

City Council  
February 15, 2011  
Tuesday

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





# February 2011

<i>Tuesday 15<sup>th</sup></i>	CITY COUNCIL <b>Special Meeting 4:00 p.m., Committee of the Whole 5:00 p.m., and Regular Meeting 6:00 p.m.</b>
<i>Wednesday 16<sup>th</sup></i>	PLANNING COMMISSION <b>Worksession 5:30 p.m. and Regular Meeting 7:00 p.m.</b>
<i>Thursday 17<sup>th</sup></i>	PARKS AND RECREATION ADVISORY COMMISSION <b>Special Meeting 5:30 p.m.</b>
<i>Friday 18<sup>th</sup></i>	KACHEMAK DRIVE PATH COMMITTEE <b>Meeting 5:30 p.m.</b>
<i>Monday 21<sup>st</sup></i>	CITY OFFICES CLOSED <b>in observance of Presidents' Day.</b>
<i>Tuesday 22<sup>nd</sup></i>	CITY HALL RENOVATION AND EXPANSION TASK FORCE <b>Regular Meeting 5:00 p.m.</b>
<i>Wednesday 23<sup>rd</sup></i>	PORT AND HARBOR ADVISORY COMMISSION <b>Regular Meeting 5:00 p.m.</b>
<i>Monday 28<sup>th</sup></i>	CITY COUNCIL <b>Worksession 4:00 p.m., Committee of the Whole 5:00 p.m. and Regular Meeting 6:00 p.m.</b>  NATURAL GAS DISTRIBUTION TASK FORCE <b>Noon</b>

## **Regular Meeting Schedule**

**City Council 2<sup>nd</sup> and 4<sup>th</sup> Mondays 6 p.m.**  
**Library Advisory Board 1<sup>st</sup> Tuesday 6 p.m.**  
**Economic Development Advisory Commission 2<sup>nd</sup> Tuesday 6 p.m.**  
**Parks and Recreation Advisory Commission 3<sup>rd</sup> Thursday of the months of January, March, May, June, July, August, September and November 5:30 p.m.**  
**Planning Commission 1<sup>st</sup> and 3<sup>rd</sup> Wednesday 7 p.m.**  
**Port and Harbor Advisory Commission 4<sup>th</sup> Wednesday 5 p.m.**  
**Transportation Advisory Committee Quarterly 3<sup>rd</sup> Tuesday 5:30 p.m.**  
**Public Arts Committee Quarterly 3<sup>rd</sup> Thursday 5:00 p.m.**  
**Lease Committee Quarterly 2<sup>nd</sup> Thursday 3 p.m.**  
**Permanent Fund Committee Quarterly 2<sup>nd</sup> Thursday 5:15 p.m.**

## **MAYOR AND CITY COUNCILMEMBERS AND TERMS**

**JAMES C. HORNADAY, MAYOR – 12**  
**KEVIN HOGAN, COUNCILMEMBER – 12**  
**BARBARA HOWARD, COUNCILMEMBER – 11**  
**DAVID LEWIS, COUNCILMEMBER – 11**  
**FRANCIE ROBERTS, COUNCILMEMBER – 12**  
**MARY E. (BETH) WYTHE, COUNCILMEMBER – 13**  
**BRYAN ZAK, COUNCILMEMBER – 13**

**City Manager, Walt Wrede  
City Attorney, Thomas Klinkner**

<http://www.cityofhomer-ak.gov/cityclerk> home page access, Clerk's email address is: [clerk@ci.homer.ak.us](mailto:clerk@ci.homer.ak.us) Clerk's office phone number: direct line 235-3130, other number 435-3106.



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

FEBRUARY 15, 2011  
TUESDAY, AT 4:00 P.M.  
COWLES COUNCIL CHAMBERS

**MEETING NOTICE  
SPECIAL MEETING AGENDA**

**1. CALL TO ORDER, 4:00 P.M.**

Councilmember Zak has requested telephonic participation.

Councilmember Hogan has requested telephonic participation, or excused absence if telephonic is not possible.

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

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

**4. NEW BUSINESS**

A. Lobbyists, Linda Anderson and Yuri Morgan, Anderson Group, LLC

Page 7

**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 is scheduled for Monday, February 28, 2011 at 5:00 p.m. Next Regular Meeting is Monday, February 28, 2011 at 6 p.m. A Worksession is scheduled for Monday, February 28, 2011 at 4:00 p.m. All meetings are scheduled to be held in the City Hall Cowles Council Chambers.



**City of Homer**  
**Legislative Work Session**  
**February 15, 2011**

- I. 2011 Session Overview
- II. FY 2012 Capital Improvement Project Priorities
- III. Legislation



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

FEBRUARY 15, 2011  
TUESDAY, AT 5:00 P.M.  
COWLES COUNCIL CHAMBERS

**MEETING NOTICE  
COMMITTEE OF THE WHOLE AGENDA**

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

Councilmember Zak has requested excusal.

Councilmember Hogan has requested telephonic participation, or excused absence if telephonic is not possible.

**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, February 28, 2011 at 5:00 p.m. Next Regular Meeting is Monday, February 28, 2011 at 6:00 p.m. A Worksession is scheduled for Monday, February 28, 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





HOMER CITY COUNCIL  
491 E. PIONEER AVENUE  
HOMER, ALASKA

FEBRUARY 15, 2011  
**TUESDAY**, AT 6:00 P.M.  
COWLES COUNCIL CHAMBERS

**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**

Councilmember Zak has requested excusal.

Councilmember Hogan has requested telephonic participation, or excused absence if telephonic is not possible.

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

**2. AGENDA APPROVAL**

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

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

**4. RECONSIDERATION**

**5. CONSENT AGENDA**

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

- A. Homer City Council unapproved Special Meeting minutes of January 4, 2011 and Regular Meeting minutes of January 24, 2011. City Clerk. Recommend adoption.

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**6. VISITORS**

- A. Linda Anderson & Yuri Morgan, Anderson Group, LLC – Lobbyists, 10 minutes.

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

- A. Borough Report

- B. Commissions/Board Reports:

1. Library Advisory Board
  2. Homer Advisory Planning Commission
  3. Economic Development Advisory Commission
  4. Parks and Recreation Advisory Commission
  5. Port and Harbor Advisory Commission
- C. International Pacific Halibut Commission Report (Councilmember Hogan)
- D. Alaska Scenic Byways Page 47
- 8. PUBLIC HEARING(S)**
- A. **Ordinance 11-01**, An Ordinance of the City Council of Homer, Alaska, Enacting Homer City Code Chapter 8.02, Business Licenses, Regarding the Requirement of a License to Engage in Business in the City; and Enacting Homer Code 9.16.015, Determining when a Sale, Rental or Service Occurs in the City. Hogan. Introduction January 10, 2011, Public Hearings January 24 and February 15, 2011 and Second Reading February 15, 2011. Page 55
- Ordinance 11-01(S)**, An Ordinance of the City Council of Homer, Alaska, Enacting Homer City Code Chapter 8.02, Business Licenses, Regarding the Requirement of a License to Engage in Business in the City; and Enacting Homer Code 9.16.015, Determining when a Sale, Rental or Service Occurs in the City. Hogan. Page 63
- 9. ORDINANCE(S)**
- A. **Ordinance 11-03**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.03.040, Definitions Used in Zoning Code; Homer City Code 21.12.020, Rural Residential (RR), Permitted Uses and Structures; Homer City Code 21.14.020, Urban Residential (UR), Permitted Uses and Structures; and Homer City Code 21.16.020, Residential Office (RO), Permitted Uses and Structures; and Homer City Code 21.61.060, Termination of Nonconforming Use or Structure; Regarding the Accessory Use of Storage in Residential Zoning Districts. Planning. Recommended dates: Introduction February 15, 2011, Public Hearing and Second Reading February 28, 2011. Page 75
- Memorandum 11-017 from City Planner as backup. Page 83

- B. **Ordinance 11-04**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a State of Alaska Legislative Grant in the Amount of \$1,457,758.20 for the Purpose of Expanding and Renovating City Hall. City Manager. Recommended dates: Introduction February 15, 2011, Public Hearing and Second Reading February 28, 2011. Page 105
- C. **Ordinance 11-05**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a State of Alaska Legislative Grant in the Amount of \$1,000,000 for the Purpose of Conducting Preliminary Work on Phase I of the Deep Water Dock Expansion Project to Include Scoping, Feasibility Studies, Environmental Work, and Engineering and Design. City Manager. Recommended dates: Introduction February 15, 2011, Public Hearing and Second Reading February 28, 2011. Page 131
- D. **Ordinance 11-06**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a State of Alaska Legislative Grant in the Amount of \$250,000 for the Purpose of Constructing Park Improvements Contained in Phase I of the Karen Hornaday Park Master Plan. City Manager. Recommended dates: Introduction February 15, 2011, Public Hearing and Second Reading February 28, 2011. Page 143
- E. **Ordinance 11-07**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2011 Operating Budget by Appropriating \$17,000 from the Fire Department Depreciation Reserves for the Purchase and Installation of New Data Collection and Management Software. City Manager/Fire Chief. Recommended dates: Introduction February 15, 2011, Public Hearing and Second Reading February 28, 2011. Page 151
- Memorandum 11-018 from Fire Chief as backup. Page 155
- F. **Ordinance 11-08**, An Ordinance of the City Council of Homer, Alaska, Authorizing an Expenditure of \$359,800 (\$67,860 from the Water/Sewer Reserve and \$291,940 from the Homer Accelerated Roads and Trails Program (HART) for the Purpose of Completing the Design and Construction of Soundview Avenue / Woodard Creek Crossing Improvement. City Manager/Public Works Director. Recommended dates: Introduction February 15, 2011, Public Hearing and Second Reading February 28, 2011. Page 157
- Memorandum 11-022 and 10-36 from Public Works Director as backup. Page 161
- 10. CITY MANAGER'S REPORT**
- A. City Manager's Report Page 167
1. Memorandum 11-025 from Community Recreation Coordinator, Re: Old Intermediate School. Page 177
- B. Bid Report Page 179

C. Games Report Page 181

1. Kachemak Bay Equestrian Association, Inc. Page 183

**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

F. Natural Gas Distribution Task Force

**13. PENDING BUSINESS**

A. **Ordinance 11-02(S)**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2011 Operating Budget by Authorizing the Transfer of \$184,700 \$131,335 from the Harbor Reserve and \$173,000 \$172,932 from the Water/Sewer Reserve to the Energy Revolving Loan Fund and Establishing a Budget for the Implementation of Energy Conservation Measures in the Amount of \$900,500 \$847,067. (Postponed from January 24, 2011.) Page 185

Memorandums 11-021 and 11-007(S) from Public Works Director as backup. Page 189

B. **Resolution 11-009**, A Resolution of the City Council of Homer, Alaska, Approving a Contract with Siemens Industry, Inc. for the Implementation of Energy Conservation Measures in the Amount of \$795,191 and Authorizing the City Manager to Execute the Appropriate Documents to Complete Recommended Improvements. City Manager/Public Works Director. (Postponed from January 24, 2011.) Page 207

**14. NEW BUSINESS**

A. **Memorandum 11-019**, from City Clerk, Re: Travel Authorization for Councilmember Hogan to Travel to Washington, D.C. on a Lobbying Trip for the City of Homer February 16 – 18, 2011. Page 209

## 15. RESOLUTIONS

- A. **Resolution 11-015**, A Resolution of the City Council of Homer, Alaska, Approving a New Ten Year Lease with Two Five Year Options for Homer Spit Campground, Finding that it is in the Public Interest to do so Without a Competitive Bidding Process, and Authorizing the City Manager to Negotiate and Execute the Lease. City Manager.  
Page 211  
Memorandum 11-024 from Lease Committee as backup. Page 215
- B. **Resolution 11-016**, A Resolution of the City Council of Homer, Alaska, Approving City Participation in the Kenai Peninsula Borough Office of Emergency Management Computer Aided Dispatch Project to Step Six as Described in the White Paper Distributed by the Borough and in its January 24, 2011 Presentation to the City Council. City Manager/Police Chief  
Page 265  
Memorandum 11-013 from Police Chief as backup. Page 267
- C. **Resolution 11-017**, A Resolution of the City Council of Homer, Alaska Requesting that the State Department of Transportation and Public Facilities Add the Proposed Main Street / Sterling Highway Intersection Improvements Project to the Statewide Transportation Improvement Program (STIP), Expand the Project to Include Bringing Main Street Up to Urban Road Standards and Adding Traffic Control Improvements at Main Street and Pioneer Avenue, and Stipulating that in Return, the City Will Commit \$2 Million it Received from a Legislative Grant for the Project as a Match and Assume Responsibility for Ownership and Maintenance of Main Street. City Manager.  
Page 289  
Memorandum 11-023 from City Manager as backup. Page 291
- D. **Resolution 11-018**, A Resolution of the City Council of Homer, Alaska, Amending Resolution 10-57(A) Creating the City Hall Renovation and Expansion Task Force by Extending the Life of the Task Force to the Point that Construction Begins. City Manager/City Hall Renovation & Expansion Task Force.  
Page 293  
Memorandum 11-020 from City Hall Renovation and Expansion Task Force as backup. Page 295
- E. **Resolution 11-019**, A Resolution of the City Council of Homer, Alaska, Expressing Support for the Pratt Museum's Senate Appropriation Request in the Amount of \$1,500,000 for Construction of its New Facility and Site Redesign Project. Wythe.  
Page 299

F. **Resolution 11-020**, A Resolution of the City Council of Homer, Alaska, Amending Resolution 10-78(A) Adopting the 2011-2016 Capital Improvement Plan and Establishing Capital Project Legislative Priorities for Fiscal Year 2012 by Deleting Kachemak Bay Tidal Power Feasibility and Conceptual Design from the "Top 15" Priorities List for 2012 and Replacing Deep Water Dock Uplands Improvements on the "Top 15" List with a New Project Entitled Deep Water/Cruise Ship Dock; Docking and Upland Passenger Facility Improvements. City Manager. Page 301

G. **Resolution 11-021**, A Resolution of the City Council of Homer, Alaska, in Support of the Central Area Rural Transportation System (CARTS). Roberts. Page 307

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, FEBRUARY 28, 2011 AT 6:00 P.M. THE NEXT COMMITTEE OF THE WHOLE IS SCHEDULED FOR MONDAY, FEBRUARY 28, 2011 AT 5:00 P.M. A WORKSESSION IS SCHEDULED FOR MONDAY, FEBRUARY 28, 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



# CONSENT AGENDA



Session 11-01 a Special Meeting of the Homer City Council was called to order on January 4, 2011 at 5:42 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,  
ZAK  
(WYTHE arrived at 5:46 p.m.)

**STAFF:** CITY MANAGER WREDE  
CITY CLERK JOHNSON  
ATTORNEY LEVESQUE

### **AGENDA APPROVAL**

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

The agenda was approved by consensus of the Council.

### **PRELIMINARY ISSUES**

Mayor Hornaday passed the gavel to Acting Mayor Pro Tempore Francie Roberts.

Mayor Hornaday disclosed he spent \$380 with Dave Becker's radio station in the last mayoral election. He has advertised with the radio station the last four terms, although he has no continuing business. Mayor Hornaday disclosed Dave Becker called him and they agreed they would not discuss any of the merits. Mr. Becker left a phone message stating he wanted to talk about procedure. Mayor Hornaday messaged him back that he could not talk about procedure since it sometimes gets involved in the appeals. Mayor Hornaday learned about the appeal when he read the documents the attorney filed. He stated it would not make a difference in his decision.

Acting Mayor Pro Tempore Roberts affirmed Mayor Hornaday spent \$380 at the radio station for the last mayoral election. She referred to Attorney Levesque who confirmed that conflict of interest has to do with substantial financial interest. Homer City Code allows \$1,000 per transaction or \$5,000 over the course of a year.

Acting Mayor Pro Tempore Roberts ruled Mayor Hornaday did not have a conflict of interest, based on the monetary disclosure. There was no objection from the Council.

Acting Mayor Pro Tempore Roberts affirmed Mayor Hornaday's disclosure of ex-parte comments, and referred to Attorney Levesque who advised if there was ex-parte communication that had to do with merits, it could take the Mayor out of the Chairman of the Board of Adjustment (BOA). The Mayor disclosed he had communication with Mr. Becker, but the parties agreed not to talk about the merits and the Mayor declined to talk about procedure.

Acting Mayor Pro Tempore Roberts ruled Mayor Hornaday did not have a conflict with ex-parte communication. There was no objection from the Council.

Acting Mayor Pro Tempore Francie Roberts returned the gavel to Mayor Hornaday.

Councilmember Lewis disclosed he knows Dan Westerburg. They have met socially as their boys have grown up together. Mayor Hornaday ruled there was no conflict of interest and there was no objection from the Council.

Councilmember Hogan disclosed Dan Westerburg has done legal work in the past, for the formation of a LLC five years ago. Asked by Attorney Levesque if it would affect his ability to be objectional in the appeal, Councilmember Hogan answered it would not. Mayor Hornaday ruled there was no conflict of interest and there was no objection from the Council.

Councilmember Howard disclosed Mr. Becker's daughter is a client at her business Curves with an annual transaction of \$550. Attorney Levesque advised the amount does not fall in the financial limitations for conflict of interest. Mayor Hornaday ruled there was no conflict of interest and there was no objection from the Council.

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

Bill Glynn, party of record and owner of the other portion of Lot 5 lying north of the road, commented it is interesting it was called a utility easement. Mr. Glynn has been in the two-way business for a long time. Dave Becker has a two-way business. It is not a utility easement. At the last public hearing Becker stated it was a private service for a single customer and does not constitute a utility. In the photographs Mr. Westerburg provided to Mr. Glynn (Appendix A-4) is a tower with a triangular structure which is a utility on Mr. Glynn's portion of the lot. The City required him to place that back from the road and meet the setback requirements. The City made Mr. Glynn correct his property encroachments, meet setback requirements, and put in a paved driveway. The City made him take down the 90 ft. tower which cost him a number of rent paying tenants and KMJG to be off the year for nearly a year. Mr. Glynn is President of Kasilof Public Broadcasting and the General Manager of those stations. KMJG lost listener base and revenue from being off the air for a year. He personally lost income from losing tenants. It is only right for the owner of the other portion of the lot to be held to the same standards. Mr. Glynn does not ask that all property encroachments be removed, only to meet the setback requirement and the driveway as was required of him.

#### **NEW BUSINESS**

##### **A. BOARD OF ADJUSTMENT APPEAL HEARING**

Mayor Hornaday identified the Appeal of Planning Commission Decisions of September 14, 2010 - David Becker Variance 10-01 Structure Within the Building Setback from Rights of Way and Conditional Use Permit 10-04 Public Utility Facilities and Structures in the Rural Residential District.

Appellant Dave Becker, Attorney Dan Westerburg, and City Planner Rick Abboud were present.

## ORAL ARGUMENTS

Mayor Hornaday recommended the Board hear oral arguments and grant each side a total 30 minutes. There was no objection from the Board. He reminded the parties that this is not the time to offer new evidence to the Board pursuant to Homer City Code 21.93.510. The case must be based on evidence in the record from the Planning Commission.

Dan Westerburg, Attorney for Appellant Dave Becker, commented the matter is whether the Planning Commission should have awarded a variance for a setback requirement for a small shed and two towers on the Skyline Drive property. An aerial photo depicts the general area where the apparatus was installed. As an appendix to Mr. Westerburg's brief, four photos were attached to show the shed and two towers in question. The aerial photo shows the site as level, while the photos attached to the brief show the steep grade.

The property has been used for several decades as an antennae farm for the city. A number of different antennas and related structures have been installed there over the years due to the property's unique topographical and geographical location. It is right behind the City of Homer, on a hill, and is easily serviceable by a maintained road. In addition to antennae, there are small sheds that shelter electronics from the weather. Up until the construction of the subject shelter, antennas and associated sheds were constructed prior to annexation, thus there was no need for conditional use permits (CUP) or setback variances.

In 2010 Police Chief Robl contacted Mr. Becker of his desire to have better communications for fire and police emergency radio traffic. He requested Mr. Becker construct a new facility at his site with an antennae that would be used by the City for fire and police. Mr. Becker reached an agreement with the City that he would construct the facility and lease it back to the City for its use. Police Chief Robl wanted it constructed before the July 4<sup>th</sup> weekend so Mr. Becker got a contractor, had it built, and the City started using it. Mr. Becker did not get approval from the Planning Department as he was under the impression approval was not needed.

After the fact the City was contacted by Mr. Glynn about Mr. Becker's failure to get a CUP. Mr. Becker applied for the CUP and was told he needed a setback variance also. Planning staff recommended both applications be granted with respect to the setback requirement. Staff came up with a detailed report addressing a number of different factors outlined on pages 3 to 4 of Mr. Westerburg's brief. The conclusions were:

- Structure supports and advances technological capabilities with the City of Homer by enhancing wireless communication thus forwarding the goals of the comprehensive plan.
- Locations for communication equipment providing optimal coverage for the entire City of Homer are very limited.
- The parcel has steep slopes of 38% to 42%. Parcels this steep are often considered "unfeasible" for typical residential development, Homer Comprehensive Plan, page 4-3. Disturbance of native vegetation for the creation of site development on steep slopes presents on site and off site hazards.

- The structure provides a beneficial service to the city which has specific site requirements for maximum effectiveness.
- The benefit to all the Citizens of Homer combined with the potential hazard of creating an unstable bluff justifies an exception to the setback requirement.
- Building outside the setback would require leveling the site to match the height of the setback or cutting and filling on a steep slope. Neither is conducive to slope stabilization and each presents a preventable hazard.

The need for the variance was a result of the steepness of the slope. In a hearing before the Planning Commission there was not a quorum present. Mr. Becker and the City Manager testified in support of the application. Mr. Abboud went through the conclusions in his report. Mr. Glynn also testified, not objecting per se, he just wanted Mr. Becker to follow the same procedural requirements as himself. No questioning from the Planning Commission indicated a problem with the application. They could not vote on it since there was no quorum. Weeks later at the next meeting a draft decision was prepared to grant the CUP and deny the variance. There was no debate or discussion in the minutes as to why the variance was denied. The only guidance is the decision that was adopted a couple weeks later. The Planning Commission concluded:

- Requiring a 20-ft. setback would not deprive the applicant of rights commonly enjoyed by other properties in the district. Structures on pilings can be built on slopes of 40%.
- Special conditions and circumstances do not exist on this parcel, any structures in addition to accepted nonconformities must not be located in designated setbacks.
- There is no special condition/circumstance, the placement of the structure was caused by the actions of the Applicant.
- Hardship and inconvenience is the reason for this variance request. A variance may not be granted to ease financial hardship or inconvenience.

Mr. Becker contacted Mr. Westerburg and an easement for utilities was prepared for the 20 ft. area in question. Mr. Westerburg maintained the BOA should consider remanding the matter back to the Planning Commission. When the commission heard the case the utility easement had not yet been adopted. The utility easement was prepared and recorded after the decision had been made. It is important the BOA have a record to determine what effect the utility easement has. Homer City Code states you cannot put a building in a setback; anything that touches the ground must be approved through the variance process. If the reasoning is applied to utility structures in a utility easement, any utility company wanting to install a device in the setback would have to go through the variance process. The object of the utility easement is to allow placement of structures without the application process.

The BOA can reverse the Planning Commission outright. The only substantive portion of the record that addresses the merits of why the variance should be granted is the Planning staff's report. It has a series of factors showing why the variance should be granted. There was no testimony offered rebutting the conclusions reached in the Planning report. There is no evidence in the record that supports the Planning Commission's decision.



Councilmember Roberts and Hogan inquired of Appendix "A" photos. Color photos were displayed by Mr. Westerburg. In the as-built it shows the entire structure of the storage shed with two antennas squarely within the setback. The nearest corner is two feet away from the right-of-way.

Councilmember Hogan asked about the lease agreement with the City. Mr. Westerburg answered the lease agreement was never signed. Once the Planning Commission refused to grant the variance, City Administration was reluctant to sign a lease. There is a month to month agreement for \$525 per month.

Mayor Hornaday ruled the color photos admitted as part of the record.

City Planner Rick Abboud stated he wrote a staff report with a recommendation and the Planning Commission overruled it. There is not as full of a record as we would like since there was a recording device malfunction. There was more said that is not part of the record. The supplemental record of appeal (September 2, 2010 letter of Attorney Dan Westerburg with the utility easement) was created after the Planning Commission decision was made. The information in Attorney Westerburg's brief contains new evidence as it refers to the recorded utility easement.

Attorney Levesque stated it is Mr. Westerburg's argument this is new evidence. Under the BOA rules there is a provision no new evidence be brought into the BOA appeal as normal procedure. The BOA can look at the new evidence and say it is changed circumstances, the Planning Commission never saw it and can remand it back to the commission to review. It is an argument Mr. Becker and his attorney are making. The City Planner is pointing out that it is new evidence.

Mayor Hornaday stated he will reserve an opinion until later on.

City Planner Abboud referenced page 33 of the record of appeal, Attorney Westerburg's claim that no evidence was presented to support the claim of error. Mr. Westerburg introduced new evidence of the granting of the utility easement. He sees no evidence of error. On page 39 Mr. Westerburg uses the same argument of changed circumstances. Per HCC 21.12.030(g) a CUP is required for a public utilities structure. No challenge is made to the requirement of providing a parking space and the DOT driveway permit. While the record did not contain all the statements and conversations of the two Planning Commission meetings due to technical difficulties of recording devices, the minutes on page 25 clearly reflect the statement of Mr. Becker that he would have considered another development on the property.

The Planning Commission confirms that special circumstances don't exist on the property. There may be other opportunities for development on the property other than in the setback. If aware of the rules, Mr. Becker would have considered moving the building further down the slope. There may be other reasonable uses of the structure. The structure is to be 4.9 ft. from the right-of-way.

It requires a rethought of the crafting of the findings based on the requirements in HCC 21.72.020, conditions precedent to granting a variance, pages 4 and 5. Again, the supplemental record of appeal is new evidence, was not part of this, and was not created until after the meetings. Pages 26 and 27 are transposed. Testimony regarding the consideration of other

development and consideration for moving the building further down the slope are a reasonable basis to refute the staff report.

City Planner Abboud noted the current standards refer to a steep grade as 38% to 42%. A new ordinance is being proposed that will allow for 10% of the grade to be developed in some fashion. It would not take all ability of future use of the land away.

Mayor Hornaday stated it is not contested by the City that Chief Robl requested the City to do this.

City Planner Abboud answered that has nothing to do with gaining the proper permits for a building. It does not matter who commissions it, the City or anyone else. It has no place for consideration of the BOA.

Mayor Hornaday stated he read the City Manager stated Mr. Becker did not have to have a permit.

City Planner Abboud answered it is talk that may or may not be hearsay. It has nothing to do with placing a building in the setback. It is a requirement of whomever develops the land and the owner to make sure that the requirements are followed.

Attorney Levesque interjected that he is hearing Mr. Abboud say that is not part of the record. It was not brought up in the record, it has only been brought up in the briefing.

City Planner Abboud stated it was brought up and is not a point to be considered on whether a variance is granted or not.

Attorney Levesque stated he hears the Mayor asking if that was evidence before the Planning Commission and went uncontested. The Mayor wants to know if it was uncontested at that time.

Mayor Hornaday asked if the Planning Commission was aware the Police Chief requested this and that the City Manager said it was not necessary.

City Planner Abboud stated it was brought up in conversation, but has nothing to do in the facts of determining the case.

## REBUTTAL

Attorney Westerburg referenced page 24 of the record when Dave Becker explained to the Planning Commission that before being annexed in 2003 they were outside city limits and the property and buildings were not out of compliance. After discussion with the Police Chief it was decided a repeater was needed to provide better reception for officers and improve public safety. At the first meeting before the Planning Commission, the City Manager offered similar testimony. The City was the impetus behind the erection of the facility in its optimum location, selected for height allowance, accessibility, and ease of maintenance.

Mr. Westerburg referenced City Planner Abboud's report where his personal conclusion was diametrically opposite of what he just said. He concluded every single requirement under the

variance ordinance was met. He is now offering the position of the commission; a position he was not in favor of when prepared his report.

As to Mr. Glynn's comments, Mr. Westerburg is not sure where he is getting the idea that a communications tower cannot be a utility structure installed in a utility easement. With respect to Mr. Glynn's requirements to meet the setback requirements, all is immaterial. His fence enclosure does not meet the setback requirements either. On his side of the road there is not the slope problem. The reason there is a problem is that squarely within the setback it is up on pilings at a steep angle. Now it will need to be dismantled and moved 20 ft. farther down the slope and the whole thing, including the ramp, must be outside the setback. By the time it is moved further down the slope to put the ramp outside the setback you are way down the slope. Is that where you want the key piece of communication equipment that the City relies on?

Mr. Westerburg noted this is a unique circumstance, unique topographical situation, combined together where a variance is appropriate. If not granted here, where would the appropriate place be? You don't want it in area that cannot be maintained or in an area of slope instability. With respect to the record, Mr. Westerburg saw that the letter written to Mr. Abboud with the utility easement was not part of the record. Mr. Westerburg requested that the Clerk prepare a supplemental record so those items would be before the BOA. He asked the BOA to remand the matter back to the Planning Commission because they had no opportunity to consider the evidence that surfaced after their decision. It is an option that the BOA can look at the supplemental evidence and based on the new circumstance remand it back to the Planning Commission for consideration.

Councilmember Wythe referenced the Planning Commission minutes pages 24 and 25, the statement from Mr. Becker that explained the property was surveyed in 1954 and there were no setbacks at that time. When the property was annexed in 2003 it was recognized the building in question was not in compliance.

Attorney Westerburg answered there is a GCI building two feet in the right-of-way that is not in compliance.

Councilmember Hogan asked if the discussion with the Chief of Police is part of record?

Mayor Hornaday asked why the utility easement is so important the BOA should consider it as a change of circumstance?

Attorney Westerburg answered if you have a utility easement in which you put a utility structure, presumably you do not need to get a variance to the setback requirement. If that was the rule, anytime a utility was put in the utility easement it would be a structure subject to the setback requirement. It seems there should be an implied exception for utility structures within a utility easement. The first body to consider that should be the Planning Commission to hear testimony from utility companies to see what the impact would be to other utilities to put something up in the utility easement.

Councilmember Roberts noted there was no information about the rules of utility easements in the supplemental packet. She asked Attorney Westerburg what he was basing the allowance of utility structures within utility easements upon.

Attorney Westerburg answered in Homer City Code definitions you reach the conclusion that any object that touches the ground cannot be put in a setback unless a variance is granted. There must be an implied exception for utility structures that have been installed in a utility easement. There is nothing in code that says that, but it is unlikely HEA goes through the Planning Commission for a variance each time. The idea of a utility easement is to provide a corridor for utilities to install an apparatus without all the rigmarole.

Mayor Hornaday stated he would follow Judge Moody's rule and allow the supplemental utility evidence into record. There was no objection from the Council.

City Planner Abboud rebutted that a utility company has rights in an easement to put up poles. HEA puts up a box with no foundation. Does that vary than putting up a structure building with pilings of a certain measurement? Can you have a very large utility structure anywhere in an easement?

City Planner Abboud referenced the location of the structure on the map that was displayed.

Mayor Hornaday stated oral arguments were concluded and deliberations of the Board will now commence and continue from time to time as necessary until completed.

Mayor Hornaday called for a motion to adjourn to Executive Session for the purpose of deliberating and deciding this appeal.

WYTHE/ROBERTS - SO MOVED.

There was no discussion.

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

Motion carried.

Council adjourned to Executive Session at 6:42 p.m. and reconvened the meeting at 7:32 p.m.

Mayor Pro Tempore Wythe stated the Board of Adjustment met with the attorney and provided him with direction and meet again from time to time until a final decision has been met.

#### **COMMENTS OF THE AUDIENCE**

There were no comments of the audience.

#### **COMMENTS OF THE CITY ATTORNEY**

Attorney Klinkner was not present.

#### **COMMENTS OF THE CITY CLERK**

City Clerk Johnson was no longer present.

#### **COMMENTS OF THE CITY MANAGER**

City Manager Wrede stated he wanted an opportunity to answer questions that were asked. They were matters that were discussed during the Planning Commission meeting.

Attorney Levesque stated it was inappropriate for the City Manager to comment. New evidence may not be brought in and he is about to tell us something of what happened or didn't happen at the Planning Commission without the parties here.

Mayor Hornaday denied City Manager Wrede's comments regarding the case.

#### **COMMENTS OF THE MAYOR**

Mayor Hornaday had no comment.

#### **COMMENTS OF THE CITY COUNCIL**

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

#### **ADJOURNMENT**

There being no further business to come before the Council Mayor Hornaday adjourned the meeting at 7:34 p.m. The 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. All meetings scheduled to be held in the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

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JO JOHNSON, CMC, CITY CLERK

Approved: \_\_\_\_\_



Session 11-05 a Regular Meeting of the Homer City Council was called to order on January 24, 2011 at 6:00 p.m. by Mayor James C. Hornaday at the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of Allegiance.

**PRESENT:** COUNCILMEMBERS: HOGAN (telephonic), HOWARD, ROBERTS,  
WYTHE, ZAK

ABSENT: LEWIS (excused)

STAFF: CITY CLERK JOHNSON  
CITY MANAGER WREDE  
CITY PLANNER ABOUD  
PORT AND HARBOR DIRECTOR HAWKINS  
PUBLIC WORKS DIRECTOR MEYER

Councilmember Hogan has requested telephonic participation.

Mayor Hornaday ruled Councilmember Hogan was allowed telephonic participation and there was no objection from the Council.

Councilmember Lewis has requested excusal.

Mayor Hornaday ruled Councilmember Lewis's absence as excused.

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

Council met for a Worksession from 4:00 p.m. to 4:56 p.m. to hear about the Computer Aided Dispatch Project, Bob Jones, Project Manager, Kenai Peninsula Borough. Council met as a Committee of the Whole from 5:00 p.m. to 5:47 p.m. to discuss Staffing Commissions and Committees, In House Attorney, and Regular Meeting Agenda items.

## **AGENDA APPROVAL**

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

The agenda was amended with the following changes:

ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS - Memorandum 11-016 from Harbormaster re: Dredge Materials Management for the City of Homer Port & Harbor; PUBLIC HEARINGS - Ordinance 10-55(A), 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; Excerpt

of December 13, 2010 Special Meeting Minutes; 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; Staff Report PL 10-84 as backup.

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

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

There were no public comments.

#### **RECONSIDERATION**

None.

#### **CONSENT AGENDA**

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

- A. Homer City Council unapproved Special Meeting Minutes of January 10 and 17, 2011 and Regular Meeting minutes of January 10, 2011. City Clerk. Recommend adoption.
- B. **Memorandum 11-009**, from Deputy City Clerk, Re: Liquor License Renewal for Land's End and Kachemak Bowl.

Mayor Hornaday called for a motion to approve the recommendations of the consent agenda.

ZAK/ROBERTS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

#### **VISITORS**

- A. Angela Doroff, Research Coordinator, Kachemak Bay Research Reserve, Present and Upcoming Efforts of the Science Collaborative Grant, 10 minutes

Angela Doroff, Research Coordinator for Kachemak Bay Research Reserve, thanked Council for their energy and enthusiasm behind the project. The Science Collaborative Grant provides for a



three-year project with updates posted on the reserve's website: [www.kbayrr.org](http://www.kbayrr.org). Studies will include:

- Land level changes: earthquakes; glaciers are melting at a fairly rapid rate.
- Relative Sea Level Rise – Important to understand sea level rise projections in the context of land level change.
- The waters in Kachemak Bay are fed by 15 glaciers – the increased melt water is rich in nutrients and sediments which influence the community ecology in the Bay.

It is anticipated the study will accomplish a final report that summarizes land and sea level changes, establishment of long-term monitoring sites to continue to monitor changes beyond the study period, and development of a team of well trained citizen scientists who can participate in the long-term monitoring.

Collaborative learning engages stakeholders through the life of the study to address community driven questions. GPS stations will measure coastal uplift on non-bedrock sites. A discovery lab will be held on February 2<sup>nd</sup> to provide more information.

#### **ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS**

A. **Mayor's Recognition** – Nicky Szarzi, Contributions to the Nick Dudiak Fishing Lagoon

Mayor Hornaday read the proclamation and presented it to Nicky Szarzi.

B. **Mayor's Proclamation** – Brother Asaiah Bates Day – February 14, 2011

Mayor Hornaday read the proclamation.

C. Mayor's Economic Development Speech - 2011 Outlook Industry Forum

D. Thank you from Sister City Teshio

E. Thank you from The Homer Foundation

F. Borough Report

G. 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

1. Dredge Material
2. Credit Cards
  - a. Memorandum 11-010 from Port and Harbor Advisory Commission

Steve Zimmerman, Port and Harbor Advisory Commissioner, reported an estimated 40,000 yards of dredge spoils on the Spit. Harbormaster Bryan Hawkins put together a list of projects to use the spoils on before selling it off the Spit. The commission supports dredge spoils leaving the Spit, as there is nowhere else to store them. Mr. Zimmerman reported the commission requested that the Port be allowed to charge a surcharge for credit cards. When accepting credit cards, an agreement is signed to allow the processing of credit cards and charging a surcharge may result in credit card processing rights being pulled. The Borough accepts credit cards with third party processors and gas stations use a discount for cash payment. Mr. Zimmerman referenced the letter from the Finance Director as an interesting way to save some money. Although \$1.6M harbor revenue was paid by credit cards, it cost the City \$51,500 in processing fees, roughly the price of a police officer position.

**PUBLIC HEARING(S)**

- A. **Ordinance 10-55(A)**, 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. Introduction December 13, 2010, Public Hearing and Second Reading January 24, 2011.

Memorandum 10-148 from City Attorney as backup.

Mayor Hornaday opened the public hearing.

Angie Newby, city resident and Chair of the PAC, introduced committee members Michele Miller and Marianne Aplin. She urged Council to pass Ordinance 10-55(A) and expressed her appreciation of the thorough review and work Council put into it. Recent efforts of the PAC include the parks exhibit at the Airport and wall mural at the Fire Hall. Both projects were accomplished at zero cost to the taxpayers. Upcoming art projects include the Homer Gateway and City Hall Expansion and Renovation.

Mayor Hornaday closed the public hearing.

Mayor Hornaday called for a motion for the adoption of Ordinance 10-55(A) by reading of title only for second and final reading.

HOWARD/WYTHE - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- B. **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. Introduction December 13, 2010, Public Hearing and Second Reading January 24, 2011.

Memorandum 10-149 from City Planner as backup.

Mayor Hornaday opened the public hearing.

Scott Adams, city resident, lives on Skyline/East Hill and was annexed into the city. He expressed concern of added costs with the restrictions added to building on a slope.

Mayor Hornaday closed the public hearing.

ROBERTS/WYTHE – MOVED TO ADOPT ORDINANCE 10-56.

Councilmember Wythe expressed concern of the City Engineer approving erosion control methods when an experienced land engineer has designed a plan. She questioned the outcome if the City Engineer and City Planner were not in agreement of the plan. Making things so restrictive that people cannot afford to develop their property is in essence taking their piece of property.

Councilmember Roberts referenced page 23 of the supplemental packet, Staff Report PL 10-84, that compares the existing rules to new rules. Properties with a slope over 45% would require an engineered site plan. Slopes of 30% to 45% would have more opportunity to develop. The City Engineer and City Planner would look at an engineer's plan and consider it. It is not a big issue for most property owners.

Councilmember Howard added when an engineer signs and stamps plans and submits them to the city for review if there is a question the two engineers can work it out. It may require communication and explanation of the plan.

City Manager Wrede explained with the requirement the City sign off on a steep slope development plan, the City would have the responsibility for not only the property being built

on, but all the surrounding properties and properties downhill. City staff would be looking at impacts to downstream.

City Planner Abboud clarified the City Engineer would be involved to review technical plans and see how they integrate with city-wide systems. As the City Planner, Mr. Abboud would be looking at erosion control methods.

Councilmember Zak asked Mr. Abboud if the steep slope regulations affect leach fields proximity to the top of the bluff. City Planner Abboud answered leach fields are regulated by DEC. Councilmember Zak voiced concern about adding water to steep slopes and asked that restrictions to leach fields be considered. City Planner Abboud will pass those concerns on to the Planning Commission.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- C. **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. Introduction December 13, 2010, Public Hearing and Second Reading January 24, 2011.

Memorandum 10-150 from City Planner as backup.

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

Mayor Hornaday called for a motion for the adoption of Ordinance 10-57 by reading of title only for second and final reading.

HOWARD/WYTHER - SO MOVED.

Asked by Councilmember Wythe if subdivision requirements were becoming prohibitive due to associated costs to bring them up to standards, City Planner Abboud answered in the Planning Commission's discussions they expressed concerns of what it might take to accomplish the requirements. The ordinance pertains to dedication of easements for future improvement of land. They are described in the Non Motorized Transportation and Trails Plan. Asked how the value of an easement is determined, City Planner Abboud answered there is a 20 ft. setback from the right-of-way; easements require 15 ft. that overlaps the 20 ft. setback.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- D. **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. Introduction December 13, 2010, Public Hearing and Second Reading January 24, 2011.

Memorandum 10-151 from City Planner as backup.

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

Mayor Hornaday called for a motion for the adoption of Ordinance 10-58 by reading of title only for second and final reading.

WYTHE/ROBERTS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- E. **Ordinance 11-01**, An Ordinance of the City Council of Homer, Alaska, Enacting Homer City Code Chapter 8.02, Business Licenses, Regarding the Requirement of a License to Engage in Business in the City; and Enacting Homer Code 9.16.015, Determining when a Sale, Rental or Service Occurs in the City. Hogan. Introduction January 10, 2011, Public Hearings January 24 and February 15, 2011 and Second Reading February 15, 2011.

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

Councilmember Zak suggested a requirement for business start-up classes (taxes, employees, and business start-up) to benefit small business owners before licenses are issued. The State enforces business licenses. At a local level, enforcement is the issue of concern. It would create additional work on the staff, at a cost that outweighs Councilmember Zak's ability to support it.

Councilmember Hogan expressed his intent to amend the ordinance prior to the next meeting. In its present form, he does not support the ordinance.

- F. **Ordinance 11-02**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2011 Operating Budget by Authorizing the Transfer of \$184,700 from the Harbor Reserve and \$173,000 from the Water/Sewer Reserve to the Energy Revolving Loan Fund and Establishing a Budget for the Implementation of Energy Conservation

Measures in the Amount of \$900,500. City Manager/Public Works Director. Introduction January 10, 2011, Public Hearing and Second Reading January 24, 2011.

Memorandum 11-007 from Public Works Director as backup.

**Ordinance 11-02 (S)**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2011 Operating Budget by Authorizing the Transfer of \$184,700 \$131,335 from the Harbor Reserve and \$173,000 \$172,932 from the Water/Sewer Reserve to the Energy Revolving Loan Fund and Establishing a Budget for the Implementation of Energy Conservation Measures in the Amount of \$900,500 \$847,067.

Memorandum 11-007(S) from Public Works Director as backup.

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

Mayor Hornaday called for a motion to substitute Ordinance 11-02(S) for Ordinance 11-02.

ROBERTS/HOWARD - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Mayor Hornaday called for a motion for the adoption of Ordinance 11-02(S) by reading of title only for second and final reading.

HOWARD/WYTHE – SO MOVED.

Public Works Director Meyer explained there are 11 projects with an 8-year average payback for all projects combined. The table listing projects was amended to reduce the scope and cost of the airport air handling modifications and eliminated work at the harbormaster's office that included a fuel burning heater.

Port and Harbor Director Hawkins added that in-house work will be used to modify the transformers on the cranes at the Fish Dock. Many of the proposed repairs to the harbormaster's office can be completed in-house.

Councilmember Wythe recalled there would be a specific amount set aside to do projects and as repaid would be refreshed to do other projects. She opposes asking for additional funds in excess of the \$300,000 in the Energy Revolving Fund. Fitting the projects within the existing budget is keeping with the plan originally approved. By moving monies out of the Port and Harbor we are not reimbursing them, we are growing the energy revolving fund.

Councilmembers Roberts and Zak favor the ordinance as the energy saving measures will pay back the revolving fund quickly.

WYTHE/HOWARD – MOVED TO POSTPONE ONE MEETING.

Councilmember Wythe asked that the list be prioritized and viewed as two separate things. If using reserve funds from the Port and Harbor those things would be paid to benefit the harbor and they would be the benefactor of the cost savings. The other list would include projects from the energy revolving fund.

VOTE: (postponement) YES. ROBERTS, WYTHE, ZAK, HOWARD, HOGAN

Motion carried.

### **ORDINANCE(S)**

None.

### **CITY MANAGER'S REPORT**

#### **A. City Manager's Report**

Due to the poor telephone communication with Councilmember Hogan, Councilmembers Wythe and Howard moved to remove him from telephonic participation. After Mr. Hogan removed the mute status of his telephone the connection was greatly improved.

1. Fire Training Facility: The fire training facility is constructed and on its way to Homer for final assembly. At this time, we expect it to arrive here on January 26. Chief Painter is planning an open house and dedication. We will be sure to keep you informed.
2. Thanks to the HVFD Volunteers!: Attached is a memorandum prepared by Chief Painter that discusses the monetary value of the volunteers who serve the Homer Volunteer Fire Department. As you can see, the budget impact is tremendous. Not only do the volunteers put their lives on the line and provide a tremendous service to the community, they also save the taxpayers a great deal of money. If you get the opportunity, please take the time to thank the volunteers at HVFD.
3. Staff Turnover: The management team at the City of Homer is about to experience a significant turnover. Personnel Director Sheri Hobbs has submitted her resignation and will be retiring at the end of April. This was not unexpected and we are in the process of planning for life without Sheri. We will be advertising for that position shortly. Sheri is ready for the next chapter in her life and has a long list of projects and trips planned. She will be greatly missed and we wish her the best. Library Director Helen Hill is also on the move. Helen is planning to move to Nevada to be closer to family and pursue other interests. She is also a huge loss and will be difficult to replace. Helen has been with the City for 10 years and Sheri was here for 20. It is hard to replace that kind of experience and institutional knowledge but we wish them both well and I cannot thank them enough for their service.
4. Mr. Hogan goes to DC: Council Member Hogan will be in the DC area next month and has expressed a willingness to do some lobbying for the City if the Council wishes. He requested that this be placed in the Manager's report so that the Council could discuss it if it wishes.
5. City Hall Expansion / Renovation: The Committee appointed by the Council has completed it

work regarding selection of a contractor. A recommendation and resolution awarding a contract appears on this meeting agenda. It is recommended that the Committee stay in place and act as a review board during the design and architectural phase of the project.

6. Lobbyist: The committee formed to evaluate proposals from potential lobbyists has completed its work. This agenda contains a recommendation and resolution awarding a contract for City lobbying services.

7. Energy Efficiency: This agenda contains a substitute ordinance which incorporates the changes Carey discussed at the last meeting. The total recommended cost is now slightly less but the estimated savings are still close to \$100,000 per year with a seven year pay-back period. Could want to take a close look at the recommendation and make sure it is comfortable spending all of the available money at once, spending money from the enterprise reserves, and how the costs are allocated.

8. TORA Agreements: Work is proceeding on all three of the TORA Agreements we discussed at the last meeting. We hope to have the one regarding Spit parking back before you soon.

9. Bridge Creek Fire Mitigation Project: The Planning Commission is scheduled to take this issue up (the CUP Application) on January 19. We anticipate that this application will generate some good debate within the community and we have heard some of it already, both pro and con. Regardless of how this goes at the PC level, I think it was a good discussion to have and an opportunity that needed to be explored fully.

10. Travel: I am planning to spend much of the week of January 31 working in Anchorage. During that time I will be visiting with DOT/PF to talk about the multiple projects we have going on with them and with other agencies and state officials. I will also plan to attend AML on February 8-10 since you have all expressed support for that. In addition to participating in the legislative conference, I will use the time to meet with the City's new lobbyist to make sure he/she thoroughly understands the City's projects and policies positions. We will also work on lobbying strategies and set up visits with key legislators and the administration.

City Manager Wrede reported he received a call from DOT regarding the \$2M for Main Street intersection improvements. DOT does not think \$2M is enough to build the intersection and traffic signal. They want to completely reconstruct the intersection to look like Lake St./Sterling Hwy. It would require redoing the curbs and utilities, at a cost of \$3M. For \$1M DOT can do a roundabout to accommodate any type of truck from the Spit. They asked if Council would be willing to nominate the project for the STIP list. If the project is on the STIP list, DOT can add more money for the Main St. upgrade. If DOT can bring Main St. up to urban road city standards, the City could take Main St. for maintenance. The downside of federalizing the project is that it could add years to the project. Council has stated they want something done as soon as possible.

Mayor Hornaday expressed support for a roundabout.

Councilmember Wythe expressed her frustration that it has been two years and nothing has been done at the intersection. Last year a pedestrian was struck at the intersection. Do we have to rehash everything to just get something done? Direction was provided to DOT and choosing to wait another two to three years to upgrade the intersection and a roundabout is absurd.

Councilmember Roberts is hopeful we may get a roundabout and glad the DOT has put the intersection on the STIP list.



City Manager Wrede will provide a resolution for the February 15<sup>th</sup> meeting.

City Manager Wrede referenced the tidal project on the CIP list. Although the project made the top 15, the City is now out of it as the State has an agreement to work with NOAA. It is the City Manager's recommendation that the project be dropped. It is hoped that the State will support the tidal project and give the Alaska Energy Authority the money it needs.

Councilmember Wythe asked if the tidal project could be moved to the State portion of the CIP so it does not fall off. City Manager Wrede indicated Council could amend the CIP at anytime.

Harbormaster Bryan Hawkins was contacted by Fish and Game as they have \$850,000 grant funds to rebuild the load and launch ramp. The funds would require a 20% city match. Major repairs are needed on the ramp. An ordinance to appropriate the 20% match will be forthcoming. Councilmember Wythe suggested all the harbor improvement plans be put together to develop the harbor improvement program. It could be bonded through the enterprise fund of the port and harbor instead of waiting for money that is not coming. City Manager Wrede will be happy to work with Council on putting a package together.

As to the CAD presentation, City Manager Wrede had intended to have a resolution authorizing the City's participation up to Step 6. That will be forthcoming at the February 15<sup>th</sup> meeting.

The Bridge Creek Watershed Fire Mitigation Project conditional use permit was unanimously approved by the Planning Commission. The project will go forward. The City and Borough took all the measures to protect the water quality and do as little damage as possible. Folks should not panic when they see equipment there; they are urged to call the City Manager anytime.

Councilmember Hogan will need Council approval at the February 15<sup>th</sup> meeting to represent the City in Washington, D.C.

- B. Bid Report
- C. Games Report
  - 1. Homer Hockey Association

#### **CITY ATTORNEY REPORT**

#### **COMMITTEE REPORT**

- A. Public Arts Committee
- B. Transportation Advisory Committee
- C. Permanent Fund Committee
  - 1. Meeting Minutes for the January 13, 2011 Regular Meeting

- D. Lease Committee
- E. City Hall Renovation and Expansion Task Force
- F. Natural Gas Distribution Task Force

Mayor Hornaday commented Enstar says we are heading in the right direction with the task force. Task Force member Councilmember Zak reported the NGDTF is concerned if they have council support to move forward. Councilmember Howard, member of the NGDTF, reported the task force needs to do a better job of getting organized and approach the components of the large subject matter. The NGDTF has had two meetings, each a month apart, and she would like things to move faster. Staff is providing them with good information; the question is how much of a role the task force should play in bringing gas to the City.

Councilmember Howard, Permanent Fund Committee Chair, reported the committee met and has the year end report indicating the funds earned. The committee is working on getting more timely reports from the bank. The statements will be provided in the council packet quarterly.

#### 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.)

Memorandum 10-122 and 10-130 from Public Arts Committee as backup.  
Memorandum 10-148 from City Attorney as backup.

Motion on the floor from October 11, 2010: ROBERTS/LEWIS – MOVED FOR THE ADOPTION OF RESOLUTION 10-80.

Motion on the floor from December 13, 2010: ROBERTS/HOWARD - MOVED TO SUBSTITUTE THE GUIDELINES ON PAGE 55 (GUIDELINES AS PROPOSED BY ATTORNEY KLINKNER) FOR THE ORIGINAL PROPOSED GUIDELINES.<sup>1</sup>

The Administrative Guidelines are those as revised by the City Attorney (12/03/10) page 101 packet.

VOTE: (substitute guidelines) YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

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<sup>1</sup> Motion was not voted on, therefore will return on the floor at the January 24, 2011 meeting. Postponement date of Resolution 10-80 was amended at the Regular Meeting of December 13, 2010.

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

Motion carried.

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

Memorandum 10-123 from Public Arts Committee as backup.

Motion on the floor from October 11, 2010: LEWIS/ROBERTS - MOTION FOR THE ADOPTION OF RESOLUTION 10-81(A) BY READING OF TITLE ONLY.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

#### NEW BUSINESS

- A. **Memorandum 11-011**, from City Clerk, Re: Travel Authorization/No City Expense for Mayor Hornaday and Councilmember Zak's Attendance at Alaska Municipal League Winter Legislative Conference in Juneau, Alaska, February 8 – 10, 2011.

Mayor Hornaday called for a motion for the approval of the recommendations of Memorandum 11-011 for Mayor and Councilmember travel with no expense to the city.

ZAK/HOGAN – SO MOVED.

WYTHE/ZAK - MOVED TO HAVE THE TWO ITEMS CONSIDERED SEPARATELY, THE TRAVEL AND REPRESENTATION FOR COUNCILMEMBER ZAK SEPARATE FROM THAT OF THE MAYOR.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

WYTHE/ZAK – MOVED TO ACCEPT AND APPROVE THE TRAVEL FOR THE MAYOR REPRESENTING THE CITY AT THE AML.

The Mayor's travel to AML will be at his own expense.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.<sup>2</sup>

Mayor Hornaday called for a motion to approve Councilmember Zak's attendance as explained.

ZAK/HOGAN – SO MOVED.

Councilmember Wythe expressed reservations of Councilmember Zak accepting funds from his employer to attend the conference and represent the City. She does not consider it a gag order, but rather a conflict of interest to represent one entity and represent the City of Homer also. You cannot assure and guarantee every person will make the distinction by your name tag that you are not representing the City, or soliciting support for funding for small business development that would be separate from the City.

Councilmember Howard commented with the Mayor and the City Manager's attendance the City will be well represented.

Councilmember Hogan commented he had no problem with Councilmember Zak wearing two hats as he would be able to make the distinctions that are necessary.

Councilmember Zak responded if the travel request is not approved, a policy should be established for future councilmembers. Mr. Zak requested an opinion from the City Attorney for clarification. Councilmember Zak's impression of a councilman is 24/7 representation. If at the AML representing the Small Business Administration and an opportunity to move something forward on the CIP list should arise, he would like to act in that regard or make visitation to State Representatives. He consistently sees the lack of clarity for City Council when advocating for the City. He was elected to represent the citizens of Homer.

Councilmember Wythe pointed out the ethics section within Homer City Code distinctly identifies that Council acts in the capacity of councilmembers only with the authorization of the Council. When personally contacted by the newspaper and radio with questions, and without authorization from Council, she can only provide her opinion. Only with the authorization of the Council do you represent the Council.

ZAK/ROBERTS – MOVED TO AMEND THAT I WILL PAY MY OWN WAY TO ATTEND AML, IT WILL BE UNDER MY EXPENSE, THEREFORE I WON'T BE PAID BY ANYBODY ELSE AND I WOULD LIKE TO ATTEND.

Councilmember Zak stated he will not be doing anything on behalf of the Small Business Development Center. He will be taking himself to Juneau for the sole purpose of representing the City.

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<sup>2</sup> Motion was reconsidered under Comments of the City Council. The Mayor's trip to Juneau AML will be paid by the City.

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

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

## RESOLUTIONS

- A. **Resolution 11-009**, A Resolution of the City Council of Homer, Alaska, Approving a Contract with Siemens Industry, Inc. for the Implementation of Energy Conservation Measures in the Amount of \$795,191 and Authorizing the City Manager to Execute the Appropriate Documents to Complete Recommended Improvements. City Manager/Public Works Director.

Mayor Hornaday called for a motion for the adoption of Resolution 11-009 by reading of title only.

WYTHER/ROBERTS – SO MOVED.

WYTHER/ROBERTS – MOVED TO POSTPONE THIS TO FOLLOW THE ORDINANCE FOR THE MONEY (Ordinance 11-02(S) postponed to February 15, 2011).

There was no discussion.

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

Motion carried.

- B. **Resolution 11-010**, A Resolution of the City Council of Homer, Alaska, Awarding a GC/CM Contract with Steiner's North Star Construction, Inc. of Homer, Alaska, Within the Authorized Project Budget for the City Hall Renovation and Expansion Project and Authorizing the City Manager to Enter into Negotiations and Execute the Appropriate Documents. City Manager.

Memorandum 11-014 from Public Works Director as backup.

Memorandum 11-015 from City Hall Renovation and Expansion Task Force as backup.

Mayor Hornaday called for a motion for the adoption of Resolution 11-010 by reading of title only.

