.edu.on.ca/dewey/ddc_mine000.htm
CLICK THE GREEN NUMBERS ON THE PAGE TO SEE MORE

City of Homer
Port / Harbor

4350 Homer Spit Road
Homer, Alaska 99603-8005

Telephone *(907) 235-3160*
Fax *(907) 235-3152*
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Web Site *http://port.ci.homer.ak.us*

Memorandum 10-142

11/15/10

TO: Walt Wrede, Homer City Council

FROM: Bryan Hawkins, Port and Harbor Director/Harbormaster

RE: Derelict Vessels

Due to a focused effort from Port and City staff along with the excellent support of our City attorneys, we have made great strides in the task of removing some of our high profile derelict/nuisance vessels from the Port and Harbor facilities over the past two years. There is not a "one size fits all" approach to handling derelicts. Each vessel has its own issues and required "outside the box" problem solving. Our ultimate goal is to remove the nuisance/derelict vessels from the Port and Harbor, thus reducing liability and creating space for working vessels.

The following is a list of the vessels' length overall, history and their current status:

96' steel tug, current status: changed ownership September 2010 and is currently being refit for sea duty. The new owner plans to put her back into service in the spring of 2011.

167'steel floating processor warehoused in the harbor for over 15 years. The ownership changed hands four times while she lay at berth on system 5. Current status: Changed ownership and was removed from Homer harbor on November 2, 2011. The new owner signed an agreement that stated the vessel could only return to the Port and harbor upon written consent from the harbormaster

130' steel catcher processor abandoned to the harbor. Current status: Changed ownership and was removed from the harbor October of 2009 the same agreement was made with the new owner as with the 167' vessel above.

110' A WWII era wood salmon tender that came back to the harbor in August of 2009 with some serious damage and after just two hours in the harbor her bilge alarms signaled that she was in trouble. Staff breathed a sigh of relieve when she departed the harbor under new ownership a few months later. Current status, changed ownership and was removed from the harbor October of 2009.

450' steel deck cargo barge that was abandoned on our beach six years ago. Current status: Changed ownership and the new owners (Peninsula Scrap and Salvage) invested the time, equipment, expertise and manpower to break the barge down in place and process it into a steel scrap marketable product. This large recycling project turned into a revenue source for the Harbor Enterprise by way of uplands lease (chip pad) for product storage, wharfage (when scrap shipped), and dockage at the Deep Water Dock.

152' WWII era steel fish processor, this vessel bounced around Kachemak Bay for 10 years between Homer Harbor, Jakolof Bay and Seldovia Harbor. Current status: Peninsula Scrap took over ownership of the vessel in July of 2010 and broke it down in three weeks for the scrap steel market. She was loaded out across

Homer's Deep Water Dock in September further contributing to the enterprise by way of wharfage, dockage, and uplands storage lease.

Net gain in large vessel transit moorage is 407 feet. Reduction in liability risk from catastrophic loss is immeasurable. Remember these vessels were abandoned on our facilities with no responsible owners, no maintenance and no caretakers. We aren't finished with the task but we're getting much closer to achieving our objective of a derelict vessel free harbor.

CITY OF HOMER
PUBLIC WORKS
3575 HEATH STREET HOMER, AK 99603

TELEPHONE (907)235-3170
FACSIMILE (907)235-3145

MEMORANDUM 010-144

TO: Walt Wrede, City Manager

FROM: Carey Meyer, Public Works Director

DATE: November 5, 2010

RE: **Energy Audit – City Facilities**
65% Recommendations

As authorized by the City Council, Public Works has been coordinating the evaluation of energy use at sixteen City facilities to identify cost effective improvements that could be made to reduce energy usage. The Council has approved the acceptance of a Alaska Energy Authority energy efficiency improvement grant in the amount of $227,800 and has created a revolving loan account with an additional $315,000; providing a total of $542,800 to evaluate and implement energy efficiency improvements. The audit is expected to cost approximately $30,000, leaving $512,000 to complete improvements.

Siemens Industry, Inc. was selected (through the RFP process) as the most qualified firm to complete this energy use evaluation and began work in September. Siemens has completed the facility evaluations, prepared a 65% audit report and has identified potential projects that would reduce energy costs. The cost of and the annual energy cost savings for each potential facility improvement measure (FIM) has been estimated. A total of approximately $1.5M worth of potential improvements has been identified. These FIM's have been prioritized based on a cost/benefit analysis and simple payback evaluation (in years).

Attached is a list of recommended improvements that have a simple 10 year payback. The list is broken down into two columns; one showing the improvements that can be accomplished within the budget and those that would require some additional funding. An additional $275,000 would be necessary to complete energy efficiency improvements at the sewer treatment plant, the raw water pump station and at the harbormasters office. These additional improvements could be directly funded through the Water/Sewer and Harbor Reserve Accounts. The additional improvements could also be funded through an expansion of the City's energy efficiency revolving loan account. All City funded improvements could be financed through loans (various sources available); with loans being paid back through the revolving loan account.

Recommendations: The City Council informally approve continued evaluation (through 95%) of all recommended improvements. At the completion of the 95% audit (January 2011), staff to evaluate additional funding sources; make recommendations and draft ordinances that would provide resources necessary to complete all recommended energy efficiency improvements.

Energy Audit - City Facilities
Recommended Facility Improvement Measures (FIM)

Non-Lighting Facility Improvement Measure (FIM)	Description	est. annual savings	FIM within budget	FIM	simple payback (yrs)
FISH DOCK - REPLACE CRANE TRANSFORMERS	Remove 8 Crane Transformers. Add 3 120V Circuits from Ice Plant Building	$ 4,400	$ 25,000		5.7
SEWER TREATMENT PLANT - MOTOR EFFIC. IMPROVEMENTS	Replace existing motors with higher efficiency motors	$ 13,400	$ 110,000		8.2
RAW WATER PUMP HOUSE - MOTOR EFFIC. IMPROVEMENTS	Replace existing motors with higher efficiency motors and install VFDs	$ 11,900	$ 96,000		8.1
AIRPORT - HVAC IMPROVEMENTS	New Fan Motor and VFD controlled by Building Pressure & CO2	$ 1,400		$ 14,000	10.0
HARBORMASTER - WEATHERIZATION	Abandon in place 6 electric radiant heat ceiling tiles and replace with fuel oil heater	$ 1,500	$ 7,000		4.7
PUBLIC WORKS - MISC INSULATE PIPING	Insulate approximately 400' of exposed heating water piping	$ 1,400	$ 8,000		5.7
MISC - **POLICE STATION**	Police station electric heat zones with new programmable control	$ 3,000	$ 8,000		2.7
MISC - **FIRE STATION** HEAT CONTROL	Fire station electric heat zones with new programmable control	$ 1,000	$ 9,000		9.0
MISC - **PUBLIC WORKS** HEAT CONTROL	Public works electric heat zones with new programmable control	$ 700		$ 7,000	10.0
SEWER TREATMENT PLANT - SOLAR AERATION	Solar Aeration System	$ 13,200		$ 111,000	8.4
	Subtotal		$263,000	$132,000	
Lighting Facility Improvement Measure (FIM)					
LIGHTING - HOMER **AIRPORT**	Lighting Upgrade and Occ Controls	$ 10,000		$ 84,000	8.4
LIGHTING - HOMER **HARBOR**	Lighting Upgrade and Occ Controls	$ 27,200	$ 195,000		7.2
LIGHTING - **POLICE STATION**	Lighting Upgrade and Occ Controls	$ 10,900	$ 50,000		4.6
LIGHTING - **SEWER TREATMENT PLANT**	Lighting Upgrade and Occ Controls	$ 7,100		$ 63,000	8.9
	Subtotal		$245,000	$147,000	
		$107,100	$508,000	$279,000	7.2

Energy Audit - City Facilities
Recommended Facility Improvement Measures (FIM)

Non-Lighting Facility Improvement Measure (FIM)	Description	est annual savings	FIM within budget	FIM enterprise funds	simple payback (yrs)
FISH DOCK - REPLACE CRANE TRANSFORMERS	Remove 8 Crane Transformers. Add 3 120V Circuits from Ice Plant Building	$ 4,400	$ 25,000		5.7
SEWER TREATMENT PLANT - MOTOR EFFIC. IMPROVEMENTS	Replace existing motors with higher efficiency motors	$ 13,400		$ 110,000	8.2
RAW WATER PUMP HOUSE - MOTOR EFFIC. IMPROVEMENTS	Replace existing motors with higher efficiency motors and install VFDs	$ 11,900		$ 95,000	8.1
AIRPORT - HVAC IMPROVEMENTS	New Fan Motor and VFD controlled by Building Pressure & CO2	$ 1,400	$ 14,000		10.0
HARBORMASTER - WEATHERIZATION	Abandon in place 6 electric radiant heat ceiling tiles and replace with fuel oil heater	$ 1,500		$ 7,000	4.7
PUBLIC WORKS - MISC INSULATE PIPING	Insulate approximately 400' of exposed heating water piping	$ 1,400	$ 8,000		5.7
MISC - **POLICE STATION**	Police station electric heat zones with new programmable control	$ 3,000	$ 8,000		2.7
MISC - **FIRE STATION** HEAT CONTROL	Fire station electric heat zones with new programmable control	$ 1,000	$ 9,000		9.0
MISC - **PUBLIC WORKS** HEAT CONTROL	Public works electric heat zones with new programmable control	$ 700	$ 7,000		10.0
SEWER TREATMENT PLANT - SOLAR AERATION	Solar Aeration System	$ 13,200	$ 111,000		8.4
Lighting Facility Improvement Measure (FIM)	Subtotal		$182,000	$212,000	
LIGHTING - HOMER **AIRPORT**	Lighting Upgrade and Occ Controls	$ 10,000	$ 84,000		8.4
LIGHTING - HOMER **HARBOR**	Lighting Upgrade and Occ Controls	$ 27,200	$ 195,000		7.2
LIGHTING - **POLICE STATION**	Lighting Upgrade and Occ Controls	$ 10,900	$ 50,000		4.6
LIGHTING - **SEWER TREATMENT PLANT**	Lighting Upgrade and Occ Controls	$ 7,100		$ 63,000	8.9
	Subtotal		$329,000	$63,000	
		$107,100	$511,000	$275,000	7.2

Updated = 10/22/2010

CITY OF HOMER
DETAILED ENERGY AUDIT FACILITY IMPROVEMENT MEASURE LIST

FIM #	Facility Improvement Measure	FIM DESCRIPTION	Preliminary Annual Savings Estimate	ROM Implementation Cost	Simple Payback	Move Forward to 95% Grant Eligible Work	Additional Program Funding	Future Work	Other Fund Sources	Notes/Next Steps
1.01	FISH DOCK - ICE PLANT UPGRADES	Upgrade Ice Plant Refrigeration System	$ 32,000	$ 950,000	29.7				$950,000	Energy savings calculations from SRC unavailable
2.01	FISH DOCK - PUMP AND PROCESS MOTOR UPGRADES	Replace existing motors with higher efficiency motors	$ 400	$ 28,000	70.0			$28,000		
3.01	FISH DOCK - CRANE MOTOR UPGRADES	Replace existing motors with higher efficiency motors	$ 100	$ 85,000	850.0			$85,000		Want to investigate crane motor VFDs also? George to share (e) quote?
3.02	FISH DOCK - 120 V POWER	Remove 8 Crane Transformers. Add 3 120V Circuits from Ice Plant Building	$ 4,400	$ 25,000	5.7	$25,000				
4.01	SEWER TREATMENT PLANT - MOTOR EFFICIENCY IMPROVEMENTS	Replace existing motors with higher efficiency motors	$ 13,400	$ 110,000	8.2	$110,000				
4.02	RAW WATER PUMP HOUSE - MOTOR EFFICIENCY IMPROVEMENTS	Replace existing motors with higher efficiency motors and install VFDs	$ 11,900	$ 96,000	8.1	$96,000				
5.01	AIRPORT - HVAC IMPROVEMENTS	Upgrade controls and implement new control strategies	$ 700	$ 48,000	68.6			$48,000		
5.02	AIRPORT - HVAC IMPROVEMENTS	New Fan Motor and VFD controlled by Building Pressure & CO2	$ 1,400	$ 22,000	15.7		$22,000			
5.03	AIRPORT - HVAC IMPROVEMENTS	Put Unit Heaters on automated control and setback evening temperature	$ 400	$ 20,000	50.0			$20,000		
5.04	AIRPORT - HVAC IMPROVEMENTS	Install 6 Freezer Curtains on Baggage Doors.	$ 1,000	$ 32,000	32.0			$32,000		
6.01	FISH DOCK - WEATHERIZATION	Weather Stripping on 2nd Story and 3rd Story Access Doors	$ 100	$ 3,000	30.0			$3,000		
6.02	HARBORMASTER - WEATHERIZATION	Abandon in place 6 electric radiant heat ceiling tiles and replace with fuel oil h	$ 1,500	$ 7,000	4.7	$7,000				
6.03	HARBORMASTER - WEATHERIZATION	Replace 11 Windows and 2 Doors	$ 800	$ 19,000	23.8			$19,000		
7.01	PUBLIC WORKS - MISC INSULATE PIPING	Insulate approximately 400' of exposed heating water piping	$ 1,400	$ 8,000	5.7	$8,000				
7.02	MISC - HERC 1 FAN TIMERS	Install timers on 5 supply/exhaust fans	$ 4,600	$ 9,000	2.0			$9,000		COH already purchased timers? Siemens to provide install only?
7.03	MISC - ANIMAL SHELTER HEAT EXCHANGER	Install Air-to-Air Heat Exchanger	$ 2,000	$ 78,000	39.0			$78,000		
7.04	MISC - POLICE STATION	Police station electric heat zones with new programmable control	$ 3,000	$ 8,000	2.7	$8,000				
7.05	MISC - FIRE STATION HEAT CONTROL	Fire station electric heat zones with new programmable control	$ 1,000	$ 9,000	9.0	$9,000				
7.06	MISC - PUBLIC WORKS HEAT CONTROL	Public works electric heat zones with new programmable control	$ 700	$ 7,000	10.0		$7,000			
7.07	MISC - AIRBLADE HAND DRYERS	Airport and Harbor Restroom Hand Dryers	$ 1,700	$ 57,000	33.5			$57,000		
7.08	MISC - VENDING MISERS (AIRPORT & PUBLIC WORKS)	Airport and Public Works Vending Machine Occupancy Control	$ 400	$ 5,000	12.5			$5,000		
11.01	SEWER TREATMENT PLANT - SOLAR AERATION	Solar Aeration System	$ 13,200	$ 111,000	8.4	$111,000				
FIM #	Lighting Facility Improvement Measure			Subtotal (non-lighting)		$374,000	$29,000	$384,000	$950,000	
8.01a	Lighting-Animal Shelter		$ 200	$ 13,000	65.0			$13,000		
8.01b	Lighting-Fire Station	Lighting Upgrade and Occ Controls	$ 2,500	$ 37,000	14.8			$37,000		
8.01c	Lighting-Herc 1	Lighting Upgrade and Occ Controls	$ 11,100	$ 114,000	10.3			$114,000		
8.01d	Lighting-Herc 2	Lighting Upgrade and Occ Controls	$ 2,600	$ 41,000	15.8			$41,000		
8.01e	Lighting-Homer Airport	Lighting Upgrade and Occ Controls	$ 10,000	$ 84,000	8.4	$84,000				
8.01f	Lighting-Homer Harbor	Lighting Upgrade and Occ Controls	$ 27,200	$ 195,000	7.2		$195,000			
8.01g	Lighting-Police Station	Lighting Upgrade and Occ Controls	$ 10,900	$ 50,000	4.6	$50,000				
8.01h	Lighting-Public Works Shop and Garage	Lighting Upgrade and Occ Controls	$ 4,900	$ 66,000	13.5			$66,000		
8.01i	Lighting-Sewer Treatment Plant	Lighting Upgrade and Occ Controls	$ 7,100	$ 53,000	8.9		$63,000			
				Subtotal (lighting)		$134,000	$258,000	$271,000	$0	
		City of Homer Project Totals	$ 140,600	$ 1,450,000	10.3	$508,000	$287,000	$655,000	$950,000	

Siemens Industry, Inc.
5333 Fairbanks Street, Suite B
Anchorage, AK 99518
(907) 563-2242

CITY OF HOMER
PUBLIC WORKS
3575 HEATH STREET HOMER, AK 99603

TELEPHONE (907)235-3170
FACSIMILE (907)235-3145

MEMORANDUM 10- 145

TO: Walt Wrede, City Manager

FROM: Carey Meyer, Public Works Director

DATE: November 17, 2010

RE: **Kachemak Drive Water/Sewer Project (Phase II)**
What's Next?

Public Works proposes the following steps to restart the construction phase of the above referenced project:

- Review the bids received for the project and determine what lessons can be learned,
- Implement "value engineering" efforts to modify design to reduce constructions costs if possible,
- Establish a new engineers estimate,
- If construction costs are determined to approach or exceed the previously established maximum approved budget; circulate a new petition to all property owners for approval of increase,
- Rebid project,
- Initiate construction next summer.

The schedule for these efforts is described below:

Review Bids	November	2010
Implement Value Engineering	December	2010
Establish New Engineer's Estimate	January	2011
Circulate New Petition (if necessary)	February	2011
Council Action (petition approval)	March	2011
Rebid Project	April	2011
Construction Begins	May	2011
Construction Complete	July	2012

Office of the City Clerk

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

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

MEMORANDUM - REPORT

TO: MAYOR HORNADAY AND HOMER CITY COUNCIL
FROM: JO JOHNSON, CMC, CITY CLERK
DATE: NOVEMBER 17, 2010
SUBJ: CURRENT BID(S) AND REQUEST FOR PROPOSALS

RFP GC/CM DESIGN & CONSTRUCTION SERVICES CITY HALL RENOVATIONS & EXPANSION PROJECT- Proposals to provide General Contractor/Construction Manager (GC/CM) design, construction and renovation services for the City Hall building will be received at the Office of the City Clerk, City Hall, City of Homer, 491 East Pioneer Avenue, Homer, Alaska until 4:00 p.m., Tuesday, November 30, 2010. The time of receipt will be determined by the City Clerk's time stamp. Proposals received after the time fixed for the receipt of the bids shall not be considered. Requests for Proposal/Instructions for Proposers containing Proposal format and evaluation criteria are available from the Homer City Clerk's Office, 491 E. Pioneer Avenue, Homer, Alaska 99603, (907) 235-3130. Bidders are required to be on the City Clerk's Plan Holder's list to be considered responsive.

COMMITTEE REPORT

PENDING BUSINESS

CITY OF HOMER
HOMER, ALASKA

Zak

RESOLUTION 10-79

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, DETERMINING THE AREA WITHIN WHICH THE CITY MAY PROVIDE WATER UTILITY SERVICE.

WHEREAS, The Council has adopted HCC 14.08.025, which provides that the area within which the City may provide water utility service shall be determined by the council by resolution from time to time; and

WHEREAS, Under AS 42.05.221(a), the City may not operate a public utility without a certificate of public convenience and necessity from the Regulatory Commission of Alaska ("RCA"), which describes the authorized service area of the public utility; and

WHEREAS, The Council desires to determine the area within which the City currently may provide water utility service, subject to the approval of the RCA.

NOW, THEREFORE, BE IT RESOLVED that

Section 1. The area within which the City may provide water utility service is described as follows:

Any lot with frontage on the water line on East End Road.

Section 2. The City Manager is authorized and directed to take all actions necessary to obtain RCA approval of the City water utility service area described in Section 1.

Section 3. Section 2 of this resolution shall become effective upon adoption. Section 1 of this resolution shall become effective upon approval by the RCA of the water utility service area described therein.

PASSED AND ADOPTED by the Homer City Council this _____ day of _____, 2010.

CITY OF HOMER

_____
JAMES C. HORNADAY, MAYOR

ATTEST:

_____
JO JOHNSON, CMC, CITY CLERK

Fiscal Note: N/A

Jo Johnson

From: Thomas Klinkner [tklinkner@BHB.com]
Sent: Friday, September 10, 2010 2:11 PM
To: Jo Johnson
Cc: Walt Wrede
Subject: Utility Service Outside City
Attachments: 00144098.DOC$; 00144107.DOC$

Jo,

Attached are drafts of an ordinance and resolution regarding the areas in which the City may provide utility service. They represent a more general response to Council Member Zak's request for authorization for the City to provide water service to customers in Kachemak City. The approach that I have taken responds to the following legal requirements.

First, AS 29.35.020(a) provides for the extraterritorial jurisdiction of cities in the following terms: "To the extent a municipality is otherwise authorized by law to exercise the power necessary to provide the facility or service, the municipality may provide...utility services...outside its boundaries and may regulate their use and operation to the extent that the jurisdiction in which they are located does not regulate them."

Second, AS 42.05.221(a) provides that a public utility may not operate without a certificate of public convenience and necessity issued by the Regulatory Commission of Alaska ("RCA"), describing, among other things, the area in which the public utility may operate.

The City has certificates of public convenience and necessity from the RCA for its sewer and water utilities. Each includes a description of the area in which the City may provide the utility service. I do not know whether the service areas described in the certificates are up to date. Any change in utility service area boundaries (whether located inside or outside the City) also will be subject to RCA approval. In addition, the City may regulate a utility service that it provides in another jurisdiction to the extent that the other jurisdiction does not regulate it. In preparing the attached ordinance and resolution, I assume that Kachemak City does not regulate water utility service.

I have drafted an ordinance adopting two code sections authorizing the Council by resolution to establish the areas within which the City may provide sewer and water utility service. These will provide a vehicle for Council Member Zak's proposal to provide City water service in Kachemak City. They also may provide a vehicle for the City to review and update its utility service areas generally.

<<00144098.DOC¤>> <<00144107.DOC¤>>

Thomas F. Klinkner | Birch Horton Bittner & Cherot
1127 W 7th Avenue | Anchorage, AK 99501
Tel: (907) 276-1550 | Fax: (907) 276-3680
Email: tklinkner@bhb.com | Website: www.birchhorton.com

* *

received this communication in error, please notify us immediately by reply or by telephone (907) 276-1550 and immediately delete this message and all attachments.

CITY OF HOMER
HOMER, ALASKA

City Clerk/
Public Arts Committee

RESOLUTION 10-80

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, ADOPTING THE AMENDED PUBLIC ARTS COMMITTEE ADMINISTRATIVE GUIDELINES TO INCORPORATE AMENDMENTS TO COMPOSITION, 1% FOR THE ARTS PROGRAM, PRESERVATION, PROMOTION AND AWARENESS, AND DE-ACCESSIONING SECTIONS; AND TO ADD SECTIONS DECLARATION OF PURPOSE, MEETINGS, ORGANIZATION AND PROCEDURES, ACCESSION AND GIFT POLICIES, AND PROCEDURES TO PROPOSE A DONATION.

WHEREAS, It was determined that a more uniform and standard policy and procedures manual, and forms were required to address the increasing public art collection held by the City of Homer; and

WHEREAS, The Public Arts Committee, after careful research and review, have amended and updated the Administrative Guidelines to include standards for the care, acceptance, operation, and procedures of the Public Arts Committee and the City of Homer Art Collection; and

WHEREAS, The Public Arts Committee shall perform its duties and responsibilities in accordance with the procedures and guidelines established herein.

NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby amends the Public Arts Committee Administrative Guidelines to Incorporate Amendments to the Composition, 1% for the Arts Program, Preservation, Promotion and Awareness, and De-Accessioning Sections; and to Add Sections Declaration of Purpose, Meetings, Organization and Procedures, Accession and Gift Policies, and Procedures to Propose a Donation.

PASSED AND ADOPTED by the Homer City Council this _____day of October, 2010.

CITY OF HOMER

_____
JAMES C. HORNADAY, MAYOR

ATTEST:

_____
JO JOHNSON, CMC, CITY CLERK

Fiscal Note: N/A

Homer Public Arts Committee
Administrative Guidelines PAC Approved 09.09.10 – ***ITALICS, BOLD AND UNDERLINED INDICATE ADDED OR CHANGED PORTIONS OF THE CURRENT ADMINISTRATIVE GUIDELINES.***
DELETIONS ARE SHOWN AS ~~STRIKE THROUGH~~ TEXT.

The Public Arts Committee, hereafter referred to as PAC, was created in 2002 to administer Ordinance 02-25 (A) of the Homer City Code. Frequently called the "1% for Art Program", the ordinance wishes to foster culture and the arts in our community through the purchase and commissioning of works of art for municipal buildings and facilities. This manual guides the Committee in execution of its responsibilities.

Public Arts Committee - Declaration of Purpose

It is hereby declared as a matter of public policy that support for artists and arts organizations, development and stewardship of public art, cultural tourism, arts education and cultural development are public necessities and essential for the continuing growth and development of Homer's citizens, economy, and quality of life. The primary duty of the Public Arts Committee is to identify and actively encourage the development and sustainability of arts in the City by serving as the City's primary resource in matters of art, culture, public art and cultural tourism.

The Purpose of the Public Arts Committee is to:
A. Promote the arts as vital tools in building Homer's community and economy for the benefit of all its citizens.
B. Promote and support a diversity of arts and cultural opportunities for our citizens to experience.
C. Act as a catalyst to bring government, arts and culture, and private sectors together for public benefit.
D. Create a unique identity and sense of place through development and stewardship of public art.
E. Encourage artistic excellence and expand exposure to a wide variety of art forms.
F. Foster the development of the local arts community, encouraging an environment for the success of working individual artists.
G. Encourage programs for cultural exchange and development.

Composition of the Public Arts Committee

All members of the Public Arts Committee shall have a demonstrated interest and familiarity with arts and culture, either through professional practice or volunteer work. The Committee will be composed of seven members, appointed by the Mayor. Each will serve a two year term.
The Public Arts Committee shall be composed of members who represent the following:
A. A working professional artist.
B. A person working in the public education community.
C. A City Council member.
D. A person wh o has had experience or training related to the arts, such as art history or employment in fields such as architecture, education, curation, conservation, performing arts, visual arts or related field.
E. A person representing the public at large.

F. Up to two members may be residents from outside the city limits. Preference shall be given to city resident applicants.

Terms of Committeemembers

A. Terms of the Public Arts Committee members shall be two (2) years.
B. Terms shall expire on April 28 of the designated year.
C. Each member shall serve until his or her successor has been appointed by City Council.
D. In the event that a position is vacated before the expiration of the term, except temporary vacancies as hereinafter provided, the position shall be filled by the City Council for the remainder of the unexpired term.
E. The appointment of any member of the Public Arts Committee who has been absent three or more consecutive meetings, whether regular or special, without notice shall automatically be terminated. The Staff or Clerk shall notify the member who is terminated and report to City Council that a vacancy exists and submit notice as required that there is a vacancy.
F. Public Arts Committee members serve in an advisory manner to City Council.
G. Public Arts Committee members shall serve without compensation.

~~Responsibilities~~ *Powers and Duties of the Public Arts Committee*

The Public Arts Committee is specifically responsible to:
A. Act in an advisory capacity to the City Council in all matters pertaining to the arts and culture of the City;
B. Recommend to the City Council the adoption of such ordinances, rules, and regulations as it may deem necessary for the administration and preservation of fine arts, performing arts and aesthetic aspects of the community;
C. Work cooperatively with city boards, commissions and committees, city departments, and private and public organizations in creating and promoting art and cultural programs and activities within the city;
D. By establishing policies, act as a catalyst bringing government, the arts and culture, and public sectors together for the benefit of all residents;
E. Establish policies that encourage, conduct, sponsor or co-sponsor public programs to further the development and public awareness of and interest in the arts;
F. Encourage the use of professional practices in working with artists;
G. Serve as the City's ambassadors to artists, arts organizations and the general public;
H. Communicate to the public about the City's arts program and policies;
I. Review and make recommendations upon all works of art to be acquired by the City, either by purchase, gift or otherwise pursuant to the City's Accession and Gift Policies.
J. Review and make recommendations with reference to any existing work of art in the Municipal Art Collection in connection with the relocation or alteration thereof, pursuant to the City's Deaccessioning policy;
K. Review and make recommendations upon all works of art to be removed from the Municipal Art Collection, pursuant to the Deaccessioning policy;
L. Promulgate policies and procedures for the development and implementation of public art in the city;
M. Prioritize public art projects in a way that identifies and defines the public art projects and programs to be developed from the 1 percent for art monies;

N. Provide stewardship to the Municipal Art Collection by reviewing the condition of the artwork every two years and making recommendations for its care, maintenance, or improvement, including routine maintenance, conservations, and emergency maintenance when required;
O. Record and maintain all data related to accessed works in the Municipal Art Collection;
P. Review and make recommendations for visual artwork and artistic elements be considered for placement on City of Homer property and upon request for placement on city rights-of-way;

Officers and Committee

A. The Public Arts Committee shall have one Chair and one Vice Chair with terms of one year, elected by a simple majority of the committee;
B. The Chair and Vice Chair shall be elected during the meeting held in May of each year;
C. No member may serve more than two consecutive terms as Chair or Vice Chair;
D. The Chair shall preside over all meetings of the Public Arts Committee. In the event that the Chair is or will be absent the Vice Chair will fulfill the duties of the Chair;
E. If for any reason the Chair relinquishes his or her authority before the expiration of their term of office, the Vice Chair will assume the role of Chair. Elections will be held to select a new Vice Chair at the next regular meeting.
F. The Chair shall work with Staff or the Clerk in preparing the agenda for the meeting;

Meetings of the Public Arts Committee

A. The Public Arts Committee shall meet quarterly on the ~~third~~ *second* Thursday ~~of the month~~ February, May, August and November *at* ~~11:00 a.m.~~ *5:00 p.m. The meeting shall not exceed ninety (90) minutes in length.* A worksession will be held monthly *on the second* Thursday at ~~10:00 a.m.~~ *4:00 p.m.* and prior to each regular meeting.
B. Special meetings may be called by the Chair, Vice Chair or members of the committee as required to carry out business in a timely manner.
C. Scheduling of special meetings or worksession require a two week notice for proper advertisement by the City Clerk's office as required by law.
D. A quorum is required for a meeting to be conducted and any action taken by the committee members during that meeting.
E. Worksessions do not require the presence of a quorum. No action can be taken at a worksession it is primarily for discussion purposes only.
F. All meetings will be held in the Cowles Council Chambers or alternative location as designated.
G. All meetings are to be recorded in acceptable audio format according to established rules.

