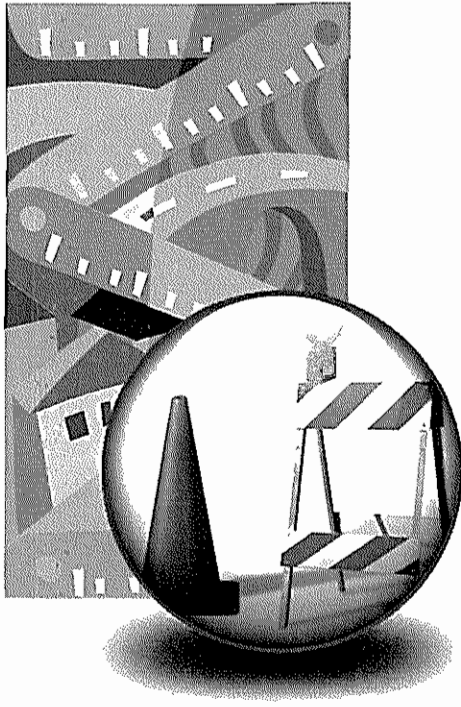


City Council
Monday
January 10, 2011



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



January 2011



Monday 10th

CITY COUNCIL Special Meeting 4:00 p.m., Committee of the Whole 5:00 p.m., and Regular Meeting 6:00 p.m.

NATURAL GAS DISTRIBUTION TASK FORCE 12:00 p.m.

Tuesday 11th

**ECONOMIC DEVELOPMENT ADVISORY COMMISSION
Regular Meeting 6:00 p.m.**

Thursday 13th

LEASE COMMITTEE 3:00 p.m.

PERMANENT FUND COMMITTEE Regular Meeting 5:15 p.m.

PUBLIC ARTS COMMITTEE Special Meeting 5:00 p.m.

Monday 17th

**CITY HALL RENOVATION & EXPANSION TASK FORCE
Regular Meeting 5:00 p.m.**

Wednesday 19th

**PLANNING COMMISSION Worksession 5:30 p.m. and
Regular Meeting 7:00 p.m.**

Thursday 20th

**PARKS AND RECREATION ADVISORY COMMISSION
Regular Meeting 5:30 p.m.**

Monday 24th

CITY COUNCIL Worksession 4:00 p.m., Committee of the Whole 5:00 p.m., and Regular Meeting 6:00 p.m.

Regular Meeting Schedule

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

Library Advisory Board 1st Tuesday 6 p.m.

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

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

Planning Commission 1st and 3rd Wednesday 7 p.m.

Port and Harbor Advisory Commission 4th Wednesday 5 p.m.

Transportation Advisory Committee Quarterly 3rd Tuesday 5:30 p.m.

Public Arts Committee Quarterly 3rd Thursday 11 a.m.

Lease Committee Quarterly 2nd Thursday 3 p.m.

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

MAYOR AND CITY COUNCIL MEMBERS AND TERMS

JAMES C. HORNADAY, MAYOR – 12

KEVIN HOGAN, COUNCILMEMBER – 12

BARBARA HOWARD, COUNCILMEMBER – 11

DAVID LEWIS, COUNCILMEMBER – 11

FRANCIE ROBERTS, COUNCILMEMBER – 12
MARY E. (BETH) WYTHER, COUNCILMEMBER – 13
BRYAN ZAK, COUNCILMEMBER – 13
City Manager, Walt Wrede
City Attorney, Thomas Klinkner

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

PACKET FOR

SPECIAL MEETING

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

JANUARY 10, 2011
MONDAY, AT 4:00 P.M.
COWLES COUNCIL CHAMBERS

**MEETING NOTICE
SPECIAL MEETING AGENDA**

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

Councilmember Wythe has requested excusal.

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

3. PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

4. PENDING BUSINESS

- A. **Ordinance 10-54**, An Ordinance of the City Council of Homer, Alaska, Enacting Subsection (d) of Homer City Code 21.50.020, Site Development Standards – Level One, and Homer City Code 21.50.150, Fill Standards, Regarding the Requirement of a Storm Water Plan, and Establishing Standards for Filling Land. Planning. Introduction November 22, 2010, Public Hearings December 13, 2010 and January 10, 2011, Second Reading January 10, 2011. Page 9

Memorandum 10-138 from City Planner as backup.

Page 15

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, January 24, 2011 at 5:00 p.m. Next Regular Meeting is Monday, January 24, 2011 at 6 p.m. A Worksession is scheduled for Monday, January 24, 2010 at 4:00 p.m. All meetings are scheduled to be held in the City Hall Cowles Council Chambers.

SPECIAL MEETING

PENDING BUSINESS

ORDINANCE REFERENCE SHEET
2010 ORDINANCE
ORDINANCE 10-54

An Ordinance of the City Council of Homer, Alaska, Enacting Subsection (d) of Homer City Code 21.50.020, Site Development Standards – Level One, and Homer City Code 21.50.150, Fill Standards, Regarding the Requirement of a Storm Water Plan, and Establishing Standards for Filling Land.

Sponsor: Planning

1. City Council Regular Meeting November 22, 2010 Introduction
 - a. Memorandum 10-138 from City Planner as backup
 - b. Draft Ordinance 10-xx
 - c. Excerpts of Homer Advisory Planning Commission Minutes of October 20, October 6, September 15, June 2, May 5, and March 17, 2010; September 2 and August 5, 2009, and June 20, 2007
 - d. Memorandum from Ray Kranich dated October 20, 2010, re: Dirt Work
 - e. Staff Reports PL 10-102, 10-85, 10-51, 10-43, 10-25, 09-73, 09-70, 07-65 and 07-51
2. City Council Regular Meeting January 10, 2011 Public Hearing and Second Reading
 - a. Memorandum 10-138 from City Planner as backup
 - b. Draft Ordinance 10-xx
 - c. Excerpts of Homer Advisory Planning Commission Minutes of October 20, October 6, September 15, June 2, May 5, and March 17, 2010; September 2 and August 5, 2009, and June 20, 2007
 - d. Memorandum from Ray Kranich dated October 20, 2010, re: Dirt Work
 - e. Staff Reports PL 10-102, 10-85, 10-51, 10-43, 10-25, 09-73, 09-70, 07-65 and 07-51

CITY OF HOMER
HOMER, ALASKA

Planning

ORDINANCE 10-54

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, ENACTING SUBSECTION (d) OF HOMER CITY CODE 21.50.020, SITE DEVELOPMENT STANDARDS – LEVEL ONE, AND HOMER CITY CODE 21.50.150, FILL STANDARDS, REGARDING THE REQUIREMENT OF A STORM WATER PLAN, AND ESTABLISHING STANDARDS FOR FILLING LAND.

WHEREAS, Chapter 4 Land Use, Goal 3 of the 2008 Comprehensive Plan states, “Encourage high quality buildings and site design that complement’s Homer’s beautiful natural setting,” and recommends developing specific policies regarding site development such as grading; and

WHEREAS, Chapter 4, Goal 2 Objective C of the Comprehensive Plan, item #7 states: “Develop and apply in all districts new standards addressing environmental issues including the management of storm water...”; and

WHEREAS, Chapter 6 Public Services and Facilities, Goal 1, Objective F Storm Water Control, states “Provide for current and future needs and explore options for expanding the quality and extent of storm water control”; and

WHEREAS, There are currently storm water plan requirements in the commercial zoning districts, but not in residential, recreational or conservation zoning districts; and

WHEREAS, This ordinance applies basic storm water plan requirements city-wide; and

WHEREAS, This ordinance applies basic fill requirements city-wide.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Subsection (d) of Homer City Code 21.50.020, Site development standards – level one, is enacted to read as follows:

d. A Storm Water Plan approved under HCC Chapter 21.75 is required for development that:

1. Creates more than 25,000 square feet of new impervious surface area on a lot;
2. Increases the total impervious surface area of a lot beyond one acre;
3. Includes grading, excavation or filling that cumulatively moves 1,000 cubic yards or more of material; or

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

45 4. Includes grading, excavation or filling that creates a permanent slope of
46 3:1 or more, and that has a total height, measured vertically from toe of slope to top of slope,
47 exceeding ten feet.

48
49 Section 2. Homer City Code 21.50.150, Fill standards, is enacted to read as follows:

50
51 21. 50.150 Fill standards. a. Except as permitted in (b) of this section, fill material shall
52 be free of large organic debris (including without limitation stumps), construction or demolition
53 debris (including without limitation concrete and asphalt), garbage and any material that is
54 categorized as hazardous or toxic under federal or state law.

55 b. Fill material that will not support a structure may include large organic debris that
56 originated on the lot where the fill is placed, provided that it is capped with clean fill for future
57 landscaping or driveway use.

58 c. The placement of fill to a depth greater than three feet over 25% or more of a lot
59 is subject to following requirements:

60 1. Before any fill is placed, a grading plan for the lot must be approved by
61 the City Engineer. The grading plan shall show the following:

62 i. The existing grade and finished grade of the lot using contour
63 intervals sufficiently small to show the nature and extent of the work, and its compliance with
64 the requirements of this title; and

65 ii. The existing grade on adjoining properties in sufficient detail to
66 identify how grade changes will conform to the requirements of this title.

67 2. Best management practices shall be used to limit sedimentation and storm
68 water runoff, and shall be installed before fill is placed on the lot.

69 3. All corners of the lot shall be flagged before fill is placed on the lot.

70 4. The slope of the fill shall not exceed 50% or 1:2.

71 5. No fill may be placed closer than five feet to a side or rear lot line, except
72 that clean fill may be placed on adjoining lots up to their common lot line after approval of a
73 development plan including a drainage plan by the City Engineer and the owners of all lots on
74 which the fill will be placed.

75 6. The placement of fill shall be completed within 24 months after its
76 commencement, and the filled area shall be capped and seeded as soon as possible within the
77 growing season.

78
79 Section 3. This ordinance shall be effective upon adoption, except that land development
80 plans that received final approval prior to the effective date of this ordinance shall not be subject
81 to the amendments in this ordinance.

82
83 Section 4. This Ordinance is of a permanent and general character and shall be included
84 in the City Code.

85
86
[**Bold and underlined added.** Deleted language stricken through.]

87 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of
88 _____ 2010.

89
90 CITY OF HOMER

91
92
93
94 _____
95 JAMES C. HORNADAY, MAYOR

96 ATTEST:

97
98
99 _____
100 JO JOHNSON, CMC, CITY CLERK

101
102 YES:

103 NO:

104 ABSTAIN:

105 ABSENT:

106
107 First Reading:

108 Public Hearing:

109 Second Reading:

110 Effective Date:

111
112
113 Reviewed and approved as to form:

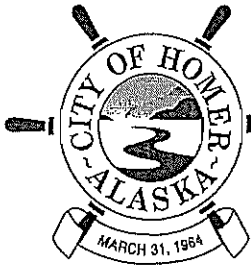
114
115
116 _____
117 Walt E. Wrede, City Manager

118 Date: _____

Thomas F. Klinkner, City Attorney

Date: _____

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



City of Homer Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

Telephone (907) 235-3106
Fax (907) 235-3118
E-mail Planning@ci.homer.ak.us
Web Site www.ci.homer.ak.us

MEMORANDUM 10-138

TO: Mayor Hornaday and Homer City Council
THRU: Walt Wrede, City Manager
FROM: Rick Abboud City Planner
DATE: November 25, 2009
SUBJ: Ordinance 10-54 amending HCC 21.50.020, Site development standards – level one and HCC 21.50.150, Fill Standards.

Introduction

This proposed ordinance makes two changes to city code. First, it requires storm water plans (SWP) city-wide in some circumstances. Second, it sets standards for filling a lot, and requires a grading plan, again in some circumstances.

Storm water plans

Ordinance 2004-11(A), adopted in April 2004, required storm water plans in the commercial business districts, but excluded the residential districts. For at least 3 years, the Planning Commission has sought to address further standards for dealing with storm water runoff for all larger projects, not just those in the commercial district as currently found in the code. The Residential Office district was amended in earlier this year to require storm water plans. Previously, projects like the hospital and other large buildings were not required to address storm water. As Homer becomes denser over the coming years, drainage and water runoff must be addressed so that problems are prevented. Ordinance 10-xx will apply storm water standards to the rest of the districts, so that if a contractor is building an apartment building, the same rules apply no matter where in the city the project is located.

There is one major difference between this ordinance, and the commercial district code already in place. HCC 21.50.030 (e) lists the criteria for when a project must provide a storm water plan. This new code will be less stringent i.e., you could build a bigger project without triggering a storm water plan. Generally speaking, the code is written to avoid requiring storm water plans for most single family home construction in the residential districts. But larger projects, like an apartment building, school, church or major park project would need a SWP.

Lot Filling

In addition to the storm water requirements, the commission also wishes to address standards for filling lots to ensure that best management practices are adhered to concerning limitations of what may be included in fill and physical requirements for the placement of a large amount of fill. One concern the Commission wanted to address was the use of stumps for fill; this creates a potential problem for future developers who may not know they purchased a lot full of stumps. The proposed ordinance limits the use of stumps to those that originated on the property. It is recognized that stumps can be difficult to get rid of and that burial in limited quantities is reasonable; entire lots used for stump dumping is what the

Commission wants to avoid. The ordinance also addresses the use of asphalt, concrete and other construction debris.

Another component of the second section of the ordinance is the requirement for a grading plan. As smaller lots are filled and homes are built, filling can easily create drainage problems for existing neighboring homes, or for future development on downhill lots. Homer does not have a current drainage management plan, which is a growing problem as more of the city is developed. Creating and implementing a new plan will be very expensive; and interim solution is to more closely regulate lot filling. One of the more difficult problems planning and public works is asked to address is when home owners call to say their neighbor is causing a drainage problem, or doing something that will cause a problem. Staff tries to work with land owners to find common ground solutions, but there are situations where it is obvious there will be a problem, and the city has no requirements to address it. The grading plan is a first step at addressing some of these issues, without adopting a building code.

This subject has been explored at numerous work sessions and Planning Commission Meetings. Prior to the public hearings held September 15th and October 6th Planning Commission meetings, a personal notice was sent to all identified construction contractors and realtors in the Homer area, notifying them of the ordinance and the opportunity for input. All were invited to the Kachemak Board of Realtors meeting in September, where staff made a presentation, and the public hearings.

The Homer Advisory Planning Commission recommended adoption of the ordinance at their meeting on October 20, 2010.

Recommendation: Adopt Ordinance 10-54 amending HCC 21.50.020, Site development standards – level one and HCC 21.50.150, Fill Standards.

1 PC Amended 10/20/2010

2
3 CITY OF HOMER
4 HOMER, ALASKA

5 Planning

6 ORDINANCE 10-

7
8 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
9 ENACTING SUBSECTION (d) OF HOMER CITY CODE 21.50.020, SITE
10 DEVELOPMENT STANDARDS – LEVEL ONE, REGARDING THE
11 REQUIREMENT OF A STORM WATER PLAN, AND HOMER CITY CODE
12 21.50.150, FILL STANDARDS, ESTABLISHING STANDARDS FOR
13 FILLING LAND.

14
15 WHEREAS, Chapter 4 Land Use, Goal 3 of the 2008 Comprehensive Plan states,
16 “Encourage high quality buildings and site design that complement’s Homer’s beautiful natural
17 setting,” and recommends developing specific policies regarding site development such as
18 grading; and

19
20 WHEREAS, Chapter 4, Goal 2 Objective C of the Comprehensive Plan, item #7 states:
21 “Develop and apply in all districts new standards addressing environmental issues including the
22 management of storm water...;”and

23
24 WHEREAS, Chapter 6 Public Services and Facilities, Goal 1, Objective F Storm Water
25 Control, states “Provide for current and future needs and explore options for expanding the
26 quality and extent of storm water control;” and

27
28 WHEREAS, there are currently storm water plan requirements in the commercial zoning
29 districts, but not in residential, recreational or conservation zoning districts; and

30
31 WHEREAS, this ordinance applies basic storm water plan requirements city-wide; and

32
33 WHEREAS, this ordinance applies basic fill requirements city-wide;

34
35 NOW THEREFORE THE CITY OF HOMER ORDAINS:

36
37
38 Section 1. Subsection (d) of Homer City Code 21.50.020, Site development standards –
39 level one, is enacted to read as follows:

40
41 d. A Storm Water Plan approved under HCC Chapter 21.75 is required for
42 development that:

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

1. Creates more than 25,000 square feet of new impervious surface area on a lot;
2. Increases the total impervious surface area of a lot beyond one acre;
3. Includes grading, excavation or filling that cumulatively moves 1,000 cubic yards or more of material; or
4. Includes grading, excavation or filling that creates a permanent slope of 1:3 or more, and that has a total height, measured vertically from toe of slope to top of slope, exceeding ten feet.

Section 2. Homer City Code 21.50.150, Fill standards, is enacted to read as follows:

21. 50.150 Fill standards. a. Except as permitted in (b) of this section, fill material shall be free of large organic debris (including without limitation stumps), construction or demolition debris (including without limitation concrete and asphalt), garbage and any material that is categorized as hazardous or toxic under federal or state law.

b. Fill material that will not support a structure may include large organic debris that originated on the lot where the fill is placed, provided that it is capped with clean fill for future landscaping or driveway use.

c. The placement of fill to a depth greater than three feet over 25% or more of a lot is subject to following requirements:

1. Before any fill is placed, a grading plan for the lot must be approved by the City Engineer. The grading plan shall show the following:

i. The existing grade and finished grade of the lot using contour intervals sufficiently small to show the nature and extent of the work, and its compliance with the requirements of this title; and

ii. The existing grade on adjoining properties in sufficient detail to identify how grade changes will conform to the requirements of this title.

2. Best management practices shall be used to limit sedimentation and storm water runoff, and shall be installed prior to the placement of fill on the lot.

3. All corners of the lot shall be flagged before fill is placed on the lot.

4. The slope of the fill shall not exceed 50%, or 1:2.

5. No fill may be placed closer than five feet to a side or rear lot line with the following exception, only clean fill may be placed across common lot lines after a development plan that includes a drainage plan has been approved by all property owners and the City Engineer.

6. The placement of fill shall be completed within 24 months after its commencement, and the filled area shall be capped and seeded as soon as possible within the growing season.

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

Section 3. This ordinance shall be effective upon adoption, except that land development plans that received final approval prior to the effective date of this ordinance shall not be subject to the amendments in this ordinance.

Section 4. This Ordinance is of a permanent and general character and shall be included in the City Code.

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

CITY OF HOMER

JAMES C. HORNADAY, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and approved as to form:

Walt E. Wrede, City Manager

Date: _____

Thomas F. Klinkner, City Attorney

Date: _____

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

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- B. Staff Report PL 10-102, Ordinance 10-Xx Amending 21.50 Site Development Standards to Require Storm Water Plans, Enacting 21.50.150 Fill Standard and Establishing Standards for Fill

City Planner Abboud reviewed Rick reviewed staff report and reviewed Commissioner Kranich's laydown. He suggested they have discussion of consequences and consider the bigger picture resulting from the amendments.

BOS/KRANICH MOVED TO BRING THIS TO THE FLOOR FOR DISCUSSION AND RECOMMENDATION.

Commissioner Bos asked if they are creating an undesirable situation if they are allowing fill up to five feet of the lot line and a utility comes in needing a 15 foot easement. He does not support allowing concrete as fill. City Planner Abboud said he didn't see it as an issue as long as it is regular fill and not debris in the setback area. Commissioner Kranich noted that he is not changing the first part of line 74 where it states no fill closer than 5 feet to a side or rear lot line. He is recommending adding an exception when adjacent property owners agree to fill across the lot line with a development plan approved by the City Engineer.

Points raised regarding concrete as fill included:

- The concrete won't be visible because the area filled has to be capped.
- A concern is not what you see, but what you don't see.
- When building structure you will have to dig through all that stuff to lay lines and so forth.
- Regulating the size of concrete allowed as fill, it would behave the same way as rock.
- Ditch Witches tend to bounce off rock but seem to want to pick up concrete.
- How often is concrete available to be used for fill.

There was discussion about providing an opportunity to go through the CUP process for placing fill on a lot. City Planner Abboud commented that if this is a use it would become an ongoing issue and essentially create a dump. Chair Minsch noted that when this started they were trying to get away from that and now it is coming back. The debris needs to go out, as a city we are moving towards density and development on smaller lots in smaller areas resulting in less of a footprint and less of an opportunity to bury that stuff. She feels like they have lost their focus.

Commissioner Kranich suggested that we are trying to support responsible development, yet we are saying if you have something you create during the development get it out of the city. If we as the city are going to encourage the development we should be able to address all aspects of it. This will put a heavy strain on the landfill and soon have to start taking it up the road. There aren't many places in the city to place unused fill, but having a CUP, the public and a potential buyer are protected because when a title search is done, the CUP will show up and the City will have a record of what happened on the lot as well.

The Commission continued their discussion on the ideas for concrete, dump sites, filling across lot lines, and CUP's.

KRANICH/BOS MOVED TO PAGE DELETE NUMBER 5 LINE 74 AS INDICATED AND SUBSTITUTE AS PRESENTED IN THE LAYDOWN:

NO FILL MAY BE PLACED CLOSER THAN 5 FEET TO A SIDE OR REAR LOT LINE, WITH THE FOLLOWING EXCEPTION; FILL MAY BE PLACED ACROSS COMMON LOT LINES AFTER A DEVELOPMENT PLAN THAT INCLUDES A DRAINAGE PLAN HAS BEN APPROVED BY ALL PROPERTY OWNERS AND THE CITY ENGINEER.

There was discussion about what can be used as fill according to the ordinance.

MINSCH/KRANICH MOVED TO AMEND THE AMENDMENT TO SAY "CLEAN FILL" MAY BE PLACED...

There was no discussion.

VOTE: (Primary amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

There was no further discussion on the main motion as amended.

VOTE: (Main motion as amended): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Commissioner Highland suggested considering a motion to address the ability to use concrete.

There was brief discussion that the Commission can continue to work through the notion of dealing with concrete and uses as dump sites after this ordinance is approved. This way they can get something on the books to start and take time to give appropriate consideration to uses of dump sites, districts, and so forth.

DOLMA/KRANICH MOVED TO ACCEPT HCC 21.50.150 AS AMENDED AND MOVE IT TO CITY COUNCIL.

There was brief discussion confirming that the entire ordinance as amended is moving forward to City Council and that staff will bring something back to them regarding fill and uses.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

C. Staff Report PL 10-101, Ordinance 10-xx amending Draft Steep Slope Ordinance

City Planner Abboud reviewed the staff report and laydown information from Commissioner Kranich.

KRANICH/BOS BRING TO THE FLOOR FOR DISCUSSION, RECOMMENDATIONS AND SCHEDULE FOR PUBLIC HEARING.

There was discussed of Commissioner Kranich's amendment after line 96 insert: 3. In 1 and 2 above the allowable area of development may be exceeded by and approved site plan,

REPORTS

A. Staff Report PL 10-95, City Planner's Report

City Planner Abboud reviewed his report that was included in the packet.

PUBLIC HEARINGS

Testimony limited to 3 minutes per speaker. The Commission conducts Public Hearings by hearing a staff report, presentation by the applicant, hearing public testimony and then acting on the Public Hearing items. The Commission may question the public. Once the public hearing is closed the Commission cannot hear additional comments on the topic. The applicant is not held to the 3 minute time limit.

A. Staff Report PL 10-85, Ordinance 10-xx Amending 21.50 Site Development Standards to Require Storm Water Plans, Enacting 21.50.150 Fill Standards and Establishing Standards for Filling Land

City Planner Abboud commented there was no change to the staff report or ordinance.

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

KRANICH/HIGHLAND MOVED TO APPROVE THE DRAFT ORDINANCE AMENDING 21.50 SITE DEVELOPMENT STANDARDS TO REQUIRE STORM WATER PLANS, ENACTING 21.50.150 FILL STANDARDS AND ESTABLISHING STANDARDS FOR FILLING LAND AND FORWARD IT TO COUNCIL FOR PUBLIC HEARING AND ADOPTION.

Commissioner Highland noted that the entire title of the ordinance wasn't read prior to the public hearing and wondered if there was public that intended to speak about the fill standards. It was determined that there was public wanting to comment and the opening of the hearing was not clear.

HIGHLAND/DOLMA MOVED TO POSTPONE DISCUSSION UNTIL AFTER THE PUBLIC HEARING IS RE-OPENED AND PUBLIC HAS THE OPPORTUNITY TO COMMENT.

Chair Minsch opened the public hearing.

Scott Adams, 30 year resident in the area and city resident by annexation, questioned why the City wants its own standards when the Corps of Engineers oversees whether you can put fill on your property. There was discussion that the ACOE addresses fill in the wetlands. Mr. Adams said they still look even if you aren't in the wetlands.

Beau Burgess, city resident, commented that the Corps of Engineers regulate any lot that has a portion of wetland; and upward of at least $\frac{3}{4}$ the land mass in Homer does have wetland via discharge slope or semi riparian area. He is trying to fully understand the need to regulate the kinds of fill that can be used. It seems like we are not accounting for all the possibilities of kinds of fill or uses for the fill. We are simply trying to legislate to avoid particular instances like what occurred out East Road where a large amount of trash was being used. He understands the need for the ordinance but would like to see a lot more flexibility and far thinking foresight put into what people can do. There is not a sufficient process for redress in situations. In his business they frequently remove stumps and macro woody debris when

clearing lots and put it to good use as retaining walls, mulch, or other products that can actually reduce erosion and serve some of the purposes this ordinance is trying to address. If we think this is an important thing to regulate, granted we are already overlapping Corps of Engineers jurisdiction when talking about wetlands, are we really putting enough thought into kinds of fill, what's allowed and addressing every possible situation.

There was brief discussion that there isn't an avenue through a CUP or other means in the ordinance for doing something as Mr. Burgess has suggested.

Dr. Nancy Livingston, city resident, commented that she supports this document and referenced her property, noting that in the absence of any regulation on fill in residential areas the lot adjacent to her was completely filled so that water was diverted and she had flooding in her home and damming in the property she owns in front of her home. The Daybreeze Subdivision lot where her property is located is made up of over 60 small lots. Lots now are smaller and regulations are needed as to what can be done in good conscience according to professional and industry standards. In her case good standards were not applied and there was no good conscience in what happened to her property. Therefore she had to resort to litigation to resolve it rather than looking to building and construction codes that should have been aligned and accountable to what is going on when the town is developing itself with regard to high quality residence. She thinks what is written here well address that and with the greater growth we have in area, and the topography for drainage and flooding, this needs to be addressed legislatively. We can not rely on the hands of novices. Should this not happen she would submit that the City needs to look at warning waivers and liability documents for realtors to issue to people purchasing such small lots, clarifying that there are no code regulations that apply to damages from fill should you incur it from another property owner that is adjacent to you so that you know this going in that your recourse will be expensive litigation. She encouraged the Commission to support the ordinance.

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

The postponed motion to adopt is back on the floor.

The Commission considered the concepts suggested by Mr. Burgess and ways to incorporate them so there isn't abuse of fill, but have a mechanism to allow the creative ideas. It was suggested it could be through a waiver or CUP that could be considered by staff or the Commission to utilize the materials the manners Mr. Burgess spoke of. It was noted that the ordinance does allow stumps and organic fill in any manner except where housing will be built. It doesn't appear to prohibit fill and placing stumps for erosion control. The ordinance doesn't prohibit removing stumps off your lot and taking them to the landfill or a disposal site that is probably outside the city. People are misusing fill and Homer is far enough along in its development that there needs to be some rules in place for this.

There was brief discussion of placement of fill along property lines where adjoining property owners are in agreement for filling their lots why would we want a setback that could create a canyon between the two lots. Point was raised that this could impact drainage. Public Works Director noted that there are situations where two lots might fill next to each other and it is a big encumbrance to have to provide a swale or ditch between them deeper than needed for drainage. He suggested that no fill can be placed within 5 feet of a side lot line of an adjacent lot that is not receiving fill. Two adjoining lots that are proposed to be filled to the same elevation, the five foot setback does not apply. City Planner Abboud suggested that

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
OCTOBER 6, 2010

this gets into an area where it goes beyond our expertise and you would be looking at a waiver per an expert in the field. Mr. Meyer noted that there is a provision in the ordinance that a grading plan be prepared that is approved by the City Engineer so maybe that is an opportunity for the possibility of fill being placed up to the property line.

Question was raised why concrete is prohibited; it is no worse than large stone and it is not prohibited by DEC. Public Works Director Meyer participated in the discussion about using concrete. He noted that it is an inert substance and perhaps it is better used in someone's back yard than taking up expensive space in the land fill and smaller chunks of concrete are better than larger chunks. He advised against asphalt as it has potentially toxic substances in it. It is best not to place concrete under buildings, but trucking stuff to the land fill is an expensive way for society to deal with that type of material. Point was raised that we don't have building inspections or an avenue for establishing where it should and should not be placed.

Commissioner Kranich said he would talk to staff wording for amendments.

KRANICH/HIGHLAND MOVED TO POSTPONE ADOPTION TO THE NEXT MEETING.

There was brief discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

B. Staff Report PL 10-84, Ordinance 10-xx Amending Draft Steep Slope Ordinance

City Planner Abboud reviewed laydown item noting that if the intent of the Commission to regulate setbacks from steep slope that they add they add the term steep slope into the list of ravine and non coastal bluff. He also suggests adding where they have 1/3 the height of the bluff, add or steep slope but not less than 15 feet.

Chair Minsch opened the public hearing.

Scott Adams, 30 year resident in the area and city resident by annexation, has a lot with slope development on East Hill. He agrees with the slope of 15 to 30% and not exceed the 25% of total area. He said when it comes to an area with a slope over 30% you are only allowed 10%, if you have a space that requires a long driveway, it is going to eat up a lot of the allowable area. He suggested it be increased to 15%. It states if a person wants to clear, fill, or grade they have to get a permit and he said that it is a lot of oversight by the city, and he questioned if he needs a permit to clear a few trees off his property or ditching around his house. Mr. Adams also noted that it gets vague when it comes to development of slopes 45% or greater. There should be a specific number so people can see what is happening and express their opinions about that. He knows Homer has interesting ground under each location so thinks that he has a hard time with this. His wife purchased a neighboring lot for a retirement property. With restrictions like this it is costly to develop and puts this expense on property owners.

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

B. Staff Presentation on Draft Ordinances Regarding Site Development Standards and Steep Slopes by Planning Technician Engebretsen

Planning Technician Engebretsen said she gave this presentation earlier in the day at the Realtors luncheon. They invited over 40 contractor type business people and surveyors and only one came.

She went through the power point presentation with the Commission touching on steep slopes and bluff setbacks, grading and filling, and residential storm water plans.

REPORTS

A. Staff Report PL 10-83, City Planner's Report

City Planner Abboud reviewed his report that was included in the packet.

PUBLIC HEARINGS

Testimony limited to 3 minutes per speaker. The Commission conducts Public Hearings by hearing a staff report, presentation by the applicant, hearing public testimony and then acting on the Public Hearing items. The Commission may question the public. Once the public hearing is closed the Commission cannot hear additional comments on the topic. The applicant is not held to the 3 minute time limit.

A. Staff Report PL 10-85, Ordinance 10-xx Amending 21.50 Site Development Standards to Require Storm Water Plans, Enacting 21.50.150 Fill Standards and Establishing Standards for Filling Land

City Planner Abboud said the presentation touched on this and he didn't have anything to add.

Chair Minsch opened the public hearing.

Beauregard Burgess, city resident, commented regarding the slope portion, that there is an overlap with other government agencies. When looking at working with a hydrologist or soil engineer you are looking at \$8,000 to \$10,000. He appreciates the intent of the slopes ordinance to allow people to develop larger aspects, where before they couldn't, but doesn't agree with mandating the use of an expensive third party to determine whether or not you can build on the steeper slopes. We should be wary of mandating this on a large scale without considering the bureaucratic strain it could put on city engineers, or an over worked planning department. You can't legislate for people to build intelligently, but you can provide guidelines. He just wonders if this is something that should be imposed on everyone due to costs and time lines associated.

Regarding fill, Mr. Burgess commented that he has a landscaping, dirt moving company and has concerns about limiting fill. If he can't take macro-woody debris that he is removing on one lot and place it on another lot than it ends up at the dump or puts a financial burden on customers and consumers in the city when lots need to be cleared. He wonders if there is a way to tone it back to larger projects or ocean side setbacks. He questioned if this is legislating ahead of our ability to effectively enforce or to have city resources for residents to turn to without giving them the flexibility that those of us without financial means could use.

Mr. Burgess responded to question regarding moving material from peoples lots. He explained that using non organic fill or construction debris is obviously undesirable. But if he has a customer who wants to clear a portion of their lot responsibility, to get the woody debris off the lot they can either bury it or burn it. He can take it to his lot process it, turn it to mulch for compost, use it for retaining walls, or other products he can sell. He has to take it to his own lot for processing, or he can take it to the dump, which costs money and in essence either becomes carbon in the atmosphere or turned into a land fill. You are putting a restriction on developers or smaller land owners on how they can use the material and process it effectively. He agrees with what they are trying to do with the ordinance to keep people from burying a lot of garbage but at the same time they want to allow for peoples rights to essentially assert their own aesthetic. A pile of logs or dirt one person may not like, may be able to be a valuable product to someone else and he doesn't think that should be mandated. We need to allow for those unanticipated situations.

Dr. Nancy Livingston, property owner in the city, asked the Commission to recall a photo from the presentation of two houses next to each other and between them a drainage and dirt fill issue in regard to that. It referred to a high field being built after a home was already built on one lot. Her lot is at 825 Soundview in Daybreeze Park Subdivision. The lot was previously owned; they are the third owners and were not participants in the development or placement of dirt or gravel. They purchased the home last August and remained in the home for five weeks. When she returned to the home in June she saw a similar situation to the one in the photo with the exception that the water wasn't there at that time because in June to late July there were substantial volumes of rain. In recalling the photo you see the five foot setback and the slope coming down to the common property line which runs approximately 123 feet from Soundview down to the acknowledged drainage. Their gravel, driveway, and walkway were destroyed by a 10 blade cat that came down, which they did not hire and knew nothing about. She thinks it is necessary to adopt this ordinance. Having to take legal action as she will have to do to redress her damages should not be a necessity for people of good will to purchase property and have a reasonable expectation that massive damage that can be guided by law and doesn't affect the development of this community. Dr. Livingston urged the Commission to support this ordinance so these circumstances do not continue to occur.

Kevin Walker, Kachemak City resident, commented regarding the storm water portion that small culverts often freeze and he worries about flooding with new development going on up hill from him. Three of the small culverts in the subdivision have frozen over the last two winters and that's what protects his home from the water coming down the hill. The back slopes are too steep at the 1.5 to 1 which is legal if it is engineered. But they put them everywhere and several failed including one on the uphill side of the street from him. When it failed all the dirt and grass seed went into the ditch. Now they have wonderful grass in the culvert, but not much room for water. It has glaciated the last two winters, closing the subdivision until city crews can open it up. He explained that he lives just below the entrance of the Canyon Trails Subdivision on Golden Plover and borders city of Homer property.

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

KRANICH/VENUTI MOVED TO TAKE NO ACTION UNTIL AFTER THE NEXT PUBLIC HEARING.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

PUBLIC HEARINGS

Testimony limited to 3 minutes per speaker. The Commission conducts Public Hearings by hearing a staff report, presentation by the applicant, hearing public testimony and then acting on the Public Hearing items. The Commission may question the public. Once the public hearing is closed the Commission cannot hear additional comments on the topic. The applicant is not held to the 3 minute time limit.

A. Staff Report PL 10-47, Draft Ordinance Amending the Appeal Procedure

City Planner Abboud explained that lines 44-45 of the document were corrected from **"and shall state the number of members of the body hearing the appeal who participated in the appeal, how many voted in favor of the decision, and the number voting in favor of the decision"** to **"and shall state the number of members of the body hearing the appeal who participated in the appeal, how many voted in favor of the decision, and the number voting in favor of opposition of the decision."**

KRANICH/BOS - MOVED TO AMEND LINE 45 AS RECOMMENDED AND FORWARD TO HOMER CITY COUNCIL.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

PLAT CONSIDERATION

There were no plats.

PENDING BUSINESS

A. Staff Report PL 10-49, Draft Spit Comprehensive Plan

Pages 14-21 were reviewed, and work will resume on line 599, with the goal being to work through the rest of the document.

Discussion continued from the work session, regarding development while preserving views, areas for residential use, and traffic speed and control. There was discussion about differences between marine commercial and marine industrial, best use of land, and the possibility of residential zoning provided a conditional use permit is obtained.

The commission requested staff make the recommended changes to the document and provide a track changes version for the next meeting on June 16th.

B. Staff Report PL 10-51, Draft Ordinance Amending Storm Water Requirements and Establishing Standards for Filling Land

City Planner Abboud advised there were a few minor changes recommended by the city attorney. He recommended a public hearing be scheduled for September 1, 2010.

KRANICH/BOS - MOVED TO ADOPT STAFF REPORT 10-51 WITH STAFF RECOMMENDATION TO SCHEDULE A PUBLIC HEARING ON SEPT 1, 2010.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

NEW BUSINESS

A. Staff Report PL 10-50, **Memorandum 10-74**, from Mayor Hornaday, Re: Refer to Planning Commission for Recommendation of Candidates for the Kenai Peninsula Borough Planning Commission.



D. Staff Report PL 10-42, Spit Comprehensive Plan

Chair Minsch stated she would entertain a motion to postpone action on this item until the commission has had the time to properly review the draft document.

City Planner Abboud commented on the draft document. He was pleased with the efforts to include implementation items; ideas from the last commission meeting were included; definitely some changes required in relationship issues. Chair Minsch instructed the Commission to review their notes and incorporate them into the new draft plan since this is the document that they will be using in two weeks. City Planner Abboud recommended the Commissioners think about the time frame for approving this document.

KRANICH/ HIGHLAND - MOVED TO CONTINUE THE HOMER SPIT COMPREHENSIVE PLAN AT THE NEXT WORKSESSION MEETING.

There was no discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

E. Staff Report PL 10-43, Draft Ordinance Amending Storm Water Requirements and Establishing Standards for Filling Land

Planning Technician Engebretsen stated that the Commission discussed this draft ordinance at the worksession and requested staff to bring the revised draft with the recommended changes to the fill standard section of it for their next worksession.

KRANICH/HIGHLAND - MOVED TO SEND THE DRAFT ORDINANCE AMENDING STORM WATER REQUIREMENTS AND ESTABLISHING STANDARDS FOR FILLING LAND BACK TO STAFF FOR AMENDMENT AND RETURN FOR REVIEW AT THE NEXT WORKSESSION.

Clarification was made on keeping the storm water and land fill together on one ordinance.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

NEW BUSINESS

None.

INFORMATIONAL MATERIALS

None.

COMMENTS OF THE AUDIENCE

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

There were no audience comments.

COMMENTS OF STAFF

City Planner Abboud stated the sun was still shining after a meeting.

0

0

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
MARCH 17, 2010

There was no objection and discussion ensued.

Chair Minsch noted that the Commission talked about the Land Allocation Plan at tonight's worksession.

The Commission agreed that they would not forward a recommendation because they do not appear to have a unified position. Other comments included:

- Council does not give the Commission information to make decisions on; they are presented with a hundred pages of properties and their designations. They could spend hours on the plan, but the Commission has seen that Council doesn't do much if anything with the Commissions input.
- The current structure of the review isn't effective and is not a valuable use of the Commission's time.

Commissioner Kranich said he plans to attend the meeting. It was noted that any of the other Commissioners could attend if they are interested in the process.

NEW BUSINESS

A. Staff Report PL 10-22, State of Alaska Right-of-way Acquisition for East End Road

Planning Technician Engebretsen reviewed the staff report and discussed the process of the acquisition with the Commission.

The Commission had no recommendations and no action was taken.

B. Staff Report PL 10-25, Dirt Work Ordinance

City Planner Abboud reviewed the staff report.

KRANICH/BOS MOVED TO BRING THIS TO THE FLOOR FOR DISCUSSION AND POSSIBLE REVISION:

There was no objection and discussion ensued. Points discussed included:

- Homer has no building regulations, why regulate the fill.
- Line 17, how do you define a large rock.
- Most excavators aren't going to be filling with large rocks, stumps, or garbage.
- The ordinance needs to be enforceable.
- Line 29/30 "retention ditches, silt fencing, and storm water settling ponds" change "and" to "or" so it does not seem all inclusive.
- When developing in mapped wetland area the proper documentation is required by the City.
- Clarify garbage on lines 17 and 44.
- If the City Engineer is going to be responsible for reviewing, a fiscal note should be included so Council will be aware of the impact.

KRANICH/BOS MOVED TO REQUEST STAFF SEND THE DRAFT DIRT WORK ORDINANCE TO LEGAL FOR REVIEW AND THEN RETURN TO THE COMMISSION FOR REVIEW.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

INFORMATIONAL MATERIALS

- A. Letter Dated March 10, 2010 to Darren Williams, Refuge Room from Rick Abboud, City Planner regarding Use of Refuge Room/Enforcement Order

COMMENTS OF THE AUDIENCE

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

No audience was present to comment.

COMMENTS OF STAFF

Staff had no comments.

COMMENTS OF THE COMMISSION

Commissioners Sinn and Druhot had no comment.

Commissioner Bos wished everyone Happy St. Patrick's Day. He said it was a good meeting.

Commissioner Kranich said it was a good meeting and they covered a lot.

Commissioner Highland said she would like to see about getting the storm water management plan on the agenda for ordinance work to begin. There was discussion of the process for the worklist. She will make a list to bring for the worklist discussion. It was requested that she be provided with a copy of the worklist. She thanked everyone.

Chair Minch commended the group on their work tonight.

ADJOURN

Meetings adjourn promptly at 10 p.m. An extension is allowed by a vote of the Commission. Notice of the next regular or special meeting or work session will appear on the agenda following "adjournment".

There being no further business to come before the Commission, the meeting adjourned at 9:07 p.m. The next Regular Meeting is scheduled for April 7, 2010 at 7:00 p.m. in the City Hall Cowles Council Chambers. There is a worksession at 5:30 p.m. prior to the meeting.

MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

Approved: _____

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
SEPTEMBER 2, 2009

Chair Minsch called for a motion to adopt staff report PL09-69 Bayview Gardens Ireland Addition Preliminary Plat with Staff Recommendations.

KRANICH/SINN SO MOVED.

There was discussion about staff recommendation three is to comply with Public Works comments. Question was raised whether adopting that would tie the subdividers into having to hook up to the sewer. It was suggested the action be postpone until the applicant can discuss this further with Public Works.

KRANICH/SINN MOVED TO POSTPONE THIS STAFF REPORT UNTIL BROUGHT BACK BY STAFF.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

PENDING BUSINESS

A. Staff Report PL 09-73, Draft Grading and Filling

The Commission discussed this at the worksession.

KRANICH/SINN MOVED TO POSTPONE UNTIL BROUGHT BACK BY STAFF.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

NEW BUSINESS

The Commission hears a report from staff. Commission business includes resolutions, ordinances, zoning issues, requests for reconsideration and other issues as needed. The Commission may ask questions of staff, applicants, and the public. Any items brought before the Commission for discussion are on the floor for discussion following introduction of the item. The Commission will accept testimony or a presentation on agenda items that involve an applicant (such as acceptance of a non conformity).

A. Staff Report PL 09-74, Election of Officers

Chair Minsch was nominated as Chair and Commissioner Kranich was nominated as Vice Chair. There was no objection voiced.

INFORMATIONAL MATERIALS

Items listed under this agenda item can be HCC meeting minutes, copies of zoning violation letters, reports and information from other government units.

A. Memorandum dated August 26, 2009 to HAPC from Thomas Klinkner, City Attorney regarding Remand of CUP 07-03

C

Q

1

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
AUGUST 5, 2009

BOS/MINSCH MOVED TO AMEND LINE I THAT PUBLIC SIGN DESIGN AND PLACEMENT BE SUBMITTED TO PLANNING AND ZONING RATHER THAN THE PLANNING COMMISSION FOR REVIEW.

Point was raised that there aren't that many public signs and it provides another opportunity for public input.

VOTE: YES: BOS

NO: KRANICH, HAINA, SINN, MINSCH

Motion failed.

KRANICH/MINSCH MOVED TO STRIKE ITEM C.

There was brief discussion that it explains what the code requires and the change in the definition of public signs.

VOTE: NO: BOS, MINSCH, HAINA, KRANICH, SINN

Motion failed.

There was no further discussion on the main motion as amended.

VOTE (amended main motion): YES: MINSCH, HAINA, KRANICH, SINN, BOS

Motion carried.

C. Staff Report PL 09-70, Dirt Work

Chair Minsch noted that there was extensive discussion with staff during the worksession and asked if there is consensus that they want more worksession time on this draft ordinance.

KRANICH/BOS MOVED TO SEND STAFF REPORT PL 09-70 AND THE ASSOCIATED DRAFT TO STAFF FOR FURTHER CLARIFICATION.

Commissioner Sinn commented that he would like clarification on the way to determine a difference between what is large in commercial and dictate storm water plans and site drainage plans as opposed to an owner builder who hires his own dirt guy, and trying to find that separation so we don't regulate a homeowner into an expensive and costly deal.

There was discussion that it is situational and there are models that are all over the board. Chair Minsch noted that this is not a judicial decision and it would be acceptable to get some feedback from dirt contractors, and bring the information back to the worksession for discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

INFORMATIONAL MATERIALS

NEW BUSINESS

The Commission hears a report from staff. Commission business includes resolutions, ordinances, zoning issues, requests for reconsideration and other issues as needed. The Commission may ask questions of staff, applicants, and the public. Any items brought before the Commission for discussion are on the floor for discussion following introduction of the item. The Commission will accept testimony or a presentation on agenda items that involve an applicant (such as acceptance of a non conformity).

A. Staff Report PL 09-63, Capital Improvement Plan

BOS/SINN MOVED TO BRING STAFF REPORT PL 09-63 TO THE FLOOR FOR DISCUSSION.

There was no objection and discussion ensued.

The Commission ranked their priorities for recommendation to the City Council.

KRANICH/SINN MOVED TO RECOMMEND THE FOLLOWING LIST TO COUNCIL FOR CONSIDERATION:

1. Alternative Water Source
2. Sewer Treatment Plant Bio-solids Treatment Improvements
3. East Boat Harbor
4. Skyline Fire Station
5. Deep Water Dock Expansion
6. Port and Harbor Building

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

B. Staff Report PL 09-69, Public Sign Code Amendment

City Planner Abboud reviewed the staff report.

KRANICH/BOS MOVED TO REVIEW STAFF REPORT PL 09-69 AND MOVE THE ORDINANCE FOR PUBLIC HEARING AT THE COMMISSION LEVEL.

There was discussion clarifying the differences between public building signs and private business signs and that the purpose of the ordinance is for both to have the same regulations.

MINSCH/KRANICH MOVED TO AMEND TO ADD BACK THE STRIKEN PORTION OF LINE I.

Chair Minsch referenced the City installed sign off the Sterling Highway heading toward Beluga Lake that exceeds the height limit. The signs installed by the City need to meet the same regulations as private signs.

There was brief discussion that public signs should have the same standards as private signs.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

4. *Construction activities shall minimize impact to the site, and natural vegetation shall be retained to the maximum extent possible.*
5. *Areas disturbed by construction shall be planted or seeded as soon as possible to reduce sedimentation.*
6. *Silt fencing, straw bales and other best management practices will be used to control erosion and sedimentation during construction. These measures to be in place prior to the issuance of a zoning permit and maintained until re-seeding is complete.*

Chair Kranich asked staff for clarification on decks being impervious. Mr. Fetterhoff was asked a few more questions regarding drainage. He responded there was a culvert installed at the end of the drive and that the driveway length was shortened to thirty- (30) feet instead of sixty (60) feet so he did not feel there would be much run-off. He would consider construction of a retention pond area for runoff. Commissioner Scheer recommended alternative mitigation methods for a ditch. He is not recommending change for this application just a more economical and aesthetic appearance.

VOTE. YES. KRANICH, FOSTER, CHESLEY, ZAK, SCHEER, HESS, MINSCH

Motion carried.

B. Staff Report PL 07-51, Draft Grading and Filling Regulations

Chair Kranich excused himself at 9:22pm and returned at 9:26pm.

City Planner McKibben briefly reviewed the staff report.

Staff answered questions from the commission regarding the following:

1. If a smaller number chosen than the DAP would there be advantage to applying this to all building districts.
2. During the research was there a percentage indicated.
3. Applicability of formula to determine fill amount. Need to lower threshold.

Discussions regarding the thoroughness of the draft document and that it needed only minor revisions to be complete.

Commissioner Minsch recommended that the use of stumps for fill should be changed to vegetative materials cannot be used for fill of any kind including landscape or driveway.

Commissioner Scheer commented on the requirement for fill slopes and recommended that include the top of any cut slope. Commissioner Minsch asked how this could be enforced. City Planner McKibben stated that her department performs site visits during the project to ensure work is being done in accordance with the code. Commissioner Minsch asked if the city staff was qualified to make these decisions. Her concern is that the City does not do asbuilt surveys or flag lot lines, etc. Therefore, for the staff to go out and perform inspections when they are not fully qualified to do this, could create problems; how do they know where the lot lines are and such. Commissioner Scheer stated that it would be common sense to get a survey done before starting work. Homer does not require that a survey be done. It was commented that maybe it should.

Commissioner Foster addressed the question regarding requiring permits from both the parcel fill being removed from and the parcel being filled. He has reviewed the permit requirements for this and he recommended that both parcels require permitting for fill and removal.

Chair Kranich asked a question regarding the definition of clearing, if it should be more specific.

Commissioners addressed questions from staff concerning total amounts of fill materials, total area of disturbance allowed, expiration and renewal of permits.

Commissioner Minsch stated that more discussion was needed to discuss Item 2 Fill Standards; item b. should not be allowed period due to decomposition causing unstable land. Commissioner Hess agreed. It was noted that this issue may not be addressed this time around, but it should be addressed. Commissioner Scheer recommended adding detailed fill material descriptions. Commissioner Hess pointed out that item h, under Grading Excavation and Fill Permits, addresses that issue and recommended keeping it. Commissioners discussed whether these regulations should apply to BCWPD. The Commission was in consensus that they did want the regulations to apply to all areas.

Commissioner Hess asked if Mark Kinney could be invited to give advice regarding the language to be used regarding fill materials. It may help with the decision making process on the regulations by the Commission.

City Planner McKibben reminded the commission that the majority of the document was taken from the City of Anchorage. It also contains similar language to the EPA requirements for clean fill. Further discussion evolved regarding the definition of clean fill, problems and concerns. Commissioner Scheer commented that if tree roots cannot be used as fill material he was sure that the document would not be approved by the Commission. He inquired if a trigger for Public Hearing would be considered on fill material at some point. City Planner McKibben stated no hearing were planned at this time. He had concerns regarding other projects causing greater environmental impacts to a neighborhood. He was of the opinion that at some time the public should have an opportunity to comment on proposed work.

Commissioner Chesley asked staff about time limitations on issuance of permits from Zoning, as he could not locate it at this time. He wanted to recommend that the requirement be included and keep things consistent within the code. He also recommended that City Planner McKibben double-check this issue.

ZAK/MINSCH – MOVE TO TABLE THIS ITEM TO A FUTURE WORKSESSION AT UNDETERMINED TIME.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

C. Planning Directors Report, Staff Report PL 07-50

City Planner McKibben briefly reviewed the report regarding the Open Meetings Act and Due Process Requirements.

The Commission discussed the issues surrounding independent research in conjunction with the regulations and laws. Commissioner Chesley reported that in the Commissioners Handbook published by the State of Alaska that it encouraged the use of independent research, total opposite from what the City Attorney reported. There is a section in the Handbook that warns about "ex parte" communication. Commissioners were mixed on the issue of obtaining information in order to make an informed decision.

City Planner McKibben gave further explanation regarding the legal requirement to make all information available to all parties, possible parties, and the public. The Commissioners are allowed to talk to Staff to clarify information or ask questions. Commissioner Hess could not see where going on the internet, and looking up Fire Access Code Regulations for example, that that information could not be allowed. The internet is such a vast and easily accessible source of information. City Planner pointed out one example how information was taken from the Internet was brought to the meeting. Noting that staff was unaware of the information and the applicant had no knowledge of the available information so the applicant was unable to address the information. Therefore, independent research does not protect the due process of the applicant.

Commissioner Chesley thought that was an interesting point and related that during the time of the Commission deliberations on that issue, he asked the Fire Chief a question regarding the requirements. The Fire Chief was surprised that the Commission was asking about it since that document had been forwarded to the Planning Department previously.

Clerk's Office - 8/14/2007 - rk

From: Ray Kranich

Date: October 20, 2010

Re: Dirt Work

HCC 21.50.150 Fill Standards be amended: to allow a lot or lots (multiple lots must be owned by the same person) to be used as a dump site for large and small organic debris, and concrete without limitation, fill material shall be free of construction or demolition debris (including without limitation asphalt), GARBAGE AND ANY MATERIAL THAT IS CATEGORIZED AS HAZARDOUS OR TOXIC UNDER FEDERAL OR STATE LAW. Prior to beginning filling, a CUP must be obtained from the Homer Advisory Planning Commission. Information to be provided to the Planning Commission shall include a Development Plan that includes drainage patterns during the filling process, as well as drainage patterns upon completion. This Development Plan shall be approved by the City Engineer prior to being submitted to the HAPC.

With a CUP, the filling may take longer than 24 months to complete.

21.50.150 (c) (5) shall be amended to read:

No fill may be placed closer than 5 feet to a side or rear lot line, with the following exception; fill may be placed across common lot lines after a development plan that includes a drainage plan has been approved by all property owners and the City Engineer.

+





City of Homer Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

Telephone (907) 235-8121
Fax (907) 235-3118
E-mail Planning@ci.homer.ak.us
Web Site www.ci.homer.ak.us

STAFF REPORT PL 10-102

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
MEETING: October 20, 2010
SUBJECT: Ordinance 10-xx Amending 21.50 site development standards to require storm water plans, enacting 21.50.150 fill standards and establishing standards for filling land

Requested Action: Review

GENERAL INFORMATION

The Commission seemed to want to think about amending the ordinance to allow for some activities that might be exceptions to the ordinance in its current form. I would like to have discussions for more specific changes that should be made with concurrence of a majority of the commission. I would then further refine and bring the ordinance back for public hearing if significant changes are proposed.

STAFF COMMENTS/RECOMMENDATIONS:

Discuss and make suggestions to revise or not.

ATTACHMENTS

1. Draft Ordinance



City of Homer Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

Telephone (907) 235-8121
Fax (907) 235-3118
E-mail Planning@ci.homer.ak.us
Web Site www.ci.homer.ak.us

STAFF REPORT PL 10-85

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Planning Technician
MEETING: September 15, 2010, Oct. 6, 2010
SUBJECT: Ordinance 10-xx Amending 21.50 site development standards to require storm water plans, enacting 21.50.150 fill standards and establishing standards for filling land

Requested Action: Conduct a public hearing September 15th and October 6th, and forward a recommendation to the City Council.

GENERAL INFORMATION

The Commission has discussed many different ideas for regulating fill, and storm water.

What does this ordinance do?

This ordinance is intended to address the following problems:

1. Lack of storm water regulation outside of the commercial districts for large development projects.
2. Lack of regulation of fill, such as stump or dumping lots.
3. Inadequate regulations to address filling and the affect of runoff on adjacent lots when fill is placed over a large area.

Storm water regulations

The City currently requires storm water plans in the commercial business districts. This ordinance would extend the storm water plan requirements city wide.

Placement of fill

There are two parts to the new regulations. First, construction debris may not be used as fill, nor can stumps be brought from one lot onto another lot. Only clean fill may be used for a building pad. Second, when a development will place more than three feet of fill over more than 25% of a lot, a grading plan that meets certain standards is required.

What is not addressed by this ordinance?

This ordinance does not address the cumulative effect of development on area storm water systems. It only addresses larger projects, and will probably not affect most development. This ordinance does not

address all of the drainage problems that arise between property owners. The grading plan requirements only apply when more than 25% of the lot will be filled more than three feet deep. However, it is an incremental step toward regulating drainage in Homer as a larger system, instead of lot by lot.

City wide, the storm water plan (SWP) requirements will be identical. But WHEN a storm water plan is required will be different. In the business districts, an SWP is required when development will be within ten feet of a wetland, or if more than 60% of the lot will be impervious. These two requirements will not apply in this ordinance. The intent of storm water plan requirement is to apply to larger projects, not the average single family home.

STAFF COMMENTS/RECOMMENDATIONS:

Planning Commission conduct two public hearings and forward a recommendation to the City Council.

ATTACHMENTS

1. Draft Ordinance

1 Planning Commission Public Hearing Draft September 15, 2010

2
3 CITY OF HOMER
4 HOMER, ALASKA

5 Planning

6 ORDINANCE 10-
7

8 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
9 ENACTING SUBSECTION (d) OF HOMER CITY CODE 21.50.020, SITE
10 DEVELOPMENT STANDARDS – LEVEL ONE, AND HOMER CITY CODE
11 21.50.150, FILL STANDARDS, REGARDING THE REQUIREMENT OF A
12 STORM WATER PLAN, AND ESTABLISHING STANDARDS FOR FILLING
13 LAND.
14

15 WHEREAS, Chapter 4 Land Use, Goal 3 of the 2008 Comprehensive Plan states,
16 “Encourage high quality buildings and site design that complement’s Homer’s beautiful natural
17 setting,” and recommends developing specific policies regarding site development such as
18 grading; and
19

20 WHEREAS, Chapter 4, Goal 2 Objective C of the Comprehensive Plan, item #7 states:
21 “Develop and apply in all districts new standards addressing environmental issues including the
22 management of storm water...;”and
23

24 WHEREAS, Chapter 6 Public Services and Facilities, Goal 1, Objective F Storm Water
25 Control, states “Provide for current and future needs and explore options for expanding the
26 quality and extent of storm water control;” and
27

28 WHEREAS, there are currently storm water plan requirements in the commercial zoning
29 districts, but not in residential, recreational or conservation zoning districts; and
30

31 WHEREAS, this ordinance applies basic storm water plan requirements city-wide; and
32

33 WHEREAS, this ordinance applies basic fill requirements city-wide;
34

35 NOW THEREFORE THE CITY OF HOMER ORDAINS:
36
37

38 Section 1. Subsection (d) of Homer City Code 21.50.020, Site development standards –
39 Level one, is enacted to read as follows:
40

41 d. A Storm Water Plan approved under HCC Chapter 21.75 is required for
42 development that:

43 1. Creates more than 25,000 square feet of new impervious surface area on a
44 lot;

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

2. Increases the total impervious surface area of a lot beyond one acre;
3. Includes grading, excavation or filling that cumulatively moves 1,000 cubic yards or more of material; or
4. Includes grading, excavation or filling that creates a permanent slope of 1:3 or more, and that has a total height, measured vertically from toe of slope to top of slope, exceeding ten feet.

Section 2. Homer City Code 21.50.150, Fill standards, is enacted to read as follows:

21. 50.150 Fill standards. a. Except as permitted in (b) of this section, fill material shall be free of large organic debris (including without limitation stumps), construction or demolition debris (including without limitation concrete and asphalt), garbage and any material that is categorized as hazardous or toxic under federal or state law.

b. Fill material that will not support a structure may include large organic debris that originated on the lot where the fill is placed, provided that it is capped with clean fill for future landscaping or driveway use.

c. The placement of fill to a depth greater than three feet over 25% or more of a lot is subject to following requirements:

1. Before any fill is placed, a grading plan for the lot must be approved by the City Engineer. The grading plan shall show the following:

i. The existing grade and finished grade of the lot using contour intervals sufficiently small to show the nature and extent of the work, and its compliance with the requirements of this title; and

ii. The existing grade on adjoining properties in sufficient detail to identify how grade changes will conform to the requirements of this title.

2. Best management practices shall be used to limit sedimentation and storm water runoff, and shall be installed prior to the placement of fill on the lot.

3. All corners of the lot shall be flagged before fill is placed on the lot.

4. The slope of the fill shall not exceed 50%, or 1:2.

5. No fill may be placed closer than five feet to a side or rear lot line.

6. The placement of fill shall be completed within 24 months after its commencement, and the filled area shall be capped and seeded as soon as possible within the growing season.

Section 3. This ordinance shall be effective upon adoption, except that land development plans that received final approval prior to the effective date of this ordinance shall not be subject to the amendments in this ordinance.

Section 4. This Ordinance is of a permanent and general character and shall be included in the City Code.

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

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

CITY OF HOMER

JAMES C. HORNADAY, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and approved as to form:

Walt E. Wrede, City Manager

Date: _____

Thomas F. Klinkner, City Attorney

Date: _____

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

○

○

...

t

t

t

t

t

t

t

t

t

t



City of Homer Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

Telephone (907) 235-8121
Fax (907) 235-3118
E-mail Planning@ci.homer.ak.us
Web Site www.ci.homer.ak.us

STAFF REPORT PL 10-51

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Planning Technician
MEETING: June 2, 2010
SUBJECT: Draft ordinance amending storm water requirements and establishing standards for filling land

GENERAL INFORMATION

Staff has made some minor amendments to the dirt work ordinance and clarified some of the language provided by the attorney.

STAFF COMMENTS/RECOMMENDATIONS:

Planning Commission review the ordinance, and schedule for public hearing on September 1, 2010.

ATTACHMENTS

1. May 25, 2010 draft ordinance

1 May25, 2010 Draft

2
3 CITY OF HOMER
4 HOMER, ALASKA

5 Planning

6 ORDINANCE 10-

7
8 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
9 ENACTING SUBSECTION (d) OF HOMER CITY CODE 21.50.020, SITE
10 DEVELOPMENT STANDARDS – LEVEL ONE, AND HOMER CITY CODE
11 21.50.150, FILL STANDARDS, REGARDING THE REQUIREMENT OF A
12 STORM WATER PLAN, AND ESTABLISHING STANDARDS FOR FILLING
13 LAND.

14
15 WHEREAS, Chapter 4 Land Use, Goal 3 of the 2008 Comprehensive Plan states,
16 “Encourage high quality buildings and site design that complement’s Homer’s beautiful natural
17 setting,” and recommends developing specific policies regarding site développement such as
18 grading; and

19
20 WHEREAS, Chapter 4, Goal 2 Objective C of the Comprehensive Plan, item #7 states:
21 “Develop and apply in all districts new standards addressing environmental issues including the
22 management of storm water...;”and

23
24 WHEREAS, Chapter 6 Public Services and Facilities, Goal 1, Objective F Storm Water
25 Control, states “Provide for current and future needs and explore options for expanding the
26 quality and extent of storm water control;” and

27
28 WHEREAS, there are currently storm water plan requirements in the commercial zoning
29 districts, but not in residential, recreational or conservation zoning districts; and

30
31 WHEREAS, this ordinance applies basic storm water plan requirements city-wide; and

32
33 WHEREAS, this ordinance applies basic fill requirements city-wide;

34
35 NOW THEREFORE THE CITY OF HOMER ORDAINS:

36
37
38 Section 1. Subsection (d) of Homer City Code 21.50.020, Site development standards –
39 level one, is enacted to read as follows:

40
41 d. A Storm Water Plan approved under HCC Chapter 21.75 is required for
42 development that:

43 1. Creates more than 25,000 square feet of new impervious surface area on a
44 lot;

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

2. Increases the total impervious surface area of a lot beyond one acre;
3. Includes grading, excavation or filling that cumulatively moves 1,000 cubic yards or more of material; or
4. Includes grading, excavation or filling that creates a permanent slope of ~~3:1~~ 1:3 or more, and that has a total height, measured vertically from toe of slope to top of slope, exceeding ten feet.

