

City Council
Monday
December 13, 2010



Special Meeting 4:00 p.m.
Committee of the Whole 5:00 p.m.
Regular Meeting 6:00 p.m.



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



December 2010~January 2011



- Monday 13th* CITY COUNCIL **Special Meeting 4:00 p.m., Committee of the Whole 5:00 p.m., and Regular Meeting 6:00 p.m.**
NATURAL GAS DISTRIBUTION TASK FORCE **12:00 p.m.**
- Tuesday 14th* ECONOMIC DEVELOPMENT ADVISORY COMMISSION **Regular Meeting 6:00 p.m.**
CITY HALL RENOVATION & EXPANSION TASK FORCE **Interviews 3:30 p.m.**
- Wednesday 15th* PORT AND HARBOR ADVISORY COMMISSION **Regular Meeting 5:00 p.m.**
- Thursday 16th* KACHEMAK DRIVE PATH COMMITTEE **5:15 p.m.**
SPIT PARKS RECREATION COMMITTEE **5:30 p.m.**
PARKS AND RECREATION ADVISORY COMMISSION **Special Meeting 7:00 p.m. 5:30 p.m.**
- Monday 20th* CITY HALL RENOVATION & EXPANSION TASK FORCE **Regular Meeting 5:00 p.m.**
- Friday 24th* CITY OFFICES CLOSED for Christmas Holiday.
- Friday 31st* CITY OFFICES CLOSED for New Years Holiday.
- Monday 3rd* CITY HALL RENOVATION & EXPANSION TASK FORCE **Regular Meeting 5:00 p.m.**
- Tuesday 4th* LIBRARY ADVISORY BOARD **Regular Meeting 6:00 p.m.**
- Wednesday 5th* PLANNING COMMISSION **Worksession 5:30 p.m. and Regular Meeting 7:00 p.m.**
- Monday 10th* CITY COUNCIL **Special Meeting 4:00 p.m., Committee of the Whole 5:00 p.m., and Regular Meeting 6:00 p.m.**

Regular Meeting Schedule

City Council 2nd and 4th Mondays 6 p.m.

Library Advisory Board 1st Tuesday 6 p.m.

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

Parks and Recreation Advisory Commission 3rd Thursday of the months of January, March, May, June, July, August, September and November 6:30 p.m.

Planning Commission 1st and 3rd Wednesday 7 p.m.
Port and Harbor Advisory Commission 4th Wednesday 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) WYTHER, 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.

**MEETING NOTICE
SPECIAL MEETING AGENDA**

1. **CALL TO ORDER, 4:00 P.M.**
2. **AGENDA APPROVAL** (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg. 5)
3. **PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA**
4. **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. (Postponed from October 25, 2010.)

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Memorandum 10-122 and 10-130 from Public Arts Committee as backup. Page 11
Memorandum 10-148 from City Attorney as backup. Page 17
 - 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. (Postponed from October 25, 2010.)

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Memorandum 10-123 from Public Arts Committee as backup. Page 39

NEW BUSINESS

- A. **Ordinance 10-55**, An Ordinance of the City Council of Homer, Alaska, Adopting Homer City Code Chapter 1.70, Public Arts Committee; Amending Homer City Code 18.07.040, Implementation; Amending Homer City Code 18.07.050 Selection; Repealing Homer City Code 18.07.060, Program Administration; Public Arts Committee; and Amending Homer City Code 18.07.070, Exemptions; Regarding the Appointment, Composition and Functions of the Public Arts Committee. City Manager. Page 43

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Memorandum 10-148 from City Attorney as backup. Page 49
5. **COMMENTS OF THE AUDIENCE**
 6. **COMMENTS OF THE CITY ATTORNEY**
 7. **COMMENTS OF THE CITY CLERK**

8. **COMMENTS OF THE CITY MANAGER**
9. **COMMENTS OF THE MAYOR**
10. **COMMENTS OF THE CITY COUNCIL**
11. **ADJOURNMENT NO LATER THAN 4:50 p.m. Next Committee of the Whole scheduled for Monday, January 10, 2011 at 5:00 p.m. Next Regular Meeting is Monday, January 10, 2011 at 6:00 p.m. Special Meetings are scheduled for Tuesday, January 4, 2011 at 5:30 p.m. and Monday, January 10, 2011 at 4:00 p.m. All meetings are scheduled to be held in the City Hall Cowles Council Chambers.**

SPECIAL MEETING

PENDING
BUSINESS

**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:

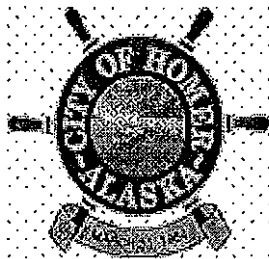
JO JOHNSON, CMC, CITY CLERK

Fiscal Note: N/A

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 10-122

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

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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

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Memorandum to Council
Clarification on PAC Administrative Guidelines
Updates and Revisions

- 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.

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Memorandum to Council
Clarification on PAC Administrative Guidelines
Updates and Revisions

- 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.

MEMORANDUM 10-148

**TO: MAYOR AND CITY COUNCIL MEMBERS
CITY OF HOMER**

FROM: THOMAS F. KLINKNER

RE: PUBLIC ARTS COMMITTEE ADMINISTRATIVE GUIDELINES

FILE NO.: 506,742.100

DATE: DECEMBER 3, 2010

Based on our discussion of this topic at the November 22, 2010 Council meeting, I have done the following. First, I have drafted the attached ordinance that provides for the creation, composition and duties of the Public Arts Committee in a form similar to that used for other City boards and commissions. Parts of this ordinance, particularly those regarding the Committee's duties, require input from the Council. Second, I have prepared the attached revision of the Committee's proposed administrative guidelines, principally (i) to eliminate duplication of material in the proposed ordinance and (ii) to modify provisions that purport to impose legal obligations on the City. Explanations of both the ordinance and the revisions to the Committee's administrative guidelines follow.

1. The Draft Ordinance. The draft ordinance consists of two parts. Section 1 adopts a new HCC Chapter 1.70 regarding the Public Arts Committee. This chapter follows the pattern used for other City boards and commissions in HCC Chapters 1.72 through 1.79. Sections 2 through 5 amend sections of HCC Chapter 18.07 regarding works of art in public places. Topics that the draft ordinance addresses are discussed below. Citations to the Committee's administrative guidelines refer to line numbers in the last draft of administrative guidelines prepared by the Committee, which is dated November 18, 2010.

A. Committee Composition. Proposed HCC 1.70.010(a) provides that the Committee shall consist of seven members, as currently provided in HCC 18.07.060. As required by AS 29.20.320, it provides that Committee members are appointed by the Mayor and confirmed by the Council. It also authorizes the Mayor to solicit nominations to the Committee, as HCC 18.07.060 presently authorizes the Council to do. I also have added the qualifications for Committee members that the Committee proposed in its administrative guidelines at lines 40-47. Proposed HCC 1.70.010(b) adds the provision that the Committee proposed in its administrative guidelines at lines 48-49 that up to two Committee

members may reside outside the City. ***What qualifications are required of Committee members, and whether non-City residents may serve on the Committee, are matters of policy for the Council to determine.***

B. Terms and Vacancies. Proposed HCC 1.70.020(a) provides the same terms for Committee members as HCC 18.07.060. Proposed HCC 1.70.020(b) provides for the filling of vacancies on the Committee in the same manner as HCC 18.07.060. Proposed HCC 1.70.020(c) provides for the Committee to declare a vacancy for the same unexcused absences from meetings as the Committee proposed in its administrative guidelines at lines 59-61.

C. Proceedings of Committee. Proposed HCC 1.70.030(a) authorizes the Committee to adopt regulations governing its proceedings, subject to Council approval. Proposed HCC 1.70.030(b) provides for officers of the Committee as the Committee proposed in its administrative guidelines at lines 102-113.

D. Powers and Duties. Proposed HCC 1.70.040 adopts a list of powers and duties for the Committee that is considerably abbreviated from the list the Committee proposed in its administrative guidelines at lines 21-33, 66-100 and 145-148. However, the powers and duties in proposed HCC 1.70.040 extend beyond the present functions of the Committee under HCC Chapter 18.07, which are limited to works of art in City buildings and facilities and the administration of the public art fund. ***What powers and duties should be assigned to the Committee is a matter of policy for the Council to determine.***

E. Adoption of Regulations. Section 2 of the ordinance would amend HCC 18.07.040(b) to clarify the procedure for the Committee to adopt regulations, and make it similar to the procedure by which the Council approves other administrative matters.

F. Selection of Works of Art. Section 3 of the ordinance would amend HCC 18.07.050 to clarify the manner in which a jury is designated to select works of art for acquisition by the City.

G. Repeal of HCC 18.07.060. Proposed HCC Chapter 1.70 would address the matters that presently are addressed in HCC 18.07.060, making the latter code section redundant. Therefore, the ordinance would repeal HCC 18.07.060.

H. Exemptions of Projects. The ordinance would amend HCC 18.07.070 to clarify the standards and procedure for exempting a City construction project from the requirement to include works of art.

2. Revisions to the Administrative Guidelines. I began the attached revision of the administrative guidelines by adopting all of the changes to the last draft of administrative guidelines prepared by the Committee, which is dated November 18,

2010. I then proposed deleting and adding material, both within the Committee's proposed revisions, and in the present administrative guidelines. An explanation of my revisions follows. Citations to line numbers refer the line numbers in the attached revision of the administrative guidelines.

A. Purpose, Composition, Terms and Responsibilities, Officers (lines 20-112; 146-148). Following the pattern established for other City Boards and Commissions, these matters should be addressed in the City Code. The draft ordinance would enact HCC Chapter 1.70 to do this. Proposed HCC Chapter 1.70 adopts the substance of the revised administrative guidelines regarding the Committee's composition, terms and officers. However, as noted above, HCC 1.70.040 adopts a list of powers and duties for the Committee that is considerably abbreviated from the list the Committee proposed in the administrative guidelines but that extends beyond the present functions of the Committee under HCC Chapter 18.07, which are limited to works of art in City buildings and facilities and the administration of the public art fund.

B. Selection of Works of Art (lines 246-286). The selection of works of art for acquisition by the City is governed by HCC 18.07.050, which provides:

18.07.050 Selection. a. Where the construction, creation or commissioning of works of art are to be incorporated in the building or facility or its grounds, such works of art shall be selected and recommended to the Council for approval by a jury of at least three members consisting of the architect or project designer, a representative of the user department, a representative of the Public Arts Committee and any other persons as may be designated by regulation and recommended to the Council for approval.

b. Where there will be an acquisition of existing works of art or the commissioning of works of art which will not be incorporated into the project design, selection shall be made or approved by a jury of at least three members consisting of a representative of the user department, one or more representatives of the Public Arts Committee and other persons as may be designated by regulation and recommended by the Council for approval.

The proposed ordinance revises the wording of HCC 18.07.050, but does not change its substance. Under HCC 18.07.050, a jury is selected by the Committee, subject to Council approval, to recommend the selection of works of art for acquisition. The acquisition of a selected work of art is subject to Council approval.

I made the following changes to the provisions regarding selection of works of art in the revised guidelines. First, I changed the revised guidelines to clarify that, as HCC 18.07.050 provides, the Committee's selection of a jury is subject to Council approval. Second, I substituted the term "jury" used in HCC

18.07.050 for the term “selection committee” used in the revised guidelines. This substitution clarifies the connection between HCC 18.07.050 and the revised guidelines. Finally, I adjusted the description of one member of a jury to conform to HCC 18.07.050.

C. Requests for Proposals (lines 302-305). For the reasons discussed above, I substituted the term “jury” for the term “selection committee.”

D. Legal Issues. Several provisions of the revised guidelines appeared to impose legal obligations on the City. Such obligations should be imposed only by Council action—either by adoption of a budget to fund performance of the obligations or by approval of a contract with an artist, the terms of which include such obligations. I deleted or modified the following provisions for these reasons:

- Reservation to an artist of the right to approve changes to City-owned art (lines 311-314; 517-519). Any such reservation should be imposed only by a Council-approved contract with the artist.
- Reservation to an artist of the copyright to City-owned art (lines 317-318; 352-354; 361-362). Any such reservation should be imposed only by a Council-approved contract with the artist.
- Supervision of the installation of a work of art (lines 319-320). In many cases, it may benefit the City to hire an artist to supervise the installation of the artist’s work. However, the City, which commissioned the work of art, should determine when to do so.
- References to applicable laws (lines 361-362; 441; 450; 517; 543-544). Nothing in the administrative guidelines indicates whether their author determined that such laws exist. If they do, they should be cited with specificity. A general obligation to comply with applicable law simply states one’s existing responsibility to obey the law, and does not inform the reader regarding what obligations apply in a specific situation.
- Maintenance of works of art (lines 315-316; 417). The Council determines the level of maintenance that the City will provide through its adoption of the annual budget for the City.
- Donor restrictions (386-387). The Council should retain the authority to determine whether to accept donations subject to restrictions imposed by the donor.
- Establishment of public art fund (lines 556-557). HCC 18.07.090 establishes this fund, so there is no need for the Committee to do so.

3. Conclusion. In conclusion, I recommend that the Council (i) adopt the proposed ordinance with any changes regarding the composition and powers of the Committee that the Council desires; and (ii) adopt the Committee's revised administrative guidelines with the modifications discussed above.

TFK/CMM

cc: Walt Wrede
Jo Johnson

1 Homer Public Arts Committee
2 Administrative Guidelines PAC Approved 09.09.10 – **ITALICS, BOLD AND UNDERLINED INDICATE**
3 **ADDED OR CHANGED PORTIONS OF THE CURRENT ADMINISTRATIVE GUIDELINES.**
4 ~~DELETIONS ARE SHOWN AS STRIKE THROUGH TEXT.~~
5

6 The Public Arts Committee, hereafter referred to as PAC, was created in 2002 to administer Ordinance
7 02-25 (A) of the Homer City Code. Frequently called the “1% for Art Program”, the ordinance wishes to
8 foster culture and the arts in our community through the purchase and commissioning of works of art
9 for municipal buildings and facilities. This manual guides the Committee in execution of its
10 responsibilities.

11
12 **Public Arts Committee - Declaration of Purpose**

13
14 **It is hereby declared as a matter of public policy that support for artists and arts organizations,**
15 **development and stewardship of public art, cultural tourism, arts education and cultural development**
16 **are public necessities and essential for the continuing growth and development of Homer’s citizens,**
17 **economy, and quality of life. The primary duty of the Public Arts Committee is to identify and actively**
18 **encourage the development and sustainability of arts in the City by serving as the City’s primary**
19 **resource in matters of art, culture, public art and cultural tourism.**

20
21 **The Purpose of the Public Arts Committee is to:**

- 22 **A. Promote the arts as vital tools in building Homer’s community and economy for the benefit of**
23 **all its citizens.**
24 **B. Promote and support a diversity of arts and cultural opportunities for our citizens to**
25 **experience.**
26 **C. Act as a catalyst to bring government, arts and culture, and private sectors together for public**
27 **benefit.**
28 **D. Create a unique identity and sense of place through development and stewardship of public**
29 **art.**
30 **E. Encourage artistic excellence and expand exposure to a wide variety of art forms.**
31 **F. Foster the development of the local arts community, encouraging an environment for the**
32 **success of working individual artists.**
33 **G. Encourage programs for cultural exchange and development.**

34
35 **Composition of the Public Arts Committee**

36
37 **All members of the Public Arts Committee shall have a demonstrated interest and familiarity with arts**
38 **and culture, either through professional practice or volunteer work.** The Committee will be composed
39 of seven members, appointed by the Mayor. Each will serve a two year term.

40 **The Public Arts Committee shall be composed of members who represent the following:**

- 41 **A. A working professional artist.**
42 **B. A person working in the public education community.**
43 **C. A City Council member.**
44 **D. A person who has had experience or training related to the arts, such as art history or**
45 **employment in fields such as architecture, education, curation, conservation, performing arts, visual**
46 **arts or related field.**
47 **E. A person representing the public at large.**

48 F. Up to two members may be residents from outside the city limits. Preference shall be given to
49 city resident applicants.

50

51 Terms of Committeemembers

52

53 A. Terms of the Public Arts Committee members shall be two (2) years.

54 B. Terms shall expire on April 28 of the designated year.

55 C. Each member shall serve until his or her successor has been appointed by City Council.

56 D. In the event that a position is vacated before the expiration of the term, except temporary
57 vacancies as hereinafter provided, the position shall be filled by the City Council for the remainder of
58 the unexpired term.

59 E. The appointment of any member of the Public Arts Committee who has been absent three or
60 more consecutive meetings, whether regular or special, without notice shall automatically be
61 terminated. The Staff or Clerk shall notify the member who is terminated and report to City Council
62 that a vacancy exists and submit notice as required that there is a vacancy.

63 F. Public Arts Committee members serve in an advisory manner to City Council.

64 G. Public Arts Committee members shall serve without compensation.

65

66 Responsibilities-Powers and Duties of the Public Arts Committee

67

68 The Public Arts Committee is specifically responsible to:

69 A. Act in an advisory capacity to the City Council in all matters pertaining to the arts and culture
70 of the City;

71 B. Recommend to the City Council the adoption of such ordinances, rules, and regulations as it
72 may deem necessary for the administration and preservation of fine arts, performing arts and
73 aesthetic aspects of the community;

74 C. Work cooperatively with city boards, commissions and committees, city departments, and
75 private and public organizations in creating and promoting art and cultural programs and activities
76 within the city;

77 D. By establishing policies, act as a catalyst bringing government, the arts and culture, and public
78 sectors together for the benefit of all residents;

79 E. Establish policies that encourage, conduct, sponsor or co-sponsor public programs to further
80 the development and public awareness of and interest in the arts;

81 F. Encourage the use of professional practices in working with artists;

82 G. Serve as the City's ambassadors to artists, arts organizations and the general public;

83 H. Communicate to the public about the City's arts program and policies;

84 I. Review and make recommendations upon all works of art to be acquired by the City, either by
85 purchase, gift or otherwise pursuant to the City's Accession and Gift Policies.

86 J. Review and make recommendations with reference to any existing work of art in the
87 Municipal Art Collection in connection with the relocation or alteration thereof, pursuant to the City's
88 Deaccessioning policy;

89 K. Review and make recommendations upon all works of art to be removed from the Municipal
90 Art Collection, pursuant to the Deaccessioning policy;

91 L. Promulgate policies and procedures for the development and implementation of public art in
92 the city;

93 M. Prioritize public art projects in a way that identifies and defines the public art projects and
94 programs to be developed from the 1 percent for art monies;

- 95 N. Provide stewardship to the Municipal Art Collection by reviewing the condition of the artwork
96 every two years and making recommendations for its care, maintenance, or improvement, including
97 routine maintenance, conservations, and emergency maintenance when required;
98 O. Record and maintain all data related to accessed works in the Municipal Art Collection;
99 P. Review and make recommendations for visual artwork and artistic elements be considered for
100 placement on City of Homer property and upon request for placement on city rights-of-way;

101
102 Officers and Committee

- 103
104 A. The Public Arts Committee shall have one Chair and one Vice Chair with terms of one year,
105 elected by a simple majority of the committee;
106 B. The Chair and Vice Chair shall be elected during the meeting held in May of each year;
107 C. No member may serve more than two consecutive terms as Chair or Vice Chair;
108 D. The Chair shall preside over all meetings of the Public Arts Committee. In the event that the
109 Chair is or will be absent the Vice Chair will fulfill the duties of the Chair;
110 E. If for any reason the Chair relinquishes his or her authority before the expiration of their term
111 of office, the Vice Chair will assume the role of Chair. Elections will be held to select a new Vice Chair
112 at the next regular meeting.
113 F. The Chair shall work with Staff or the Clerk in preparing the agenda for the meeting;

114
115 Meetings of the Public Arts Committee

- 116
117 A. The Public Arts Committee shall meet quarterly on the ~~third~~ second Thursday ~~of the month~~
118 February, May, August and November ~~at 11:00 a.m. 5:00 p.m.~~ The meeting shall not exceed ninety (90)
119 minutes in length. A worksession will be held monthly on the second Thursday at ~~10:00 a.m.~~ 4:00 p.m.
120 and prior to each regular meeting.
121 B. Special meetings may be called by the Chair, Vice Chair or members of the committee as
122 required to carry out business in a timely manner.
123 C. Scheduling of special meetings or worksession require a two week notice for proper
124 advertisement by the City Clerk's office as required by law.
125 D. A quorum is required for a meeting to be conducted and any action taken by the committee
126 members during that meeting.
127 E. Worksessions do not require the presence of a quorum. No action can be taken at a
128 worksession it is primarily for discussion purposes only.
129 F. All meetings will be held in the Cowles Council Chambers or alternative location as designated.
130 G. All meetings are to be recorded in acceptable audio format according to established rules.

131
132 Organization and Procedures

- 133
134 The following by-laws and administrative guidelines shall govern the procedures and operations of the
135 Public Arts Committee;
136 A. To abide by the current edition of Robert's Rules of Order insofar as this treatise is consistent
137 with these by-laws, the Homer City Code, Alaska State law or Borough Code;
138 B. Four members shall constitute a quorum;
139 C. A majority vote of the quorum is required to pass any motion.
140 D. Requests for items to be placed on the agenda must be submitted no later than 5:00 p.m. on
141 Wednesday the week prior to the scheduled meeting or worksession;

- 142 E. Permanent records or minutes shall be kept of the proceedings of the regular monthly
 143 meetings. The minutes will record the vote of each member upon every question. Every decision shall
 144 be filed in the office of the City Clerk and shall be public record open to inspection.
 145 F. The Public Arts Committee shall submit a report to City Council as required to update progress
 146 on current projects.
 147 G. Perform other duties as required by the City Manager and or City Council;
 148 H. Oversee the 1% for Art Program
 149 I. The Public Arts Committee administrative guidelines are to be reviewed periodically and
 150 updated as required.
 151 J. Agendas ore to follow the format as described in the City of Homer City Council Operating
 152 Manual.

<u>PUBLIC ARTS COMMITTEE</u>	<u>DATE</u>
<u>ADDRESS</u>	<u>DAY AND TIME</u>
<u>CITY, STATE</u>	<u>LOCATION</u>

MEETING NOTICE

LIST TYPE OF MEETING - REGULAR WORKSESSION OR SPECIAL

- 161 1. CALL TO ORDER
- 162 2. APPROVAL OF THE AGENDA
- 163 3. PUBLIC COMMENT REGARDING ITEMS ON THE AGENDA (3 Minute Time Limit)
- 164 4. RECONSIDERATION
- 165 5. APPROVAL OF MINUTES
- 166 A. Meeting Minutes
- 167 6. VISITORS
- 168 7. STAFF & COUNCIL REPORT/COMMITTEE REPORTS/BOROUGH REPORTS
- 169 8. PUBLIC HEARING (3 minute time limit)
- 170 9. PENDING BUSINESS
- 171 10. NEW BUSINESS
- 172 11. INFORMATIONAL MATERIALS
- 173 12. COMMENTS OF THE AUDIENCE
- 174 13. COMMENTS OF THE CITY STAFF
- 175 14. COMMENTS OF THE CHAIR
- 176 15. COMMENTS OF THE COMMITTEE
- 177 16. ADJOURNMENT/NEXT REGULAR MEETING IS SCHEDULED FOR DATE at TIME. in the Homer
 178 City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

180 K. A member of the Public Arts Committee will be designated each worksession to take notes and
 181 submit a draft synopsis to Staff for inclusion in the packet to track the progress by the committee on
 182 projects and work product.

186 1. Determine whether or not a City capital improvement project is eligible for inclusion in the 1% for
 187 Art Program.

189 1% for the Arts Program

190
191 The State has recognized through the enactment of AS 35.27.010, and the City of Homer hereby
192 recognizes by the enactment of this chapter, the responsibility of government to foster the
193 development of culture and the arts through the purchase or commissioning of works of art for
194 municipal buildings and facilities. It is therefore declared to be municipal policy that a portion of
195 appropriations for capital expenditures for municipal buildings and facilities be devoted to the
196 acquisition of works of art to be permanently placed or incorporated in such buildings or facilities.
197 (Ord. 02-25(A), 2002.)

198
199 Definitions
200 The following words, terms and phrases, when used, shall have the meaning ascribed to them in this
201 section, except where the context clearly indicates a different meaning:

202 "Art" and "work of art" mean all forms of original creations of visual art, including but not limited to
203 the following:

204 1. Sculptures: in the round, bas relief, high relief, mobile, fountain, kinetic or electronic, in any
205 material or combination of materials.

206 2. Painting: all media, including portable and permanently affixed works, such as murals.

207 3. Graphic arts: printmaking and drawing.

208 4. Mosaics.

209 5. Photography.

210 6. Crafts: in clay, fiber and textiles, wood, metal, plastics and other materials.

211 7. Calligraphy.

212 8. Mixed media: any combination of forms or media, including collage

213
214 "Construction, remodeling or renovation of municipal buildings and facilities" means any capital
215 improvement projects paid for wholly or in part by the municipality to build, rebuild or improve any
216 decorative or commemorative structure, park or parking facility or any building.

217
218 "Total cost of construction, remodeling or renovation" means the total allotted funding for the subject
219 project at the time of award of contract, exclusive of the costs of land acquisition, site investigation,
220 and environmental clean up or remediation. (Ord. 02-25(A), 2002.)

221
222 The Public Arts Committee shall be responsible for the following:

- 223
224 ~~2.~~ A. Determine the dollars allocated for art within the budget of each eligible project;
225 ~~3.~~ B. Name a Selection Committee for each project;
226 4. C. Develop and monitor policies related to the selection and installation processes;
227 ~~5.~~ D. Develop plans that insure the preservation of the art collection;
228 ~~6.~~ Foster public appreciation for the art collection;
229 ~~7.~~ Encourage the placement of art in other public spaces, whether publicly or privately owned.
230 ~~8.~~ Continue to update Administrative Guidelines as needed.

231
232 Procedures for the 1% for the Arts Program

233 Eligible Projects

- 234
235 1. Upon approval of the City budget, the City Manager will provide a copy of the capital
236 improvement budget to the PAC, notating all projects he/she believes to be included in Ordinance 02-
237 25(A).

- 238 2. Eligible projects include remodeling, renovation, new construction to municipal buildings or
239 facilities when the cost of the project exceeds \$250,000.
240 3. Staff will update the ~~PAC committee~~ Public Arts Committee at least quarterly regarding any new
241 capital improvement projects City Council has approved and will indicate whether the City Manager
242 believes the 1% for Art Program is applicable.
243

244 Project Budget

245

- 246 1. 1% of the project cost will be allocated for the purchase of art, with a minimum project value of
247 \$250,000 and a maximum of \$7,000,000. Therefore, the minimum budget is \$2,500 and the maximum is
248 \$70,000. The budget may be increased by the addition of private funds or donations from non-city
249 public funds.
250 2. Project cost is defined as the cost of the original contract awarded, excluding land acquisition,
251 site investigation, environmental cleanup or remediation. Subsequent change orders and amendments
252 to the contract do not increase or decrease the amount of funding available for artwork.
253 3. The art budget will include all costs associated with design, construction, installation, and
254 acquisition of works of art.
255

256 Selection Committees

257

- 258 1. ~~PAC~~ The Public Arts Committee will form a new Selection Committee for each eligible project.
259 Appointments will be made as early as possible in the construction process to encourage integration of
260 art into the architecture of the building and design of the outdoor spaces.
261 2. A Selection Committee will be composed of at least five (5) members, including
262 a. One member from PAC,
263 b. One Artist
264 c. One member from the architectural/design team,
265 d. One member from a user group
266 e. Director of building in question or his/her designated representative.
267

268 The scope of the project may require the appointment of additional members.
269

- 270 3. The City staff liaison to the ~~PAC~~ Public Arts Committee will also assist the Selection Committee.
271 This will facilitate clear communication and cooperation between the two committees.
272

273 4. Diversity

- 274 a- The Public Arts Committee ~~PAC~~ will specifically include members of the community who share a
275 commitment to the goals of this Ordinance yet represent the diverse citizenry in our community.
276

277 5. Responsibilities of a Selection Committee

- 278 a. Selection Committee members will suggest the most suitable locations for artwork within
279 the building or on the site, often in discussion with the architect or chief designer. It is also
280 appropriate to allow artist's to submit proposals for locations not identified by the committee.
281 b. Selection Committee will organize interaction between the design team and artists to
282 ensure that artists are sufficiently briefed about the project opportunities and restrictions. The
283 goal is to generate top quality, responsive proposals.
284 c. Carefully review each eligible submission. This will frequently be a multi-step process, with
285 time between meetings for personal reflection.