Organization and Procedures

The following by-laws and administrative guidelines shall govern the procedures and operations of the Public Arts Committee;
A. To abide by the current edition of Robert's Rules of Order insofar as this treatise is consistent with these by-laws, the Homer City Code, Alaska State law or Borough Code;
B. Four members shall constitute a quorum;
C. A majority vote of the quorum is required to pass any motion.
D. Requests for items to be placed on the agenda must be submitted no later than 5:00 p.m. on Wednesday the week prior to the scheduled meeting or worksession;

E. Permanent records or minutes shall be kept of the proceedings of the regular monthly meetings. The minutes will record the vote of each member upon every question. Every decision shall be filed in the office of the City Clerk and shall be public record open to inspection.

F. The Public Arts Committee shall submit a report to City Council as required to update progress on current projects.

G. Perform other duties as required by the City Manager and or City Council;

H. Oversee the 1% for Art Program

I The Public Arts Committee administrative guidelines are to be reviewed periodically and updated as required.

J. Agendas are to follow the format as described in the City of Homer City Council Operating Manual.

PUBLIC ARTS COMMITTEE _____ *DATE*

ADDRESS _____ *DAY AND TIME*

CITY, STATE _____ *LOCATION*

MEETING NOTICE

LIST TYPE OF MEETING - REGULAR WORKSESSION OR SPECIAL

1. CALL TO ORDER

2. APPROVAL OF THE AGENDA

3. PUBLIC COMMENT REGARDING ITEMS ON THE AGENDA (3 Minute Time Limit)

4. RECONSIDERATION

5. APPROVAL OF MINUTES

A. Meeting Minutes

6. VISITORS

7. STAFF & COUNCIL REPORT/COMMITTEE REPORTS/BOROUGH REPORTS

8. PUBLIC HEARING (3 minute time limit)

9. PENDING BUSINESS

10. NEW BUSINESS

11. INFORMATIONAL MATERIALS

12. COMMENTS OF THE AUDIENCE

13. COMMENTS OF THE CITY STAFF

14. COMMENTS OF THE CHAIR

15. COMMENTS OF THE COMMITTEE

16. ADJOURNMENT/NEXT REGULAR MEETING IS SCHEDULED FOR DATE at TIME. in the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

K. A member of the Public Arts Committee will be designated each worksession to take notes and submit a draft synopsis to Staff for inclusion in the packet to track the progress by the committee on projects and work product.

~~1. Determine whether or not a City capital improvement project is eligible for inclusion in the 1% for Art Program~~.

1% for the Arts Program

The State has recognized through the enactment of AS 35.27.010, and the City of Homer hereby recognizes by the enactment of this chapter, the responsibility of government to foster the development of culture and the arts through the purchase or commissioning of works of art for municipal buildings and facilities. It is therefore declared to be municipal policy that a portion of appropriations for capital expenditures for municipal buildings and facilities be devoted to the acquisition of works of art to be permanently placed or incorporated in such buildings or facilities. (Ord. 02-25(A), 2002.)

Definitions

The following words, terms and phrases, when used, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

"Art" and "work of art" mean all forms of original creations of visual art, including but not limited to the following:

1. Sculptures: in the round, bas relief, high relief, mobile, fountain, kinetic or electronic, in any material or combination of materials.

2. Painting: all media, including portable and permanently affixed works, such as murals.

3. Graphic arts: printmaking and drawing.

4. Mosaics.

5. Photography.

6. Crafts: in clay, fiber and textiles, wood, metal, plastics and other materials.

7. Calligraphy.

8. Mixed media: any combination of forms or media, including collage

"Construction, remodeling or renovation of municipal buildings and facilities" means any capital improvement projects paid for wholly or in part by the municipality to build, rebuild or improve any decorative or commemorative structure, park or parking facility or any building.

"Total cost of construction, remodeling or renovation" means the total allotted funding for the subject project at the time of award of contract, exclusive of the costs of land acquisition, site investigation, and environmental clean up or remediation. (Ord. 02-25(A), 2002.)

The Public Arts Committee shall be responsible for the following:

~~2.~~ *A.* Determine the dollars allocated for art within the budget of each eligible project;

~~3.~~ *B.* Name a Selection Committee for each project;

~~4.~~ *C.* Develop and monitor policies related to the selection and installation processes;

~~5.~~ *D.* Develop plans that insure the preservation of the art collection;

~~6. Foster public appreciation for the art collection;~~

~~7. Encourage the placement of art in other public spaces, whether publicly or privately owned.~~

~~8. Continue to update Administrative Guidelines as needed.~~

Procedures for the 1% for the Arts Program

Eligible Projects

1. Upon approval of the City budget, the City Manager will provide a copy of the capital improvement budget to the PAC, notating all projects he/she believes to be included in Ordinance 02-25(A).

2. Eligible projects include remodeling, renovation, new construction to municipal buildings or facilities when the cost of the project exceeds $250,000.

3. Staff will update the ~~PAC committee~~ ***Public Arts Committee*** at least quarterly regarding any new capital improvement projects City Council has approved and will indicate whether the City Manager believes the 1% for Art Program is applicable.

Project Budget

1. 1% of the project cost will be allocated for the purchase of art, with a minimum project value of $250,000 and a maximum of $7,000,000. Therefore, the minimum budget is $2,500 and the maximum is $70,000. The budget may be increased by the addition of private funds or donations from non-city public funds.

2. ***Project cost*** is defined as the cost of the original contract awarded, excluding land acquisition, site investigation, environmental cleanup or remediation. Subsequent change orders and amendments to the contract do not increase or decrease the amount of funding available for artwork.

3. The art budget will include all costs associated with design, construction, installation, and acquisition of works of art.

Selection Committees

1. ~~PAC~~ ***The Public Arts Committee*** will form a new Selection Committee for each eligible project. Appointments will be made as early as possible in the construction process to encourage integration of art into the architecture of the building and design of the outdoor spaces.

2. A Selection Committee will be composed of at least five (5) members, including
   a. One member from PAC,
   b. One Artist
   c. One member from the architectural/design team,
   d. One member from a user group
   e. Director of building in question ***or his/her designated representative***.

The scope of the project may require the appointment of additional members.

3. The City staff liaison to the ~~PAC~~ ***Public Arts Committee*** will also assist the Selection Committee. This will facilitate clear communication and cooperation between the two committees.

4. Diversity

~~a.~~ ***The Public Arts Committee*** ~~PAC~~ will specifically include members of the community who share a commitment to the goals of this Ordinance yet represent the diverse citizenry in our community.

5. Responsibilities of a Selection Committee
   a. Selection Committee members will suggest the most suitable locations for artwork within the building or on the site, often in discussion with the architect or chief designer. It is also appropriate to allow artist's to submit proposals for locations not identified by the committee.
   b. Selection Committee will organize interaction between the design team and artists to ensure that artists are sufficiently briefed about the project opportunities and restrictions. The goal is to generate top quality, responsive proposals.
   c. Carefully review each eligible submission. This will frequently be a multi-step process, with time between meetings for personal reflection.

d. If necessary, a specific member of the Selection Committee or the staff liaison may be directed to discuss modifications to a specific proposal with the artist. All such discussions shall be confidential and members must exercise care so a specific artist does not construe such discussion as acceptance of work.

e. Prepare list of Recommend Artwork for the named project and a short list of runners-up, if possible. (Occasionally 1st choice work will not be available and this process may preclude the need to reconvene the Committee.)

f. Committee Chairman will present the list of Recommend Artwork to the City Council for final approval. Presentation may include a brief summary of the selection process, including number of submittals, names of the selection committee members and other information that encourages final acceptance by City Council members.

g. Staff will notify all selected artists of their award and thank all participants.

h. All participants, including Selection Committee members and all artists who submitted proposals will be offered a formal opportunity to comment on the process. PAC will receive these comments.

NOTE: The entire selection process must be handled confidentially. No decisions are final until approved by City Council and final contracts are negotiated with the artists.

Additional Oversight by Public Arts Committee *under the 1% program*

1. Requests for Proposals

a. PAC, with the assistance of staff, will prepare an RFP for each eligible project. (See sample in Exhibit A)

b. Staff will circulate the RFP, as required by City code. In addition, PAC will develop a registration system for anyone who wants specific notification of announced RFP opportunities.

c. Packets of additional information that describes the project will be available in City Hall and/or online. It will include the brochure, "Special Considerations for Art in Public Places" (See Exhibit B)

2. Establishing Selection Criterion

a. PAC will provide each member of the Selection committee with a complete RFP, including the "Special Considerations" brochure. Members will be asked to remember these considerations in their art selections.

b. PAC will provide Selection Committees with an *Evaluation Checklist* (see Exhibit C).

c. PAC may specify that certain projects will show a preference for art by local or Alaskan artists.

3. Legal Considerations

The Public Arts Committee ~~PAC~~ is a liaison between artists and the City, the principals in this program. These guidelines will clarify the understanding between them:

a. Ownership of the Art:
All art purchased under the 1% for Art Ordinance will be owned by the City of Homer.

b. Artist's Rights:
Public artwork and art concepts will not be altered, modified, removed or moved from a site which is integral to the concept for the work without the artist's written permission. If the City's best and reasonable efforts to contact the artist have failed, the City may proceed with plans for repair and relocation.

Maintenance of public artworks shall be the responsibility of the City and the City commits to keep them in a well-maintained state.
Copyright of public artworks and art concepts belong to the artist, but the City is granted the right to make two-dimensional reproductions for noncommercial purposes.
For the purposes of quality and design control, the artist shall have the right to supervise installation of the work, when done by third parties.

c. Artist's Promise to the City of Homer
The art is unique and original and does not infringe upon any copyright.
Neither the art nor a duplicate has been accepted for sale elsewhere.
The art is free and clear of any liens.
The fabricated and installed art will be free of defects in material and craftsmanship.
Maintenance requirements have been accurately described;

4. Contract with an Artist
   a. The City of Homer will enter into a contract with each artist whose work is selected for inclusion in a City project. It will address description of the project, payment schedule, payment of special engineering or installation costs, due date. (See sample in Exhibit D).

ACCESSION POLICY
To establish an orderly and consistent process for reviewing artwork for acceptance into the Municipal Art Collection ensuring that the collection is comprised of artwork of the highest quality.

Definition
Accession is to accept artwork in to the Municipal Art Collection

Policy
1. Accession procedures insure that the interests of all concerned parties are represented including the Public Arts Committee, the Public, the Artist, the Arts Community and the City of Homer.
2. Artwork shall be distinctive artistic merit and aesthetic quality and will enhance the diversity of the Municipal Art Collection.
3. Artwork shall be appropriate in and for its site, scale, material, form, and content for both its immediate and general social and physical environment.
4. Artwork shall be reasonably durable against theft, vandalism, weather, and excessive maintenance costs.
5. Accession implies the responsibility to preserve, protect, and display the artwork for public benefit.
6. Accession implies a work's permanency within the Municipal Art Collection, providing that the work retains its physical integrity, identity and authenticity.
7. Artwork will be acquired without restrictions as to its future use and disposition except with respect to copyrights and certain clearly defined residual rights contained in contracts with artists.
8. Artwork will be accessioned into the City of Homer's Municipal Art Collection only upon completion of all facets of the Commissioning or purchasing contract and final approval of City Council.
9. Each accessioned work into the Municipal Art Collection will be documented to the fullest extent possible, including artist's last known address and when available photograph.
10. The artist's signed contract or release transferring title for the artwork and clearly defining the rights and responsibilities of all parties will accompany every accessioned work and shall be in the

documented records of the work. The artist's copyrights will be maintained in accordance with established Federal, State, Borough Law and Homer City Code.

11. In the case of interagency or interlocal agreements a copy of the agreement and signatures of all parties will be kept in the office of the City Clerk.

12. Accession results from projects and purchases generated as part of the Municipal Art program except in case of donations which will be reviewed in accordance with the City of Homer Public Arts Committee policy on gifts and if accepted will be accessed pursuant to this accession policy.

GIFT POLICY

Purpose

To identify a procedure and criteria for the Public Arts Committee to review proposed gifts of artwork.

Definition

Gifts are personal or real property that is donated or bequeathed with or without restrictions to the City of Homer for actual artwork, property for placement or funds for the acquisition of artwork.

Policy

1. The Public Arts Committee will review all proposed gifts as defined above and will evaluate the suitability of proposed gifts and make recommendations to the Homer City Council in accordance with Homer City Code which allows acceptance of donations.

2. Each Proposed gift will be reviewed for the following:

a. Aesthetic Quality – the proposed gift has significant aesthetic merit.

b. Appropriateness of Chosen Site or Location – scale of artwork is appropriate for the site including relationship between the artwork and the site and obstacles of the site.

c. Restrictions from the Donor – any restrictions must be clearly identified and if accepted expectations must be met by the City.

d. Originality of Artwork – artworks must be one of a kind or part of an original series reproductions of originals are not considered eligible for acceptance.

e. Relationship to the Collection as a Whole – the Public Arts Committee is committed to creating a diverse collection of art. The proposed gift must be compatible with the Municipal Art Collection without being over represented.

f. Technical Feasibility – the realistic ability for the proposed project to be built and installed as proposed in the selected location.

g. Technical Specifications – the Public Arts Committee must review the actual work if available or a scale drawing and or model consisting of site plans and elevations describing the following:

1. Surrounding site conditions if applicable

2. Dimensions

3. Materials and finishes

4. Colors

5. Electrical, Plumbing, or other utility requirements

6. Construction and installation method

7. Additional support material such as text verbally describing the artwork and specifications, models, or presentation drawings by a licensed engineer may be required.

h. Budget – cost to manage the project, prepare the site, deliver and or install the work, funds for signage/recognition, and any other cost should be disclosed by the donor in a budget. The

429 Public Arts Committee will determine if the costs are accurate and realistic and that the donor
430 has clearly delineated responsibility for all costs associated with the project.
431 i. Timeline – expected timeline for donation or installation should be proposed by the donor.
432 The Public Arts Committee will determine if the timeline is realistic.
433 j. Durability – expected lifetime and staying power of the material used to create the artwork
434 especially if set in the out of doors or in a non-archival exhibition setting and exposed to the
435 elements.
436 k. Warranty – the donor agrees to be responsible for a warranty period of one (1) year from
437 the date of final installation of the artwork to insure the integrity of the material, fabrication and
438 installation when installed in or on a city owned facility or property.
439 l. Vandalism and Safety – the artwork will not be prone to vandalism or pose a safety hazard.
440 Precautions against vandalism will be taken as much as feasibly possible.
441 m. Maintenance and Preservation – donor's agreement to provide a technical and
442 maintenance record including a plan for routine care with estimated costs. The donor must indicate
443 if there are any unusual or ongoing costs to maintain artwork.
444 3. Donors proposing gifts will be informed of the importance of the above criteria in the Public
445 Arts Committee consideration.
446 4. The Public Arts Committee will have final authority through the City Manager to review and
447 recommend to Homer City Council to accept or reject the donated artwork.
448 5. All gifts that are recommended for acceptance will only be accessed into the Municipal Art
449 Collection pursuant to the Accession Policy.
450
451 PROCEDURE TO PROPOSE A DONATION OF ARTWORK TO THE CITY OF HOMER
452
453 The Public Arts Committee is charged with the responsibility of evaluating the suitability of a proposed
454 artwork and making recommendation to the City Council as to whether or not to accept it as a gift. If
455 accepted, the donated work becomes the responsibility of the City of Homer, which will inventory,
456 insure, maintain and repair it as required by Homer City Code and Alaska State Law.
457
458 Definition
459 Gifts are personal or real property that is donated devised or bequeathed with or without restrictions
460 to the City of Homer. Gifts can be actual artwork, property for placement of artwork or funds for the
461 acquisition of artwork.
462
463 Gift Policy is the policy that identifies the procedure and criteria for reviewing proposed gifts of
464 artwork to the City of Homer and outlined in Homer City Code XXXXX.
465
466 Accession Policy is the policy that defines an orderly and consistent process for reviewing artwork for
467 acceptance into the Municipal Art Collection insuring that the collection is comprised of artwork of the
468 highest quality.
469
470 Process
471 The Public Arts Committee will review all proposed gifts according to the Gift Policy. They will evaluate
472 the suitability of the proposed gifts and make recommendations to the Homer City Council through the
473 City Manager in accordance with applicable Homer City Code and Alaska State Law.
474
475 In order to provide the Public Arts Committee with the information necessary to evaluate the
476 proposed artwork in accordance with the Gift Policy and Accession Policy the potential donor or

donor's representative must complete the Gift Proposal Application and submit to the City of Homer, City Clerk's Office.

Presentation to the Public Arts Committee

If applicable the donor will be scheduled to present his or her proposal to the Public Arts Committee at the next regular meeting. The donor is expected to present the actual artwork or model or scale drawings of the proposed piece. If it is not possible depending on the artwork a photograph may be accepted upon approval of a majority vote of the Public Arts Committee.

The Public Arts Committee will review the proposal consider the presentation and make a recommendation at the meeting. If the proposal materials do not give the Public Arts Committee enough information to make an educated recommendation they may request to postpone recommendation until further information is provided by the donor.

PRESERVATION OF THE ***MUNICIPAL*** ART COLLECTION

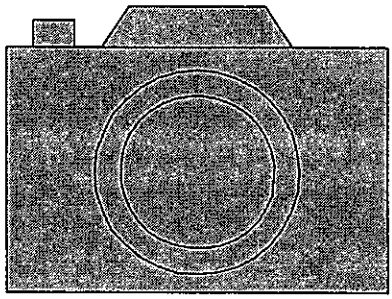
1. Registry

The City's art collection will be catalogued and a registry maintained. Each entry will include

a. name and contact information for the artist
b. title of the work, date created, dimensions
c. photographs of the work
d. the artist's cleaning and maintenance recommendation;
e. an artist's statement regarding the work, if possible.
f. An identification number _____ (year installed), _____consecutive number (for example: 2006-#21). This number will also be affixed to the piece of art or to its label.
g. Exact location of the artwork.
h. Techniques ~~& Materials~~ ***and materials used in creating the artwork***.

The registry will be bound and stored in the library and City ***Clerk's*** ~~Manager's~~ Office. The City will also provide an official label for each piece of art that will be consistent in style and material.

Color Photo of artwork



Artist Name(s)
Title of Artwork
Year Completed/Date

Medium Used
Size/Dimensions
Location

Physical Description of the piece.

Short Summary about the Artist

Summary Comment on the artwork.

~~2. Inspection and maintenance of artwork~~ ***INSPECTION AND MAINTENANCE OF ARTWORK***

~~a. Annually PAC will inspect each piece of art in the collection to ensure that its condition is satisfactory.~~

~~b.~~ All building and grounds supervisors will be instructed to inform the Public Art ~~Liaison~~ ***Staff or the Clerk*** if vandalism is observed or the artwork requires maintenance.

~~c.~~ All cleaning and maintenance will follow the instructions provided by the artist.

~~d.~~ If the artwork requires extensive repairs, the City will make a good-faith effort to obtain advice from the artist. If no information is forthcoming, the City may proceed with its best practice.

~~3. Deaccessioning~~ ***DE-ACCESSIONING PURCHASED AND DONATED ITEMS***

The City has the responsibility for conserving the collection, and because the disposal of artworks may have serious implications for the artists, removing the items from the collection should be a deliberate and seldom-used procedure. It is the policy of the City not to dispose of works simply because they are not currently in fashion and not to dispose of works whose worth might not yet be recognized.

Purchased or donated items which have been accepted into the Municipal Art Collection will be de-accessioned only at the direction of the City Council, which shall consider the recommendations and comments of the Public Arts Committee, Staff and any public comment received.

The City will comply with all applicable laws pertaining to de-accessioning of art items including contacting the donor and artist (if known). If documents provide for de-accessioning, such documents will determine the method and manner of the de-accessioning.

Examples of situations where de-accessioning would be considered include:

a. The item(s) has deteriorated beyond a reasonable means of conservation or in deteriorating, has lost its usefulness.
b. The authenticity, attribution, or genuineness of the item(s) is determined to be false or fraudulent.
c. The item(s) is redundant or is a duplicate that has no value as part of a series.
d. The item(s) is located in an area where jurisdiction will be transferred to another entity or is made inaccessible to the public.

The Public Arts Committee may recommend any of the following courses of action as a result of a deaccessioning review. The Committee shall not be limited to these courses of action and may suggest new methods as may be demanded by a particular set of circumstances:

a. Relocate the work of art. This course of action shall be given highest priority.
b. Remove the work from display and maintain in a safe storage.
c. Yearly City Surplus Sale
d. Private sale
e. Exchange for another work by the artist
f. Gifting the piece to a non-profit organization
g. Recycling

Destruction of the item(s) may be considered where the physical condition of the work is severely deteriorated or will be irreparably damaged by the de-accessioning process. In each case, the applicable laws will be followed before an item(s) is de-accessioned.

In appropriate instances, appraisals of the item(s) to be de-accessioned will be sought from outside sources.

~~Encouraging Additional Public and Private Art in Public Spaces~~ *ENCOURAGING ADDITIONAL PUBLIC AND PRIVATE ART IN PUBLIC SPACES, AND PROMOTING PUBLIC AWARENESS AND APPRECIATION FOR THE MUNICIPAL ART COLLECTION*

~~1. PAC will be responsible for making recommendations to the City Council on whether proposed donations of art shall be accepted by the City.~~

~~2.~~ Ordinance 02-25(A) encourages the addition of private money into the public art program. Any art purchased with such funds will be owned 100% by the City of Homer and the City will have responsibility for selection, installation, maintenance and repairs.

~~3.~~ *The Public Arts Committee* ~~PAC~~ may establish a Public Art Fund to provide a convenient method to accept donations.

~~4.~~ *The Public Arts Committee* ~~PAC~~ will be a resource for business owners who wish to include art in their business location.

The Public Arts Committee will endeavor to obtain buy-in from affected city departments and a wide variety of governmental and non-governmental organization, as required, to ensure the successful implementation of the public art policy.

The committee will work to establish partnerships with private funders to help the art policy proponents work with and advise patrons who are funding public-art projects privately. This will help guarantee that these projects meet a set of agreed-upon requirements and fulfill the goals and vision set forth in this policy.

The Public Arts Committee will identify alliance opportunities with institutions, organizations, and the public. Partner with them to publicize and discuss how public art can help further the mission of their specific organization.

Raise support among the press to help the fundraising efforts to educate and inform the public about the many different types of public art, and the wealth and ability of the local arts community.

Keep the information flowing about the progress of any public art initiatives started.

~~Promoting Public Awareness and Appreciation the City of Homer Art Collection~~

~~1.~~ *Public Arts Committee* ~~PAC~~, with the assistance of users, will plan an installation ceremony upon completion of each project. Costs for this event will be from the annual PAC budget or underwritten by donors.

~~2.~~ *Public Arts Committee* ~~PAC~~ will plan events and promotional tools that invite residents and visitors to enjoy the City of Homer art collection. These might include walking tour maps, guest lectures, on-line catalogue, etc.

~~The Public Arts Committee shall meet on the third Thursday of each month at 11 a.m. in the Cowles Council Chambers.~~

FUNDING FOR THE MUNICIPAL ART COLLECTION

A public art fund is established in accordance with Homer City Code, Chapter 18.07.090, Public Art Fund, as a separate, interest bearing account in the city general fund to receive money for the public art program from the following sources:

1. Funds for public art fees received from private development.
2. Funds donated to the city for public art.
3. Other funds appropriated by the council for public art.

Money in the public art fund shall be used solely to pay the costs of selecting, commissioning, acquiring, installing, maintaining, public education regarding, administrating, removing and insuring the works of public art, and any other expense related thereto.

Interest earned on money in the public art fund shall be deposited in the public art fund.

The public art fund is administered by the city with the advice of the Public Arts Committee.

The Public Arts Committee annually shall prepare a plan for expenditures from the public art fund for approval by the city council.
(Ord.09-51(A) §1, 2009)

Encourage the addition of private money into the public art program. Any art purchased with such funds will be owned 100% by the City of Homer and the City will have responsibility for selection, installation, maintenance and repairs.
(Ord. 02-25(A) 2002)

Office of the City Clerk

Jo Johnson, CMC, City Clerk

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

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

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Extension: 2224

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

MEMORANDUM 10-122

TO:	MAYOR HORNADAY AND CITY COUNCIL MEMBERS
THROUGH:	CITY MANAGER WALT WREDE
FROM:	PUBLIC ARTS COMMITTEE
DATE:	SEPTEMBER 10, 2010
RE:	AMENDED AND UPDATED ADMINISTRATIVE GUIDELINES

Introduction :

The Public Arts Committee after several meetings updating the Administrative Guidelines to current standards established and practiced in Alaska and the lower United States recommended approval by consensus at a special meeting held on September 9, 2010.

Following is the excerpt from those minutes:

PENDING BUSINESS

A. Administrative Guidelines Update and Revisions

Chair Newby requested a motion to approve the updates and revisions. She noted that staff has done an exemplary job.

WOLFE/FELLOWS - MOVED TO APPROVE THE ADMINISTRATIVE GUIDELINES UPDATE AND REVISIONS AS SUBMITTED.

There was no discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Recommendation:

The Public Arts Committee recommends City Council approve the Public Arts Committee Administrative Guidelines to Incorporate Amendments to the Composition, 1% for the Arts Program, Preservation, Promotion and Awareness, and De-Accessioning Sections; and to Add Sections Declaration of Purpose, Meetings, Organization and Procedures, Accession and Gift Policies, and Procedures to Propose a Donation.

Office of the City Clerk

Jo Johnson, CMC, City Clerk

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

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MEMORANDUM 10-130

TO: MAYOR HORNADAY AND CITY COUNCIL MEMBERS

FROM: ANGIE NEWBY, CHAIR, PUBLIC ARTS COMMITTEE

DATE: OCTOBER 13, 2010

RE: ADMINISTRATIVE GUIDELINES UPDATE AND REVISIONS CLARIFICATION

Introduction :

During the October 11, 2010 regular meeting Council requested Resolution 10-80 and 10-81 postponed for further clarification regarding the proposed changes and updates to the Administrative Guidelines the Public Arts Committee would like implemented.

The Public Arts Committee with the assistance of staff have diligently researched and compared other similar programs in Alaska and neighboring states in the Lower 48. The research indicated the current guidelines and policies were woefully lacking and seriously out of date. This was pointed out to the Committee members with the advent of the Fire Wise Mural and the Jean Keene Memorial that there should be standard policies in place for the City of Homer to accept donations of works of art and established guidelines to make that transition go as smooth as possible.

Following is a narrative regarding the purpose of the change and/or addition of sections to the Administrative Guidelines.