Section 2. Homer City Code 21.50.150, Fill standards, is enacted to read as follows:

21. 50.150 Fill standards. a. Except as permitted in (b) of this section, fill material shall be free of large organic debris (including without limitation stumps), construction or demolition debris (including without limitation concrete and asphalt), garbage and any material that is categorized as hazardous or toxic under federal or state law.

b. Fill material that will not support a structure may include large organic debris that originated on the lot where the fill is placed, provided that it is capped with clean fill for future landscaping or driveway use.

c. The placement of fill to a depth greater than three feet over 25% or more of a lot is subject to following requirements:

1. Before any fill is placed, a grading plan for the lot must be approved by the City Engineer. The grading plan shall show the following:

i. The existing grade and finished grade of the lot using contour intervals sufficiently small to show the nature and extent of the work, and its compliance with the requirements of this title; and

ii. The existing grade on adjoining properties in sufficient detail to identify how grade changes will conform to the requirements of this title.

2. Best management practices shall be used to limit sedimentation and storm water runoff, and shall be installed prior to the placement of fill on the lot.

3. All corners of the lot shall be flagged before fill is placed on the lot.

4. The slope of the fill shall not exceed 50%, or 1:2.

5. No fill may be placed closer than five feet to a side or rear lot line.

6. The placement of fill shall be completed within 24 months after its commencement, and the filled area shall be capped and seeded as soon as possible within the growing season.

Section 3. This ordinance shall be effective upon adoption, except that land development plans that received final approval prior to the effective date of this ordinance shall not be subject to the amendments in this ordinance.

Section 4. This Ordinance is of a permanent and general character and shall be included in the City Code.

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

86 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of
87 _____ 2010.

88
89 CITY OF HOMER

90
91
92
93 _____
94 JAMES C. HORNADAY, MAYOR

95 ATTEST:

96
97
98
99 _____
100 JO JOHNSON, CMC, CITY CLERK

101 YES:

102 NO:

103 ABSTAIN:

104 ABSENT:

105 First Reading:

106 Public Hearing:

107 Second Reading:

108 Effective Date:

109
110
111 Reviewed and approved as to form:

112
113
114
115 _____
116 Walt E. Wrede, City Manager

Date: _____

Thomas F. Klinkner, City Attorney

Date: _____

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

○

○



City of Homer Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

Telephone (907) 235-8121
Fax (907) 235-3118
E-mail Planning@ci.homer.ak.us
Web Site www.ci.homer.ak.us

STAFF REPORT PL 10-43

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Planning Technician
MEETING: May 5, 2010
SUBJECT: Draft ordinance amending storm water requirements and establishing standards for filling land

GENERAL INFORMATION

The Commission last discussed this ordinance on March 17, 2010. At that time it was forwarded to the City Attorney for review. The Attorney has reviewed and revised the draft ordinance, and it is attached. The purpose of the ordinance is to require storm water plans city wide for certain developments, and to regulate the placement of fill on lots. Public Works Director Meyer has been invited to the work session if the Commission has questions about this ordinance. Staff will also present a very short power point presentation with pictures of various development scenarios that would fall under the new regulations.

This ordinance is intended to address the following problems:

1. Lack of storm water regulation for large dirt moving projects outside of the commercial districts, or projects with a large impervious surface area.
2. Lack of regulation of fill, such as stump or dumping lots, and the affect of runoff on adjacent lots when fill is placed over a large area of a lot.

This ordinance creates the following rules:

1. Requires storm water plans in all districts. See Attached Table!

2. Creates standards for the filling of land, city wide

A. Fill standards are set – i.e. no garbage or hazardous material may be used as fill.

B. Tree stumps and organic materials may be used as fill ONLY on the lot where they originated, and in locations where a building is not planned.

C. City wide, a grading plan will be required when fill will be placed at a depth of 3 feet or more, over 25% or more of the lot.

PC questions

Line 165: “in situ” means “in place” soil tests. (As opposed to offsite laboratory tests). In situ tests include measuring shear strength, cone penetration, etc. This is a common technical term and is appropriately used in this ordinance under the geotechnical engineering report.

Next steps

Staff and the Commission have been working on this ordinance off and on for over three years. Staff recommends inviting local contractors to a PC meeting to talk about this ordinance either prior to or at a public hearing. Staff recommends the Commission continue to work on this ordinance until it is 'finalized' (and you are very familiar with it), and then schedule a meeting to invite contractors and interested public.

STAFF COMMENTS/RECOMMENDATIONS:

Planning Commission review and amend the draft ordinance, and continue to a future meeting.

ATTACHMENTS

1. Storm Water Triggers Table
2. Draft Ordinance, April 27, 2010
3. March 17, 2010 HAPC minutes

Storm Water Plan Triggers

Existing Code - Commercial Zones	Staff comment	New Code - rest of city
When the lot becomes 60% impervious, a SWP is required.	Staff dislikes the % requirement. A small lot that is 59% impervious and wants to add a 200 sq ft addition needs an SWP. A big lot might be able to create 20,000 sq ft impervious and not need an SWP.	No lot percentage requirement
The cumulative addition of 25,000 square feet or greater of impervious surface area	This is about half an acre	SAME
Grading an acre or more	There are no area based requirements in these other districts. (state/fed rules now require a SWPPP, or storm water pollution prevention plan at 1 acre. This rule as not in effect when the original storm water plan was written into city code)	no city rules (state/fed rules still apply)
Grading involving the movement of 10,000 cubic yards or more of material	In commercial districts, a development activity plan is required when moving a lot of dirt. But the PC did not want to require a DAP in the residential districts. However, PC still wanted to regulate when lots of dirt is moving around. 100 dump trucks is a lot of material and is what the new residential rules are based on.	Grading/excavation/filling of 1,000 cubic yards, (that's about 100 dump trucks.)
Grading that will result in a temporary or permanent slope having a steepness of 3:1 or greater and having a total slope height, measured vertically from toe of slope to top of slope, exceeding ten feet; or		SAME
Any land clearing or grading on a slope steeper than 25 percent, or within ten feet of any wetland, watercourse, or water body.	If the Commission wants to talk about clearing on slopes lets do that at the work session. The second part regulates based on distance to wetlands; that is not real useful in the less dense parts of town. Lots of Homer is wetland, and this requirement would trigger an SWP for most new home construction, even if ACOE had already required a storm water pond or otherwise permitted the project.	No new rules for clearing on slopes or near water/wetlands



1 April 27, 2010 Draft

2
3 CITY OF HOMER
4 HOMER, ALASKA

5 Planning

6 ORDINANCE 10-

7
8 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
9 ENACTING SUBSECTION (d) OF HOMER CITY CODE 21.50.020, SITE
10 DEVELOPMENT STANDARDS - LEVEL ONE, AND HOMER CITY CODE
11 21.50.150, FILL STANDARDS, REGARDING THE REQUIREMENT OF A
12 STORM WATER PLAN, AND ESTABLISHING STANDARDS FOR FILLING
13 LAND.

14 WHEREAS,

15 WHEREAS,

16
17
18
19
20 THE CITY OF HOMER ORDAINS:

21
22
23 Section 1. Subsection (d) of Homer City Code 21.50.020, Site development standards -
24 level one, is enacted to read as follows:

25
26 d. A Storm Water Plan approved under HCC Chapter 21.75 is required for
27 development that:

28 1. Creates more than 25,000 square feet of new impervious surface area on a
29 lot;

30 2. Increases the total impervious surface area of a lot beyond one acre;

31 3. Includes grading, excavation or filling that cumulatively moves 1,000
32 cubic yards or more of material; or

33 4. Includes grading, excavation or filling that creates a permanent slope of
34 3:1 or more, and that has a total height, measured vertically from toe of slope to top of slope,
35 exceeding ten feet.

36
37 Section 2. Homer City Code 21.50.150, Fill standards, is enacted to read as follows:

38
39 21.50.150 Fill standards. a. Except as permitted in (b) of this section, fill material shall
40 be free of large organic debris (including without limitation stumps), construction or demolition
41 debris (including without limitation concrete and asphalt), garbage and any material that is
42 categorized as hazardous or toxic under federal or state law.

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

b. Fill material that will not support a structure may include large organic debris that originated on the lot where the fill is placed, provided that it is capped with clean fill for future landscaping or driveway use.

c. The placement of fill to a depth greater than three feet over 25% or more of a lot is subject to following requirements:

1. Before any fill is placed, a grading plan for the lot must be approved by the City Engineer. The grading plan shall show the following:

i. The existing grade and finished grade of the lot using contour intervals sufficiently small to show the nature and extent of the work, and its compliance with the requirements of this title; and

ii. The existing grade on adjoining properties in sufficient detail to identify how grade changes will conform to the requirements of this title.

2. Best management practices such as retention ditches, silt fencing, and or a storm water settling pond shall be installed before fill is placed on the lot. *Staff comment: staff recommends different language here and will bring forward a recommendation. Something like: Best management practices shall be used to limit sedimentation and storm water runoff, and shall be installed prior to the placement of fill on the lot.*

3. All corners of the lot shall be flagged before fill is placed on the lot.

4. The slope between the existing grade of the lot adjacent to the fill and the top of the fill shall not exceed 50%. *(Add description of 50% here, for ease of reference)*

5. No fill may be placed closer than five feet to a side or rear lot line.

6. The placement of fill shall be completed within 24 months after its commencement.

7. When the placement of fill has been completed, the filled area shall be capped and seeded. *(Staff: Ask Carey of input here: better language might be, by August 31st of the second year of the permit. The commission wanted a time limit on how long the filling was going on, and for the site to be seeded and cleaned up. Staff work on language to help ensure regs will accomplish that.)*

Section 3. This ordinance shall be effective upon adoption, except that land development plans that received final approval prior to the effective date of this ordinance shall not be subject to the amendments in this ordinance.

Section 4. This Ordinance is of a permanent and general character and shall be included in the City Code.

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

CITY OF HOMER

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

JAMES C. HORNADAY, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and approved as to form:

Walt E. Wrede, City Manager

Date: _____

Thomas F. Klinkner, City Attorney

Date: _____

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



City of Homer Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

Telephone (907) 235-8121
Fax (907) 235-3118
E-mail Planning@ci.homer.ak.us
Web Site www.ci.homer.ak.us

STAFF REPORT PL 10-25

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Planning Technician
MEETING: March 17, 2010
SUBJECT: Draft dirt work ordinance

Requested Action: review the draft ordinance, forward to city attorney for review and schedule for public hearing. Staff recommends the Commission be familiar with the ordinance for the March 17th meeting, and finalizing the ordinance on April 7th, prior to sending it to the attorney for review. After attorney review, then schedule a public hearing.

Introduction

This ordinance creates two new regulations. First, it requires storm water plans for certain projects in residential districts. Second, it creates standards for fill.

The Commission previously discussed how much regulation should apply in residential districts, and it was felt that best management practices and education were preferred over more rules at this time. In addition, storm water plans and development activity plans are now required in the Residential Office district for commercial development (ordinance 10-06, adopted February 9, 2010).

Storm Water Plans

The way Homer City Code title 21 is written, all development in a district must meet the development standards of "level one" which is generally the residential districts, or "level two" which is mostly commercial districts. The rules in the commercial districts are stricter – they require development activity plans (DAP), and Storm Water Plans (SWP) under certain conditions. Please read HCC 21.50 .020. and .030. to familiarize yourself with the differences in code.

This ordinance would require storm water plans (for the first time) in residential districts under certain circumstances. The ordinance is written so that the rules for the residential districts are more relaxed than for commercial districts. For example, in a commercial district, a project within 10 feet of a wetland would trigger an SWP. This ordinance as it applies to residential districts would not use this as a trigger. There are many homes built each year in mapped wetlands (that may or may not be jurisdictional wetlands) and to require an SWP would be a substantial cost for what amounts to a very small footprint of development. Only very large projects (schools, large parking lots, etc) will likely trigger an SWP in "level one" districts.

Public Works Involvement

Discussion Points:

- 1. Does the Commission want Public Works, i.e. the City Engineer, to review the grading and filling plans (see lines 24 and 29, and 51 and 56)?**
- 2. Rather than, or in addition to PW review, should other review standards be established? Should the ordinance be more specific about what must be used as a best management practice (line 28 and 56)?**

For this ordinance and the steep slope ordinance, the Commission had asked for input from Public Works, on having PW review these applications/permits. Staff met with PW Director Carey Meyer to discuss the impacts of PW reviewing more permits. At this time, Public Works can handle these additional duties, but, these are zoning regulations. At some point, Public Works may not have the staff time to review these zoning related issues. There should be substantial fees associated with these reviews to defray the cost of providing the service.

The draft steep slope ordinance is with the attorney for review. Staff anticipates both the steep slope ordinance and this dirt work ordinance will be on the agenda for April 7th. At that time, Mr. Meyer will be invited to participate at the Commission meeting to discuss Public Work's involvement with zoning related permits.

Fill Standards

This ordinance creates standards for large amounts or areas of fill, regardless of where in the city the project is. The ordinance inserts a section under both 'level one' and 'level two' site development requirements.

- The ordinance would limit 'stump dumping' ie using a lot for dumping stumps from anywhere off site.
- Sets performance standards for fill, such as a timeframe for filling, reseeding requirements, marking lot corners, etc.

Staff recommendation: Discuss the draft ordinance. At the April 7th meeting, forward to attorney for review, and schedule public hearing. Please discuss if there is additional public outreach the Commission would like to conduct.

Attachments

1. Draft Ordinance (2/23/2010 version)
2. USACOE regulations for fill in wetlands

Draft dirt work Ordinance 2/23/2010

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

d. A Storm Water Plan approved under HCC Chapter 21.75 is required if the project includes:

1. Creating new impervious coverage over 25,000 square feet,
2. Creating a cumulative impervious coverage over 1 acre
3. Grading, excavation and fill involving the cumulative movement of 1,000 cubic yards or more of material;
4. Grading, excavation and filling that will result in a permanent slope having a steepness of 3:1 or greater and having a total slope height, measured vertically from toe of slope to top of slope, exceeding ten feet; or

e. Fill standards

1. Fill used for buildings shall be free of large rocks, stumps, garbage and shall comply with state and federal regulations.
2. Non structural fill may include larger organic debris such as stumps provided that the stumps originated on the subject lot, and are capped with clean fill for future landscaping or driveway use.
3. Lots where fill will be placed more than three feet in height over 25% or more of the lot, shall meet the following requirements:
 - a. Submit a grading plan showing the existing grade and finished grade in contour intervals of sufficient clarity to indicate the nature and extent of the work and show in detail that it complies with the requirements of this code. The plans shall show the existing grade on adjoining properties in sufficient detail to identify how grade changes will conform to the requirements of this code.
 - b. Prior to filling, best management practices such as retention ditches, silt fencing, and a storm water settling pond shall be installed. (needs discussion)
 - c. All property corners shall be flagged prior to filling.
 - d. The slope of the sides of the fill shall not exceed 2:1, or 50%.
 - e. Fill shall not be placed within five feet of the side and rear property lines
 - f. Filling shall be completed within a two year timeframe.
 - g. At the completion of the project, the site shall be capped and seeded.

21.50.030 Site development standards – level two. This section establishes level two site development standards. Level two standards apply when specified by the applicable zoning district regulations or by another provision of the code.

43 g. Fill standards

- 44 1. Fill used for buildings shall be free of large rocks, stumps, garbage and shall comply
45 with state and federal regulations.
- 46 2. Non structural fill may include larger organic debris such as stumps provided that
47 the stumps originated on the subject lot, and are capped with clean fill for future
48 landscaping or driveway use.
- 49 3. Lots where fill will be placed more than three feet in height over 25% or more of the
50 lot, shall meet the following requirements:
- 51 a. Submit a grading plan showing the existing grade and finished grade in contour
52 intervals of sufficient clarity to indicate the nature and extent of the work and
53 show in detail that it complies with the requirements of this code. The plans shall
54 show the existing grade on adjoining properties in sufficient detail to identify how
55 grade changes will conform to the requirements of this code.
- 56 b. Prior to filling, best management practices such as retention ditches, silt fencing,
57 and a storm water settling pond shall be installed. (needs discussion)
- 58 c. All property corners shall be flagged prior to filling.
- 59 d. The slope of the sides of the fill shall not exceed 2:1, or 50%.
- 60 e. Fill shall not be placed within five feet of the side and rear property lines
- 61 f. Filling shall be completed within a two year timeframe.
- 62 g. At the completion of the project, the site shall be capped and seeded.
63

Federal Rules for placing fill in wetlands



Alaska DEC also has rules about junk car burial (its and)

US Army Corps
of Engineers

Alaska District

Regulatory Division (1145)

Post Office Box 6898

Number

Anchorage, Alaska 99506-0898

(907) 753-2712

(800) 478-2712 (AK Toll Free)

Date:

October 5, 2009

Identification No:

SPN 2009-1063

In reply refer to above Identification

SPECIAL PUBLIC NOTICE 2009-1063

Corps of Engineers Regulatory Program Notice of Fill Prohibitions and Restrictions

The Alaska District Regulatory Division, U.S. Army Corps of Engineers (Corps), by publication of this Special Public Notice is hereby issuing prohibitions and restrictions on the discharge of specified materials as fill into waters of the United States (U.S.) under the Clean Water Act (33 U.S.C. 1344). The purpose of these prohibitions and restrictions is to ensure compliance with the Clean Water Act goals of: restoring and maintaining the physical, chemical, and biological integrity of our Nation's waters.

The following materials are prohibited from use as fill material in waters of the U.S. within the regulatory boundaries of the Alaska District (for additional information on Alaska District regulatory boundaries, visit our web site at: www.poa.usace.army.mil/reg):

1. Vehicle bodies, farm machinery, appliances, containers, or other materials generally considered unsuitable as fill, or which contain contaminants or toxic substances, such as those listed by the Environmental Protection Agency under Section 307 of the Clean Water Act

(<http://www.epa.gov/waterscience/methods/pollutants.htm>) and listed in the Alaska Water Quality Criteria Manual for Toxic and Other Deleterious Organic and Inorganic Substances (<http://www.dec.state.ak.us/water/wqsar/wqs>).

2. Small aggregate shall not be placed below the ordinary high water mark or high tide line of any water body for the purpose of erosion control or bank stabilization if the aggregate and/or associated structure is unstable or likely to fail. Small aggregate may be placed as bedding or as material to enhance plantings, in combination with adequate measures to prevent erosion (e.g. overlain by filter fabric and anchored by riprap or sufficiently stabilized vegetative materials such as tree revetments). All exposed soil and other fills must be permanently stabilized at the earliest practicable date.

3. Construction debris, including scrap wood, sheet rock, roofing materials, asphalt, or chemically treated materials prone to leaching in an aquatic environment.

The following materials are restricted from use as fill material in waters of the U.S. unless evaluated on a case by case basis and meet the criteria below:

1. Properly anchored trees, hay bales; and woodchips. Note: use of woodchips may be restricted to maximum fill depths, mixing requirements, and/or adequate compaction, and may also require an impermeable cap to limit leachate movement into ground water.

2. Brick, cinder blocks, and broken concrete may be utilized if properly stabilized and sufficiently covered by mineral soil. Broken concrete shall be free of exposed rebar, with the length of each piece being no longer than 3.5 times its width.

Please note that this Special Public Notice does not negate the requirement to obtain proper authorizations for any discharge of dredged or fill material into a water of the United States. Anyone considering such work is encouraged to contact the nearest field office listed below for information and assistance (Note that we also have a toll free number for use in Alaska at (800) 478-2712):

Anchorage Regulatory Field Office
U.S. Army Corps of Engineers
1600 A. Street, Suite 110
Anchorage, Alaska 99501
Phone (907) 753-2619
Fax (907) 279-0064

Fairbanks Regulatory Field Office
U.S. Army Corps of Engineers,
2175 University Avenue, Suite 201E
Fairbanks, Alaska 99709-4910
Phone (907) 474-2166
Fax (907) 474-2164

Main Regulatory Office
U.S. Army Corps of Engineers
P.O. Box 6898
Elmendorf AFB, Alaska 99506-0898
Phone (907) 753-2712
Fax (907) 753-5567

Sitka Regulatory Field Office
U.S. Army Corps of Engineers
P.O. Box 16
Sitka, Alaska 99835
Phone (907) 747-0658

Juneau Regulatory Field Office
U.S. Army Corps of Engineers
8800 Glacier Highway, Suite 106
Juneau, Alaska 99801-8079
Phone (907) 790-4490

Kenai Regulatory Field Office
U.S. Army Corps of Engineers
Benco Building
805 Frontage Road, Suite 200C
Kenai, Alaska 99611-7755
Phone (907) 283-3519
Fax (907) 283-3981

Mat-Su Regulatory Field Office
U.S. Army Corps of Engineers
Century Plaza building, Suite 102
1075 South Check Street
Wasilla, Alaska 99654
Phone (907) 357-4423



City of Homer Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

Telephone (907) 235-8121
Fax (907) 235-3118
E-mail Planning@ci.homer.ak.us
Web Site www.ci.homer.ak.us

STAFF REPORT PL 09-73

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Planning Technician
MEETING: September 2, 2009
SUBJECT: Draft Grading and filling ordinance.

GENERAL INFORMATION

Staff anticipates using work session time to have a discussion on when various regulations would apply. Staff would like to facilitate a discussion, using the information in Staff Report 09-70, and the outline below.

Outline for discussion

A. Storm water plans in residential districts

1. Why they are needed
2. When they would apply

B. Development Activity Plans

1. Why are they needed
2. When would they apply
3. What are the requirements

C. Fill Regulations

1. Why are they needed
2. When would they apply

STAFF COMMENTS/RECOMMENDATIONS:

Planning Commission discuss items in the outline and provide staff direction.

ATTACHMENTS

1. Table 1, current and proposed regulatory thresholds
2. SR 09-70 and minutes

Code triggers for further review and requirements

	Proposed Residential Districts		Existing Business Districts		Proposed Residential Districts		Existing Business Districts	
	DAP 1	DAP 2	DAP 1	DAP 2	SWP 1	SWP 2	SWP 1	SWP 2
Cubic yards of dirt to be moved	100 ?	1000	1000	1000	10000	10000	10000	10000
Area of land clearing/grading	x sq ft?	10,000 sq ft	10,000 sq ft	1 acre	1 acre	1 acre	1 acre	1 acre
new impervious surface		5000 sq ft	5000 sq ft	25000	25000	25000	25000	25000
cumulative impervious coverage				1 acre	60% of lot area	60% of lot area	60% of lot area	60% of lot area

25,000 sq ft is 60% of 1 acre

2-Sep-09



City of Homer Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

Telephone (907) 235-8121
Fax (907) 235-3118
E-mail Planning@ci.homer.ak.us
Web Site www.ci.homer.ak.us

STAFF REPORT PL 09-70

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Planning Technician
MEETING: August 5, 2009
SUBJECT: Draft ordinance 09-xx, Dirt Work

GENERAL INFORMATION

This ordinance was presented to the HAPC in June 2007, and after a few meetings, was tabled. The topic is still on the work list. Staff would like the Planning Commission to review the draft ordinance again and provide direction so this work list item can be accomplished or eliminated.

The original concerns of the Commission, in 2007, were:

1. Stump dumping – using vacant lots for dumping large numbers of stumps
2. Placement of fill without other long term development plans
3. Concerns over fill slope stabilization, sedimentation and erosion
4. Conflicts between neighbors on the placement of fill on small lots and associated drainage problems

The draft Ordinance addresses these issues three ways:

1. Creates fill regulations
2. Expands Storm water regulations (ie, post construction stormwater retention) beyond the existing business districts to all districts
3. Expands grading, filling and excavation regulations to all districts

Storm Water Plan (SWP) vs Development Activity Plan (DAP) – what's on the books, why

There are two sets of regulations under Homer city code that apply to development, in the business districts only. A DAP is geared towards the actual dirt moving and construction phase of a project. An SWP is intended to deal with long term, post construction concerns, such as storm water runoff and sedimentation, for the life of the building. So there are things applicants would address during construction that would be short term via a DAP (like silt fencing) and others that would have a long term effect, like building a storm water pond, under an SWP.

These regulations were adopted into city code when the community created box store regulations a few years ago. The regulations were meant to deal with large construction sites. The draft ordinance does water down how these rules would be applied in non-business districts because the impact is lower in areas with less impervious surface area.

What's a SWPPP?

The Commission should also be familiar with the existence of state and federal regulations under the NPDES (*National Pollutant Discharge Elimination System*). For the purposes of this discussion, there are federal rules, administered by the state, that apply to all development over 1 acre, and to areas with a population over 50,000 people or an average population density over 1,000 people per square mile. Fairbanks and Anchorage have municipal NPDES storm water permits in this state. These rules require a Storm Water Pollution and Prevention Plans (SWPPP, 'swep') be submitted to the proper authority prior to construction. If you speak with a contractor and say stormwater, they will think of this state permit, which is VERY RIGOROUS. Locally, subdivision development or large construction projects such as the water treatment plant would need a SWPPP. This SWPPP is completely different than a city SWP. Staff points out that regardless of zoning, larger projects are already regulated under the NPDES process. The draft ordinance is new city regulation for projects under the one acre threshold.

Storm water regulations

Staff created a new set of triggers for a storm water plan (SWP). For example, the current SWP requirements in the business districts apply to development projects within 10 feet of wetlands. If these were applied city wide, many single family homes would trigger an SWP because so much of Homer is wetland. Generally the only SWP requirement that would apply is would be the need to hire a civil engineer to design a stormwater detention system. This is a high cost and high level of effort for a home owner, with very little benefit from a stormwater perspective. Instead, the new SWP regulations will be triggered by larger development projects. It is larger buildings, with big parking lots, that have the greatest potential to create run off problems for neighboring property owners. The draft ordinance would require these developments to have engineered storm water plans.

DAP – Level 1 vs level 2

This ordinance also creates a new type of DAP – called a DAP level 1. The existing DAP rules would remain the same but that section of code would be renamed to Level 2. The new Level 1 DAP is a simplified version of existing rules. A level 1 DAP would not require an engineer; a homeowner or contractor can provide the information and accomplish the work.

The intent of a level one DAP is for the contractor or homeowner to be aware of site development and erosion issues, and take an active role in prevention, without the requirement to hire an engineer. Planning staff will generally review and approve level one DAP's. If a zoning permit is required, the DAP is part of the review process. If no zoning permit is required, a DAP must be submitted and approved prior to site disturbance beyond general clearing as defined by (exemptions, f).

A level two DAP is intended for commercial and multifamily projects that trigger a review under current code. No change is recommended at the moment.

Grading and Filing

Staff has spent considerable time researching grading, filling and excavation regulations. The driving factors for most regulation is federal law (NPDES as discussed above), and building codes. So the rules of various communities depends on what level of environmental quality they are required to meet by their overall federal or state NPDES permit, and by their adopted building codes. Some lower 48 communities have very strict rules, while others have more relaxed regulations. Typical grading permit

fees for single family dwellings are \$200 to \$600, and may or may not involve one or more city inspections. Fees for larger projects were based on a sliding scale.

Questions for the Commission

The question at this point for the Commission is how much should the city regulate, what is the problem we're trying to solve or prevent, and what is the end result we are looking for? Should the city regulate every dump truck load of dirt that enters or exits a site? Should every building site be required to have erosion controls such as silt fencing in place?

In the draft ordinance, there are numbers in parenthesis; staff requests the Commission decide when the regulation applies. Should development of 6,000 square feet for a single family home trigger additional regulations, or should a half acre or more? Staff found some communities began regulating at 7,000 sq ft of disturbance, or not until 26,000 or even 1 acre. Our current commercial districts are not regulated unless they are creating more than 5,000 square feet of new impervious surface, or are disturbing more than 10,000 square feet.

Staff Recommendations: Discuss the draft ordinance and work through it in sections.

1. Discuss the fill standards on line 47 -54. There are existing state and federal laws about burying cars, asphalt etc; it is not staff's intent to repeat those laws in city code.

Does the commission agree with the language: please make changes, suggestions etc, is this something the city should regulate?

2. Storm Water Plans city wide: Lines 87-97 lists the triggers for a storm water plan.

Please discuss, make changes, etc. Staff may make some minor changes in this section but we're pretty comfortable with the problems we're experiencing and using storm water plans to solve them.

3. Development Activity Plans. 56-85 (triggers and exceptions), 197-238 (performance standards). This is the most difficult of the three parts of this ordinance and will need some discussion! Again, defining the problem is key; without a well defined problem and desired outcome, the regulations will probably not be successful in reaching that goal.

ATTACHMENTS

1. Draft 8/5/09 ordinance
2. HAPC minutes from June 20, 2007



1 DRAFT Ordinance 09-xx Dirt Work

2 August 5, 2009 working version

3 **BOLD UNDERLINES TEXT IS NEW LANGUAGE**

4 21.50.020 Site development standards – level one. This section establishes level one site
5 development standards. Level one site development standards apply in all zoning districts,
6 unless otherwise provided by another provision of the zoning code.

7 a. Slopes. All development on lots with slopes of 15 percent more is subject to the following
8 standards:

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

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

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

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

22 b. Drainage. All development activity on lands shall conform to the following:

23 1. Development shall provide a drainage system that is designed to deposit all runoff into
24 either an engineered drainage system or into a natural drainage.

25 2. Where open-ditch construction is used to handle drainage within the development, a
26 minimum of 15 feet shall be provided between any structures and the top of the bank of the
27 defined channel of the drainage ditch.

28 3. When a closed system is used to handle drainage within the development, all structures
29 shall be a minimum of ten feet from the closed system.

30 c. Landscaping Requirements. All development activity on lands shall conform to the
31 following:

1. Development activities shall not adversely impact other properties by causing damaging alteration of surface water drainage, surface water ponding, slope failure, erosion, siltation, intentional or inadvertent fill or root damage to neighboring trees, or other damaging physical impacts. The property owner and developer shall take such steps, including installation of culverts or buffers, or other methods, as necessary to comply with this requirement.

2. Upon completion of earthwork, all exposed slopes and all cleared, filled, and disturbed soils shall be protected against subsequent erosion by methods such as, but limited to, landscaping, planting, and maintenance of vegetative cover.

3. All exposed, cleared, filled and disturbed soils shall be revegetated within 16 months following the initiation of earthwork. Natural revegetation is acceptable if the site naturally revegetates within that 16 month period. If natural revegetation is not successful within that 16 month period, the property owner and developer shall revegetate by other means no later than the end of that 16 month period.

4. Drainage can be stabilized by other means than vegetation, if approved in writing by the City Engineer. (Ord. 08-29, 2008).

d. Fill standards

a. Fill used for buildings shall be free of large rocks, stumps, organic materials, garbage and general slash, and shall comply with state and federal regulations.

b. Non structural fill may include larger organic debris such as stumps provided that the stumps originated on the subject lot, and are capped with clean fill for future landscaping or driveway use.

c. Stumps from other sites may not be used as fill unless approved permitted by a DAP or Zoning Permit by the City Planner.

e. A Development Activity Plan Level one approved under 21.xx.xxx is required if the project includes

1. Level One DAP Required.

A level one Development Activity Plan (DAP) is required if the project includes:

1. Land disturbing, grading, excavation, filling or stumping activity of (5,000)(25,000) square feet or greater;

2. Grading, filling or excavating involving the movement of more than (100) cubic yards of material;

3. Grading activities that will result in a temporary or permanent slope having a steepness of 2:1 and having a total slope height, measured vertically from toe of slope to top of slope, exceeding 5 feet;

4. Grading activities that will result in the diversion of existing drainage courses, both natural or human-made, from their existing point of entry or exit from the grading site; PW to approve such change in writing....

71 Exceptions: No DAP is required... Exemptions. The following are exempt from level one
72 DAP requirements:

73 a. Grading on a parcel or contiguous parcels in one ownership less than 20,000 square
74 feet in size for the purpose of construction, landscaping and associated improvements for
75 a single family or duplex dwelling on sites with less than 25% average slope.

76 b. Development of a subdivision that has completed a Storm Water Pollution
77 Prevention Plan (SWPPP), an Army Corps of Engineers Individual or Nationwide Permit,
78 or has an approved and recorded Subdivision Development Agreement.

79 c. Construction of public roads.

80 d. Installation of utilities such as phone, cable, electricity and water and sewer lines.

81 e. Development on individual lots related to wells, septic systems, utilities, and
82 driveways up to 30 ft in length, if no zoning permit is required. (again, have the 5,000or
83 25,000sq ft, 100 CU already).

84 f. No permit is required for any emergency activity that is immediately necessary for
85 the protection of life, property or natural resources due to floods, natural disasters, etc.

86
87 f. A Storm Water Plan One approved under HCC Chapter 21.75 is required if the project
88 includes:

- 89 1. projects creating new impervious coverage over 25,000 square feet,
90 2. projects that create a cumulative impervious coverage over 1 acre
91 3. Grading, excavation and fill involving the cumulative movement of 10,000 (less?
92 That's 1000 dump truck loads)cubic yards or more of material;
93 4. Grading that will result in a temporary or permanent slope having a steepness of 3:1
94 or greater and having a total slope height, measured vertically from toe of slope to
95 top of slope, exceeding ten feet; or
96 5. Grading of an area greater than 10,000 sq ft on a slope steeper than 25 percent,...staff
97 still working on this. Insight is welcome!
98

99 21.50.030 Site development standards – level two. This section establishes level two site
100 development standards. Level two standards apply when specified by the applicable zoning
101 district regulations or by another provision of the code.

102 a. Site Development.

103 1. Development shall not adversely impact other properties by causing damaging
104 alteration of surface water drainage, surface water ponding, slope failure, erosion, siltation, or
105 root damage to neighboring trees, or other adverse effects.

106 2. Upon completion of earthwork, all exposed slopes, and all cleared, filled, and
107 disturbed soils shall be protected against subsequent erosion by methods, such as, but not limited
108 to, landscaping, planting, and maintenance of vegetative cover.

109 3. All exposed, cleared, filled and disturbed soils shall be revegetated within 16
110 months following the initiation of earthwork.

b. Slopes. All development on lots with slopes of 20 percent or more shall be subject to the following standards:

1. For lots with slopes of 20 percent to 30 percent, the area used for development shall not exceed 25 percent of the lot. If the development site includes more than one lot, a conditional use permit is required.

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

3. Vegetation shall remain undisturbed except as necessary to construct improvements and to eliminate hazardous conditions, unless replanted with as much native vegetation as practicable including ground cover, shrubs and trees.

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

c. Drainage.

1. Development shall provide a drainage system, as approved by the City, that is designed to deposit all runoff into either an engineered drainage system or into a natural drainage.

2. Where open-ditch construction is used to handle drainage within the development, a minimum of 15 feet shall be provided between any structures and the top of the bank of the defined channel of the drainage ditch.

3. When a closed system is used to handle drainage within the development, all structures shall be a minimum of ten feet horizontally from the closed system.

4. Drainage can be stabilized by methods other than vegetation, if approved in writing by the City Engineer.

d. A Development Activity Plan (DAP) Level 2 approved by the City under HCC Chapter 21.74.~~xx~~ is required if the project includes:

1. Land clearing or grading of 10,000 square feet or greater surface area;

2. The cumulative addition of 5,000 square feet or greater of impervious surface area from pre-development conditions;

3. Grading involving the movement of 1,000 cubic yards or more of material;

142 4. Grading that will result in a temporary or permanent slope having a steepness
143 of 3:1 or greater and having a total slope height, measured vertically from toe of slope to top of
144 slope, exceeding five feet;

145 5. Grading that will result in the diversion of an existing drainage course, either
146 natural or human-made, from its existing point of entry to or exit from the grading site; or

147 6. Any land clearing or grading on a slope steeper than 20 percent, or within 20
148 feet of any wetland, watercourse, or water body.

149 e. A Storm Water Plan (SWP) approved under HCC Chapter 21.75 is required if the project
150 includes:

151 1. An impervious surface coverage that is greater than 60 percent of the lot area
152 (existing and proposed development combined);

153 2. The cumulative addition of 25,000 square feet or greater of impervious
154 surface area from the pre-development conditions;

155 3. Land grading of one acre or greater surface area;

156 4. Grading involving the movement of 10,000 cubic yards or more of material;

157 5. Grading that will result in a temporary or permanent slope having a steepness
158 of 3:1 or greater and having a total slope height, measured vertically from toe of slope to top of
159 slope, exceeding ten feet; or

160 6. Any land clearing or grading on a slope steeper than 25 percent, or within ten
161 feet of any wetland, watercourse, or water body.

162 f. Landscaping Requirements. All development shall conform to the following landscaping
163 requirements:

164 1. Landscaping shall include the retention of native vegetation to the maximum
165 extent possible and shall include, but is not limited to, the following:

166 a. Buffers:

167 i. A buffer of three feet minimum width along all lot lines where
168 setbacks permit; except where a single use is contiguous across common lot lines, such as, but
169 not limited to, shared driveways and parking areas. Whenever such contiguous uses cease the
170 required buffers shall be installed.

171 ii. A buffer of 15 feet minimum width from the top of the bank of
172 any defined drainage channel or stream.

b. Parking Lots:

i. A minimum of ten percent of the area of parking lots with 24 spaces or more shall be landscaped in islands, dividers, or a combination of the two;

ii. Parking lots with 24 spaces or more must have a minimum ten foot landscaped buffer adjacent to road rights-of-way;

iii. Parking lots with only one single loaded or one double loaded aisle that have a 15 foot minimum landscaped buffer adjacent to road rights-of-way are exempt from the requirement of subparagraph (f)(1)(b)(i) of this section.

2. Topsoil addition, final grading, seeding, and all plantings of flora must be completed within nine months of substantial completion of the project, or within the first full growing season after substantial completion of the project, whichever comes first. Required landscaping will be maintained thereafter, with all shrubs, trees, and groundcover being replaced as needed. (Ord. 08-29, 2008).

g. Fill standards

d. Fill used for buildings shall be free of large rocks, stumps, organic materials and general slash..garbage?.

e. Non structural fill may include larger organic debris such as stumps provided that the stumps originated on the subject lot, and are capped with clean fill for future landscaping or driveway use.

f. Stumps from other sites may not be used as fill unless approved permitted by a DAP or Zoning Permit by the City Planner.

DAP level 1

Performance Standards

1. Stabilization and sediment trapping

a. Required erosion and sediment control measures must be in place prior to land disturbing activity. All erosion and sediment control methods must be maintained during construction and shall be removed within thirty days after final site stabilization is achieved or after the temporary methods are no longer needed.

b. All material stockpiles over 50 cubic yards shall be stabilized to prevent erosion within three days. Applicable practices may include, but are not limited to, the installation of silt fences, vegetative establishment, mulching, plastic covering, and straw bales.

c. All exposed or disturbed soils with grades exceeding 10 percent and soils exposed to concentrated surface runoff flows, shall be stabilized in a way that protects soil from the erosive forces of weather and flowing water. Applicable practices include, but are not limited to, the installation of silt fences, vegetative establishment, mulching, plastic covering, and the early application of gravel base on areas to be paved.

c. Slope Stabilization. Cut and fill slopes shall be constructed in a manner that will minimize erosion. Roughened soil surfaces are preferred to smooth surfaces. Interceptors

214 should be constructed at the top of long, steep slopes that have significant areas above that
215 contribute runoff. Concentrated runoff should not be allowed to flow down the face of a cut
216 or fill slope unless contained within an adequate channel or pipe slope drain. Wherever a
217 slope face crosses a water seepage plane, adequate drainage or other protection should be
218 provided.

219 d. Protection of adjacent properties. Adjacent properties shall be protected from
220 sediment deposition by appropriate use of vegetative buffer strips, sediment barriers or
221 filters, dikes or mulching, or by a combination of these measures and other appropriate
222 methods.

223 e. Constructed access routes. When the project site is on a paved road, mud and dirt
224 from the construction site shall not be tracked onto the street. If sediment or debris is
225 transported onto a road surface, the road shall be cleaned thoroughly, at a minimum, at the
226 end of each day. Sediment or debris shall be removed from roads and sidewalks by
227 shoveling or sweeping prior to washing the street. Street washing may not flush swept
228 material into the drainage system.

229 2. On-site flagging.

230 a. Clearing limits, setbacks, buffers, and sensitive or critical areas such as steep
231 slopes, wetlands and drainages shall be clearly marked on the zoning permit site plan and
232 flagged in the field. (SHOULD THIS BE INSPECTED by the city prior to construction? "and
233 inspected by the City prior to commencement of land clearing activities."?
234

235 3. Changes in Site Topography:

236 a. The maximum surface gradient on any artificially created slope shall be two (2)
237 feet of horizontal run to one (1) foot of vertical fall (2:1). (3:1)?

238 b. Toe of any fill slope shall be x feet from the property line (5 feet? 3 feet?)
239



City of Homer Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

Telephone (907) 235-3106
Fax (907) 235-3118
E-mail Planning@ci.homer.ak.us
Web Site www.ci.homer.ak.us

STAFF REPORT PL 07-65

TO: Homer Advisory Planning Commission
THROUGH: Beth McKibben, City Planner
FROM: Julie Engebretsen, Planning Technician
MEETING: August 1, 2007, Work Session
SUBJECT: Grading and filling permit/Development Activity Plan

GENERAL INFORMATION

Attorney Gordon Tans is working with Planning Staff on the Title 21 re-write. It is a technical rewrite, meaning that the code is reorganized, and inconsistencies resolved. In the coming months, the new code will come before the Commission. In the mean time, staff is working on this clearing and grading ordinance. The best way to make it fit into city code is to follow the new code format. The easiest example of how the new format is different is to look at home occupations. Currently, each district may list home occupations as a use, but the definitions and applicable code language only actually appears in one district (RO) – all the other districts refer to it. Which means if you ask planning staff about home occupations, we would supply you with the code for the district you are in as well as a copy of the RO, where standards for home occupations are discussed. This is not very convenient or clear for the customer. In the new code, home occupations will be listed in each district as before, but the standard for home occupations will be its own subchapter.

Mr. Tans has taken this new organization one step further. You may have noticed that for a project in a business district, the code requirements for a site and access plan are quite a bit more detailed than the requirements for a zoning permit site plan. Understandably so; a commercial project on Ocean Drive has much greater traffic and parking circulation considerations than a single-family home in a rural area. In the code rewrite, rather than having different site plan requirements in various districts, there will be one section of code for site plans. There will be a level one site plan, which is more basic, and a level two, which is more complex. The code would point the developer to which level of site plan they need to provide. A homebuilder will need a simple site plan, level one, and a commercial project a more detailed level two plan.

At the last meeting, the HAPC reviewed a draft clearing, grading and filling permit. After reviewing the Commission's comments, staff decided to rewrite the draft regulation, and use the current Development

Activity Plan as a template. Rather than create a whole new permit, reworking our existing regulation will create a more streamlined process for the public.

Staff proposes the new DAP work the same way as the home occupation example given above. Instead of the DAP listed in some districts and not others, it will become citywide. There will be two levels; again, a big project in the CBD has different issues than a single family home. A Level One DAP will be geared for single-family, duplex and triplex projects citywide, and a Level Two will apply to larger residential projects and commercial projects citywide. The attached draft ordinance includes the proposed Level One DAP. A Level Two DAP would simply be the existing code language with no changes.

STAFF COMMENTS/RECOMMENDATIONS:

Please review this draft document at the work session and provide comments to staff.

ATTACHMENTS

1. Draft "DAP" Ordinance 07-XX

Introduction

Staff incorporated the Commission comments from the June 20th meeting. Staff also deleted the clearing section as it did not appear to be an important issue (see the strikethrough parts and if you disagree, let us know). Staff requests further discussion and direction on the following:

Worksession goals:

1. Clarify the goal of the ordinance.
 2. Discuss the minimum threshold for an excavation/grading permit.
 3. Discuss the triggers for a public hearing.
 4. Discuss when to invite Mark Kinney to talk about stumps.
-
1. Please clarify the goal of the ordinance. Staff was under the impression that the goal of this ordinance was to have some oversight of development outside of the business districts, because our current regulations in other districts are very minimal and difficult to enforce. New rules are needed to give some regulatory authority over cut and fill projects. The comments of some of the commission reflect the desire for the regulations to cover all districts, which would mean more oversight in the business districts. So what is the goal: regulations for currently unregulated areas? More stringent regulations for business districts? Both?

Staff recommendation: stay focused on areas outside of the business district. Staff does not think that one size fits all regulation for the CBD and Rural residential districts is appropriate at this time.

2. Line 49, (h) The Commission recommended a threshold of 2,000 square feet. A threshold this small would mean that projects the size of the landscaping at Aurora Jems (corner of Pioneer and the Sterling Highway) would trigger the need for a permit, because that ground disturbance was over 2,000 square feet. What is the goal of such a small threshold? Please provide staff some feedback: is the goal is to have oversight over impervious surfaces in all districts? Or should all disturbances get a permit?

Examples: Olympia WA. Grading under 20,000 sq for a single family/duplex residences is exempt from permit requirements. This includes construction landscaping and associated improvements.

Anchorage: clearing on lots under two acres is exempt from a clearing permit. Exceptions to dirt work permits: Excavation shallower than 2 feet, and fill less than 3 feet in depth and less than 50 cubic yards are exempt.

Staff comment: If the goal is to talk about impervious surfaces, not landscaping, say so. And then give direction on performance standards so staff is clear what the regulatory guidelines would be.

Staff recommends a threshold of not less than 10,000 sq ft, preferably 20,000 sq ft. Please be aware that staff time and skills would not allow us to determine the difference between a 10,000 sq disturbed area and a 12,000 sq ft area out in the field.

3. Public Hearing triggers. The Commission discussed the need for public hearings. Please direct staff on your wishes: what level of development would trigger a public hearing?
4. Mark Kinney as a guest speaker. When would the Commission like to invite Mr. Kinney to speak about stumps?

Issues: So is the goal to have BMPs for everything over 10,000 sq ft, if so, let's work towards that... otherwise projects with a zoning permit are exempt from the performance standards.

Zoning permit

Level one and level two DAP

Level one residential up to 2 units, level two, commercial, triplex, etc.
10,000 sq new disturbance. Cumulative over 20 K.

performance standards.. earth disturbance standards....

DAP Intent

General statement here, Beth to grab language for previous PC work.....The intent of a level one DAP is for the contractor or homeowner to be aware of site development and erosion issues and take an active role in prevention, without the requirement to hire an engineer. Planning staff will generally review and approve level one DAP's. A level two DAP is intended for commercial and non-residential projects. A level two DAP will usually be reviewed by the Planning and Public Works Director.

Purpose

The purpose of the Development Activity Plan (DAP) is to ensure that construction activity is proactive in minimizing the effects of erosion, sediment transport, water runoff and pollutants.

Permit (review?) Required All clearing, excavating, and filling activities within the City of Homer and the Bridge Creek Watershed Protection District require a Development Activity Plan.

Exemptions. The following are exempt from DAP requirements:

- a. Development of a subdivision that has completed any required federal or state reviews such as a Coastal Management Consistency Review, or an ACOE Nationwide or Individual Permit, or has an approved and recorded Subdivision Development Agreement.
- b. Construction of public roads.
- c. Installation of utilities such as phone, cable, electricity and water and sewer lines.
- d. Development on individual lots related to wells, septic systems, utilities, and driveways up to 30 ft in length, if no zoning permit has been issued.
- e. Placement of not more than 5 dump truck loads or 50 cubic yards of topsoil or clean fill material, whichever is less, for general lot improvement such as leveling and landscaping, however drainage and side yard setbacks shall be observed.
- f. Minor development or ground disturbance under 2,000 sq ft such as, but not limited to, the creation of lawns, gardens, landscaping, parking areas and accessory uses that do not require a zoning permit.
- g. No permit is required for any emergency activity that is immediately necessary for the protection of life, property or natural resources.

Level One DAP

A level one Development Activity Plan (DAP) is required if the project includes:

1. Construction of residential structures with a footprint of 600 square feet or greater such as single-family homes, duplexes or triplexes and accessory structures. (staff comment – that is a 2 car garage)
2. Additions to existing residential structures greater than 1000 sq ft footprint (not including decks; they should be exempt)
3. Land disturbing, excavation, filling or stumping activity of ~~10,000~~ **2,000** SF or greater;
4. ~~3-~~ Grading, filling or excavating involving the movement of ~~1,000~~ **50** cubic yards of material;
5. 4. Grading activities that will result in a temporary or permanent slope having a steepness of 3:1 and having a total slope height, measured vertically from toe of slope to top of slope, exceeding 5 feet;
6. ~~5-~~ Grading activities that will result in the diversion of existing drainage courses, both natural or human-made, from their existing point of entry or exit from the grading site;

Fill standards

- a. Only clean fill shall be used for structural fill. (Do we need a definition of clean fill?)

b. Non structural fill may include larger organic debris such as stumps provided that the stumps originated on the subject lot, and are capped with clean fill for future landscaping or driveway use.

c. Stumps from other sites may not be used as fill unless approved under permitted by DAP or Zoning permit by the City Planner.

Performance Standards

1. Stabilization and sediment trapping

a. Erosion and sediment control measures must be in place prior to land disturbing activity. All erosion and sediment control methods must be maintained during construction, shall be removed within thirty days after final site stabilization is achieved or after the temporary methods are no longer needed.

b. All material stockpiles over 50 cubic yards shall be stabilized to prevent erosion within three days. Applicable practices include, but are not limited to, the installation of silt fences, vegetative establishment, mulching, plastic covering, and straw bales.

c. Slope Stabilization. Cut and fill slopes shall be constructed in a manner that will minimize erosion. Roughened soil surfaces are preferred to smooth surfaces. Interceptors should be constructed at the top of long, steep slopes that have significant areas above that contribute runoff. Concentrated runoff should not be allowed to flow down the face of a cut or fill slope unless contained within an adequate channel or pipe slope drain. Wherever a slope face crosses a water seepage plane, adequate drainage or other protection should be provided.

d. Protection of adjacent properties. Adjacent properties shall be protected from sediment deposition by appropriate use of vegetative buffer strips, sediment barriers or filters, dikes or mulching, or by a combination of these measures and other appropriate methods.

e. Constructed access routes. When the project site is on a paved road, mud and dirt from the construction site shall not be tracked onto the street. If sediment or debris is transported onto a road surface, the road shall be cleaned thoroughly, at a minimum, at the end of each day. Sediment or debris shall be removed from roads and sidewalks by shoveling or sweeping prior to washing the street. Street washing may not flush swept material into the drainage system.

2. On-site flagging.

a. Clearing limits, setbacks, buffers, and sensitive or critical areas such as steep slopes, wetlands and drainages shall be clearly marked on the site plan and flagged in the field.

3. Changes in Site Topography:

a. the maximum surface gradient on any artificially created slope shall be two (2) feet of horizontal run to one (1) foot of vertical fall (2:1).

DAP level Two: see current code language 21.48.060 (d)



City of Homer Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

Telephone (907) 235-8121
Fax (907) 235-3118
E-mail Planning@ci.homer.ak.us
Web Site www.ci.homer.ak.us

STAFF REPORT PL 07-51

TO: Homer Advisory Planning Commission

THROUGH: Beth McKibben, City Planner

FROM: Julie Engebretsen, Planning Technician

MEETING: June 20, 2007

SUBJECT: Draft Grading and Filling Regulations

Introduction

Issues to address: Cut and fill edges, slope, stability and drainage

Staff extensively researched grading and filling regulations from different parts of the country. However, without a building inspection program, or a large scale drainage management plan, it was hard to Homerize those regulations. The end product presented here is mainly from Anchorage, and tempered by limits of staff time and resources. The goal of this draft document is to address the largest problems in a way that is manageable for the general public and staff resources. The problems that staff has identified are:

1. stump dumping
2. placement of fill without other long term development plans
3. concerns over fill slope stabilization, sedimentation and erosion
4. Conflicts between neighbors on the placement of fill on small lots and associated drainage problems

Other concerns raised by the Commission but not fully addressed as yet in the draft document: cut and fill edges, general slope concerns (which may be more appropriately addressed in the steep slope regulations?)

Applicability

These regulations would apply in RR, UR, and RO, Open Space Rec and Conservation districts. The business districts are already regulated through the DAP and SWP requirements. These rules are meant to deal with stumps and small lot development, not the larger commercial development that is occurring in the business districts. The intent is to deal with filling activities on lots that do not have a permitted project underway, and to development that does not already have an approved zoning permit, or floodplain development permit. These rules would apply only to development under forty thousand

square feet, Once that much area has been disturbed, an SWPP or Storm Water Protection plan is required by DEC. It is not staff's intent to duplicate this permit requirement. Information about DEC's program are attached.

Specific Questions for the Commission to answer

1. Line 21. Should this regulation apply to all of the Bridge Creek Watershed Protection District, or, are there enough regulations for that area? In the BCWPD, ground disturbance over 6,000 sq ft requires a conditional use permit and an erosion sediment control plan, which is much more rigorous than these regulations.
2. Line 49. What is the minimum amount of development that will trigger the need for a dirt work permit? In staff's research, this bottom threshold varies from 10,000 square feet of disturbed area to more than an acre before permit requirements are triggered. What are the wishes of the Commission?

Levels of permits

In Anchorage, the more intense the development/disturbance, the greater the permit regulations. Or the least amount of disturbance requires the easiest permit. So there is a separate, short permit process for land clearing, and a more lengthy process for grading, filling and excavation. See line 72.

STAFF COMMENTS/RECOMMENDATIONS:

1. Review the attachments and comment on the draft document. If this is not the direction the Commission wants to go, or it is not what you had in mind, staff can present something different. Specifically, the attached model ordinance language from the EPA could be customized for Homer.
2. After reviewing and completing a draft set of regulations, ask a developer or hire a contractor to review the proposed regulations to ensure they are reasonable and practical in Homer's building environment.

ATTACHMENTS

1. Draft regulations
2. DEC storm water and NPDES web pages
3. Model ordinance language from EPA

DRAFT Land Clearing, Excavation, Grading and Filling Permits

Purpose and intent

Definitions

Permit required

Permit fee

Exemptions

Permit standards

Types of permits

Expiration of Permits

Issues to address: Cut and fill edges, slope, stability, drainage

Intent. Intent is to screen(find a different word) development activity that does not trigger a zoning permit or other local, state or federal review, to ensure that wetlands are not accidentally filled, that stumps are not buried in inappropriate places, and that excavation and fill does not cause drainage or siltation problems on the property or for neighboring lots.

Definitions

Clearing: Definition is in title 21 code rewrite. However, the general definition is broad (too broad, and other parts of code use it for that broad purpose), so a more specific definition may be needed.

Clean fill: Not containing peat, sand, garbage, metal, large concrete chunks or large amounts of brush or stumps.

Development: Definition is in title 21 code rewrite. Need to clarify it?

Structural fill: Fill for a build pad.

Non-structural fill: fill for a driveway or landscaped area but not including a building pad for an occupied structure.

Permit Required

All clearing, excavating, grading and filling within the City of Homer (and the BCWPD ?) requires a dirt work permit.

Exemptions. The following are exempt from applying for a dirt work permit:

- a. Development that requires a State of Alaska Storm Water Pollution Prevention Plan provided that a copy of the plan and EPA Notice of Intent are given to the planning department.
- b. Development on a lot with a current zoning or flood plain development permit.
- c. Development of a subdivision that have completed any required federal or state reviews such as a Coastal Management Consistency Review, or an ACOE Nationwide or Individual Permit, or has an approved and recorded Subdivision Development Agreement.
- d. Construction of public roads.
- e. Installation of utilities such as phone, cable, electricity and water and sewer lines.
- f. Development on individual lots related to wells, septic systems, utilities, and driveways up to 30 ft in length, if no zoning permit has been issued.

- 46 g. Placement of not more than 5 dump truck loads or 50 cubic yards of topsoil, which ever is less, or
47 clean fill, for general lot improvement such as leveling and landscaping, however drainage and side yard
48 setbacks shall be observed.
- 49 h. Minor development or ground disturbance under _____ (20,000?) sq ft such as, but not limited to,
50 the creation of lawns, gardens, landscaping, parking areas or other accessory uses that do not require a
51 zoning permit.
- 52 i. No permit is required for any emergency activity that is immediately necessary for the protection
53 of life, property of natural resources.

54

55 **Permit Standards**

- 56 a. All activity shall conform to the requirements of 21.44.050 Performance standards.
- 57 b. Paved public access roads shall be kept clean by the manner described in 21.48.060 e 11 (DAP street
58 cleaning)
- 59 c. Setbacks
- 60 1. Drainage setbacks listed under the performance standards of each district apply.
- 61 2. Fill shall not be placed within a required side yard setback. The toe of any fill slope shall be a minimum
62 of 5 feet from all property lines. The slope of the fill shall not exceed a 3:1 ratio and shall be stabilized and
63 vegetated per the landscaping requirements of the district.
- 64 3. Setback exception: if adjacent property owners jointly file for a permit to fill within a required setback,
65 the fill project and drainage permit must be approved by Public Works and provisions made for adequate
66 drainage. In urban areas with small lot sizes and existing structures, care shall be taken that any fill or
67 drainage alteration does not negatively impact other properties in the area.

68

69 **Types of dirt work permits**

70 A single dirt work permit may be issued for all development under this section. (intent statement about
71 levels of permit, purpose?) If the proposed development is only for land clearing, the following applies:

72

73 **Land Clearing Permits.**

- 74 1. Any mechanized land clearing that disturbs the soil by uprooting trees on undeveloped lots of _____
75 (size) (20,000 sq ft) (Or number of trees/stumps?) or more with no zoning permit, requires a land clearing
76 permit. Clearing that does not involve uprooting stumps is does not require a land clearing permit.
- 77 a. Application shall include:
- 78 1. Legal description of the development site (may include more than one contiguous lot)
- 79 2. Description proposed of land clearing activity.
- 80 3. Copies of any Army Corps of Engineers permits or determinations if the project is with a wetland.
- 81 4. A description of how the slash will be disposed of (burning, or offsite dumping)
- 82
- 83 2. Revegetation is required according to the zoning district's performance standards.
- 84
- 85 3. Expiration of Permits. Land Clearing permits expire two years after issuance unless other arrangements
86 are made with the City Planner during the application process.

87

88 **Grading, Excavation and Fill Permits**

89 Question: If fill is removed from one lot and taken to another, does each site need a separate permit? Is
90 there an easy way to streamline this?

91

1. Application. Applications for grading, excavation or fill permits must include the following information and materials:

- a. Legal description of the development site (may include more than one contiguous lot)
- b. Amount of material to be excavated/filled.
- c. Type of fill material (Note: large amounts of organic, i.e. trees, lumber, stumps, peat and large rocks or concrete slabs are not allowed in fills)
- d. Source of fill material
- e. Where excavated material is going
- f. Two site plans to scale showing the limits of the fill/excavation area and drainage patterns before and after the development.
- g. Cross sections to scale showing existing and final grades, slope ratios, terracing width and height, erosion control measures and setback distances from the property line.
- h. A written statement of the intended purpose of the fill/excavation; i.e. landscaping, enhance for resale, site preparation for further development, etc (QUESTION: why do we want to know, can we cut this make and make the process faster/easier?)
- i. Wetlands permit or determination is the property is located in a wetland.
- j. Flood hazard permit if the property is located in a flood plain.
- k. All surface water impacts must also have Public Works approval. A checklist must be submitted for review before obtaining a fill permit from the Planning and Zoning Office.

2. Expiration of Permits

Dirt work permits expire two years after issuance unless other arrangements are made with the City Planner during the application process. Permit may not be renewed. If work continues after the permit expires a new permit shall be applied for.

Permit - fee. The applicant for a dirt work permit shall pay a fee according to the fee schedule established by resolution of the City Council. No application shall be processed until the fee is paid.

A. Permit Review and Approval

The City Planner shall review each application to determine its conformance with the provisions of this regulation. Within 30 days of receiving the application, the City Planner shall, in writing,

1. Approve the application
2. Approve the permit subject to such reasonable conditions as may be necessary to secure substantially the objectives of these regulations, and issue the permit subject to these conditions; or
3. Disapprove the permit application, indicating the reason(s) and procedure for submitting a revised application.

B. Failure of the City Planner to act on an original or revised application within 30 days of receipt shall authorize the application to proceed in accordance with the plans as filed unless such time is extended by agreement between the applicant and the City Planner. Pending preparation and approval of a revised plan, development activities shall be allowed to proceed in accordance with conditions established by the City Planner.

NOTES: Below copied and pasted from the DAP. It could be a little more simple for the intended residential use; the language needs to be a little more approachable for our average homeowner. We could also say, commercial development shall meet 21.48.060 Site Development Requirements (DAP requirements)... that would catch the larger commercial projects with more comprehensive regulations if that is a goal.

Performance Standards

1. Stabilization and sediment trapping a. All soil stockpiles over 50 cubic yards shall be stabilized to prevent erosion. Applicable practices include, but are not limited to, the installation of silt fences, vegetative establishment, mulching, plastic covering, and the early application of gravel base on areas to be paved.

b. Slope Stabilization. Cut and fill slopes shall be constructed in a manner that will minimize erosion. Roughened soil surfaces are preferred to smooth surfaces. Interceptors should be constructed at the top of long, steep slopes that have significant areas above that contribute runoff. Concentrated runoff should not be allowed to flow down the face of a cut or fill slope unless contained within an adequate channel or pipe slope drain. Wherever a slope face crosses a water seepage plane, adequate drainage or other protection should be provided. In addition, slopes should be stabilized in accordance with item (1) above.

c. Protection of adjacent properties. Adjacent properties shall be protected from sediment deposition by appropriate use of vegetative buffer strips, sediment barriers or filters, dikes or mulching, or by a combination of these measures and other appropriate methods.

d. Removal of temporary erosion and sediment control methods. All temporary erosion and sediment control methods shall be removed within thirty days after final site stabilization is achieved or after the temporary methods are no longer needed. Trapped sediment shall be removed or stabilized on-site. Disturbed soil areas resulting from removal of temporary methods shall be permanently stabilized. The removal of temporary erosion and sediment control methods may not be required for those projects, such as single family developments, that will be followed by additional construction under a different permit. In these circumstances, the need for removing or retaining the measures will be evaluated on a site-specific basis.

e. Controlling off-site erosion. Properties and waterways downstream from development sites shall be protected from erosion due to increases in the volume, velocity, and peak flow rate of storm water runoff from the development site by the implementation of appropriate methods to minimize adverse downstream impacts.

2. Fill standards

a. Only clean fill shall be used for structural fill.

b. Non structural fill may include larger organic debris such as stumps provided that the stumps originated on the subject lot, and are capped with clean fill for future landscaping or driveway use.

c. Stumps from other sites may not be used as fill unless approved under a dirt work permit by the City Planner.

NOTES: Not dealt with: cut and fill. NEED HELP HERE. Somehow I think this is referring to the steep parts of town, that is where we see drastic cuts and some fills... how much do we think the steep slope rules will cover this? Is there another scenario we can think of that I could use to visualize the development? OR – can we flesh out the performance standards above?

182 NOTES: Slope stability. Struggling here too. I think we have the construction aspect covered under
183 performance standards, but not final slope stabilization, unless we think the current language (vegetation
184 with a timeframe) is enough, and we can just refer to that part of code. OR – can we flesh out the
185 performance standards above?



Storm Water



State of Alaska > DEC > Division of Water > NonPoint Source Water Pollution Control > Storm Water > Storm Water Discharges from Construction Activities

Storm Water Discharges From Construction Activities

What Are Your Permit Responsibilities As a Construction Operator?
 Notices Regulations

If your project disturbs less than one acre and is not part of the planned disturbance of a larger common plan of development or sale, no permit is required. Otherwise, you must develop and follow a Storm Water Pollution Prevention Plan (SWPPP) to manage materials, equipment, and runoff from your construction site.

(Note that this is only a partial list of your responsibilities and that you must consult the Construction General Permit for details.)