- 286 d. If necessary, a specific member of the Selection Committee or the staff liaison may be
287 directed to discuss modifications to a specific proposal with the artist. All such discussions shall
288 be confidential and members must exercise care so a specific artist does not construe such
289 discussion as acceptance of work:
- 290 e. Prepare list of Recommend Artwork for the named project and a short list of runners-up, if
291 possible. (Occasionally 1st choice work will not be available and this process may preclude the
292 need to reconvene the Committee.)
- 293 f. Committee Chairman will present the list of Recommend Artwork to the City Council for
294 final approval. Presentation may include a brief summary of the selection process, including
295 number of submittals, names of the selection committee members and other information that
296 encourages final acceptance by City Council members.
- 297 g. Staff will notify all selected artists of their award and thank all participants.
- 298 h. All participants, including Selection Committee members and all artists who submitted
299 proposals will be offered a formal opportunity to comment on the process. PAC will receive
300 these comments.

301
302 NOTE: The entire selection process must be handled confidentially. No decisions are final until
303 approved by City Council and final contracts are negotiated with the artists.

304
305 **Additional Oversight by Public Arts Committee under the 1% program**

- 306
307 1. Requests for Proposals
- 308 a. PAC, with the assistance of staff, will prepare an RFP for each eligible project. (See sample
309 in Exhibit A)
- 310 b. Staff will circulate the RFP, as required by City code. In addition, PAC will develop a
311 registration system for anyone who wants specific notification of announced RFP opportunities.
- 312 c. Packets of additional information that describes the project will be available in City Hall
313 and/or online. It will include the brochure, "Special Considerations for Art in Public Places" (See
314 Exhibit B)
- 315 2. Establishing Selection Criterion
- 316 a. PAC will provide each member of the Selection committee with a complete RFP, including
317 the "Special Considerations" brochure. Members will be asked to remember these
318 considerations in their art selections.
- 319 b. PAC will provide Selection Committees with an *Evaluation Checklist* (see Exhibit C).
- 320 c. PAC may specify that certain projects will show a preference for art by local or Alaskan
321 artists.

322 3. Legal Considerations

323 **The Public Arts Committee** PAC is a liaison between artists and the City, the principals in this program.
324 These guidelines will clarify the understanding between them:

325
326 a. Ownership of the Art:

327 All art purchased under the 1% for Art Ordinance will be owned by the City of Homer.

328
329 b. Artist's Rights:

330 Public artwork and art concepts will not be altered, modified, removed or moved from a site
331 which is integral to the concept for the work without the artist's written permission. If the City's
332 best and reasonable efforts to contact the artist have failed, the City may proceed with plans for
333 repair and relocation.

334 Maintenance of public artworks shall be the responsibility of the City and the City commits to
335 keep them in a well-maintained state.

336 Copyright of public artworks and art concepts belong to the artist, but the City is granted the
337 right to make two-dimensional reproductions for noncommercial purposes.

338 For the purposes of quality and design control, the artist shall have the right to supervise
339 installation of the work, when done by third parties.

340

341 c. Artist's Promise to the City of Homer

342 The art is unique and original and does not infringe upon any copyright.

343 Neither the art nor a duplicate has been accepted for sale elsewhere.

344 The art is free and clear of any liens.

345 The fabricated and installed art will be free of defects in material and craftsmanship.

346 Maintenance requirements have been accurately described;

347

348 4. Contract with an Artist

349 a. The City of Homer will enter into a contract with each artist whose work is selected for
350 inclusion in a City project. It will address description of the project, payment schedule, payment of
351 special engineering or installation costs, due date. (See sample in Exhibit D).

352

353 **ACCESSION POLICY**

354 **To establish an orderly and consistent process for reviewing artwork for acceptance into the Municipal**
355 **Art Collection ensuring that the collection is comprised of artwork of the highest quality.**

356

357 **Definition**

358 **Accession is to accept artwork in to the Municipal Art Collection**

359

360 **Policy**

361 **1. Accession procedures insure that the interests of all concerned parties are represented**
362 **including the Public Arts Committee, the Public, the Artist, the Arts Community and the City of Homer.**

363 **2. Artwork shall be distinctive artistic merit and aesthetic quality and will enhance the diversity**
364 **of the Municipal Art Collection.**

365 **3. Artwork shall be appropriate in and for its site, scale, material, form, and content for both its**
366 **immediate and general social and physical environment.**

367 **4. Artwork shall be reasonably durable against theft, vandalism, weather, and excessive**
368 **maintenance costs.**

369 **5. Accession implies the responsibility to preserve, protect, and display the artwork for public**
370 **benefit.**

371 **6. Accession implies a work's permanency within the Municipal Art Collection, providing that the**
372 **work retains its physical integrity, identity and authenticity.**

373 **7. Artwork will be acquired without restrictions as to its future use and disposition except with**
374 **respect to copyrights and certain clearly defined residual rights contained in contracts with artists.**

375 **8. Artwork will be accessioned into the City of Homer's Municipal Art Collection only upon**
376 **completion of all facets of the Commissioning or purchasing contract and final approval of City**
377 **Council.**

378 **9. Each accessioned work into the Municipal Art Collection will be documented to the fullest**
379 **extent possible, including artist's last known address and when available photograph.**

380 **10. The artist's signed contract or release transferring title for the artwork and clearly defining the**
381 **rights and responsibilities of all parties will accompany every accessioned work and shall be in the**

382 documented records of the work. The artist's copyrights will be maintained in accordance with
383 established Federal, State, Borough Law and Homer City Code.

384 11. In the case of interagency or interlocal agreements a copy of the agreement and signatures of
385 all parties will be kept in the office of the City Clerk.

386 12. Accession results from projects and purchases generated as part of the Municipal Art program
387 except in case of donations which will be reviewed in accordance with the City of Homer Public Arts
388 Committee policy on gifts and if accepted will be accessed pursuant to this accession policy.

389 GIFT POLICY

390 Purpose

391 To identify a procedure and criteria for the Public Arts Committee to review proposed gifts of artwork.

392 Definition

393 Gifts are personal or real property that is donated or bequeathed with or without restrictions to the
394 City of Homer for actual artwork, property for placement or funds for the acquisition of artwork.

395 Policy

396 1. The Public Arts Committee will review all proposed gifts as defined above and will evaluate
397 the suitability of proposed gifts and make recommendations to the Homer City Council in accordance
398 with Homer City Code which allows acceptance of donations.

399 2. Each Proposed gift will be reviewed for the following:

400 a. Aesthetic Quality – the proposed gift has significant aesthetic merit.

401 b. Appropriateness of Chosen Site or Location – scale of artwork is appropriate for the site
402 including relationship between the artwork and the site and obstacles of the site.

403 c. Restrictions from the Donor – any restrictions must be clearly identified and if accepted
404 expectations must be met by the City.

405 d. Originality of Artwork – artworks must be one of a kind or part of an original series
406 reproductions of originals are not considered eligible for acceptance.

407 e. Relationship to the Collection as a Whole – the Public Arts Committee is committed to
408 creating a diverse collection of art. The proposed gift must be compatible with the Municipal
409 Art Collection without being over represented.

410 f. Technical Feasibility – the realistic ability for the proposed project to be built and installed as
411 proposed in the selected location.

412 g. Technical Specifications – the Public Arts Committee must review the actual work if
413 available or a scale drawing and or model consisting of site plans and elevations describing the
414 following:

415 1. Surrounding site conditions if applicable

416 2. Dimensions

417 3. Materials and finishes

418 4. Colors

419 5. Electrical, Plumbing, or other utility requirements

420 6. Construction and installation method

421 7. Additional support material such as text verbally describing the artwork and
422 specifications, models, or presentation drawings by a licensed engineer may
423 be required.

424 h. Budget – cost to manage the project, prepare the site, deliver and or install the work,
425 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

477 donor's representative must complete the Gift Proposal Application and submit to the City of Homer,
478 City Clerk's Office.

479

480 Presentation to the Public Arts Committee

481

482 If applicable the donor will be scheduled to present his or her proposal to the Public Arts Committee at
483 the next regular meeting. The donor is expected to present the actual artwork or model or scale
484 drawings of the proposed piece. If it is not possible depending on the artwork a photograph may be
485 accepted upon approval of a majority vote of the Public Arts Committee.

486

487 The Public Arts Committee will review the proposal consider the presentation and make a
488 recommendation at the meeting. If the proposal materials do not give the Public Arts Committee
489 enough information to make an educated recommendation they may request to postpone
490 recommendation until further information is provided by the donor.

491

492 PRESERVATION OF THE MUNICIPAL ART COLLECTION

493

494 1. Registry

495

496 The City's art collection will be catalogued and a registry maintained. Each entry will include

- 497 a. name and contact information for the artist
498 b. title of the work, date created, dimensions
499 c. photographs of the work
500 d. the artist's cleaning and maintenance recommendation;
501 e. an artist's statement regarding the work, if possible.
502 f. An identification number _____ (year installed), _____ consecutive number (for example:
503 2006-#21). This number will also be affixed to the piece of art or to its label.
504 g. Exact location of the artwork.
505 h. Techniques & Materials and materials used in creating the artwork.

506

507 The registry will be bound and stored in the library and City Clerk's Manager's Office. The City will also
508 provide an official label for each piece of art that will be consistent in style and material.

509

510 Color Photo of artwork _____

511

512 Artist Name(s)

513 Title of Artwork

514 Year Completed/Date

515

516 Medium Used

517 Size/Dimensions

518 Location

519

520

521 Physical Description of the piece.

522

523

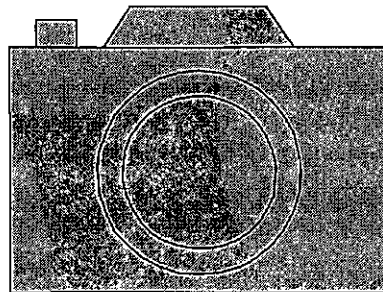
524 Short Summary about the Artist

528

525

526

527 Summary Comment on the artwork.



- 529
530 2. ~~Inspection and maintenance of artwork~~ **INSPECTION AND MAINTENANCE OF ARTWORK**
531
532 a. ~~Annually PAC will inspect each piece of art in the collection to ensure that its condition is~~
533 ~~satisfactory.~~
534 b. All building and grounds supervisors will be instructed to inform the Public Art Liaison **Staff or the**
535 **Clerk** if vandalism is observed or the artwork requires maintenance.
536 c. All cleaning and maintenance will follow the instructions provided by the artist.
537 d. If the artwork requires extensive repairs, the City will make a good-faith effort to obtain advice
538 from the artist. If no information is forthcoming, the City may proceed with its best practice.
539

540 3. ~~Deaccessioning~~ **DE-ACCESSIONING PURCHASED AND DONATED ITEMS**
541

542 The City has the responsibility for conserving the collection, and because the disposal of artworks may
543 have serious implications for the artists, removing the items from the collection should be a deliberate
544 and seldom-used procedure. It is the policy of the City not to dispose of works simply because they are
545 not currently in fashion and not to dispose of works whose worth might not yet be recognized.
546

547 **Purchased or donated items which have been accepted into the Municipal Art Collection will be de-**
548 **accessioned only at the direction of the City Council, which shall consider the recommendations and**
549 **comments of the Public Arts Committee, Staff and any public comment received.**
550

551 **The City will comply with all applicable laws pertaining to de-accessioning of art items including**
552 **contacting the donor and artist (if known). If documents provide for de-accessioning, such documents**
553 **will determine the method and manner of the de-accessioning.**
554

555 **Examples of situations where de-accessioning would be considered include:**
556

- 557 **a. The item(s) has deteriorated beyond a reasonable means of conservation or in deteriorating, has**
558 **lost its usefulness.**
559 **b. The authenticity, attribution, or genuineness of the item(s) is determined to be false or fraudulent.**
560 **c. The item(s) is redundant or is a duplicate that has no value as part of a series.**
561 **d. The item(s) is located in an area where jurisdiction will be transferred to another entity or is made**
562 **inaccessible to the public.**
563

564 The Public Arts Committee may recommend any of the following courses of action as a result of a
565 deaccessioning review. The Committee shall not be limited to these courses of action and may suggest
566 new methods as may be demanded by a particular set of circumstances:
567

- 568 a. Relocate the work of art. This course of action shall be given highest priority.
569 b. Remove the work from display and maintain in a safe storage.
570 **c. Yearly City Surplus Sale**
571 **d. Private sale**
572 **e. Exchange for another work by the artist**
573 **f. Gifting the piece to a non-profit organization**
574 **g. Recycling**
575

576 *Destruction of the item(s) may be considered where the physical condition of the work is severely*
577 *deteriorated or will be irreparably damaged by the de-accessioning process. In each case, the*
578 *applicable laws will be followed before an item(s) is de-accessioned.*

579
580 *In appropriate instances, appraisals of the item(s) to be de-accessioned will be sought from outside*
581 *sources.*

582
583 *Encouraging Additional Public and Private Art in Public Spaces ENCOURAGING ADDITIONAL PUBLIC*
584 *AND PRIVATE ART IN PUBLIC SPACES, AND PROMOTING PUBLIC AWARENESS AND APPRECIATION FOR*
585 *THE MUNICIPAL ART COLLECTION*

586
587 ~~1. PAC will be responsible for making recommendations to the City Council on whether proposed~~
588 ~~donations of art shall be accepted by the City.~~

589 2. Ordinance 02-25(A) encourages the addition of private money into the public art program. Any art
590 purchased with such funds will be owned 100% by the City of Homer and the City will have responsibility
591 for selection, installation, maintenance and repairs.

592
593 ~~3. *The Public Arts Committee* PAC may establish a Public Art Fund to provide a convenient method to~~
594 ~~accept donations.~~

595
596 4. *The Public Arts Committee* PAC will be a resource for business owners who wish to include art in
597 their business location.

598
599 *The Public Arts Committee will endeavor to obtain buy-in from affected city departments and a wide*
600 *variety of governmental and non-governmental organization, as required, to ensure the successful*
601 *implementation of the public art policy.*

602
603 *The committee will work to establish partnerships with private funders to help the art policy*
604 *proponents work with and advise patrons who are funding public-art projects privately. This will help*
605 *guarantee that these projects meet a set of agreed-upon requirements and fulfill the goals and vision*
606 *set forth in this policy.*

607
608 *The Public Arts Committee will identify alliance opportunities with institutions, organizations, and the*
609 *public. Partner with them to publicize and discuss how public art can help further the mission of their*
610 *specific organization.*

611
612 *Raise support among the press to help the fundraising efforts to educate and inform the public about*
613 *the many different types of public art, and the wealth and ability of the local arts community.*

614
615 *Keep the information flowing about the progress of any public art initiatives started.*

616
617 Promoting Public Awareness and Appreciation the City of Homer Art Collection

618
619 ~~1. *Public Arts Committee* PAC, with the assistance of users, will plan an installation ceremony upon~~
620 ~~completion of each project. Costs for this event will be from the annual PAC budget or underwritten by~~
621 ~~donors.~~

622

623 ~~2. **Public Arts Committee**~~ PAC will plan events and promotional tools that invite residents and visitors
624 to enjoy the City of Homer art collection. These might include walking tour maps, guest lectures, on-line
625 catalogue, etc.

626
627 ~~The Public Arts Committee shall meet on the third Thursday of each month at 11 a.m. in the Cowles~~
628 ~~Council Chambers.~~

629
630 **FUNDING FOR THE MUNICIPAL ART COLLECTION**

631
632 **A public art fund is established in accordance with Homer City Code, Chapter 18.07.090, Public Art**
633 **Fund, as a separate, interest bearing account in the city general fund to receive money for the public**
634 **art program from the following sources:**

- 635
636 **1. Funds for public art fees received from private development.**
637 **2. Funds donated to the city for public art.**
638 **3. Other funds appropriated by the council for public art.**

639
640 **Money in the public art fund shall be used solely to pay the costs of selecting, commissioning,**
641 **acquiring, installing, maintaining, public education regarding, administrating, removing and insuring**
642 **the works of public art, and any other expense related thereto.**

643
644 **Interest earned on money in the public art fund shall be deposited in the public art fund.**

645
646 **The public art fund is administered by the city with the advice of the Public Arts Committee.**

647
648 **The Public Arts Committee annually shall prepare a plan for expenditures from the public art fund for**
649 **approval by the city council.**
650 **(Ord.09-51(A) §1, 2009)**

651
652 **Encourage the addition of private money into the public art program. Any art purchased with such**
653 **funds will be owned 100% by the City of Homer and the City will have responsibility for selection,**
654 **installation, maintenance and repairs.**
655 **(Ord. 02-25(A) 2002)**

656

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:

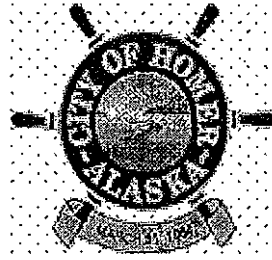
JO JOHNSON, CMC, CITY CLERK

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



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

(907) 235-8121
Extension: 2227
Extension: 2224

Fax: (907) 235-3143
Email: clerk@ci.homer.ak.us

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.

Page Two
September 10, 2010
PAC Memorandum 10-123 Amend Meeting Time

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.

SPECIAL MEETING

NEW
BUSINESS

ORDINANCE REFERENCE SHEET
2010 ORDINANCE
ORDINANCE 10-55

An Ordinance of the City Council of Homer, Alaska, Adopting Homer City Code Chapter 1.70, Public Arts Committee; Amending Homer City Code 18.07.040, Implementation; Amending Homer City Code 18.07.050 Selection; Repealing Homer City Code 18.07.060, Program Administration; Public Arts Committee; and Amending Homer City Code 18.07.070, Exemptions; Regarding the Appointment, Composition and Functions of the Public Arts Committee.

Sponsor: City Manager

1. City Council Regular Meeting December 13, 2010 Introduction
 - a. Memorandum 10-148 from City Attorney as backup
 - b. Public Arts Committee Administrative Guidelines (amendments as proposed by City Attorney)

CITY OF HOMER
HOMER, ALASKA

City Manager

ORDINANCE 10-55

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, ADOPTING HOMER CITY CODE CHAPTER 1.70, PUBLIC ARTS COMMITTEE; AMENDING HOMER CITY CODE 18.07.040, IMPLEMENTATION; AMENDING HOMER CITY CODE 18.07.050 SELECTION; REPEALING HOMER CITY CODE 18.07.060, PROGRAM ADMINISTRATION; PUBLIC ARTS COMMITTEE; AND AMENDING HOMER CITY CODE 18.07.070, EXEMPTIONS; REGARDING THE APPOINTMENT, COMPOSITION AND FUNCTIONS OF THE PUBLIC ARTS COMMITTEE.

THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code Chapter 1.70, Public Arts Committee, is adopted to read as follows:

Chapter 1.70 Public Arts Committee

Sections:

- 1.70.010 Created; Membership.
- 1.70.020 Terms of members; Vacancies.
- 1.70.030 Proceedings of Committee.
- 1.70.040 Duties and responsibilities of Committee.

1.70.010 Created; Membership. a. There shall be a City of Homer Public Arts Committee, hereinafter referred to as the Committee. The Committee shall consist of seven members, who shall be appointed by the Mayor subject to confirmation by the City Council. Prior to making appointments, the Mayor may solicit nominations from the Pratt Museum, community arts groups, and the public. The Committee membership shall include the following:

- 1. A working professional artist.
 - 2. A person working in the public education community.
 - 3. A City Council member.
 - 4. A person with experience or training related to the arts, such as art history, or employment in fields such as architecture, education, curation, conservation, performing arts or visual arts.
 - 5. A person representing the public at large.
- b. Up to two Committee members may reside outside the city limits; provided that preference shall be given to city resident applicants.

1.70.020 Terms of members; Vacancies. a. Members of the Committee are appointed for two-year terms, with three terms and four terms commencing in alternate years.

47 b. A vacancy on the Committee is filled for the unexpired term by appointment by
48 the Mayor subject to confirmation by the City Council.

49 c. The Committee may declare a vacancy in the office of a Committee member with
50 three or more unexcused absences from successive regular and special meetings of the
51 Committee.

52
53 1.70.030 Proceedings of Committee. a. The Committee may adopt, and from time to time
54 amend, regulations governing its proceedings, which shall be effective upon approval by City
55 Council resolution.

56 b. The Committee annually shall elect a chair and vice chair from its membership.
57 The chair shall preside at meetings of the Committee. In the absence of the chair, the vice chair
58 shall perform the duties of the chair.

59
60 1.70.040 Powers and duties. The Committee shall have the following powers and duties:

61 a. Advise the City Council, and City boards, commissions and departments
62 regarding the support of the arts.

63 b. Establish, subject to approval by City Council resolution, policies and procedures
64 regarding the acquisition, maintenance and disposition of works of art by the City.

65 c. Perform the functions related to the funding of works of art in public places that
66 are prescribed in HCC Chapter 18.07.

67 d. Advise the City in its administration of the public arts fund established by HCC
68 18.07.090.

69 e. Further the development and public awareness of the arts in the City.

70
71 Section 2. Subsection (b) of Homer City Code 18.07.040, Implementation, is amended
72 to read as follows:

73
74 b. The Public Arts Committee may adopt, and from time to time amend ~~shall develop~~
75 ~~and recommend to the administration and the Homer City Council administrative~~ regulations
76 setting forth the manner in which the requirements of this chapter shall be carried out, which
77 shall be effective upon approval by City Council resolution. ~~After the receipt and~~
78 ~~consideration of such recommendations, the City Manager will adopt administrative regulations,~~
79 ~~which will become effective upon City Council approval.~~

80
81 Section 3. Homer City Code 18.07.050 Selection, is amended to read as follows:

82
83 18.07.050 Selection. a. Where ~~the construction, creation or commissioning of~~ works of
84 art are to be incorporated in the construction, remodeling or renovation of a city ~~the building~~
85 or facility or its grounds, such works of art shall be selected and recommended to the Council for
86 approval by a jury of ~~at least three members~~ consisting of the architect or project designer, a
87 representative of the user department, a representative of the Public Arts Committee and such
88 additional ~~any other~~ persons that the Public Arts Committee may designate, subject as may

[Bold and underlined added. Deleted language stricken through.]

89 ~~be designated by regulation and recommended to the Council for approval.~~

90 b. Where ~~there will be an acquisition of existing works of art~~ **are to be commissioned or**
91 **acquired, but** ~~or the commissioning of works of art which will not be incorporated~~ **in the**
92 **construction, remodeling or renovation of a city building or facility or its grounds, such**
93 **works of art shall be selected and recommended to the Council for approval** ~~into the project~~
94 ~~design, selection shall be made or approved by a jury of at least three members consisting of a~~
95 ~~representative of the user department, one or more~~ **members** ~~representatives of the Public Arts~~
96 ~~Committee and~~ **such additional other persons that the Public Arts Committee may designate,**
97 **subject to** ~~as may be designated by regulation and recommended by the Council for approval.~~

98
99 Section 4. Homer City Code 18.07.060, Program Administration; Public Arts Committee,
100 is repealed.

101
102 Section 5. Homer City Code 18.07.070, Exemptions, is amended to read as follows:

103
104 18.07.070 Exemptions. **The City Council may waive the requirements of this chapter**
105 **in whole or in part as to the construction, remodeling or renovation of a city the building or**
106 **facility upon a finding by** ~~If it is found by the Public Arts Committee or City Manager that the~~
107 ~~inclusion of works of art in~~ **the construction, remodeling or renovation** ~~any specific project, as~~
108 ~~required by this chapter, would not provide any aesthetic benefit to the community or to the~~
109 ~~principal users of the building or facility,~~ ~~the Committee or City Manager may recommend to~~
110 ~~the City Council that there be granted a waiver from the requirements of this chapter in whole or~~
111 ~~in part. The Council shall make the final determination in any disputes arising from the~~
112 ~~administration of this section.~~

113
114 Section 6. This Ordinance is of a permanent and general character and shall be included
115 in the City Code.

116
117 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of
118 _____ 2010.

119
120 CITY OF HOMER

121
122
123
124 _____
125 JAMES C. HORNADAY, MAYOR

126 ATTEST:

127
128
129 _____
130 JO JOHNSON, CMC, CITY CLERK

[**Bold and underlined added.** Deleted language stricken through.]

- 131
- 132 YES:
- 133 NO:
- 134 ABSTAIN:
- 135 ABSENT:
- 136 First Reading:
- 137 Public Hearing:
- 138 Second Reading:
- 139 Effective Date:
- 140
- 141
- 142 Reviewed and approved as to form:
- 143
- 144

145 _____
146 Walt E. Wrede, City Manager

Thomas F. Klinkner, City Attorney

147
148 Date: _____

Date: _____

[Bold and underlined added. Deleted language stricken through.]

MEMORANDUM 10-148

**TO: MAYOR AND CITY COUNCIL MEMBERS
CITY OF HOMER**

FROM: THOMAS F. KLINKNER

RE: PUBLIC ARTS COMMITTEE ADMINISTRATIVE GUIDELINES

FILE NO.: 506,742.100

DATE: DECEMBER 3, 2010

Based on our discussion of this topic at the November 22, 2010 Council meeting, I have done the following. First, I have drafted the attached ordinance that provides for the creation, composition and duties of the Public Arts Committee in a form similar to that used for other City boards and commissions. Parts of this ordinance, particularly those regarding the Committee's duties, require input from the Council. Second, I have prepared the attached revision of the Committee's proposed administrative guidelines, principally (i) to eliminate duplication of material in the proposed ordinance and (ii) to modify provisions that purport to impose legal obligations on the City. Explanations of both the ordinance and the revisions to the Committee's administrative guidelines follow.

1. The Draft Ordinance. The draft ordinance consists of two parts. Section 1 adopts a new HCC Chapter 1.70 regarding the Public Arts Committee. This chapter follows the pattern used for other City boards and commissions in HCC Chapters 1.72 through 1.79. Sections 2 through 5 amend sections of HCC Chapter 18.07 regarding works of art in public places. Topics that the draft ordinance addresses are discussed below. Citations to the Committee's administrative guidelines refer to line numbers in the last draft of administrative guidelines prepared by the Committee, which is dated November 18, 2010.

A. Committee Composition. Proposed HCC 1.70.010(a) provides that the Committee shall consist of seven members, as currently provided in HCC 18.07.060. As required by AS 29.20.320, it provides that Committee members are appointed by the Mayor and confirmed by the Council. It also authorizes the Mayor to solicit nominations to the Committee, as HCC 18.07.060 presently authorizes the Council to do. I also have added the qualifications for Committee members that the Committee proposed in its administrative guidelines at lines 40-47. Proposed HCC 1.70.010(b) adds the provision that the Committee proposed in its administrative guidelines at lines 48-49 that up to two Committee

members may reside outside the City. ***What qualifications are required of Committee members, and whether non-City residents may serve on the Committee, are matters of policy for the Council to determine.***

B. Terms and Vacancies. Proposed HCC 1.70.020(a) provides the same terms for Committee members as HCC 18.07.060. Proposed HCC 1.70.020(b) provides for the filling of vacancies on the Committee in the same manner as HCC 18.07.060. Proposed HCC 1.70.020(c) provides for the Committee to declare a vacancy for the same unexcused absences from meetings as the Committee proposed in its administrative guidelines at lines 59-61.

C. Proceedings of Committee. Proposed HCC 1.70.030(a) authorizes the Committee to adopt regulations governing its proceedings, subject to Council approval. Proposed HCC 1.70.030(b) provides for officers of the Committee as the Committee proposed in its administrative guidelines at lines 102-113.