Lines 6 - 10	no change - original paragraph establishing the committee
lines 12-33	new – describes the purpose the of the committee gives direction to the committee for establishing goals and projects
lines 35- 49	new – detail information on the make-up of the committee allowing for members that are not city residents. this follows a format that is used in the other boards, commissions

lines 50-64	new – more detail description on the term of a committee member following the format as previously established
lines 66-100	new – this section details the committee overall responsibilities and duties these duties regarding establishing policies is incorporated in the existing guidelines.
lines 101-113	new – identifies the officers and terms
lines 114-120	revised – addresses changes to the regular meeting schedule, times and length being conscious of the effect of staff overtime in regards to budget constraints. the time change is necessary for retention of existing members who have additional constraints on their personal time during standard business hours. it is also to be a tool to encourage more participation from the public who otherwise are unable to attend a mid-day meeting.
lines 121-130	new - establishes the standards for scheduling meetings, that a quorum is required to have a meeting, where the meetings are to be held and that all meetings are to be recorded. this is a standard for all city meetings, but is not addressed in the existing guidelines.
lines 131-182	new – establishes procedures and operations. following the current edition of robert's rules of order, alaska statutes and borough code; number of members that constitute a quorum; number of votes to pass a motion; deadline for adding items to the agenda; reporting to council; agenda format; and requiring notes to be taken by a designated committee member for inclusion in the next meeting packet. these guidelines are similar to established procedures for other commissions and boards.
lines 183-230	revised/updated – 1% for the arts program. incorporates the alaska statute that enacts this program; identifies the definitions for different mediums used in creating works of art and what projects would include the 1% for art program; and additional responsibilities under the program.
lines 231 – 232	new – section title name change
lines 233-242	revised – line 240 pac change to public arts committee – reads well with the spelled out instead of using moniker.
lines 243-303	revised – minimal changes to wording only.

lines 304-351	revised – minimal changes to wording only.
line 353-388	new – adding accession policy – this section is adding to give direction on establishing a process to review artwork for acceptance/inclusion into the municipal art collection. the committee realizes that display space is at a premium with the municipal facilities and that not every piece of art is suitable for public display. this section establishes direction on what can be accepted by the city.
lines 389-490	new – adding gift policy – this section deals with establishing the criteria for the committee to review proposed gifts of artwork. it outlines the policy or procedures for proposing a donation and the process and making a presentation to the committee.
lines 491-538	revised – updating the registry documentation adding pertinent information necessary to document the work of art; identifies who receives notice of apparent vandalism.
lines 539-581	revised/updated – section on de-accessioning artwork updates policy on when an item in the collection can be de-accessioned and when this should be considered; and possible alternatives other than destruction or return to artist.
lines 582-628	revised/updated – section addressing the responsibility of the committee to promote placing art in public and private businesses and creating overall awareness and appreciation for art and holding art related events, including brochures, advertisements, booths, etc.
lines 629-656	new – establishing art fund and policy for receiving monetary donations and use of those funds.

CITY OF HOMER
HOMER, ALASKA

City Clerk/
Public Arts Committee

RESOLUTION 10-81(A)

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING THE HOMER PUBLIC ARTS COMMITTEE ADMINISTRATIVE GUIDELINES TO ESTABLISH THE SECOND THURSDAY AT 5:00 P.M. NOT TO EXCEED NINETY MINUTES AS THE REGULAR QUARTERLY MEETING DAY, TIME, AND LENGTH.

WHEREAS, The Public Arts Committee acts in an advisory capacity to the City Manager and the City Council; and

WHEREAS, The Public Arts Committee has determined that changing the time of meetings to later in the afternoon would aide recruitment of new members and retain current membership; and

WHEREAS, The Public Arts Committee mindful of the budgetary constraints and to keep staff overtime to a minimum will limit the meeting time to no longer than ninety (90) minutes; and

WHEREAS, The Public Arts Committee introduced the amendment at a Special Meeting held June 23, 2010 and took final action to approve the amendment at the Special Meeting on September 9, 2010; and

WHEREAS, The Public Arts Committee meetings will be held in the months of February, May, August, and November with regular meetings the ~~third~~ **second** Thursday ~~of each month~~ at ~~11:00 a.m.~~ **5:00 p.m.**

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, amends the Public Arts Committee Administrative Guidelines to establish the second Thursday at 5:00 p.m. not to exceed ninety minutes as the regular quarterly meeting day, time, and length.

PASSED AND ADOPTED by the Homer City Council this ____day of October, 2010.

CITY OF HOMER

_____
JAMES C. HORNADAY, MAYOR

ATTEST:

_____
JO JOHNSON, CMC, CITY CLERK

Fiscal Note: N/A

Office of the City Clerk

Jo Johnson, CMC, City Clerk

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

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MEMORANDUM 10-123

TO: MAYOR HORNADAY AND CITY COUNCIL MEMBERS

THROUGH: CITY MANAGER WALT WREDE

FROM: PUBLIC ARTS COMMITTEE

DATE: SEPTEMBER 10, 2010

RE: AMENDED MEETING DAY, TIME AND LENGTH

Introduction :

The Public Arts Committee recommended approval by consensus of changing the regular meeting day, time and length to better accommodate current members time constraints and to assist in recruiting new members to participate.

Following is the excerpt from the Special Meeting held on September 9, 2010:

PENDING BUSINESS

A. Draft Amended Resolution Meeting Day & Time Changes

Discussion regarding the proposed meeting time and date changes for the November meeting since the second Tuesday is a holiday and city offices were closed. It was determine there were conflicts and the committee decided on November 4, 2010 to meet.

A discussion ensued on deleting the change in meeting day from the resolution. Staff explained that the resolution affected only the meeting time change to 5:00 p.m. as the meeting schedule is set in December for the upcoming year in a separate resolution. Ms. Krause explained that the last regular meeting for 2010 is in November and will be at 5:00 p.m. with the approved resolution. The meeting day of the month will be addressed in the resolution in December. If the committee meets in October or December those would be special meetings. The Committee members expressed concern that changing the meeting day will be overlooked in the December resolution. Staff was directed to change the third Thursday to the second Thursday in the proposed resolution.

WOLFE/FELLOWS – MOVED TO APPROVE THE AMENDED RESOLUTION CHANGING THE MEETING TIME TO 5:00 P.M. AND THE MEETING DAY TO THE SECOND THURSDAY OF MONTH FOR THE REGULAR QUARTERLY MEETING DATES.

It was noted that worksessions would be at 4:00 p.m. each month and before the regular meetings.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Recommendation:

The Public Arts Committee recommends City Council approve the amendments to the regular meeting day, time of meetings and meeting length.

NEW BUSINESS

Office of the City Clerk

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

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

MEMORANDUM 10-139

TO: MAYOR AND CITY COUNCIL

FROM: JO JOHNSON, CMC, CITY CLERK

DATE: NOVEMBER 16, 2010

SUBJECT: VACATE A PORTION OF THE 30-FOOT RIGHT-OF-WAY EASEMENT WITHIN THE PANHANDLE OF A DEEDED PARCEL RECORDED IN BOOK 39, PAGE 7 OF THE HOMER RECORDING DISTRICT, WITHIN SECTION 7, TOWNSHIP 6 SOUTH, RANGE 13 WEST, SEWARD MERIDIAN, ALASKA, WITHIN THE CITY OF HOMER AND THE KENAI PENINSULA BOROUGH AND VACATE THE 66-FOOT PORTION OF THE SECTION LINE EASEMENT UNDERLYING THE ABOVE RIGHT-OF-WAY EASEMENT VACATION CENTERED ON THE LINE COMMON TO SECTIONS 7 AND 8, EXTENDING NORTH FROM SKYLINE DRIVE TO THE ¼ CORNER COMMON TO SAID SECTIONS 7 AND 8; WITHIN TOWNSHIP 6 SOUTH, RANGE 13 WEST, S.M., ALASKA; WITHIN THE CITY OF HOMER AND THE KENAI PENINSULA BOROUGH; KPB FILE 2010-152 & 2010-153; LOCATION: CITY OF HOMER.

At their October 25, 2010 meeting the Kenai Peninsula Borough Planning Commission approved the vacation of a portion of the 30-foot right-of-way easement within the panhandle of a deeded parcel recorded in Book 39, Page 7 of the Homer Recording District, within Section 7, Township 6 South, Range 13 West, Seward Meridian, Alaska, within the City of Homer and the Kenai Peninsula Borough and vacate the 66-foot portion of the section line easement underlying the above right-of-way easement vacation centered on the line common to Sections 7 and 8, extending north from Skyline Drive to the ¼ corner common to said Sections 7 and 8; within Township 6 South, Range 13 West, S.M., Alaska; within the City of Homer and the Kenai Peninsula Borough; KPB File 2010-152 & 2010-153; Location: City of Homer.

Notice of vacation was received on October 27, 2010 by mail. Per AS 29.40.140 no vacation of a City right-of-way and/or easement may be made without the consent of the City Council.

The City Council has thirty days from October 25, 2010 in which to veto the decision of the Kenai Peninsula Borough Planning Commission.

The Homer Advisory Planning Commission has no objection to granting this vacation as is reflected in the minutes of August 18, 2010, Staff Report PL 10-67, Vacation of a portion of a Section Line Easement and Right of Way, Skyline Drive and Carter Drive.

RECOMMENDATION:

Voice non objection and consent to the vacation of the 30-foot right-of-way easement within the panhandle of a deeded parcel recorded in Book 39, Page 7 of the Homer Recording District, within Section 7, Township 6 South, Range 13 West, Seward Meridian, Alaska, within the City of Homer and the Kenai Peninsula Borough and vacate the 66-foot portion of the section line easement underlying the above right-of-way easement vacation centered on the line common to Sections 7 and 8, extending north from Skyline Drive to the ¼ corner common to said Sections 7 and 8; within Township 6 South, Range 13 West, S.M., Alaska; within the City of Homer and the Kenai Peninsula Borough; KPB File 2010-152 & 2010-153; Location: City of Homer.

Fiscal Note: N/A

KENAI PENINSULA BOROUGH
PLANNING DEPARTMENT
144 North Binkley Street • Soldotna, Alaska 99669-7520
PHONE: (907) 714-2200 • FAX: (907) 714-2378
Toll-free within the Borough: 1-800-478-4441, Ext. 2200
www.borough.kenai.ak.us

DAVE CAREY
BOROUGH MAYOR

October 27, 2010

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

RE: Vacate a portion of the 30-foot right-of-way easement within the panhandle of a deeded parcel recorded in Book 39, Page 7 of the Homer Recording District, within Section 7, Township 6 South, Range 13 West, Seward Meridian, Alaska, within the City of Homer and the Kenai Peninsula Borough. **AND** Vacate the 66-foot portion of the section line easement underlying the above right-of-way easement vacation centered on the line common to Sections 7 and 8, extending north from Skyline Drive to the ¼ corner common to said Sections 7 and 8; within Township 6 South, Range 13 West, S.M., Alaska; within the City of Homer and the Kenai Peninsula Borough; KPB File 2010-152 & 2010-153; Location: City of Homer

Dear Homer City Council Members:

In accordance with AS 29.40.140, no vacation of a city right-of-way and/or easement may be made without the consent of the city council. The KPB Planning Commission approved the referenced vacations during their regularly scheduled meeting of October 25, 2010. This petition is being sent to you for your consideration and action.

The City Council has 30 days from October 25, 2010 in which to veto the decision of the Planning Commission. If no veto is received from the Council within the 30-day period, the decision of the Planning Commission will stand.

Draft, unapproved minutes of the pertinent portion of the meeting and other related materials are attached.

Sincerely,

Max J. Best
Planning Director

MJB:pdh

Attachments

KENAI PENINSULA BOROUGH

PLANNING DEPARTMENT
144 North Binkley Street • Soldotna, Alaska 99669-7520
PHONE: (907) 714-2200 • FAX: (907) 714-2378
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www.borough.kenai.ak.us

DAVID R. CAREY
BOROUGH MAYOR

October 27, 2010

KENAI PENINSULA BOROUGH PLANNING COMMISSION
NOTICE OF DECISION

MEETING OF OCTOBER 25, 2010

RE: Vacate a portion of the 30-foot right-of-way easement within the panhandle of a deeded parcel recorded in Book 39, Page 7 of the Homer Recording District, within Section 7, Township 6 South, Range 13 West, Seward Meridian, Alaska, within the City of Homer and the Kenai Peninsula Borough.

AND

Vacate the 66-foot portion of the section line easement underlying the above right-of-way easement vacation centered on the line common to Sections 7 and 8, extending north from Skyline Drive to the ¼ corner common to said Sections 7 and 8; within Township 6 South, Range 13 West, S.M., Alaska; within the City of Homer and the Kenai Peninsula Borough; KPB File 2010-152 & 2010-153; Location: City of Homer

A. RIGHT OF WAY VACATION

Vacate a portion of the 30-foot right-of-way easement within the panhandle of a deeded parcel recorded in Book 39, Page 7 of the Homer Recording District, within Section 7, Township 6 South, Range 13 West, Seward Meridian, Alaska, within the City of Homer and the Kenai Peninsula Borough.

Based on the following findings of fact, the Kenai Peninsula Borough Planning Commission approved the proposed right of way vacation as petitioned during their regularly scheduled meeting of October 25, 2010.

Findings:

1. Per the submittal, the right-of-way easement proposed for vacation is in use vehicles/pedestrians/other.
3. The proposed vacation is within the City of Homer.
4. On August 18, 2010, the Homer Planning Commission approved the right-of-way easement and section line easement vacation subject to a new right-of-way extending Carter Drive.
5. Alternate right-of-way is being provided by a 60-foot wide extension of Carter Drive, which is being dedicated by the associated preliminary plat Hillstrand's Homestead (KPB File 2010-151).
6. The right-of-way easement proposed for vacation crosses the City of Homer's water treatment facilities.
7. The right-of-way proposed for vacation allows unlimited public access through the City's water treatment facilities.
8. The City of Homer wishes to restrict access to their water treatment facilities due to security concerns.
9. Per the Homer City staff report, the Public Works department and Fire Chief had no objection and/or concerns regarding the proposed vacation.
10. All subdivision plats finalizing vacations are sent to utility companies for review and easement requirements.

This notice and unapproved minutes of the subject portion of the meeting were sent October 27, 2010 to:

Seabright Survey + Design
1044 East End Road #A
Homer, AK 99603

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

Carey Meyer
Public Works Director
3575 Heath Street
Homer, AK 99603

Ronald Baird
Attorney at Law
PO Box 100440
Anchorage, AK 99510-0440

Thomas Klinkner
Law Offices Birch Horton Bittner & Cherot
1127 West Seventh Avenue
Anchorage, AK 99501-3301

Homer Advisory Planning Commission
491 East Pioneer Avenue
Homer, AK 99603-7645

John & Nancy Hillstrand
PO Box 7
Homer, AK 99603

Jacob Nist
Perkins Cole
1029 West Third Avenue #300
Anchorage, AK 99501-1981

Daniel Westerburg
Attorney at Law
4164 Pennock Street #A
Homer, AK 99603

1. Per the submittal, the right-of-way easement proposed for vacation is in use vehicles/pedestrians/other.
2. Per the submittal, the right-of-way easement proposed for vacation has not been constructed.
3. The proposed vacation is within the City of Homer.
4. On August 18, 2010, the Homer Planning Commission approved the right-of-way easement and section line easement vacation subject to a new right-of-way extending Carter Drive.
5. Alternate right-of-way is being provided by a 60-foot wide extension of Carter Drive, which is being dedicated by the associated preliminary plat Hillstrand's Homestead (KPB File 2010-151).
6. The right-of-way easement proposed for vacation crosses the City of Homer's water treatment facilities.
7. The right-of-way proposed for vacation allows unlimited public access through the City's water treatment facilities.
8. The City of Homer wishes to restrict access to their water treatment facilities due to security concerns.
9. Per the Homer City staff report, the Public Works department and Fire Chief had no objection and/or concerns regarding the proposed vacation.
10. All subdivision plats finalizing vacations are sent to utility companies for review and easement requirements.
11. Homer Electric Association submitted a statement of 'No comment.'
12. The Plat Committee postponed action on the preliminary plat that will finalize the proposed vacations, if they are approved, on September 27. 2010 until brought back by staff.

STAFF RECOMMENDATION: Approve the vacation a portion of the 30-foot right-of-way easement within the panhandle of a deeded parcel recorded in Book 39, Page 7 of the Homer Recording District, within Section 7, Township 6 South, Range 13 West, Seward Meridian, Alaska, subject to:

1. Approval of the preliminary plat and submittal of a final plat in accordance with Chapter 20 of the KPB Code within one year of vacation approval.
2. New right-of-way extending Carter Drive per the Homer Advisory Planning Commission's recommendation being platted.

SECTION LINE EASEMENT VACATION

B. Vacation of the 66-foot portion of the section line easement underlying the above right-of-way easement vacation centered on the line common to Sections 7 and 8, extending north from Skyline Drive to the ¼ corner common to said Sections 7 and 8; within Township 6 South, Range 13 West, S.M., Alaska

Findings:
1. Per the submittal, the section line easement proposed for vacation is being used by vehicles/pedestrians/other.
2. Per the submittal, the section line easement proposed for vacation has not been constructed.
3. The proposed vacation is within the City of Homer.
4. On August 18, 2010, the Homer Planning Commission approved the right-of-way easement and section line easement vacation subject to a new right-of-way extending Carter Drive.
5. Alternate right-of-way is being provided by a 60-foot wide extension of Carter Drive, which is being dedicated by the associated preliminary plat Hillstrand's Homestead (KPB File 2010-151).
6. The section line easement proposed for vacation crosses the City of Homer's water treatment facilities.
7. The section line easement proposed for vacation allows unlimited public access through the City's water treatment facilities.
8. The City of Homer wishes to restrict access to their water treatment facilities due to security concerns.
9. Per the Homer City staff report, the Public Works department and Fire Chief had no objection and/or concerns regarding the proposed vacation.
10. Per KPB GIS mapping, the section line easement appears to be in use for utilities.
11. All subdivision plats finalizing vacations are sent to utility companies for review and easement requirements.

12. Homer Electric Association submitted a statement of 'No comment.'
13. A section line easement vacation plat has not been submitted for review by the Borough Plat Committee.
14. Per the October 6, 2010 letter from the State Department of Natural Resources, a section line easement vacation petition has not yet been submitted to DNR.
15. Based on a comparison between dates of section line easement vacation plat approvals by the Borough and the date section line easement vacation plats are recorded, the section line easement review and approval by State DNR is a lengthy process.
16. Section line easements are under the regulation of the State of Alaska.
17. The Borough action on the vacation will be advisory to the State of Alaska.
18. Section line easement vacations are finalized with a State easement vacation plat.
19. Section line easement vacation plats must be approved and signed by the State of Alaska.

Exception Required: KPB 20.28.120 (If a final plat is not presented to the planning commission within one year of the vacation approval, the approval will be deemed void. No time extensions shall be granted.)

Staff reviewed the exception and recommends granting approval. **Staff recommends** the Commission select the findings they determine are applicable, make additional findings if needed, tie the findings to the following facts, and vote on the exception in a separate motion.

20.24.010 provides that the Commission may authorize exceptions to any of the requirements set forth in Title 20. This section also states - The Commission shall find the following facts before granting any exceptions:

1. That special circumstances or conditions affecting the property have been shown by application;
   Findings 13-19 support this fact.

2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;
   Findings 13-19 support this fact.

3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
   Findings 13-19 support this fact.

STAFF RECOMMENDATION: Based on the Findings 2-19 **staff recommends** the Commission grant a four-year approval of the section line easement vacation as petitioned, subject to:

1. Submittal of the Section Line Easement Vacation preliminary and final plats in accordance with Chapter 20 of the KPB Code within four years of vacation approval.
2. Recording of the plat for Hillstrand Homestead (KPB File 2010-151) dedicating Carter Drive prior to section line easement vacation plat recording.
2. Compliance with any State requirements for the section line easement vacation.

If the vacation is approved, the Homer City Council has thirty days in which they may veto Planning Commission approval of the vacation.

DENIAL OF A VACATION PETITION IS A FINAL ACT FOR WHICH NO FURTHER CONSIDERATION SHALL BE GIVEN BY THE KENAI PENINSULA BOROUGH. APPEALS TO PLANNING COMMISSION DENIAL OF A VACATION MUST BE TAKEN WITHIN THIRTY (30) DAYS TO SUPERIOR COURT AT KENAI, ALASKA PURSUANT TO PART VI OF THE ALASKA RULES OF APPELLATE PROCEDURES. [20.28.110 AS AMENDED BY KENAI PENINSULA BOROUGH ORDINANCE 99-43].

END OF STAFF REPORT

Chairman Bryson opened the meeting for public comment.

1. Carey Meyer, City of Homer Public Works Director
   Mr. Meyer reminded the Commission that the City initiated the vacation petition to minimize the potential of the public being able to access the new water treatment plant facility. He stated there was no additional information to present and agreed with staff's recommendations.

Chairman Bryson asked if there were questions for Mr. Meyer. Hearing none the public hearing continued.

2. Nancy Hillstrand, PO Box 674, Homer
   Ms. Hillstrand referred to a letter from her attorney and asked that the Commission take the time to read it so that her rights are covered. This land was taken by eminent domain which is why the section line easement vacation petition was submitted. She stated this has been a lengthy and painful situation for her.

Chairman Bryson asked if there were questions for Ms. Hillstrand. Hearing none the public hearing continued.

Seeing and hearing no one else wishing to speak, Chairman Bryson closed the public comment period and opened discussion among the Commission.

RIGHT-OF-WAY EASEMENT VACATION

MAIN MOTION A: Commissioner Gross moved, seconded by Commissioner Martin to grant the 30 foot right of way easement vacation as petitioned based on the following findings of fact per staff recommendations.

Findings:
1. Per the submittal, the right-of-way easement proposed for vacation is in use vehicles/pedestrians/other.
2. Per the submittal, the section line easement proposed for vacation has not been constructed.
3. The proposed vacation is within the City of Homer.
4. On August 18, 2010, the Homer Planning Commission approved the right-of-way easement and section line easement vacation subject to a new right-of-way extending Carter Drive.
5. Alternate right-of-way is being provided by a 60-foot wide extension of Carter Drive, which is being dedicated by the associated preliminary plat Hillstrand's Homestead (KPB File 2010-151).
6. The right-of-way easement proposed for vacation crosses the City of Homer's water treatment facilities.
7. The right-of-way proposed for vacation allows unlimited public access through the City's water treatment facilities.
8. The City of Homer wishes to restrict access to their water treatment facilities due to security concerns.
9. Per the Homer City staff report, the Public Works department and Fire Chief had no objection and/or concerns regarding the proposed vacation.
10. All subdivision plats finalizing vacations are sent to utility companies for review and easement requirements.
11. Homer Electric Association submitted a statement of 'No comment.'
12. The Plat Committee postponed action on the preliminary plat that will finalize the proposed vacations, if they are approved, on September 27. 2010 until brought back by staff.

Commissioner Collins referred to Finding 2 which states, *"Per the submittal, the section line easement proposed for vacation has not been constructed."* She asked if that was the one Ms. Hillstrand had problems with. Mr. Voeller believed that was what Ms. Hillstrand was asking for. He referred to Ms. Hillstrand's attorney's letter which addresses the construction of the section line easement. Mr. Voeller stated they requested that the commission try not to resolve the construction issue but could take testimony regarding the section line easement vacation. The City of Homer's attorney agreed to do the same.

AMENDMENT MOTION: Commissioner Gross moved, seconded by Commissioner Martin to amend the motion to remove Finding 2 from the findings in support of granting the vacation.

Finding

2. Per the submittal, the section line easement proposed for vacation has not been constructed.

Commissioner Tauriainen asked for time to read the desk packet letters. Chairman Bryson stated that the discussion was to eliminate Finding 2 from the approval of the right of way vacation. Commissioner Tauriainen asked if that was what the testifier referred to. Chairman Bryson stated this request of staff on the impact that it has, if any. Mr. Voeller thought the question was talking about the actual construction of the section line easement. Commissioner Collins stated that was what she was asking. Mr. Voeller stated that was the subject of the two letters that were included in the lay down packet.

Commissioner Foster stated the letters were using the term "section line right of way". One vacation was a right of way easement vacation and the other one was a section line easement vacation. He asked where they were at with the Borough, City and attorneys. Mr. Voeller stated there were two items up for vacation; one being a 30 foot right of way easement and the other being a 66 foot section line easement vacation. The question of the previous construction within the section line easement was the topic of the letters from the attorneys.

Commissioner Gross stated the reason for the removal of the finding was that if the section line easements had not been constructed then she assumed the right of way had not been constructed. Mr. Voeller thought that was part of Ms. Hillstrand's contention that some of it may possibly have been constructed.

Chairman Bryson felt that Finding 2 should be included in the approval of the right of way vacation. It is important that the continuation of the right of way be provided if were allowing the vacation to occur.

Commissioner Tauriainen asked if the attorneys' comments affected their decision or if it was something that would need to be handled with the City of Homer because of the eminent domain issue. Mr. Voeller referred to Mr. Baird's letter which states, *"Resolution of the exact condition of the section line right of way is not necessary for action on the vacation petition. We do not feel that the Commission hearing is the appropriate forum for resolving this issue. Ms. Hillstrand requests that no finding be made on that issue or that it be without prejudice to her rights in the compensation proceeding. If that is not acceptable, we request postponement of the hearing to allow us to marshall all evidence on this point."* He understood that the section line easement could be discussed but no comments could be made if there was previous construction or construction within that easement had occurred.

Commissioner Foster felt that Finding 2 should be omitted from the approval of the right of way easement vacation. He supported the amendment motion.

Commissioner Ecklund referred to Mr. Kinkner's letter who agreed with Mr. Baird's letter that no finding should be made on the issue. She supported removing that finding on both the right of way and section line easement vacations.

Chairman Bryson asked if there was objection to having Ms. Hillstrand address the commission. Hearing none Ms. Hillstrand was allowed to address the commission.

Ms. Hillstrand stated that it was the plat that will be coming that she was concerned with. The plat will need to be correct when it comes before them. In the end, she didn't want to give up anymore than what she already has.

Commissioner Tauriainen asked if this item should be postponed so that the Borough attorney could review it. Mr. Voeller believed that Commissioner Gross wanted to remove Finding 2.

The amendment motion was restated which is as follows:

Commissioner Gross restated the motion with the amendment. It was moved to grant the 30 foot right of way easement vacation as petitioned based on the following 11 findings per staff recommendations.

Findings:

1. Per the submittal, the right-of-way easement proposed for vacation is in use vehicles/pedestrians/other.
3. The proposed vacation is within the City of Homer.
4. On August 18, 2010, the Homer Planning Commission approved the right-of-way easement and section line easement vacation subject to a new right-of-way extending Carter Drive.
5. Alternate right-of-way is being provided by a 60-foot wide extension of Carter Drive, which is being dedicated by the associated preliminary plat Hillstrand's Homestead (KPB File 2010-151).
6. The right-of-way easement proposed for vacation crosses the City of Homer's water treatment facilities.
7. The right-of-way proposed for vacation allows unlimited public access through the City's water treatment facilities.
8. The City of Homer wishes to restrict access to their water treatment facilities due to security concerns.
9. Per the Homer City staff report, the Public Works department and Fire Chief had no objection and/or concerns regarding the proposed vacation.
10. All subdivision plats finalizing vacations are sent to utility companies for review and easement requirements.
11. Homer Electric Association submitted a statement of 'No comment.'
12. The Plat Committee postponed action on the preliminary plat that will finalize the proposed vacations, if they are approved, on September 27. 2010 until brought back by staff.

Commissioner Tauriainen asked again if this item should be postponed so that the Borough attorney could review it. Mr. Best replied that the Legal Department has not looked at this item. This is an issue between the Hillstrand's and the City of Homer. This has no bearing on the approval of the vacation petitions.

Commissioner Foster wanted clarification that Staff's recommendations were included in the motion. Commissioner Gross replied that was correct.

AMENDMENT & MAIN MOTION VOTE: The motion passed by unanimous consent.

BRYSON YES	CARLUCCIO ABSENT	COLLINS YES	ECKLUND YES	FOSTER YES	GROSS YES	HOLSTEN ABSENT
ISHAM YES	LOCKWOOD YES	MARTIN YES	TAURIAINEN YES			9 YES 2 ABSENT

SECTION LINE EASEMENT VACATION

MAIN MOTION B: Commissioner Gross moved, seconded by Commissioner Isham to grant the 66 foot section line easement vacation as petition based on the following findings of fact but eliminating Finding 2 with all staff recommendations.

Findings:
1. Per the submittal, the section line easement proposed for vacation is being used by vehicles/pedestrians/other.
3. The proposed vacation is within the City of Homer.
4. On August 18, 2010, the Homer Planning Commission approved the right-of-way easement and section line easement vacation subject to a new right-of-way extending Carter Drive.
5. Alternate right-of-way is being provided by a 60-foot wide extension of Carter Drive, which is being dedicated by the associated preliminary plat Hillstrand's Homestead (KPB File 2010-151).
6. The section line easement proposed for vacation crosses the City of Homer's water treatment facilities.
7. The section line easement proposed for vacation allows unlimited public access through the City's water treatment facilities.
8. The City of Homer wishes to restrict access to their water treatment facilities due to security concerns.
9. Per the Homer City staff report, the Public Works department and Fire Chief had no objection and/or concerns regarding the proposed vacation.
10. Per KPB GIS mapping, the section line easement appears to be in use for utilities.

11. All subdivision plats finalizing vacations are sent to utility companies for review and easement requirements.
12. Homer Electric Association submitted a statement of 'No comment.'
13. A section line easement vacation plat has not been submitted for review by the Borough Plat Committee.
14. Per the October 6, 2010 letter from the State Department of Natural Resources, a section line easement vacation petition has not yet been submitted to DNR.
15. Based on a comparison between dates of section line easement vacation plat approvals by the Borough and the date section line easement vacation plats are recorded, the section line easement review and approval by State DNR is a lengthy process.
16. Section line easements are under the regulation of the State of Alaska.
17. The Borough action on the vacation will be advisory to the State of Alaska.
18. Section line easement vacations are finalized with a State easement vacation plat.
19. Section line easement vacation plats must be approved and signed by the State of Alaska.

AMENDMENT MOTION: Commissioner Foster moved, seconded by Commissioner Lockwood to grant exception to KPB 20.28.120, citing the 19 findings and tying Findings 13-19 to the three facts.