WYTHER/ZAK – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- C. **Resolution 11-011**, A Resolution of the City Council of Homer, Alaska, Expressing Support for the Pratt Museum's Legislative Grant Request in the Amount of \$650,000 for the Design Phase of its New Facility and Site Redesign Project. Roberts.

ROBERTS/ZAK - MOVED TO ADOPT RESOLUTION 11-011 BY READING OF TITLE ONLY.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- D. **Resolution 11-012**, A Resolution of the City Council of Homer, Alaska, Approving a Lobbyist Contract with Anderson Group, LLC of Fairbanks, Alaska, for a Term of One Year Commencing on January 1, 2011 and Ending on December 31, 2011, in an Amount Not to Exceed \$40,000 and Authorizing the City Manager to Negotiate the Final Terms of the Contract in the Best Interest of the City. City Manager.

Memorandum 11-012 from City Manager as backup.

Mayor Hornaday called for a motion for the adoption of Resolution 11-012 by reading of title only.

WYTHE/ZAK - SO MOVED.

Councilmember Zak commented he has had conversations with councilmembers and mayors from other communities about hiring a lobbyist. We would spend less and have more purpose if the City Manager and elected officials were sent to represent the City.

Councilmember Wythe added when Council met with Senator Stevens and Representative Seaton they commented that having a lobbyist is a good idea, but it does not replace the City's own representatives.

City Manager Wrede commented there is no substitute for the Mayor and Council. It is a shame the Mayor is going to Juneau on his own nickel. In his official capacity as Mayor, the City should pay for his travel.

VOTE: YES. ROBERTS, ZAK, HOWARD, HOGAN

VOTE: NO. WYTHE

Motion carried.

- E. **Resolution 11-013**, A Resolution of the City Council of Homer, Alaska Authorizing the City Manager to Dispose of a Used and Surplused 70 Foot Aluminum Gangway Pursuant to HCC 18.30.010- 020 and HCC 18.30.040 (b). City Manager.

Mayor Hornaday called for a motion for the adoption of Resolution 11-013 by reading of title only.

WYTHER/ROBERTS – SO MOVED.

City Manager Wrede explained the gangway was in service in the harbor until a ship ran into it and damaged it. The gangway can no longer be used in the harbor, but the engineer says it can be used for another purpose. The City did not re-coup any money.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- F. **Resolution 11-014**, A Resolution of the City Council of Homer, Alaska, Directing the Administration to Issue a Request for Proposals to Identify Potential New Tenants for the Old Homer Intermediate School (Also Known as the Homer Education and Recreation Center) and Requesting that the Economic Development Advisory Commission Serve as the Initial proposal Review Committee. City Manager/Economic Development Advisory Commission.

Mayor Hornaday called for a motion for the adoption of Resolution 11-014 by reading of title only.

ZAK/HOWARD - SO MOVED.

Councilmember Roberts commented the Economic Development Advisory Commission has been working on finding new uses for the Old Intermediate School. Since an RFP (Request for Proposals) means there will be a contract, would the RFP include the restrictions to the use of the building or who would pay for improvements to the building?

City Manager Wrede explained we would be soliciting proposals. The EDC believes there may be a whole array of people interested in the building. The only ones we know about are those that stay in touch and follow city business. Proposals would include the use of the building, how much money the proposer would be willing to invest, and how much they would be willing to pay for rent, utilities, and custodial services. The EDC will be the first review committee for the proposals.

Asked by Councilmember Howard about deed restrictions, City Manager Wrede answered a legal opinion was provided to the EDC. The deed restrictions are that the City cannot sell the land and the building has to be used as a public purpose.

VOTE: YES. HOGAN, WYTHER, ZAK, HOWARD

VOTE: NO. ROBERTS

Motion carried.

#### **COMMENTS OF THE AUDIENCE**

There were no comments of the audience.

#### **COMMENTS OF THE CITY ATTORNEY**

City Attorney Klinkner was not present.

#### **COMMENTS OF THE CITY CLERK**

City Clerk Johnson had no comment.

#### **COMMENTS OF THE CITY MANAGER**

City Manager Wrede had no comment.

#### **COMMENTS OF THE MAYOR**

Mayor Hornaday commented on the passing of Neva Egan, the First Lady of Alaska. She was much beloved and loved to lead us in the singing of the Alaska Flag song.

#### **COMMENTS OF THE CITY COUNCIL**

WYTHE/ZAK - MOVED FOR IMMEDIATE RECONSIDERATION ON THE MAYOR'S PORTION OF MEMORANDUM 11-011.

The Mayor is the head of the community and we should be paying for his trip to Juneau AML.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

WYTHE/ZAK - MOVED FOR THE APPROVAL OF MAYOR HORNADAY TO ATTEND THE AML REPRESENTING THE CITY OF HOMER AND FUNDS TO BE APPROPRIATED FROM THE GENERAL FUND FOR THE PURPOSES OF PAYING FOR HIS TRANSPORTATION, LODGING, AND MEALS EXPENSE WHILE HE IS THERE.

The dollar cap will be consistent with travel policy.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.



Councilmember Roberts thanked the Planning Commission for the three ordinances, steep slope, subdivision and the rezoning. It was great work on behalf of the Planning Commission. She voted no on Resolution 11-014 due to missing information. In recent packets there has been missing information making it difficult to vote.

Councilmember Zak commented he was a little challenged by the 570 page electronic packet. At 10¢ per page he saved \$57; he encouraged other councilmembers to look at PDFs.

Councilmember Hogan asked the City Manager in his next report to give an accounting of what city funds are held in uninsured deposit accounts and the amounts. He congratulated Steiner's Construction and Anderson Group. There were a lot of good candidates. This marks the first meeting he did not vote no on anything.

Councilmember Howard had no comment.

### ADJOURNMENT

There being no further business to come before the Council, Mayor Hornaday adjourned the meeting at 7:55 p.m. The next Regular Meeting is scheduled for Tuesday, February 15, 2011 at 6:00 p.m. The next Committee of the Whole is scheduled for Tuesday, February 15, 2011 at 5:00 p.m. All meetings scheduled to be held in the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

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JO JOHNSON, CMC, CITY CLERK

Approved: \_\_\_\_\_



# VISITORS



**ANNOUNCEMENTS**  
**PRESENTATIONS**  
**BOROUGH REPORT**  
**COMMISSION REPORTS**



## Alaska's Scenic Byways

The people of Seldovia have formed a Scenic Byways Organization. This is a grass roots effort by all of us who would like to see Seldovia prosper into the future. The State of Alaska administers the National Scenic Byways program through the Department of Transportation. A new Scenic Byways Route Designation is being sought and when this route becomes approved by the State we become eligible for grant funding to enhance and promote the great qualities Seldovia has to offer.

The Kachemak Bay Route is the name of the Byway we are seeking to designate. The route section is identified as follows: "Homer Harbor to Kachemak Bay, around Gull Island, through Eldridge Passage into Seldovia Bay and Harbor."

On the designation application under the section "Jurisdiction" we are asked to list all local, state and/or federal government agencies that have jurisdiction over the byway corridor proposed for designation. We are asking the City of Homer for a resolution of support to have this byway designated.

For questions please contact:

Tim Dillon-cell 299-3710 – [dillontimber@gmail.com](mailto:dillontimber@gmail.com)  
Peggy Keesecker-cell 399-7171 – [peggyk@svt.org](mailto:peggyk@svt.org)

I have enclosed copies of Alaska Scenic Byways Program Frequently Asked Questions.  
A draft resolution for the City Council's consideration.







# Alaska Scenic Byways

## *Alaska Scenic Byways Program Frequently Asked Questions*

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[byways.alaska.gov](http://byways.alaska.gov)

### **What is the Alaska Scenic Byways Program?**

Alaska established a Scenic Byways program in 1993 to recognize some of the most beautiful landscapes in our state. Administered by the Alaska Department of Transportation and Public Facilities, this program also recognizes routes that provide access to some of our most significant historic, recreational, cultural, natural and archeological resources. It is important to note that a byway can be designated for having outstanding qualities that do not include scenery.

Alaska's Byways start at the local level with a grass-roots byway committee. Once the byway committee applies for and receives designation by the Alaska Commissioner of Transportation & Public Facilities, the route becomes eligible for National Scenic Byway grant funding to develop and implement a corridor management plan.

### **What are the benefits of the byways program?**

One of the key benefits of the state program is the increased pride and cooperation among byway communities. Promotion of the byway through the Alaska Byways website ([byways.alaska.gov](http://byways.alaska.gov)) and the Official State Map can expand the number of visitors to an area, which can generate economic growth and increase community recognition.

### **What about regulations on State Byways?**

There are no state restrictions that apply to state byways.

If a byway loses the qualities that were the basis for the designation, for whatever reason, the only recourse possible by the ADOT&PF would be to remove the byway designation from the corridor. No byway in Alaska has ever been de-designated.

### **What grant funding is available to State Byways?**

The National Scenic Byway grant program is a competitive program that provides funds annually to state and nationally designated byways across the country to develop and implement the byway corridor management plans.

Alaska receives about \$500,000 annually in grant funds for byway projects across the state. Grant funds for up to 80% of project costs are awarded to byways for the following projects:

- Development and implementation of a corridor management plan.
- Construction of safety improvements to a byway.
- Construction of enhancements such as a bike or pedestrian facility, rest area, interpretive facility, etc. along a byway.
- Improvement to a scenic byway that will enhance access to recreational resources.
- Restoration and enhancement of scenic, historical, recreational, cultural, natural, and archeological resources.
- Development and provision of tourism information to the public including interpretive information about a byway.
- Development and implementation of a byway marketing program.

## What is a Byway Committee?

It is the philosophy of the Alaska Byways program that byways should be developed and managed to serve the communities through which they pass. A committee composed of volunteer citizens and leaders along the byway are usually created to develop and promote the byway. Committee members are not appointed by ADOT&PF or any other state or federal agency.

Byway committees do not have regulatory authority or receive regular sources of funding. Committees do occasionally receive grant funds for special projects that benefit the byway corridor and adjacent communities.

## Once a corridor is designated as a State Byway is it automatically eligible for designation as a National Scenic Byway or All-American Road?

No. A State Byway must first prepare a Corridor Management Plan and demonstrate that it meets the criteria for national designation by the U.S. Department of Transportation.

## What is a Corridor Management Plan?

The Corridor Management Plan (CMP) for the byway is developed locally to serve as a guide for the development and promotion of the byway. The CMP is not a regulatory document and is not approved by ADOT&PF. Once a CMP is completed, the byway is eligible to apply for grants to implement the recommendations of the plan.

## Which transportation corridors in Alaska have been designated as byways?

Name of Byway	Route Number	Segment Description	Type & Date of Designation
Seward Highway, All-American Road	Route 1 - (MP127-37); Alaska Route 9 - (MP37 - MP0)	5th Avenue in Anchorage to AK Sealife Center in City of Seward	State: 1/29/1993; AAR: 6/15/2000
Alaska Marine Highway, All American Road	N/A	All Routes (Bellingham, WA to Dutch Harbor)	State: 9/12/1997; AAR: 9/15/2005
Glenn Highway, National Scenic Byway	Alaska Route 1	Anchorage to Little Nelchina River (Mat-Su Borough east Boundary)	State: 6/30/2000 National: 6/13/2002
Alaska Railroad	N/A	All Routes	State: 9/12/1997
Dalton Highway	Alaska Route 11	Livengood to Deadhorse	State: 1/15/1998
Haines Highway National Scenic Byway	Alaska Route 7	AMHS Terminal to US/Canada Border	State: 1/15/1998 National: 10/16/2009
Parks Highway National Scenic Byway	Alaska Route 3	Denali State Park to Healy	State: 1/15/1998 National: 10/16/2009
Richardson Highway - North Segment	Alaska Route 4	Ft Greely to Fairbanks	State: 12/23/2004
Richardson Highway - South Segment	Alaska Route 4	Valdez to Glennallen	State: 1/15/1998
Steese Highway	Alaska Route 6	Fox to Circle	State: 1/15/1998
Sterling Highway - north segment	Alaska Route 1	Sterling Wye to Skilak Lake	State: 1/12/1998
Sterling Highway - south segment	Alaska Route 1	Anchor Point to end of Homer Spit	State: 1/12/1998
Taylor "Top of the World" Highway	Alaska Route 5	Tetlin Junction to Boundary	State: 1/15/1998
Prince of Wales Island Road System	Numerous	Connects most communities on the Island	State: 5/28/2010

For more information about the Alaska Byways Program, please visit: [byways.alaska.gov](http://byways.alaska.gov) or contact: Marcheta Moulton, ADOT&PF, 907.465.8769 or [scenic\\_byways@dot.state.ak.us](mailto:scenic_byways@dot.state.ak.us)

**DRAFT Resolution**

**TITLE:** A Resolution supporting the National Scenic Byway Programs to benefit Seldovia residents, visitors, and travelers.

**WHEREAS:** The City of Homer

**WHEREAS:** The Homer City Council is a duly elected governing body of the City of Homer, authorized to act by and behalf of its members, and

**WHEREAS:** The Seldovia Chamber of Commerce is a duly elected governing body of the local chamber of commerce, authorized to act by and behalf of its membership, and

**WHEREAS:** The Scenic Byways Program is a national designation which is approved and appointed on a qualified travel corridor, and

**WHEREAS:** This designation carries the qualifications to apply for funding that could be utilized to improve transportation facilities, promote culture, interpret history, develop the waterfront, and share unique characteristics of the Kachemak Bay Route, and

**WHEREAS:** Benefits of the Scenic Byway Program includes enhanced educational and interpretive opportunities for residents and visitors about the history, nature and culture of the area, ranging from early native culture through traditional gathering practices; commercial fishing; sport fishing; and recreation; improved eligibility for federal grants to develop and implement a corridor management plan; marketing and interpretive plans; assistance in managing and marketing the byway corridor for Byway volunteers and organizers; enhancement of local businesses and government agencies; development of new or enhanced existing facilities along the corridor and in communities through funding sources tied with the Scenic Byway designation, and

**NOW Therefore Be It Resolved,** the Homer City Council accepts & supports Kachemak Bay Route, in Seldovia, Alaska, to proceed with nomination to the Scenic Byways Program.

**Certification**

This resolution was duly adopted at a regularly scheduled meeting this \_\_\_\_ day of \_\_\_\_ 2011, by a quorum vote of:

Yes    No    Abstain

(Insert Authorizing Name) -President (Insert Authorizing Name) -Secretary



# PUBLIC HEARING(S)



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

**Ordinance 11-01**

A **public hearing** is scheduled for **Tuesday, February 15, 2011** 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 11-01 internet address:**  
**<http://www.cityofhomer-ak.gov/ordinances>**

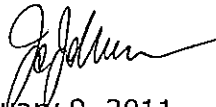
**Ordinance 11-01**, An Ordinance of the City Council of Homer, Alaska, Enacting Homer City Code Chapter 8.02, Business Licenses, Regarding the Requirement of a License to Engage in Business in the City; and Enacting Homer Code 9.16.015, Determining when a Sale, Rental or Service Occurs in the City. Hogan.



All interested persons are welcomed to attend and give testimony. Written testimony received by the Clerk's Office prior to the meeting will be provided to Council.

\*\* Copies of proposed Ordinances, in entirety, are available for review at Homer City Clerk's Office. Copies of the proposed Ordinances are available for review at City Hall, the Homer Public Library, the City of Homer Kiosks at City Clerk's Office, Captain's Coffee, Harbormaster's Office, and Redden Marine Supply of Homer and the City's homepage - <http://clerk.ci.homer.ak.us>. Contact the Clerk's Office at City Hall if you have any questions. 235-3130, Email: [clerk@ci.homer.ak.us](mailto:clerk@ci.homer.ak.us) or fax 235-3143.

Jo Johnson, CMC, City Clerk



Publish: Homer Tribune: February 9, 2011

### 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 11-01, Enacting Homer City Code Chapter 8.02, Business Licenses, Regarding the Requirement of a License to Engage in Business in the City and Enacting Homer City Code 9.16.015, Determining when a Sale Rental or Service Occurs in the City 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 February 4, 2011 and that the City Clerk posted same on City of Homer Homepage on February 3, 2011.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of said City of Homer this 3rd day of February, 2011.

  
Renee Krause, CMC, Deputy City Clerk I





**ORDINANCE REFERENCE SHEET**  
**2011 ORDINANCE**  
**ORDINANCE 11-01**

An Ordinance of the City Council of Homer, Alaska, Enacting Homer City Code Chapter 8.02, Business Licenses, Regarding the Requirement of a License to Engage in Business in the City; and Enacting Homer Code 9.16.015, Determining When a Sale, Rental or Service Occurs in the City.

Sponsor: Hogan

1. City Council Regular Meeting January 10, 2011 Introduction
2. City Council Regular Meeting January 24, 2011 Public Hearing
  - a. City of Homer Business License Analysis
3. City Council Regular Meeting February 15, 2011
  - a. Substitute Ordinance 11-01(S)
  - b. City of Homer Business License Analysis



CITY OF HOMER  
HOMER, ALASKA

Hogan

ORDINANCE 11-01

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, ENACTING HOMER CITY CODE CHAPTER 8.02, BUSINESS LICENSES, REGARDING THE REQUIREMENT OF A LICENSE TO ENGAGE IN BUSINESS IN THE CITY; AND ENACTING HOMER CODE 9.16.015, DETERMINING WHEN A SALE, RENTAL OR SERVICE OCCURS IN THE CITY.

THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code Chapter 8.02, Business Licenses, is enacted to read as follows:

Chapter 8.02

BUSINESS LICENSES

- |          |  |
|----------|--|
| 8.02.010 | License required.  |
| 8.02.020 | Application—Fee.   |
| 8.02.030 | Review of application.   |
| 8.02.040 | Information on business license—Changes in information—Display of license. |
| 8.02.050 | Transfer of business.  |
| 8.02.060 | Suspension or revocation of business license.                              |
| 8.02.070 | Regulations.   |
| 8.02.080 | Violations—Remedies.   |

8.02.010 License required. a. No person may engage in business in the city without a current business license issued by the city under this chapter. A person engages in business in the city if the person engages in a sale, rental or service in the city under HCC 9.16.015 that is not exempt from sales taxation under Kenai Peninsula Borough Code Chapter 5.18.

b. A business license is issued for a calendar year, and expires on December 31 of the calendar year for which it was issued. The city will issue one business license for all locations at which the licensee engages in business in the city.

8.02.020 Application—Fee. a. An application for a business license is submitted to the finance director on a form approved by the finance director, and shall be accompanied by the fee required under subsection b of this section. The application shall include the following information, and any additional information that the finance director may reasonably require:

1. The name of the applicant.
2. Any other name under which the applicant will engage in business in the city.

47                   3.     The applicant's mailing address, telephone number and email address.  
48                   4.     The street address and legal description of each location in the city where  
49                   the applicant will engage in business.

50                   5.     If the applicant is not a natural person, the applicant's type of  
51                   organization, and the jurisdiction under whose laws the applicant was organized.

52                   b.     The fee for a business license is ten dollars (\$10.00). The fee is not prorated if the  
53                   business license is issued after the calendar year commences. The city shall waive the fee if the  
54                   applicant held a business license for the entire preceding calendar year, and had no sales tax  
55                   payment delinquencies in that calendar year.

56  
57                   8.02.030 Review of application. a. The finance director shall issue a business license to  
58                   an applicant upon finding that the application includes all required information, the applicant has  
59                   paid any required application fee, and the applicant has satisfied the requirements of subsections  
60                   b and c of this section.

61                   b.     The finance director shall refer a business license application for review by the  
62                   finance department to determine whether the applicant is delinquent in paying to the city any tax  
63                   or assessment, or any fee or charge for city services. The finance department shall notify the  
64                   applicant in writing of any delinquency that it finds. In response to the notice, the applicant shall  
65                   either:

66                   1.     Provide evidence satisfactory to the finance director that the delinquent  
67                   amount has been paid; or

68                   2.     Provide a plan for paying the delinquent amount satisfactory to the finance  
69                   director, with security satisfactory to the finance director for the payment of the delinquent  
70                   amount.

71                   c.     The finance director shall refer a business license application for review by the  
72                   city planner to determine whether any structure, or use of land or a structure, where the applicant  
73                   will engage in business does not conform to HCC Title 21, or the terms and conditions of any  
74                   rezoning, planning commission approval, or administrative approval granted under HCC Title  
75                   21. The city planner shall notify the applicant in writing of any such nonconformity. In response  
76                   to the notice, the applicant shall either:

77                   1.     Provide evidence satisfactory to the city planner that the nonconformity  
78                   has been corrected;

79                   2.     Obtain a final decision recognizing the nonconformity as a lawful  
80                   nonconforming use or structure under HCC Chapter 21.61; or

81                   3.     Provide a plan for correction of the nonconformity satisfactory to the city  
82                   planner, with security satisfactory to the city planner for the performance of the plan.

83                   d.     The finance director may investigate the financial condition and credit history of a  
84                   business license applicant, and if the finance director finds that the financial condition or credit  
85                   history of the applicant indicates a substantial risk that the applicant will not make full and  
86                   timely payment of sales tax as required under HCC Chapter 9.16, the finance director may  
87                   require the applicant to post a bond or other security for such full and timely payment.  
88

89           8.02.040 Information on business license—Changes in information—Display of license.

90   a. A business license shall state the information concerning the licensee that the finance director  
91   may reasonably require.

92       b.     A licensee shall notify the finance director promptly in writing of any change in  
93   the required information on the business license. In response to the notice, and upon the  
94   surrender of the prior business license, the finance director shall issue a new business license  
95   for the same calendar year bearing the current required information. There shall be no charge for  
96   the issuance of a new business license under this subsection.

97       c.     The licensee shall display prominently the original business license at the  
98   licensee's principal business location in the city, and a copy of the business license at each other  
99   business location of the licensee in the city. If the licensee has no regular business location in the  
100   city, the licensee shall display the business license upon the request of the finance director or the  
101   finance director's designee.

102  
103           8.02.050 Transfer of business. a. A business license expires upon the effective date of a  
104   transfer of the business. Not later than fifteen (15) days after the effective date of the transfer, the  
105   licensee shall provide written notice to the finance director of the transfer, including the name,  
106   address, form of organization and jurisdiction of organization of the transferee, and surrender the  
107   licensee's business license to the finance director.

108       b.     In subsection a of this section, the term "transfer" includes any of the following:  
109       1.     A change in voting control or in more than fifty (50) percent of the  
110   ownership interest in a licensee that is a corporation, limited liability company or partnership;  
111       2.     A sale of substantially all of the assets used in the business of the licensee;  
112   and  
113       3.     The initiation of a lease, management agreement or other arrangement  
114   under which another person becomes entitled to the licensee's gross receipts from sales, rentals  
115   or services.

116  
117           8.02.060 Suspension or revocation of business license. a. The finance director may  
118   suspend or revoke a business license when the finance director determines that the licensee is  
119   delinquent in paying sales tax under HCC Chapter 9.16, or the licensee has failed to comply with  
120   the requirements of HCC 8.02.040 or 8.02.050.

121       b.     The finance director shall not suspend or revoke a business license without first  
122   providing notice and an opportunity for a hearing on the suspension or revocation under this  
123   subsection.

124       1.     At least fifteen (15) days before suspending or revoking a business license,  
125   the finance director shall mail notice of the suspension or revocation by certified mail,  
126   return receipt requested, to the last-known address of the licensee.

127       2.     The notice of proposed suspension or revocation shall identify the licensee  
128   and describe the sales tax payment delinquency or other cause for the suspension or  
129   revocation, state that unless a hearing is requested, the finance director will suspend or  
130   revoke the licensee's business license under this section upon the expiration of fifteen  
131   (15) days from the date of the notice, state that the right to a hearing will be waived if not

132 timely requested, and the name, address and telephone number of the finance director or  
133 other city representative to be contacted concerning the proposed suspension or  
134 revocation.

135 3. The licensee may obtain a hearing on the proposed suspension or  
136 revocation by requesting the hearing in writing at the office of the finance director not  
137 more than fifteen (15) days after the date of the notice of proposed suspension or  
138 revocation.

139 c. Upon written request by the licensee, a hearing officer designated by the finance  
140 director shall conduct a hearing on the proposed suspension or revocation within seven days after  
141 the request for hearing. The sole issue before the hearing officer shall be whether one or more of  
142 the grounds stated in subsection a of this section for suspending or revoking the business license  
143 has occurred and is continuing. The hearing officer shall conduct the hearing in an informal  
144 manner and shall not be bound by the technical rules of evidence. The licensee may appear,  
145 present evidence, and cross-examine witnesses. The hearing shall be recorded. Within seven  
146 days after the conclusion of the hearing, the hearing officer shall prepare a written decision  
147 whether to suspend or revoke the business license, and provide a copy of the decision to the  
148 licensee.

149 d. A hearing officer's decision suspending or revoking a business license shall  
150 include an order that the licensee immediately cease and desist from engaging in business in the  
151 city unless and until the business license is reinstated or reissued.

152 e. Any person aggrieved by the hearing officer's decision under subsection c of this  
153 section to suspend or revoke a business license may appeal the decision to the superior court  
154 within thirty (30) days after the date the decision was mailed or delivered to the parties. Unless  
155 the court orders otherwise, a decision to suspend or revoke a business license takes effect  
156 immediately upon its issuance.

157  
158 8.02.070 Regulations. The finance director may promulgate regulations and adopt forms  
159 to implement, interpret or make specific the provisions of this chapter.

160  
161 8.02.085 Violations—Remedies. a. No person may:

162 1. Engage in business in the city without a current business license required  
163 by this chapter.

164 2. Knowingly submit false information in a document filed with the city  
165 under this chapter.

166 b. A person who is convicted of violating a provision of this subsection shall be  
167 subject to a fine of not more than three hundred dollars (\$300.00) plus any surcharge required to  
168 be imposed by AS 29.25.074, imprisonment for not more than ninety (90) days, or both such fine  
169 and imprisonment.

170 c. The city may bring a civil action to:

171 1. Enjoin a violation of this chapter. On application for injunctive relief and a  
172 finding of a violation or threatened violation, the superior court shall enjoin the violation.

173 2. Recover a civil penalty of three hundred dollars (\$300.00) for each  
174 violation of this chapter.

d. Each act or omission in violation of this chapter, and each day in which the act or omission occurs, is a separate violation of this chapter.

e. All remedies for violations of this chapter are cumulative and are in addition to any others existing at law or in equity.

Section 2. Homer City Code 9.16.015, Sale, rental or service within the city, is enacted to read as follows:

9.16.015 Sale, rental or service within the city. The following rules determine whether a sale, rental or service occurs within the city:

a. A sale or rental occurs within the city if delivery occurs in the city, and the seller either:

1. Maintains a place of business, or an agent or employee, in the city; or
2. Regularly or repeatedly promotes sales or rentals in the city by means such as advertising, promotional events or solicitation of sales.

b. A service occurs within the city if:

1. All or a substantial part of the service is rendered in the city; or
2. The seller maintains a place of business, or an agent or employee, in the city, the service benefits a person or property in the city, and either the order for the service is received or solicited in the city, or payment for the service is received in the city.

c. A rental of real property occurs in the city if the real property is located in the city.

d. A service involving the construction, repair, renovation, improvement, sale or rental of real property is made in the city if the real property is located in the city.

Section 3. This Ordinance is of a permanent and general character and shall be included in the City Code.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this \_\_\_\_\_ day of \_\_\_\_\_ 2011.

CITY OF HOMER

\_\_\_\_\_  
JAMES C. HORNADAY, MAYOR

ATTEST:

\_\_\_\_\_  
JO JOHNSON, CMC, CITY CLERK

218 YES:  
219 NO:  
220 ABSTAIN:  
221 ABSENT:  
222  
223 First Reading:  
224 Public Hearing:  
225 Second Reading:  
226 Effective Date:  
227  
228  
229 Reviewed and approved as to form:  
230  
231  
232 \_\_\_\_\_  
233 Walt E. Wrede, City Manager  
234  
235 Date: \_\_\_\_\_

\_\_\_\_\_  
Thomas F. Klinkner, City Attorney  
  
Date: \_\_\_\_\_



CITY OF HOMER  
HOMER, ALASKA

Hogan

ORDINANCE 11-01(S)

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,  
ENACTING HOMER CITY CODE CHAPTER 8.02, BUSINESS LICENSES,  
REGARDING THE REQUIREMENT OF A LICENSE TO ENGAGE IN  
BUSINESS IN THE CITY; AND ENACTING HOMER CODE 9.16.015,  
DETERMINING WHEN A SALE, RENTAL OR SERVICE OCCURS IN THE  
CITY.

THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code Chapter 8.02, Business Licenses, is enacted to read as follows:

Chapter 8.02

BUSINESS LICENSES

- 8.02.010 License required.  
8.02.020 Application—Fee.  
8.02.030 **Display of license.** Review of application.  
8.02.040 **Regulations.** Information on business license—Changes in information—  
Display of license.  
8.02.050 **Violations—Remedies.** Transfer of business.  
8.02.060—Suspension or revocation of business license.  
8.02.070—Regulations.  
8.02.080—Violations—Remedies.

8.02.010 License required. a. No person may engage in business in the city without a current business license issued by the city under this chapter. A person engages in business in the city if the person engages in a sale, rental or service in the city under HCC 9.16.015 that is not exempt from sales taxation under Kenai Peninsula Borough Code Chapter 5.18.

b. A business license is issued for a calendar year, and expires on December 31 of the calendar year for which it was issued. The city will issue one business license for all locations at which the licensee engages in business in the city.

8.02.020 Application—Fee. a. An application for a business license is submitted to the finance director on a form approved by the finance director, and shall be accompanied by the fee required under subsection b of this section. The application shall include the following information, and any additional information that the finance director may reasonably require:

1. The name of the applicant.

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

2. Any other name under which the applicant will engage in business in the city.

3. The applicant's mailing address, telephone number and email address.

4. The street address and legal description of each location in the city where the applicant will engage in business.

5. If the applicant is not a natural person, the applicant's type of organization, and the jurisdiction under whose laws the applicant was organized.

**6. The applicant's Kenai Peninsula Borough sales tax registration number.**

b. The fee for a business license is ten dollars (\$10.00). The fee is not prorated if the business license is issued after the calendar year commences. The city shall waive the fee if the applicant held a business license for the entire preceding calendar year, and had no sales tax payment delinquencies in that calendar year.

8.02.030 **Display of License. The licensee shall display prominently the original business license at the licensee's principal business location in the city, and a copy of the business license at each other business location of the licensee in the city. If the licensee has no regular business location in the city, the licensee shall display the business license upon request of the finance director or the finance director's designee.** Review of application. a. ~~The finance director shall issue a business license to an applicant upon finding that the application includes all required information, the applicant has paid any required application fee, and the applicant has satisfied the requirements of subsections b and c of this section.~~

b. ~~The finance director shall refer a business license application for review by the finance department to determine whether the applicant is delinquent in paying to the city any tax or assessment, or any fee or charge for city services. The finance department shall notify the applicant in writing of any delinquency that it finds. In response to the notice, the applicant shall either:~~

1. ~~Provide evidence satisfactory to the finance director that the delinquent amount has been paid; or~~

2. ~~Provide a plan for paying the delinquent amount satisfactory to the finance director, with security satisfactory to the finance director for the payment of the delinquent amount.~~

c. ~~The finance director shall refer a business license application for review by the city planner to determine whether any structure, or use of land or a structure, where the applicant will engage in business does not conform to HCC Title 21, or the terms and conditions of any rezoning, planning commission approval, or administrative approval granted under HCC Title 21. The city planner shall notify the applicant in writing of any such nonconformity. In response to the notice, the applicant shall either:~~

1. ~~Provide evidence satisfactory to the city planner that the nonconformity has been corrected;~~

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

2. Obtain a final decision recognizing the nonconformity as a lawful nonconforming use or structure under HCC Chapter 21.61; or

3. Provide a plan for correction of the nonconformity satisfactory to the city planner, with security satisfactory to the city planner for the performance of the plan.

d. The finance director may investigate the financial condition and credit history of a business license applicant, and if the finance director finds that the financial condition or credit history of the applicant indicates a substantial risk that the applicant will not make full and timely payment of sales tax as required under HCC Chapter 9.16, the finance director may require the applicant to post a bond or other security for such full and timely payment.

**8.02.040 Regulations.** The finance director may promulgate regulations and adopt forms to implement, interpret or make specific the provisions of this chapter. Information on business license Changes in information Display of license. a. A business license shall state the information concerning the licensee that the finance director may reasonably require.

b. A licensee shall notify the finance director promptly in writing of any change in the required information on the business license. In response to the notice, and upon the surrender of the prior business license, the finance director shall issue a new business license for the same calendar year bearing the current required information. There shall be no charge for the issuance of a new business license under this subsection.

c. The licensee shall display prominently the original business license at the licensee's principal business location in the city, and a copy of the business license at each other business location of the licensee in the city. If the licensee has no regular business location in the city, the licensee shall display the business license upon the request of the finance director or the finance director's designee.

**8.02.050 Violations-Remedies.** a. No person may:

1. Engage in business in the city without a current business license required by this chapter.

2. Knowingly submit false information in a document filed with the city under this chapter.

b. A person who is convicted of violating a provision of this subsection shall be subject to a fine of not more than three hundred dollars (\$300.00) plus any surcharge required to be imposed by AS 29.25.074, imprisonment for not more than ninety (90) days, or both such fine and imprisonment.

c. The city may bring a civil action to:

1. Enjoin a violation of this chapter. On application for injunctive relief and a finding of a violation or threatened violation, the superior court shall enjoin the violation.

2. Recover a civil penalty of three hundred dollars (\$300.00) for each violation of this chapter.

d. Each act or omission in violation of this chapter, and each day in which the act or omission occurs, is a separate violation of this chapter.

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

128 e. All remedies for violations of this chapter are cumulative and are in addition  
129 to any others existing at law or in equity.

130 Transfer of business. a. A business license expires upon the effective date of a transfer of  
131 the business. Not later than fifteen (15) days after the effective date of the transfer, the licensee  
132 shall provide written notice to the finance director of the transfer, including the name, address,  
133 form of organization and jurisdiction of organization of the transferee, and surrender the  
134 licensee's business license to the finance director.

135 b. In subsection a of this section, the term "transfer" includes any of the following:  
136 1. A change in voting control or in more than fifty (50) percent of the  
137 ownership interest in a licensee that is a corporation, limited liability company or partnership;  
138 2. A sale of substantially all of the assets used in the business of the licensee;  
139 and  
140 3. The initiation of a lease, management agreement or other arrangement  
141 under which another person becomes entitled to the licensee's gross receipts from sales, rentals  
142 or services.

143  
144 8.02.060 Suspension or revocation of business license. a. The finance director may  
145 suspend or revoke a business license when the finance director determines that the licensee is  
146 delinquent in paying sales tax under HCC Chapter 9.16, or the licensee has failed to comply with  
147 the requirements of HCC 8.02.040 or 8.02.050.

148 b. The finance director shall not suspend or revoke a business license without first  
149 providing notice and an opportunity for a hearing on the suspension or revocation under this  
150 subsection.

151 1. At least fifteen (15) days before suspending or revoking a business license,  
152 the finance director shall mail notice of the suspension or revocation by certified mail,  
153 return receipt requested, to the last known address of the licensee.

154 2. The notice of proposed suspension or revocation shall identify the licensee  
155 and describe the sales tax payment delinquency or other cause for the suspension or  
156 revocation, state that unless a hearing is requested, the finance director will suspend or  
157 revoke the licensee's business license under this section upon the expiration of fifteen  
158 (15) days from the date of the notice, state that the right to a hearing will be waived if not  
159 timely requested, and the name, address and telephone number of the finance director or  
160 other city representative to be contacted concerning the proposed suspension or  
161 revocation.

162 3. The licensee may obtain a hearing on the proposed suspension or  
163 revocation by requesting the hearing in writing at the office of the finance director not  
164 more than fifteen (15) days after the date of the notice of proposed suspension or  
165 revocation.

166 c. Upon written request by the licensee, a hearing officer designated by the finance  
167 director shall conduct a hearing on the proposed suspension or revocation within seven days after  
168 the request for hearing. The sole issue before the hearing officer shall be whether one or more of  
169 the grounds stated in subsection a of this section for suspending or revoking the business license

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

has occurred and is continuing. The hearing officer shall conduct the hearing in an informal manner and shall not be bound by the technical rules of evidence. The licensee may appear, present evidence, and cross examine witnesses. The hearing shall be recorded. Within seven days after the conclusion of the hearing, the hearing officer shall prepare a written decision whether to suspend or revoke the business license, and provide a copy of the decision to the licensee.

d. A hearing officer's decision suspending or revoking a business license shall include an order that the licensee immediately cease and desist from engaging in business in the city unless and until the business license is reinstated or reissued.

e. Any person aggrieved by the hearing officer's decision under subsection c of this section to suspend or revoke a business license may appeal the decision to the superior court within thirty (30) days after the date the decision was mailed or delivered to the parties. Unless the court orders otherwise, a decision to suspend or revoke a business license takes effect immediately upon its issuance.

8.02.070 Regulations. The finance director may promulgate regulations and adopt forms to implement, interpret or make specific the provisions of this chapter.

8.02.085 Violations Remedies. a. No person may:

1. Engage in business in the city without a current business license required by this chapter.

2. Knowingly submit false information in a document filed with the city under this chapter.

b. A person who is convicted of violating a provision of this subsection shall be subject to a fine of not more than three hundred dollars (\$300.00) plus any surcharge required to be imposed by AS 29.25.074, imprisonment for not more than ninety (90) days, or both such fine and imprisonment.

c. The city may bring a civil action to:

1. Enjoin a violation of this chapter. On application for injunctive relief and a finding of a violation or threatened violation, the superior court shall enjoin the violation.

2. Recover a civil penalty of three hundred dollars (\$300.00) for each violation of this chapter.

d. Each act or omission in violation of this chapter, and each day in which the act or omission occurs, is a separate violation of this chapter.

e. All remedies for violations of this chapter are cumulative and are in addition to any others existing at law or in equity.

Section 2. Homer City Code 9.16.015, Sale, rental or service within the city, is enacted to read as follows:

9.16.015 Sale, rental or service within the city. The following rules determine whether a sale, rental or service occurs within the city:

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

- 212 a. A sale or rental occurs within the city if delivery occurs in the city, and the seller  
213 either:  
214 1. Maintains a place of business, or an agent or employee, in the city; or  
215 2. Regularly or repeatedly promotes sales or rentals in the city by means such  
216 as advertising, promotional events or solicitation of sales.  
217 b. A service occurs within the city if:  
218 1. All or a substantial part of the service is rendered in the city; or  
219 2. The seller maintains a place of business, or an agent or employee, in the  
220 city, the service benefits a person or property in the city, and either the order for the  
221 service is received or solicited in the city, or payment for the service is received in the  
222 city.  
223 c. A rental of real property occurs in the city if the real property is located in the  
224 city.  
225 d. A service involving the construction, repair, renovation, improvement, sale or  
226 rental of real property is made in the city if the real property is located in the city.  
227

228 Section 3. This Ordinance is of a permanent and general character and shall be included  
229 in the City Code.  
230

231 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this \_\_\_\_\_ day of  
232 \_\_\_\_\_ 2011.  
233

234 CITY OF HOMER  
235  
236

237 \_\_\_\_\_  
238 JAMES C. HORNADAY, MAYOR  
239

240 ATTEST:  
241

242 \_\_\_\_\_  
243 JO JOHNSON, CMC, CITY CLERK  
244

245  
246 YES:

247 NO:

248 ABSTAIN:

249 ABSENT:  
250  
251  
252  
253

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

254 First Reading:  
255 Public Hearing:  
256 Second Reading:  
257 Effective Date:  
258  
259  
260 Reviewed and approved as to form:  
261  
262  
263  
264 \_\_\_\_\_  
265 Walt Wrede, City Manager  
266 Date: \_\_\_\_\_

\_\_\_\_\_  
Thomas F. Klinkner, City Attorney  
Date: \_\_\_\_\_

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





<b>ORDINANCE 11-01</b> <b>CITY OF HOMER - BUSINESS LICENSE ANALYSIS</b>
--

**Anticipated Revenue:**

Current Business Licenses:	1,230
Anticipated Additional 25% Not accounted for :	<u>308</u>
	1,538
Revenue per licensee	\$ 10.00
<b>Anticipated Annual Revenue</b>	<b>15,375</b>

**Anticipated Annual Costs**

Finance Director

Implement

Investigation of Financial Condition or Credit History

Issuance and maintaince of Bonds for folks with bad credit history, just in case they don't pay sales tax.

Approve

Audit

Keep Track License

Keep Track of Sales Tax

Referrals to Planning

Transference of Business License

Revocations

Hearing Officer

Planning      Approval of structure and use of land structure

**Note:** Will need to hire additional staff to do Finance Director's job or an Accounting Tech IV can do this job, full time appx cost \$78,028.

If an Accounting Tech IV is authorized to do this job, the verbiage needs to be changed in Ordinance 11-01.



## SUMMARY BY JURISDICTION

Period Range : 3rd QTR - 1/1/2010 to 12/31/2010

Tax Type : STX Line Item : TAXABLE

ST Codes STX	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Total	% Change from previous year in				Total % change from previous year
						1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	
Year 2010										
Seldovia	687,564.00	1,055,305.00	1,445,510.00	71.00	3,188,450.00	-10.56 %	10.07 %	19.70 %	-99.99 %	-14.09 %
Homer	23,220,814.00	42,738,081.00	56,533,825.00	364,791.00	122,857,511.00	1.46 %	5.06 %	3.76 %	-98.64 %	-15.20 %
Kenai	37,984,742.00	56,660,979.33	59,826,790.99	279,341.00	154,751,853.32	1.90 %	20.92 %	18.07 %	-99.34 %	-12.52 %
Seward	11,214,425.00	27,854,195.33	44,906,089.99	103,920.00	84,078,630.32	4.88 %	4.87 %	8.50 %	-99.17 %	-7.73 %
Soldotna	48,727,145.00	56,049,868.34	77,116,013.02	402,764.00	182,295,790.36	2.29 %	-7.99 %	-6.13 %	-99.31 %	-26.92 %
Borough	151,624,210.00	240,618,859.00	324,791,846.00	2,292,191.00	719,327,106.00	-2.29 %	2.77 %	3.12 %	-98.69 %	-18.14 %
Year 2009										
Seldovia	768,716.00	958,732.00	1,207,575.00	781,503.00	3,716,526.00	-9.86 %	-42.36 %	-27.24 %	-8.05 %	-26.43 %
Homer	22,887,478.00	40,678,783.00	54,482,688.00	26,823,723.00	144,872,672.00	-20.81 %	-16.52 %	-12.26 %	-18.84 %	-16.15 %
Kenai	37,275,970.00	46,859,894.46	50,670,373.00	42,093,584.00	176,899,821.46	2.52 %	3.94 %	-3.82 %	-1.76 %	-0.04 %
Seward	10,692,548.00	26,560,957.00	41,386,521.00	12,481,193.00	91,121,219.00	-5.73 %	-12.00 %	-17.79 %	-4.57 %	-13.17 %
Soldotna	47,637,805.00	60,919,264.23	82,151,107.00	58,738,430.00	249,446,606.23	-0.07 %	-3.53 %	-9.36 %	-2.08 %	-4.59 %
Borough	155,171,167.00	234,134,337.31	314,950,030.00	174,499,406.00	878,754,940.31	-12.99 %	-13.56 %	-18.27 %	-14.54 %	186.18 %
Year 2008										
Seldovia Winter	852,347.09	74,077.05	19,244.42	847,465.70	1,793,134.26	13.08 %	1876.42 %	151.40 %	8.65 %	16.05 %
Seldovia Summer	503.24	1,589,314.09	1,640,385.22	22,392.23	3,252,594.78	-75.00 %	30.58 %	9.27 %	-59.29 %	17.20 %
Homer	28,900,765.70	48,726,208.72	62,094,796.36	33,051,105.12	172,772,875.90	6.07 %	3.31 %	4.64 %	1.53 %	3.89 %
Kenai	36,358,165.91	45,085,090.75	52,685,459.24	42,848,193.27	176,976,909.17	5.18 %	3.80 %	7.77 %	3.46 %	5.15 %
Seward	11,342,854.45	30,181,770.80	50,343,190.27	13,079,235.42	104,947,050.94	4.35 %	0.47 %	3.46 %	3.08 %	2.63 %
Soldotna	47,671,704.32	63,148,313.42	90,635,182.98	59,987,778.55	261,442,979.27	3.90 %	6.30 %	13.16 %	3.17 %	7.36 %
Borough	53,239,749.00	82,055,629.97	108,093,258.52	63,670,540.28	307,059,177.77	6.28 %	9.25 %	7.69 %	10.21 %	8.37 %
Total	178,366,089.71	270,860,404.80	365,511,517.01	213,506,710.57	1,028,244,722.09	5.28 %	5.65 %	7.86 %	4.96 %	6.22 %

Kenai Peninsula Borough

SUMMARY BY JURISDICTION

Period Range : 1/1/2010 to 12/31/2010

Tax Type : STX Line Item : GROSS

TX	Year 2010					% Change from Previous Year in				Total % change from previous year
	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Total	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	
	TX	TX	TX	TX	TX	Qtr	Qtr	Qtr	Qtr	
eldovia	1,348,267.00	1,939,343.00	2,333,242.00	71.00	5,620,923.00	-3.38 %	26.06 %	15.70 %	-100.00 %	-19.91 %
omer	67,002,976.00	91,877,219.00	113,190,175.00	1,216,137.00	273,286,507.00	-0.78 %	-5.29 %	-0.19 %	-98.59 %	-25.00 %
enai	76,027,890.00	109,594,918.33	121,332,116.99	837,405.00	307,792,330.32	-4.36 %	4.68 %	0.62 %	-99.08 %	-22.23 %
eward	26,878,844.00	51,098,491.33	75,338,678.99	270,785.00	153,586,799.32	-6.43 %	-5.76 %	5.18 %	-99.27 %	-19.90 %
oldotna	81,647,312.00	112,855,480.34	130,548,851.02	864,288.00	325,915,931.36	-0.77 %	4.84 %	3.98 %	-99.18 %	-22.64 %
orough	480,867,810.00	647,629,404.00	853,133,622.00	7,399,810.00	1,989,030,646.00	-13.84 %	5.82 %	11.88 %	-99.12 %	-28.34 %
Year 2009										
eldovia	1,395,399.00	1,538,388.00	2,016,668.00	2,072,703.00	7,023,158.00	-8.13 %	-40.64 %	-15.14 %	-0.85 %	-18.12 %
omer	67,529,138.00	97,006,714.00	113,406,685.00	86,436,732.00	364,379,269.00	3.01 %	-5.89 %	-9.86 %	-3.14 %	-5.03 %
enai	79,495,012.00	104,696,379.46	120,582,058.00	90,986,246.00	395,759,695.46	-3.91 %	-28.75 %	-34.12 %	-46.88 %	-32.23 %
eward	28,727,273.00	54,220,929.00	71,628,781.00	37,160,042.00	191,737,025.00	8.38 %	-9.33 %	-19.92 %	-5.56 %	-10.86 %
oldotna	82,280,034.00	107,650,159.23	125,552,950.00	105,794,139.00	421,277,282.23	-8.27 %	-4.25 %	-14.37 %	-11.71 %	-10.09 %
orough	558,130,369.00	612,022,829.31	762,544,064.00	842,861,068.00	2,775,558,330.31	20.35 %	-16.75 %	-18.76 %	-17.98 %	-12.31 %
Year 2008										
eldovia Winter	1,497,854.09	166,045.05	30,481.42	1,693,079.70	3,387,460.26	4.40 %	1522.63 %	250.24 %	-43.52 %	-23.90 %
eldovia Summer	21,015.24	2,425,620.09	2,345,815.22	397,484.30	5,189,934.85	-24.34 %	-4.52 %	10.86 %	11.37 %	2.95 %
omer	65,556,209.00	103,082,113.71	125,817,174.36	89,240,655.76	383,696,152.83	6.77 %	5.98 %	10.71 %	9.70 %	8.49 %
enai	82,727,623.00	146,935,464.75	183,031,379.23	171,282,693.00	583,977,159.98	-14.76 %	30.69 %	19.26 %	7.46 %	11.80 %
eward	26,506,069.45	59,801,104.80	89,445,912.27	39,348,466.42	215,101,552.94	3.51 %	5.64 %	14.12 %	13.55 %	10.17 %
oldotna	89,698,916.24	112,433,038.18	146,614,733.95	119,825,906.59	468,572,594.96	13.17 %	9.19 %	12.61 %	2.22 %	9.06 %
orough	197,738,103.00	310,384,366.98	391,301,974.32	605,895,616.02	1,505,320,060.32	0.31 %	22.64 %	15.59 %	18.99 %	15.98 %
total	463,745,790.02	735,227,753.56	938,587,470.77	1,027,683,901.79	3,165,244,916.14	0.40 %	17.65 %	14.97 %	13.53 %	12.71 %

## ORDINANCE(S)



**ORDINANCE REFERENCE SHEET**  
**2011 ORDINANCE**  
**ORDINANCE 11-03**

An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.03.040, Definitions Used in Zoning Code; Homer City Code 21.12.020, Rural Residential (RR), Permitted Uses and Structures; Homer City Code 21.14.020, Urban Residential (UR), Permitted Uses and Structures; and Homer City Code 21.16.020, Residential Office (RO), Permitted Uses and Structures; and Homer City Code 21.61.060, Termination of Nonconforming Use or Structure; Regarding the Accessory Use of Storage in Residential Zoning Districts.

Sponsor: Planning

1. City Council Regular Meeting February 15, 2011 Introduction
  - a. Memorandum 11-017 from City Planner as backup
  - b. Draft ordinance
  - c. Staff Report PL 11-02, 10-113, & 10-96 with minutes of January 5, 2011, December 1, 2010, & October 6, 2010





CITY OF HOMER  
HOMER, ALASKA

Planning

ORDINANCE 11-03

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING HOMER CITY CODE 21.03.040, DEFINITIONS USED IN ZONING CODE; HOMER CITY CODE 21.12.020, RURAL RESIDENTIAL (RR), PERMITTED USES AND STRUCTURES; HOMER CITY CODE 21.14.020, URBAN RESIDENTIAL (UR), PERMITTED USES AND STRUCTURES; AND HOMER CITY CODE 21.16.020, RESIDENTIAL OFFICE (RO), PERMITTED USES AND STRUCTURES; AND HOMER CITY CODE 21.61.060, TERMINATION OF NONCONFORMING USE OR STRUCTURE; REGARDING THE ACCESSORY USE OF STORAGE IN RESIDENTIAL ZONING DISTRICTS.

THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code 21.03.040, Definitions used in zoning code, is amended to read as follows:

*"Motor vehicle"* means a vehicle which is self-propelled except a vehicle moved by human or animal power.

*"Vehicle"* means a device in, upon, or by which a person or property may be transported or drawn upon or immediately over a highway or vehicular way or area; "vehicle" does not include (i) devices used exclusively on stationary rails or tracks; or (ii) mobile homes.

Section 2. Homer City Code 21.12.020, Permitted uses and structures, is amended to read as follows:

21.12.020 Permitted uses and structures. The following uses are permitted outright in the rural residential district:

- a. Single family dwelling.
- b. Duplex dwelling.
- c. Multiple-family dwelling, only if the structure conforms to HCC § 21.14.040(a)(2).
- d. Public parks and playgrounds;
- e. Rooming house and bed and breakfast;
- f. Home occupations, provided they conform to the requirements of HCC § 21.51.010;
- g. Agricultural activities, including general farming, truck farming, livestock farming, nurseries, and greenhouses provided that:
  1. Other than normal household pets, no poultry or livestock may be housed and no fenced runs may be located within one hundred feet of any residence other than the dwelling on the same lot,

2. No retail or wholesale business sales office is maintained on the premises;  
h. Private stables;  
i. Private floatplane tie-down as an accessory use incidental to residential use;  
j. ~~Storage of personal commercial fishing gear in a safe and orderly manner and separated by at least five feet from any property line as an accessory use incidental to residential use;~~

jk. As an accessory use incidental to **a principal** residential use, the private outdoor storage of noncommercial equipment, including noncommercial trucks, boats, and not more than one recreational vehicle in a safe and orderly manner **occupying an area not exceeding 1500 square feet**, and separated by at least five feet from any property line, **of any of the following:** provided no stored equipment, boat or vehicle exceeds 36 feet in length;

1. **commercial fishing gear.**  
2. **not more than five motor vehicles, including not more than one recreational vehicle, owned by a person who resides on the lot. A motor vehicle is stored if it is not moved for at least 240 consecutive days.**

3. **noncommercial equipment, including noncommercial boats and boat trailers, owned by a person who resides on the lot, but excluding motor vehicles, provided no stored equipment or boat exceeds 36 feet in length.**

k. As an accessory use incidental to residential use, the private outdoor storage of noncommercial equipment, including noncommercial trucks, boats, and not more than one recreational vehicle in a safe and orderly manner and separated by at least five feet from any property line, provided no stored equipment, boat or vehicle exceeds 36 feet in length;

l. Other customary accessory uses incidental to any of the permitted uses lists in the RR district, provided that no separate permit shall be issued for the construction of any detached accessory building prior to that of the main building.

m. Temporary (seasonal) roadside stands for the sale of produce grown on the premises;

n. Mobile homes, subject to the requirements of HCC § 21.54.060.

o. Day care homes; provided, however, that outdoor play areas must be fenced.

p. Recreational vehicles, subject to the requirements of HCC § 21.54.320.

q. Open space, but not including outdoor recreational facilities described in HCC § 21.12.030.

r. As an accessory use, one small wind energy system per lot having a rated capacity not exceeding 10 kilowatts.

**Section 3.** Homer City Code 21.14.020, Permitted uses and structures, is amended to read as follows:

**21.14.020 Permitted uses and structures.** The following uses are permitted outright in the urban residential district:

a. Single-family dwelling, excluding mobile home.

b. Duplex dwelling, excluding mobile home.

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

c. Multiple-family dwelling, only if the structure conforms to HCC § 21.14.040(a)(2) and excluding mobile home.

d. Public parks and playgrounds;

e. Home occupations, provided they conform to the requirements of HCC § 21.51.010

f. Rooming house and bed and breakfast;

g. Private floatplane tie-up facility as an accessory use incidentally to residential use;

~~h. As an accessory use incidental to residential use, storage of personal commercial fishing gear in a safe orderly manner and separated by at least five feet from any property line;~~

hi. As an accessory use incidental to **a principal** residential use, the private outdoor storage of noncommercial equipment, including noncommercial trucks, boats, and not more than one recreational vehicle in a safe and orderly manner **occupying an area not exceeding 1500 square feet**, and separated by at least five feet from any property line, **of any of the following**: provided no stored equipment, boat or vehicle exceeds 36 feet in length;

**1. commercial fishing gear.**

**2. not more than five stored motor vehicles, including not more than one recreational vehicle, owned by a person who resides on the lot. A motor vehicle is stored if it is not moved for at least 240 consecutive days.**

**3. noncommercial equipment, including noncommercial boats and boat trailers, owned by a person who resides on the lot, but excluding motor vehicles, provided no stored equipment or boat exceeds 36 feet in length.**

ij. The outdoor harboring or keeping of dogs, small animals and fowl as an accessory to a residential use in a manner consistent with the requirements of all other provisions of the Homer City Code and as long as such animals are pets of the residents of the dwelling and their numbers are such as not to unreasonably annoy or disturb occupants of neighboring property;

jk. Customary accessory uses to any of the permitted uses listed in the UR district, provided that no separate permit shall be issued for the construction of any detached accessory building prior to that of the main building.

kl. Day care homes; provided, however, that outdoor play areas must be fenced.

lm. Recreational vehicles, subject to the standards set out in HCC § 21.54.320.

mn. Open space, not including outdoor recreational facilities.

no. Public schools and private schools.

op. As an accessory use, one small wind energy system per lot having a rated capacity not exceeding 10 kilowatts.