D. Powers and Duties. Proposed HCC 1.70.040 adopts a list of powers and duties for the Committee that is considerably abbreviated from the list the Committee proposed in its administrative guidelines at lines 21-33, 66-100 and 145-148. However, the powers and duties in proposed HCC 1.70.040 extend beyond the present functions of the Committee under HCC Chapter 18.07, which are limited to works of art in City buildings and facilities and the administration of the public art fund. ***What powers and duties should be assigned to the Committee is a matter of policy for the Council to determine.***

E. Adoption of Regulations. Section 2 of the ordinance would amend HCC 18.07.040(b) to clarify the procedure for the Committee to adopt regulations, and make it similar to the procedure by which the Council approves other administrative matters.

F. Selection of Works of Art. Section 3 of the ordinance would amend HCC 18.07.050 to clarify the manner in which a jury is designated to select works of art for acquisition by the City.

G. Repeal of HCC 18.07.060. Proposed HCC Chapter 1.70 would address the matters that presently are addressed in HCC 18.07.060, making the latter code section redundant. Therefore, the ordinance would repeal HCC 18.07.060.

H. Exemptions of Projects. The ordinance would amend HCC 18.07.070 to clarify the standards and procedure for exempting a City construction project from the requirement to include works of art.

2. Revisions to the Administrative Guidelines. I began the attached revision of the administrative guidelines by adopting all of the changes to the last draft of administrative guidelines prepared by the Committee, which is dated November 18,

2010. I then proposed deleting and adding material, both within the Committee's proposed revisions, and in the present administrative guidelines. An explanation of my revisions follows. Citations to line numbers refer the line numbers in the attached revision of the administrative guidelines.

A. Purpose, Composition, Terms and Responsibilities, Officers (lines 20-112; 146-148). Following the pattern established for other City Boards and Commissions, these matters should be addressed in the City Code. The draft ordinance would enact HCC Chapter 1.70 to do this. Proposed HCC Chapter 1.70 adopts the substance of the revised administrative guidelines regarding the Committee's composition, terms and officers. However, as noted above, HCC 1.70.040 adopts a list of powers and duties for the Committee that is considerably abbreviated from the list the Committee proposed in the administrative guidelines but that extends beyond the present functions of the Committee under HCC Chapter 18.07, which are limited to works of art in City buildings and facilities and the administration of the public art fund.

B. Selection of Works of Art (lines 246-286). The selection of works of art for acquisition by the City is governed by HCC 18.07.050, which provides:

18.07.050 Selection. a. Where the construction, creation or commissioning of works of art are to be incorporated in the building or facility or its grounds, such works of art shall be selected and recommended to the Council for approval by a jury of at least three members consisting of the architect or project designer, a representative of the user department, a representative of the Public Arts Committee and any other persons as may be designated by regulation and recommended to the Council for approval.

b. Where there will be an acquisition of existing works of art or the commissioning of works of art which will not be incorporated into the project design, selection shall be made or approved by a jury of at least three members consisting of a representative of the user department, one or more representatives of the Public Arts Committee and other persons as may be designated by regulation and recommended by the Council for approval.

The proposed ordinance revises the wording of HCC 18.07.050, but does not change its substance. Under HCC 18.07.050, a jury is selected by the Committee, subject to Council approval, to recommend the selection of works of art for acquisition. The acquisition of a selected work of art is subject to Council approval.

I made the following changes to the provisions regarding selection of works of art in the revised guidelines. First, I changed the revised guidelines to clarify that, as HCC 18.07.050 provides, the Committee's selection of a jury is subject to Council approval. Second, I substituted the term "jury" used in HCC

18.07.050 for the term "selection committee" used in the revised guidelines. This substitution clarifies the connection between HCC 18.07.050 and the revised guidelines. Finally, I adjusted the description of one member of a jury to conform to HCC 18.07.050.

C. Requests for Proposals (lines 302-305). For the reasons discussed above, I substituted the term "jury" for the term "selection committee."

D. Legal Issues. Several provisions of the revised guidelines appeared to impose legal obligations on the City. Such obligations should be imposed only by Council action—either by adoption of a budget to fund performance of the obligations or by approval of a contract with an artist, the terms of which include such obligations. I deleted or modified the following provisions for these reasons:

- Reservation to an artist of the right to approve changes to City-owned art (lines 311-314; 517-519). Any such reservation should be imposed only by a Council-approved contract with the artist.
- Reservation to an artist of the copyright to City-owned art (lines 317-318; 352-354; 361-362). Any such reservation should be imposed only by a Council-approved contract with the artist.
- Supervision of the installation of a work of art (lines 319-320). In many cases, it may benefit the City to hire an artist to supervise the installation of the artist's work. However, the City, which commissioned the work of art, should determine when to do so.
- References to applicable laws (lines 361-362; 441; 450; 517; 543-544). Nothing in the administrative guidelines indicates whether their author determined that such laws exist. If they do, they should be cited with specificity. A general obligation to comply with applicable law simply states one's existing responsibility to obey the law, and does not inform the reader regarding what obligations apply in a specific situation.
- Maintenance of works of art (lines 315-316; 417). The Council determines the level of maintenance that the City will provide through its adoption of the annual budget for the City.
- Donor restrictions (386-387). The Council should retain the authority to determine whether to accept donations subject to restrictions imposed by the donor.
- Establishment of public art fund (lines 556-557). HCC 18.07.090 establishes this fund, so there is no need for the Committee to do so.

3. Conclusion. In conclusion, I recommend that the Council (i) adopt the proposed ordinance with any changes regarding the composition and powers of the Committee that the Council desires; and (ii) adopt the Committee's revised administrative guidelines with the modifications discussed above.

TFK/CMM

cc: Walt Wrede
Jo Johnson

Homer Public Arts Committee Administrative Guidelines
12/03/10 TFK Revisions to PAC Draft of 11/18/10

HOMER PUBLIC ARTS COMMITTEE
ADMINISTRATIVE GUIDELINES
(Revised _____, 201_)

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 who 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.~~

Homer Public Arts Committee Administrative Guidelines
12/03/10 TFK Revisions to PAC Draft of 11/18/10

49 ~~Terms of Committeemembers~~

50

51 ~~A. Terms of the Public Arts Committee members shall be two (2) years.~~

52 ~~B. Terms shall expire on April 28 of the designated year.~~

53 ~~C. Each member shall serve until his or her successor has been appointed by City Council.~~

54 ~~D. In the event that a position is vacated before the expiration of the term, except temporary~~
55 ~~vacancies as hereinafter provided, the position shall be filled by the City Council for the remainder of the~~
56 ~~unexpired term.~~

57 ~~E. The appointment of any member of the Public Arts Committee who has been absent three or~~
58 ~~more consecutive meetings, whether regular or special, without notice shall automatically be~~
59 ~~terminated. The Staff or Clerk shall notify the member who is terminated and report to City Council that~~
60 ~~a vacancy exists and submit notice as required that there is a vacancy.~~

61 ~~F. Public Arts Committee members serve in an advisory manner to City Council.~~

62 ~~G. Public Arts Committee members shall serve without compensation.~~

63

64 ~~Powers and Duties of the Public Arts Committee~~

65

66 ~~The Public Arts Committee is specifically responsible to:~~

67

68 ~~A. Act in an advisory capacity to the City Council in all matters pertaining to the arts and culture of~~
69 ~~the City;~~

70 ~~B. Recommend to the City Council the adoption of such ordinances, rules, and regulations as it may~~
71 ~~deem necessary for the administration and preservation of fine arts, performing arts and aesthetic~~
72 ~~aspects of the community;~~

73 ~~C. Work cooperatively with city boards, commissions and committees, city departments, and~~
74 ~~private and public organizations in creating and promoting art and cultural programs and activities~~
75 ~~within the city;~~

76 ~~D. By establishing policies, act as a catalyst bringing government, the arts and culture, and public~~
77 ~~sectors together for the benefit of all residents;~~

78 ~~E. Establish policies that encourage, conduct, sponsor or co-sponsor public programs to further the~~
79 ~~development and public awareness of and interest in the arts;~~

80 ~~F. Encourage the use of professional practices in working with artists;~~

81 ~~G. Serve as the City's ambassadors to artists, arts organizations and the general public;~~

82 ~~H. Communicate to the public about the City's arts program and policies;~~

83 ~~I. Review and make recommendations upon all works of art to be acquired by the City, either by~~
84 ~~purchase, gift or otherwise pursuant to the City's Accession and Gift Policies.~~

85 ~~J. Review and make recommendations with reference to any existing work of art in the Municipal~~
86 ~~Art Collection in connection with the relocation or alteration thereof, pursuant to the City's~~
87 ~~Deaccessioning policy;~~

88 ~~K. Review and make recommendations upon all works of art to be removed from the Municipal Art~~
89 ~~Collection, pursuant to the Deaccessioning policy;~~

90 ~~L. Promulgate policies and procedures for the development and implementation of public art in~~
91 ~~the city;~~

92 ~~M. Prioritize public art projects in a way that identifies and defines the public art projects and~~
93 ~~programs to be developed from the 1 percent for art monies;~~

94 ~~N. Provide stewardship to the Municipal Art Collection by reviewing the condition of the artwork~~
95 ~~every two years and making recommendations for its care, maintenance, or improvement, including~~
96 ~~routine maintenance, conservations, and emergency maintenance when required;~~

Homer Public Arts Committee Administrative Guidelines
12/03/10 TFK Revisions to PAC Draft of 11/18/10

- 97 ~~O. — Record and maintain all data related to accessed works in the Municipal Art Collection;~~
98 ~~P. — Review and make recommendations for visual artwork and artistic elements be considered for~~
99 ~~placement on City of Homer property and upon request for placement on city rights-of-way;~~

100

101 ~~Officers and Committee~~

102

103 ~~A. — The Public Arts Committee shall have one Chair and one Vice Chair with terms of one year,~~
104 ~~electd by a simple majority of the committee;~~

105 ~~B. — The Chair and Vice Chair shall be elected during the meeting held in May of each year;~~

106 ~~C. — No member may serve more than two consecutive terms as Chair or Vice Chair;~~

107 ~~D. — The Chair shall preside over all meetings of the Public Arts Committee. In the event that the~~
108 ~~Chair is or will be absent the Vice Chair will fulfill the duties of the Chair;~~

109 ~~E. — If for any reason the Chair relinquishes his or her authority before the expiration of their term of~~
110 ~~office, the Vice Chair will assume the role of Chair. Elections will be held to select a new Vice Chair at the~~
111 ~~next regular meeting.~~

112 ~~F. — The Chair shall work with Staff or the Clerk in preparing the agenda for the meeting;~~

113

114 Meetings of the Public Arts Committee

115

116 A. The Public Arts Committee shall meet quarterly on the second Thursday of February, May,
117 August and November at 5:00 p.m. The meeting shall not exceed ninety (90) minutes in length. A
118 worksession will be held ~~monthly~~ on the second Thursday of February, May, August and November at
119 4:00 p.m. ~~and~~ prior to each regular meeting.

120 B. Special meetings may be called by the Chair, Vice Chair or members of the committee as
121 required to carry out business in a timely manner.

122 C. Scheduling of special meetings or worksession require a two week notice for proper
123 advertisement by the City Clerk's office as required by law.

124 D. A quorum is required for a meeting to be conducted and any action taken by the committee
125 members during that meeting.

126 E. Worksessions do not require the presence of a quorum. No action can be taken at a worksession
127 it is primarily for discussion purposes only.

128 F. All meetings will be held in the Cowles Council Chambers or alternative location as designated.

129 G. All meetings are to be recorded in acceptable audio format according to established rules.

130

131 Organization and Procedures

132

133 The following by-laws and administrative guidelines shall govern the procedures and operations of the
134 Public Arts Committee;

135 A. To abide by the current edition of Robert's Rules of Order insofar as this treatise is consistent
136 with these by-laws, the Homer City Code, Alaska State law or Borough Code;

137 B. Four members shall constitute a quorum;

138 C. A majority vote of the quorum is required to pass any motion.

139 D. Requests for items to be placed on the agenda must be submitted no later than 5:00 p.m. on
140 Wednesday the week prior to the scheduled meeting or worksession;

141 E. Permanent records or minutes shall be kept of the proceedings of the regular monthly meetings.
142 The minutes will record the vote of each member upon every question. Every decision shall be filed in
143 the office of the City Clerk and shall be public record open to inspection.

Homer Public Arts Committee Administrative Guidelines
12/03/10 TFK Revisions to PAC Draft of 11/18/10

144 F. The Public Arts Committee shall submit a report to City Council as required to update progress
145 on current projects.

146 ~~G. Perform other duties as required by the City Manager and or City Council;~~

147 ~~H. Oversee the 1% for Art Program~~

148 ~~I. The Public Arts Committee administrative guidelines are to be reviewed periodically and~~
149 ~~updated as required.~~

150 G. Agendas are to follow the format as described in the City of Homer City Council Operating
151 Manual.

152		
153	PUBLIC ARTS COMMITTEE	DATE
154	ADDRESS	DAY AND TIME
155	CITY, STATE	LOCATION
156		

MEETING NOTICE

LIST TYPE OF MEETING - REGULAR WORKSESSION OR SPECIAL

- 159
- 160 1. CALL TO ORDER
 - 161 2. APPROVAL OF THE AGENDA
 - 162 3. PUBLIC COMMENT REGARDING ITEMS ON THE AGENDA (3 Minute Time Limit)
 - 163 4. RECONSIDERATION
 - 164 5. APPROVAL OF MINUTES
 - 165 A. Meeting Minutes
 - 166 6. VISITORS
 - 167 7. STAFF & COUNCIL REPORT/COMMITTEE REPORTS/BOROUGH REPORTS
 - 168 8. PUBLIC HEARING (3 minute time limit)
 - 169 9. PENDING BUSINESS
 - 170 10. NEW BUSINESS
 - 171 11. INFORMATIONAL MATERIALS
 - 172 12. COMMENTS OF THE AUDIENCE
 - 173 13. COMMENTS OF THE CITY STAFF
 - 174 14. COMMENTS OF THE CHAIR
 - 175 15. COMMENTS OF THE COMMITTEE
 - 176 16. ADJOURNMENT/NEXT REGULAR MEETING IS SCHEDULED FOR [DATE] at [TIME] in the Homer
177 City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

178 H.K. A member of the Public Arts Committee will be designated each worksession to take notes and
179 submit a draft synopsis to Staff for inclusion in the packet to track the progress by the committee on
180 projects and work product.

181
182 1% for the Arts Program

183
184 The State has recognized through the enactment of AS 35.27.010, and the City of Homer hereby
185 recognizes by the enactment of this chapter, the responsibility of government to foster the
186 development of culture and the arts through the purchase or commissioning of works of art for
187 municipal buildings and facilities. It is therefore declared to be municipal policy that a portion of
188 appropriations for capital expenditures for municipal buildings and facilities be devoted to the
189 acquisition of works of art to be permanently placed or incorporated in such buildings or facilities. (Ord.
190 02-25(A), 2002.)

191

Homer Public Arts Committee Administrative Guidelines
12/03/10 TFK Revisions to PAC Draft of 11/18/10

192 **Definitions**

193 The following words, terms and phrases, when used, shall have the meaning ascribed to them in this
194 section, except where the context clearly indicates a different meaning:

195 "Art" and "work of art" mean all forms of original creations of visual art, including but not limited to the
196 following:

- 197 1. Sculptures: in the round, bas relief, high relief, mobile, fountain, kinetic or electronic, in any material
198 or combination of materials.
- 199 2. Painting: all media, including portable and permanently affixed works, such as murals.
- 200 3. Graphic arts: printmaking and drawing.
- 201 4. Mosaics.
- 202 5. Photography.
- 203 6. Crafts: in clay, fiber and textiles, wood, metal, plastics and other materials.
- 204 7. Calligraphy.
- 205 8. Mixed media: any combination of forms or media, including collage

206
207 "Construction, remodeling or renovation of municipal buildings and facilities" means any capital
208 improvement projects paid for wholly or in part by the municipality to build, rebuild or improve any
209 decorative or commemorative structure, park or parking facility or any building.

210
211 "Total cost of construction, remodeling or renovation" means the total allotted funding for the subject
212 project at the time of award of contract, exclusive of the costs of land acquisition, site investigation, and
213 environmental clean up or remediation. (Ord. 02-25(A), 2002.)

214
215 The Public Arts Committee shall be responsible for the following:

- 216 A. Determine the dollars allocated for art within the budget of each eligible project;
- 217 B. Name a Selection Committee for each project;
- 218 C. Develop and monitor policies related to the selection and installation processes;
- 219 D. Develop plans that insure the preservation of the art collection;

220
221 **Procedures for the 1% for the Arts Program**

222
223 **Eligible Projects**

- 224
225 1. Upon approval of the City budget, the City Manager will provide a copy of the capital
226 improvement budget to the PAC, notating all projects he/she believes to be included in Ordinance 02-
227 25(A).
- 228 2. Eligible projects include remodeling, renovation, new construction to municipal buildings or
229 facilities when the cost of the project exceeds \$250,000.
- 230 3. Staff will update the Public Arts Committee at least quarterly regarding any new capital
231 improvement projects City Council has approved and will indicate whether the City Manager believes
232 the 1% for Art Program is applicable.

233
234 **Project Budget**

- 235
236 1. 1% of the project cost will be allocated for the purchase of art, with a minimum project value of
237 \$250,000 and a maximum of \$7,000,000. Therefore, the minimum budget is \$2,500 and the maximum is
238 \$70,000. The budget may be increased by the addition of private funds or donations from non-city
239 public funds.

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240 2. Project cost is defined as the cost of the original contract awarded, excluding land acquisition,
241 site investigation, environmental cleanup or remediation. Subsequent change orders and amendments
242 to the contract do not increase or decrease the amount of funding available for artwork.

243 3. The art budget will include all costs associated with design, construction, installation, and
244 acquisition of works of art.

245

246 Jury Selection Committees

247

248 1. The Public Arts Committee will submit to the Council for its approval members of form a new
249 Jury Selection Committee for each eligible project. Appointments will be made as early as possible in the
250 construction process to encourage integration of art into the architecture of the building and design of
251 the outdoor spaces.

252 2. A Jury Selection Committee will be composed of at least five (5) members, including

253 a. One member from PAC,

254 b. One Artist

255 c. One member from the architectural/design team,

256 d. One member from the a-user department group

257 e. Director of building in question or his/her designated representative.

258 The scope of the project may require the appointment of additional members.

259 3. The City staff liaison to the Public Arts Committee will also assist the Jury Selection Committee.
260 This will facilitate clear communication and cooperation between the two committees.

261 4. Diversity. The Public Arts Committee will specifically include members of the community who
262 share a commitment to the goals of this Ordinance yet represent the diverse citizenry in our community.

263 5. Responsibilities of a Jury Selection Committee

264 a. Jury Selection Committee members will suggest the most suitable locations for artwork
265 within the building or on the site, often in discussion with the architect or chief designer. It is also
266 appropriate to allow artists to submit proposals for locations not identified by the jury committee.

267 b. The jury Selection Committee will organize interaction between the design team and artists
268 to ensure that artists are sufficiently briefed about the project opportunities and restrictions. The goal is
269 to generate top quality, responsive proposals.

270 c. Carefully review each eligible submission. This will frequently be a multi-step process, with
271 time between meetings for personal reflection.

272 d. If necessary, a specific member of the jury Selection Committee or the staff liaison may be
273 directed to discuss modifications to a specific proposal with the artist. All such discussions shall be
274 confidential, and members must exercise care so a specific artist does not construe such discussion as
275 acceptance of work.

276 e. Prepare list of Recommend Artwork for the named project and a short list of runners-up, if
277 possible. (Occasionally 1st choice work will not be available and this process may preclude the need to
278 reconvene the jury Committee.)

279 f. Jury Committee Chairman will present the list of Recommend Artwork to the City Council
280 for final approval. Presentation may include a brief summary of the selection process, including number
281 of submittals, names of the selection committee members and other information that encourages
282 final acceptance by City Council members.

283 g. Staff will notify all selected artists of their award and thank all participants.

284 h. All participants, including jury Selection Committee members and all artists who
285 submitted proposals will be offered a formal opportunity to comment on the process. PAC will receive
286 these comments.

287

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288 NOTE: The entire selection process must be handled confidentially. No decisions are final until
289 approved by City Council and final contracts are negotiated with the artists.
290

291 **Additional Oversight by Public Arts Committee under the 1% program**
292

293 1. Requests for Proposals

294 a. PAC, with the assistance of staff, will prepare an RFP for each eligible project. (See sample
295 in Exhibit A)

296 b. Staff will circulate the RFP, as required by City code. In addition, PAC will develop a
297 registration system for anyone who wants specific notification of announced RFP opportunities.

298 c. Packets of additional information that describes the project will be available in City Hall
299 and/or online. It will include the brochure, "Special Considerations for Art in Public Places" (See
300 Exhibit B)

301 2. Establishing Selection Criterion

302 a. PAC will provide each member of the jury Selection committee with a complete RFP, including
303 the "Special Considerations" brochure. Members will be asked to remember these
304 considerations in their art selections.

305 b. PAC will provide the jury Selection Committees with an *Evaluation Checklist* (see Exhibit C).

306 c. PAC may specify that certain projects will show a preference for art by local or Alaskan artists.

307 3. Legal Considerations. The Public Arts Committee is a liaison between artists and the City, the
308 principals in this program. These guidelines will clarify the understanding between them:

309 a. Ownership of the Art: All art purchased under the 1% for Art Ordinance will be owned by the
310 City of Homer.

311 b. Artist's Rights: Public artwork and art concepts will not be altered, modified, removed or
312 moved from a site which is integral to the concept for the work without prior notice to the
313 ~~artist's written permission~~. If the City's best and reasonable efforts to contact the artist have
314 failed, the City may proceed without such notice with plans for repair and relocation.

315 ~~———— Maintenance of public artworks shall be the responsibility of the City and the City commits to~~
316 ~~———— keep them in a well-maintained state.~~

317 ~~———— Copyright of public artworks and art concepts belong to the artist, but the City is granted the~~
318 ~~———— right to make two-dimensional reproductions for noncommercial purposes.~~

319 ~~———— For the purposes of quality and design control, the artist shall have the right to supervise~~
320 ~~———— installation of the work, when done by third parties.~~

321 c. Artist's Promise to the City of Homer:

322 The art is unique and original and does not infringe upon any copyright.

323 Neither the art nor a duplicate has been accepted for sale elsewhere.

324 The art is free and clear of any liens.

325 The fabricated and installed art will be free of defects in material and craftsmanship.

326 Maintenance requirements have been accurately described;

327 4. Contract with an Artist: The City of Homer will enter into a contract with each artist whose work
328 is selected for inclusion in a City project. It will address description of the project, payment schedule,
329 payment of special engineering or installation costs, due date. (See sample in Exhibit D).

330

331 Accession Policy

332

333 To establish an orderly and consistent process for reviewing artwork for acceptance into the Municipal
334 Art Collection ensuring that the collection is comprised of artwork of the highest quality.

335

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336 Definition

337 Accession is to accept artwork in to the Municipal Art Collection

338

339 Policy

340 1. Accession procedures insure that the interests of all concerned parties are represented
341 including the Public Arts Committee, the Public, the Artist, the Arts Community and the City of Homer.

342 2. Artwork shall be distinctive artistic merit and aesthetic quality and will enhance the diversity of
343 the Municipal Art Collection.

344 3. Artwork shall be appropriate in and for its site, scale, material, form, and content for both its
345 immediate and general social and physical environment.

346 4. Artwork shall be reasonably durable against theft, vandalism, weather, and excessive
347 maintenance costs.

348 5. Accession implies the responsibility to preserve, protect, and display the artwork for public
349 benefit.

350 6. Accession implies a work's permanency within the Municipal Art Collection, providing that the
351 work retains its physical integrity, identity and authenticity.

352 7. Artwork will be acquired without restrictions as to its future use and disposition except ~~with~~
353 ~~respect to copyrights and certain clearly defined residual rights contained~~ **as provided** in contracts with
354 artists.

355 8. Artwork will be accessioned into the City of Homer's Municipal Art Collection only upon
356 completion of all facets of the Commissioning or purchasing contract and final approval of City Council.

357 9. Each accessioned work into the Municipal Art Collection will be documented to the fullest
358 extent possible, including artist's last known address and when available photograph.

359 10. The artist's signed contract or release transferring title for the artwork and clearly defining the
360 rights and responsibilities of all parties will accompany every accessioned work and shall be in the
361 documented records of the work. ~~The artist's copyrights will be maintained in accordance with~~
362 ~~established Federal, State, Borough Law and Homer City Code.~~

363 11. In the case of interagency or interlocal agreements a copy of the agreement and signatures of all
364 parties will be kept in the office of the City Clerk.

365 12. Accession results from projects and purchases generated as part of the Municipal Art program
366 except in case of donations which will be reviewed in accordance with the City of Homer Public Arts
367 Committee policy on gifts and if accepted will be accessed pursuant to this accession policy.

368

369 Gift Policy

370

371 Purpose

372 To identify a procedure and criteria for the Public Arts Committee to review proposed gifts of artwork.

373

374 Definition

375 Gifts are personal or real property that is donated or bequeathed with or without restrictions to the City
376 of Homer for actual artwork, property for placement or funds for the acquisition of artwork.

377

378 Policy

379 1. The Public Arts Committee will review all proposed gifts as defined above and will evaluate the
380 suitability of proposed gifts and make recommendations to the Homer City Council in accordance with
381 Homer City Code which allows acceptance of donations.

382 2. Each Proposed gift will be reviewed for the following:

383 a. Aesthetic Quality – the proposed gift has significant aesthetic merit.

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- 384 b. Appropriateness of Chosen Site or Location – scale of artwork is appropriate for the site
385 including relationship between the artwork and the site and obstacles of the site.
- 386 c. Restrictions from the Donor – any restrictions must be clearly identified and may be a factor
387 in determining whether to accept a gift if accepted expectations must be met by the City.
- 388 d. Originality of Artwork – artworks must be one of a kind or part of an original series
389 reproductions of originals are not considered eligible for acceptance.
- 390 e. Relationship to the Collection as a Whole – the Public Arts Committee is committed to
391 creating a diverse collection of art. The proposed gift must be compatible with the Municipal Art
392 Collection without being over represented.
- 393 f. Technical Feasibility – the realistic ability for the proposed project to be built and installed as
394 proposed in the selected location.
- 395 g. Technical Specifications – the Public Arts Committee must review the actual work if available
396 or a scale drawing and or model consisting of site plans and elevations describing the following:
- 397 1. Surrounding site conditions if applicable
398 2. Dimensions
399 3. Materials and finishes
400 4. Colors
401 5. Electrical, Plumbing, or other utility requirements
402 6. Construction and installation method
403 7. Additional support material such as text verbally describing the artwork and specifications,
404 models, or presentation drawings by a licensed engineer may be required.
- 405 h. Budget – cost to manage the project, prepare the site, deliver and or install the work, funds
406 for signage/recognition, and any other cost should be disclosed by the donor in a budget. The Public
407 Arts Committee will determine if the costs are accurate and realistic and that the donor has clearly
408 delineated responsibility for all costs associated with the project.
- 409 i. Timeline – expected timeline for donation or installation should be proposed by the donor.
410 The Public Arts Committee will determine if the timeline is realistic.
- 411 j. Durability – expected lifetime and staying power of the material used to create the artwork
412 especially if set in the out of doors or in a non-archival exhibition setting and exposed to the elements.
- 413 k. Warranty – the donor agrees to be responsible for a warranty period of one (1) year from the
414 date of final installation of the artwork to insure the integrity of the material, fabrication and installation
415 when installed in or on a city owned facility or property.
- 416 l. Vandalism and Safety – the artwork will not be prone to vandalism or pose a safety hazard.
417 ~~Precautions against vandalism will be taken as much as feasibly possible.~~
- 418 m. Maintenance and Preservation – donor’s agreement to provide a technical and maintenance
419 record including a plan for routine care with estimated costs. The donor must indicate if there are any
420 unusual or ongoing costs to maintain artwork.
- 421 3. Donors proposing gifts will be informed of the importance of the above criteria in the Public Arts
422 Committee consideration.
- 423 4. The Public Arts Committee will have final authority through the City Manager to review and
424 recommend to Homer City Council to accept or reject the donated artwork.
- 425 5. All gifts that are recommended for acceptance will only be accessed into the Municipal Art
426 Collection pursuant to the Accession Policy.
- 427
- 428 Procedure to Propose a Donation of Artwork to the City of Homer
- 429
- 430 The Public Arts Committee is charged with the responsibility of evaluating the suitability of a proposed
431 artwork and making recommendation to the City Council as to whether or not to accept it as a gift. If

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432 accepted, the donated work becomes the responsibility of the City of Homer, which will inventory,
433 insure, maintain and repair it as required by Homer City Code and Alaska State Law.