Findings

13. A section line easement vacation plat has not been submitted for review by the Borough Plat Committee.
14. Per the October 6, 2010 letter from the State Department of Natural Resources, a section line easement vacation petition has not yet been submitted to DNR.
15. Based on a comparison between dates of section line easement vacation plat approvals by the Borough and the date section line easement vacation plats are recorded, the section line easement review and approval by State DNR is a lengthy process.
16. Section line easements are under the regulation of the State of Alaska.
17. The Borough action on the vacation will be advisory to the State of Alaska.
18. Section line easement vacations are finalized with a State easement vacation plat.
19. Section line easement vacation plats must be approved and signed by the State of Alaska.

AMENDMENT VOTE: The motion passed by unanimous consent.

BRYSON YES	CARLUCCIO ABSENT	COLLINS YES	ECKLUND YES	FOSTER YES	GROSS YES	HOLSTEN ABSENT
ISHAM YES	LOCKWOOD YES	MARTIN YES	TAURIAINEN YES			9 YES 2 ABSENT

MAIN MOTION VOTE: The motion passed by unanimous consent.

BRYSON YES	CARLUCCIO ABSENT	COLLINS YES	ECKLUND YES	FOSTER YES	GROSS YES	HOLSTEN ABSENT
ISHAM YES	LOCKWOOD YES	MARTIN YES	TAURIAINEN YES			9 YES 2 ABSENT

AGENDA ITEM F. PUBLIC HEARINGS

5. Ordinance 2010-38; An ordinance authorizing conveyance of .49 acres more or less of land to the City of Homer.

Staff Report reviewed by Marcus Mueller PC Meeting: 10/25/10

KPB Tax Parcel No. 179-080-50 was obtained by the borough through tax foreclosure proceedings pursuant to AS 29.45.290 et seq. for delinquent payment of taxes and retained for public purpose by Ordinance 2007-21. The City of Homer Public Works Department is in Phase 2 of the Kachemak Drive Water and Sewer Project and requires use of the property for water and sewer improvements.

AGENDA ITEM F. PUBLIC HEARINGS

4. Vacate a portion of the 30-foot right-of-way easement within the panhandle of a deeded parcel recorded in Book 39 Page 07 of the Homer Recording District, within Section 7, Township 6 South, Range 13 West, Seward Meridian, Alaska, within the City of Homer and the Kenai Peninsula Borough.

AND

Vacate the 66-foot portion of the section line easement underlying the above right-of-way easement vacation centered on the line common to Sections 7 and 8, extending north from Skyline Drive to the ¼ corner common to said Sections 7 and 8; within Township 6 South, Range 13 West, S.M., Alaska; within the City of Homer and the Kenai Peninsula Borough; KPB File 2010-152 & 2010-153; Location: City of Homer

STAFF REPORT PC Meeting: 10/25/10

Purpose as stated in petition: The portion of the section line easement being vacated runs through the City of Homer's water treatment plant complex. The security of this important municipal facility is of concern. Alternative access is provided around the complex via newly dedicated Carter Drive

Petitioner: Walt Wrede, City Manager for the City of Homer, Homer, Alaska

Notification:

Public notice appeared in the October 7 and October 14, 2010 issues of the Homer News.

Six (6) certified mailings were sent to owners of property within 300 feet of the parcels. Five (5) receipts have been returned.

Nineteen (19) regular mailings were sent to agencies and interested parties. Six (6) notices were sent to KPB Departments. Notices were mailed to the Homer Post Office and Homer Community Library to be posted in public locations. The notice and maps were posted on the Borough web site and bulletin board.

Comments

Don Gilman River Center: No plat notes required.

Homer Advisory Planning Commission: The Commission approved the right-of-way and section line easement vacation subject to a new right-of-way extending Carter Drive.

Homer Electric Association: No comment.

Staff discussion

To promote efficiency, two different inter-related actions have been combined into a single public notice. However, the processes and means to finalize vacation of section line easements differ from that for public rights-of-way. Staff has separated findings and recommendations into two separate categories to reflect the differences. **Staff recommends** the Commission take separate action on each of the two types of vacations.

RIGHT-OF-WAY EASEMENT VACATION

A. Vacation of a portion of the 30-foot right-of-way easement within the panhandle of a deeded parcel recorded in Book 39 Page 07 of the Homer Recording District, within Section 7, Township 6 South, Range 13 West, Seward Meridian, Alaska

Findings:

1. Per the submittal, the right-of-way easement proposed for vacation is in use vehicles/pedestrians/other.
2. Per the submittal, the right-of-way easement proposed for vacation has not been constructed.
3. The proposed vacation is within the City of Homer.
4. On August 18, 2010, the Homer Planning Commission approved the right-of-way easement and section line easement vacation subject to a new right-of-way extending Carter Drive.
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7. The right-of-way proposed for vacation allows unlimited public access through the City's water treatment facilities.
8. The City of Homer wishes to restrict access to their water treatment facilities due to security concerns.
9. Per the Homer City staff report, the Public Works department and Fire Chief had no objection and/or concerns regarding the proposed vacation.
10. All subdivision plats finalizing vacations are sent to utility companies for review and easement requirements.
11. Homer Electric Association submitted a statement of 'No comment.'
12. The Plat Committee postponed action on the preliminary plat that will finalize the proposed vacations, if they are approved, on September 27. 2010 until brought back by staff.

STAFF RECOMMENDATION: Approve the vacation a portion of the 30-foot right-of-way easement within the panhandle of a deeded parcel recorded in Book 39 Page 07 of the Homer Recording District, within Section 7, Township 6 South, Range 13 West, Seward Meridian, Alaska, subject to:

1. Approval of the preliminary plat and submittal of a final plat in accordance with Chapter 20 of the KPB Code within one year of vacation approval.
2. New right-of-way extending Carter Drive per the Homer Advisory Planning Commission's recommendation being platted.

SECTION LINE EASEMENT VACATION

B. Vacation of the 66-foot portion of the section line easement underlying the above right-of-way easement vacation centered on the line common to Sections 7 and 8, extending north from Skyline Drive to the ¼ corner common to said Sections 7 and 8; within Township 6 South, Range 13 West, S.M., Alaska

Findings:
1. Per the submittal, the section line easement proposed for vacation is being used by vehicles/pedestrians/other.
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17. The Borough action on the vacation will be advisory to the State of Alaska.
18. Section line easement vacations are finalized with a State easement vacation plat.
19. Section line easement vacation plats must be approved and signed by the State of Alaska.

Exception Required: KPB 20.28.120 (If a final plat is not presented to the planning commission within one year of the vacation approval, the approval will be deemed void. No time extensions shall be granted.)

Staff reviewed the exception and recommends granting approval. **Staff recommends** the Commission select the findings they determine are applicable, make additional findings if needed, tie the findings to the following facts, and vote on the exception in a separate motion.

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   Findings 13-19 support this fact.

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   Findings 13-19 support this fact.

3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
   Findings 13-19 support this fact.

STAFF RECOMMENDATION: Based on the Findings 2-19 **staff recommends** the Commission grant a four-year approval of the section line easement vacation as petitioned, subject to:

1. Submittal of the Section Line Easement Vacation preliminary and final plats in accordance with Chapter 20 of the KPB Code within four years of vacation approval.
2. Recording of the plat for Hillstrand Homestead (KPB File 2010-151) dedicating Carter Drive prior to section line easement vacation plat recording.
2. Compliance with any State requirements for the section line easement vacation.

If the vacation is approved, the Homer City Council has thirty days in which they may veto Planning Commission approval of the vacation.

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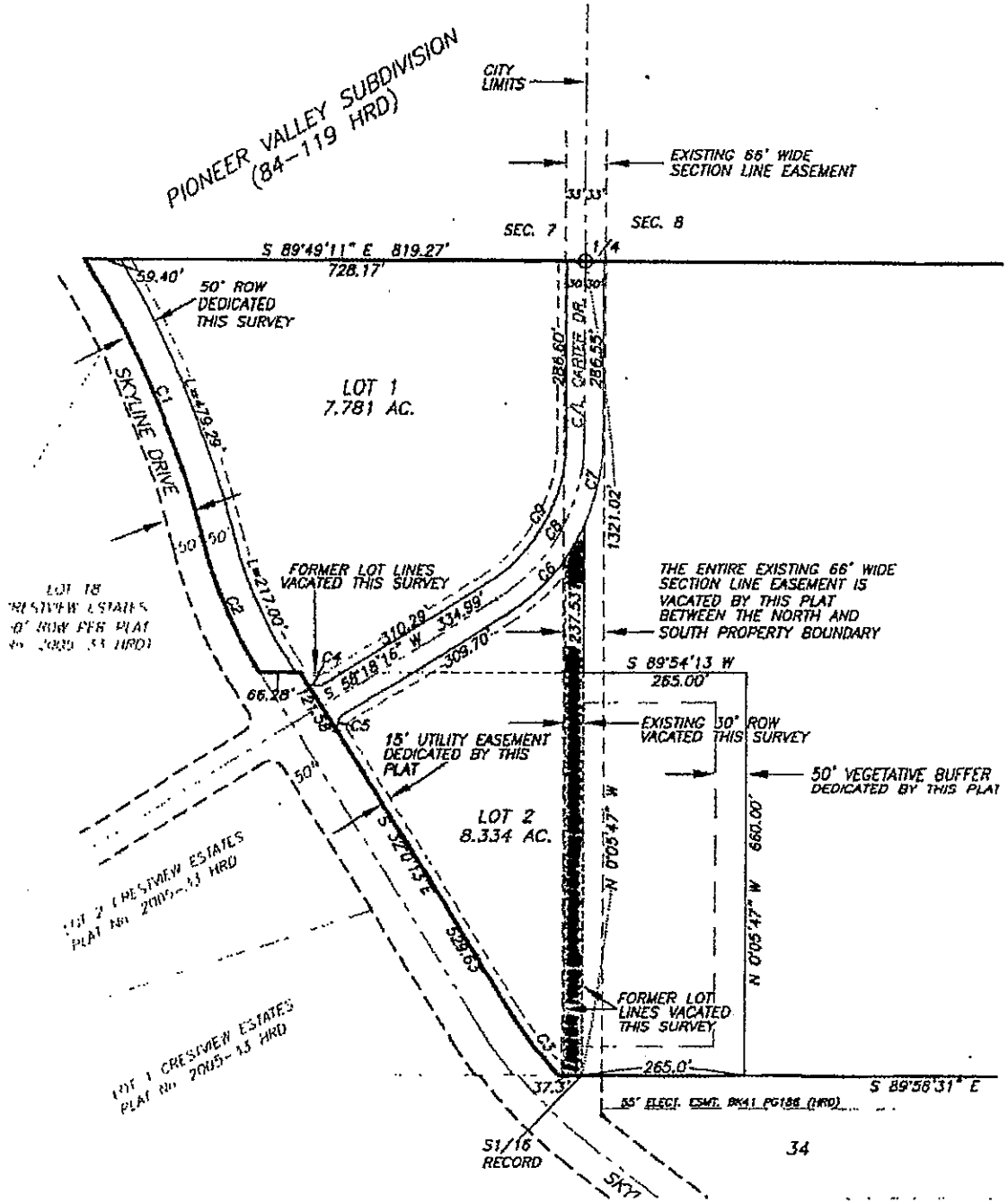
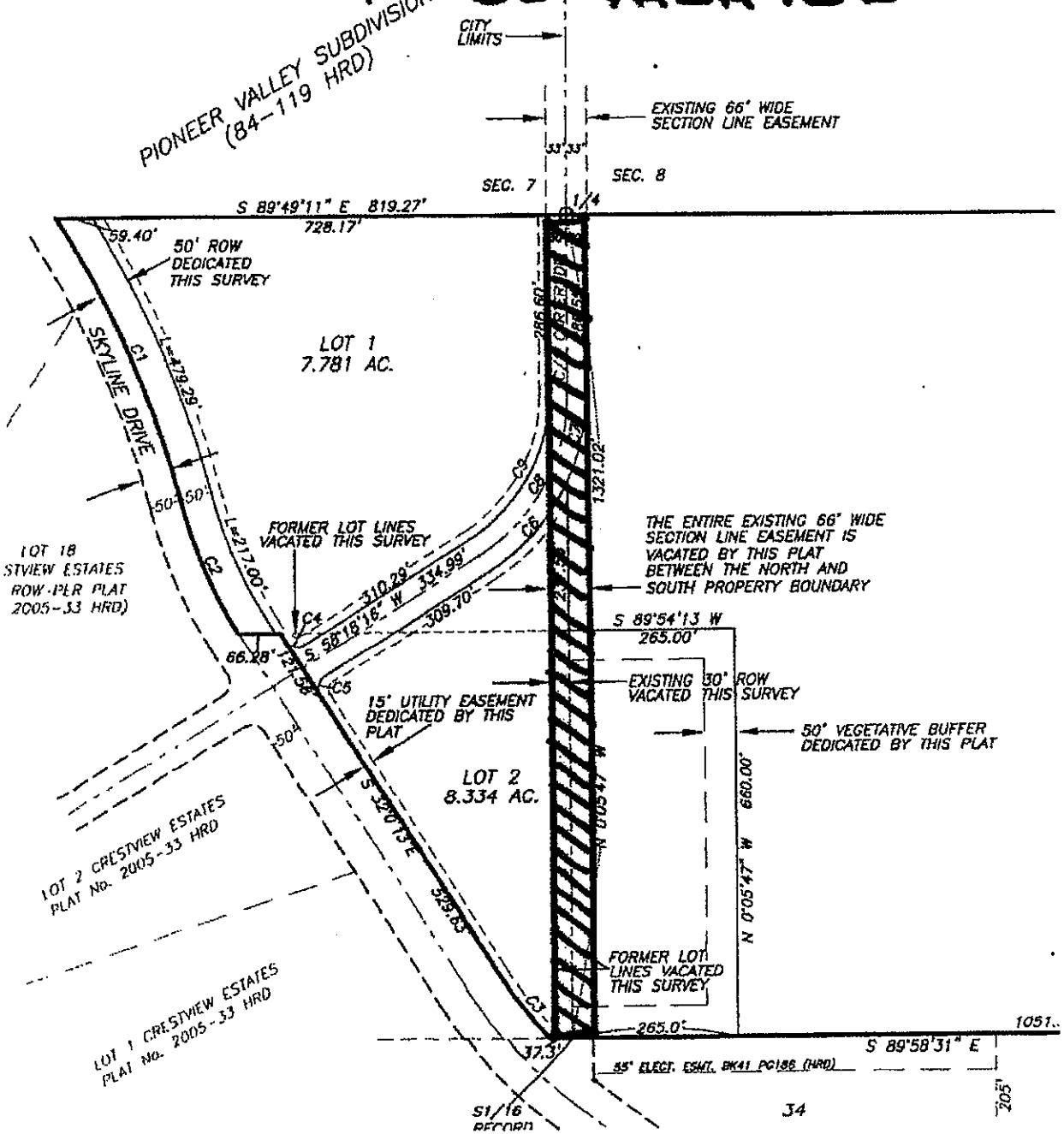
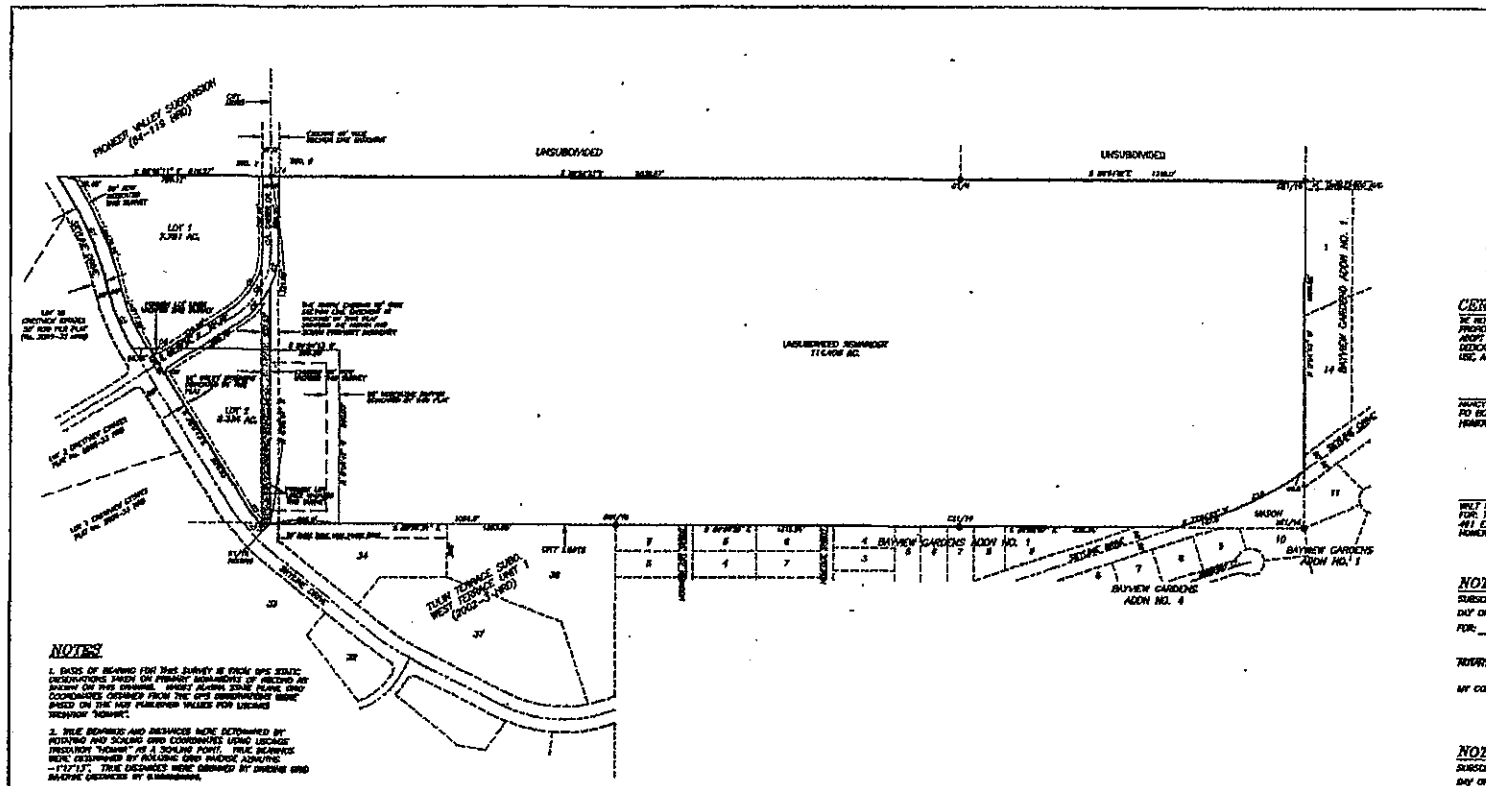
END OF STAFF REPORT

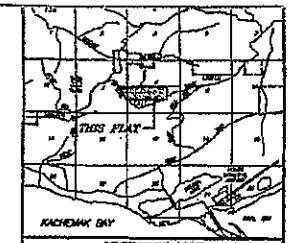
Area of ROW Vacation



AREA OF SECTION LINE TO BE VACATED







VICINITY MAP

SCALE 1" = 5 MILE

USGS QUADRANGLE SELDOVIA C-4

NOTES

1. BASIS OF BEARING FOR THIS SURVEY IS FROM GPS STATIC OBSERVATIONS TAKEN ON PRIMARY MONUMENTS OF RECORD AS SHOWN ON THIS DRAWING. ALASKA ZONE PLANE GRID COORDINATES OBTAINED FROM THE GPS OBSERVATIONS WERE BASED ON THE NGS PUBLISHED VALUES FOR LICENSE TRIANGULATION "HOMER".

2. TRUE BEARINGS AND DISTANCES WERE DETERMINED BY ROTATING AND SCALING GRID COORDINATES USING USCAGS TRIANGULATION "HOMER" AS A SCALING POINT. TRUE BEARINGS WERE DETERMINED BY HOLDING GRID AZIMUTHS. -1°17'13". TRUE DISTANCES WERE OBTAINED BY DIVIDING GRID DISTANCES BY 0.9999[illegible].

3. TRUE COORDINATE VALUES WERE TRANSLATED TO A LOCAL COORDINATE SYSTEM BASED ON [illegible] FOR USCAGS TRIANGULATION "HOMER".

4. BASIS OF ELEVATION FOR THIS SURVEY IS THE NGS PUBLISHED VALUE FOR USCAGS TRIANGULATION "HOMER" (EL=[illegible] FEET / NAVD88 / [illegible]). ELEVATIONS FROM GPS STATIC OBSERVATIONS THAT WERE ADJUSTED FROM ELLIPSOID HEIGHT TO GEOID HEIGHT DETERMINED BY [illegible].

5. THE FRONT 15' OF THE 30' BUILDING SETBACK IS A UTILITY EASEMENT. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF THE UTILITY TO USE THE EASEMENT.

6. DEVELOPMENT OF THESE LOTS IS SUBJECT TO THE CITY OF HOMER ZONING REGULATIONS.

7. NO ACCESS TO STATE MAINTAINED POINTS-OF-WAY POINTED UNLESS APPROVED BY THE STATE OF ALASKA DEPARTMENT OF TRANSPORTATION.

8

. PORTIONS OF THE SUBJECT LOTS MAY BE SUBJECT TO WETLAND REGULATIONS. OWNERS SHOULD CONTACT THE ARMY CORPS OF ENGINEERS PRIOR TO ANY DEVELOPMENT ACTIVITY IN WETLANDS.

WASTEWATER DISPOSAL

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

CURVE TABLE

CURVE	DELTA	RADIUS	LENGTH	CHORD BRNG	CHORD DIST
C1	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
C2	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
C3	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
C4	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
C5	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
C6	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
C7	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
C8	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
C9	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
C10	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

SCALE 1"= 200'

LEGEND

- INDICATES 3-1/2" BRASS CAP MONUMENT (2007-S 1970) RECOVERED THIS SURVEY
- INDICATES 3-1/2" BRASS CAP MONUMENT (1998-S 1917) RECOVERED THIS SURVEY
- INDICATES 5/8" X 30" REBAR W/ 2" ALCAP (1998-S 2007) RECOVERED THIS SURVEY

PLAT APPROVAL

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

KENAI PENINSULA BOROUGH

BY: _____
AUTHORIZED OFFICIAL

STATE OF ALASKA
KENTON T. BLOOM
LS-7986

CERTIFICATE OF OWNERSHIP

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

_____
NANCY J. HILLSTRAND
PO BOX 874
HOMER, ALASKA 99603

_____
WALT WREDE, CITY MANAGER
FOR: THE CITY OF HOMER
491 E. PIONEER AVE.
HOMER, ALASKA 99603

NOTARY'S ACKNOWLEDGMENT

SUBSCRIBED AND SWORN TO BEFORE ME THIS
DAY OF _____, 2010.
FOR: _____

_____
NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES _____

NOTARY'S ACKNOWLEDGMENT

SUBSCRIBED AND SWORN TO BEFORE ME THIS
DAY OF _____, 2010.
FOR: _____

_____
NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES _____

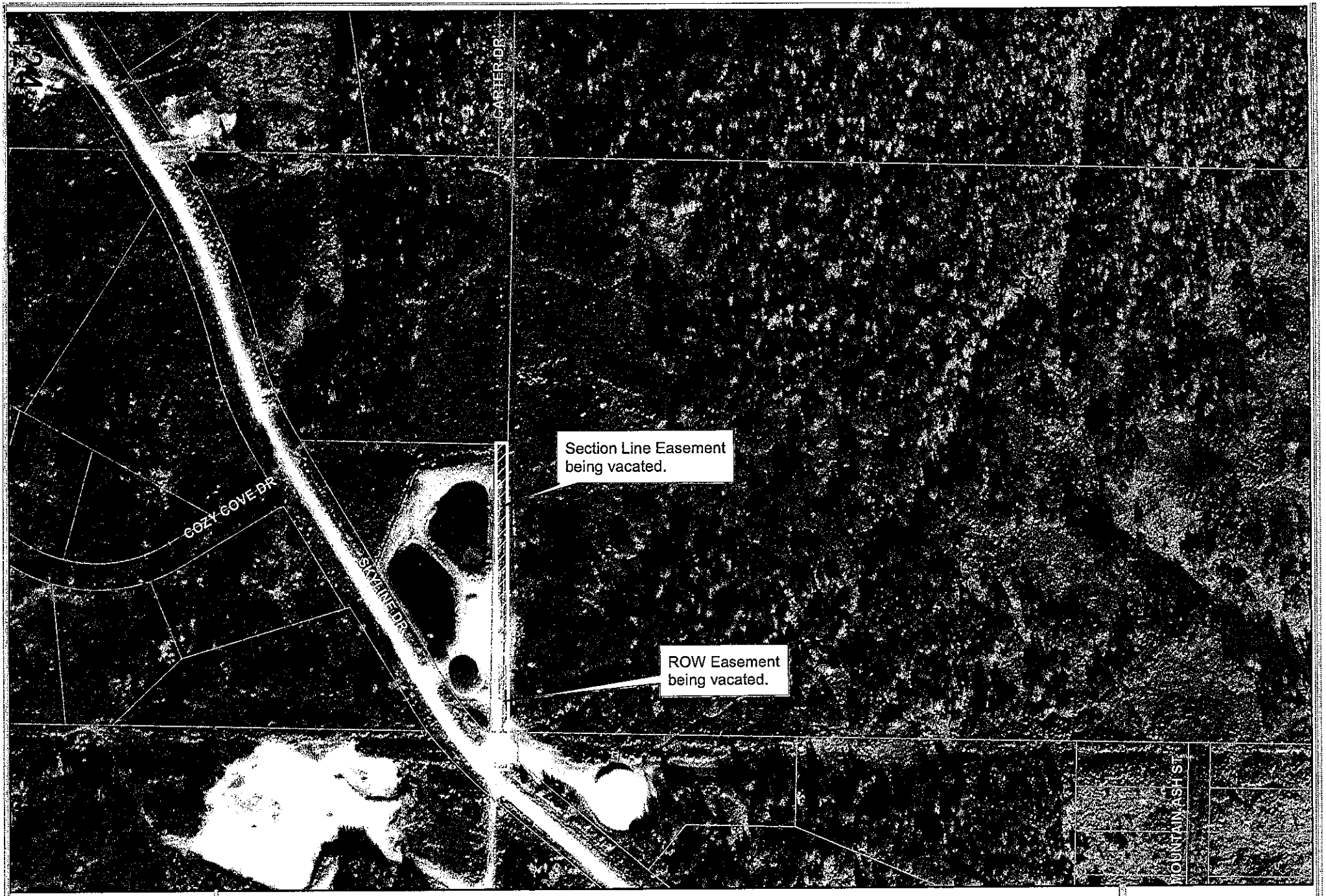
HOMER RECORDING DISTRICT KRN FILE No. ???