**Section 4.** Homer City Code 21.16.020, Permitted uses and structures, is amended to read as follows:

**21.16.020 Permitted uses and structures.** The following uses are permitted outright in the residential office district:

a. Single-family and duplex dwelling, excluding mobile homes;

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

- 131 b. Multiple family dwelling, provided the structure conforms to HCC §  
132 21.14.040(a)(2) and excluding mobile homes;  
133 c. Public parks and playgrounds;  
134 d. Rooming house and bed and breakfast;  
135 e. Home occupations; provided they conform to the requirements of HCC §  
136 21.51.010;  
137 f. Professional offices and general business offices;  
138 g. Personal services;  
139 h. Museums, libraries and similar institutions;  
140 i. Nursing facilities, convalescent homes, homes for the aged, assisted living homes;  
141 j. Religious, cultural and fraternal assembly;  
142 k. ~~Storage of the occupant's personal commercial fishing gear in a safe and orderly~~  
143 ~~manner and separated by at least five feet from any property line as an accessory use incidental~~  
144 ~~to a permitted or conditionally permitted principal use;~~  
145 kl. As an accessory use incidental to a principal permitted or conditionally  
146 permitted use, the private outdoor exterior storage of the occupant's personal noncommercial  
147 equipment, including noncommercial trucks, boats, campers and not more than one recreational  
148 vehicle in a safe and orderly manner occupying an area not exceeding 1500 square feet, and  
149 separated by at least five feet from any property line, as an accessory use incidental to a  
150 permitted or conditionally permitted principal use of any of the following: provided no stored  
151 equipment, boat or vehicle exceeds 36 feet in length;  
152 1. commercial fishing gear.  
153 2. not more than five motor vehicles, including not more than one  
154 recreational vehicle, owned by a person who resides on the lot. A motor vehicle is stored if  
155 it is not moved for at least 240 consecutive days.  
156 3. noncommercial equipment, including noncommercial boats and boat  
157 trailers, owned by a person who resides on the lot, but excluding motor vehicles, provided  
158 no stored equipment or boat exceeds 36 feet in length.  
159 lm. Other customary accessory uses to any of the permitted uses listed in the  
160 residential office district; provided that no separate permit shall be issued for the construction of  
161 any detached accessory building prior to that of the main building.  
162 mn. The outdoor harboring or keeping of dogs, small animals and fowl as an accessory  
163 use in a manner consistent with the requirements of the Homer City Code and as long as such  
164 animals are kept as pets and their numbers are such as not to unreasonably annoy or disturb  
165 occupants of neighboring property;  
166 no. Day care homes; provided, however, that outdoor play areas must be fenced.  
167 op. Recreational vehicles, subject to the standards set out in HCC § 21.54.320.  
168 pq. As an accessory use, one small wind energy system per lot having a rated capacity  
169 not exceeding 10 kilowatts.

170  
171 Section 5. Homer City Code 21.61.060, Termination of nonconforming use or structure,  
172 is amended to read as follows:

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

21.61.060 Termination of nonconforming use or structure. a. The right to continue a nonconforming use or structure previously approved under this chapter is subject to termination by the Commission if it finds, after providing the property owner notice and an opportunity to be heard at a public hearing, that

1a. in the case of a nonconforming structure, it has subsequently been abandoned or brought into conformity with the Homer Zoning Code, or

2b. in the case of a nonconforming use, the use has subsequently been abandoned, changed, discontinued, or ceases to be the primary use of a lot.

b. **The right to continue a nonconforming storage use in the rural residential, urban residential or residential office districts shall terminate after one year.**

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

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this \_\_\_\_\_ day of \_\_\_\_\_ 2010.

CITY OF HOMER

\_\_\_\_\_  
JAMES C. HORNADAY, MAYOR

ATTEST:

\_\_\_\_\_  
JO JOHNSON, CMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

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

215 Reviewed and approved as to form:

216

217

218

219 Walt E. Wrede, City Manager

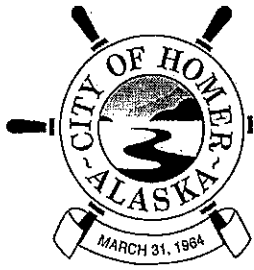
220

221 Date: \_\_\_\_\_

Thomas F. Klinkner, City Attorney

Date: \_\_\_\_\_

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



## City of Homer Planning & Zoning

491 East Pioneer Avenue  
Homer, Alaska 99603-7645

*Telephone* (907) 235-3106  
*Fax* (907) 235-3118  
*E-mail* [Planning@ci.homer.ak.us](mailto:Planning@ci.homer.ak.us)  
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### MEMORANDUM 11-017

TO: Mayor Hornaday and Homer City Council  
THRU: Walt Wrede, City Manager  
FROM: Rick Abboud City Planner  
DATE: January 25, 2011  
SUBJ: Draft Zoning Enforcement Ordinance

The Homer Planning Commission discussed the Draft Zoning Enforcement Ordinance at the meetings of October 6, 2010, December 1, 2010 and January 5, 2011.

#### Recommendation:

The commission moved to forward the draft ordinance zoning enforcement to city council and recommend adoption.





CITY OF HOMER  
HOMER, ALASKA

Planning

## ORDINANCE 10-

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING HOMER CITY CODE 21.03.040, DEFINITIONS USED IN ZONING CODE; HOMER CITY CODE 21.12.020, RURAL RESIDENTIAL (RR), PERMITTED USES AND STRUCTURES; HOMER CITY CODE 21.14.020, URBAN RESIDENTIAL (UR), PERMITTED USES AND STRUCTURES; AND HOMER CITY CODE 21.16.020, RESIDENTIAL OFFICE (RO), PERMITTED USES AND STRUCTURES; AND HOMER CITY CODE 21.61.060, TERMINATION OF NONCONFORMING USE OR STRUCTURE; REGARDING THE ACCESSORY USE OF STORAGE IN RESIDENTIAL ZONING DISTRICTS.

## THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code 21.03.040, Definitions used in zoning code, is amended to read as follows:

*"Motor vehicle"* means a vehicle which is self-propelled except a vehicle moved by human or animal power.

*"Vehicle"* means a device in, upon, or by which a person or property may be transported or drawn upon or immediately over a highway or vehicular way or area; "vehicle" does not include (i) devices used exclusively on stationary rails or tracks; or (ii) mobile homes.

Section 2. Homer City Code 21.12.020, Permitted uses and structures, is amended to read as follows:

21.12.020 Permitted uses and structures. The following uses are permitted outright in the rural residential district:

- a. Single family dwelling.
- b. Duplex dwelling.
- c. Multiple-family dwelling, only if the structure conforms to HCC § 21.14.040(a)(2).
- d. Public parks and playgrounds;
- e. Rooming house and bed and breakfast;
- f. Home occupations, provided they conform to the requirements of HCC § 21.51.010;
- g. Agricultural activities, including general farming, truck farming, livestock farming, nurseries, and greenhouses provided that:

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

1. Other than normal household pets, no poultry or livestock may be housed and no fenced runs may be located within one hundred feet of any residence other than the dwelling on the same lot,

2. No retail or wholesale business sales office is maintained on the premises;

h. Private stables;

i. Private floatplane tie-down as an accessory use incidental to residential use;

~~j. Storage of personal commercial fishing gear in a safe and orderly manner and separated by at least five feet from any property line as an accessory use incidental to residential use;~~

k. As an accessory use incidental to a principal residential use, the private outdoor storage of noncommercial equipment, including noncommercial trucks, boats, and not more than one recreational vehicle in a safe and orderly manner occupying an area not exceeding 1500 square feet, and separated by at least five feet from any property line, of any of the following: provided no stored equipment, boat or vehicle exceeds 36 feet in length;

1. commercial fishing gear.

2. not more than five motor vehicles, including not more than one recreational vehicle, owned by a person who resides on the lot. A motor vehicle is stored if it is not moved for at least 240 consecutive days.

3. noncommercial equipment, including noncommercial boats and boat trailers, owned by a person who resides on the lot, but excluding motor vehicles, provided no stored equipment or boat exceeds 36 feet in length.

k. As an accessory use incidental to residential use, the private outdoor storage of noncommercial equipment, including noncommercial trucks, boats, and not more than one recreational vehicle in a safe and orderly manner and separated by at least five feet from any property line, provided no stored equipment, boat or vehicle exceeds 36 feet in length;

l. Other customary accessory uses incidental to any of the permitted uses lists in the RR district, provided that no separate permit shall be issued for the construction of any detached accessory building prior to that of the main building.

m. Temporary (seasonal) roadside stands for the sale of produce grown on the premises;

n. Mobile homes, subject to the requirements of HCC § 21.54.060.

o. Day care homes; provided, however, that outdoor play areas must be fenced.

p. Recreational vehicles, subject to the requirements of HCC § 21.54.320.

q. Open space, but not including outdoor recreational facilities described in HCC § 21.12.030.

r. As an accessory use, one small wind energy system per lot having a rated capacity not exceeding 10 kilowatts.

Section 3. Homer City Code 21.14.020, Permitted uses and structures, is amended to read as follows:

21.14.020 Permitted uses and structures. The following uses are permitted outright in the urban residential district:

a. Single-family dwelling, excluding mobile home.

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

- 89           b.     Duplex dwelling, excluding mobile home.
- 90           c.     Multiple-family dwelling, only if the structure conforms to HCC §
- 91 21.14.040(a)(2) and excluding mobile home.
- 92           d.     Public parks and playgrounds;
- 93           e.     Home occupations, provided they conform to the requirements of HCC §
- 94 21.51.010
- 95           f.     Rooming house and bed and breakfast;
- 96           g.     Private floatplane tie-up facility as an accessory use incidentally to residential
- 97 use;
- 98           ~~h.     As an accessory use incidental to residential use, storage of personal commercial~~
- 99 ~~fishing gear in a safe orderly manner and separated by at least five feet from any property line;~~
- 100           i.     As an accessory use incidental to a principal residential use, the private outdoor
- 101 storage of ~~noncommercial equipment, including noncommercial trucks, boats, and not more than~~
- 102 ~~one recreational vehicle in a safe and orderly manner~~ occupying an area not exceeding 1500
- 103 square feet, and separated by at least five feet from any property line, of any of the following:
- 104 provided no stored equipment, boat or vehicle exceeds 36 feet in length;
- 105                 1.     commercial fishing gear.
- 106                 2.     not more than five stored motor vehicles, including not more than one
- 107 recreational vehicle, owned by a person who resides on the lot. A motor vehicle is stored if
- 108 it is not moved for at least 240 consecutive days.
- 109                 3.     noncommercial equipment, including noncommercial boats and boat
- 110 trailers, owned by a person who resides on the lot, but excluding motor vehicles, provided
- 111 no stored equipment or boat exceeds 36 feet in length.
- 112           j.     The outdoor harboring or keeping of dogs, small animals and fowl as an accessory
- 113 to a residential use in a manner consistent with the requirements of all other provisions of the
- 114 Homer City Code and as long as such animals are pets of the residents of the dwelling and their
- 115 numbers are such as not to unreasonably annoy or disturb occupants of neighboring property;
- 116           k.     Customary accessory uses to any of the permitted uses listed in the UR district,
- 117 provided that no separate permit shall be issued for the construction of any detached accessory
- 118 building prior to that of the main building.
- 119           l.     Day care homes; provided, however, that outdoor play areas must be fenced.
- 120           m.     Recreational vehicles, subject to the standards set out in HCC § 21.54.320.
- 121           n.     Open space, not including outdoor recreational facilities.
- 122           o.     Public schools and private schools.
- 123           p.     As an accessory use, one small wind energy system per lot having a rated capacity
- 124 not exceeding 10 kilowatts.

125

126         Section 4. Homer City Code 21.16.020, Permitted uses and structures, is amended to

127 read as follows:

128

129         21.16.020 Permitted uses and structures. The following uses are permitted outright in the

130 residential office district:

- 131           a.     Single-family and duplex dwelling, excluding mobile homes;

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

- b. Multiple family dwelling, provided the structure conforms to HCC § 21.14.040(a)(2) and excluding mobile homes;
- c. Public parks and playgrounds;
- d. Rooming house and bed and breakfast;
- e. Home occupations; provided they conform to the requirements of HCC § 21.51.010;
- f. Professional offices and general business offices;
- g. Personal services;
- h. Museums, libraries and similar institutions;
- i. Nursing facilities, convalescent homes, homes for the aged, assisted living homes;
- j. Religious, cultural and fraternal assembly;
- k. ~~Storage of the occupant's personal commercial fishing gear in a safe and orderly manner and separated by at least five feet from any property line as an accessory use incidental to a permitted or conditionally permitted principal use;~~
- l. As an accessory use incidental to a principal permitted or conditionally permitted use, the private outdoor exterior storage of the occupant's personal noncommercial equipment, including noncommercial trucks, boats, campers and not more than one recreational vehicle in a safe and orderly manner occupying an area not exceeding 1500 square feet, and separated by at least five feet from any property line, as an accessory use incidental to a permitted or conditionally permitted principal use of any of the following: provided no stored equipment, boat or vehicle exceeds 36 feet in length;
1. commercial fishing gear.
  2. not more than five motor vehicles, including not more than one recreational vehicle, owned by a person who resides on the lot. A motor vehicle is stored if it is not moved for at least 240 consecutive days.
  3. noncommercial equipment, including noncommercial boats and boat trailers, owned by a person who resides on the lot, but excluding motor vehicles, provided no stored equipment or boat exceeds 36 feet in length.
- m. Other customary accessory uses to any of the permitted uses listed in the residential office district; provided that no separate permit shall be issued for the construction of any detached accessory building prior to that of the main building.
- n. The outdoor harboring or keeping of dogs, small animals and fowl as an accessory use in a manner consistent with the requirements of the Homer City Code and as long as such animals are kept as pets and their numbers are such as not to unreasonably annoy or disturb occupants of neighboring property;
- o. Day care homes; provided, however, that outdoor play areas must be fenced.
- p. Recreational vehicles, subject to the standards set out in HCC § 21.54.320.
- q. As an accessory use, one small wind energy system per lot having a rated capacity not exceeding 10 kilowatts.

Section 5. Homer City Code 21.61.060, Termination of nonconforming use or structure, is amended to read as follows:

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

21.61.060 Termination of nonconforming use or structure. a. The right to continue a nonconforming use or structure previously approved under this chapter is subject to termination by the Commission if it finds, after providing the property owner notice and an opportunity to be heard at a public hearing, that

1a. in the case of a nonconforming structure, it has subsequently been abandoned or brought into conformity with the Homer Zoning Code, or

2b. in the case of a nonconforming use, the use has subsequently been abandoned, changed, discontinued, or ceases to be the primary use of a lot.

b. **The right to continue a nonconforming storage use in the rural residential, urban residential or residential office districts shall terminate after one year.**

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

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this \_\_\_\_\_ day of \_\_\_\_\_ 2010.

CITY OF HOMER

\_\_\_\_\_  
JAMES C. HORNADAY, MAYOR

ATTEST:

\_\_\_\_\_  
JO JOHNSON, CMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and approved as to form:

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

DRAFT 12/16/10

219 Walt E. Wrede, City Manager  
220 Date: \_\_\_\_\_

Thomas F. Klinkner, City Attorney  
Date: \_\_\_\_\_

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



## City of Homer Planning & Zoning

491 East Pioneer Avenue  
Homer, Alaska 99603-7645

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*Web Site* [www.ci.homer.ak.us](http://www.ci.homer.ak.us)

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### STAFF REPORT PL 11-02

**TO:** Homer Advisory Planning Commission  
**FROM:** Rick Abboud, City Planner  
**MEETING:** January 5, 2011  
**SUBJECT:** Staff Report PL 11-01, Draft Zoning Enforcement Ordinance

The zoning enforcement ordinance is returned for public hearing as requested. No changes have been made to the ordinance since the Planning Commission last looked at it in December.

#### **Recommendation**

Receive public comments and recommend that it be forwarded to City Council for adoption.





HOMER ADVISORY PLANNING COMMISSION  
REGULAR MEETING MINUTES  
JANUARY 5, 2010

Commission may question the public. Once the public hearing is closed the Commission cannot hear additional comments on the topic. The applicant is not held to the 3 minute time limit.

A. Staff Report PL 11-02 Draft Ordinance Zoning Enforcement

City Planner Abboud reviewed the staff report. He referenced a lay down letter in support of the draft ordinance.

Patricia Wallace, city resident, said she has lived on Rochelle Road for 19 years and lived Homer 27 years. Off and on in her neighborhood there have been a lot of junk vehicles and just plain clutter and garbage type junk in people's yards. There is still some, but it certainly is getting better. It is very disgusting and hazardous. Homer is a beautiful place, let's take some pride in it and get rid of the eyesores. She would like to thank the people in her neighborhood who have done just that and others in the community who have participated in getting rid of some of this stuff. She thanked the City for helping financially to get rid of abandoned and junk vehicles. She agrees with the 1500 square feet of storage for 2 drivable vehicles, one recreational, one boat less than 36 feet, one work truck, plus 200 square feet for miscellaneous storage. That seems more than fair. If someone needs more storage, they can go rent it. A neighborhood is just that, not a place to accumulate junk and vehicles that don't run or boats that never see the water.

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

KRANICH/HIGHLAND MOVED TO BRING THE DRAFT ORDINANCE TO THE FLOOR FOR DISCUSSION AND POSSIBLE AMENDMENT.

Commissioner Kranich commented that this has been discussed several times at the Commission level and it has been refined to where it should work for most people.

Regarding enforcement, there was discussion that it should be identifiable if a vehicle sits longer than the number of days allowed. It was clarified that line 182 refers to one year after adoption of the ordinance. It was noted that the commercial districts are not included as they have different provisions than the residential chapters, and City Planner Abboud said he could provide the Commission with a better explanation at another time.

KRANICH/DOLMA MOVED TO FORWARD THE DRAFT ORDINANCE ZONING ENFORCEMENT TO CITY COUNCIL AND RECOMMEND ADOPTION.

There was no further discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

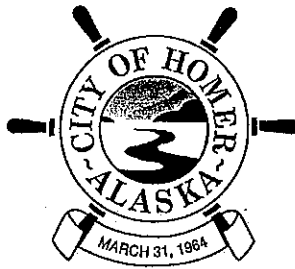
Motion carried.

B. Staff Report PL 10-111 Draft Ordinance Amending the City of Homer Comprehensive Plan to Include the Homer Spit Comprehensive Plan and Recommending Adoption to the Kenai Peninsula Borough

City Planner Abboud reviewed the staff report.

Chair Minsch opened the Public Hearing.





## City of Homer Planning & Zoning

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Homer, Alaska 99603-7645

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### STAFF REPORT PL 10-113

**TO:** Homer Advisory Planning Commission  
**THROUGH:** Rick Abboud, City Planner  
**FROM:** Dotti Harness-Foster, Planning Technician  
**MEETING:** December 1, 2010  
**SUBJECT:** Storage in UR, RR, RO & Nonconforming (Outdoor Storage)

#### Introduction

In the City's efforts to meet the intention of residential zoning districts, the City has found that enforcing excessive outdoor storage is problematic. If complaints are a gauge to what is *not acceptable*, it is parcels that have more than six vehicles and that have the appearance of a "continual garage sale." Currently, Homer City Code burdens the City with proving that items stored outside are "incidental to the residential use" and to demonstrate that a vehicle is "inoperable." This draft ordinance eliminates these subjective determinations.

#### Purpose of the residential districts

The purpose of the residential districts is to provide a sound environment and the preserve and enhance the residential qualities.

Staff interprets that *excessive* outdoor storage *does not* provide a sound environment or preserve and enhance the residential qualities of the neighborhood.

#### Applicable Comprehensive Plan Goals for residential districts: Chapter 4, Land Use

- Goal 2: Maintain the quality of Homer's natural environment and scenic beauty.
- Goal 3: Encourage high-quality buildings and site development that complement Homer's beautiful natural setting.
- Goal 5: Maintain high-quality residential neighborhoods; promote housing choice by supporting a variety of dwelling options.

#### Draft ordinance:

This draft ordinance also eliminates the subjective determination of "orderly manner" and "incidental to residential use" and "operable" vehicle by setting a maximum area for outdoor stage.

Based on work sessions conversations staff has increased the area for outdoor storage coverage to a maximum of 1,500 square feet. The maximum of 1,500 square feet provides for what some people consider "typical Homer storage:"

- 400 sf for two vehicles (Snowbirds may need to store two vehicles for eight months, or 240 days)
  - 300 sf for one Recreational Vehicle
  - 360 sf for one boat (boats less than 36 ft in length)
  - 200 sf for one work truck
  - 200 misc. storage
- 1,460 total coverage

Line 41. Let's assume that the average single-family residence has an approximate footprint of 1,500 sf. When the outdoor storage area exceeds 1,500 sf the "principal residential use" of the property is questionable and overtaken by outdoor storage. <sup>i</sup>

Line 44. Outdoor storage "as an accessory use incidental to residential use..." Incidental use begins to conflict with the purpose of both residential and business districts when it dominates the use of the property. If "incidental" is one that is "minor in relation to the primary use" then 1,500 sf seems a Homer typical benchmark. <sup>i</sup>

Line 46-47. Staff recommends eliminating references to ownership of commercial fishing gear. Proving ownership of fishing gear is burdensome and the line between commercial and noncommercial boats is thin.

The work session conversation also explored amending the ordinance to include the Central Business District (CBD). Currently, storage in the CBD is limited to "enclosed buildings" per HCC 21.18.020(k)(v) and HCC 21.18.030(i). Extending this draft ordinance into CBD would conflict with the above code citations and the Community Design Manual. Therefore, staff does not recommend extending the draft ordinance into the CBD.

### Other communities

As foreclosures increase, some communities have adopted the International Property Maintenance Code which "governs the minimum conditions and the responsibilities of persons for maintenance of structures." In particular, the 2003 IPMC does not allow the storage of inoperative or unlicensed motor vehicles (IPMC 302.8). Properties shall be free from any accumulation of rubbish or garbage (IPMC 307.1).

Juneau      *Junkyard* means a lot or portion thereof, where junk is bought, sold, exchanged, scrapped, baled, cleaned, packed, disassembled, handled or stored. The term "junkyard" also includes auto-wrecking yards, house-wrecking yards, used-lumber yards, and **any storage of junk occupying more than 200 square feet** outside an enclosed building. JCC 49.80.

Portland      Disabled vehicles. No storage of a disabled vehicles **for more than 7 days unless the vehicle is enclosed within a legally permitted building** or unless it is stored by a

licensed business enterprise dealing in junked vehicles lawfully conducted within the City. PCC 29.20.010 Outdoor Maintenance Requirements.

Remove unless specifically authorized by ordinance to do otherwise:

1. Accumulations of wood pallets.
2. All firewood that is not stacked and useable.
3. Accumulations of vehicle parts or tires.
4. All construction materials except those that are stored in a manner to protect their utility and prevent deterioration...
5. All appliances or appliance parts except for storage of appliances that are reasonably expected to be used at the site and are stored in a manner to protect their utility and prevent deterioration.
6. All indoor furniture except that which is stored in a manner to protect its utility and prevent deterioration and is reasonably expected to be used at the property.
7. All recycling materials except for reasonable accumulations (amounts consistent with a policy of regular removal) that are stored in a well-maintained manner.

**Anchorage** In 2004 Dykstr v. Municipality of Anchorage a Supreme Court case affirmed that car storage does not meet the purpose of residential district (R-3 Multi-family). The brief notes that "two-and three-car families are commonplace." "Uncommon extremes" violate the "accessory use customarily incidental to a residential neighborhood."<sup>1</sup>

*Junk* means any worn-out, wrecked, scrapped, partially or fully dismantled, discarded tangible material, or combination of materials or items, including junk vehicles as defined in Section 15.20.010. Also included are machinery, metal, rags, rubber, paper, plastics, chemicals and building materials which cannot, without further alteration and reconditioning, be used for their original purpose. ACC 21.35 Definitions.

*Junk vehicle* means a vehicle that:

1. Is not currently registered....
2. Is stripped, wrecked or otherwise inoperable due to mechanical failure;
3. Has not been repaired because of mechanical difficulties or because the cost of repairs required to make it operable exceeds the fair market value of the vehicle; or
4. Is in a condition which exhibits more than one of the following elements:
  - a. Broken glass;
  - b. Missing wheels or tires;
  - c. Missing body panels or parts; or
  - d. Missing drive train parts

STAFF RECOMMENDS discuss changes presented by staff, amend if so desired and send to public hearing:

- Line 43-44     Amend the draft ordinance to allow private outdoor storage in safe and orderly manners occupying an area not exceeding **1,500 square feet.**
- Line 46.       Eliminate reference to ownership of commercial fishing gear. **commercial fishing gear owned by an occupant who is permitted to engage in commercial fishing under federal or state law.**
- Line 48.       Increase the number of **stored** vehicles from **two to five vehicles** and allow storage for upto 240 consecutive days. **not more than two five stored motor vehicles owned by an occupant. A motor vehicle is stored if it is not moved for at least 30 240 consecutive days.**
- Line 70-157   Clarify that the amendments represent all the residential zoning districts.

Attached:     Draft ordinance

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<sup>i</sup> Dykstra v. Municipality of Anchorage (2004) <http://touchngo.com/sp/html/sp-5766.htm>

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

B. Staff Report PL 10-96, Draft Zoning Enforcement Ordinance

City Planner Abboud reviewed the staff report.

DRUHOT/KRANICH MOVED TO MOVE THIS ORDINANCE TO THE NEXT WORKSESSION.

Commissioner Druhot felt they need to have more discussion and review.

VOTE: NO: BOS, MINSCH, HIGHLAND, DRUHOT, VENUTI, KRANICH, DOLMA

Motion failed.

DRUHOT/BOS MOVED TO DISCUSS AND MAKE RECOMMENDATIONS.

There was no objection and discussion ensued.

It was noted that the goal of this ordinance is to maintain the integrity of residential neighborhoods, and to limit the number of cars stored on a residential lot. This ordinance only affects a small number of properties currently.

Some suggestions included:

- They have to be on a parking pad.
- They can't be placed in front of the house.
- More would be allowed if they are fenced in.
- There could be consideration of lot size to the number of vehicles.

There was discussion of the challenges of dealing with junk cars currently and the requirement to have someone who can come in and establish the vehicle is inoperable and having cooperation from the owner to have access to the vehicle.

Chair Minsch called for a short break at 8:15 p.m. The meeting resumed at 8:18 p.m.

BOS/DOLMA MOVED TO HAVE STAFF SCHEDULE THIS FOR A PUBLIC HEARING.

There was brief discussion about lot size.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

## NEW BUSINESS

No New Business items were scheduled.

## INFORMATIONAL MATERIALS







## City of Homer Planning & Zoning

491 East Pioneer Avenue  
Homer, Alaska 99603-7645

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### STAFF REPORT PL 10-96

**TO:** Homer Advisory Planning Commission  
**FROM:** Rick Abboud, City Planner  
**MEETING:** October 6, 2010  
**SUBJECT:** Storage in UR, RR, RO & Nonconforming (Outdoor Storage)

#### Introduction

In our efforts to enforce nuisance property and facilitate of the removal of junk cars, we have found the code problematic in the way it deals with storage, especially junk cars.

Currently, by my interpretation, one of the ways to deal with removal of junk cars is under title 18 where it refers to abandon vehicles. If they are not abandoned, this is not too useful. The other way of going after this would be as junk, using the definition of junk vehicles. It is pretty much illegal to store dismantled vehicles, unless you are permitted as a junk yard, but many junkers may appear to be operable. It just too burdensome to investigate and prove that vehicles are inoperable in order to enforce regulations regards the storage of junk. In order to make it more understandable and enforceable, I suggest that we have some sort of limit on the number of vehicles or the space that they may occupy. I talked to the attorney to develop something more clear cut.

#### Attorney Comments

The attachment is the first of several documents that I will be working on to develop more effective methods of zoning enforcement. It establishes limitations on storage as an accessory use in residential zones. In particular, it limits the lot area that can be used for storage, requires that stored items be owned by an occupant of the property, limits the number of motor vehicles that can be stored, and limits the period during which nonconforming storage can be grandfathered.

The quantities used for these limitations are merely placeholders, which you and the Planning Commission may adjust to establish quantities that are reasonable for Homer.

#### Notable Changes

Line 41 removes terminology of "incidental" and further prescribes a "principle" residential use. Not much of a change other than possible narrowing down some possibilities (that I cannot seem to think of an example at this time – do we have the storage of things not incidental to the "primary" residential use?).

Lines 43 - 44 describe an area of not more than 400 square feet. This needs discussion. I do not believe that this number may be appropriate in all situations. Perhaps some number this small or a bit larger may be appropriate for an UR district but, maybe less reasonable for the larger lots found in RR?

Lines 46 – 52 further prescribes that commercial fishing gear is owned by an occupant who is permitted for such an activity, no storage for your buddies.

Not more than 2 “stored” vehicles (not moved for at least 30 days) allowed per property. Is this adequate for the snow birds? Two stored trucks approach 400 square feet.

The changes noted above are identical as written for UR, RR and RO districts.

Lines 170-171 nonconforming storage terminates after one year. Perhaps a date would be added after passage by the City Council.

**Recommendation**

Review and suggest date for public hearing(s) or schedule time for further review.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

**PENDING BUSINESS**

There were no pending business items on the agenda.

**NEW BUSINESS**

A. Staff Report PL 10-92, Draft Subdivision Code Amendment

City Planner Abboud reviewed the staff report.

KRANICH/HIGHLAND MOVED TO SCHEDULE THE SUBDIVISION ORDINANCE UNDER STAFF REPORT 101-92 FOR PUBLIC HEARING AT THE NEXT MEETING.

Commissioner Kranich explained that the Commission had good discussion at the worksession. The ordinance clarifies granting utility easements which has been ambiguous to the Commission in the past. There is information regarding the Non Motorized Transportation and Trails Plan he encouraged everyone review this to ensure it is correct. City Planner Abboud said he would distinguish what is the Planning Commissions work and what is the staff and attorneys work.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

B. Staff Report PL 10-97, Draft Sign Code Amendment

City Planner Abboud reviewed the staff report.

KRANICH/HIGHLAND MOVED TO POSTPONE ACTION AND SCHEDULE AT THE NEXT WORKSESSION AND NEXT MEETING AS AN ACTION ITEM.

It was noted that the next worksession is Commission training with the City Attorney so the Commission agreed to have it on the next available worksession.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

C. Staff Report PL 10-96, Draft Zoning Enforcement Ordinance (Outdoor Storage)

City Planner Abboud reviewed the staff report.

There was brief discussion about including commercial districts, provision for vehicles used for work, and if items can be concealed. It was suggested that seasonal use vehicles like tractors or snow plows can sit through the off season.

KRANICH/DOLMA MOVED TO POSTPONE THIS TO A WORKSESSION FOR FURTHER DISCUSSION.

City Planner Abboud noted that it will likely be December before it comes back.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

#### INFORMATIONAL MATERIALS

- A. City Manager's Report
- B. Eker Estates No. 3 Replat Preliminary Plat and Driveway Permit
- C. Hillstrand's Homestead Preliminary Plat, Excerpt from KPB September 27, 2010 packet
- D. Letter dated September 29, 2010 to James Dolma from Mayor Hornaday regarding appointment to the Homer Advisory Planning Commission

#### COMMENTS OF THE AUDIENCE

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

Beau Burgess, city resident, thanked the Commission for taking more time to review the fine details of the steep slope and fill ordinances. He thinks there should be some attention to recourse of how to constructively use concrete and macro woody debris rather than seeing it in a land fill. On a humorous note, he said he does drive a small dump truck and parks it on his property.

Dr. Nancy Livingston, city resident, thanked the Commission for consideration of the fill ordinance and urged them to move something forward in a reasonable time frame and not stall indefinitely something that has been going on for a historical period of time. More complicatedly with the number of subdivisions in Homer the fact that those subdivisions have very small lots and anything done between two property owners on one common line not only affects the two property owners but also properties below them. Drainage down her lot line affects two houses below hers and the home adjacent to hers affects three. She was not afforded an opportunity of agreement with the common land owner but confronted with a situation that caused disastrous damage that should not have to happen to the 59 other homeowners in the subdivision. As it stands there is a total absence of this not recurring by not having any definition to the fill codes. She submits that there needs to be guidelines that are applicable to large and small estates and there needs to be some common base line that is more focused as opposed to just having a privilege for two people who share a common lot line and agree on their property. They can not mandate what happens on other adjoining properties and what might satisfy two may be very damaging to others. That being a given the Commission could consider a moratorium on subdivision or in real estate for selling these properties without people being forewarned through warning waiver and liability.

Scott Adams, city resident, advised the Commission that he was unaware of the CUP 10-08 at 5655 Scenic View Place. He said he is one of the affected land owners and he did not receive any notice about the proposed CUP. He questions where they propose to put the additional building because he thinks it will be on Skyline Drive, which affects his property because they abut a driveway to his property and that happened about 4 years ago. He has the property on Skyline and also on Scenic Place. He said he is not happy about this situation.

**ORDINANCE REFERENCE SHEET**  
**2011 ORDINANCE**  
**ORDINANCE 11-04**

An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a State of Alaska Legislative Grant in the Amount of \$1,457,758.20 for the Purpose of Expanding and Renovating City Hall.

Sponsor: City Manager

1. City Council Regular Meeting February 15, 2011 Introduction
  - a. Legislative Grant Agreement



**CITY OF HOMER  
HOMER, ALASKA**

City Manager

**ORDINANCE 11-04**

AN ORDINANCE OF THE CITY COUNCIL OF HOMER,  
ALASKA, ACCEPTING AND APPROPRIATING A STATE OF  
ALASKA LEGISLATIVE GRANT IN THE AMOUNT OF  
\$1,457,758.20 FOR THE PURPOSE OF EXPANDING AND  
RENOVATING CITY HALL.

WHEREAS, The City has received a Legislative Grant in the amount of \$1,457,758.20 for the purpose of expanding and renovating the existing City Hall building; and

WHEREAS, The grant funds will be used to construct approximately 4,000 square feet of new office space and significant upgrades to the existing building.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer City Council hereby accepts and appropriates a State of Alaska Legislative Grant in the amount of \$1,457,758.20 for the purpose of expanding and renovating City Hall as follows:

Revenue:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
151-775	Legislative Grant/City Hall Renovation and Expansion	\$1,457,758.20

Expenditure:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
151-775	City Hall Renovation and Expansion	\$1,457,758.20

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

ENACTED BY THE HOMER CITY COUNCIL this \_\_\_\_ day of \_\_\_\_, 2011.

CITY OF HOMER

\_\_\_\_\_  
JAMES C. HORNADAY, MAYOR

ATTEST:

\_\_\_\_\_  
JO JOHNSON, CMC, CITY CLERK

YES:

NO:

ABSENT:

ABSTAIN:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and approved as to form:

\_\_\_\_\_  
Walt Wrede, City Manager

\_\_\_\_\_  
Thomas F. Klinkner, City Attorney

Date: \_\_\_\_\_

Date: \_\_\_\_\_





STATE OF ALASKA  
DEPARTMENT OF  
**COMMERCE**  
COMMUNITY AND  
ECONOMIC DEVELOPMENT

*Sean Parnell, Governor*  
*Susan K. Bell, Commissioner*  
*Scott Ruby, Acting Director*

Division of Community and Regional Affairs  
Grants Section

January 27, 2011

City of Homer  
Walt Wrede, City Manager  
491 East Pioneer Avenue  
Homer, AK 99603

Subject: 11-RR-038 Renovation of and Additions to Homer City Hall

Dear Mr. Wrede:

Enclosed for your file is a fully executed Grant Agreement for the above referenced grant. Please replace any copies you may have with this official document. This completes the Grant Agreement.

Eligible project expenditures incurred on or after the grant term start date can now be reimbursed. Please make certain that you understand the requirements for administration and reporting of the project (Attachment A, #4). Financial/Progress Reports must be submitted via mail, as we cannot accept faxed signatures in the Grantee Certification block.

Please submit a report for the period 06/30/10 – 12/31/10 as soon as possible. Subsequent reports will be due on a quarterly basis.

Please contact me if you have any questions.

Regards,

Jean Mason  
Grants Administrator

Enclosures



DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT  
DIVISION OF COMMUNITY AND REGIONAL AFFAIRS

Designated Legislative Grant Program  
Grant Agreement

Grant Agreement Number <b>11-RR-038</b>		Amount of State Funds <b>\$1,457,758.20</b>	
Collocation Code(s)	Encumbrance Number/AR/Lapse Date <b>/ 8494 / 06/30/2015</b>	Project Title <b>Renovation of and additions to Homer City Hall</b>	
<b>Grantee</b>		<b>Department Contact Person</b>	
Name <b>City of Homer</b>		Name <b>Jean Mason</b>	
Street/PO Box <b>491 East Pioneer Avenue</b>		Title <b>Grants Administrator</b>	
City/State/Zip <b>Homer, AK 99603</b>		Street/PO Box <b>P.O. Box 110809</b>	
Contact Person <b>Walt Wrede, City Manager</b>		City/State/Zip <b>Juneau, AK 99811-0809</b>	
Phone <b>907-235-8121</b>	Email <b>wwrede@ci.homer.ak.us</b>	Phone <b>907-465-5647</b>	Fax <b>907-465-5867</b>

**AGREEMENT**

The Alaska Department of Commerce, Community, and Economic Development, Division of Community and Regional Affairs (hereinafter 'Department') and City of Homer (hereinafter 'Grantee') agree as set forth herein.

**Section I.** The Department shall pay the Grantee for the performance of the project work under the terms outlined in this agreement. The amount of the payment is based upon project expenses incurred, which are authorized under this Agreement. In no event shall the payment exceed **\$1,457,758.20**.

**Section II.** The Grantee shall perform all of the work required by this Agreement.

**Section III.** The work to be performed under this agreement begins **6/30/2010** and shall be completed no later than **06/30/2015**

**Section IV.** The agreement consists of this page and the following:

**ATTACHMENTS**

Attachment A: Scope of Work

1. Project Description
2. Project Budget
3. Project Narrative
4. Project Management/Reporting
5. Forms Packet

Attachment B: Payment Method

Attachment C: Standard Provisions

**APPENDICES**

Appendix A: Audit Regulations

Appendix B: Audit Compliance Supplement

Appendix B2: Insurance

Appendix C: State Laws and Regulations

Appendix D: Special Requirements and Assurances for Federally Funded Projects (if applicable)

Appendix E: Site Control

Appendix F: State Fire Marshal Review

AMENDMENTS: Any fully executed amendments to this Agreement

<b>Grantee</b>		<b>Department</b>	
Signature 		Signature 	
Printed Name and Title <b>Walt Wrede, City Manager</b>		Printed Name and Title <b>Jolene Julian, Grants Administrator III</b>	
Date <b>JAN. 24, 2011</b>		Date <b>01-27-2011</b>	

Reviewed by: \_\_\_\_\_

## **Attachment A Scope of Work**

### **1. Project Description**

The purpose of this FY 2011 Designated Legislative Grant in the amount of \$1,457,758.20 [pursuant to the provisions of AS 37.05.315, SLA 2010, Chapter 43, Section 52, Page 174, Lines 13-17] is to provide funding to City of Homer for use towards Renovation of and Addition to Homer City Hall.

This project may include, but is not limited to, design and construction services for a 4,000 square foot addition to the existing Homer City Hall building and remodeling and refurbishment of the existing building to improve energy efficiency and air exchange.

No more than five percent (5%) of the total grant award may be reimbursed for Administrative expenses for projects involving equipment purchase or repairs and no more than ten percent (10%) of the total grant award may be reimbursed for Administrative expenses for all other projects. To be reimbursed for eligible administrative costs, expenses must be reported on the Designated Legislative Grant Financial/Progress Report form.

### **2. Project Budget**

<b>Cost Category</b>	<b>Grant Funds</b>	<b>Total Project Cost</b>
<b>Program Funds</b>	<b>\$1,457,758.20</b>	<b>\$1,457,758.20</b>

### **3. Budget Narrative**

The Grant Funds identified above will be used to complete the project described in the above Project Description.

#### **4. Project Management/Reporting**

This project will be managed by the Grantee.

If the Grantee is a City, signatory authority for execution of the Grant Agreement and subsequent amendments is granted to the Mayor. The Mayor may delegate signatory authority for executing the Grant Agreement and amendments to others within the City government via the Signatory Authority Form. The Mayor may also designate financial and progress reporting authority via the Signatory Authority Form. Such delegation is limited to others within the City government, unless otherwise approved by the Department.

If the Grantee is not a City, signatory authority for execution of the Grant Agreement and subsequent amendments is granted to the Chief Executive Officer (CEO). The CEO may delegate authority for executing the Grant Agreement and amendments to others within the Grantee's organization via the Signatory Authority Form. The CEO may also designate financial and performance progress reporting authority via the Signatory Authority Form. Such delegation is limited to others within the Grantee's organization unless otherwise approved by the Department.

The Grantee must establish and maintain separate accounting for the use of this Grant. The use of Grant funds in any manner contrary to the terms and conditions of this Grant Agreement may result in the subsequent revocation of the grant and any balance of funds under the grant. It may also result in the Grantee being required to return such amounts to the State.

The Grantee shall submit a Designated Legislative Grant Financial/Progress Report Form (see attached) each month, or quarterly, with the concurrence of the Department, during the life of the Grant Agreement. Grant Financial/Progress Report Forms are due fifteen (15) days after the end of the month or quarter being reported. The report period is the first of the month through the last day of the month. If quarterly reporting is approved, the report period is the first day of the first month through the last day of the third month of the quarter. The final Financial/Progress Reports must be submitted within thirty (30) days following completion of the project. Under no circumstances will the Department release funds to the Grantee unless all required reporting is current.

#### **5. Grant Forms Packet**

The following page, which includes the Designated Legislative Grant Financial/Progress Report Form, is to be used by the Grantee for monthly/quarterly reporting. Additional copies of this form are available from the Department, electronically or in hard copy.

## **Attachment B Payment Method**

### **1. Advance/Reimbursement Payment**

Upon full execution of this Grant Agreement, a State treasury warrant in an amount not to exceed 20% of the amount in Section I may be released upon request. Additional State treasury warrants will be released on a reimbursement basis upon receiving and approving a Grantee's financial/progress reports. The Department will reimburse the Grantee for costs incurred during the reporting period, in accordance with this Grant Agreement. The Department will not reimburse without approved financial/progress reports, prepared and submitted by the Grantee on the form provided in Attachment A. Before approving the financial/progress report for payment, the Department may require the Grantee to submit documentation of the costs reported (e.g., vendor billings, signed timesheets, invoices).

If cost reimbursement significantly inhibits the Grantee's ability to implement the project, the Department may advance to the Grantee an amount not to exceed a projected thirty (30) day cash need, or twenty percent (20%) of the amount in Section I, whichever is less.

Before the Department will issue an advance, the Grantee must submit a "Request for Advance Payment" form along with documentation of costs associated with the advance. The "Request for Advance Payment" form can be obtained from the Department electronically or in hard copy.

All advances will be recovered with the Grantee's next Financial/Progress Report form. Should earned payments during the terms of this Grant Agreement be insufficient to recover the full amount of the advance, the Grantee will repay the unrecovered amount to the Department when requested to do so by the Department, or at termination of the Grant Agreement.

### **2. Withholding of Ten Percent (10%)**

The Department may withhold ten percent (10%) of the amount in Section I until the Department determines that the Grantee has satisfactorily completed the terms of this grant agreement, including all required reporting of the project.

## **Attachment C**

### **Standard Provisions**

#### **Article 1. Definition**

"Department" refers to the Department of Commerce, Community and Economic Development with the State of Alaska.

#### **Article 2. Indemnification**

It is understood and agreed that this Grant Agreement is solely for the benefit of the parties to the Grant Agreement and gives no right to any other party. No joint venture or partnership is formed as a result of the Grant Agreement.

The Grantee, its successors and assigns, will protect, save, and hold harmless the Department and the State of Alaska and their authorized agents and employees, from all claims, actions, costs, damages, or expenses of any nature whatsoever by reason of the acts or omissions of the Grantee, its subcontractors, assigns, agents, contractors, licensees, invitees, employees, or any person whomever arising out of or in connection with any acts or activities authorized by this Grant Agreement. The Grantee further agrees to defend the Department and the State of Alaska and their authorized agents and employees in any litigation, including payment of any costs or attorney's fees for any claims or actions commenced thereon arising out of or in connection with acts or activities authorized by this Grant Agreement. This obligation shall not include such claims, costs, damages, or expenses which may be caused by the sole negligence of the Department of the State of Alaska or their authorized agents or employees, provided, that if the claims or damages are caused by or result from the concurrent negligence of (a) the Department and the State of Alaska and their agents or employees, and (b) the Grantee, its agents or employees, this indemnity provision shall be valid and enforceable only to the extent of the negligence of the Grantee, or Grantee's agents or employees.

#### **Article 3. Legal Authority**

The Grantee certifies that it possesses legal authority to accept grant funds under the State of Alaska and to execute the project described in this Grant Agreement by signing the Grant Agreement document. The Grantee's relation to the Department and the State of Alaska shall be at all times as an independent Grantee.

#### **Article 4. Waivers**

No conditions or provisions of this Grant Agreement can be waived unless approved by the Department in writing. The Department's failure to insist upon strict performance of any provision of the Grant Agreement, or to exercise any right based upon a breach thereof, or the acceptance of any performance during such a breach, shall not constitute a waiver of any right under this Grant Agreement.

#### **Article 5. Access to Records**

The Department and duly authorized officials of the State of Alaska shall have full access and the right to examine, excerpt, or transcribe any pertinent documents, papers, records, and books of the Grantee, and of persons or organizations with which the Grantee may contract, involving transactions related to the project and this Grant Agreement.

**Article 6. Reports**

The Grantee, at such times and in such forms as the Department may require, shall furnish the Department with such periodic reports as it may request pertaining to the activities undertaken pursuant to this Grant Agreement, including the final close-out report, the costs and obligations incurred in connection therewith, and any other matters covered by this Grant Agreement.

**Article 7. Retention of Records**

The Grantee shall retain financial and other records relating to the performance of this Grant Agreement for a period of six years from the date when the final financial status report is submitted to the Department, or until final resolution of any audit findings, claims, or litigation related to the grant.

**Article 8. Assignability**

The Grantee shall not assign any interest in this Grant Agreement and shall not transfer any interest in the same (whether by assignment or novation).

**Article 9. Financial Management and Accounting**

The Grantee shall establish and maintain a financial management and accounting system that conforms to generally accepted accounting principles.

**Article 10. Program Income**

Program income earned during the award period shall be retained by the Grantee and added to the funds committed to the award and used for the purpose and under the conditions applicable to the use of award funds.

**Article 11. Amendments and Modifications**

The Grantee or the Department may request an amendment or modification of this Grant Agreement. However, such amendment or modification shall not take effect until approved, in writing, by the Department and the Grantee.

**Article 12. Recordkeeping**

The Grantee agrees to keep such records as the Department may require. Such records will include information pertaining to grant awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays and income. They will also include information pertaining to project performance and efforts to comply with the provisions of the Grant Agreement.

**Article 13. Obligations Regarding Third-Party Relationships**

None of the Work specified in this Grant Agreement shall be contracted by the Grantee without prior approval of the Department. No permission for subcontracting shall create, between the Department or the State of Alaska and the subcontractor, any contract or any relationship.

The Grantee shall remain fully obligated under the provisions of this Grant Agreement notwithstanding its designation of any third party or parties of the undertaking of all or any part of the project described herein. Any subcontractor that is not the Grantee shall be required by the Grantee to comply with all the provisions of this Grant Agreement.

The Grantee shall bind all subcontractors to each and every applicable Grant Agreement provision. Each subcontract for work to be performed with funds granted under this Grant Agreement shall specifically include a provision that the Department and the State of Alaska are not liable for damages or claims from damages arising from any subcontractor's performance or activities under the terms of the subcontracts.

**Article 14. Conflict of Interest**

No officer or employee of the Department; no member, officer, or employee of the Grantee or its designees or agents; no member of the governing body of the jurisdiction in which the project is undertaken or located; and no other official of such locality or localities who exercises any functions or responsibilities with respect to the project during his or her tenure, shall have any personal or pecuniary gain or interest, direct or indirect, in any contract, subcontract, or the proceeds thereof, for work to be performed in connection with the project assisted under this Grant Agreement.

The Grantee shall incorporate, or cause to incorporate, in all such contracts or subcontracts, a provision prohibiting such interest pursuant to the purpose of this provision.

**Article 15. Political Activity**

No portion of the funds provided hereinunder shall be used for any partisan political activity or to further the election or defeat of any candidate for public office or influence the approval or defeat of any ballot issue.

**Article 16. Notices**

The Grantee shall comply with all public notices or notices to individuals required by applicable state and federal laws and shall maintain a record of this compliance.

**Article 17. Prohibition Against Payment of Bonus or Commission**

The assistance provided under this Grant Agreement shall not be used in payment of any bonus or commission for the purpose of obtaining approval or concurrence under this contract provided, however, that reasonable fees of bona fide technical consultant, managerial, or other such services, other than actual solicitation, are not hereby prohibited if otherwise eligible as project costs.

**Article 18. Termination by Mutual Agreement**

This Grant Agreement may be terminated, in whole or in part, prior to the completion of contract project activities when both parties agree that continuation is not feasible or would not produce beneficial results commensurate with the further expenditure of funds. The Department will determine whether an environmental review of the cancellation is required under State and/or Federal law. The parties must agree on the termination conditions, including effective date and the portion to be terminated. The Grantee shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. The Department shall make funds available to the Grantee to pay for allowable expenses incurred before the effective date of termination.

**Article 19. Termination for Cause**

If the Grantee fails to comply with the terms of this Grant Agreement, or fails to use the grant for only those purposes set forth herein, the Department may take the following actions:



- A. Suspension – After notice in writing by certified mail to the Grantee, suspend the grant and withhold any further payment or prohibit the Grantee from incurring additional obligations of grant funds, pending corrective action by the Grantee or a decision to terminate. Response must be received within fifteen (15) days of receipt of the written notice.
- B. Termination – Terminate the grant in whole or in part, at any time before the final grant payment is made. The Department shall promptly notify the Grantee in writing of its determination to terminate, the reason for such termination, and the effective date of the termination. Payments made to the Grantee or recoveries by the Department shall be in accordance with the legal rights and liabilities of the parties.

**Article 20. Withdrawal of Funds**

In the event funding from the state, federal, or other sources is withdrawn, reduced, or limited in any way after the effective date of this Grant Agreement and prior to normal completion, the Department may terminate the agreement, reduce funding, or re-negotiate subject to those new funding limitations and conditions. A termination under this article shall be implemented under the same conditions as a termination under Article 19 of this Attachment.

**Article 21. Recovery of Funds**

In the event of a default or violation of the terms of the Grant Agreement by the Grantee, the Department may institute actions to recover all or part of the project funds paid to the Grantee. Repayment by the Grantee of grant funds under this recovery provision shall occur within thirty (30) days of demand.

All remedies conferred on the Department by this agreement or any other instrument or agreement are cumulative, not exclusive, and may be exercised concurrently or consecutively at the Department's option.

**Article 22. Disputes**

Except as otherwise provided in this agreement, any dispute concerning a question of fact arising under this agreement that is not disposed of by mutual agreement shall be decided by the Department, which shall reduce its decision to writing and mail, or otherwise furnish a copy thereof, to the Grantee. The decision of the Department shall be final and conclusive.

This "Disputes" clause does not preclude the consideration of questions of law in connection with the decision provided for in the preceding paragraph provided that nothing in the Grant Agreement shall be construed as making final the decisions of any administrative official, representative, or board on a question of law.

**Article 23. Jurisdiction**

This Grant Agreement shall be governed by the laws and statutes of the State of Alaska. The venue of any suit hereunder may be in the Superior Court for the First Judicial District, Juneau, Alaska.

**Article 24. Ownership of Project/Capital Facilities**

The Department makes no claim to any capital facilities or real property improved or constructed with funds under this Grant Agreement and, by this grant of funds, does not and will not acquire any ownership interest or title to such property of the Grantee. The Grantee shall assume all liabilities arising from the ownership and operation of the project and agrees to hold the Department and the State of Alaska harmless from any and all causes of action arising from the ownership and operation of the project.

**Article 25. Site Control**

If the grant project involves the occupancy and use of real property, the Grantee assures that it has the legal right to occupy and use such real property for the purposes of the grant, and further that there is legal access to such property.

**Article 26. Insurance**

The Grantee is responsible for obtaining any necessary liability insurance. In addition, the Grantee shall provide and maintain Workers' Compensation Insurance as required by AS 23.30 for all employees engaged in work under this Grant Agreement. The Grantee shall require any contractor to provide and maintain Workers' Compensation Insurance for its employees as required by AS 23.30. The Grantee shall require any contractor hired to work on the project be licensed, bonded and insured for at least the amount of the project and if appropriate provide and maintain Professional Liability Insurance.

**Article 27. Subcontracts for Engineering Services**

In the event that the Grantee subcontracts for engineering services, the Grantee will require that the engineering firm certify that it is authorized to do business in the State of Alaska. In the event that the engineering firm is also the project administrator, the Grantee shall require that the bond or insurance shall be for not less than the amount of the entire project.

**Article 28. Governing law**

This Grant Agreement is governed by the laws of the State of Alaska. The Grantee shall perform all aspects of this project in compliance with the appropriate laws and regulations. It is the responsibility of the Grantee to ensure that all permits required for the construction and operation of this project by the Federal, State, or Local governments have been obtained.

**Article 29. Budget Flexibility**

Notwithstanding the provisions of Article 11, Attachment C, the Grantee may revise the project budget in Attachment A without a formal amendment to this agreement. Such revisions are limited within each line item to a maximum of ten percent (10%) of the line item or \$10,000, whichever is less, over the entire term of this agreement. Such budget revisions shall be limited to changes to existing budget line items. Budget revisions may not be used to increase any budget item for project administrative expenses. Changes to the budget beyond the limits authorized by this provision may only be made by a formal amendment to this agreement.

**Article 30. Equal Employment Opportunity (EEO)**

The Grantee may not discriminate against any employee or applicant for employment because of race, religion, color, national origin, age, physical handicap, sex, marital status, changes in marital status, pregnancy or parenthood. The Grantee shall post in a conspicuous place, available to employees and applicants for employment, a notice setting out the provisions of this paragraph.

The Grantee shall state, in all solicitations or advertisements for employees to work on state funded projects, that it is an equal opportunity employer (EEO) 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.

The Grantee shall include the provisions of this EEO article in every contract relating to this Grant Agreement and shall require the inclusion of these provisions in every agreement entered into by

any of its contractors, so that those provisions will be binding upon each contractor or subcontractor.

**Article 31. Public Purposes**

The Grantee agrees that the project to which this Grant Agreement relates shall be dedicated to public purposes for its useful life. The benefits of the project shall be made available without regard to race, religion, color, national origin, age, physical handicap, sex, marital status, changes in marital status, pregnancy or parenthood.

If the Grantee is a non-municipal entity and if monies appropriated under this grant constitute the sole or principal funding source for the acquisition of equipment or facilities, the Grantee agrees that in the event a municipal corporation is formed which possesses the power and jurisdiction to provide for such equipment or facilities, the Grantee shall offer, without compensation, to transfer ownership of such equipment or facilities to the municipal corporation.

If the Grantee is a non-profit corporation that dissolves, the assets and liabilities from the grant project are to be distributed according to statutory law, AS 10.20.290-10.20.452.

**Article 32. Operation and Maintenance**

Throughout the life of the project, the Grantee shall be responsible for the operation and maintenance of any facility, equipment, or other items acquired under this grant.

**Article 33. Assurance**

The Grantee shall spend monies awarded under this grant only for the purposes specified in this Grant Agreement.

**Article 34. Current Prevailing Rates of Wage**

Certain grant projects are constrained by the provisions of AS 36. PUBLIC CONTRACTS. To the extent that such provisions apply to the project which is the subject of this Grant Agreement, the Grantee shall pay the current prevailing rates of wage to employees as required by AS 36.05.010. The Grantee also shall require any contractor to pay the current prevailing rates of wage as required by AS 36.05.010.

**Article 35. Severability**

If any provision under this Grant Agreement or its application to any person or circumstance is held invalid by any court of rightful jurisdiction, this invalidity does not affect other provisions of the contract agreement which can be given effect without the invalid provision.

**Article 36. Performance**

The Department's failure to insist upon the strict performance of any provision of the Grant Agreement or to exercise any right based upon breach thereof or the acceptance of any performance during such breach, shall not constitute a waiver of any rights under this Grant Agreement.

**Article 37. Sovereign Immunity**

If the Grantee is an entity which possesses sovereign immunity, it is a requirement of this grant that the Grantee irrevocably waive its sovereign immunity with respect to state enforcement of this

Grant Agreement. The waiver of sovereign immunity, effected by resolution of the entity's governing body, is herein incorporated into this Grant Agreement.

**Article 38. Audit Requirements**

The Grantee shall comply with the audit requirements established by 02 AAC 45.010, set forth in Appendix A of this Grant Agreement.

**Article 39. Close-Out**

The Department will advise the Grantee to initiate close-out procedures when the Department determines, in consultation with the Grantee, that there are no impediments to close-out and that the following criteria have been met or soon will be met:

- A. All costs to be paid with grant funds have been incurred with the exception of close-out costs and any unsettled third-party claims against the Grantee. Costs are incurred when goods and services are received or contract work is performed.
- B. The last required performance report has been submitted. The Grantee's failure to submit a report will not preclude the Department from effecting close-out if it is deemed to be in the State's interest. Any excess grant amount that may be in the Grantee's possession shall be returned by the Grantee in the event of the Grantee's failure to finish or update the report.
- C. Other responsibilities of the Grantee under this Grant Agreement and any close-out agreement and applicable laws and regulations appear to have been carried out satisfactorily or there is no further State interest in keeping the grant open for the purpose of securing performance.