434

435 Definition

436 Gifts are personal or real property that is donated, devised or bequeathed with or without restrictions
437 to the City of Homer. Gifts can be actual artwork, property for placement of artwork or funds for the
438 acquisition of artwork.

439

440 Gift Policy is the policy that identifies the procedure and criteria for reviewing proposed gifts of artwork
441 to the City of Homer ~~and outlined in Homer City Code XXXX.~~

442

443 Accession Policy is the policy that defines an orderly and consistent process for reviewing artwork for
444 acceptance into the Municipal Art Collection insuring that the collection is comprised of artwork of the
445 highest quality.

446

447 Process

448 The Public Arts Committee will review all proposed gifts according to the Gift Policy. They will evaluate
449 the suitability of the proposed gifts and make recommendations to the Homer City Council through the
450 City Manager ~~in accordance with applicable Homer City Code and Alaska State Law.~~

451

452 In order to provide the Public Arts Committee with the information necessary to evaluate the proposed
453 artwork in accordance with the Gift Policy and Accession Policy the potential donor or donor's
454 representative must complete the Gift Proposal Application and submit to the City of Homer, City Clerk's
455 Office.

456

457 Presentation to the Public Arts Committee

458

459 If applicable the donor will be scheduled to present his or her proposal to the Public Arts Committee at
460 the next regular meeting. The donor is expected to present the actual artwork or model or scale
461 drawings of the proposed piece. If it is not possible depending on the artwork a photograph may be
462 accepted upon approval of a majority vote of the Public Arts Committee.

463

464 The Public Arts Committee will review the proposal consider the presentation and make a
465 recommendation at the meeting. If the proposal materials do not give the Public Arts Committee
466 enough information to make an educated recommendation they may request to postpone
467 recommendation until further information is provided by the donor.

468

469 PRESERVATION OF THE MUNICIPAL ART COLLECTION

470

471 1. Registry

472

473 The City's art collection will be catalogued and a registry maintained. Each entry will include

- 474 a. name and contact information for the artist
475 b. title of the work, date created, dimensions
476 c. photographs of the work
477 d. the artist's cleaning and maintenance recommendation;
478 e. an artist's statement regarding the work, if possible.

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- 479 f. An identification number _____ (year installed), _____ consecutive number (for example:
480 2006-#21). This number will also be affixed to the piece of art or to its label.
481 g. Exact location of the artwork.
482 h. Techniques and materials used in creating the artwork.
483

484 The registry will be bound and stored in the library and City Clerk's Office. The City will also provide an
485 official label for each piece of art that will be consistent in style and material.
486

487 Color Photo of artwork

488 Artist Name(s)

489 Title of Artwork

490 Year Completed/Date

491 Medium Used

492 Size/Dimensions

493 Location

494 Physical Description of the piece.

495 Short Summary about the Artist

496 Summary Comment on the artwork.
497

498 Inspection and Maintenance of Artwork
499

500 All building and grounds supervisors will be instructed to inform the Public Art Staff or the Clerk if
501 vandalism is observed or the artwork requires maintenance.

502 All cleaning and maintenance will follow the instructions provided by the artist.

503 If the artwork requires extensive repairs, the City will make a good-faith effort to obtain advice from
504 the artist. If no information is forthcoming, the City may proceed with its best practice.
505

506 De-Accessioning Purchased and Donated Items
507

508 The City has the responsibility for conserving the collection, and because the disposal of artworks may
509 have serious implications for the artists, removing the items from the collection should be a deliberate
510 and seldom-used procedure. It is the policy of the City not to dispose of works simply because they are
511 not currently in fashion and not to dispose of works whose worth might not yet be recognized.
512

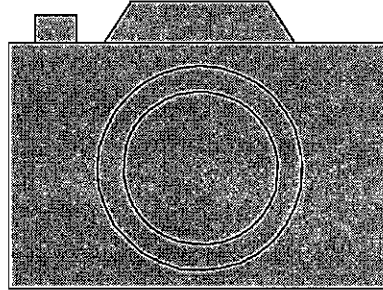
513 Purchased or donated items which have been accepted into the Municipal Art Collection will be de-
514 accessioned only at the direction of the City Council, which shall consider the recommendations and
515 comments of the Public Arts Committee, Staff and any public comment received.
516

517 The City will comply with all applicable laws pertaining to de-accessioning of art items including
518 ~~contacting the donor and artist (if known)~~. If documents provide for de-accessioning, such documents
519 will determine the method and manner of the de-accessioning.
520

521 Examples of situations where de-accessioning would be considered include:
522

523 a. The item(s) has deteriorated beyond a reasonable means of conservation or in deteriorating,
524 has lost its usefulness.

525 b. The authenticity, attribution, or genuineness of the item(s) is determined to be false or
526 fraudulent.



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- 527 c. The item(s) is redundant or is a duplicate that has no value as part of a series.
528 d. The item(s) is located in an area where jurisdiction will be transferred to another entity or is
529 made inaccessible to the public.

530

531 The Public Arts Committee may recommend any of the following courses of action as a result of a
532 deaccessioning review. The Committee shall not be limited to these courses of action and may suggest
533 new methods as may be demanded by a particular set of circumstances:

- 534 a. Relocate the work of art. This course of action shall be given highest priority.
535 b. Remove the work from display and maintain in a safe storage.
536 c. Yearly City Surplus Sale
537 d. Private sale
538 e. Exchange for another work by the artist
539 f. Gifting the piece to a non-profit organization
540 g. Recycling

541

542 Destruction of the item(s) may be considered where the physical condition of the work is severely
543 deteriorated or will be irreparably damaged by the de-accessioning process. ~~In each case, the applicable~~
544 ~~laws will be followed before an item(s) is de-accessioned.~~

545

546 In appropriate instances, appraisals of the item(s) to be de-accessioned will be sought from outside
547 sources.

548

549 Encouraging Additional Public and Private Art in Public Spaces, and Promoting Public Awareness and
550 Appreciation for the Municipal Art Collection

551

552 Ordinance 02-25(A) encourages the addition of private money into the public art program. Any art
553 purchased with such funds will be owned 100% by the City of Homer and the City will have responsibility
554 for selection, installation, maintenance and repairs.

555

556 ~~The Public Arts Committee may establish a Public Art Fund to provide a convenient method to accept~~
557 ~~donations.~~

558

559 The Public Arts Committee will be a resource for business owners who wish to include art in their
560 business location.

561

562 The Public Arts Committee will endeavor to obtain buy-in from affected city departments and a wide
563 variety of governmental and non-governmental organization, as required, to ensure the successful
564 implementation of the public art policy.

565

566 The committee will work to establish partnerships with private funders to help the art policy proponents
567 work with and advise patrons who are funding public-art projects privately. This will help guarantee that
568 these projects meet a set of agreed-upon requirements and fulfill the goals and vision set forth in this
569 policy.

570

571 The Public Arts Committee will identify alliance opportunities with institutions, organizations, and the
572 public. Partner with them to publicize and discuss how public art can help further the mission of their
573 specific organization.

574

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575 Raise support among the press to help the fundraising efforts to educate and inform the public about
576 the many different types of public art, and the wealth and ability of the local arts community.

577

578 Keep the information flowing about the progress of any public art initiatives started.

579

580 Public Arts Committee, with the assistance of users, will plan an installation ceremony upon completion
581 of each project. Costs for this event will be from the annual PAC budget or underwritten by donors.

582

583 Public Arts Committee will plan events and promotional tools that invite residents and visitors to enjoy
584 the City of Homer art collection. These might include walking tour maps, guest lectures, on-line
585 catalogue, etc.

586

587 Funding for the Municipal Art Collection

588

589 A public art fund is established in accordance with Homer City Code ~~Chapter~~ 18.07.090, Public Art
590 Fund, as a separate, interest bearing account in the city general fund to receive money for the public art
591 program from the following sources:

592

593 1. Funds for public art fees received from private development.

594 2. Funds donated to the city for public art.

595 3. Other funds appropriated by the council for public art.

596

597 Money in the public art fund shall be used solely to pay the costs of selecting, commissioning, acquiring,
598 installing, maintaining, public education regarding, administrating, removing and insuring the works of
599 public art, and any other expense related thereto.

600

601 Interest earned on money in the public art fund shall be deposited in the public art fund.

602

603 The public art fund is administered by the city with the advice of the Public Arts Committee.

604

605 The Public Arts Committee annually shall prepare a plan for expenditures from the public art fund for
606 approval by the city council.

607 (Ord.09-51(A) §1, 2009)

608

609 Encourage the addition of private money into the public art program. Any art purchased with such
610 funds will be owned 100% by the City of Homer and the City will have responsibility for selection,
611 installation, maintenance and repairs.

612 (Ord. 02-25(A) 2002)

613

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

DECEMBER 13, 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.**
2. **AGENDA APPROVAL** (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg. 5)
3. **REGULAR MEETING AGENDA**
4. **COMMENTS OF THE AUDIENCE**
5. **ADJOURNMENT NO LATER THAN 5:50 p.m.** Next Committee of the Whole scheduled for Monday, January 10, 2011 at 5:00 p.m. Next Regular Meeting is Monday, January 10, 2011 at 6:00 p.m. Special Meetings are scheduled for Tuesday, January 4, 2011 at 5:30 p.m. and Monday, January 10, 2011 at 4:00 p.m. All meetings are scheduled to be held in the City Hall Cowles Council Chambers.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

AGENDA APPROVAL

**MEETING NOTICE
REGULAR MEETING AGENDA**

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

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE

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

2. AGENDA APPROVAL

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

3. PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

4. RECONSIDERATION

- 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 77

Memorandums 10-140 and 10-152 from Public Works Superintendent as backup.

Page 79

5. CONSENT AGENDA

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

- A. Homer City Council unapproved Regular Meeting minutes of November 22, 2010. City Clerk. Recommend adoption. Page 87
- B. **Memorandum 10-146**, from Deputy City Clerk, Re: Liquor License Renewal for Beluga Lake Lodge and Best Western Bidarka Inn. Page 109
- C. **Memorandum 10-147**, from Mayor, Re: Appointment of Caroline Venuti to the Transportation Advisory Committee. Page 119

6. VISITORS

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

8. **PUBLIC HEARING(S)**

A. **Ordinance 10-51(S)**, 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, Second Reading December 13, 2010. Page 127

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 173

Memorandum 10-153 from Port and Harbor Advisory Commission as backup. Page 179

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 187

- 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 and Public Hearings November 22 and December 13, 2010. (To follow Budget Ordinance 10-51.) Page 193
- E. **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. Introduction November 22, 2010, Public Hearing and Second Reading December 13, 2010. Page 195
- Memorandums 10-135 and 10-136 from Police Chief as backup. Page 199
- F. **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. Introduction November 22, 2010, Public Hearing and Second Reading December 13, 2010. Page 205
- Memorandum 10-137 from Police Chief as backup. Page 209
9. **ORDINANCE(S)**
- A. **Ordinance 10-56**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.03.040, Definitions; Enacting Homer City Code Chapter 21.44, Slopes; and Amending Homer City Code 21.50.020, Site Development Standards – Level One, and Homer City Code 21.50.030, Site Development Standards – Level Two; Regarding the Regulation of Development Activity on Sites Affected by Slopes. Planning. Recommended dates: Introduction December 13, 2010, Public Hearing and Second Reading January 10, 2011. Page 235
- Memorandum 10-149 from City Planner as backup. Page 245

- B. **Ordinance 10-57**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 11.04.030, Definitions; Amending Homer City Code 11.04.040, Street Construction, Design and Dedication Requirements—General; Amending Homer City Code 11.04.120, Sidewalks; Amending Homer City Code 21.52.030, Development Plan; Amending Homer City Code 22.10.030, Definitions; Amending Homer City Code 22.10.050, Improvement Requirements—General; and Homer City Code 22.10.051, Utility Easements; Regarding Subdivisions and Subdivision and Planned Unit Development Improvement Requirements. Planning. Recommended dates: Introduction December 13, 2010, Public Hearing and Second Reading January 10, 2011.

Page 477

Memorandum 10-150 from City Planner as backup.

Page 485

- C. **Ordinance 10-58**, An Ordinance of the City Council of Homer, Alaska, Repealing and Reenacting Homer City Code Chapter 21.95, Legislative Procedures and Amendments, Regarding the Standards and Procedures for Amending Title 21 of the Homer City Code and Amending the Official Zoning Map. Planning. Recommended dates: Introduction December 13, 2010, Public Hearing and Second Reading January 10, 2011.

Page 527

Memorandum 10-151 from City Planner as backup.

Page 533

10. CITY MANAGER'S REPORT

- A. City Manager's Report

Page 565

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 10-94**, 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. (Postponed from November 22, 2010.) Page 601

Memorandum 10-143 from Lease Committee as backup. Page 603
Memorandum 10-160 from City Attorney as backup. Page 605

14. NEW BUSINESS

15. RESOLUTIONS

- A. **(If Reconsidered) 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 647

Memorandum 10-140 and 10-152 from Public Works Superintendent as backup. Page 649

- B. **Resolution 10-96**, A Resolution of the City Council of Homer, Alaska, Amending the Parks and Recreation Advisory Commission By-Laws to Establish the Time of 5:30 p.m. as the Regular Meeting Time. City Clerk/Parks and Recreation Advisory Commission. Page 659

Memorandum 10-162 from Parks and Recreation Advisory Commission as backup. Page 661

- B. **Resolution 10-97**, A Resolution of the City Council of Homer, Alaska, Establishing the 2011 Regular Meeting Schedule for the City Council, Economic Development Advisory Commission, Library Advisory Board, Parks and Recreation Advisory Commission, Advisory Planning Commission, Port and Harbor Advisory Commission, Lease Committee, Permanent Fund Committee, Public Arts Committee and Transportation Advisory Committee. City Clerk. Page 677

Memorandum 10-155 from Economic Development Advisory Commission as backup.

Page 681

Memorandum 10-156 from Planning Commission as backup.

Page 683

Memorandum 10-157 from Transportation Advisory Committee as backup.

Page 685

Memorandum 10-158 from Port and Harbor Advisory Commission as backup.

Page 687

Memorandum 10-159 from Lease Committee as backup.

Page 689

Memorandum 10-163 from Parks and Recreation Advisory Commission as backup.

Page 691

Memorandum 10-164 from Public Arts Committee as backup.

Page 693

- D. **Resolution 10-98**, A Resolution of the City Council of Homer, Alaska, Approving a Five Year Lease with Two One Year Options on One Half of Lot 13-B for Snug Harbor Seafoods and Authorizing the City Manager to Negotiate and Execute the Document. Lease Committee. Page 701

Memorandum 10-161 from Deputy City Clerk as backup.

Page 703

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, JANUARY 10, 2011 AT 6:00 P.M. THE NEXT COMMITTEE OF THE WHOLE IS SCHEDULED FOR MONDAY, JANUARY 10, 2011 AT 5:00 P.M. SPECIAL MEETINGS ARE SCHEDULED FOR TUESDAY, JANUARY 4, 2011 AT 5:30 P.M. AND MONDAY, JANUARY 10, 2011 AT 4:00 P.M.** All meetings scheduled to be held in the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

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

RECONSIDERATION

**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 *Jef 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 of 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	mechanical 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

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
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
	<u>\$ 23,095.00</u>



**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 10-152

To: Walt Wrede, City Manager
From: Jan Jonker, Public Works Superintendent
Thru: Carey Meyer, PW Director *CSM*
Date: Monday, November 29, 2010
Subject: PW Snow Blower Purchase

Discussion

As you are aware Public Works has recommended the purchase of a replacement snow blower. This blower will replace our old 1986 blower.

Our recommendation was based upon soliciting bids from three (3) qualified heavy equipment dealerships. These dealerships are well established in Alaska and have successfully done business with the State and other municipalities. There are a limited number of manufacturers and a limited number of Alaska dealerships that can provide and service this type of equipment. Public Works contacted these dealerships with an RFP (per COH Procurement Policy & Procedures Manual, Section 3.16.110 – Competitive Sealed Proposals – Negotiated Procurement). This RFP included minimum specifications and requested that they provide written quotes for this purchase. The successful low bidder provided a government discount as a part of their bid.

The equipment proposed by each dealership is produced by a different manufacturer and has different capabilities, design and cost. Public Works introduced a competitive aspect to the procurement by soliciting three bids through a RFP process. In the end, this is a sole-source procurement, as there is only one available source for each piece of equipment.

The Procurement Policy & Procedures Manual, Section 3.16.060, Exceptions to Bidding Requirements, authorizes an exception to public advertising under 3.16.060 I, Sole Source Procurement. There are no local dealerships that can provide and service this type of equipment.

This is the same procedure that we have followed for several of our other large equipment purchases including the road grader in 2002 and our recent purchase of the new street sweeper in 2009.

Recommendation

Approve the sole source purchase of the new snow blower to Craig Taylor Equipment Co., Soldotna, AK in the total amount of \$124,105. This purchase includes the base machine at \$117,905.00 plus the torque limiter override for augers; \$4,950 and carbide scraper blade: \$1,250.

Craig Taylor Equipment Company

44170 K-Beach Road
Soldotna, Alaska 99669



907-262-5977 / 800-254-5977
Fax: 907-262-9516

PROPOSAL

To:	City Of Homer / Public Works Dept.	Date	October 21, 2010
	3575 Heath St.	F.O.B.	Homer, AK
	Homer, AK. 99603	Delivery	Approximately 8 weeks
	Attn: Jan Jonker	Terms	Cash Or Approved Credit

WE ARE PLEASED TO OFFER THIS PROPOSAL AS FOLLOWS, SUBJECT TO APPROVED TERMS AND CONDITIONS

Quantity	Description	Each	Total
1	New Larue D50 Snowblower Powered by Cat C7 275 HP diesel engine Operating capacity up to 2,750 tons per hour Minimum casting distance of 150' Cutting width of 112" Standard loading chute 139" height Control panel located inside of cab Fuel / water separator Female quick coupler to match City of Homer loader 90 gallon fuel tank for 10 hours of operation Impeller and auger protection- shear pin 2 work lights on chute and 2 on front (halogen) Master switch Emergency stop button in cab and on cowling Residential muffler Standard side casting operated by hydraulic cylinder Purchase price.....		\$ 117,905.00
	See attached page 2 for optional items that are available		
		Total:	\$ 117,905.00

ENTER OUR ORDER FOR THE ABOVE:

PURCHASER _____
 BY: _____
 TITLE _____
 DATE _____

CONDITIONS:

Prices are subject to change and will be those in effect at time of delivery.
 Delivery date is based upon our existing stock or a promise given by our supplier and is subject to delay for conditions beyond our control.

CRAIG TAYLOR EQUIPMENT COMPANY

By Steve Irvine
 Steve Irvine / Sales Rep.

THANK YOU FOR YOUR BUSINESS!

email: sol.sales@craigtaylorequipment.com

www.craigtaylorequipment.com

Craig Taylor Equipment Company

44170 K-Beach Road
Soldotna, Alaska 99669



907-262-5977 / 800-254-5977
Fax: 907-262-9516

PROPOSAL

To:	City Of Homer / Public Works Dept.	Date	October 21, 2010
	3575 Heath St.	F.O.B.	Homer, AK
	Homer, AK. 99603	Delivery	Approximately 8 weeks
	Attn: Jan Jonker	Terms	Cash Or Approved Credit

WE ARE PLEASED TO OFFER THIS PROPOSAL AS FOLLOWS, SUBJECT TO APPROVED TERMS AND CONDITIONS

Quantity	Description	Each	Total
	New Larue D50 Snowblower available options:		
	18" telescoping chute. Raises chute up to 154" loading height.....	\$ 6,745.00	\$ 6,745.00
	Carbide scraper blade.....	\$ 1,250.00	\$ 1,250.00
	Loading chute with chromium carbide wear plates.....	\$ 2,850.00	\$ 2,850.00
	Impeller casing with chromium carbide wear plates.....	\$ 2,950.00	\$ 2,950.00
	Torque limiter device that overrides when debris, overload or impact of foreign objects are obstructing the front augers. Torque limiter replaces sheer flange.....	\$ 4,950.00	\$ 4,950.00
	Extra control panel and brackets to go in second loader..... Installation not included in price	\$ 4,350.00	\$ 4,350.00
		Total:	\$ 23,095.00

ENTER OUR ORDER FOR THE ABOVE:

PURCHASER _____
BY: _____
TITLE _____
DATE _____


THANK YOU FOR YOUR BUSINESS!

email: sol.sales@craigtaylor.com

CONDITIONS:

Prices are subject to change and will be those in effect at time of delivery.
Delivery date is based upon our existing stock or a promise given by our supplier and is subject to delay for conditions beyond our control.

CRAIG TAYLOR EQUIPMENT COMPANY

By 
Steve Irvine / Sales Rep.

www.craigtaylor.com

CONSENT AGENDA

Session 10-32 a Regular Meeting of the Homer City Council was called to order on November 22, 2010 at 6:02 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 (telephonic)

STAFF: CITY MANAGER WREDE
CITY CLERK JOHNSON
CITY PLANNER ABOUD
FINANCE DIRECTOR HARVILLE
LIBRARY DIRECTOR HILL
POLICE CHIEF ROBL
PORT AND HARBOR DIRECTOR HAWKINS

Councilmember Zak has requested telephonic participation.

Mayor Hornaday ruled Councilmember Zak may participate by phone. There was no objection from Council.

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

Council met as a Committee of the Whole from 5:00 p.m. to 5:54 p.m. to discuss 2011 Budget.

AGENDA APPROVAL

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

The agenda was approved by consensus of the Council with the following amendments: VISITORS - Representative Paul Seaton and PUBLIC HEARINGS - Ordinance 10-51(S), 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.

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

Dave Anderson, General Manager for KBBI, expressed appreciation for Resolution 10-95 in support of public radio. KBBI first aired in 1979 and has served the communities of the central Kenai Peninsula since then. In 1981 they began broadcasting Homer City Council meetings.

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 Meeting minutes of October 19, 25 and 26, 2010 and Regular Meeting minutes of October 25, 2010. City Clerk. Recommend adoption.
- 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.
- 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 Bumpo Bremicker to the Parks and Recreation Advisory Commission.

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

HOGAN/LEWIS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

VISITORS

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

Amber McDonough, Siemens Building Technologies, Inc. provided a PowerPoint presentation on the energy audit conducted on 16 public facilities. The firm was contracted to provide an energy savings performance contract that:

1. Improves energy efficiency of facility infrastructure
2. Reduces operating costs
3. Explores waste streams for energy sources
4. Meets budget of \$542,000 and identifies opportunities with attractive paybacks (under 10 years)

The 65% design energy project summary includes:

- 35% preliminary project identified up to \$1.4M in potential Facility Improvement Measures (FIMs)
- Budget cost for priority facility improvement measures identified \$787,000
- Estimated annual savings \$107,000
- Estimated simple payback 7+ years
- Approximate total utility spend reduction 14%

FIMs include motor replacements, fuel oil heater, water pipe insulation, programmable radiant heat control, solar powered wastewater aeration, and lighting upgrades at various city facilities.

B. Representative Paul Seaton

Representative Paul Seaton invited the public to Islands and Ocean Visitor Center on Tuesday, November 23rd from 6:30 to 8:00 p.m. to hear gas line issues. The federal coordinator and Charlie Pierce from Enstar will be available to answer questions about the local line. Mr. Seaton appreciates the City's fast movement on appointing a task force for planning the gas line; it will help in Juneau next year to further the local gas line. He is pleased with the City's participation with the Corps of Engineers, EPA, ADF&G, and the Borough in looking at a regional general permit for construction of the pipeline, wetlands consideration and individual connections. It will expedite the permitting process instead of having to go through a nationwide permit.

Representative Seaton was selected as the co-chair for House Resources for the next Legislature. He will still serve on the Education Committee, Labor and Commerce Committee, and the Health and Social Services Committee. He is trying to move the state into a prevention of disease model instead of the current treatment of disease model. He made a presentation at the health fair on Vitamin D deficiency. Twenty percent of the people that took the blood test received the Vitamin D test also. The City Manager was presented a flash drive with seminars on the benefits of Vitamin D. A brochure outlining the benefits of the vitamin can be viewed at: grassrootshealth.org.

ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

A. Borough Report

Bill Smith, Kenai Peninsula Borough Assemblyman, reported the school district put the gas line to Homer on their capital priority list. He is making a proposal to the Borough to add it to their capital priority list. It is a big deal for the schools, hospital, and citizens inside and out of the city. The Assembly at their last meeting conveyed the parcel on Kachemak Drive that the city turned down; the City now owns it. Buccaneer Alaska is doing more drilling and development in the upper inlet. Mr. Smith reported on the AML meeting with 83 newly elected officials in attendance. A resolution was passed to restore things in the coastal zone management program, restoring local communities a voice in coastal zone development. Presentations were heard from Malcolm Roberts and Oregon Fire Chief Jeff Johnson.

Asked by Councilmember Hogan about the KPB economic statistics position being terminated, Assemblyman Smith answered some functions were moved into the Finance Department with the intent to put together those statistics.

B. Commissions/Board Reports:

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

A. Community Economic Development Strategy

Dean Ravin, Economic Development Advisory Commissioner, reported the commission forwarded the CEDS to City Council for approval. The EDC is ready to focus on paying tenants for the old high school building which is in need of repair. They hope to generate revenue to make it pay its way.

4. Parks and Recreation Advisory Commission

Dave Brann, Parks and Recreation Advisory Commissioner, reported they now have a full commission with a lot of energy and enthusiasm. At the last meeting they walked through Karen Hornaday Park and Bayview Park. They discussed renovation of the KHP playground, the bridge across Woodard Creek, and safety issues of the current location of the road. Most of the park is on the right hand side with people having to cross the road to access the ballfields. Bayview Park is a popular neighborhood park for children. Camping fee income is up by \$10,000. The commission discussed maintenance of parks, dressing the parks up, and the need to fund the four maintenance positions. Two new committees were formed, one for the Kachemak Drive pedestrian/bike path and parks and recreation on the Spit. Both committees will meet on December 5th. The commission is trying to invite recreational groups for presentations to gain familiarity with all organizations. A community skate at Ben Walters Park was attended by 150 people.

5. Port and Harbor Advisory Commission

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.

Ordinance 10-51(S), 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.

Mayor Hornaday called for a motion to substitute Ordinance 10-51(S) for Ordinance 10-51.
WYTHE/LEWIS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Mayor Hornaday opened the public hearing.

Mayor Hornaday commented for the last four to five years we have substantially reduced expenditures as there has been a substantial reduction in revenues. It is now time to find additional revenues. He asked the Finance Director to look at increasing the tobacco and alcohol tax. We cannot continue to cut services. When Council removed the tax on food it was a big loss, creating a \$800,000 shortfall. We spend more on Frank Griswold than on a number of budgeted items. It is hundreds of thousands of dollars and in the Mayor's opinion he hasn't accomplished anything positive. If your project is not funded you can thank Frank for that.

Leonard Wells, city resident, offered support for Frank Griswold who has won many lawsuits, doing city residents a favor, but maybe not Council that passed improper things. He asked that a committee be set up to look into the water/sewer fees and that services be cut back.

Frank Mullen, Homer resident and Haven House Boardmember, asked that a small amount be funded to Haven House. The shelter gives something back to women and children that need help. Donations can be made at: havenhousealaska.org. Haven House saves on services by preventing 911 calls for those that utilize their services. Haven House is trying to leverage a retirement plan for their employees who currently have no pension, no COLA, and a bare bones health plan.