- Obtain and read the Construction General Permit (CGP).
- Develop a SWPPP. Development and implementation of a construction storm water pollution prevention plan is the key condition of the CGP.
- Submit an original, signed Notice of Intent (NOI) to EPA, at least seven days before construction begins. The NOI can be filed by hardcopy or electronically.
- Submissions to DEC:
 - Provide a copy of the NOI to DEC.
 - If your project disturbs 5 acres or more and is either outside the Municipality of Anchorage or is publicly funded and within the MOA, provide a copy of the SWPPP to DEC and submit a check payable to State of Alaska – DEC in amount determined by 18 AAC 72.995 Table D Plan Review Fee.
 - If your project is privately funded and is within the MOA, provide a copy of the SWPPP to MOA, along with any Municipality-required fee. Find more information [click here](#).
 - SEND TO:
 Gregory Drzewiecki, Storm Water Coordinator, Nonpoint Source Section
 Division of Water - Alaska Department of Environmental Conservation
 555 Cordova Street
 Anchorage, AK 99501
- Implement the storm water controls described in your SWPPP.
- Receive a "Discharge Authorization" confirmation letter from EPA, assigning a unique permit number to your site.
- Conduct and document inspections of the disturbed areas on site (a) at least every 14 days and within 24 hours of a storm event, or (b) at least every seven days.
- Maintain erosion and sediment controls whenever necessary, so they operate effectively.
- Keep a copy of the permit and all associated records on site during the entire construction phase.
- Revise your SWPPP whenever necessary to protect water quality, or to reflect current conditions on site.
- After construction is completed, submit a Notice of Termination (NOT) to EPA and a copy of the NOT to DEC.
- Retain all records for a period of at least three (3) years from the date that the site is permanently stabilized.

For EPA's chart on how to apply for the Construction General Permit [click here](#).

NEW! EPA's SWPPP Preparation Guidance and SWPPP Template for construction sites (January 2007)
<http://cfpub.epa.gov/npdes/stormwater/swppp.cfm>

Find tips on Construction Projects in Alaska
 DEC's Tips for Construction Stormwater
 EPA Region 10's Storm Water Pollution Prevention Plan Checklist
 EPA Region 10's Inspector's Checklist

THE UNIVERSITY OF CHICAGO PRESS

Storm Water

State of Alaska > DEC > Division of Water > NonPoint Source Water Pollution Control > Storm water

NonPoint Source Water Pollution Control - Storm Water

The goal of the Storm Water Program is to reduce or eliminate pollutants in storm waters so that pollutants don't reach land or waters of the state. Storm water discharges are generated by runoff from land and impervious areas such as paved streets, parking lots, and building rooftops, during rainfall and snowmelt events. Storm water discharges often contain pollutants in quantities that could adversely affect water quality.

Storm water discharges are regulated under the NPDES program and certain storm water discharges require an NPDES permit from EPA.

Under the NPDES program the state of Alaska does not have permitting and enforcement authority. However, pursuant to Section 401 of the CWA the state of Alaska certifies EPA general permits (MSGP and CGP). This is commonly known as "401 Certification". These conditions are shown in both permits as "Conditions Applicable to Specific States, Indian Country Lands or Territories", and must be respected by permittees.

In addition, DEC reviews construction designs (plans) for storm water under 18 AAC 72.600.

Types of regulated storm water discharges :

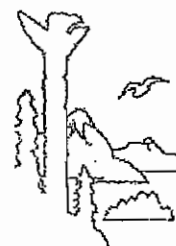
- From construction activities – construction projects disturbing more than one acre require an NPDES permit and DEC review
- From industrial activities – certain industries require an NPDES permit and DEC review
- From municipal separate storm sewer systems (MS4s) – certain municipalities require an NPDES permit
- From sites served by a storm sewer systems – these require a DEC construction design (plan) review

References for Best Management Practices

- Alaska Department of Transportation:
http://www.dot.state.ak.us/stwddes/dcsenviron/assets/pdf/swppp/english/eng_f.pdf
- Municipality of Anchorage : Municipality of Anchorage's Erosion and Sediment Control and Materials Containment Guidance Manual

For more information, please contact:

Gregory Drzewiecki, Storm Water Coordinator, Nonpoint Source Section
Division of Water – Alaska Department of Environmental Conservation
555 Cordova Street
Anchorage, AK 99501
Telephone: 907-269-7692
Fax Number: 907-269-7508
Email Address: Greg_Drzewiecki@dec.state.ak.us



Of Interest...

- › [NEW! Snow Disposal Policy](#)
- › [NEW! Snow Disposal S Guidance](#)
- › [Brief Federal Legislative History](#)
- › [401 Certification](#)
- › [State Regulations](#)
- › [Fairbanks Stormwater BMP Effectiveness Report](#)
- › [Snow Disposal Effectiveness Report](#)
- › [Nearshore Marine Environments](#)

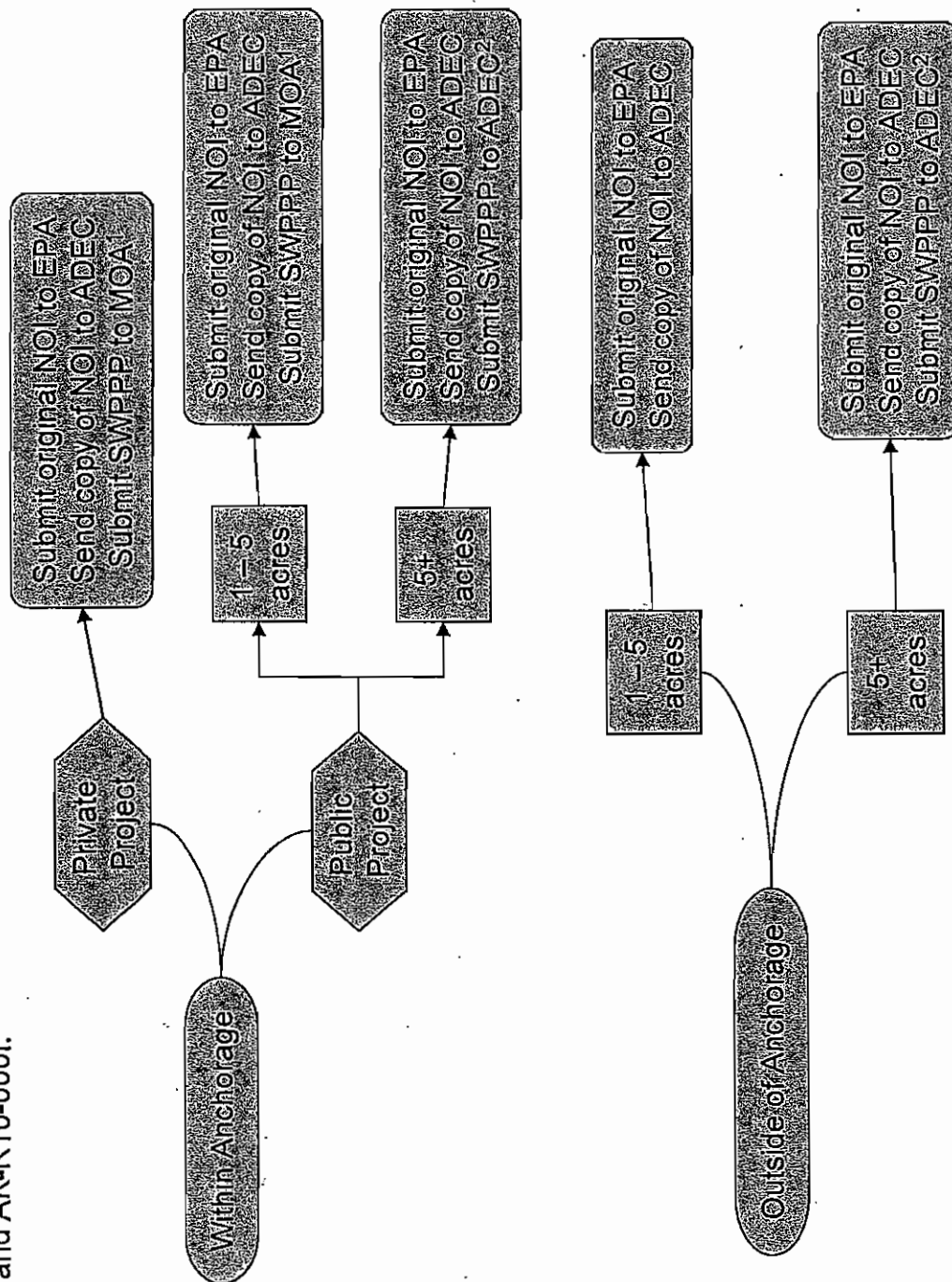
For projects within the Municipality of Anchorage boundaries, except municipal, state, and federal projects, contact:

Steve Ellis Stormwater Plan Reviewer
Project Management and Engineering - Watershed Management
Municipality of Anchorage
4700 South Bragaw
Anchorage, AK 99519-6650
Telephone: 907-343-8115
Fax Number: 907-343-8088
Email Address: sellisssm@muni.org

State of Alaska myAlaska DEC Staff Directory Webmaster Commissioner's Office Divisions/Contacts Press Releases Public
Notices Regulations

NPDES Construction General Permit Conditions Applicable in the State of Alaska

This chart summarizes the submittal requirements associated with the U.S. Environmental Protection Agency's NPDES General Permit for Storm Water Associated with Large and Small Construction Activities for Alaska (CGP), as contained in Part 9.F.1 of the CGP. These requirements specify to whom construction operators in Alaska must provide copies of Notice of Intent (NOIs) or Storm Water Pollution Prevention Plans (SWPPPs) when applying to EPA for permit coverage, for NPDES permit AK-R10-0000¹ and AK-R10-0001.



Operators must send documents at left to the following addresses. If you have questions for the agency, call the phone number provided below:

US EPA
Storm Water NOI Processing Center
Mail Code 4203 M
1200 Pennsylvania Avenue
Washington, DC 20460
(866) 352-7755

Or submit NOI electronically at:
www.epa.gov/nrpdes/enoi

Alaska Department of Environmental Conservation
Water Quality Division
555 Cordova Street
Anchorage, AK 99501
(907) 269-7692

Municipality of Anchorage
Dept. of Planning, Development & Public Works
4700 S. Bragaw Street
P.O. Box 196650
Anchorage, AK 99519
(907) 343-8115

¹ Fee applies [see Anchorage Municipal Code (AMC) 21.67]

² Fee applies [see Alaska Administrative Code (AAC) 18 ACC 72.995, Table D]

Frequently Asked Questions

Will EPA review my SWPPP?

Typically EPA does not review SWPPPs; instead ADEC and/or MOA complete this review, as noted above. Only occasionally does EPA request a copy of your SWPPP for review, either through a letter or at the time of an inspection.

If ADEC or MOA reviews my SWPPP and has no objections to it, can I assume it is in compliance with the requirements in the CGP?

Not necessarily. Submittal of the SWPPP to MOA or ADEC is a requirement of the CGP, but each of these agencies reviews the document with its own objectives in mind. ADEC reviews SWPPPs to make sure they contain each of the necessary elements outlined in the CGP, but it can not evaluate the thoroughness of each SWPPP element, the appropriateness of selected storm water controls or whether the SWPPP is being kept up-to-date throughout the project. MOA reviews SWPPPs for compliance with local erosion and sediment control ordinances. In either case, it is possible for you to be in compliance with ADEC or MOA directives and to be found in violation of the SWPPP requirements in the CGP. For this reason, you should make sure you have read the CGP carefully and understand the requirements before proceeding with your project.

Who conducts inspections and what are the objectives of each inspection?

ADEC, MOA, and EPA have the authority to conduct inspections at your construction site; however, the objective of each inspection depends on the agency. EPA inspectors assess a facility's compliance with the CGP and the federal Clean Water Act; ADEC inspectors assess a facility's compliance with Alaska Water Quality Standards; and MOA inspectors assess a facility's compliance with local ordinances. Some state rules and local erosion and sediment control ordinances may overlap with the requirements in EPA's CGP; however, you should not assume that a directive from any one of these agencies will bring you into compliance with the requirements of the other two.

Please contact the following representatives, if you have further questions about how to comply with requirements for construction sites in Alaska:

Misha Vakoc, Storm Water Coordinator
USEPA Region 10
1200 Sixth Avenue, OWW-130
Seattle, WA 98101
(800) 424-4372 ext. 6650

Greg Drzewiecki
ADEC
555 Cordova Street
Anchorage, AK 99501
(907) 269-7692

Steve Ellis
MOA
P.O. Box 196650
Anchorage, AK 99519
(907) 343-8078

Disclaimer: The statutes, regulations, and ordinances summarized in this document contain legally binding requirements. This handout does not substitute for those statutes, regulations, or ordinances, nor is it intended to be a regulation itself. Thus, this document does not impose legally binding requirements on EPA, States, or the regulated community, and may not apply to a particular situation based upon the circumstances.



U.S. Environmental Protection Agency

Model Ordinances to Protect Local Resources

[Contact Us](#) | [Print Version](#) Search: 

[EPA Home](#) > [Water](#) > [Wetlands, Oceans and Watersheds](#) > [Polluted Runoff \(Nonpoint Source Pollution\)](#) > [Model Ordinances to Protect Local Resources](#) > [Erosion & Sediment Control](#) > [Model Ordinances Language](#)

Model Ordinances Language

[Home](#)[Aquatic Buffers](#)[Erosion & Sediment Control](#)[Open Space Development](#)[Stormwater Control Operation & Maintenance](#)[Illicit Discharges](#)[Post Construction Controls](#)[Source Water Protection](#)[Miscellaneous Ordinances](#)[Site Map](#)[Links](#)

This document is downloadable in WordPerfect format.

Section 1: Introduction/Purpose	Section 6: Design Requirements
Section 2: Definitions	Section 7: Inspection
Section 3: Permits	Section 8: Enforcement
Section 4: Review & Approval	Section 9: Separability
Section 5: Erosion & Sediment Control Plan	References

[Model Ordinances Language](#)[Ordinances & Supporting Materials](#)

Section I. Introduction/ Purpose

During the construction process, soil is highly vulnerable to erosion by wind and water. Eroded soil endangers water resources by reducing water quality and causing the siltation of aquatic habitat for fish and other desirable species. Eroded soil also necessitates repair of sewers and ditches and the dredging of lakes. In addition, clearing and grading during construction cause the loss of native vegetation necessary for terrestrial and aquatic habitat.

As a result, the purpose of this local regulation is to safeguard persons, protect property, and prevent damage to the environment in _____ (*municipality*). This ordinance will also promote the public welfare by guiding, regulating, and controlling the design, construction, use, and maintenance of any development or other activity that disturbs or breaks the topsoil or results in the movement of earth on land in _____ (*municipality*).

[Top of Page](#)

Section II. Definitions

Certified Contractor.

A person who has received training and is licensed by _____ (*state or local environmental agency*) to inspect and maintain erosion and sediment control practices.

Clearing

Any activity that removes the vegetative surface cover.

Drainage Way

Any channel that conveys surface runoff throughout the site.

Erosion Control

A measure that prevents erosion.

Erosion and Sediment

A set of plans prepared by or under the direction of a licensed professional engineer

Control Plan

Indicating the specific measures and sequencing to be used to control sediment and erosion on a development site during and after construction.

Grading

Excavation or fill of material, including the resulting conditions thereof.

Perimeter Control

A barrier that prevents sediment from leaving a site by filtering sediment-laden runoff or diverting it to a sediment trap or basin.

Phasing

Clearing a parcel of land in distinct phases, with the stabilization of each phase completed before the clearing of the next.

Sediment Control

Measures that prevent eroded sediment from leaving the site.

Site

A parcel of land or a contiguous combination thereof, where grading work is performed as a single unified operation.

Site Development

A permit issued by the municipality for the construction or alteration of ground

Permit

improvements and structures for the control of erosion, runoff, and grading.

Stabilization

The use of practices that prevent exposed soil from eroding.

Start of Construction

The first land-disturbing activity associated with a development, including land preparation such as clearing, grading, and filling; installation of streets and walkways; excavation for basements, footings, piers, or foundations; erection of temporary forms; and installation of accessory buildings such as garages.

Watercourse Any body of water, including, but not limited to lakes, ponds, rivers, streams, and bodies of water delineated by _____ (municipality).

Waterway


A channel that directs surface runoff to a watercourse or to the

public storm drain.


Top of Page

Section III. Permits


- A. No person shall be granted a site development permit for land-disturbing activity that would require the uncovering of 10,000 or more square feet without the approval of an Erosion and Sediment Control Plan by _____ (erosion and sediment control agency).

 The size of the site regulated under the erosion and sediment control ordinance varies widely. The proposed Phase II of USEPA's National Pollutant Discharge Elimination System (NPDES) rules regulates disturbances greater than 1 acre, but communities may regulate sites as small as 2,000 square feet.

- B. No site development permit is required for the following activities:
1. Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.
 2. Existing nursery and agricultural operations conducted as a permitted main or accessory use.

 Communities may choose to exempt other activities, such as mining, from an erosion and sediment control permit, or in some cases include the exempted uses cited above.

- C. Each application shall bear the name(s) and address(es) of the owner or developer of the site, and of any consulting firm retained by the applicant together with the name of the applicant's principal contact at such firm and shall be accompanied by a filing fee.
- D. Each application shall include a statement that any land clearing, construction, or development involving the movement of earth shall be in accordance with the Erosion and Sediment Control Plan and that a certified contractor shall be on site on all days when construction or grading activity takes place.

 Some states have "Certified Contractor" programs, in which contractors successfully complete a training course in basic erosion and sediment control. This person would be responsible for ensuring the regular maintenance and proper installation of erosion and sediment control measures.

- E. The applicant will be required to file with _____ (*municipality*) a faithful performance bond, letter of credit, or other improvement security in an amount deemed sufficient by _____ (*erosion and sediment control agency*) to cover all costs of improvements, landscaping, maintenance of improvements for such period as specified by _____ (*municipality*), and engineering and inspection costs to cover the cost of failure or repair of improvements installed on the site.

Top of Page

Section IV. Review and approval

1. _____ (*erosion and sediment control agency*) will review each application for a site development permit to determine its conformance with the provisions of this regulation. Within 30 days after receiving an application, _____ (*erosion and sediment control agency*) shall, in writing:
 1. Approve the permit application;
 2. Approve the permit application subject to such reasonable conditions as may be necessary to secure substantially the objectives of this regulation, and issue the permit subject to these conditions; or
 3. Disapprove the permit application, indicating the reason(s) and procedure for submitting a revised application and/or submission.
2. Failure of the _____ (*erosion and sediment control agency*) to act on an original or revised application within 30 days of receipt shall authorize the applicant to proceed in accordance with the plans as filed unless such time is extended by agreement between the applicant and _____ (*erosion and sediment control agency*). Pending preparation and approval of a revised plan, development activities shall be allowed to proceed in accordance with conditions established by _____ (*erosion and sediment control agency*).

Top of Page

Section V. Erosion and Sediment Control Plan

- A. The Erosion and Sediment Control Plan shall include the following:
1. A natural resources map identifying soils, forest cover, and resources protected under other chapters of this code.



This map should be at a scale no smaller than 1"=100'. For a more detailed discussion, see the buffer ordinance.


2. A sequence of construction of the development site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation.
 3. All erosion and sediment control measures necessary to meet the objectives of this local regulation throughout all phases of construction and after completion of development of the site. Depending upon the complexity of the project, the drafting of intermediate plans may be required at the close of each season.
 4. Seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilizer application, and kind and quantity of mulching for both temporary and permanent vegetative control measures.
 5. Provisions for maintenance of control facilities, including easements and estimates of the cost of maintenance.
- B. Modifications to the plan shall be processed and approved or disapproved in the same manner as Section IV of this regulation, may be authorized by _____
(*erosion and sediment control agency*) by written authorization to the permittee, and shall include
1. Major amendments of the erosion and sediment control plan submitted to _____
(*erosion and sediment control agency*)
 2. Field modifications of a minor nature

Top of Page


Section VI. Design Requirements

1. Grading, erosion control practices, sediment control practices, and waterway crossings shall meet the design criteria set forth in the most recent version of _____
(*erosion and sediment control manual*), and shall be adequate to prevent transportation of sediment from the site to the satisfaction of (*erosion and sediment control agency*). Cut and fill slopes shall be no greater than 2:1, except as approved by _____
(*erosion and sediment control agency*) to meet other community or environmental objectives.
2. Clearing and grading of natural resources, such as forests and wetlands, shall not be permitted, except when in compliance with all other chapters of this Code. Clearing techniques that retain natural vegetation and drainage patterns, as described in _____
(*erosion and sediment control manual*), shall be used to the satisfaction of _____
(*erosion and sediment control agency*).


3. Clearing, except that necessary to establish sediment control devices, shall not begin until all sediment control devices have been installed and have been stabilized.

 For example, the stream buffer codes as well as the forest conservation code in the "Miscellaneous Ordinances" section would also restrict clearing.


4. Phasing shall be required on all sites disturbing greater than 30 acres, with the size of each phase to be established at plan review and as approved by (erosion and sediment control agency).

 Although many communities encourage phasing, few actually require it. Phasing construction can reduce erosion significantly when well designed. (See Claytor, 1997.)

5. Erosion control requirements shall include the following:
 1. Soil stabilization shall be completed within five days of clearing or inactivity in construction.
 2. If seeding or another vegetative erosion control method is used, it shall become established within two weeks or _____ (erosion and sediment control agency) may require the site to be reseeded or a nonvegetative option employed.

 Numerical standards regarding the time to stabilization will vary. In particular, the time to establish seeding will depend on the climate.

3. Special techniques that meet the design criteria outlined in (erosion and sediment control manual) on steep slopes or in drainage ways shall be used to ensure stabilization.
4. Soil stockpiles must be stabilized or covered at the end of each workday.
5. The entire site must be stabilized, using a heavy mulch layer or another method that does not require germination to control erosion, at the close of the construction season.
6. Techniques shall be employed to prevent the blowing of dust or sediment from the site.

 Dust control is most important in arid regions of the country

7. Techniques that divert upland runoff past disturbed slopes shall be employed.

6. Sediment controls requirements shall include


1. Settling basins, sediment traps, or tanks and perimeter controls.
 2. Settling basins that are designed in a manner that allows adaptation to provide long term stormwater management, if required by _____
(*erosion and sediment control agency*)
 3. Protection for adjacent properties by the use of a vegetated buffer strip in combination with perimeter controls
7. Waterway and watercourse protection requirements shall include
1. A temporary stream crossing installed and approved by _____ (*approving agency, e.g., Waterways Division, ESC agency*) if a wet watercourse will be crossed regularly during construction
 2. Stabilization of the watercourse channel before, during, and after any in-channel work
 3. All on-site stormwater conveyance channels designed according to the criteria outlined in _____ (*erosion and sediment control manual*)
 4. Stabilization adequate to prevent erosion located at the outlets of all pipes and paved channels
8. Construction site access requirements shall include
1. a temporary access road provided at all sites
 2. other measures required by _____ (*erosion and sediment control agency*) in order to ensure that sediment is not tracked onto public streets by construction vehicles or washed into storm drains

Top of Page

Section VII. Inspection

1. _____ (*erosion and sediment control agency*) or designated agent shall make inspections as hereinafter required and either shall approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with the Erosion and Sediment Control Plan as approved. Plans for grading, stripping, excavating, and filling work bearing the stamp of approval of the _____ (*erosion and sediment control agency*) shall be maintained at the site during the progress of the work. To obtain inspections, the permittee shall notify _____ (*erosion and sediment control agency*) at least two working days before the following:
 1. Start of construction
 2. Installation of sediment and erosion measures
 3. Completion of site clearing
 4. Completion of rough grading
 5. Completion of final grading

6. Close of the construction season
7. Completion of final landscaping

 The "Certified Inspector Program" in Delaware allows developers to hire an inspector who has passed a state licensing program. This person would inspect the site at regular intervals and file reports to the erosion and sediment control agency. The agency would then be responsible for spot checks on these reports.

2. The permittee or his/her agent shall make regular inspections of all control measures in accordance with the inspection schedule outlined on the approved Erosion and Sediment Control Plan(s). The purpose of such inspections will be to determine the overall effectiveness of the control plan and the need for additional control measures. All inspections shall be documented in written form and submitted to _____ (erosion and sediment control agency) at the time interval specified in the approved permit.
3. _____ (erosion and sediment control agency) or its designated agent shall enter the property of the applicant as deemed necessary to make regular inspections to ensure the validity of the reports filed under Section B.

[Top of Page](#)

Section VIII. Enforcement

1. Stop-Work Order; Revocation of Permit
In the event that any person holding a site development permit pursuant to this ordinance violates the terms of the permit or implements site development in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood or development site so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, _____ (erosion and sediment control agency) may suspend or revoke the site development permit.
2. Violation and Penalties
No person shall construct, enlarge, alter, repair, or maintain any grading, excavation, or fill, or cause the same to be done, contrary to or in violation of any terms of this ordinance. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and each day during which any violation of any of the provisions of this ordinance is committed, continued, or permitted, shall constitute a separate offense. Upon conviction of any such violation, such person, partnership, or corporation shall be punished by a fine of not more than \$ _____ for each offense. In addition to any other penalty authorized by this section, any person, partnership, or corporation convicted of violating any of the provisions of this ordinance

shall be required to bear the expense of such restoration.



Specific penalties will vary between communities and should reflect enforceable penalties given the political realities of a jurisdiction.

[Top of Page](#)

Section IX. Separability

The provisions and sections of this ordinance shall be deemed to be separable, and the invalidity of any portion of this ordinance shall not affect the validity of the remainder.

[Top of Page](#)

References

Claytor, R. 1997. Practical Tips for Construction Site Phasing. *Watershed Protection Techniques* 2(3): 413-417.

[Top of Page](#)

Local Government Environmental
Assistance Network



Click on the above related web sites
Both links exit the EPA Website [EXIT Disclaimer](#)

[Water](#) | [Wetlands, Oceans & Watersheds](#) | [Watershed Protection](#)

[EPA Home](#) | [Privacy and Security Notice](#) | [Contact Us](#)

Last updated on Monday, November 27th, 2006

URL: <http://www.epa.gov/owow/nps/ordinance/mol2.htm%23m2>

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

JANUARY 10, 2011
MONDAY, AT 5:00 P.M.
COWLES COUNCIL CHAMBERS

**MEETING NOTICE
COMMITTEE OF THE WHOLE AGENDA**

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

Councilmember Wythe has requested excusal.

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

3. REGULAR MEETING AGENDA

4. COMMENTS OF THE AUDIENCE

5. ADJOURNMENT NO LATER THAN 5:50 p.m. Next Committee of the Whole scheduled for Monday, January 24, 2011 at 5:00 p.m. Next Regular Meeting is Monday, January 24, 2011 at 6:00 p.m. A Worksession is scheduled for Monday, January 24, 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

JANUARY 10, 2011
MONDAY, 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 Wythe has requested excusal.

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 Meetings December 8 and 13, 2010 and Regular Meeting minutes of December 13, 2010. City Clerk. Recommend adoption. Page 127

B. **Memorandum 10-001**, from Deputy City Clerk, Re: Liquor License Renewal for Rum Locker, Patel's #2, Patel's, Homer Liquor & Wine Company, Grog Shop, Don Jose's, Boardwalk Fish & Chips, and Fresh Catch Café. Page 169

C. **Memorandum 10-002**, from Mayor, Re: Appointment of Bob Howard to the Port and Harbor Advisory Commission. Page 189

6. VISITORS

A. Susan Kirn, **Big Brothers Big Sisters**, 10 minutes. Page 193

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

- A. **Mayor's Proclamation** – National Mentoring Month, January 1 – 31, 2011. Page 195
- B. Mayor's Report – Conference with Senator Begich Page 197
- C. Borough Report
- D. Commissions/Board Reports:
 - 1. Library Advisory Board
 - 2. Homer Advisory Planning Commission
 - 3. Economic Development Advisory Commission
 - 4. Parks and Recreation Advisory Commission
 - 5. Port and Harbor Advisory Commission

8. **PUBLIC HEARING(S)**

- A. **Ordinance 10-54**, An Ordinance of the City Council of Homer, Alaska, Enacting Subsection (d) of Homer City Code 21.50.020, Site Development Standards – Level One, and Homer City Code 21.50.150, Fill Standards, Regarding the Requirement of a Storm Water Plan, and Establishing Standards for Filling Land. Planning. (Introduction November 22, 2010, Public Hearing and Second Reading January 10, 2011.) Page 201
- Memorandum 10-138 from City Planner as backup. Page 207

9. **ORDINANCE(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. Recommended dates: Introduction January 10, 2011, Public Hearings January 24 and February 15, 2011 and Second Reading February 15, 2011. Page 209
- B. **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.

Recommended dates: Introduction January 10, 2011, Public Hearing and Second Reading January 24, 2011. Page 217

Memorandum 11-007 from Public Works Director as backup. Page 221

10. CITY MANAGER'S REPORT

A. City Manager's Report Page 233

B. Bid Report Page 243

C. Games Report Page 243

1. Homer Animal Friends Page 245
2. Homer Emblem Club 350 Page 247
3. Independent Living Center Page 251
4. Kachemak Bay Family Planning Clinic Page 257
5. Share The Spirit, Inc. Page 261
6. Snomads Snowmachine Club Page 263

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

14. NEW BUSINESS

- A. **Memorandum 11-003**, from City Clerk, Re: Vacate a 28-foot Wide Portion of the 33-foot Section Line Easement Along the West Boundary of Tract 4B-1 Dierich Addition (Plat HM 72-1059), South of Nelson Avenue; Within Section 16, Township 6 South, Range 13 West, Seward Meridian, Alaska; the City of Homer and Within the Kenai Peninsula Borough; KPB File 2010-177; Location: City of Homer. Page 267

- B. **Memorandum 11-004**, from City Clerk Re: Travel Authorization for Mayor Hornaday and Councilmember Zak to Attend the Alaska Municipal League Winter Legislative Conference in Juneau, Alaska, February 8 – 10, 2011. Page 299

15. RESOLUTIONS

- A. **Resolution 11-001**, A Resolution of the City Council of Homer, Alaska, Confirming the City Manager's Appointment of Mark Robl as Acting City Manager for the Calendar Year 2011. City Manager. Page 303
- B. **Resolution 11-002**, A Resolution of the Homer City Council Confirming the Appointments of Regina Mauras as Treasurer and Laurie Moore as Deputy Treasurer for Calendar Year 2011. City Manager. Page 305
- C. **Resolution 11-003**, A Resolution of the City Council of Homer, Alaska, Designating Signatories of City Accounts and Superseding Any Previous Resolution So Designating. City Manager. Page 307
- D. **Resolution 11-004**, A Resolution of the Homer City Council in Support of the City of Homer Hosting the International Pacific Halibut Commission (IPHC) 2012 Annual Conference. Hogan. Page 309
- E. **Resolution 11-005**, A Resolution of the Homer City Council Adopting an Alternative Allocation Method for the FY 11 Shared Fisheries Business Tax Program and Certifying that this Allocation Method Fairly Represents the Distribution of Significant Effects of Fisheries Business Activity in the Cook Inlet Fisheries Management Area. City Manager. Page 313
- F. **Resolution 11-006**, A Resolution of the City Council of Homer, Alaska, Re-Approving the \$1.8 M Budget for the Sanitary Sewer Rehabilitation Project and Authorizing the City Manager to Execute the Appropriate Documents to Complete Construction. City Manager. Page 325
- Memorandum 11-006 from Public Works Director as backup. Page 327
- G. **Resolution 11-007**, A Resolution of the City Council of Homer, Alaska, Approving and Adopting the Comprehensive Economic Development Strategy (CEDS) and Forwarding the CEDS to the Homer Advisory Planning Commission for a Recommendation on Whether it Should be Adopted as Part of the Homer Comprehensive Plan. Economic Development Advisory Commission. Page 331

Memorandum 11-005 from Economic Development Advisory Commission as backup.

Page 333

- H. **Resolution 11-008**, A Resolution of the City Council of Homer, Alaska, Acknowledging the Surplus Equipment Bid Results. City Clerk. Page 391

- 16. **COMMENTS OF THE AUDIENCE**
- 17. **COMMENTS OF THE CITY ATTORNEY**
- 18. **COMMENTS OF THE CITY CLERK**
- 19. **COMMENTS OF THE CITY MANAGER**
- 20. **COMMENTS OF THE MAYOR**
- 21. **COMMENTS OF THE CITY COUNCIL**
- 22. **ADJOURNMENT/NEXT REGULAR MEETING IS SCHEDULED FOR MONDAY, JANUARY 24, 2011 AT 6:00 P.M. THE NEXT COMMITTEE OF THE WHOLE IS SCHEDULED FOR MONDAY, JANUARY 24, 2011 AT 5:00 P.M. A WORKSESSION IS SCHEDULED FOR MONDAY, JANUARY 24, 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 10-33 a Special Meeting of the Homer City Council was called to order on December 8, 2010 at 5:30 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: HOWARD, LEWIS, ROBERTS,
WYTHE, ZAK

ABSENT: HOGAN

STAFF: ATTORNEY JOE LEVESQUE
CITY CLERK JOHNSON

Councilmember Hogan was not present. A request for an excused absence was not made and Mayor Hornaday did not address an excused/unexcused absence.

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.

Councilmember Zak disclosed he was on the Planning Commission the first time the Refuge Chapel came before the commission. It has been discussed in the past and he does not think he has a conflict.

Attorney Levesque advised Homer City Code speaks of conflicts of interest being a substantial financial interest. Councilmember Zak doesn't think he has a conflict. He is not predisposed as to what will happen, and has not been involved in this decision for the Planning Commission.

Asked by Mayor Hornaday if Mr. Zak's past experience will make any difference in his decision tonight, Mr. Zak answered it would not.

Mayor Hornaday ruled Councilmember Zak does not have a conflict. There was no objection from the Council.

Councilmember Howard disclosed her business (Curves) is located across the street from Refuge Chapel. Transactions between Joyce Williams, wife of Darren Williams, and herself in the past year have totaled \$587.02.

Asked by Mayor Hornaday if Joyce Williams holds any position in this, Councilmember Howard replied she did not know and only disclosed her side.

Attorney Levesque advised Councilmember Howard raised a substantial financial interest. Per HCC 1.18.045 a councilmember will have a conflict of interest if the amount of money is over \$1,000 in one transaction, or \$5,000 in a 12-month period.

Asked by Mayor Hornaday if Mrs. Howard's situation will make any difference in her decision tonight, Mrs. Howard answered it would not.

Mayor Hornaday ruled Councilmember Howard does not have a conflict. There was no objection from the Council.

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

John Williams, Administrative Member of the Refuge Chapel, is interested in seeing the Refuge Chapel continue to do business. Helping men out in the manner they are is not considered a homeless shelter. They have no facilities to take care of homeless people. Men come in that drink and understand right away there is no drinking on the premises, nor are they allowed to be there in an inebriated state. The Refuge Chapel is doing good things for men that need to get on their feet. Mr. Williams hopes Council understands they have a good reputation and are in good control of the situation. They would like to operate under what Council thinks they can. The Planning Commission determined they are a homeless shelter, but it is not what they really do. The Refuge Chapel is pleasing to the city and the people around.

NEW BUSINESS

- A. BOARD OF ADJUSTMENT APPEAL HEARING - Appeal of Homer Advisory Planning Commission Decision on Appeal re: March 10, 2010 Refuge Chapel / Refuge Room Enforcement Order.

Mayor Hornaday relayed this is an appeal of an enforcement order dated March 10, 2010 by Darren Williams of Refuge Chapel. A written brief was received from the Refuge Chapel. All parties have standing pursuant to Homer City Code Sec. 21.93.060.

Mr. Darren Williams, Refuge Chapel, and Rick Abboud, City Planner, were present.

PRELIMINARY ISSUES

Mayor Hornaday remembers being at Lands End when Mr. Williams came up to him and asked if he could discuss the Refuge Chapel. Mayor Hornaday declined, knowing if he had to make a decision he could not discuss it with Mr. Williams. They did not discuss it any further. It would not make any difference in his opinion tonight.

Mayor Pro Tempore Wythe ruled Mayor Hornaday was not disqualified. There was no objection from the Council.

ORAL ARGUMENTS

Mayor Hornaday instructed his recommendation was that the Board hear oral arguments and grant each side a total 30 minutes, if they need it. There was no objection from the Board. New evidence will not be presented to the Board. The case must be based on the evidence in the record from the Planning Commission.

Mr. Darren Williams stated Doug Dodd filed the brief and is to be part of the 30 minutes. Doug Dodd joined Mr. Williams at the table.

Attorney Levesque advised there is a provision that others may participate pursuant to HCC 21.93.090. There has to be written authorization or notice of appearance. There has been no authorization in writing. Mr. Dodd is on the Board of Directors.

Mayor Hornaday ruled Mr. Dodd may be allowed to participate as long as it was in the 30 minutes. There was no objection from the Council.

Darren Williams referenced the history of the bunkhouse. They started in January, 2003 and are coming up on their 8th year of operating. They operated two years at the location at 1562 Homer Spit Rd. as a bunk house; they never intended to operate a homeless shelter. The ministry of Refuge Chapel is operated as a church. They wanted to house people that needed a place to stay. Twelve years ago they started as a church in the white house next to Don Jose. There they had an open door policy and would find twenty people asleep on the floor. At the Spit location they carried on the tradition by operating the same way. There were people living in trailers and people on the floors. They were shut down by the Fire Marshal who told them it would be easy to get legal. That is the idea where the Refuge Room began. They always charged for beds, as they had to pay their rent. When they opened the bunk house in 2003 they would charge for beds. Homeless shelters do not charge for rooms. At the Refuge Room when men rent a bed they get to keep it for as long as they pay. They don't consider the people that stay as homeless; they are residents.

The original Conditional Use Permit (CUP) they filed was changed at the last minute as a shelter. Mr. Williams never wanted the Refuge Chapel to be considered a homeless shelter. That definition does not fit what they do. They have honed their ministry where they benefit the community more and more. It is a 10,000 sq. ft. building, with a small percentage of the building used as a bunkhouse. They don't want to be considered a homeless shelter, as that would put them up on national scrutiny by bringing people to Homer. Mr. Williams referenced page 42 of the Record of Appeal, the Planning Commission Decision of Appeal, where the Commission finds the Refuge Room as operating a shelter for the homeless or needy. It defines the homeless shelter. The Refuge Chapel does very little of that.

Mr. Williams read page 39 of the Refuge Chapel appeal. It is not a building used primarily for the homeless. The Refuge Room is a small dwelling attached to a larger structure which is a church. The building size is 11,250 sq. ft. The Refuge Chapel, its youth ministry, and office are 8,000 sq. ft. It leaves 480 sq. ft. for the Refuge Room. The primary use of the building is not the Refuge Room. Mr. Williams stated the Refuge Room does not fit the definition as outlined by the City. The Refuge Room is not a building; it is a small part of a larger building. They do not provide onsite meals and showers, laundry facilities, and kitchen. The men are not homeless or needy because they choose to be guests at the Refuge Chapel. The chief function of the building is the Refuge Chapel. On page 45 of the City's findings, Section 4, Refuge Chapel is used in Refuge Chapel/Refuge Room. The Refuge Chapel is different than the Refuge Room. The Refuge Room is a separate business from the Refuge Chapel. Mr. Williams read the last paragraph of their appeal, stating it was wrong to restrict the church by setting arbitrary

conditions for operation. The Planning Commission by its decision to require a CUP by punitive fines has done just that.

Doug Dodd, Board Member of Refuge Room, stated this meeting comes after years of uncertainty. He hopes it will be the end of that era. On April 9, 2009 the City Planner determined the Refuge Room was a rooming house. On August 5, 2009 the Planning Commission overturned the City Planner's determination. On January 13, 2010 the Board of Adjustment instructed the Planning Commission to determine whether the Refuge Room constitutes a homeless shelter or something else. On March 10, 2010 before the Planning Commission was able to do that, the City Planner issued an enforcement order demanding the Refuge Room either cease operation or apply for a CUP. For that reason they appealed the enforcement order. The Planning Commission held a public hearing and issued a decision on August 18, 2010 that the Refuge Room is a building used primarily to provide onsite meals, shelter and secondary personal services such as showers and haircuts to the homeless and the needy on a nonpermanent basis for no or nominal compensation. The Refuge Chapel's appeal of that decision brings them here tonight.

The Planning Commission decision of August 18th rests on three findings, comparable to a 3-legged stool. If one leg fails the stool is at serious risk, if the second leg fails the stool will collapse.

Finding #1 by the Planning Commission is that the Refuge Room provides secondary services for homeless men. They provide services to residents. The Planning Commission has presented no evidence showing their residents are homeless. Realizing this, the commission states it doesn't matter if residents are homeless, they only need to be needy. Needy is not defined. In the Refuge Chapel brief they note 78% of the Refuge Room operating income is from rent paid by residents. Even if the other 22% of residents are homeless, Pastor Williams has shown the building is primarily used as a church. The first leg of the stool has come unglued.

Finding #2 by the Planning Commission is that the \$10 nightly fee charged is a nominal contribution. The finding is presented without rationale. The brief notes the U.S. Census Bureau set 30% as the maximum amount to spend on housing. The \$300 per month (\$10 daily/30 days) is approximately 30% of the take home pay of a person working full time at minimum wage. It is not trivial or insignificant to that person. The second leg of the stool is nonexistent.

Finding #3 by the Planning Commission finds the Refuge Room is a building, not a dwelling. The commission argument deprived of two of its legs has collapsed. The Refuge Room is a room in a building. The building is primarily used as a church. Over three-fourths of the men pay rent in the amount the U.S. Census Bureau finds appropriate for minimum wage workers. For the men, \$300 a month is clearly not a nominal sum.

Homelessness is a hot issue, not only in Anchorage, but in Homer. If the City of Homer wishes to address this problem in a realistic way it needs to do so openly. The City has encouraged the Refuge Room bunkhouse to solve the community problem by the Homer Police Department sending men to the Refuge. By using its powers of enforcement through the Planning Department, the City has attempted to classify the Refuge as a homeless shelter.

Some of their clients are homeless, most are not. They did not begin as a homeless shelter and do not operate as a homeless shelter. Guests at a homeless shelter check in each day. They spend the night and then check out, with no guarantee of another night. In contrast, Refuge Room residents have their own bed, the same bed, each man has a storage locker and a shared refrigerator. If the Board wants a shelter, make that a policy decision. They ask that they go back to doing what they do – providing safe, secure, low cost, temporary housing for men.

Councilmember Roberts asked about reference to an appeal brief in November, 2010. Mr. Dodd stated the brief was filed by them November 16, 2010.

Councilmember Lewis acknowledged the three quarter of the residents that pay rent. He asked what the other one quarter of the residents do? Mr. Dodd answered social service agencies, such as Share the Spirit and the Food Pantry will subsidize their rent and allow them to stay for a month with the understanding at the end of that time they can get a job or paycheck. Mr. Lewis asked if anyone stays for free? Mr. Dodd answered in an emergency situation they will stay for free. The cops or hospital may have dropped them off. They feel uncomfortable putting someone out in the winter; they will not turn anyone away. Mr. Lewis asked how long they would be allowed to stay for free or if the Refuge would take them down to hook them up with social services. Mr. Dodd answered they will network them with social services the next day. Mr. Williams added there are hotels that will do the same thing. They will get vouchers from other agencies and take in homeless people. The Salvation Army gives vouchers. The Refuge does not turn away people if they feel they will die out in the cold.

City Planner Rick Abboud stated he made the decision regarding the Refuge Chapel status as a rooming house. The decision was backed up by legal counsel. There was an appeal to the Planning Commission with confusion about what the vote meant. Mr. Abboud found that the vote meant that the commission overturned him. Administration made a decision not to appeal the Planning Commission decision. Mr. Abboud commented Mr. Dodd said he asked him to come over and tell them how to be a rooming house. It is impossible for Mr. Abboud to tell him how to be a rooming house when he already said they were a rooming house. According to the Planning Commission decision the Refuge Chapel was not a rooming house. He had no other choice to ask the Refuge Chapel to become whatever they were to the Planning Commission. They made the decision without input from him or his staff. He already had his analysis from the previous action.

Councilmember Zak asked when they applied for a CUP what that was for? Mr. Abboud answered they have not applied for a CUP since he has worked for the City. Councilmember Zak noted the size of the rooms where the men sleep is 464 sq. ft. If an addition is added, would the 464 sq. ft. fall under the limit allowed? City Planner Abboud answered you could put 200 sq. ft. or less on the property, but it is subject to other policies in the code. The physical layout of the building has not been part of the conversation; it has been more of the use.

Darren Williams added the definition the Planning Commission had for the homeless shelter was for temporary housing. Many of the guys stay for months, some have been there six months, and pay \$300 a month. A homeless shelter would be temporary for a one night stay.

Mayor Hornaday stated that concludes the oral arguments. 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/LEWIS - SO MOVED.

There was no discussion.

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

Motion carried.

Council adjourned to Executive Session at 6:15 p.m. and reconvened the Special Meeting at 7:00 p.m.

Mayor Pro Tempore Wythe stated they met with the attorney and provided him with direction and he will provide us with a written decision for consideration at a later date.

COMMENTS OF THE AUDIENCE

There were not comments of the audience.

COMMENTS OF THE CITY ATTORNEY

Attorney Klinkner was not present.

COMMENTS OF THE CITY CLERK

City Clerk Johnson had no comment.

COMMENTS OF THE CITY MANAGER

City Manager Wrede was not present.

COMMENTS OF THE MAYOR

Mayor Hornaday had no comment.

COMMENTS OF THE CITY COUNCIL

Councilmembers 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 7:02 p.m. The next Regular Meeting is scheduled for Monday, December 13, 2010 at 6:00 p.m. The Committee of the Whole is scheduled for Monday, December 13, 2010 at 5:00 p.m. and a Special Meeting is scheduled Monday, December 13, 2010 at 4:00 p.m. All meetings scheduled to be held in the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

JO JOHNSON, CMC, CITY CLERK

Approved: _____

Session 10-34 a Special Meeting of the Homer City Council was called to order on December 13, 2010 at 4:00 p.m. by Mayor James C. Hornaday at the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of Allegiance.

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

STAFF: CITY MANAGER WREDE
CITY CLERK JOHNSON
CITY ATTORNEY KLINKNER
CITY PLANNER ABOUD
PORT AND HARBOR DIRECTOR HAWKINS

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

The agenda was approved by consensus of the Council.

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

Angie Newby, Chair of the Public Arts Committee, thanked Council and the City Attorney for their time and analysis on the PAC administrative guidelines. The attorney's recommendations helped clarify artist's rights and deaccessioning, both areas of concern. The attorney recommended leaving contracts up to individuals. Powers and duties of the PAC are still a concern, as the PAC is very pro-active. Outlining the committee helps subsequent people that might join the committee. Mrs. Newby has a great relationship with Walt and Renee is a great staff support person from the Clerk's Office. Renee looked at small and mid size communities that had successful public arts committees, and that is where some of the recommendations came from. As to the make-up of the committee, Mrs. Newby asked that people appointed have a commitment to art. At different times people on the committee didn't know why they were there and it requires time to educate them. Mrs. Newby recommends the PAC work as a catalyst bringing the government arts culture/public sectors together for the benefit of the residents. The airport diorama came through the PAC Gateway project. They will be continuing with artwork on the Baycrest Hill and the Ferry Terminal, areas that greet people coming into the community.

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.

City Attorney Klinkner advised it may be helpful to reorder the agenda items and review the ordinance first. The ordinance will set a framework and the resolutions can be added as guidelines. Suggested changes to the resolutions only make sense with the ordinance as the underlying document.

Council agreed to hear New Business prior to Pending Business.

- 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.

NEW BUSINESS

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

Memorandum 10-148 from City Attorney as backup.

ROBERTS/WYTHE – MOVED FOR THE ADOPTION OF ORDINANCE 10-55.

City Attorney Klinkner advised Ordinance 10-55 would elaborate on the membership, terms, duties, and other features of the PAC. Presently the only reference to the PAC and its functions within city code is in HCC Chapter 18.07 that outlines the 1% arts funding. Mr. Klinkner thought it would be consistent with the way the code handles other boards and commissions and provide a framework for considering the issues raised by the proposed guidelines. The PAC suggested a provision related to the experience of members of the committee; omission of it was an oversight and Council could put the reference to members qualifications back in. It appears in HCC 1.70.010, line 30, page 45. Adding the Mayor appointment/Council confirmation would be consistent with other committees. Line 45 and carrying over to the following page is HCC 1.70.020 that preserves the two-year terms for members.

Councilmember Roberts suggested the PAC might be comprised of five members instead of seven. We have had a difficult time getting people to be on the boards and commissions.

Angie Newby commented five members would not be a problem; with seven members they are struggling to have a quorum. That is one of the reasons they changed the meeting time to 5:00

p.m. Mrs. Newby suggested two persons as public at large if the committee is reduced to five members. There are five great people on the PAC now.

Councilmember Howard agrees reducing the PAC to five members. Referencing Line 34 "committee members shall" is too specific, and should be amended to may. People that would apply would already have an interest in art.

Councilmember Hogan concurs with Councilmember Howard. He doesn't know of any committee with such specified criteria.

Councilmember Howard asked about the word "jury", and asked if the word "panel" could be used instead.

Councilmember Wythe suggested language pertaining to applicants – preference may be given to – and that one member from outside the city be allowed. A common term for art review is jury.

Angie Newby clarified the PAC recommended "selection committee", the attorney recommended "jury". Currently there is not a councilmember on the PAC, Mrs. Newby said it would help to have one. The PAC is not an exclusive group of people. They have wide ranging interests. She asked that language "shall have a demonstrated interest and familiarity with arts" be included. The specific characteristics can be deleted.

Councilmember Zak believes the document was clearly stated. In Homer the PAC brings the community together, whether integrating trails or the library. The spirit of the ordinance brings the community together; it is not just focused on public art, but a vision.

Attorney Klinkner clarified the word jury is used in the current code. The term jury is used to refer to groups who select or value pieces of art. He suggested changing the guidelines to read "jury" for the sake of consistency.

Councilmember Zak commented he would love to serve on the PAC if a councilmember is needed.

ROBERTS/LEWIS – MOVED TO AMEND LINE 31 TO CHANGE THE NUMBER FROM 7 TO 5.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

WYTHE/ROBERTS – MOVED TO AMEND LINE 34 TO STRIKE THE STATEMENT "THE COMMITTEE MEMBER SHALL INCLUDE THE FOLLOWING" AND REPLACE IT WITH "WHEN CONSIDERING APPLICANTS, PREFERENCE MAY BE GIVEN TO" AND THEN LEAVING ITEMS 1 THROUGH 5 IN THERE.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

ROBERTS/WYTHE – MOVED TO AMEND LINE 42 TO CHANGE THE NUMBER TWO TO ONE COMMITTEE MEMBER MAY RESIDE OUTSIDE THE CITY.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Councilmember Hogan expressed the need for the final version to be radically altered for his approval. He recommended the ordinance be introduced and go to public hearing.

Councilmember Roberts expressed approval of the ordinance as it brought concerns of the original document together and fit with the other committees.

Attorney Klinkner referenced the proposed guidelines from the PAC Lines 37 and 38: "All members of the Public Arts Committee shall have a demonstrated interest and familiarity with arts and culture, either through professional practice or volunteer work." He recommended just before the previous amendment regarding preference may be given to particular applicants.

WYTHE/ROBERTS - MOVED TO INSERT LINES 37 & 38 (OF THE ADMINISTRATIVE GUIDELINES) ONLY TO THE PERIOD INTO LINE 34 PRECEDING THE STATEMENT "WHEN CONSIDERING APPLICANTS". THEN IT WOULD READ: "ALL MEMBERS OF THE PUBLIC ARTS COMMITTEE SHALL HAVE A DEMONSTRATED INTEREST AND FAMILIARITY WITH ARTS AND CULTURE, EITHER THROUGH PROFESSIONAL PRACTICE OR VOLUNTEER WORK. THEN IT WOULD SAY WHEN CONSIDERING APPLICANTS PREFERENCE MAY BE GIVEN TO ITEMS 1 THROUGH 5.

Councilmember Roberts asked about the "shall" which would limit members.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Attorney Klinkner referenced Line 61 of Ordinance 10-55 Powers and Duties. He shortened the powers and duties as proposed by the PAC in their guidelines. The PAC believes their powers and duties should be expanded. It is an area of policy for the Council's decision.

ROBERTS/ZAK - MOVED TO CHANGE THE WORD "SHALL: TO "MAY" IN THE PREVIOUS SENTENCE.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Angie Newby asked if the PAC Administrative Guidelines could elaborate beyond what is in the ordinance.

City Attorney Klinkner advised it is a Council decision to determine what the duties are.

Angie Newby commented members would have more clarity if the duties were embellished a bit, but she has no objections. The attorney has streamlined things and helped make the document more functional.

Councilmember Roberts referenced Line 69 in the ordinance that refers to furthering the development and public awareness of the arts in the City. Mrs. Newby agreed that was her favorite line in the ordinance.

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

Motion carried.

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 11th: ROBERTS/LEWIS – MOVED FOR THE ADOPTION OF RESOLUTION 10-80.

Angie Newby asked the City Attorney about deleting lines 146-149 in the Administrative Guidelines.

City Attorney Klinkner stated the three items:

- G. Perform other duties as required by the City Manager and or City Council
- H. Oversee the 1% for Arts Program
- I. The Public Arts Committee administrative guidelines are to be reviewed periodically and updated as required

Council could include item G if desired. Item H is included in the duties. Item I is included in Section 2 of the ordinance beginning on Line 71.

Councilmember Roberts noted the new Administrative Guidelines Mr. Klinkner proposed are in the ordinance area. She asked how the amended changes in the guidelines should be included.

City Attorney Klinkner answered if Council chooses to accept the recommended changes in the guidelines as prepared by the City Attorney, Council can amend the resolution by substituting his guidelines currently attached to Resolution 10-80.

ROBERTS/HOWARD - MOVED TO SUBSTITUTE THE GUIDELINES ON PAGE 55 FOR THE ORIGINAL PROPOSED GUIDELINES.¹

Councilmember Howard noted Line 137 in the attorney revised guidelines state four members shall constitute a quorum. City Attorney Klinkner said it should be

WYTHE/LEWIS - MOVED TO AMEND LINE 137 BY REPLACING THE WORD "FOUR: WITH THE WORD "THREE".

There was no discussion.

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

Motion carried.

Councilmember Roberts asked for clarification on the municipal art collection.

Angie Newby answered there is a collection of both acquired and donated art. There is an inventory of that collection that includes the Sister City art. She asked that the guidelines as recommended by the attorney are consistent with the changes in the ordinance.

City Attorney Klinkner answered when revising the guidelines he was careful not to duplicate in the ordinance.

City Manager Wrede asked if the resolution should wait for Ordinance 10-55. City Attorney Klinkner advised they do go together and it makes sense the resolution is deferred with the ordinance.

HOGAN/WYTHE – MOVED TO DEFER TO JANUARY 10.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

¹ 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.

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 11th: LEWIS/ROBERTS - MOTION FOR THE ADOPTION OF RESOLUTION 10-81(A) BY READING OF TITLE ONLY.

WYTHE/ROBERTS – MOVED TO POSTPONE TO FOLLOW RESOLUTION 10-80.

Councilmember Wythe asked if we can eliminate Resolution 10-81(A) if we approve 10-80 since 10-81(A) is redundant.

Angie Newby stated the PAC is limited by what they can do in Special Meetings. She will ask the committee if they would prefer to change the meeting time back to 11:00 a.m. The middle of the day is tough for members to meet.

Mayor Hornaday reminded Mrs. Newby meetings after 5:00 p.m. require Clerk's overtime and the City cannot afford it.

Councilmember Wythe referenced Line 116 (pg. 57) in the Administrative Guidelines that set the meeting times at 5:00 p.m.

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

Motion carried.

COMMENTS OF THE AUDIENCE

There were no comments of the audience.

COMMENTS OF THE CITY ATTORNEY

City Attorney Klinkner had no comment.

COMMENTS OF THE CITY CLERK

City Clerk Johnson had no comment.

COMMENTS OF THE CITY MANAGER

City Manager Wrede had no comment.

COMMENTS OF THE MAYOR

Mayor Hornaday had no comment.

COMMENTS OF THE CITY COUNCIL

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

ADJOURNMENT

There being no further business to come before the Council, Mayor Hornaday adjourned the meeting at 4:44 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. Special Meetings are scheduled for Tuesday, January 4, 2011 at 5:30 p.m. and Monday, January 10, 2011 at 4:00 p.m. All meetings scheduled to be held in the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

JO JOHNSON, CMC, CITY CLERK

Approved: _____

Session 10-35 a Regular Meeting of the Homer City Council was called to order on December 13, 2010 at 6:00 p.m. by Mayor James C. Hornaday at the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of Allegiance.

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

STAFF: CITY MANAGER WREDE
CITY CLERK JOHNSON
CITY ATTORNEY KLINKNER
CITY PLANNER ABOUD
FINANCE DIRECTOR HARVILLE
FIRE CHIEF PAINTER
LIBRARY DIRECTOR HILL
POLICE CHIEF ROBL
PORT AND HARBOR DIRECTOR HAWKINS
PUBLIC WORKS DIRECTOR MEYER

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

Council met for a Special Meeting from 4:00 p.m. to 4:44 p.m. to hear Resolutions 10-80 and 10-81(A), and Ordinance 10-55 pertaining to the Public Arts Committee. Council met as a Committee of the Whole from 5:00 p.m. to 5:52 p.m. to discuss Regular Meeting Agenda items.

AGENDA APPROVAL

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

The agenda was amended to add the following: **PUBLIC HEARINGS** - **Ordinance 10-51(S)**, An Ordinance of the City Council of Homer, Alaska, Appropriating Funds for the Calendar Year 2011 for the General Fund, the Water-Sewer Fund, the Port/Harbor Fund, Debt Funds, and Capital Reserve Funds (Conditional Expenditures). City Manager. Budget Amendment by Councilmember Howard; written public comments; **RESOLUTIONS** - **Substitute Resolution 10-92(S)**, A Resolution of the City Council of Homer, Alaska, Authorizing the Purchase of a 2-Stage Snow Blower Attachment, Utilizing General Fund Monies Previously Appropriated in the Amount of \$124,105. City Manager/Public Works Director; **Resolution 10-97**, A Resolution of the City Council of Homer, Alaska, Establishing the 2011 Regular Meeting Schedule for the City Council, Economic Development Advisory Commission, Library Advisory Board, Parks and Recreation Advisory Commission, Advisory Planning Commission, Port and Harbor Advisory Commission, Lease Committee, Permanent Fund Committee, Public Arts Committee and Transportation Advisory Committee. City Clerk. Memorandum 10-165 from Library Advisory Board as backup.

WYTHE/ROBERTS - MOVED TO FURTHER AMEND TO CALL FOR RECONSIDERATION OF RESOLUTIONS 10-80 & 10-81(A) WHICH WERE APPROVED FOR POSTPONEMENT TO A DATE IN JANUARY.

Councilmember Hogan notified Council under Resolution 10-98 he will call a conflict of interest.

The agenda as amended was approved by consensus of Council.

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

Shelly Erickson, Economic Development Advisory Commissioner and Lease Committee member, urged Council to follow the recommendations of the Lease Committee for the Faulkner lease. It is a viable business endeavor and Council set a precedence with the FedEx lease by renewing without a RFP.

Glenn Carroll, Port and Harbor Advisory Commissioner, voiced support of the Faulkner lease.

Dean Ravin, Homer resident, expressed his support for the renewal of the Faulkner lease. It is a viable, ongoing business and the transition should be easy. Commerce is the lifeblood of the community and staff and Council should not stand in the way.

Brad Faulkner, city resident, commented they have moved 5M lbs. of seafood across the lot this summer, employing the Fish Factory and Auction Block to do the offloads. He was surprised to find the lawyer's opinion in the packet. He sent the request for a lease renewal to Bryan Hawkins and didn't hear from the City for six months. When he got back Bryan said the email did not count, you had to do it in writing to the City Manager. Three years ago he was told to talk to Port and Harbor. Having worked on the Louisiana oil spill for four months, City Manager Wrede said it would be okay to put in his application when he got back.

Michael Kennedy, city resident, voiced support for the Brad Faulkner lease renewal. He has a positive influence on the community and the fishing world. To deny him the positive influence would be detrimental; to not renew would be a disservice to the City economically and morally.

RECONSIDERATION

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

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

WYTHE/LEWIS – MOVED FOR THE RECONSIDERATION OF RESOLUTION 10-92.

Councilmember Hogan asked if the reconsideration was filed timely. City Clerk Johnson stated it was filed within the 48-hour requirement.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

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

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

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

Memorandum 10-123 from Public Arts Committee as backup.

WYTHE/ZAK - MOVED FOR RECONSIDERATION OF RESOLUTIONS 10-80 & 10-81(A)

Reconsideration is requested to postpone to January 24, 2010.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

CONSENT AGENDA

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

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

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

WYTHE/LEWIS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

VISITORS

None.

ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

A. Borough Report

Bill Smith, KPB Assemblyman, reported he has been appointed as the Chair of the Finance Committee for the Assembly. Sales tax income for the year is not going to meet projections. The Assembly is looking at next year's budget, trying to hold the mil rate at 4.5%. They are constraining money to the school district, knowing there will be increased waste costs with the closure of the Homer landfill. The City of Homer is holding up well with sales, Kenai is going gangbusters, and Soldotna is suffering from the new Kenai stores opening.

B. Commissions/Board Reports:

1. Library Advisory Board

Eileen Faulkner, Chair of the Library Advisory Board, introduced Flo Larson of the LAB. Ms. Larson asked that the library book budget not be cut. The community is educated as evidenced by public and private schools, places of worship, non profits, a wide variety of art, and college that hosts an elder hostel and the annual writer's conference. There are many events, restaurants and galleries, and hospital. The library is the heart of the City with Helen Hill. An educated public use the library on a regular basis. She provided comparisons of book spending with other communities throughout the state.

2. Homer Advisory Planning Commission

3. Economic Development Advisory Commission

Dean Ravin, Economic Development Advisory Commissioner, announced the EDC meeting tomorrow at 6 p.m. The commission is exploring ideas for the old intermediate school.

4. Parks and Recreation Advisory Commission

Robert Archibald, Parks and Recreation Advisory Commissioner, reported they now have a full commission. They have formed two special committees; staff will not be involved, thus no overtime expenditures. The committees are for Kachemak Drive pedestrians and Spit recreation. Soon Council will receive proposals to spend money for engineering or purchases for Karen Hornaday Park. They are seeking a bridge from South Peninsula Hospital.

5. Port and Harbor Advisory Commission

PUBLIC HEARING(S)

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

Mayor Hornaday opened the public hearing.

Shannon McBride-Moran appeared with her two daughters. She supports the Pratt Museum as part of the quality of life and important part of education in Homer.

Mayor Hornaday commented nobody wants to cut, but we've had a substantial reduction in revenues, almost 25%. The City Manager submitted a budget with about 5% cut in every department. You cannot ignore Frank Griswold who has cost the taxpayers \$100,000 over the last three years. He has not accomplished anything positive that the Mayor knows of.

Eileen Faulkner, city resident, offered support for funding books for the library which support the vibrant community.

Mike Kennedy, city resident, commented the Mayor has elected to make Frank Griswold part of the budget. It is totally inappropriate to denounce a private citizen and the Mayor owes Frank Griswold and the City of Homer an apology.

Marie McCarty supports full funding of the Pratt Museum. Her son volunteered his freshman year at the Pratt and loved the museum and science.

Dean Ravin, Homer resident, commented budget time brings out a lot of people, most have their hand out. The money begged for comes from taxes on heating oil; it is taking money from small and medium wage earners.

Catherine Knott supports the Haven House and South Peninsula Women's Services.

Leonard Wells, city resident, commented education is not a City of Homer function; it a Kenai Peninsula Borough and State function. A committee should be set up to find the priorities we

need to budget. Frank Griswold did not cost the City of Homer \$175,000; the actions of the Council cost.

Diane Converse, city resident and Director of the Pratt Museum, urged Council to continue support for the museum. It is their critical basic operating dollars. Programs are free for all learners and the museum is an economic engine, producing \$1M through direct and indirect spending.

Robert Archibald, city resident, commented nonprofits have a huge volunteer base. They derive funds through The Homer Foundation for grants. A lot of us are taking cuts. He behooved the City to fund the police department as we have a drug problem in this town.