**Article 40. Americans with Disabilities Act**

The Americans with Disabilities Act (ADA) prohibits discrimination against persons with disabilities. Title I of the ADA prohibits discrimination against persons with disabilities in employment and provides that a reasonable accommodation be provided for applicants and employees. Title II of the Act prohibits public agencies from discriminating against individuals with disabilities in the provision of services, programs, or activities. Reasonable accommodation must be made to ensure or allow access to all services, programs, or activities. This section of the Act includes physical access to public facilities and requires that public entities must, if necessary, make modifications to their facilities to remove physical barriers to ensure access by persons with disabilities. All new construction must also be accessible to persons with disabilities. A public entity's subgrantees or contractors must also comply with the ADA provisions. Grantees are responsible for assuring their compliance with the ADA.

## Appendix A Audit Regulations

### 2 AAC 45.010. AUDIT REQUIREMENTS

- (a) A state agency that enters into a financial assistance agreement to provide financial assistance to an entity shall, in coordination with any other state agencies providing financial assistance to that entity, require that entity to submit to the department an audit of the recipient entity if that entity is subject to an audit under this section. The audit must be conducted and submitted as described in this section. In order to ensure compliance with this subsection, a state agency must include the audit requirements of this section must be contained in any financial assistance agreement subject to this subsection.
- (b) An entity that expends financial assistance with a cumulative total of \$500,000 or more during the entity's fiscal year shall submit an audit report for the audit period to the department, by
- (1) the earlier of
    - (a) 30 days after the entity receives its audit report for the audit period; or
    - (b) nine months after the end of the audit period; or
  - (2) a later date than the date calculated under (1) of this subsection, if
    - (a) the state agency that provides the financial assistance agrees to the change of date; and
    - (b) the agreement under (a) of this paragraph is made in
      - (i) writing; and
      - (ii) advance of the date calculated under (1) of this subsection.
- (c) An audit required by this section must be conducted by an independent auditor, according to the following audit standards effective at the time of review for the audit period:
- (1) *Government Auditing Standards, July 2007 Revision* adopted by the comptroller general of the United States, and adopted by reference;
  - (2) Generally accepted auditing standards, as accepted by the American Institute of Certified Public Accountants in the *Codification of Statements on Auditing Standards* in effect as of January 1, 2008 for the type of entity being audited, adopted by reference;
  - (3) *State of Alaska Audit Guide and Compliance Supplement for State Single Audits*, May 2008 revision, prepared by the department, adopted by reference.
- (d) An audit required under this section must report on the following: (1) The system of internal controls of the entity and the auditor's identification of significant deficiencies and material weaknesses of the entity, using the applicable standards set out in (c) of this section; (2) the entity's compliance with applicable state statutes and regulations and applicable financial assistance agreements affecting the expenditure of the financial assistance; the report must identify findings and known questioned costs that exceed \$5,000 in the aggregate for all transactions of expenditures tested for the financial assistance being audited; (3) the entity's financial statements; (4) the schedule of state financial assistance; and (5) the schedule of findings and questioned costs.
- (e) As part of an audit report required under this section, a recipient must provide (1) written comments on any (A) findings; (B) known questioned costs; (c) significant deficiencies, including material weaknesses; and (D) recommendations contained in the audit report; (2) the entity's plan for corrective action, if any findings are identified or any recommendations are made in the audit report; (3) the status of the entity's implementation of any plans for corrective actions related to (A) the audit reports required under this section for the fiscal year before the audit period; and (B) unresolved findings of audit reports required by this section for audit periods before those specified in (A) of this paragraph; and (4) a written explanation of the reasons why corrective action will not be taken if the entity does not intend to take corrective action on the findings and recommendations in any audit report required by this section.

- (f) An audit report required under this section need not evaluate the effectiveness of a program funded by state financial assistance. However, a program evaluation or financial monitoring may be conducted by the state agency or requested of the entity by the state agency that entered into the financial assistance agreement.
- (g) An audit required by this section must cover the entire operations of the entity.
- (h) An entity shall provide the department with sufficient copies of each audit report to allow submission of a copy to each state agency providing financial assistance to the entity. The department will determine if auditing standards have been met and will forward a copy of the audit to the appropriate state agencies. The department will coordinate the assignment of the resolution to one state agency, if the exceptions concern more than one state agency. The applicable state agency providing financial assistance to the entity must meet its responsibilities under other law for ensuring compliance with the audit report.
- (i) Unless additional audit requirements are imposed by state or federal law, a state agency that provides financial assistance to an entity shall accept the audit required by this section in satisfaction of any other audit requirement. If additional audit work is necessary to meet the needs of a state agency, the audit work must be based on audits required by this section. Nothing in this subsection authorizes a state agency to seek payment from the entity for the additional audit work.
- (j) A third party that receives financial assistance through an entity, in an amount described in this section, is subject to the applicable requirements of this section. An entity that disburses \$500,000 or more in state financial assistance to a third party shall ensure that the third party complies with the requirements of this section. That entity shall also ensure that appropriate corrective action is taken within six months after a third party's noncompliance with an applicable state statute or regulation, or financial assistance agreement, is disclosed.
- (k) Repealed 7/1/98.
- (l) For purposes of this section, if an entity has not identified its fiscal year, that entity's fiscal year is July 1 through June 30.
- (m) Financial assistance in the following form is not included when calculating whether an entity meets the threshold monetary requirement under (b) of this section:
  - (1) community revenue sharing money provided under AS 29.60.850 - 29.60.879;
  - (2) Repealed 3/31/2008.
  - (3) aviation fuel tax money provided under AS 43.40.010;
  - (4) electric and telephone cooperative gross revenue tax refunds provided under AS 10.25.570;
  - (5) alcoholic beverage license fee refunds provided under AS 04.11.610;
  - (6) fisheries tax refunds provided under AS 29.60.450, AS 43.75.130, and AS 43.77.060;
  - (7) PERS/TRS relief funding under money appropriated to pay employer unfunded liability attributable to the entity under AS 14.25 and AS 39.35.
- (n) Financial assistance in a form listed in (m) of this section is not exempt from compliance testing if the entity meets the threshold monetary requirement under (b) of this section.
- (o) Repealed 7/1/98.

(Eff. 8/1/85, Register 95; am 6/29/90, Register 114; am 7/1/98, Register 146; am 3/31/2008, Register 185; am 8/1/2008, Register 187)

Authority: AS 37.05.020 AS 37.05.190

## 2 AAC 45.060. EXTERNAL QUALITY REVIEW OF AUDIT ORGANIZATION

Repealed.

(Eff. 7/1/98, Register 146; repealed 3/31/2008, Register 185)

## **2 AAC 45.070. APPLICABILITY**

- (a) The amended version of this chapter, effective August 1, 2008, applies to an audit for an audit period that begins or continues after August 1, 2008.
- (b) An entity may agree to be subject to the provisions of the amended version of this chapter, effective August 1, 2008, for an audit period beginning on or after July 1, 2007 and ending on or before July 31, 2008, by voluntarily submitting
  - (1) an audit that complies with those provisions; or
  - (2) a statement that an audit is not required under provisions of 2 AAC 45.010(b).

(Eff. 7/1/98, Register 146; am 3/31/2008, Register 185; am 8/1/2008, Register 187)

Authority: AS 37.05.020 AS 37.05.190

## **2 AAC 45.080. EXEMPTIONS FROM FINANCIAL ASSISTANCE**

(a) For purposes of this chapter, "financial assistance" does not include the following: (1) public assistance provided under AS 47; (2) goods or services purchased for the direct administration or operation of state government; (3) moneys advanced to an entity under one or more state loan programs; (4) power cost equalization payments made to an electric cooperative on behalf of its customers; (5) scholarships, loans, or other tuition aid provided to students, but paid to an education institution on their behalf.

(b) In addition to the exemptions set out in (a) of this section, for a third party, "financial assistance" does not include goods purchased from the third party for direct administration or operation of the entity that received financial assistance.

(Eff. 7/1/98, Register 146)

Authority: AS 37.05.020 AS 37.05.190

## **2 AAC 45.090. DEFINITIONS**

For purposes of this chapter, unless the context otherwise requires,

- (1) "audit period" means the entity's fiscal year in which the entity expended financial assistance;
- (2) "entity" does not include (A) the University of Alaska or any other state agency; (B) a for-profit entity; and (c) a non United States based entity;
- (3) "financial assistance" means state grants, contracts, provider agreements, cooperative agreements, and all forms of state financial assistance to an entity; "financial assistance" includes all forms of state financial assistance provided through an entity to a third party;
- (4) "known questioned costs" means those questioned costs specifically identified by the auditor in the audit conducted under this chapter;
- (5) Repealed 3/31/2008;
- (6) "department" means the Department of Administration;
- (7) "significant deficiencies" has the meaning given in Section 5.11a. of the Government Auditing Standards adopted by reference in 2 AAC 45.010(c).

(Eff. 7/1/98, Register 146; am 3/31/2008, Register 185)

Authority: AS 37.05.020 AS 37.05.190

## Appendix B

### Audit Compliance Supplement

### Grants to Municipalities

#### 1. Program Objectives

Authorized and administered under AS 37.05.315 - .325, grants to municipalities are made at the discretion of the Legislature. The grants are designated for use on various capital projects and activities.

#### 2. Program Procedures

Once the authorizing legislation becomes effective, a grant agreement specifying the purpose, terms, and conditions of the grant is executed with the municipality.

#### 3. Compliance Requirements and Suggested Audit Procedures

##### A. Types of Services Allowed and Unallowed

**Compliance Requirement** Grant funds can be expended for a variety of purposes as provided for in the authorizing legislation and as specified in the grant agreement.

**Suggested Audit Procedure** Review the grant agreement and related records to determine if the funds were expended in accordance with the terms of the agreement.

**Compliance Requirement** The facilities and services provided by the grant must be available for use of the general public.

**Suggested Audit Procedure** Determine whether the facilities and services provided by the grant are available for the use of the general public.

##### B. Eligibility

The auditor is not expected to make tests for recipient eligibility.

##### C. Matching, Level of Effort and/or Earmarking Requirements

**Compliance Requirement** The appropriation or allocation lapses and the municipality must return to the state all grant funds received for construction of a public facility if substantial, ongoing work on the project has not begun within five years of the effective date of the appropriation or allocation.

**Suggested Audit Procedure** Examine financial records, reports, and supporting documentation to determine if substantial, ongoing work on the project has begun within five years of the effective date of the appropriation or allocation. Expenditures alone should not be a determining factor; site visits, photographic documentation, and/or interviews with contractors may be required if ongoing work is in question.

##### D. Reporting Requirements

**Compliance Requirement** The grant agreement will specify the reporting requirements to which the grantee must adhere.

**Suggested Audit Procedures** Examine reports and supporting documentation and verify completeness, accuracy and timeliness of submission. Verify that required approvals were obtained and that expenditures and matching contributions were within award performance period.

##### E. Special Tests and Provisions

**Compliance Requirement** The grant agreement will identify any other compliance requirements to which the recipient is to adhere.

**Suggested Audit Procedures** Review the grant agreement, identify any other applicable compliance provisions, including the "standard provisions," and verify that the requirements were met.



## Appendix B2 Insurance

### Article 1. Insurance

Without limiting contractor's indemnification, it is agreed that the 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 thirty (30) day prior notice of cancellation, non-renewal or material change. Failure to furnish satisfactory evidence of insurance or lapse of the policy is a material breach and grounds for termination of the contractor's services.

- 1.1 Workers' Compensation Insurance:** The contractor shall provide and maintain, for all employees of the contractor engaged in work under this contract, Workers' Compensation Insurance as required by AS 23.30.045. The contractor shall be responsible for Workers' Compensation Insurance for any subcontractor who directly or indirectly provides services under this contract. This coverage must include statutory coverage for states in which employees are engaging in work and employer's liability protection is not less than \$100,000.00 per occurrence. Where applicable, coverage for all federal acts (i.e. USL & H and Jones Acts) must also be included.
- 1.2 Comprehensive (Commercial) General Liability Insurance:** With coverage limits not less than \$300,000.00 combined single limit per occurrence and annual aggregates where generally applicable and shall include premises-operations, independent contractors, products/completed operations, broad form property damage, blanket contractual and personal injury endorsements.
- 1.3 Comprehensive Automobile Liability Insurance:** Covering all owned, hired, and non-owned vehicles with coverage limits not less than \$100,000.00 per person/\$300,000.00 per occurrence bodily injury and \$50,000.00 property damage.
- 1.4 Professional Liability Insurance:** Covering all errors, omissions or negligent acts of the contractor, subcontractor or anyone directly or indirectly employed by them, made in the performance of this contract which result in financial loss to the State. Limits required are per the following schedule:

Contract Amount	Minimum Required Limits
Under \$100,000	\$100,000 per occurrence/annual aggregate
\$100,000 - \$499,999	\$250,000 per occurrence/annual aggregate
\$500,000 - \$999,999	\$500,000 per occurrence/annual aggregate
\$1,000,000 or over	Negotiable - Refer to Risk Management

## **Appendix C**

### **State Laws and Regulations**

#### **Municipality Public Facility Operations and Maintenance—AS 37.05.315(c)**

In accepting a grant under AS 37.05.315 for construction of a public facility, a municipality covenants with the State that it will operate and maintain the facility for the practical life of the facility and that the municipality will not look to the State to operate or maintain the facility or pay for its operation or maintenance. This requirement does not apply to a grant for repair or improvement of an existing facility operated or maintained by the State at the time the grant is accepted if the repair or improvement for which the grant is made will not substantially increase the operating or maintenance costs to the State.

#### **Restriction on Use—AS 37.05.321**

A grant or earnings from a grant under AS 37.05.315 - 37.05.317 may not be used for the purpose of influencing legislative action. In this section "influencing legislative action" means promoting, advocating, supporting, modifying, opposing, or delaying or seeking to do the same with respect to any legislative action but does not include the provision or use of information, statistics, studies, or analyses in written or oral form or format. A grant or earnings from a grant made under AS 37.05.315 - 37.05.317 may not be used for purposes of travel in connection with influencing legislative action unless pursuant to a specific request from a legislator or legislative committee.

#### **Hiring Preferences—AS 36.10**

This chapter of the Alaska Statutes applies to grants for public works projects and requires compliance with the hiring preferences under AS 36.10.150 - 36.10.175 for employment generated by the grant.

#### **Historic Preservation Act—AS 41.35**

This chapter of the Alaska Statutes applies to public construction of any nature undertaken by the State, or by a governmental agency of the State, or by a private person under contract with or licensed by the State or a governmental agency of the State. The Department of Natural Resources must be notified if the construction is planned for an archaeological site. The department may stop the construction to determine the extent of the historic, prehistoric, or archaeological values.

#### **Fire Protection—AS 18.70**

This chapter of the Alaska Statutes requires the Department of Public Safety (the State Fire Marshal) to adopt regulations (currently in the form of Uniform Fire Code, as amended) establishing minimum standards for:

1. Fire detection and suppression equipment;
2. Fire and life safety criteria in commercial, industrial, business, institutional, or other public buildings used for residential purposes containing four or more dwelling units;
3. Any activity in which combustible or explosive materials are stored or handled in commercial quantities;
4. Conditions or activities carried on outside a building described in (2) or (3) likely to cause injury to persons or property.

#### **Environmental Conservation—AS 46.03**

This chapter of the Alaska Statutes applies to municipalities and could subject them to enforcement actions instituted by the Alaska Department of Environmental Conservation for air, land and water nuisances, and water and air pollution in a municipality of 1,000 or more, and may establish a local air pollution control program.

## **Alaska Coastal Management Program—AS 46.40**

This chapter of the Alaska Statutes establishes a planning program for the use, management, restoration, and enhancement of the overall quality of the coastal environment. The law provides for the creation of coastal resource districts and the establishment, review, and approval of district management plans. If a district management plan is not implemented, enforced, or complied with, enforcement action may follow.

## **Permits and Environmental Procedures Coordination—AS 46.35**

This chapter of the Alaska Statutes establishes the Department of Environmental Conservation as the central state agency for processing environmental permits issued by State agencies. The law requires a master application form and specifies the following permits including others designated by the commissioner to which this law applies:

**Access Roads Permit—AS 41.21.020, 11 AAC 12.020**  
**Air Emissions Permit—AS 46.14.140, 18 AAC 50.030**  
**Anadromous Fish Protection Permit—AS 16.05.870, 5 AAC 95.010**  
**Authorization for Tidelands Transportation—AS 38.05.035, 11 AAC 51.015**  
**Brine or Other Salt Water Waste Disposal Permit—AS 31.05.030, 20 AAC 22.252**  
**Burning Permit during Fire Season—AS 41.15.060, 11 AAC 95.410**  
**Coal Development Permit—AS 27.21.030, 11 AAC 85.110**  
**Critical Habitat Area Permit—AS 16.20.510, 05 AAC 95.420**  
**Dam Construction Permit—AS 46.17.040, 11 AAC 93.171**  
**Driveway Permit—AS 19.05.040, 17 AAC 10.020**  
**Encroachment Permit—AS 19.25.200, 17 AAC 10.012**  
**Limited Personal Use Permit—AS 38.05.820, 11 AAC 62.010**  
**Miscellaneous State Land Use Permit—AS 38.05.035, 11 AAC 96.010**  
**Mineral and Geothermal Prospecting Permits—AS 38.05.181, 11 AAC 82.100**  
**Open Burning Permit—AS 46.03.020, 18 AAC 50.065**  
**Permit for Use of Timber or Materials—AS 38.05.110, 11 AAC 71.025**  
**Permit to Appropriate Water—AS 46.15.040, 11 AAC 93.120**  
**Pesticides Permit—AS 46.03.320, 18 AAC 90.300**  
**Preferred Use Permit—AS 46.15.150, 11 AAC 93.240**  
**Right-of-Way and Easement Permits—AS 38.05.850, 11 AAC 58.740**  
**Solid Waste Disposal—AS 46.03.100, 18 AAC 60.200**  
**Special Land Use Permit—AS 38.05.035, 11 AAC 58.210**  
**Special Material Use Permit—AS 38.05.115, 11 AAC 71.025**  
**State Game Refuge Land Permit—AS 16.20.050 - 16.20.060**  
**State Park Incompatible Use Permit—AS 41.21.020, 11 AAC 18.010**  
**Surface Oiling Permit—AS 46.03.740, 18 AAC 75.700**  
**Surface Use Permit—AS 38.05.255, 11 AAC 86.600**  
**Tide and Submerged Lands Prospecting Permit—AS 38.05.250, 11 AAC 62.700**  
**Tidelands Permit—AS 38.05.035, 11 AAC 62.720**  
**Tidelands Right-of-Way or Easement Permit—AS 38.05.820, 11 AAC 62.720**  
**Utility Permit—AS 19.25.010, 17 AAC 15.011**  
**Waste Water Disposal Permit—AS 46.03.100, 18 AAC 72.010**  
**Water Well Permit—AS 31.05.030, 11 AAC 93.140**

**Appendix D**  
**Special Requirements and Assurances**  
**for Federally Funded Projects**

Federal grant requirements are not applicable to the Designated Legislative Capital Grant program.

## Appendix E Site Control

### 1. Site Control

The Grantee must provide evidence of site control for a project that involves any use of land, including but not limited to, construction, renovation, utility projects, fuel storage, roads and trails.

As a minimum requirement, the Grantee should obtain a "sufficient interest" that allows the Grantee the right to use and occupy the site for the expected useful life of the building, structure or other improvement. Generally, the interest obtained should be for at least 20 years. A sufficient interest depends upon the nature of the project and the land status of the site. Site control options are identified in Section 2.

For a project planned on land that is controlled by a public agency, the Grantee must obtain whatever authorization for use that is required by the public agency.

### 2. Site Control Options

Below are some examples of documents that may be used to satisfy site control requirements for various community facilities/projects. The terms and conditions contained in each document must be examined to determine adequacy for a specific project.

	Deed	Lease	Easement	Use Permit	License
Community Hall	✓	✓			
Clinic	✓	✓			
Fire Station	✓	✓			
Bulk Fuel Storage	✓	✓			
Dump	✓	✓			
Shop/Storage Building	✓	✓			
Cemetery	✓	✓			
Dock	✓	✓			
Campground	✓	✓			
Generator Building	✓	✓			
Multi-purpose building	✓	✓			
Laundromat	✓	✓			
Water well/Septic	✓	✓		✓	
Village Relocation	✓	✓	✓	✓	
Agriculture Project	✓	✓			
Sewage Lagoon	✓	✓			
Communication Site	✓	✓			
Road (.25')			✓	✓	
Trail (.25")			✓	✓	
Boardwalk			✓	✓	✓
Powerline			✓	✓	✓
Water/Sewer Line			✓	✓	✓
Pipeline			✓	✓	✓

## **Appendix F**

### **State Fire Marshal Review**

#### **The Plan Review Process**

Construction, repair, remodel, addition, or change of occupancy of any building/structure, or installation or change of fuel tanks must be approved by the State Fire Marshal's Office before ANY work is started.

Residential housing that is three-plex or smaller is exempt from this requirement.

Exception: The following jurisdictions have accepted a deferral for total code enforcement and plans should be submitted directly to the city: Anchorage, Juneau, Fairbanks, Kenai, Seward, Kodiak, Sitka, and Soldotna

Plans and specifications regarding the location of the building or structure on the property, area, height, number of stories, occupancy, type of construction, interior finish, exit facilities, electrical systems, mechanical systems, fuel storage tanks and their appurtenances, automatic fire-extinguishing systems, and fire alarm systems must be submitted by the owner or owner's representative to the State Fire Marshal for examination and approval. This review does not address structural considerations or accessibility requirements. Mechanical and electrical review is limited to that which is necessary to confirm compliance with fire and life safety requirements.

A copy of the plan review approval certificate must be posted as required in 13 AAC 55.100(b). It is prohibited to occupy a building for which plans have not been examined and approved.

If any work for which a plan review and approval is required has been started without first obtaining plan review and approval, an additional special processing plan review fee of \$100 is charged for the first violation. The special processing plan review fee for a subsequent violation by the same person is an additional charge equal to the amount of the standard plan review fee for the project.

Authority: AS 18.70.080

Alaska Administrative Code: 13 AAC 50.027

**ORDINANCE REFERENCE SHEET**  
**2011 ORDINANCE**  
**ORDINANCE 11-05**

An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a State of Alaska Legislative Grant in the Amount of \$1,000,000 for the Purpose of Conducting Preliminary Work on Phase I of the Deep Water Dock Expansion Project to Include Scoping, Feasibility Studies, Environmental Work, and Engineering and Design.

Sponsor: City Manager

1. City Council Regular Meeting February 15, 2011 Introduction
  - a. Project Budget
  - b. Grant Agreement





**CITY OF HOMER  
HOMER, ALASKA**

City Manager

**ORDINANCE 11-05**

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, ACCEPTING AND APPROPRIATING A STATE OF ALASKA LEGISLATIVE GRANT IN THE AMOUNT OF \$1,000,000 FOR THE PURPOSE OF CONDUCTING PRELIMINARY WORK ON PHASE I OF THE DEEP WATER DOCK EXPANSION PROJECT TO INCLUDE SCOPING, FEASIBILITY STUDIES, ENVIRONMENTAL WORK, AND ENGINEERING AND DESIGN.

WHEREAS, The City has received a Legislative Grant in the amount of \$1,000,000 for the purpose of conducting preliminary work on Phase I of the Deep Water Dock Expansion Project; and

WHEREAS, The grant funds will be used to conduct scoping, feasibility and environmental work, and engineering and design and will be combined with \$2,000,000 DOT/PF has already received in federal funds for the project.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer City Council hereby accepts and appropriates a State of Alaska Legislative Grant in the amount of \$1,000,000 for the purpose of conducting preliminary work on Phase I of the Deep Water Dock expansion project to include scoping, feasibility and environmental work, and engineering and design as follows:

Revenue:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
415-924	Legislative Grant/ Deep Water Dock Phase I	\$1,000,000

Expenditure:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
415-924	Deep Water Dock / Phase I	\$1,457,758.20

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

ENACTED BY THE HOMER CITY COUNCIL this \_\_\_\_ day of \_\_\_\_, 2011.

CITY OF HOMER

\_\_\_\_\_  
JAMES C. HORNADAY, MAYOR

ATTEST:

\_\_\_\_\_  
JO JOHNSON, CMC, CITY CLERK

YES:

NO:

ABSENT:

ABSTAIN:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and approved as to form:

\_\_\_\_\_  
Walt Wrede, City Manager

Date: \_\_\_\_\_

\_\_\_\_\_  
Thomas F. Klinkner, City Attorney

Date: \_\_\_\_\_

CITY OF HOMER  
PROJECT BUDGET

Project Number: 415-924 DATE FEB 8, 2011

Project Name: DEEPWATER DOCK EXPANSION - PHASE I  
Project Start Date: JAN 30, 2011 Project End Date: DEC 31, 2013

Project Description: PRELIMINARY SCOPING, NEPA AND ENVIRONMENTAL WORK, ECONOMIC FEASIBILITY ANALYSIS, ENGINEERING AND DESIGN

Funding Source: LEGISLATIVE GRANT 11-DC-233

Other Comments:

		Project Budget	
Codes	Expense Description	GRANT	MATCHING
5101/2	Project -Salaries & Benefits	<u>30,000</u>	
5202	Materials		
5210	Professional Services		
	Project Management		
	Inspection		
5212	Engr / Arch / Design	<u>967,000</u>	
5216	Postage / Freight		
5227	Advertising	<u>3,000</u>	
5261	Construction		
5262	Contingency		
5901	Equipment		
TOTAL		<u>\$ 1,000,000</u>	<u>\$ -</u>

Approvals

<u>Cathy Meyer</u> Requesting Department <u>Peggie Hawkins</u> Finance Department  City Manager	<u>FEB 8, 2011</u> Date <u>2-8-2011</u> Date  Date
--	---

Resolution : \_\_\_\_\_ Ordinance: \_\_\_\_\_

Copies Sent: City Clerk: 2-8-2011 Finance Dept.: Lauren Moore 2-8-2011  
e-mailed Requesting Dept.: 2-8-2011 Project File: JK  
Public Works

\*Grant Agreement Document Attached

(Rev 05/2010)





DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT  
DIVISION OF COMMUNITY AND REGIONAL AFFAIRS

Designated Legislative Grant Program  
Grant Agreement

Grant Agreement Number 11-DC-233		Amount of State Funds \$1,000,000.00	
Collocation Code(s)	Encumbrance Number/AR/Lapse Date / 8290 / 06/30/2015	Project Title Deep Water Dock Expansion, Phase I	
<b>Grantee</b>		<b>Department Contact Person</b>	
Name City of Homer		Name Jean Mason	
Street/PO Box 491 East Pioneer Avenue		Title Grants Administrator	
City/State/Zip Homer, AK 99603		Street/PO Box P.O. Box 110809	
Contact Person Jo Earls, Grant Administrator		City/State/Zip Juneau, AK 99811-0809	
Phone 907-235-8121	Email jearls@ci.homer.ak.us	Phone 907-465-5647	Fax 907-465-5867

**AGREEMENT**

The Alaska Department of Commerce, Community, and Economic Development, Division of Community and Regional Affairs (hereinafter 'Department') and City of Homer (hereinafter 'Grantee') agree as set forth herein.

**Section I.** The Department shall pay the Grantee for the performance of the project work under the terms outlined in this agreement. The amount of the payment is based upon project expenses incurred, which are authorized under this Agreement. In no event shall the payment exceed \$1,000,000.00.

**Section II.** The Grantee shall perform all of the work required by this Agreement.

**Section III.** The work to be performed under this agreement begins 04/19/2010 and shall be completed no later than 06/30/2015.

**Section IV.** The agreement consists of this page and the following:

**ATTACHMENTS**

Attachment A: Scope of Work

1. Project Description
2. Project Budget
3. Project Narrative
4. Project Management/Reporting
5. Forms Packet

Attachment B: Payment Method

Attachment C: Standard Provisions

**APPENDICES**

Appendix A: Audit Regulations

Appendix B: Audit Compliance Supplement

Appendix B2: Insurance

Appendix C: State Laws and Regulations

Appendix D: Special Requirements and Assurances for Federally Funded Projects (if applicable)

Appendix E: Site Control

Appendix F: State Fire Marshal Review

AMENDMENTS: Any fully executed amendments to this Agreement

<b>Grantee</b>		<b>Department</b>	
Signature <i>Walt Wrede</i>		Signature <i>Jolene Julian</i>	
Printed Name and Title Walt Wrede, City Manager		Printed Name and Title Jolene Julian, Grants Administrator III	
Date JAN 31, 2011		Date JAN February 03 2011	

Reviewed by: \_\_\_\_\_



## **Attachment A Scope of Work**

### **1. Project Description**

The purpose of this FY 2011 Designated Legislative Grant in the amount of \$1,000,000.00 [pursuant to the provisions of AS 37.05.315, SLA 2010, Chapter 43, Section 10, Page 92, Lines 27-29] is to provide funding to City of Homer for use towards Deep Water Dock Expansion, Phase I. The objective of this project is to prepare bid ready documents if the dock expansion is determined feasible.

This project may include, but is not limited to:

- Preliminary scoping;
- NEPA and environmental work;
- Economic feasibility analysis; and,
- Engineering and design

No more than five percent (5%) of the total grant award may be reimbursed for Administrative expenses for projects involving equipment purchase or repairs and no more than ten percent (10%) of the total grant award may be reimbursed for Administrative expenses for all other projects. To be reimbursed for eligible administrative costs, expenses must be reported on the Designated Legislative Grant Financial/Progress Report form.

### **2. Project Budget**

<b>Cost Category</b>	<b>Grant Funds</b>	<b>Total Project Cost</b>
<b>Program Funds</b>	<b>\$1,000,000.00</b>	<b>\$1,000,000.00</b>

### **3. Budget Narrative**

The Grant Funds identified above will be used to complete the project described in the above Project Description.

### **4. Project Management/Reporting**

This project will be managed by the Grantee.





If the Grantee is a City, signatory authority for execution of the Grant Agreement and subsequent amendments is granted to the Mayor. The Mayor may delegate signatory authority for executing the Grant Agreement and amendments to others within the City government via the Signatory Authority Form. The Mayor may also designate financial and progress reporting authority via the Signatory Authority Form. Such delegation is limited to others within the City government, unless otherwise approved by the Department.

If the Grantee is not a City, signatory authority for execution of the Grant Agreement and subsequent amendments is granted to the Chief Executive Officer (CEO). The CEO may delegate authority for executing the Grant Agreement and amendments to others within the Grantee's organization via the Signatory Authority Form. The CEO may also designate financial and performance progress reporting authority via the Signatory Authority Form. Such delegation is limited to others within the Grantee's organization unless otherwise approved by the Department.

The Grantee must establish and maintain separate accounting for the use of this Grant. The use of Grant funds in any manner contrary to the terms and conditions of this Grant Agreement may result in the subsequent revocation of the grant and any balance of funds under the grant. It may also result in the Grantee being required to return such amounts to the State.

The Grantee shall submit a Designated Legislative Grant Financial/Progress Report Form (see attached) each month, or quarterly, with the concurrence of the Department, during the life of the Grant Agreement. Grant Financial/Progress Report Forms are due fifteen (15) days after the end of the month or quarter being reported. The report period is the first of the month through the last day of the month. If quarterly reporting is approved, the report period is the first day of the first month through the last day of the third month of the quarter. The final Financial/Progress Reports must be submitted within thirty (30) days following completion of the project. Under no circumstances will the Department release funds to the Grantee unless all required reporting is current.

## **5. Grant Forms Packet**

The following page, which includes the Designated Legislative Grant Financial/Progress Report Form, is to be used by the Grantee for monthly/quarterly reporting. Additional copies of this form are available from the Department, electronically or in hard copy.



**ORDINANCE REFERENCE SHEET**  
**2011 ORDINANCE**  
**ORDINANCE 11-06**

An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a State of Alaska Legislative Grant in the Amount of \$250,000 for the Purpose of Constructing Park Improvements Contained in Phase I of the Karen Hornaday Park Master Plan.

Sponsor: City Manager

1. City Council Regular Meeting February 15, 2011 Introduction
  - a. Project Budget
  - b. Grant Agreement



CITY OF HOMER  
HOMER, ALASKA

City Manager

ORDINANCE 11-06

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, ACCEPTING AND APPROPRIATING A STATE OF ALASKA LEGISLATIVE GRANT IN THE AMOUNT OF \$250,000 FOR THE PURPOSE OF CONSTRUCTING PARK IMPROVEMENTS CONTAINED IN PHASE I OF THE KAREN HORNADAY PARK MASTER PLAN.

WHEREAS, The City has received a Legislative Grant in the amount of \$250,000 for the purpose of constructing park improvements contained in Phase I of the Karen Hornaday Park Master Plan.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer City Council hereby accepts and appropriates a State of Alaska Legislative Grant in the amount of \$250,000 for the purpose of constructing park improvements contained in Phase I of the Karen Hornaday Park Master Plan as follows:

Revenue:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
151-776	Legislative Grant/ Karen Hornaday Park Phase I	\$250,000

Expenditure:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
151-776	Karen Hornaday Park / Phase I	\$250,000

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

ENACTED BY THE HOMER CITY COUNCIL this \_\_\_\_ day of \_\_\_\_, 2011.

CITY OF HOMER

\_\_\_\_\_  
JAMES C. HORNADAY, MAYOR

ATTEST:

\_\_\_\_\_  
JO JOHNSON, CMC, CITY CLERK

YES:

NO:

ABSENT:

ABSTAIN:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and approved as to form:

\_\_\_\_\_  
Walt Wrede, City Manager

Date: \_\_\_\_\_

\_\_\_\_\_  
Thomas F. Klinkner, City Attorney

Date: \_\_\_\_\_

CITY OF HOMER  
PROJECT BUDGET

Project Number: 151-776

DATE FEB 8, 2011

Project Name: KAREN HORNADAY PARK IMPROVEMENTS (PHASE I)

Project Start Date: JAN 30, 2011

Project End Date: DEC 30, 2012

Project Description: IMPLEMENT PHASE I IMPROVEMENTS OF MASTER PLAN

Funding Source: LEGISLATIVE GRANT 11-DC-234 \$250,000.00  
? (match) \$55,000.00

Other Comments: Legislative Grant does not require a match -

		Project Budget	
		GRANT	MATCHING
Codes	Expense Description		
5101/2	Project -Salaries & Benefits	<u>5,000</u>	
5202	Materials		
5210	Professional Services		
	Project Management		
	Inspection		
5212	Engr / Arch / Design	<u>30,000</u>	
5216	Postage / Freight		
5227	Advertising	<u>5,000</u>	
5261	Construction	<u>210,000</u>	<u>55,000</u>
5262	Contingency		
5901	Equipment		
TOTAL		<u>\$ 250,000</u>	<u>\$ 55,000</u>

Approvals

Corey Mayne  
Requesting Department

FEB 8, 2011  
Date

Regina Howard  
Finance Department

2 8 11  
Date

City Manager

Date

Resolution: \_\_\_\_\_ Ordinance: \_\_\_\_\_

Copies Sent: City Clerk: 2-8-2011

Finance Dept: Laura Moore 2-8-2011

e-mailed  
Requesting Dept.: 2-8-2011  
Public Works

Project File: [Signature]

\* Grant Agreement Document attached

(Rev 05/2010)



DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT  
DIVISION OF COMMUNITY AND REGIONAL AFFAIRS

Designated Legislative Grant Program  
Grant Agreement

Grant Agreement Number <b>11-DC-234</b>		Amount of State Funds <b>\$250,000.00</b>	
Collocation Code(s)	Encumbrance Number/AR/Lapse Date <b>/ 8291 / 06/30/2015</b>	Project Title <b>Karen Hornaday Park Improvements, Phase 1</b>	
<b>Grantee</b>		<b>Department Contact Person</b>	
Name <b>City of Homer</b>		Name <b>Jean Mason</b>	
Street/PO Box <b>491 East Pioneer Avenue</b>		Title <b>Grants Administrator</b>	
City/State/Zip <b>Homer, AK 99603</b>		Street/PO Box <b>P.O. Box 110809</b>	
Contact Person <b>Jo Earls, Grant Administrator</b>		City/State/Zip <b>Juneau, AK 99811-0809</b>	
Phone <b>907-235-8121</b>	Email <b>jearls@ci.homer.ak.us</b>	Phone <b>907-465-5647</b>	Fax <b>907-465-5867</b>

**AGREEMENT**

The Alaska Department of Commerce, Community, and Economic Development, Division of Community and Regional Affairs (hereinafter 'Department') and **City of Homer** (hereinafter 'Grantee') agree as set forth herein.

**Section I.** The Department shall pay the Grantee for the performance of the project work under the terms outlined in this agreement. The amount of the payment is based upon project expenses incurred, which are authorized under this Agreement. In no event shall the payment exceed **\$250,000.00**.

**Section II.** The Grantee shall perform all of the work required by this Agreement.

**Section III.** The work to be performed under this agreement begins **04/19/2010** and shall be completed no later than **06/30/2015**.

**Section IV.** The agreement consists of this page and the following:

**ATTACHMENTS**

Attachment A: Scope of Work

1. Project Description
2. Project Budget
3. Project Narrative
4. Project Management/Reporting
5. Forms Packet

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Attachment C: Standard Provisions

**APPENDICES**

Appendix A: Audit Regulations

Appendix B: Audit Compliance Supplement

Appendix B2: Insurance

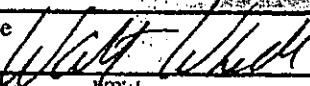
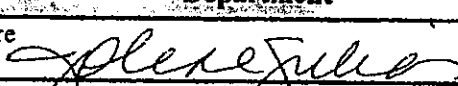
Appendix C: State Laws and Regulations

Appendix D: Special Requirements and Assurances for Federally Funded Projects (if applicable)

Appendix E: Site Control

Appendix F: State Fire Marshal Review

**AMENDMENTS:** Any fully executed amendments to this Agreement

<b>Grantee</b>		<b>Department</b>	
Signature 		Signature 	
Printed Name and Title <b>Walt Wrede, City Manager</b>		Printed Name and Title <b>Jolene Julian, Grants Administrator III</b>	
Date <b>JAN 31 2011</b>		Date <b>02/03/11</b>	

Reviewed by: \_\_\_\_\_



## Attachment A Scope of Work

### 1. Project Description

The purpose of this FY 2011 Designated Legislative Grant in the amount of \$250,000.00 [pursuant to the provisions of AS 37.05.315, SLA 2010, Chapter 43, Section 10, Page 92, Lines 30-32] is to provide funding to City of Homer for use towards Karen Hornaday Park Improvements. The objective of this project is to implement portions of Phase I of the Karen Hornaday Park Master Plan.

This project may include, but is not limited to:

- Topographic survey, engineering, and construction of drainage improvements;
- Acquisition and construction of a pedestrian bridge;
- Construction of a pedestrian ramp;
- Development of a detailed plan for a revitalized and improved playground;
- Acquisition and placement of new playground equipment;
- Expand and improve day use area;
- Demolition and removal of an old storage shed; and,
- Resurfacing and other parking improvements

No more than five percent (5%) of the total grant award may be reimbursed for Administrative expenses for projects involving equipment purchase or repairs and no more than ten percent (10%) of the total grant award may be reimbursed for Administrative expenses for all other projects. To be reimbursed for eligible administrative costs, expenses must be reported on the Designated Legislative Grant Financial/Progress Report form.

### 2. Project Budget

Cost Category	Grant Funds	Total Project Cost
Program Funds	\$250,000.00	\$250,000.00

### 3. Budget Narrative

The Grant Funds identified above will be used to complete the project described in the above Project Description.

#### **4. Project Management/Reporting**

This project will be managed by the Grantee.

If the Grantee is a City, signatory authority for execution of the Grant Agreement and subsequent amendments is granted to the Mayor. The Mayor may delegate signatory authority for executing the Grant Agreement and amendments to others within the City government via the Signatory Authority Form. The Mayor may also designate financial and progress reporting authority via the Signatory Authority Form. Such delegation is limited to others within the City government, unless otherwise approved by the Department.

If the Grantee is not a City, signatory authority for execution of the Grant Agreement and subsequent amendments is granted to the Chief Executive Officer (CEO). The CEO may delegate authority for executing the Grant Agreement and amendments to others within the Grantee's organization via the Signatory Authority Form. The CEO may also designate financial and performance progress reporting authority via the Signatory Authority Form. Such delegation is limited to others within the Grantee's organization unless otherwise approved by the Department.

The Grantee must establish and maintain separate accounting for the use of this Grant. The use of Grant funds in any manner contrary to the terms and conditions of this Grant Agreement may result in the subsequent revocation of the grant and any balance of funds under the grant. It may also result in the Grantee being required to return such amounts to the State.

The Grantee shall submit a Designated Legislative Grant Financial/Progress Report Form (see attached) each month, or quarterly, with the concurrence of the Department, during the life of the Grant Agreement. Grant Financial/Progress Report Forms are due fifteen (15) days after the end of the month or quarter being reported. The report period is the first of the month through the last day of the month. If quarterly reporting is approved, the report period is the first day of the first month through the last day of the third month of the quarter. The final Financial/Progress Reports must be submitted within thirty (30) days following completion of the project. Under no circumstances will the Department release funds to the Grantee unless all required reporting is current.

#### **5. Grant Forms Packet**

The following page, which includes the Designated Legislative Grant Financial/Progress Report Form, is to be used by the Grantee for monthly/quarterly reporting. Additional copies of this form are available from the Department, electronically or in hard copy.

**ORDINANCE REFERENCE SHEET**  
**2011 ORDINANCE**  
**ORDINANCE 11-07**

An Ordinance of the City Council of Homer, Alaska, Amending the FY 2011 Operating Budget by Appropriating \$17,000 from the Fire Department Depreciation Reserves for the Purchase and Installation of New Data Collection and Management Software.

Sponsor: City Manager/Fire Chief

1. City Council Regular Meeting February 15, 2011 Introduction
  - a. Memorandum 11-018 from Fire Chief as backup
  - b. Department Budget Request Year 2011



**CITY OF HOMER  
HOMER, ALASKA**

City Manager/Fire Chief

**ORDINANCE 11-07**

AN ORDINANCE OF THE CITY COUNCIL OF HOMER,  
ALASKA, AMENDING THE FY 2011 OPERATING BUDGET  
BY APPROPRIATING \$17,000 FROM THE FIRE  
DEPARTMENT DEPRECIATION RESERVES FOR THE  
PURCHASE AND INSTALLATION OF NEW DATA  
COLLECTION AND MANAGEMENT SOFTWARE.

WHEREAS, There are significant benefits associated with consolidating data collection for Fire and EMS services into a single data management system; and

WHEREAS, The Homer Volunteer Fire Department must comply with a State of Alaska EMS mandate that all EMS agencies adopt electronic data collection systems capable of on-line reporting; and

WHEREAS, The Fire Department requests an appropriation from department depreciation reserves to acquire an upgrade to Image Trends "Rescue Bridge" software which is a full featured management suite that is web-based and encrypted.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer City Council hereby amends the FY 2011 Operating Budget by appropriating \$17,000 from the Fire Department Depreciation Reserve Account for the purchase and installation of new data collection and management software at the Homer Volunteer Fire Department.

Expenditure:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
156-393-5901	Data Collection and Management Software	\$17,000

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

ENACTED BY THE HOMER CITY COUNCIL this \_\_\_\_ day of \_\_\_\_\_, 2011.

CITY OF HOMER

\_\_\_\_\_  
JAMES C. HORNADAY, MAYOR

ATTEST:

\_\_\_\_\_  
JO JOHNSON, CMC, CITY CLERK

YES:

NO:

ABSENT:

ABSTAIN:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and approved as to form:

\_\_\_\_\_  
Walt Wrede, City Manager

Date: \_\_\_\_\_

\_\_\_\_\_  
Thomas F. Klinkner, City Attorney

Date: \_\_\_\_\_

Homer  
Volunteer  
Fire  
Department

# Memo

11-018

604 east pioneer avenue  
homer, alaska 99603  
907/235-3155  
fax 907/235-3157  
fire@ci.homer.ak.us

**To: Walt Wrede, City Manager**

**From: Robert Painter, Fire Chief**

**CC:**

**Date: January 17, 2011**

**Re: Budget Revision**

It is very important to approve this budget revision to allow the fire department to consolidate its data collection on to single data management systems. Prior to 2009 all fire department data collection and mandatory fire reporting was handled by our existing software, called FireHouse. This system tracked our personnel records, training records, equipment inventory, hose testing records as well as fire and EMS reports. In 2009 the State of Alaska EMS Office mandated that all EMS agencies adopt electronic data collection with at least monthly data submission (just like is required for fire reporting to the State Fire Marshal's Office). The State EMS Office developed a program called Aurora which stands for Alaska Uniform Response Online Reporting Access. This system is powered by software developed by a company called Image Trend. Unfortunately this system, as provided free from the state, does not meet our needs for other fire department data management. This upgrade will allow the fire department to convert all of our data to Image Trend's "Rescue Bridge" which is a full featured data management suite that will meet our needs into the foreseeable future. In addition, this new data management system is web-based which means that the company "hosts" the data at their secure site (fully encrypted to meet HIPAA security rules) and they can convert our existing data so that we don't lose the ability to easily look back for old reports and existing data from previous years. Though the original fire department request was for \$15,000, I would like to increase that to \$17,000 to provide for any cost overruns due to our increased number of calls for 2010 (over the estimated 500) that the first quote was based on.

CITY OF HOMER  
DEPARTMENT BUDGET REQUEST  
YEAR 2011

Requesting Department Fire Department Date 8/13/2010

Level of Need: Urgent ☒ Essential ☐ Necessary ☐ Desirable ☐

**Request for Additional Personnel:**

Position Title \_\_\_\_\_

Salary Range & Step \_\_\_\_\_

Full-time ☐ \_\_\_\_\_

Part-time ☐ Hours Per Year \_\_\_\_\_

**Request Other Than Personnel:**

Description Fire Department Data Collection

Software Upgrade/Replacement

Fund Name: Fire Department Administration

Account Name: Professional and Special Services

Account # 100-150-5210

Estimated Cost: \$15,000

**(FINANCE DEPT WILL COMPLETE)**

5101 Permanent Employees \_\_\_\_\_

5102 Fringe Benefits \_\_\_\_\_

5103 P/T Employees \_\_\_\_\_

5104 Fringe Benefits P/T \_\_\_\_\_

5105 Overtime \_\_\_\_\_

**Total Personnel Cost** \_\_\_\_\_

**Justification:**

In 2009 the State of Alaska EMS office mandated that all ambulance services provide electronic collection of data via a State funded systems they named Aurora. The State office provided, free of charge the software to allow us to collect that data on our existing hardware, free of charge (we paid only an annual software maintenance fee following the first year). This system has proven to be very user friendly and robust but has at the same time created some difficulty in that we now collect our data into two systems; one for fire and one for EMS thus creating additional work for our staff. This project would allow us to replace our existing database system with one making data collection and dissemination more accurate and eliminate the need for running on two systems simultaneously. Image Trend, the vendor being used by the State, provides excellent technical support, training and data security and is fully HIPPA compliant and hosts the data storage off site which would mean less need for local storage space for our data. This project would also allow us to transfer our existing data to the new system so that information does not have to be archived (more difficult to access). This project has been reviewed by the System Manager and has his endorsement. Once new software has been installed the annual operation costs will be only a per run fee (\$3.00 per call) plus an annual service/maintenance fee of \$1,500.

Requestor's Name: Robert L. Painter, Fire Chief

Department Head Approval: \_\_\_\_\_

City Manager Recommendation: \_\_\_\_\_ Date \_\_\_\_\_

Approved \_\_\_\_\_

Denied \_\_\_\_\_

Comments \_\_\_\_\_

NOTE: THIS WAS REQUESTED BUT NOT INCLUDED  
IN PNAFT BUDGET.



**ORDINANCE REFERENCE SHEET**  
**2011 ORDINANCE**  
**ORDINANCE 11-08**

An Ordinance of the City Council of Homer, Alaska, Authorizing an Expenditure of \$359,800 (\$67,860 from the Water/Sewer Reserve and \$291,940 from the Homer Accelerated Roads and Trails Program (HART) for the Purpose of Completing the Design and Construction of Soundview Avenue / Woodard Creek Crossing Improvement.

Sponsor: City Manager/Public Works Director

1. City Council Regular Meeting February 15, 2011 Introduction
  - a. Memorandum 11-022 from Public Works Director as backup
  - b. Memorandum 10-36 from Public Works Director as backup
  - c. Diagram of Woodard Creek culvert



**CITY OF HOMER  
HOMER, ALASKA**

City Manager/  
Public Works Director

**ORDINANCE 11-08**

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AUTHORIZING AN EXPENDITURE OF \$359,800 (\$67,860 FROM THE WATER/SEWER RESERVE AND \$291,940 FROM THE HOMER ACCELERATED ROADS AND TRAILS PROGRAM (HART) FOR THE PURPOSE OF COMPLETING THE DESIGN AND CONSTRUCTION OF SOUNDVIEW AVENUE /WOODARD CREEK CROSSING IMPROVEMENT.

WHEREAS, The sewer main on Soundview Avenue at Woodard Creek has settled and needs to be repaired (described in a Memorandum 10-36 from Public Works); and

WHEREAS, The Woodard Creek culvert at Soundview conflicts with the needed sewer repair and needs to be removed and replaced; and

WHEREAS, Public Works recommends that the existing Woodard Creek culvert be replaced with a bridge type structure (described in Memorandum 11-022 from Public Works); and

WHEREAS, The cost of the design and construction of the recommended new creek crossing improvement (including the repair of the sewer main and replacement of the water main) is estimated to be \$359,800.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer City Council hereby authorizes \$359,800 to be expended for the design and construction of the Soundview Avenue/Woodard Creek Crossing Improvement from the accounts described below:

Expenditure:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
256-381	Water/Sewer Reserve	\$ 67,860
160-771	Homer Accelerated Roads & Trails Program (HART)	\$ 291,940

ENACTED BY THE HOMER CITY COUNCIL this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

CITY OF HOMER

JAMES C. HORNADAY, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

YES:

NO:

ABSENT:

ABSTAIN:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and approved as to form:

Walt Wrede, City Manager

Date: \_\_\_\_\_

Thomas F. Klinkner, City Attorney

Date: \_\_\_\_\_



## CITY OF HOMER

### PUBLIC WORKS

3575 HEATH STREET HOMER, AK 99603

TELEPHONE (907)235-3170

FACSIMILE (907)235-3145

## MEMORANDUM 11-022

TO: Walt Wrede, City Manager

FROM: Carey Meyer, Public Works Director

DATE: February 8, 2011

RE: Soundview/Woodard Creek Crossing Improvement  
Establish Budget to Complete Bridge Design

In February 2010, The Council authorized the expenditure of \$26,000 to design a new Woodard Creek crossing at Soundview Avenue. The memo from Public Works, prepared at that time, is attached. The memo stipulated that Public Works would evaluate the option of installing a "bridge" (similar to the one installed two block downstream across Spruceview Avenue in 2005), rather than reinstalling a culvert. The bridge will cost \$150,000 more than a culvert. Preliminary drawings are attached.

A "bridge" would provide a greater hydraulic capacity than a culvert. During flood events, culverts on Woodard Creek plug with debris and require constant attention by maintenance crews to prevent overtopping of the roadway and the loss of the road and utilities. Public Works believes that now would be the time to provide a crossing that will dependably pass peak flood events.

The cost of providing a bridge across Woodard Creek; repairing the settled sanitary sewer main and replacing the PVC water line crossing Woodard Creek is estimated as follows:

### Project Budget

### Funding Sources

		Water Sewer Reserve	HART
Design	\$ 26,000*	\$ 13,000	\$ 13,000
Construction	\$ 297,950	\$ 49,360	\$ 248,590
Contingency	\$ 29,850	\$ 4,500	\$ 25,350
Inspection	\$ 6,000	\$ 1,000	\$ 5,000
Total Project Budget	\$ 359,800	\$ 67,860	\$ 291,940

- previously approved by Ordinance 10-11

**Recommendations:** The City Council pass an ordinance authorizing the design and construction of a Bridge at the Woodard Creek crossing at Soundview Avenue and the repair/upgrade of water and sewer mains. Budget for the project shall be established at \$359,800; with 67,860 funded by The Water/Sewer Reserve Account (256-381) and \$291,940 from the Homer Accelerated Roads and Trail account 160-771).





**CITY OF HOMER  
PUBLIC WORKS**

3575 HEATH STREET HOMER, AK 99603

TELEPHONE (907)235-3170  
FACSIMILE (907)235-3145

## **MEMORANDUM 10-36**

**TO:** Walt Wrede, City Manager  
**FROM:** Carey Meyer, Public Works Director  
**DATE:** February 3, 2010  
**RE:** Soundview/Woodard Creek Sanitary Sewer Repair  
Authorization to Complete Design

---

In December 2009, the sanitary sewer on Soundview near Woodard Creek plugged. Sewage backed up into the crawlspace of an adjacent residence. When attempts to clean the line with the sewer jet failed, Public Works was forced to excavate and found that the Woodard Creek culvert over the years had settled onto the sanitary sewer main creating a dip in the line. This caused debris, sediment and grease to collect and plug the line. Cold air in the culvert aggravated the situation by freezing the collected material. No sewage reached the creek.

This problem needs to be rectified. Public Works cannot guaranty that an accelerated cleaning regime will keep this problem from occurring again. The best long-term solution is to raise the Woodard Creek culvert so that the low spot in the sewer main can be corrected and the culvert can be insulated from the sewer main.

We propose to design a new creek culvert crossing. We will look at the possibility of installing a bridge similar to the one recently installed across Woodard Creek at Spruceview two blocks downstream from Soundview. The Soundview/Woodard Creek culvert crossing has been the site of flooding problems in the past and a larger hydraulic opening would benefit area residents. A new culvert could cost \$100,000; a new bridge could cost \$250,000.

The cost to design a new culvert crossing is estimated to be \$9,900. With the cost of a design survey and some additional budget to study and design a bridge (if that option is determined to be best); a design budget of \$26,000 would be appropriate at this time. The cost of repairing the sewer should be covered by the Sewer Reserve account; the cost of improving the creek crossing should be a HART Fund account expense. We propose that the design cost be split 50/50 between the two funds.

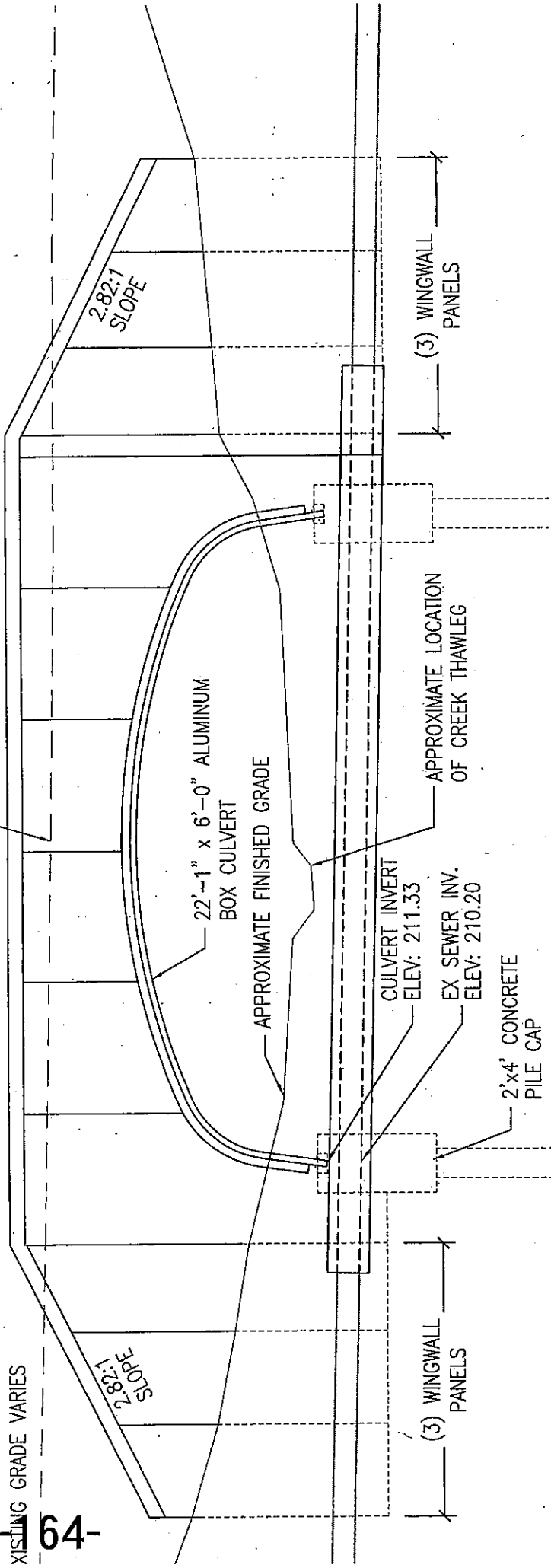
**Recommendations:** The City Council pass an ordinance authorizing \$26,000 for the design of the Soundview Sewer Main Repair/Woodard Creek Crossing Improvement.

Public Works will at the second reading of this ordinance request a resolution approving a contract with Wm. J. Nelson & Associates of Kenai, Alaska in the amount not to exceed \$26,000.