Peg Coleman, Homer resident and Executive Director of Haven House, commented Haven House is in their 30th year. They are supported largely through public safety and domestic violence counseling. The shelter was opened in response to the community's need. There has been no increased funding for the 24/7 operation. The shelter is overfull, over fire capacity. There is so much more money spent on shelters for animals rather than children. Dignity and respect should be built into the code of justice for the state.

Melissa Jacobsen, city resident and city employee, offered support for the IT employees, rather than outsourcing them. Employees rely on computers to accomplish their daily work. Waiting for a small local contractor would reduce productivity to a crawl. She questioned the logic of hiring a part time person to reduce the current clerks' overtime and asked for consideration of a training budget for employees. Balancing the budget should be taken off the backs of the employees and put it on the backs of the residents that rely on city services.

Dean Ravin, Homer resident, commented we are all tightening our belts and he doesn't feel for the city.

Mayor Hornaday closed the public hearing.

- 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.)

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

- 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.)

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

- 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.)

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

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.

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

Mayor Hornaday called for a motion for the adoption of Ordinance 10-52 for introduction and first reading by reading of title only.

WYTHE/LEWIS - SO MOVED.

Police Chief Robl reported Emergency Medical Dispatch is the vendor for the software; they did not go out for a RFP or bid.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

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.

Memorandum 10-137 from Police Chief as backup.

Mayor Hornaday called for a motion for the adoption of Ordinance 10-53 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.

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.

Memorandum 10-138 from City Planner as backup.

Mayor Hornaday called for a motion for the adoption of Ordinance 10-54 for introduction and first reading by reading of title only.

WYTHE/ROBERTS – SO MOVED.

WYTHE/HOGAN - MOVED TO MOVE THE SECOND READING TO THE FIRST MEETING IN JANUARY AND REQUEST TO HAVE A SPECIAL MEETING TO ACTUALLY DISCUSS THE CONTENT OF THIS.

There was no discussion.

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

Motion carried.

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

Motion carried.

CITY MANAGER'S REPORT

A. City Manager's Report

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

City Manager Wrede referenced #8 the energy audit and #18 the report from the Library Director as contained in his report. As to the energy audit we are proposing under the contract the projects Carey had identified that total \$800,000. It would complete the projects with the biggest feedback. The schedule as outlined in the packet would be followed and would be taken to 95% to define the cost estimates and come back to Council to ask for an appropriation. Council can pick and choose which projects to fund. The projects would not all need to come from the revolving energy fund.

Library Director Helen Hill reported Memorandum 10-141 addressed the issues and answered questions pertaining to proposed budget reductions at the library. Books are needed at the library and computers are used to access information. Representative Seaton gave her the flash drive with the Vitamin D information. The cataloger at the library has received training and in addition to cataloging books, can now catalog electronic information from the flash drive.

Councilmember Hogan questioned the Fire Chief's travel to California for fire training. He asked if it was part of the grant funding budgeted item. City Manager Wrede believes it is, but will get back to Mr. Hogan.

Councilmember Wythe commended the Port and Harbor for their work in getting rid of derelict vessels.

Councilmember Hogan asked for more information on the dredge spoils. City Manager Wrede reported as to #11 on his report, there are a lot of dredge materials from the harbor entrance and the Hickory berth. We have now found the harbor has lifted about a foot so more dredging may be required, including the fairway. The Corps of Engineers would be responsible for the fairway, but the City is responsible for the rest. The COE have been trying to come up with a 20-year plan. We are trying to help them find a good use for the dredge spoils. They have recommended replenishing beaches if need be. The issue of more parking needs keeps coming up in the planning sessions. Carey and Bryan put together a proposal to the COE for a permit to create new parking lots to provide access to the beach and to replenish some beaches. They went to a scoping meeting in Kenai; there was concern expressed about the revetments and beach nourishment. He expects the COE to write a letter asking for more information.

Agencies were challenging us on our code provision that prevents material from going off the Spit. Carey and Bryan explained the history, going back to the earthquake and commercial mining. They asked if Council would consider removing the provision within the code. There are other ideas out there and if the Deep Water Dock or the East Boat Harbor happened, the fill material will be good for it. The dredge spoils now just pile up and are using up useful space. City Manager Wrede stated we are not in negotiations with the COE on a permit. If we change locations of dredge spoils they could give us a new permit. Fish and Game is concerned there may be contaminants, and the EPA is concerned about upsetting the natural processes. Dredging anything below the mean mean high tide would require a permit from the COE. Dredge spoils could be used on land the City owns to build higher or fix drainage, but if it is below a certain elevation, it requires a COE permit.

Mayor Hornaday called for a recess at 7:12 p.m. and reconvened the meeting at 7:17 p.m.

B. Bid Report

CITY ATTORNEY REPORT

City Attorney Klinkner provided a brief explanation of the format of the report. There were no questions from the Council.

COMMITTEE REPORT

A. Public Arts Committee

B. Transportation Advisory Committee

Councilmember Roberts reported the TAC met for their quarterly meeting and had a lively discussion about the CARTS program. Several private businesses came to the meeting. As it moves forward, people in the city may be interested to participate.

- C. Permanent Fund Committee
- D. Lease Committee
- E. City Hall Renovation and Expansion Task Force

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.)

Motion on the floor from October 11th: MOTION FOR THE ADOPTION OF RESOLUTION 10-79 BY READING OF TITLE ONLY.

Mayor Hornaday commented he feels strongly we should not be providing water outside the city. It is the most valuable product we have and Council decided no one would hook up unless they were inside the city. Kachemak City formed because they did not want to join the City of Homer. There is no reason to live in Homer if you can live outside city limits and get the benefits. We spent millions of dollars to build the new water treatment plant.

Councilmember Roberts expressed complete agreement with the Mayor. If we voted for this we would be creating a tax free zone for businesses; businesses within the city would be paying higher taxes.

VOTE: YES. ZAK

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

Motion failed.

- 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.)

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.

Councilmember Wythe questioned the amendment on lines 329 – 333.¹

¹ The Regular Meeting minutes of October 25, 2010 reflect a motion was made to strike lines 329-333 and subsequently withdrawn to allow the City Attorney to review the proposed Administrative Guidelines.

WYTHE/ROBERTS - MOVED TO FURTHER POSTPONE TO DECEMBER 13.

HOGAN – MOVED FOR A FRIENDLY AMENDMENT TO POSTPONE TO JANUARY.

Motion died for lack of a second.

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

Motion carried.

City Attorney Tom Klinkner commented he has nearly completed a written analysis. In summary the PAC is carving out a broad chart in the guidelines, in contrast to the ordinance under which they are operating that provides for them to work on art in the public buildings program and manage a public arts fund. It is Council's prerogative to determine their charter; if Council wishes them to have a broader charter they can give them one. Mr. Klinkner advised this is not the correct vehicle for doing that. Instead, if Council wishes code should be amended prescribing additional powers and duties rather than in the administrative guidelines. Secondly, they add a section prescribing the composition of the committee. That should be addressed in the code by the Council rather than in the guidelines. Finally, as a result of a defect of HCC 18.07.060 members of the committee are appointed by the Council. Alaska Statutes state members of a board or committee are appointed by the Mayor and confirmed by Council. Attorney Klinkner recommends correcting that.

Attorney Klinkner noted in the PAC original guidelines under art and public buildings, there is a provision for the appointment of juries to select art under different circumstances. It provides the jury members are approved by Council after input from PAC. In contrast the guidelines say PAC is the appointing authority; that should be clarified. There are references throughout the proposed guidelines to the municipal art collection. There is nothing to clearly define it. Mr. Klinkner is concerned from line 307–321 in references to various exhibits. He has not seen the exhibits. The clerks are not sure what they are. If Council is to adopt something that contains exhibits, the exhibits should be reviewed and approved as well. He agrees lines 330-333 are problematic, along with several other places that the guidelines have the effect of binding future councils to do things. Mr. Klinkner will point those out in a written document. Those requirements should be made subject to appropriation by the future council working with them rather than being prescribed for all time by the council that approves the acquisition of the art piece. There are provisions in code for acquiring and disposing of city property. They don't talk to the guidelines discussions about accessioning and de-accessioning. It is a different process and the two do not connect. Mr. Klinkner will provide a written report with proposed code amendment.

- 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.)

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(A) BY READING OF TITLE ONLY.

Councilmember Howard is uncomfortable setting a time limit when the committee can monitor themselves and have efficient meetings.

ROBERTS/LEWIS - MOVED TO POSTPONE RESOLUTION 10-81(A) TO THE FIRST MEETING IN DECEMBER TO FOLLOW RESOLUTION 10-80.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

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.

Mayor Hornaday called for a motion for the approval of the recommendations of Memorandum 10-139.

WYTHE/ROBERTS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

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.

Memorandum 10-140 from Public Works Superintendent as backup.

Mayor Hornaday called for a motion for the adoption of Resolution 10-92 by reading of title only.

LEWIS/WYTHE - SO MOVED.

Councilmember Hogan expressed concern the purchase was not put out for RFP even though it exceeds the \$25,000 limit under the procurement policy. He would like to see it postponed and put out for sealed bid as required in the procurement policy.

Mayor Hornaday called for a recess at 7:37 p.m. and reconvened the meeting at 7:39 p.m.

After conferring with the City Attorney, City Manager Wrede announced that Councilmember Hogan is correct in that it does not follow the procurement policies.

VOTE: YES. HOGAN

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

Motion failed.

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.

Mayor Hornaday called for a motion for the adoption of Resolution 10-93 by reading of title only.

HOGAN/LEWIS - SO MOVED.

Councilmember Hogan indicated there was a lot of dissent with the process this is going through and it is incumbent on the community that we are facing a threat.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

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.

Memorandum 10-143 from Lease Committee as backup.

Mayor Hornaday called for a motion for the adoption of Resolution 10-94 by reading of title only.

HOGAN/LEWIS - SO MOVED.

Councilmember Roberts read the supporting documentation indicating the lessee had not followed the lease procedures. He hasn't completed a renewal without going out for bid.

City Manager Wrede advised that is what his staff report said. The Lease Committee voted 4-2 in favor of the lease.

Mayor Hornaday commented years ago he used Brad Faulkner to fix fish and send it outside. Brad has done a lot of good in the community. Mayor Hornaday expressed concern if we set a policy for not enforcing lease requirements, what about the next guy that comes along and wants the same deal? Is it seriously endangering following the Lease Policy in the future?

City Attorney Klinkner advised the Lease Policy does provide if certain criteria or conditions are met, an existing leaseholder can renew without putting the lease out for bid. By majority vote, the Lease Committee found justification:

- Faulkner had a substantial investment in the property;
- There are other lots available if additional public interest is shown in leasing in the area; and
- The current lessee and tenants offer economic advantages.

Some submissions to support renewal were not made timely or complete. Some things were submitted at the meeting. The Lease Committee determined the submissions were sufficient. He would have to study the matter to determine if any deficiency is a deal killer, rather than something the committee has discretion to look at otherwise.

Councilmember Hogan noted a few meetings ago we found the same thing with FedEx. The conditions existed for offering them a lease without putting it out for bid, without the recommendation of the Lease Committee. In this case the Lease Committee deliberated and voted. It is important we show respect to committees. Passage of the resolution gives the City Manager the ability to negotiate a lease. To have economic development in the town we need to promote it and not pick it to death.

WYTHER/ROBERTS - MOVED TO POSTPONE TO THE NEXT MEETING SO THE ATTORNEY CAN GIVE US A LEGAL OPINION.

There was no discussion.

VOTE: YES. ROBERTS, WYTHER, ZAK, HOWARD

VOTE: NO. HOGAN, LEWIS

Motion carried.

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.

Councilmember Roberts disclosed she is a member of KBBI and a member of the Board.

City Attorney Klinkner advised there is no action before Council in which KBBI officers or employees have a financial interest, therefore there is no conflict. Council is just stating a point of view.

Mayor Hornaday ruled Councilmember Roberts can vote. There was no objection from the Council.

LEWIS/ROBERTS - MOTION FOR THE ADOPTION OF RESOLUTION 10-95 BY READING OF TITLE ONLY.

Councilmember Lewis expressed support for public radio. For rural communities it is important to get the message out.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

COMMENTS OF THE AUDIENCE

Dean Ravin, Homer resident, commented on Resolution 10-94. The EDC did work on the Lease Policy and tried to make a smooth orderly transition for renewing a performing lease. Council cut that out of the final version of the Lease Policy. If a lease comes up we need to make it easy for the business to continue. Council found a way to renew the FedEx lease. Is Faulkner going to pack up the show and go to Kodiak or Seward, or will Council find a way to make business viable?

Leonard Wells, city resident, commented on Resolutions 10-93 and 10-95, stating some members of the city are not supportive. He hopes Council or the Police Chief will take note on the member from Haven House commenting that they do not meet the fire code and don't send the fire marshal there.

COMMENTS OF THE CITY ATTORNEY

City Attorney Klinkner thanked everyone for celebrating his birthday with him and wished everyone a great Thanksgiving.

COMMENTS OF THE CITY CLERK

City Clerk Johnson wished everyone a Happy Thanksgiving.

COMMENTS OF THE CITY MANAGER

City Manager Wrede wished everyone a Happy Thanksgiving.

COMMENTS OF THE MAYOR

Mayor Hornaday commented on the nice article on Francie. She lives an excited life and we are honored to have her on the Council. He congratulated Kevin, Pat, and McBride for now being television stars. Whatever your political views are, Sarah Palin's Alaska was great. The show brought back a lot of happy memories.

COMMENTS OF THE CITY COUNCIL

Councilmember Wythe reminded people there will be a community Black Friday home sales person doing a craft fair at the Kachemak Center on the 26th from 10-6. She is happy to see the content of the gas task force with Mr. Story and Mr. Pate stepping up.

Councilmember Lewis wished everyone a Happy Thanksgiving and congratulated Homer High School Hockey Team on winning the End of the Road Tournament this past weekend.

Councilmember Hogan commented he is happy to see Mr. Heimbuch as well on the commission. With the public hearings on the budget he is surprised at how few people come to testify. He is concerned when people call him and say they are afraid to come down here and speak up because there are consequences. It bothers him a lot and he hears it a lot. He encouraged everyone out there to come and testify and if you have consequences, we will fight like hell to make sure your rights are protected. He is really kind of tired of hearing of people being afraid to participate; there is a reason for it.

Councilmember Zak wished everyone a Happy Thanksgiving. He went to AML last week and our clerks were not there. Some of the discussion at the Committee of the Whole had to do with training budgets. He hopes the training for the clerks can be worked back into the budget as they receive training credits. It is an invaluable opportunity for the Mayor and councilmembers to network with other communities. We are not represented there as well as we should be.

Councilmember Roberts had no comment.

A Special Meeting was scheduled for December 13, 2010 at 4:00 p.m. to discuss Resolutions 10-80 and 81(A).

ADJOURNMENT

There being no further business to come before the Council, Mayor Hornaday adjourned the meeting at 7:58 p.m. The 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 Monday, December 13, 2010 at 4:00 p.m. All meetings scheduled to be held in the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

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

MEMORANDUM 10-146

TO: MAYOR HORNADAY AND HOMER CITY COUNCIL

FROM: MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

DATE: DECEMBER 2, 2010

SUBJ: LIQUOR LICENSE RENEWAL FOR BELUGA LAKE LODGE AND BEST WESTERN
BIDARKA INN

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

Type: Beverage Dispensary - Tourism AS 04.11.400(d)
Lic #: 4795
DBA Name: Beluga Lake Lodge
Premise Address: 204 Ocean Drive Loop
Owner: Beluga Lake Lodge Inc
Mailing Address: 575 Sterling Hwy., Homer 99603

Type: Beverage Dispensary - Tourism AS 04.11.400(d)
Lic #: 1402
DBA Name: Best Western Bidarka Inn
Premise Address: 575 Sterling Hwy.
Owner: Beluga Lake Lodge Inc
Mailing Address: 575 Sterling Hwy., Homer 99603

RECOMMENDATION:

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

Fiscal Note: Revenues.

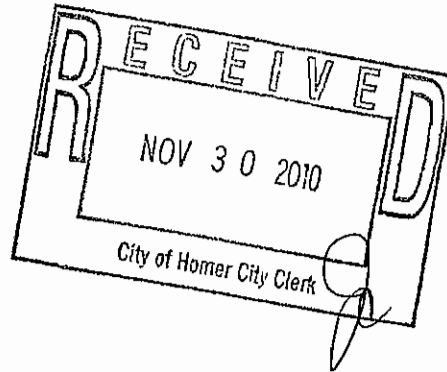


KENAI PENINSULA BOROUGH

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

**JOHNI BLANKENSHIP
BOROUGH CLERK**

November 30, 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	:	Best Western Bidarka Inn
License Type	:	Beverage Dispensary – Tourism AS.04.11.400(d)
License Location	:	City of Homer
License No.	:	1402

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



KENAI PENINSULA BOROUGH

144 North Binkley Street • Soldotna, Alaska 99669-7520

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

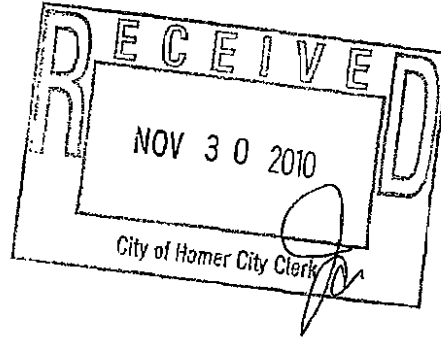
Toll-free within the Borough: 1-800-478-4441 Ext. 2160

Email: assemblyclerk@borough.kenai.ak.us

**JOHNI BLANKENSHIP
BOROUGH CLERK**

November 30, 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	:	Beluga Lake Lodge
License Type	:	Beverage Dispensary – Tourism AS 04.11.400(d)
License Location	:	City of Homer
License No.	:	4795

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,

John 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: November 29, 2010
TO: Melissa Jacobsen, Deputy City Clerk
FROM: Mark Robl, Chief of Police *MMR*
SUBJECT: Liquor License Renewals

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

Beverage Dispensary

License #: 4795
DBA Name: Beluga Lake Lodge
Premise Address: 204 Ocean Drive Loop
Owner: Beluga Lake Lodge, Inc
Mailing Address: 575 Sterling Hwy., Homer 99603

License #: 1402
DBA Name: Best Western Bidarka Inn
Premise Address: 575 Sterling Hwy., Homer 99603
Owner: Beluga Lake Lodge, Inc.
Mailing Address: 575 Sterling Hwy., Homer 99603

renew 11/29/10

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: November 29, 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 renewal within the City of Homer for the following:

Type: Beverage Dispensary - Tourism AS 04.11.400(d)
Lic #: 4795
DBA Name: Beluga Lake Lodge
Premise Address: 204 Ocean Drive Loop
Owner: Beluga Lake Lodge Inc
Mailing Address: 575 Sterling Hwy., Homer 99603

Type: Beverage Dispensary - Tourism AS 04.11.400(d)
Lic #: 1402
DBA Name: Best Western Bidarka Inn
Premise Address: 575 Sterling Hwy.
Owner: Beluga Lake Lodge Inc
Mailing Address: 575 Sterling Hwy., Homer 99603

This matter is scheduled for the December 13, 2010 City Council meeting. Please respond with any objections/non-objections to this liquor license renewal by **Wednesday, December 8, 2010**

Thank you for your assistance.

HOMER

Type: Beverage Dispensary -- Tourism AS 04.11.400(d)
Lic #: 4795
DBA Name: Beluga Lake Lodge
Premise Address: 204 Ocean Drive Loop
Owner: Beluga Lake Lodge Inc
Mailing Address: 575 Sterling Hwy., Homer 99603

Type: Beverage Dispensary -- Tourism AS 04.11.400(d)
Lic #: 1402
DBA Name: Best Western Bidarka Inn
Premise Address: 575 Sterling Hwy.
Owner: Beluga Lake Lodge Inc
Mailing Address: 575 Sterling Hwy., Homer 99603

KENAI

Type: Golf Course
Lic #: 4708
DBA Name: Kenai Golf Course
Premise Address: 1420 Lawton Drive
Owner: Griffin Golf Enterprises, LLC
Mailing Address: PO Box 1943, Soldotna 99669

SEWARD

Type: Restaurant Eating Place -- Public Convenience
Lic #: 4915
DBA Name: Railway Cantina
Premise Address: 1401 Fourth Ave.
Owner: Taco Dans LLC
Mailing Address: PO Box 2284, Seward 99664

OUTSIDE CITY LIMITS

Type: Package Store
Lic #: 2684
DBA Name: Kasilof Riverview Lodge
Premise Address: Mile 109.5 Sterling Hwy.
Owner: Joanne & Joseph Browning
Mailing Address: PO Box 254, Kasilof 99610

Type: Package Store
Lic #: 2004
DBA Name: Hunger Hut
Premise Address: Mile 26.5 Spur Hwy.
Owner: Hunger Hut Inc
Mailing Address: PO Box 7086, Nikiski 99635

Type: Beverage Dispensary – Tourism AS 04.11.400(d)
Lic #: 537
DBA Name: Hunger Hut Bar
Premise Address: Mile 26.5 Spur Hwy.
Owner: Hunger Hut Inc
Mailing Address: PO Box 7086, Nikiski 99365

Type: Restaurant Eating Place – Public Convenience
Lic #: 4766
DBA Name: CCL
Premise Address: S Caribou Lake Subdivision ASLS 80-155
Owner: Justin & Kasie Cole
Mailing Address: 33730 Justin's Ct, Homer 99603

Type: Package Store
Lic #: 3738
DBA Name: W. M. Likors
Premise Address: Mile 47.5 Sterling Hwy.
Owner: Wildman TR Inc
Mailing Address: PO Box 724, Cooper Landing 99572

Type: Brewery
Lic #: 4512
DBA Name: Kassik's Brewery
Premise Address: 47160 Spruce Haven Street
Owner: Kassik's Kenai Brew Stop LLC
Mailing Address: 47160 Spruce Haven Street, Kenai 99611

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

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

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

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

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

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

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

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

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 10-147

TO: HOMER CITY COUNCIL

FROM: JAMES C. HORNADAY, MAYOR

DATE: DECEMBER 6, 2010

SUBJECT: APPOINTMENT OF CAROLINE VENUTI TO THE TRANSPORTATION ADVISORY COMMITTEE.

Caroline Venuti is appointed to the Transportation Advisory Committee to fill the seat vacated by Kurt Marquardt. This appointment will expire April 1, 2013.

RECOMMENDATION:

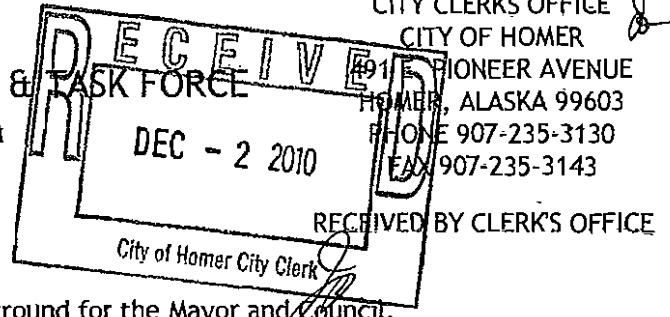
Confirm the appointment of Caroline Venuti to the Transportation Advisory Committee.

Fiscal Note: N/A



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

Mayor & C
12/01/10
CITY CLERKS OFFICE
CITY OF HOMER
PIONEER AVENUE
HOMER, ALASKA 99603
PHONE 907-235-3130
FAX 907-235-3143



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

Name Caroline Venuti Date December 1, 2010

Physical Address 4066 Kachemak Way City Homer

Mailing Address P.O. Box 3652 Zip Code 99603

Phone (907) 235-7480 Work # (907) 235-1608 Cell # (907) 399-8728

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

I have been a resident of the City for 25 mos. yrs I have been a resident of the area for 25 mos. yrs.

I am presently employed as: I am a retired educator who currently works as the Learning Resource Center Coordinator at the Kachemak Bay Branch of UAA. I am also an Adjunct Professor in the Education Department.

List any special training, education or background you have which is related to your choice of commission, committee, board, or task force: I am a life-long Alaskan with 35 years of experience as a teacher and school administrator.

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

If so, when & where: Served two terms as a member of the Homer Boy's & Girls Club Advisory Board. Served two terms as a member of the Homer Public Library Advisory Board. Served on numerous committees during

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

I am interested in serving on the above because:

I love living in this beautiful community. I believe in public service and feel that it is my civic responsibility to insure that Homer remains a desirable place to live.

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.

VISITORS

ANNOUNCEMENTS/PRESENTATIONS

BOROUGH/COMMISSION REPORTS

PUBLIC HEARINGS

**CITY OF HOMER
PUBLIC HEARING NOTICE
CITY COUNCIL MEETING**

Ordinance 10-51(S), 10-52, 10-53 and Resolutions 10-89, 10-90, & 10-91

A public hearing is scheduled for **Monday, December 13, 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(S) internet address:
<http://www.cityofhomer-ak.gov/ordinances>

Ordinance 10-51(S), 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://www.cityofhomer-ak.gov/finance/preliminary-budget-2011>**

Resolution 10-89 internet address:
<http://www.cityofhomer-ak.gov/resolutions>

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.cityofhomer-ak.gov/resolutions>

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.cityofhomer-ak.gov/resolutions>

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.

Ordinance 10-52 internet address:
<http://www.cityofhomer-ak.gov/ordinances>

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.

Ordinance 10-53 internet address:
<http://www.cityofhomer-ak.gov/ordinances>


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.



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://www.cityofhomer.ak.gov/cityclerk> 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.

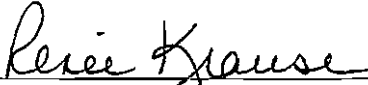
Jo Johnson, CMC, City Clerk 

Publish: Homer Tribune: December 8, 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(S), 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; 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; Ordinance 10-52, An Ordinance 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 Ordinance 10-53, An Ordinance Accepting and Appropriating an Alaska Department of Transportation (AKDOT) Reimbursement of up to \$6,720.00 for Commercial Vehicle Enforcement Inspections 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 December 10, 2010 and that the City Clerk posted same on City of Homer Homepage on December 3, 2010.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of said City of Homer this 6th day of December, 2010.



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
 - a. Supplemental Ordinance 10-51(S)
3. City Council Regular Meeting December 13, 2010 Public Hearing and Second Reading
 - a. Written public comments

CITY OF HOMER
HOMER, ALASKA

City Manager

ORDINANCE 10-51(S)

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

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.