Angie Newby, city resident, commented it costs money to run a government. We need to look at additional revenue sources for the City of Homer, such as property taxes.

Brad Faulkner, city resident, told Council the City's share of fish tax would be $\frac{1}{4}$ of the 3% of the \$700,000 processors are already paying. The City nets \$100,000.

Jon Faulkner, Lands End Resort operator, told Council businesses had to reduce jobs and hours in response to the economic climate. He asked that Council not dip into budget reserves, as we need stability. The City needs to adjust to low or slow growth; the business community is not healthy and cannot shoulder more burden.

Steve Zimmerman, city resident, urged Council to charge for taking credit cards for payments. As to the Public Works Department overtime, scheduled maintenance work on the sewer system is done on Saturdays. The Mayor is out of line personally attacking Frank Griswold from the Mayor's chair.

Mayor Hornaday closed the public hearing.

Mayor Hornaday called for a recess at 7:12 p.m. and reconvened the meeting at 7:19 p.m.

Motion on the floor from October 25/November 22: MOTION FOR THE ADOPTION OF ORDINANCE 10-51(S) FOR INTRODUCTION AND FIRST READING BY READING OF TITLE ONLY.

Mayor Hornaday noted the number of amendments to the budget submitted by the City Manager.

WYTHE/HOWARD - MOVED TO AMEND THE MAYOR/COUNCIL BUDGET BY REDUCING COUNCIL COMPENSATION BY 50% OR A SAVINGS OF \$4,915.

Councilmembers incur expenses while participating on Council. Councilmember Hogan would like to see it as a one-year deal.

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

Motion carried.

HOWARD/WYTHE - MOVED TO ADOPT THE AMENDMENT WITH THE REDUCED AMOUNT OF COUNCIL SALARY IN HALF \$4,915.

(Motion was just approved.)

ROBERTS/ZAK - MOVED TO CONTINUE THE COUNCIL TRANSPORTATION OF \$2,500 AND INCLUDE THE COUNCIL'S SALARY AS JUST PASSED AT \$4,915, KEEP TRAINING DELETED AT \$1,200, BUT WOULD NOT ELIMINATE PERSONNEL PERIODICAL. ELIMINATE CHAMBER OF COMMERCE AND LIBRARY EXPENSE, KEEP POLICE OVERTIME OF \$6,000 IN, ADD IN THE BALANCE OF \$19,000 TO BE COMPENSATED BY THE COST OF CREDIT CARDS BEING BALANCED OUT.

Councilmember Roberts clarified: Keep #1, toss half of #2 , keep #3, toss #4, #5 & #6, keep #7 and have \$19,000 savings from better credit card budgeting.

Finance Director Harville commented a lot of the credit card expenditures are for the enterprise funds. Credit card expenditures affect the Water/Sewer by \$48,000 and Port and Harbor by \$67,000. There are hardly any expenses for the General Fund.

ROBERTS/ZAK - MOVED TO AMEND THAT THE \$19,000 BE USED FROM THE GENERAL FUND FOR THIS YEAR ONLY.

Councilmember Roberts expressed the need to examine the health insurance next year. We can get the \$19,000 from looking at the health insurance.

Councilmember Lewis does not support adding another position (Police Officer) that we don't have the money to fund consistently.

VOTE: (amendment to amendment) YES. ROBERTS, ZAK, HOWARD, HOGAN

VOTE: NO. LEWIS, WYTHE

Motion carried.

VOTE: (amendment) YES. HOGAN, ROBERTS, ZAK, HOWARD

VOTE: NO. LEWIS, WYTHE

Motion carried.

HOGAN - MOVED TO AMEND TO CHANGE EMPLOYEE HEALTHCARE CONTRIBUTION TO 4.8% OF THE HEALTHCARE COSTS (\$84,836).

Motion died for lack of a second.

HOGAN - MOVED FOR A 15% REDUCTION IN OVERALL BUDGETED OVERTIME (\$36,750).

Motion died for lack of a second.

HOGAN/ZAK – MOVED TO ESTABLISH A CREDIT CARD USER FEE INSTEAD OF THE CITY ABSORBING THE CHARGE FOR CREDIT CARD USER FEES, USUALLY DONE BY AN OUTSIDE VENDOR (\$78,000).

It is done in numerous municipalities and in the Borough. An outside vendor charges a convenience fee for the use of credit cards. It is common throughout the country. It would save \$48,000 water/sewer and \$30,000 port/harbor.

Discussion ensued on the charges of an outside vendor. It would save the totality of what we are charging for credit card fees. The credit card vending companies are absorbing the cost of service. Finance Director Harville explained there is little to no expense to the General Fund for credit cards; it is for the enterprise funds. A user fee would be a revenue line item; we do not budget for revenue.

Councilmember Wythe asked that it be brought forward in January or February of next year. At that time a budget adjustment could be made to adjust the user fee. Finance Director Harville explained we have just started exploring vendors and costs and it needs to go out for RFP.

WYTHE/HOWARD – MOVED THAT WE POSTPONE THE DISCUSSION ABOUT CREDIT CARD EXPENSES OR USER FEES UNTIL THE FIRST OF FEBRUARY.

VOTE: YES. HOWARD, LEWIS, ROBERTS, WYTHE

VOTE: NO. HOGAN, ZAK

Motion carried.

HOGAN/ZAK - MOVED TO APPROVE LOBBYING EXPENSE, AN ADDITION OF \$44,000.

Councilmember Hogan explained there is a window of opportunity to get the raw fish tax law changed to bring Homer revenue. Based on this year's business volume, it would be \$500,000. The money goes to the General Fund under State law.

Councilmember Zak suggested the money for the lobbyist come from a ¼ mill rate increase or use from General Fund reserves.

Mayor Hornaday outlined the procedure for budget amendments, indicating the need to identify the revenue source.

HOWARD/ZAK – MOVED TO CONTINUE TO FEBRUARY TO TALK ABOUT THE CONCEPT OF THE LAW AND HELP COUNCIL FURTHER UNDERSTAND WHAT TYPE OF SALES PERSON OR WRITER WE NEED.

Councilmember Hogan noted there is a limited window of opportunity. We need to have someone in Juneau working on this in the front end, not the back end. Councilmember Roberts agreed if we are interested, now is the time. She asked if there were other groups that would like to combine the efforts to make it more affordable. Councilmember Hogan indicated the Borough would be affected similarly. We send a lot of our fish landed to Seward and they would probably oppose it. We have a significant investment in infrastructure, a lot of business activity that takes place here, and are entitled to the fish tax. It is just a matter of pursuing it at the Legislative level.

VOTE: (postponement) NO. WYTHE, ZAK, HOWARD, HOGAN, LEWIS, ROBERTS

Motion failed.

LEWIS/ZAK - MOVED TO AMEND THAT IT BE PAID FOR OUT OF THE BUDGET RESERVE.

Councilmember Hogan expressed reluctance, but there are no other funds available. The proposed \$44,000 could come in less, as we may negotiate a contract that is performance based.

Councilmember Roberts noted the money comes into the General Fund and she assumes the money received would go back to the port/harbor as they generated it and they would benefit from it. She questioned if we could take funds out of the port/harbor to pay for the lobbyist.

ROBERTS/ZAK - MOVED TO TAKE \$22,000 FROM THE PORT/HARBOR FUND AND \$22,000 FROM THE GENERAL FUND.

VOTE: (amendment to amendment) YES. ROBERTS WYTHE, ZAK, HOWARD, HOGAN, LEWIS

Motion carried.

VOTE: (amendment as amended) YES. LEWIS, ROBERTS, WYTHE, ZAK, HOWARD, HOGAN

Motion carried.

Councilmember Hogan stated he is taking the rest of his amendments off the table.

WYTHE/ZAK – MOVED TO ADOPT THE AMENDMENT PROPOSED BY THE CITY MANAGER (Overtime for City Clerk, City Manager, Planning \$8,000).

City Manager Wrede stated when he proposed the amendment he thought it would come from the \$59,000 identified. The funds are needed to continue staffing the boards and commissions. He asked that the monies come from the reserves.

Councilmember Wythe will vote for approval, but asked at the January 24th meeting discussions start of how we staff commissions and committees.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Mayor Hornaday called for a motion on the budget amendment proposed by Councilmember Zak for additional subsistence/transportation funding to allow City Clerks to attend AML.

ZAK/WYTHE – SO MOVED (\$3,500).

Councilmember Zak, having been to AML, realized how important training and networking is. We are missing a big opportunity for a low cost.

Councilmember Howard stated these city clerks have received CMC status and have had a good bit of training. Training is needed in the election law. If she reads it correctly, clerks would rather use their money in other training areas. Councilmember Wythe will vote against, but have it on a mid-year consideration.

VOTE: YES. ZAK

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

Motion failed.

ZAK/WYTHE – MOVED TO ALLOW CITY COUNCILMEMBERS AND MAYOR UP TO \$4,500 TO ATTEND AML EITHER SUMMER OR FALL (\$4,500).

Councilmember Zak referenced the same argument as for city clerks to attend AML. It is an opportunity to fund \$4,500 that is a major miss from the community.

VOTE: YES. ZAK

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

Motion failed.

WYTHE/ROBERTS – MOVED FOR ADOPTION OF REPLACEMENT OF THE AIRPORT DOORS (\$25,000).

City Manager Wrede commented Public Works maintenance says the doors are desperately needed. The doors are old and don't work very well, we can no longer get parts for them, and they are not energy efficient. There is only \$25,000 in airport reserves and we have an agreement

with DOT that amount will always remain in reserves. If funded the money will come from the General Fund depreciation account.

Councilmember Wythe asked if there will be a savings for energy conservation of the building. City Manager Wrede answered there will be some savings, but not huge. We are seeing if the motion detectors can be changed so the doors won't open as easy. It will reduce general maintenance costs.

Finance Director Harville explained there is \$816,000 General Fund depreciation reserves. (Line item 375, page b-2)

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Councilmember Hogan noted he has an amendment to change the $\frac{3}{4}$ of the year for legal fees to be in house. He will bring forward an amendment in January.

VOTE: (main motion as amended) YES. WYTHE, ZAK, HOWARD, HOGAN, LEWIS, ROBERTS

Motion carried.

Mayor Hornaday called for a recess at 8:01 p.m. and reconvened the meeting at 8:06 p.m.

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

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

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

Motion on the floor from October 25: MOTION FOR THE ADOPTION OF RESOLUTION 10-89 BY READING OF TITLE ONLY.

Port and Harbor Director Hawkins noted the rates did not increase last year, although they did the previous year.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

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

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

Motion on the floor from October 25: MOTION FOR THE ADOPTION OF RESOLUTION 10-90 BY READING OF TITLE ONLY.

ZAK/HOGAN – MOVED TO AMEND ITINERANT MERCHANT AND MOBILE FOOD UNIT FEES, TO TRIPLE THOSE.

Councilmember Zak noted the low fees charged for itinerants that compete with businesses that have buildings.

Asked by Councilmember Lewis if the fees would apply to the Farmer's Market, Police Chief Robl answered the market is exempt from fees as are commercial fishermen, as written by ordinance.

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

Motion carried.

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

Motion carried.

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

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

Motion on the floor from October 25: MOTION FOR THE ADOPTION OF RESOLUTION 10-91 BY READING OF TITLE ONLY.

Councilmember Wythe expressed opposition to moving water/sewer closer to the General Fund. It is currently being subsidized by sales tax revenues.

Councilmember Roberts expressed support as she doesn't see it as intertwined with the General Fund.

VOTE: YES. ROBERTS, ZAK, HOWARD, LEWIS

VOTE: NO. WYTHE, HOGAN

Motion carried.

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

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

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

Motion on the floor from November 22: MOTION FOR THE ADOPTION OF ORDINANCE 10-52 FOR INTRODUCTION AND FIRST READING BY READING OF TITLE ONLY.

Councilmember Hogan asked that a competitive bid issue as there are numerous vendors that provide the software. It is in violation of the procurement policy since it is over \$30,000.

Police Chief Robl explained it was a grant from Homeland Security specific to this software, every emergency medical dispatch in the state is trying to standardize.

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

VOTE: NO. HOGAN

Motion carried.

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

Memorandum 10-137 from Police Chief 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 10-53 by reading of title only for second and final reading.

WYTHE/LEWIS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

ORDINANCE(S)

- A. **Ordinance 10-56**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.03.040, Definitions; Enacting Homer City Code Chapter 21.44, Slopes; and Amending Homer City Code 21.50.020, Site Development Standards – Level One, and Homer City Code 21.50.030, Site Development Standards – Level Two; Regarding the Regulation of Development Activity on Sites Affected by Slopes. Planning. Recommended dates: Introduction December 13, 2010, Public Hearing and Second Reading January 10, 2011.

Memorandum 10-149 from City Planner as backup.

Mayor Hornaday called for a motion for the adoption of Ordinance 10-56 for introduction and first reading by reading of title only.

WYTHE/LEWIS - SO MOVED.

WYTHE/HOGAN - MOVED TO POSTPONE FOR THE SECOND READING TO BE ON THE 24TH OF JANUARY WITH A PUBLIC HEARING.

There was no discussion.

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

Motion carried.

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

Motion carried.

- B. **Ordinance 10-57**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 11.04.030, Definitions; Amending Homer City Code **11.04.040, Street Construction, Design and Dedication Requirements—General**; Amending Homer City Code 11.04.120, **Sidewalks**; Amending Homer City Code **21.52.030, Development Plan**; Amending Homer City Code 22.10.030, Definitions; Amending

Homer City Code 22.10.050, Improvement Requirements—General; and Homer City Code 22.10.051, Utility Easements; Regarding Subdivisions and Subdivision and Planned Unit Development Improvement Requirements. Planning. Recommended dates: Introduction December 13, 2010, Public Hearing and Second Reading January 10, 2011.

Memorandum 10-150 from City Planner as backup.

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

WYTHE/ROBERTS - SO MOVED.

WYTHE/HOGAN - MOVED TO POSTPONE THE PUBLIC HEARING AND SECOND READING TO THE JANUARY 24TH MEETING.

There was no discussion.

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

Motion carried.

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

Motion carried.

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

Memorandum 10-151 from City Planner as backup.

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

WYTHE/ROBERTS - SO MOVED.

WYTHE/ROBERTS - MOVED TO POSTPONE THE PUBLIC HEARING AND SECOND READING TO JANUARY 24TH.

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

Motion carried.

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

Motion carried.

Councilmember Roberts asked that the next packet include the code being repealed.

CITY MANAGER'S REPORT

A. City Manager's Report

This report is devoted to discussing the impacts associated with some of the proposed budget amendments offered by members of the Council. At the last Committee of the Whole meeting, the Council discussed some of these proposed amendments, but not all of them. It is hoped that this report will assist in moving the conversation ahead.

The report focuses on major proposed cuts that represent a change in direction or policy and that would have very significant impacts upon the City's ability to carry out its mission and to serve and protect the public. Reports from individual department heads are attached. Department heads will be available to answer questions at the Committee of the Whole.

In-House Legal Department: This topic has been discussed several times over the past few years. It is a good conversation to have periodically to make sure the Council is getting the best value it can for legal services. There are definitely a set of advantages and disadvantages to doing this and I won't take the space to go into that here. As far as the budget goes, I do not see any advantage to taking this step now. First, I am not convinced this would actually save the City money. In house attorneys are often quite skilled at a number of areas of municipal law. However, outside legal experts are often required and you still have the conflict of interest problem which we seem to experience regularly. Also, as Council member Hogan notes in his memo, the Council would have to not only hire an Attorney but also an assistant, perhaps a paralegal. Both of which might be PERS employees. Second, the numbers Mr. Hogan uses for expenses are speculative. We could not know what it would really cost until we draft up a job description, advertise or issue an RFP, and hire someone. That is not a good way to build a budget. In short, this might be a good discussion to have again, but now is not the time because the discussion has little immediate impact upon the budget. I would suggest bringing this up again before the next legal contract expires if the Council wishes.

Outsourcing IT: This proposal would have very serious negative impacts upon all City operations. It would be extremely disruptive and again, I am not sure it saves any money. As I was thinking about this, it occurred to me that the Council probably does not have a good idea of the scope of responsibility that the IT department currently handles. At the last meeting, I brought along the Systems Manager's job description in case I had an opportunity to discuss this. Following is a sample of what is included in the Job Functions and Major Activities:

- Maintaining and improving the City's Wide Area Network (WAN) and Local Area network (LAN).
- Installation and maintenance of the citywide IP Telephone system
- Advises all staff on aspects of computerized information systems as needed

- Install and configure hardware and software and monitors computer resource utilization and performance
- Information systems procurement and third party upgrades and repairs
- Analyze and document information needs; develop solutions that are consistent with the computing environment
- Manage security, backup, and recovery procedures to assure system integrity.
- Monitors networks on a regular basis to insure the integrity of those systems including auditing backup, testing restoration, monitoring virus protection, monitoring network statistics, and overseeing system security.
- Assists the Police Department with investigations of computer related crime, including but not limited to computer theft, fraud, child pornography and computer hacking.
- Assists in development of departmental procedures and policies related to the use of automated systems.
- Technical support for City's web page and certain webmaster functions.
- Installs network cabling and retrofit cabling.
- Develops training classes.
- Troubleshoots and resolves problems relating to both hardware and software in all departments.
- Performs preventative and remedial maintenance of computer equipment such as terminals, modems, printers, microcomputers, disk drives, and cables in all City departments.
- Assist departments with other non-pc computer technologies, including but not limited to, telephone systems, PLC controllers and telemetry monitoring, heating and air conditioning automation, E911 systems, EMS and Police dispatch and radio console systems, network based security systems, and wireless GPS systems and base stations.

As you can see, the scope of responsibilities is probably much broader than many people may realize. It is my view that the City is getting a tremendous value for its money. It is doubtful that an outside consulting firm would be able to do all of this for less money. Further, the IT staff are available 24/7 and are always there when they are needed. The City's systems are critical for public health and safety and need the type of attention that can only be provided by in-house staff. The IT staff have saved the City significant amounts of money through innovative approaches to service delivery and the procurement of services; especially telephone services. I strongly recommend no change here.

Employee Health Care Contribution

I would recommend that the Council not take any action on this at this time. If the Council wishes to do something in this area, I recommend that it delay any action until the following steps are completed:

- The Parity Study. This will give the Council a better overall picture of the employee benefit package as a whole as it compares to other municipalities and hopefully, comparables in the private sector. That way, Council can see the entire compensation package instead of focusing all of its attention on health care.

- Federal Health Care Regulations: The new rules are still being written. The City is consulting with its attorney's and insurance experts regarding potential impacts associated with making changes to the plan and subsequently losing the City's grandfather status. More information is coming in almost every day and we are getting closer being able to making recommendations with some degree of confidence.
- Consultation with Employees: The Council previously adopted a policy that no changes would be made to the health care plan unless the employees had at least 30 days to review and comment. The employees have not had the opportunity to review and comment on Councilmember Hogan's proposed amendment. Further, consultation with the employees is desirable because they would likely come up with and endorse options that are perceived to be more fair and equitable than the one on the table.

As has been noted many times, the City Health Insurance Plan is a pretty good one and it serves as one of the best remaining recruitment and retention tools the City has at its disposal. Making cuts to this plan would reduce benefits further on top of other cuts that have already been made. There would be a real cost to employees, especially young ones with families. It is always good to remember that City employees live here too. They pay taxes and they spend their earnings at local businesses.

That aside, the administration and many employees recognize that health care costs now constitute an unacceptably high percentage of the City budget. The current benefit may be something the City can no longer afford. If the Council wants to address the issue this year, I would suggest the following course of action.

- Instruct the City Manager to come up with a plan to reduce health care costs. It would be helpful if a target amount of savings were identified.
- Give the Manager several months to consult with employees to review options and develop a set of recommendations
- The CM will provide a report with a set of recommendations no later than April 1 that could be implemented this year.
- This approach would result in savings toward the end of this year, hopefully result in some buy-in from employees, and would slow the growth of health care costs in future years.

Overtime: The attached reports from department heads address much of what needs to be said about overtime. The Police, Fire, Public Works, and Port and Harbor overtime budgets go directly in large part to emergency response, public safety, and vital services. It is difficult if not impossible to cut overtime and make it up with part time employees. A very significant amount of training and certifications are necessary to do these jobs and to respond in emergencies. Part time employees with minimal training and compensation cannot even go into the water treatment plant, work on a broken sewer line, or attack a fire. They also can't do a whole lot to reduce the responsibilities of full time employees in the office.

Cutting overtime in these departments would represent a serious cut in services and the public should be forewarned. It is hard to budget for overtime in general. These budgets are based upon experience and past actual expenses. The bottom line is that cutting these budgets is in many

ways just a paper exercise. If emergencies arise, we will respond. That is our duty. The Fire Chief is not going to decline to send personnel to a structure fire because it would put him in danger of exceeded his overtime budget. Public Works will send the sanders out if the roads become dangerously icy or the culverts freeze up and cause flooding. We will continue to do this unless the Council tells us to stop. Most overtime expenditures are non-discretionary.

On the administration side, the best way to reduce overtime is to do something about the number of boards, commissions, and committees we have. I am talking specifically about the Planning, City Clerk and City Manager office staff. Committee work takes up a very large percentage of available staff time reducing productivity and increasing overtime and compensation costs. Council could consider a) reducing the number of committees, b) requiring that most meetings take place during the day, and c) relieving the Clerk's office of staffing all committees except standing Commissions like Planning, Port and Harbor, Parks, and Economic Development. Most duties of the committees can be added to the responsibilities of the standing Commissions.

Credit Card Charges: Please refer to the attached memorandum from the Finance Director. While we do not like paying these charges either, there are real benefits associated with allowing customers to pay by credit card. The Finance Department is hot on the trail of ways to reduce these expenses. Also, note that we would lose the discount we already get from the bank on these charges if we start making customers pay a fee for using a credit card.

Uniforms: At the last meeting, the Chief of Police discussed what is included in the uniform budget. Attached is a Memorandum from the Fire Chief in which he addresses the same issue. In my opinion, making police, firefighters, emergency medical responders, and public works employees who are dealing with hazardous wastes or crawling into confined spaces pay for gear that they are required to have either by law or for safety is a really bad idea. No other City does this that we are aware of.

There was no additional discussion on the Manager's Report.

CITY ATTORNEY REPORT

City Attorney Klinkner commented he is still grateful for the birthday celebration. There was no additional discussion on the Attorney's Report.

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

Councilmember Howard reported the Natural Gas Distribution Task Force met today and appointed Mike Heimbuch as chair. They will meet on the 2nd and 4th Monday and hope to move along as quickly as possible.

PENDING BUSINESS

- A. **Resolution 10-94**, A Resolution of the City Council of Homer, Alaska, Approving a New Lease for Brad Faulkner on Lot 88-4, and Finding that it is in the Public Interest to do so Without a Competitive Bidding Process. Lease Committee. (Postponed from November 22, 2010.)

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

Motion on the floor from November 22: MOTION FOR THE ADOPTION OF RESOLUTION 10-94 BY READING OF TITLE ONLY.

Asked by the Mayor and Councilmember Roberts if Councilmember Hogan had a conflict of interest, Councilmember Hogan stated he had no conflict of interest. Councilmember Roberts referenced Mr. Faulkner's earlier testimony that he did business with the Auction Block. Councilmember Hogan said he has not done business with him for a number of years.

Councilmember Wythe referenced the City Attorney's recommendation that the resolution state it is in the public interest and grant an exception under the recommendations of the Lease Policy. The language is contained in the resolution.

Councilmember Hogan stated the recommendation of the Lease Committee was appropriate, well thought out, and in compliance.

Councilmember Roberts commented the requirements of the Lease Policy were not met and she will vote against it. She asked that the RFP be done as quickly as possible to allow the business owner to know what was going on.

Brief discussion ensued on the need for modifications with the lease to be in compliance with leasing policies. Development would also need to be consistent with zoning and land use regulations.

Asked by the City Manager if the resolution was okay in the present form, City Attorney Klinkner answered Mr. Faulkner did not strictly qualify for renewal of an existing lease in Chapter 11.2 of the Lease Policy. Under Chapter 4.1 Council is allowed to waive competition in the issuance of a lease if in the public interest. Because Chapter 4.1 does not articulate standards for public interest, referring to the standards in Chapter 11.2 would be appropriate. The resolution as written is sufficient.

Councilmember Hogan encouraged the passage of the lease. Brad is a long time contributor in the community.

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

Motion carried.

NEW BUSINESS

- A. **(Reconsidered) 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.

WYTHE/ZAK - MOVED FOR THE ADOPTION OF RESOLUTION 10-80.

WYTHE/ZAK - MOVED TO POSTPONE RESOLUTION 10-80 TO THE JANUARY 24TH MEETING.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- B. **(Reconsidered) 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.

WYTHE/LEWIS – MOVED TO ADOPT RESOLUTION 10-81(A).

WYTHE/ZAK – MOVED TO POSTPONE RESOLUTION 10-81(A) TO THE JANUARY 24TH MEETING.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

RESOLUTIONS

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

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

WYTHE/LEWIS - I MOVE TO SUBSTITUTE RESOLUTION 10-92(S) FOR RESOLUTION 10-92.

Councilmember Hogan stated he has no objection to purchasing the snowblower, but he would like the City's procurement manual followed. Regardless of the fact we only have a limited number of in-state vendors, the purchase is outside the procurement manual. We have a duty to the taxpayers to give them the best deal, regardless of who staff thinks should be submitting proposals. It is a \$125,000 piece of equipment.

Public Works Director Meyer explained they have followed procurement regulations. Finding the equipment is peculiar, but this is the method that has always been used to purchase equipment. An RFP was put out; there are a limited number of vendors who will sell and service this type of equipment. The price was based on a price competitively obtained by DOT. We could have spent thousands of dollars to advertise in the Anchorage Daily News. These are the three vendors within the state of Alaska that provide the equipment. We cannot go to Seattle as dealers in another state cannot provide this equipment. There are three proposals from three dealers for three pieces of equipment, with three different prices. They selected the lowest price and vendor who provided the equipment that would do what we need it to do.

City Attorney Klinkner advised he drafted the substitute resolution to clarify the sole source basis for the procurement. He was not aware prior that this procurement is based where pricing was based on a previous State procurement. HCC 3.16(h) allows procurement using local state or government contracts. In public contracting if a large purchaser goes out to bid and gets the bid on their requirements, a smaller governmental unit can piggyback on the deal. We have accepted what the state has done by bidding it ourselves.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

WYTHE/LEWIS MOTION FOR THE ADOPTION OF RESOLUTION 10-92(S) BY READING OF TITLE ONLY.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

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

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

Mayor Hornaday called for a motion for the adoption of Resolution 10-96 by reading of title only.

WYTHE/LEWIS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

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

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

Memorandum 10-156 from Planning Commission as backup.

Memorandum 10-157 from Transportation Advisory Committee as backup.

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

Memorandum 10-159 from Lease Committee as backup.

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

Memorandum 10-164 from Public Arts Committee as backup.

Mayor Hornaday called for a motion for the adoption of Resolution 10-97 by reading of title only.

WYTHE/LEWIS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

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

Memorandum 10-161 from Deputy City Clerk as backup.

Councilmember Hogan declared a conflict of interest. He is in competition and has a business relationship with Snug Harbor Seafoods.

City Attorney Klinkner advised it appears Councilmember Hogan has a substantial financial interest and should be recused.

Mayor Hornaday ruled Councilmember Hogan does have a conflict of interest. There was no objection from the Council.

Councilmember Hogan excused himself from discussion.

WYTHE/ROBERTS – MOVED FOR THE ADOPTION OF RESOLUTION 10-98 BY READING OF TITLE ONLY.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Councilmember Hogan resumed his seat.

COMMENTS OF THE AUDIENCE

Leonard Wells, city resident, suggested each person utilizing water on the docks put in their own line and supply a meter that charges for water. At the fish cleaning area there should be a meter with a monitor and the City of Homer should pay for that water. Mr. Wells did not see the preliminary and final budget numbers.

Steve Zimmerman, city resident, is glad Brad's lease passed. It will save the City costs of an RFP; there are like properties out there that are open. He was blindsided by raising the itinerant merchant fee, as it puts up obstacles in front of business. We don't need to get the money up front by high leases and money on city fees. Make it easier to put business here.

COMMENTS OF THE CITY ATTORNEY

City Attorney Klinkner had no comment.

COMMENTS OF THE CITY CLERK

City Clerk Johnson advertised the Kachemak Drive Path Committee and Spit Parks and Recreation Committee meetings for Thursday, December 16th at 5:15 and 5:30 respectively. She wished everyone a Merry Christmas.

COMMENTS OF THE CITY MANAGER

City Manager Wrede wished everyone a Merry Christmas.

COMMENTS OF THE MAYOR

Mayor Hornaday wished everyone a Merry Christmas.

COMMENTS OF THE CITY COUNCIL

Councilmember Wythe thanked staff, the community, and Council for their diligence on the budget. She thanked Council for working with her on the January schedule. She wished everyone a Merry Christmas.

Councilmember Lewis wished everyone a Merry Christmas, Happy New Year, and belated Happy Hanukah.

Councilmember Hogan expressed disappointment on the budget. It is important to get staff to buy in with the health care benefit package. It is out of line with the rest of the country; everywhere cities are making drastic cuts. He wished everyone a Merry Christmas.

Councilmember Howard thanked the merchants for all the décor put up. It looks magical and stimulates the thought process. She asked for a worksession the first meeting in March to discuss the budget. Although not perfect, Council's heart is in the right place for the budget. Mrs. Howard wished all Happy Holidays.

Councilmember Roberts commented she heard two people testify to increase the mil rate to balance the budget. Sales tax in the wintertime would be a better way to get money. She sees those issues coming forward next year. Brad Faulkner is a valuable member of the community, yet it is her responsibility as a councilmember to follow lease policy regulations, thus her vote against the lease. She apologized to the listening public for the paper shuffling, as Council had over 1,000 pieces of paper in front of them. Ms. Roberts wished everyone Happy Holidays.

Councilmember Zak thanked Council for their work on the budget. It may have been historical that they dipped into the general fund. He thanked Councilmember Hogan for advocating for the fish tax in Juneau. Mr. Zak thanked everyone that came out; he believes in working together. He thanked the PAC for putting together their resolution; they are doing a lot to create a spirit within the community. He saw that with the McBride family and others that spoke of the Pratt Museum. He wished all a Merry Christmas.

ADJOURNMENT

There being no further business to come before the Council, Mayor Hornaday adjourned the meeting at 8:55 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. Special Meetings are scheduled for Tuesday, January 4, 2011 at 5:30 p.m. and Monday, January 10, 2011 at 4:00 p.m. All meetings scheduled to be held in the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

JO JOHNSON, CMC, CITY CLERK

Approved: _____

Office of the City Clerk

Jo Johnson, CMC, City Clerk
Melissa Jacobsen, Deputy City Clerk II
Renee Krause, Deputy City Clerk I
Rachel Tussey, Clerical Assistant



491 E. Pioneer Avenue
Homer, Alaska 99603
(907) 235-3130
(907) 235-8121
ext: 2226, 2227, 2224, or 2251
Fax: (907) 235-3143
Email: clerk@ci.homer.ak.us

MEMORANDUM 11- 001

TO: MAYOR HORNADAY AND HOMER CITY COUNCIL

FROM: MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK *Wj*

DATE: JANUARY 3, 2011

SUBJ: LIQUOR LICENSE RENEWAL FOR RUM LOCKER, Patel's #2, Patel's, Homer Liquor & Wine Company, Grog Shop, Don Jose's, Boardwalk Fish & Chips, and Fresh Catch Café.

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

Type: Package Store
Lic #: 4432
DBA Name: Rum Locker
Premise Address: 276 Olsen Lane Suite #3
Owner: MSA Inc
Mailing Address: 369 E Pioneer Ave

Type: Package Store
Lic #: 479
DBA Name: The Grog Shop
Premise Address: 369 E Pioneer Ave
Owner: MSA Inc
Mailing Address: 369 E Pioneer Ave.

Type: Package Store - Seasonal
Lic #: 3472
DBA Name: Patel's #2
Premise Address: 3789 Homer Spit Road
Owner: MSA Inc
Mailing Address: 369 E Pioneer Ave

Type: Beverage Dispensary
Lic #: 2252
DBA Name: Don Jose's Mexican Restaurant
Premise Address: 127 W. Pioneer Ave.
Owner: Don Jose's LLC
Mailing Address: 127 W. Pioneer Ave.

Type: Package Store - Seasonal
Lic #: 3176
DBA Name: Patel's
Premise Address: 4470 Homer Spit Road
Owner: MSA Inc
Mailing Address: 369 E Pioneer Ave

Type: Restaurant Eating Place-
Public Convenience-
Seasonal
Lic #: 4713
DBA Name: Boardwalk Fish & Chips
Premise Address: 4287 Homer Spit Road
Owner: D&H, Inc.
Mailing Address: 4287 Homer Spit Road

Type: Package Store - Seasonal
Lic #: 2531
DBA Name: Homer Liquor & Wine Co.
Premise Address: 4241 Homer Spit Road
Owner: MSA Inc
Mailing Address: 369 E Pioneer Ave

Type: Restaurant Eating Place-
Public Convenience-
Seasonal
Lic #: 4894
DBA Name: Fresh Catch Café
Premise Address: 4025 Homer Spit Road #20
Owner: Harrison McHenry
Mailing Address: 4025 Homer Spit Road #20

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

Fiscal Note: Revenues.



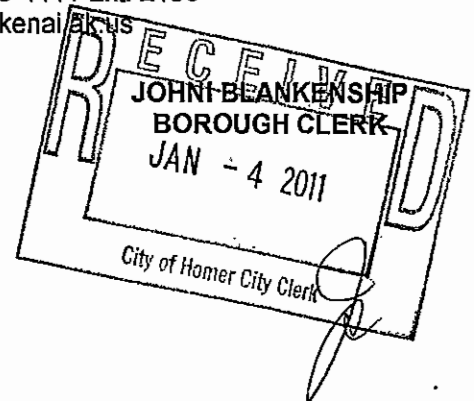
KENAI PENINSULA BOROUGH

144 North Binkley Street • Soldotna, Alaska 99669-7520

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

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

Email: assemblyclerk@borough.kenai.ak.us



January 3, 2011

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

RE: Non-Objection of License Renewal

Business Name	:	Patel's
License Type	:	Package Store - Seasonal
License Location	:	City of Homer
License No.	:	3176

Dear Ms. Lambert,

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

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

Sincerely,

Johni Blankenship, CMC
Borough Clerk

JB/klr

cc: Applicant
City of Homer
KPB Finance Department
File



KENAI PENINSULA BOROUGH

144 North Binkley Street • Soldotna, Alaska 99669-7520

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

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

Email: assemblyclerk@borough.kenai.ak.us

**JOHNI BLANKENSHIP
BOROUGH CLERK**

January 3, 2011

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



RE: Non-Objection of License Renewal

Business Name	:	Patel's #2
License Type	:	Package Store - Seasonal
License Location	:	City of Homer
License No.	:	3472

Dear Ms. Lambert,

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

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

Sincerely,

Johni Blankenship, CMC
Borough Clerk

JB/klr

cc: Applicant
City of Homer
KPB Finance Department
File



KENAI PENINSULA BOROUGH

144 North Binkley Street • Soldotna, Alaska 99669-7520

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

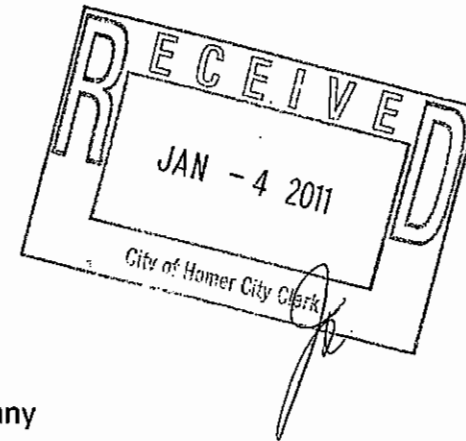
Toll-free within the Borough: 1-800-478-4441 Ext. 2160

Email: assemblyclerk@borough.kenai.ak.us

**JOHNI BLANKENSHIP
BOROUGH CLERK**

January 3, 2011

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



RE: Non-Objection of License Renewal

Business Name	:	Homer Liquor & Wine Company
License Type	:	Package Store - Seasonal
License Location	:	City of Homer
License No.	:	2531

Dear Ms. Lambert,

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

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

Sincerely,

Johni Blankenship, CMC
Borough Clerk

JB/klr

cc: Applicant
City of Homer
KPB Finance Department
File



KENAI PENINSULA BOROUGH

144 North Binkley Street • Soldotna, Alaska 99669-7520

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

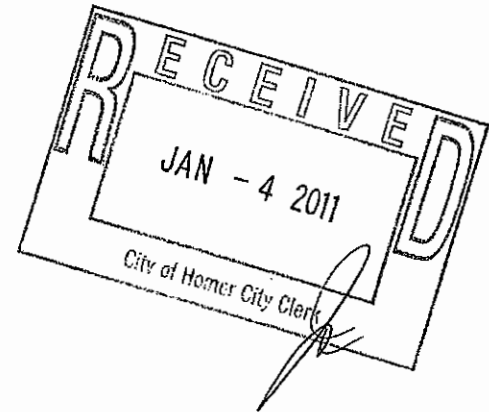
Toll-free within the Borough: 1-800-478-4441 Ext. 2160

Email: assemblyclerk@borough.kenai.ak.us

**JOHNI BLANKENSHIP
BOROUGH CLERK**

January 3, 2011

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



RE: Non-Objection of License Renewal

Business Name	:	The Grog Shop
License Type	:	Package Store
License Location	:	City of Homer
License No.	:	479

Dear Ms. Lambert,

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

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

Sincerely,

Johni Blankenship, CMC
Borough Clerk

JB/klr

cc: Applicant
City of Homer
KPB Finance Department
File



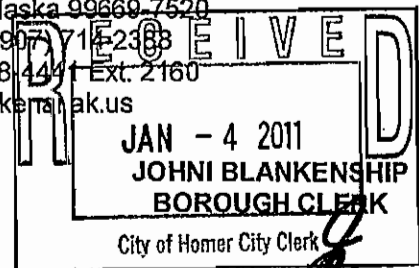
KENAI PENINSULA BOROUGH

144 North Binkley Street • Soldotna, Alaska 99669-7520

PHONE: (907) 714-2160 • FAX: (907) 714-2383

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

Email: assemblyclerk@borough.kenai.ak.us



January 3, 2011

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

RE: Non-Objection of License Renewal

Business Name	:	Rum Locker
License Type	:	Package Store
License Location	:	City of Homer
License No.	:	4432

Dear Ms. Lambert,

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

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

Sincerely,

Johni Blankenship, CMC
Borough Clerk

JB/klr

cc: Applicant
City of Homer
KPB Finance Department
File



CITY OF HOMER

POLICE DEPARTMENT

4060 HEATH STREET HOMER, AK 99603-7609

EMERGENCY 911
TELEPHONE (907) 235-3150
TELECOPIER (907) 235-3151

MEMORANDUM

DATE: December 29, 2010
TO: Melissa Jacobsen, Deputy City Clerk
FROM: Mark Robl, Chief of Police *MR*
SUBJECT: Liquor License Renewals

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

Lic #: 4432/Package Store
DBA: Rum Locker
Address: 276 Olsen Lane, Suite #3
Owner: MSA, Inc.
Mailing: 369 E. Pioneer Ave Homer

Lic#: 3472/Package Store
DBA: Patel's #2
Address: 3789 Homer Spit Road
Owner: MSA, Inc.
Mailing: 369 E. Pioneer Ave Homer

Lic #: 3176/Package Store
DBA: Patel's
Address: 4470 Homer Spit Road
Owner: MSA, Inc.
Mailing: 369 E. Pioneer Ave Homer

Lic#: 2531/Package Store
DBA: Homer Liquor & Wine
Address: 4241 Homer Spit Road
Owner: MSA, Inc.
Mailing: 369 E. Pioneer Ave Homer

Lic #: 479/Package Store
DBA: The Grog Shop
Address: 369 E. Pioneer Ave.
Owner: MSA, Inc.
Mailing: 369 E. Pioneer Ave Homer

Office of the City Clerk

Jo Johnson, CMC, City Clerk
Melissa Jacobsen, Deputy City Clerk II
Renee Krause, Deputy City Clerk I
Rachel Tussey, Clerical Assistant



4axed 12-27-10

491 E. Pioneer Avenue
Homer, Alaska 99603
(907) 235-3130
(907) 235-8121
ext: 2226, 2227, 2224, or 2251
Fax: (907) 235-3143
Email: clerk@ci.homer.ak.us

MEMORANDUM

DATE: December 27, 2010
TO: Mark Robl, Police Chief
FROM: Melissa Jacobsen, CMC, Deputy City Clerk
SUBJECT: Liquor License Renewal

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

Type: Package Store
Lic #: 4432
DBA Name: Rum Locker
Premise Address: 276 Olsen Lane Suite #3
Owner: MSA Inc
Mailing Address: 369 E Pioneer Ave, Homer 99603

Type: Package Store - Seasonal
Lic #: 3472
DBA Name: Patel's #2
Premise Address: 3789 Homer Spit Road
Owner: MSA Inc
Mailing Address: 369 E Pioneer Ave

Type: Package Store - Seasonal
Lic #: 3176
DBA Name: Patel's
Premise Address: 4470 Homer Spit Road
Owner: MSA Inc
Mailing Address: 369 E Pioneer Ave

Type: Package Store - Seasonal
Lic #: 2531
DBA Name: Homer Liquor & Wine Company
Premise Address: 4241 Homer Spit Road
Owner: MSA Inc
Mailing Address: 369 E Pioneer Ave

Type: Package Store
Lic #: 479
DBA Name: The Grog Shop
Premise Address: 369 E Pioneer Ave
Owner: MSA Inc
Mailing Address: 369 E Pioneer Ave.

This matter is scheduled for the January 10, 2011 City Council meeting. Please respond with any objections/non-objections to this liquor license renewal by Wednesday, January 5, 2010.

Thank you for your assistance.

HOMER

Type: Package Store
Lic #: 4432
DBA Name: Rum Locker
Premise Address: 276 Olsen Lane Suite #3
Owner: MSA Inc
Mailing Address: 369 E Pioneer Ave, Homer 99603

Type: Package Store - Seasonal
Lic #: 3472
DBA Name: Patel's #2
Premise Address: 3789 Homer Spit Road
Owner: MSA Inc
Mailing Address: 369 E Pioneer Ave

Type: Package Store - Seasonal
Lic #: 3176
DBA Name: Patel's
Premise Address: 4470 Homer Spit Road
Owner: MSA Inc
Mailing Address: 369 E Pioneer Ave

Type: Package Store - Seasonal
Lic #: 2531
DBA Name: Homer Liquor & Wine Company
Premise Address: 4241 Homer Spit Road
Owner: MSA Inc
Mailing Address: 369 E Pioneer Ave

Type: Package Store
Lic #: 479
DBA Name: The Grog Shop
Premise Address: 369 E Pioneer Ave
Owner: MSA Inc
Mailing Address: 369 E Pioneer Ave.

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

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

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

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

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

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

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

Sincerely,

SHIRLEY A. GIFFORD
Director



CITY OF HOMER

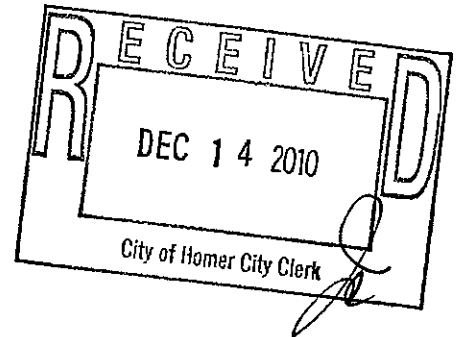
POLICE DEPARTMENT

4060 HEATH STREET HOMER, AK 99603-7609

EMERGENCY 911
TELEPHONE (907) 235-3150
TELECOPIER (907) 235-3151

MEMORANDUM

DATE: December 13, 2010
TO: Melissa Jacobsen, Deputy City Clerk
FROM: Mark Robl, Chief of Police
SUBJECT: Liquor License Renewals



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

Beverage Dispensary

Don Jose's Mexican Restaurant #2252
127 West Pioneer Ave.
Homer, AK 99603
Don Jose's LLC

Restaurant Eating Place – Public Convenience – Seasonal

Boardwalk Fish and Chips #4713
4287 Homer Spit Rd. #4
Homer, AK 99603
D&H, Inc.

Fresh Catch Café #4894
4025 Homer Spit Rd. #20
Homer, AK 99603
Harrison McHenry



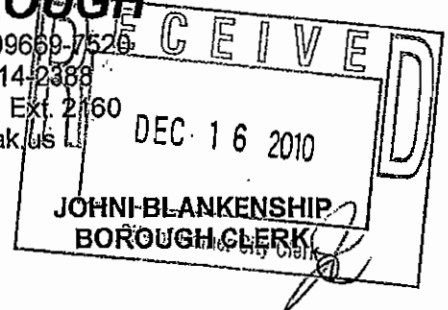
KENAI PENINSULA BOROUGH

144 North Binkley Street • Soldotna, Alaska 99669-7529

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

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

Email: assemblyclerk@borough.kenai.ak.us



December 14, 2010

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

RE: Non-Objection of License Renewal

Business Name	:	Don Jose's Mexican Restaurant
License Type	:	Beverage Dispensary
License Location	:	City of Homer
License No.	:	2252

Dear Ms. Holland-Williams,

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

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

Sincerely,

Johni Blankenship, CMC
Borough Clerk

JB/klr

cc: Applicant
City of Homer
KPB Finance Department
File



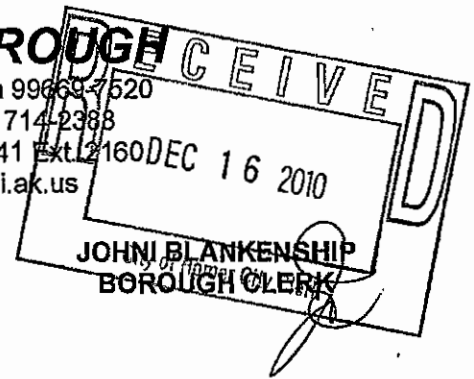
KENAI PENINSULA BOROUGH

144 North Binkley Street • Soldotna, Alaska 99669-7520

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

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

Email: assemblyclerk@borough.kenai.ak.us



December 14, 2010

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

RE: Non-Objection of License Renewal

Business Name	:	Fresh Catch Cafe
License Type	:	Restaurant Eating Place -Public Convenience-Seasonal
License Location	:	City of Homer
License No.	:	4894

Dear Ms. Holland-Williams,

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

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

Sincerely,

Johni Blankenship, CMC
Borough Clerk

JB/klr

cc: Applicant
City of Homer
KPB Finance Department
File



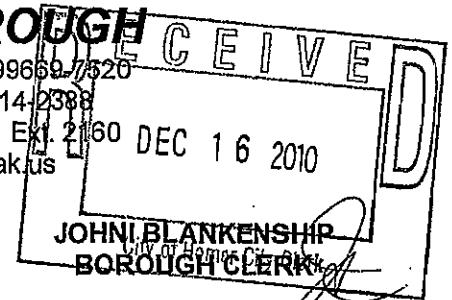
KENAI PENINSULA BOROUGH

144 North Binkley Street • Soldotna, Alaska 99669-7520

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

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

Email: assemblyclerk@borough.kenai.ak.us



December 14, 2010

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

RE: Non-Objection of License Renewal

Business Name	:	Boardwalk Fish & Chips
License Type	:	Restaurant Eating Place -Public Convenience-Seasonal
License Location	:	City of Homer
License No.	:	4713

Dear Ms. Holland-Williams,

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

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

Sincerely,

John Blankenship, CMC
Borough Clerk

JB/klr

cc: Applicant
City of Homer
KPB Finance Department
File

Office of the City Clerk



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

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

faxed 12-9-10

MEMORANDUM

DATE: December 9, 2010
TO: Mark Robl, Police Chief
FROM: Melissa Jacobsen, CMC, Deputy City Clerk
SUBJECT: Liquor License Renewal

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

Type: Restaurant Eating Place - Public Convenience - Seasonal
Lic #: 4713
DBA Name: Boardwalk Fish & Chips
Premise Address: 4287 Homer Spit Road Unit 4
Owner: D&H, Inc.
Mailing Address: PO Box 1720, Homer 99603

Type: Beverage Dispensary
Lic #: 2252
DBA Name: Don Jose's Mexican Restaurant
Premise Address: 127 W Pioneer Ave.
Owner: Don Jose's LLC
Mailing Address: 2052 E Northern Lights Blvd., Anchorage 99508

Type: Restaurant Eating Place - Public Convenience - Seasonal
Lic #: 4894
DBA Name: Fresh Catch Cafe
Premise Address: 4025 Homer Spit Road #20
Owner: Harrison McHenry
Mailing Address: PO Box 15236, Fritz Creek 99603

This matter is scheduled for the January 10, 2011 City Council meeting. Please respond with any objections/non-objections to this liquor license renewal by Wednesday, January 5, 2010.

Thank you for your assistance.

HOMER

Type: Restaurant Eating Place – Public Convenience - Seasonal
Lic #: 4713
DBA Name: Boardwalk Fish & Chips
Premise Address: 4287 Homer Spit Road Unit 4
Owner: D&H, Inc.
Mailing Address: PO Box 1720, Homer 99603

Type: Beverage Dispensary
Lic #: 2252
DBA Name: Don Jose's Mexican Restaurant
Premise Address: 127 W Pioneer Ave.
Owner: Don Jose's LLC
Mailing Address: 2052 E Northern Lights Blvd., Anchorage 99508

Type: Restaurant Eating Place – Public Convenience - Seasonal
Lic #: 4894
DBA Name: Fresh Catch Cafe
Premise Address: 4025 Homer Spit Road #20
Owner: Harrison McHenry
Mailing Address: PO Box 15236, Fritz Creek 99603

KENAI

Type: Package Store
Lic #: 4544
DBA Name: 2 Go Mart
Premise Address: 11120 Kenai Spur Hwy
Owner: Tesoro Northstore Company
Mailing Address: Attn: Tara Arce (TX1-012), 19100 Ridgewood Pkwy,
San Antonio, TX 78259

Type: Beverage Dispensary
Lic #: 3039
DBA Name: Don Jose's Mexican Restaurant
Premise Address: 205 S Willow
Owner: Don Jose's LLC
Mailing Address: 2052 E Northern Lights Blvd., Anchorage 99508

SOLDOTNA

Type: Package Store
Lic #: 3262
DBA Name: 2 Go Mart #203
Premise Address: 35482 Spur Hwy.
Owner: Tesoro Northstore Company
Mailing Address: Attn: Tara Arce (TX1-012), 19100 Ridgewood Pkwy,
San Antonio, TX 78259

OUTSIDE CITY LIMITS

Type: Restaurant Eating Place
Lic #: 4153
DBA Name: Seward Salmon Bake
Premise Address: 31832 Herman Leirer Road
Owner: Vince Benjamin
Mailing Address: PO Box 3151, Seward 99664

Type: Package Store
Lic #: 2225
DBA Name: 2 Go Mart #201
Premise Address: 47235 Kenai Spur Hwy
Owner: Tesoro Northstore Company
Mailing Address: Attn: Tara Arce (TX1-012), 19100 Ridgewood Pkwy,
San Antonio, TX 78259

Type: Beverage Dispensary - Seasonal
Lic #: 1956
DBA Name: The Saltry
Premise Address: West Ismailof Island
Owner: The Saltry Inc
Mailing Address: PO Box 6410, Halibut Cove 99603

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

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

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

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

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

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

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

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

Sincerely,

SHIRLEY A. GIFFORD
Director

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



Office of the Mayor
James C. Hornaday

Homer City Hall
491 E. Pioneer Avenue
Homer, Alaska 99603-7624

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

MEMORANDUM 11-002

TO: HOMER CITY COUNCIL

FROM: JAMES C. HORNADAY, MAYOR

DATE: JANUARY 3, 2011

SUBJECT: APPOINTMENT OF BOB HOWARD TO THE PORT AND HARBOR
ADVISORY COMMISSION.

Bob Howard is appointed to the Port and Harbor Advisory Commission to fill the seat vacated by John Velsko. His term will expire February 1, 2013.

RECOMMENDATION:

Confirm the appointment of Bob Howard to the Port and Harbor Advisory Commission.

Fiscal Note: NA



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

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

RECEIVED BY CLERK'S OFFICE

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

Name Robert (Bob) Howard Date Dec 9, 2010

Physical Address 629 Rangeview Ave City Homer

Mailing Address Same Zip Code 99603

Phone 226-2025 Work # _____ Cell # 299 3727

Email Address bobhoward@gc.net

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

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

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

I have been a resident of the City for 6 ☐ mos. ☒ yrs

I have been a resident of the area for 6 ☐ mos. ☒ yrs.

I am presently employed as:

Retired

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

Civil Engineer, Director of Public Works, Fisherman

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

If so, when & where:

Homer EDC Comprehensive Plan.
Capital Improvement Committee, Morgan Hill, CA

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

I am interested in serving on the above because:

Success & sustainability of the port & harbor is important to my lifestyle as a recreational & commercial fisher.

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

☒ Yes ☐ No

If yes, please list organizations:

Alaska Charter Association

Questions regarding the Homer Advisory Planning Commission:

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

Questions regarding the Port & Harbor Advisory Commission:

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

Yes

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

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

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

Print Form

Submit by Email

VISITORS



Big Brothers Big Sisters of Alaska

We've been serving the children of Alaska for 40 years, providing adult mentors, friends and role models for kids who can benefit from an additional adult in their lives. We are a full affiliate of Big Brothers Big Sisters of America, originally established in 1904, which is recognized as the premier youth mentoring organization in the country.

"I credit Big Brothers Big Sisters for playing a vital role in the lives of my children."
Mother of 5



"My big brother is about the best thing that has ever happened to me. I have never met anyone like him."

A 9-year-old Little Brother



Big Brothers Big Sisters of Alaska

Anchorage Office

1057 W. Fireweed Ln., Ste. 202, Anchorage AK 99503
(907) 278-2621 or 1-877-575-2227

Fairbanks Office

610 Cushman St., Ste. 300, Fairbanks, AK 99701
(907) 452-8110 or 1-888-442-8957

Juneau Office

110 Seward St., Ste. 2, Juneau, AK 99801
(907) 586-3350 or 1-888-773-2447

info.alaska@bbbs.org
www.bigbrothersbigsistersalaska.org



907-235-8397

Big Brothers Big Sisters
P.O. Box 1034
Homer, AK 99603



Big Brothers Big Sisters of Alaska

Changing lives, changing communities.

Making
a difference
for Alaska's
Kids



**ANNOUNCEMENTS
PRESENTATIONS
BOROUGH REPORT
COMMISSION REPORTS**

**CITY OF HOMER
HOMER, ALASKA**

MAYOR'S PROCLAMATION

NATIONAL MENTORING MONTH

January 1 - 31, 2011

WHEREAS, Everyone remembers someone special - a neighbor, teacher, relative or friend who broadened our horizons and brought a little magic into our lives; and

WHEREAS, One way to return the favor is to mentor a child; and

WHEREAS, Every adult has something to offer, and a few hours a month can make a big difference in a child's life; and

WHEREAS, Research has shown that children engaged in mentoring programs are more likely to finish high school and become productive and positive members of their community; and

WHEREAS, January has been designated as National Mentoring Month, calling on adults to get involved with mentoring programs.

NOW, THEREFORE, I, James C. Hornaday, Mayor of the City of Homer, do hereby proclaim January 1 - 31, 2011 as:

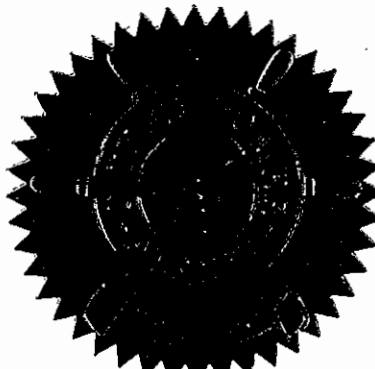
National Mentoring Month

and encourage all citizens, businesses, public and private agencies, religious and educational institutions to support mentoring in our community and give young people the gift of time and friendship through Big Brothers Big Sisters or other mentoring programs.

CITY OF HOMER

ATTEST:

JO JOHNSON, CMC, CITY CLERK



JAMES C. HORNADAY, MAYOR

12 21 10 Mayors' Conference with Sen. Begich

1. Cont Res, no Omnibus Bill. Probably no more ear marks from now on. Homer lost three projects: We should re apply, but earmarks are going to be tough.
2. Start Treaty—will probably pass both Ak senators voting yest.
3. Overall he is optimistic on national financial situation although it is tough with high unemployment.

PUBLIC HEARING(S)

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

Ordinance 10-54

A public hearing is scheduled for **Monday, January 10, 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 10-54 internet address:

<http://www.cityofhomer-ak.gov/ordinances>

Ordinance 10-54, An Ordinance of the City Council of Homer, Alaska, Enacting Subsection (d) of Homer City Code 21.50.020, Site Development Standards – Level One, and Homer City Code 21.50.150, Fill Standards, Regarding the Requirement of a Storm Water Plan, and Establishing Standards for Filling Land: Planning.



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

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

Jo Johnson, CMC, City Clerk



Publish: Homer Tribune: January 5, 2010

CLERK'S AFFIDAVIT OF POSTING

I, Renee Krause, CMC, Deputy City Clerk I for the City of Homer, Alaska, do hereby certify that a copy of the Public Hearing Notice for ORDINANCE 10-54, Enacting Subsection (d) of Homer City Code 21.50.020, Site Development Standards – Level One, and Homer City Code 21.50.150, Fill Standards, Regarding Requirement of a Storm Water Plan, and Establishing Standards for Filling Land at the City of Homer kiosks located at City Clerk's Office, Captain's Coffee Roasting Co., Harbormaster's Office, and Redden Marine Supply of Homer, on December 30, 2010 and that the City Clerk posted same on City of Homer Homepage on December 30, 2010.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of said City of Homer this 30th day of December, 2010.



Renee Krause, CMC, Deputy City Clerk I



ORDINANCE REFERENCE SHEET
2010 ORDINANCE
ORDINANCE 10-54

An Ordinance of the City Council of Homer, Alaska, Enacting Subsection (d) of Homer City Code 21.50.020, Site Development Standards – Level One, and Homer City Code 21.50.150, Fill Standards, Regarding the Requirement of a Storm Water Plan, and Establishing Standards for Filling Land.

Sponsor: Planning

1. City Council Regular Meeting November 22, 2010 Introduction
 - a. Memorandum 10-138 from City Planner as backup
 - b. Draft Ordinance 10-xx
 - c. Excerpts of Homer Advisory Planning Commission Minutes of October 20, October 6, September 15, June 2, May 5, and March 17, 2010; September 2 and August 5, 2009, and June 20, 2007
 - d. Memorandum from Ray Kranich dated October 20, 2010, re: Dirt Work
 - e. Staff Reports PL 10-102, 10-85, 10-51, 10-43, 10-25, 09-73, 09-70, 07-65 and 07-51
2. City Council Regular Meeting January 10, 2011 Public Hearing and Second Reading
 - a. Memorandum 10-138 from City Planner as backup
 - b. Draft Ordinance 10-xx
 - c. Excerpts of Homer Advisory Planning Commission Minutes of October 20, October 6, September 15, June 2, May 5, and March 17, 2010; September 2 and August 5, 2009, and June 20, 2007
 - d. Memorandum from Ray Kranich dated October 20, 2010, re: Dirt Work
 - e. Staff Reports PL 10-102, 10-85, 10-51, 10-43, 10-25, 09-73, 09-70, 07-65 and 07-51

1 CITY OF HOMER
2 HOMER, ALASKA

3 Planning

4 ORDINANCE 10-54
5

6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
7 ENACTING SUBSECTION (d) OF HOMER CITY CODE 21.50.020, SITE
8 DEVELOPMENT STANDARDS – LEVEL ONE, AND HOMER CITY CODE
9 21.50.150, FILL STANDARDS, REGARDING THE REQUIREMENT OF A
10 STORM WATER PLAN, AND ESTABLISHING STANDARDS FOR FILLING
11 LAND.
12

13 WHEREAS, Chapter 4 Land Use, Goal 3 of the 2008 Comprehensive Plan states,
14 “Encourage high quality buildings and site design that complement’s Homer’s beautiful natural
15 setting,” and recommends developing specific policies regarding site development such as
16 grading; and
17

18 WHEREAS, Chapter 4, Goal 2 Objective C of the Comprehensive Plan, item #7 states:
19 “Develop and apply in all districts new standards addressing environmental issues including the
20 management of storm water...”; and
21

22 WHEREAS, Chapter 6 Public Services and Facilities, Goal 1, Objective F Storm Water
23 Control, states “Provide for current and future needs and explore options for expanding the
24 quality and extent of storm water control”; and
25

26 WHEREAS, There are currently storm water plan requirements in the commercial zoning
27 districts, but not in residential, recreational or conservation zoning districts; and
28

29 WHEREAS, This ordinance applies basic storm water plan requirements city-wide; and
30

31 WHEREAS, This ordinance applies basic fill requirements city-wide.
32

33 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
34

35 Section 1. Subsection (d) of Homer City Code 21.50.020, Site development standards –
36 level one, is enacted to read as follows:
37

38 d. A Storm Water Plan approved under HCC Chapter 21.75 is required for
39 development that:

- 40 1. Creates more than 25,000 square feet of new impervious surface area on a
41 lot;
- 42 2. Increases the total impervious surface area of a lot beyond one acre;
- 43 3. Includes grading, excavation or filling that cumulatively moves 1,000
44 cubic yards or more of material; or

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

45 4. Includes grading, excavation or filling that creates a permanent slope of
46 3:1 or more, and that has a total height, measured vertically from toe of slope to top of slope,
47 exceeding ten feet.

48
49 Section 2. Homer City Code 21.50.150, Fill standards, is enacted to read as follows:
50

51 21. 50.150 Fill standards. a. Except as permitted in (b) of this section, fill material shall
52 be free of large organic debris (including without limitation stumps), construction or demolition
53 debris (including without limitation concrete and asphalt), garbage and any material that is
54 categorized as hazardous or toxic under federal or state law.

55 b. Fill material that will not support a structure may include large organic debris that
56 originated on the lot where the fill is placed, provided that it is capped with clean fill for future
57 landscaping or driveway use.

58 c. The placement of fill to a depth greater than three feet over 25% or more of a lot
59 is subject to following requirements:

60 1. Before any fill is placed, a grading plan for the lot must be approved by
61 the City Engineer. The grading plan shall show the following:

62 i. The existing grade and finished grade of the lot using contour
63 intervals sufficiently small to show the nature and extent of the work, and its compliance with
64 the requirements of this title; and

65 ii. The existing grade on adjoining properties in sufficient detail to
66 identify how grade changes will conform to the requirements of this title.

67 2. Best management practices shall be used to limit sedimentation and storm
68 water runoff, and shall be installed before fill is placed on the lot.

69 3. All corners of the lot shall be flagged before fill is placed on the lot.

70 4. The slope of the fill shall not exceed 50% or 1:2.

71 5. No fill may be placed closer than five feet to a side or rear lot line, except
72 that clean fill may be placed on adjoining lots up to their common lot line after approval of a
73 development plan including a drainage plan by the City Engineer and the owners of all lots on
74 which the fill will be placed.

75 6. The placement of fill shall be completed within 24 months after its
76 commencement, and the filled area shall be capped and seeded as soon as possible within the
77 growing season.

78
79 Section 3. This ordinance shall be effective upon adoption, except that land development
80 plans that received final approval prior to the effective date of this ordinance shall not be subject
81 to the amendments in this ordinance.

82
83 Section 4. This Ordinance is of a permanent and general character and shall be included
84 in the City Code.

85
86
[Bold and underlined added. Deleted language stricken through.]

87 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of
88 _____ 2010.