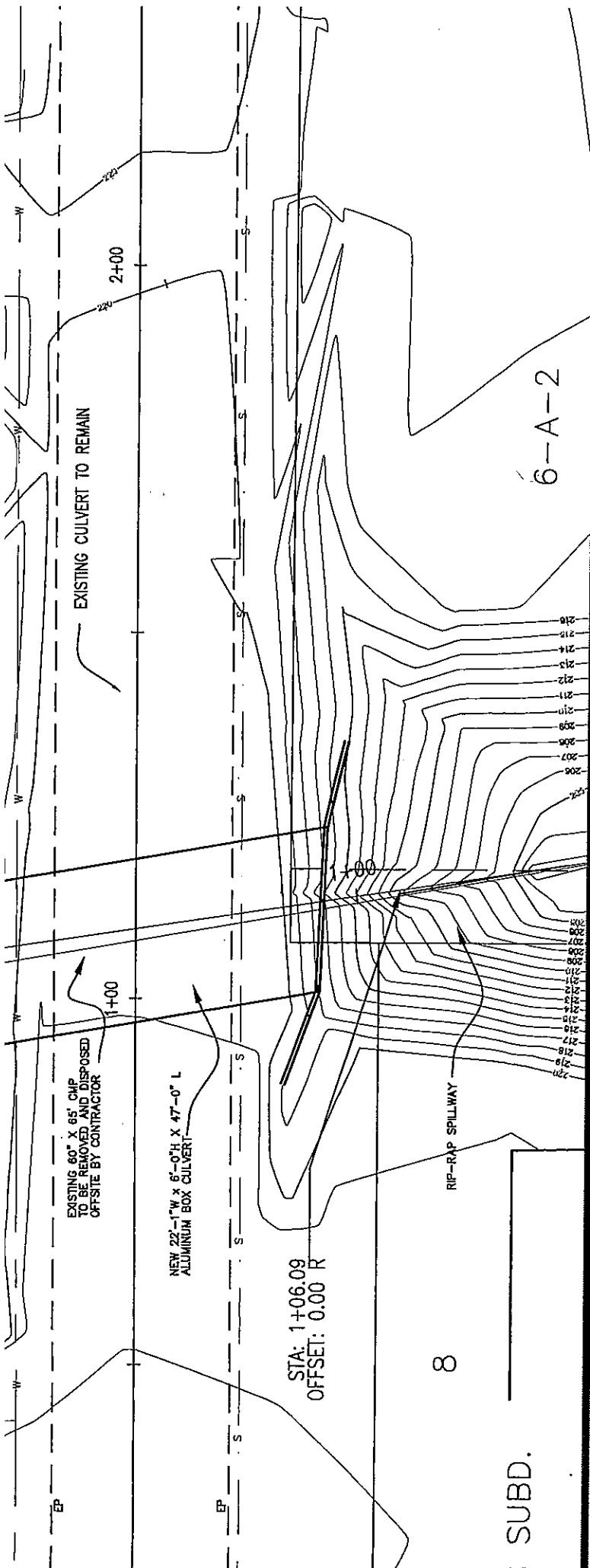
Fiscal Note: Sewer Reserves, 256-381 (\$13,000); HART Program, 160-771 (\$13,000)

EXISTING GRADE VARIES

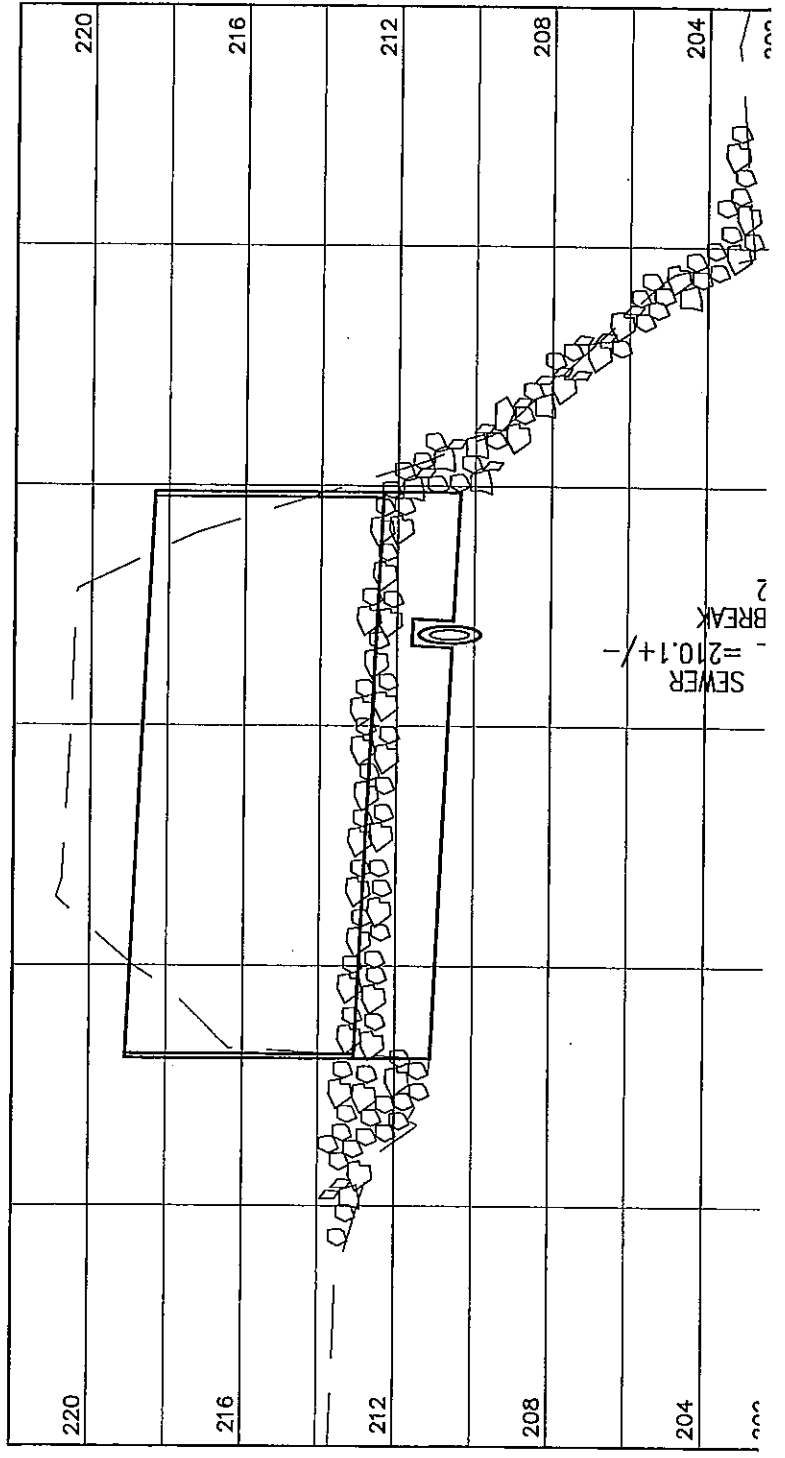
64-







8  
SUBD.





# CITY MANAGER'S REPORT





## *City of Homer*

### **Memorandum**

To: Mayor Hornaday and Homer City Council

From: Walt Wrede, City Manager

Date: February 2, 2011

Re: February Employee Anniversaries

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I want to thank the following employees for the dedication and service they have provided the City and taxpayers of Homer over the years. Each of these employees will have an anniversary this month.

Don Henry, Public Works	27 Years
Jan Jonker, Public Works	20 Years
Dan Miotke, Fire	9 Years
Tim Yarbrough, Fire	9 Years
George Tyrer, Port	7 Years
Jim Knott, Police	1 Year

I would also like to congratulate Bonnie Judge on her retirement this month. Bonnie has worked for the City for over 20 years.



# REPRESENTATIVE PAUL SEATON

## SESSION ADDRESS

State Capitol Building  
Juneau, Alaska 99801-1182  
(907) 465-2689  
Fax: (907) 465-3472  
1-800-665-2689



## INTERIM ADDRESS

345 W. Sterling Highway  
Homer, Alaska 99603  
(907) 235-2921  
Fax: (907) 235-4008  
1-800-665-2689

## ALASKA STATE LEGISLATURE

House District 35

City Manager Wrede  
City of Homer  
491 W. Pioneer Ave.  
Homer, Ak 99603

January 28, 2011

Dear Mr. Wrede,

Every ten years after the United States census legislative district lines are redrawn to reflect shifts in population. The population in Homer, and the rest of House District 35, has grown, however the rural areas surrounding the Kenai Peninsula have lost population. This means that as the district lines are redrawn to accommodate the shifts in population, the makeup with Homer and the other towns in our legislative districts could change. For example, Seward could move to another district and Homer could be joined with communities up the Kenai Peninsula or down towards Kodiak to reach the population of 17,775 needed to make up equal size house districts in 2012. Right now Homer's Senate district includes Kodiak, which may or may not be how our future Senate district is configured. These decisions will be made in the upcoming months by the Redistricting Board.

Alaska is unique because the legislature does not draw the redistricting lines. We have an independent redistricting board appointed by the Senate President, Speaker of the House, Governor, and Chief Justice. The Redistricting Board will receive official population figures in the next few weeks from the U.S. Census. They will then have 90 days to collect input from the residents of Alaska and come up with final lines. The committee has aspirations to travel to more areas of the state than ever before to collect community input. It is important for the City of Homer to reiterate to the board that Homer would like the opportunity to voice their opinion. I encourage you to send a letter to the Board inviting them to Homer and help with public announcements to educate people about the meeting and their opportunity to weigh in on this decisions which will affect their representation. The Redistricting Board has a website with contact and other info you can access at <http://www.akredistricting.org/>.

Thank you for taking the time to make Homer's voice heard in this important process.

Sincerely,

A handwritten signature in cursive script that reads "Paul Seaton".

Representative Paul Seaton

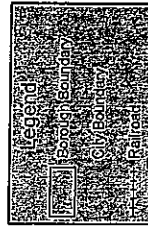
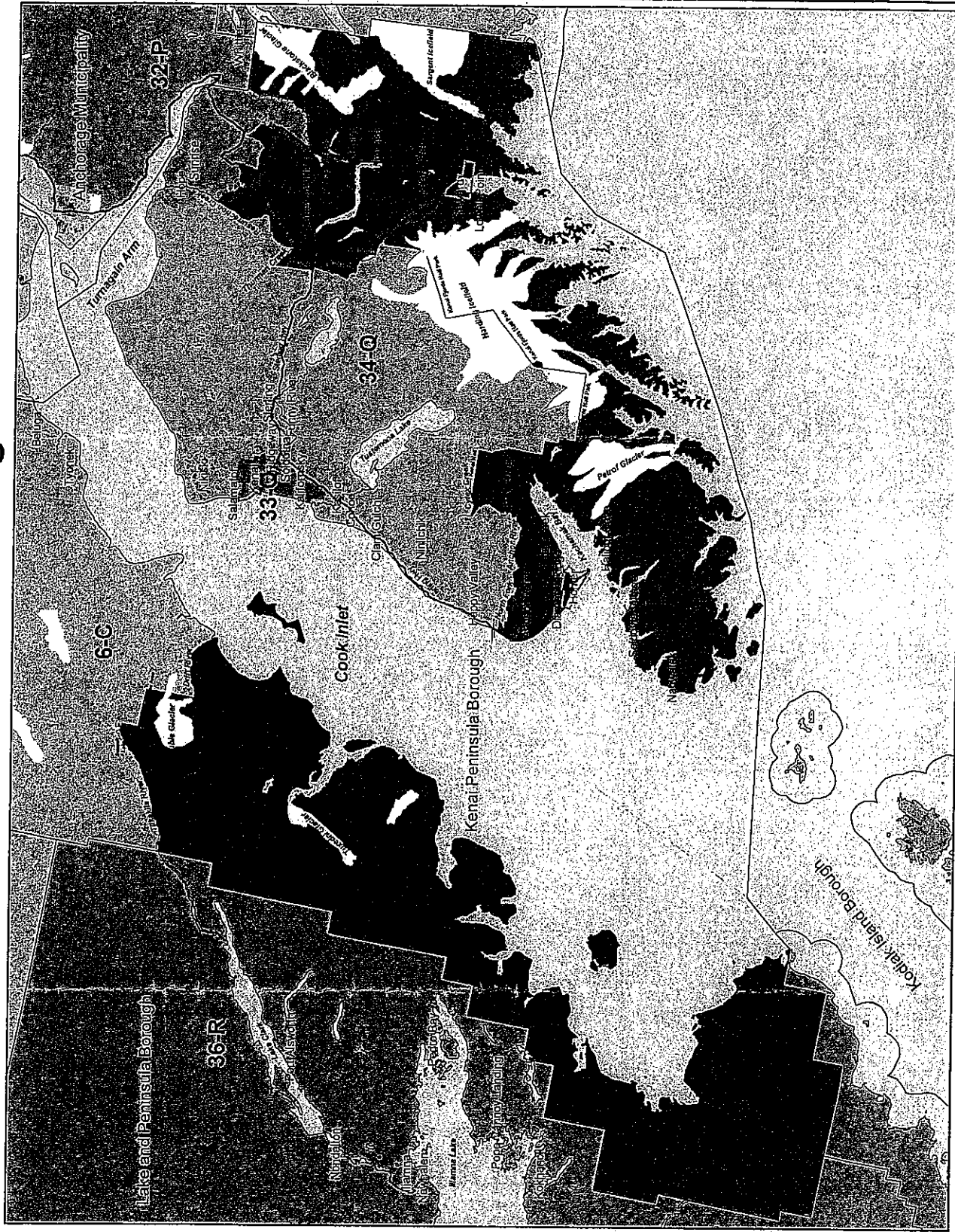
Enc: Redistricting Board and Staff Contacts  
Map of Current Kenai Peninsula Districts





# Amended Final Redistricting Plan

House District 35



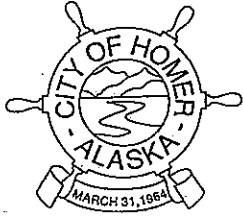
Amendments adopted by  
Alaska Redistricting Board  
April 13 as modified on April 18, 2002  
Prepared by  
Alaska Redistricting Board  
May 4, 2002



# REDISTRICTING BOARD AND STAFF CONTACTS

NAME	DESCRIPTION	WORK PHONE	PERSONAL CELL	BOARD CELL	EMAIL
<b>BOARD</b>					
Robert Brodie	Board Member	(907) 486-2000	(907) 942-2000	(907) 310-3244	<a href="mailto:brodie@eagle.alaska.net">brodie@eagle.alaska.net</a> <a href="mailto:bbrodie@akredistricting.org">bbrodie@akredistricting.org</a>
Albert Clough	Board Member	(907) 789-3349	(907) 321-3150	(907) 310-3094	<a href="mailto:cloughia@alaska.net">cloughia@alaska.net</a> <a href="mailto:acclough@akredistricting.org">acclough@akredistricting.org</a>
Jim Holm	Board Member	(907) 451-8733		(907) 310-3253	<a href="mailto:holmtown@alaska.net">holmtown@alaska.net</a> <a href="mailto:jholm@akredistricting.org">jholm@akredistricting.org</a>
John Jorgerson	Board Chairman	(907) 283-3335	(907) 398-6208	(907) 310-2269	<a href="mailto:jjorgerson@kpedd.org">jjorgerson@kpedd.org</a> <a href="mailto:jjorgerson@akredistricting.org">jjorgerson@akredistricting.org</a>
Marie Greene	Board Member	(907) 442-3301	(907) 230-2961	(907) 310-3382	<a href="mailto:marie.greene@nana.com">marie.greene@nana.com</a> <a href="mailto:mgreene@akredistricting.org">mgreene@akredistricting.org</a>
Ron Miller	Executive Director	(907) 269-7411	(907) 229-0417	(907) 310-2969	<a href="mailto:ron@rwmiller.us">ron@rwmiller.us</a> <a href="mailto:rmiller@akredistricting.org">rmiller@akredistricting.org</a>
Taylor Bickford	Assistant Director	(907) 269-7499	(907) 227-9718	(907) 310-3392	<a href="mailto:taylor.bickford@me.com">taylor.bickford@me.com</a> <a href="mailto:tbickford@akredistricting.org">tbickford@akredistricting.org</a>
Michael White	Legal Counsel	(907) 263-6380			<a href="mailto:mwhite@pattonboggs.com">mwhite@pattonboggs.com</a>
Eric Sandberg	Research Analyst (GIS)	(907) 523-0516			<a href="mailto:er.sandberg@gmail.com">er.sandberg@gmail.com</a>
<b>STAFF</b>					





## CITY OF HOMER

### PUBLIC WORKS

3575 HEATH STREET HOMER, AK 99603

TELEPHONE (907)235-3170

FACSIMILE (907)235-3145

TO: Walt Wrede, City Manager  
FROM: Carey Meyer, Public Works Director  
DATE: February 9, 2010  
RE: **Projects at Public Works**

---

#### Active Capital Projects

#### Construction Value    Remarks

##### First Priority

Kachemak Dr. (Phase II) Water/Sewer Improvements	\$ 3,300,000	Bid/Construction
Energy Efficiency Improvements – City Buildings	\$ 600,000	Complete by November
City Hall Renovations	\$ 1,900,000	Design/Construction
Sanitary Sewer Rehabilitation	\$ 1,400,000	Complete by July
Mattox Street PRV Vault Installation	\$ 190,000	Complete by March
Soundview/Woodard Creek Culvert Replacement	\$ 300,000	Summer Construction
Pioneer Dock Corrosion Repair	\$ 600,000	Construction Fall
Old Water Treatment Plant Demolition	\$ 100,000	Construction Summer
Access Road Around New Water Treatment Plant	\$ 50,000	Construction Summer
RFP Engineering Term Contract – Port and Harbor	\$	Prep RFP/Eval/Award
RFP Engineering Term Contract – Water and Sewer	\$	Prep RFP/Eval/Award
RFP Engineering Term Contract – Roads/Drainage	\$	Prep RFP/Eval/Award
Sewer Treatment Plant Polymer Equipment Replacement	\$ 35,000	Coord. Design/Bid Install
Sewer Treatment Plant Sludge Management Study	\$ 50,000	Coordinate Study
Small Boat Harbor Load/Launch Ramp	\$ 300,000	Coordinate Design

##### Secondary Priority

Deepwater Dock Improvements	\$ 30,000,000	Project Management
Deepwater/Cruise Ship Docking & Upland Improvements	\$ 6,000,000	Project Coordination
Beluga Slough Trail Replacement	\$ 450,000	Awaiting Grant Funds
Spit Parking Improvements	\$ 200,000	In-house Design
Spit Dredge Material Disposal Permits	\$ 100,000	In-house Permit Prep.
Jack Gist Park Improvements	\$ 55,000	In-house Plan Prep./Bids
Karen Hornaday Park Improvements	\$ 300,000	In-house Planning
West Homer Elementary Trail Improvement	\$ 50,000	In-house Design
Homer Spit Trail Improvements	\$ 2,000,000	Project Management
Seawall Phase II	\$ 2,000,000	Coordination
Main Street/Sterling Highway Intersection Improvements	\$ 2,000,000	Project management
Lillian Walli LID Planning	\$ 3,000,000	Complete Concept Cost





## CITY OF HOMER

### Community Recreation

600 E. Fairview Avenue  
Homer, Alaska 99603

Telephone (907) 235-6090

Fax (907) 235-8933

Web Site

[www.homercommunityrecreation.com](http://www.homercommunityrecreation.com)

Memorandum 11-025

To: Walt Wrede through Sheri Hobbs  
From: Mike Illg, Community Recreation Coordinator  
Date: 2/7/11  
Re: Old Intermediate School

The City of Homer Economic Development Committee has been recently delegated by the City Council to explore possible uses of the City's Old Intermediate School/Educational facility once the local college vacates the building in June 2011.

The City of Homer Community Recreation program has a significant vested interest in the present and future usage of this facility. We currently use this building for a number of CR activities that many city residents and surrounding community members utilize and depend upon. We only utilize the gym through communication with the Boys & Girls Club manager as long as we do not conflict with their programs and activities. Because it is a city owned facility we are not charged to use the building but we pay \$100 annually to the Boy's and Girl's Club for restroom supplies.

The CR program has an agreement with the Kenai Peninsula Borough School District to use the Homer High and Homer Middle School facility for the amount of \$6,000 annually. The KPBSD programs and activities have priority over CR use. We are experiencing a constant increase in KPBSD activities creating a decrease in space/time availability for CR activities. The school must only give CR one week notice to move or cancel a CR activity creating more difficulty in the flow of providing our activities to the public. According to our agreement we are also limited in offering new CR programs.

The need to find additional or alternative space for Community Recreation activities is paramount for the continuation and success of the program. If KPBSD continues to raise the costs to use the facilities while decreasing the space availability at the same time, our revenue and participation may gradually decline.

Here is a list of our present and future activities at the Old Intermediate School.

#### Present use:

##### Children's Playgroup

During the months of September to May, on Mondays and Fridays (10:30am-noon), we open the gym for parents and toddlers to come play, run and romp in a large, warm, clean indoor space during the cold months in Alaska. I estimate we have over 60 different kids that attend (thankfully not all at the same time). Many parents have expressed how important and fortunate they are to have this activity for their children's health, well being, socialization and the parent's sanity. We charge \$2 a visit for each child and we rely on volunteers to monitor the activities, obtain signed release forms and collect fees. The CR program does not have access to the other school facilities as schools are in session making gymnasiums unavailable.

##### Youth Basketball

We offer youth basketball through a program called Bruins Basketball. The use of the Old Intermediate School is important as often other school gymnasiums are not available due to after

school sports and activities. We charge participants a CR fee and the program is operated by volunteers. This is held in the evenings and sometimes on the weekends.

Future Use:

#### Archery

Community Recreation was recently awarded a grant to start an archery program. We tentatively have an instructor, purchased some equipment and will be planning on using the gym once or twice a week in the evenings pending enough interest. This activity was reviewed and approved by our AML risk management staff. This is a great option as the local schools do not have the time or space available to accommodate this activity.

#### Yoga

We are planning on offering beginner yoga when the instructor is healthy enough to start once she is healed from a recent injury. This class would be held in the evenings..

#### Boot Camp Fitness

We are planning on offering Boot Camp Fitness when the instructor is healthy enough to start once she is healed from a recent injury. This class would be held in the evenings.

#### Indoor Roller Skating/Derby

We have been approached with the idea of having indoor rolling skating pending a trial run to see if the special indoor skates will or will not cause damage to the floors. This activity was reviewed and approved by our AML risk management staff. The program is exploratory at this time.

#### Lunch Time/Mid-Day Activities

Recent trends show that some people seek and enjoy physical activity during their lunch time break. We could offer basketball, yoga, Pilates, indoor walking, etc.

#### Early Morning Activities

There is also a potential for early morning recreational activities like basketball and soccer for those who like to exercise before going to work.

#### Home School Activities

There are many students in the Homer area that participate in a home school academic curriculum. There is a potential market for home school based recreational and educational activities. We could offer the programs or they could rent the space.

I would like to offer two proposals.

1. The Community Recreation Program manages the area currently being used by the Boys and Girls Club for a one year trial period. This would allow the Community Recreation program to continue our existing programs and to pursue additional classes/events or rentals during other times of the day the space is not being utilized. Unfortunately I have had to turn away classes and instructors due to limited time and space in the local school facilities. Utilizing this facility for the CR program and other events could potentially expand local commerce in the Homer community. Revenue collected from activities in the facility could help offset utility costs. A rental agreement could be developed with the Boys & Girls Club to continue to use the area.
2. The second proposal would be to give preference to the new tenant willing to allow Community Recreation programs to continue in the gymnasium area. We would work with the tenant to continue to offer our existing programs and add new programs.



# Office of the City Clerk

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



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

## MEMORANDUM - REPORT

TO: MAYOR HORNADAY AND HOMER CITY COUNCIL  
FROM: MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK *M*  
DATE: FEBRUARY 8, 2011  
SUBJECT: CURRENT BID(S) AND REQUEST FOR PROPOSALS

Sealed Proposals For the Replacement of Card Reader Access System for the cranes and ice on the Homer Fish Dock and New Installation of a Card Reader access system for the crane security gate and camera system on the Deep Water Dock will be received by the Office of the City Clerk, 491 E. Pioneer Avenue, Homer, Alaska 99603 until 2 p.m., Tuesday, February 8, 2011. Proposals received after the time fixed for receipt of the Proposal shall not be considered.

Sealed bids for the Telescopic Tool Carrier shall be received at the City of Homer, City Clerk's Office; 491 E. Pioneer Ave., Homer, Alaska, 99603 until 2:00 p.m., February 24, 2011 at which time they will be publicly opened and read. Bids received after the time fixed for the receipt of bids shall not be considered. The time of receipt will be determined by the City Clerk's time stamp. Bids received after the time fixed for the receipt of the bids shall not be considered.

Sealed Proposals for the Refurbishment of One Pedestal Crane on Homer Fish Dock will be received by the Office of the City Clerk, at 491 E. Pioneer Avenue, Homer, Alaska 99603 until Thursday, February 24, 2011 at 2 p.m. Proposals received after the time fixed for receipt of the Proposal shall not be considered.

Sealed bids for the Water Treatment Plant Building Demolition Project will be received at the office of the City Clerk, City Hall, City of Homer, 491 East Pioneer Avenue, Homer, Alaska, until 2:00 PM, Tuesday, March 8, 2011, at which time they will be publicly opened and read. Proposals received after the time fixed for receipt of the Proposal shall not be considered.



# 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  
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ext: 2224, 2226, or 2227  
Fax: (907) 235-3143  
Email: [clerk@ci.homer.ak.us](mailto:clerk@ci.homer.ak.us)

## MEMORANDUM

TO: MAYOR HORNADAY AND CITY COUNCIL

FROM: JO JOHNSON, CMC, CITY CLERK

DATE: FEBRUARY 7, 2011

SUBJECT: GAMES REPORT

We have received notification by the following entities of 2011 Alaska Gaming Permits:

Organization: Kachemak Bay Equestrian Association, Inc.

### RECOMMENDATION:

Informational only.

Fiscal Note: Revenues.



# 2011 Alaska Gaming Permit Application

## Organization Information

Department use only
Validation #
Date stamp

826

Federal EIN	If renewing, enter gaming permit #	Phone number (907) 235-8567	Fax number na
Organization name Kachemak Bay Equestrian Ass, Inc	Website address Kbayequestrian.org		
Mailing address PO Box 3120	City Homer	State AK	Zip + 4 99603
Entity type (check one) <input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Association	Organization type (check one) for definitions, see AS 05.15.690 and 15 AAC 160.995 <input checked="" type="checkbox"/> Charitable <input type="checkbox"/> Civic or service <input type="checkbox"/> Dog mushers' association <input type="checkbox"/> Educational <input type="checkbox"/> Fishing derby association <input type="checkbox"/> Fraternal <input type="checkbox"/> Labor <input type="checkbox"/> Municipality <input type="checkbox"/> Nonprofit trade association <input type="checkbox"/> Outboard motor association <input type="checkbox"/> Police or fire department <input type="checkbox"/> Political <input type="checkbox"/> Religious <input type="checkbox"/> Veterans <input type="checkbox"/> IRA/Native village		
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Does the organization have 25 or more members who are Alaska residents as defined in your articles of incorporation or bylaws?			

## Members in Charge of Games

Members in charge must be natural persons and active members of the organization, or employees of the municipality, and designated by the organization. Members in charge may not be licensed as an operator, be a registered vendor or an employee of a vendor for this organization. If more than one alternate, attach a separate sheet.

Primary member first name Christine	MI M	Primary member last name Day	Alternate member first name Mary	MI E	Alternate member last name Purcell
Social security number	Email daytrips@xyz.net		Social security number	Email rpurcell@xyz.net	
Daytime phone number (907) 235-6298	Mobile number na		Daytime phone number (907) 235-7870	Mobile number (907) 299-2519	
Home mailing address PO Box 635			Home mailing address PO Box 15006		
City Homer	State AK	Zip + 4 99603	City Fritz Creek	State AK	Zip + 4 99603
Has the primary member passed the test? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Permit # under which test was taken		Has the alternate member passed the test? <input type="checkbox"/> Yes <input type="checkbox"/> No	Permit # under which test was taken	

## Legal Questions

These questions must be answered. If you answer Yes to either question, see instructions.

☐ Yes ☒ No Does any member of management or any person who is responsible for gaming activities have a prohibited conflict of interest as defined by 15 AAC 160.954?

☐ Yes ☒ No Has any member of management or any person who is responsible for gaming activities ever been convicted of a felony, extortion, or a violation of a law or ordinance of this state, or another jurisdiction, that is a crime involving theft or dishonesty, or a violation of gambling laws?

We declare, under penalty of unsworn falsification that we have examined this application, including any attachments, and that to the best of our knowledge and belief it is true and complete. We understand that any false statement made on the application or any attachments is punishable by law. By our signatures below, we the primary member, the alternate member, and if applicable, the manager of games, agree to allow the Department of Revenue to review any criminal history we may have, in accordance with 15 AAC 160.934.

Primary Member in Charge's signature Christine M Day	Printed name Christine M Day	Date 1/4/11
President or other officer's signature (see instructions) Roberta Highland	Printed name ROBERTA HIGHLAND	Date 1/6/11
Alternate Member in Charge's signature Mary Ellen Purcell	Printed name Mary E Purcell	Date 1/10/11
Manager of Games signature na	Printed name	Date

Mail to Alaska Department of Revenue - Tax Division  
PO Box 110420 • Juneau, AK 99811-0420  
Phone (907) 465-2320 • Fax (907) 465-3098  
[www.tax.alaska.gov/gaming](http://www.tax.alaska.gov/gaming)

One copy of the application must be sent to the nearest municipality or borough. See instructions for mandatory attachments.

Pay online with OTIS at [www.tax.alaska.gov](http://www.tax.alaska.gov) or make check payable to State of Alaska. New applicants must pay by check.

## Permit Fee

The permit fee is based on 2010 estimated gross receipts. Check the appropriate box.

<input type="checkbox"/> New applicant	\$20
<input type="checkbox"/> \$0 - \$20,000	\$20
<input type="checkbox"/> \$20,001 - \$100,000	\$50
<input type="checkbox"/> \$100,001 or more	\$100

826

Retain a copy for your records

Form 0405-826.1 web Rev 10/10 for 2011 • page 1

Organization name	Gaming permit #	2011 ALASKA GAMING PERMIT APPLICATION
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### Facility-based Games (self-directed)

If more than two facilities, attach a separate sheet.

Facility name	Physical address	City	State	Zip + 4
Facility type (check one) <input type="checkbox"/> Owned <input type="checkbox"/> Leased <input type="checkbox"/> Donated	Game type (check all that apply) <input type="checkbox"/> Bingo <input type="checkbox"/> Raffle <input type="checkbox"/> Pull-tabs <input type="checkbox"/> Animal classic (chicken)* <input type="checkbox"/> Animal classic (rat race)* <input type="checkbox"/> Special draw raffle** <input type="checkbox"/> Calcutta pool**			

Facility name	Physical address	City	State	Zip + 4
Facility type (check one) <input type="checkbox"/> Owned <input type="checkbox"/> Leased <input type="checkbox"/> Donated	Game type (check all that apply) <input type="checkbox"/> Bingo <input type="checkbox"/> Raffle <input type="checkbox"/> Pull-tabs <input type="checkbox"/> Animal classic (chicken)* <input type="checkbox"/> Animal classic (rat race)* <input type="checkbox"/> Special draw raffle** <input type="checkbox"/> Calcutta pool**			

\* restricted game type \*\* see instructions for mandatory attachments

### Area-based Games

If more than two areas, attach a separate sheet.

Area City of Homer	Game type (check all that apply) <input checked="" type="checkbox"/> Raffle <input type="checkbox"/> Contest of skill <input type="checkbox"/> Fish derby <input type="checkbox"/> Dog mushers' contest <input type="checkbox"/> Classic (specify)
Area Kenai Peninsula Borough	Game type (check all that apply) <input checked="" type="checkbox"/> Raffle <input type="checkbox"/> Contest of skill <input type="checkbox"/> Fish derby <input type="checkbox"/> Dog mushers' contest <input type="checkbox"/> Classic (specify)

### Manager of Games

Required only for self-directed pull-tabs and bingo.

Manager first name	MI	Manager last name	Social security number	Daytime phone number
Home mailing address		Email	Mobile phone	
City	State	Zip + 4	Has the manager of games passed the test? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Permit # under which test taken				

### Vendor Information

Attach 2010 vendor registration form(s) and fee(s) for each vendor listed below.

Bar or liquor store name	Physical address	City	State	Zip + 4
Bar or liquor store name	Physical address	City	State	Zip + 4
Bar or liquor store name	Physical address	City	State	Zip + 4
Bar or liquor store name	Physical address	City	State	Zip + 4
Bar or liquor store name	Physical address	City	State	Zip + 4

### Operator Information

Designate operator who will conduct activities on the organization's behalf. Attach signed operating contract(s). If more than one operator, attach a separate sheet.

Operator license #	Operator	Facility name	City	State	Zip + 4
Game type(s)					

### Multiple-beneficiary Permittee Information (MBP)

Designate the MBP with which the organization has signed a partnership or joint-venture agreement.

MBP permit #	MBP name	Facility name	City	State	Zip + 4
Game type(s)					

### Dedication of Net Proceeds

Describe in detail how the organization will use the net proceeds from gaming activities.

- to complete purchase of property - Cottonwood Horse Park  
- maintenance of Cottonwood Horse Park  
- improvements to Cottonwood Horse Park

# CITY ATTORNEY REPORT





## COMMITTEE REPORT(S)



**PENDING BUSINESS**



**ORDINANCE REFERENCE SHEET**  
**2011 ORDINANCE**  
**ORDINANCE 11-02**

An Ordinance of the City Council of Homer, Alaska, Amending the FY 2011 Operating Budget by Authorizing the Transfer of \$184,700 from the Harbor Reserve and \$173,000 from the Water/Sewer Reserve to the Energy Revolving Loan Fund and Establishing a Budget for the Implementation of Energy Conservation Measures in the Amount of \$900,500.

Sponsor: City Manager/Public Works Director

1. City Council Regular Meeting January 10, 2011 Introduction
  - a. Memorandum 11-007 from Public Works Director as backup
  - b. Recommended Facility Improvement Measures (FIM)
  - c. Letter to Amber McDonough, Siemens Industry, Inc. from Public Works Director, re: 90% Review Comments Energy Savings Performance Contracting Services
  - d. Ordinance 10-14
  - e. Ordinance 10-28(S)
2. City Council Regular Meeting January 24, 2011 Public Hearing and Second Reading
  - a. Substitute Ordinance 11-02(S)
  - b. Memorandum 11-007 from Public Works Director as backup
  - c. Recommended Facility Improvement Measures (FIM) (1/10/11)
  - d. Memorandum 11-007(S) from Public Works Director as backup
  - e. Revised Recommended Facility Improvement Measures (FIM) (1/17/11)
  - f. Letter to Amber McDonough, Siemens Industry, Inc. from Public Works Director, re: 90% Review Comments Energy Savings Performance Contracting Services
  - g. Ordinance 10-14
  - h. Ordinance 10-28(S)
3. City Council Regular Meeting February 15, 2011 Second Reading
  - a. Memorandum 11-021 from Public Works Director as backup
  - b. Memorandum 11-007(S) from Public Works Director as backup
  - c. Revised Recommended Facility Improvement Measures (FIM) (1/17/11)
  - d. Memorandum 11-007 from Public Works Director as backup
  - e. Recommended Facility Improvement Measures (FIM) (1/10/11)
  - f. Letter to Amber McDonough, Siemens Industry, Inc. from Public Works Director, re: 90% Review Comments Energy Savings Performance Contracting Services
  - g. Ordinance 10-14
  - h. Ordinance 10-28(S)



CITY OF HOMER  
HOMER, ALASKA

City Manager/  
Public Works Director

ORDINANCE 11-02(S)

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING THE FY 2011 OPERATING BUDGET BY AUTHORIZING THE TRANSFER OF ~~\$184,700~~ \$131,335 FROM THE HARBOR RESERVE AND ~~\$173,000~~ \$172,932 FROM THE WATER/SEWER RESERVE TO THE ENERGY REVOLVING LOAN FUND AND ESTABLISHING A BUDGET FOR THE IMPLEMENTATION OF ENERGY CONSERVATION MEASURES IN THE AMOUNT OF ~~\$900,500~~ \$847,067.

WHEREAS, In March of 2010, Ordinance 10-14, the Homer City Council created a Revolving Energy Fund to provide a long term source of funding for energy efficiency projects in City facilities and that seed money for the fund be provided by transferring assets from existing depreciation reserve accounts; and

WHEREAS, In June 2010, Ordinance 10-28(S), the Homer City Council accepted and appropriated a grant of \$227,800.00 from the Alaska Energy Authority for the Energy Audits & Energy Conservation Measure Project that provided a total budget of \$542,800; and

WHEREAS, Siemens Industry, Inc. was selected (through the RFP process) as the most qualified firm to complete this energy use evaluation/conservation measure implementation project and began work in September 2010; and

WHEREAS, Siemens has completed the facility evaluations and has identified projects totaling ~~\$900,500~~ \$795,191 that have reasonable payback timeframes and would reduce annual energy costs by ~~\$103,000~~ \$99,179 (See Memorandum 11-007(S) prepared by Public Works); and

WHEREAS, An additional ~~\$357,700~~ \$304,267 would be necessary to complete the recommended energy efficiency improvements not provided for by the available grant or revolving loan funding; and

WHEREAS, The additional funds needed are for sewer and harbor infrastructure energy conservation measures and the Water/Sewer and Harbor Reserves have the funds to complete these projects.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer City Council hereby amends the FY 2011 Operating Budget by transferring ~~\$184,700~~ \$131,335 from the Harbor Reserve Account and ~~\$173,000~~ \$172,932 from

the Sewer Reserve to the Energy Revolving Loan Fund for the purpose of completing the Energy Audits & Energy Conservation Measure Project and establishes the budget for the project in the amount of \$900,500 \$847,067.

Expenditures:

<u>Acct #</u>	<u>Description</u>	<u>Amount</u>
151-718	AEA Grant	\$ 227,800
620-375	Energy Revolving Loan Fund	\$ 315,000
456-380	Harbor Reserve Account	\$ 184,700 <u>\$131,335</u>
256-378	Water/Sewer Reserve Account	<u>\$ 173,000</u> <u>\$172,932</u>
		<u>\$ 900,500</u> <u>\$847,067</u>

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

ENACTED BY THE HOMER CITY COUNCIL this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

CITY OF HOMER

\_\_\_\_\_  
JAMES C. HORNADAY, MAYOR

ATTEST:

\_\_\_\_\_  
JO JOHNSON, CMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First reading:

Public hearing:

Second reading:

Effective date:

Reviewed and approved as to form:

\_\_\_\_\_  
Walt E. Wrede City Manager

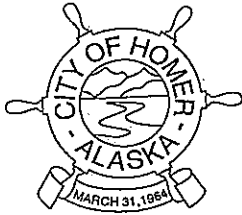
\_\_\_\_\_  
Thomas F. Klinkner, City Attorney

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Fiscal Note: Fiscal information included in body of Ordinance.





**CITY OF HOMER  
PUBLIC WORKS**

3575 HEATH STREET HOMER, AK 99603

TELEPHONE (907)235-3170  
FACSIMILE (907)235-3145

**MEMORANDUM 11-021**

TO: Walt Wrede, City Manager  
FROM: Carey Meyer, Public Works Director  
DATE: February 8, 2011  
RE: **Energy Conservation Measures – City Facilities  
Prioritization of Projects**

---

At the City Council meeting on January 24, the Council requested that Public Works prioritize the recommended energy conservation measures. The following list gives a greater priority to projects that have the shortest payback period:

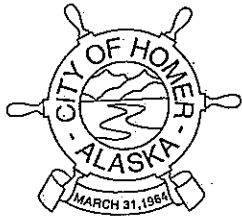
Project	Cost	Payback (yrs)
1) Airport HVAC Improvements	\$ 8,982	1.4
2) Sewer Treatment Plant Pump Motor Upgrades	\$ 58,679	4.7
3) Police Station Lighting Upgrade	\$ 50,561	6.0
4) Police Station HVAC Improvements	\$ 8,856	6.2
5) Airport Terminal Lighting Upgrade	\$ 84,009	8.1
6) Public Works Piping Insulation	\$ 13,748	8.1
7) Sewer Treatment Plant lighting Upgrade	\$ 64,082	8.6
8) Sewer Treatment Plant Lagoon Solar Aeration	<u>\$ 108,850</u>	8.7
	<u>\$ 397,767</u>	

Completing the above projects would utilize the AEA Grant funding (\$227,800) and \$169,967 of the \$315,000 energy revolving loan fund.

9) Homer Harbor Lighting	\$231,335	8.9
10) Raw Water Pump Station Pump Motor Upgrade	\$166,089	13.4

To complete these last two projects will require additional funding. If no additional funding is forthcoming, \$145,033 worth of the Harbor Lighting Upgrade project could be completed with the remaining energy revolving loan fund balance.





## CITY OF HOMER

### PUBLIC WORKS

3575 HEATH STREET HOMER, AK 99603

TELEPHONE (907)235-3170

FACSIMILE (907)235-3145

## MEMORANDUM 011-007(S)

TO: Walt Wrede, City Manager

FROM: Carey Meyer, Public Works Director *CSM*

DATE: January 17, 2011

RE: **Energy Audit – City Facilities**  
**Progress Report – Funding Recommendations**

---

The City Council in November informally approved continued evaluation (through 90%) of all recommended energy savings improvements to City facilities. At the completion of the 90% audit (January 2011), staff promised to evaluate additional funding sources; make recommendations and draft ordinances that would provide resources necessary to complete all recommended energy efficiency improvements. This memo provides these promised recommendations.

**Background:** As authorized by the City Council, Public Works has been coordinating the evaluation of energy use at sixteen City facilities to identify cost effective improvements that could be made to reduce energy usage. The Council has approved the acceptance of a Alaska Energy Authority energy efficiency improvement grant in the amount of \$227,800 and has created a revolving loan account with an additional \$315,000; providing a total of \$542,800 to evaluate and implement energy efficiency improvements. The audit is expected to cost approximately \$26,000, leaving \$516,000 to complete improvements utilizing established funding.

Siemens Industry, Inc. was selected (through the RFP process) as the most qualified firm to complete this energy use evaluation and began work in September. Siemens has completed the facility evaluations, prepared a draft 100% audit report and has identified potential projects that would reduce energy costs. The cost of and the annual energy cost savings for each potential facility improvement measure (FIM) has been estimated. A total of approximately \$1.4M worth of potential improvements has been identified. These FIM's have been prioritized based on a cost/benefit analysis and simple payback evaluation (in years).

Attached is a list of recommended improvements that have attractive payback schedules. The list is broken down into three cost columns; Column 1 showing the improvements that can be accomplished within the AEA grant funding; Column 2 showing projects that can be accomplished using the current energy improvement revolving loan fund; and Column 3 showing those that would require some additional funding.

An additional \$340,000 (~~plus a reasonable contingency~~) \$304,267 would be necessary to complete energy efficiency improvements not within the available grant or revolving loan funding. The Sewer Treatment Plant lighting upgrades/motor efficiency improvements and the Raw Water Pump Station motor efficiency improvements could be funded through the Water/Sewer Reserve account. The Fish Dock Crane improvements and a portion of the Harbor lighting upgrades could be funded through the Harbor Reserve account.

The additional improvements could also be funded through an expansion of the City's energy efficiency revolving loan fund. These improvements could also be financed through loans (various sources available); with loans being paid back through the revolving loan account.

Public Works and Port/Harbor believe that these are beneficial cost savings improvements that can be funded through our reserve accounts and do not justify borrowing money to complete. We would expect that the reserve accounts would be repaid in the same manner as the revolving loan fund.

The Finance Department suggests that the additional funding needed to complete the additional work come from the enterprise funds, but that these monies should be transferred from the reserve accounts into the revolving loan fund. This would simplify the cost accounting effort and reinforce the original purpose of the revolving loan fund. The revolving loan fund was created in part by contributions from the enterprise reserve account funds. Of the \$315,000 currently in the revolving fund; \$177,950 was transferred from the Water/Sewer Reserve and \$48,620 came from the Port and Harbor Reserve.

**Recommendations:** The City Council deliberate and pass an ordinance authorizing funding for all of the energy savings improvements identified in the Siemens Energy Audit in the amounts and from the accounts shown below:

Amount	Revenue Source	Acct #
\$ 227,800	AEA Grant	151-718
\$ 315,000	Energy Revolving Loan Fund	620-375
<del>\$ 184,700</del> <u>131,335</u>	Harbor Reserve Account	456-380
<del>\$ 173,000</del> <u>172,932</u>	Water Sewer Reserve Account	256-378
<del>\$ 900,500</del> <u>847,067</u>		

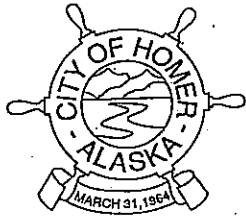
The ordinance should authorize the transfer of the above described Harbor and Water/Sewer Reserve funds to the Energy Revolving Loan Fund; and authorize the City Manager to execute all documents necessary to complete the design and construction of the recommended energy savings improvements in accordance with the agreement between the City and Siemens Industry, Inc.

Energy Audit - City Facilities  
Recommended Facility Improvement Measures (FIM)  
Revised - January 17, 2011

Revised - January 17, 2011

		1	2	3		
		est. annual savings	FIM Grant Eligible	FIM Revolving Loan	FIM Enterprise funds	simple payback (yrs)
Non-Lighting Facility Improvement Measure (FIM)		Description				
SEWER TREATMENT PLANT - PUMP MOTOR REPLACEMENTS		\$12,429	\$58,679			4.7
RAW WATER PUMP STA. - PUMP MOTOR REPLACEMENTS/VFD		\$12,405	\$10,000	\$156,089		13.4
AIRPORT - HVAC IMPROVEMENTS		\$6,615	\$8,982			1.4
PUBLIC WORKS- MISC INSULATE PIPING		\$1,693	\$13,748			8.1
POLICE STATION - HVAC IMPROVEMENTS		\$1,420	\$8,856			6.2
SEWER TREATMENT PLANT - SOLAR AERATION		\$12,506			\$108,850	8.7
Lighting Facility Improvement Measure (FIM)		\$47,068	\$100,265	\$156,089	\$108,850	
LIGHTING - HOMER AIRPORT		\$10,362		\$84,009		8.1
LIGHTING - HOMER HARBOR		\$25,867	\$50,000	\$50,000	\$131,335	8.9
LIGHTING - POLICE STATION		\$8,454	\$50,561			6.0
LIGHTING - SEWER TREATMENT PLANT		\$7,428			\$64,082	8.6
		\$52,111	\$100,561	\$134,009	\$195,417	
		Subtotal				
Energy Audit Report Preparation						
		\$99,179	\$227,121	\$290,098	\$304,267	8.0





## CITY OF HOMER

### PUBLIC WORKS

3575 HEATH STREET HOMER, AK 99603

TELEPHONE (907)235-3170

FACSIMILE (907)235-3145

## MEMORANDUM 11-007

TO: Walt Wrede, City Manager

FROM: Carey Meyer, Public Works Director

DATE: January 4, 2011

RE: **Energy Audit – City Facilities**  
**Progress Report – Funding Recommendations**

---

The City Council in November informally approved continued evaluation (through 90%) of all recommended energy savings improvements to City facilities. At the completion of the 90% audit (January 2011), staff promised to evaluate additional funding sources; make recommendations and draft ordinances that would provide resources necessary to complete all recommended energy efficiency improvements. This memo provides these promised recommendations.

**Background:** As authorized by the City Council, Public Works has been coordinating the evaluation of energy use at sixteen City facilities to identify cost effective improvements that could be made to reduce energy usage. The Council has approved the acceptance of a Alaska Energy Authority energy efficiency improvement grant in the amount of \$227,800 and has created a revolving loan account with an additional \$315,000; providing a total of \$542,800 to evaluate and implement energy efficiency improvements. The audit is expected to cost approximately \$26,000, leaving \$516,000 to complete improvements utilizing established funding.

Siemens Industry, Inc. was selected (through the RFP process) as the most qualified firm to complete this energy use evaluation and began work in September. Siemens has completed the facility evaluations, prepared a 90% audit report and has identified potential projects that would reduce energy costs. The cost of and the annual energy cost savings for each potential facility improvement measure (FIM) has been estimated. A total of approximately \$1.4M worth of potential improvements has been identified. These FIM's have been prioritized based on a cost/benefit analysis and simple payback evaluation (in years).

Attached is a list of recommended improvements that have attractive payback schedules. The list is broken down into three cost columns; Column 1 showing the improvements that can be accomplished within the AEA grant funding; Column 2 showing projects that can be accomplished using the current energy improvement revolving loan fund; and Column 3 showing those that would require some additional funding.

An additional \$340,000 (plus a reasonable contingency) would be necessary to complete energy efficiency improvements not within the available grant or revolving loan funding. The Sewer Treatment Plant lighting upgrades/motor efficiency improvements and the Raw Water Pump Station motor efficiency improvements could be funded through the Water/Sewer Reserve account. The Fish Dock Crane improvements and a portion of the Harbor lighting upgrades could be funded through the Harbor Reserve account.

The additional improvements could also be funded through an expansion of the City's energy efficiency revolving loan fund. These improvements could also be financed through loans (various sources available); with loans being paid back through the revolving loan account.

Public Works and Port/Harbor believe that these are beneficial cost savings improvements that can be funded through our reserve accounts and do not justify borrowing money to complete. We would expect that the reserve accounts would be repaid in the same manner as the revolving loan fund.

The Finance Department suggests that the additional funding needed to complete the additional work come from the enterprise funds, but that these monies should be transferred from the reserve accounts into the revolving loan fund. This would simplify the cost accounting effort and reinforce the original purpose of the revolving loan fund. The revolving loan fund was created in part by contributions from the enterprise reserve account funds. Of the \$315,000 currently in the revolving fund; \$177,950 was transferred from the Water/Sewer Reserve and \$48,620 came from the Port and Harbor Reserve.

**Recommendations:** The City Council deliberate and pass an ordinance authorizing funding for all of the energy savings improvements identified in the Siemens Energy Audit in the amounts and from the accounts shown below:

Amount	Revenue Source	Acct #
\$ 227,800	AEA Grant	151-718
\$ 315,000	Energy Revolving Loan Fund	620-375
\$ 184,700	Harbor Reserve Account	456-380
<u>\$ 173,000</u>	Water Sewer Reserve Account	256-378
\$ 900,500		

The ordinance should authorize the transfer of the above described Harbor and Water/Sewer Reserve funds to the Energy Revolving Loan Fund; and authorize the City Manager to execute all documents necessary to complete the design and construction of the recommended energy savings improvements in accordance with the agreement between the City and Siemens Industry, Inc.



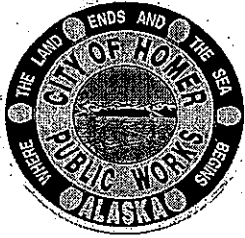
Energy Audit - City Facilities

Recommended Facility Improvement Measures (FIM)

January 10, 2011

Non-Lighting Facility Improvement Measure (FIM)	Description	Estimated annual savings	1	2	3	Simple payback (yrs)
FIM Grant Eligible	FIM Revolving Loan	FIM Enterprise funds				
FISH DOCK - POWER HOOK-UP MODIFICATIONS	Remove 8 Crane Transformers. Add 3 120V Circuits from Ice Plant Building.	\$ 1,907	\$ 13,765			7.2
SEWER TREATMENT PLANT - PUMP MOTOR REPLACEMENTS	Replace existing motors with higher efficiency motors.	\$ 12,429	\$ 58,679			4.7
RAW WATER PUMP STA. - PUMP MOTOR REPLACEMENTS/VFD	Replace existing motors with higher efficiency motors and install VFDs	\$ 12,405		\$ 66,089		13.4
AIRPORT - HVAC IMPROVEMENTS	New Fan Motor and VFD controlled by Building Pressure & CO2	\$ 6,615	\$ 52,019			7.9
PUBLIC WORKS - MISC INSULATE PIPING	Insulate approximately 400' of exposed heating water piping	\$ 1,693	\$ 13,748			8.1
POLICE STATION - HVAC IMPROVEMENTS	Police station electric heat zones with new programmable control	\$ 1,420	\$ 8,856			6.2
SEWER TREATMENT PLANT - SOLAR AERATION	Solar Aeration System	\$ 12,506			\$ 108,850	8.7
Lighting Facility Improvement Measure (FIM)	Subtotal	\$18,975	\$147,067	\$166,089	\$108,850	
LIGHTING - HOMER AIRPORT	Lighting Upgrade and Occ Controls	\$ 10,362		\$ 84,009		8.1
LIGHTING - HOMER HARBOR	Lighting Upgrade and Occ Controls	\$ 28,209		\$ 50,000	\$ 184,700	8.3
LIGHTING - POLICE STATION	Lighting Upgrade and Occ Controls	\$ 8,454	\$ 50,561			6.0
LIGHTING - SEWER TREATMENT PLANT	Lighting Upgrade and Occ Controls	\$ 7,428			\$ 64,082	8.6
	Subtotal	\$54,453	\$50,561	\$134,009	\$248,782	
Energy Audit Report Preparation			\$26,295			
		\$103,428	\$223,923	\$300,098	\$357,632	7.9

11-5-70



## CITY OF HOMER PUBLIC WORKS DEPARTMENT

Carey S. Meyer, P.E. - Director  
3575 Heath Street  
Homer, Alaska 99603

Telephone: (907)235-3170  
Fax: (907)235-3145

EMAIL: [cmeyer@ci.homer.ak.us](mailto:cmeyer@ci.homer.ak.us)

December 30, 2010

Mrs. Amber McDonough, P.E.  
Siemens Industry, Inc.  
5333 Fairbanks Street, Suite B  
Anchorage, AK 99518

RE: **90% Review Comments**  
**Energy Savings Performance Contracting Services**

Mrs. McDonough:

The City has reviewed the 90% submittal for the above referenced project. Our comments are listed below:

- 1) Attached is a spreadsheet that prioritizes the FIM's developed through 95%. Please proceed to 100% based on the FIM's funding identified as Grant Eligible, Revolving Loan and Enterprise Fund. Move FIM 6.02 and 7.06 to the "Measures Reviewed Not Included" portion of the final report. Per our agreement, the final report shall provide:
  - A detailed energy audit of the energy consuming systems in each building as described in the scope of work/cost breakdown.
  - An audit report will recommend improvement measures as well as behavioral modifications.
  - Report will include construction budget pricing, calculated energy savings, and a cost/benefit analysis.
- 2) Table of Contents – recommend single space into two pages
- 3) Page 10, Table 1.3 – define what performance assurance costs are. Can this table be used to show yearly payments to the revolving loan and enterprise fund needed to repay? Would like to make this table more useful, relevant to the City.
- 4) Page 12, remove items of work eliminated, revise costs in text. At this time I am not thinking there is great value to the City regarding \$12,900 additional to confirm savings, but we should discuss. Revise fourth and fifth bullets (no toy stove in harbor office, no programmable thermostats at public works).
- 5) Page 14, first sentence, second paragraph – substitute "delivery" for "usage". Second sentence – insert "electrical" between "monthly" and "consumption" and add "and fuel deliveries" at end of sentence
- 6) Page 15 – total all columns, table II.1A.
- 7) Page 16, Mitch will check these tables. Correct table II.1B title to reflect fuel consumption – not electrical accounts?

- 8) Page 17, suggest eliminating first sentence in Section D, replace with something like "Other than the issue discussed below, no operational savings could be identified by City staff or Siemens."  
Replace "will be" with "are" in first sentence Section E.
- 9) Pages 20-40, single space (or compress text) to reduce number of pages.(Section III).  
The City would like to replace any exterior lighting with down-directional units to reduce light pollution. Please include this in the text associated with lighting upgrade discussion.
- 10) Page 21, Occupancy section, second sentence – replace "airport" with "passenger and cargo on and off loading facility". Lighting Systems section, add "that are less energy efficient than the newer technology" at end of first sentence.
- 11) Page 23, insert "relatively energy efficient" between "using" and "T8" in the first sentence.
- 12) Page 24, Occupancy section – third sentence - 24 hours per day? Add "operation after "Winter" in fourth sentence.
- 13) Page 27, Lighting Systems - replace "Those use" in first sentence with "The facility uses"; delete "just" and put "like HERC-01" in parentheses. Add "planned" to end of second sentence.
- 14) Page 30, Lighting Systems – improve grammar in fourth sentence.
- 15) Page 32, lighting Systems – second sentence, remove "Finally".
- 16) Page 41, include in introduction ... "Study identified \$1.4 M worth of potential energy savings measures. \$907,000 worth of measures are cost effective to implement ...". Present Conditions – suggest first sentence read "A 480V-110V transformer exists on each of the eight fish dock cranes ..."
- 17) Pages 41-67, Bold up the FIM section titles (so that they are bolder than the paragraph titles).  
This section could also be consolidated by revising format, reducing borders, and inserting photos with a tight text wrap format.
- 18) Page 43, left justify Assumptions section text. These tables need larger text to be readable.
- 19) Page 44, reformat text size in Table to improve readability.
- 20) Page 46, first paragraph, second full sentence – replace "exists, that" with "at the water treatment plant".
- 21) Page 47, reformat text size in Table to improve readability.
- 22) Page 49, reformat text size in Table to improve readability.
- 23) Page 56, reformat text size in Table to improve readability. Size of text on this page larger than others.
- 24) Page 57, standardize text size.
- 25) Page 58, larger Table text?
- 26) Page 76, review and edit Section V – Commissioning.