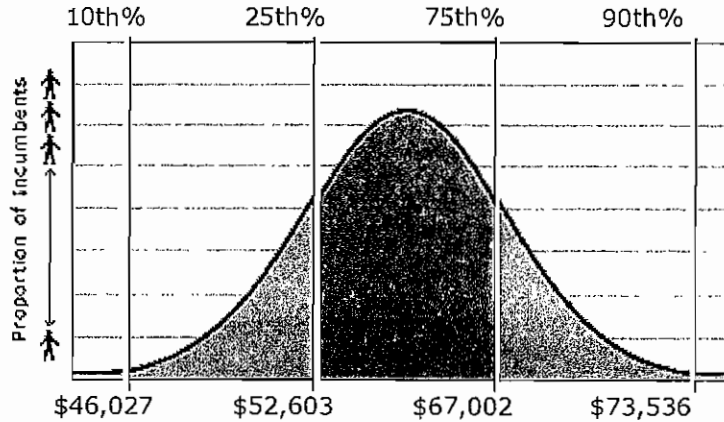
Presented by Council member Hogan

12/08/10


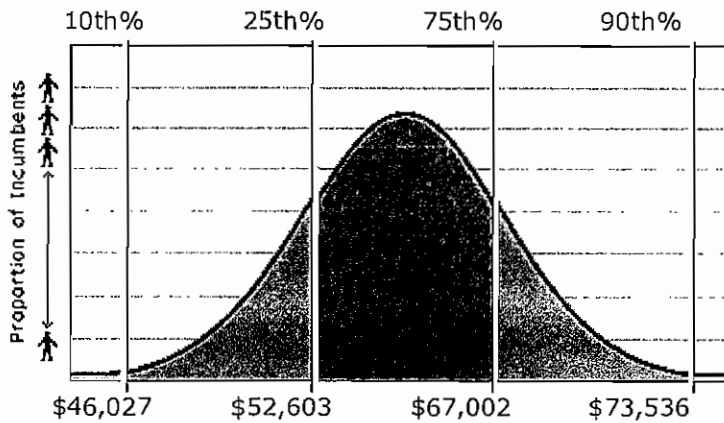
Total compensation (base + bonuses + benefits)

Police Sergeant - Homer, AK 99603

[Methodology](#) [New Search](#) [Help](#)



Source: HR Reported data as of December 2010



Source: HR Reported data as of December 2010

Benefit	Median Amount	% of Total
Base Salary	\$59,825	71.4 %
Bonuses	\$0	0.0 %
Social Security	\$4,577	5.5 %
401k / 403b	\$2,273	2.7 %
Disability	\$598	0.7 %
Healthcare	\$6,103	7.3 %
Pension	\$2,991	3.6 %
Time Off	\$7,363	8.8 %
Total	\$83,731	100%

Source: HR Reported data as of December 2010

2010 HOMER ACTUAL POLICE SERGEANT RANGE 19 STEP E BASE 61,401

BENEFITS TOTAL LABOR BURDEN 66% 40,970

Base Salary

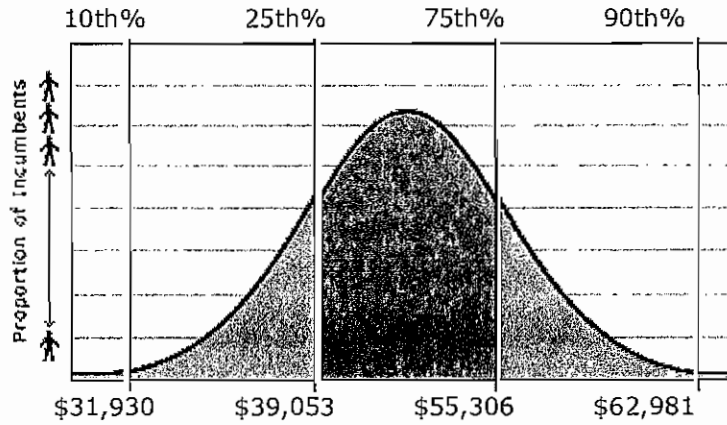
Bonuses

Benefits

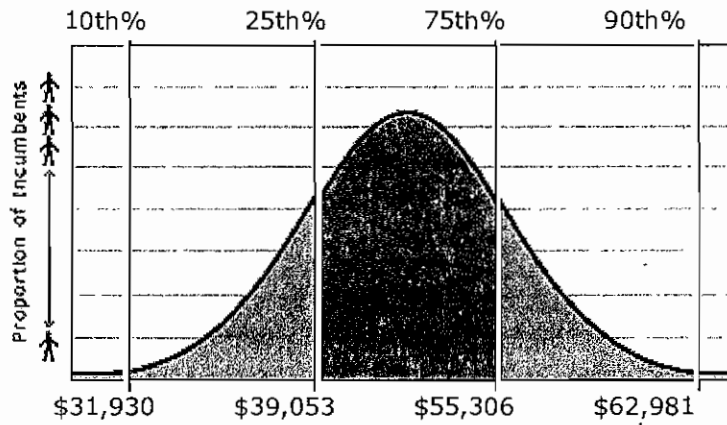
Total compensation (base + bonuses + benefits)

Police Patrol Officer - Homer, AK 99603

[Methodology](#) [New Search](#) [Help](#)



Source: HR Reported data as of December 2010



Source: HR Reported data as of December 2010

Benefit	Median Amount	% of Total
Base Salary	\$46,876	70.0 %
Bonuses	\$0	0.0 %
Social Security	\$3,586	5.4 %
401k / 403b	\$1,781	2.7 %
Disability	\$469	0.7 %
Healthcare	\$6,103	9.1 %
Pension	\$2,344	3.5 %
Time Off	\$5,769	8.6 %
Total	\$66,928	100%

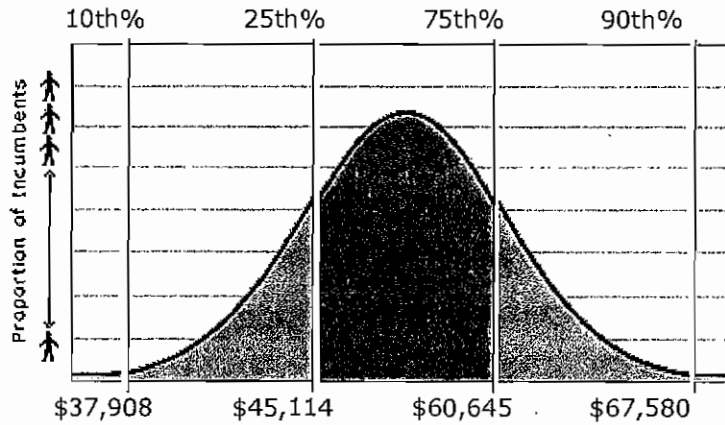
Source: HR Reported data as of December 2010

2010 ACTUAL DEPT AVE PATROL OFFICER
 BASE SALARY 109737 BENEFITS 44916

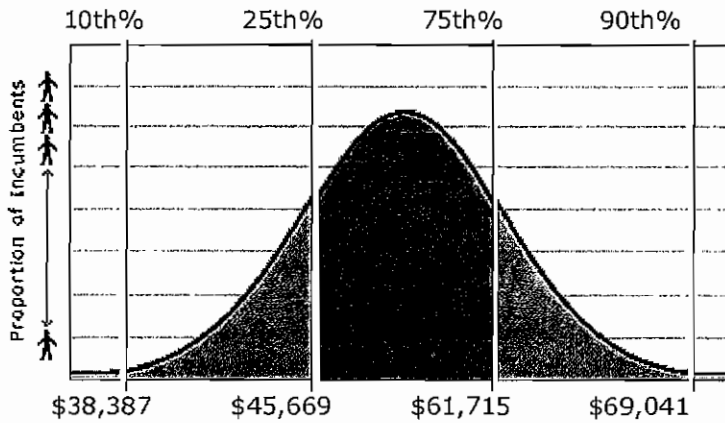
Total compensation (base + bonuses + benefits)

Librarian - Homer, AK 99603

[Methodology](#) [New Search](#) [Help](#)



Source: HR Reported data as of December 2010



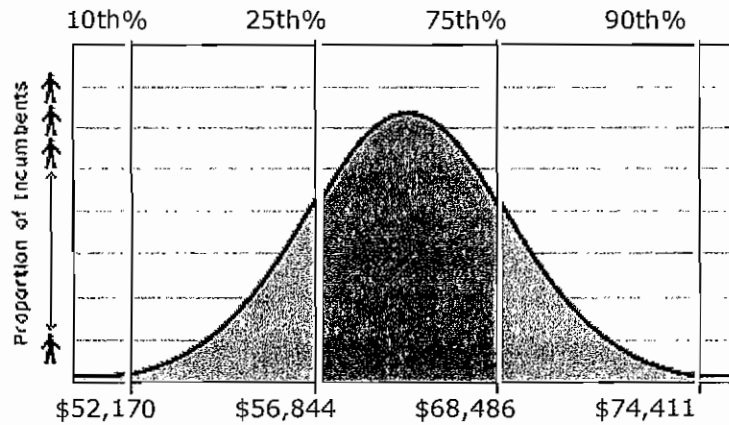
Source: HR Reported data as of December 2010

Benefit	Median Amount	% of Total
Base Salary	\$53,028	70.0 %
Bonuses	\$641	0.8 %
Social Security	\$4,106	5.4 %
401k / 403b	\$2,039	2.7 %
Disability	\$537	0.7 %
Healthcare	\$6,103	8.1 %
Pension	\$2,683	3.5 %
Time Off	\$6,605	8.7 %
Total	\$75,742	100%

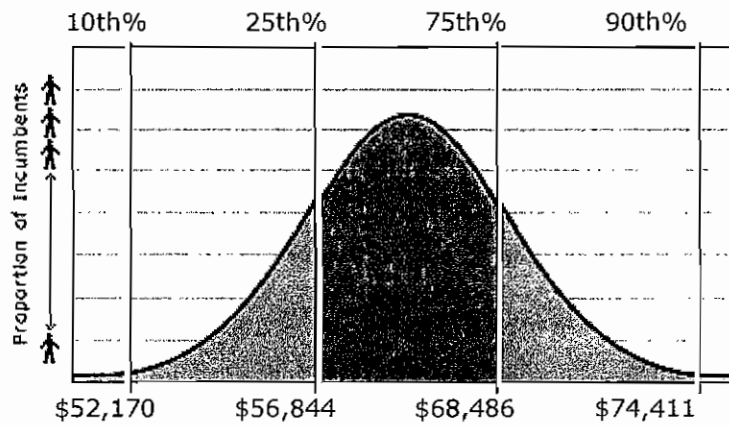
Source: HR Reported data as of December 2010

LIBRARIAN 2010 BASE RANGE 21 STEP H 70,595 BENEFITS 42,357

Total compensation (base + bonuses + benefits)



Source: HR Reported data as of December 2010



Source: HR Reported data as of December 2010

Benefit	Median Amount	% of Total
Base Salary	\$61,978	71.6 %
Bonuses	\$0	0.0 %
Social Security	\$4,741	5.5 %
401k / 403b	\$2,355	2.7 %
Disability	\$620	0.7 %
Healthcare	\$6,103	7.1 %
Pension	\$3,099	3.6 %
Time Off	\$7,628	8.8 %
Total	\$86,525	100%

Source: HR Reported data as of December 2010

Get a Custom Answer

2010 WASTE WATER LEAD BASE AVE 60639 BENEFITS AVE 39027

Jo Johnson

From: Mary Griswold [mgrt@xyz.net]
Sent: Wednesday, November 24, 2010 10:44 AM
To: Francie Roberts; Mary Wythe; David Lewis; Bryan Zak; Kevin Hogan; Barbara Howard; Jo Johnson
Cc: Walt Wrede
Subject: 2011 budget

Dear Council members,

I have been following the 2011 budget development as best I can, but it is difficult to keep up with proposed amendments and council discussion when so much is done at the COW and so little at the regular council meetings, which I diligently listen to on the radio.

First, I strongly support full funding for library books. Library director Hill's memo is a well-reasoned defense for the library services and expenses, which should dispel any misunderstandings of the library's importance in this community.

The library and the animal shelter are two vital services beyond the basics of public safety, roads, and water that the city accepted responsibility for and the community embraces with a committed volunteer force.

To properly fund our essential services, cuts should be made to discretionary expenditures: the perennial excessive donation to the Pratt Museum being the first. Funding the Homer Foundation is a practical means of distributing some money to area nonprofits and the museum should be included in whatever amount is found to be appropriate.

Staff training is important for efficient and responsible government and should be funded in combination with scholarships and critical cost-benefit analysis. Train-the-trainer programs and recorded training sessions may be a way to expand the value of any one expenditure.

We should not dip into reserves to fund the annual operating budget. This money is for unanticipated situations- not appropriate to spend just because it is not earning much interest. Let's make it a priority to live within our means.

I agree that harbor water should be metered, but also recognize that this cannot be done by December 13. All cost saving measures suggested at budget crisis time should be seriously considered and evaluated during the year so that worthy ones can be implemented in the future.

Mary Griswold
city resident

**PROPOSED BUDGET
AMENDMENTS
FY 2011**

**City of Homer
2011 Operating Budget**

Proposed Budget Amendments												
Amendme No.	Council Member	Fund	Page #	Dept #	Account	Description	Change in Budget	Proposed Budget Changes				Net Impact
								General	Water/Sewer	Port & Harbor	Projects	Considers
							\$ 10,054,085	\$ 3,538,191	\$ 3,599,145	1,866,745	Rev. Stream	
A-1	Wythe	General - Mayor/Council	B-11	100-100	5101-5102	Council Wages	-	(4,915)				(4,915)
		Justification: <i>Cut council pay and taxes</i>										
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: <i>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.</i>										
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: <i>One full time Police - 10 months</i>										
						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 Operating Budget**

Proposed Budget Amendments

Amendme No.	Council Member	Fund	Page #	Dept #	Account	Description	Change in Budget	Proposed Budget Changes				Net Impact Considers
								General	Water/Sewer	Port & Harbor	Projects	
		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				
		Justification:						8,000				8,000
		<i>With the adjustments made to the General Fund, there is a balance to cover this expenditure.</i>										

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**City of Homer
2011 Operating Budget**

Proposed Budget Amendments												
Amendme No.	Council Member	Fund	Page #	Dept #	Account	Description	Change in Budget	Proposed Budget Changes				Net Impact Considers
								General	Water/Sewer	Port & Harbor	Projects	
A-6	Zak	General Fund - City Clerk	B-13	100-101	5236	Subsistence	+	1,500				
		General Fund - City Clerk			5237	Transporation	+	2,000				
Justification: <i>To Allow City Clerks to attend AML</i>								3,500				3,500
A-7	Zak	General Fund - Mayor/City Council	B-11	100-100	5236	Subsistence	+	2,500				
		General Fund - Mayor/City Council			5237	Transporation		2,000				
Justification: <i>To Allow Council Members to attend AML</i>								4,500				4,500

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 (3ty pends)		9,000
100		5102	Fringe Benefits (taxes)		829
				4915	
			General Fund	9,829	
			Amended to 1/2		
				4915	4915
			Total (Must Be Balanced)	9,829	9,829
Cut Council pay + taxes.					
Requested by: <u>mew</u>			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

Requested by: James C. Hank

Prepared By: [Signature]

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	Memberships		7000
		5236	Transportation		2500
		5237	Substance		2000
		5603	Training		1200
111	Personnel	5229	Periodical		3000
120	Finance	5105	Memberships		2500
		5235	Memberships		800
		5237	Substance		500
		5603	Training		3000
		5603	Training		1500
130	Planning	5225	Memberships		1500
		5236	Transportation		4000
		5237	Substance		900
		5603	Training		2500
145	Library	5228	Books		20,000
		5235	Memberships		1200
		5236	Transportation		5500
		5237	Substance		1218
		5603	Training		3355
Police	Police		1 FTE - 10 months	70,000	70,000
Total (Must Be Balanced)					
Requested by: <u>B Howard</u>		Prepared By: <u>B Howard</u>			

}

CITY OF HOMER

2011 PROPOSED BUDGET AMENDMENT FORM

Date Submitted: _____

Date Received: _____

Fund #	Dept #	Acct #	Account Description	Increase	Decrease
100	164 SAL	56013	Training		3,000
100	170/PWA		Training		2,000
	171/PW		Training		2,000
	175 P/R		Training		900
			Total (Must Be Balanced)		
Requested by: <i>Howard</i>		Prepared By			

CITY OF HOMER

2011 PROPOSED BUDGET AMENDMENT FORM

Date Submitted:

Date Received: 11/10/2010

Fund #	Dept #	Acct #	Account Description	Increase	Decrease
5100	ALL	5102	\$50 per mo Employee Health contribution		174,600
100	101	5105	OVERTIME CLERK		5,000
100	102	5105	" " Elections		1,500
100	130	5105	OT Planning		1,500
100	145	5105	OT Library		1,000
100	149	5105	OT AIRPORT		2,050
100	150-152	5105	OT FIRE		20,000
100	160-165	5105	OT Police		50,000
100	170-178	5105	OT P W		10,000
200	400	5105	OT WWS Adm		1,000
200	401	5105	OT WT Plant		8,000
200	404	5105	OT H2O DIST		10,000
200	406	5105	OT Meters		2,000
200	500	5105	OT WS ADMIN		1,000
200	501	5105	OT Sewer Plant		8,000
200	503	5105	OT Sewer Pumps		12,000
200	504	5105	OT Sewer collection		1,000
100/200	101, 102 1301	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: Hoggin

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	600	5105	OT Park Annual		2000
400	601	5105	OT Harbor		16159
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 DWB " "		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		19000
100		5210	BIRCH HARBOR BITTNER ^{APRIL} DEC DELETE		99,000
		5210	INHOUSE ACTING 3/4 YR	99,000	
200	400	5252	CREDIT CARD EX WATER ADMIN		24,000
200	500	5252	" " " Sewer		24,000
		2 PAGE 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	5218	CHARGE for H ₂ O on floats		37,000
400	601	5252	CREDIT CARD Harbor		30,000
100	60163	5101-01	Police officer	91287	
100		5248	Lobbying	44,000	
450	380	5101-02	Harbor Forklift		65000
400/100		5101-02	HARBOR/ECO DEVELOP MARKETING DIRECTOR	65000	
			Total (Must Be Balanced)	478287	842526

Requested by: LOGAN

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: *[Signature]* Prepared By _____

CITY OF HOMER

2011 PROPOSED BUDGET AMENDMENT FORM

Date Submitted: __12/8/2011__

Date Received: : __12/8/2011__

Fund #	Dept #	Acct #	Account Description	Increase	Decrease
100	101	5236	City Clerk – Subsistence	1,500	
100	101	5237	City Clerk – Transportation	2,000	
Total (Must Be Balanced)				\$3,500	
AML Training for City Clerks, to come out of available Fund Balance					
Requested by: Bryan Zak			Prepared By R Harville		

From: bryanzak@aol.com
Sent: Monday, December 06, 2010 3:33 PM
To: Regina Harville
Subject: Fwd: RE: AML Attendance and Clerk Training

Hello Regina:

I would like to sponsor a budget amendment that would reinstate funding for:

1. employee training that includes insuring that city clerks are able to attend the training provided by AML.

and a separate amendment that;

2. reinstates funding for AML attendance for the Mayor and city council members to attend AML.

Funds to be taken out of reserve funding.

Please let me know if you can prepare the amendment for me, or if you need me to write it up on my forms. If you need me to write it up could you give me the proper account codes.

Please let me know if there is any other training that has been cut out of the budget and if so I would also support a third amendment that would

3. reinstate funding for city employee certification training as required - same source.

Thank you,

Regina Harville

From: Jo Johnson
Sent: Wednesday, December 08, 2010 10:45 AM
To: Regina Harville
Subject: RE: RE: AML Attendance and Clerk Training

To reinstate training for Clerk that would be \$1,500 to 100.101.5237 subsistence and \$2,000 to 100.101.5236 transportation. (This would reinstate to 2009 funding level)

To reinstate Council to attend AML that would be \$2,500 to 100.100.5236 transportation and \$2,000 to 100.100.5237 subsistence. (This would reinstate to 2010 funding level)

Jo Johnson

CITY OF HOMER

2011 PROPOSED BUDGET AMENDMENT FORM

Date Submitted: 12/8/2011

Date Received: 12/8/2011

Fund #	Dept #	Acct #	Account Description	Increase	Decrease
100	100	5236	Mayor/City Council – Subsistence	2,500	
100	100	5237	Mayor/City Council – Transportation	2,000	
Total (Must Be Balanced)				\$4,500	
AML Training for City Council Members, to come out of available Fund Balance					
Requested by: Bryan Zak			Prepared By R Harville		

CITY OF HOMER

2011 PROPOSED BUDGET AMENDMENT FORM

Date Submitted: 12/8/2011

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AML Training for City Council, to come out of available Fund Balance

Requested by: **Bryan Zak**

Prepared By **R Harville**

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Sent: Monday, December 06, 2010 3:33 PM
To: Regina Harville
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Jo Johnson

**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 Petroleum Products	3.95	3.95
	\$	\$
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 Availability 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 Bait Storage Fee (4x4x4)	\$ 250.00	\$ 257.50
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

Port / Harbor

4350 Homer Spit Road
Homer, Alaska 99603-8005

Telephone (907) 235-3160
Fax (907) 235-3152
E-mail port@ci.homer.ak.us
Web Site <http://port.ci.homer.ak.us>

MEMORANDUM 10-153

TO: HOMER CITY COUNCIL AND CITY MANAGER, WALT WREDE

FROM: PORT & HARBOR ADVISORY COMMISSION

SUBJECT: 2011 PRELIMINARY BUDGET & PROPOSED 3% RATE INCREASE

DATE: NOVEMBER 10, 2010

Background

Resolution 10-89 was introduced to City Council at their October 25, 2010 regular meeting. This resolution allows revising certain portions of the Port and Harbor Terminal Tariff No. 600 and amending the Homer Fee Schedule accordingly.

During their October 27, 2010 regular meeting, the Port and Harbor Advisory Commission reviewed the 2011 preliminary budget and proposed 3% rate increase. The motion to support the 2011 Preliminary Budget and the recommended 3% increase to Harbor rates was passed.

Recommendations

Requesting Homer City Council adopt Resolution 10-89 with Budget Ordinance 10-51.

Attached: P&H Commission October 27, 2010 Meeting Minutes

PORT AND HARBOR ADVISORY COMMISSION
REGULAR MEETING
OCTOBER 27, 2010

UNAPPROVED

NEW BUSINESS

- A. Memorandum from Harbormaster Hawkins Re: 2011 Preliminary Budget and Proposed 3% Rate Increase dated October 20, 2010
- a. 2011 Proposed Budget
 - b. 2011 Proposed Fees

Finance Director Harville gave a brief summary explanation of the provided documents. She noted that there was no more debt for the Port & Harbor. She explained Depreciation Reserves for the Commission and how it is applied or used. The overall budget documents contain information on expenditures and revenue. Ms. Harville noted a few discrepancies in the printed document and that these errors have been noted and/ or repaired. The line items are formula driven and used each year so it is easy to make a boo-boo.

Page C-28, Packet Page 26 - It was noted that there were increases in costs but the expenditures decreased by 6.1%.

Page C-30, Packet Page 28-29 – This showed a 3% increase in revenues.

Page C-31, Packet Page 31 – The Depreciation Reserves have been increased.

Page C-33, Packet Page 31 – Line Item 5241 is indirect costs and she can show where the figure comes from if there is a question.

Page C-42, C-43, Packet Pages 40-43 – These budgets are created and maintained by Public Works department.

Page D-19, Packet Page 45 - The items budgeted are in bold toward the bottom of the page. It was difficult to review since some information was missing. The lighter text projects were completed. The page was not filled with numbers. It was noted that approved expenditures for the year were in bold, these were also not started or incomplete. The amount or project stays on for 3 years before coming off the list and can be re-approved.

Ms. Harville noted that there are 20 full and part time employees. Exact salaries are not listed but the range where an employee is currently at will be noted. Ms. Harville will forward that information to the commissioners.

Discussion continued on the electric costs, high mast lights cost effectiveness, metered energy revenue, the security line item is basically a pass through for the cruise ships, credit card fees, alternative methods of payments. Fees would not have to be increased if they did not accept credit cards for payment. It was explained that prior to the acceptance of the credit cards there was a tremendous amount in uncollected debt. A recommendation was to charge a convenience fee of 2-3% of the amount. There was a split belief that many would or would not pay the fee going back to outstanding debt.

If there are any additional questions Ms. Harville stated they could contact her at any time, email, call or stop by she would be happy to answer their questions. Harbormaster Hawkins elaborated on the billing processes for stall renewals.

Harbormaster Hawkins explained the discrepancies in expenditures and revenue for the fish grinder, what services are provided at no charge, charters are charged a fee but the remains cleaned at the public tables are free. The Fish Factory is charged to grind during the summer season but not the winter in return for services provided. He further went on the state the reasons for the 3% increase to the fees. He continued the include that the reserves require a more substantial yearly contribution in order to be able to replace the needed

assets. This should be increased even more due to the fact that they currently cannot afford to even match a project at 20% for any major project that would be needed.

CARROLL/ZIMMERMAN - MOVED TO RECOMMEND SUPPORT OF THE PROPOSED FY2011 BUDGET AND THE RECOMMENDED 3% INCREASE TO HARBOR RATES.

There was a brief discussion on the reasoning for increasing the harbor rates, the cost of man hours for servicing or taking care of 3 twenty foot vessels or one sixty footer.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

There was no further discussion.



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MEMORANDUM 10-154

TO: HOMER CITY COUNCIL AND CITY MANAGER, WALT WREDE

FROM: PORT & HARBOR ADVISORY COMMISSION

SUBJECT: CASH DISCOUNTS ON CASH, CHECK, OR DEBIT TRANSACTIONS

DATE: DECEMBER 6, 2010

Background

During their November 17, 2010 regular meeting, the Port and Harbor Advisory Commission furthered their discussion on the 2011 preliminary budget and proposed 3% Terminal Tariff rate increase by addressing the topic of costs associated with processing credit card payments. The Commission discussed the possibility of either a cash discount on cash, check, or debit payments, or an added fee to all credit card payments.

Recommendations

Requesting Homer City Council consider an amendment to the proposed Port and Harbor Budget to offer a cash discount up to 2% on payment of fees by cash, check, or non-credit debit transactions.

Attached: P&H Commission November 17, 2010 Meeting Minutes

PORT AND HARBOR ADVISORY COMMISSION
REGULAR MEETING
NOVEMBER 17, 2010

UNAPPROVED

PENDING BUSINESS

A. Memorandum from Port & Harbor Advisory Commission to City Council Re: 2011 Preliminary Budget and Proposed 3% Rate Increase

Chair Ulmer reviewed the memorandum for the Commission that was forwarded to Council. Commissioner Zimmerman expressed concern that the fees are being increased by 3% and they could address the costs in processing credit card payments. If they charged a service fee like the Kenai Peninsula Borough does they could knock it down to 1%. It was noted that they could not do that at this time. Commissioner Zimmerman noted that they paid over \$31,000 in fees up to September 30, 2010. This amount pretty much covers the proposed rate hike. He believes that they must look at what they are expending money on. He further noted that Councilmember Hogan will bring this up at the next meeting. He strongly opined that they should look into the matter and consider other alternatives.

Harbormaster Hawkins addressed the admin fee for charge cards stating that the Finance department is quick to respond that the amounts in arrears has drastically fallen since accepting credit cards for payments. People are paying better when they can use a credit card or debit cards.

Commissioner Hartley noted that the purpose is to increase revenue but that they are missing the opportunity with the parking. He stated that there are a number of options available that could be used such as a central pay station, permits, numbered or tagged slots.

Commissioner Zimmerman stated that the cash payers should receive a discount in his opinion since they did not cost the port any additional fees when paying their bill.

Harbormaster Hawkins commented that he was not against a fee, but that may result in people not paying their bill again in a timely manner.

Commissioner Zimmerman added as an FYI that if charges were made over the phone or internet the card holder could protest the charges since there is no signature on the charge.

ZIMMERMAN/HARTLEY – MOVED TO RECOMMEND COUNCIL CONSIDER AN AMENDMENT TO THE PROPOSED PORT AND HARBOR BUDGET TO OFFER A CASH DISCOUNT UP TO 2% ON PAYMENT OF FEES BY CASH, CHECK OR NON-CREDIT DEBIT TRANSACTION.

Commissioner Zimmerman explained that he felt there should be consideration given to the accounts that pay by cash or check. He was concerned that the fees charged to accept credit cards for payments are increasing yearly and are in effect taking away revenue. He would like to see the city consider charging an administrative fee in an amount not to exceed 3% instead of raising rates. The Commissioners discussed the turnover rate of unpaid moorage, difficulty in

collecting unpaid debts, and the fees charged by collection agencies not to mention staff time. Harbormaster Hawkins noted that council would be discussing the issue along with the water and sewer fund too. Commissioner Hottmann added that this could result in a big expense to a large volume vendor. The use of debit cards with pin numbers are not as costly as a credit card. He would like to see this added to the increase in the 3%. Commissioner Hartley questioned the impact of a 2% discount on the revenue figures.

VOTE. YES. NON-OBJECTION. UNIANIMOUS CONSENT.

Motion carried.

There was no further discussion.