89
90 CITY OF HOMER

91
92
93
94 _____
95 JAMES C. HORNADAY, MAYOR

96 ATTEST:

97
98
99 _____
100 JO JOHNSON, CMC, CITY CLERK

101
102 YES:

103 NO:

104 ABSTAIN:

105 ABSENT:

106
107 First Reading:

108 Public Hearing:

109 Second Reading:

110 Effective Date:

111
112
113 Reviewed and approved as to form:

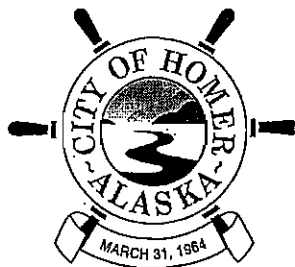
114
115
116 _____
117 Walt E. Wrede, City Manager

118 Date: _____

Thomas F. Klinkner, City Attorney

Date: _____

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



City of Homer Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

Telephone (907) 235-3106
Fax (907) 235-3118
E-mail Planning@ci.homer.ak.us
Web Site www.ci.homer.ak.us

MEMORANDUM 10-138

TO: Mayor Hornaday and Homer City Council
THRU: Walt Wrede, City Manager
FROM: Rick Abboud City Planner
DATE: November 25, 2009
SUBJ: Ordinance 10-54 amending HCC 21.50.020, Site development standards – level one and HCC 21.50.150, Fill Standards.

Introduction

This proposed ordinance makes two changes to city code. First, it requires storm water plans (SWP) city-wide in some circumstances. Second, it sets standards for filling a lot, and requires a grading plan, again in some circumstances.

Storm water plans

Ordinance 2004-11(A), adopted in April 2004, required storm water plans in the commercial business districts, but excluded the residential districts. For at least 3 years, the Planning Commission has sought to address further standards for dealing with storm water runoff for all larger projects, not just those in the commercial district as currently found in the code. The Residential Office district was amended in earlier this year to require storm water plans. Previously, projects like the hospital and other large buildings were not required to address storm water. As Homer becomes denser over the coming years, drainage and water runoff must be addressed so that problems are prevented. Ordinance 10-xx will apply storm water standards to the rest of the districts, so that if a contractor is building an apartment building, the same rules apply no matter where in the city the project is located.

There is one major difference between this ordinance, and the commercial district code already in place. HCC 21.50.030 (e) lists the criteria for when a project must provide a storm water plan. This new code will be less stringent i.e., you could build a bigger project without triggering a storm water plan. Generally speaking, the code is written to avoid requiring storm water plans for most single family home construction in the residential districts. But larger projects, like an apartment building, school, church or major park project would need a SWP.

Lot Filling

In addition to the storm water requirements, the commission also wishes to address standards for filling lots to ensure that best management practices are adhered to concerning limitations of what may be included in fill and physical requirements for the placement of a large amount of fill. One concern the Commission wanted to address was the use of stumps for fill; this creates a potential problem for future developers who may not know they purchased a lot full of stumps. The proposed ordinance limits the use of stumps to those that originated on the property. It is recognized that stumps can be difficult to get rid of and that burial in limited quantities is reasonable; entire lots used for stump dumping is what the

Commission wants to avoid. The ordinance also addresses the use of asphalt, concrete and other construction debris.

Another component of the second section of the ordinance is the requirement for a grading plan. As smaller lots are filled and homes are built, filling can easily create drainage problems for existing neighboring homes, or for future development on downhill lots. Homer does not have a current drainage management plan, which is a growing problem as more of the city is developed. Creating and implementing a new plan will be very expensive; and interim solution is to more closely regulate lot filling. One of the more difficult problems planning and public works is asked to address is when home owners call to say their neighbor is causing a drainage problem, or doing something that will cause a problem. Staff tries to work with land owners to find common ground solutions, but there are situations where it is obvious there will be a problem, and the city has no requirements to address it. The grading plan is a first step at addressing some of these issues, without adopting a building code.

This subject has been explored at numerous work sessions and Planning Commission Meetings. Prior to the public hearings held September 15th and October 6th Planning Commission meetings, a personal notice was sent to all identified construction contractors and realtors in the Homer area, notifying them of the ordinance and the opportunity for input. All were invited to the Kachemak Board of Realtors meeting in September, where staff made a presentation, and the public hearings.

The Homer Advisory Planning Commission recommended adoption of the ordinance at their meeting on October 20, 2010.

Recommendation: Adopt Ordinance 10-54 amending HCC 21.50.020, Site development standards – level one and HCC 21.50.150, Fill Standards.

ORDINANCE(S)

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

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

3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46

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.

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.

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 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;

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.

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: _____

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)

**CITY OF HOMER
HOMER, ALASKA**

City Manager/
Public Works Director

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.

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 that have reasonable payback timeframes and would reduce annual energy costs by \$103,000 (See Memorandum 11-007 prepared by Public Works); and

WHEREAS, An additional \$357,700 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 from the Harbor Reserve Account and \$173,000 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.

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
256-378	Water/Sewer Reserve Account	<u>\$ 173,000</u>
		\$ 900,500

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:

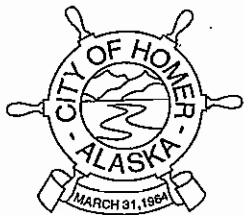
Walt E. Wrede City Manager

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 11-007

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
<u>\$ 900,500</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)

			1	2	3	
Non-Lighting Facility Improvement Measure (FIM)	Description	Estimated annual savings	FIM Grant Eligible	FIM Revolving Loan	FIM Enterprise funds	Simple payback (yrs)
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		\$ 166,089		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	\$ 48,975	\$ 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



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

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 toyostove 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
	TOTAL	\$315,691

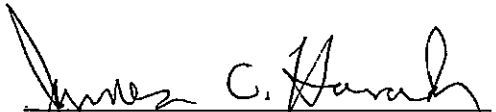
Section 3. This ordinance shall take effect upon its adoption by the Homer City Council.

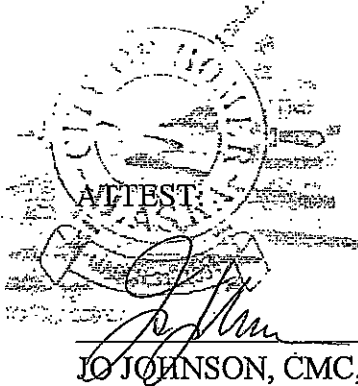
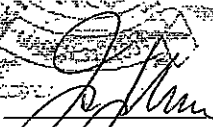
Section 4. Section 1 of this ordinance is of a permanent and general character and shall be included in the City Code.

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

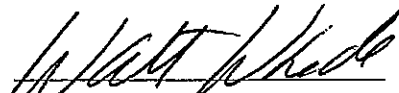

JAMES C. HORNADAY, MAYOR


ATTEST:

JO JOHNSON, CMC, CITY CLERK

YES: 5
NO: 1
ABSTAIN: 0
ABSENT: 0

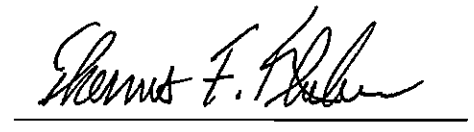
First reading: 3/08/10
Public hearing: 3/22/10
Second reading: 3/22/10
Effective date: 3/23/10

Reviewed and approved as to form:


Walt Wrede, City Manager

Date: 3/25/10

Fiscal Note: Included in ordinance.


Thomas F. Klinkner, City Attorney

Date: 4-5-10

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:

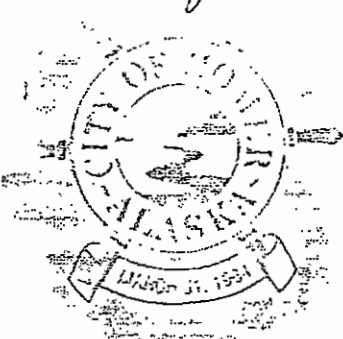
<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
151-718	Energy Audits & Energy Conservation Measures	\$227,800.00

Section 2. This ordinance is a budget amendment only, is not of a permanent nature and is a non code ordinance.

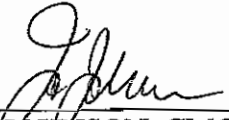
PASSED AND ENACTED by the Homer City Council this 14th day of June, 2010.

CITY OF HOMER

James C. Hornaday
JAMES C. HORNADAY, MAYOR



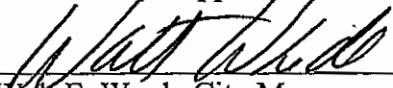
ATTEST:


JO JOHNSON, CMC, CITY CLERK

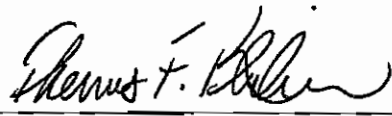
Introduction: 5/24/10
Public Hearing: 6/14/10
Second Reading: 6/14/10
Effective Date: 6/15/10

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 MANAGER'S REPORT

MANAGERS REPORT

January 10, 2011

TO: MAYOR HORNADAY / HOMER CITY COUNCIL

FROM: WALT WREDE *W. Wrede*

UPDATES / FOLLOW-UP

1. Proposed Ocean Drive Improvements: The Economic Development Commission has requested that I contact DOT/PF about safety improvements on Ocean Drive. Concern was expressed about summer time traffic and the number of pedestrians, especially when the Farmers Market is open. The problem is anticipated to become worse this year because all of the cruise ships are scheduled to be in port on Saturdays. The Commission suggested creating a turning lane on Ocean Drive and temporarily moving the bike lane to either Bay Avenue or to Lakeshore Drive. At the last meeting, I informed the EDC that I thought it would be best to first bring this recommendation/request to the attention of the Council and that the Council could either authorize me to contact DOT/PF on behalf of the City or refer this issue to other entities that might have an interest such as the Planning Commission or the Transportation Committee.
2. Lobbyist: The RFP for lobbyist services is on the street. The deadline for proposals is January 13th. If all goes well, we plan to have approval of a lobbyist contract on the agenda for the meeting on January 24. In the meantime, there are two issues that need to be discussed. The first is that I would like to quickly put together a small review team to review and score the proposals. Are any Council members willing to serve on that committee? Most of the work would take place the week of January 17th. The second issue is the scope of work. This was not discussed in great detail during the budget amendment process. There was a lot of talk about amending the fisheries business tax statute, but not much else. So, before we interview candidates and draft a contract, it would be good to more clearly define the scope of work.
3. New Lease Agreement: Tom Klinkner is working on amending the City's standard ground lease. He is doing this for several reasons. First, he thinks the document can be updated and edited to make it shorter and more current (reflecting recent changes in the lease policies, insurance requirements, etc), while still maintaining the necessary protections for the City. He is also attempting to incorporate some of the EDC recommendations where appropriate and beneficial. The Council recently approved new leases for Snug Harbor and Brad Faulkner. We plan to use the new lease in those negotiations. Please let me know if and how the Council wants to be involved with the amendment of the standard lease.
4. Gas Distribution Task Force: The Task Force is up and running. The second meeting will be on Monday, January 10, at 12 Noon. The focus so far has been on the grant requirement that Homer come up with a plan that provides for distribution of gas infrastructure within the city limits. So far, this has included an internal review of the City utility ordinances to see if they need to be amended

and an initial analysis of funding options and build-out scenarios. Enstar representatives will be at the meeting to discuss build-out plans and Enstar's tariff with respect to main line extensions.

5. The New Budget: The Finance Department is working hard to prepare the new final budget for public dissemination. The budget will incorporate all of the amendments approved by the City Council. The department is also changing the format somewhat and adding new sections to make the document more informative and easier to read and locate information. For example, the Water and Sewer Fund will have a new presentation since it is no longer an enterprise fund. There are also new stand alone sections for the Permanent Fund and for Staffing information. Capital projects are arranged in a different way to make them easier to find. Regina can explain all of the changes to you at the meeting if requested.
6. TORA Agreements: Good News. We have made some progress and we are now beginning the process of negotiating Transfer of Responsibility Agreements (TORA) with DOT/PF for the Spit Trail extension and the Deep Water Dock Expansion feasibility study. This is the first step in getting these projects moving and we hope to have draft agreements ready this month. The TORA that is pending is the one on Spit Parking. This one is almost ready for final approval but has been suspended in part for budgetary reasons. I would like to discuss whether the Council still wants to move forward with this given budget cuts and concerns about taking on new responsibilities.
7. Conditional Use Permit / Bridge Creek Fire Mitigation Project: A Conditional Use Permit application has been submitted and the Planning Commission is scheduled to take this matter up at its regular meeting on January 19th. A copy of the application narrative is attached for your information (not the full application). This project may generate public discussion and debate. Please let me know if you have any questions or wish to discuss this in more detail.
8. Enstar / Gasline Grant Follow-Up: The grant agreement has been amended to incorporate the sub-grant agreement between the City and Enstar. This clarifies and directly addresses the Council's concerns about issues like ownership, operation, maintenance, and liability. Also, questions about the applicability of Davis Bacon provisions have been answered by the Department of Labor. This resolves all remaining issues. Contracts have been executed, Enstar has submitted its first invoice, and the paperwork is being prepared for reimbursement by the state.
9. Joint Workshop Request / Planning Commission: The Planning Commission has requested a joint workshop later this winter to discuss code enforcement, especially on the Homer Spit. The Planning staff is being hammered on all sides about enforcement. Many in the community, including I believe, the Commission itself, are concerned that the City is not doing enough, or being assertive enough, about code enforcement, particularly on the Spit. On the other hand, a sizable portion of the community believes that the City is being too aggressive and that code enforcement and maybe even portions of the code itself should be rolled back. Enforcement on the Spit has proven to be very difficult for a wide variety of reasons and would be very expensive to ramp up. There is a lot more background

that could be provided but this is the gist of it. The Commission and the staff would like some input and guidance from the Council on this matter.

10. Spit Dredged Materials Disposal: I recently reported that the City was working with the Corps of Engineers to find a long term solution to the disposal of dredged materials. The Corps has inquired why the City had prohibited these materials from leaving the Spit. Bryan has been doing research on the history of this and has shared it with the Port and Harbor Commission. It is my understanding that the Commission recently recommended that these materials be allowed to leave the spit if it was necessary. So, you may see an ordinance to accomplish that coming to you soon. I suspect there will be a lot more discussion about this at that time.
11. Energy Efficiency / Capital Improvements: This agenda contains an ordinance that would appropriate funds for capital improvements that increase energy efficiency in City buildings and facilities. A cost center spreadsheet is attached. As you can see, the cost to complete recommended projects that have a good payback period exceeds the amount of money contained in the grant and the Revolving Energy Fund. The ordinance and spreadsheet make suggestions about how these projects might all be funded and how the costs would be allocated. This should be a good starting point for discussion. The Council may or may not want to do all of these projects at once and it may have different ideas about how they should be funded. Using enterprise fund depreciation reserves might generate debate, especially since we have not been putting money into those accounts. There are other questions about repayment of the REF as well if enterprise funds are used (maybe the enterprise funds should be reimbursed instead). We look forward to this discussion.

ATTACHMENTS

1. January Employee Anniversaries
2. Project Narrative / Bridge Creek Fire Mitigation Project



City of Homer

Memorandum

To: Mayor Hornaday and Homer City Council
From: Walt Wrede, City Manager *W. Wrede*
Date: January 3, 2011
Re: January Employee Anniversaries

I want to thank the following employees for the dedication and service they have provided the City and taxpayers of Homer over the years. Each of these employees will have an anniversary this month.

Randy Rosencrans, Police	22 Years
Ken Frazier, Public Works	15 Years
Chuck Thorsrud, Police	12 Years
Richard Gibson, Public Works	11 Years
Mark Kruzick, Police	10 Years
Jolee Ellis, Library	9 Years
Stacy Luck, Police	9 Years
Jo Johnson, Clerks	7 Years
Regina Mauras, Finance	5 Years
Amy Gordon, Library	4 Years
Julie Harris, Public Works	4 Years
Teresa Sundmark, Library	4 Years
Tomasz Sulczynski, Administration	3 Years
Larry Baxter, Police	2 Years
Cliff Albrecht, Port	1 Year

PROPOSED USE OF THE PROPERTY

(Supplement to CUP Application)

Introduction / Background

The City of Homer has been discussing how to mitigate the fire danger in the Bridge Creek Watershed area with the Division of Forestry and the Borough Spruce Bark Beetle Mitigation Program for a number of years. The Borough recently received economic stimulus funds to conduct additional fire mitigation activities in and around communities. After consultation with the City, the Spruce Bark Beetle Program staff determined that a project around the reservoir met the program criteria and would represent a clear benefit to the community.

The City of Homer is interested in this project for health and safety reasons. If the project is conducted properly, it should reduce fire danger in a very high hazard area, restore forest health more quickly than natural regeneration, and protect and enhance water quality now and into the future. At the City's request, the Borough Spruce Bark Beetle Program staff produced a report entitled "Fuel Mitigation and Forest Health Restoration Around the Homer City Reservoir." A copy of the report is attached in the Appendices. This report was provided to the Homer City Council and the Spruce Bark Beetle Program staff made a presentation at the regular meeting on August 9, 2010. The Council subsequently adopted Resolution 10-67 authorizing participation in the program. A copy of that Resolution is also included in the Appendices.

After the City Council gave the green light to take the next steps and explore this project further, Borough staff provided maps of projected treatment areas and an outline of the scope of work and proposed treatment alternatives. The City and the Borough consulted with the Homer Soil and Water Conservation District, the Natural Resources Conservation Service, the Division of Forestry, the Department of Fish and Game, and Cook Inlet Keeper. A field trip was conducted with representatives of these agencies in the fall. The Homer Soil and Water Conservation District in cooperation with the Natural Resources Conservation Service, provided written recommendations on how to prevent erosion and sedimentation, how to protect wetlands, and how to avoid unnecessary soils compaction. Those recommendations are included in the application packet. Many, if not all of these recommendations have been incorporated in the operations plan.

The Proposed Use

The proposed use is to reduce the fire hazard by using a combination of mechanized and non-mechanized treatment applications. The operations plan includes selective felling of standing and dead spruce trees. The trees, when felled, will be limbed and then scattered around to get the biomass close to the ground and eliminate "jackstraw" issues. The operations plan is based upon best management practices contained in the Forest Practices Act, best management practices published by other agencies including NCRS, the specific requirements of the Bridge Creek Zoning District ordinance, and the comments received from the agencies consulted. The operations plan and all best practices and safeguards to protect water quality and the environment will be included in the enforceable contract with the contractor. The Spruce Bark Beetle Program will have a Forester / Supervisor on site an average of every other day and a minimum of several times a week. The City and Borough are currently talking with HSWCD about an on-site observer during operations and with Cook Inlet Keeper regarding water quality monitoring stations.

Although the entire watershed (including private lands) might benefit from this type of treatment, the City and Borough have chosen to limit this proposal to public land and treat it as a demonstration project. If the project goes as planned and private land owners like what they see, they can participate in the program at a later date.

Attached is a map that depicts proposed treatment areas, access routes, stream crossings, and landings/staging areas. The only amendments to that map are that there will be no treatment on private lands and the firewood salvage areas have been eliminated to reduce impacts from skidding. The Spruce Bark Beetle Program staff will produce a new map that will depict precise travel corridors which will be along contour lines to reduce the potential for erosion. The packet also includes maps depicting wetlands, soil types, contours, and hydrology. The plan of operation will be based upon the factors described above,

the treatment map, and the report entitled "Manpower and Mechanical Equipment Operation Standards" a copy of which is also attached. The project will be conducted in the winter months when the ground is frozen and there is adequate snow cover. Mechanical treatment will be used in appropriate areas and non-mechanized treatment (crews with chainsaws) will be used in more sensitive areas that include wetlands, unstable soils and slopes, and established buffers around streams and the reservoir.

Following is a discussion about specific areas of concern identified in the code and by the consulting agencies:

Erosion and Sediment Control: Both the HSWCD and the City Engineer have concluded that a formal erosion and sediment control plan as prescribed in HCC 21.40.080 is not necessary in this case because of the nature of the activity. No excavation, grading, or significant disturbance of the ground cover will occur. However, erosion and sediment control remains probably the most important issue to be addressed. The Spruce Bark Beetle Staff have prescribed a number of important steps in the operations plan to prevent erosion and sedimentation. Those steps include:

- Adherence to applicable best management practices
- Incorporation of these practices and other special requirements into the enforceable contract with the operator
- Hand treatment in sensitive areas like the required buffers, wetlands, slopes over 10% or discharge slopes
- No skidding operations
- No mechanical scarification of soils
- Winter operations for mechanical applications
- Logs and slash used for heavy equipment to "walk" over minimizing contact with the surface
- Logs and slash scattered to protect ground cover and soils and logs deposited along contour lines
- Water bars on slopes greater than 10%
- Travel corridors following contour lines
- Other requirements prescribed by the Planning Commission

Stream Crossings: The enclosed map depicts proposed drainage crossings. Erosion control in these areas is especially important. The method of crossing these streams will depend upon their size and the characteristics of the channel and soils through which they flow. In some cases, log stringer bridges will be used. In others, (very small drainages) logs will be placed on either bank and equipment will drive right over top of the stream. In some situations, logs will be placed temporarily directly in the stream in order to protect the structure and integrity of the bank. All stream crossing will be consistent with relevant best management practices. The applicants are open to further suggestions from the Planning Commission.

Soil Compaction: The Bridge Creek Water Shed Protection District contains some highly compactable and erodible soils. Unnecessary soils compaction can lead directly to erosion. The Soil and Water Conservation District and the NRCS provided us with a great deal of information regarding soil characteristics in the area. Some of that is included in the application packet. The operations plan incorporates that information in several ways including:

- Only one main travel corridor in and out. This will be the only corridor that receives repeated passes from mechanized equipment. This will reduce overall compaction.
- Winter only operations for mechanized equipment
- Limited mechanical operations on highly vulnerable soil types

Buffers: HCC 21.40.110 requires stream buffers of 50 feet on each bank. HCC 21.40.120 provides for a 500 foot buffer along the reservoir. HCC 21.40.130 (c) provides for an exception from the buffer requirements if "the intrusion will not cause a degradation of the water quality or endanger the suitability of the Bridge Creek Reservoir as a water supply source for the City's water utility."

The applicants are asking for an exception under HCC 21.40.130. We do not think that the plan of operation as proposed would cause degradation to water quality. The primary area of concern for the applicants is the north shore of the reservoir. This area contains probably the highest concentration of standing dead spruce trees in the treatment area. The operators would go into this area in winter and take all of the steps described above to avoid the potential for erosion and sedimentation. Using hand crews only in these areas is a possibility as is keeping the buffers but reducing them in size. The applicants are willing to work

with the Planning Commission on appropriate limitations on operations in buffer zones. The south side of the reservoir has far fewer dead trees and more wetlands. Operations would be very limited in that area.

The City Engineer advises that he would be more concerned about the buffers around the streams since they have rapidly moving water capable of transporting sediments and steeper slopes. Leaving the buffers along streams undisturbed is something the applicants are willing to consider. That might have the added benefit of leaving some dead tree habitat for nesting birds and other wildlife.

Reforestation: The code contains a strong recommendation for reforestation and replanting. See HCC 21.40.100 (b) 4 and 5, HCC 21.40.110 (b) 3, and HCC 21.40.130 (A). The original intent of the Spruce Bark Beetle Program staff was to plant new trees next spring. The ground would be prepared this fall during the tree cutting activities and certain areas would be mechanically scarified (scratch and rough up vegetation and expose soils) so that that planting trees would be easy and the young trees would not have to compete with the tall grasses. The concern is that natural regeneration is very slow in this area because young trees cannot get established easily in the tall grasses and there are not enough live trees in the area to provide adequate seed stock. The foresters stated that by using this method, we could be more efficient, better insure the survival of young trees and speed up the forest regeneration process by decades. This would provide for a healthy forest and better protect water quality in the long run.

The Soil and Water Conservation District recommended against this for several reasons. First, it felt that if we are trying to prevent erosion, the last thing we want to do is expose the mineral soils and disturb the vegetative mat. Second, they were concerned that by roughing up the grasses and other vegetation, we might be opening the door for invasive weeds to get a foothold. Finally, they felt that regeneration was already occurring naturally although at a very slow rate compared to other areas. (The foresters concluded that evidence of natural regeneration in this area is marginal at best).

If the Planning Commission shares the concerns expressed by HSWCD, the applicants are willing to consider an alternative approach. Mechanical scarification can be eliminated. This spring, after the snow recedes, we could go back in and do a survey of numbers, locations, and overall health of young trees. If at that point, the conclusion is that reforestation would be beneficial, a plan to do so that has the least amount of environmental downside can be implemented. It should also be noted that the plan of operation should in itself aid natural reforestation. Recall that the plan is to cut dead trees, limb them, and scatter the debris across the forest floor. This approach keeps the biomass in the area and gets it closer to the ground where it can decompose faster. Old dead trees lying on the ground often become nurse logs for new trees.

HCC 21.40.100: This section of the code addresses timber growing and harvest operations. Although this is not a timber harvesting or growing operation in the conventional sense, the code contains information requirements that are pertinent to this application. This narrative and the attached maps provide required information on the proposed use and plan of operation, land ownership, operator/program manager, boundaries of the project area, location of streams and wetlands, the location of buffer areas, stream crossings, contours, erosion and sediment control information, reforestation, and comments and recommendations from the Soil and Water Conservation District.

There are no structures, logging yards, or storage areas proposed in the treatment area. Equipment storage and all fueling operations will take place in the existing parking area along the road to Crossman Ridge. This area is depicted on the map and labeled "Landing Area". Appropriate fuel containment and fuel spill cleanup materials and equipment will be present at that site. No other hazardous materials are anticipated. No plan to address slash piles is necessary because there won't be any. The plan is to cut dead trees, limb them, cut everything into small pieces, and scatter the debris over the forest floor such that the debris is not higher than one foot above the ground. There will be no slash piles or "jackstraw" debris remaining. Prior to the meeting, the Spruce Bark Beetle Program staff will provide a map which shows the exact location of transportation corridors and trails.

Vehicular and ATV Access to the Project Area: A great deal of concern was expressed about ATV and vehicular access to the area if new pathways and trails were constructed. The City agrees with this concern. The plan includes placing dead trees and brush on travel corridors to discourage and make it difficult for motorized access. No visible roads or trails should be evident after the snow melts in the Spring. If necessary, the City can barricade project access points and provide adequate signage.

Office of the City Clerk

Jo Johnson, CMC, City Clerk
Melissa Jacobsen, Deputy City Clerk II
Renee Krause, Deputy City Clerk I
Rachel Tussey, Clerical Assistant



491 E. Pioneer Avenue
Homer, Alaska 99603
(907) 235-3130
(907) 235-8121
ext: 2226, 2227, 2224, or 2251
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 *uj*
DATE: JANUARY 3, 2011
SUBJ: CURRENT BID(S) AND REQUEST FOR PROPOSALS

REQUEST FOR PROPOSALS FOR LOBBYING SERVICES- The City of Homer, Alaska, is soliciting proposals from experienced and qualified professionals who are interested in entering into a contract to work collaboratively with the City Council, Mayor, City Manager, and key staff members to represent the City as a State Lobbyist for the 2011 session of the Alaska Legislature. Sealed proposals will be received at the Office of the City Clerk, City Hall, City of Homer, 491 E. Pioneer Avenue, Homer, Alaska, until 4 p.m., January 13, 2011. The time of receipt will be determined by the City Clerk's time stamp. Proposals received after the time fixed for the receipt of proposals shall not be considered.

2010 Alaska Gaming Permit Application

Organization Information

Department use only
Validation #
Date stamp

826

Federal EIN	If renewing, enter gaming permit # 1076	Phone number (907) 235-7729	Fax number
Organization name Homer Animal Friends	Website address www.homeranimals.com		
Mailing address PO BOX 2300	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 Lynn	MI R	Primary member last name Kee	Alternate member first name Patricia	MI	Alternate member last name Boone
Social security number		Email Lmcgreery78@yahoo	Social security number		Email dpboone@acsalaska.net
Daytime phone number (907) 756-1760		Mobile number (907) 299-2617	Daytime phone number (907) 235-3779		Mobile number (907) 299-2925
Home mailing address 39068 Whitney St.			Home mailing address PO BOX 1783		
City Anchor Point	State AK	Zip + 4 99556	City Homer	State AK	Zip + 4 99603
Has the primary member passed the test? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Permit # under which test was taken 1076	Has the alternate member passed the test? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Permit # under which test was taken 1076

Legal Questions

These questions must be answered. If you answer Yes to either question, see instructions.

<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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 Lynn Kee	Printed name Lynn Kee	Date 12-3-10
President or other officer's signature (see instructions) Janet Higley (President)	Printed name JANET HIGLEY	Date 12-9-10
Alternate Member In Charge's signature Patricia Boone	Printed name Patricia Boone	Date 12-9-10
Manager of Games signature Pat MCSS	Printed name PAT MCSS	Date 12-9-10

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

One copy of the application must be sent to the nearest municipality or borough. See instructions for mandatory attachments.

Pay online with TOPS at 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 2009 estimated gross receipts. Check the appropriate box.

<input type="checkbox"/> New applicant	\$20
<input checked="" type="checkbox"/> \$0 - \$20,000	\$20
<input type="checkbox"/> \$20,001 - \$100,000	\$50
<input type="checkbox"/> \$100,001 or more	\$100

Organization name <i>Homer Animal Friends</i>	Gaming permit # <i>1076</i>	2010 ALASKA GAMING PERMIT APPLICATION GAMES OF CHANCE AND CONTESTS OF SKILL	826
--	--------------------------------	--	-----

Facility-based Games (self-directed)

If more than two facilities, attach a separate sheet.

Facility name	Physical address	City	State AK	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 <i>Homer, AK</i>	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	Game type (check all that apply) <input 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	
Home mailing address	
City	
Vendor Inform	

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	Game type(s)
Physical address	City	State	Zip + 4

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	Game type(s)
Physical address	City	State	Zip + 4

Dedication of Net Proceeds

Describe in detail how the organization will use the net proceeds from gaming activities.

Proceeds will go towards the pay of spay/neuter companion animals that use our low cost spay/neuter program. Proceeds will also go towards vet care and other animal needs at the Homer Animal shelter.

Contacts Commissioner's Office Child Support PFD Tax Treasury



Department of Revenue - Tax Division Online Permitting and Licensing

State of Alaska > DOR > Online Tax Information System > Online Permitting and Licensing

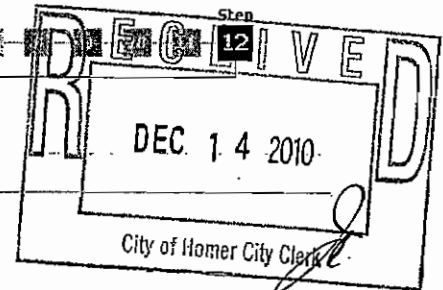
Application Overview

Version 22: 2011 - Permittee Application Number: 7129

Current Status: Incomplete

Application Task List:

- 1. Complete Application Form
- 2. Submit Required Documentation
- 3. Sign This Application
- 4. Pay Application Fees
\$100.00 \$50 for each vendor
\$100.00 Total



Your Application Data (Tracking Number: 7129)

Organization Information

Permit Number	167
Year Permit requested for	2011
Federal EIN or Alaska Tax Identification Number	
Name of Organization or Municipality	Homer Elks Club 350
Mailing Address One	PO Box 614
City, State Zip + 4	Homer, AK 99603 + 0614
Telephone Number (All numbers include area code)	(907) 235-8081
Fax Number (All numbers include area code)	(907) 235-7109
Organization Website Address (If available)	
Type of Organization	Fraternal
Organized As	Corporation
How will activities be conducted?	Self-Directed by the Organization
Does the organization have 25 or more members who are Alaska residents as defined in your articles of incorporation or bylaws?	Yes
Have the organization's articles of incorporation changed?	No
Have the organization's bylaws changed?	No
Estimated gross receipts for year prior to application year:	\$100,001 or more

Game Types

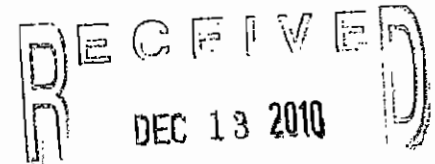
Facility or Location-Specific - Unrestricted	Bingo Pull-Tabs
Area Based - Unrestricted	Raffles

Self-Directed Facility or Location-specific

Game Type(s)	Bingo, Pull-Tabs, Raffles
Facility or Location Name	HOMER ELKS LODGE
Address	215 W JENNY LANE
City, State, Zip	HOMER, AK 99603
Ownership	Leased

Area-based Information

Area	Kenai Peninsula Borough
------	-------------------------

City of Homer
Finance Department

Game Type(s)	Raffles
Vendor Information	
Operator Information	
Multiple-beneficiary Permittee (MBP)	
Members in Charge / Manager of Games	
What position does this person serve?	Alternate Member in Charge
First name	Shari
Middle Initial	
Last Name	Daugherty
Address	Po Box 52
City, State, Zip	Anchor Point, AK 99556 + 0052
Daytime Telephone	(907) 235-8151
Mobile Number	
Email Address	
Has this person taken the test?	Yes
Permit number under which the test was taken	
What position does this person serve?	Primary and Manager
First name	Diane
Middle Initial	L
Last Name	Shoultz
Address	Po Box 1694
City, State, Zip	Homer, AK 99603 + 1694
Daytime Telephone	(907) 235-8081
Mobile Number	
Email Address	deeshoultz@gmail.com
Has this person taken the test?	Yes
Permit number under which the test was taken	
Legal Information	
Persons convicted of a felony, extortion, or a violation of a law	
None	
Persons with a prohibited conflict of interest	
None	
Net Proceeds Dedication, Details	
SCHOLARSHIPS; MEDICAL ASSISTANCE; FOOD, CLOTHING AND HOUSING FOR NEEDY FAMILIES; SEARCH & RESCUE; LITERACY; VETERAN'S PARK MAINTENANCE & UTILITIES; ELKS CHARITIES; DRUG AWARENESS; COMMUNITY DISASTER ASSISTANCE; YOUTH ACTIVITIES; EDUCATIONAL TRAVEL; ETC.	
Attachments	Title (Type), Description

Extra Notes/Comments/Descriptions to the Tax Division

[Department of Revenue](#) [State of Alaska](#) [Home](#) [Contact Us](#) [myAlaska](#) [Webmaster](#)

[Logout](#)



2011 Alaska Pull-tab Vendor Registration

A registration is required for each vendor location. A permittee may not contract with more than five vendors at one time.

Apply online at www.tax.alaska.gov/gaming.

Permittee Information

Federal EIN 92-0137389	Gaming permit # 2329	Permittee name Independent Living Center
Phone number 907-235-7911	Member in charge Joyanna Geisler	Member in charge phone number 907-235-7911

Vendor Information

Federal EIN or Social Security Number	Beverage dispensary license # 4795	Package store license #
Owner name Beluga Lake Lodge Inc	Business license # 743466	
Business name Beluga Lake Lodge	Phone number 907-235-5995	Fax number 907-235-2640
Mailing address 204 Ocean Drive Loop	Physical address of vendor location 204 Ocean Drive Loop	
City Homer	State AK	Zip + 4 99603

Legal Questions

These questions must be answered by the vendor. If the vendor answers Yes to any question, please submit the person's name, date of birth, social security number and position of responsibility.

- ☐ 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?
- ☐ Yes ☒ No Do you employ or have a contract with the primary or alternate member in charge, officer, board member or manager of gaming for the above organization?
- ☐ Yes ☒ No Do you have a contract other than a vendor contract with the organization listed above?

Vendor Contract to Sell Pull-tabs

Pursuant to AS 05.15.188, the vendor listed above hereby agrees to sell pull-tabs as a vendor on behalf of the permittee listed above.

The vendor further agrees that, as compensation for expenses incurred in selling pull-tabs on behalf of the permittee, 30 % of the ideal net of each game may be retained by the vendor as compensation. Permittee must receive at least 70% of the ideal net from each game. AS 05.188(h).

The vendor further agrees that an amount equal to the ideal net, less the compensation owed to the vendor, shall be paid by check by the vendor to the permittee upon delivery of a pull-tab series. AS 05.15.188(i).

It is further agreed that the vendor will ensure pull-tab winners of \$50 or more will complete prize receipt forms; that a prize winner summary form will be completed for each pull-tab game and retained with those winning pull-tabs AS 05.15.187(j); and these records of pull-tab winners will be given to the permittee to retain for the required two or three years. AS 05.15.187(f).

It is further agreed that it is the vendor's responsibility to ensure gaming activity at this vendor location is conducted in accordance with all applicable state statutes and regulations.

It is further agreed that, if the vendor is no longer eligible to sell pull-tabs, then all unopened and opened pull-tab games shall be returned to the permittee within 10 days. If the permittee loses the privilege to conduct gaming activities, then all unopened and opened pull-tab games must be treated in accordance with 15 AAC 160.490.

We declare, under penalty of unsworn falsification, that we have examined this form, including attachments, and that, to the best of our knowledge and belief, it is true and complete. We understand that any false statement made on this document or attachments is punishable by law.

Signature of vendor <i>Diane Hively</i>	Printed name Diane Hively	Date 12/13/10
Signature of member in charge <i>Joyanna Geisler</i>	Printed name Joyanna Geisler	Date 12/11/10
Department use only: validation #		Department use only: date stamp

Registration Fee is \$50

Pay online with OTIS at www.tax.alaska.gov or make check payable to State of Alaska.

This registration form must be attached to a permit application form and will not be processed until the fee is received.

Retain a copy for your records

Form 0405-854 web Rev 10/10 for 2011 - page 1

2011
Gaming

This permit must be posted in a conspicuous place at the location of the authorized activity.

INDEPENDENT LIVING CENTER
PO BOX 2474
HOMER AK 99603-2474

ALASKA DEPARTMENT OF REVENUE

Charitable Gaming Permit

Location Authorized: Jan. 1, 2011 through Dec. 31, 2011

Permit No
2329

Permittee

Independent Living Center
Po Box 2474
Homer AK 99603-2474

Authorized Games of Chance and Skill

Vendor Pub-Tab Effective 01/01/2011

Vendor Location

Beluga Lake Lodge
204 Ocean Drive Loop
Homer AK 99603

104-16479

This qualified organization or municipality is authorized to conduct the listed games of chance and skill for the permit year. Gaming activities of this permittee must be conducted in accordance with AS 05.15, and 15 AAC 160. This permit is not transferable or assignable.

Jeff M Prather, Gaming Supervisor

12/14/2010

Issued By

Issue Date

12/11/2010

Application Review

Contacts Commissioner's Office Child Support PFD Tax Treasury

Department of Revenue - Tax Division Online Permitting and Licensing

State of Alaska > DOR > Online Tax Information System > Online Permitting and Licensing

Application Overview

Version 22: 2011 - Permittee Application Number: 7159

Current Status: Incomplete

Application Task List:

1. Complete Application Form
2. Submit Required Documentation
 - Signed Vendor Contract
 - A signed vendor contract is required if conducting activities with a vendor.
3. Sign This Application
4. Pay Application Fees

\$150.00	\$50 for each vendor
\$150.00	Total

Your Application Data (Tracking Number: 7159)

Organization Information

Permit Number	2329
Year Permit requested for	2011
Federal EIN or Alaska Tax Identification Number	
Name of Organization or Municipality	Independent Living Center
Mailing Address One	PO Box 2474
City, State Zip + 4	Homer, AK 99603 + 2474
Telephone Number (All numbers include area code)	(907) 235-7911
Fax Number (All numbers include area code)	(907) 235-6236
Organization Website Address (If available)	www.peninsulailc.org
Type of Organization	Charitable
Organized As	Corporation
How will activities be conducted?	Vendor Pull-Tab sales at bar / liquor store
Does the organization have 25 or more members who are Alaska residents as defined in your articles of incorporation or bylaws?	Yes
Have the organization's articles of incorporation changed?	No
Have the organization's bylaws changed?	No
Estimated gross receipts for year prior to application year:	\$20,001 - \$100,000

Game Types

Self-Directed Facility or Location-specific

Area-based Information

Vendor Information

Name of Bar / Liquor Store	The Bow
----------------------------	---------

12/11/2010

Application Review

Address Line One	502 S Main St
City, State Zip + 4	Kenai, AK 99611
Name of Bar / Liquor Store	Beluga Lake Lodge
Address Line One	204 Ocean Drive Loop
City, State Zip + 4	Homer, AK 99603

Operator Information**Multiple-beneficiary Permittee (MBP)****Members in Charge / Manager of Games**

What position does this person serve? Primary Member in Charge

First name Joyanna

Middle Initial

Last Name Geisler

Address Po Box 2474

City, State, Zip Homer, AK 99603 + 2474

Daytime Telephone (907) 235-7911

Mobile Number

Email Address

Has this person taken the test? Yes

Permit number under which the test was taken

What position does this person serve? Alternate Member in Charge

First name Jennifer

Middle Initial

Last Name Brown

Address PO Box 7462

City, State, Zip Nikiski, AK 99635 + 7462

Daytime Telephone (907) 262-6333

Mobile Number

Email Address

Has this person taken the test? Yes

Permit number under which the test was taken

What position does this person serve? Alternate Member in Charge

First name Lynn

Middle Initial

Last Name Hohl

Address Box 3523

City, State, Zip Seward, AK 99684

Daytime Telephone (907) 224-8711

Mobile Number

Email Address

Has this person taken the test? Yes

Permit number under which the test was taken

Legal Information

Persons convicted of a felony, extortion, or a violation of a law

None

Persons with a prohibited conflict of interest

None

Net Proceeds Dedication, Details

To purchase goods and services for people and families experiencing disabilities.

12/11/2010

OPA Signature Page

Organization Information

Year Permit requested for	2011
Federal EIN or Alaska Tax Identification Number	920137389
Name of Organization or Municipality	Independent Living Center
Mailing Address One	PO Box 2474
City, State Zip + 4	Homer, AK 99603 + 2474
Telephone Number (All numbers include area code)	(907) 235-7911
Fax Number (All numbers include area code)	(907) 235-6236
Organization Website Address (If available)	www.peninsulailc.org
Type of Organization	Charitable
Organized As	Corporation
Specify the organization type	
How will activities be conducted?	Vendor Pull-Tab sales at bar / liquor store
Does the organization have 25 or more members who are Alaska residents as defined in your articles of incorporation or bylaws?	Yes
Have the organization's articles of incorporation changed?	No
Have the organization's bylaws changed?	No
Estimated gross receipts for year prior to application year:	\$20,001 - \$100,000

Game Types**Self-Directed Facility or Location-specific****Area-based Information****Vendor Information**

Name of Bar / Liquor Store	The Bow
Address Line One	502 S Main St
City, State Zip + 4	Kenai, AK 99611
Name of Bar / Liquor Store	Beluga Lake Lodge
Address Line One	204 Ocean Drive Loop
City, State Zip + 4	Homer, AK 99603

Operator Information**Multiple-beneficiary Permittee (MBP)****Members in Charge / Manager of Games**

What position does this person serve?	Primary Member in Charge
---------------------------------------	--------------------------

12/11/2010

OPA Signature Page

First name	Joyanna
Middle Initial	
Last Name	Geisler
Address	Po Box 2474
City, State, Zip	Homer, AK 99603 + 2474
Daytime Telephone	(907) 235-7911
Mobile Number	
Email Address	
Has this person taken the test?	Yes
Permit number under which the test was taken	
What position does this person serve?	Alternate Member in Charge
First name	Jennifer
Middle Initial	
Last Name	Brown
Address	PO Box 7462
City, State, Zip	Nikiski, AK 99635 + 7462
Daytime Telephone	(907) 262-6333
Mobile Number	
Email Address	
Has this person taken the test?	Yes
Permit number under which the test was taken	
What position does this person serve?	Alternate Member in Charge
First name	Lynn
Middle Initial	
Last Name	Hohl
Address	Box 3523
City, State, Zip	Seward, AK 99664
Daytime Telephone	(907) 224-8711
Mobile Number	
Email Address	
Has this person taken the test?	Yes
Permit number under which the test was taken	

Legal Information

Persons convicted of a felony, extortion, or a violation of a law

None

Persons with a prohibited conflict of interest

None

Net Proceeds Dedication, Details

To purchase goods and services for people and families experiencing disabilities.

Department use only	Validation #	Date stamp
		DEC 30 2010

2011 Alaska Gaming Permit Application

Organization Information

Federal EIN 92-0106486	Is renewing, enter gaming permit # 1829	Phone number	Fax number	City of Homer City Clerk
Organization name Katherine's Bay Family Planning Clinic	Website address www.kbfpc.org			
Mailing address 3959 Ben Walters Ln	City Homer	State AK	Zip + 4 99603-2742	
Entity type (check one)		Organization type (check one) for definitions, see AS 05.15.690 and 15 AAC 160.995		
<input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Association		<input 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 Mary	MI K	Primary member last name Koester	Alternate member first name Mary Ellen	MI P	Alternate member last name Purcell
Daytime phone number 907-235-2921	Email katherineshouse@yahoo.com	Mobile number 907-399-1075	Daytime phone number 907-235-8181	Email r.purcell@x42.net	Mobile number 907-299-2519
Home mailing address 48730 Elmwood way	City Homer	State AK	Zip + 4 99603	Home mailing address POB 15006	City Fitz Creek
State AK	Zip + 4 99603	State AK	Zip + 4 99603-5006		
Has the primary member passed the test? <input type="checkbox"/> Yes <input type="checkbox"/> No		Permit # under which test was taken 1829	Has the alternate member passed the test? <input type="checkbox"/> Yes <input type="checkbox"/> No		Permit # under which test was taken 1829

Legal Questions These questions must be answered. If you answer Yes to either question, see instructions.

<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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 perjury, 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 this 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 Mary K Koester	Printed name Mary K Koester	Date 12-21-10
President or other officer's signature (see instructions) Caryn Barrientos	Printed name Caryn Barrientos	Date 12/21/10
Alternate Member in Charge's signature Mary Ellen Purcell	Printed name Mary Ellen Purcell	Date 12/21/10
Manager of Games signature Mary K Koester	Printed name Mary K Koester	Date 12-21-10

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

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 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 checked="" type="checkbox"/> \$20,001 - \$100,000	\$50
<input type="checkbox"/> \$100,001 or more	\$100

826

Organization name	Gaming permit #	2011 ALASKA GAMING PERMIT APPLICATION GAMES OF CHANCE AND CONTESTS OF SKILL
-------------------	-----------------	--

Facility-based Games (self-directed)

If more than two facilities, attach a separate sheet.

Facility name	Physical address	City	State AK	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"/> Calcula pool**			

Facility name	Physical address	City	State AK	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"/> Calcula pool**			

* restricted game type ** see instructions for mandatory attachments

Area-based Games

If more than two areas, attach a separate sheet.

Area	Game type (check all that apply): <input 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	Game type (check all that apply): <input 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 Mary K	MI	Manager last name Koester	Social security number 574-70-4694	Daytime phone number 907-235-2921
Home mailing address 48730 Elmwood way		Email katherinekoester@yahoo.com		Mobile phone 907-399-1075
City Homer	State AK	Zip + 4 99603	Has the manager of games passed the test? <input type="checkbox"/> Yes <input type="checkbox"/> No	
			Permit # under which test taken 1829	

Vendor Information

Attach 2010 vendor registration form(s) and fee(s) for each vendor listed below.

Bar or liquor store name Alibi	Physical address 453 E. Pioneer ave	City Homer	State AK	Zip + 4 99603
Bar or liquor store name	Physical address	City	State AK	Zip + 4
Bar or liquor store name	Physical address	City	State AK	Zip + 4
Bar or liquor store name	Physical address	City	State AK	Zip + 4
Bar or liquor store name	Physical address	City	State AK	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	Game type(s)
Physical address		City	State Zip + 4

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	Game type(s)
Physical address		City	State Zip + 4

Dedication of Net Proceeds

Describe in detail how the organization will use the net proceeds from gaming activities.

KBPC provides no-cost, low-cost reproductive health care for women + men. We offer HIV testing + work outreach programs to provide information concerning health care.

826

Retain a copy for your records

Form 0405-826.2 web Rev 10/10 for 2011 - page 2

2011 Alaska Pull-tab Vendor Registration

854

A registration is required for each vendor location. A permittee may not contract with more than five vendors at one time.

Apply online at www.tax.alaska.gov/gaming.

Permittee Information

Federal EIN	Gaming permit #	Permittee name
	1829	Keechemak Bay family Plannir
Phone number	Member in charge	Member in charge phone number
907-255-3436	Mary (Katie) Koester	907-899-1075

Vendor Information

Federal EIN or Social Security Number*	Beverage dispensary license #	Package store license #
	98	N/A
Owner name	Business license #	
Cott Belmonte/Dali Frazier	741935	
Business name	Phone number	Fax number
The Alibi	235-9199	226-2489
Mailing address	Physical address of vendor location	
453 E. Pioneer	--	
City	State	Zip + 4
Homer	AK	99603

* If your business has not been issued a federal EIN, you are required to provide your social security number.

Legal Questions

These questions must be answered by the vendor. If the vendor answers Yes to any question, please submit the person's name, date of birth, social security number and position of responsibility.

- ☐ 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?
- ☐ Yes ☒ No Do you employ or have a contract with the primary or alternate member in charge, officer, board member or manager of gaming for the above organization?
- ☐ Yes ☒ No Do you have a contract other than a vendor contract with the organization listed above?

Vendor Contract to Sell Pull-tabs

Pursuant to AS 05.15.188, the vendor listed above hereby agrees to sell pull-tabs as a vendor on behalf of the permittee listed above.

The vendor further agrees that, as compensation for expenses incurred in selling pull-tabs on behalf of the permittee, 180 % of the ideal net of each game may be retained by the vendor as compensation. Permittee must receive at least 70% of the ideal net from each game. AS 05.188(h).

The vendor further agrees that an amount equal to the ideal net, less the compensation owed to the vendor, shall be paid by check by the vendor to the permittee upon delivery of a pull-tab series. AS 05.15.188(i).

It is further agreed that the vendor will ensure pull-tab winners of \$50 or more will complete prize receipt forms; that a prize winner summary form will be completed for each pull-tab game and retained with those winning pull-tabs AS 05.15.187(i); and these records of pull-tab winners will be given to the permittee to retain for the required two or three years. AS 05.15.187(f).

It is further agreed that it is the vendor's responsibility to ensure gaming activity at this vendor location is conducted in accordance with all applicable state statutes and regulations.

It is further agreed that, if the vendor is no longer eligible to sell pull-tabs, then all unopened and opened pull-tab games shall be returned to the permittee within 10 days. If the permittee loses the privilege to conduct gaming activities, then all unopened and opened pull-tab games must be treated in accordance with 15 AAC 160.490.

We declare, under penalty of unsworn falsification, that we have examined this form, including attachments, and that, to the best of our knowledge and belief, it is true and complete. We understand that any false statement made on this document or attachments is punishable by law.

Signature of vendor	Printed name	Date
Megan Reinseth	Megan Reinseth	12/22/10
Signature of member in charge	Printed name	Date
Mary K Koester	Mary K Koester	12-22-10
Department use only: validation #		Department use only: date stamp

Registration Fee is \$50

Pay online with OTIS at www.tax.alaska.gov or make check payable to State of Alaska.

This registration form must be attached to a permit application form and will not be processed until the fee is received.



Department of Revenue - Tax Division

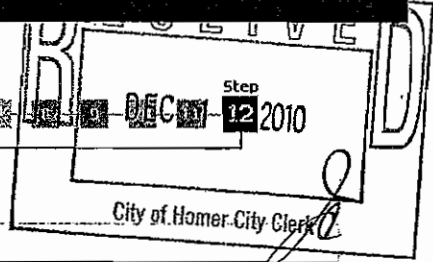
Online Permitting and Licensing

State of Alaska > DOR > Online Tax Information System > Online Permitting and Licensing

Application Overview

Version 22: 2011 - Permittee Application Number: 7133

Current Status: Incomplete



Application Task List:

- 1. Complete Application Form
- 2. Submit Required Documentation
- 3. Sign This Application
- 4. Pay Application Fees
 - \$20.00 \$50 for each vendor
 - \$20.00 Total

Your Application Data (Tracking Number: 7133)

Organization Information

Permit Number	1794
Year Permit requested for	2011
Federal EIN or Alaska Tax Identification Number	
Name of Organization or Municipality	Share the Spirit Inc
Mailing Address One	PO Box 3218
City, State Zip + 4	Homer, AK 99603 + 3218
Telephone Number (All numbers include area code)	(907) 235-8081
Fax Number (All numbers include area code)	(907) 235-7109
Organization Website Address (If available)	
Type of Organization	Charitable
Organized As	Corporation
How will activities be conducted?	Self-Directed by the Organization
Does the organization have 25 or more members who are Alaska residents as defined in your articles of incorporation or bylaws?	Yes
Have the organization's articles of incorporation changed?	No
Have the organization's bylaws changed?	No
Estimated gross receipts for year prior to application year:	\$0 - \$20,000

Game Types

Area Based - Unrestricted Raffles

Self-Directed Facility or Location-specific

Area-based Information

Area Kenai Peninsula Borough
Game Type(s) Raffles

Vendor Information

Operator Information

Multiple-beneficiary Permittee (MBP)

RECEIVED
DEC 13 2010

City of Homer
Finance Department

Members in Charge / Manager of Games

What position does this person serve?	Alternate Member in Charge
First name	Shari
Middle Initial	
Last Name	Daugherty
Address	Po Box 52
City, State, Zip	Anchor Point, AK 99556 + 0052
Daytime Telephone	(907) 235-8151
Mobile Number	
Email Address	
Has this person taken the test?	Yes
Permit number under which the test was taken	

What position does this person serve?	Primary Member in Charge
First name	Diane
Middle Initial	L
Last Name	Shoultz
Address	Po Box 1694
City, State, Zip	Homer, AK 99603 + 1694
Daytime Telephone	(907) 235-8081
Mobile Number	
Email Address	deeshoultz@gmail.com
Has this person taken the test?	Yes
Permit number under which the test was taken	

Legal Information

Persons convicted of a felony, extortion, or a violation of a law
None

Persons with a prohibited conflict of interest
None

Net Proceeds Dedication, Details

Financial aid to needy members of the community including rent, housing deposits, utilities, food, medical, pharmacy, transportation, clothing, work supplies, holiday baskets, etc.

Attachments**Title (Type), Description****Extra Notes/Comments/Descriptions to the Tax Division**



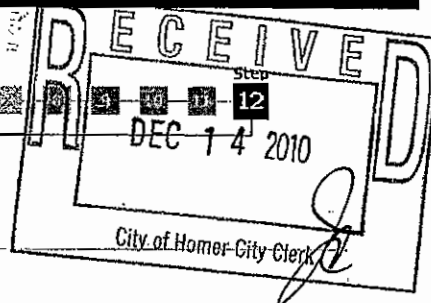
Department of Revenue - Tax Division Online Permitting and Licensing

State of Alaska > DOR > Online Tax Information System > Online Permitting and Licensing

Application Overview

Version 22: 2011 - Permittee Application Number: 7132

Current Status: Incomplete



Application Task List:

1. Complete Application Form
2. Submit Required Documentation
 - Signed Vendor Contract
 - A signed vendor contract is required if conducting activities with a vendor.
3. Sign This Application
4. Pay Application Fees

\$250.00	\$50 for each vendor
\$250.00	Total

Your Application Data (Tracking Number: 7132)

Organization Information

Permit Number	1781
Year Permit requested for	2011
Federal EIN or Alaska Tax Identification Number	
Name of Organization or Municipality	Snomads Snowmachine Club
Mailing Address One	PO Box 3646
City, State Zip + 4	Homer, AK 99603 + 3646
Telephone Number (All numbers include area code)	(907) 235-8081
Fax Number (All numbers include area code)	(907) 235-7109
Organization Website Address (If available)	
Type of Organization	Civic or Service Corporation
Organized As	Self-Directed by the Organization,
How will activities be conducted?	Vendor Pull-Tab sales at bar / liquor store
Does the organization have 25 or more members who are Alaska residents as defined in your articles of incorporation or bylaws?	Yes
Have the organization's articles of incorporation changed?	No
Have the organization's bylaws changed?	No
Estimated gross receipts for year prior to application year:	\$100,001 or more

Game Types

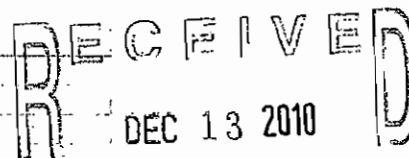
Area Based - Unrestricted Raffles

Self-Directed Facility or Location-Specific

Area-based Information

Area Kenai Peninsula Borough
Game Type(s) Raffles

Vendor Information



Name of Bar / Liquor Store	Down East Saloon
Address Line One	3125 East End Road
City, State Zip + 4	Homer, AK 99603
Name of Bar / Liquor Store	Kodiak Inn Inc
Address Line One	575 Sterling Hwy
City, State Zip + 4	Homer, AK 99603
Name of Bar / Liquor Store	Beluga Lake Lodge
Address Line One	204 Ocean Drive Loop
City, State Zip + 4	Homer, AK 99603

Operator Information**Multiple-beneficiary Permittee (MBP)****Members in Charge / Manager of Games**

What position does this person serve?	Primary Member in Charge
First name	Norman
Middle Initial	E
Last Name	Schneider
Address	Po Box 3338
City, State, Zip	Homer, AK 99603 + 3338
Daytime Telephone	(907) 235-1353
Mobile Number	
Email Address	
Has this person taken the test?	Yes
Permit number under which the test was taken	
What position does this person serve?	Alternate Member in Charge
First name	Diane
Middle Initial	L
Last Name	Shoultz
Address	Po Box 1694
City, State, Zip	Homer, AK 99603 + 1694
Daytime Telephone	(907) 235-8081
Mobile Number	
Email Address	deeshoultz@gmail.com
Has this person taken the test?	Yes
Permit number under which the test was taken	

Legal Information

Persons convicted of a felony, extortion, or a violation of a law
None

Persons with a prohibited conflict of interest
None

Net Proceeds Dedication, Details

To encourage, promote and instruct safe and responsible snowmobile, ATV and other off road vehicle useage, via classes, events, meetings, mailings and other avenues appropriate. To assist in defining, building, clearing, marking, maintaining and grooming trails. To provide and maintain safe and legal trailhead areas for on/off loading and parking. To maintain the Snomad's warming cabin and other assets owned by the club. To actively participate and assist in search and rescue efforts in our community. To promote and support safety practices of all kinds. To support our community with donations to other charitable organizations.

Attachments**Title (Type), Description**

Extra Notes/Comments/Descriptions to the Tax Division

[Empty form area]

[Department of Revenue](#) [State of Alaska](#) [Home](#) [Contact Us](#) [myAlaska](#) [Webmaster](#)

[Logout](#)



CITY ATTORNEY REPORT

COMMITTEE REPORT(S)

PENDING BUSINESS

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

MEMORANDUM 11-003

TO: MAYOR AND CITY COUNCIL
FROM: JO JOHNSON, CMC, CITY CLERK
DATE: JANUARY 3, 2011

SUBJECT: VACATE A 28-FOOT WIDE PORTION OF THE 33-FOOT SECTION LINE EASEMENT ALONG THE WEST BOUNDARY OF TRACT 4B-1 DIERICH ADDITION (PLAT HM 72-1059), SOUTH OF NELSON AVENUE; WITHIN SECTION 16, TOWNSHIP 6 SOUTH, RANGE 13 WEST, SEWARD MERIDIAN, ALASKA; THE CITY OF HOMER AND WITHIN THE KENAI PENINSULA BOROUGH; KPB FILE 2010-177; LOCATION: CITY OF HOMER.

At their December 13, 2010 meeting the Kenai Peninsula Borough Planning Commission approved the vacation of a 28-foot wide portion of the 33-foot section line easement along the West boundary of Tract 4B-1 Dierich Addition (Plat HM 72-1059), South of Nelson Avenue; within Section 16, Township 6 South, Range 13 West, Seward Meridian, Alaska; The City of Homer and within the Kenai Peninsula Borough; KPB File 2010-177; Location: City of Homer.

Notice of vacation was received on December 17, 2010 by mail. Per AS 29.40.140 no vacation of a City right-of-way and/or easement may be made without the consent of the City Council.

The City Council has thirty days from December 13, 2010 in which to veto the decision of the Kenai Peninsula Borough Planning Commission.

The Homer Advisory Planning Commission has no objection to granting this vacation as is reflected in the minutes of October 6, 2010, Staff Report PL 10-98, Section Line Easement Vacation at Lot 4B-1 Dierich Addition.

RECOMMENDATION:

Voice non objection and consent to the vacation of a 28-foot wide portion of the 33-foot section line easement along the West boundary of Tract 4B-1 Dierich Addition (Plat HM 72-1059), South of Nelson Avenue; within Section 16, Township 6 South, Range 13 West, Seward Meridian, Alaska; The City of Homer and within the Kenai Peninsula Borough; KPB File 2010-177; Location: City of Homer.

Fiscal Note: N/A



KENAI PENINSULA BOROUGH

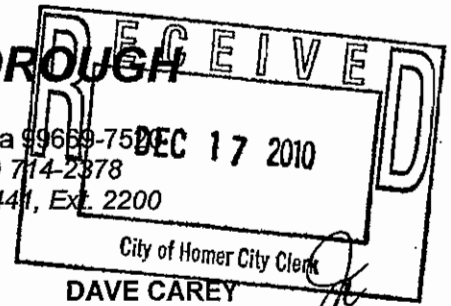
PLANNING DEPARTMENT

144 North Binkley Street • Soldotna, Alaska 99669-7500

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

Toll-free within the Borough: 1-800-478-4441, Ext. 2200

www.borough.kenai.ak.us



December 15, 2010

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

RE: Vacate a 28-foot wide portion of the 33-foot section line easement along the west boundary of Tract 4B-1 Dierich Addition (Plat HM 72-1059), south of Nelson Avenue; within Section 16, Township 6 South, Range 13 West, Seward Meridian, Alaska; the City of Homer and within the Kenai Peninsula Borough; KPB File 2010-177; Location: City of Homer. **Note:** The 5-foot on the east side of the section line is not being vacated.

Dear Homer City Council Members:

In accordance with AS 29.40.140, no vacation of a city right-of-way and/or easement may be made without the consent of the city council. The KPB Planning Commission approved the referenced vacation during their regularly scheduled meeting of December 13, 2010. This petition is being sent to you for your consideration and action.

The City Council has 30 days from December 13, 2010 in which to veto the decision of the Planning Commission. If no veto is received from the Council within the 30-day period, the decision of the Planning Commission will stand.

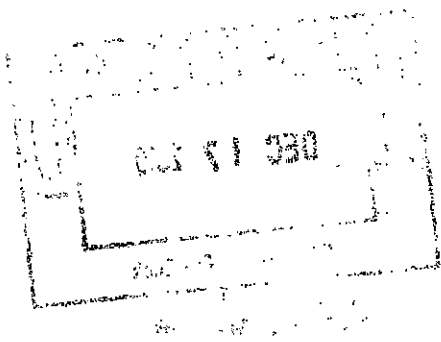
Draft, unapproved minutes of the pertinent portion of the meeting and other related materials are attached.

Sincerely,

Max J. Best
Planning Director

MJB:pdh

Attachments



AGENDA ITEM F. PUBLIC HEARINGS

1. Vacate a 28-foot wide portion of the 33-foot section line easement along the west boundary of Tract 4B-1 Dierich Addition (Plat HM 72-1059), south of Nelson Avenue; within Section 16, Township 6 South, Range 13 West, Seward Meridian, Alaska; the City of Homer and within the Kenai Peninsula Borough; KPB File 2010-177; Location: City of Homer

Note: The 5-foot on the east side of the section line is not being vacated.

Staff Report reviewed by Max Best

PC Meeting: 12/13/10

Purpose as stated in petition: The subject lot has more than adequate frontage on Nelson Avenue for both legal and physical access. The section line easement is not required for access to any of the adjoiners. A 5-foot wide portion east of the section line is being retained as section line easement for a pedestrian trail and utility needs.