Yours Very Truly;

**CITY OF HOMER**

Carey Meyer, P.E.  
Public Works Director

CITY OF HOMER  
HOMER, ALASKA

Roberts

ORDINANCE 10-14

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, ADOPTING HOMER CITY CODE CHAPTER 3.14, REVOLVING ENERGY FUND, AND AMENDING THE FY 2010 OPERATING BUDGET BY APPROPRIATING \$315,691 FROM THIRTEEN FACILITY DEPRECIATION ACCOUNTS TO PROVIDE START-UP FUNDS.

WHEREAS, The Homer City Council wishes to reduce carbon emissions and lower the City's energy costs; and

WHEREAS, The Council has adopted a Climate Action Plan (Resolution 07-106), a Money, Energy, and Sustainability Policy Guide (Resolution 09-07), and established a Sustainability Fund (Resolution 08-07(A)); and

WHEREAS, The Council commissioned a Climate Action Plan Implementation Project and received a final report in 2009; and

WHEREAS, The Report recommends the creation of a Revolving Energy Fund to provide a long term source of funding for energy efficiency projects in City facilities and that seed money for the fund be provided by transferring assets from existing depreciation reserve accounts.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code Chapter 3.14, Revolving Energy Fund, is adopted and shall read as follows:

Chapter 3.14  
Revolving Energy Fund

Sections:

- 3.14.010 Revolving Energy Fund established.
- 3.14.020 Purpose of the Fund.
- 3.14.030 Initial Fund Contribution.
- 3.14.040 Additions to the Fund.
- 3.14.050 Fund Management.
- 3.14.060 Program regulations, policies, and procedures.

3.14.010 Revolving Energy Fund established. There is hereby established the Homer Revolving Energy Fund. The Revolving Energy Fund shall be governed by this chapter.

3.14.020 Purpose of the Fund. The Revolving Energy Fund is established for the purpose of providing a stable and long term source of financing for projects which improve the energy efficiency of city buildings and facilities. Loans from the fund shall be repaid over time using the savings achieved through energy efficiency projects financed by the Fund.

3.14.030 Initial Fund Contribution. The Fund shall be capitalized initially by a transfer of funds from thirteen different facility depreciation accounts. These depreciation funds will be used to increase energy efficiency and extend the useful life of the facilities.

3.14.040 Additions to the Fund. Additions to the Revolving Energy Fund may be made by private contributions, grants, budget appropriations, or other methods approved by the Council.

3.14.050 Fund Management. The Revolving Energy Fund shall be managed as a separate and segregated internal service fund. Investment earnings of the Fund shall be deposited into the Fund. The Fund shall be invested consistent with Homer City Code Chapter 3.10. Loans from the Fund to finance energy efficiency projects must be approved in advance by the Council by ordinance. Loans may not be made for facilities which do not have an approved Energy Conservation Plan. Loans from the fund shall be repaid over time based upon the estimated energy cost savings for the project(s) projected in the Energy Conservation Plan.

3.14.060 Program regulations, policies, and procedures. The Revolving Energy Fund program regulations, policies, and procedures shall be adopted by resolution.

Section 2. The FY 2010 Operating Budget is hereby amended by appropriating/transferring \$315,691 from thirteen depreciations accounts to the revolving Energy Fund as follows:

**REVENUE**

<u>Account</u>	<u>Description</u>	<u>Amount</u>
620-375	Revolving Energy Fund	\$315,691

## EXPENDITURE

<u>Account</u>	<u>Description</u>	<u>Amount</u>
	<u>Depreciation Reserves</u>	
156-370	Animal Shelter	\$ 250
156-375	General	\$42,984
156-384	City Hall	\$ 2,063
156-385	Parks and Recreation	\$ 1,018
156-388	Airport Terminal	\$ 1,652
156-390	Library	\$ 2,781
156-393	Fire	\$ 3,855
156-394	Police	\$ 5,095
156-395	Public Works	\$ 0
156-396	Leased Property	\$ 9,650
170-733	New City Hall	\$ 19,773
256-378/379	Water / Sewer	\$177,950
456-380	Port and Harbor	\$ 48,620
	<b>TOTAL</b>	<b>\$315,691</b>

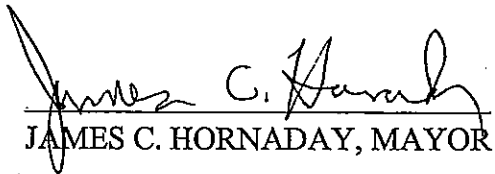
Section 3. This ordinance shall take effect upon its adoption by the Homer City Council.

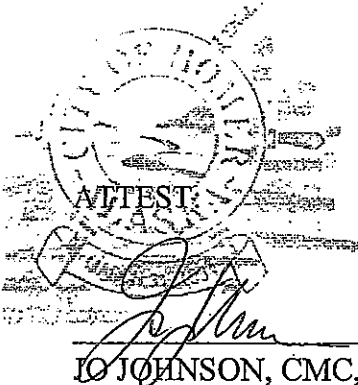
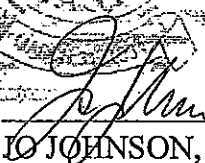
Section 4. Section 1 of this ordinance is of a permanent and general character and shall be included in the City Code.

Section 5. Section 2 of this ordinance is a budget amendment only, is temporary in nature, and shall not be codified.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 22 day of March, 2010.

CITY OF HOMER

  
JAMES C. HORNADAY, MAYOR

  
ATTEST  
  
IO JOHNSON, CMC, CITY CLERK

YES: 5

NO: 1

ABSTAIN: 0

ABSENT: 0

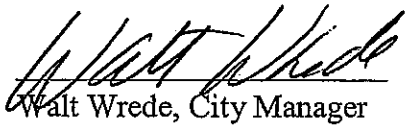
First reading: 3/08/10

Public hearing: 3/22/10

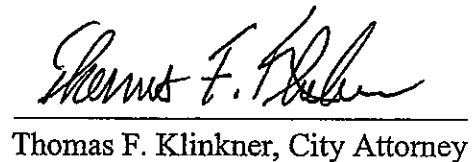
Second reading: 3/22/10

Effective date: 3/23/10

Reviewed and approved as to form:

  
Walt Wrede, City Manager

Date: 3/25/10

  
Thomas F. Klinkner, City Attorney

Date: 4-5-10

Fiscal Note: Included in ordinance.



CITY OF HOMER  
HOMER, ALASKA

City Manager

ORDINANCE 10-28(S)

AN ORDINANCE OF THE HOMER CITY COUNCIL  
ACCEPTING AND APPROPRIATING AN ALASKA SMALL  
CITIES ENERGY EFFICIENCY AND CONSERVATION  
BLOCK GRANT IN THE AMOUNT OF \$227,800.00 AND  
AUTHORIZING THE CITY MANAGER TO EXECUTE THE  
APPROPRIATE DOCUMENTS.

WHEREAS, An Alaska Small Cities Energy Efficiency and Conservation Block Grant in the amount of \$227,800.00, was awarded to the City of Homer by the Alaska Energy Authority; and

WHEREAS, This grant is to be used for energy audits and energy efficiency and conservation measures to reduce energy use in City buildings and facilities;

NOW, THEREFORE, BE IT ORDAINED by the City of Homer:

Section 1. The Homer City Council hereby accepts and appropriates a grant of \$227,800.00 from the Alaska Energy Authority as follows:

Revenue:

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
151-718	AEA EECBG	\$227,800.00

Expenditure:

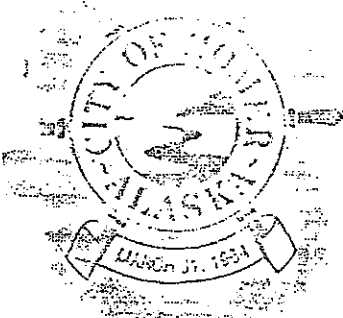
<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
151-718	Energy Audits & Energy Conservation Measures	\$227,800.00

Section 2. This ordinance is a budget amendment only, is not of a permanent nature and is a non code ordinance.

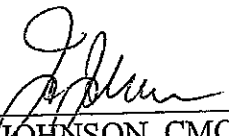
PASSED AND ENACTED by the Homer City Council this 14<sup>th</sup> day of June, 2010.

CITY OF HOMER

James C. Hornaday  
JAMES C. HORNADAY, MAYOR



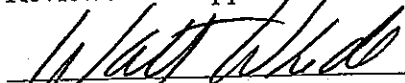
ATTEST:

  
JO JOHNSON, CMC, CITY CLERK

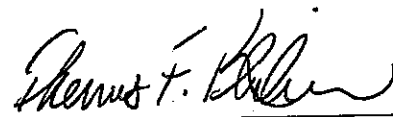
Introduction: 5/24/10  
Public Hearing: 6/14/10  
Second Reading: 6/14/10  
Effective Date: 6/15/10

Ayes: 5  
Noes: 0  
Abstain: 0  
Absent: 1

Reviewed and approved as to form:

  
Walt E. Wrede City Manager

Date: 6/17/10

  
Thomas F. Klinkner, City Attorney

Date: 6-22-10

Fiscal Note: Fiscal information included in body of Ordinance.

**CITY OF HOMER  
HOMER, ALASKA**

City Manager/  
Public Works Director

**RESOLUTION 11-009**

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, APPROVING A CONTRACT WITH SIEMENS INDUSTRY, INC. FOR THE IMPLEMENTATION OF ENERGY CONSERVATION MEASURES IN THE AMOUNT OF \$795,191 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPROPRIATE DOCUMENTS TO COMPLETE RECOMMENDED IMPROVEMENTS.

WHEREAS, Siemens Industry, Inc. (Siemens) has completed an energy audit of 16 City facilities and made recommendations regarding the implementation of energy conservation improvements; and

WHEREAS, The Public Works Department has facilitated the prioritization of the identified energy conservation measures and the City Council is aware of the final recommendations; and

WHEREAS, Implementation of the energy conservation measures is projected to save the City \$99,179 annually; and

WHEREAS, The Council has identified sufficient funding for implementation; including an AEA grant, the City energy revolving loan, and reserve accounts to complete the project (see Ord.11-02(S)); and

WHEREAS, Consistent with previously executed Energy Audit/Energy Performance Contracting Services agreement between the City and Siemens, the preparation and approval of the energy audit report would be followed by authorization to implement the approved recommended facility improvement measures.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, hereby approves the contract between the City and Siemens to implement the recommended energy conservation measures in the amount of \$795,191 and that the City Manager is hereby authorized to execute the Energy Services Agreement and other required documents necessary to complete construction within the established budget.

PASSED AND ADOPTED by the Homer City Council this 24th day of January, 2011.

CITY OF HOMER

JAMES C. HORNADAY, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

Fiscal Note: Account No. 156-395-4992 -- ACWF Loan \$1,800,000

# NEW BUSINESS



# 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](mailto:clerk@ci.homer.ak.us)

## MEMORANDUM 11-019

TO: HOMER CITY COUNCIL

FROM: JO JOHNSON, CMC, CITY CLERK 

DATE: FEBRUARY 8, 2011

SUBJECT: TRAVEL AUTHORIZATION FOR COUNCILMEMBER HOGAN TO TRAVEL TO WASHINGTON, D.C. ON A LOBBYING TRIP FOR THE CITY OF HOMER FEBRUARY 16 – 18, 2011.

Councilmember Kevin Hogan has requested travel to Washington, D.C. to lobby for the City during the week of February 16 – 18, 2011.

Councilmember Hogan is conducting personal business in the D.C. area, therefore, has paid for his flight out of pocket. He would like to visit Legislators while in Washington, D.C. on behalf of the City and requests per diem and hotel expenses. He plans to stay for two nights.

Room rates are approximately \$200 per night and per diem is \$58 per day, for three meals.

Council should approve travel for Council when representing the City.

### RECOMMENDATION:

Travel approval is needed for Councilmember Hogan to represent the City while in Washington, D.C.

Fiscal Note: Two nights - Hotel \$400 and Meals \$116. Council has budgeted \$2,000 for Subsistence, Acct. No. 100.100.5237.





RESOLUTION(S)



**CITY OF HOMER  
HOMER, ALASKA**

City Manager

**RESOLUTION 11-015**

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, APPROVING A NEW TEN YEAR LEASE WITH TWO FIVE YEAR OPTIONS FOR HOMER SPIT CAMPGROUND, FINDING THAT IT IS IN THE PUBLIC INTEREST TO DO SO WITHOUT A COMPETITIVE BIDDING PROCESS, AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE THE LEASE.

WHEREAS, Homer Spit Campground's land lease with the City for a portion of Lot 49 and Lot 50 expires September 10, 2011 with no options remaining; and

WHEREAS, The Chapples have submitted an application for a new lease for Homer Spit Campground and have requested they receive the lease without a competitive bidding process under Section 11.2 (F) of the Lease Policies; and

WHEREAS, The Lease Committee considered the Chapple's proposal at their Regular Meeting on January 13, 2011; and

WHEREAS, The Committee approved a motion recommending that the City Council approve the lease application without going through the competitive bid process under the terms and conditions described in the proposal, with the stipulations that the lease will be for 10 years with two five year options, and all zoning violations be addressed; and

WHEREAS, Section 11.2 (F) of the Lease Policies allows the City Council to provide a new lease to the current lessee without a competitive bidding process if it finds that it is in the public interest to do so after reviewing a recommendation from the Lease Committee and evaluating specific relevant facts.

NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby finds that it is in the public interest to approve a new lease for Homer Spit Campground on a Portion of Lot 49 and Lot 50;

BE IT FURTHER RESOLVED that the City Council hereby finds that it is in the public interest to approve a new lease for Homer Spit Campground without a competitive bidding process for the reasons outlined in the January 13, 2011 Staff Report from the City Manager, which are incorporated herein:

- The lease history is good and the applicants have been good tenants.
- The applicants have investments in the property and plan to invest more if a lease is awarded.
- The business generates significant revenues to the City including property taxes and sales taxes and the proposal includes a 50% increase in rent to better reflect current market values.
- The business generates significant spin-off economic activity that benefits the economy as a whole.
- The proposal includes a provision that specifically states that the City can use the property during the eight months the campground is not in operation. This compensates for the fact that the lessee is only paying rent for 4 months and provides the City with opportunities to make additional revenues and use the land for other purposes.
- The proposal offers a portion of the campground back (Lot 49 in the shadows of the condos) if the City really needs it and provides adequate notice. This is beneficial to the City because if the land is needed or a high or better use presents itself, the City can take advantage of that opportunity.
- The proposed use is consistent with the goals and objectives of the Spit Comprehensive Plan including providing for open space, recreational and camping opportunities, public access to the beach, and protection of the viewshed.
- The proposal fills an identified need for RV camping and long term parking.
- The campground provides services to the general public (not just guests) that are needed in the area including a laundry facility, bathrooms, showers, and a general store.
- The facility is a major commercial water and sewer customer providing support for the water and sewer fund.
- The City and the Corps of Engineers are still working on a long term solution for the disposal of dredged materials. Dewatering activities and the outfall line are located near or within the leased property. The final solution and construction of a new dewatering facility may be many years off. Given those conditions, it is unlikely that the City would be able to lease the land for another development at this time since the outfall runs almost through the middle of the property. In short, the campground is likely the best use of the property at this time.

BE IT FURTHER RESOLVED that the Homer City Council authorizes the City Manager to negotiate and execute the lease with Homer Spit Campground.

PASSED AND ADOPTED by the Homer City Council this 15<sup>th</sup> day of February, 2011.

CITY OF HOMER

JAMES C. HORNADAY, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

Fiscal Note: Lease revenues \$38,107 (\$9,526.96 for 4 months), Acct. No. 400-600-4650.





**CITY OF HOMER  
CITY HALL**

**MEMORANDUM 11-024**

To: Mayor Hornaday and City Council  
From: Terry Felde, Lease Committee Staff  
Through: Walt Wrede, City Manager  
Date: February 9, 2011  
Subject: Lease Committee Recommendation for Lease of a Portion of Lot 49 and Lot 50

---

**BACKGROUND:** At the January 13, 2011 regular meeting of the Lease Committee the following action was taken:

HAWKINS/MAURAS - MOVED TO REVIEW THE HOMER SPIT CAMPGROUND LEASE APPLICATION.

Chair Erickson inquired if there were any questions or comments regarding the staff report or application. She further commented on the report being included it offered more information than the last go around regarding a lease proposal for review. Ms. Mauras thought it was very helpful and well written. Mr. Zimmerman concurred.

ZIMMERMAN/MAURAS - MOVED TO APPROVE THE APPLICATION WITHOUT GOING THROUGH THE RFP PROCESS.

Ms. Mauras offered a friendly amendment to include the City Managers recommendation to approve the proposal with stipulations that all zoning violations be addressed, 10 year lease with two 5 year options for a total of 20 years.

Mr. Zimmerman clarified that they are approving the application or recommendation to council. He had concerns that 20 years would be enough to amortize the investment for the proposer. Mr. Chapple clarified that 20 years would be enough time to recoup. Mr. Zimmerman accepted the friendly amendment. The motion now reads:

ZIMMERMAN/MAURAS – MOVED TO APPROVE THE LEASE APPLICATION OF THE HOMER SPIT CAMPGROUND WITHOUT GOING THROUGH THE COMPETITIVE PROCESS UNDER THE TERMS AND CONDITIONS DESCRIBED IN THE PROPOSAL, WITH THE STIPULATIONS THAT THE LEASE WILL BE FOR 10 YEARS WITH TWO FIVE YEAR OPTIONS, AND ALL ZONING VIOLATIONS BE ADDRESSED.

Mr. Yager wanted assurance that this approval included the 50% rate increase. It was noted that the recommendation included all of the items included in the proposal. The shorter term was recommended due to the location in the future there may be a more beneficial use for this property especially once dewatering issues were addressed and it is also recommended in the Spit Comprehensive Plan to review.

VOTE. YES. ZIMMERMAN, MAURAS, ERICKSON, YAGER, HAWKINS.

Motion carried.

**RECOMMENDATION:** Approve Resolution 11-015



## STAFF REPORT

### CHAPPLE LEASE APPLICATION

TO: Lease Committee

FROM: Walt Wrede *W. Wrede*

DATE: January 13, 2011

John and Peggy Chapple, dba Homer Spit Campground, have submitted an application to secure a new lease from the City without a competitive bidding process pursuant to Section 11.2 F of the Lease Policies. Section 11.2 (F) requires that the applicant submit a formal lease application / proposal for evaluation by the Lease Committee. Chapter 5.2 (A) of the Policies addresses the information that must be included in the application in order for it to be responsive. A review of those criteria is contained in the attached checklist. We have concluded that the application package is substantially complete.

Chapter 6.2 (B) contains the evaluation criteria for evaluating an application/proposal. Following is an analysis of the nine criteria contained in 6.2 (B):

1. Compatibility with neighboring uses and consistency with applicable land use regulations including the Comprehensive Plan.

The proposed use has co-existed with neighboring uses for many years. The campground nicely compliments existing tourist related businesses on the Spit Road. It has presented no known problems for adjacent commercial or marine industrial uses. An RV Park is an allowed uses within the Marine Industrial Zoning District. RV Parks must be developed consistent with HCC 21.54. The existing campground has some existing relatively minor zoning violations which the owner has acknowledged and correcting them should be a pre-requisite to signing a new lease. The proposed use is consistent with the goals and objectives of the Draft Homer Spit Comprehensive Plan.

2. The development plan including all proposed phases and timetables.

The applicant proposes to continue the existing use. Proposed improvements to the facilities are described in the proposal section entitled "Future Investment and Land Use." The proposed improvements include new water, sewer, and electric hook-ups , ADA improvements, and a new guest gathering area. The timetable for installing those investments is the 2012 season.

3. The proposed capital investment.

The proposal does not contain an estimated dollar figure with respect to capital investment however, it does describe proposed investments in sufficient detail to get a sense of their scope and scale. The capital investments are described above. The investments also include new staff.

4. Experience of the Applicant in the proposed business or venture.

John and Peggy Chapple's experience regarding the proposed use is described in the proposal section entitled "History and Experience." There is no doubt in the mind of this reviewer that the applicants are very experienced with the campground business and that they are well integrated with the Homer visitor industry generally.

5. Financial capability or backing of the applicant including credit history, prior lease history, assets that will be used to support the proposed development.

The applicants have provided the Manager's office with sufficient information to determine that they are well positioned financially to carry out the terms of this proposal. The prior lease history is excellent.

6. The number of employees anticipated.

The applicant states in the proposal that additional employees will be added if the lease is approved and that the total number of employees will be 12.

7. The proposed rental rate.

The Chapples state in their proposal that they wish to continue with a non-traditional, seasonal lease (four months). They recognize that land values have increased and have offered to increase the rental amount by 50%. This proposal would increase the annual rental rate from 0.13 / sq.ft to almost .20/sq.ft. This brings the annual lease payment up to \$38,107.84 from \$25,405.24; which is the equivalent of six months rent at fair market value.

8. Other financial impacts such as tax returns, stimulated or spin-off economic development, or the value of the improvements left behind upon termination of the lease.

There is a great deal of spin off economic development and business activity associated with this business but it is hard to come up with a good estimate. The campground brings many people to the Spit and those folks spend money in local business establishments while they are here. Precise sales tax numbers are not provided but the campground is registered as a tax collector and the amount of sales tax revenue is substantial. The business pays almost \$8,000 a year in property taxes and almost \$9,000 a year in water and sewer bills. The business has employees now and proposes to increase the number to 12.

9. Other long term social and economic development.

The Homer Campground operation is consistent with the goals and objectives of the Draft Spit Plan because it provides camping, recreation, a park like setting, access to public beaches, and preservation of the viewshed. It provides a place for RV's that is sorely needed. This relieves enforcement problems associated with parking and camping in unauthorized areas. The restrooms, showers, and laundry are open to the public, not just registered guests. This provides a significant benefit to the community at large and visitors to Homer.

As noted earlier, the Chapples submitted an application to secure a new lease from the City without a competitive bidding process under Section 11.2 F of the Policies.

Section 11.2 F states:

The City Council, after reviewing a recommendation from the Lease Committee, may elect to not require a competitive bidding process for a property whose lease has expired (including all options) if it finds that it is in the best interest of the City to enter into a new lease agreement with the current lessee. If the current lessee is interested in entering into a new lease agreement, he/she must indicate so in writing to the City Manager at least 12 months prior to the expiration of the lease and submit a formal lease application/proposal for evaluation by the Lease Committee. The City will review the application but is under no obligation to enter into a new lease. If the Council chooses to approve such a new lease without a competitive bidding process, it must approve such new lease by resolution within six months that includes a finding that it is in the public interest to do so, after consideration of relevant facts including, but not limited to, the following:

1. The lessee's past capital investment and binding commitment to future capital investment.

The applicants estimate that the replacement value of the Homer Spit Campground business including all of the infrastructure is approximately \$600,000. The applicants propose to make further capital investments for the 2012 season if a lease is secured. Those commitments can become binding through the lease document.

2. The lessee's financial condition and prior lease history.

The files show that that the Chapples have been excellent tenants with respect to lease payments, utility payments, and taxes. As noted above, there currently are some relatively minor zoning violations that would need to be rectified prior to signing a new lease. The applicant's fiscal condition is more than sufficient to follow-through with the commitments contained in this proposal.

3. The number of persons employed and the prospects for future employment.

The applicant employs staff now and proposes to increase that number to 12 if a lease is approved.

4. Tax revenues and other financial benefits to the City of Homer anticipated in the future if the lease is renewed.

Information on taxes generated and other financial benefits to the City is included in numbers 8 and 9 above. Tax revenues and other fiscal impacts associated with this business are noteworthy.

5. Consistency of the past use and intended future use with all applicable land use codes and regulations, the Comprehensive Plan, and Overall economic Development Plan.

The proposed use appears to be consistent with the Comprehensive Economic Development Strategy, the Comprehensive Plan, and the Spit Comprehensive Plan. The proposed use is also consistent with allowed uses in the zoning district. As noted above, there are several relatively minor zoning violations that will need to be fixed before a new lease can be signed.

6. Other opportunities for use of the property that may provide greater benefits to the City of Homer.

At this time, there are no other potential lessees knocking on the City's door asking to lease this land and offering a more attractive development plan. At the same time, not too many people realize that this lot may be available for lease. This is a potentially a very valuable property considering its location. This might become one of the most valuable commercial lots in Homer once the dredged spoils de-watering issues are resolved and the operation is moved to another location. On the other hand, the current state of the economy could limit the number of private sector investors. The bottom line is that the City won't know if there are opportunities to obtain greater benefits or what the highest and best use of the property might be unless it seeks competitive bids.

7. Other social, policy, and economic considerations as determined by the Council.

At this time, the staff is not aware of any special social, policy, and economic considerations that would come into play with respect to this application. However, this is a determination that will ultimately be made by the Council, after considering the recommendations of this Committee.

#### **ANALYSIS**

The Homer Lease Policies adopted by the City Council strongly favor competitive bidding, equal opportunity for all parties interested in leasing City land, maximizing the benefits of leasing to the City as a whole, and leasing for the highest and best use of the land. For example:

Section 1.1 (B) states: "It is the policy of the City of Homer to lease property when it is in the overall best interest of the City to do so. The City will seek to maximize the value of its assets and lease property for the highest and best use."

Section 3.1 (B) states "It is the policy of the City that public land shall be leased in a way that maximizes the value of City assets, promotes activities and uses that are in the overall best interest of the City, and are consistent with the Comprehensive Plan."

Section 4.1 (A) states: "It is the policy of the City of Homer that a request for proposals, or a competitive bidding process be used for the leasing of City owned property. Exceptions to this policy may be made by the City Council as per Section 10.2 E of these policies and/or under special circumstances. The Council shall review recommendations of the Lease Committee and, if an exception is granted, adopt a resolution finding that it is in the public interest and approving the exception."

Section 11.2 (E) states: "It is the policy of the City that equal opportunities should be provided to compete for leasing available public property. A lessee whose initial lease and all options have expired

shall have no automatic right of further renewal or extension. In general, it is the policy of the City that the Lease Committee shall offer such properties to the public through the RFP/competitive bidding process described herein.”

Section 11.2 (F) sets a pretty high standard for the City Council to meet if it wishes to provide a new lease to the current lessee without a competitive bidding process. The Council must make a specific finding in a resolution that doing so is in the public interest. The evaluation criteria for making such a finding are addressed above.

This reviewer has concluded that the Chapple application presents a strong case for awarding a new lease without a competitive bidding process, and that doing so is in the public interest. The reasons for this conclusion include the following:

- The lease history is good and the applicants have been good tenants.
- The applicants have investments in the property and plan to invest more if a lease is awarded.
- The business generates significant revenues to the City including property taxes and sales taxes and the proposal includes a 50% increase in rent to better reflect current market values.
- The business generates significant spin-off economic activity that benefits the economy as a whole.
- The proposal includes a provision that specifically states that the City can use the property during the eight months the campground is not in operation. This compensates for the fact that the lessee is only paying rent for 4 months and provides the City with opportunities to make additional revenues and use the land for other purposes.
- The proposal offers a portion of the campground back (Lot 48 in the shadow of the condos) if the City really needs it and provides adequate notice. This is beneficial to the City because if the land is needed or a high and better use presents itself, the City can take advantage of that opportunity.
- The proposed use is consistent with the goals and objectives of the Spit Comprehensive Plan including providing for open space, recreational and camping opportunities, public access to the beach, and protection of the viewshed,
- The proposal fills an identified need for RV camping and long term parking.
- The campground provides services to the general public (not just guests) that are needed in the area including a laundry facility, bathrooms, showers, and a general store.
- The facility is a major commercial water and sewer customer providing support for the water and sewer fund.
- The City and the Corps of Engineers are still working on a long term solution for the disposal of dredged materials. Dewatering activities and the outfall line are located near or within the leased property. The final solution and construction of a new dewatering facility may be many years off. Given those conditions, it is unlikely that the City would be able to lease the land for another development at this time since the outfall line runs almost through the middle of the property. In short, the campground is likely the best use of the property at this time.

**RECOMMENDATION:**

It is recommended that the Lease Committee recommend to the City Council that a new lease be approved for Homer Spit Campground without a competitive bidding process under the terms and conditions described in the proposal. The recommendation should include a stipulation that all zoning violations be addressed. It is also recommended that the term of the lease be 10 years with two five years options, for a total of 20 years. (The applicants request 20 years with two five year options). This recommendation reflects the fact that once the dewatering issue is solved, this may become very valuable port industrial or commercial property and that a better use may emerge. The Spit Comprehensive Plan specifically states that this property should be re-evaluated to determine if a better use exists that benefits port and harbor operations and the enterprise fund.



**CITY OF HOMER  
PROPERTY MANAGEMENT  
AMENDED LEASE APPLICATION CHECKLIST**

Applicant Name: John & Margaret Chapple, dba Homer Spit Campground

Date Application Received: January 3, 2011

**CHAPTER 5: LEASE APPLICATION PROCESS**

**5.1: POLICY**

- A. It is the policy of the City of Homer to provide for a streamlined, standardized, and easily understood lease application process. A full and complete application packet shall be provided to all applicants. Applicants must be qualified under Section 18.08.50 of the Homer City Code:
- (a) a natural person and is responsible, meaning the applicant has sufficient skill, experience and financial capability to perform all the obligations of the lessee under the proposed lease; and
  - (b) a person who is at least nineteen years of age; or
  - (c) a group, association or corporation which is authorized to conduct business under the laws of the State of Alaska. (Ord. 92-10 (part), 1992). 183 (Homer 06/04)
- B. The City administration will provide for pre-application meetings with all potential applicants to provide relevant information on things like land use regulations, lease policies, the permitting process, and other relevant topics.

**5.2 PROCEDURES**

**A. A responsive lease application / proposal shall include:**

1. A completed application form provided by the City.

<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A	<input type="checkbox"/> INCOMPLETE
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NOTES:

2. Any applicable fees.

<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A	<input type="checkbox"/> INCOMPLETE
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NOTES:

3. A clear and precise narrative description of the proposed use of the property

<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A	<input type="checkbox"/> INCOMPLETE
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NOTES:

4. A specific time schedule and benchmarks for development

<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A	<input checked="" type="checkbox"/> INCOMPLETE
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**NOTES:**

**Further specifics to be provided prior to final execution of any lease.**

5. A proposed site plan drawn to scale that shows at a minimum property lines, easements, existing structures and other improvements, utilities, and the proposed development including all structures and their elevations, parking facilities, utilities, and other proposed improvements.

<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A	<input checked="" type="checkbox"/> INCOMPLETE
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**NOTES:**

**Current site drawing included – survey and development plan to be submitted prior to lease execution.**

6. Any other information that is directly pertinent to the proposal scoring criteria contained herein

<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A	<input checked="" type="checkbox"/> INCOMPLETE
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**NOTES:**

7. All other **required attachments** requested on the application form including, but not limited to, the following documentation: applicant information, plot plan, development plan, insurance, proposed subleases, environmental information, agency approvals and permits, fees, financial information, partnership and corporation statement, certificate of good standing issued by an entity's state of domicile, and references.

☒ Applicant information

☒ Plot Plan

☒ Development Plan

☒ Insurance

N/A Proposed Subleases

☐ Environmental Information

☐ Agency approvals and permits

☐ Financial Information (Financial Statement **REQUIRED**, Surety, bankruptcy, pending litigation are situational.

N/A Partnership information and a copy of the partnership agreement OR

N/A Corporation information and a copy of the Articles of Incorporation and Bylaws

N/A Certificate of good standing issued by the entity's state if domicile

☒ Appropriate References (Total of 4 persons or firms with whom the applicant or its owners have conducted business transactions with during the past three years. Two references must have knowledge of your financial management history (One of which **MUST** be your principal financial institution) and two must have knowledge of your business expertise).

<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A	<input checked="" type="checkbox"/> INCOMPLETE
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**NOTES:**



**Prior to final execution of any lease, will need to provide:**

**Survey depicting RV spaces, setbacks, easements, etc. prior to final execution of any lease document**

**Zoning Permit to move buildings out of 20 foot setback**

**DEC approval**

**Fire Marshal approval**

**Updated details of future development plan**

8. Any other information required by the solicitation or request for proposals.

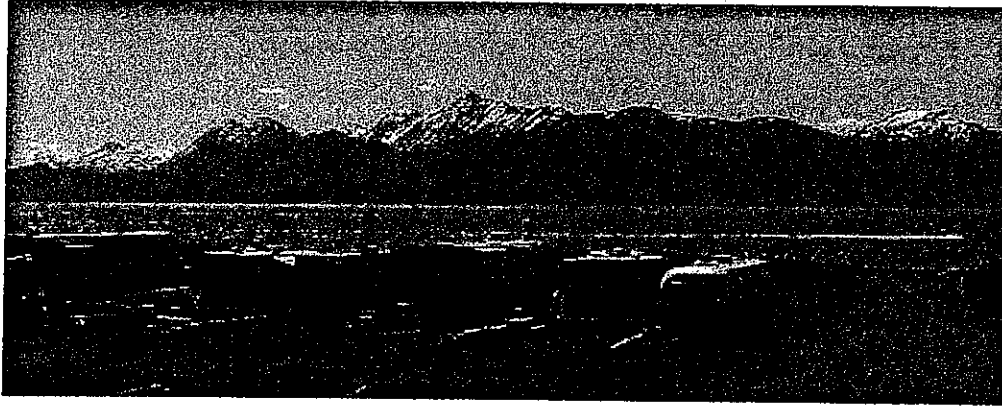
YES	NO	<input checked="" type="checkbox"/> NA	INCOMPLETE
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**NOTES:**

☒ Application review completed by Larry Fildes on 4/3/11  
(date)



# HOMER SPIT CAMPGROUND



## Lease Proposal

January 2011



# **HOMER SPIT CAMPGROUND LEASE PROPOSAL**

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## Proposed Land Use

The Homer Spit Campground has been an integral part of the iconic Spit community for nearly 40 years. It is an established, popular recreational park that provides practical and affordable overnight accommodations as well as public facilities and storage. The campground provides 124 camp spaces, and approximately 50 parking spaces for extra vehicles, boats, and utility trailers. Nightly rentals, unmetered showers, coin-operated laundry, propane sales, electricity, as well as water and sewer stations are available on-site. The office includes a small convenience store and gift shop.

## Compatibility

Left largely in its natural state, with open space and viewshed of Kachemak Bay, the campground is part of the unique character of the Spit. Its current layout is compatible with neighboring industries and its services already address many of the concerns in the new Homer Spit Comprehensive Plan, particularly the goals listed in Chapter 3 - Vision 2030.

Foremost, the Homer Spit Campground greatly reduces the impact on limited Spit parking resources, easing the traffic congestion that chokes the central harbor business district during the busy summer season. On any given summer day, approximately thirty percent of Spit campers are guests at the Homer Spit Campground. Guests appreciate the beach frontage, and value of being within walking distance of the harbor, fishing charters, shops, restaurants, and sights.

Additionally, Homer Spit Campground facilities are open to the public; serving visitors, seasonal workers, fisherman, truckers, as well as ferry traffic. The Homer Spit Campground and all of its amenities are assets to the City of Homer, providing necessary services recognized in the Comprehensive Plan. Considering these points, the present utilization of City lots 49 and 50 as the Homer Spit Campground is the highest and best use of the land.

The current seasonal lease relationship also provides an opportunity for City use of the land during the winter months. In the past, Homer Spit Campground has been utilized by the City for log staging and mobile cold storage prior to shipment across Homer docks. The primary City use of HSC property in the off-season is to facilitate the harbor dredging process by providing a critical outfall line to the Bay.

## History & Experience

John & Peggy Chapple have owned and operated the landmark Homer Spit Campground for 35 years. Working as unofficial ambassadors for Homer and all of its attractions, four generations of the Chapple family have catered to locals and visitors with their vast knowledge of the area and warm hospitality. Customers rave that it's the family-oriented business and central location that lures them back year after year.

Charter members of the tourism industry on the Homer Spit, the Chapples also initiated the very first collection of public camping fees on City property. They contracted with the City for collections on the Spit and at Karen Hornaday Park; generating revenue that far surpassed what City management believed was possible at that time. Their strict enforcement of parking lots and no camping areas in both locations, led to better organization of parking, and was a valuable new source of income for the City of Homer. When this contract was later awarded to other parties in a bid process, the Chapples assisted the City in three different seasons when inexperienced assignees failed to perform contractual obligations.

John and Peggy Chapple are also the former owners of Sportsman's Supply and Rental. They provided overnight guests and the general public with unmetered hot showers, laundry facilities, and a convenient stop for coffee, tackle, bait and ice at their second camping location on Freight Dock Road.

In addition to camping, the Chapples have been involved in many other ventures on the Homer Spit over the years. They've owned two fishing charter boats, a Kachemak Bay tour boat operation, and their shop on the Cannery Row boardwalk has been in operation for over 20 years. John Chapple has been a commercial fisherman, City harbor master assistant, a freight & barge deckhand, and a cannery manager at the former Alaska/Icicle Seafoods processing plant. Peggy Chapple has worked as the manager and bookkeeper for HSC and Sportsman's Supply, administrator of City fee collections, and proprietor of Boardwalk Gifts. She was the supervisor of all employees in these businesses, including 5 full-time and 3 part-time staff at the current Homer Spit Campground.

The Chapples also lived on the Spit year-round for 12 years and still own private property on the waterfront. Of their many business endeavors, the Homer Spit Campground has been their main focus. Their wealth of experience and long-term perspective is invaluable to the Spit community and discussions of its future development.



## Financial Information

The Homer Spit Campground is a successful small business and the Chapples have a long lease history with the City of Homer. Records of lease payments for the last 2 years are included (Attachment 7b). Computer records for the previous nine years and are available at the Port & Harbor office.

Homer Spit Campground provides considerable sales tax revenue, which will increase under a new lease when full-service sites are added. As a condition of the current lease, the Chapples also pay borough property tax on Homer Spit lots 49 & 50 for the entire year, although they only use it May - September. The KPB tax property tax figure for 2010 amounted to \$6,750.00 (Attachment 7d). The Campground is one of the Spit's largest water and sewer customers during the summer as well. Attachment (7e) illustrates the water use and cost for the 2010 season. Utility expenses will increase with proposed additions under a new lease.

John and Peggy Chapple estimate the replacement value of the Homer Spit Campground business and its structures is approximately \$600,000. As a destination campground, HSC is an economic engine for the City of Homer. Guests stay the night here but spend their consumer dollar throughout the community. Future investment to the Homer Spit Campground will enhance existing facilities and be attuned with the Homer Spit Comprehensive Plan.

## Future Investment

Future capital investment depends entirely on the extension and length of a new City lease. If awarded a renewed lease, HSC intends to improve the upper portion of the park to include water and sewer hook-ups. The popular beachfront sites will become electric spaces. A guest gathering area will be created where Jean Keene previously lived, and all facilities will be made ADA accessible starting in the 2012 season. With the security of a new lease, and improvements underway, HSC also anticipates hiring and training several new employees for maintenance, reservations and hospitality, which would bring the staff count to twelve.

Any new changes to the Homer Spit Campground will be in compliance with applicable land use codes and regulations. It is our desire that the Homer Spit Campground maintain its long established footprint, but we recognize the value of the highest and best use philosophy outlined in the Homer Spit Comprehensive Plan. In consideration of benefit to the City, if an indispensable use arises, the Chapples could forfeit Lot 49, or a portion thereof, with a 2-year notice. This compromise affords the City the flexibility to meet future design and development goals, and allows the HSC the stability it needs to thrive.

### Proposed Lease Request

The Chapples look forward to negotiating a fair rental agreement with the City of Homer. They request a continuation of the existing non-standard, seasonal lease arrangement of the past 35 years. The Homer Spit Campground seeks to re-new its current City land lease for 20 years with two 5-year extensions.

Recognizing the fact that the value of Spit land leases has increased over the years, John and Peggy Chapple propose a 50% increase in the present rental rate. This would be based on the current seasonal lease payment schedule and existing land use.

**City of Homer**  
**Lease Application/Assignment Form**

**Directions:**

1. Please type.
2. Please submit this application form to the City Clerk's Office, 491 Pioneer Avenue, Homer, Alaska 99603.
3. Please answer all questions on this form, or put "N/A" in the space if it is non applicable.

<b>Applicant Name:</b>	John & Margaret Chapple
<b>Social Security No.s</b>	[REDACTED] / [REDACTED]
<b>Mailing Address:</b>	Po. Box 1201
<b>City, State, ZIP code:</b>	Homer, AK 99603
<b>Business Telephone No.</b>	907-235-8490
<b>Representative's Name:</b>	John Chapple
<b>Mailing Address:</b>	(same)
<b>City, State, ZIP code:</b>	
<b>Business Telephone No.</b>	
<b>Property Location:</b>	4535 Homer Spit Road Homer, AK
<b>Legal Description:</b>	T75R13W Sec 1 Seward Meridian HM 0890034 HomerSpitRd Lot49 T75R13W Sec 1 Seward Meridian HM 0890034 HomerSpitRd Lot50
<b>Type of Business to be placed on property:</b>	Campground & RV parking
<b>Size of Buildings to be placed or leased:</b>	Existing Structures on Property 16x20/28x42/16x16
<b>Duration of Lease requested:</b>	20 years
<b>Options to re-new:</b>	Two 5-year Extensions
<b>Special lease requirements:</b>	As Is: Non-Standard, Seasonal Use
<b>Number of parking spaces required, per code: *</b>	In Compliance - Existing Parking Arrangement

**The following materials must be submitted when applying for a lease of  
City of Homer real property**

1.	<b>Plot Plan</b>	<p><b>A drawing of the proposed leased property showing:</b></p> <p><input checked="" type="checkbox"/> Size of lot - dimensions and total square footage. - to scale, please.</p> <p><input checked="" type="checkbox"/> Placement and size of buildings, storage units, miscellaneous structures planned - to scale, please.</p> <p><input checked="" type="checkbox"/> Water and sewer lines -- location of septic tanks, if needed.</p> <p><input checked="" type="checkbox"/> Parking spaces -- numbered on the drawing with a total number indicated -- please refer to Homer City Code _____</p>																		
2.	<b>Development Plan</b>	<p><input checked="" type="checkbox"/> <u>List the time schedule from project initiation to project completion, including major project milestones.</u></p> <table border="0"> <tr> <td><b>Dates</b></td> <td><b>Tasks</b></td> </tr> <tr> <td><u>Current</u></td> <td><u>Existing Business</u></td> </tr> <tr> <td></td> <td><u>160 parking spaces plus utilities</u></td> </tr> <tr> <td><u>Proposed</u></td> <td><u>Upgrades to Electricity, Water/Sewer</u></td> </tr> <tr> <td><u>2012</u></td> <td><u>ABA Accomodations, Play Area</u></td> </tr> </table> <p>For each building, indicate:</p> <table border="0"> <tr> <td><b>Building Use</b></td> <td><b>Dimensions and square footage</b></td> </tr> <tr> <td><u>Office</u></td> <td><u>16x20 320sq. ft.</u></td> </tr> <tr> <td><u>Shower/Restrooms</u></td> <td><u>28x42 1176 sq. ft.</u></td> </tr> <tr> <td><u>Laundry Building</u></td> <td><u>16x16 256 sq. ft.</u></td> </tr> </table>	<b>Dates</b>	<b>Tasks</b>	<u>Current</u>	<u>Existing Business</u>		<u>160 parking spaces plus utilities</u>	<u>Proposed</u>	<u>Upgrades to Electricity, Water/Sewer</u>	<u>2012</u>	<u>ABA Accomodations, Play Area</u>	<b>Building Use</b>	<b>Dimensions and square footage</b>	<u>Office</u>	<u>16x20 320sq. ft.</u>	<u>Shower/Restrooms</u>	<u>28x42 1176 sq. ft.</u>	<u>Laundry Building</u>	<u>16x16 256 sq. ft.</u>
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<u>Laundry Building</u>	<u>16x16 256 sq. ft.</u>																			
3.	<b>Insurance</b>	<p><input checked="" type="checkbox"/> Attach a statement of proof of insurability of lessee for a minimum liability insurance for combined single limits of \$1,000,000 showing the City of Homer as co-insured. Additional insurance limits may be required due to the nature of the business, lease or exposure. Environmental insurance may be required. If subleases are involved, include appropriate certificates of insurance.</p>																		
4.	<b>Subleases</b>  <p align="center">N/A NONE</p>	<p><input type="checkbox"/> Please indicate and provide a detailed explanation of any plans that you may have for subleasing the property. The City of Homer will generally require payment of 25% of proceeds paid Lessee by subtenants. Refer to chapter 13 of the Property Management Policy and Procedures manual.</p>																		
5.	<b>Health Requirements</b>  <p align="center">Existing In Compliance</p>	<p><input type="checkbox"/> Attach a statement documenting that the plans for the proposed waste disposal system, and for any other necessary health requirements, have been submitted to the State Department of Environmental Conservation for approval. Granting of this lease shall be contingent upon the lessee obtaining all necessary approvals from the State DEC.</p>																		
6.	<b>Agency Approval</b>  <p align="center">Existing Business</p>	<p><input type="checkbox"/> Attach statement(s) of proof that your plans have been inspected and approved by any agency which may have jurisdiction of the project; i.e. Fire Marshall, Army Corps of Engineers, EPA, etc. The granting of this lease shall be contingent upon lessee obtaining approval, necessary permits, and/or inspection statements from all appropriate State and/or Federal agencies.</p>																		

7.	Fees	<p>All applicable fees must be submitted prior to the preparation and/or execution of a lease.</p> <p><input checked="" type="checkbox"/> Application fee - \$30.00. Covers costs associated with processing the application.</p> <p><input type="checkbox"/> Lease fee - \$300.00. Covers the costs of preparing and processing the actual lease.</p> <p><input type="checkbox"/> Assignment fee - \$250.00. Covers the costs of preparing and processing the lease transfer.</p>								
8.	Financial Data	<p>Please indicate lessee's type of business entity:</p> <p><input checked="" type="checkbox"/> Sole or individual proprietorship.</p> <p><input type="checkbox"/> Partnership.</p> <p><input type="checkbox"/> Corporation.</p> <p><input type="checkbox"/> Other - Please explain: _____</p> <hr/> <p><input checked="" type="checkbox"/> Financial Statement - Please attach a financial statement showing the ability of the lessee to meet the required financial obligations.</p> <p><input type="checkbox"/> Surety Information - Has any surety or bonding company ever been required to perform upon your default or the default of any of the principals in your organization holding more than a 10% interest</p> <p><input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. If yes, please attach a statement naming the surety or bonding company, date and amount of bond, and the circumstances surrounding the default or performance.</p> <p><input type="checkbox"/> Bankruptcy information - Have you or any of the principals of your organization holding more than a 10% interest ever been declared bankrupt or are presently a debtor in a bankruptcy action?</p> <p><input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. If yes, please attach a statement indicating state, date, Court having jurisdiction, case number and to amount of assets and debt.</p> <p><input type="checkbox"/> Pending Litigation - Are you or any of the principals of your organization holding more than a 10% interest presently a party to any pending litigation?</p> <p><input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. If yes, please attach detailed information as to each claim, cause of action, lien, judgment including dates and case numbers.</p>								
9.	Partnership Statement	<p><input type="checkbox"/> If the applicant is a partnership, please provide the following:</p> <p>Date of organization: _____</p> <p>Type: <input type="checkbox"/> General Partnership <input type="checkbox"/> Limited Partnership</p> <p>Statement of Partnership Recorded? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Where _____ When _____</p> <p>Has partnership done business in Alaska? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Where _____ When _____</p> <p>Name, address, and partnership share. If partner is a corporation, please complete corporation statement.</p> <p>Limited/</p> <table border="0"> <tr> <td><u>General</u></td> <td><u>Name</u></td> <td><u>Address</u></td> <td><u>Share %</u></td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table>	<u>General</u>	<u>Name</u>	<u>Address</u>	<u>Share %</u>				
<u>General</u>	<u>Name</u>	<u>Address</u>	<u>Share %</u>							

		<hr/> <hr/> <hr/> <hr/> <hr/>																																																										
10.	<b>Corporation Statement</b>  N/A	<p>Please attach a copy of your partnership agreement.</p> <p><input type="checkbox"/> If the applicant is a corporation, please provide the following:</p> <p>Date of Incorporation: _____</p> <p>State of Incorporation: _____</p> <p>Is the Corporation authorized to do business in Alaska?</p> <p><input type="checkbox"/> No <input type="checkbox"/> Yes. Is so, as of what Date? _____</p> <p>Corporation is held? <input type="checkbox"/> Publicly <input type="checkbox"/> Privately If publicly held, how and where is the stock traded? _____</p> <p>Officers &amp; Principal Stockholders [10%+]:</p> <table border="0"> <thead> <tr> <th><u>Name</u></th> <th><u>Title</u></th> <th><u>Address</u></th> <th><u>Share</u></th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table> <p><input type="checkbox"/> Please furnish a copy of Articles of Incorporation and By-laws.</p> <p>Please furnish name and title of officer authorized by Articles and/or By-laws to execute contracts and other corporate commitments.</p> <table border="0"> <thead> <tr> <th><u>Name</u></th> <th><u>Title</u></th> </tr> </thead> <tbody> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </tbody> </table>	<u>Name</u>	<u>Title</u>	<u>Address</u>	<u>Share</u>																																					<u>Name</u>	<u>Title</u>																
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<u>Name</u>	<u>Title</u>																																																											

11. Applicant References

Please list four persons or firms with whom the Applicant or its owners have conducted business transactions with during the past three years. Two references named shall have knowledge of your financial management history, of which at least one must be your principal financial institution. Two of the references must have knowledge of your business expertise.

Name: Linda Mishler

Firm: First National Bank

Title: Loan Officer

Address: Heath St Homer, AK

Telephone: 907-235-5800

Nature of business association with Applicant:

Main Financial Institution - Banker

Name:

Firm: City Of Homer

Title:

Address: 491 East Pioneer Ave Homer, AK

Telephone: 907-235-8121

Nature of business association with Applicant:

Lease Holder, Utilities, Employment Contracts

Name: Sean & Gerri Martin

Firm: North Country Charters

Title: Owner/Operators

Address: P.O. Box 889 Homer, AK 99603

Telephone: 907-235-7620/907-235-5150

Nature of business association with Applicant:

Business Partners & Current Booking Agent

Name: Mark Robl

Firm: Homer Police Department

Title: Chief of Police

Address: 4090 Heath Street Homer, AK

Telephone: 907-235-7191

Nature of business association with Applicant:

Enforcement Issues, Common Membership in civic organizations in Homer.

I hereby certify that the above information is true and correct to the best of my knowledge.

Signature:

*John C. Chepp*

Date:

10-5-10







11:24

## PORT OF HOMER

10/6/2010

\*\*\* 10/07/2010  
 \*\*\* 407 G Guest  
 CHAPPLE, JOHN /PEGGY

PO BOX 1201  
 HOMER, AK 99603

\*\* LAND USE 3/1/93-2/28/98 FRM GREGOIRE

Boat: Reg/Doc#:

Info: TANK: N

Size: L: 0.0 B:0.0 D:0.0 H:0.0 W:.0

Bt. Make/Class: BILLED MAY - AUGUST

Hull: TYPE: PROPLS:

Insurance:

Renewal:

EMail: pchapple@pci.net

Tickler Date: 09/16/04

Accounting Code: 09

H: 235-8490

W:

O:

SPACE:

LIV/BRD: 0

DATE IN: 10/12/97

DATE OUT: 00/00/00

Hist. Date Entrd : 05/29/98

Reg. Exp:

SO SEC:

DR LISC:

CODES:

Y Chargeable

\*\* HOMER SPIT CAMPGROUND LAST PAY DATE: 08/17/10 \$12,777.

Wait/Transfer List: 00/00/00

LICENSE Information

FDUP Information

CRANE CARD Information

TUP Information

DEPOSITS:

Security Deposit 0.00

Key Deposit 0.00

RECURRING CHARGES:

Sub Ac. 407.01 CHAPPLE Space: Boat: Reg:

RECURRING CHARGES: 02/21/97 to 00/00/00

10/07/2010 Period 10 October 2010

CHAPPLE, JOHN /PEGGY 407

CURRENT ACCOUNT

CHARGES

CREDITS

BAL FWD

0.00

PERIOD 10 2010

Homer Spit Campground Land Lease |

6

11:24

## PORT OF HOMER

10/6/2010

10/07/2010

CUR	-30	-60	-90+	BAL DUE
0.00	0.00	0.00	0.00	0.00

\*\*\*\*\* PERIOD 9 September 2010

407 CHAPPLE, JOHN / PEGGY

Charges	Credits	Bal. Fwd.
		0.00

BILLED MAY - AUGUST

0.00	0.00 Due:	0.00
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\*\*\*\*\* PERIOD 8 August 2010

407 CHAPPLE, JOHN / PEGGY

Charges	Credits	Bal. Fwd.
		12,777.62

08/17/10 24645-HBRPAY/R

12,777.62

BILLED MAY - AUGUST

0.00	12,777.62 Due:	0.00
------	----------------	------

\*\*\*\*\* PERIOD 7 July 2010

407 CHAPPLE, JOHN / PEGGY

Charges	Credits	Bal. Fwd.
		0.00

07/02/10 17866-LAND USES MAY CMPGRD

6,351.31

07/02/10 17867-Sales Tax4

37.50

07/02/10 17868-LAND USES JUN CMPGRND

6,351.31

07/02/10 17869-Sales Tax4

37.50

07/02/10 17870-HBRPAY/MAY&amp;JUN LEASE/L

12,777.62

07/29/10 21221-LAND USES AUG CMPGRND

6,351.31

07/29/10 21222-Sales Tax4

37.50

07/08/10 18656-LAND USES JUL CMPGRD

6,351.31

07/08/10 18657-Sales Tax4

37.50

BILLED MAY - AUGUST

25,555.24	12,777.62 Due:	12,777.62
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\*\*\*\*\* PERIOD 6 June 2010

407 CHAPPLE, JOHN / PEGGY

Charges	Credits	Bal. Fwd.
		0.00

BILLED MAY - AUGUST

0.00	0.00 Due:	0.00
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\* continued

PERIOD 10 2010

Homer Spit Campground Land Lease |

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11:24

## PORT OF HOMER

10/6/2010

11/09/09	16084-LAND USES GROUP APPRAISAL	500.00		
		<u>500.00</u>	0.00 Due:	500.00

\*\*\*\*\* PERIOD 10 October 2009

407	CHAPPLE, JOHN / PEGGY	Charges	Credits	Bal. Fwd.
				0.00

\*\*\*\*\* PERIOD 9 September 2009

407	CHAPPLE, JOHN / PEGGY	Charges	Credits	Bal. Fwd.
				6,214.98

09/30/09 11089-CR\*LAND US

6,177.48

09/30/09 11090-CR\*Sales Tax4

37.50

0.00

6,214.98 Due: 0.00

\*\*\*\*\* PERIOD 8 August 2009

407	CHAPPLE, JOHN / PEGGY	Charges	Credits	Bal. Fwd.
				6,214.98

08/18/09 3502-HPY/J

6,214.98

08/28/09 4852-LAND USES SEPTEMBER

6,177.48

08/28/09 4853-Sales Tax4

37.50

6,214.98

6,214.98 Due: 6,214.98

\*\*\*\*\* PERIOD 7 July 2009

407	CHAPPLE, JOHN / PEGGY	Charges	Credits	Bal. Fwd.
				6,252.48

07/07/09 10174-CR\*SALES T OVER CHRG JUNE

37.50

07/07/09 10175-CR\*SALES T OVER CHRG JULY

37.50

07/22/09 12422-HBRPAY/L

6,177.48

07/24/09 12687-LAND USES AUGUST

6,177.48

07/24/09 12688-Sales Tax4

37.50

6,214.98

6,252.48 Due: 6,214.98

\*\*\*\*\* PERIOD 6 June 2009

407	CHAPPLE, JOHN / PEGGY	Charges	Credits	Bal. Fwd.
				6,214.98

\*\*continued\*\*

PERIOD 10 2010

Homer Spit Campground Land Lease |

8

PRODUCER (907) 235-8105  
Wells Fargo Insurance Services USA, Inc.  
4014 Lake Street  
Suite 101  
Homer, AK 99603

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURED	Homer Spit Campground John Chapple P.O. Box 1201 Homer, AK 99603-1201
---------	--

INSURERS AFFORDING COVERAGE

NAIC #

INSURER A: Philadelphia Ins Companies

INSURER B:

INSURER C:

INSURER D:

INSURER E:

## COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES; AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS. ---

INSR ADD'L LTR INSRD		TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YYYY)	POLICY EXPIRATION DATE (MM/DD/YYYY)	LIMITS	
A	<input checked="" type="checkbox"/> GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO- JECT <input type="checkbox"/> LOC	PHPK557984	5/25/2010	5/25/2011	EACH OCCURRENCE	\$	1,000,000
					DAMAGE TO RENTED PREMISES (Ea occurrence)	\$	100,000
					MED EXP (Any one person)	\$	5,000
					PERSONAL & ADV INJURY	\$	1,000,000
					GENERAL AGGREGATE	\$	3,000,000
					PRODUCTS - COMPIOP AGG	\$	2,000,000
					COMBINED SINGLE LIMIT (Ea accident)	\$	
					BODILY INJURY (Per person)	\$	
					BODILY INJURY (Per accident)	\$	
					PROPERTY DAMAGE (Per accident)	\$	
					AUTO ONLY - EA ACCIDENT	\$	
					OTHER THAN AUTO ONLY	EA ACC \$	
						AGG \$	
					EACH OCCURRENCE	\$	
					AGGREGATE	\$	
						\$	
						\$	
						\$	
						\$	
					WC STATU- TORY LIMITS	OTH- ER	
					E.L. EACH ACCIDENT	\$	
					E.L. DISEASE - EA EMPLOYEE	\$	
					E.L. DISEASE - POLICY LIMIT	\$	

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS	
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**CANCELLATION**

City of HOMER  
491 E. Pioneer Avenue  
Homer, AK 99603-

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 20 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR

~~REPRESENTATIVES.~~

AUTHORIZED HOMESITE Campground Land Lease 9

# 2010 TAX BILL



Kenai Peninsula Borough  
144 N. Binkley Street  
Soldotna, AK 99669  
907-262-4441  
800-478-4441 - Toll Free Within Borough  
[www.borough.kenai.ak.us](http://www.borough.kenai.ak.us)

Year: 2010 PIN: XXXXXXXXXX  
TAG: 20 - HOMER CITY  
Revenue ID: 1006222 Bill Number: 201014428  
Billing Date: 07/01/2010  
Balance good until: 10/15/2010

#BWBBJDD  
#A000000181034024#

CHAPPLE JOHN & MARGARET  
PO BOX 1201  
HOMER AK 99603-1201

## LEGAL DESCRIPTION

T 7S R 13W SEC 1 Seward Meridian HM 0890034 HOMER SPIT  
SUB AMENDED LOT 50 4535 HOMER SPIT RD

Value Type			Value	Exemption Type					Amount
LAND IMPROVEMENT			290,300 87,100						
Taxes, Credits, and Other Charges									
Charge Description	Total Value	Exemption	Taxable	Rate/1000	Tax Dist	Boats	Aircraft	Credits	Total
BOROUGH	377,400	0	377,400	4.500000	1,698.30	0.00	0.00	0.00	1,698.30
HOMER	377,400	0	377,400	4.500000	1,698.30	0.00	0.00	0.00	1,698.30
SOUTH HOSPITAL	377,400	0	377,400	2.300000	868.02	0.00	0.00	0.00	868.02
2010 Total				11.300000	4,264.62	0.00	0.00	0.00	4,264.62
2010 Total		Interest	Penalty	Fees	Subtotal	Prev Due	Paid	Total Due	
Bill Summary		4,264.62	0.00	0.00	0.00	4,264.62	0.00	0.00	4,264.62
TAX BILLS ARE MAILED TO PERSONS LISTED AS OWNERS OF PROPERTY ON JANUARY 1									

TAX BILLS ARE MAILED TO PERSONS LISTED AS OWNERS OF RECORD ON JANUARY 1, 2010 AND TO OTHER PERSONS WHO MAY HAVE AN INTEREST IN THE PROPERTY AND MAY BE PAYING THE TAXES. IT IS THE RESPONSIBILITY OF THE PROPERTY OWNER TO ENSURE TAXES ARE PAID WHEN DUE IN ORDER TO AVOID PENALTY AND INTEREST CHARGES. TO ENSURE PROMPT PAYMENT YOU CAN VIEW THE STATUS OF YOUR BILL AND MAKE PAYMENT VIA THE WEB.