HILLSTRAND'S HOMESTEAD

CONTAINED WITHIN
THE NW1/4 SW1/4 SEC. 8
THE NE1/4 SW1/4 SEC. 8
THE PORTION OF THE NW1/4 SE1/4 SEC. 8
LYING NORTH OF SKYLINE DRIVE
NE1/4 SE1/4 SEC. 7,
EAST OF SKYLINE DRIVE
AND WITHIN
THE KENAI PENINSULA BOROUGH
THIRD JUDICIAL DISTRICT, STATE OF ALASKA
CONTAINING 130.521 ACRES

SEABRIGHT SURVEY + DESIGN
KENTON T. BLOOM, P.L.S.
1044 EAST ROAD, SUITE A
HOMER, ALASKA 99603
(907) 235-1247

DRAWN BY: KB	CHKD BY: KB	JOB #08-15(C)
DATE: 7/2010	SCALE: 1"=200'	SHEET #1 OF 1

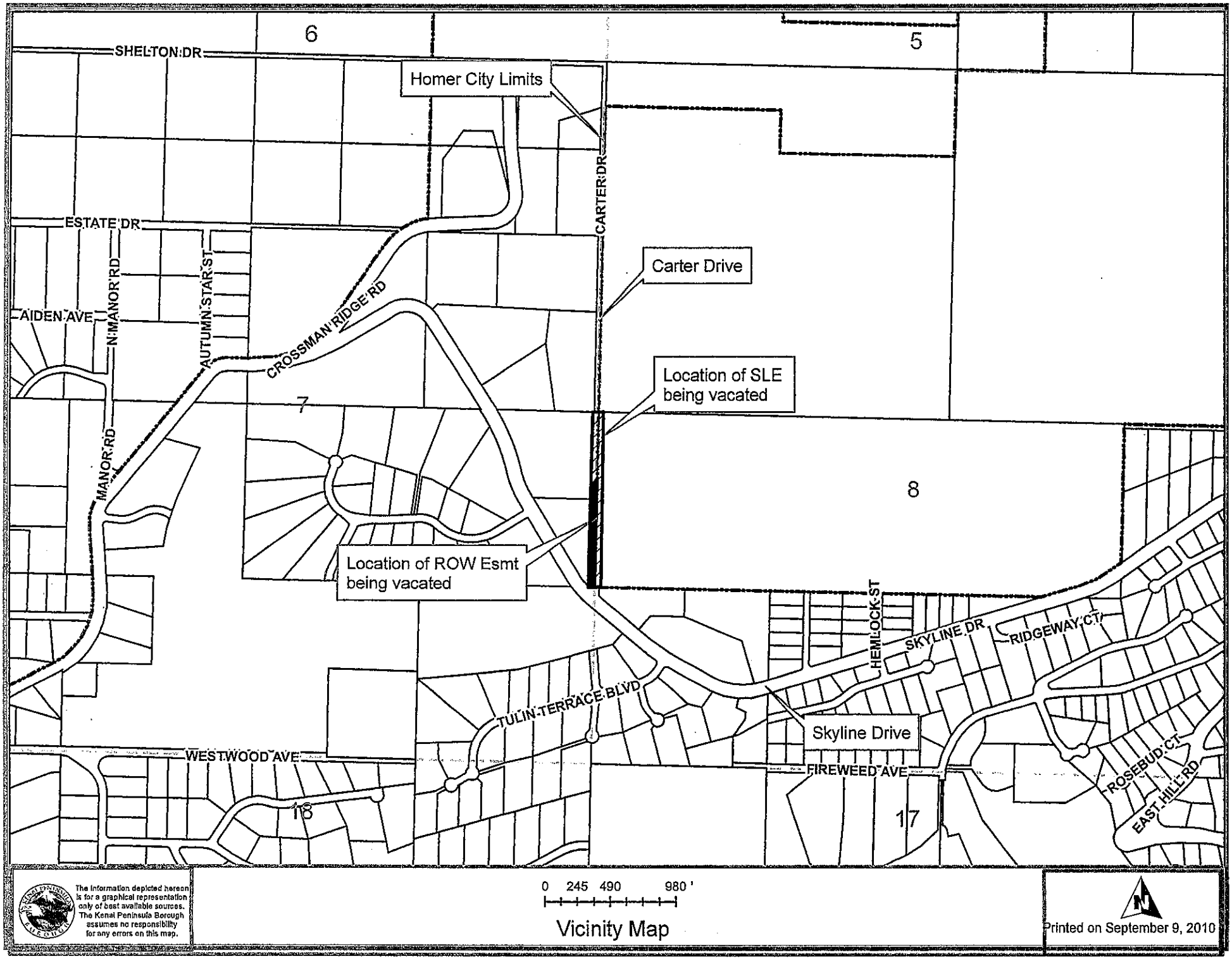


The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

0 125 250 500 '

Vacate a portion of the 30 foot right of way easement within the panhandle of a deeded parcel AND Vacate the 66 foot portion of the section line easement underlying the right of way easement vacation centered on the line common to said Sections 7 & 8.

Printed on Sep 16, 2010


SHELTON DR
6
5
Homer City Limits
CARTER DR
ESTATE DR
Carter Drive
N MANOR RD
AUTUMN STAR ST
AIDEN AVE
CROSSMAN RIDGE RD
Location of SLE being vacated
7
MANOR RD
8
Location of ROW Esmt being vacated
HEMLOCK ST
SKYLINE DR
RIDGEWAY CT
TULIN TERRACE BLVD
Skyline Drive
WESTWOOD AVE
FIREWEED AVE
ROSEBUD CT
EAST HILL RD
18
17
The Information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.
0 245 490 980 '
Vicinity Map
N
Printed on September 9, 2010

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF MINING, LAND AND WATER
SURVEY SECTION

SEAN PARNELL, GOVERNOR

550 WEST 7TH AVENUE, SUITE 650
ANCHORAGE, ALASKA 99501-3576
PHONE: (907) 269-8523
FAX: (907) 269-8914

October 6, 2010

KPB
OCT 0 8 2010
Planning Dept.

Maria Sweppy
Kenai Borough Planning Department
144 Binkley Street
Soldotna, Alaska 99669

Subj: Proposed Section-Line Easement Vacation
KPB File: 2010-152 & 2010-153 --- Sections 7 & 8 T6 S, R13W, SM

Ms. Sweppy:

This letter is in response to a "request for comments" for KPB files # 2010-152 & 2010-153; pertaining to a proposed section-line easement vacation.

Please advise the applicant of the vacation action that a section-line easement will not be vacated without DNR and DOTPF approval and that they will also have to petition the State in order to vacate the State's interest in the 66-foot wide section-line easement corridor.

Information regarding the State's section-line easement vacation process can be found at

http://dnr.alaska.gov/mlw/survey/ev/index.htm

Should they have any questions, I may be contacted at 269-8610.

Sincerely,

George Horton
Land Surveyor I

Sec. 29.35.090. Municipal property; rights-of-way.

(b) Notwithstanding AS 29.40.160 or other provisions of law, a municipality may not vacate a right-of-way acquired by the state under former 43 U.S.C. 932. This subsection applies to home rule and general law municipalities.

"Develop, Conserve, and Enhance Natural Resources for Present and Future Alaskans."

HOMER
Serial No. 1-

65-728

BOOK 39 PAGE 07
Homer Recording District

EASEMENT

THIS INDENTURE, made this 11 day of October, 1965, by and between LOUIS STEPHEN DEHEL, a single man of Anchorage, Alaska, hereinafter referred to as Grantor and the CITY OF HOMER, Alaska, hereinafter referred to as Grantee.

W I T N E S S E T H :

That in consideration of the sum of $10.00 and other valuable consideration, the receipt of which is hereby acknowledged, the Grantor does hereby assign, covenant, grant and convey to the Grantee a permanent easement and right-of-way over, across, through and under the following described property:

> The East Thirty feet (30') of the Northeast Quarter of the Southeast Quarter (NE1/4SE1/4) of Section Seven (7), Township Six (6) South, Range Thirteen (13) West, in the Homer Recording District, Homer, Alaska.

for the purposes of a utility easement, including the right to construct, maintain, repair and make connections to water lines, mains, laterals, emergency intakes and all rights incidental thereto.

TO HAVE AND TO HOLD said easement and right-of-way to the Grantee its successors and assigns forever, as long as said property is used for the purposes indicated.

Grantor also covenants that he is lawfully seized and possessed of the real estate above-described, that he has good and lawful right to convey the same, or any part thereof, that it is free from all encumbrances and that he will forever warrant and defend the title thereto against the lawful claims of any and all persons whomsoever.

DATED this 11 day of October, 1965.

Louis Stephen Dehel
LOUIS STEPHEN DEHEL

STATE OF ALASKA)
:ss
THIRD JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on this 11 day of October, 1965, before me the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn as such, personally appeared LOUIS STEPHEN DEHEL, who is known to me and to me known to be the individual named in and who executed the above and foregoing Eastment and he acknowledged to me the execution thereof as his free and voluntary act and deed for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year in this certificate first above written.

Notary Public in and for Alaska
My Commission expires: 5/18/69

RECORDED
Homer REC. DIST.
DATE 10-29 1965
TIME 9:00 P.M.
Requested by City of Homer
Address Box 123
Homer Alaska

LAW OFFICES OF
HAHN & JEWELL
BRITK BLDG
ONE FOURTH AVENUE
ANCHORAGE, ALASKA
BROADWAY 2-3561

HOMER RECORDING DISTRICT

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

THIRD JUDICIAL DISTRICT

BY DEPUTY CLERK

CITY OF HOMER,

Plaintiff,

v.

4.014 ACRES, MORE OR LESS OF LAND, AND NANCY J. HILLSTRAND,

Defendant.

Case No. 3AN-08-4488 Ci

DECLARATION OF TAKING

TO: THE SUPERIOR COURT FOR THE STATE OF ALASKA, THIRD JUDICIAL DISTRICT

I, Carey S. Meyer, PE, Public Works Director/City Engineer, City of Homer ("City"), declare that:

1. Pursuant to Alaska Statutes 09.55.240-460, the City of Homer is by this Declaration taking a fee simple interest in the property situated in the Homer Recording District, State of Alaska, more particularly described as follows:

> Commencing at the NW corner of the S 1/2 of Section 8, Township 6 South, Range 13 West, Seward Meridian; thence southerly along the west line of Section 8 and the east line of 30 foot wide Carter Drive to the point of beginning; thence East, leaving said Section line, 265 feet, perpendicular to said Section line; thence parallel to said Section line, South 660 feet, to the North line of the S ¼ of Section 8 and the north line of Lot 34, Tulin Terrace Subdivision – Upper Terrace, as shown on Plat # 96-51, recorded at the Homer Recording District; thence West along the north line of said Lot 34, 265 feet, to the west line of said Section 8 and the east line of 30 foot wide Carter Drive; thence North 660 feet, along the west line of said Section 8, to the point of beginning; containing 4.014

PERKINS COIE LLP
1029 West Third Avenue, Suite 300
Anchorage, AK 99501-1981
907.279.8561 / Facsimile 907.276.3108

acres more or less.

(hereinafter the "Parcel").

2. The Parcel to be taken is necessary for the construction, operation, maintenance, repair, and replacement of a public water treatment plant and other associated public water facilities and improvements, including but not limited to structures, pipes, manholes, services, valves, parking, access, basins, septic, fencing and buffers for the public water treatment plant (hereinafter the "Project"). The location of the proposed Project is shown on the attachments to Exhibit A to the City's Complaint for Condemnation.

3. A map showing the location of the Parcel to be taken is shown on Exhibit A to the City's Complaint for Condemnation.

4. The easements are taken by necessity for a project located in a manner which is most compatible with the greatest public good and least private injury.

5. Deposited with this original Declaration of Taking into the registry of the court for the benefit of the persons entitled thereto was the amount of $62,000, which is estimated by the City to be just compensation for the City's taking of the Parcel.

6. This Declaration of Taking is made under the authority of the Homer City Council exercised in City of Homer Resolution 07-123(A).

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1029 West Third Avenue, Suite 300
Anchorage, AK 99501-1981
907.279.8561 / Facsimile 907.276.3108

IN WITNESS THEREOF, the City of Homer has caused this Declaration to be signed by its Public Works Director/City Engineer, Carey S. Meyer, this 16TH day of January, 2008.

Carey S. Meyer
Public Works Director/City Engineer
City of Homer

SUBSCRIBED AND SWORN TO before me this 16th day of January, 2008.

BARBARA K. GARCIA
My Commission Expires
NOTARY PUBLIC
May 17, 2010
STATE OF ALASKA

Notary Public in and for Alaska
My Commission Expires: 05/17/2010

AFTER RECORDING RETURN TO:
Jacob Nist
Perkins Coie LLP
1029 West 3rd Ave., Suite 300
Anchorage, AK 99501

I hereby certify that this is a true and copy of the original on file in my office.
ATTEST:
Clerk of the Trial Court
By Deputy

4 of 4
2008-002368-0

PERKINS COIE LLP
1029 West Third Avenue, Suite 300
Anchorage, AK 99501-1981
907.279.8561 / Facsimile 907.276.3108

5/23

SENT TO DOCKETING

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

THIRD JUDICIAL DISTRICT

CITY OF HOMER, Plaintiff, v. 4.014 ACRES, MORE OR LESS, OF LAND, and NANCY J. HILLSTRAND, Defendant.	Case No. 3AN-08-4488 Ci

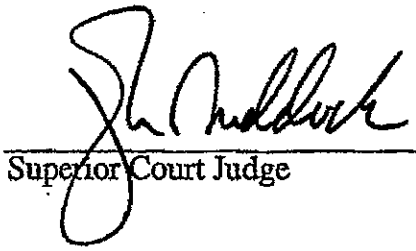
ORDER

Having considered Plaintiff City of Homer's (the "City") motion for possession of the property that is the subject of this action, opposition thereto, and good cause appearing, the Court hereby finds authority and necessity for the taking.

IT IS HEREBY ORDERED that the City's Motion for Possession is GRANTED and the City is hereby awarded possession of the property described in the City's Declaration of Taking dated January 16, 2008 and Amendment to Declaration of Taking dated May 23, 2008.

PERKINS COIE LLP
1029 West Third Avenue, Suite 300
Anchorage, AK 99501-1981
907.279.8561 / Facsimile 907.276.3108

DATED: 5/23/08



Superior Court Judge

The undersigned certifies that a true and correct copy of the foregoing was served on Ron Baird via U.S. mail ~~hand~~ this 23 day of May, 2008.

Marie Craig

I certify that on 5-23-08
A copy of the above was mailed to each of the following at their addresses of record: Not 1 Baird

M Blouin
Judicial Assistant/Deputy Clerk

PERKINS COIE LLP
1029 West Third Avenue, Suite 300
Anchorage, AK 99501-1981
907.279.8561 / Facsimile 907.276.3108

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
August 18, 2010

A. Staff Report PL 10-76, City Planner's Report

City Planner Abboud reviewed his report.

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

A. Staff Report PL 10-68, A Request for a Conditional Fence Permit at 2617 Kachemak Drive, Lot 2 Keta Cliffs Subdivision

City Planner Abboud summarized staff report.

Mr. Turner shared pictures of the fence. He stated he was not aware of the code limitations on fences and they would not have built it if they knew. He noted that when the water/sewer improvements went through, they removed all vegetation that was providing privacy. The speed limit is 35 mph, but most drive much faster and there is a desperate need for privacy. He placed the fence in its current location to avoid removing trees, further; he has planted new vegetation that will completely cover the fence within two or three years.

KRANICH/SINN - MOVE TO APPROVE STAFF REPORT PL 10-68 AS PER CONDITIONS 4, 5, 7, 8, 10, 12, 13.

Commissioner Sinn stated it would make sense for residences near commercial property to be allowed to provide privacy with a fence.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Chair Minsch noted that the subject of allowing fences for privacy shall be placed on an agenda at a later date.

B. Staff Report PL 10-67, Hillstrand's Homestead Section Line Easement and Right of Way Vacation

Commissioner Sinn stated he has a conflict of interest, stating he does business with one of the applicants and the dollar amount is more than is allowable by city code.

KRANICH/BOS - MOVE THAT COMMISSIONER SINN BE EXCUSED DUE TO CONFLICT OF INTEREST IN STAFF REPORT PL10-67, AS WELL AS ITEM 9 OF THE PLAT CONSIDERATION AS HE DOES BUSINESS WITH ONE OF THE APPLICANTS AND THE DOLLAR AMOUNT IS MORE THAN WHAT IS ALLOWABLE BY CITY CODE.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Planning Technician Engebretsen summarized the staff report.

Public Works Director Meyer explained the process and option of obtaining the section line easement. He stated the city has acquired land west of the water treatment plant and is proposing to vacate Carter Drive around the water treatment plant from Skyline Drive to the north of the treatment plant.

Nancy Hillstrand addressed the Commission but her comments were not audible on the recording.

Discussion followed regarding access to Hillstrand property and extending Carter Drive.
KRANICH/BOS - MOVE TO ADOPT STAFF REPORT PL 10-67 AS AMENDED TO INCLUDE STAFF RECOMMENDATIONS AND TO BE CONTINGENT ON NEW RIGHT OF WAY EXTENDING CARTER DRIVE.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

PLAT CONSIDERATION

A. Staff Report PL 10-66, Hillstrand's Homestead Preliminary Plat

Planning Technician Engebretsen summarized the staff report.

Nancy Hillstrand addressed the Commission but her comments were not audible on the recording.

Discussion followed regarding preventing development next to the ravine, protecting the watershed, and drainage.

KRANICH/BOS - MOVE TO ADOPT STAFF REPORT PL 10-66 WITH STAFF COMMENTS AND RECOMMENDATIONS.

KRANICH/BOS - MOVE TO AMEND MAIN MOTION TO ADD CONTOUR INFORMATION AS REQUIRED IN ITEM #12.

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

Motion carried.

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

Motion carried.

PENDING BUSINESS

A. Draft Decision and Findings for Conditional Use Permit 10-04, 1033 Skyline Drive

Chair Minsch excused Commissioner Venuti from the table and for deliberations for pending business items A, B, and C. Deliberations were continued for 10 minutes.

KRANICH/BOS - MOVE TO ACCEPT THE DECISION AND FINDINGS FOR CONDITION USE PERMIT 10-04, 1033 SKYLINE DRIVE.

KRANICH/BOS - MOVE TO DELETE FINDING 4.

City of Homer
Planning & Zoning
491 East Pioneer Avenue
Homer, Alaska 99603-7645

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

STAFF REPORT PL 10-67

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Planning Technician
MEETING: July 21, 2010
SUBJECT: Vacation of a portion of a Section Line Easement and Right of Way

Requested Action: Conduct a public hearing on the vacation of a Section Line Easement and a portion of a right of way. Make a recommendation to the Kenai Peninsula Borough Planning Commission.

Staff Recommendation: Recommend approval of the vacations.

GENERAL INFORMATION

Applicants:	City of Homer 491 E Pioneer Ave Homer AK 99603	Nancy Hillstrand PO Box 674 Homer AK 99603	Seabright Survey+Design 1044 East End Road Ste A Homer AK 99603
	Louis Dehel 6529 Linden Dr Anchorage, AK 99502		
Location:	Skyline Drive and Carter Drive, City of Homer water treatment facilities		
Parcel ID:	17307031, 2, 17305308		

Zoning Designation:	Rural Residential/Bridge Creek Watershed Protection District
Existing Land Use:	Municipal water treatment facilities and vacant land
Surrounding Land Use:	North: Vacant South: Vacant East: Vacant West: Vacant
Comprehensive Plan:	Homer's transportation system, including, streets, trails, docks and airport, should support future community economic and population growth. (2005 Transportation Plan p. I-21)
Public Notice:	Notice was sent to 47 property owners of 79 parcels as shown on the KPB tax assessor rolls.

ANALYSIS:
This vacation request lies within the Bridge Creek Watershed Protection District. The portion within the City is also zoned rural residential. A preliminary plat also accompanies this request. The plat will be considered under a separate agenda item. This staff report will only address the vacation of the right of way and section line easement. The purpose of the vacations is to create a new access to the west, and consolidate the City of Homer water treatment plant facilities so that they may be fenced in. The water treatment facilities are currently split by the section line easement and half right of way dedication of Carter Drive. This right of way and section line easement allow public access through the site. The City wishes to fence the facilities, which would block public access to the section line easement and right of way. The City is purchasing the lot to the north from Mr. Dehel, in order to dedicate an extension of Carter Drive. This will create a new right of way that will connect to the existing portions of Carter Drive, and the remaining portion of section line easement to the Bridge Creek Reservoir.

The city of Homer does not have code criteria to review a right of way vacation. Applicable Kenai Peninsula Borough Code states:

20.04.010 Purpose of provisions.
The purpose of this title is to promote an adequate and efficient street and road system, to provide utility easements, to provide minimum standards of survey accuracy and proper preparation of plats, and to protect and improve the health, safety and general welfare of the people.

Staff Finding: An adequate and safe road system has been proposed by the city. Carter Drive will provide access to the remaining section line easement and existing right of way.

20.28.150. Vehicular access provision.
Where a right-of-way is required for logical provision of an existing or future road, the planning commission shall not approve the vacation unless an equal or superior right-of-way will be provided in exchange. Where 2 or more access points are necessary for large vacant or semi-vacant areas of land, the commission shall consider the ultimate density of habitation or use and maintain sufficient rights-of-way to serve such anticipated use.

Staff finding: New Right of way is dedicated by the Hillstrand Homestead Subdivision which will provide for equal or superior access from the existing right of way and section line easement.

PUBLIC WORKS COMMENTS: The Public Works Department had no objection to the vacation.

FIRE DEPARTMENT COMMENTS: Fire Chief Painter had no concerns.

STAFF COMMENTS
Staff recommends the Commission recommend approval of the vacation of the section line easement and Carter Drive.

ATTACHMENTS
1. Surveyor letter
2. Vacation Petition (lay down at meeting)
3. Preliminary Plat

CITY OF HOMER
PUBLIC WORKS DEPARTMENT

Carey S. Meyer, P.E. - Director
3575 Heath Street
Homer, Alaska 99603

Telephone: (907)235-3170
Fax: (907)235-3145
EMAIL: cmeyer@ci.homer.ak.us

July 8, 2010

Max J. Best
Planning Director
Kenai Peninsula Borough
144 North Binkley
Soldotna, Alaska 99669

RECEIVED
SEP 7 - 2010
KENAI PENINSULA BOROUGH
PLANNING DEPARTMENT

RE: Preliminary Plat Submittal
Hillstrand's Homestead

Mr. Best;

Attached is our preliminary plat submittal and section line/right-of-way petition submittal for the above referenced property for inclusion in the Platting Committee's September 27 agenda.

The City has prepared this plat as part of an eminent domain action in which the City obtained property on which the new water treatment plant has been constructed. This plat is a joint effort between the City and Ms. Hillstrand and reflects the wishes of the attorneys for both parties. The main focus of this plat is to create the boundaries of the newly acquired property and to combine it with the previously owned City parcels.

The plat now shows a dedication of new right-of-way for Carter Drive around the treatment plant site (rather than through the site) and the vacation of the section line and right-of-way easement that now exists through the plant site. The utility easements that exist along this corridor remain. We believe that this plat conforms to the concerns expressed by the Borough when it reviewed a similar plat in 2008.

I will attend the Commission meeting on the 27th and be available to answer any questions the Committee might have. If I can assist your staff in preparing for this meeting, please do not hesitate to call.

Yours Very Truly;

CITY OF HOMER

Carey Meyer

Carey Meyer, P.E.
Public Works Director

Kenai Peninsula Borough Planning Department
144 North Binkley
Soldotna, Alaska 99669-7599
Toll free within the Borough 1-800-478-4441, extension 2200
(907) 714-2200

Petition to Vacate Public Right-of-Way/Section Line Easement
Public Hearing Required

Upon receipt of complete application with fees and all required attachments a public hearing before the Planning Commission will be scheduled. The petition with all required information and attachments must be in the Planning Department at least 30 days prior to the preferred hearing date. By State Statute and Borough Code, the public hearing must be scheduled within 60 days of receipt of complete application.

- [x] Fees - $300 non-refundable fee to help defray costs of advertising public hearing. Plat fees will be in addition to vacation fees.
- [x] City Advisory Planning Commission. Copy of minutes at which this item was acted on, along with a copy of City Staff Report.
- [ ] Name of public right-of-way proposed to be vacated is _____; dedicated by plat of _____ Subdivision, filed as Plat No. _____ in _____ Recording District.
- [ ] Are there associated utility easements to be vacated? ☐ Yes ☐ No
- [ ] Are easements in use by any utility company; if so which? _____
- [x] Easement for public road or right-of-way as set out in (specify type of document) right-of-way easement as recorded in Book 39 Page 07/350 of the Homer Recording District. (Copy of recorded document must be submitted with petition)
- [x] Section Line Easement. Width of easement must be shown on sketch.
- [x] Submit three copies of plat or map showing area proposed to be vacated. Must not exceed 11 x 17 inches in size. In the case of public right-of-way the submittal must include a sketch showing which parcels the vacated area will be attached to. Proposed alternative dedication is to be shown and labeled on the sketch.

Has right-of-way been fully or partially constructed?	☐ Yes	☑ No
Is right-of-way used by vehicles/pedestrians/other?	☑ Yes	☐ No
Has section line easement been constructed?	☐ Yes	☑ No
Is section line easement being used?	☑ Yes	☐ No
Is alternative right-of-way being provided?	☑ Yes	☐ No

The petitioner must provide reasonable justification for the vacation. Reason for vacating:
The portion of the section line easement being vacated runs through the City of Homer's water treatment plant complex. The security of this important municipal facility is of concern. Alternative access is provided around the complex via newly dedicated Carter Drive (see attached drawing).

The City of Homer owns approx. 70% of the front feet of land fronting the ROW easement and section line easement.

The petition must be signed (written signature) by owners of majority of the front feet of land fronting part of right-of-way or section line easement proposed to be vacated. Each must include mailing address and legal description of his/her property.

Submitted by: Signature Carey Meyer

Name Carey Meyer - PW Director

Address Department of Public Works
3575 Heath Street
Homer, AK 99603

Phone

As: ☐ Petitioner ☑ Representative

Petitioners:

Signature	Walt Wrede	Signature	
Name	Walt Wrede	Name	
Address	City Manager	Address	
	491 E. Pioneer Avenue		
	Homer, AK 99603		
Owner of	Lots 1 & 2 (see plat)	Owner of	
Signature		Signature	
Name		Name	
Address		Address	
Owner of		Owner of	

Sweppy, Maria

From: Furlong, Claudia [cfurlong@HomerElectric.com]
Sent: Friday, October 15, 2010 12:56 PM
To: Sweppy, Maria
Subject: RE: Hillstrand's Homestead
Attachments: SKMBT_C20310101510500.pdf

See attached please...

From: Sweppy, Maria [mailto:MSWEPPY@borough.kenai.ak.us]
Sent: Thursday, October 14, 2010 3:12 PM
To: Furlong, Claudia
Subject: Hillstrand's Homestead

Good afternoon Claudia,

Hillstrand's Homestead is involved with two vacations as well as a plat. I did not see comments in the preliminary plat file from HEA. We received a 'no comment' letter from you on October 1 for the proposed right-of-way easement and section line easement vacation.

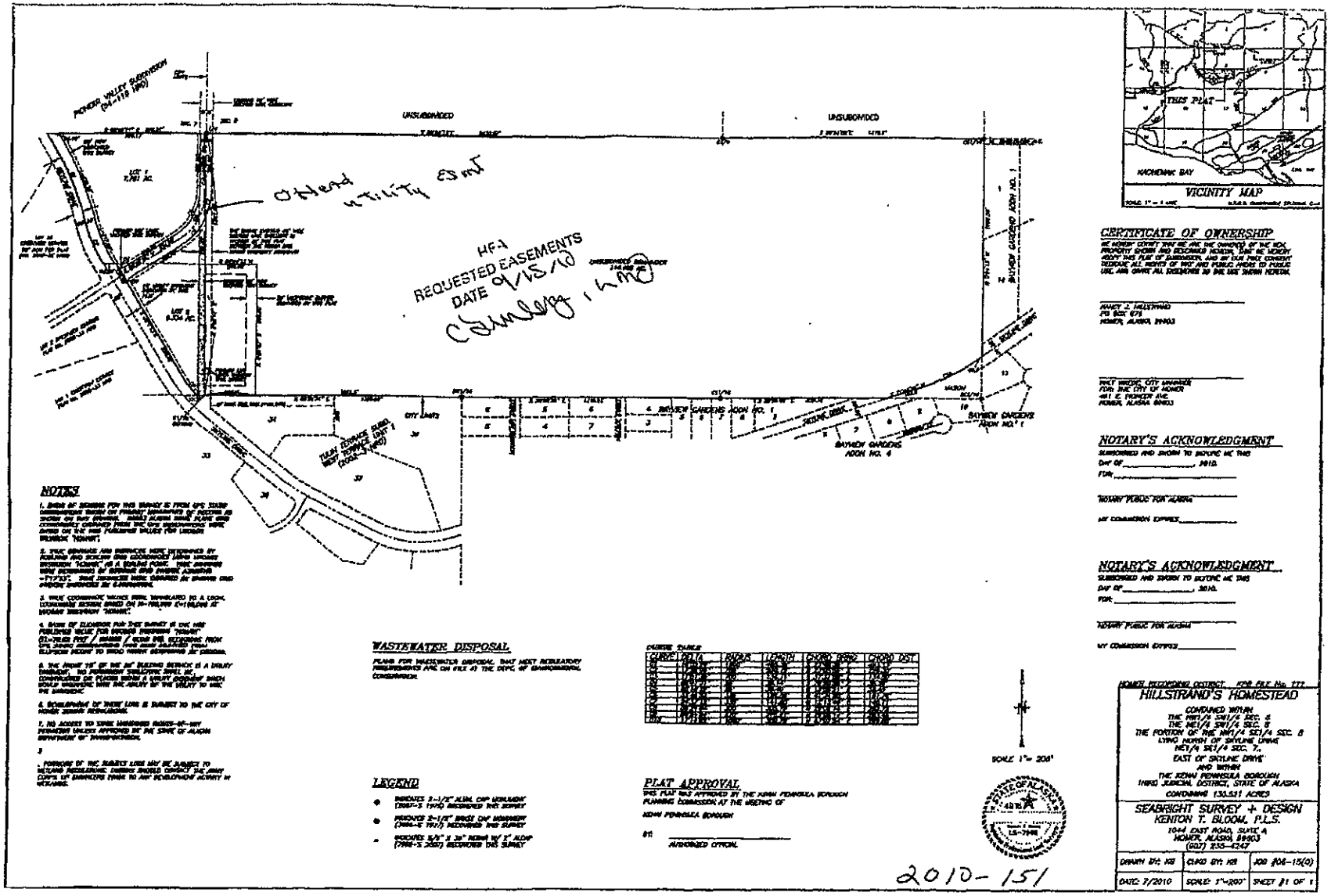
Our GIS layer shows an HEA power line within the section line easement proposed for vacation. Usually I see a request for a 20-foot utility easement centered on the existing facilities.

The power line layer in our GIS mapping may be out of date. Perhaps HEA no longer has facilities in the section line easement.

The proposed right-of-way easement and section line easement vacations are scheduled for October 25. The Committee postponed action on the preliminary plat at the request of an owner. At this time the preliminary plat has not been re-scheduled for Plat Committee review.

You have time to submit additional comments if you wish.