**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.

<u>Offense</u>	<u>Penalty/Fine</u>
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 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
 - d. Notice of Intent to Accept Grant Award

2. City Council Regular Meeting December 13, 2010 Public Hearing and Second Reading
 - a. Memorandum 10-135 from Police Chief as backup
 - b. Memorandum 10-136 from Police Chief as backup
 - c. Project Budget
 - d. Notice of Intent to Accept Grant Award

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:

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
151-774	Homeland Security Grant	\$30,000

Expenditure:

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
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

Thomas F. Klinkner, City Attorney

Date: _____

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 package 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:

Codes	Expense Description	Project Budget	
		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

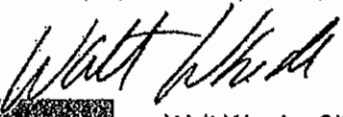
<u>Mary Kelle</u> Requesting Department	<u>11-15-2010</u> Date
<u>Karna Delle</u> Finance Department	<u>11/15/2010</u> Date
<u>Will Wade</u> City Manager	<u>11/15-2010</u> Date

Resolution : _____ Ordinance: _____

Copies Sent: City Clerk: 11-15-2010 Finance Dept: 11-15-2010
 Requesting Dept.: 11-15-2010 Project File: 11-15-2010

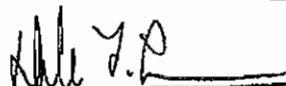
NOTICE OF INTENT TO ACCEPT GRANT AWARD



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	
<p>This is notice of <u>City of Homer</u> intent to accept the <u>Emergency Medical Dispatch ProQA Software</u> 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 - <u>Ordinance</u> citation # _____ . This process will take longer than the 30-day period of acceptance within this grant award. We request a <u>60</u> 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 rescinded.</p> <p style="text-align: center;"><i>If approved, you will receive written notification within three working days.</i></p>		
Signature of Jurisdiction Signatory Official	Date	Phone: (907) 235-8121
	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: 11/4/10


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

2. City Council Regular Meeting December 13, 2010 Public Hearing and Second Reading
 - 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:

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
157-731	ADOT Commercial Vehicle Inspection Reimbursement	\$6,720.00

Expenditure:

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
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

Thomas F. Klinkner, City Attorney

Date: _____

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. 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 11-PD-003	2. ASPS Number	3. Financial Coding	4. Agency Assigned Encumbrance Number
5. Vendor Number		6. Alaska Business License Number	
This contract is between the State of Alaska			
7. Department of Transportation and Public Facilities		Division MSCVE	hereafter the State, and
8. Contractor City of Homer Police Department			hereafter the Contractor
Mailing Address 4060 Heath Street	Street or P.O. Box	City Homer	State AK
			Zip + 4 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 <u>Oct. 1, 2010</u> and ends <u>September 30, 2011.</u>		
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 <u>\$6,720</u> 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 Transportation and Public Facilities		Attention: Division of MSCVE	
Mailing Address 11900 Industry Way, Bldg. M; Anchorage, AK 99515		Attention: 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		
12	CONTRACTING AGENCY		
Department/Division DOT&PF; MSCVE		Date	Signature of Head of Contracting Agency or Designee
Signature of Project Director		Date	
Typed or Printed Name of Project Director Rex Young		Typed or Printed Name Dan Breedon	
Title Chief, Commercial Vehicle Enforcement	Title Director, MSCVE		

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.

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
Accounting 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

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

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:

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
157-731	ADOT Commercial Vehicle Inspection Reimbursement	\$6,720.00

Expenditure:

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
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

Thomas F. Klinkner, City Attorney

Date: _____

Date: _____

Fiscal Note: Fiscal information included in body of Ordinance.

STANDARD AGREEMENT FORM

1. Agency Contract Number 11-PD-003	2. ASPS Number	3. Financial Coding	4. Agency Assigned Encumbrance Number
5. Vendor Number		6. Alaska Business License Number	
This contract is between the State of Alaska			
7. Department of Transportation and Public Facilities		Division MSCVE	hereafter the State, and
8. Contractor City of Homer Police Department hereafter the Contractor			
Mailing Address 4060 Heath Street	Street or P.O. Box	City Homer	State AK
			Zip + 4 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 <u>Oct. 1, 2010</u> and ends <u>September 30, 2011.</u>		
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 <u>\$6,720</u> 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 Transportation and Public Facilities		Attention: Division of MSCVE	
Mailing Address 11900 Industry Way, Bldg. M; Anchorage, AK 99515		Attention: 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		
12. CONTRACTING AGENCY			
Department/Division DOT&PF; MSCVE		Date	Signature of Head of Contracting Agency or Designee
Signature of Project Director		Date	
Typed or Printed Name of Project Director Rex Young		Typed or Printed Name Dan Breedon	
Title Chief, Commercial Vehicle Enforcement	Title Director, MSCVE		
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.			

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
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33	DW42	22254	Level 1
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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
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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
Accounting 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

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

ORDINANCE(S)

ORDINANCE REFERENCE SHEET
2010 ORDINANCE
ORDINANCE 10-56

An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.03.040, Definitions; Enacting Homer City Code Chapter 21.44, Slopes; and Amending Homer City Code 21.50.020, Site Development Standards – Level One, and Homer City Code 21.50.030, Site Development Standards – Level Two; Regarding the Regulation of Development Activity on Sites Affected by Slopes.

Sponsor: Planning

1. City Council Regular Meeting December 13, 2010 Introduction
 - a. Memorandum 10-149 from City Planner as backup
 - b. Draft Ordinance
 - c. Staff Reports PL 10-107, 10-94, 10-73, 10-72, 10-57, 10-40, 10-36, 10-15, 09-42, 09-25, 09-02, and 08-43 as backup

1 CITY OF HOMER
2 HOMER, ALASKA

3 Planning

4 ORDINANCE 10-56
5

6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
7 AMENDING HOMER CITY CODE 21.03.040, DEFINITIONS; ENACTING
8 HOMER CITY CODE CHAPTER 21.44, SLOPES; AND AMENDING HOMER
9 CITY CODE 21.50.020, SITE DEVELOPMENT STANDARDS – LEVEL ONE,
10 AND HOMER CITY CODE 21.50.030, SITE DEVELOPMENT STANDARDS
11 – LEVEL TWO; REGARDING THE REGULATION OF DEVELOPMENT
12 ACTIVITY ON SITES AFFECTED BY SLOPES.
13

14 WHEREAS, There has been community concern about steep slope development since
15 2001 and the formation of the Steep Slope Task Force; and
16

17 WHEREAS, The 2008 City of Homer Comprehensive Plan, Chapter 4 Land Use, Goal 1
18 Object C, strategy 7 states, “Develop and apply in all districts new standards addressing
19 environmental issues including management of storm water, slope standards, and onsite septic
20 systems”; and
21

22 WHEREAS, Goal 2, Objective B, includes strategies such as developing standards for
23 building setbacks on coastal bluffs, creating standards for development on steep slopes and
24 creating an option for a specialized review process for hillsides, e.g. allowing development on
25 steeper slopes subject to more extensive site analysis and engineering reports.
26

27 NOW THEREFORE THE CITY OF HOMER ORDAINS:
28

29 Section 1. Homer City Code 21.03.040, Definitions used in zoning code, is hereby
30 amended by adding the following definitions:
31

32 “*Bluff*” means an abrupt elevation change in topography of at least 15 feet, with an
33 average slope of not less than 200% (two feet difference in elevation per one foot of horizontal
34 distance).
35

36 “*Coastal bluff*” means a bluff whose toe is within 300 feet of the mean high water line of
37 Kachemak Bay.
38

39 “*Ravine*” means a long, deep hollow in the earth’s surface with walls that have a height
40 of at least 15 feet and an average slope of not less than 500% (five feet difference in elevation
41 per one foot of horizontal distance).
42

[**Bold and underlined added.** Deleted language stricken through.]

43 “Slope” means with respect to two points on the surface of the ground, the ratio,
44 expressed as a percentage, of the difference between their elevations divided by the horizontal
45 distance between them. Slope is measured as provided in HCC 21.05.040.

46 “Steep slope” means an elevation change in topography of at least 15 feet, with an
47 average slope of not less than 45% (one foot difference in elevation per 2.22 feet of horizontal
48 distance). A steep slope can occur naturally or can be created by excavation into or filling over
49 natural ground.

50
51 Section 2. Homer City Code Chapter 21.44 Steep Slopes is hereby enacted to read as
52 follows:

53
54 CHAPTER 21.44

55
56 SLOPES

57
58 21.44.010 Purpose and intent
59 21.44.020 Applicability
60 21.44.030 Slope development standards
61 21.44.040 Exceptions to setback requirements
62 21.44.050 Site plan requirements for slope development
63

64 21.44.010 Purpose and intent. This chapter regulates development activity and structures
65 in areas affected by slopes, bluffs, coastal bluffs and ravines, and provides the means for
66 additional review and protection to encourage safe and orderly growth to promote the health,
67 welfare and safety of Homer residents.

68
69 21.44.020 Applicability. a. This chapter applies to all development activity that disturbs
70 the existing land surface, including without limitation clearing, grading, excavating and filling in
71 areas that are subject to any of the following conditions:

- 72 1. Lots with average slopes 15% or greater, bluffs, coastal bluffs and ravines;
73 2. Located within forty (40) feet of the top or within fifteen (15) feet of the
74 toe of a steep slope, bluff, coastal bluff or ravine; and
75 3. Any other location where the City Engineer determines that adverse
76 conditions associated with slope stability, erosion or sedimentation are present.

77 b. This chapter imposes regulations and standards in addition to the requirements of
78 the underlying zoning district(s).

79
80 21.44.030 Slope development standards. The following standards apply to all
81 development activity on a site described in HCC 21.44.020.

82 a. No development activity, including clearing and grading, may occur before the
83 issuance of a zoning permit under HCC Chapter 21.70.

84 b. Area of development.

[Bold and underlined added. Deleted language stricken through.]

- 85 1. Except where the City Engineer approves a site plan under HCC
86 21.44.050 that provides for a larger area of development, the area of development on a lot with
87 an average slope:
- 88 a. Of 15 to 30 percent shall not exceed 25 percent of the total lot area.
89 b. Greater than 30 percent but less than 45 percent shall not exceed
90 10 percent of the total lot area.
- 91 2. The area of development on a lot with an average slope of 45 percent or
92 greater shall not exceed the area of development described in a site plan approved by the City
93 Engineer under HCC 21.44.050.
- 94 c. Setbacks. Subject to the exceptions to setback requirements in HCC 21.44.040, all
95 development activity is subject to the following setback requirements.
- 96 1. No structure may be closer to the top of a ravine, steep slope or non-
97 coastal bluff than the lesser of:
- 98 i. 40 feet; or
99 ii. 1/3 of the height of the bluff or steep slope, but not less than 15
100 feet.
- 101 2. No structure may be closer than 15 feet to the toe of a bluff other than a
102 coastal bluff.
- 103 3. No structure may be closer than 40 feet to the top of a coastal bluff and
104 closer than 15 feet to the toe of a coastal bluff.
- 105 d. Natural Drainage. The site design and development activity shall not restrict
106 natural drainage patterns, except as provided in this subsection.
- 107 1. To the maximum extent feasible, the natural surface drainage patterns
108 unique to the topography and vegetation of the site shall be preserved. Natural surface drainage
109 patterns may be modified only pursuant to a site plan approved by the City Engineer under HCC
110 21.44.050, and upon a showing that there will be no significant adverse environmental impacts
111 on the site or on adjacent properties. If natural drainage patterns are modified, appropriate soil
112 stabilization techniques shall be employed.
- 113 2. The site shall be graded as necessary to ensure that drainage flows away
114 from all structures for a distance of at least 10 feet, especially where building pads are cut into
115 hillsides.
- 116 3. The development activity shall not cause an adverse effect on adjacent
117 land and surrounding drainage patterns.
- 118 e. Erosion control.
- 119 1. Erosion control methods approved by the City Planner and City Engineer,
120 including without limitation sediment traps, small dams and barriers, shall be used during
121 construction and site development to protect water quality, control soil erosion and control the
122 velocity of runoff.
- 123 2. Winter Erosion Control Blankets. If development on a slope is not
124 stabilized by October 15, erosion control blankets (or a product with equivalent performance
125 characteristics) must be installed upon completion of the seasonal work, but no later than
126 October 15. The erosion control blankets shall remain in place until at least the following May

[Bold and underlined added. Deleted language stricken through.]

127 3. Vegetation shall remain undisturbed except as necessary to construct
128 improvements and to eliminate hazardous conditions, in which case it must be replanted with
129 approved materials including ground cover, shrubs and trees. Native vegetation is preferred for
130 replanting operations, and will be used where practicable.

131 4. Grading shall not alter the natural contours of the terrain except as
132 necessary for building sites or to correct unsafe conditions. The locations of buildings and roads
133 shall be planned to follow and conform to existing contours as nearly as possible.

134
135 21.44.040 Exceptions to setback requirements. a. Any of the following may be located
136 within a setback required by HCC 21.44.030(c):

137 1. A deck extending no more than five feet into the required setback.

138 2. An unoccupied accessory structure having a building area not greater than
139 200 square feet that is no closer than 15 feet to the top of any bluff or ravine.

140 3. A boardwalk, sidewalk, foot path or stairway that provides access to a
141 beach, bluff or accessory structure, and that is located at or within three feet above ground level.

142 4. Development activity that the City Planner determines is reasonably
143 intended to stabilize an eroding coastal bluff.

144 b. No structure other than a structure described in (a) of this section may be located
145 in a required setback without a conditional use permit issued in accordance with HCC Chapter
146 21.71 and a site plan approved by the City Engineer under HCC 21.44.050.

147
148 21.44.050 Site plan requirements for slope development. a. No permit for development
149 activity for which HCC 21.44.030 or 21.44.040(b) requires a site plan may be approved unless
150 the City Engineer approves a site plan for the development activity that conforms to the
151 requirements of this section. The City Engineer shall accept or reject the plan as submitted or
152 may require that specific conditions be complied with in order for the plan to meet approval.

153 b. The site plan shall be prepared by a qualified geotechnical engineer licensed to
154 practice in the state of Alaska and shall include the following information.

155 1. The location of all watercourses, water bodies, and wetlands within 100
156 feet of the location of the proposed development activity.

157 2. The location of all existing and proposed drainage structures and patterns.

158 3. Site topography shown by contours with a maximum vertical interval of
159 five feet.

160 4. The location of all proposed and existing buildings, utilities (including
161 onsite well and septic facilities), driveways and streets.

162 5. The location of all existing vegetation types including meadow, forest and
163 scrub lands, identifying all areas of vegetation that will be removed as well as vegetation to be
164 preserved or replaced. Specifications for revegetation shall also be included.

165 6. Specific methods that will be used to control soil erosion, sedimentation,
166 and excessive storm water runoff during and after construction.

[**Bold and underlined added.** Deleted language stricken through.]

- 167 7. A description of the stability of the existing soils on site and a narrative
168 and other detail sufficient to demonstrate the appropriateness of the development and
169 construction methods proposed.
- 170 8. A grading plan for all areas that will be disturbed by the development
171 activity.
- 172 9. A slope stability analysis including the following:
- 173 i. Summary of all subsurface exploration data, including subsurface
174 soil profile, exploration logs, laboratory or *in situ* test results, and ground water information;
- 175 ii. Interpretation and analysis of the subsurface data;
- 176 iii. Summary of seismic concerns and recommended mitigation;
- 177 iv. Specific engineering recommendations for design;
- 178 v. Discussion of conditions for solution of anticipated problems;
- 179 vi. Recommended geotechnical special provisions;
- 180 vii. An opinion on adequacy for the intended use of sites to be
181 developed by the proposed grading as affected by soils engineering factors, including the
182 stability of slopes.

183
184 Section 3. Homer City Code 21.50.020(a), Site development standards – level one,
185 Slopes is amended to read as follows:

186
187 This section establishes level one site development standards. Level one site
188 development standards apply in all zoning districts, unless otherwise provided by another
189 provision of the zoning code.

190 a. Slopes. All development on a site affected by a slope of 15% or more, bluff,
191 coastal bluff or ravine, as described in HCC 21.44.020, shall be subject to the requirements
192 of HCC Chapter 21.44 in addition to the requirements of this section. ~~lots with slopes of 15~~
193 ~~percent more is subject to the following standards:~~

194 1. ~~For lots with slopes of 15 to 30 percent, the area used for development~~
195 ~~shall not exceed 25 percent of the lot. If the development site includes more than one lot, a~~
196 ~~conditional use permit is required.~~

197 2. ~~For lots with slopes of greater than 30 percent, the area used for~~
198 ~~development shall not exceed ten percent of the lot. If the development site includes more than~~
199 ~~one lot, a conditional use permit is required.~~

200 3. ~~Vegetation shall remain undisturbed except as necessary to construct~~
201 ~~improvements and to eliminate hazardous conditions, in which case it must be replanted with~~
202 ~~approved materials including ground cover, shrubs and trees. Native vegetation is preferred for~~
203 ~~replanting operations, and will be used where practicable.~~

204 4. ~~Grading shall not alter the natural contours of the terrain except as~~
205 ~~necessary for building sites or to correct unsafe conditions. The locations of buildings and roads~~
206 ~~shall be planned to follow and conform to existing contours as nearly as possible.~~

207

[**Bold and underlined added.** Deleted language stricken through.]

250 NO:
251 ABSTAIN:
252 ABSENT:
253
254 First Reading:
255 Public Hearing:
256 Second Reading:
257 Effective Date:
258 Reviewed and approved as to form:
259
260
261 _____
262 Walt E. Wrede, City Manager
263
264 Date: _____

Thomas F. Klinkner, City Attorney

Date: _____

[**Bold and underlined added.** Deleted language stricken through.]



City of Homer

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MEMORANDUM 10-149

TO: Mayor Hornaday and Homer City Council
THRU: Walt Wrede, City Manager
FROM: Rick Abboud City Planner
DATE: December 13, 2010
SUBJ: Ordinance 10-56 amending HCC 21.03.040, Definitions; Enacting HCC 21.44, Slopes; and amending HCC 21.50.020, Site Development Standards – Level One and HCC 21.50.030, Site Development Standards – Level Two; regarding the regulation of development activity on sites affected by slopes.

Introduction

This proposed ordinance has been in the making for well over two years. The clearest description of the changes may be found in **Staff Report 10-84**. Public hearings of the Planning Commission have been held on September 15th and October 6th in addition to public presentations with personal invitations to all known area developers prior to ordinance development and again at the Realtors Luncheon on September 15th, 2010.

Recommendation: Adopt Ordinance 10-56 amending HCC 21.03.040, Definitions; Enacting HCC 21.44, Slopes; and amending HCC 21.50.020, Site Development Standards – Level One and HCC 21.50.030, Site Development Standards – Level Two; regarding the regulation of development activity on sites affected by slopes.

1 Planning Commission Public Hearing Draft September 15, 2010

2
3 CITY OF HOMER
4 HOMER, ALASKA

5 Planning

6 ORDINANCE 10-

7
8 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
9 AMENDING HOMER CITY CODE 21.03.040, DEFINITIONS; ENACTING
10 HOMER CITY CODE CHAPTER 21.44, SLOPES; AND AMENDING HOMER
11 CITY CODE 21.50.020, SITE DEVELOPMENT STANDARDS – LEVEL ONE,
12 AND HOMER CITY CODE 21.50.030, SITE DEVELOPMENT STANDARDS
13 – LEVEL TWO; REGARDING THE REGULATION OF DEVELOPMENT
14 ACTIVITY ON SITES AFFECTED BY SLOPES.
15

16
17 WHEREAS, There has been community concern about steep slope development since
18 2001 and the formation of the Steep Slope Task Force; and
19

20 WHEREAS, The 2008 City of Homer Comprehensive Plan, Chapter 4 Land Use, Goal 1
21 Object C, strategy 7 states, “Develop and apply in all districts new standards addressing
22 environmental issues including management of storm water, slope standards, and onsite septic
23 systems;” and
24

25 WHEREAS, Goal 2, Objective B, includes strategies such as developing standards for
26 building setbacks on coastal bluffs, creating standards for development on steep slopes and
27 creating an option for a specialized review process for hillsides, e.g. allowing development on
28 steeper slopes subject to more extensive site analysis and engineering reports.
29

30
31 NOW THEREFORE THE CITY OF HOMER ORDAINS:

32
33 Section 1. Homer City Code 21.03.040, Definitions used in zoning code, is hereby
34 amended by adding the following definitions:
35

36 “*Bluff*” means an abrupt elevation change in topography of at least 15 feet, with an
37 average slope of not less than 200% (two feet difference in elevation per one foot of horizontal
38 distance).
39

40 “*Coastal bluff*” means a bluff whose toe is within 300 feet of the mean high water line of
41 Kachemak Bay.
42

[**Bold and underlined added.** Deleted language stricken through.]

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85
86 21.44.030 Slope development standards. The following standards apply to all
87 development activity on a site described in HCC 21.44.020.

88 a. No development activity, including clearing and grading, may occur before the
89 issuance of a zoning permit under HCC Chapter 21.70.

90 b. Area of development.

91 1. Except where the City Engineer approves a site plan under HCC
92 21.44.050 that provides for a larger area of development, the area of development on a lot with
93 an average slope:

94 a. Of 15 to 30 percent shall not exceed 25 percent of the total lot area.

95 b. Greater than 30 percent but less than 45 percent shall not exceed
96 10 percent of the total lot area.

97 2. The area of development on a lot with an average slope of 45 percent or
98 greater shall not exceed the area of development described in a site plan approved by the City
99 Engineer under HCC 21.44.050.

100 c. Setbacks. Subject to the exceptions to setback requirements in HCC 21.44.040, all
101 development activity is subject to the following setback requirements.

102 1. No structure may be closer to the top of a ravine, steep slope or non-
103 coastal bluff than the lesser of:

104 i. 40 feet; or

105 ii. 1/3 of the height of the bluff or steep slope, but not less than 15
106 feet.

107 2. No structure may be closer than 15 feet to the toe of a bluff other than a
108 coastal bluff.

109 3. No structure may be closer than 40 feet to the top of a coastal bluff and
110 closer than 15 feet to the toe of a coastal bluff.

111 d. Natural Drainage. The site design and development activity shall not restrict
112 natural drainage patterns, except as provided in this subsection.

113 1. To the maximum extent feasible, the natural surface drainage patterns
114 unique to the topography and vegetation of the site shall be preserved. Natural surface drainage
115 patterns may be modified only pursuant to a site plan approved by the City Engineer under HCC
116 21.44.050, and upon a showing that there will be no significant adverse environmental impacts
117 on the site or on adjacent properties. If natural drainage patterns are modified, appropriate soil
118 stabilization techniques shall be employed.

119 2. The site shall be graded as necessary to ensure that drainage flows away
120 from all structures for a distance of at least 10 feet, especially where building pads are cut into
121 hillsides.

122 3. The development activity shall not cause an adverse effect on adjacent
123 land and surrounding drainage patterns.

124 e. Erosion control.

125 1. Erosion control methods approved by the City Planner and City Engineer,
126 including without limitation sediment traps, small dams and barriers, shall be used during

[Bold and underlined added. Deleted language stricken through.]

168 5. The location of all existing vegetation types including meadow, forest and
169 scrub lands, identifying all areas of vegetation that will be removed as well as vegetation to be
170 preserved or replaced. Specifications for revegetation shall also be included.

171 6. Specific methods that will be used to control soil erosion, sedimentation,
172 and excessive storm water runoff during and after construction.

173 7. A description of the stability of the existing soils on site and a narrative
174 and other detail sufficient to demonstrate the appropriateness of the development and
175 construction methods proposed.

176 8. A grading plan for all areas that will be disturbed by the development
177 activity.

178 9. A slope stability analysis including the following:

179 i. Summary of all subsurface exploration data, including subsurface
180 soil profile, exploration logs, laboratory or *in situ* test results, and ground water information;

181 ii. Interpretation and analysis of the subsurface data;

182 iii. Summary of seismic concerns and recommended mitigation;

183 iv. Specific engineering recommendations for design;

184 v. Discussion of conditions for solution of anticipated problems;

185 vi. Recommended geotechnical special provisions;

186 vii. An opinion on adequacy for the intended use of sites to be
187 developed by the proposed grading as affected by soils engineering factors, including the
188 stability of slopes.

189
190 Section 3. Homer City Code 21.50.020(a), Site development standards – level one,
191 Slopes is amended to read as follows:

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193 This section establishes level one site development standards. Level one site
194 development standards apply in all zoning districts, unless otherwise provided by another
195 provision of the zoning code.

196 a. Slopes. All development on a site affected by a slope of 15% or more, bluff,
197 coastal bluff or ravine, as described in HCC 21.44.020, shall be subject to the requirements
198 of HCC Chapter 21.44 in addition to the requirements of this section. ~~lots with slopes of 15~~
199 ~~percent more is subject to the following standards:~~

200 1. ~~For lots with slopes of 15 to 30 percent, the area used for development~~
201 ~~shall not exceed 25 percent of the lot. If the development site includes more than one lot, a~~
202 ~~conditional use permit is required.~~

203 2. ~~For lots with slopes of greater than 30 percent, the area used for~~
204 ~~development shall not exceed ten percent of the lot. If the development site includes more than~~
205 ~~one lot, a conditional use permit is required.~~

206 3. ~~Vegetation shall remain undisturbed except as necessary to construct~~
207 ~~improvements and to eliminate hazardous conditions, in which case it must be replanted with~~
208 ~~approved materials including ground cover, shrubs and trees. Native vegetation is preferred for~~
209 ~~replanting operations, and will be used where practicable.~~

[Bold and underlined added, Deleted language stricken through.]

250 ATTEST:

251

252

253

254 _____
JO JOHNSON, CMC, CITY CLERK

255

256 YES:

257 NO:

258 ABSTAIN:

259 ABSENT:

260

261 First Reading:

262 Public Hearing:

263 Second Reading:

264 Effective Date:

265

266

267 Reviewed and approved as to form:

268

269

270

271 _____
Walt E. Wrede, City Manager

272 Date: _____

Thomas F. Klinkner, City Attorney

[Bold and underlined added. Deleted language stricken through.]

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STAFF REPORT PL 10-107

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
MEETING: November 3, 2010
SUBJECT: Steep Slope Ordinance

GENERAL INFORMATION

After taking a closer look at the ordinance in light of Commissioner Kranich's suggestion for clarification, I have incorporated changes of deleting language found on lines 87-89 and inserting language in lines 92-93 and 102. I found it problematic in lines 87-89 to refer to all of the development standards when exceptions should only apply to the area of development and setbacks. Inserting the rule for exception to the area of development prior to the list of standards and a reminder of the exceptions to setbacks prior to the description should make it easier to figure out the requirements. I chose not to include a table at this point. I believe the clarifications of the exceptions should be adequate and a table would be redundant the way the ordinance is now written.

STAFF RECOMMENDATIONS:

1. Move to accept as amended and forward to City Council for adoption.

PLAT CONSIDERATION

There were no plats for consideration.

PENDING BUSINESS

A. Staff Report PL 10-107, Draft Steep Slope Ordinance

Chair Minsch called for a break at 8:03 p.m. and resumed at 8:09 p.m.

City Planner Abboud reviewed the amendments.

HIGHLAND/BOS MOVED TO DISCUSS AND MAKE RECOMMENDATIONS.

There was no opposition expressed and discussion ensued.

The Commission briefly discussed that the amendments and agreed that this draft is clearer.

KRANICH/BOS MOVED TO FORWARD THE AMENDED DRAFT STEEP SLOPE ORDINANCE TO CITY COUNCIL FOR PUBLIC HEARING AND APPROVAL.

There was brief discussion that the amendments made after the public hearing were for clarification and not substantive. Another public hearing at the Commission level is not needed.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

B. Staff Report PL 10-105, Proposed Sign Code Changes

KRANICH/BOS MOVED TO ADDRESS THE SIGN CODE CHANGES AT A WORKSESSION.

There was brief discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

C. Staff Report PL 10-96, Draft Zoning Enforcement Ordinance (Outdoor Storage)

HIGHLAND/BOS MOVED TO BRING THIS TO THE FLOOR FOR DISCUSSION AND RECOMMENDATION.

There was no objection expressed and discussion ensued.

Commissioner Bos expressed his desire for this to be something that will give property owners an opportunity to succeed in cleaning up their property. He cited some examples that he has seen elsewhere.