**Please Return This Coupon with the Second Installment Payment. No second installment statement will be mailed**

Year: 2010 Bill No: 201014428

2nd Installment Amount: 2,132.31 2nd Installment Due Date: 11/15/2010

Make check Payable to Kenai Peninsula Borough  
PO Box 3040, Soldotna, AK 99669  
CHAPPLE JOHN & MARGARET  
PO BOX 1201  
HOMER AK 99603-1201

PIN: XXXXXXXXXX

Change of Address  
Name: CHAPPLE JOHN & MARGARET  
Mailing Address  
City, State, Zip

Kenai Peninsula Borough  
144 N. Binkley Street  
Soldotna, AK 99669

907-262-4441  
800-478-4441 - Toll Free Within Borough  
[www.borough.kenai.ak.us](http://www.borough.kenai.ak.us)

#BWBBJDD  
#A000000181034032#

CHAPPLE JOHN & MARGARET  
PO BOX 1201  
HOMER AK 99603-1201

# 2010 TAX BILL



Year: 2010

PIN: [REDACTED]

TAG: 20 - HOMER CITY

Revenue ID: 1006223

Bill Number: 201014429

Billing Date:

07/01/2010

Balance good until:

10/15/2010

## LEGAL DESCRIPTION

T 7S R 13W SEC 1 Seward Meridian HM 0890034 HOMER SPIT  
SUB AMENDED LOT 49 THAT PORTION PER LEASE 205/928

Value Type		Value	Exemption Type	Amount					
LAND IMPROVEMENT		184,300 31,700							
Taxes, Credits, and Other Charges									
Charge Description	Total Value	Exemption	Taxable	Rate/1000	Tax Dist	Boats	Aircraft	Credits	Total
BOROUGH	216,000	0	216,000	4.500000	972.00	0.00	0.00	0.00	972.00
HOMER	216,000	0	216,000	4.500000	972.00	0.00	0.00	0.00	972.00
SOUTH HOSPITAL	216,000	0	216,000	2.300000	496.80	0.00	0.00	0.00	496.80
2010 Total				11.300000	2,440.80	0.00	0.00	0.00	2,440.80
	2010 Total	Interest	Penalty	Fees	Subtotal	Prev Due	Paid	Total Due	
Bill Summary	2,440.80	0.00	0.00	0.00	2,440.80	0.00	0.00	2,440.80	

TAX BILLS ARE MAILED TO PERSONS LISTED AS OWNERS OF RECORD ON JANUARY 1, 2010.

TAX BILLS ARE MAILED TO PERSONS LISTED AS OWNERS OF RECORD ON JANUARY 1, 2010 AND TO OTHER PERSONS WHO MAY HAVE AN INTEREST IN THE PROPERTY AND MAY BE PAYING THE TAXES. IT IS THE RESPONSIBILITY OF THE PROPERTY OWNER TO ENSURE TAXES ARE PAID WHEN DUE IN ORDER TO AVOID PENALTY AND INTEREST CHARGES. TO ENSURE PROMPT PAYMENT YOU CAN VIEW THE STATUS OF YOUR BILL AND MAKE PAYMENT VIA THE WEB.

**Please Return This Coupon with the Second Installment Payment. No second installment statement will be mailed**

Year: 2010 Bill No: 201014429

2nd Installment Amount:

1,220.40 2nd Installment Due Date: 11/15/2010

Make check Payable to Kenai Peninsula Borough  
PO Box 3040, Soldotna, AK 99669

Change of Address

Name: CHAPPLE JOHN & MARGARET

PIN: [REDACTED]

Mailing Address

CHAPPLE JOHN & MARGARET  
PO BOX 1201  
HOMER AK 99603-1201

City State Zip

Report Criteria:

Customer.Customer Number = [REDACTED]

1.0120.01 HOMER SPIT CAMPGROUND 4535 HOMER SPIT RD

Account Summary:

Period	WChg SSCre PNLTY	WCons DEP	SServ CFees	SUsg Tax	Billings	Billing Adjustments	Payments	Other	Balance
12/31/2009									24.19
01/31/2010	12.50	-	10.00	-	24.40	-	-	-	48.59
	.21	-	-	1.69					
02/28/2010	12.50	-	10.00	-	24.19	-	48.59 -	-	24.19
	-	-	-	1.69					
03/31/2010	12.50	-	10.00	-	24.19	-	24.19 -	-	24.19
	-	-	-	1.69					
04/30/2010	12.50	-	10.00	-	104.82	-	24.19 -	-	104.82
	-	-	75.00	7.32					
05/31/2010	25.00	43.32	20.00	48.03	143.36	-	104.82 -	-	143.36
	2.99 -	-	-	10.00					
06/30/2010	25.00	713.64	20.00	791.26	1,519.60	-	143.36 -	-	1,519.60
	67.80 -	-	-	37.50					
07/31/2010	25.00	1,308.72	20.00	1,451.07	2,732.62	-	1,519.60 -	-	2,732.62
	109.67 -	-	-	37.50					
08/31/2010	25.00	1,325.82	20.00	1,470.03	2,755.72	-	2,732.62 -	-	2,755.72
	122.63 -	-	-	37.50					
09/30/2010	25.00	733.02	20.00	812.75	1,565.46	-	2,755.72 -	-	1,565.46
	62.81 -	-	-	37.50					
10/31/2010	12.50	11.40	10.00	12.64	47.89	-	1,565.46 -	-	47.89
	1.99 -	-	-	3.34					
11/30/2010	12.50	-	10.00	-	24.19	-	47.89 -	-	24.19
	-	-	-	1.69					
12/31/2010	12.50	-	10.00	-	24.19	-	24.19 -	-	24.19
	-	-	-	1.69					
Totals:	212.50 367.89 - .21	4,135.92	170.00	4,585.78 75.00	8,990.63 179.11		8,990.63 -		



## License Detail

**LicNum:** 247135  
**Business Name:** HOMER SPIT CAMPGROUND  
**Address:** PO BOX 1196  
HOMER AK 99603  
**Status:** ACTIVE  
**Original Issue:** 08/08/1997  
**Current Issue:** 02/12/2010  
**Expiration:** 12/31/2011  
**Business Type:** SOLE PROPRIETOR  
**Tobacco Endorsements:** 0  
**Line Of Business:** Accommodation and Food Services  
**Primary Activity:** 721110  
**Secondary Activity:**  
**Note:**  
**Owners:** MARGARET L CHAPPLE

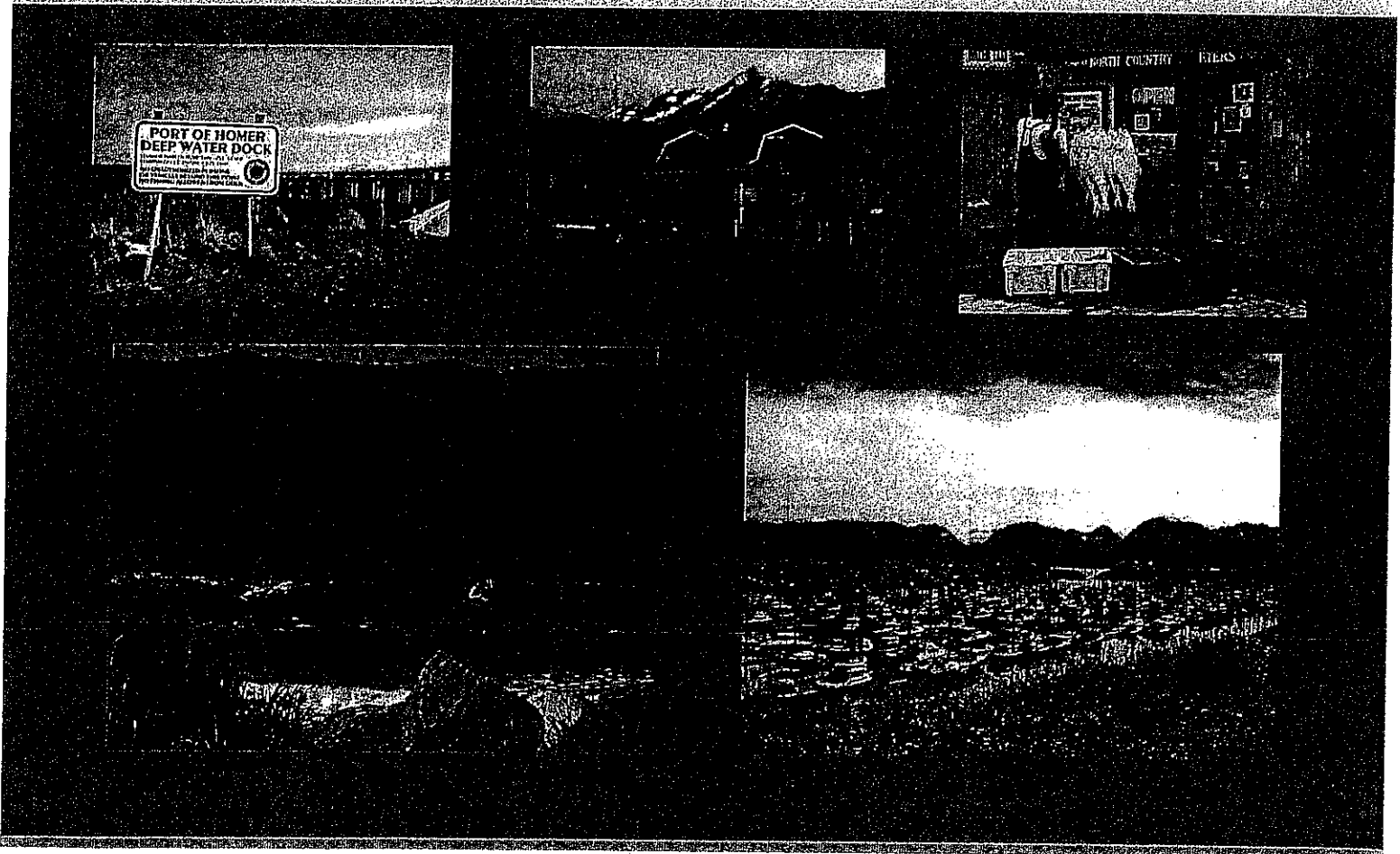
Contact Phone: (907) 465-2550 Email Professional Licensing

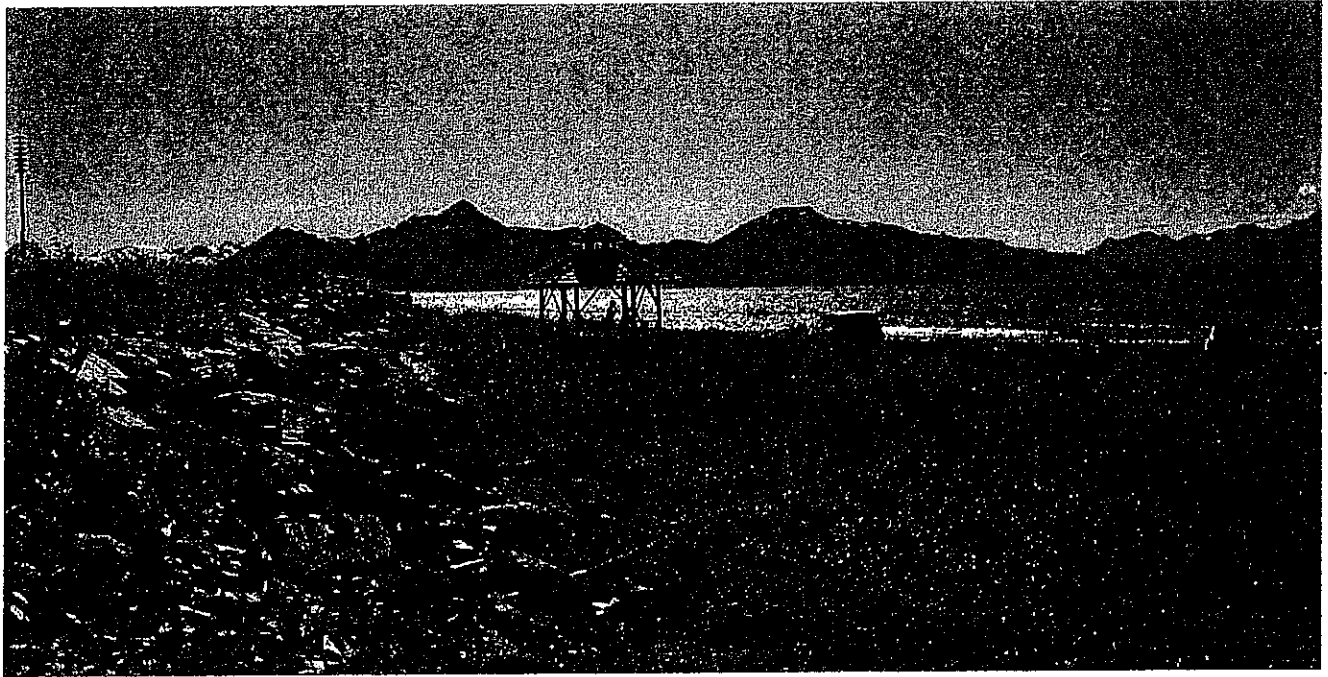


# Homer Spit

## Comprehensive Plan Goal:

Wise land management of the Spit and its resources to accommodate natural processes, while allowing fishing, tourism, other marine related development, and open space/recreational uses





### 3. Vision 2030

It is clear that the Homer Spit is a defining physical and social element of the larger Homer community and of Southcentral Alaska. Visitors and residents treasure this "jewel" of Alaska and its unique mix of art, culture, sport, recreation, retail business, and environmental assets.

The community wishes to protect and continue this mix, but at the same time wishes to promote commercial and maritime industrial vitality. Also, the community wishes to provide better connections for pedestrians and non-motorized users to improve access and safety.

This following section provides a vision for the Spit, but also recognizes some very important realities. One is that the Spit is unusual in that so much of it is owned by the City of Homer. In addition to standard municipal responsibilities such as parks and public facilities, the city also leases land to private companies. There are two types of goals that arise from this arrangement of land ownership:

"The Spit's unique landform and outstanding vistas give it character and attraction. Protecting the open space character, key viewing points, unblocked vistas, and open public access should guide any development considerations.

~ Public Input on Framework Plan

- 1) There are universal concepts and goals that apply to all lands regardless of ownership such as zoning; and
- 2) There are policies the City as a land owner should examine.

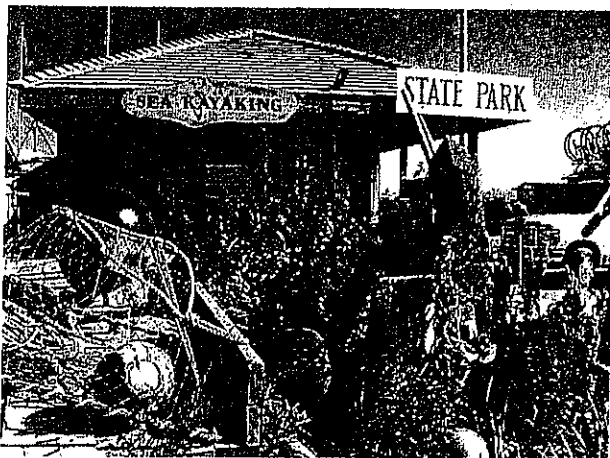
Another reality is that the City itself further manages its lands based on the way the land was purchased. The Port and Harbor is operated as an enterprise fund, meaning that general revenues such as city wide property and sales taxes are not used to support operations. Port money is used to purchase Port land and to benefit port operations, not the city as a whole.

This is a consideration when deciding upon future park areas, viewing platforms, and activities that do not generate money for the port, but are paid for solely by port users.

Taking these underlying land use and fiscal concerns into account, a vision is provided in the following section that respects the public's desires by framing realistic options and opportunities. Specifically, the vision is outlined in terms of four overarching categories with subcategories:

1. Land Use and Community Design
2. Transportation
3. Economic Vitality
4. Natural Environment

The vision consists of goals within each of these categories that can help guide decision making and provide a framework for final plan recommendations.



## 1. Land Use & Community Design

### Goals for Land Use and Community Design:

- 1.1 Maintain the variety of land uses that establish the unique "Spit" character and mix of land uses.
- 1.2 Improve the permanence and character of new commercial development.
- 1.3 Provide public facilities that attract residents and visitors to the Spit for recreational purposes.

1.4 All development should recognize, value, and complement the unique natural resources on the Homer Spit.

1.5 Respond to seasonal land use demand fluctuations.

1.6 Protect public access to and enjoyment of the Spit's unique natural resources.

This plan does not suggest major changes to Spit land use. The community appreciates the eclectic mixture of land uses and activities. The goal is to keep the character of the Spit and make minor changes to improve the experience and functionality of the Spit – the Spit should be a clean, safe and fun place to fish, walk, bike, sightsee, and shop, with a highly functional, efficient working harbor.

Traditionally, business owners have used creative solutions to solve problems; there is a desire to keep this independent spirit and sense of individuality. The Spit should avoid 'plastic' i.e. looking like Anywhere USA. There is very limited developable area; compact development will be key to future economic growth. Reduced building setbacks and parking requirements are possible solutions.

The minimum lot sizes are 6,000 square feet in the Marine Industrial (MI) District and 20,000 square feet in the Marine Commercial (MC) District respectively. These minimums are for new platted lots. The uniform size and grid pattern that this promotes does not make sense for all development on the Spit given the underlying curvilinear land form and the premium value of land.

Greater flexibility in lot size and building setbacks are possible solutions. The minimum lot size of MC could be reduced. Buildings should also be designed to maintain the human scale and preserve views of the surrounding bay and mountains. A combination of lower building height regulations and conditional use allowances for buildings up to 35 feet should be considered.

Another set of zoning issues on the Spit relate to what uses are permitted, or are conditional use. Several common commercial uses are



*Zoning should be adjusted to support Spit business owner's sense of individuality and unique character.*

conditional uses in the MI zones, such as restaurants. Although these existing measures help limit the potential overexpansion of commercial and residential development, more carefully tailored tools are desired that better address the demand for these uses, while preserving the waterfront and other fishing marine transportation and economic uses.

Another issue relates to existing parking requirements. A clear policy is needed regarding required off-street parking. Separate, private, off-street parking facilities can create more traffic and detract from the pedestrian environment. An alternative is to waive parking requirements in lieu of a onetime parking system contribution or assessment, or requiring annual permit purchases.

A final zoning consideration relates to the current required setbacks. Setbacks may be needed on the Spit in some locations to provide egress, fire access, and buffer between different land uses. In other cases due to the uniqueness of the Spit, with its very limited amount of developable land and very wide right-of-ways, reduced setbacks may be one way to accommodate future growth and create a denser pattern of development that also improves pedestrian access. This is especially pertinent when a landowner with multiple lots is interested in developing the sites in an integrated approach, such as the successful

commercial district around the privately owned boardwalks near Coal Point Seafoods.

Beyond zoning, each future land use has a number of issues and opportunities that need to be considered within the final comprehensive plan. These are addressed separately, followed by broad overarching goals for Land Use and Community Design.

### 1.A Industrial Development

The Spit has great potential for future industrial development related to the fishing, marine and shipping industries. Key issues include the need to:

- Better utilize the limited land available for industrial and economic development.
- Reserve sufficient land by the Deep Water Dock for future industrial development.
- Encourage development related to the fishing, fish processing, and boating industries.

Future industrial development should be clustered in specific locations as designated by the current zoning map in Appendix A. However, industrial activities can have deleterious impacts to scenic resources that are valued by the public. Selective screening of industrial land use should be considered where industrial activity takes



*Compact development, reduced setbacks, and integrated development approaches that cross lot lines—such as this private connected boardwalk—all help take better advantage of the Spit's limited landbase.*



*Better definition of traffic circulation and safety are needed to ensure safe functioning of the existing fish dock, ice plant and processing plants.*

place adjacent to other existing development and transportation routes. However, care must be exercised to ensure that screening does not then restrict views to scenic resources or limit the public to view areas and activities that add to the interest of the Spit, such as storage of crab pots.

The existing fish dock, ice plant, and processing plants are key economic generators on the Spit but they are potentially threatened by incompatible land uses. Furthermore, the mix of land uses in the area and the undefined circulation sometimes creates hazards to pedestrians and others that pass through. The public needs to be aware there are hazards in the area; signage can be used to discourage foot traffic. This area requires attention to provide for separation of uses and reservation of land for future industrial development.

The area east of the harbor basin by the Deep Water Dock is a bright spot in industrial activity on the Spit and receives high use. However, competing uses and traffic patterns may encroach into the activity in this area and create safety hazards in the future.

Finally, creep of commercial land uses into an industrial area should be avoided to reduce future options for marine industrial uses and harbor facilities. Marine industrial and

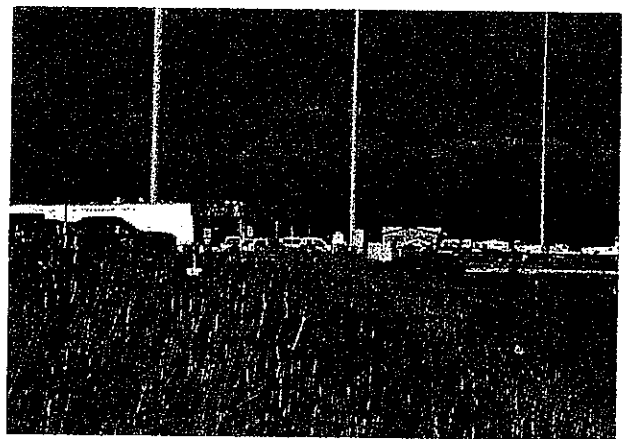
transportation are strategically important long term-uses, and commercial activity should be located to preserve future opportunities.

A related issue that is sometimes found difficult to address is the issue of how to regulate commercial versus industrial development. More definition is needed with respect to commercial use to address the character of commercial development as it has occurred on the Spit.

### **1.B Commercial Development**

Some commercial development on the Spit has contributed to a haphazard and "temporary" character, and blocked the view shed. Buildings should be no more than one or two stories to maintain a human scale and to preserve views of the surrounding bay and mountains. Sign size needs to be compatible and in scale with multiple buildings on one parcel. Developments should be encouraged to provide amenities such as benches, trash cans, planters, etc.

As more commercial opportunities are desired, the overslope area at the harbor basin offers excellent opportunities for commercial growth and a controlled and established character to the Spit. These opportunities are available in particular on the west and east sides of the harbor basin, which could accommodate 40,000 square feet of new overslope development. This level of leasable square footage devoted to small



*Overslope commercial development could expand alongside the harbor basin; preservation of views and limiting overexpansion are key issues.*



*A major seasonal land use is RV/tent camping. While there may be community concern about additional Spit lodging, camping and residential uses, these uses are already there.*

shops, restaurants, service businesses or other uses should be sufficient to meet demands well into the future.

While this opportunity could provide tremendous economic benefits, the impact to existing commercial areas and the character of overslope development must be carefully considered. The City of Homer should look into developing appropriate standards and design guidelines for new development to maintain the character of the Homer Spit, including how to maintain public views into the harbor.

### **1.C Resort/Residential Development**

In recent years, new residential condominium development was constructed on the Spit as a planned unit development. Strong community concerns over additional residential development were expressed at planning workshops. Concerns included the height of buildings blocking views and safety related to tsunami and flooding. Although some of these concerns and objections may be overcome through design, the concern over tsunami and severe flood/weather events is real.

Both formal permitted lodging facilities and campgrounds, and informal, unpermitted lodging and camping are present on the Spit. While there may be community concern about

additional lodging, camping and residential uses, the uses are already there. A residential option may be considered as part of the planning process. A clear policy is needed and appropriate regulations created and enforced to meet public health and safety concerns. Lodging and nightly rental facilities that may be permitted in the future can be located above existing and future commercial developments. By permitting these activities, the City can better regulate them and ensure facilities meet building, health, and safety codes.

### **1.E Parks and Recreation**

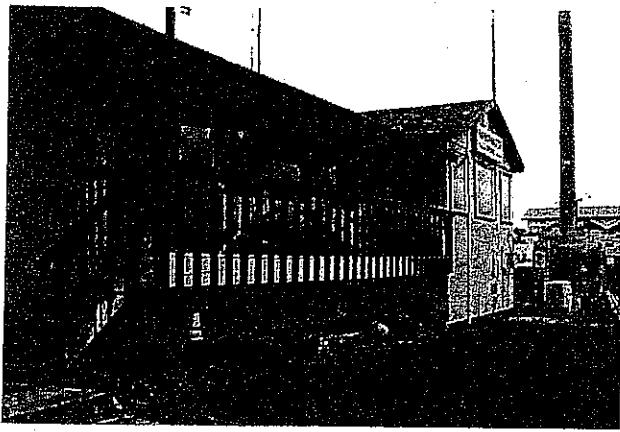
The public clearly expressed the high value placed on tidal habitat, beaches, and views available on the Homer Spit. These areas are not just important as habitat for a myriad of shorebirds, waterfowl, fish, mammals, and plant life, but are important to the identity of the community of Homer. Protection of these areas is a central consideration to any development or use that is allowed on the Homer Spit.

This planning effort recognizes the value of the natural environment of the Homer Spit by recommending continued preservation of this unique marine tidal habitat as conservation areas. In addition, public access to important use and viewing areas should be preserved, and where required, improved.



*By permitting lodging and nightly rental facilities above existing and future commercial developments, the City can better ensure facilities meet building, health, and safety codes.*





*The Harbormaster's office is in poor condition, is expensive to heat, and has limited parking. Relocating this use to the eastern side of the harbor would work well for that use and free up space for a public plaza or other use.*

A new community park and gathering area was a priority identified during the planning workshops. A possible site identified in the public process is a portion of the city campground between the fishing lagoon and Freight Dock Road, near Pier One Theater. The area was envisioned as a place for picnics, kayak load and launch, and other day use activities.

Another new park concept discussed is incorporating a central plaza into the busiest part of the Spit. The plaza includes a pullout for dropping-off passengers that can accommodate buses and vans, an attractive shelter, benches, bike racks, wayfinding and interpretive elements, and a restroom. The site could serve many first time visitors, charter and tour bus passengers by providing a logical site for meeting with excursion vendors. The site also could support a shuttle service for long-term parking or provide other transportation system links.

An ideal location for the plaza would be in the current Harbormaster's site, which could be relocated to the east side of the harbor. The Harbormaster's building is in poor condition and the eastern side of the harbor provides better parking and visibility.

Another priority identified in the written comments was a viewing area to watch the commercial fishing activities on the Fish Dock.

People like to watch what is going on, but need to do so in a safe place, away from forklifts and truck traffic. Potential locations include Coal Point Park or the southwest corner of the harbor and the steel grid.

Other improvements for existing parks include:

**End of the Road Park:** Provide a storm watch pavilion, restrooms, a fishing dock, better definition of the parking area and an improved turn-around for vehicles.

**Seafarer's Memorial Park:** It is suggested this park be expanded slightly to give it more prominence. This is another excellent location for a multi-seasonal storm watch pavilion and public restrooms.

**Coal Point Park:** The existing small park located adjacent to the Fish Dock has difficult pedestrian access given the lack of pedestrian connectivity to the harbor boardwalk and the safety hazards of walking along Fish Dock Road. The park has a parking area that is too big and a small, but wonderful green space with excellent views of the harbor and Fish Dock. A community discussion may be warranted about whether this park should be improved by expanding its greenspace and upgrading its amenities, or whether relocation would be more strategic.



*A new park is proposed to include a kayak launch. The photo above shows the Alaska Kayak School preparing for a winter outing.*



*Coal Point Park has a historical plaque dating to Alaska's Centennial in 1967.*

The now underutilized park is proximate to several key industrial sites and could provide needed restrooms to serve the fish dock, the wood grid and the fuel dock. This could be linked to parking for boat owners and/or Spit employees, which would remove them from the key activity zones.

If the park is relocated, potentially some of its historic elements that are salvageable could be incorporated into a better location. One option would be to create a central landmark plaza as described earlier, which could also serve as a drop-off and meeting site for visitors. Another option would be to move the park to the vicinity of the cruise ship arrival zone and include a rain shelter and Spit viewing platform looking across the harbor.

**Fishing Lagoon Improvements:** The Nick Dudiak Fishing Lagoon (also known as the "Fishing Hole") is a man-made marine embayment approximately 5 acres in size, stocked to provide sport fishing harvest opportunity. It is extremely popular with locals and visitors alike. During the summer when salmon are returning, approximately 100 bank anglers may be present at any one time between 7 a.m. and 10 p.m.

The lagoon embayment itself requires ongoing maintenance including removal of a gravel bar at the entrance, lengthen and increase the height of the northern-most terminal groin

using rip-rap armor stone from the City's small stockpile, rebuild the north berm using beach nourishment methods, dredge the lagoon approximately 3 feet to remove deposits from tidal action, and to plant wild rye grass sprigs to stabilize the inner basin slope.

**Mariner Park Improvements:** As one of Homer's most popular recreation areas, Mariner Park attracts campers, beach walkers, kite-flyers, trail users, birders, people with dogs, and others who come to enjoy the views and open-air recreation opportunities. Homer's growing population and tourist visitation are placing greater demand on Mariner Park, increasing the need for recreation and safety enhancements. Mariner Park needs to continue to identify and prioritize improvements, and analyze how the park fits into the community's recreational activities. Several improvements have been identified in the Capital Improvement Plan.

#### **1 F. Future Site Use Considerations**

A final issue, important to the Land Use and Community Design discussion, are whether City leased lands are being used for their highest and best purposes, and whether some less visually attractive uses can be re-located. A couple of key issues include:

**Dredge Spoils:** Currently, a lot of material is dredged from the harbor entrance and it must have a large dewatering area. This should be



*Large areas must be maintained on the Spit for seasonal de-watering of dredge spoils. When de-watering is complete, the vacant site above is used for staging and parking.*

considered when planning what to do with City owned properties, as planning and permitting for dredge spoils is a lengthy and complicated process. The City is working with ACOE on a long term dredge spoils plan.

**Lease Renewals:** As leases are renewed, particularly long-term leases, the City should consider how well the current use fits its specific parcel, and whether other activities might be better suited to the site. However, before displacing uses, impacts to the economic mix of enterprises on the entire Spit should be considered. As changes in use or lease re-negotiations are initiated, the following should be carefully analyzed:

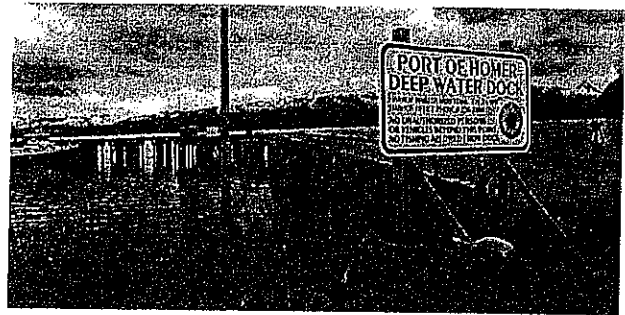
- How the displacement of an existing use will impact the overall commercial/land use mix;
- Whether a historic continuity of use on a site provides an important attraction for returning and future visitors; and
- Whether the economics of the proposed activity are proven and markedly more valuable to the community than the existing use.



## 2. Transportation

### Goals for Transportation on the Homer Spit:

- 2.1 Enhance and protect the Spit's critical role in regional marine transportation.
- 2.2 Improve traffic flow and safety on the Sterling Highway.
- 2.3 Provide adequate and safe facilities for pedestrians and bicyclists.
- 2.4 Provide improved multi-modal transportation on and to the Spit.



*Homer's Deep Water Dock provides a strategic port for large vessels. Although today it is primarily used for freight and cruise ship dockings, in the future it could get more use as the Northern Sea Route opens up.*

### 2.5 Improve organization, wayfinding, and management of parking.

### 2.A Marine Transportation

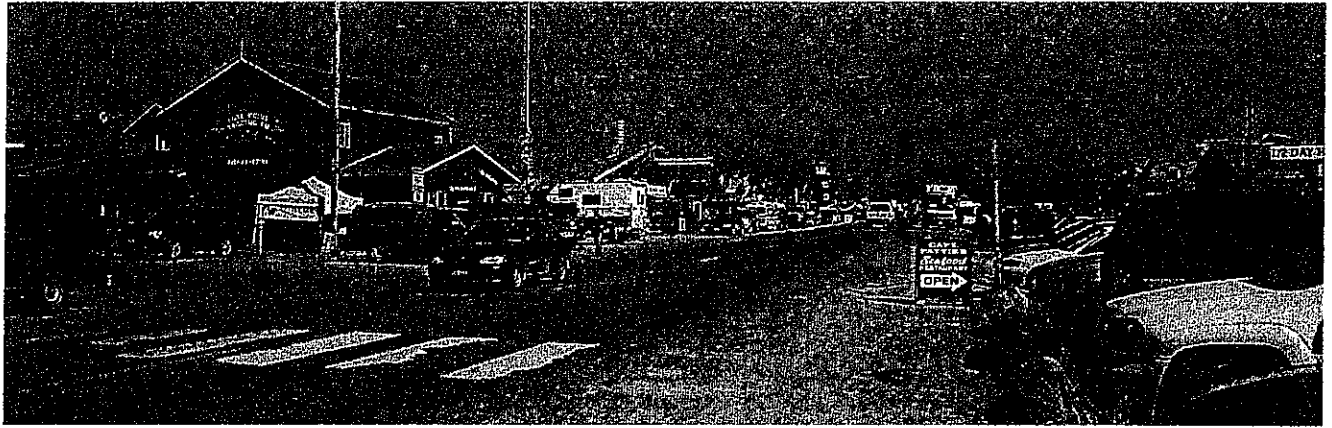
Comprehensive Planning for the Spit must take care as it addresses land issues to remember that the Spit is a critical regional marine transportation link. Maintaining infrastructure, and enhancing and expanding the port facilities, freight capacity, and multi-modal access links are critical.

Multi-modal refers to the ability to move people and cargo by more than one method of transportation, such as barge, truck, air and rail. These will provide for improved transportation of goods and materials in and out of Homer, and also help move people both regionally and along the Alaska's Pacific Coast.

### 2.B Road and Trail Access

The City of Homer should continue to work with DOT on use and management of the Sterling Highway right-of-way through the Spit commercial area. The proposed bike path extension was originally conceptualized to be located along the harbor basin. However, this concept creates conflicts with proposed overslope development, and safety issues with mixing bicycles, pedestrians, shoppers, and marina users.

An alternative concept would locate the bike path along the highway, with sufficient separation for the comfort and safety of pedestrians and careful placement of driveways.



*The separation of parking, pedestrian areas, and traffic could improve safety and wayfinding.*

The bike path, situated in a median of saw grass or a rain-garden vegetated catchment system, would add natural green space and create the opportunity to define specific driveway locations for the large parking area.

## 2.C Parking Management

This plan recommends a number of actions to organize and manage parking on the Spit. These ideas focus on parking management, separating as much as possible different long and short term parking uses, redefining parking areas, and charging a fee for long-term parking. Experimenting with what works on the ground is an important element of discovering how to balance and meet the needs of the users and landowners.

**Free Parking:** Free parking for 4 hours should be provided in key locations to support retail and commercial business on the Spit. The free parking areas should be patrolled during peak periods to enforce compliance and parking tickets issued for violations.

**Permit Parking for Slip Rentals and Employees:** Employees and annual slip customers should be issued permits for designated areas. The idea is to not necessarily charge a fee for this parking but rather to manage where this parking occurs. Parking for slip rentals is proposed adjacent to several of the marina ramps.

**Permits for Long Term Parking:** Fee permits for those who need to leave a vehicle on the spit for a longer term should be required. Under the

current situation, people can leave a vehicle parked in some of the busiest commercial zones for up to 7 days, and it is difficult to enforce this term. There is no incentive not to leave a car on the Spit for extended periods of time. There needs to be a long term parking solution.

**Compress the Existing Boat Trailer Parking Area:** Currently, an area larger than required is being used for boat trailer parking. Average daily use is approximately 80 to 100 trailers parked during peak summer season, falling to a peak of 45 during fall and spring months. However, up to 165 trailer parking spaces may be required during the winter king salmon derby.

The boat trailer parking area should be compressed for better utilization, enforcement of policies and maintenance. The area should be large enough to accommodate peak use. The land not being used for boat trailer parking can be available for future economic development, but making the area smaller now will help identify exactly how much trailer parking is necessary.

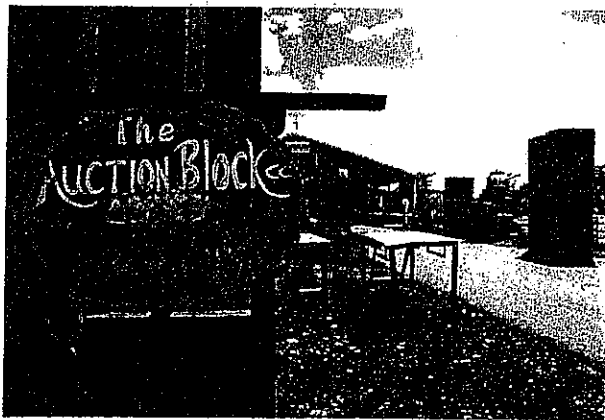
**Parking Signage:** Parking users need guidance and information to know where and how to park. Currently, parking areas are not clearly identified and policies are not well communicated. Clear identification of parking areas, occupancy rules and fees through an attractive, informative and consistent signage system will help resolve many of the parking problems. Information could also be provided at the launch ramp kiosk.

**Create Specific Parking Lot Entrances:** The large parking area that borders the west side

of the harbor is wide open and vehicles can enter the parking area anywhere. This creates unsafe turning movements and confusion in the parking lot. RVs are prone to hang up on the elevation change present alongside the Spit Road. To improve safety and efficiency, specific driveways should be created at key locations related to layout and traffic flows.

**Parking Management:** Parking facilities and land are valuable assets, especially on the Homer Spit, where land resources are limited. Public parking must be managed to balance the needs of the many different parking user groups. Consider creating a parking subcommittee to develop parking policies and improvement projects. Consider creating a mechanism to provide leases to private businesses to meet parking requirements.

**Loading Zones and Handicap Parking:** The commercial and retail businesses located on the Spit require numerous deliveries. Specific loading zones should be identified and designated. Handicap parking spaces are needed near marina ramps and retail areas. Specifically, handicap spaces are needed for the ramps on the east side of the harbor.



*The Auction Block's Spit storefront provides a fresh catch menu, and processed items in the store front. Its web-based auction is very popular with both fishermen and fresh fish buyers.*

### Goals for Economic Development on the Homer Spit

3.1 Improve the local economy and create year-round jobs by providing opportunities for new business and industrial development appropriate for the Homer Spit.

A draft land use plan and map have been prepared to present recommendations (Maps 3-5, pages 43-45) supporting the goals outlined in this chapter. The plan does not make sweeping changes to the existing development pattern or use of the Spit. It does address future use of underutilized property, designates specific areas for economic development, and provides for reorganization of land use to create a community park and gathering place.

#### 3.A Port and Harbor

The City of Homer has been attempting to secure funding for two major harbor projects including a Deep Water Dock expansion and Harbor expansion. Unfortunately, despite a long waiting list for smaller and mid-sized vessels, the Harbor expansion initiative has experienced a recent setback. The Army Corps of Engineers conducted an economic feasibility study of the project, funded by the State of Alaska, the Corps and the City of Homer. The results of this study do not look favorable for harbor expansion in the short term future.

The Port is a major economic asset to the community and continued efforts should be made

## 3. Economic Vitality

The 2008 Homer Comprehensive Plan contains a chapter exclusively on economic vitality. The goals and strategies of Chapter 8, Economic Vitality, may be applied to both the Spit and mainland area of Homer. The paragraphs following provide additional information gathered from the public meetings and comments.

to maintain the port and incrementally improve it. A long range plan for the port and harbor facilities is warranted; the last plan was completed in 1984. Significant improvements have been made since then, and it is time to look forward to the next 25 years of port operations, regardless of the success of the expansion project.

### 3.B Multi-Seasonal Use

The Homer Spit and Harbor provide a jumping off point for many community and regional events. Events such as the Winter King Derby, Shorebird Festival, and many others, draw locals and visitors to the Spit. As a winter city, Homer should create more opportunities to make the Spit a year round destination for both locals and visitors. However, walking, running, beachcombing, and bird and mammal watching are all activities that can be enhanced for all season use.



## 4. Natural Environment

The Homer Spit and Kachemak Bay offer rich coastal waters for marine habitat. The Spit is a premier destination for birding; waterfowl and seabirds alike populate the sparkling waters. Public comment during this plan emphasized the importance of the habitat to birds and marine mammals, and the economic benefits to the community. Preserving habitat is important to the environment and the local economy. The Shorebird Festival is an important shoulder season tourism event that draws many visitors. Many years have been spent acquiring and protecting habitat on the Spit. Most recently, the Exxon Valdez Oil Spill Trustee Council worked with the City to acquire land in the Louie's



*The Spit is a critical habitat area for 100,000 shorebirds in addition to other marine life. Local non-profits are playing an important role in helping to acquire and protect habitat zones.*

Lagoon area and create conservation easements. The Kachemak Heritage Land Trust has been instrumental in partnering with the City on this project and others.

This plan makes a distinction between places for people and places for wildlife. Open space and recreation uses are meant to be areas for "active" recreation by people – fishing, beachcombing with the dog, etc. Goals for open space and recreation can be found under section 1, Land Use and Community Design.

Conservation areas are meant for "passive" human use, such as bird watching and photography. Conservation areas are defined through zoning, conservation easements, the Beach Policy and the legal boundaries of the Kachemak Bay Critical Habitat Area. Conservation areas are important to manage because they are spaces intended to be protected for wildlife habitat. Habitat in Kachemak Bay is irreplaceable and there are few alternatives in the region. Where else will 100,000 shorebirds land in May and feed on specific beach life to fuel up for the continuation of their journey?

Harbor operations and boat owner habits also play an important role in protecting Kachemak Bay resources. The City of Homer supports the Alaska Clean Harbor Pledge, which is a list of best management practices to address topics such as



*An important aspect of protecting the Spit's natural environment is removal of derelict boats.*

cleaning agents, garbage, recycling, storm water and sewage management. Implementation of these practices will need to come from the Port. Boat owners also have a role in greener boating practices, and are encouraged to refer to the publication "Clean Boating for Alaskans."

Moreover, managing derelict/nuisance boats is a key concern both because of the environmental and sinking hazards of these vessels and because they occupy valuable moorage space. In 2010 a number of wrecking and disposal projects were completed including removal of the 450' Heavy Hauler barge.

Goal 4.1: Manage conservation areas and the natural resources of the Spit to ensure continued habitat and biological diversity.

Goal 4.2: Support environmentally responsible harbor operations by all user groups. Activities such as power washing and scarping, sanding and painting may not be allowed in the harbor in the future due to environmental regulations.

Goal 4.3 Manage storm water runoff.

Goal 4.4 Manage the Port as a working harbor, for recreational and working vessels, and remove the environmental hazard of "dead boats."



*There are many strategies for storm water management on the Spit including as rain gardens using native plants and driftwood, drainage ponds and ditches, retention of native vegetation, green roofs, and limiting of impervious surfaces.*





**CITY OF HOMER  
HOMER, ALASKA**

City Manager/Police Chief

**RESOLUTION 11-016**

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, APPROVING CITY PARTICIPATION IN THE KENAI PENINSULA BOROUGH OFFICE OF EMERGENCY MANAGEMENT COMPUTER AIDED DISPATCH PROJECT TO STEP SIX AS DESCRIBED IN THE WHITE PAPER DISTRIBUTED BY THE BOROUGH IN ITS JANUARY 24, 2011 PRESENTATION TO THE CITY COUNCIL.

WHEREAS, The Kenai Peninsula Borough Office of Emergency Management has received a grant to purchase and install Computer Aided Dispatch (CAD) equipment and software at its dispatch center in Soldotna and has offered to provide the same equipment and training to Cities within the Borough who provide dispatch services; and

WHEREAS, Installing a CAD system in Homer would improve dispatch service and enhance public safety in a myriad of ways which are described in Memorandum 11-013 from Chief Robl; and

WHEREAS, The Borough has distributed a white paper describing the CAD project which contained a proposal and recommendation on how cities could participate in the project and the terms and conditions of such participation; and

WHEREAS, The Homer City Council reviewed the white paper and heard a presentation from Borough officials at a Worksession on January 24, 2011; and

WHEREAS, The Borough has offered undecided cities an opportunity to obtain more information, including information about potential costs to be borne by the cities, by participating in the training and planning steps leading up to Aegis Build (Step 6) and data conversion; and

WHEREAS, The white paper stated that the cut-off point at which cities would have to decide whether to participate fully would be Step 8 which was later amended to Step 6 by the Borough at the Worksession.

NOW, THEREFORE, BE IT RESOLVED that the Homer City Council finds that it is in the City's best interest to participate in the initial planning steps as outlined in the white paper

and to learn more about the benefits and costs associated with the CAD project before making a final decision whether to participate fully; and

BE IT FURTHER RESOLVED that the Council authorizes City participation in the CAD Project to Step Six as described in the White Paper and requests that the City Manager and Chief of Police provide a report with recommendations at the time a decision to participate fully is required.

PASSED AND ADOPTED by the Homer City Council this 15<sup>th</sup> day of February, 2011.

CITY OF HOMER

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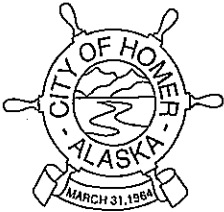
JAMES C. HORNADAY, MAYOR

ATTEST:

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JO JOHNSON, CMC, CITY CLERK

Fiscal Note: Overtime, lodging, and per diem estimated at less than \$3,000, Acct. # 100.161.5603.



# CITY OF HOMER

## POLICE DEPARTMENT

4060 HEATH STREET HOMER, AK 99603-7609

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

### **MEMORANDUM 11-013**

**DATE:** January 19, 2011  
**TO:** Walt Wrede, City Manager  
**FROM:** Chief Mark Robl  
**SUBJECT:** Support of the Kenai Peninsula Borough CAD Proposal

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We are in support of the Kenai Peninsula Borough's offer to supply a CAD (Computer Aided Dispatch) system to Homer Police Department for the following reasons:

- A. The opportunity to acquire a CAD system for the proposed costs (discounting the unknowns that will be later quantified to be feasible or not). This cost is much less by several thousands of dollars, than what we would be faced with if we were attempting to purchase a system individually.
- B. This CAD system will provide a platform for future and current technologies. A few examples are:
  1. CAD will integrate seamlessly with the future acquisition of the Priority Dispatch ProQA software for Emergency Medical Dispatch, to be purchased and installed with a Homeland Security Grant which was recently approved by council.
  2. We currently have a TRACS software program supplied by the State of Alaska that allows officers to produce accident reports and write tickets with all pertinent information from their vehicle through a mobile data terminal. We are scheduled to add mobile data terminals to all of our vehicles through a direct state grant this year. The CAD system will be able to communicate with these terminals, providing a more rapid exchange of information between officers and Dispatch.
  3. CAD will provide the ability to receive and send multimedia information (text messages, pictures, videos, etc.) in regard to emergencies and or crimes in progress (Next Generation 911, a digital, Internet Protocol (IP)-based foundation for the delivery of multimedia 9-1-1 "calls.") to our field units.
- C. Uses an operating system that now has become the industry/national standard since the September 11<sup>th</sup> attack and the lessons learned from that attack (XML).

- D. Technology is changing at an ever increasing rate, as are the abilities and expectations of the general public. The XML based CAD system will provide a platform that will interface with current and future technologies. Next Generation 911 and its eventual arrival/use in Alaska is an excellent example as is the use of Mobile Data Terminals for more rapid information relay and response times.
- E. Finally, we support this proposal and its offerings because we are being given the opportunity to experience firsthand, the "unknown" financial factors in this proposal without penalty. The borough has given us the option of participating up to step 8 of this project without cost other than staff time. We will be able to assist in the build out, get a clearer picture of time/overtime requirements, and get other now "unanswerable" questions answered. We will still have the ability to turn down this offering or shelf it for a later time, should we find it too costly or unfeasible.
- F. I request council permission to participate in this project until step 8. I intend to drop out if the cost of staff time involved exceeds our current budget limitations. After we have reached step 8 I will brief the council on the anticipated and projected costs of going forward.

KENAI PENINSULA BOROUGH

# Computer Aided Dispatch and Municipal Based PSAP Participation

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A Policy Whitepaper for the Kenai Peninsula  
Borough

11/10/2010

This is an attempt to provide a framework that municipal based public service answering points can use to determine their participation in the Kenai Peninsula Borough's computer aided dispatch (CAD) project.

**Computer Aided Dispatch and Municipal Based PSAP Participation  
A Policy Proposal**

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## **Computer Aided Dispatch and Municipal Based PSAP Participation A Policy Proposal**

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The Kenai Peninsula Borough has embarked on a Computer Aided Dispatch implementation. The scope of a CAD implementation (at this writing) has not been established. This is to say that the municipality based public service answering points (PSAPS) have not decided as to whether or not they will participate in the CAD implementation.

### **1. The Issue:**

The uncertainty of CAD's implementation scope needs to be addressed to the point that the project can carry forward. It is in everybody's best interest to clarify a framework that would allow for municipal-based, public service answering points (PSAPS) to decide if they would like to utilize the services of the CAD solution. It isn't practical for the Borough to demand an immediate decision, especially with the lack of information provided to the municipal based PSAPS. The Borough's responsibility is to provide a framework in which the municipal based PSAPS can reach a decision that serves their best interests. It is the intention of this document to present a rational decision making framework for these PSAPS.

### **2. Background:**

Over the course of the last several years the E911 public safety operations has been undergoing a substantial upgrade in their service platform. This started with the Soldotna PSAP moving into their new location in Soldotna. That was followed by replacing a failing, proprietary, 911 phone system with a Voice-over-IP, network centric call taking system.

At this juncture the Kenai Peninsula Borough found itself in the position to utilize several grants to implement a Computer Aided Dispatch system (CAD). Last spring the Borough issued a request for proposal and received four responses from the market place. The Borough formed a selection committee to review the RFPs. The selection committee elevated two finalists. The two finalists were asked to provide a live "proof-of-concept" demonstration of their product. This took place during the June timeframe. PSAP administrators, public safety responders, and interested parties were invited to attend these sessions that took place in Soldotna. From these sessions a final selection was made and intent-to-award letter was issued to New World Systems.

At this writing the Borough has finalized contract negotiation with New World.

## **Computer Aided Dispatch and Municipal Based PSAP Participation A Policy Proposal**

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### **3. Considerations in Making the Decision**

All the PSAPS, regardless of their call volume, utilize some form of a dispatch system. At this point though, no PSAP on the Peninsula has a "computerized" dispatch operation. This is to say that all Peninsula based PSAPs currently employ some form of a "pencil and paper" system.

As stated earlier this document's purpose is to provide a decision framework for the municipal based PSAPs. To build this framework we need to discuss and consider a set of issues. These issues form the foundation for this decision framework. For some of these issues it is the Borough's responsibility to provide clear resolution (i.e.; resolving upfront cost responsibilities). For other issues the responsibility falls on the municipal based PSAPs to recognize and resolve them (i.e.; an honest evaluation of need).

The basic considerations:

1. Evaluating need.
2. Resolving cost responsibilities.
3. Understanding and accepting hidden costs.
4. Coming to terms with the project timeframe.

#### **3.1. Evaluating need:**

Do the municipality based PSAPs want CAD? Do they need CAD? One thing is apparent. CAD, as a formal computer-based tool, carries with it varying degrees of necessity. For a PSAP, with the call volume of Soldotna's, the tool is long overdue. No other PSAP in the State, that operates at the call volumes that Soldotna does, operates without a "formal" computer aided dispatch system. Soldotna's need for CAD is only amplified by the numbers and variety of agencies they dispatch.

Yet, while Soldotna's needs are certain, that assumption cannot be applied to the other PSAPS. During the process of evaluating potential CAD vendors it became clear that a computer-based CAD system will likely alter a PSAPs business practices (in some cases subtly, in some cases not so subtly). The procedure for handling an E911 call will definitely change with the addition of CAD. CAD will present capabilities that will in turn demand additional practices and procedures to augment those capabilities. CAD may even force the PSAP administrator to examine segregation of duties at some point in the future.

The question the municipal-based PSAPs need to ask themselves is "Is it worth it?". Some PSAPs may find that, at their staffing levels, CAD induced changes bring negative impact to their business practices. On the other hand they may find that computer-based CAD will bring cost



## **Computer Aided Dispatch and Municipal Based PSAP Participation A Policy Proposal**

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effective efficiencies that may make them wonder how they did without it. This type of operational analysis can only be done at the root level.

While the municipalities are evaluating need they should also consider the impact beyond the immediate. They may need to expand their analysis to include their responder base. CAD brings with it an element of information sharing for the responders. This can take the form of secured web-based access of incident information as well as vehicle based CAD units (commonly referred to as MDTs –mobile data terminals). This later feature is predicated on wireless network availability (which may be more prevalent in markets where the tighter confine make it more feasible, such as a city). While mobile responder based CAD is outside the scope of this immediate project a municipal based PSAP may want to consider its potential value at this decision point.

**Summary:** The need for a CAD system cannot be assumed. Its value must be qualified and this can only be done by the municipality itself.