Petitioners: Douglas A. and Sandra L. Stark of Homer, Alaska

Public notice appeared in the November 25 and December 2, 2010 issues of the Homer News.

All surrounding property owners were notified by certified mailings as required by the code. Six (6) certified mailings were sent; no receipts had been returned when the staff report was prepared.

Nineteen (19) public hearing notices were mailed to interested parties and agencies. Five (5) notices were sent to KPB departments. Notices were mailed to the Homer Post Office and Homer Community Library to be posted in public locations. The notice and maps were posted on the Borough web site and bulletin board.

Comments

Homer Electric Association: No Comment

KPB Floodplain Administrator and 50-foot Habitat Protection Area: No comment

Statement of Objection

No statements of objection were received.

Staff discussion

KPB 20.28.120 requires a final plat be submitted within one year of approval. KPB 20.24.010 states the Commission may authorize exceptions to any of the requirements set forth in these regulations (Title 20). **Staff recommends** the Planning Commission grant a four-year final plat submittal requirement. This will allow the petitioner time to work with the State of Alaska process that appears to be lengthy. **Staff recommends** the Commission vote on the exception in a separate motion.

Findings for the Exception to KPB 20.28.120:

1. Based on a comparison between the section line easement vacation plat approval by the Borough and the date the section line easement vacation plat is recorded, the section line easement review and approval by State DNR is a lengthy process.
2. Section line easements are under the regulation of the State of Alaska.
3. The Borough action on the vacation will be advisory to the State of Alaska
4. Section line easement vacations are finalized with a State easement vacation plat.
5. Section line easement vacation plats must be approved and signed by the State of Alaska.
6. A petition and section line easement vacation plat has not been submitted to the State of Alaska Department of Natural Resources.

Based on Findings 1-6 **staff recommends** the Commission grant an exception to KPB 20.28.120 (*If a final plat is not presented to the planning commission within one year of the vacation approval, the approval will be deemed void. No time extensions shall be granted.*)

[illegible]

1. *Chlorophyll a* (Chl *a*)

[illegible][illegible]

the 1990s, the number of people in the world who are illiterate has increased from 1.2 billion to 1.5 billion. The number of illiterate people in the world is projected to reach 1.7 billion by the year 2015. The number of illiterate people in the world is projected to reach 1.7 billion by the year 2015.

[illegible]

1. *Phragmites australis* (Cav.) Trin. ex Steud.

[illegible]

Figure 1. The effect of the concentration of the *Agrobacterium* suspension on the transformation efficiency of *Agrobacterium* strains.

20.24.010 provides that the Commission may authorize exceptions to any of the requirements set forth in Title 20. This section also states - The Commission shall find the following facts before granting any exceptions:

1. That special circumstances or conditions affecting the property have been shown by application
Findings 1-6 support this fact.
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;
Findings 1-6 support this fact.
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
Findings 1-6 support this fact.

Findings for the Proposed Vacation:

1. Five feet on the east side of the section line is not being vacated.
2. Retention of five feet of the section line easement is consistent with the section line easement vacation to the north by EV-3-044 (HM 2009-51).
3. Per the submittal, the remaining section line easement will be in place for pedestrian and utility access.
4. Retaining a portion of the section line easement for pedestrian use is consistent with KPBPC Resolution 98-12 (Establishing a Policy Regarding the Vacation of Section Line Easements).
5. Per the submittal, the section line easement has not been constructed.
6. The proposed vacation is within the City of Homer.
7. Homer Advisory Planning Commission approved the proposed vacation on October 6, 2010.
8. The Borough Plat Committee granted a conditional four-year approval for the section line easement vacation plat on November 8, 2010.
9. Per the submittal, the section line easement proposed for vacation is not being used for access.
10. Alternate dedicated right-of-way is provided by Nelson Avenue and Ronda Street.
11. Sufficient rights-of-way exist to serve surrounding properties.
12. The section line easement does not appear to be in use for utilities.
13. The public hearing notice with the section line easement vacation plat attached was mailed to the utility companies for review and easement requirements.
14. Homer Electric Association submitted a letter of 'no comment'.
15. No surrounding properties will be denied access.
16. Parcels to the south that might potentially use the section line easement for access front State maintained East End Road.

STAFF RECOMMENDATION: Based on Findings 1-16, staff recommends granting a four-year approval of the vacation as submitted, subject to:

1. No veto of the proposed vacation by the Homer City Council.
2. Compliance with any State requirements for the section line easement vacation.
3. Compliance with current KPB Chapter 20 requirements at final plat.

If the vacation is approved, the Homer City Council has thirty days in which they may veto Planning Commission approval of the vacation.

DENIAL OF A VACATION PETITION IS A FINAL ACT FOR WHICH NO FURTHER CONSIDERATION SHALL BE GIVEN BY THE KENAI PENINSULA BOROUGH. APPEALS TO PLANNING COMMISSION DENIAL OF A VACATION MUST BE TAKEN WITHIN THIRTY (30) DAYS TO SUPERIOR COURT AT KENAI, ALASKA PURSUANT TO PART VI OF THE ALASKA RULES OF APPELLATE PROCEDURES. [20.28.110 AS AMENDED BY KENAI PENINSULA BOROUGH ORDINANCE 99-43].

END OF STAFF REPORT

Journal of Management Inquiry, Vol. 17 No. 3, September 2008
DOI: 10.1177/1056492608318810
© The Author(s) 2008

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

the 1990s, the number of people in the world who are under 15 years of age is expected to increase by 1.5 billion, from 1.1 billion in 1990 to 2.6 billion in 2010. The number of people aged 65 and over is expected to increase by 1.1 billion, from 350 million in 1990 to 1.4 billion in 2010. The number of people aged 15-64 is expected to increase by 1.5 billion, from 2.5 billion in 1990 to 4.0 billion in 2010. The number of people aged 65 and over is expected to increase by 1.1 billion, from 350 million in 1990 to 1.4 billion in 2010. The number of people aged 15-64 is expected to increase by 1.5 billion, from 2.5 billion in 1990 to 4.0 billion in 2010.

Figure 1. The effect of the concentration of the *Agaricus bisporus* spores on the growth of *Agaricus bisporus* and *Agaricus bisporus* spores on the growth of *Agaricus bisporus* spores.

the 1990s, the number of people in the world who are under 15 years of age is expected to increase by 1.5 billion, and the number of people aged 65 and over is expected to increase by 1 billion. The number of people aged 65 and over is expected to increase from 1.5 billion in 1990 to 2.5 billion in 2020. The number of people aged 65 and over is expected to increase from 1.5 billion in 1990 to 2.5 billion in 2020. The number of people aged 65 and over is expected to increase from 1.5 billion in 1990 to 2.5 billion in 2020.

Figure 1. The effect of the initial concentration of the monomer on the polymerization of α -methylstyrene initiated by BuLi in THF at -78°C . The polymerization was carried out in the presence of 1.0×10^{-2} mole/l. of BuLi in THF at -78°C . The polymerization was terminated by the addition of 10% aqueous HCl . The polymerization was carried out in the presence of 1.0×10^{-2} mole/l. of BuLi in THF at -78°C . The polymerization was terminated by the addition of 10% aqueous HCl . The polymerization was carried out in the presence of 1.0×10^{-2} mole/l. of BuLi in THF at -78°C . The polymerization was terminated by the addition of 10% aqueous HCl .

It is not clear whether the observed differences in the two groups are due to differences in the underlying disease process or to differences in the response to treatment. The results of this study suggest that the two groups may have different underlying disease processes, as the response to treatment was similar in both groups.

Значит, для того чтобы получить минимальное значение функции потерь необходимо и достаточно, чтобы выполнялись следующие условия:

Vice Chairman Martin read the rules by which public testimony was taken.

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

MOTION: Commissioner Foster moved, seconded by Commissioner Isham to grant the vacation as petitioned based on the following findings of fact and in accordance to staff recommendations.

Findings:

1. Five feet on the east side of the section line is not being vacated.
2. Retention of five feet of the section line easement is consistent with the section line easement vacation to the north by EV-3-044 (HM 2009-51).
3. Per the submittal, the remaining section line easement will be in place for pedestrian and utility access.
4. Retaining a portion of the section line easement for pedestrian use is consistent with KPBPC Resolution 98-12 (Establishing a Policy Regarding the Vacation of Section Line Easements).
5. Per the submittal, the section line easement has not been constructed.
6. The proposed vacation is within the City of Homer.
7. Homer Advisory Planning Commission approved the proposed vacation on October 6, 2010.
8. The Borough Plat Committee granted a conditional four-year approval for the section line easement vacation plat on November 8, 2010.
9. Per the submittal, the section line easement proposed for vacation is not being used for access.
10. Alternate dedicated right-of-way is provided by Nelson Avenue and Ronda Street.
11. Sufficient rights-of-way exist to serve surrounding properties.
12. The section line easement does not appear to be in use for utilities.
13. The public hearing notice with the section line easement vacation plat attached was mailed to the utility companies for review and easement requirements.
14. Homer Electric Association submitted a letter of 'no comment'.
15. No surrounding properties will be denied access.
16. Parcels to the south that might potentially use the section line easement for access front State maintained East End Road.

AMENDMENT MOTION: Commissioner Foster moved, seconded by Commissioner Isham to grant exception to KPB 20.28.120, Final Plat submittal; citing the following 6 findings and tying them to the three facts.

Findings

1. Based on a comparison between the section line easement vacation plat approval by the Borough and the date the section line easement vacation plat is recorded, the section line easement review and approval by State DNR is a lengthy process.
2. Section line easements are under the regulation of the State of Alaska.
3. The Borough action on the vacation will be advisory to the State of Alaska.
4. Section line easement vacations are finalized with a State easement vacation plat.
5. Section line easement vacation plats must be approved and signed by the State of Alaska.
6. A petition and section line easement vacation plat has not been submitted to the State of Alaska Department of Natural Resources.

AMENDMENT VOTE: The motion passed by unanimous consent.

BRYSON ABSENT	CARLUCCIO ABSENT	COLLINS ABSENT	ECKLUND YES	FOSTER YES	GROSS YES	HOLSTEN YES
ISHAM YES	LOCKWOOD YES	MARTIN YES	PARKER YES	RUFFNER ABSENT	TAURIAINEN YES	9 YES 4 ABSENT

Commissioner Foster stated that the Homer City staff and the Homer Planning Commission supported the requested vacation petition. He also supported the vacation as petitioned.



KENAI PENINSULA BOROUGH

PLANNING DEPARTMENT

144 North Binkley Street • Soldotna, Alaska 99669-7520

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

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

www.borough.kenai.ak.us

DAVID R. CAREY
BOROUGH MAYOR

December 15, 2010

KENAI PENINSULA BOROUGH PLANNING COMMISSION NOTICE OF DECISION

MEETING OF DECEMBER 13, 2010

RE: Vacate a 28-foot wide portion of the 33-foot section line easement along the west boundary of Tract 4B-1 Dierich Addition (Plat HM 72-1059), south of Nelson Avenue; within Section 16, Township 6 South, Range 13 West, Seward Meridian, Alaska; the City of Homer and within the Kenai Peninsula Borough; KPB File 2010-177; Location: City of Homer. **Note:** The 5-foot on the east side of the section line is not being vacated.

Based on the following findings of fact, the Kenai Peninsula Borough Planning Commission granted a four year approval of the proposed section line easement vacation as petitioned during their regularly scheduled meeting of December 13, 2010.

Findings:

1. Five feet on the east side of the section line is not being vacated.
2. Retention of five feet of the section line easement is consistent with the section line easement vacation to the north by EV-3-044 (HM 2009-51).
3. Per the submittal, the remaining section line easement will be in place for pedestrian and utility access.
4. Retaining a portion of the section line easement for pedestrian use is consistent with KPBPC Resolution 98-12 (Establishing a Policy Regarding the Vacation of Section Line Easements).
5. Per the submittal, the section line easement has not been constructed.
6. The proposed vacation is within the City of Homer.
7. Homer Advisory Planning Commission approved the proposed vacation on October 6, 2010.
8. The Borough Plat Committee granted a conditional four-year approval for the section line easement vacation plat on November 8, 2010.
9. Per the submittal, the section line easement proposed for vacation is not being used for access.
10. Alternate dedicated right-of-way is provided by Nelson Avenue and Ronda Street.
11. Sufficient rights-of-way exist to serve surrounding properties.
12. The section line easement does not appear to be in use for utilities.
13. The public hearing notice with the section line easement vacation plat attached was mailed to the utility companies for review and easement requirements.
14. Homer Electric Association submitted a letter of 'no comment'.
15. No surrounding properties will be denied access.
16. Parcels to the south that might potentially use the section line easement for access front State maintained East End Road.

In accordance with AS 29.40.140, no vacation of a city right-of-way and/or easement may be made without the consent of the city council. The proposed vacation has been forwarded to the Homer City Council. The City Council has 30 days from December 13, 2010 in which to veto the decision of the Planning Commission. If no veto is received from the Council within the 30-day period, the decision of the Commission will stand.

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

AGENDA ITEM F. PUBLIC HEARINGS

1. Vacate a 28-foot wide portion of the 33-foot section line easement along the west boundary of Tract 4B-1 Dierich Addition (Plat HM 72-1059), south of Nelson Avenue; within Section 16, Township 6 South, Range 13 West, Seward Meridian, Alaska; the City of Homer and within the Kenai Peninsula Borough; KPB File 2010-177; Location: City of Homer

Note: The 5-foot on the east side of the section line is not being vacated.

STAFF REPORT

PC Meeting: 12/13/10

Purpose as stated in petition: The subject lot has more than adequate frontage on Nelson Avenue for both legal and physical access. The section line easement is not required for access to any of the adjoining. A 5-foot wide portion east of the section line is being retained as section line easement for a pedestrian trail and utility needs.

Petitioners: Douglas A. and Sandra L. Stark of Homer, Alaska

Public notice appeared in the November 25 and December 2, 2010 issues of the Homer News.

All surrounding property owners were notified by certified mailings as required by the code. Six (6) certified mailings were sent; no receipts had been returned when the staff report was prepared.

Nineteen (19) public hearing notices were mailed to interested parties and agencies. Five (5) notices were sent to KPB departments. Notices were mailed to the Homer Post Office and Homer Community Library to be posted in public locations. The notice and maps were posted on the Borough web site and bulletin board.

Comments

Homer Electric Association: No Comment

KPB Floodplain Administrator and 50-foot Habitat Protection Area: No comment

Statement of Objection

No statements of objection were received.

Staff discussion

KPB 20.28.120 requires a final plat be submitted within one year of approval. KPB 20.24.010 states the Commission may authorize exceptions to any of the requirements set forth in these regulations (Title 20).

Staff recommends the Planning Commission grant a four-year final plat submittal requirement. This will allow the petitioner time to work with the State of Alaska process that appears to be lengthy. **Staff recommends** the Commission vote on the exception in a separate motion.

Findings for the Exception to KPB 20.28.120:

1. Based on a comparison between the section line easement vacation plat approval by the Borough and the date the section line easement vacation plat is recorded, the section line easement review and approval by State DNR is a lengthy process.
2. Section line easements are under the regulation of the State of Alaska.
3. The Borough action on the vacation will be advisory to the State of Alaska.
4. Section line easement vacations are finalized with a State easement vacation plat.
5. Section line easement vacation plats must be approved and signed by the State of Alaska.
6. A petition and section line easement vacation plat has not been submitted to the State of Alaska Department of Natural Resources.

Based on Findings 1-6 **staff recommends** the Commission grant an exception to KPB 20.28.120 (If a final plat is not presented to the planning commission within one year of the vacation approval, the approval will be deemed void. No time extensions shall be granted.)

20.24.010 provides that the Commission may authorize exceptions to any of the requirements set forth in Title 20. This section also states - The Commission shall find the following facts before granting any exceptions:

1. That special circumstances or conditions affecting the property have been shown by application
Findings 1-6 support this fact.
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;
Findings 1-6 support this fact.
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
Findings 1-6 support this fact.

Findings for the Proposed Vacation:

1. Five feet on the east side of the section line is not being vacated.
2. Retention of five feet of the section line easement is consistent with the section line easement vacation to the north by EV-3-044 (HM 2009-51).
3. Per the submittal, the remaining section line easement will be in place for pedestrian and utility access.
4. Retaining a portion of the section line easement for pedestrian use is consistent with KPBPC Resolution 98-12 (Establishing a Policy Regarding the Vacation of Section Line Easements).
5. Per the submittal, the section line easement has not been constructed.
6. The proposed vacation is within the City of Homer.
7. Homer Advisory Planning Commission approved the proposed vacation on October 6, 2010.
8. The Borough Plat Committee granted a conditional four-year approval for the section line easement vacation plat on November 8, 2010.
9. Per the submittal, the section line easement proposed for vacation is not being used for access.
10. Alternate dedicated right-of-way is provided by Nelson Avenue and Ronda Street.
11. Sufficient rights-of-way exist to serve surrounding properties.
12. The section line easement does not appear to be in use for utilities.
13. The public hearing notice with the section line easement vacation plat attached was mailed to the utility companies for review and easement requirements.
14. Homer Electric Association submitted a letter of 'no comment'.
15. No surrounding properties will be denied access.
16. Parcels to the south that might potentially use the section line easement for access front State maintained East End Road.

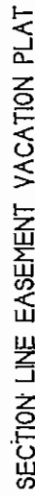
STAFF RECOMMENDATION: Based on Findings 1-16, staff recommends granting a four-year approval of the vacation as submitted, subject to:

1. No veto of the proposed vacation by the Homer City Council.
2. Compliance with any State requirements for the section line easement vacation.
3. Compliance with current KPB Chapter 20 requirements at final plat.

If the vacation is approved, the Homer City Council has thirty days in which they may veto Planning Commission approval of the vacation.

DENIAL OF A VACATION PETITION IS A FINAL ACT FOR WHICH NO FURTHER CONSIDERATION SHALL BE GIVEN BY THE KENAI PENINSULA BOROUGH. APPEALS TO PLANNING COMMISSION DENIAL OF A VACATION MUST BE TAKEN WITHIN THIRTY (30) DAYS TO SUPERIOR COURT AT KENAI, ALASKA PURSUANT TO PART VI OF THE ALASKA RULES OF APPELLATE PROCEDURES. [20.28.110 AS AMENDED BY KENAI PENINSULA BOROUGH ORDINANCE 99-43].

END OF STAFF REPORT



DIERICH ADDITION

LOCATED IN TRACT 4B,
OF J. WADDELL SURVEY, IN
V¹/₂ SW ¹/₄ SEC. 16, T. 6 S. R. 13 W. S. 1.
HOMER, ALASKA.
CONTAINING 6.740 AC.

SCALE: 1"=100'

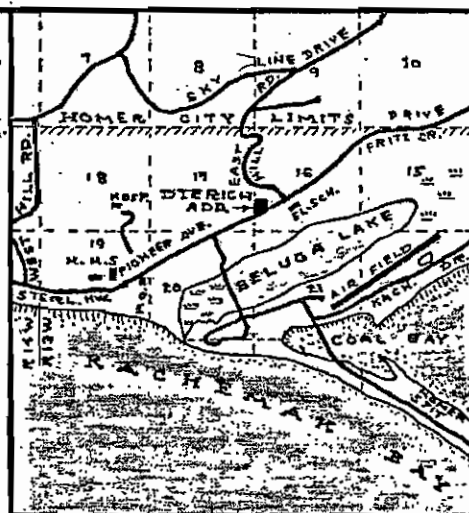
APRIL 14, 1972

W.H.E. DIERICH, HOMER, ALASKA.

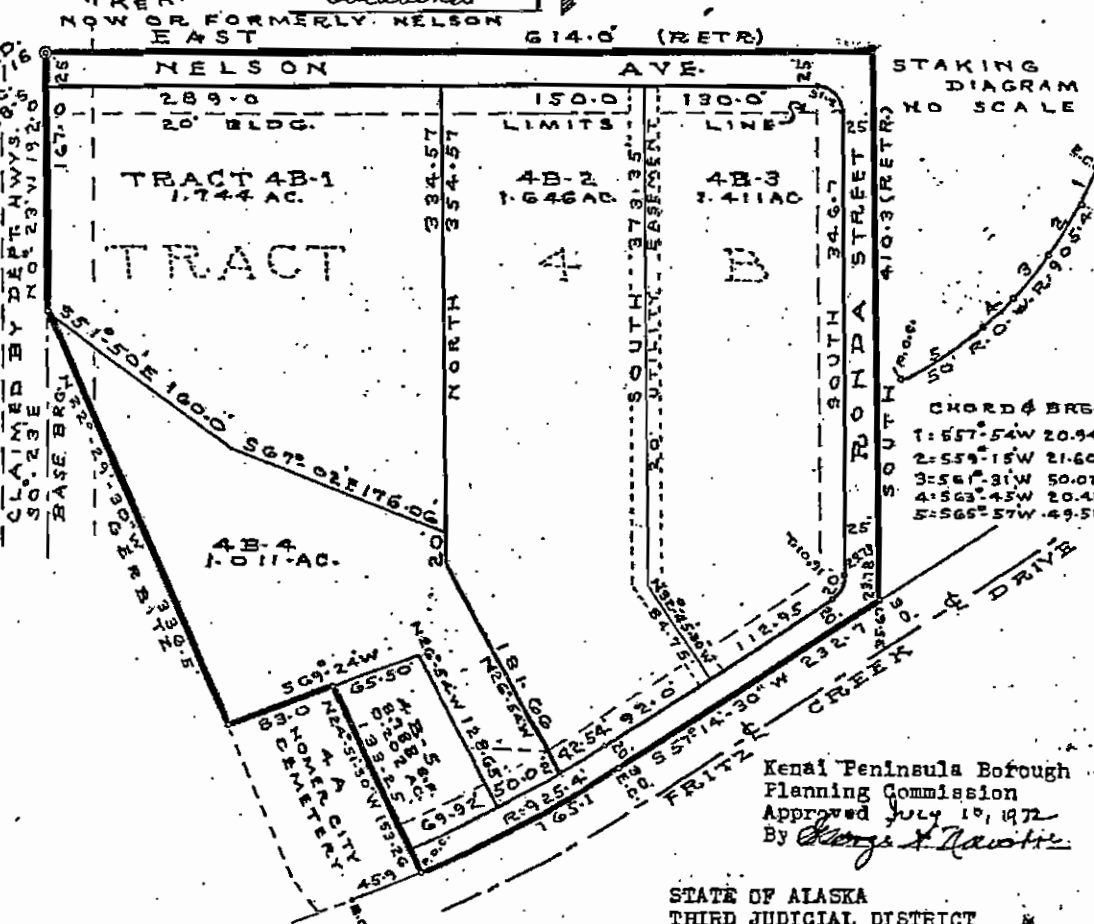
NOTE:
CORS. EXCEPT AS SHOWN ARE
1/2" X 24" REBAR S AS REPL. OR SET
RETURNS RADII = 20'



72-1059
FILED
Homer REC. DIST.
9-6-1972
12:10 P.M.
Kenai Pen. Boro
Boy - \$50
Soldotna



VICINITY MAP
1" = 1.25 MILES



Kenai Peninsula Borough
Planning Commission
Approved July 18, 1972
By *George A. Rawlin*

STATE OF ALASKA
THIRD JUDICIAL DISTRICT

CERTIFICATE OF OWNERSHIP & DEDICATION

I (we) certify that we are the
owners of the property shown and
described hereon and that we hereby
adopt this plan of subdivision and
dedicate all streets to public use
and to the use of public utilities.

Owner *Harold W. Dierich*
Owner *Ernest R. Dierich*
Owner

Subscribed and sworn before me
on this *24* day of *Aug.* 1972.
Witness my hand and official
seal, the day, month, and year.

Helmut Prodel
Notary Public
for Alaska.
My commission
expires: *12/14/74*

Dierich Addition, T. Waddell Sur.
Sec 16, T. 6 S., R. 13 W., S. 1.

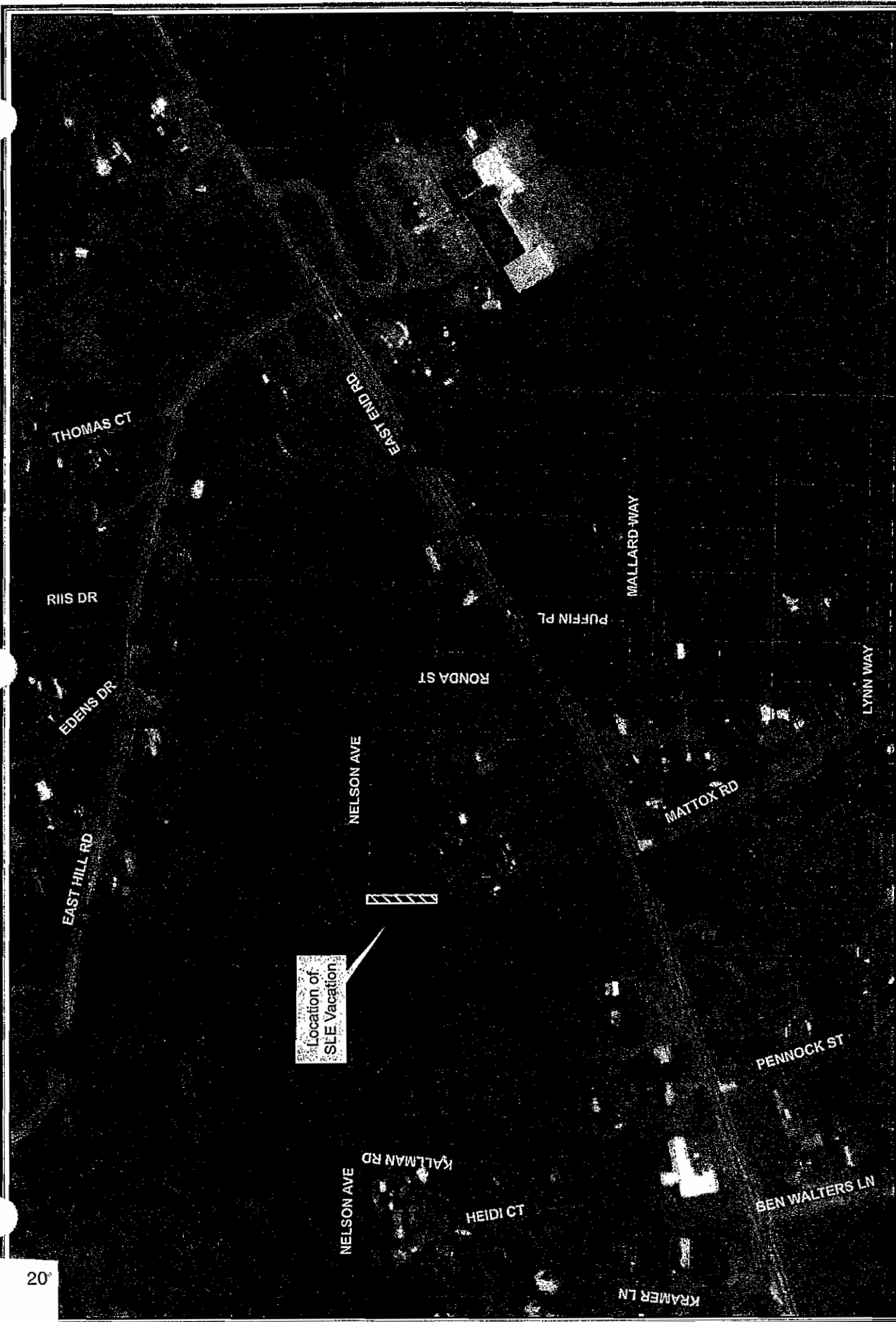


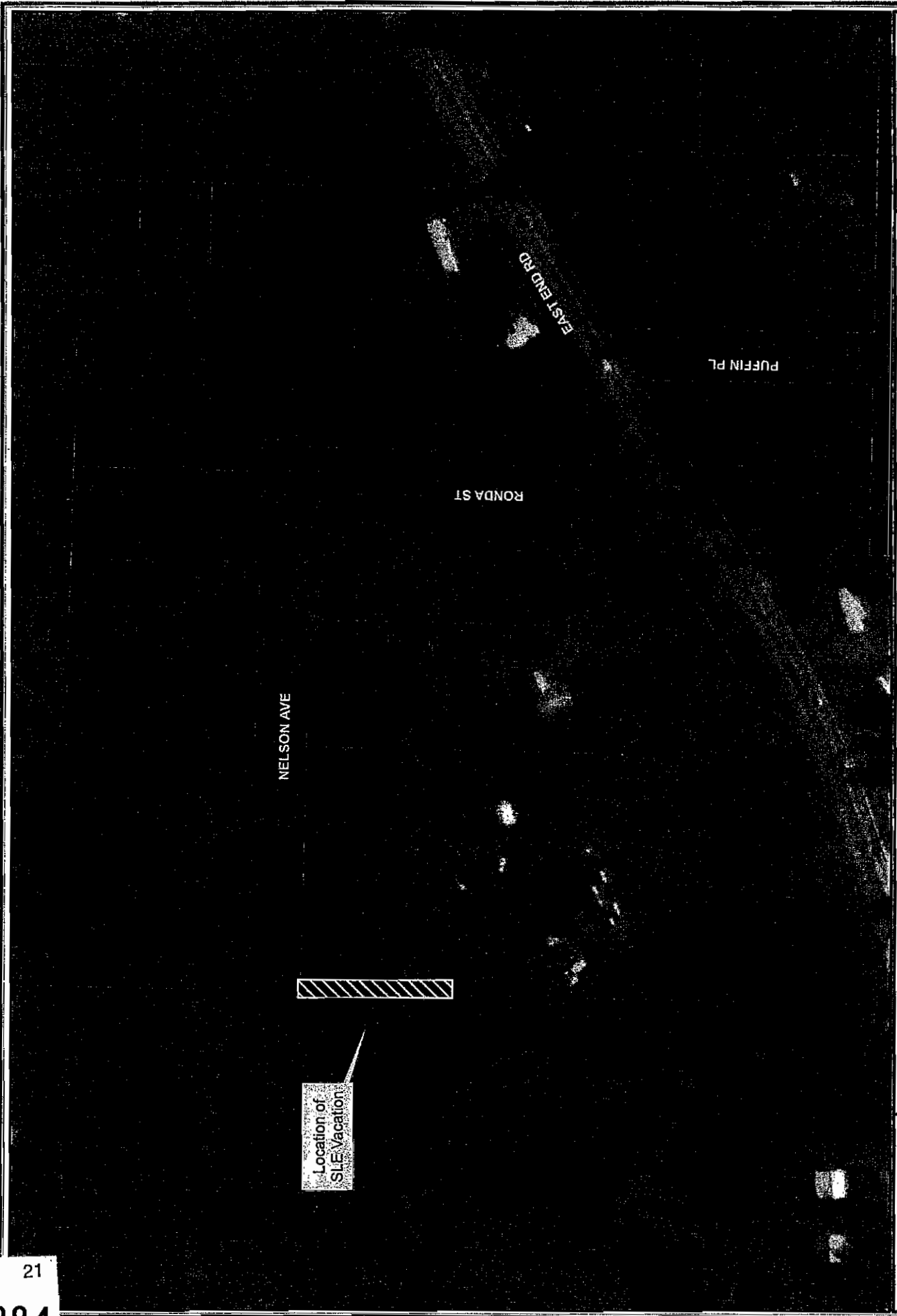
Printed on Nov 18, 2010

Vacate a 28-foot wide portion of the 33-foot section line easement along the west boundary of Tract 4B-1 Dierich Addition (Plat HM 72-1059), south of Nelson Avenue within Section 16, Township 6 South, Range 13 West, Seward Meridian, Alaska; the City of Homer and with the Kenai Peninsula Borough.

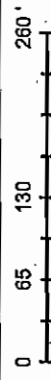


The information depicted hereon is for a graphical representation only of best available source information. It is not a legal document and assumes no responsibility for any errors on this map.





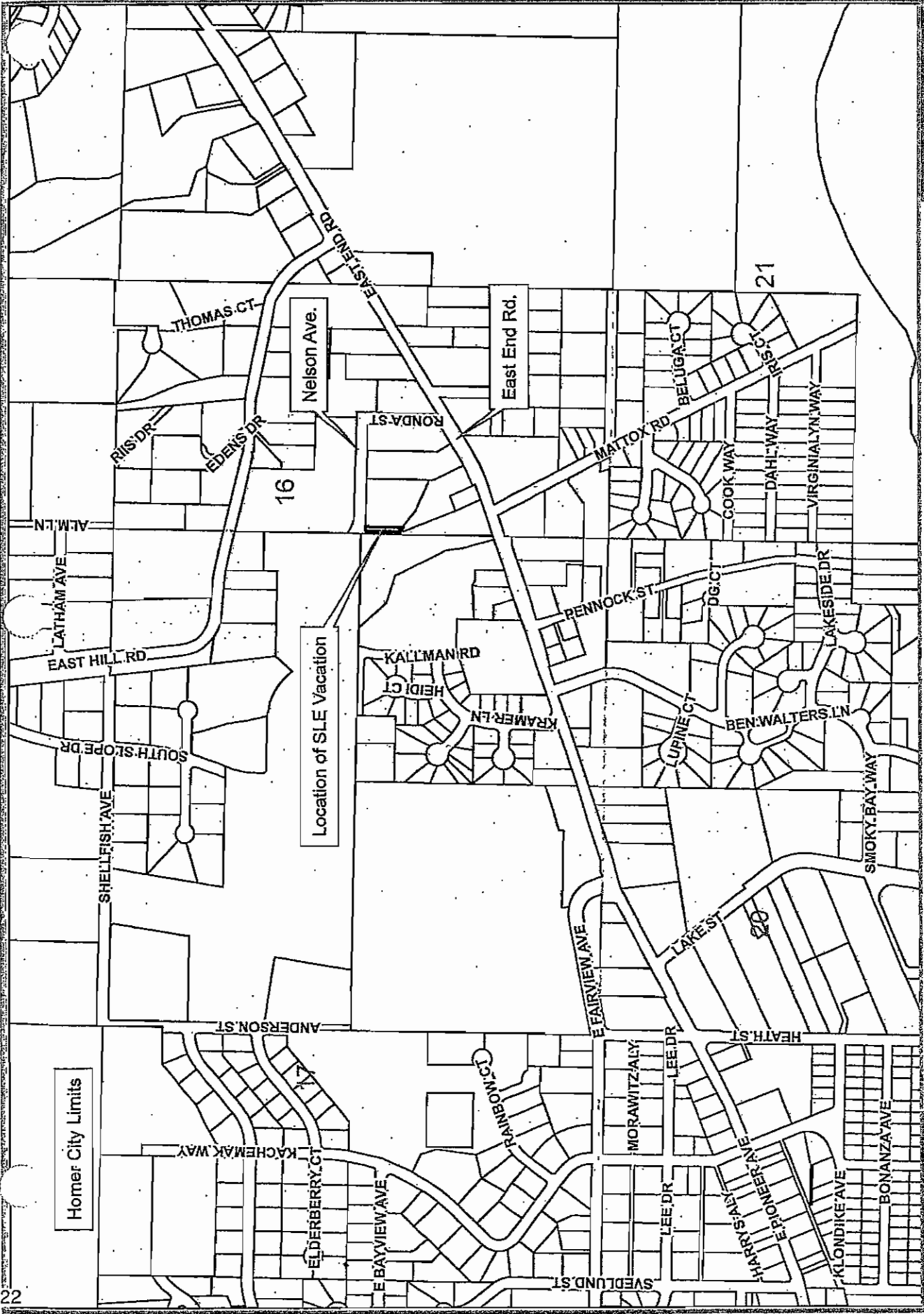
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



Vacate a 28-foot wide portion of the 33-foot section line easement along the west boundary of Tract 4B-1 Dierich Addition (Plat HM 72-1059), south of Nelson Avenue within Section 16, Township 6 South, Range 13 West, Seward Meridian, Alaska; the City of Homer and with the Kenai Peninsula Borough.



Printed on Nov 16, 2010



Printed on October 20, 2010

0 175 350 700'
Vicinity Map

The information depicted herein is for general information only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



1460 1 02 2

rogerimhoff@alaska.net

From: "Melissa Jacobsen" <MJacobsen@ci.homer.ak.us>
To: <rogerimhoff@alaska.net>
Sent: Tuesday, October 12, 2010 11:07 AM
Subject: RE: pc minutes
Draft excerpt from unapproved minutes from 10/6/10

PUBLIC HEARING

A. Staff Report PL 10-86, Section Line Easement Vacation at Lot 4B-1 Dierich Addition

City Planner Abboud reviewed the staff report.

Roger Imhoff, project surveyor, said he was available to answer questions.

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

KRANICH/DOLMA MOVED TO BRING TO THE FLOOR FOR ADOPTION STAFF REPORT 10-86, SECTION LINE EASEMENT VACATION AT LOT 4B-1 DIERICH ADDITION WITH STAFF RECOMMENDATIONS AND FINDINGS.

Commissioner Kranich commented that this is straight forward and the property fronts a dedicated right-of-way even though it is not constructed.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

PLAT CONSIDERATION

A. Staff Report PL 10-98, Dierich Section Line Easement Vacation Preliminary Plat

City Planner Abboud reviewed the staff report.

There were no comments from the applicant or the public.

KRANICH/HIGHLAND MOVED TO ADOPT STAFF REPORT PL 10-98 DIERICH SECTION LINE EASEMENT VACATION PRELIMINARY PLAT WITH STAFF RECOMMENDATIONS.

There was discussion regarding the process of the section line easement vacation process and the time it takes for it to make the rounds through the City, Borough, and State.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Melissa Jacobsen, CMC
Deputy City Clerk
City of Homer, Alaska

PUBLIC RECORDS LAW DISCLOSURE: Most e-mails from or to this address will be available for public

City of Homer

Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

Telephone (907) 235-8121
Fax (907) 235-3118
E-mail Planning@ci.homer.ak.us
Web Site www.ci.homer.ak.us

STAFF REPORT PL 10-86

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Planning Technician
MEETING: October 6, 2010
SUBJECT: Vacation of a portion of a Section Line Easement

Requested Action: Conduct a public hearing on the vacation of a Section Line Easement. Make a recommendation to the Kenai Peninsula Borough Planning Commission.

Staff Recommendation: Recommend approval of the vacation.

GENERAL INFORMATION

Applicants:	Douglas & Sandra Stark	Roger Imhoff, RLS
	PO Box 1242 3151	PO Box 2588
	Homer AK 99603	Homer AK 99603

Location: Nelson Ave, north of East End Road
Parcel ID: 17903035

Zoning Designation:	Residential Office
Existing Land Use:	Single Family Residence
Surrounding Land Use:	North: Vacant/Residential
	South: Residential
	East: Vacant/Residential
	West: Vacant

Comprehensive Plan: Chapter 4, Goal 1 Objective B, Promote a pattern of growth characterized by a concentrated mixed use center, and a surrounding ring of moderate to

high density residential and mixed use areas with lower densities in outlying areas.

Public Notice: Notice was sent to 18 property owners of 23 parcels as shown on the KPB tax assessor rolls.

ANALYSIS:

This vacation request lies within the Residential Office Zoning District. A preliminary plat also accompanies this request. The plat will be considered under a separate agenda item. This staff report will only address the vacation of the section line easement.

The section line easement is 33 feet wide, and the applicant proposes to vacate 28 feet. The surveyor stated there is no section line easement on the property to the west; so the total width is the 33 feet on the subject property, not 66 feet as is commonly found. The easement has been vacated to the north, except for five feet on either side of the centerline. The proposed vacation follows the same pattern; five feet will remain for pedestrian and utility access.

The petitioner provided the following justification for the vacation: "The subject lot has more than adequate frontage on Nelson Ave for both legal and physical access. The section line easement is not required for access to any of the adjoiners. A five foot wide portion east of the section line is being retained as a section line easement for a pedestrian trail and utility needs."

The city of Homer does not have code criteria to review a right of way vacation. Applicable Kenai Peninsula Borough Code states:

20.04.010 Purpose of provisions.

The purpose of this title is to promote an adequate and efficient street and road system, to provide utility easements, to provide minimum standards of survey accuracy and proper preparation of plats, and to protect and improve the health, safety and general welfare of the people.

Staff Finding: An adequate and safe road system has been dedicated in the area. Nelson Avenue and Ronda Street provide for future road construction.

20.28.150. Vehicular access provision.

Where a right-of-way is required for logical provision of an existing or future road, the planning commission shall not approve the vacation unless an equal or superior right-of-way will be provided in exchange. Where 2 or more access points are necessary for large vacant or semi-vacant areas of land, the commission shall consider the ultimate density of habitation or use and maintain sufficient rights-of-way to serve such anticipated use.

Staff finding: Alternate right of way has been dedicated. A portion of the section line easement will remain for public trail access.

PUBLIC WORKS COMMENTS: The Public Works Department had no objection to the vacation.

FIRE DEPARTMENT COMMENTS: Fire Chief Painter had no concerns.

STAFF COMMENTS

Staff recommends the Commission recommend approval of the vacation of the section line easement.

ATTACHMENTS

1. Vacation Petition
2. Preliminary Plat

AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS

2. Section Line Easement Vacation Plat Associated with Lot 4B-1 Dierich Addition
KPB File 2010-172; Imhoff/Stark

Staff Report given by Patti Hartley

Plat Committee Meeting: 11/8/10

Location: City of Homer
Proposed Use: Residential
Zoning: Residential Office
Sewer/Water: City
Assessing Use: Residential

Supporting Information:

The proposed plat will finalize the vacation of a portion of 28 feet of a 33-foot wide section line easement within the City of Homer.

Five feet east of the section line will remain in place for pedestrian and utility access. The proposed vacation is similar to the section line easement vacation to the north (EV-3-044, HM 2009-51). Retaining a portion of the section line easement for pedestrian use is consistent with KPBPC Resolution 98-12 (Establishing a Policy Regarding the Vacation of Section Line Easements).

Homer Advisory Planning Commission approved the proposed plat and vacation on October 6, 2010.

The section line easement vacation is tentatively scheduled for review by the Planning Commission on December 13, 2010.

A petition and section line easement vacation plat has not been submitted to the State of Alaska Department of Natural Resources.

The submittal requested a three-year approval. The extended approval requires an exception to KPB 20.28.120 *(If a final plat is not presented to the planning commission within one year of the vacation approval, the approval will be deemed void. No time extensions shall be granted.)*

Findings

1. Based on a comparison between the section line easement vacation plat approval by the Borough and the date the section line easement vacation plat is recorded, the section line easement review and approval by State DNR is a lengthy process.
2. Section line easements are under the regulation of the State of Alaska.
3. The Borough action on the vacation will be advisory to the State of Alaska
4. Section line easement vacations are finalized with a State easement vacation plat.
5. Section line easement vacation plats must be approved and signed by the State of Alaska.
6. A petition and section line easement vacation plat has not been submitted to the State of Alaska Department of Natural Resources.

20.24.010 provides that the commission (committee) may authorize exceptions to any of the requirements set forth in Title 20. This section also states - The commission (committee) shall find the following facts before granting any exceptions:

1. That special circumstances or conditions affecting the property have been shown by application
Findings 1-6 support this fact.
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;
Findings 1-6 support this fact.

3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
Findings 1-6 support this fact.

STAFF RECOMMENDATIONS: Grant a four-year approval of the section line easement vacation plat subject to any above recommendations, and the following conditions:

1. Approval of the vacation by the KPB Planning Commission with no veto by the Homer City Council.
2. Correct the Plat Approval statement; this plat was not reviewed under the Abbreviated Plat process.
3. Add Ronda Street as alternate access in Plat Note 4.
4. Revise note to read 5 ft. **WEST** side of Section Line Easement not vacated.
5. The State Section Line Easement Vacation plat is sufficient as to form and content for the preliminary. The final plat will be prepared in accordance with State requirements.

NOTE: Review of a decision of the plat committee may be heard by the planning commission acting as platting board by filing written notice thereof with the borough planning director on a form provided by the borough planning department. The request for review shall be filed within 10 days after notification of the decision of the plat committee by personal service or service by mail.

A request for review may be filed by any person or agency that participated at the plat committee hearing either by written or oral presentation. The request must have an original signature; filing electronically or by facsimile is prohibited. The request for review must briefly state the reason for the review request and applicable provisions of borough code or other law upon which the request for review is based.

Notice of the review hearing will be issued by staff to the original recipients of the plat committee public hearing notice. Cases reviewed shall be heard de novo by the planning commission acting as the platting board (KPB 2.40.080).

END OF STAFF REPORT

Chairman Martin opened the meeting for public comment. Seeing and hearing no one wishing to comment, Chairman Martin closed the public hearing and opened discussion among the Committee.

MAIN MOTION: Commissioner Gross moved, seconded by Commissioner Isham to grant a four year approval of the Section Line Easement Vacation Plat as presented by staff.

AMENDMENT MOTION: Commissioner Gross moved, seconded by Commissioner Isham to grant exception to KPB 20.28.120, citing the 6 findings and tying them to the three facts per staff recommendations.

Findings

1. Based on a comparison between the section line easement vacation plat approval by the Borough and the date the section line easement vacation plat is recorded, the section line easement review and approval by State DNR is a lengthy process.
2. Section line easements are under the regulation of the State of Alaska.
3. The Borough action on the vacation will be advisory to the State of Alaska.
4. Section line easement vacations are finalized with a State easement vacation plat.
5. Section line easement vacation plats must be approved and signed by the State of Alaska.
6. A petition and section line easement vacation plat has not been submitted to the State of Alaska Department of Natural Resources.

AMENDMENT VOTE: The motion passed by unanimous consent.

COLLINS YES	ECKLUND ABSENT	GROSS YES	ISHAM YES	MARTIN YES	4 YES 1 ABSENT
----------------	-------------------	--------------	--------------	---------------	-------------------

MAIN MOTION VOTE: The motion passed by unanimous consent.

COLLINS YES	ECKLUND ABSENT	GROSS YES	ISHAM YES	MARTIN YES	4 YES 1 ABSENT
----------------	-------------------	--------------	--------------	---------------	-------------------

AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS

5. Rappe-Gallant Subdivision Unit No. 5
KPB File 2010-175; Segesser/Rappe

Staff Report given by Patti Hartley

Plat Committee Meeting: 11/8/10

Location: On Halibouty Road in Nikiski
Proposed Use: Residential, Recreational, Commercial, Agricultural
Zoning: Unrestricted
Sewer/Water: On-site
Assessing Use: Residential

Supporting Information:

The proposed plat subdivides an approximate 20-acre tract into two approximately equal area tracts. A soils report is not required. The appropriate wastewater disposal note is on the plat. Tract A-1C2 fronts Sharp Lane, which is partially Borough maintained. Both tracts front State maintained Halibouty Road.

Staff recommends the 10-foot utility easement affecting the eastern boundary of Tract A-1C2 and the northern boundary of the subdivision be carried forward from the parent plat.

The Certificate to Plat was provided in accordance with Planning Commission Resolution 2000-25. The Certificate to Plat indicates no beneficial interests affect this property. Additional notification will not be required at this time.

Per the Certificate to Plat, the parent plat, and KPB records, the plat is affected by a 33-foot section line easement. **Staff recommends** the section line easement be shown and labeled. If the section line easement has been vacated, staff recommends the vacation plat be referenced on the plat.

Per the Certificate to Plat, Halibouty Road is 50 feet wide on each side of the center line.

Staff recommends names under signature lines agree with the Certificate to Plat. If title was vested in two different forms of a name (such as with and without a middle name), **staff recommends** an aka be provided under signature line.

The Certificate to Plat shows the property is affected by private covenants. **Staff recommends** the recording information of the private covenants and restrictions of record in effect at the time the final plat is approved be noted on the plat (KPB 20.16.140).

The Addressing Officer review indicates the currently assigned address will become invalid or be reassigned to one of the new lots being creates. **Staff recommends** the owner contact Carrie Henson, Addressing Officer, with any questions regarding addresses.

The property is not within an advisory planning commission.

Staff recommends that notes be placed on the final plat indicating any exceptions granted by the Plat Committee with the meeting date.

RECEIVED

OCT 18 2010

KENAI PENINSULA BOROUGH
PLANNING DEPARTMENT

Kenai Peninsula Borough Planning Department

144 North Binkley

Soldotna, Alaska 99669-7599

Toll free within the Borough 1-800-478-4441, extension 2200

(907) 714-2200

Petition to Vacate Public Right-of-Way/Section Line Easement
Public Hearing Required

Upon receipt of complete application with fees and all required attachments a public hearing before the Planning Commission will be scheduled. The petition with all required information and attachments must be in the Planning Department at least 30 days prior to the preferred hearing date. By State Statute and Borough Code, the public hearing must be scheduled within 60 days of receipt of complete application.

- ☒ Fees - \$300 non-refundable fee to help defray costs of advertising public hearing. Plat fees will be in addition to vacation fees.
- ☒ City Advisory Planning Commission. Copy of minutes at which this item was acted on, along with a copy of City Staff Report.
- ☐ Name of public right-of-way proposed to be vacated is _____; dedicated by plat of _____ Subdivision, filed as Plat No. _____ in _____ Recording District.
- ☐ Are there associated utility easements to be vacated? ☐ Yes ☐ No
- ☐ Are easements in use by any utility company; if so which? _____
- ☐ Easement for public road or right-of-way as set out in (specify type of document) _____ as recorded in Book _____ Page _____ of the _____ Recording District. (Copy of recorded document must be submitted with petition)
- ☒ Section Line Easement. Width of easement must be shown on sketch.
- ☒ Submit three copies of plat or map showing area proposed to be vacated. Must not exceed 11 x 17 inches in size. In the case of public right-of-way the submittal must include a sketch showing which parcels the vacated area will be attached to. Proposed alternative dedication is to be shown and labeled on the sketch.
- Has right-of-way been fully or partially constructed? ☐ Yes ☐ No
- Is right-of-way used by vehicles/pedestrians/other? ☐ Yes ☐ No
- Has section line easement been constructed? ☐ Yes ☒ No
- Is section line easement being used? ☐ Yes ☒ No
- Is alternative right-of-way being provided? ☒ Yes ☐ No

The petitioner must provide reasonable justification for the vacation. Reason for vacating:

The subject lot has more than adequate frontage on Nelson Ave for both legal and physical access. The section line easement is not required for access to any of the adjoiners. A 5 ft wide portion east of the section line is being retained as section line easement for a pedestrian trail and utility needs.

The petition must be signed (written signature) by owners of majority of the front feet of land fronting part of right-of-way or section line easement proposed to be vacated. Each must include mailing address and legal description of his/her property.

Submitted by: Signature *Douglas A. Stark*
Name Douglas A. Stark
Address PO Box 1242 3151
Homer Ak 99603
Co-Owner Lot 4B-1 Dierich Addition
Phone 907-235-5537

As: ☒ Petitioner ☒ Representative

Petitioners:

Signature *Sandra L. Stark* Signature
Name Sandra L. Stark Name
Address same address as above Address

Owner of Lot 4B-1 Dierich Addition Owner of

Signature _____ Signature
Name _____ Name
Address _____ Address

Owner of _____ Owner of

Roger W. Imhoff, RLS
PO Box 2588 * Homer Ak 99603
(907) 235-7279 fax (907) 235-5254
rogerimhoff@alaska.net

RECEIVED

OCT 18 2010

KENAI PENINSULA BOROUGH
PLANNING DEPARTMENT

10-12-10

Paul Voeller
KPB Planning Dept
144 N Binkley St
Soldotna AK 99669

RE Preliminary Plat associated with Petition to Vacate Section Line Easement
Lot 4B-1 Dierich Addition Plat No 72-1059 HRD.

Please find enclosed materials for the above plat. We ask for a 3 year preliminary approval for this plat.

Note that the westerly 5 ft of the SLE is not proposed to be vacated but will be retained for pedestrian and utility access, similar to the SLE vacation to the north.

Also note the property adjoining to the west is not encumbered by a SLE. According to the BLM, the date of entry by Andrew Slavin was October 2, 1919.

Anyway, if you or staff have any questions please give me a call or email. Also, you can schedule the Petition to Vacate and the preliminary plat for the same meeting date if you wish.

Thank you





STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF MINING, LAND AND WATER
SURVEY SECTION

SEAN PARNELL, GOVERNOR

550 WEST 7TH AVENUE, SUITE 650

ANCHORAGE, ALASKA 99501-3576

PHONE: (907) 269-8523

FAX: (907) 269-8914

December 9, 2010

Maria Sweppy

Kenai Borough Planning Department

144 Binkley Street

Soldotna, Alaska 99669

Subj: Proposed Section-Line Easement Vacation

KPB File: 2010-177 — Tract 4B-1, Dierich Addn. within Sec 16 T6S, R13W, SM

Ms. Sweppy:

This letter is in response to a "Notice of Public Hearing" for KPB file # 2010-177; pertaining to a proposed section-line easement vacation.

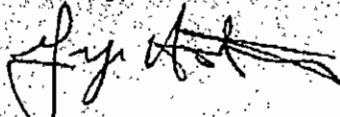
The exhibit accompanying the public notice shows the proposed section-line easement vacation on a State plat; however, we have not received a petition on this action yet. Therefore, please advise the applicant of the vacation action that a section-line easement will not be vacated without DNR and DOTPF approval. They will also have to petition the State in order to vacate the State's interest in the section-line easement.

Information regarding the State's section-line easement vacation process can be found at

<http://dnr.alaska.gov/mlw/survey/ev/index.htm>

Should they have any questions, I may be contacted at 269-8610.

Sincerely,



George Horton

Land Surveyor I

Sec. 29.35.090. Municipal property; rights-of-way.

(b) Notwithstanding AS 29.40.160 or other provisions of law, a municipality may not vacate a right-of-way acquired by the state under former 43 U.S.C. 932. This subsection applies to home rule and general law municipalities.

"Develop, Conserve, and Enhance Natural Resources for Present and Future Alaskans."

G:\EV-FILES\Misc\KPB Letters\KPB File 2010-177 SLEV.doc

Voeller, Paul

From: Giefer, Joe (DFG) [joe.giefer@alaska.gov]
Sent: Friday, December 10, 2010 1:57 PM
To: Voeller, Paul
Cc: Breakfield, Jeffery A (DFG); Simpson, Ellen M (DFG); ginny.litchfield@alaska.gov
Subject: KPB File 2010-177 : Proposed SLE vacation, Dierich Addition
Paul,

The Alaska Department of Fish & Game (ADF&G) has reviewed the proposed request to vacate a 28-foot wide portion of the 33-foot wide section-line easement along the west boundary of Tract 4b-1 Dierich Addition (Plat HM 72-1059) south of Nelson Avenue, within Section 16, T. 6 S., R. 13 W., S.M., Alaska. There do not appear to be any actions that would block or remove public access to public lands or waters. ADF&G has no objection to the vacation as proposed with regard to public access. Thank you for the opportunity to review and comment on this proposal. ons or would like to discuss this further, please feel free to call or email me.

Joe Giefer
Habitat Biologist
Alaska Dept. of Fish & Game
Division of Sport Fish
HQ - Statewide Access Defense
333 Raspberry Road, Anchorage AK 99518
907-267-2336

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 11-004

TO: HOMER CITY COUNCIL

FROM: JO JOHNSON, CMC, CITY CLERK 

DATE: JANUARY 3, 2011

SUBJECT: TRAVEL AUTHORIZATION FOR MAYOR HORNADAY AND
COUNCILMEMBER ZAK'S ATTENDANCE AT ALASKA
MUNICIPAL LEAGUE WINTER LEGISLATIVE CONFERENCE IN
JUNEAU, ALASKA, FEBRUARY 8 -- 10, 2011.

Mayor Hornaday and Councilmember Bryan Zak would like to attend the Alaska Municipal League (AML) Winter Legislative Conference in Juneau, Alaska, February 8 – 10, 2011.

The AML is a voluntary, nonprofit, nonpartisan, statewide organization of 140 cities, boroughs, and unified municipalities, representing over 97 percent of Alaska's residents. Originally organized in 1950, the League of Alaska Cities became the Alaska Municipal League in 1962 when boroughs joined the League.

Meetings include Alaska Conference of Mayors, board committees and meeting with Legislators.

Cost estimates for travel include round trip airfare from Homer to Juneau at \$550.00 and room rates at \$140.00 per night. Per diem is \$58.00 per day, for three meals.

RECOMMENDATION:

There were no funds budgeted for transportation. Council would need to allocate funds for Transportation to approve travel expenditures.

Fiscal Note: Mayor and Council 2011 Budget: 100.100.5236 - Transportation: \$Zero and 100.100.5237 - Subsistence: \$2,000.00.

**CITY OF HOMER
2011 OPERATING BUDGET**

FUND 100

100 - MAYOR/COUNCIL

		FY2008 Actual	FY 2009 Actual	FY 2010 Amended Budget	FY 2011 Adopted Budget	Difference Between 2010 Amended & 2011 Adopted Budget	
<u>Salaries and Benefits</u>							
5101	Regular Employees	\$ 9,950	\$ 9,100	\$ 9,100	\$ 4,500	\$ (4,600)	-50.55%
5102	Fringe Benefits	761	696	759	414	(345)	-45.40%
<u>Total Salaries and Benefits</u>		10,711	9,796	9,859	4,914	(4,945)	-50.15%
<u>Maintenance and Operations</u>							
5201	Office Supplies	968	431	1,000	1,000	-	0.00%
5206	Food/Staples	2,372	1,582	2,500	1,500	(1,000)	-40.00%
5210	Professional & Special Services	254,044	322,403	200,000	190,000	(10,000)	-5.00%
5211	Audit Services	34,110	32,346	38,134	43,312	5,178	13.58%
5215	Communications	556	-	600	600	-	0.00%
5216	Postage/Freight	229	10	400	400	-	0.00%
5223	Liability Insurance	3,730	3,927	4,159	2,450	(1,709)	-41.10%
5227	Advertising	447	29	500	500	-	0.00%
5233	Computers and Related Items	5,397	262	500	500	-	0.00%
5235	Memberships/Dues	6,007	9,001	7,000	7,000	-	0.00%
5236	Transportation	5,809	3,008	5,000	-	(5,000)	-100.00%
5237	Subsistence	1,087	4,706	4,000	2,000	(2,000)	-50.00%
5248	Lobbying	-	-	-	22,000	22,000	0.00%
5603	Employee Training (Council)	1,785	654	1,200	-	(1,200)	-100.00%
5608	Interest Expense	-	8	-	-	-	0.00%
5616	Statehood Anniversary	-	8,541	-	-	-	0.00%
<u>Total Maintenance and Operations</u>		316,541	386,907	264,993	271,262	6,269	2.37%
Total		\$327,253	\$ 533,818	\$ 274,852	\$ 276,176	\$ 1,324	0.48%

LINE - ITEM EXPLANATIONS:

5101 - 5102 Salary & Benefits: Council reduced pay to themselves as a contribution to the City.
 5210 Legal Fees: \$11,000 a month = \$132,000 + additional for court costs, etc.
 5248 Lobbying: Council approved lobbying expenses during the 2011 budget process. 1/2 is reflected in the General Fund, 1/2 is reflected in Port & Harbor Enterprise Fund.

Account Number Explanations: See "Appendix" Tab.

RESOLUTION(S)

**CITY OF HOMER
HOMER, ALASKA**

City Manager

RESOLUTION 11-001

A RESOLUTION OF THE CITY COUNCIL OF HOMER,
ALASKA, CONFIRMING THE CITY MANAGER'S
APPOINTMENT OF MARK ROBL AS THE ACTING
CITY MANAGER FOR CALENDAR YEAR 2011.

WHEREAS, Homer City Code 1.20.010(b) states that the City Manager shall annually appoint an Acting City Manager, subject to the City Council confirmation which is revocable at any time, by the Council; and

WHEREAS, Pursuant to Homer City Code Section 1.20.010(b) the Acting City Manager shall assume the duties and powers of the City Manager in his absence.

NOW, THEREFORE, BE IT RESOLVED by the Homer City Council that Mark Robl is hereby appointed by City Manager Walt Wrede and confirmed by the Homer City Council as Acting City Manager for the Calendar Year 2011.

PASSED and ADOPTED by the City Council of Homer, Alaska, this 10th day of January, 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 11-002

**A RESOLUTION OF THE HOMER CITY COUNCIL
CONFIRMING THE APPOINTMENTS OF REGINA
MAURAS AS TREASURER AND LAURIE MOORE AS
DEPUTY TREASURER FOR CALENDAR YEAR 2011.**

WHEREAS, Homer City Code §1.34.010 states that the Treasurer and Deputy Treasurer shall be appointed by and serve at the pleasure of the City Manager, that the Treasurer and Deputy Treasurer shall be confirmed by the Council annually during the first meeting in January and whenever the appointment becomes vacant or whenever the City Manager deems it appropriate to change the appointment; and

WHEREAS, Pursuant to HCC §1.34.010, City Manager Walt Wrede hereby provides notice of the appointment of Regina Mauras as Treasurer and Laurie Moore as Deputy Treasurer for Calendar Year 2011.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, confirms the appointments of Regina Mauras as Treasurer and Laurie Moore as Deputy Treasurer for the Calendar Year 2011.

PASSED AND ADOPTED by the Homer City Council this 10th day of January, 2011.

CITY OF HOMER

JAMES C. HORNADAY, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

Fiscal Note: N/A

**CITY OF HOMER
HOMER, ALASKA**

City Clerk

RESOLUTION 11-003

A RESOLUTION OF THE CITY COUNCIL OF HOMER,
ALASKA, DESIGNATING SIGNATORIES OF CITY
ACCOUNTS AND SUPERSEDING ANY PREVIOUS
RESOLUTION SO DESIGNATING.

WHEREAS, City Council confirmed the selection of Beth Wythe as Mayor Pro Tempore at their October 19, 2010 meeting; and

WHEREAS, Mark Robl has been appointed, via Resolution 11-001, as the Acting City Manager for Calendar Year 2011; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of Homer, Alaska, that the designated signatories, effective on January 10, 2011 are as follows, with the number of signatories defined:

On the regular Wells Fargo Bank Alaska checking account #016030109 that the following are the designated signatories for this account, with dual signatures required for checks over \$5,000; on the investment accounts with Alaska Municipal League, First National Bank, Raymond James Investment, Wells Fargo Bank Alaska, and other institutions, and for Department of Administration Grants and other grants, one of the following authorized signatories or the dual electronic authorization system is required for all transactions:

**JAMES C. HORNADAY, MAYOR
MARY E. WYTHER, MAYOR PRO TEMPORE
WALT E. WREDE, CITY MANAGER
MARK ROBL, ACTING CITY MANAGER
REGINA MAURAS, FINANCE DIRECTOR/TREASURER
JO JOHNSON, CITY CLERK**

PASSED AND ADOPTED by the Homer City Council this 10th day of January, 2011.

CITY OF HOMER

JAMES C. HORNADAY, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

Fiscal Note: N/A

**CITY OF HOMER
HOMER, ALASKA**

Hogan

RESOLUTION 11-004

A RESOLUTION OF THE HOMER CITY COUNCIL IN
SUPPORT OF THE CITY OF HOMER HOSTING THE
INTERNATIONAL PACIFIC HALIBUT COMMISSION (IPHC)
2012 ANNUAL CONFERENCE.

WHEREAS, The IPHC was established in 1923 for the preservation of Pacific halibut in waters off Canada and the United States of America; and

WHEREAS, Commercial fishing is one of the largest economic engines in the State of Alaska; and

WHEREAS, Alaska's sport fishing industry thrives, and is a major contributor to tourism statewide; and

WHEREAS, Homer's pristine fishery supports a vibrant fishing community, port and harbor; and

WHEREAS, Homer, Alaska is considered the "Halibut Capital of the World"; and

WHEREAS, Homer's natural resources, economic infrastructure and social well-being has supported and promoted Alaska's commercial and sport fishing industries for decades; and

WHEREAS, The IPHC has not held an Annual meeting in the State of Alaska for a decade.

NOW, THEREFORE, BE IT RESOLVED that the City of Homer supports the efforts of the community to host the 2012 International Pacific Halibut Commission Annual Meeting, and encourages the IPHC to select Homer, Alaska as their meeting destination.