Maria Sweppy
Platting Specialist


UNSUBDIVIDED
UNSUBDIVIDED
Overhead utility easmt
HEA
REQUESTED EASEMENTS
DATE 9/15/10
BAYVIEW GARDENS ADDN NO. 1
BAYVIEW GARDENS ADDN NO. 4
BAYVIEW GARDENS ADDN NO. 1
CITY LIMITS
VICINITY MAP
THIS PLAT
KACHEMAK BAY
NOTES
WASTEWATER DISPOSAL
LEGEND
PLAT APPROVAL
SCALE 1" = 200'
CERTIFICATE OF OWNERSHIP
NOTARY'S ACKNOWLEDGMENT
NOTARY'S ACKNOWLEDGMENT
HILLSTRAND'S HOMESTEAD
SEABRIGHT SURVEY + DESIGN
KENTON T. BLOOM, P.L.S.
2010-151

Sweppy, Maria

From: Voeller, Paul
Sent: Friday, October 22, 2010 3:00 PM
To: Sweppy, Maria
Subject: FW: KPB File #2010-144, 2010-147, 2010-152 & 153,

From: Giefer, Joe (DFG) [mailto:joe.giefer@alaska.gov]
Sent: Friday, October 22, 2010 2:54 PM
To: Voeller, Paul
Cc: Simpson, Ellen M (DFG); ginny.litchfield@alaska.gov; Breakfield, Jeffery A (DFG)
Subject: KPB File #2010-144, 2010-147, 2010-152 & 153,

Paul,

Alaska Department of Fish & Game (ADF&G) has reviewed the proposals described in the Kenai Peninsula Borough Notices identified as KPB File 2010-144, KPB File 2010-147, and KPB File 2010-152 & 153, There do not appear to be any actions that would block or remove public access to public lands or waters. ADF&G has no objection to the proposals as described with regard to public access. Thank you for the opportunity to review and comment on this proposal. If you have questions or would like to discuss this further, please feel free to call or email me.

Joe Giefer
Habitat Biologist
Alaska Dept. of Fish & Game
Division of Sport Fish
Region 5 - Access Defense
333 Raspberry Road, Anchorage AK 99518
907-267-2336

90-3

OFFICE OF
RONALD L. BAIRD
ATTORNEY AT LAW

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October 21, 2010
Via Fax to 907-714-2378 and U.S. Mail

Planning Department
Kenai Peninsula Borough
144 North Binkley Street
Soldotna, Alaska 99669-7520

Subject: Section-Line Easement Vacation Request
KPB Planning File No. 2010- 153
Planning Commission Agenda for October 25, 2010
Item F-4B
Our File: HSD-01

To Whom It May Concern:

I represent Nancy Hillstrand who is owner of the large tract of land burdened by the easterly one-half of the section line easement proposed to be vacated in the above-referenced file.

The vacation is related to the City of Homer's acquisition of approximately four acres of Ms. Hillstrand's land by exercise of the City's power of eminent domain in *City of Homer v. Hillstrand*, Alaska Superior Court Case No. 3AN-08-4488 CI. The taking of Ms. Hillstrand's property was approved by the Superior Court and affirmed by the Alaska Supreme Court in *Hillstrand v. City of Homer*, Opinion No. 6426, 218 P.3d 685 (Ak. 2009). The case remains pending in the Superior Court to determine compensation owed by the City to Ms. Hillstrand for the taking.

The vacation of the section line easement is related to a Borough platting file, 2010-151. The purpose of that plat is to create parcels of record reflecting the taking and to restore access to Ms. Hillstrand's remainder parcel which was completely cut off by the City's acquisition and its construction of its water treatment facility and chain link fence enclosing same.

Ms. Hillstrand supports the plat but only because she has a duty to minimize damages resulting from the City's taking. Otherwise, the plat is of no benefit to her. Ms. Hillstrand is not opposed to the vacation but only because it will move the plat along.

Ms. Hillstrand does dispute the assertion in the Petition that the section line easement has not "been constructed." Prior to the City's actions including installation of fencing blocking the easement, the section line easement area was a road passable by vehicles and snow mobiles which provided physical access to parcels to the north. Presently, the City intends to install similar physical access in the proposed replacement street right-of-way shown on the preliminary plat. If it does not, Ms. Hillstrand has a claim for additional compensation to provide such access herself. Thus, the condition of the right-of-way before and after the City's action could become an issue in the compensation proceeding now pending.

Resolution of the exact condition of the section line right-of-way is not necessary for action on the vacation petition. We do not feel that the Commission hearing is the appropriate forum for resolving this issue. Ms. Hillstrand requests that no finding be made on that issue or that it be without prejudice to her rights in the compensation proceeding. If that is not acceptable, we request a postponement of the hearing to allow us to marshall all of the evidence on this point.

Sincerely,

Draft

Ronald L. Baird

cc: Nancy Hillstrand
Thomas F. Klinkner, Birch, Horton, Bittner & Cherot
Attorneys for the City of Homer

RLB:rlb - HSD01101020 Ltr to Borough - Vacation

Hartley, Patricia

From: Thomas Klinkner [tklinkner@BHB.com]
Sent: Friday, October 22, 2010 3:41 PM
To: Planning Dept,
Cc: Ronald Baird; Walt Wrede
Subject: City of Homer Easement Vacation
Attachments: 00151553.PDF

Please include the attached letter in the materials presented to the Planning Commission for Item F-4B on the Commission's October 25, 2010 agenda. Let me know if you have any questions.

<<00151553.PDF>>

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1127 W 7th Avenue | Anchorage, AK 99501
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* *

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HAL R. HORTON (1944 - 1998)

RONALD G. BIRCH**
WILLIAM H. BITTNER
KATHRYN A. BLACK
SUZANNE CHEROT
ADAM W. COOK
JON M. DEVORE**
CHARLES R. EBERLE†*
JOSEPH H. FLACK
DOUGLAS S. FULLER*
MAX D. GARNER
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AMY W. LIMERES
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October 22, 2010

VIA ELECTRONIC DELIVERY ONLY

Planning Department
Kenai Peninsula Borough
144 North Binkley Street
Soldotna, Alaska 99669-7520

RE: City of Homer Section Line Easement Vacation Request;
KPB Planning File On. 2010-153
Planning Commission Agenda for October 25, 2010, Item F-4B
Our File No.: 506,742.1665

To Whom It May Concern:

I am the City Attorney for the City of Homer, and write to respond to the October 21, 2010 letter on this subject from Ronald L. Baird on behalf of Nancy Hillstrand.

The City agrees with the statement in the last paragraph of Mr. Baird's letter that "[r]esolution of the exact condition of the section line right-of-way is not necessary for action on the vacation petition." The City also agrees with Mr. Baird's request that "no finding be made on this issue." In so agreeing, the City does not adopt Mr. Baird's characterization of the condition of the section line easement.

Yours truly,

BIRCH HORTON BITTNER & CHEROT

Thomas F. Klinkner

TFK/cmm

cc: Ronald L. Baird, Esq.
Walt Wrede

90-7

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RESOLUTIONS

CITY OF HOMER
HOMER, ALASKA

City Manager/
Public Works Director

RESOLUTION 10-92

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, AUTHORIZING THE PURCHASE OF A 2-STAGE SNOW BLOWER ATTACHMENT, UTILIZING GENERAL FUND MONIES PREVIOUSLY APPROPRIATED IN THE AMOUNT OF $124,105.

WHEREAS, In 2009, $125,000 was approved for the purchase of a replacement 2-stage snow blower attachment to replace one of the City's 25+ year old units (Ord. 09-16); and

WHEREAS, Due to 2009 General Fund cash flow concerns, this equipment purchase was put on hold last year; and

WHEREAS, The ability to dependably provide for snow removal is jeopardized by continued deterioration of the City's existing old snow blowers; and

WHEREAS, Public Works has secured competitive quotes from three manufacturers for the replacement equipment; and

WHEREAS, Public Works has reviewed these bids and determined that the lowest quote provides a blower best suited for the City's needs.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, authorizes the purchase of a new 2-stage snow blower attachment in the amount of $124,105, and authorizes the City Manager to execute all appropriate documents.

PASSED AND ADOPTED by the Homer City Council this 22th day of November, 2010.

CITY OF HOMER

_____
JAMES C. HORNADAY, MAYOR

ATTEST:

_____
JO JOHNSON, CMC, CITY CLERK

Fiscal Note: 156-395; $124,105

CITY OF HOMER
PUBLIC WORKS DEPARTMENT

Jan C. Jonker, Superintendent
3575 Heath St.
Homer, Alaska 99603

Telephone: (907)235-3170
Fax: (907)235-3145
EMAIL : jjonker@ci.homer.ak.us

MEMORANDUM 10-140

To: Walt Wrede, City Manager

From: Jan Jonker, Public Works Superintendent JCJ CSM

Thru: Carey Meyer, PW Director

Date: Monday, November 01, 2010

Subject: Snow Blower Attachment Purchase

Discussion

In 2009 $125,000.00 was approved for the purchase of a replacement large snow blower attachment to replace one of our 25+ years old existing units. Due to General Fund shortages in 2009 this equipment purchase was put on hold for 2009.

On October 08, 2010 three heavy equipment dealers were contacted and requested to provide written quotes for this equipment. Quotes for the base unit were requested and received from;

Craig Taylor Equipment, Soldotna, AK	$117,905.00
Construction Machinery, Inc., Anchorage, AK	$152,249.00
Yukon Equipment, Inc., Anchorage, AK	$217,000.00

These proposals were reviewed for conformity with our request, available budget and which unit will best fit our needs. A comparison spreadsheet of these units is attached.

Review Results

- Craig Taylor Equipment
  - D50 Larue
    - Machine meets specifications and is within budget.
- Construction Machinery, Inc.
  - Tenco TCS-172
    - Machine is too small. Not heavy duty for our needs.
  - Tenco TCS-202
    - Machine meets specifications.
    - Exceeds budget by $27,000+

- Yukon Equipment, Inc.
    - M-B H-2000
        - Machine exceeds specifications.
        - Machine is too heavy for our front end loaders @ 14,000 lbs
        - Exceeds budget by $92,000

Recommendation

Based upon review if the proposals and available budget the following recommendations are made.

1. Approve the purchase of this base equipment to Craig Taylor Equipment, 44170 K-Beach Rd., Soldotna, AK 99669 in for the base unit in the amount of $117,905.00.

2. In addition to the base unit purchase, also include the following optional items.
    a. Torque limiter override for augers - $4,950.00
    b. Carbide scraper blade - $1,250.00

The total award and purchase for this equipment for the base unit and options is **$124,105.00.**

Fiscal Note

Account No. 156-395 Public Works Reserves includes $125,000.00 for this equipment purchase

2010 Front End Loader Mounted Snow Blower Comparison Summary

	Yukon Equipment Anchorage, AK Roger Morris - 677-5730	Craig Taylor Equip. Soldotna, AK Steve Irvine - 262-5977	Construction Machinery Anchorage, AK Kirk Currey - 244-7154	Construction Machinery Anchorage, AK Kirk Currey - 244-7154
Make	M-B Companies, Inc. Chilton, WI	J.A. Larue Inc. Lenoir, Quebec	Tenco Machinery Ltd. St.-Valerien-de-Milton, Quebec	Tenco Machinery Ltd. St.-Valerien-de-Milton, Quebec
Model	M-B H-2000	D50 Larue	Tenco TCS-172 LMM	Tenco TCS-202 - LM
Engine	Caterpillar C-7 / 300 HP	Caterpillar C-7 / 300 HP	Cat C-7 / 250 HP	Caterpillar C-7 / 275 HP
Exhaust	Residential muffler	Residential muffler	Residential muffler	Residential muffler
Capacity	2000 TPH	2400 TPH	1800 TPH	2750 TPH
Operating Weight	14,000 lbs	9,500 lbs	7,950 lbs	9,300 lbs
Fuel Capacity	100 gal tank / 8-10 hours operation	90 gal tank - 10 hours operation	90 gal tank - 10 hours operation	90 gal tank - 10 hours operation
Cast Distance	120 feet side chute / 40 feet truck chute	150 feet side chute / 40 feet truck chute	150 feet side chute / 40 feet truck chute	150 feet side chute / 40 feet truck chute
Cutting Height	58 in.	58 in.	50 in.	54 in.
Cutting Width	113 in. (9.4')	112 in. (9.3')	102" (8.5')	102" (8.5')
Drive Type	hydrostatic / reversible ribbon & impellar	mechnical drive w/ 2-disc clutch, roller	over-center clutch / chain & gear reduction	
Auger Type	38" single ribbon	2-20" serated / shear pin	2-16" serated / shear pin	2-20" serated / shear pin
Impeller Type	46" single w/ replacable blades	40" single w/ 5 blades	34" single w/5-bolt on impellar blades	38" single w/5-bolt on impellar blades
Impeller Protection	shear bolt	shear bolt	2-set shear bolts	2-set shear bolts
Skid Shoes	carbide available	carbide available	carbide available	carbide available
Truck Load Chute	optional	standard 139" height	13"d hydraulic	17"d hydraulic
Work Lights	2 each	4 - each (2-chute/2-front)	2 each	2 each
Master Switch	yes	yes w/ emergency stop	yes	yes

\\Pubwrks\ops\Equipment & Vehicle Bids\Snow Blower_2010\award memo backup.xls

Female Quick Coupler	yes	included	yes	yes
Cab Controls	yes	yes / joystick	yes	yes
Delivery Est.	120 days ARO	8 weeks ARO	45 days ARO	4 weeks ARO
Warranty	1-year / on-site install, start up and factory training	1-year blower / 2-years Cat	1-year from delivery	1-year from delivery
Basic Cost	$ 218,000.00	$ 117,905.00	$ 125,431.00	$ 152,249.00
	Yukon Equipment	Craig Taylor Equip.	Construction Machinery	Construction Machinery
	too heavy / over budget	meets specs / within budget	too small/light / not heavy duty	meets specs / over budget

Options Add	
18" telescope chute	$ 6,745.00
Carbide scraper blade	$ 1,250.00
Load chute w/ carbide wear plates	$ 2,850.00
Impeller case carbide wear plates	$ 2,950.00
Torque limiter override for augers	$ 4,950.00
Control box for 2nd loader	$ 4,350.00
	$ 23,095.00

CITY OF HOMER
HOMER, ALASKA

Hogan

RESOLUTION 10-93

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, OPPOSING AN APPLICATION TO THE U.S. FOOD AND DRUG ADMINISTRATION (FDA) TO APPROVE AND MARKET GENETICALLY ENGINEERED ATLANTIC SALMON IN THE UNITED STATES.

WHEREAS, An application has been submitted to the FDA for a genetically engineered Atlantic salmon for human consumption and marketing in the United States; and

WHEREAS, This is the **first** genetically engineered animal intended to be used as food in the United States; and

WHEREAS, A Biological Opinion issued by the Fish and Wildlife Service (FWS) and NOAA's National Marine Fisheries Service (NMFS) to the U.S. Army Corps of Engineers in 2003 expresses concerns that transgenic salmon would threaten and adversely affect wild Atlantic salmon, currently on the Endangered Species List; and

WHEREAS, Federal agencies are required by Section 7 of the Endangered Species Act to consult with fisheries agencies when any action may impact a protected species; and

WHEREAS, The applicant proposes fertilization and incubation on Prince Edward Island, Canada and shipment of the eyed-eggs to Panama for grow-out and processing, all outside the jurisdiction of the United States, and proposes shipment of processed fish to the United States for retail sale; and

WHEREAS, The proposed activities pose a threat to the Wild Natural Salmon in the Pacific Northwest and Alaska; and

WHEREAS, This genetically modified fish has not been the subject of thorough scientific research and testing to ensure its consumption by humans is safe in the long term; and

WHEREAS, Many wild salmon consumers purchase the product for its widely recognized health benefits; this lack of testing could weaken consumer confidence in all salmon products; and

WHEREAS, Alaska's wild seafood industry, which is extremely important to the state and local economy, could be severely impacted by the sale of genetically engineered salmon.

NOW, THEREFORE, BE IT RESOLVED that the Homer City Council does not support approval of genetically engineered salmon for sale in the United States.

BE IT FURTHER RESOLVED that the Homer City Council urges compliance with the Food and Drug Administration Amendments Act of 2007 provision (P.I. 110-85) requiring the FDA Commissioner "to consult with the Assistant Administrator of the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration to produce a report on any environmental risks associated with genetically engineered seafood products, including the impact on wild fish stocks".

BE IT FURTHER RESOLVED that if despite strong environmental and human health concerns the application is approved by the FDA, product labeling requirements should include the words "Genetically Modified" prominently displayed in a minimum font size and a contrasting color on the front of the package.

PASSED and ADOPTED by the City Council of Homer, Alaska, this 22nd day of November, 2010.

CITY OF HOMER

_____
JAMES C. HORNADAY, MAYOR

ATTEST:

_____
JO JOHNSON, CMC, CITY CLERK

Fiscal Note: N/A

CITY OF HOMER
HOMER, ALASKA

Lease Committee

RESOLUTION 10-94

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, APPROVING A NEW LEASE FOR BRAD FAULKNER ON LOT 88-4, AND FINDING THAT IT IS IN THE PUBLIC INTEREST TO DO SO WITHOUT A COMPETITIVE BIDDING PROCESS.

WHEREAS, Brad Faulkner's land lease with the City for Lot 88-4 has expired, including all options; and

WHEREAS, Mr. Faulkner has submitted an application for a new lease and has requested that he receive the lease without a competitive bidding process under Section 11.2 (F) of the Lease Policies; and

WHEREAS, The Lease Committee considered Mr. Faulkner's proposal at a Special Meeting on November 3, 2010; and

WHEREAS, The Committee approved a motion recommending that the City Council approve a new lease without competitive bidding because the existing lessee has a substantial investment in the property, there are similar lots available if additional public interest is shown, and the current tenants provide economic advantages; and

WHEREAS, Section 11.2 (F) of the Lease Policies allows the City Council to provide a new lease to the current lessee without a competitive bidding process if it finds that it is in the public interest to do so after reviewing a recommendation from the Lease Committee and evaluating specific relevant facts.

NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby finds that it is in the public interest to approve a new lease for Brad Faulkner on Lot 88-4 without a competitive bidding process for the following reasons:

- Mr. Faulkner has a substantial investment in the property
- Other lots are available if additional public interest is shown
- The current lessee and tenants offer economic advantages

BE IT FURTHER RESOLVED that the Council authorizes the City Manager to negotiate and execute a new lease with Mr. Faulkner.

PASSED AND ADOPTED by the Homer City council this 22nd day of November, 2010.

CITY OF HOMER

_____

JAMES C. HORNADAY, MAYOR

ATTEST:

_____

JO JOHNSON, CMC, CITY CLERK

Fiscal Note: Rent at market value

MEMORANDUM 10-143

TO: Mayor Hornaday / Homer City Council

FROM: Walt Wrede

DATE: November 22, 2010

SUBJECT: Lease Committee Recommendation / Brad Faulkner Lease Application

Brad Faulkner's lease on the Homer Spit has expired, including all options. Mr. Faulkner submitted a proposal for a new lease to the Lease Committee and the Committee considered the proposal at a Special Meeting on November 3, 2010. Mr. Faulkner requests a new lease without competitive bidding pursuant to Section 11.2 (F) of the Lease Policies.

Section 11.2 (F) states:

The City Council, after reviewing a recommendation from the Lease Committee, may elect to not require a competitive bidding process for a property whose lease has expired (including all options) if it finds that it is in the best interest of the City to enter into a new lease agreement with the current lessee. If the current lessee is interested in entering into a new lease agreement, he/she must indicate so in writing to the City Manager at least 12 months prior to the expiration of the lease and submit a formal lease application/proposal for evaluation by the Lease Committee. The City will review the application but is under no obligation to enter into a new lease. If the Council chooses to approve such a new lease without a competitive bidding process, it must approve such a new lease by resolution within six months that includes a finding that it is in the public interest to do so, after consideration of relevant facts including, but not limited to, the following:

1. The lessee's past capital investment and binding commitment to future capital investment
2. The lessee's financial condition and prior lease history
3. The number of persons employed and the prospects for future employment
4. Tax revenues and other financial benefits to the City of Homer anticipated in the future if the lease is renewed
5. Consistency of the past use and intended future use with all applicable land use codes and regulations, the Comprehensive Plan, and the Overall Economic Development Plan
6. Other opportunities for use of the property that may provide greater benefits to the City of Homer.
7. Other social, policy, and economic considerations as determined by the Council.

After debate was concluded, the Lease Committee adopted the following motion:

Zimmerman / Yager: Moved to recommend that Council enter into a new lease with Mr. Brad Faulkner on Lot 88-4 without going through the competitive bidding process due to the following: existing lessee with a substantial investment in the property, there are similar lots available for RFP if additional public interest is shown, and the current economic advantages with the existing tenants. It is further

recommended that Council use expediency in concluding the lease process and it is further recommended to stipulate in the new lease performance standards, and a completed application to include all required financial information. The Motion passed 4-2.

Monday, October 25, 2010

City of Homer
City Manager

Ref: Lease Application for Lot 88-4

Dear Mr. Wrede,

Attached is a lease application to re-lease my existing lease. I believe my history of doing business with the City and the amount of economic activity my lease has annually generated should allow this renewal to fall under City of Homer Property Management and Procedures 11.2 F and not be required to enter a competitive bidding process.

I am going to continue with fish dock office space and yard space for the harbor side of my lot. I have the number 1 halibut buyer in the world and the number 1 cod producer in Kachemak Bay doing business here. The economic benefits to the City are enormous.

The plot plan shows four new buildings and a boardwalk fronting the highway. These are intended for sub-lease to galleries and shops. I intend to repeat the architectural style of the Hillstrand/Fish and Chips boardwalk. I will permit them all this year and build one a year minimum. If they lease out, I will build them all the first year. I require a lease that allows sub-leasing. I will pay "fair market rent".

This project should finally draw pedestrian traffic past the Salty Dawg. It will serve as the critical mass to get people past Happy Face and South Central Radar. The vendors who sub-lease from Billy Sullivan and Mike Yourkowski will all benefit.

I have done 120days x 12 plus hours on the BP spill leading Task Force 1, Grand Isle and have been home less than a week. The package is not perfect. I will put it all through planning, build it to code and make it look good, really good.. I know the Spit. I have over $250,00,00 invested in this lot and I am ready to invest another $250,000. I am asking you and the Council to let me make it happen.

Respectfully,

Brad Faulkner

Brad Faulkner

Economic Benefit to the City

For the first twelve years of the fifteen I have had this lease I bought fish. During that time all my fish taxes went into the City. I also purchased all my ice from the City. Direct payments to the City were often $100,000 a year not including fish taxes. When I chose to get out of the fish business I leased my office to my biggest competitor. Dana Besicker buys four to five million pounds of halibut out of Homer every year. He is probably the biggest client of both the Auction Block and the Fish Factory. He needs to be somewhere and he is very happy with his current location. The economic benefit of this alone is enormous.

Glen Carroll is also currently doing business from my lot. He fishes two boats in the local cod fishery. He does his own buying and selling and keeps his equipment and totes on my lot. This was close to two million pounds of cod last year in the typically slow time of year for the dock and the economy. This is feeding at least 6 families on the boats alone. He needs to be somewhere and he is happy where he is.

Historically, I have accommodated any legitimate fish buyer that shows up in Homer and needs space for totes and forklifts. Over the years this has included the Auction Block, Deep Creek, and Inlet Salmon. If it is good for the fish dock I find space for it to happen. I will continue this policy.

The new retail buildings proposed are designed for retail shops and or charter offices. By building them all the same style and building a boardwalk something like the Hillstrand boardwalk , I hope to pull more of the walking traffic past the Salty Dawg. Currently, walk in traffic east of the Dawg is as little as 25% as it is west of the Dawg. By making it visible and attractive it can only help the vendors on the Yourkowski and Sullivan leases. The Spit runs seven days a week so four new businesses should mean eight new employees employed on the Spit.

Unlike Yourkowski, I plan to build these buildings myself and sub-lease the building not the ground.

Financial Ability

I have been paying the City close to a thousand dollars a month for fifteen years. I hope that makes me viable. During that time I did over 60 million dollars in fish deals without a NMFS violation or a bad deal . I hope that makes me viable.

What really makes this deal financially viable is already setting on the lease. The current building is a 3000 square foot residential building. It is double rocked, with fire doors and soundproofing. Everything is built to code and was inspected. I put over $200,000 cash into this building. It had to be all cash because the old lease specifically disallowed any liens on any of the property. This building is 100% free and clear with no liens or attachments. With a new lease the existing building is more than enough equity to finance the project.

Schedule

Kevin Strong will be doing the planning and construction. We will get it permitted and through planning this winter. I will be hustling this winter to get tenants. We will build as many as I can hustle legitimate business tenants for, hopefully ready by tourist season. Regardless of tenants or lack of tenants, we will permit the project this winter and start at least one building in the spring.

Attachment #3

City of Homer-Lease Application/Assignment Form

Directions:
1. Please type.
2. Please submit this application form to the City Clerk's Office, 491 Pioneer Avenue, Homer, Alaska 99603.
3. Please answer all questions on this form, or put "N/A" in the space if it is non applicable.

Applicant Name: Social Security No.s	Brad Faulkner 574-24-3741
Mailing Address:	Box 996
City, State, ZIP code:	Homer, AK 99603
Business Telephone No.	907-299-1871
Representative's Name:	
Mailing Address:	
City, State, ZIP code:	
Business Telephone No.	
Property Location:	Lot 88-4 Homer Spit Rd
Legal Description:	
Type of Business to be placed on property:	Retail
Size of Buildings to be placed or leased:	4 ~ 16X24
Duration of Lease requested:	20
Options to re-new:	2 - 5
Special lease requirements:	Ability to sub-lease
Number of parking spaces required, per code:	6

The following materials must be submitted when applying for a lease of City of Homer real property

1.	**Plot Plan**	A drawing of the proposed leased property showing: ☑ Size of lot - dimensions and total square footage. – to scale, please. ☑ Placement and size of buildings, storage units, miscellaneous structures planned – to scale, please. ☑ Water and sewer lines – location of septic tanks, if needed. ☑ Parking spaces – numbered on the drawing with a total number indicated – please refer to Homer City Code _____
2.	**Development Plan**	☑ List the time schedule from project initiation to project completion, including major project milestones. **Dates** / **Tasks** 6/11 — Project design & permitting 7/11 — First bldg & boardwalk 6/12 — Second bldg 6/13 — Third bldg 6/14 — Fourth bldg. For each building, indicate: **Building Use** / **Dimensions and square footage** 4 – 16 x 24 — 1-story Retail
3.	**Insurance** Prior to signing	☐ Attach a statement of proof of insurability of lessee for a minimum liability insurance for combined single limits of $1,000,000 showing the City of Homer as co-insured. Additional insurance limits may be required due to the nature of the business, lease or exposure. Environmental insurance my be required. If subleases are involved, include appropriate certificates of insurance.
4.	**Subleases**	☑ Please indicate and provide a detailed explanation of any plans that you may have for subleasing the property. The City of Homer will generally require payment of 25% of proceeds paid Lessee by subtenants. Refer to chapter 13 of the Property Management Policy and Procedures manual.
5.	**Health Requirements**	☐ Attach a statement documenting that the plans for the proposed waste disposal system, and for any other necessary health requirements, have been submitted to the State Department of Environmental Conservation for approval. Granting of this lease shall be contingent upon the lessee obtaining all necessary approvals from the State DEC.
6.	**Agency Approval**	☐ Attach statement(s) of proof that your plans have been inspected and approved by any agency which may have jurisdiction of the project; i.e. Fire Marshall, Army Corps of Engineers, EPA, etc. The granting of this lease shall be contingent upon lessee obtaining approval, necessary permits, and/or inspection statements from all appropriate State and/or Federal agencies.

7.	**Fees**	All applicable fees must be submitted prior to the preparation and/or execution of a lease. ☑ **Application fee - $30.00.** Covers costs associated with processing the application. ☐ **Lease fee - $300.00.** Covers the costs of preparing and processing the actual lease. ☐ **Assignment fee - $250.00.** Covers the costs of preparing and processing the lease transfer.
8.	**Financial Data**	Please indicate lessee's type of business entity: ☑ Sole or individual proprietorship. ☐ Partnership. ☐ Corporation. ☐ Other – Please explain: _____ ☑ **Financial Statement** – Please attach a financial statement showing the ability of the lessee to meet the required financial obligations. ☑ **Surety Information** – Has any surety or bonding company ever been required to perform upon your default or the default of any of the principals in you organization holding more than a 10% interest ☑ No ☐ Yes. If yes, please attach a statement naming the surety or bonding company, date and amount of bond, and the circumstances surrounding the default or performance. ☑ **Bankruptcy information** - Have you or any of the principals of your organization holding more than a 10% interest ever been declared bankrupt or are presently a debtor in a bankruptcy action? ☑ No ☐ Yes. If yes, please attach a statement indicating state, date, Court having jurisdiction, case number and to amount of assets and debt. ☑ **Pending Litigation** – Are you or any of the principals of your organization holding more than a 10% interest presently a party to any pending litigation? ☑ No ☐ Yes. If yes, please attach detailed information as to each claim, cause of action, lien, judgment including dates and case numbers.
9.	**Partnership Statement**	☐ If the applicant is a partnership, please provide the following: **Date of organization:** N/A **Type:** ☐ General Partnership ☐ Limited Partnership **Statement of Partnership Recorded?** ☐ Yes ☐ No Where _____ When _____ **Has partnership done business in Alaska?** ☐ Yes ☐ No Where _____ When _____ **Name, address, and partnership share. If partner is a corporation, please complete corporation statement.** Limited/ General — Name — Address — Share % _____

N/A

Please attach a copy of your partnership agreement.