### **3.2. Resolving cost responsibilities:**

Cost is no doubt pivotal in a municipality-based PSAP's assessment. Fortunately these numbers are easy to quantify. Typically the upfront, "obvious" costs in a project like this are:

- a. Hardware costs.
- b. Initial software licensing.
- c. RMS Interfacing.
- d. Ongoing maintenance costs.
- e. Network support.
- f. Server support
- g. Training costs.

**3.2.1. Hardware Costs:** As we analyze hardware cost we see that the vast majority of these costs are concentrated centrally. Allow me to explain. The system we've selected, New World, is designed around a central service distribution concept. This is to say that most of the processing (heavy lifting) is done on servers at a Borough, network central, location. One centralized set of server based architecture, along with another centrally located set of redundant servers, handles the vast majority of CAD processing for

## Computer Aided Dispatch and Municipal Based PSAP Participation A Policy Proposal

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the entire system. In a project of this scope the number of participating PSAPS does not have a big hardware impact. The cost for this centralized build-out makes up the overwhelming majority of the hardware costs. This leaves the cost of workstations as being the only hardware relevant consideration for the inclusion of municipality-based PSAPS. At current projected hardware costs a two (2) seat municipality-based PSAP's workstations would represent less than 2% of the total overall hardware costs.

**Summary:** The Borough will cover the cost of two workstations for the municipality and all hardware based CAD service delivery elements needed for application functionality. CAD service delivery elements would include any element of the network infrastructure or server component needed to bring core functionality to the municipality.

**3.2.2. Initial software licensing:** The framework for the initial software licensing follows closely to the hardware proportions. New World licenses their product with the major emphasis on functionality components and minimizes seat count licensing. This is to say that very little of the overall licensing costs are relevant to the inclusion of a municipality-based PSAP. The licensing costs to include a two station PSAP would amount to 5.3% of the total licensing costs. The Borough has purchased enough licenses to cover two seats at each municipal based PSAP. If at some point in the decision framework the city chooses to decline participation then those relevant licensing monies will be applied to other areas of product functionality (i.e.; future mobile costs).

**Summary:** The Borough will provide the licensing needed for the PSAP's two workstation participation in the CAD system. In addition the Borough will provide the licensing for the core functionality of the system (in essence everything the PSAP needs from a licensing perspective).

**3.2.3. RMS Interfacing:** As stated, CAD systems are designed to collect 911 call based information, enhance the service to the caller, and manage the response effort. They are not designed to comply with mandated reporting requirements and general analysis needs. That is the responsibility of a Records Management System (RMS). The RMS typically draws upon (imports) information that is initially collected by the CAD system. Once that information is resident within the records management system the agency is free to add and embellish it to meet their required needs (i.e.; follow up investigative work, specifics regarding incident resolution, etc.). This relationship implies that it is beneficial to have a one-way, **automated**, interface between the CAD system and the RMS of choice, if for no other reason than to eliminate redundant data entry.

## Computer Aided Dispatch and Municipal Based PSAP Participation A Policy Proposal

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There are many RMS systems on the market and furthermore there is an extensive variety utilized within the Peninsula. The range extends from pencil and paper, Excel spreadsheets, to formalized systems. Furthermore it appears to be prevalent that each individual responder has the latitude to select the RMS of their choice.

There has been an effort after September 11, 2001 to standardize emergency response information sharing amongst agencies. Unfortunately that effort does not appear to have fully evolved. As a result, effort (expended resource) is required of both the RMS provider and the CAD provider to consummate this desired automatic interface.

The CAD vendor that the Borough selected optionally offers a formatted file interface (XML) that the RMS vendors can import. This file contains comprehensive information pertaining to the emergency incident and offers a substantial "bootstrap" in entering incident information into a RMS. Furthermore the CAD provider will offer standard transport mechanics (secured FTP, or secured Web Services). Additionally they will collaborate with the RMS provider to develop the interface framework, design transfer frequencies, and test the interface.

It must be clearly understood though that the burden of loading the transferred information into the RMS is that of the RMS vendor. Once again CAD will differentiate the agency's information from other CAD information, format and extract it, and make it available. After that the RMS vendor is the only one who can populate their exclusive file structures.

It should also be mentioned that the Borough will also provide secured web based access to incident information via the internet. This information will be filtered relevant to a user's logon credentials so that they can only see information relevant to their agency. This may serve as a form of a RMS to smaller agencies that do not employ a full featured RMS.

**Summary:** The Borough will cover the cost of the CAD vendor's effort in the RMS integration development (filtering and providing the relevant data). Each municipality / responder owns and is responsible for maintenance and support to their individual RMS. This may either be through a contractual arrangement or a time and materials basis. Because these arrangements are numerous and varied and because the business relationships are previously defined it will be the municipalities' responsibility to assume any costs that their RMS charges for the importation into their RMS. It will be the responsibility of the municipalities to oversee and manage the efforts of their respective RMS providers in this effort.

## Computer Aided Dispatch and Municipal Based PSAP Participation A Policy Proposal

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**3.2.4. Ongoing maintenance costs:** Maintenance costs reflect an annual charge for product upgrade and technical support. From a practical perspective these costs are not discretionary. New World supplies the first year of maintenance at no charge but this isn't exactly what it appears to be. The free year of maintenance starts with the delivery of the product to the site, not the actual "go-live" date. This can be upwards of a six month overlap. The users of this system will see the invoice for the second year of maintenance come due mid-way through the first year of functional use.

Maintenance and support costs proportionally follow the same framework that product licensing does. That is to say that the cost formula for maintenance charges is predicated primarily around the central service component of the product with only a small fraction relevant to the endpoints (i.e.; PSAP workstations). A PSAP relevant percentage of the cost is approximately xx% of the total maintenance charge.

It must be stated that maintenance costs are operational costs and thus outside the scope of grant funding. Any proposed long term financing of this cost would need, at the very least, Assembly consideration.

**Summary:** The Borough will seek Assembly approval to cover the maintenance costs for cities for the first five (5) years of system use. At the conclusion of that time the municipalities and Borough will reconsider the issue.

**3.2.5. Network cost and support:** As stated earlier, New World uses a centralized application service concept. This places a great deal of responsibility on the network element to deliver the processing results to the outlying area (workstations). Typically in projects like this, network build costs represent a huge element of the overall cost. We are fortunate here. Several years ago the Borough and PSAPs implemented a new E911 call taking system. This system uses "voice-over-IP" to deliver E911 calls. This means that these mission critical calls are being delivered over a data network. This network is exclusive to public safety based traffic and was over-built because of its mission critical usage. This network's end-points are the same PSAPs that the CAD traffic would be delivered on. The reoccurring costs for this network are directly absorbed by the Borough within current arrangements. In addition all support and maintenance of the network is the responsibility of the Borough.

**Summary:** Because of the network need for centralized management, the fact that the network is in-place, and reoccurring costs are an existing Borough responsibility; any network costs relevant to CAD will be absorbed by the Borough. This responsibility will

## Computer Aided Dispatch and Municipal Based PSAP Participation A Policy Proposal

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extend to the switch ports at the local PSAPs. Local wiring issues within the premises will be considered a PSAP responsibility.

**3.2.6. Server cost and support:** In this centralized service architecture the servers play a crucial role. Regardless of participation scope these servers are integral to system functionality.

**Summary:** The Borough will acquire and maintain all servers needed for application functionality, as outlined in the RFP.

**3.2.7. Training costs:** The basis for training in this system is the "train the trainer" concept. This is where the vendor extensively trains selected users in system functionality. In turn this individual(s) is responsible to conduct training at the root user levels or wherever applicable. The real consideration for the municipal based PSAPs is staff overhead issues (see 3.3.2. Considerations: Understanding and accepting hidden costs: The cost of localized administrative overhead and staff commitment).

**Summary:** The Borough will guarantee to the cities at least one seat (more if feasible) to all train-the-trainer classes as well as any other training that takes place within the scope of the formal project. Non "train-the-trainer" instruction will be made available to all dispatchers within the timeframe of the project. Training costs beyond the time frame of the project will be the responsibility of the pertinent municipality

### **3.3. Considerations: Understanding and accepting hidden costs.**

It is imperative that the Borough help the municipality-based PSAPs uncover these "not-so-obvious" costs and understand their impact. This type of resource expenditure is uniquely localized to each PSAP. What follows is a list of likely cost considerations that could have localized impact:

- a. Physical premise constraints.
- b. Administrative overhead and staff commitment.

## Computer Aided Dispatch and Municipal Based PSAP Participation A Policy Proposal

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- c. Basic local information technology support costs.
- d. Ongoing training costs.
- e. Future Enhancements and Interfaces

**3.3.1. Physical premise constraints.** Many of the regional PSAPs are located in buildings where space is at a premium. A CAD implementation will further exacerbate this issue. It will introduce two additional desktop computers, each with two displays at each call taker station. These workstations will bring with it wiring needs. The wiring, in and of itself, isn't huge but in the context of an environments where wiring is already an afterthought it certainly warrants local consideration. The PSAPs will need to evaluate their space concerns carefully in that it may be the mitigating factor in their decision.

**3.3.2. Administrative overhead and staff commitment.** It is common for multiple jurisdictions (PSAPs) to reside within the common framework of a single CAD system. In spite of this consolidated model, today's CAD vendors understand the need for high levels of autonomy for each jurisdiction within this framework. This level of autonomy places a burden on each PSAP administrator to understand the system thoroughly from an administrative perspective. This understanding is critical because each PSAP will design tables, build work flows, and establish presentation layouts that complement their specific business process. This is typically referred as the "administrative build". A PSAP's commitment to the design and development of the administrative build represents a substantial time commitment. Typically this commitment is in the form of a trusted, admin level, employee being dedicated to the project for a substantial number of hours. This level of commitment has been echoed by virtually every jurisdiction we've talked to in the country that have been through a CAD project.

The PSAP staff member must be capable of making design decisions relevant to that specific PSAP's business process. Not acknowledging the magnitude of this investment typically leads to unmet expectations and project failure. Today it is more common place that the administrative build commitment is a contractual requirement made to the vendor, prior to the start of project. The Borough anticipates that its PSAP admin will need to back fill their position to meet this obligation.

At this writing the Borough cannot offer a specific time requirement needed from the municipal based PSAP admin. This aspect will become more apparent in the planning phase of the project.

## Computer Aided Dispatch and Municipal Based PSAP Participation A Policy Proposal

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**3.3.3. Local information technology support costs.** As previously mentioned the Borough will provide support for centralized services and distribution of those services (i.e.; servers and networks). Beyond this level of support there is another element of support to consider. That is the physical support of the workstation. Typically this is referred to as "break / fix" support. When hard drives fail they will need replacement and system rebuilding. When screens become nonfunctional they will need to be replaced.

We will propose that the municipalities provide their PSAP's any break/fix support needed. The Borough and the vendor will, never-the-less, need to provide some aspects of workstation support. The vendor will obviously be supported the application on the workstation. The Borough's commitment to workstation support will be to insure workstations are safe from virus and malware threats via network delivered management (as well as protecting the rest of the network from a compromised local segment. These forms of management are best executed in a network setting.

As CAD evolves into the future there may even be more relevant implications. If a PSAP chooses to place CAD capabilities in responder vehicles then that would unveil a whole new user segment (responders) and new hardware forms (MDTs) that will require localized support.

The municipal based PSAPs will need to provide break / fix IT support at the local level. This will include the labor and cost of replacing individual hardware components. This will extend to replacing total workstation units as they age beyond the point of useful functionality.

**3.3.4. Ongoing training costs.** Ongoing training refers to training costs after the timeframe of the formal CAD project. Ongoing training isn't a new phenomenon to the PSAPs. It is safe to assume that the benefits that a computerized base CAD system brings will also demand a substantial knowledge spin-up for new employees. Adding a formalized CAD process to the operation would certainly expand the training commitment. The municipal PSAPs would be responsible for training costs beyond the timeframe of the CAD project.

## **Computer Aided Dispatch and Municipal Based PSAP Participation A Policy Proposal**

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**3.3.5. Future Enhancements and Interfaces.** Last of all, if a municipal based PSAP participates in the project they should be aware that there may be future cost considerations within the system itself. For example a change or upgrade in a municipality's Record Management System (RMS) would likely mean out-of-pocket costs to the CAD vendor for interfacing the systems.

There is also functionality that the chosen CAD vendor offers that is outside the scope of this project. An example of such is the mobile responder element. If a municipal based PSAP chooses to adopt additional functionality, and it is exclusive to them, then the likelihood is that they would be financially responsible.

### **3.4. Coming to terms with the project timeframe.**

The last issue regarding the project is one of time. Because of grant constraints the project must be completed within a defined time frame. The last grant expires in late summer / early fall of 2011.

By any definition this is an aggressive timeframe. The project needs to move forward if it is to have any chance of success. Unfortunately this time constraint doesn't lend itself to the municipal based PSAPs making a CAD participation decision. Based on their brief exposure the prudent choice may be to reject participation.

What the Borough will do:

1. Move aggressively forward with the implementation.
2. Design into the implementation a means in which an uncommitted PSAP can fully participate as if they were fully vested in the project. This allows the uncommitted PSAP first hand insight into CAD functionality and allows them ascertain benefit and applicability. The PSAP would carry with it the same responsibilities to the project that a fully committed PSAP would. The cost to the municipal based PSAP would be a substantial commitment in staffing time.
3. Design into the project schedule a decision point in which the municipal based PSAP must declare the intention to the project. If they choose to go forward they will have already made a substantial investment in the upfront time needed for successful project implementation. Also if they choose to go forward the Borough will make the necessary commitments to the PSAP as defined in the policy.



## **Computer Aided Dispatch and Municipal Based PSAP Participation A Policy Proposal**

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### **4. Action Blueprint for Municipal PSAPs**

If the administration of a municipal based PSAP has determined that there is no value in CAD participation then that decision will be honored. If at some point down the road the municipal based PSAP feels CAD would be a tool they need the Borough will welcome their inclusion. If this was to take place there would be ancillary costs, incurred by the municipal based PSAP. An example of these ancillary costs could be purchase of new workstations, vendor costs from the provider to assist in the implementation, and training costs. No doubt these ancillary costs would still represent a substantial bargain if those are the costs to bring tier one, CAD functionality to their operation.

If a PSAP isn't sure that CAD is for them then they first need to explore their needs and evaluate the hidden cost elements that were explained earlier. If the municipal based PSAP cannot come to terms with these issues then that would indicate that they are not ready to move forward. Once again that doesn't preclude them from PSAP participation in the future. Rather it would mean that their integration would be done outside the scope of this grant driven effort.

On the other hand, if the considering PSAP is undecided the Borough would offer them a decision points that would occur within the heart of the project. This is to say the considering PSAP will make all the commitments to the project as if they were planning to adopt the product. These commitments would include staffing time in RMS interface planning, build design participation, etc. This will require substantial commitment from a decision level PSAP staff member and they will be considered a full participant from a team perspective. Their input and contributions will not be diminished because of their undecided state. At some point a commitment will needed to be declared. I would recommend that no later than step 8 of the project (Step 8 -Provide Customer Agreement Deliverables) that a PSAP declare their intention.

At this writing calendar specifics are not in place but step 8 represents approximately 60% through the process (see Appendix A Sample Project Plan). By step 8 the municipal based PSAP should have an extensive insight of CAD. This insight, coupled with the following proposed policy, that clearly defines cost responsibilities, should give the municipal based PSAP all the tools to make a responsible decision.

## **Computer Aided Dispatch and Municipal Based PSAP Participation A Policy Proposal**

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It is understood that an uncommitted municipal based PSAP can decline out of the project at any time up to step 8. If an uncommitted PSAP does not fully participate in the project up through step 8 then that shall be construed as declined participation.

Finally it is possible that the scope of participation could impact scheduling. The portion of the project that is most affected would likely be the go-live scheduling. We may find that a graduated go-live is the best solution where the Soldotna PSAP goes first and the subsequent municipal based PSAPs follow. This will be determined in the planning phase.

### **5. The Proposed Policy:**

Because of the timelines the Borough needs to move aggressively forward. Yet at the same time we need to be sensitive to the business decision we're asking the municipalities to make. We need to clarify their decision making by being definitive in expectations and requirements. What follows is a basis for a proposed policy:

**It will be the responsibility of the municipalities to determine their need for CAD and the impact of CAD on their business operations. The Borough will make every effort to assist or provide needed information. The municipality shall be solely responsible for their findings.**

**The municipality will also be solely responsible for all costs CAD may incur that are not specifically defined as Borough responsibility in this document (or MOU). Those costs may be, but not pertain exclusively to, premise issues, system administration, staffing, basic IT costs, ongoing training, and future system enhancements exclusive to their use.**

**The Borough will aggressively move forward with the project yet still make every effort to extend the decision making time frame for undecided PSAPs.**

**Contingent on a municipality fully participating in the project, up to the point they declare their intention (participation specifics to be defined in the project planning phase) the Borough will extend that municipality the opportunity to defer their decision to participate to no later than step eight of the fourteen step project (specific date of step 8 will be determined in the project's planning phase). If the municipality declares their intent to participate by step 8 the Borough will:**

- 1. Cover the cost of two workstations for the municipality and all hardware based CAD service delivery elements needed for application functionality. CAD service delivery**

## **Computer Aided Dispatch and Municipal Based PSAP Participation A Policy Proposal**

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- elements would include any element of the network infrastructure or server component needed to bring base functionality to the municipality.
2. Cover all initial licensing costs for basic CAD functionality as billed by New World Systems.
  3. Provide support for the network functionality that the CAD system runs on. This would include the cost of switches and routers as well as troubleshooting and support.
  4. Provide at least one seat (at a minimum) for all training that New World will provide to the Borough. This will be "train the trainer" based training so the assumption is that the individual will be the municipality's CAD trainer. The option to participate in training will be left open to the municipality based PSAP, even if they do not declare their intent to participate by step 10 of the project.
  5. Assume the cost of providing incident based data to the agency's RMS for their integration into said system. It will be the municipality's responsibilities to work with their RMS providers to assume integration costs from that point forward.
  6. Pay for maintenance and support costs through year five of system use. This only applies to maintenance costs relating to system functionality as stated in the original RFP. The Borough reserves the right to reconsider this option at the end of year five of the product's use.

The option to participate will be extended to the municipalities beyond step eight of the grant based project. If the municipality chooses to declare their participation after step eight of the project the above offerings cannot be guaranteed.

If the municipality chooses to participate they will be responsible for all other costs, including, but not limited to, those referenced in this document as hidden costs (building space, system administration, break / fix IT support, and ongoing training costs).

If a PSAP chooses to participate the Borough will work with the entity to determine a go-live date. This date may be after the Borough sponsored PSAP goes live. Go-live expenses that may incur after the grant based project may be the responsibility of the municipality.

## **Computer Aided Dispatch and Municipal Based PSAP Participation A Policy Proposal**

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### **6. Impact on the Memorandum of Understanding**

Initially a memorandum of understanding (MOU) was developed to serve as the basis to negotiate a working CAD agreement between the municipalities and the Borough. I would argue that the MOU still serve as the basis of agreement.

The question is, if this proposed policy is accepted, how would it impact the MOU?

The answer is that this proposed policy is very consistent with the language in the MOU. While the MOU can serve as a formal declaration of agreement the policy actually serves as a detailed white paper, whose role is to delineate and clarify.

One area that may need minor review is section 8. Section 8 of the MOU speaks to equipment ownership. It says that all equipment "purchased by the Borough shall remain property of the Borough". This is well and good but if a workstation breaks we're requiring the city to provide the parts and labor to fix it. It may be best if we leave section 8 out altogether.

## Computer Aided Dispatch and Municipal Based PSAP Participation A Policy Proposal

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### Appendix A. A Sample Project Plan (no detail)

Note: The dates in no manner reflect actual dates. Those will be ascertained in the plan phase. Appendix A serves to give the reader a proportional sense of the overall project. In addition the actual project plan will detail each step extensively.

## Kenai Peninsula Borough, AK CAD Project

### Project

<b>Start</b>	12/1/2010
<b>Initiation Phase</b>	
1 - Conduct Kick Off Activities	12/10/2010
Approval to Proceed To Planning Phase	12/10/2010
<b>Planning Phase</b>	
2 - On-Site Discovery/Planning Meeting	12/20/2010
3 - Perform Software and System Analysis	12/27/2010
4 - Complete and Approve Project Plan	1/10/2010
Approval to Proceed to Construction Phase	1/10/2010
<b>Construction Phase</b>	
5 - Technical System Setup	1/20/2010
6 - Aegis Build	4/21/2010
7 - Data Conversion (not required)	4/21/2010
8 - Provide Customer Agreement Deliverables	5/11/2010
9 - Perform Functional Design Review	5/19/2010
10 - Verify and Validate Readiness	6/10/2010
Approval to Proceed to Transition Phase	6/10/2010
<b>Transition Phase</b>	
11 - Conduct User Training	6/17/2010
Agreement to Go Live	6/17/2010
12 - Conduct Go-Live	6/30/2010
13 - Post Go-Live Activities	7/21/2010
Approval to Proceed to Closing Phase	7/21/2010
<b>Closing Phase</b>	
14 - Transition to Account Management	7/25/2010
<b>Project Complete</b>	7/25/2010

## Computer Aided Dispatch and Municipal Based PSAP Participation A Policy Proposal

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### Appendix B. SSMA (maintenance) Cost Projections

5-Year SSMA Cost Impacts Regarding Municipal based PSAPs	
Cost per year for workstation	\$ 1,200.00
Cost per year for PSAP (2 workstations)	\$ 2,400.00
<b>KPB with No Municipal Based PSAPs</b>	
Total 5 year cost - just KPB (8 workstations)	\$ 192,366.00
<b>KPB with One Municipal Based PSAPs</b>	
Total 5 year cost KPB + 1 additional PSAP ( 8 + 2 workstations)	\$ 201,966.00
5 Year cost of additional PSAP	\$ 9,600.00
Percentage of total expended for 1 additional PSAP	4.753%
<b>KPB with Two Municipal Based PSAPs</b>	
Total 5 year cost KPB + 2 additional PSAPs ( 8 + 4 workstations)	\$ 211,566.00
5 Year cost of 2 additional PSAP	\$ 19,200.00
Percentage of total expended for 2 additional PSAP	9.075%
<b>KPB with All Municipal Based PSAPs</b>	
Total 5 year cost KPB + all PSAPs ( 8 + 6 workstations)	\$ 221,166.00
5 Year cost of 3 additional PSAP	\$ 28,800.00
Percentage of total expended for 3 additional PSAP	13.022%

## **Computer Aided Dispatch and Municipal Based PSAP Participation A Policy Proposal**

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### **Appendix C. A Policy Summary**

Because of the timelines the Borough needs to move aggressively forward. Yet at the same time we need to be sensitive to the business decision we're asking the municipalities to make. We need to clarify their decision making by being definitive in expectations and requirements. What follows is a policy to a:

**It will be the responsibility of the municipalities to determine their need for CAD and the impact of CAD on their business operations. The Borough will make every effort to assist or provide needed information. The municipality shall be solely responsible for their findings.**

**The municipality will also be solely responsible for all costs CAD may incur that are not specifically defined as Borough responsibility in this document (or MOU). Those costs may be, but not pertain exclusively to, premise issues, system administration, staffing, basic IT costs, ongoing training, and future system enhancements exclusive to their use.**

**The Borough will aggressively move forward with the project yet still make every effort to extend the decision making time frame for undecided PSAPs.**

**Contingent on a municipality fully participating in the project, up to the point they declare their intention (participation specifics to be defined in the project planning phase), the Borough will extend that municipality the opportunity to defer their decision to participate to no later than step eight of the fourteen step project (specific date of step 8 will be determined in the project's planning phase). If the municipality declares their intent to participate by step 8 the Borough will:**

- 1. Cover the cost of two workstations for the municipality and all hardware based CAD service delivery elements needed for application functionality. CAD service delivery elements would include any element of the network infrastructure or server component needed to bring base functionality to the municipality.**
- 2. Cover all initial licensing costs for basic CAD functionality as billed by New World Systems.**
- 3. Provide support for the network functionality that the CAD system runs on. This would include the cost of switches and routers as well as troubleshooting and support.**
- 4. Provide at least one seat (at a minimum) for all "train-the-trainer" training that New World will provide to the Borough. Training outside the scope of the train-the-trainer concept will be made available to all relevant PSAP personal. The option to participate in training will be left open to the municipality based PSAP, even if they declare their intent to not participate in the project.**

## **Computer Aided Dispatch and Municipal Based PSAP Participation A Policy Proposal**

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5. Assume the cost of providing incident based data to the agency's RMS for their integration into said system. It will be the municipality's responsibilities to work with their RMS providers to assume integration costs from that point forward.
6. Pay for maintenance and support costs through year five of system use. This only applies to maintenance costs relating to system functionality as stated in the original RFP. The Borough reserves the right to reconsider this option at the end of year five of the product's use.

The option to participate will be extended to the municipalities beyond step eight of the grant based project. If the municipality chooses to declare their participation after step eight of the project the above offerings cannot be guaranteed.

If the municipality chooses to participate they will be responsible for all other costs, including, but not limited to, those referenced in this document as hidden costs (building space, system administration, break / fix IT support, and ongoing training costs).

If a PSAP chooses to participate the Borough will work with the entity to determine a go-live date. This date may be after the Borough sponsored PSAP goes live. Go-live expenses that may incur after the grant based project may be the responsibility of the municipality.



**CITY OF HOMER  
HOMER, ALASKA**

City Manager

**RESOLUTION 11-017**

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, REQUESTING THAT THE STATE DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES ADD THE PROPOSED MAIN STREET / STERLING HIGHWAY INTERSECTION IMPROVEMENTS PROJECT TO THE STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM (STIP), EXPAND THE PROJECT TO INCLUDE BRINGING MAIN STREET UP TO URBAN ROAD STANDARDS AND ADDING TRAFFIC CONTROL IMPROVEMENTS AT MAIN STREET AND PIONEER AVENUE, AND STIPULATING THAT IN RETURN, THE CITY WILL COMMIT \$2 MILLION IT RECEIVED FROM A LEGISLATIVE GRANT FOR THE PROJECT AS A MATCH AND ASSUME RESPONSIBILITY FOR OWNERSHIP AND MAINTENANCE OF MAIN STREET.

WHEREAS, The Alaska Department of Transportation and Public Facilities (ADOT/PF) produced a Homer Intersections Study several years ago which identified the Main Street / Sterling Highway intersection as the intersection most in need of traffic control; and

WHEREAS, The City of Homer received a legislative grant in the amount of \$2 Million dollars for Main Street and Main Street / Sterling Highway Improvements in 2008; and

WHEREAS, The City has been working with DOT/PF for several years in an attempt to secure upgrades for Main Street and has stated that it will assume ownership and maintenance responsibility for Main Street if the State brings it up to urban road standards similar to what occurred at Bartlett Street; and

WHEREAS, In 2009, DOT/PF informed the City again that it preferred to construct a roundabout at the Main Street / Sterling intersection, that \$2 Million was not enough for a roundabout, and that it was not enough to improve both the intersection and Main Street itself; and

WHEREAS, The City Council subsequently determined that this intersection was dangerous and needed traffic control as quickly as possible and requested that DOT/PF install a traffic signal using the funds available; and

WHEREAS, DOT/PF has informed the City that \$2 Million is not enough even for a traffic signal because significant intersection improvements would be required including underground utility work, curb and gutter work, turning lanes, and land acquisition; and

WHEREAS, DOT/PF recently informed the City that it would like to nominate the project for the Statewide Transportation Improvement Program (STIP List) so that it could obtain the additional federal funding necessary to complete the project and invited the City to help define the project parameters.

NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby requests that the ADOT/PF place the Main Street / Sterling Highway Intersection Improvements Project on the STIP List and that the project scope be expanded to include bringing Main Street up to City urban road standards and installation of the promised traffic control improvements at the Main Street / Pioneer Avenue intersection.

BE IT FURTHER RESOLVED in exchange, the City agrees to commit the \$2 Million it received in a legislative grant for the Main Street / Sterling Highway Intersection to the project as a match and assume ownership and maintenance responsibility for Main Street.

PASSED AND ADOPTED by the Homer City Council this 15<sup>th</sup> day of February, 2011.

CITY OF HOMER

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JAMES C. HORNADAY, MAYOR

ATTEST:

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JO JOHNSON, CMC, CITY CLERK

Fiscal Note: N/A

## MEMORANDUM 11-023

TO: Mayor Hornaday / Homer City Council

FROM: Walt Wrede

DATE: February 15, 2011

SUBJECT: Main Street / Sterling Highway Intersection

At the last meeting I informed the Council that the Department of Transportation had recently contacted me regarding the Main Street / Sterling Highway intersection. In short, the Department stated that it wanted to nominate this intersection improvement project for the STIP but would like the City's concurrence before it did so. It was stated that \$2 Million was not enough money to construct either a roundabout or a traffic signal. The cost estimate for a traffic signal is \$3 Million and the estimate for a roundabout is \$4 million. Both projects would require an extensive reconstruction of the intersection. The advantage to adding this project to the STIP is that additional federal funding can be leveraged. A disadvantage is that it likely means the project will take longer to complete. DOT/PF reiterated that it preferred a roundabout and offered to allow the City to help further define the project scope of work. The additional work could include bringing Main Street up to City urban road standards, which is attractive because the City has been requesting that for years.

This meeting agenda contains a resolution that requests that DOT/PF place this intersection project on the STIP list and expand the scope of work to include bringing Main Street up to City urban road standards and completing the promised traffic control improvements at the Main St. / Pioneer Ave. intersection. It says that in exchange, the City will provide the \$2 Million Legislative grant it received for the project as a match and take over ownership and maintenance responsibility for Main Street. I drafted this resolution to get this topic officially on the table and open for discussion and Council action.

Following are several things to consider as you are ponder this resolution:

1. Other intersections. This resolution may not be asking for enough. You may recall that the intersections study listed four or five intersections at which traffic control improvements are justified by 2011. This included Pioneer and Sterling and Heath and Sterling. All of these projects were once combined and nominated as a single STIP project. The project was dropped when federal highway receipts plummeted. It looks as though there might be a significant new federal investment in basic infrastructure in the next few years. Having all of these intersections on the STIP list now might be very beneficial.

2. Time is of the essence: Council has stated that it wants traffic control at this intersection ASAP. It might be worth considering a clause that says something to the effect that if this intersection cannot be improved within a certain time frame, that the \$2 Million be used to construct a traffic signal without all of the other intersection improvements.
3. Affirm the Current Position: The Council has the option of declining to request that this project be added to the STIP and reaffirming that it wants a traffic signal ASAP, without the desired intersection improvements, if necessary.

**RECOMMENDATION:** Approve the attached resolution.

**CITY OF HOMER  
HOMER, ALASKA**

City Manager/City Hall Renovation  
& Expansion Task Force

**RESOLUTION 11-018**

A RESOLUTION OF THE CITY COUNCIL OF HOMER,  
ALASKA, AMENDING RESOLUTION 10-57(A) CREATING  
THE CITY HALL RENOVATION AND EXPANSION TASK  
FORCE BY EXTENDING THE LIFE OF THE TASK FORCE  
TO THE POINT THAT CONSTRUCTION BEGINS.

WHEREAS, Resolution 10-57(A) authorized creation of the City Hall Renovation and  
Expansion Task Force and established a scope of work and the life span of the body; and

WHEREAS, The scope of work includes "acting as a sounding board for the architect or  
design / construction team, reviewing the project scope of work and related budgets, and making  
recommendations to the Council on same."; and

WHEREAS, The resolution provides that the work of the task force shall be complete  
and the body dissolved on March 1, 2011 or when construction begins, whichever is sooner; and

WHEREAS, At the most recent Task Force meeting, the members discussed the future of  
the Task Force with the staff and it was agreed that 1) the scope of work items listed above were  
very important and should be completed, 2) the Task Force can make a valuable contribution to  
the project in those areas, 3) those tasks could not reasonably be completed by March 1, 2011,  
and 4) the date at which the body is dissolved should be amended to the commencement of  
construction.

NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby amends  
Resolution 10-57 (A) by extending the life of the Task Force to the point at which construction  
begins.

PASSED AND ADOPTED by the Homer City Council this 15<sup>th</sup> day of February, 2011.

CITY OF HOMER

\_\_\_\_\_  
JAMES C. HORNADAY, MAYOR

ATTEST:

\_\_\_\_\_  
JO JOHNSON, CMC, CITY CLERK

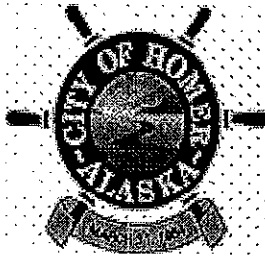
Fiscal Note: N/A



# Office of the City Clerk

Jo Johnson, CMC, City Clerk

Melissa Jacobsen, CMC, Deputy City Clerk II  
Renée Krause, CMC, Deputy City Clerk I



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## MEMORANDUM 11-020

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**TO:** MAYOR HORNADAY AND CITY COUNCIL  
**FROM:** CITY HALL RENOVATION AND EXPANSION TASK FORCE  
**DATE:** February 8, 2011  
**RE:** RECOMMENDATION TO EXTEND THE SERVICES OF THE TASK FORCE

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During the regular meeting on January 17, 2011 the members of the Task Force agreed by consensus to forward a recommendation to City Council to extend the City Hall Renovation and Expansion Task Force services through the design phase up to the actual start of construction.

Below is the excerpt from those minutes:

### ***NEW BUSINESS***

#### ***B. What Next? Further Involvement in the Project***

*Chair Abboud requested a motion to discuss.*

*WYTHE/JOHNSON - SO MOVED.*

*There was no discussion.*

*The motion to bring to the floor for discussion was approved by consensus.*

*Ms. Johnson stated that the Task Force was scheduled to dissolve March 1, 2011 and she felt that their work is just beginning and that there should be a sounding board for the employees that work in this building. This would allow them a place to submit their ideas and concerns for the project. Ms. Roberts agreed and noted that the next deadline was to award the project, there was really nothing more on the calendar for the Task Force, but she concurred with Ms. Johnson that the Task Force should give input and represent the ideas of the people working in this building.*

*Mr. Wrede commented that the Task Force would be a great asset as a sounding board for the architect and point of comment and contact to have input for the project, not only the employees but the Public Arts Committee and the Public if any. He noted that it was brought to his attention that the Public Arts Committee wanted to offer ideas for public art to be incorporated into the architecture of the building itself similar to Library.*

*He gave a possible brief schedule for input such as 10%, 35%, and 65% design. He believed it would be better to have ideas submitted to the design/construction team from this group. Public access points, flow, design where each department will be located, and the division of work space would need to be determined. He confirmed that this group's involvement through the design phase would be extremely beneficial up to the 65% or 95% design phase. Then it would fall to Mr. Meyer to ride point on the project.*

*Ms. Wythe expressed the desire that any cuts or changes to the project due to budget overruns that the people who lived in this building would have a say in those matters, not be notified after the fact. She stated that in the process of determining what to cut and what to keep, since Mr. Meyer is not a member of this building, he may not have a pertinent view of what is the appropriate thing to keep and the people of this building should be involved in that process with this building.*

*Mr. Wrede concurred up until the actual construction phase the staff and council would be involved especially if it would impact the public too.*

*Chair Abboud commented that he believed the group could play a role and he did not think they had to personally speak to everybody individually but could present summaries.*

*Mr. Hogan stated he was willing to devote more time to the Task Force and act as a sounding board and resource for the employees.*

*Ms. Roberts would like to have the Space Needs Study, both the modified and dream list, forwarded to Steiner's as soon as possible. She also did not feel that this group had much of a role until Steiner's could come before them a present an initial design idea with sketches, etc.*

*Mr. Hogan requested changing the regular meeting day to the same day as the council meetings due to his upcoming requirements to be out of town. He suggested they could meet before the committee of the whole meeting, like at 3:00 p.m.*

*Discussion determined that it would not be possible to meet the same day as council due to work schedule and prior meeting schedule commitments.*

**WYTHE/ROBERTS - MOVED TO SUBMIT A RECOMMENDATION TO CITY COUNCIL TO EXTEND THE TASK FORCE'S SERVICES THROUGH THE DESIGN PHASE OF THE PROJECT, ACT AS A SOUNDING BOARD AND REPRESENTATIVE FOR THE INTERESTS OF EMPLOYEES OF THIS BUILDING AND COUNCIL.**

*There was no discussion.*

*The motion was approved by consensus of the Task Force.*



**CITY OF HOMER  
HOMER, ALASKA**

Wythe

**RESOLUTION 10-57(A)**

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA ESTABLISHING A CITY HALL RENOVATION AND EXPANSION TASK FORCE, APPOINTING TASK FORCE MEMBERS, AND SPECIFYING A SCOPE OF WORK.

WHEREAS, At its regular meeting on June 28, 2010, the Homer City Council adopted Memorandum 10-92 entitled "City Hall Renovation and Expansion / Proposed Action Plan"; and

WHEREAS, Memorandum 10-92 contained a recommendation that the Council establish a City Hall Renovation and Expansion Task Force, that the task force membership be three council members and three staff members; and that a specific scope of work and timeframe be set out.

NOW THEREFORE BE IT RESOLVED; That the Homer City Council hereby establishes the City Hall Renovation and Expansion Task Force and appoints Council members Wythe, Roberts, and Hogan, and staff members: City Clerk Jo Johnson, City Planner Rick Abboud, and Finance Director Regina Harville to the body; and

BE IT FURTHER RESOLVED; That the Task Force shall be advisory to the Council and the Scope of Work shall include seeking comment from interested parties and the general public, reviewing existing documents, helping to develop the request for proposals, reviewing and scoring construction proposals and/or bids, acting as a sounding board for the architect or design/construction team, reviewing the project scope of work and budget, and making recommendations to the Council on same; and

BE IT FURTHER RESOLVED; That the work of the Task Force shall be complete; and the body dissolved on March 1, 2011, or when construction begins, whichever is sooner.

PASSED AND ADOPTED by the Homer City Council this 26<sup>th</sup> day of July, 2010.



ATTEST:

*Melissa Jacobsen - Acting City Clerk*  
JO JOHNSON, CMC, CITY CLERK

CITY OF HOMER

*James C. Hornaday*  
JAMES C. HORNADAY, MAYOR

Fiscal Note: NA



**CITY OF HOMER  
HOMER, ALASKA**

Wythe

**RESOLUTION 11-019**

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, EXPRESSING SUPPORT FOR THE PRATT MUSEUM'S SENATE APPROPRIATION REQUEST IN THE AMOUNT OF \$1,500,000 FOR CONSTRUCTION OF ITS NEW FACILITY AND SITE REDESIGN PROJECT.

WHEREAS, The Pratt Museum is a national award-winning museum that serves more than 35,000 visitors and engages more than 4,000 education program participants annually; and

WHEREAS, The Pratt Museum is consistently recognized as one of Alaska's leading cultural institutions and a model among community museums across the nation; and

WHEREAS, The Pratt Museum is the recipient of the Governor's Award for the Humanities and the National Award for Museum Service, the country's highest honor for museums; and

WHEREAS, The Pratt Museum is a regional economic engine, generating about \$1 million in annual economic activity and drawing visitors from across the state, nation and world; and

WHEREAS, The Pratt Museum is embarking on a construction project to better serve its visitors and the community long into the future by providing new exhibits; full handicap accessibility; expanded research capacity to serve students and scholars; and improved ability to expand and preserve the largest collections in the sciences, arts, and humanities on the Kenai Peninsula; and

WHEREAS, An appropriation of \$1,500,000 from the United States Senate will provide necessary funding to start construction of the Pratt Museum's \$8.5 million new facility and site redesign project; and

WHEREAS, The Pratt Museum's construction project is included in the City of Homer 2011-2016 Capital Improvement Plan and the City of Homer supports the Pratt Museum with operational and capital project funding.

NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby expresses support for the Pratt Museum's Senate appropriation request in the amount of \$1,500,000 for construction of the Museum's New Facility and Site Redesign Project.

PASSED AND ADOPTED by the Homer City Council this 15<sup>th</sup> day of February, 2011.

CITY OF HOMER

JAMES C. HORNADAY, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

Fiscal Note: N/A

**CITY OF HOMER  
HOMER, ALASKA**

City Manager

**RESOLUTION 11-020**

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA AMENDING RESOLUTION 10-78(A) ADOPTING THE 2011-2016 CAPITAL IMPROVEMENT PLAN AND ESTABLISHING CAPITAL PROJECT LEGISLATIVE PRIORITIES FOR FISCAL YEAR 2012 BY DELETING KACHEMAK BAY TIDAL POWER FEASIBILITY AND CONCEPTUAL DESIGN FROM THE "TOP 15" PRIORITIES LIST FOR 2012 AND REPLACING DEEP WATER DOCK UPLANDS IMPROVEMENTS ON THE "TOP 15" LIST WITH A NEW PROJECT ENTITLED DEEP WATER / CRUISE SHIP DOCK: DOCKING AND UPLAND PASSENGER FACILITY IMPROVEMENTS.

WHEREAS, Resolution 10-78(A) adopted the 2011-2016 Capital Improvement Plan and established Legislative Priorities for Fiscal Year 2012; and

WHEREAS, The Legislative Priorities for 2012 (Top 15 List) contained a project at Number 15 entitled "Kachemak Bay Tidal Power Feasibility and Conceptual Design; and

WHEREAS, This project can be deleted from the Top 15 List, renamed, and moved to the section of the Capital Improvement Plan which contains state capital projects the City supports because the City is no longer seeking direct grant funding for the project; and

WHEREAS, Subsequent to the adoption of Resolution 10-78(A), the City was informed by Representative Seaton that there may be \$30 Million available statewide from the Cruise Ship Gambling Tax for "Emerging Ports" and that Homer could receive a large chunk of that money if it submitted a project focused on improvements related to the cruise ship industry; and

WHEREAS, In response, the City administration has prepared a draft new project for Council consideration entitled "Deep Water / Cruise Ship Dock: Docking and Upland Passenger Facility Improvements" which is intended to replace "Deep Water Dock Upland Improvements" on the Top 15 Legislative Priorities for 2012 List.

NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby amends Resolution 10-78(A) by removing the project entitled "Kachemak Bay Tidal Power Feasibility

and Conceptual Design” from the 2012 Legislative Priorities List, approving the new project title and project description attached hereto, and moving the repackaged project to the section of the Capital Improvement Plan that contains state capital projects the City supports; and

BE IT FURTHER RESOLVED that the Council further amends Resolution 10-78(A) by removing the project “Deep Water Dock Uplands Improvements” from the Top 15 2012 Legislative Priorities List and replacing it with a new project entitled “Deep Water / Cruise Ship Dock: Docking and Upland Passenger Facility Improvements” and approving the project description attached hereto.

PASSED AND ADOPTED by the Homer City Council this 15<sup>th</sup> day of February, 2011.

CITY OF HOMER

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JAMES C. HORNADAY, MAYOR

ATTEST:

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JO JOHNSON, CMC, CITY CLERK

Fiscal Note: N/A

CITY OF HOMER  
HOMER, ALASKA

Mayor/City Council

RESOLUTION 10-78(A)

A RESOLUTION OF THE HOMER CITY COUNCIL ADOPTING THE 2011-2016 CAPITAL IMPROVEMENT PLAN AND ESTABLISHING CAPITAL PROJECT LEGISLATIVE PRIORITIES FOR FISCAL YEAR 2012.

WHEREAS, A duly published hearing was held on September 27, 2010 in order to obtain public comments on capital improvement projects and legislative priorities; and

WHEREAS, It is the intent of the City Council to provide the Governor, the State Legislature, State agencies, the Alaska Congressional Delegation, and other potential funding sources with adequate information regarding the City's capital project funding needs.

NOW, THEREFORE BE IT RESOLVED by the City Council of Homer, Alaska, that the "City of Homer Capital Improvement Plan 2011-2016" is hereby adopted as the official 6-year capital improvement plan for the City of Homer.

BE IT FURTHER RESOLVED that the following capital improvement projects are identified as priorities for the FY 2012 State Legislative Request:

1. Sewer Treatment Plant Bio-solids Treatment Improvements
2. Skyline Fire Station
3. Harbor Float Replacement/Ramp 3 Gangway & Approach Replacement
4. Port & Harbor Building
5. Fire Engine 4 Refurbishment
6. Natural Gas Pipeline Anchor Point to Homer
7. Alternative Water Source
8. Deep Water Dock Expansion, Phase 1
9. Karen Hornaday Park Improvements, Phase 1
10. Homer Intersection Improvements
11. Deep Water Dock Upland Improvements
12. Mariner Park Improvements, Phase 1
13. Fishing Lagoon Improvements
14. Upgrade System 5: Vessel Shore Power and Water
15. Kachemak Bay Tidal Power Feasibility and Conceptual Design

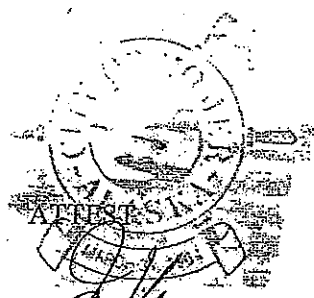
BE IT FURTHER RESOLVED that projects for the FY 2012 Federal Legislative Request will be selected from this list.

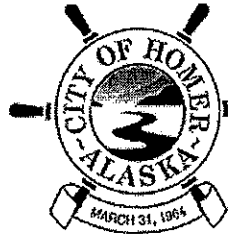
BE IT FINALLY RESOLVED that the City Manager is hereby instructed to advise appropriate state and federal representatives and personnel of the City's FY 2012 capital project priorities and take appropriate steps to provide necessary background information.

PASSED AND ADOPTED by a duly constituted quorum of the City Council for the City of Homer on this 11<sup>th</sup> day of October, 2010.

CITY OF HOMER

  
MARY E. WYTHE, MAYOR PRO TEMPORE

  
JO JOHNSON, CMC, CITY CLERK



# City of Homer Capital Improvement Plan • 2011 – 2016

## **DRAFT - DRAFT - DRAFT**

### DEEP WATER/CRUISE SHIP DOCK: DOCKING & UPLAND PASSENGER FACILITY IMPROVEMENTS

**PROJECT DESCRIPTION & BENEFIT:** Classified as an Emerging Port for cruise-ship based tourism, the Port of Homer has seen a dramatic increase in cruise ship bookings in the last three years, from two ships in 2009 to nine in 2010 to fifteen scheduled for 2011. With the goal of encouraging this trend, the City of Homer has developed an Integrated Cruise Ship Enhancement Strategy aimed at utilizing state cruise ship head tax monies to maximize benefits of cruise ship tourism for both passengers and the Homer community. This project will implement key features of that strategy:

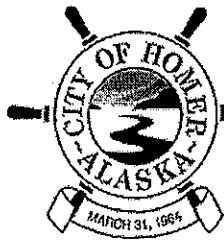
- Add docking fender, camel upgrade, and bollard upgrades to the Deep Water Dock (also known as the Cruise Ship Dock) (\$2.15 million). These upgrades will greatly facilitate docking maneuvers and help prevent damage to cruise ships.
- Modify the dock to eliminate bird nesting (\$600,000). The existing open I-beam construction of the Cruise Ship Dock creates ideal nesting sites for hundreds of seagulls, which in turn creates a huge problem with bird excrement and offensive odors. This problem will be largely eliminated by welding steel plates over the open I-beams, removing old fender brackets, and installing bird-deterrent spikes on dock support systems.
- Purchase a broom attachment for the Port forklift, to be used for cleaning the dock prior to cruise ship arrivals (\$10,000).
- Install a steel transition plate to bridge the gap between the dock and the dock trestle, for the full width of the trestle (\$20,000). Currently this gap creates a trip hazard for foot traffic, a particular problem for less agile passengers.
- Construct a guard house for security personnel that includes a public restroom (\$500,000).
- Construct a covered area for passengers waiting for ground transportation (\$50,000).
- Create a level, paved, and fenced staging area specifically for cruise ship passengers (separated from marine industrial uses) (\$100,000). The paved and marked surface will eliminate problems with dust and uneven/hazardous terrain that plague the area now and make it easier to direct passenger and vehicle/bus traffic. Signage will also help eliminate confusion in the staging area.
- Construct a paved ADA-compliant trail along the east side of the existing harbor and Outer Dock Road (4,000 feet). Include three pullout/view areas with benches and signage (\$425,000).
- Construct a paved parking area and covered shelter in the main commercial/retail area of the harbor for passengers embarking/disembarking from buses (\$100,000).
- Construct a paved trail from where the new Spit Trail ends (at End of the Road Park) to Coal Point, to include benches and signage at Coal Point and a restroom at End of the Road Park (\$950,000). The new trail will be utilized by passengers who disembark at either the Cruise Ship Dock or the Pioneer Dock (back-up cruise ship dock). Coal Point provides an outstanding overlook area for observing all the activities of the harbor, including those at the Fish Dock.
- Construct public restrooms with covered bus stops at two downtown locations (\$1 million).
- Include public art and landscaping features with some of the above projects to enhance the visitor experience (\$50,000).



A stinky dock, rough unmarked parking lot, lack of weather protection, and general disheveled appearance at the Cruise Ship Dock uplands do not provide the best first impression of Homer.

Total project cost: \$5,955,000      Schedule: 2011-2013





## City of Homer Capital Improvement Plan • 2011 – 2016

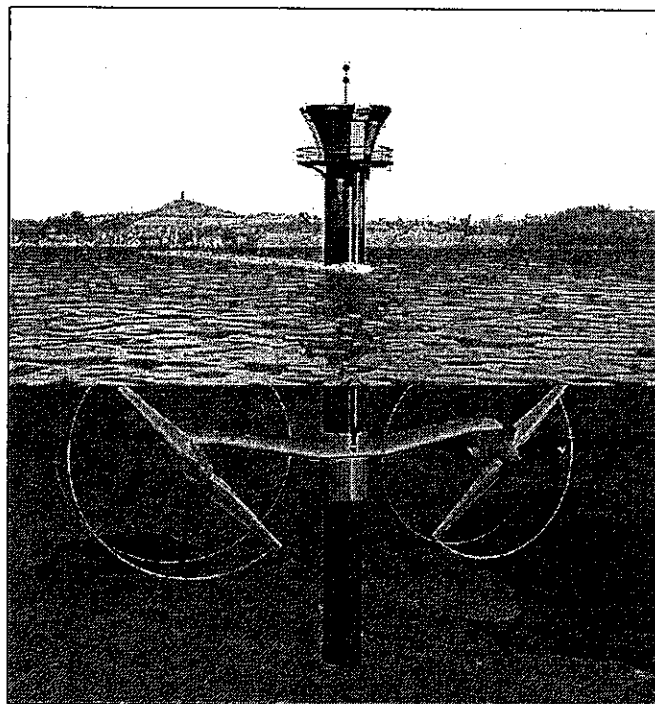
# **DRAFT - under State projects**

### **KACHEMAK BAY/COOK INLET TIDAL POWER**

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**PROJECT DESCRIPTION & BENEFIT:** It is widely recognized that Alaska has some of the best potential in the world for generating tidal energy, a far more constant and predictable source of energy than either wind or solar. The proposed project will tap the hydrokinetic energy resources of Kachemak Bay/Cook Inlet to establish Alaska as a leader in tidal energy while reducing dependence on fossil fuels for those on the Railbelt grid.

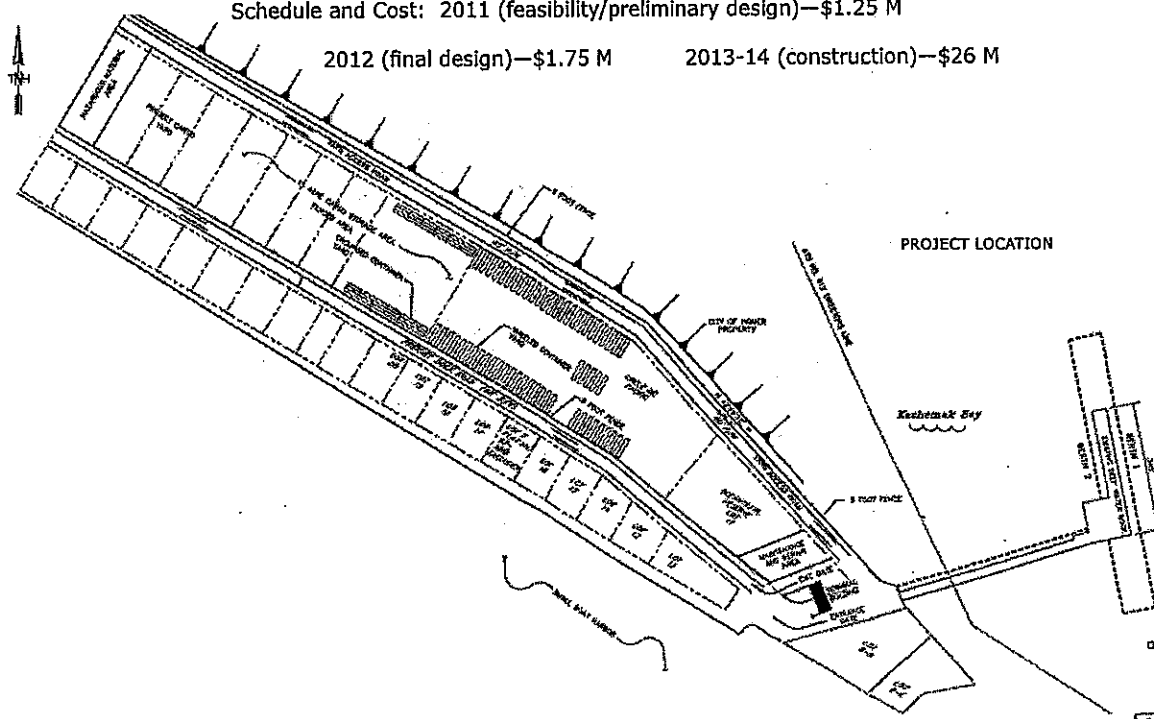
**PLANS & PROGRESS:** In 2008 the City of Homer submitted an application to the Alaska Energy Authority for funding to be appropriated by the Alaska Legislature for FY 2010. The application documented a cost share of more than 50%, mostly in research assistance from NOAA. The project was slated to be funded before the budget for renewable energy projects was reduced by half from the amount originally proposed. The City updated and resubmitted the application in November 2009. The project was approved for funding by AEA and the Legislature appropriated sufficient funds; however, the governor reduced funding by half, which did not leave enough for the Kachemak Bay project. A new application was submitted to AEA in September 2010. The outcome of this proposal was that AEA decided to fund NOAA directly, from a separate funding source, to study tidal power potential in Kachemak Bay and Cook Inlet. The total approved was approximately \$300,000. The City of Homer supports the partnership between AEA and NOAA and urges the State of Alaska to provide funding for engineering and design of a tidal power project once feasibility is established.



This illustration depicts a typical horizontal axis turbine, similar to conventional two-blade wind turbines. Though this is an artist's rendering, an actual 1.2 MW turbine of this type (SeaGen) was installed in 2008 in Ireland.



**PLANS & PROGRESS:** In 2005 the City of Homer spent \$550,000 for cathodic protection of the existing dock and conceptual design of an expanded dock. \$2 million in federal transportation earmark funds was appropriated for the project for FY 2006, to prepare preliminary design and conduct further economic analysis. The Alaska Legislature appropriated an additional \$1 million for FY 2011. The Homer City Council has authorized the sale of \$2 million in bonds to help fund the construction of this project.



CITY OF HOMER  
HOMER, ALASKA

Roberts

RESOLUTION 11-021

A RESOLUTION OF THE CITY COUNCIL OF HOMER,  
ALASKA, IN SUPPORT OF THE HOMER COORDINATED  
TRANSPORTATION PROGRAM.

WHEREAS, The Central Area Rural Transportation System (CARTS) is the lead agency for transportation for the Kenai Peninsula; and

WHEREAS, CARTS can access State and Federal transportation funds to purchase capital (vehicles) and operations (purchasing rides); and

WHEREAS, As an area wide transportation system, CARTS can pool and coordinate the purchase of services as a match to leverage general transportation funds for the public.

WHEREAS, Representatives from local human service agencies and businesses, in conjunction with CARTS, are working to expand transportation options for Homer; and

WHEREAS, Homer human service agencies and local businesses are successfully purchasing ride services for their clientele from local taxi cab companies; and

WHEREAS, It is anticipated transportation options will increase for people living in the outlying areas; and

NOW, THEREFORE, BE IT RESOLVED that the Homer City Council supports the Homer Coordinated Transportation Program.

PASSED AND ADOPTED by the Homer City Council this 15<sup>th</sup> day of February, 2011.

CITY OF HOMER

\_\_\_\_\_  
JAMES C. HORNADAY, MAYOR

ATTEST:

\_\_\_\_\_  
JO JOHNSON, CMC, CITY CLERK

Fiscal Note: N/A



COMMENTS OF THE AUDIENCE  
COMMENTS OF THE CITY ATTORNEY  
COMMENTS OF THE CITY CLERK  
COMMENTS OF THE CITY MANAGER  
COMMENTS OF THE MAYOR  
COMMENTS OF THE CITY COUNCIL  
ADJOURNMENT