PASSED AND ADOPTED by the Homer City Council this 10th day of January, 2011.

CITY OF HOMER

ATTEST:

JAMES C. HORNADAY, MAYOR

JO JOHNSON, CMC, CITY CLERK

Fiscal Note: N/A



Office of the Mayor
James C. Hornaday

Homer City Hall
491 E. Pioneer Avenue
Homer, Alaska 99603-7624

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

January 10, 2011

International Pacific Halibut Commission
Bruce Leaman, Executive Director
2320 W. Commodore Way, Suite 300
Seattle, WA 98199

Dear Mr. Leaman,

The City of Homer respectfully requests that the 2012 IPHC Annual Meeting be held in Homer, Alaska.

Commercial fishing is one of the largest industries in the State of Alaska and vital to the economy of Homer. Our sport fishing industry thrives, and is a major contributor to tourism both locally and statewide. Our city supports a vibrant port and harbor, which is home to fleets of commercial and sport fishing vessels, the Alaska State Marine Highway Ferry System, NOAA research vessels, commercial cruise and transportation lines, and many private boats.

Those who have been here describe Homer as one that must be seen for its mountains, glaciers, massive volcanoes, wildlife, and panoramic view of Kachemak Bay. The area provides access to world-class fishing and is consistently the number one location in North America to catch a trophy halibut or salmon. Best known as the "Halibut Capital of the World," Homer is a perfect location for your next meeting.

Alaska's coastal communities are important contributors to Alaska pristine fisheries; therefore the City of Homer encourages you to select Homer as the host city of your 2012 Annual Meeting.

Sincerely,

James C. Hornaday
Mayor, City of Homer

**CITY OF HOMER
HOMER, ALASKA**

City Manager

RESOLUTION 11-005

A RESOLUTION OF THE HOMER CITY COUNCIL ADOPTING AN ALTERNATIVE ALLOCATION METHOD FOR THE FY 11 SHARED FISHERIES BUSINESS TAX PROGRAM AND CERTIFYING THAT THIS ALLOCATION METHOD FAIRLY REPRESENTS THE DISTRIBUTION OF SIGNIFICANT EFFECTS OF FISHERIES BUSINESS ACTIVITY IN THE COOK INLET FISHERIES MANAGEMENT AREA.

WHEREAS, AS 29.60.450 requires that for a municipality to participate in the FY 11 Shared Fisheries Business Tax Program, the municipality must demonstrate to the Department of Commerce, Community and Economic Development that the municipality suffered significant effects during calendar year 2010 from fisheries business activities; and

WHEREAS, 3AAC 134.060 provides for the allocation of available program funding to eligible municipalities located within fisheries management areas specified by the Department of Commerce, Community and Economic Development; and

WHEREAS, 3AAC 134.070 provides for the use, at the discretion of the Department of Commerce, Community and Economic Development, of alternative allocation methods which may be used within fisheries management areas if all eligible municipalities within the area agree to use the method, and the method incorporates some measure of the relative significant effect of fisheries business activity on the respective municipalities in the area; and

WHEREAS, The Homer City Council proposes to use an alternative allocation method for allocation of FY 11 funding available within the Cook Inlet Fisheries Management Area in agreement with all other municipalities in this area participating in the FY 11 Shared Fisheries Business Tax Program.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, by this Resolution, certifies that the following alternative allocation method fairly represents the distribution of significant effects during 2010 of fisheries business activity in the Cook Inlet Fisheries Management Area:

50% divided equally and 50% divided on a per capita basis.

PASSED and ADOPTED by the City Council of Homer, Alaska this 10th day of January, 2011.

CITY OF HOMER

JAMES C. HORNADAY, MAYOR

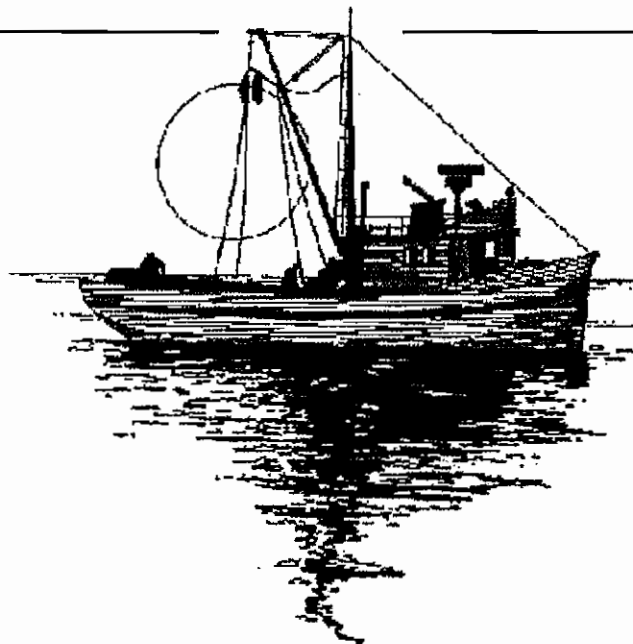
ATTEST:

JO JOHNSON, CMC, CITY CLERK

Fiscal Note: Previous year's Acct. 400-603-4206 and budgeted for previous years.

**DCCED
Shared Fisheries Business
Tax Program**

**FY 11
Long-Form Application**



**APPLICATION MUST BE SUBMITTED TO DCCED
NO LATER THAN DECEMBER 15, 2010**

**State of Alaska
Sean Parnell, Governor
Department of Commerce, Community, and
Economic Development
Susan Bell, Commissioner
Division of Community and Regional Affairs
Tara Jollie, Director**

FY 11 SHARED FISHERIES BUSINESS TAX PROGRAM

PROGRAM DESCRIPTION

The purpose of the Shared Fisheries Business Tax Program is to provide for an annual sharing of fish tax collected outside municipal boundaries to municipalities that can demonstrate they suffered significant effects from fisheries business activities. This program is administered separately from the state fish tax sharing program administered by the Department of Revenue which shares fish tax revenues collected inside municipal boundaries.

Program Eligibility

To be eligible for an allocation under this program, applicants must:

1. be a municipality (city or borough); and
2. demonstrate the municipality suffered significant effects as a result of fisheries business activity that occurred within its respective fisheries management area(s).

Program Funding

The funding available for the program this year is equal to half the amount of state fisheries business tax revenues collected outside of municipal boundaries during calendar year 2009.

Program funding is allocated in two stages:

1st Stage: Nineteen Fisheries Management Areas (FMAs) were established using existing commercial fishing area boundaries. The available funding is allocated among these 19 FMAs based on the pounds of fish and shellfish processed in the whole state during the 2009 calendar year. For example, if an area processed 10% of all the fish and shellfish processed in the whole state during 2009, then that area would receive 10% of the funding available for the program this year. These allocations are calculated based on Fisheries Business Tax Return information for calendar year 2009.

2nd Stage: The funding available within each FMA will be allocated among the municipalities in that area based on the level of fishing industry significant effects suffered by each municipality compared to the level of effects experienced by the other municipalities in that FMA.

Some boroughs, because of their extensive area, are included in more than one fisheries management area. In these cases, the borough must submit a separate program application for each area.

FY 11 SHARED FISHERIES BUSINESS TAX PROGRAM

PROGRAM DESCRIPTION

There are Two Application Methods Possible: Standard and Alternative

Standard Method: In the Standard Method, established by the department, each municipality in the FMA must determine and document the cost of fisheries business impacts experienced by the community in 2009. These impacts are submitted by each municipality in their applications. The department will review the applications and determine if the impacts submitted are valid. Once the impacts have been established for each of the municipalities in the FMA, the department will calculate the allocation for each municipality using the following formula:

One half of the funding available within a FMA is divided up among participating municipalities on the basis of the relative dollar amount of impact in each municipality. The other half of the funding available to that area is divided equally among all eligible municipalities.

Alternative Method: Alternative allocation methods may be proposed by the municipalities within the FMA. The department will consider approving the use of a proposed alternative method only if all the municipalities in the area agree to use the method, and if the method includes some measure of the relative effects of the fishing industry on the respective municipalities in the area.

This application packet contains the instructions and forms for applying under either of these methods.

- The **yellow pages** are for applications using the **standard method**.
- The **pink pages** are to be used for **alternative method** applications.

The chart on the following page
summarizes the process for these two methods.

FY 11 Shared Fisheries Business Tax Program:
Program Description

September 1

Commerce mails
program applications
to municipalities

STANDARD METHOD

By no later than December 15

Each municipality determines and documents the cost of fisheries impacts on the community and submits this information in their application.

By no later than February 15

Commerce reviews applications, makes a determination as to the validity of the submitted impacts, and notifies the municipalities of this determination.

Within 30 days

Municipalities have 30 days in which to appeal Commerce's determinations regarding submitted impacts.

Within 20 days

Commerce will respond to appeals within 20 days after receiving them.

After all appeals are resolved

Commerce will perform the formula calculations for each FMA based on the relative impacts approved for each municipality in the FMA, and distribute the funding allocations.

ALTERNATE METHOD

By no later than November 1

All municipalities in an FMA work together to develop an alternate allocation formula and submit their proposal to Commerce. Municipalities are encouraged to consult with Commerce during this effort regarding the acceptability of alternative methods.

By no later than November 15

Commerce reviews alternate proposals, determines if proposals are acceptable, and notifies the municipalities of this determination. If the proposal is accepted, municipalities may then use the Alternative Method application. If the proposal is not acceptable to Commerce, the department will work with municipalities in an area to resolve problems. If the problems cannot be resolved, the municipalities in that FMA must apply using the Standard Method application.

By no later than December 15

Each municipality must submit an Alternative Method application. Commerce will distribute allocations after all applications within that FMA have been received and verified.

FY 11 Shared Fisheries Business Tax Program Application Instructions

ALTERNATE METHOD

The Process

- In the alternate method application process all municipalities in a fisheries management area may work together to develop an alternative allocation formula for distributing the available program funding among municipalities in the area. It is advised that the department be consulted during this process if the municipalities have questions or concerns about what constitutes an acceptable alternative to the standard allocation method.
- All the municipalities in an area must reach an agreement in writing on an alternative allocation formula.
- By November 1, the department must receive the proposed alternative method. If the alternative method is not acceptable, the department will work with the municipalities to resolve the problems.
- If the municipalities in an area fail to satisfy the department regarding the acceptability of the alternative allocation method proposed, then each municipality in the region must return to the standard application process and submit separate applications as required by that process.
- If the department finds the alternative allocation method satisfactory, each municipality must then complete an alternative method application consisting of a cover page and resolution. The resolution must be adopted by the governing body and it must **clearly describe the approved alternative allocation method within that area**. After all alternative method applications within an area have been received and approved, the department will perform the allocations and distribute program funds.

General Guidelines for Developing an Alternative Allocation Method

➔ **All municipalities in a fisheries management area must agree on the alternative method:** There must be unanimous agreement among all eligible municipalities in a fisheries management area with regard to alternative allocation methods. It is the responsibility of community leaders in the area to work together to negotiate an alternative which is acceptable to all municipalities. The department may be consulted at any time regarding what kinds of formula approaches are considered acceptable by the department.

➔ **Alternative methods must incorporate some measure of the relative significant effects experienced by the respective municipalities in the area.** The measure of significant effects may take many forms. One area might agree to use the number of commercial fishing boat visits-per-year per community as a measure of significant effects. Another area might use the linear foot-length of public docks as a measure. Another area might use

community population figures as an indication of the significant effects of fisheries business activity. Another area might share one half of the funding equally between the respective municipalities and share the other half based upon community population figures. Areas may decide to use one measure, or may use a combination of measures.

Specific Instructions for an Alternative Method Application

In the alternative method application, a **cover page and approved resolution** constitute the application. No other forms need to be submitted. A cover page and sample resolution have been attached for your use.

**Submit your completed application
by no later than December 15, 2010, to:**

**Department of Commerce, Community, and Economic Development
Division of Community and Regional Affairs
Shared Fisheries Business Tax Program
P.O. Box 110809
Juneau, AK 99811-0809**

**If you require assistance in completing this application,
please call Bill Rolfzen at 465-4733.**

**ALTERNATIVE METHOD APPLICATION
for the
FY 11 SHARED FISHERIES BUSINESS
TAX PROGRAM**

Name of Municipality: _____

Address: _____

Contact Person: _____

Phone Number: _____

Return this cover page along with your resolution to:

Department of Commerce, Community, and
Economic Development
Division of Community and Regional Affairs
Shared Fisheries Business Tax Program
P.O. Box 110809
Juneau, AK 99811-0809

**FY 11 Shared Fisheries Business Tax Program
Alternative Method Resolution**

(City or Borough)

RESOLUTION NO. _____

A RESOLUTION ADOPTING AN ALTERNATIVE ALLOCATION METHOD FOR THE FY 11 SHARED FISHERIES BUSINESS TAX PROGRAM AND CERTIFYING THAT THIS ALLOCATION METHOD FAIRLY REPRESENTS THE DISTRIBUTION OF SIGNIFICANT EFFECTS OF FISHERIES BUSINESS ACTIVITY IN

(Fisheries Management Area)

WHEREAS, AS 29.60.450 requires that for a municipality to participate in the FY 11 Shared Fisheries Business Tax Program, the municipality must demonstrate to the Department of Commerce, Community, and Economic Development that the municipality suffered significant effects during calendar year 2009 from fisheries business activities; and,

WHEREAS, 3 AAC 134.060 provides for the allocation of available program funding to eligible municipalities located within fisheries management areas specified by the Department of Commerce, Community, and Economic Development; and,

WHEREAS, 3 AAC 134.070 provides for the use, at the discretion of the Department of Commerce, Community, and Economic Development, of alternative allocation methods which may be used within fisheries management areas if all eligible municipalities within the area agree to use the method, and the method incorporates some measure of the relative significant effect of fisheries business activity on the respective municipalities in the area; and,

WHEREAS, The _____
(Governing Body)

proposes to use an alternative allocation method for allocation of FY 11 funding available within the _____
(Fisheries Management Area)

in agreement with all other municipalities in this area participating in the FY 11 Shared Fisheries Business Tax Program;

NOW THEREFORE BE IT RESOLVED THAT: The _____
(*Governing Body*)

by this resolution certifies that the following alternative allocation method fairly
represents the distribution of significant effects during 2009 of fisheries business activity

in the _____
(*Fisheries Management Area*)

ALTERNATIVE ALLOCATION METHOD:

PASSED and APPROVED by a duly constituted quorum

of the _____ this _____ day of _____, 20 ____ .
(*Governing Body*)

SIGNED _____
Mayor

ATTEST _____
Clerk

Instructions for the Cover Page/Summary

The *Cover Page* must be completed and submitted as part of the application. This form summarizes the information found in the application. The number of significant effects claimed should be equal to the number of *Declarations of Significant Effects* forms submitted with the application and the total dollar amount should equal the sum of all the dollar amounts stated in Part 2 on the *Declarations of Significant Effects* forms.

Instruction for the *Resolution* form

Municipalities may use this form, or a similar form, to comply with the requirement that the submitted application be certified by the municipality's governing body.

**Submit your completed application
by no later than December 15, 2010, to:**

**Department of Commerce, Community, and Economic Development
Division of Community and Regional Affairs
Shared Fisheries Business Tax Program
P.O. Box 110809
Juneau, AK 99811-0809**

**If you have any questions regarding this program,
please call Bill Rolfzen at 465-4733**

**CITY OF HOMER
HOMER, ALASKA**

City Manager/
Public Works Director

RESOLUTION 11-006

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, RE-APPROVING THE \$1.8 M BUDGET FOR THE SANITARY SEWER REHABILITATION PROJECT AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPROPRIATE DOCUMENTS TO COMPLETE CONSTRUCTION.

WHEREAS, On September 14, 2009 via Resolution 09-98 the Homer City Council authorized the City Manager to apply for, execute and accept Alaska Clean Water Fund economic stimulus loan monies to complete rehabilitation work on the sanitary sewer system in the amount of \$1.8M (90% forgiven when complete); and

WHEREAS, On February 8, 2010 via Resolution 10-17 the budget for the Homer Sanitary Sewer Rehabilitation Project was reduced to \$1,404,645 due to limited ADEC funding availability; and

WHEREAS, ADEC has now increased the available funding for the project back to its original amount.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, hereby re-approves the budget for the Homer Sanitary Sewer Rehabilitation Project in the amount to \$1,800,000 and that the City Manager is hereby authorized to execute the ADEC Alaska Clean Water Fund loan agreement amendment documents and associated construction change orders to complete construction of the rehabilitation work within the re-established budget.

PASSED AND ADOPTED by the Homer City Council this 10th 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



CITY OF HOMER

PUBLIC WORKS

3575 HEATH STREET HOMER, AK 99603

TELEPHONE (907)235-3170

FACSIMILE (907)235-3145

MEMORANDUM 11-006

TO: Walt Wrede, City Manager

FROM: Carey Meyer, Public Works Director

DATE: January 5, 2011

RE: **Homer Sanitary Sewer Rehabilitation Project**
Status of Funding – Establishment of Original Budget

In September 2009, the City Council authorized applying for and accepting a \$1,800,000 ARRA economic stimulus loan (90% forgiven) to rehabilitate old sewer mains. The original project budget is shown in the first column of the table below.

ADEC required that we de-obligate a portion of the original funding (to be used to cover overages on other statewide projects). The project budget after was adjusted by the City Council in February 2010; the current budget is shown in the second column of the table below.

	Original Budget	Current Budget
Bid Preparation	\$ 50,000	\$ 44,000
Inspection	\$ 50,000	\$ 68,000
Construction	\$ 1,600,000	\$ 1,171,386
Contingency	\$ 100,000	\$ 121,259
 Total Project Funding	 \$ 1,800,000	 \$ 1,404,645
 Proposed City Responsibility	 \$ 180,000	 \$ 140,464

ADEC has found it possible to add \$395,355 back into the funding for the project, which will re-establish the budget for this project to its original amount. This will allow us to rehabilitate 3600 linear feet of sewer pipe in the Central Business District and repair corrosion in sanitary sewer manholes along Ocean Drive and Lake Street that were previously identified.

Recommendations: The City Council approve a resolution re-establishing a budget of \$1,800,000 for the Sanitary Sewer Rehabilitation project and authorizing the City Manager to execute all appropriate documents.

**CITY OF HOMER
HOMER, ALASKA**

City Manager/
Public Works Director

RESOLUTION 09-98

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, AUTHORIZING THE CITY MANAGER TO ACCEPT AND APPROPRIATE AMERICAN RECOVERY AND REINVESTMENT ACT FUNDING (ARRA-STIMULUS BILL) IN THE FORM OF A LOAN (90% FORGIVEN UPON PURCHASE) IN THE AMOUNT OF \$1.8M FOR THE PURPOSE OF REHABILITATING SANITARY SEWER TRUNK MAINS.

WHEREAS, The American Recovery and Reinvestment Act (ARRA) contained funding that was directed to the Clean Water State Revolving Fund (CWSRF); and

WHEREAS, The City submitted an application for CWSRF funding to rehabilitate sections of the sanitary sewer collection system to minimize potential for future health hazards by correcting infiltration problems (reducing sewer treatment plant NPDES permit violations) and eliminating potential for sewer system failure; and

WHEREAS, The Alaska Department of Environmental Conservation (ADEC) recently notified the City that its sanitary sewer rehabilitation project application is likely to be eligible for ARRA funding in the form of a loan in the amount of \$1,800,000; 90% of which will be forgiven if the City successfully completes the project; and

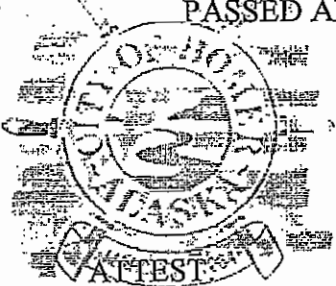
WHEREAS, The City Council at their May 11, 2009 meeting evaluated projects the City could proceed to complete using the available ARRA Clean/Drinking Water economic stimulus funding and chose Scenario 2 (see Memorandum 09-117 from the Public Works Director) which recommended proceeding with this sanitary sewer rehabilitation project; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, authorizes the City Manager to make a formal loan application and execute a loan agreement for the completion of a sanitary sewer rehabilitation project in the amount of \$1,800,000, 90% of which will be forgiven when the City successfully completes the project.

PASSED AND ADOPTED by the Homer City Council this 14th day of September, 2009.

CITY OF HOMER


DENNIS NOVAK, MAYOR PRO TEMPORE




JO JOHNSON, CMC, CITY CLERK

Fiscal Note: 156-395-4992 - ACWF Loan - \$1,800,000

**CITY OF HOMER
HOMER, ALASKA**

City Manager/
Public Works Director

RESOLUTION 10-17

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, APPROVING THE BUDGET FOR THE SANITARY SEWER REHABILITATION PROJECT AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPROPRIATE DOCUMENTS TO COMPLETE CONSTRUCTION.

WHEREAS, On September 14, 2009 via Resolution 09-98 the Homer City Council authorized the City Manager to apply for, execute and accept loan monies to complete rehabilitation work on the sanitary sewer system in the amount of \$1.8M (90% forgiven when complete); and


WHEREAS, These funds are part of the economic stimulus program funded through the Alaska Clean Water Fund; and

WHEREAS, Bids received regarding construction of the project were lower than expected and the amount of loan funding has changed (as documented in Memorandum 10-27, prepared by the Public Works Director); and


NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, hereby approves the budget for the Homer Sanitary Sewer Rehabilitation Project in the amount to \$1,404,645 and that the City Manager is hereby authorized to execute the appropriate documents to complete construction.

PASSED AND ADOPTED by the Homer City Council this 8th day of February, 2010.

CITY OF HOMER


JAMES C. HORNADAY, MAYOR

ATTEST:


JO JOHNSON, CMC, CITY CLERK

Fiscal Note: Account No. 156-395-4992 – ACWF Loan \$1,404,645.

**CITY OF HOMER
HOMER, ALASKA**

Economic Development
Advisory Commission

RESOLUTION 11-007

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, APPROVING AND ADOPTING THE COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY (CEDS) AND FORWARDING THE CEDS TO THE HOMER ADVISORY PLANNING COMMISSION FOR A RECOMMENDATION ON WHETHER IT SHOULD BE ADOPTED AS PART OF THE HOMER COMPREHENSIVE PLAN.

WHEREAS, The Economic Development Advisory Commission (EDC) is charged with developing and updating the City's economic development plan (Comprehensive Economic Development Strategy) as part of its advisory role on economic development matters; and

WHEREAS, The City's economic development plan (formerly known as the Overall Economic Development Plan) was last updated in 1999; and

WHEREAS, The City of Homer recruited a VISTA (Volunteers in Service to America) member to assist the EDC with the CEDS in a year-long effort; and

WHEREAS, During this time the VISTA reviewed economic literature as well as previous local plans and surveys and shared this information with the EDC, conducted more than 20 interviews with local citizens from diverse backgrounds, organized two public forums on behalf of the City of Homer EDC, solicited additional public input by email, publicized the project through news releases and interviews, and provided the EDC with a scoping report; and

WHEREAS, The public has also had the opportunity to provide input for the CEDS at EDC meetings and work sessions over the course of two years; and

WHEREAS, Care was taken to ensure that the CEDS is consistent with the Homer Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED that the Homer City Council approves and adopts the Comprehensive Economic Development Strategy as the City's economic development plan.

BE IT FURTHER RESOLVED that the City Council requests that the Homer Advisory Planning Commission consider and make a recommendation on whether the CEDS should be adopted as part of the Homer Comprehensive Plan.

PASSED AND ADOPTED by the Homer City Council this 10th day of January, 2011.

CITY OF HOMER

JAMES C. HORNADAY, MAYOR

ATTEST:

JO JOHHSON, CMC, CITY CLERK

Fiscal Note: N/A



**CITY OF HOMER
CITY HALL**

MEMORANDUM 11-005

To: Mayor and Council
Through: Walt Wrede, City Manager
From: Economic Development Commission
Date: November 10, 2010
Subject: Comprehensive Economic Development Strategy

At the November 9 regular meeting of the Economic Development Commission, the six members present unanimously approved a motion to forward the draft Comprehensive Economic Development Strategy (CEDS) to the City Council with a recommendation to adopt the plan.

Work on the CEDS has been ongoing since spring 2009 and has included significant public input. More information on the development of the CEDS can be found in the introduction of the draft plan.



Homer Comprehensive Economic Development Strategy

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

*Approved by the Economic Development
Advisory Commission November 9, 2010*

ACKNOWLEDGEMENTS

Economic Development Commission

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

City Staff

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

Mayor and City Council

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

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

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

Homer Comprehensive Economic Development Strategy

TABLE OF CONTENTS

Introduction	1
What is Economic Development?	1
A Vision for Economic Development in Homer	2
Nexus of the CEDS with Other Plans.....	2
Public Participation in this Planning Effort	2
Homer History and Demographics.....	3
The Bigger Picture: Factors That Influence Overall Economic Development.....	7
Local Government Policies and Services.....	7
Quality of Life Factors	8
Affordable Housing	10
A Skilled, Educated Workforce.....	11
Technical and Financial Assistance for Business Owners	12
The Bigger World	13
Economic Sectors.....	15
Commercial Fishing and Mariculture.....	15
Other Marine Trades/Port and Harbor Development	17
Tourism/Visitor Industry.....	19
Arts and the Creative Class	21
Health, Wellness, and Recreation.....	23
Education	25
Three Broad Sectors (Construction and Manufacturing, Retail, Services)	27
High Tech/Internet Business.....	28
Transportation and Warehousing.....	30
Agriculture	31
Retirees and Second-Home Residents.....	33
Government.....	35
Downtown Vitalization.....	37
An Organizational Structure for Economic Development.....	40
Conclusion	42
Implementation Plan (table).....	43

INTRODUCTION

What Is Economic Development?

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

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

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

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

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

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

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

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

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

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

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

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

A Vision for Economic Development in Homer

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

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

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

Nexus of the CEDS with Other Plans

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

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

Public Participation in this Planning Effort

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

Homer History and Demographics

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

- 6000 BC Native people inhabit the Kachemak Bay area then and now.
- 1896 Con man Homer Pennock promotes gold mining in the Homer area, but coal mining is much more successful.
- 1902 Homer is virtually abandoned between 1902 and 1915 due to lack of coal markets.
- 1915 Charlie Miller winters 95 horses at his homestead (Miller's Landing) for the Alaska Railroad.
- 1917 Delphina Woodard develops a dairy farm in what is now downtown Homer.
- 1919 First school opens at Miller's Landing.
- 1920 46 people reside in the census area designated as "Homer Spit and Vicinity."
- 1925 A rudimentary telephone system is established.
- 1930-40 Commercial and civic activity increases significantly. By 1938, Homer has an airplane runway, several general stores, two restaurants, and a new dock built by the Homer Civic League. Supply ships now bypass Seldovia to deliver goods directly to Homer. Homer's population in 1940 is pegged at 325.
- 1941-42 Alaska Road Commission creates Beluga Lake by damming the slough.
- 1945 Homer Electric Association is incorporated.
- 1946-47 The coldest winter in history is recorded for North America. Much of inner Kachemak Bay freezes over.
- 1948-51 Construction of the Sterling Highway puts Homer on the road system and fuels growth.
- 1950 Homer's population is 307.
- 1955 South Peninsula Hospital opens.
- 1960 The population of Homer, at 1,247, exceeds that of Seldovia for the first time.
- 1964 The Good Friday earthquake causes much of Homer to subside 2-8 feet, with serious damage to the harbor. Homer incorporates as a city on March 31. The damaged harbor is rebuilt with federal funds.
- 1969 Classes are offered for the first time at the Kachemak Bay Campus of UAA-KPC.
- 1970 Homer's population is 1,803.
- 1971 Kachemak Bay State Park is created, contributing to the growth of tourism in Homer.
- 1976 The state of Alaska sells several oil leases in Kachemak Bay. After the jack-up oil rig *George Ferris* gets stuck in the mud, public outcry persuades the state to buy back the leases.
- 1980 Homer's population is 2,209.

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

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

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

1990 Homer's population is 3,660.

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

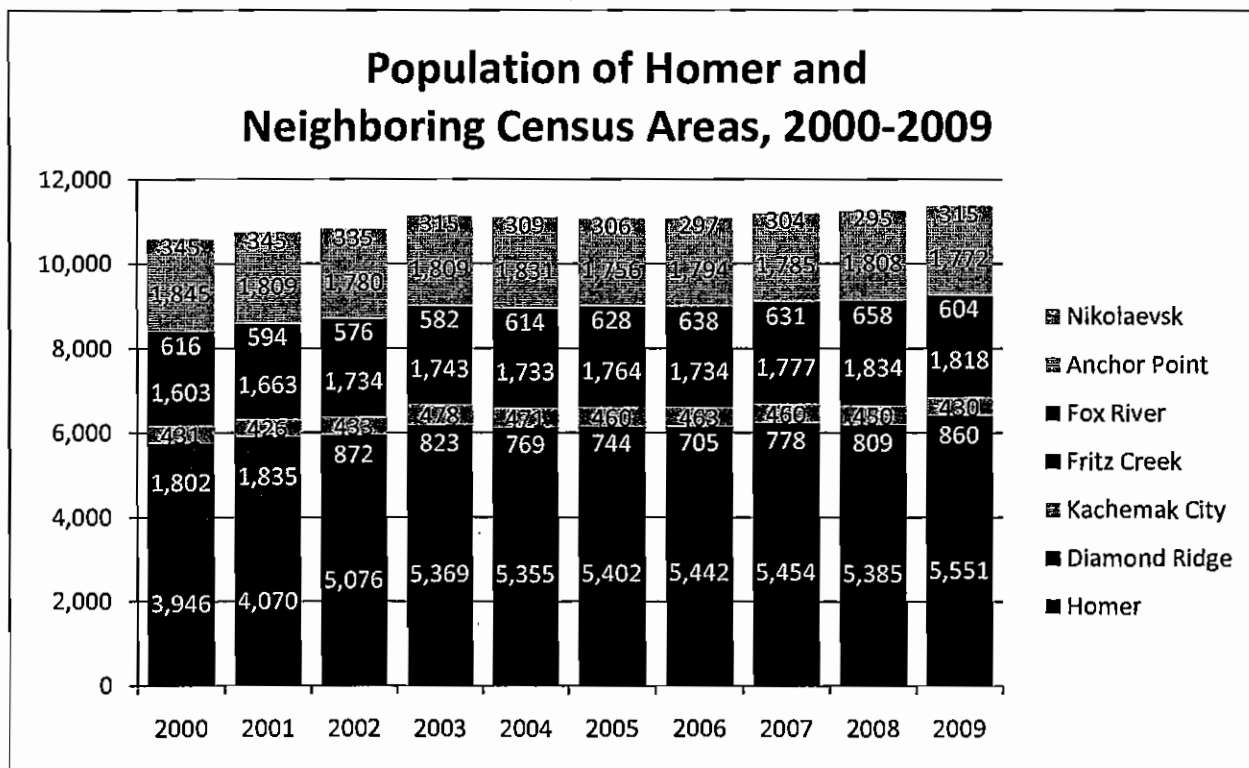
2000 Homer's population is 3,946.

2002 Homer annexes 4.6 square miles.

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

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

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



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

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

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

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

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

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

The Role of Government Policies and Programs in Local Economic Development

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

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

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

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

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

THE BIGGER PICTURE: FACTORS THAT INFLUENCE OVERALL ECONOMIC DEVELOPMENT

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

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

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

Local Government Policies and Services

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

- A. Land use policies and other regulations should serve the overall public interest without unduly restricting development. Chapter 4 of the Homer Comprehensive Plan provides detailed recommendations on land use which are aimed at finding the right balance between protecting community aesthetics and property values, on the one hand, while providing options and opportunities for both residential housing and business development.
 - 1. The City should aim for fairness, consistency, and predictability in its land use policies (including lease policies) and regulations.
 - a. Speedy processing of permit and lease applications should be emphasized while ensuring that all reasonable conditions are met.
 - b. City employees involved in permitting should project a "How can we help you?" attitude to those navigating the permit process.
 - c. Existing policies and practices should be examined and possibly revised at least every five years with these goals in mind.
 - 2. The increased emphasis on careful mixed-use development in the Comprehensive Plan highlights a welcome trend in land use policies. This trend should be embraced to allow greater latitude in land use, reduce the need to drive, and contribute to a more vibrant community. At the same time, concerns of landowners about aesthetics, noise, and safety need to be taken into consideration.
- B. Government-provided infrastructure and services must be maintained to support and encourage private sector development. In Homer, local government builds and maintains roads, trails, sidewalks, and public parks; maintains and operates the port and harbor facilities; provides clean piped water to homes and businesses; and provides wastewater treatment services. In addition, the City provides police and fire protection, other emergency response services, public library services, an animal shelter, and limited

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

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

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

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

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

—Thomas Friedman

Quality of Life Factors

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

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

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

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

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

Affordable Housing

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

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

—*Developing Housing for the Workforce: A Toolkit*, Urban Land Institute, 2007, p. 12

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

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

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

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

CREATING A WORKFORCE HOUSING STRATEGY

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

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

—An Economic Development Toolbox, APA, p. 8

- B. Planning and regulatory approaches
 - C. Financing programs
 - D. Maintaining long-term affordability
12. Assess what is working, and revise what is not

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

A Skilled, Educated Workforce

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

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

- A. Continue to support quality public school programs offered by the Kenai Peninsula Borough School District.
 - 1. Advocate for vocational/technical training programs and basic skills classes as well as college-preparatory curricula.
 - 2. Support efforts to provide students with hands-on learning experiences, including apprenticeship and/or mentoring programs.
- B. Support growth of the UAA-KPC-Kachemak Bay Campus, especially programs that anticipate areas of future job growth and offer classes to provide workers for those jobs.
 - 1. Support efforts to market Homer as a place to go to college.
 - 2. Support KBC goals aimed at adding buildings and facilities to allow for growth and attract students.
 - 3. Support the development of student housing for the local college.
 - 4. Support the development of new college programs to meet existing needs and likely areas of future job growth.
- C. Advocate for new vocational/technical training programs and centers in or near Homer.
 - 1. Support Homer as the location for a Maritime Academy.
 - 2. Support other vocational/technical programs; e.g., those that might be offered locally at the college, high school, through the Alaska Vocational/Technical Center, or by private companies.
- D. Seek to provide and protect the “quality of life” factors that are known to attract skilled workers. *See previous section on this topic.*

The more a region is able to attract employers on the basis of highly skilled workers, as well as high quality of life, good value-for-money public services, efficient regulations, and well-supported business clusters, the less pressure for a region to have a “low cost” workforce.

—An Economic Development Toolbox, APA, p. 27

Technical and Financial Assistance for Business Owners

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

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

- A. Continue to support the Small Business Development Center housed within the Chamber of Commerce. This center, which operates with funding from the U.S. Small Business Administration and the University of Alaska, provides free consulting services and low cost educational programs to entrepreneurs. One-to-one

sessions cover areas of management, marketing, sales, finance, accounting and other disciplines required for small business growth, expansion and innovation.

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

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

The Value of Small Business Assistance Centers

Small businesses, by definition, do not have as many employees as larger firms, but they are more numerous, so they account for a significant proportion of jobs in a city. Since many large employers are increasingly owned by companies outside a region, small business development is a way of fostering economic benefits that stay within the region. In addition, most large businesses started off as small businesses, so small business development can eventually lead to large local businesses.

Because this strategy focuses on assisting local businesspeople who are likely to have strong ties to the community, the results can be a benefit for the community if the small business hires locally or serves as a role model for other local entrepreneurs. Another advantage is that these programs are usually not as costly as loans, grants, or tax relief.

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

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

The Bigger World

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

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

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

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

Peak Oil and Energy Uncertainty: A Changing World

"The days of inexpensive, convenient, abundant energy resources are quickly drawing to a close."

—Donald Fournier and Eileen Westervelt, US Army Corps of Engineers, "Energy Trends and Their Implications," September 2005.

"Oil (and natural gas) are the essential components in the fertilizer on which world agriculture depends; oil makes it possible to transport food to the totally non-self-sufficient megacities of the world. Oil also provides the plastics and chemicals that are the bricks and mortar of contemporary civilization."

—Daniel Yergin, in *The Prize: The Epic Quest for Oil, Money, and Power*.

"One of the issues that we keep running into is, oil is the economy."

—Rowan Wolf, sociology professor and member of the Portland, Oregon Peak Oil Task Force

"Identifying and mitigating community vulnerabilities is probably one of the more important—if often unwritten—expectations we have of our local governments."

—Daniel Lerch, *Post Carbon Cities: Planning for Energy and Climate Uncertainty*, 2007.

⁵ Scott Goldsmith, "What Drives the Alaska Economy?" UA Research Summary No. 13, Institute of Social and Economic Research, University of Alaska Anchorage, December 2008.

⁶ U.S. Department of Energy, "Meeting the World's Demand for Liquid Fuels: A Roundtable Discussion," April 7, 2009.

⁷ University of Alaska: www.alaska.edu/voice/2010/May_2010/announcements/local-food/

such a detailed analysis. However, the following recommendations are common-sense approaches to building community self-reliance and resilience in the face of a wide array of threats and uncertainties beyond our direct control:

- A. Appoint a Local Food Commission to recommend and facilitate policies and programs designed to increase local agricultural production and consumption.
- B. Continue to support development of renewable energy sources to help reduce dependence on fossil fuels.
- C. At the same time, work to bring natural gas to Homer as a lower-carbon (and possibly lower cost) alternative to fuel oil to meet home and business heating needs. Direct hookups to natural gas may also provide a lower cost alternative to electricity and propane and serve as an important transition energy source.
- D. Support "Smart Growth" principles such as mixed-use development, transportation options, and affordable housing to help reduce the need to drive.
- E. In development decisions, take into account possible future impacts of global greenhouse gas emissions; e.g., sea level rise and ocean acidification (negative impacts) and longer, warmer growing seasons (positive impacts).
- F. Support continued management of Alaska fisheries based on principles of sustainability.
- G. Support programs which help local business owners (as well as homeowners) improve energy efficiency in their buildings and facilities.

ECONOMIC SECTORS

While Homer's economy is often described as "fishing and tourism," it is actually far more complex and diversified than that description would suggest. This is a good thing. Further diversification is desirable as it will help create more year-round jobs and reduce the economic shock that occurs when one particular sector experiences a significant downturn or collapse.

This section of the Comprehensive Economic Development Strategy is not intended to capture all of the current economic activity in Homer. Many successful enterprises do not fit easily into any particular category. Others span multiple sectors.

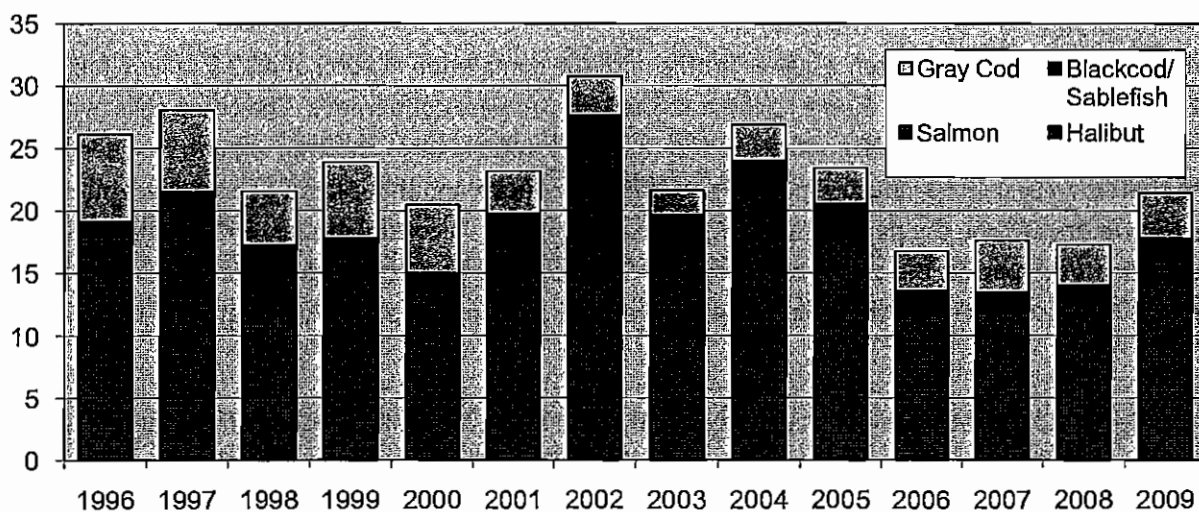
It should also be noted that some of the economic activity described on the following pages takes place outside city limits but nevertheless contributes to Homer's economic health as a result of money spent on goods and services in addition to wages.

Commercial Fishing and Mariculture

Commercial harvest and processing of fish in the region traditionally includes five species of salmon, halibut, three species of crab, shrimp, clams, scallops, herring, and various groundfish. New markets are presenting themselves in farmed oysters, mussels, seaweed, sea urchin, sea anemone, and various other seafood products.⁸

Homer is the number one port in the world for commercial halibut. The graph below illustrates pounds of halibut, salmon, black cod/sablefish, and gray cod landed at the Homer Fish Dock from 1996 to 2009.

**Commercial fish landings in millions of pounds, 1996-2009,
Port of Homer**



⁸ Kenai Peninsula Borough website, "Our Economy," <http://www.borough.kenai.ak.us/econ01.htm>.

The Homer area has the highest number of local residents in the Kenai Peninsula Borough who depend on commercial fishing as a livelihood. Many fishers participate in multiple fisheries, some of which are far from home. Estimated gross earnings from commercial fishing among Homer permit holders in 2008 were \$68,347,552. A total of 396 Homer fishers utilizing 600 permits landed 90.5 million pounds of fish (including crab) that year.⁹

Eight cranes make it convenient for boats to deliver their catch 24 hours a day to the publicly-owned (municipal) Fish Dock. An ice plant produces and sells high quality flake ice to serve the commercial fishing industry, up to 100 tons per day.

The State of Alaska collects fisheries-related business taxes, landing taxes, salmon marketing taxes, and other seafood taxes from licensed seafood processors, floating processors, and seafood exporters, and shares fisheries taxes generated within incorporated municipalities. Despite Homer's prominence in Alaska's seafood industry, the City of Homer received only \$98,041 in 2009 from fisheries taxes,¹⁰ because most of what happens to raw fish landed in Homer does not meet the definition of "processing." City of Homer Fish Dock operations cost \$810,594 that same year. While fees for services cover these expenses, they do not cover the costs of equipment and facility replacement.



A boat unloads its catch at the Homer Fish Dock.

Mariculture activity in Homer has taken a higher profile with the completion in 2009 of a \$1.5 million facility on the Homer Spit owned and operated by the Kachemak Shellfish Growers Cooperative. The co-op sells oysters to local residents, tourists, and restaurants and also ships them to locations throughout the country. In general, it is felt that the shellfish mariculture industry in Alaska is under-developed and that Alaska's clean, cold, nutrient-rich, protected waters provide the perfect medium for developing jobs in coastal Alaska. Differentiating itself from the other seafood species, the oyster business runs 52 weeks a year. Shellfish growers in Kachemak Bay and throughout Alaska have proved that shellfish grow well and command the loyalty of state and national markets.¹¹

Economic development related to commercial fishing and mariculture would likely benefit from the following actions:

⁹ Alaska Commercial Fisheries Entry Commission, <http://www.cfec.state.ak.us/gpbycen/2008>.

¹⁰ Alaska Department of Community and Economic Development and City of Homer Port & Harbor Department.

¹¹ Global Food Cooperative, www.globalfoodcollaborative.com/articles/kachemak-bay-oysters-coop-growing-and-seeking-new-partnerships.

- A. The City of Homer should continue its unwritten policy of not taking sides in disputes between commercial and sport fishing interests, recognizing that both are vital to the Homer economy. Instead, the emphasis should be on supporting state/federal regulatory measures that help ensure sustainable fisheries to protect this resource for current and future generations.
 - 1. Stay abreast of information related to fisheries health, including possible impacts of ocean acidification caused by the uptake of excess carbon dioxide from the atmosphere.
 - 2. Unless there are clear reasons to doubt the objectivity or veracity of information from regulatory agencies, support proposals aimed at maintaining healthy populations and sustainable harvest levels.
- B. Seek to provide and maintain the infrastructure at the Port of Homer needed to support and grow commercial fishing as an export industry.
 - 1. Seek ways to either redefine “fish processing” at the state level or meet the current definition at the local level to help capture more of the fisheries taxes collected by the Alaska Department of Revenue. These funds could then be used to help build and maintain fisheries-related infrastructure.
 - 2. Continue to seek funding for expansion of the small boat harbor (e.g., construction of the proposed East Boat Harbor) to make room for more commercial fishing vessels.
- C. Encourage development of the local seafood industry beyond traditional products and markets. *See business ideas in sidebar, next page.*
- D. Actively market Homer as a center for commercial fishing and quality seafood products.
 - 1. Develop and promote local product identification.
 - 2. Publicize the advantages of doing fisheries-related business in Homer.

General Marine Trades/Port and Harbor Development

Economic clusters are defined as “geographic concentrations of competing, complementary, or interdependent firms and industries that do business with each other and/or have common needs for talent, technology, and infrastructure. The firms included in the cluster may be both competitive and cooperative. They may compete directly with some members of the cluster, purchase inputs from other cluster members, and rely on the services of other cluster firms in the operation of their business.”¹²

Examples of industry clusters include North Carolina's Research Triangle; Hartford, Connecticut's insurance and finance markets; Hollywood's film industry; the carpet industry in Dalton, Georgia; tourism in south Florida; and technology in Silicon Valley, California.

The marine trades in Homer could be thought of as an industry cluster, as could tourism. (The two clusters overlap in the form of the sport fishing, water taxi, and cruise ship industries. These industries will primarily be covered in the Tourism section of the CEDS.)

Businesses which make up the local marine trades cluster include commercial fishing and processing operations; marine electronics; boat storage, maintenance, and repair; suppliers of fishing equipment (nets, brailer bags, etc.); businesses that provide training in marine operations; and marine transportation services (e.g., tug and barge services, oil tanker escort services, marine fuel services). This list is by no means exhaustive. Many of the

¹² Economic Development Administration, <http://www.eda.gov/Research/ClusterBased.xml>.

small businesses located in the Port and Harbor area play a role in the marine trades. Local operations related to the U.S. Coast Guard, Alaska Marine Highway, National Oceanic and Atmospheric Administration, Kachemak Bay Research Reserve, and Alaska Maritime National Wildlife Refuge will be discussed primarily in the "Government" section of this plan, but the overlap with the marine trades is obvious.

Recommendations to promote growth and vitality of the marine trades in Homer include:

- A. Utilize City of Homer lease policies to help ensure that property needed for marine businesses is available on the Homer Spit at reasonable terms.
- B. Continue to seek funding for capital projects that will benefit the marine trades, such as Deep Water Dock expansion, small boat harbor expansion (East Boat Harbor), a new Port and Harbor building, and new/improved restroom facilities.
- C. Promote Homer as the site for an Alaska Maritime Academy.
- D. Encourage new businesses that will fill unmet needs within the marine trades cluster. *See sidebar for examples.*
- E. Address parking problems on the Spit, as discussed in the Homer Spit Comprehensive Plan.
- F. Encourage overslope development through public/private partnership whereby the City of Homer will invest in the necessary platforms and pilings to support further development.

See also recommendations under "Commercial Fishing/Mariculture" in the previous section.

Commercial Fishing/ Marine Trades Business Ideas

Following are some of the ideas for new marine trades business activity that have surfaced in discussions about local economic development:

- Boat lift to facilitate work on marine vessels
- Hardware store in the vicinity of the harbor to cater to other businesses in the area
- Another seafood processing plant like Icicle (which burned down in 1998)
- Utilize fish waste to make fertilizer or food for aquaculture
- Value-added seafood products; e.g., smoked oysters
- Harvesting and processing of under or non-utilized seafood resources; e.g., octopus, sandfish, sea urchins, seaweed

Tourism/Visitor Industry

The economic impact of the visitor industry in Homer is unquestionably large but difficult to quantify. Based on business licenses under "Accommodations/Food Service" and "Art, Entertainment; Recreation," the Alaska Department of Commerce estimates that tourism represented almost 23% of all business activity in Homer in 2008, with over \$28 million in gross sales.¹³ Reported information does not include self-employed individuals who are exempt from reporting requirements.

Homer is somewhat unique among popular coastal communities in Alaska in that the visitor industry is not dominated by cruise ships. While Homer typically sees a few cruise ships each year, it is primarily known for its appeal to independent travelers from around the country (as well as from foreign countries) and also as a destination for other Alaskans; e.g., from Anchorage.



The Homer Spit, with its abundance of small shops, restaurants, charter businesses, and scenic views, is one of the most popular tourist destinations in Alaska.

Encouraging Longer Visits

One economic development strategy is to find ways to encourage visitors to stay in the community longer during their visit, or to visit again in the future... Even staying an hour or two longer in the community may result in visitors eating more meals in local restaurants or spending more money shopping. The City benefits through increased sales tax revenue. To keep Homer an attractive destination requires that the City and private business work in partnership to provide the basic services that visitors and locals expect. These improvements and public expenditures should also benefit local taxpayers.

—Homer Comprehensive Plan, April 2010, p. 8-7, 8-8.

Homer Visitor Center counts have fluctuated from 7,891 in 2001 to 11,215 in 2008 and 8,550 in 2009. The Pratt Museum hosts approximately 35,000 visitors each year from 47 different countries. (Numbers do not include tour groups or school field trips.) The Alaska Department of Commerce estimates that approximately half a million people visit the Kenai Peninsula each year, with at least one-fifth journeying to Homer.

According to the Homer Chamber of Commerce, most visitors to Homer arrive via the Sterling Highway in their own or rented cars and RVs. They are drawn to Homer due to its reputation for spectacular scenery, opportunities for sportfishing and other outdoor recreation, as well as the mix of arts, culture, shopping, and dining experiences.

¹³ Reported in Kenai Peninsula Borough *Situations and Prospects for Year Ending December 1, 2008*, p. 234 and 238.

As mentioned previously, tourism falls in the category of a basic economic sector in that it brings new money into a community or region rather than simply circulating money. Homer businesses that benefit most directly from tourism are lodging (including many B&Bs); shops, galleries, and restaurants; charter fishing operations; and sightseeing/wildlife viewing/water taxi businesses. Wages paid to employees in these businesses in turn help support other businesses in town.

The Homer Comprehensive Plan, Economic Vitality chapter, provides a number of recommendations to strengthen Homer as a tourism destination. Three primary objectives are listed:

- A. Invest in local infrastructure, parks, and civic improvements that will serve locals as well as visitors by promoting longer stays, increased expenditures per person, and more repeat visitation as a form of economic development.
- B. Support efforts to improve community attractions, including Town Center, trails, and access to marine activities and the marine environment. Improve links between attractions.
- C. Increase the net benefits that tourism brings to Homer.

Fifteen separate implementation strategies are suggested to accomplish these objectives. Rather than repeat them here, we encourage readers of this economic development plan to read pages 8-7 through 8-10 of the Homer Comprehensive Plan. The discussion below will focus on one particular implementation strategy listed under Objective C. Strategy 6 is to "actively promote Homer to identified target markets, including Alaska residents, out-of-state independent travelers, and small group package tour travelers." One specific recommended action is that Homer "continue to explore the establishment of conference and convention capabilities in existing and/or new facilities."

In 2005, the City of Homer commissioned a feasibility study for a potential new conference center. The following table summarizes the findings:¹⁴

Tourism promotion suggestions offered by members of the public:

- Sponsor a quilting show event in the shoulder season
- Produce a restaurant guide — online and printed versions
- Promote Homer as an alternative health/healthy recreation destination
- Market Homer as the "Bear Viewing Capital of the World"
- Advertise in birding magazines
- Provide parking for RVs in downtown Homer with signage to make it easy for drivers to locate the parking

—from emails and public meetings, 2009 and 2010

¹⁴ "Feasibility Study for a Potential New Conference Center in Homer, Alaska;" prepared by Conventions, Sports & Leisure International for the City of Homer, July 2005.

HOMER CONFERENCE CENTER FEASIBILITY STUDY ESTIMATES AND RECOMMENDATIONS

Note: Estimate of demand is "moderate." For more detail, see full study.

Type of facility	Recommended size	Estimated utilization days per year (local & non-local events)	Total economic benefit (annual direct and indirect spending by out-of-towners)	Potential costs (public subsidy)
1. Stand-alone (City owned and managed)	10,000 sf banquet/multipurpose space; 3,000 sf breakout meeting space	113	\$2.62 million	\$203,000 annually (before debt service and reserve funding)
2. Public/ private partnership with hotel	7,500 sf banquet space; 3,000 sf breakout meeting space	114	\$1.754 million	will depend on particular partnership agreement
3. Joint use build-out with another public project	6,000 sf total meeting/banquet space	76	\$847,000	possibly break-even, with staffing and overhead shared with operations of the primary facility (e.g., new City Hall)

The study noted that virtually any conference center that is not part of a hotel business will require a subsidy of public money to support construction and operations. In many cities, bed tax (also known as lodging or accommodations tax) revenues are used for this purpose. (Anchorage, for example, has a 12% bed tax, a portion of which supports the Denaina Convention Center.) No bed tax is levied in Homer despite the prominence of the visitor industry here.

A conference center remains an identified need in Homer. As explained in the Organizational Structure section of this plan, the City of Homer could seek permission from the Kenai Peninsula Borough Assembly and from local voters to enact a bed tax here. A modest 4% tax (less than one-third of the national average) would likely generate enough revenue to support a conference center and an economic development office that would, among other things, market and manage the conference center. This proposal deserves serious consideration.

Arts and the Creative Class

Few would argue that one of Homer's economic assets is its reputation as an arts community. In 2005, Homer was listed in John Villani's book *The 100 Best Small Art Towns in America* and it is often praised for its many galleries, arts events, and non-profit organizations that help promote the arts.

In 2005, Homer was included in a study sponsored by Americans for the Arts, which assessed the economic impact of non-profit arts organizations and their audiences. The study estimated that non-profit arts organizations in Homer spend \$1.1 million each year, resulting in an additional \$1.6 million spent by arts audiences, which further stimulates the local economy.¹⁵

"The arts" is a broad term that encompasses traditional visual art (painting, sculpture, photography, fiber art, etc.) as well as music, drama, and dance. "The creative class" is an even broader term popularized by economist Richard Florida that refers to certain scientists and engineers, university professors, poets and architects, and people in design, education, arts, music, and entertainment, whose economic function is to create new ideas, new technology, and/or creative content.¹⁶

The Arts, Quality of Place, and the Knowledge Economy

In the past decade, states have begun to realize that their economic fortunes are increasingly tied to the location preferences of highly mobile knowledge-workers who form the intellectual backbone of the new economy. These workers value "quality of life" above nearly all other factors—including job market conditions—in choosing where to locate. According to Professor Richard Florida of Carnegie Mellon University, four factors determine quality of place: lifestyle, environmental quality, a vibrant music and arts scene, and natural and outdoor amenities.

—"The Role of the Arts in Economic Development," National Governor's Association Center for Best Practices, June 25, 2001.

In addition to the overlap in terms of occupation, there is another key relationship between members of the traditional arts community and those of the broader "creative class," which is that the arts help create the type of environment that in turn attracts other creative people, including those in the highly desirable, knowledge-based ("new economy") industries. The benefits work both ways, since knowledge-based workers tend to be well paid and will spend discretionary income on the arts, which they value.

In discussing arts and the economy with local artists and art advocates during development of this plan, three primary reasons were given to explain why Homer has attracted artists in the past and continues to do so: 1) The natural beauty of the area attracts people who appreciate beauty. 2) The community supports art and provides a nurturing environment for all types of artists. 3) Artists encourage and stimulate each other.

The following strategies have been suggested as ways to attract artists and other members of the creative class and maximize the economic benefit to the community:

- A. Work to enhance and protect the quality of life factors that make Homer attractive to artists and other creative people. *See previous discussion of Quality of Life.*
- B. Support public art above and beyond the existing 1% for the Arts ordinance.
 1. Commission public art for existing parks, buildings, streets/sidewalks, and other facilities.

¹⁵ "The Economic Impact of Nonprofit Arts Organizations and their Audiences in Homer, Alaska," Americans for the Arts, 2005.

¹⁶ Richard Florida, *The Rise of the Creative Class and How it is Transforming Work, Leisure, Community and Everyday Life*. New York: Perseus Books, 2002, p. 8.

2. Encourage artists to create public art by providing spaces, permanent and temporary, for art installations and music/performance art events.
- C. Publicly recognize the value of art in our lives and in our community.
- D. Support arts education in the public schools and elsewhere.
- E. Partner with local arts organizations and businesses to promote art in the community.

Health, Wellness, and Recreation

With a hospital, 20 or so physicians in private practice, at least a dozen dentists, several physical therapists, a large non-profit mental health/ behavioral counseling clinic, other counselors in private practice, numerous alternative health services ranging from chiropractic care to therapeutic massage to acupuncture, a health club and other for-fee exercise facilities, Homer provides a wide range of health and wellness services for residents and visitors. A relatively new addition to the health sector in Homer is the Seldovia Village Tribe Health Center, which provides medical and dental services to both Native and non-Native patients. In addition to these traditional services, other businesses and programs offer opportunities for organized sports, wilderness outings, and other healthy forms of recreation.

The topic of health and wellness is actually much broader than the list in the previous paragraph would suggest. The Southern Kenai Peninsula Communities Project, launched in November 2008 with leadership provided by South Peninsula Hospital, conducted an area-wide health needs assessment that looked at issues ranging from environmental health, access to local foods, a diverse and sustainable small-town economy, and citizen involvement in community affairs.¹⁷ The SKP Communities Project vision is depicted on the next page.

Due to restrictions intended to protect proprietary information, the State of Alaska no longer releases sales data specific to the "Medical-Social Services" NAICS line-of-business category (and many others). Therefore, it is difficult to gauge the economic impact of this sector. However, no one would question that it is significant. In addition to money spent directly on health and

Rural health services provide benefits additional to improvements in health outcomes. Because the health sector may contribute significantly to job and income generation, particularly in rural communities, it is imperative that rural communities have quality health services that local decision-makers work to evaluate, maintain, and possibly expand.

—G.A. Doeksen and V. Schott, "Economic importance of the health-care sector in a rural economy," *Journal of Rural and Remote Health Research, Education, Practice and Policy*, June 2003.

Ideas suggested by local health professionals for possible new businesses in Homer:

- Joint replacement surgery
- Expanded cancer care
- Pediatric care
- Alzheimer's care
- Substance addiction treatment
- Dermatology practice

¹⁷ Southern Kenai Peninsula Communities Project, Project Summary, December 2009

wellness services, access to these services in a community is an important quality of life factor that helps make the area an attractive place to live. Recreational opportunities are another important quality of life consideration.

Some of the recommendations in other sections of this plan, most notably in the Agriculture and Tourism sectors, will also enhance the Health, Wellness, and Recreation sector. Additional recommendations are offered below:

- A. Support efforts to provide modern technology in the health care sector; e.g., at South Peninsula Hospital. Advanced technological services will not only help keep local dollars from leaving the community, they will also help attract new residents. Current needs include bariatric equipment to meet the needs of severely overweight patients, an enhanced communication system integrated with an improved electronic record-keeping system, and an electronic asset tracking system.
- B. Support local job training programs in the health care field; e.g., at UAA-KPC-Kachemak Bay Campus.



- C. Seek to attract medical specialists in areas where there is unmet need.
- D. Support growth of services to meet the health care needs of senior citizens; e.g., senior care, chronic illness management, cancer care.
- E. Support necessary steps to comply with the 2010 federal health care reform mandates at the local level.
- F. Publicize Homer's many health care and wellness options and quality of care; e.g., through a directory of local health and wellness services.
- G. Expand and improve the City of Homer's Parks and Recreation program.
 - 1. Complete a community recreation needs assessment.
 - 2. Investigate successful models from other towns.
 - 3. Develop a community parks and recreation master plan that describes program elements, staffing needs, and potential funding sources.
 - 4. Seek funding from multiple sources for the Parks and Recreation program.

Education

As in the health care sector, education is a major employer in Homer. A key difference is that most health care providers work in the private sector and most educators and support staff are government employees. (*See Government section of this plan for more discussion about this broad sector.*) A key similarity is the critical role that both health care and education play in the decisions of potential residents and business owners about whether to settle in a community or not. The quality of K-12 education is an important consideration for parents of school-age children (an important demographic group), and the presence of local workforce training programs will help to attract potential employers.

Homer schools within the Kenai Peninsula Borough School District are (in alphabetical order): Fireweed Academy (K-6 charter school), Homer Flex High School, Homer High School, Homer Middle School, Paul Banks Elementary School, and West Homer Elementary School.

A total of 1,164 students were enrolled in these schools for the 2008-2009 school year, a slight (2.1%) drop from the previous year. (Fireweed Academy, Homer Flex, and Homer High School experienced losses; Homer Middle, Paul Banks, and West Homer experienced gains.)¹⁸

The school district also operates the Connections

While college towns have long been considered recession-resistant, their ability to avoid the depths of the financial crisis shaking the rest of the nation is noteworthy. The ones faring the best right now are not only major education centers; they also are regional health-care hubs that draw people into the city and benefit from a stable, educated, highly skilled work force.

—Kelly Evans, "Why College Towns are Looking Smart," *Wall Street Journal*, March 24, 2009.

¹⁸ Kenai Peninsula Borough School District data reported in Kenai Peninsula Borough *Situations and Prospects for Year Ending December 31, 2008*, p. 38.

program to support home-schooling on the Kenai Peninsula. In 2010, approximately 300 students in the Homer area were enrolled in the program.

Early childhood education is provided through the Birth-2-3 program, a non-profit organization. A federally-funded Head Start program operated by Chugachmiut (an Alaska Native health and social service organization), is headquartered in Homer. The economic value of these programs stems from the fact that a child's readiness for school is a strong indicator of how he or she will fare in life in the long term. One analysis found that every dollar spent on high-quality early childhood programs for disadvantaged children results in \$7 to \$9 in future savings to communities.¹⁹

Kenai Peninsula College's Kachemak Bay Campus serves as the focal point of the University of Alaska's programs and services on the southern Kenai Peninsula. Its value to the community was reflected in the fact that "making Homer more of a college town" and "expanding vocational education" received the most votes in an economic development public forum held in Homer in spring 2009.

KPC offers two-year Associates of Arts and Associates of Applied Science degrees, as well as courses leading to vocational certificates and industry certification. Some programs leading to baccalaureate degrees can be earned at the Kachemak Bay Campus. A number of other four-year degree programs are available through KBC courses and distance delivery from other University of Alaska campuses. Continuing education and professional development programs are provided that include conferences, summer programs, Elderhostel, workshops, classes, and a visiting writers' series.²⁰

A 2007 study prepared for the University of Alaska²¹ noted the following economic benefits of Alaska's university system:

- In FY 2007, for every dollar of State investment, the University created just over three dollars in total economic activity in the state, a total return on investment of 200%.
- The University of Alaska directly employed a peak of 8,000 workers in Alaska in 2006 (37 in Homer).
- In addition to its direct employment, UA indirectly supports approximately 7,100 jobs in the support sector of the Alaska economy.
- The payroll for the Kachemak Bay Campus in FY 2007 was \$900,000.
- An additional \$1.0 million was spent on goods and services in the Homer community.
- Nationally and in Alaska, 25 percent of all jobs require a 4-year degree or higher.
- As of 2006, two-thirds of the UA graduates from the classes of 1989 to 2006 were still living in Alaska.
- National data indicates that a female UA graduate earns nearly \$16,000 more per year than a female high school graduate while a male UA graduate earns almost 18,000 more than his high school educated peers (2006 dollars).

Specific recommendations for enhancing economic development through the education sector in Homer include:

¹⁹ Robert Duggar. "Investing in early-childhood programs would yield dividends for Ohio," Cleveland.com, June 14, 2009.