10. Corporation Statement

☐ If the applicant is a corporation, please provide the following:

Date of Incorporation: _____

State of Incorporation: _____

Is the Corporation authorized to do business in Alaska?

☐ No ☐ Yes. Is so, as of what Date? _____

Corporation is held? ☐ Publicly ☐ Privately If publicly held, how and where is the stock traded? _____

Officers & Principal Stockholders [10%+]:

Name	Title	Address	Share

☐ **Please furnish a copy of Articles of Incorporation and By-laws.**

Please furnish name and title of officer authorized by Articles and/or By-laws to execute contracts and other corporate commitments.

Name	Title

11.	**Applicant References**	Please list four persons or firms with whom the Applicant or its owners have conducted business transactions with during the past three years. Two references named shall have knowledge of your financial management history, of which at least one must be your principal financial institution. Two of the references must have knowledge of your business expertise. **Name:** Kevin Hogan **Firm:** Auction Block **Title:** **Address:** **Telephone:** 907-299-8090 **Nature of business association with Applicant:** Fish buying **Name:** Eric Olsen **Firm:** Bosicker Company **Title:** **Address:** **Telephone:** 299-1161 **Nature of business association with Applicant:** Fish buying **Name:** Glen Carroll **Firm:** Carroll Corp **Title:** **Address:** **Telephone:** 399-7219 **Nature of business association with Applicant:** Fish buying **Name:** Kevin Strong **Firm:** Strong Construction **Title:** Will be the Contractor **Address:** **Telephone:** 399-1671 **Nature of business association with Applicant:** Contracting

I hereby certify that the above information is true and correct to the best of my knowledge.

Signature: [signature] **Date:** 10/26

November 2, 2010

To: Homer City Manager
Homer Leasing Committee

From: Brad Faulkner

Ref: Staff Report Faulkner Lease Application

Mr. Wrede and Members of the Leasing Committee,

The staff report pointed out some deficiencies in my lease application. I would like to offer some supplemental information in time for your consideration at the November 3rd meeting. I appreciate the time and consideration you have given me.

Building History
The Building is the old Icicle Ice House. It was barged down from Ninilichik after the 1979 Icicle fire. For twenty years it existed on the Icicle Lot. It has been on my lot since late 1999. I have not altered the outside dimensions of the building except to add a porch. I did a complete makeover in 2000 to bring everything up to multiple use code. It has existed on the Spit for over 30 years. It really is a wonderful building.

Moving the Building
This is a large tall building no denying that. It will be difficult and expensive to move. Realistically the only place it can be situated is somewhere else on the Spit. Even then the costs will be in the $25,000 plus range and I will have to come up with a site. Because of its size, if I move it off the Spit, the costs would soon become prohibitive.

Future Uses for the Big Building
I built this building for one reason; I needed a place to raise my son while working a seven day a week business on the dock. I built it to multiple use code for both residential and commercial with future uses in mind. It would make great office space for NMFS. They could house their itinerant officers up stairs and have office space with a dock overview. It would also make one of the best B&B's in Homer. If my residency is the problem, once this projected is completed I will find a commercial use for the big building also.

Two summers ago, with the volcano spewing, I took my first wage job in fifteen years as a captain on the North Slope. My duties included teaching the Captain and Crew courses and Spill Response Teams. Homer's Fall and Spring seasons can be much like the Artic in the summer making it a natural location for this kind of training. It could be done here

far cheaper when the waters are traditionally closed up there and people have more time. Every whaling captain affected by the Shell drilling plans should enjoy coming to Homer to receive spill recovery training. The downstairs is a classroom size. The second floor has two double occupancy bedrooms with bath. Five of the skippers that teach the course for Alaska Clean Seas have boats in the harbor. I explained this to Bryan and was actively pursuing this when the BP spill happened. I left to train 922 fishermen from the Gulf Coast. The timing is better now than ever but this project is tabled pending lease negotiations. It is what I really want to do and will mean five well paying off season jobs plus hotel and restaurant occupancy.

Lease History
The lease I assumed came with a $35,000 tax lien which I paid. It also came with an over market lease rate, an automatic escalator, a specific no liens what-so-ever clause and a mandate to operate a fish plant only. For twelve years I complied pretty well with tremendous benefit to the City. Things change. Unfortunately the lease I had did not allow any development that was not defined by a bankrupt company twenty years ago. I have always felt that I was one of the few leases out here to really be in compliance with building codes and signage and parking.

Zoning
The referenced report says there is some issue of non-compliance. If so, I was not aware of it and will attempt to bring it into compliance.

Lease Rates
I proposed market lease rates. For the entire 15 years I have had the lease I have been paying over assessed value rates. My current lease has a 25% of all sub-leases to the City clause. My arguments against are several: 1) If I have to pay 25% more than Mike Yourkowski to ever lease a building the market will dictate that I never get to lease a building till he is full up. This summer one of his buildings was empty, the burrito place is up for sale, and the water taxi business that the City caused to be relocated onto his lot never recovered to open their doors for business. 2) If any real estate investor could build a project and realize a 25% return annually, they are going to build the project. A 25% annual return and a fair return on invested capital is unrealistic killing any project before it gets off the ground. 3) A number of leases have this clause. To my knowledge the City has never enforced it on any of the other leases.

I am willing to pay 25% of any sub-leases on bare ground leases only.

Economic Value Proposed New Development
My target market is retail shops and businesses. They should employ a minimum of 8-10 full time equivalent employees for the tourist season. Increased sales tax revenue to the City should be in the $8-10,000 range. Increased property tax revenue should be @$1500 - $2,000. These numbers should be conservative. If I get to turn the big building into a B&B or offices the sales tax revenue will increase by an additional @$1500.

Economic Value Current Sub-Leases
I currently sub-lease bare ground to Glen Carroll for $300 a month or $10 a day when he is actually using the lot. It is a hand shake deal. Our business relationship goes back to the fall of 1994. I renovated and brought into DEC compliance the plant in order to pack his cod that winter. Packing Glen's cod kept me alive the first few winters. Because he buys and sells the cod his boats catch he needs totes and equipment next to the dock like any other buyer. This was close to two million pounds last year and supported three people on the dock as well as Glen's family and the six people on the boats.

I sub-lease office space to Eric Olsen. Eric and my business realtionship goes back to the Spring of 1996 when he was my dock foreman. Eric represents Dana Besicker who has been the #1 halibut buyer in Homer for years. A conservative guesstimate for this year is over $25 million in fish dollars in Homer fish buys providing dozens of dock and plant jobs at both plants. The economic benefit to Homer is enormous. Eric has recently gotten divorced and remarried. He now lives in Anchorage. He asked me to build some living space over his office so he would have a place to stay in Homer. I would love to accommodate him and it would be really good for Homer for this reason: Eric can turn a boat from Homer to Seward , often with less travel time for the boat. With Eric based in Anchorage, his travel time is halved turning them to Seward. We want him feeling at home in Homer. The economic benefit is truly huge.

The Fish Business
The fish business is a fast changing business. The first IFQ program in the country is fifteen years old. The markets have consolidated to where there the same 3 or 4 significant buyers buy in all the major landing ports. Margins in halibut got driven to nothing. After a ten year run as the number one independent I exited the halibut business with honor. Every deal I did was good. Everybody always got paid in a timely manner. The usual way to exit the fish business is chapter 7 or 11 and some fishermen holding the bag.

Besicker, Pacific Seafoods, and Icicle Seafoods are the big three buyers in that order. I think both Bryan and Walt have only recently come to understand the economic impact of the big 3 and most especially Besicker. Icicle has stepped up shipping fish straight to their Seattle plant. Pacific is invested into Kodiak, Cordova and Seward. Besicker is still everywhere. Snug is concentrating more on Kodiak and Seward. If the fish are not on local boats they do not have to come here. Homer's #1 spot is not a foregone conclusion, it is a delicate balance. For 10-12 years my contribution was really aggressive pricing. Recently, my contribution to this balance is in making space easily available for legitimate buyers. When the Auction Block moved on to my lot Kevin was several years into lease negotiations with the City and was close to pulling the plug and walking. The space allowed him the extra couple of years to actually get his lease negotiation done. The staff report totally undervalues my continued contribution. I am well tuned in to this dock and could very well become involved as an active buyer again in a different form. In the mean time, I have accommodated every company that needed space.

Match Clause
The staff report recommends going out to bid. I have spent the last four years in limbo over this and it is so counter productive. I ask that you allow the lease proposal to go through as requested. If you follow the staff recommendation I would ask that the existing lessee be given the right to match any offers. I believe this was afforded the Sportsman's marine and Bob's Trophy leases.

Proposed Schedule
The proposed schedule is phased in, guaranteeing one building a year. This is so I could do one of the buildings out of pocket per year if necessary. I would have to keep grinding the slope for four years or more likely go back to buying fish to make it happen out of pocket. Everything on my old lease had to be out of pocket. My preferred schedule is to obtain financing and build the project. Financing requires signed sub-leases and a lease from the City that allows sub-leasing and further allows a bank to take a lien hold interest. Interest is cheap but money is really tight right now. The phased in schedule is doable with hard work and no financing.

Financial Capability
I took a beating getting out of the fish business standing tall. My balance sheet is not what it used to be, but it is clean. Thank God for the slope and BP. I am 100% debt free. I have no payments other than the basic utilities, this lease, insurance and modest child support. I have no credit card debt or other payments. I am current with everything . My cash and cash equivalents is at $33,000. After the first of the year I will make some equipment sales that should add another $17,000. This buys me time and all costs to get the proposed plan bankable. Eric Olsen has stated that his company is interested in a long term sub-lease especially if he can get some living quarters. I have one really good anchor tenant in mind that would be willing to sign a long term lease if I build to his dimensions. The key is signed lease agreements and letters of intent. I have enough cash and assets to put on the table to make it happen.

Assets Used to Support the Project
The tax value on the existing building is $124,400. I have over $200,000 in the remodel alone. It is almost 3000 feet of well finished space and, with a lease, would appraise much higher than tax value.

Angel in the Wings
My good buddy for life owns ten acres adjacent to six acres I own on Aurora Lagoon. He offered to loan me up to $168,200 secured by my acreage. This is twice the tax value and probably about fair market value for a buddy deal if I were to sell him this property. He is my last resort, but he knows what kind of hit I took my last two years in the fish business and he will make his interest or add some really nice acreage to his own. He wants nothing to do with anything secured by a City Lease.

Credit Report
I sent to Visa for credit report more than a week ago. As of yesterday's mail, it had not arrived.

Serendipity
The buildings on the front and side of the big building will bring the site lines down and help it look a lot better. Anyone thinking I am cutting a fat hog on this deal has no clue how tough it is to do business on the Homer Spit. I am risking a great deal of money with any return five or six years down the line. I will not be sitting back and clipping coupons at the expense of the City.

Pd
Ref
7925

2010 TAX BILL

Kenai Peninsula Borough
144 N. Binkley Street
Soldotna, AK 99669
907-262-4441
800-478-4441 - Toll Free Within Borough
www.borough.kenai.ak.us

Year: 2010 PIN: 18103444
TAG: 20 - HOMER CITY
Revenue ID: 208367 Bill Number: 201014451
Billing Date: 07/01/2010
Balance good until: 10/15/2010

#BWBBJDD
#A000000181034446#

FAULKNER BRADFORD W DBA ALASKA CUSTOM SE
PO BOX 996
HOMER AK 99603-0996

LEGAL DESCRIPTION

T 7S R 13W SEC 1 Seward Meridian HM 0920050 HOMER SPIT SUB NO TWO AMENDED LOT 88-4 4474 HOMER SPIT RD

Value Type	Value	Exemption Type	Amount
LAND	11,500	BOROUGH EXEMPTION VALUE	20,000
IMPROVEMENT	124,400	HOMER EXEMPTION VALUE	20,000

Taxes, Credits, and Other Charges:

Charge Description	Total Value	Exemption	Taxable	Rate/1000	Tax Dist	Boats	Aircraft	Credits	Total
BOROUGH	135,900	20,000	115,900	4.500000	521.54	0.00	0.00	0.00	521.54
HOMER	135,900	20,000	115,900	4.500000	521.56	0.00	0.00	0.00	521.56
SOUTH HOSPITAL	135,900	20,000	115,900	2.300000	266.58	0.00	0.00	0.00	266.58
2010 Total				11.300000	1,309.68	0.00	0.00	0.00	1,309.68

	2010 Total	Interest	Penalty	Fees	Subtotal	Prev Due	Paid	Total Due
Bill Summary	1,309.68	0.00	0.00	0.00	1,309.68	0.00	0.00	1,309.68

TAX BILLS ARE MAILED TO PERSONS LISTED AS OWNERS OF RECORD ON JANUARY 1, 2010 AND TO OTHER PERSONS WHO MAY HAVE AN INTEREST IN THE PROPERTY AND MAY BE PAYING THE TAXES. IT IS THE RESPONSIBILITY OF THE PROPERTY OWNER TO ENSURE TAXES ARE PAID WHEN DUE IN ORDER TO AVOID PENALTY AND INTEREST CHARGES. TO ENSURE PROMPT PAYMENT YOU CAN VIEW THE STATUS OF YOUR BILL AND MAKE PAYMENT VIA THE WEB.

Please Return This Coupon with the Second Installment Payment. No second installment statement will be mailed

Year: 2010 Bill No: 201014451 2nd Installment Amount: 654.84 2nd Installment Due Date: 11/15/2010

Make check Payable to Kenai Peninsula Borough
PO Box 3040, Soldotna, AK 99669

FAULKNER BRADFORD W DBA ALASKA CUSTOM SE
PO BOX 996
HOMER AK 99603-0996

PIN: 18103444

Change of Address
Name: FAULKNER BRADFORD W DBA ALASKA CUSTOM SEAFOODS INC
Mailing Address
City, State, Zip
Signature: _____

Disregard if total is paid with first coupon by 10/15

CHECKS WILL BE DEPOSITED ON THE DAY THEY ARE RECEIVED

32323232323232324956494851525252000000000000000654844

2010 TAX BILL

Kenai Peninsula Borough
144 N. Binkley Street
Soldotna, AK 99669
907-262-4441
800-478-4441 - Toll Free Within Borough
www.borough.kenai.ak.us

Year: 2010 PIN: 19301204
TAG: 52 - SOUTH HOSPITAL
Revenue ID: 222314 Bill Number: 201016049
Billing Date: 07/01/2010
Balance good until: 10/15/2010

#BWBBJDD
#A000000193012042#

FAULKNER BRADFORD W
PO BOX 996
HOMER AK 99603-0996

LEGAL DESCRIPTION

T 5S R 11W SEC 35 Seward Meridian HM 0830011 AURORA SUB LOT 4

Value Type	Value	Exemption Type	Amount
LAND	79,100		
IMPROVEMENT	0		

Taxes, Credits, and Other Charges

Charge Description	Total Value	Exemption	Taxable	Rate/1000	Tax Dist	Boats	Aircraft	Credits	Total
BOROUGH	79,100	0	79,100	4.500000	355.94	0.00	0.00	0.00	355.94
SOUTH HOSPITAL	79,100	0	79,100	2.300000	181.94	0.00	0.00	0.00	181.94
2010 Total				6.800000	537.88	0.00	0.00	0.00	537.88

	2010 Total	Interest	Penalty	Fees	Subtotal	Prev Due	Paid	Total Due
Bill Summary	537.88	0.00	0.00	0.00	537.88	0.00	0.00	537.88

******* TAX BILLS ARE MAILED TO PERSONS LISTED AS OWNERS OF RECORD ON THE TAX ROLLS AND TO OTHER PERSONS WHO MAY HAVE AN INTEREST IN THE PROPERTY AND MAY BE PAYING THE TAXES. TAXPAYERS SHOULD KNOW IF THEY ARE RESPONSIBLE TO PAY THE TAXES OR IF THERE IS A LENDER WHICH INTENDS TO PAY. HOWEVER, IT IS THE RESPONSIBILITY OF THE PROPERTY OWNER TO ENSURE TAXES ARE PAID WHEN DUE IN ORDER TO AVOID PENALTY AND INTEREST CHARGES. IF YOU ARE NOT CLEAR AS TO WHO SHOULD BE PAYING THE TAXES, PLEASE CONTACT YOUR LENDER. THE BOROUGH CANNOT GUARANTEE PAYMENT BY ANOTHER PARTY. TO ENSURE PROMPT PAYMENT YOU CAN VIEW THE STATUS OF YOUR BILL AND MAKE PAYMENT VIA THE WEB. *******

Please Return This Coupon with the Second Installment Payment. No second installment statement will be mailed

Year: 2010 Bill No: 201016049

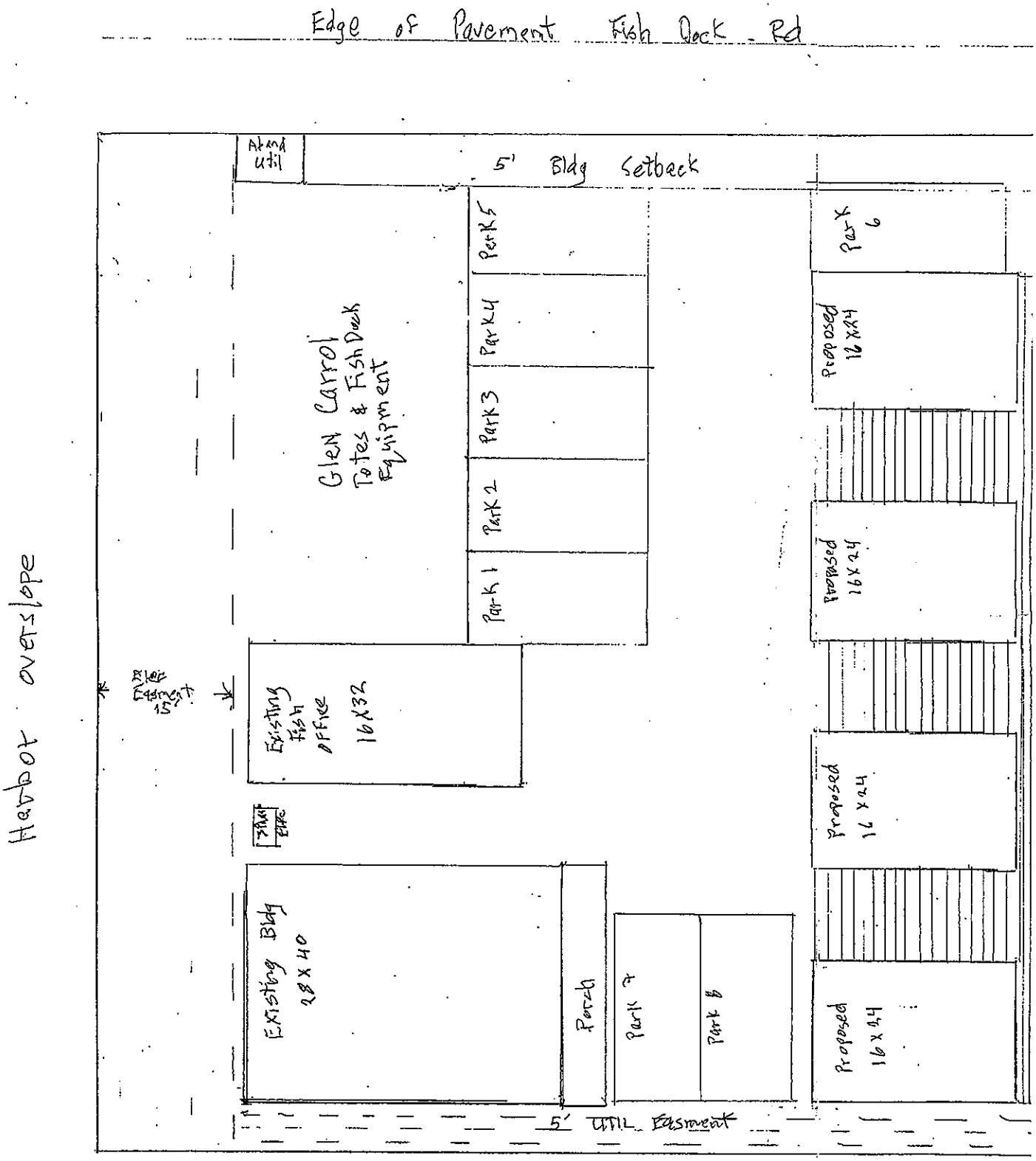
2nd Installment Amount: 268.94 2nd Installment Due Date: 11/15/2010

Make check Payable to Kenai Peninsula Borough
PO Box 3040, Soldotna, AK 99669

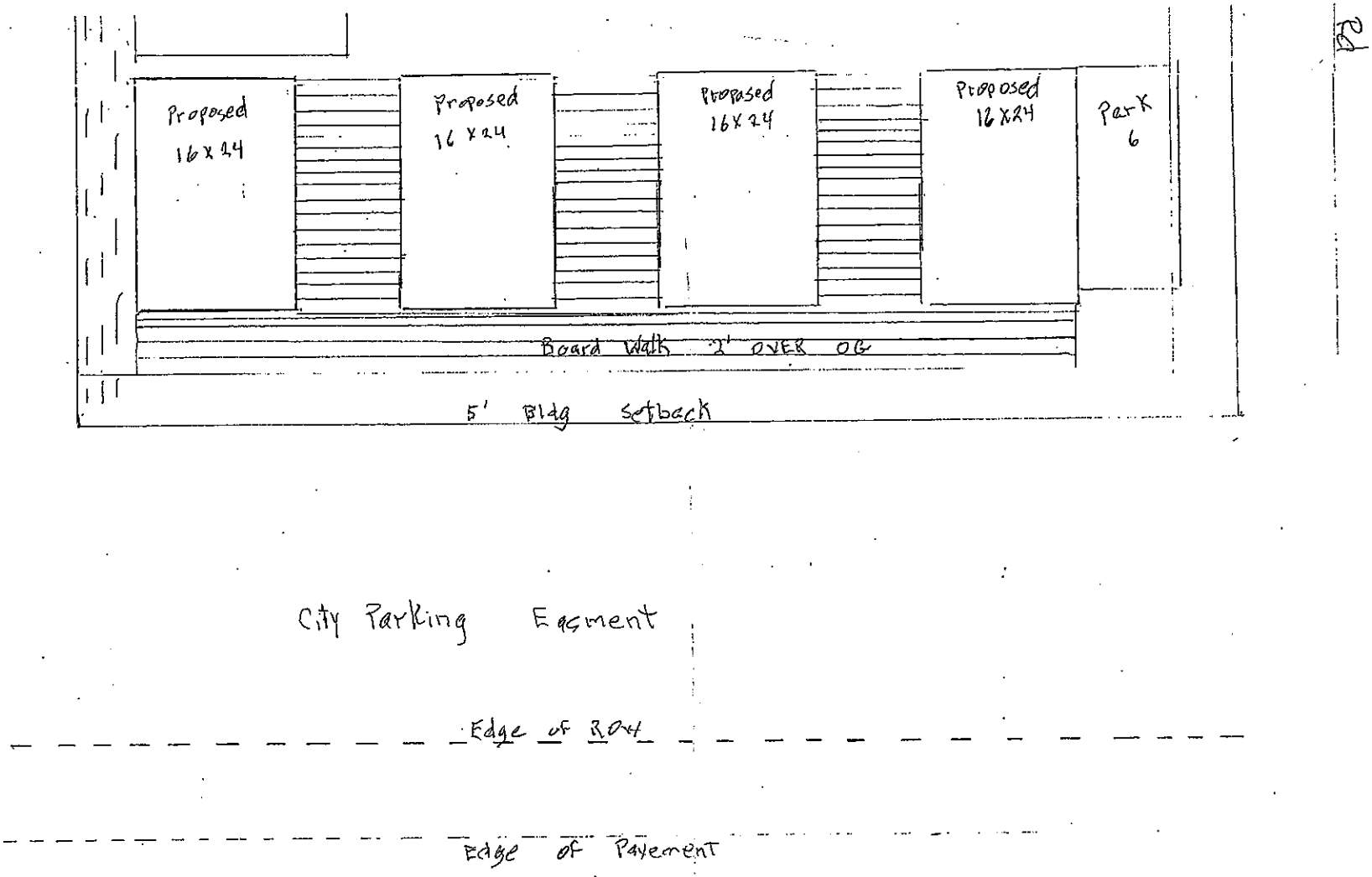
FAULKNER BRADFORD W
PO BOX 996
HOMER AK 99603-0996

PIN: 19301204

Change of Address
Name: FAULKNER BRADFORD W
Mailing Address



Lot 88-3
Bill Sullivan



Plot Plan Lot 88-4 scale 3/32 = 1'

STAFF REPORT

BRAD FAULKNER LEASE APPLICATION

TO: Lease Committee

FROM: Walt Wrede W. Wrede

DATE: November 3, 2010

Mr. Bradford Faulkner has submitted an application to secure a new lease from the City without a competitive bidding process pursuant to Section 11.2 F of the Lease Policies. Section 11.2 (F) requires that the applicant submit a formal lease application / proposal for evaluation by the Lease Committee. Chapter 5.2 (A) of the Policies addresses the information that must be included in the application in order for it to be responsive. A review of those criteria is contained in the attached checklist. We have concluded that the application package is incomplete.

Chapter 6.2 B contains the evaluation criteria for evaluating an application/proposal. While it is not normal practice to review an application that is incomplete, we do so in this case because of the time sensitive nature of this proceeding. There are significant gaps in the required information here as well which make this application both non-responsive and not as worthy of support as it might be.

Following is an analysis of the nine criteria contained in 6.2 (B):

1. Compatibility with neighboring uses and consistency with applicable land use regulations including the Comprehensive Plan.

Upon initial review, it appears that the proposed development plan could be, or made to become, consistent with applicable land use plans and codes. The plan appears to be consistent with neighboring uses. It should be noted the applicant is currently out of compliance with the zoning code and would have to rectify those issues before a lease could be issued. These questions will be determined through the normal planning and permitting process.

2. The development plan including all proposed phases and timetables.

Mr. Faulkner has provided basic site plans and information about development timetables. More detail would be needed for the permitting and lease negotiations processes however, the information provided is sufficient in that it provides a minimal, baseline sketch of the development and investment plan.

3. The proposed capital investment.

Information is provided about the proposed capital investment sufficient to evaluate the proposal. The applicant proposes to invest approximately $250,000 in a boardwalk and small retail/commercial structures. Again, more detail would be needed during the lease negotiation process.

4. Experience of the Applicant in the proposed business or venture.

The applicant essentially proposes to be a landlord. His proposal states that he will continue to live on the property as his primary residence and that he will sub-lease land, and structures to other business ventures. He is doing that presently and simply proposes to expand that activity. In other words, Mr. Faulkner is not jumping into a new business venture for which he has no experience.

5. Financial capability or backing of the applicant including credit history, prior lease history, assets that will be used to support the proposed development.

Mr. Faulkner provides minimal information here. He states that his historic ability to pay the rent and the equity value of his building/residence should be enough to guarantee that he can finance the proposed development. He provides no other information that would be useful in evaluating his proposal such as credit history, available capital, financial backing, line of credit, and so on. More information is required in order to be responsive.

6. The number of employees anticipated.

The applicant provides no information regarding his employees, those of the businesses he sub-lets to, or projections regarding new commercial buildings. Without this information, it is hard to review this application. More information is required in order to be responsive.

7. The proposed rental rate.

The applicant states that he will pay "market" rates. We assume that means whatever an appraiser determines to be the fair market rent. He does not propose anything beyond that and makes no statements regarding the sharing of rental revenues from sub-leases.

8. Other financial impacts such as tax returns, stimulated or spin-off economic development, or the value of the improvements left behind upon termination of the lease.

Again, very little is provided here beyond references to how important to the economy the businesses are that sub-lease from Mr. Faulkner. It should be noted that those businesses are highly mobile and could locate almost anywhere close to the Fish Dock. We presume that this proposal has some positive fiscal impacts but Mr. Faulkner does little to make the case. As such the proposal is not as attractive as it perhaps could be.

9. Other long term social and economic development.

Mr. Faulkner provides almost no information here which could convince viewers that this application is worthy of support. Again, more information is necessary in order for this application to be responsive

As noted earlier, Mr. Faulkner submitted an application to secure a new lease from the City without a competitive bidding process under Section 11.2 F of the Policies.