From: Ray Kranich

Date: October 20, 2010

Re: Steep Slope Ordinance

After Line 96, Insert 3. In 1 and 2 above the allowable area of development may be exceeded by an approved site plan, approved by the City Engineer under HCC 21.44.50.

Line 97, renumber 3. to 4.

At the end of Line 158 ADD: This review shall be accomplished within _____ days of submittal, or the plan shall be considered approved as submitted.



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STAFF REPORT PL 10-94

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
MEETING: October 6, 2010
SUBJECT: Steep Slope Ordinance

GENERAL INFORMATION

It was orally noted that review of this ordinance prior to the last Planning Commission meeting found that setbacks from the top of steep slopes were not addressed.

This ordinance can be corrected (if this is the intent of the Commission) by making a motion to have line 103 read

“No structure may be closer to the top of a ravine, steep slope or non-coastal bluff.....

And line 106 to read

“1/3 of the height of the bluff or steep slope, but not less than 15 feet.”

STAFF RECOMMENDATIONS:

Planning Commission

1. Amend as desired and forward for adaption of City Council

KRANICH/HIGHLAND MOVED TO BRING TO THE FLOOR FOR DISCUSSION AND RECOMMENDATION FOR FURTHER REVIEW BEFORE FORWARDING TO COUNCIL.

Commissioner Kranich raised concern about the formatting and layout as to the area of development and being able to have an engineer prepare a site plan allow for development exceeding the percentage limits. He is not sure he has the answer he wants that the information is readily available to a member of the public coming in to look at code. He would like to have it prepared in a clearer manner for the public to understand.

KRANICH/HIGHLAND MOVED TO POSTPONE TO THE NEXT MEETING AND HAVE IT AS AN ACTION ITEM.

There was no discussion.

VOTE: YES: HIGHLAND, DOLMA, KRANICH
NO: MINSCH, VENUTI

Motion failed for lack of a majority.

There was further discussion about Commissioner Kranich's concern regarding the clarity of the ordinance with regard to requirements for development on a slope greater than 45% and where the requirements are clearly outlined in code.

MINSCH/HIGHLAND MOVED TO RECONSIDER THE MOTION TO POSTPONE.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

There was brief discussion on the motion to postpone.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

C. Staff Report PL 10-86, Section Line Easement Vacation at Lot 4B-1 Dierich Addition

City Planner Abboud reviewed the staff report.

Roger Imhoff, project surveyor, said he was available to answer questions.

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

KRANICH/DOLMA MOVED TO BRING TO THE FLOOR FOR ADOPTION STAFF REPORT 10-86, SECTION LINE EASEMENT VACATION AT LOT 4B-1 DIERICH ADDITION WITH STAFF RECOMMENDATIONS AND FINDINGS.

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.



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STAFF REPORT PL 10-73

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Planning Technician
MEETING: August 18, 2010
SUBJECT: Steep Slope Ordinance

GENERAL INFORMATION

Staff amended the ordinance as directed by the Commission. A few things to help the Commission through the new ordinance:

Definitions:

A "Steep Slope" remains a slope greater than 45%, greater than 15 feet high (see actual ordinance for the exact wording). All other slopes that are gentler are just plain "slopes."

"Average Slope" -- code already describes how to measure slope and that the measurement is the average slope of the lot. (lines 45-53).

The major changes are lines 91-99, and 134-142. Lines 134-142 keeps some existing code language about vegetation and grading.

Lines 91-99 limit the percentage of the lot that may be developed for lots with an average slope of 15-45%. These percentages are the same as existing code. If a builder wants to exceed the allowable percentage, they must submit a slope site plan (geotech report). For lots with an average slope over 45%, no development is allowed without a geotech report.

One of the benefits to using average slope of a lot is that staff can readily calculate the slope and how much area someone can develop, in the office. Through this ordinance, a land owner would have the option to hire an engineer and provide a geotechnical report, which if approved, would allow more development. Builders do not have this option now; they must adhere to the limits whether those limits are reasonable for a particular parcel or not.

STAFF COMMENTS/RECOMMENDATIONS:

Planning Commission

1. Review the draft ordinance to public hearings on September 1st and 15th, 2010.

ATTACHMENTS

1. August 2010 Draft Ordinance



1 August 2010

2
3 CITY OF HOMER
4 HOMER, ALASKA

5 Planning

6 ORDINANCE 10-

7
8 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
9 AMENDING HOMER CITY CODE 21.03.040, DEFINITIONS, 21.05.040,
10 MEASURING SLOPES, HOMER CITY CODE 21.50.020, SITE
11 DEVELOPMENT STANDARDS – LEVEL ONE, AND HOMER CITY CODE
12 21.50.030, SITE DEVELOPMENT STANDARDS – LEVEL TWO; AND
13 ENACTING HOMER CITY CODE CHAPTER 21.44, STEEP SLOPES;
14 REGARDING THE REGULATION OF DEVELOPMENT ACTIVITY ON
15 SITES AFFECTED BY STEEP SLOPES.

16
17 THE CITY OF HOMER ORDAINS:

18
19 Section 1. Homer City Code 21.03.040, Definitions used in zoning code, is hereby
20 amended by adding the following definitions:

21
22 “*Bluff*” means an abrupt elevation change in topography of at least 15 feet, with an
23 average slope of not less than 200% (two feet difference in elevation per one foot of horizontal
24 distance).

25
26 “*Coastal bluff*” means a bluff whose toe is within 300 feet of the mean high water line of
27 Kachemak Bay.

28
29 “*Ravine*” means a long, deep hollow in the earth’s surface with walls that have a height
30 of at least 15 feet and an average slope of not less than 500% (five feet difference in elevation
31 per one foot of horizontal distance).


32
33 “*Slope*” means with respect to two points on the surface of the ground, the ratio,
34 expressed as a percentage, of the difference between their elevations divided by the horizontal
35 distance between them. Slope is measured as provided in HCC 21.05.040.

36
37 “*Steep slope*” means an elevation change in topography of at least 15 feet, with an
38 average slope of not less than 45% (one foot difference in elevation per 2.22 feet of horizontal
39 distance). A steep slope can occur naturally or can be created by excavation into or filling over
40 natural ground.

41
42 Section 2. Homer City Code 21.05.040, Measuring slopes, is amended to read as
43 follows:

[**Bold and underlined added.** Deleted language stricken through.]

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2010\Ordinance\SteepSlopedordrevise8.5.10.docx

44
45 21.05.040 Measuring slopes. The slope between two points on the surface of the
46 ground is measured by calculating the vertical change in elevation (H) over the horizontal
47 run (L) between them and multiplying this decimal result by 100 to determine percent (%)
48 slope. Percent Slope = (H/L)x100. When calculating the slope of a lot, an average slope is
49 used based on the elevations at the corners of the lot. The average slope of a lot, expressed as a
50 percentage, is calculated by subtracting the average elevation of the uphill lot line and the
51 average elevation of the downhill lot line and dividing the sum by the average distance between
52 the two lot lines. The average elevation of the uphill or downhill lot line is calculated by adding
53 the elevations at the ends of the lot line and dividing by two. See Figure .

54
55 Section 3. Homer City Code Chapter 21.44 Steep Slopes is hereby amended to read as
56 follows:

57
58 CHAPTER 21.44

59
60 STEEP-SLOPES

- 61
- 62 21.44.010 Purpose and intent
- 63 21.44.020 Applicability
- 64 21.44.030 Steep-slope development standards
- 65 21.44.040 Setbacks for development activity
- 66 21.44.050 Site plan for conditional use

67
68 21.44.010 Purpose and intent. This chapter regulates development activity and structures
69 | in areas affected by steep-slopes, bluffs, coastal bluffs and ravines, and provides the means for
70 additional review and protection to encourage safe and orderly growth to promote the health,
71 welfare and safety of Homer residents.

72
73 21.44.020 Applicability. a. This chapter applies to all development activity that disturbs
74 the existing land surface, including without limitation clearing, grading, excavating and filling in
75 areas that are subject to any of the following conditions:

- 76 | 1. Steep-slopes Lots with average Slopes 15% or greater, bluffs, coastal
77 bluffs and ravines;
- 78 2. Located within forty (40) feet of the top or within fifteen (15) feet of the
79 | toe of a steep slope greater than 45%, bluff, coastal bluff or ravine; and
- 80 3. Any other location where the City Engineer determines that adverse
81 conditions associated with slope stability, erosion or sedimentation are present.

82 b. This chapter imposes regulations and standards in addition to the requirements of
83 the underlying zoning district(s).

84
[Bold and underlined added. Deleted language stricken through.]

85 | 21.44.030 Steep-slope development standards. The following standards apply to all
86 | development activity on a site described in HCC 21.44.020. Development that does not meet
87 | these standards is subject to 21.44.050.

88 | a. No development activity, including clearing and grading, may occur before the
89 | issuance of a zoning permit under HCC Chapter 21.70.

90 |
91 | b. For lots with an average slope of 15 to 30 percent, the area of development shall not
92 | exceed 25 percent of the lot. Any development exceeding 25 percent of the lot requires an
93 | approved site plan per 21.44.050.

94 | c. For lots with an average slope greater than 30 percent but less than 45 percent, the area
95 | used for development shall not exceed 10 percent of the lot. Any development exceeding 10
96 | percent of the lot requires an approved site plan per 21.44.050 and approval by the City
97 | Engineer.

98 | d. For lots with an average slope of 45 percent or greater, any development requires an
99 | approved site plan per 21.44.050 and approval by the City Engineer.

100 |
101 | be. Subject to HCC 21.44.040, all development activity is subject to the following
102 | setback requirements.

103 | 1. No structure may be closer to the top of a ravine or non-coastal bluff than
104 | the lesser of:

105 | i. 40 feet; or

106 | ii. 1/3 of the height of the bluff, but not less than 15 feet.

107 | 2. No structure may be closer than 15 feet to the toe of a bluff other than a
108 | coastal bluff.

109 | 3. No structure may be closer than 40 feet to the top of a coastal bluff and
110 | closer than 15 feet to the toe of a coastal bluff.

111 | ef. The site design and development activity shall not restrict natural drainage
112 | patterns, except as provided in this subsection.

113 | 1. To the maximum extent feasible, the natural surface drainage patterns
114 | unique to the topography and vegetation of the site shall be preserved. Natural surface drainage
115 | patterns may be modified only pursuant to the site plan approved under 21.44.040, and upon a
116 | showing that there will be no significant adverse environmental impacts on the site or on
117 | adjacent properties. If natural drainage patterns are modified, appropriate soil stabilization
118 | techniques shall be employed.

119 | 2. The site shall be graded as necessary to ensure that drainage flows away
120 | from all structures for a distance of at least 10 feet, especially where building pads are cut into
121 | hillsides.

122 | 3. The development activity shall not cause an adverse effect on adjacent
123 | land and surrounding drainage patterns.

124 | eg. Erosion control.

[**Bold and underlined added.** Deleted language stricken through.]

125 1. Erosion control methods approved by the City Planner and City Engineer,
126 including without limitation sediment traps, small dams and barriers, shall be used during
127 construction and site development to protect water quality, control soil erosion and control the
128 velocity of runoff.

129 2. Winter Erosion Control Blankets. If development on a slope is not
130 stabilized by October 15, erosion control blankets (or a product with equivalent performance
131 characteristics) must be installed upon completion of the seasonal work, but no later than
132 October 15. The erosion control blankets shall remain in place until at least the following May

133 3. Vegetation shall remain undisturbed except as necessary to construct
134 improvements and to eliminate hazardous conditions, in which case it must be replanted with
135 approved materials including ground cover, shrubs and trees. Native vegetation is preferred for
136 replanting operations, and will be used where practicable.

137 4. Grading shall not alter the natural contours of the terrain except as
138 necessary for building sites or to correct unsafe conditions. The locations of buildings and roads
139 shall be planned to follow and conform to existing contours as nearly as possible.

140
141 21.44.040 Exceptions to setback requirements. a. Any of the following may be located
142 within a required setback:

143 1. A deck extending no more than five feet into the required setback.

144 2. An unoccupied accessory structure having a building area not greater than
145 200 square feet that is no closer than 15 feet to the top of any bluff or ravine.

146 3. A boardwalk, sidewalk, foot path or stairway that provides access to a
147 beach, bluff or accessory structure, and that is located at or within three feet above ground level.

148 4. Development activity that the City Planner determines is reasonably
149 intended to stabilize an eroding coastal bluff.

150 b. No structure other than a structure described in (a) of this section may be located in a
151 required setback without a conditional use permit issued in accordance with HCC Chapter 21.71
152 and HCC 21.44.050.

153 21.44.050 Site plan requirements for steep-slope development conditional use permit. a.
154 ~~No conditional-use permit for development activity under HCC 21.44.30 or 21.44.040(b) may be~~
155 approved unless the City Engineer approves a site plan for the development activity that
156 conforms to the requirements of this section. The City Engineer shall accept or reject the plan as
157 submitted or may require that specific conditions be complied with in order for the plan to meet
158 approval.

159 b. The site plan shall be prepared by a qualified geotechnical engineer licensed to
160 practice in the state of Alaska and shall include the following information.

161 1. The location of all watercourses, water bodies, and wetlands within 100
162 feet of the location of the proposed development activity.

163 2. The location of all existing and proposed drainage structures and patterns.

[Bold and underlined added. Deleted language stricken through.]

- 164 3. Site topography shown by contours with a maximum vertical interval of
- 165 five feet.
- 166 4. The location of all proposed and existing buildings, utilities (including
- 167 onsite well and septic facilities), driveways and streets.
- 168 5. The location of all existing vegetation types including meadow, forest and
- 169 scrub lands, identifying all areas of vegetation that will be removed as well as vegetation to be
- 170 preserved or replaced. Specifications for revegetation shall also be included.
- 171 6. Specific methods that will be used to control soil erosion, sedimentation,
- 172 and excessive storm water runoff both during and after construction.
- 173 7. A description of the stability of the existing soils on site and a narrative
- 174 and other detail sufficient to demonstrate the appropriateness of the development and
- 175 construction methods proposed.
- 176 8. A grading plan for all areas that will be disturbed by the development
- 177 activity.
- 178 9. A [slope stability analysis] including the following:
- 179 i. Summary of all subsurface exploration data, including subsurface
- 180 soil profile, exploration logs, laboratory or *in situ* test results, and ground water information;
- 181 ii. Interpretation and analysis of the subsurface data;
- 182 iii. Summary of seismic concerns and recommended mitigation;
- 183 [iv A slope stability analysis]
- 184 iv. Specific engineering recommendations for design;
- 185 v. Discussion of conditions for solution of anticipated problems;
- 186 vi. Recommended geotechnical special provisions;
- 187 vii. An opinion on adequacy for the intended use of sites to be
- 188 developed by the proposed grading as affected by soils engineering factors, including the
- 189 stability of slopes.
- 190 10. Conformance to the site development standards of HCC 21.44.030.

191
 192 Section 4. Homer City Code 21.50.020(a), Site development standards – level one,
 193 Slopes is amended to read as follows:

194
 195 This section establishes level one site development standards. Level one site
 196 development standards apply in all zoning districts, unless otherwise provided by another
 197 provision of the zoning code.

198 a. Slopes. All development on **a site affected by a steep slope, bluff, coastal bluff**
 199 **or ravine, as described in HCC 21.44.020, shall be subject to the requirements of HCC**
 200 **Chapter 21.44 in addition to the requirements of this section**—lots with slopes of 15 percent
 201 more is subject to the following standards:

202 1. ~~For lots with slopes of 15 to 30 percent, the area used for development~~
 203 ~~shall not exceed 25 percent of the lot. If the development site includes more than one lot, a~~
 204 ~~conditional use permit is required.~~

[Bold and underlined added. Deleted language stricken through.]

205 2. ~~For lots with slopes of greater than 30 percent, the area used for~~
206 ~~development shall not exceed ten percent of the lot. If the development site includes more than~~
207 ~~one lot, a conditional use permit is required.~~

208 (Staff note Items 3 and 4 below moved to 21.44.030 Slope development
209 standards.) 3. ~~Vegetation shall remain undisturbed except as necessary to construct~~
210 ~~improvements and to eliminate hazardous conditions, in which case it must be replanted with~~
211 ~~approved materials including ground cover, shrubs and trees. Native vegetation is preferred for~~
212 ~~replanting operations, and will be used where practicable.~~

213 4. ~~Grading shall not alter the natural contours of the terrain except as~~
214 ~~necessary for building sites or to correct unsafe conditions. The locations of buildings and roads~~
215 ~~shall be planned to follow and conform to existing contours as nearly as possible.~~

216 ~~(NOT AMMENDING THIS SECTION OF CODE, so we're removing this from the~~
217 ~~ordinance) b. Drainage. All development activity on lands shall conform to the~~
218 ~~following:~~

219 1. ~~Development shall provide a drainage system that is designed to deposit~~
220 ~~all runoff into either an engineered drainage system or into a natural drainage.~~

221 2. ~~Where open ditch construction is used to handle drainage within the~~
222 ~~development, a minimum of 15 feet shall be provided between any structures and the top of the~~
223 ~~bank of the defined channel of the drainage ditch.~~

224 3. ~~When a closed system is used to handle drainage within the development,~~
225 ~~all structures shall be a minimum of ten feet from the closed system.~~

226 e. ~~Landscaping Requirements. All development activity on lands shall conform to~~
227 ~~the following:~~

228 1. ~~Development activities shall not adversely impact other properties by~~
229 ~~causing damaging alteration of surface water drainage, surface water ponding, slope failure,~~
230 ~~erosion, siltation, intentional or inadvertent fill or root damage to neighboring trees, or other~~
231 ~~damaging physical impacts. The property owner and developer shall take such steps, including~~
232 ~~installation of culverts or buffers, or other methods, as necessary to comply with this~~
233 ~~requirement.~~

234 2. ~~Upon completion of earthwork, all exposed slopes and all cleared, filled,~~
235 ~~and disturbed soils shall be protected against subsequent erosion by methods such as, but limited~~
236 ~~to, landscaping, planting, and maintenance of vegetative cover.~~

237 3. ~~All exposed, cleared, filled and disturbed soils shall be revegetated within~~
238 ~~16 months following the initiation of earthwork. Natural revegetation is acceptable if the site~~
239 ~~naturally revegetates within that 16-month period. If natural revegetation is not successful within~~
240 ~~that 16-month period, the property owner and developer shall revegetate by other means no later~~
241 ~~than the end of that 16-month period.~~

242 4. ~~Drainage can be stabilized by other means than vegetation, if approved in writing~~
243 ~~by the City Engineer.~~

[**Bold and underlined added.** Deleted language stricken through.]

245 | Section 5. Subsection (b) of Homer City Code 21.50.030(b) Slopes, Site development
246 standards – level two, is amended to read as follows:

247
248 b. Slopes. All development on a site affected by a steep slope, bluff, coastal bluff
249 or ravine, as described in HCC 21.44.020, shall be subject to the requirements of HCC
250 Chapter 21.44 in addition to the requirements of this section ~~lots with slopes of 20 percent or~~
251 ~~more shall be subject to the following standards:~~

252 1. ~~For lots with slopes of 20 percent to 30 percent, the area used for~~
253 ~~development shall not exceed 25 percent of the lot. If the development site includes more than~~
254 ~~one lot, a conditional use permit is required.~~

255 2. ~~For lots with slopes greater than 30 percent, the area used for development~~
256 ~~shall not exceed ten percent of the lot. If the development site includes more than one lot, a~~
257 ~~conditional use permit is required.~~

258 3. ~~Vegetation shall remain undisturbed except as necessary to construct~~
259 ~~improvements and to eliminate hazardous conditions, unless replanted with as much native~~
260 ~~vegetation as practicable including ground cover, shrubs and trees.~~

261 4. ~~Grading shall not alter the natural contours of the terrain except as~~
262 ~~necessary for building sites or to correct unsafe conditions. The locations of buildings and roads~~
263 ~~shall be planned to follow and conform to existing contours as nearly as possible.~~

264
265 Section 6. This ordinance shall be effective upon adoption, except that land development
266 plans that received final approval prior to the effective date of this ordinance shall not be subject
267 to the amendments in this ordinance.

268
269 Section 7. This Ordinance is of a permanent and general character and shall be included
270 in the City Code.

271
272 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of
273 _____ 2010.

274
275 CITY OF HOMER

276
277
278 _____
279 JAMES C. HORNADAY, MAYOR

280
281 ATTEST:

282
283
284 _____
285 JO JOHNSON, CMC, CITY CLERK

[**Bold and underlined added.** Deleted language stricken through.]





City of Homer

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STAFF REPORT PL 10-72

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
MEETING: August 4, 2010
SUBJECT: Draft Steep Slope Ordinance

GENERAL INFORMATION

Commissioner Minsch has reconsidered her vote to take the ordinance to public hearing. I will try to summarize some of the concerns with the ordinance. This subject has been under consideration for at least 9 years. We have only two commissioners that have been part of this conversation prior to the last two years. Have we lost focus and not given consideration to the original direction?

History

Attachments include a newspaper article that states some consideration given to the original drafts. I have also included a chapter from *Innovative Land Use Planning Techniques* that I imagine was presented to the commission prior to my employment with the City of Homer. Also included is the finished Anchorage regulation, which I believe was presented to the commission in draft form. I thought that it would be useful as an example of Alaskan regulation. It must be remembered that Anchorage has adopted the International Building Code which also regulates development on slopes (such things as finished cut and fill must be no greater than 2/1 or 50%).

Concern

What is steep? While all can agree that 45-50% is steep, most have to concede that less than 45% is steep also. Does this require regulation? While we have come from disallowing any development on slopes greater than 50% to allowing it with an engineer's approval, we seem to have thrown out all regulation below 45%. Currently, we limit development to not exceed 25% of the lot on slopes of 15 – 30% (15%!) and not to exceed 10% of the lot on slopes greater than 30%. ---- Side note: The Fire Department would like to not have any driveway greater than 10%.

We seem to agree that the current regulation is not really getting us where we wish to be. Why not? Because no direction is given to where the development may take place and also the percentage of development is relative to the lot size.

Do we really wish to allow for maximum development on all lots under 45%? Regulation to consider may be a maximum percentage of lot development or a maximum size of building envelope and we allow exception if someone wishes to jump through the engineering hoops (here is where a finished cut and full requirement as in the International Building Code might discourage disturbing steeper slopes). Perhaps the Dirt Work Ordinance does (or will) address this with standards on grading and excavation creating a permanent slope of 30% or more. The caveat to consider is the cases of natural building envelopes next to very steep slopes.

STAFF COMMENTS/RECOMMENDATIONS:

Planning Commission

1. Consider/reconsider inclusion of requirements of developing on slopes less than 45%.
2. Suggest time frame for outreach and public hearing.

Attachments

1. Homer News article – April 30, 2008
2. Site Example
3. Anchorage Steep Slope Ordinance
4. Steep Slope and Ridgeline Protection - ILU
5. 40% slope diagram

BY MICHAEL ARMSTRONG
STAFF WRITER

Two years ago when a neighborhood association raised concerns over a subdivision near the Baycrest Hill bluff, Homer city officials and city council members said the issue showed the need for the Homer Advisory Planning Commission and the city council to craft and pass a steep-slope development ordinance.

"Maybe when we get the Fred Meyer and Gateway (Zoning District) stuff out of the way, we can attack this," council member Mike Heimrich said in August 2006. "I can guarantee you this case has lit the fire again."

Last month, the planning commission reignited that discussion when it presented a workshop on a proposed ordinance. Commissioners emphasized the ordinance is a draft version and only the first step in a long public process that has to go through several planning commission work sessions and commission and council public hearings before — or if — it's adopted into city code.

Developers might worry the ordinance would cover any land steep enough to roll a marble downhill. Not so; the proposed ordinance applies to property with more than a 30-percent slope, within 40 feet of a bluff edge or where the city engineer determines slope, erosion or stability issues.

What the ordinance says about how slopes steeper than 50 percent can be developed could ignite some controversy. The version available on the Homer Planning Department Web site says "on slopes of 50 percent or greater, no development, re-grading or stripping of vegetation shall be permitted."

Planning Commission Chairman Ray Kranich said that restriction could get people alarmed. He cautioned that the ordinance is only a draft, and that as it works its way through the process, a blanket restriction could be qualified to read that anything over 50 percent would need an engineering plan.

"This is a very rough ordinance," he said.

David Cole of DOWL Engineers, Anchorage, gave a talk that could be called Steep Slope 101. Cole works as a consultant to the city on steep-slope issues under a five-year Environmental Protection Agency grant to the city for wetlands and other geologic mapping. Engineers calculate slope by dividing horizontal distance by vertical distance. A hill that runs 5 feet for every 1 foot of rise has a 20 percent slope and a hill that runs 2

feet for every 1 foot of rise has a 50 percent slope. Slopes at or under 50 percent generally can be built on without major difficulty, Cole said.

"If they're steeper than two-to-one, generally you'll need some engineering analysis," he said.

The proposed ordinance would require a site plan by a civil engineer for slopes 30 percent or greater.

Another factor has to do with soil types, geologic features or vegetation. Engineers compare the driving force, or the movement of soils downhill, with the resisting force, or soil structure or subsurface geologic features. If the resisting force is greater than the driving force — say, well-vegetated topsoil on a shallow slope — then the slope will be stable.

Stability can be improved by putting in retaining walls at the uphill or toe side of the slope. Disturbed slopes can be re-vegetated and the soil stabilized with materials like jute fabric to retain soil while grasses and brushies grow.

In a comment period, Mike McCarthy encouraged the city to address soil structure. McCarthy, a Kaetchemak Drive resident, said his research suggests marine sediments that contain salt become unstable when water dissolves the salt crystals. Along with calculating slope areas, the city should do a baseline hydrology and surficial soils analysis, McCarthy said.

The proposed ordinance also looks at development within 40 feet of a bluff edge. It focuses on upland or inland bluffs, such as the bluffs along Skyline Drive, Nina Faust, a Skyline Drive area homeowner, said she wondered if 40 feet would be enough.

"That sounds like something that needs to be addressed," she said.

Faust also said she thought the ordinance should address issues like dumping off a bluff.

"That would not be acceptable," Cole said. "You're creating a fill."

Filling or dumping also is addressed by the draft ordinance, with restrictions on how high a fill could be built. It would require a site plan for fill placement over 8 feet and for cuts 5 feet high or greater.

Borough assemblywoman Milli Martin, also a Skyline Drive area resident, raised similar concerns.

"What is the impact of what occurs on the top?" she asked. "What is the impact below?"

Cole said he understood Martin's concern about where a sloping area ends and how uphill activity could affect neighbors below.

"The ordinance as written doesn't talk about that, but you make a very good point," Cole said.

The steep slope ordinance workshop led to many similar concerns. With notes in the draft ordinance like "What to call this section?" it clearly is in rough form. After the planning commission has conducted more work sessions and the city incorporated its ideas, the steep slope ordinance will go before the commission for its consideration, with public hearings. If passed or amended, it would go to the Homer City Council for more public hearings and final action.

No dates for future action have been set. The draft ordinance is at the planning department's Web page at planning.ci.homer.ak.us.

Michael Armstrong can be reached at michael.armstrong@homernews.com.

IN BRIEF

Tire change deadline extended

Due to poor road conditions, Alaska Department of Public Safety Commissioner Walt Monegan has issued an emergency order extending the studded-tire deadline on Alaska roads by two weeks. April 15 and May 1 are the normal deadlines to have studded tires removed; however April 29 was the extended deadline for roads south of 60 degrees north latitude and May 15 is the deadline for roads north of that latitude. "The extension should provide all motorists that additional margin of safety on lingering winter roads," the department said in a press release issued April 24. "The extension should also show that the state is concerned enough to remain flexible in deadlines to best ensure the safety on roads."

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April 30, 2008

Photo from 2003.
Property lines are not exact.

Average slope here
is 2.0-2.5%

100 ft

100 ft
100 ft
100 ft

100 ft
100 ft
100 ft

EXISTING CODE

Average slope

38% Development limited to 10% of the lot

9104 sq ft

9443 sq ft

variances?

8x45 area

average slope here is 20-25%

Photo from 2003. Property lines are not exact.

0 50 100 200 Feet