²⁰ <http://www.homer.alaska.edu/about/index.html>

²¹ McDowell Group, "The Economic Impact of the University of Alaska, 2007 Update," February 2008.

- A. Support early childhood education programs in Homer.
- B. Support adequate funding for Kenai Peninsula School District operations in Homer, with an expansion of vocational-technical education.
- C. Support goals of the Kachemak Bay Campus of UAA-KPC, including consolidation of operations at the East Pioneer campus, expansion of the campus, and provision of student housing.
- D. Support expansion of educational programs to take advantage of emerging economic opportunities and/or to capitalize on Homer's existing strengths and assets, such as:
 - 1. Interest in green technology, local agriculture/sustainability, renewable energy, etc.
 - 2. Proximity to the sea and its resources
 - 3. Arts and culture

Some recommendations overlap with those involving the benefits of a skilled, educated workforce. See p. 11.

Three Broad Sectors:

1. Construction and Manufacturing

The Construction and Manufacturing sectors include traditional building trades (employing architects and engineers, heavy equipment operators, carpenters, plumbers, welders, electricians, etc.) along with light manufacturing enterprises such as Nomad's line of fleece clothing and soft luggage, Alpenglow handmade soaps, and Nomad Shelter yurts (to name a few). Some businesses in the Manufacturing sector overlap with the Marine Trades sector (e.g., boat building) or with the Arts sector (e.g., locally made jewelry, ceramics, and other art



Nomad Shelter's yurt business is an example of a manufacturing enterprise based in Homer.

gallery items). Stretching the definition of manufacturing further allows us to include locally made beer, wine, and mead.

Many locally manufactured products are sold to individuals or other businesses outside the city, which makes them part of the basic economy that brings new money into the community. New manufacturing/light industry/export businesses should be encouraged for this reason and because they have potential to provide good year-round jobs.

2. Retail

A great many retail businesses in Homer do not primarily target tourists nor do they fit neatly into other economic sectors already described in this plan. They range in size from "mom and pop" businesses to much larger outlets such as Spenard Builders Supply, Ulmers, and Safeway. Collectively, they employ hundreds of people and form a vital part of the local economy. Retail goods can be considered part of the basic economy if 1) people from outside the community are buying

the products; or 2) locals are buying the products rather than purchasing similar items from sources outside the community (import substitution).

The latter point raises the topic of larger “big box” retailers, a discussion that has been a source of controversy in Homer since 2002, when the Kroger Company first broached the idea of building a 98,000 square foot Fred Meyer store in the Central Business District. Following a moratorium on construction of any store larger than 20,000 square feet, the footprint size cap was first set at 45,000 sf, then 66,000 sf, and is now at 75,000 sf in Homer’s commercial districts. (By way of comparison, the existing Safeway, including liquor store, is 30,250 sf.) As Homer and the surrounding area continue to grow, the need for a larger Fred Meyer or Wal-Mart type store is likely to become more apparent.

3. Services

Likewise, Homer’s service economy is strong and diverse. In addition to some of the service businesses mentioned elsewhere in this plan (e.g., health services), local businesses meet the needs of Homer residents and visitors in areas ranging from financial services to haircutting to legal assistance.

General recommendations for maximizing the benefits of these sectors (1, 2 and 3 above) include:

- A. Encourage enterprises that will provide jobs and other economic benefits without serious negative side effects; e.g., environmental pollution.
- B. Encourage value-added manufacturing to maximize local resources and provide products for export.
- C. Convey a “How can we help you?” attitude to assist prospective business owners and those seeking to expand existing businesses.
 - 1. Utilize zoning to ensure adequate land for different needs and publicize available land zoned for different purposes.
 - 2. Improve the permitting process to clearly communicate requirements and reduce time and frustration for applicants.
 - 3. Publicize resources provided by other organizations that can assist local business owners; e.g., the Small Business Development Center at the Homer Chamber of Commerce.
- D. Assist with efforts to publicize the availability of locally manufactured goods; promote local procurement of goods and services.

High tech/Internet Businesses

Many businesses in this sector; for example, Information Technology (IT) support services and website design; can also be classified in the Services sector. Other examples of high tech businesses include modern filmmaking/editing, computer-assisted graphic design/printing, software development, and Geographic Information System (GIS) services used for surveying and mapping. *See also discussion regarding Arts and the Creative Class.*

While most if not all businesses in the 21st century utilize computers, Internet-based businesses comprise a special category, wherein the business owner markets and sells a product or service almost solely via the Internet. Because there is no visible retail outlet or office, these businesses may go largely unnoticed by the community at large, yet bring significant money into the community.

The availability of Internet/email service has also made it possible for some individuals to function as "lone eagles," or as the Homer Comprehensive Plan puts it, "footloose entrepreneurs." These are the individuals who could live almost anywhere and conduct business via Internet/email. In other words, their choice of where to live is based to a major extent on quality of life factors such as natural beauty, arts and culture, and recreational opportunities rather than factors such as availability of land, labor, or local markets.

What Can Homer Do To Attract "Lone Eagle" Entrepreneurs?

Comments submitted by two area residents via email during development of the Comprehensive Economic Development Strategy. Comments have been edited for space.

My husband and I are what you would call "knowledge entrepreneurs." We are a good example of the kind of niche markets that are developing because of the Internet. We have customers from around the globe including Australia, Ireland, Italy, Singapore, Canada, and the U.S.

[In response to the question: Do you feel like Homer is currently providing the infrastructure your business needs?] For the most part, yes. We have printers, office supply, Internet, airport, computer folks and supplies etc. DSL needs to be improved in the outlying areas.

[In response to the question: What could we do to attract more lone eagles?] Keep the town attractive. Where you find the most migration to smaller towns is in those towns that have some sort of appeal. This cannot be overstated. If you travel around Oregon and Washington, or elsewhere, the small towns that are thriving are those that have appealed to people who can choose to live where they want and bring with them either retirement income or a small or home-based business. These towns survived the loss of the resource-focused boom/bust economies and reinvented themselves with what they had left. What these towns have to offer is predominantly natural beauty and access to outdoor activities or a quaint setting (like the coastal towns of Oregon and Washington); Homer has numerous benefits over some of these other small towns. Those assets should be advertised.

Your suggestion to promote "lone eagles" to live in Homer has merit. It capitalizes on Homer's main strength—quality of life. I was a "lone eagle" prior to my retirement. One type of "lone eagle" is the telecommuter. The list of occupations that this would include is almost endless. The following are areas to promote or improve to facilitate getting "lone eagles" to live in Homer:

- 1) For telecommuters it is necessary to have easy access to the fastest Internet and telecommunications networks available. Currently, Homer has no 3G nor do we have the fastest Internet connections.
- 2) For the old-fashioned commuter, easy, reliable, and affordable access to Anchorage is essential.
- 3) The "lone eagle" promotion should be carried out in state with North Slope workers, fishermen, offshore oil field workers, and miners from Red Dog and the potential Pebble project.
- 4) Homer must avoid putting up a negative image by putting up barriers to people and ideas.

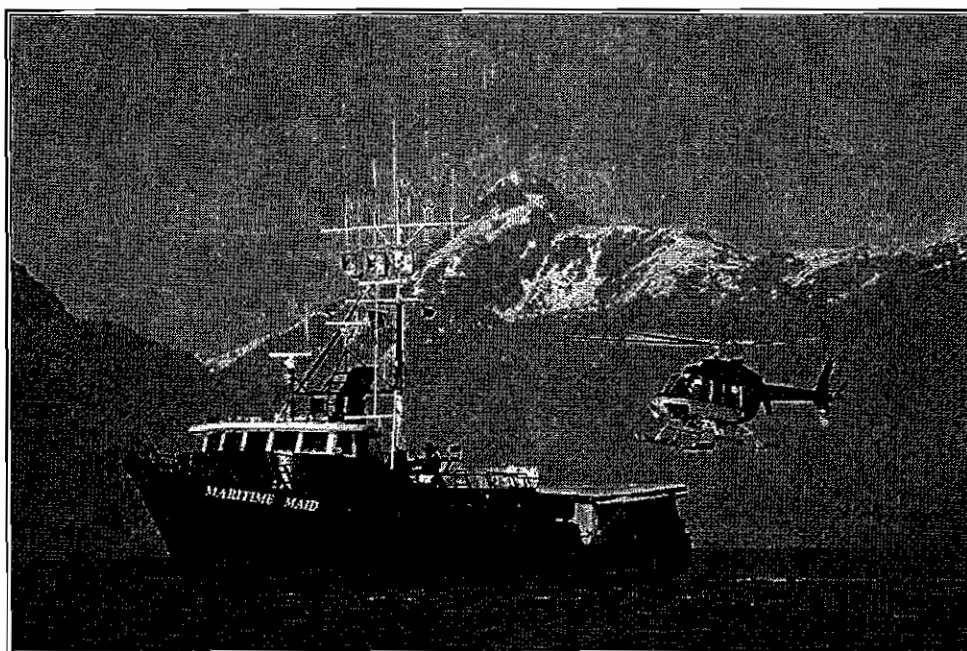
Recommendations for growing the high tech/Internet sectors of the Homer economy include:

- A. Support technical upgrades that benefit individuals and businesses who utilize these services extensively; e.g., high speed broadband Internet, improved cell phone service, and wireless connectivity.
- B. Market Homer's quality of life factors and suitability for high-tech/Internet based operations. Use marketing to counter the image of Homer and Alaska in general as too remote for modern business ventures to succeed.
- C. Support training opportunities for skill development in computer-related fields, including Internet-based commerce.

Transportation and Warehousing

The Kenai Peninsula Borough includes the following types of businesses under the heading of Transportation and Warehousing: air transportation, water transportation, truck transportation, transit and ground transportation, pipeline, scenic and sightseeing, support activities, postal service, couriers and messengers, and warehousing and storage. (Guiding by land and guiding by water are classified under Tourism.) In 2008, there were 126 businesses licensed in this sector in Homer, with gross sales of \$19.4 million.²²

Homer benefits economically by having an airport, a float plane lake, a harbor that supports numerous water taxi businesses, and port facilities that include preferential berthing for Alaska Marine Highway vessels. (The Marine Highway can also be classified within the Government sector.) In 2010, Seldovia Village Tribe began offering passenger/light freight ferry service three times a day between Homer and Seldovia, aboard the *Kachemak Voyager*, expanding the options available for getting across the bay.



Maritime Helicopters, based in Homer, has been in business since 1973 supporting marine, petroleum, and construction industries as well as government agencies. In addition to a fleet of helicopters, the company operates the 86-foot vessel *Maritime Maid*, equipped for helicopter operations at sea.

(Photo and information from maritimehelicopters.com)

²²Kenai Peninsula Borough, *Situations and Prospects for Year Ending December 31, 2008*, p. 224.

One of the most significant needs identified in Homer in the transportation sector is to provide containerized cargo handling capability at the Deep Water Dock. It is thought that with this capability, Homer will emerge as a major transportation hub for the Kenai Peninsula. Freight could be landed in Homer and trucked to outlets as far away as Kenai/Soldotna, eliminating the need to truck goods down from Anchorage and thus reducing costs. Dock expansion would also put Homer in a good position to provide staging for barged freight service to the Lake and Peninsula Borough via the Williamsport-Pile Bay Road or other facilities built to meet the needs of future resource development across Cook Inlet. The 30-acre industrial site at the base of the dock would support freight transfer operations.

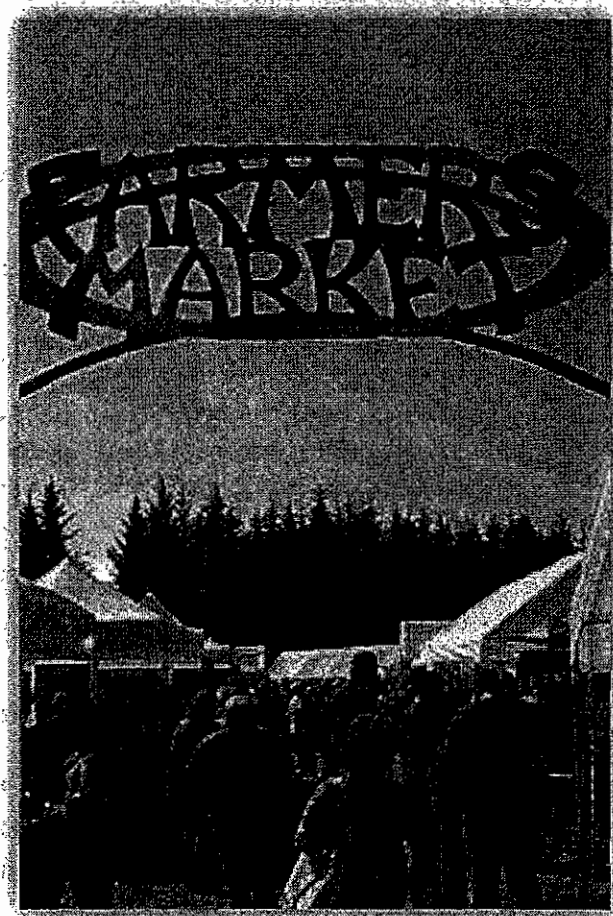
Recommendations to enhance the transportation sector include:

- A. Improve and expand Homer's Port and Harbor facilities, including expansion of the Deep Water Dock and construction of the proposed East Boat Harbor.
- B. Utilize lease policies to simultaneously benefit the broader community and individual business owners.
- C. Market Homer to attract new transportation-related businesses.
- D. Improve and expand Homer's overall transportation network in keeping with the goals of the Homer Comprehensive Plan, Transportation Plan, and Non-Motorized Transportation and Trails Plan.
- E. Support the development of a rail line connecting Homer to Anchorage.

Agriculture

Although agricultural enterprises have been present in the Homer area since Delphina Woodard operated a dairy farm in downtown Homer in 1917, the agricultural sector of the local economy is, at this time, small. However, it is also widely seen as having great potential for growth, given the expected effects of global climate change (warmer temperatures/longer growing seasons), recognition of the need for local self-reliance in the age of dwindling oil supplies, and increasing interest in local/organic food on the part of consumers, including restaurant owners. Growth in local agriculture has the potential to expand the export economy if products are purchased for shipment outside the local area.

Many local growers of produce, livestock, and poultry live outside Homer city limits but contribute to the local economy through sales at local outlets (e.g., the Farmers Market) and by spending money from sales at local stores. Local restaurants also benefit by being able to tout their use of locally-grown produce.



The Homer Farmers Market has become a popular destination in recent years.

Why "the market" alone can't save local agriculture

The problem facing local food production isn't lack of demand; it's lack of infrastructure. To boost production, a given area's small-scale farms need access to capital—to invest in farm equipment, composting capacity, washing and cooling facilities, and delivery trucks.

Since small farms generally lose money, they can hardly be counted on to make those investments themselves, and few banks are eager to invest in businesses with negative operating margins. Yet the situation need not be so bleak. The farmers who supply the nation's farmers' markets and CSAs, despite brutal economics, represent a huge asset. Communities, and the nation as a whole, should figure out ways to collectively leverage the passion of these growers. Not through direct payments—as with the current \$14.5 billion per year subsidy boondoggle—but rather through strategic investments in food-production infrastructure.

As for individuals, the way forward is clear: seek out farmers' markets, CSAs, and restaurants that procure locally. And stifle your sticker shock. That two-dollar tomato will likely deliver an experience that can't be bought at any price at a supermarket. The cheap-food regime under which we feed ourselves is really a costly scam.

—Tom Philpott, www.grist.org/article/local3

In the Homer area, agricultural goods and produce include many vegetables, limited fruits, grass-fed beef, local eggs, and honey. Value-added products include jams, jellies, and mead made with local honey and berries. Some businesses sell nursery plants, seeds, soil, and compost. Recently, cut flowers, particularly peonies, have become a local economic enterprise, since peonies grow well in this climate and bloom at a time when they are not available elsewhere.

The Homer Farmers Market provides a low-cost venue for many local farmers. In operation seasonally since 2000, the Farmers Market attracts locals and visitors twice a week with booths featuring local handicrafts and prepared foods as well as fresh local produce, seedlings, and other agricultural offerings.

Farmers Market spokespeople have noted that local agriculture could benefit significantly through efforts to identify markets and connect producers with those markets. The Homer Farmers Market and Sustainable Homer were successful in obtaining a VISTA (Volunteer in Service to America) to assist in meeting this goal. The VISTA is coordinating a 3-year project launched in November 2010.

Farmer and writer Tom Philpott offers one prescription for helping local agriculture entrepreneurs succeed. (*See sidebar.*) Philpott, Michael Pollan, and other nationally known local food advocates have written extensively on the need for reform of agricultural policy at the federal level to assist smaller-scale farmers, reduce food miles traveled, and provide Americans with healthier food.

Recommendations made by Homer-area growers and advocates include the following:

- A. Provide the Homer Farmers Market with a permanent location; e.g., in the proposed Town Center.
- B. Advocate for a USDA-approved meat processing facility on the southern Kenai Peninsula. (Currently, local farmers who wish to sell their chickens, beef, or pork commercially must first take it to Anchorage to get the USDA stamp.)

- C. Support construction of a community cold storage/freezer facility. Investigate use of a sea water heat-exchange loop in the harbor to help reduce electrical usage of the facility.
- D. Support development of a “kitchen incubator” that provides food producers and processors in start-up and growth phases with access to technical assistance and shared facilities including a commercial kitchen, storage, and offices in a cooperative environment at below market rates. Such a facility would encourage the production of value-added food products for local purchase or export.
- E. Build a new greenhouse for the City to use for its plantings so that Homer High School can have a full year-long curriculum based around the greenhouses there. The new City greenhouse could be built as a demonstration project, easily accessible to the public and full of all the latest power-reducing technology.
- F. Support efforts to encourage local food production, connect local farmers with markets, and publicize the benefits of “eating local.”
- G. Consider land use and/or tax incentives to take full advantage of the fact that the Homer bench is an extremely valuable agricultural microclimate.
- H. To increase the amount of land dedicated to agriculture and help meet local demand, establish a program whereby City crews and equipment will assist in turning lawns into garden plots, at either no or low cost to property owners.
- I. Eliminate the City sales tax on locally grown non-prepared food.
- J. Support changes in borough tax policy to classify greenhouses as “agricultural.” (Currently borough farm tax benefits apply only to fields, not to structures, so greenhouses are not taxed as agricultural but rather at the higher rate applied to any other structure.)
- K. Network and collaborate with University of Alaska–Fairbanks and Cooperative Extension Service personnel regarding research and funding opportunities; e.g., to support local food demonstration projects.
- L. Establish a Local Food Commission to further develop goals and strategies related to local agriculture/sustainability and facilitate achievement of the goals.

Retirees and Second-Home Residents

Anyone who has lived in Homer 20 years or more cannot fail to have noticed a change in demographics in our community. Not only has the average age of residents increased, but wealth is far more noticeable.

Part of the increase in average age is due to the fact that the American population as a whole is aging and Alaska is aging more than most states. In fact, the number of people age 65 and older grew faster in Alaska than in any other state between 1997 and 2007.²³ Many Alaskans over age 65 have lived in the state for many years, if not their entire lives. Others moved to the state after retirement. Homer has attracted more retirees and second-home/part-time residents than most other destinations in Alaska.

Around the country, local and county governments tend to view retirees as an asset and some engage in active marketing to attract new residents from this demographic group. In truth, such governments are particularly interested in a subset of the senior population: those with enough money to enhance the tax base without placing a heavy burden on local services. Once again, Homer finds itself in an enviable position in this regard. Casual observation and anecdotal reports from local realtors reveal that the Homer area has become

²³ Alaska Commission on Aging, “We’re #1: Alaska Tops in Senior Population Growth,” Feb. 17, 2009.

increasingly popular as a retirement/second-home location for wealthy or relatively well-off individuals and couples from Anchorage and the Lower 48 states.

As with many other forms of economic development, not all the consequences of senior migration to Homer are positive. Wealth from outside the community has been a factor in driving up real estate prices locally, making it harder for less wealthy individuals to afford housing. By state law, Alaskans age 65 years and older are exempt from property taxes on their primary residence up to the first \$150,000 of assessed value. (Local governments can extend the exemption above this cap if they wish. The City of Homer has not done so; however, the Kenai Peninsula Borough has increased the exemption to include the first \$300,000 of assessed value.) A policy of lower taxes on senior citizens increases the pressure on other residents to cover the costs of services provided by local government.

In a paper titled **"Chasing the Elderly: Can State and Local Governments Attract Recent Retirees?"**, the authors looked at a number of studies regarding factors that influence senior migration. They concluded:

...Returning to the question posed in the title of this paper, state and local fiscal policies do appear to influence location decisions, but they represent a secondary consideration in the migration decisions of most households.

What are the policy implications of our findings for policymakers contemplating strategies for attracting elder migrants? Changes in tax burdens and service levels can affect elder location decisions. Of the fiscal variables, inheritance taxes, income taxes, and property taxes have the largest relative effects. However, very large tax reductions would be required to attract even one more elder migrant to a county. Unless these tax breaks could be narrowly targeted to the group of elderly most likely to consider migrating, the revenue losses from such a program are likely to significantly outweigh the economic and fiscal benefits. Our results suggest that states should focus on marketing their amenities, rather than using fiscal policy to recruit retirees.

— William Duncombe, Mark Robins, and Douglas Wolf, "Chasing the Elderly: Can State and Local Governments Attract Recent Retirees?" Center for Policy Research, Maxwell School of Citizenship and Public Affairs, Syracuse University, September 2000, p. 26.

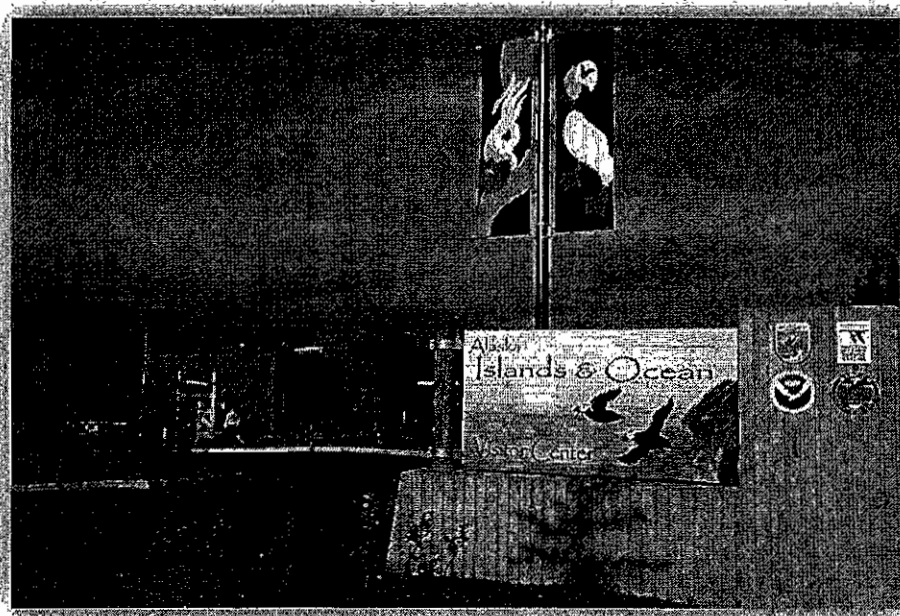
Recommendations for enhancing Homer's economy by attracting retirees and second-home residents include:

- A. Recognize that quality of life factors (an attractive town, arts and culture, walkability, health services, etc.) are the most important in attracting retirees and second-home buyers. Focus on enhancing and marketing these features (which benefit all residents) rather than offering financial incentives to attract retirees.
- B. Support the growth of senior services in Homer; e.g., the programs and facilities of Homer Senior Citizens, Inc. and geriatric health services.
- C. Support efforts that result in vacation travel by seniors to Homer—e.g., through Elderhostel programs or on cruise ships—and seek to create a positive first impression for these visitors to help plant the idea of Homer as a place to retire or purchase a second home.

Government

Local, borough, state, and federal government offices and agencies represent a major economic sector in Homer. Looking at state and federal government only, we see the following listed as having offices/operations in Homer:²⁴

STATE	FEDERAL
Court System	U.S. Dept. of Agriculture
Fish & Game, including Kachemak Bay National Estuarine Research Reserve	National Marine Fisheries Service
Health and Social Services (several programs)	National Oceanic and Atmospheric Administration
Dept. of Labor (Homer Job Center)	U.S. Coast Guard
Alaska Housing Finance Corp.	U.S. Fish & Wildlife – Alaska Maritime National Wildlife Refuge
Legislative Affairs	U.S. Dept. of the Interior – Indian Affairs
Division of Motor Vehicles	Post Office
Dept. of Natural Resources	Federal Aviation Administration
Alaska Marine Highway	
Homer Airport	
University of Alaska, Kenai Peninsula College, Kachemak Bay Branch	



The Alaska Islands and Ocean Visitor Center serves as headquarters for the Kachemak Bay Research Reserve (a program of the Alaska Department of Fish and Game and the National Oceanic and Atmospheric Administration) and the Alaska Maritime National Wildlife Refuge (part of the U.S. Fish and Wildlife Service). More than 40 people work at the Center, which is also a major tourist destination, attracting 70,000 visitors per year.

Native tribes can also be considered governments. Seldovia Village Tribe and Chugachmiut operate facilities in Homer. Public school teachers are employees of the Kenai Peninsula Borough.

²⁴ 2010 ACS Yellow Pages, Kenai Peninsula, Government Offices section

In the 2000 Census, 16.9 percent of individuals working in Homer were classified as "government workers." Many are professionals with college degrees. It can be assumed that their wages, when spent locally, make a significant contribution to the local economy. Other financial benefits come from leased office space, moorage fees, money spent locally on procurement, etc.

The following are general recommendations for maximizing the contributions of government as an economic sector in Homer:

- A. Advocate for expansion of borough, state, federal, and tribal government offices and programs in Homer, as appropriate. (Growth for the sake of growth is not justified.)
- B. Seek to understand the needs of government agencies in Homer and work cooperatively to ensure those needs are met for the mutual benefit of the agencies and the community. Be proactive in recognizing and addressing potential problems.
- C. Respond to requests for letters and resolutions of support by government agencies seeking funding for programs and facilities.
- D. Take advantage of opportunities for networking and collaboration to help foster positive relationships with representatives of government agencies.

DOWNTOWN VITALIZATION

Homer's first Comprehensive Development Plan (1969) includes this sentence on the first page:

"This plan outlines objectives for future development, emphasizing the need for a strong centralized downtown and the development of a road system that will encourage the economies of centralization, while providing a bypass route for industrial traffic."

More than 40 years later, Homer still lacks a strong centralized downtown. This is why the term "vitalization" is used in the section heading above, rather than "revitalization."

"Downtown" is a commonly used word, but what does it mean? Most of us can easily conjure up an image of a vibrant downtown: lots of people on foot in a relatively small, densely developed area; lots of activity; a multitude of shopping and dining options. People walk by store and café windows and are enticed to go in. Outside, there are opportunities to sit on a park bench, drink a latte, and enjoy the view or people-watching. The best downtowns allow a mix of uses, including retail, office, and residential. Some include a central park, square, or commons.

Interestingly, Homer has many of the characteristics of a vibrant downtown in the area of the small boat harbor on the Homer Spit—at least in the summer. The Spit is characterized by park-and-walk activity and is a magnet for shopping and sightseeing, popular with locals and visitors alike. Can we create a downtown district in the heart of Homer with similar appeal, but with businesses open all year?

This, essentially, is the goal of the Homer Town Center Development Plan, approved by the City Council in April 2006. The plan presents a vision of a

Some thoughts on "downtown"

A dense urban center creates a critical mass of people, ideas, products and activities that promote growth and trade... Really good downtowns are congested. Stop worrying about it—pray for it.

—Alan Jacobs, professor emeritus of city and regional planning, University of California, Berkeley

Downtown is everyone's neighborhood and the heart of the city.

—Bernard Lynch, City Manager, Lowell, MA

Great downtowns fill cities with life, and succeed when people come first. If you plan cities for cars and traffic, you get cars and traffic. If you plan for people and places, you get people and places.

—Fred Kent, Project for Public Spaces

Our town looks like a dump! No pride of ownership. No sense of downtown.

—respondent to City of Homer Citizen Survey, December 2002

Pioneer Street looks like a crappy jumble of a town according to tourists I've talked to. It's too bad.

—another respondent to City of Homer Citizen Survey, December 2002

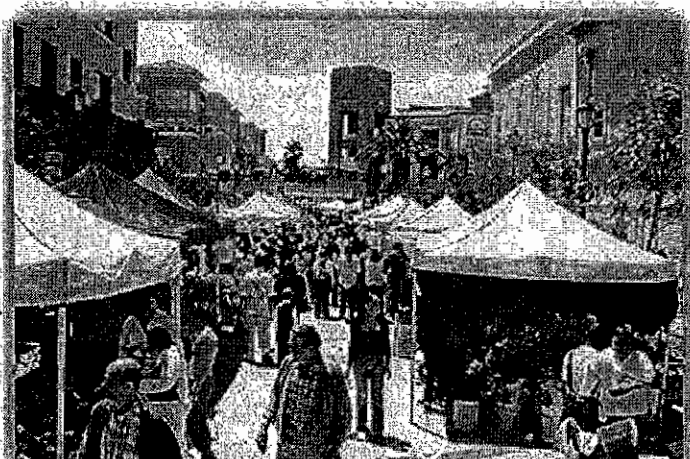
Town Center will be a community focal point to provide for business development, instill a greater sense of pride in the downtown area, enhance mobility for all forms of transportation, and contribute to a higher quality of life.

—from the Homer Town Center Development Plan, April 2006

“viable and vibrant Town Center” achieved through a mix of uses including commercial, residential, civic, and outdoor/open space. A 2003 study prepared by economist Steve Colt of the Institute of Social and Economic Research predicted that Town Center development, as envisioned at that time, would lead to 50% higher commercial taxable sales and 35% more revenue from property taxes in a 5-year period within the designated area, and that direct employment in the area would increase by about 33% over the same period.²⁵



Downtown Ithaca, New York (population 30,000) includes a “commons” and other features that make it an attractive destination.



Public markets can create a strong draw to a downtown district, as seen here in Fruitvale, California.

Momentum for developing Homer’s Town Center stalled in 2008 after the defeat of a ballot proposition that would have authorized selling bonds for the purpose of building a new city hall and adjacent plaza (“town square”). This project was intended to serve as the civic anchor for Town Center, provide some of the roads, sidewalks, and utilities infrastructure, and thus help attract additional (private) development.

In light of the public rejection of a new city hall/town square, it is recommended that downtown vitalization include the following strategies:

- A. Complete master planning for the Town Center district.
 - 1. Identify preferred routes and design for new roads, trails, sidewalks, parking areas, and community open space. Consider the needs of RV drivers in parking plans.
 - 2. Work with landowners to accomplish land trades or lot line adjustments as needed for roads, trails, etc.
 - 3. Consider a public market as a primary anchor for Town Center development and include space for the market in the master plan. Work with Homer Farmers Market toward this goal.
- B. Emphasize connections to Pioneer Avenue, Main Street, and Old Town to help ensure that Town Center development benefits existing and future businesses in these areas.

²⁵ Steve Colt, “Fiscal and Economic Analysis of Homer Town Square Proposed Development Alternatives,” Institute of Social and Economic Research, University of Alaska Anchorage, April 10, 2003.

- C. Take steps to make Pioneer Avenue more appealing as a commercial district; e.g., through zoning changes and street improvements that encourage new businesses and help create a more attractive and pedestrian friendly corridor. Support similar improvements on Main Street and Bunnell Street.
- D. Seek funding from public and private sources to build the first roads, sidewalks, parking lots, and trails and provide utilities as outlined in the Town Center master plan. Establish a town square or commons to serve as the location for a public market and other events.
- E. Actively promote Town Center as a location for dense, attractive, mixed-use development in keeping with the overall vision for downtown vitalization.

Jobs at the Heart and Soul of a Community

All vital cities showcase at least one multi-use destination – an interesting place where people can go for a variety of activities that involve more than shopping. A multi-use destination that is the heart and soul of a community can both create an identity and generate good jobs and economic growth for that city.

A classic example is Granville Island, a tiny (38 acre) patch of waterfront in Vancouver, Canada... It is the most visited destination in British Columbia but has one of the smallest budgets for tourism advertising of any Vancouver destination.

The economic anchor is the Granville Island Market which has 50 full time local vendors that sell from market stalls, including a variety of small eating establishments with many different ethnic foods, and 45 spaces for part time vendors. And there are no chains! About 3,000 people are employed on the Island and it generates over \$215 million in economic activity each year.

More than a picturesque, public-spirited, feel-good trend, markets are potent economic incubators. People go to markets not only because they can buy the fresh food they need at a price they can afford but also because markets are sociable, fun places that make for a rewarding experience.

People often think of these spots as tourist havens, with the usual low-pay, no-future tourist jobs. But a closer look shows that tourists are not the primary force behind the economic success of these places. At the Granville Island Market the highest-performing vendor is the meat market, which shows that it is a major attraction for locals. No one is going to take fresh pork chops home on the airplane or fry sausage in their hotel room. In fact, the market is busiest in the off-season when tourists are more scarce in rainy Vancouver.

—from "Putting Our Jobs Back in Place," Project for Public Spaces, pps.org

AN ORGANIZATIONAL STRUCTURE FOR ECONOMIC DEVELOPMENT

Almost everyone in the Homer community supports the idea of economic development and most would agree that there is room for improvement in that arena in our community. What are the current barriers to making these improvements?

As with many ambitious initiatives, lack of money, lack of time, and lack of organizational focus contribute to lack of progress. This section of the CEDS is intended to address these issues.

Existing structure

The organizations currently working to promote economic development in Homer are primarily the City of Homer, Homer Chamber of Commerce, Small Business Development Center, Kenai Peninsula Economic Development District (KPEDD), the Kenai Peninsula Tourism Marketing Council (KPTMC).

The KPEDD is an Alaska Regional Development Organization with offices in Kenai. It manages a business incubator on site along with two revolving loan programs and has a contract with the Kenai Peninsula Borough to produce the Kenai Peninsula Comprehensive Economic Development Strategy. The EDD also sponsors annual or semi-annual forums during which economic development topics are presented. The EDD does little to promote individual communities.

Likewise, the Kenai Peninsula Tourism Marketing Council focuses on the entire peninsula. Tourism is the only economic sector that is promoted by KPTMC.

The Homer Chamber of Commerce ("the Chamber") is a member-based organization whose mission is "to promote cooperative economic development that preserves the essence of the community while enhancing the quality of life." The Chamber operates a visitor information center, produces an annual visitors guide, sponsors events such as the Homer Halibut Derby and Kachemak Bay Shorebird Festival, and in general works to promote Homer and support local businesses both to the resident population (as with its Buy Local campaign) and to potential visitors. While the Chamber's structure includes an Economic Development Committee, the all-volunteer nature of the committee and lack of funding limits what it can accomplish.

The Small Business Development Center, housed within the Chamber of Commerce, provides valuable services but, as discussed on p. 12 of this plan, its mission is limited and it is not equipped to take on a larger role.

The City of Homer does not have an economic development department or division. Among its advisory bodies is an Economic Development Commission which has existed off and on since 1993. The commission is currently staffed by the Special Projects Coordinator who has many other responsibilities and no real background in economic development. The City's economic development activities mostly consist of support and fundraising for specific capital improvement projects aimed at upgrading or expanding public infrastructure and other facilities.

Recommendations for a new structure

- A. The City of Homer (as opposed to the Chamber of Commerce or a new independent organization) should provide the governing structure for an Office of Economic Development (OED).

While the City would continue to work closely with the Chamber of Commerce to promote Homer, it makes sense that local government should assume a broad economic development role which seeks to benefit the public at large and future generations. Clear lines of authority and an established budget process will facilitate creation and management of the OED.

- B. The geographic reach of the new economic development efforts should be the greater Homer area, to include Homer, Diamond Ridge, Kachemak City, and Fritz Creek.

While an argument could be made for limiting the reach to City of Homer boundaries only, this would greatly reduce the impact of the efforts and would ignore the reality that most of the people in the areas named above consider themselves part of the Homer community. The fact that the City of Homer already allows non-residents to serve on advisory bodies reflects this reality.

- C. The Office of Economic Development should be funded through a modest local bed tax.

While taxes are always a touchy subject, the fact is that the OED will not be effective without funding for a director of some sort and a budget for office expenses and program activities. The money has to come from somewhere. If it comes from existing City revenues, it would be at the expense of other City efforts.

Under state law (As 29.45.700), the Kenai Peninsula Borough could grant permission to the

City of Homer to enact a local bed tax, without requiring a vote of the entire KPB electorate. Approval by voters in the affected area would still be needed to enact the tax, which could be dedicated to support the OED and, perhaps, other economic development efforts. (Some cities, for example, use bed tax revenues to finance construction and operation of conference center facilities. *See Tourism/Visitor Industry section.*)

How much revenue would a bed tax raise? If we assume that there are 1,000 rooms in the area's hotels and B&Bs, rented out for 100 nights per year at an average of \$150 per night,²⁶ a 4% bed tax would mean an extra \$6 per night per room. Multiply this by 100 nights = \$600. Multiply this by 1000 rooms = \$600,000 collected annually. Even after covering the costs of collecting the tax, this should be enough to fund an Office of Economic Development and cover the costs of a conference center—yet the local bed tax rate would be less than one-third of the national average of 12.6%.²⁷

The location of the economic development function in a local government sends an important signal to existing and potential businesses as well as the local government's operating departments. For small local governments, it is common to find an economic development coordinator who works for the government's chief executive officer in a staff capacity... This person may be the single point of contact in the organization for handling requests for information about the community, undertaking staff work about tax incentives, and generally seeing that other local government departments are responsive to business needs.

—An Economic Development Toolbox, APA, p. 38.

²⁶ Estimate provided by Paul Dauphinais, Executive Director, Homer Chamber of Commerce.

²⁷ Reported by American Hotel and Lodging Association, June 2008.

Specific activities and programs of an Office of Economic Development might include:

- Serve as the primary point of contact for individuals seeking information on starting or relocating a business in Homer.
- Guide those seeking assistance to other appropriate resources, such as the Small Business Development Center, Planning and Public Works staff, the Chamber of Commerce, or the Kenai Peninsula Economic Development District.
- Serve as liaison with the Planning and Public Works departments to help business owners understand relevant City codes and navigate the permitting process as efficiently as possible.
- Maintain the Economic Development section of the City of Homer website.
- Provide staff support to the Economic Development Commission. Assist with updates of the Comprehensive Economic Development Strategy.
- Facilitate development of a local angel investing network.
- Serve on economic development related task forces and committees, as requested.
- Help coordinate local economic development forums and events.
- If a conference center is built as a City facility, market and manage the facility for maximum community benefit.
- In general, work with other groups and individuals to identify and implement specific strategies for enhancing economic development in the Homer area.

CONCLUSION

Homer is fortunate to have earned a reputation for its beautiful setting, abundance of outdoor recreation activities, arts and culture, and unique small town charm. The economy is also reasonably diversified and healthy. However, as Homer grows, it would benefit from more focused attention on economic development to attract and retain the types of enterprises that provide good jobs and contribute to the overall vibrancy and long-term well-being of the community. This plan provides concrete recommendations which build on Homer's existing assets and, if implemented, will promote business and commerce while preserving and enhancing the quality-of-life characteristics that are so valued by residents and visitors.

IMPLEMENTATION PLAN

Successful implementation of the CEDS will depend on a collaboration of local government with members of Homer's business and non-profit communities. Many activities will be ongoing in nature. Others will set the stage for additional progress.

STRATEGY	RESPONSIBILITIES
"BIGGER PICTURE" FACTORS	
LOCAL GOVERNMENT POLICIES & SERVICES	
Goal: Local government will provide quality basic services and infrastructure needed to support and encourage private sector economic activity for the benefit of current and future generations.	
A: Utilize land use policies and other regulations to serve the overall public interest without unduly restricting development.	Planning Dept., Port & Harbor Dept., Public Works Dept.
1. Process permit and lease applications more efficiently/quickly.	
2. Project "How can we help you?" attitude in permitting process.	
3. Review policies and practices at least every 5 years.	
B. Provide high-quality public services and infrastructure.	
1. Maximize outside investment in City infrastructure to reduce burden on local taxpayers.	City Manager's Office, Public Works Dept., Port & Harbor Dept.
2. Make maintenance of infrastructure a priority.	City Council
3. Support "quality of life" through City services and infrastructure.	City Council
QUALITY-OF-LIFE FACTORS	
Goals include enhancing /protecting Homer's visual impact, arts and culture scene, educational opportunities, ease of transportation including walking and biking, recreation and fitness opportunities, health services, festivals and special events, and vitality of the downtown district.	City Council and all departments, in collaboration with other community groups.
AFFORDABLE HOUSING	
Goal: Assess options to meet current and future needs for affordable housing.	
A. Form task force to assess current housing supply, identify needs and barriers, evaluate options, and make recommendations.	City Council/Kenai Peninsula Housing Initiatives
A SKILLED, EDUCATED WORKFORCE	
Goal: Ensure quality life-long learning opportunities in Homer.	
A. Support quality public school programs.	City Council
1. Advocate for vocational/technical programs and basic skills classes as well as college-preparatory curricula.	
2. Support efforts to provide students with hands-on learning experiences.	
B. Support growth of UAA-KPC-Kachemak Bay Campus.	City Council
1. Support efforts to market Homer as a place to go to college.	

2. Support KBC goals aimed at expanding the campus with new buildings and facilities.	
3. Support the development of student housing.	
4. Support the development of new college programs to meet existing needs and likely areas of future job growth.	
C. Advocate for new vocational/technical training programs and centers in or near Homer.	City Council
1. Support Homer as the location for a Maritime Academy.	
2. Support vocational/technical programs offered at the college, high school, Alaska Vocational/Technical Center, and private companies or non-profit organizations	
D. Provide and protect the quality-of-life attributes known to attract skilled workers.	City Council and all departments in collaboration with other community groups
TECHNICAL AND FINANCIAL ASSISTANCE FOR BUSINESS OWNERS	
Goal: Improve chances of success for local entrepreneurs seeking to start or expand a business.	
A. Continue to support the Small Business Development Center housed at the Chamber of Commerce.	City Council
B. Support development of a new program aimed at helping entrepreneurs identify and secure needed capital.	Chamber of Commerce, City of Homer Economic Development Coordinator ²⁸
C. Support development of a program to provide mentoring and other networking opportunities for local entrepreneurs.	Chamber of Commerce, Economic Development Coordinator
THE BIGGER WORLD	
Goal: Help create a community that is resilient to adverse economic impacts related to such things as global financial crises, climate change, and escalating fossil fuel prices.	
A. Appoint a Local Food Commission to recommend and facilitate policies and programs designed to increase local agricultural production and consumption.	City Council
B. Continue to support development of renewable energy sources to help reduce dependence on fossil fuels.	City Council
C. Continue to work to bring natural gas to Homer.	City Council
D. Support Smart Growth principals such as mixed-use development, transportation options, and affordable housing.	City Council, Planning Commission, Planning Department
E. In development decisions, take into account possible future impacts of global greenhouse gas emissions such as sea level rise and ocean acidification, as well as potential positive effects such as longer, warmer growing seasons.	City Council, City departments
F. Support continued management of Alaska fisheries based on principles of sustainability.	City Council

²⁸ Economic Development Coordinator refers to a new position. See recommendations for "An Organizational Structure for Economic Development."

G. Support programs which help local business owners and homeowners improve energy efficiency in their buildings and facilities.	City Council
ECONOMIC SECTORS	
COMMERCIAL FISHING AND MARICULTURE	
Goal: Protect and enhance commercial fishing and mariculture as a key element in Homer's basic (export) economy.	
A. Support state/federal regulatory measures that help ensure sustainable fisheries.	City Council
1. Keep abreast of information related to fisheries health.	
2. Support regulatory proposals aimed at maintaining healthy populations and sustainable harvest levels.	
B. Provide and maintain infrastructure at the Port of Homer needed to support and grow the local fishing industry.	City Council, City Manager, Port & Harbor Director
1. Seek ways to either redefine "fish processing" at the state level or meet the current definition at the local level to help capture more of the fisheries taxes collected by the Alaska Dept. of Revenue.	
2. Continue to seek funding for expansion of the small boat harbor to make room for more commercial fishing vessels.	
C. Encourage development of the local seafood industry beyond traditional products and markets.	City of Homer Economic Development Coordinator, Small Business Development Center, Kenai Peninsula Economic Development District
D. Market Homer as a center for commercial fishing and quality seafood products.	Chamber of Commerce, industry groups, City Council
1. Develop and promote local product identification.	
2. Publicize the advantages of doing fisheries-related business in Homer.	
GENERAL MARINE TRADES/PORT & HARBOR DEVELOPMENT	
Goal: Promote growth and vitality of the marine trades as an economic cluster in Homer.	
A. Utilize City lease policies to help ensure that property needed for marine businesses is available on the Homer Spit at reasonable terms.	City Council, City Manager, Lease Committee
B. Continue to seek funding for capital projects that will benefit the marine trades, such as Deep Water Dock expansion and expansion of the Small Boat Harbor.	City Council, Special Projects Coordinator, Port & Harbor Director
C. Promote Homer as the site for an Alaska Maritime Academy.	City Council
D. Encourage new businesses that will fill unmet needs within the marine trades cluster.	Economic Development Coordinator, Chamber of Commerce
E. Address parking problems on the Spit	City Council
F. Encourage overslope development through public/private partnership whereby the City of Homer will invest in the necessary platforms and pilings to support further development.	City Council

TOURISM/VISITOR INDUSTRY	
Goal: Increase the net benefits that tourism brings to Homer. <i>Note: The following objectives (A, B, and C) are taken from the Homer Comprehensive Plan, Economic Vitality Chapter. For more information including proposed strategies, see the Homer Comprehensive Plan, Chapter 8.</i>	
A. Invest in local infrastructure, parks, and civic improvements that will serve locals as well as visitors.	City Council
B. Support efforts to improve community attractions, including access to attractions and links between them.	City Council, Parks and Recreation Division, partner organizations such as Pratt Museum
C. Increase the net benefits that tourism brings to Homer. <i>The following strategy is one of those listed in the Homer Comprehensive Plan for achieving this objective: "Continue to explore the establishment of conference and convention capabilities in existing and/or new facilities."</i>	City Council, City Manager
1. (EDC recommendation): Pursue enactment of a modest local bed tax to support a conference center and other economic development activities.	
ARTS AND THE CREATIVE CLASS	
Goal: Continue to attract artists and other members of the creative class to Homer and maximize economic benefit to the community.	
A. Work to enhance and protect the quality of life factors that make Homer attractive to artists and other creative people.	City Council
B. Support public art above and beyond the existing 1% for Arts ordinance.	City Council and all departments, in collaboration with other community groups and businesses
1. Commission public art for existing parks, buildings, streets/sidewalks, and other facilities.	
2. Provide spaces, permanent and temporary, for art installations and music/performance art events.	
C. Publicly recognize the value of art in our lives and in our community.	City Council, Chamber of Commerce, other organizations
D. Support arts education in the public schools and elsewhere.	Kenai Peninsula Borough School District, City of Homer
E. Partner with local arts organizations and businesses to promote art in the community.	City Council, Chamber of Commerce
HEALTH, WELLNESS, AND RECREATION	
Goal: Enhance the economic benefits to Homer from health, wellness, and recreation programs and providers.	
A. Support efforts to provide modern technology in the health care sector; e.g., at South Peninsula Hospital.	South Peninsula Hospital, City Council
B. Support local job training programs in the health care field.	City Council, UAA-KPC-Kachemak Bay Campus

C. Seek to attract medical specialists in areas where there is unmet need.	Medical community, social service agencies
D. Support growth of services to meet the needs of senior citizens.	Homer Senior Citizens, other social service agencies, City Council
E. Support necessary steps to comply with federal health care reform mandates at the local level.	South Peninsula Hospital, other health providers, City Council
F. Publicize Homer's many health care and wellness options through a directory of local health and wellness services.	Chamber of Commerce, Economic Development Coordinator
G. Expand and improve the City of Homer's Parks and Recreation Program.	City Council, Parks and Recreation Commission, Community Recreation Coordinator
1. Complete a community recreation needs assessment.	
2. Investigate successful models from other towns.	
3. Develop a community parks and recreation master plan that describes program elements, staffing needs, and potential funding sources.	
4. Seek funding from multiple sources for the Parks and Recreation Program.	
EDUCATION	
Goal: Enhance economic development in Homer through the education sector.	
A. Support early childhood education programs in Homer.	City Council
B. Support adequate funding for Kenai Peninsula School District operations in Homer, with an expansion of vocational-technical education.	City Council
C. Support goals of the Kachemak Bay Campus of UAA-KPC including expansion of the campus and provision of student housing.	City Council
D. Support expansion of educational programs to take advantage of emerging economic opportunities and/or to capitalize on Homer's existing strengths and assets, such as interest in sustainability, proximity to ocean resources, and arts/culture.	City Council, local college, local arts organizations and other non-profits
THREE BROAD SECTORS: CONSTRUCTION & MANUFACTURING, RETAIL, SERVICES	
Goal: Increase the contribution these sectors make to Homer's overall economic health.	
A. Encourage enterprises that will provide jobs and other economic benefits without serious negative side effects.	City Council, Economic Development Commission, Economic Development Coordinator, Chamber of Commerce
B. Encourage value-added manufacturing to maximize local resources and provide products for export.	City Council, Economic Development Commission, Economic Development Coordinator, Chamber of Commerce
C. Convey a "How can we help you?" attitude to assist prospective business owners and those seeking to expand existing businesses.	City Council, Planning Commission; Planning Department
1. Utilize zoning to ensure adequate land for different needs and publicize available land zoned for different purposes.	

2. Improve the permitting process to clearly communicate requirements and reduce time and frustration for applicants.	
3. Publicize resources provided by other organizations that can assist local business owners.	
HIGH TECH/INTERNET BUSINESSES	
Goal: Support the growth of the high tech sector in Homer, including Internet-based businesses.	
A. Support technical upgrades that benefit individuals and businesses who utilize these services extensively; e.g., high speed broadband Internet, improved cell phone service, and wireless connectivity.	City Council, Economic Development Coordinator, Chamber of Commerce
B. Market Homer's quality of life factors and suitability for high-tech/Internet-based operations.	City Council, Economic Development Coordinator, Chamber of Commerce
C. Support training opportunities for skill development in computer-related fields, including Internet-based commerce.	UAA-KPC-Kachemak Bay Campus, local high schools
TRANSPORTATION AND WAREHOUSING	
Goal: Increase the role of transportation and warehousing in Homer's economy.	
A. Improve and expand Homer's Port and Harbor facilities, including expansion of the Deep Water Dock and construction of the proposed East Boat Harbor.	City Council, City Manager, Port and Harbor Dept.
B. Utilize lease policies to simultaneously benefit the broader community and individual business owners.	City Council, City Manager, Lease Committee
C. Market Homer to attract new transportation-related businesses.	City Council, Chamber of Commerce
D. Improve and expand Homer's overall transportation network in keeping with the goals of the Homer Comprehensive Plan, Transportation Plan, and Non-Motorized Transportation and Trail Plan.	City Council, Planning Commission, Planning Dept., Public Works Dept.
E. Support the development of a rail line connecting Homer to Anchorage.	City Council
AGRICULTURE	
Goal: Support expansion of local agricultural enterprises in the Homer area.	
A. Provide the Homer Farmers Market with a permanent location; e.g., in the proposed Town Center.	City Council
B. Advocate for a USDA-approved meat processing facility on the southern Kenai Peninsula.	City Council, Homer Farmers Market
C. Support construction of a community cold storage/freezer facility.	City Council, Homer Farmers Market
D. Support development of a "kitchen incubator" that provides food producers and processors in start-up and growth phases with access to technical assistance and shared facilities.	City Council, Homer Farmers Market
E. Build a new greenhouse for the City to use and donate existing greenhouses to Homer High School for use in a full year-long agriculture curriculum.	City Council, Kenai Peninsula Borough School District

F. Support efforts to encourage local food production, connect local farmers with markets, and publicize the benefits of “eating local.”	Homer Farmers Market, Sustainable Homer, City Council, Chamber of Commerce
G. Consider land use and/or tax incentives to take full advantage of the fact that the Homer bench is an extremely valuable agricultural microclimate.	City Council
H. Establish a program whereby City crews and equipment will assist in turning lawns into garden plots, at either no or low cost to property owners.	City Council, Public Works Dept.
I. Eliminate the City sales tax on locally grown non-prepared food.	City Council
J. Support changes in borough tax policy to classify greenhouses as “agricultural.”	City Council
K. Network and collaborate with University of Alaska-Fairbanks and Cooperative Extension Service personnel regarding research and funding opportunities.	Homer Farmers Market, City Council
L. Establish a Local Food Commission to further develop goals and strategies related to local agriculture/sustainability and facilitate achievement of the goals.	City Council
RETIREES AND SECOND-HOME RESIDENTS	
Goal: Maximize the benefits of retirees and second-home residents to the local economy.	
A. Focus on enhancing and marketing quality of life factors rather than offering financial incentives to attract retirees.	City Council
B. Support the growth of senior services in Homer, including health services.	Homer Senior Citizens, South Peninsula Hospital, and other health and social service agencies
C. Support efforts that result in vacation travel by seniors to Homer and seek to create a positive first impression for these visitors.	City Council, Chamber of Commerce
GOVERNMENT	
Goal: Without advocating unnecessary growth of government, maximize the contributions of government (especially borough, state, and federal) as an economic sector in Homer.	
A. Advocate for expansion of borough, state, federal, and tribal government offices and programs in Homer, as appropriate.	City Council
B. Seek to understand the needs of government agencies in Homer and work cooperatively to ensure those needs are met.	City Council
C. Respond to requests for letters and resolutions of support by government agencies, as appropriate.	City Council, City Manager
D. Take advantage of opportunities for networking and collaboration to help foster positive relationships with representatives of government agencies.	City Council, City departments

DOWNTOWN VITALIZATION	
Goal: Enhance downtown Homer as a magnet for business development, a destination for residents and visitors, and a recognized asset contributing to Homer's quality of life.	
A. Complete master planning for the Town Center district.	City Council, possibly working with task force
1. Identify preferred routes and design for new roads, trails, sidewalks, parking areas, and community open space.	
2. Work with landowners to accomplish land trades or lot line adjustments as needed.	
3. Consider a public market as a primary anchor for Town Center development and include space for the market in the master plan. Work with Homer Farmers Market toward this goal.	
B. Emphasize connections to Pioneer Avenue, Main Street, and Old Town to help ensure that Town Center development benefits existing and future businesses in these areas.	City Council, Planning Department, Public Works Department
C. Take steps to make Pioneer Avenue more appealing as a commercial district. Support similar improvements on Main Street and Bunnell Street.	City Council, Planning Department, Chamber of Commerce
D. Seek funding from public and private sources to build the first roads, sidewalks, parking lots, and trails and provide utilities as outlined in the Town Center master plan.	City Council, City Manager, Special Projects Coordinator
E. Actively promote Town Center as a location for dense, attractive, mixed-use development.	City Council, Economic Development Coordinator, Chamber of Commerce
AN ORGANIZATIONAL STRUCTURE FOR ECONOMIC DEVELOPMENT	
Goal: Greatly increase the chances that other goals in this plan will be accomplished by providing funding and staffing for an economic development office.	
A. Seek permission from the Kenai Peninsula Borough and from voters to enact a modest local bed tax to provide a revenue stream to support economic development activities, possibly including construction and operation of a conference center.	City Council
B. Establish the economic development office as a City division (or initially, a single full-time position).	City Council
C. Establish the geographic reach of the new program as the greater Homer area, to include Homer, Diamond Ridge, Kachemak City, and Fritz Creek.	City Council

**CITY OF HOMER
HOMER, ALASKA**

City Clerk

RESOLUTION 11-008

**A RESOLUTION OF THE CITY COUNCIL OF HOMER,
ALASKA, ACKNOWLEDGING THE SURPLUS
EQUIPMENT BID RESULTS.**

WHEREAS, Pursuant to Homer City Code 18.30 a Surplus Personal Property Sale was conducted; and

WHEREAS, The Sealed Bid Surplus Equipment Sale was advertised in the Homer News October 21, 2010, the Homer Tribune October 27, 2010, the Peninsula Clarion October 17, 2010, and posted on the City Clerk's website; and

WHEREAS, Sealed bids were due by 10:00 a.m. on Friday, October 29, 2010; and

WHEREAS, There were 35 copies of the surplus equipment list distributed, and 21 bidders submitting a total of 69 bids by the deadline; and

WHEREAS, The City Manager shall reevaluate the value of the items not bid upon and if found to meet the criteria of HCC 18.30.040, the City Manager may dispose of the items through non competitive bidding.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, hereby acknowledges the surplus equipment bid results, attached as Exhibit A.

PASSED AND ADOPTED by the Homer City Council this 10th day of January, 2011.

CITY OF HOMER

JAMES C. HORNADAY, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

Fiscal Note: Cost of Advertising and processing bids. Generated revenue \$5,714.87 to account 100.040.4901.

CITY OF HOMER SURPLUS EQUIPMENT SALE

Refer to Invitation to Bid and Bid Form for Instructions on Bidding Process

Minimum				
	Item	Bid	Bids Received	Winning Bid
PH-1	Minolta Maxxum 7000, 35mm SLR Camera		None	\$0.00
PH-2	Sony FD Mavica, 1.3 Mega Pixel Digital Camera w/Case		None	\$0.00
PH-3	Panasonic Lumix DMC-FZ28, 10 Mega Pixel Camera w/Case	\$50	Tussey\$127;Reinhart\$105;Griffith\$78.26; Botkin\$125;Welty\$63;Riley\$52	\$127.00
PH-4	Fishing Rod: Cabela's Tourney Trail IM7, w/Salt Striker Reel	\$30	Barber\$31; Griffith\$38.03; Botkin\$60	\$60.00
PH-5	Fishing Rod: Lamiglas G 1000 Kenai King	\$30	Griffith\$56.04; Riley\$32	\$56.04
PH-6	Fishing Rod: Lamiglas G 1000 Kenai Special	\$30	Griffith \$43.02	\$43.02
PH-7	Morse Control Cables		Wolstad \$5	\$5.00
PH-8	10 Stern Life Vests, Type 1 PFD New Condition		Henry\$15; Barber\$11; Riley\$26	\$26.00
PH-9	Aluminum Longline Reel w/Ground Line	\$50	Barber\$157	\$157.00
PH-10	Aluminum Longline/Gill Net Reel	\$50	Barber\$111; Hogan\$55	\$111.00
PH-11	Trailer Single Axel Steel 11" No Tongue		Barber\$111; Hogan\$55	\$11.00
PH-12	3 Bags of Gill Net Used		Barber\$71; Miller\$25; Hogan\$55	\$71.00
PH-13	Honda Outboard Lower Unit		None	\$0.00
PH-14	4'X4' Stackable Crab Pot		Welty\$24	\$24.00
PH-15	Wheeled 15 Gal AFFF Fire Extinguisher *	\$300	None	\$0.00
PH-16	Wheeled 15 Gal AFFF Fire Extinguisher *	\$300	None	\$0.00
PH-17	Wheeled 15 Gal AFFF Fire Extinguisher *	\$300	None	\$0.00
PH-18	Wheeled 15 Gal AFFF Fire Extinguisher *	\$300	None	\$0.00
PH-19	Wheeled 15 Gal AFFF Fire Extinguisher *	\$300	None	\$0.00
PH-20	Wheeled 75 lb Dry Chem Fire Extinguisher *	\$100	Zimmerman\$22.50	\$0.00
	*Note: Fire Extinguishers have service costs that new owner will be responsible for. Approx \$300-\$600 to service locally			

CITY OF HOMER SURPLUS EQUIPMENT SALE

Refer to Invitation to Bid and Bid Form for Instructions on Bidding Process

PH-21	Steel Gangway/Foot Bridge 52' x 6'	\$500	Tillion\$701; Hogan\$600; Dress\$801; McLean\$551; Botkin\$880.24	\$880.24
PH-22	Trailer: Single Axle Galvanized 22' Homemade	\$100	Springer\$128	\$128.00
PH-23	Trailer Double Axle Steel 28' Thompson Truck	\$100	None	\$0.00
PH-24	Trailer Double Axle Steel 38' Homemade	\$100	Miller\$50; Springer\$158	\$158.00
PH-25	Trailer Double Axle Steel 20' Homemade	\$5	None	\$0.00
PH-26	Trailer Double Axle Steel 23' Utility Trailer	\$100	Springer\$488; Barber\$151; Griffith\$213; Wolstad\$135; Anderson\$326	\$448.00
PH-27	Trailer Double Axle Steel 28' Homemade Black	\$100	Springer\$138	\$138.00
PH-28	Trailer Double Axle Galvanized 28' White EZ Loader	\$100	Henry\$226; Springer\$118; Botkin\$810.24	\$810.24
PH-29	Trailer Triple Axle 36' Homemade	\$100	Springer\$118	\$118.00
PH-30	Trailer Double Axle 20' Homemade Broken	\$100	None	\$0.00
PH-31	Trailer Quad Axle Steel/Wood 30' Homemade	\$100	None	\$0.00
PH-32	Trailer Double Axle 29' Homemade w/Bunks	\$100	None	\$0.00
PH-33	Trailer Double Axle 26' Homemade	\$100	Springer \$118	\$118.00
PD-01	Schwinn Airdyne Stationary Exercise Bike		Robl\$61; Riley\$30	\$61.00
PD-02	Weber Gas Barbeque Grill		Robl\$1	\$1.00
Estimated Value				
PW-01	1978 Chev C20 Side Step Van Fair Condition 72,151 hrs	\$500	Hogan\$50; Henry\$226	\$226.00
PW-02	1968 GMC Tanker -5,000 Gal Mechanically Good Fair Condition 214hrs	\$750	Reinhart\$825	\$825.00
PW-03	1988 Chev K2500 PU 2x4 Fair Condition 159,767 hrs	\$500	Welty\$360; Riley\$300; Hogan\$50	\$360.00
PW-04	KATO 40 KW Generator Very Low Hours Good Condition	\$2,500	None	\$0.00
PW-05	Olathe Brush Chipper Good Condition	\$950	None	\$0.00

CITY OF HOMER SURPLUS EQUIPMENT SALE

Refer to Invitation to Bid and Bid Form for Instructions on Bidding Process

PW-06	Trailer- Old Military Trailer	\$150	Barber\$201	\$201.00
PW-07	10 Yard Sander Grizzly	\$250	Hogan\$50; Riley\$100	
PW-08	Headache Rack for 1-1 1/2 Ton Flat Bed Good Condition	\$250	None	\$0.00
PW-09	28 Gal Plastic Fuel Tank	\$25	Hottman \$27.33; Zimmerman\$11.89	\$27.33
PW-10	(2) 40 Gal Galvanized Pressure Paint Tanks	\$50	None	
PW-11	Snow Gate Attachment for Champion Motor Grader Good Condition	\$750	None	
PW-12	Post Hole Auger Attachment JD Tractor Mount	\$100	Tillion\$251	\$251.00
PW-13	Small Sand/Fertilizer spreader w/Receiver Hitch Installed	\$500	Robl \$21	\$21.00
PW-14	(5) Used Bias Grader Tires	\$100 ea	None	
PW-15	Used Oil Pump Package & Dry Tanks w/ 500 Gal AST	\$2,500	None	
PW-16	1/2" Floor Drill Press	\$100	Robl\$12; Henry\$57; Riley\$30; Gibson\$162	\$162.00
PW-17	(2) Atlas Copco Mag 10 Compressors	\$150 ea	None	\$0.00
PW-18	22-5 Gal Pails Paint PPG Amercoat Waterborne Acrylic Epoxy Tint Resin PPb 517-3 Fog.	\$35-\$50 ea	None	\$0.00
PW-19	(1) Grizzly Metal Cutting Band Saw	\$50	Reinhart\$90; Riley\$50; Robl\$21; Zimmerman\$43.94	\$90.00
	Total			\$5,714.87

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