Section 11.2 F states:

The City Council, after reviewing a recommendation from the Lease Committee, may elect to not require a competitive bidding process for a property whose lease has expired (including all options) if it finds that it is in the best interest of the City to enter into a new lease agreement with the current lessee. If the current lessee is interested in entering into a new lease agreement, he/she must indicate so in writing to the City Manager at least 12 months prior to the expiration of the lease and submit a formal lease application/proposal for evaluation by the Lease Committee. The City will review the application but is under no obligation to enter into a new lease. If the Council chooses to approve such a new lease without a competitive bidding process, it must approve such new lease by resolution within six months that includes a finding that it is in the public interest to do so, **after consideration of relevant facts including, but not limited to, the following:**

1. The lessee's past capital investment and binding commitment to future capital investment.

In his application, Mr. Faulkner states that he has invested approximately $250,000 in the property during his tenure there. Most of that investment is in the building / residence. He states that he is prepared to invest another $250,000 in the proposed boardwalk and commercial buildings. His commitment to do so is not binding at this time but would be later if a lease were awarded to him.

2. The lessee's financial condition and prior lease history.

Mr. Faulkner provides incomplete and insufficient information about his financial condition. He states that the record shows he can afford the rent and that the building on the property provides sufficient equity. However, the question is not whether Mr. Faulkner can afford to continue paying the rent, the question is whether he has the financial capacity to follow-through with his proposed development plan. His proposal would benefit if he provided more information such as an appraisal of his building, financial statements, financial backing, available capital, a line of credit etc. The City has a responsibility to make sure leases are awarded to parties who have the capability of doing what they say they are going to do on the leased property. The City has no reason to believe Mr. Faulkner does not have that capability, it just needs to be better documented.

Mr. Faulkner's prior lease history with the City is mixed. The City appreciates the amount of fish tax that was generated and the number of people employed during the years Mr. Faulkner was purchasing and/or processing fish. It also appreciates the fact that Mr. Faulkner accommodated important Fish Dock related businesses over the years and the positive economic impacts associated with that. These things benefitted the City significantly. On the other hand, Mr. Faulkner has consistently had problems with violations of the zoning code and the adhering to the terms and conditions of his lease. He has not been in the fish buying/ processing business for several years which is in itself, a violation of his lease. He has requested an amendment to his lease on several occasions but never followed-through with the required process and paperwork.

3. The number of persons employed and the prospects for future employment.

Mr. Faulkner does not indicate that he employs anyone at this time. He does not provide any projections on the number of people who might be employed as a result of his proposed development. As he notes in his application, there are several fish buyers who lease from him and operate from that location. However, no employment information about them is provided either.

4. Tax revenues and other financial benefits to the City of Homer anticipated in the future if the lease is renewed.

Mr. Faulkner does not provide projections on anticipated tax revenues if a lease is awarded. We can assume that there will be some increases in sales and property taxes if the new commercial development is successful. There is no doubt that the businesses leasing from him generate economic activity and revenue at the Fish Dock and throughout the local economy. But there is no information provided on this. It is unknown what these businesses might generate in fish taxes or sales taxes.

5. Consistency of the past use and intended future use with all applicable land use codes and regulations, the Comprehensive Plan, and Overall economic Development Plan.

As noted above, Mr. Faulkner has not always been in compliance with Title 21, the Homer Zoning Code. Identified problems have included, but are not limited to, ROW encroachments and hosting structures and business without the required permits. He is presently not in compliance with all land use codes. It does appear that his proposed new development and use of the property could be consistent with the Comprehensive Plan, the Economic Development Plan, and the zoning code. However, before a new lease could be issued, Mr. Faulkner would have to come into compliance with all land use regulations and make a successful application for a Conditional Use Permit (multiple primary uses on the same lot). Adequate consideration would also have to be given to parking, new traffic flow patterns, drainage, pedestrian safety, etc.

6. Other opportunities for use of the property that may provide greater benefits to the City of Homer.

At this time, there are no other potential lessees knocking on the City's door asking to lease this land and offering a more attractive development plan. At the same time, not too many people realize that this lot may be available for lease. This is a potentially a very valuable property strategically located at the corner of Fish Dock Road and Spit Road. It is also close to the fish dock and will have frontage on the new Spit Trail extension. This might be one of the most valuable commercial lots in Homer and the development potential is large. On the other hand, the current state of the economy could limit the number of private sector investors. The bottom line is that the City won't know if there are opportunities to obtain greater benefits or what the highest and best use of the property might be unless it seeks competitive bids.

7. Other social, policy, and economic considerations as determined by the Council.

At this time, the staff is not aware of any special social, policy, and economic considerations that would come into play with respect to this application. However, this is a determination that will ultimately be made by the Council, after considering the recommendations of this Committee.

ANALYSIS

The Homer Lease Policies adopted by the City Council strongly favor competitive bidding, equal opportunity for all parties interested in leasing City land, maximizing the benefits of leasing to the City as a whole, and leasing for the highest and best use of the land. For example:

Section 1.1 (B) states:" It is the policy of the City of Homer to lease property when it is in the overall best interest of the City to do so. The City will seek to maximize the value of its assets and lease property for the highest and best use."

Section 3.1 (B) states "It is the policy of the City that public land shall be leased in a way that maximizes the value of City assets, promotes activities and uses that are in the overall best interest of the City, and are consistent with the Comprehensive Plan."

Section 4.1 (A) states: "It is the policy of the City of Homer that a request for proposals, or a competitive bidding process be used for the leasing of City owned property. Exceptions to this policy may be made by the City Council as per Section 10.2 E of these policies and/or under special circumstances. The Council shall review recommendations of the Lease Committee and, if an exception is granted, adopt a resolution finding that it is in the public interest and approving the exception."

Section 11.2 (E) states: "It is the policy of the City that equal opportunities should be provided to compete for leasing available public property. A lessee whose initial lease and all options have expired shall have no automatic right of further renewal or extension. In general, it is the policy of the City that the Lease Committee shall offer such properties to the public through the RFP/competitive bidding process described herein."

Mr. Faulkner has not submitted a complete application to lease as required under 11.2 (F). There is information and detail missing which he acknowledges in his submittal. If this were a proposal submitted in response to an RFP, it would likely either be rejected as non-responsive or the applicant would be asked to provide additional supplemental information. However, the applicant has submitted sufficient information about his proposed development and use of the lot to permit an analysis of his request that the Committee recommend to the Council that he receive a new lease without competitive bidding under Section 11.2 (F).

Section 11.2 (F) sets a pretty high standard for the City Council to meet if it wishes to provide a new lease to the current lessee without a competitive bidding process. The Council must make a specific finding in a resolution that doing so is in the public interest. The evaluation criteria for making such a finding are addressed above.

This reviewer has concluded that Mr. Faulkner's proposal does not meet that standard. I have reached that conclusion for the following reasons:

- The strong preference in the Lease Policies for competitive bidding, equal opportunity to lease public land, maximizing the benefits of leasing to the City, and leasing for the highest and best use of the land.
- Mr. Faulkner does not completely address the standards/criteria contained in 11.2 (F) and consequently, does not make a compelling case for renewal without competitive bidding.
- Mr. Faulkner's proposal is essentially to continue the current use (including use as his primary residence) and to make a relatively modest investment in new, probably seasonal, commercial development similar to what already exists in that area. But he provides little information regarding how that use will benefit the City in terms of taxes, other revenues, jobs, and other social and economic benefits. While there is no objection to this proposal from this reviewer, the City, as trustee and manager of this public land, has an obligation to the landlord, the residents of this town, to seek competitive bids and maximize the benefits generated by the asset. This is particularly true give the location and potential value of this lot.
- Section 11.2 F was written in large part to provide a mechanism by which the Council could renew a lease for a lessee who had an established business which was very successful and provided good returns to the City in terms of taxes, revenues, and jobs. In short, it has to be clearly in the public interest to renew that lease and continue that particular use. It is about the use of the property, not the individual lessee. Mr. Faulkner's case is a little different. His original lease was for fish buying and fish processing. He stopped doing that several years ago but is subleasing to others conducting similar activities. He proposes to continue that use and also to lease land and buildings for other types of commercial activity related to the visitor industry. This is a new proposed use of the land. As such, it is my conclusion that it should have to go through all of the normal review and permitting processes and that it should have to compete against other proposals.

Mr. Faulkner's proposal may turn out to be the highest and best use of the land at this point in time. As noted above, this proposed development appears, upon initial review, like it could be consistent with the Comprehensive Plan, the Draft Spit Land Use Plan, the Draft Comprehensive Economic Development Strategy, and Title 21. However, those determinations will have to be made by the planning staff and the Planning Commission when more detailed plans are submitted and zoning applications are applied for. It also appears on the surface that there might be benefits to the City associated with this proposal but they are not adequately described. In the end, the market will determine if there are more attractive development proposals out there. If the Committee determines that this lot should be made available for competitive bidding, Mr. Faulkner should be encouraged to submit a proposal.

RECOMMENDATION:

It is recommended that the Lease Committee advise the Homer City Council by memorandum that Lot 88-4 be made available for competitive bidding through the RFP process.

CITY OF HOMER
PROPERTY MANAGEMENT
LEASE APPLICATION CHECKLIST

Applicant Name: BRAD FAULKNER

Date Application Received: OCT. 26, 2010

CHAPTER 5: LEASE APPLICATION PROCESS

5.1: POLICY

A. It is the policy of the City of Homer to provide for a streamlined, standardized, and easily understood lease application process. A full and complete application packet shall be provided to all applicants. Applicants must be qualified under Section 18.08.50 of the Homer City Code:
(a) a natural person and is responsible, meaning the applicant has sufficient skill, experience and financial capability to perform all the obligations of the lessee under the proposed lease; and
(b) a person who is at least nineteen years of age; or
(c) a group, association or corporation which is authorized to conduct business under the laws of the State of Alaska. (Ord. 92-10 (part), 1992). 183 (Homer 06/04)

B. The City administration will provide for pre-application meetings with all potential applicants to provide relevant information on things like land use regulations, lease policies, the permitting process, and other relevant topics.

5.2 PROCEDURES

A. A responsive lease application / proposal shall include:

1. A completed application form provided by the City

YES	NO	N/A	INCOMPLETE

NOTES:

INFORMATION MISSING. SEE # 7 BELOW.

2. Any applicable fees

YES	NO	N/A	INCOMPLETE

NOTES:

3. A clear and precise narrative description of the proposed use of the property

YES	NO	N/A	INCOMPLETE

NOTES:

MINIMAL NARRATIVE

4. A specific time schedule and benchmarks for development

YES	NO	N/A	INCOMPLETE

NOTES:

5. A proposed site plan drawn to scale that shows at a minimum property lines, easements, existing structures and other improvements, utilities, and the proposed development including all structures and their elevations, parking facilities, utilities, and other proposed improvements.

YES	NO	N/A	INCOMPLETE

NOTES:

PLOT PLAN PROVIDED SHOWING LOCATION OF EXISTING & PROPOSED BUILDINGS & USES. OTHER INFO LIKE UTILITIES, ELEVATIONS NOT PROVIDED.

6. Any other information that is directly pertinent to the proposal scoring criteria contained herein

YES	NO	N/A	INCOMPLETE

NOTES:

INCOMPLETE INFO ON SCORING & EVALUATION CRITERIA CONTAINED IN CHAPTER SIX, LEASE POLICIES.

7. All other **required attachments** requested on the application form including, but not limited to, the following documentation: applicant information, plot plan, development plan, insurance, proposed subleases, environmental information, agency approvals and permits, fees, financial information, partnership and corporation statement, certificate of good standing issued by an entity's state of domicile, and references.

- [x] Applicant information
- [x] Plot Plan
- [x] Development Plan
- [ ] Insurance
- [x] Proposed Subleases
- [ ] Environmental Information
- [ ] Agency approvals and permits N.A AT THIS TIME
- [ ] Financial Information (Financial Statement **REQUIRED**, Surety, bankruptcy, pending litigation are situational.
- [ ] Partnership information and a copy of the partnership agreement OR
- [ ] Corporation information and a copy of the Articles of Incorporation and Bylaws
- [ ] Certificate of good standing issued by the entity's state if domicile
- [ ] Appropriate References (Total of 4 persons or firms with whom the applicant or its owners have conducted business transactions with during the past three years. Two references must have knowledge of your financial management history (One of which MUST be your principal financial institution) and two must have knowledge of your business expertise).

YES	NO	N/A	INCOMPLETE

NOTES:

MISSING INFO ON REFERENCES, FINANCIAL INFORMATION, CERTIFICATE OF GOOD STANDING, INSURANCE, COMPANY INFO. IF APPLICABLE.

8. Any other information required by the solicitation or request for proposals.

YES	NO	N/A	INCOMPLETE

NOTES:

NOT RESPONDING TO AN RFP

☐ Application review completed by W-WRENE on 10/28/10 (date)

UNAPPROVED

Session 10-05 A Special Meeting of the Lease Committee was called to order at 3:05 pm on November 3, 2010 by Chair Shelly Erickson at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMITTEEMEMBERS ERICKSON, HAWKINS, ABBOUD, HARVILLE, ZIMMERMAN AND YAGER

STAFF: CITY MANAGER WALT WREDE
ADMINISTRATIVE ASSISTANT TERRY FELDE
PORT AND HARBOR ADMINISTRATIVE SUPERVISOR LISA ELLINGTON
DEPUTY CITY CLERK RENEE KRAUSE

APPROVAL OF THE AGENDA

HARVILLE/ABBOUD – MOVED TO APPROVE THE AGENDA.

The agenda was approved by consensus of the Committee.

PUBLIC COMMENT REGARDING ITEMS ON THE AGENDA *(3 Minute Time Limit)*

Chair Erickson invited comments from the public for items on the agenda reminding them of the three minute time limit.

Eric Olson, tenant of Brad Faulkner, representative for a large halibut and black cod buyer especially in Homer. He has a long history of renting from Brad and would like to continue doing so. He travels quite extensively between Seward, Anchorage and Homer. Brad has indicated he would provide living facilities if his lease is renewed. He buys a lot of ice and crane time. He is a big supporter of the Auction Block and the Fish Factory who require their business very bad, including the fisherman. He rents year round.

Glen Carroll performs a similar function, a tenant for approximately three years, small mom & pop cod buying operation that deals with one million and one and a half million pounds of product each year. He does no processing on site. The property is ideally located. The location provides the storage he needs. Mr. Carroll further commented that his business provides employment for several people, and keeps a couple of trucks rolling during the time of year there isn't much going on. He rents year round. The cod buying is September through March.

Kevin Hogan, city resident, he has a tremendous respect for Mr. Faulkner they have been fierce competitors but have been able to remain good friends. The concerns he has regarding the staff memorandum and the approach that Brad has had to deal with in renewing his lease, well there appears to be different rules for different fools around here. The last four leases that have come up for renewal, three of them went out to RFP the lessees were allowed to match any bid that came forward and the last one, the Fed-Ex lease was just renewed. Given the track record of Mr. Faulkner's business and what he has done out there in the Harbor I don't think there are many that can actually come close to generating the economic impact that he has had out on the Spit. Most people from town do not realize that just looks like a lot with a bunch of stuff parked on it. It has been a hugely successful venture for the city. Mr. Faulkner has had differences with the City and is not shy of voicing them. One thing about Brad that he has found is that brad is usually right. He would like to see the same considerations given to Bob's Trophy Charters and Sportsman got by getting the provision to match any bid. No one else bid on those RFP's, it was a courtesy to those businesses. He does not see a lot of people beating down the doors to start a business here and we need to stop running off the ones that we have here. He urges everyone to recommend a renewal for Mr. Faulkner and make it as smooth and effortless as possible.

Chair Erickson thanked them for their testimony.

There was no further discussion.

RECONSIDERATION

There were no items for reconsideration.

APPROVAL OF MINUTES
(Minutes are approved during regular meetings)

None.

VISITORS

There were no visitors scheduled.

STAFF & COUNCIL REPORT/COMMITTEE REPORTS/BOROUGH REPORTS
(Chair set time limit not to exceed 5 minutes)

A. Memorandum from the City Clerk dated October 28, 2010
Re: Meeting Structure of the Lease Committee

Chair Erickson summarized the memorandum regarding time limits for comments and testimony.

There was no discussion on the memorandum.

B. Staff Report from City Manager Wrede dated November 3, 2010
Re: Brad Faulkner Lease Application

C. Lease Application Checklist – Faulkner Lease Application

Chair Erickson noted that there was a supplement forwarded via email and a paper copy is available. She inquired if all present had read the information and if there was any questions.

There was no discussion on the reports.

PUBLIC HEARING *(3 minute time limit)*

There were no public hearings scheduled.

PENDING BUSINESS

A. Lease Proposal for Lot 88-4, Homer Spit Subdivision #2 – Brad Faulkner

Mr. Brad Faulkner thanked the committee for postponing the meeting as he has been out of town all summer. He stated he tried to answer some the questions and concerns listed in the staff report. He believes that his proposal has the perfect mix in development with tourism and commercial fishing. He considers that the three who spoke on his behalf and himself have accomplished more for the City of Homer in the commercial fishing industry over the last 15 years or more than any four guys. He understands the commercial fishing industry needs for office space for support services such as fish buyers. He took his biggest competitor and put them in his building when he got out of the fish buying business. He would like to build a small fish processing building on the lot. He is here mostly to answer any questions from the committee.

Mr. Abboud asked about the lay-down drawing of the proposed site plan whether this was what he was proposing. He asked for clarification of his proposal.

Mr. Faulkner stated he has not changed or added any new information other than some financial information. He further explained that his lease is a one of a kind lease prohibiting him from having any lien against any building, for a fish plant only, which has burned down. There has never been the opportunity to come in and work a new lease in the middle of existing lease. So he continued with the fish buying, and fish processing in the winter and that has continued.

Mr. Abboud questioned what would be done with the existing structure if Mr. Faulkner proposes a new business or the same use. Mr. Faulkner responded additional structures would be built for subleasing if a new lease is approved. Right now nothing can be done because of the lease. The two story structure is currently being used as his residence. This was the only option available to him under his current lease. Mr. Faulkner responded that he would like to use the highest and best use for the building which may not be a residence. He further stated that he has been in compliance with his lease. He may use the existing building as office space or a B & B, for the immediate few years it would remain as his residence.

Mr. Yager informed those present that with only minimal time to review all the information in the packet, he believed for this committee to make a decision, they would like to know Mr. Faulkner's specific plan for the property. It seems to be pretty up in the air or open ended.

Chair Erickson responded that most of that will be determined during the negotiation process. The Lease Committee reviews the whole package presented and then make a recommendation to Council who then makes the decision to direct the City Manager to enter into negotiations.

Mr. Faulkner responded that the specifics may not be known until the structures are built. He has been approached by a number of people over the years. He does intend to make the property presentable and visually pleasing with adequate parking, a possible boardwalk, etc. He went on further to cite the trouble and time spent by Mr. Hogan with his business. He further commented that the City staff has had a lack of understanding and knowledge on exactly how the fish docks work. His intention is to pull the tourist past the Salty Dawg to visit the businesses situated toward the end of the Spit.

Mr. Hawkins stated that there is question to the Lease Committee whether to send this property out for RFP. Chair Erickson agreed with that but wanted to make sure there were no more questions of Mr. Faulkner.

Mr. Zimmerman questioned if Mr. Faulkner has checked to see if he would be able to obtain a CUP to do what he wanted to do since the zoning was Marine Industrial and his ideas presented may not be allowed. Mr. Faulkner responded that he has not since almost every use would need a CUP. He did not believe that he could responsibly drag a tenant/business through a long process then be turned down.

There were no further questions from the committee.

Chair Erickson then summarized that a recommendation to City Council to send out to RFP or that this was a business, in good standing and in the City's best interest to enter into a new lease with Mr. Faulkner without going through the RFP process.

Chair Erickson explained some of the prior leases and the lots going to RFP with an opportunity for the current lessee to match any bids received.

HAWKINS/ABBOUD - MOVED TO RECOMMEND THAT LOT 88-4 BE MADE AVAILABLE FOR COMPETITVE BIDDING THROUGH THE CITY OF HOMER'S REQUEST FOR PROPOSAL PROCESS.

Mr. Abboud pointed out that the option to match is stated in the policy and he would be willing to make this amendment and is what was done for the other lessees. The Clerk distributed an excerpt of minutes she requested on the Sport Shed lease proposal. She inquired if the date was known for the RFP because it was a short window of time to submit a proposal for this lot. It was surmised that RFP was sent out between the January and February meetings in 2009.

There was a detailed discussion on the following points by the committee:

- Points of a short term proposal submittal period
- Preventing delays in obtaining a new lease
- Making a motion to allow Mr. Faulkner to match bids received should be specific to the same kind of use as proposed by Mr. Faulkner.
- Allowing a current lessee to match bids presents a deterrent to possible new lessees
- The uniqueness of the previous lots being part of the deciding factors in the previously issued RFPs.
- The lessee is current at this time.

- The highest and best use of the property is arbitrary depending on the person's interest
- The availability of land adjacent or nearby Mr. Faulkner's lot that has had no interest when sent out for RFP on several occasions.
- The property would require a new appraisal

VOTE. NO. ERICKSON, ZIMMERMAN, YAGER.
VOTE. YES. ABBOUD, HAWKINS, HARVILLE

Motion failed.

Mr. Zimmerman would like to make a recommendation to enter into a new lease but include some stipulations to include timelines so this is not drawn out and performance standards regarding development plans.

There was a brief discussion regarding clarification of the previous motion, concern regarding the considerable investment Mr. Faulkner has in the property, possible misuse of the bids by persons with an agenda adverse to the City and Mr. Faulkner, allowing the City to negotiate a new lease with an appraisal and the Council is required to present good reasons why it is in the public interest to enter into a new lease without going through the RFP process.

Further dialogue on what the motion, and issues should be addressed within the new lease or negotiations, discouraging interruption of existing multi-million dollar businesses that are tenants, location to have access to trail, taking an incomplete proposal or business plan and recommending a lease, the duties of the City Manager to negotiate those aspects not the lease committee, consider recommendation made in staff report, no financial statements included; there is and hasn't been interest in surrounding parcels that have been let for RFP; current track record of the lessee and a viable existing business.

Mr. Hawkins read an excerpt from Chapter 4 of the Lease Policy regarding the Public's best interest; he did not see an exception to the lease policy with the proposal.

ZIMMERMAN/YAGER - MOVED TO RECOMMEND COUNCIL ENTER INTO A NEW LEASE WITH MR. BRAD FAULKNER ON LOT 88-4 WITHOUT GOING THROUGH THE RFP PROCESS DUE TO THE FOLLOWING: EXISTING LESSEE WITH A SUBSTANTIAL IVESTMENT IN THE PROPERTY, THERE ARE SIMILAR LOTS AVAILABLE FOR RFP IF ADDITIONAL PUBLIC INTEREST IS SHOWN, AND THE CURRENT ECONOMIC ADVANTAGES WITH THE EXISTING TENANTS. IT IS FURTHER RECOMMENDED THAT COUNCIL USE EXPEDIENCY IN CONCLUDING THE LEASE PROCESS AND IT IS FURTHER RECOMMENDED TO STIPULATE IN THE NEW LEASE PERFORMANCE STANDARDS, AND A COMPLETED APPLICATION TO INCLUDE ALL REQUIRED FINANCIAL DOCUMENTATION.

There was no further discussion.

VOTE. NO. HAWKINS AND ABBOUD.
VOTE. YES. YAGER, ZIMMERMAN, HARVILLE, ERICKSON.

Motion carried.

City Manager Wrede will draft a resolution to go before City Council at the next meeting on November 22, 2010 listing the reasons as cited in the motion above.

NEW BUSINESS

A. Memorandum dated October 21, 2010 from the City Clerk Re: 2011 Meeting Schedule

Chair Erickson read the meeting dates for 2011 as shown in the memorandum.

HAWKINS/ZIMMERMAN – MOVED TO APPROVE THE 2011 MEETING SCHEDULE.

There was no discussion.

The 2011 Meeting Schedule was approved by consensus of the committee.

There was no further discussion.

Chair Erickson then stated that it was not listed on the agenda but informed the committee that a proposal was received for Lot 13B and that a special meeting for November 15, 2010 at 3:00 p.m. if everyone was available she would like to schedule that meeting.

There was a brief discussion on staff performing a compliance review of the proposal and letting the Clerk know so an alternate date can be scheduled if needed. The packet deadline is next Wednesday if they will be meeting on Monday it was determined that if the proposers are not in compliance notice can be sent to them to provide any missing information prior to that date to make it available to the Committee for review prior to the meeting. It was noted that the process went much smoother this time around. The current lessee is on a month to month rental basis.

There was no further discussion.

INFORMATIONAL MATERIALS

A. Letter dated October 29, 2010 from City Clerk Re: Notification of Appointment
B. Letter dated October 22, 2010 from City Manager Wrede to Brad Faulkner Re: Special Meeting November 3, 2010
C. Property Management Policy and Procedures, Chapter 7 – Lease Rental Rates, Item 7.2.A.4
D. Homer City Code Title 18, Section 18.08.030 Approval of Lease, Paragraph (b)
E. Section 4: The Open Meetings Act as It Applies to Planning Commissions excerpt from City Attorney Training for the Homer Advisory Planning Commission.

Chair Erickson explained that she requested items C and D as it is relevant information for dealing with the proposal from the Kachemak Bay Wooden Boat Society. It explains what is required for a proposed lease for less than the fair market value.

She attended the training session for the Planning Commission and felt that the section on meetings was very interesting and offered some explanation what meetings fall under the open meetings act and require notification.

There was no further discussion.

COMMENTS OF THE AUDIENCE

Mr. Kevin Hogan welcomed Mr. Yager to the committee. He felt he was a wonderful addition to the committee. He commented, "Hats Off to Renee, she's amazing as usual."

Mr. Faulkner thanked the Committee for their time and postponing the meeting for him and the consideration shown to him.

COMMENTS OF THE CITY STAFF

City Manager Wrede commented that during a discussion with Mr. Abboud about providing a staff support for the committee. The discussion included establishing some processes such as staff report with reviews of the submitted proposals for compliance. There should be a deadline when the proposals are due prior to packet day. He noted the trouble Mr. Chapple had trying to ferret out what documentation was required has brought it to light that process improvement is needed.

Chair Erickson commented that a city liaison would be great to assist new businesses navigate the Lease process in the future.

A brief discussion on establishing an area or areas designated specifically for short term, temporary businesses without having to go through the whole lease proposal process would be extremely beneficial; the authority of the city manager signing short term, up to six month leases without council approval; amending the lease policies and other documents the dictate the established processes; establishing a summer or transient lease, for set fees, with no approval by lease committee or council required.

Chair Erickson requested this discussion to be added to the agenda for the special meeting.

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

There were no comments.

COMMENTS OF THE CHAIR

Chair Erickson thanked everyone for their hard work and announced the next regular meeting will be Thursday January 13, 2010 at 3:00 p.m. There will be a Special Meeting on Monday November 15, 2010, at 3:00 p.m. unless changed.

COMMENTS OF THE COMMITTEE

Mr. Hawkins stated that the Proposal for Lot 13B was supposed to be on this agenda and it got dropped from the agenda so he wanted to let the other members know they were not showing special considerations to the proposer. He welcomed Terry and thanked him for serving, pleasure having him here.

Mr. Yager is glad to be here and hope he is not slowing down anybody during his learning period. It is a daunting responsibility.

Mr. Abboud explained his voting when he has been on a body it is generally put out to RFP and to have a person out there with a very successful business, and assuming it gets approved he looks forward to working with Mr. Faulkner to make it happen.

Mr. Zimmerman welcomed Terry and thanked everyone for putting up with his inarticulate motion and voting in favor of it.

ADJOURN
There being no further business before the Lease Committee Chair Erickson adjourned the meeting at 4:45 p.m. A special meeting is scheduled for 3:00 p.m. on November 15, 2010 and the next regular meeting is scheduled for 3:00 p.m. January 13, 2011 at City Hall, Cowles Council Chambers, 491 E. Pioneer Avenue, Homer, Alaska.

_____
Renee Krause, Deputy City Clerk I

Approved:_____

CITY OF HOMER
HOMER, ALASKA

Lewis

RESOLUTION 10-95

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, EXPRESSING SUPPORT FOR PUBLIC RADIO AND URGING CONTINUED FUNDING FROM THE STATE AND FEDERAL GOVERNMENTS.

WHEREAS, The local Public Radio station KBBI, provides a valuable public service by disseminating information about local civic issues and community events and by bringing local government directly to the people through broadcasts of the Kenai Peninsula Borough Assembly and Homer City Council meetings; and

WHEREAS, Most Alaska communities, and rural communities in particular, are dependent upon Public Radio for national, state, and local news because it is often the only radio news source in available; and

WHEREAS, Public Radio is funded by community support, corporate and foundation underwriting, and state and federal grants; and

WHEREAS, A well functioning democracy and a vibrant economy are dependent upon an educated and informed populace and Public Radio serves to meet that need.

NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby expresses its support for Public Radio and urges continued financial support from the state and federal governments.

PASSED AND ADOPTED by the Homer City Council this 22nd day of November, 2010.

CITY OF HOMER

_____
JAMES C. HORNADAY, MAYOR

ATTEST:

_____
JO JOHNSON, CMC, CITY CLERK

Fiscal Note: N/A

COMMENTS OF THE AUDIENCE

COMMENTS OF THE CITY ATTORNEY

COMMENTS OF THE CITY CLERK

COMMENTS OF THE CITY MANAGER

COMMENTS OF THE MAYOR

COMMENTS OF THE CITY COUNCIL

ADJOURNMENT