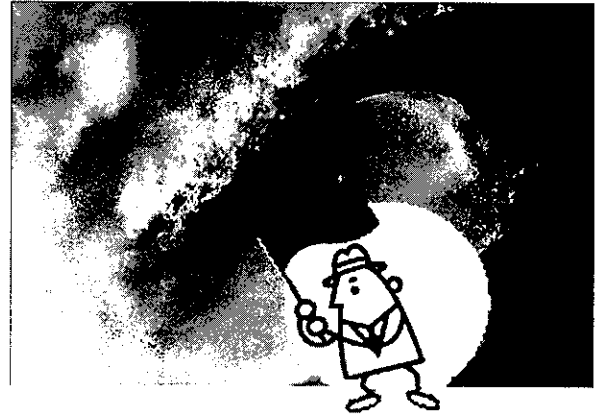
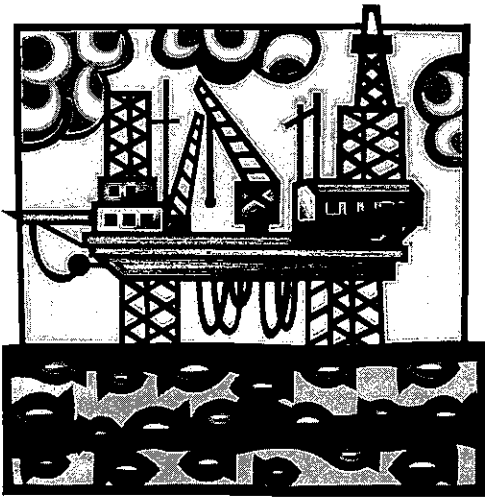
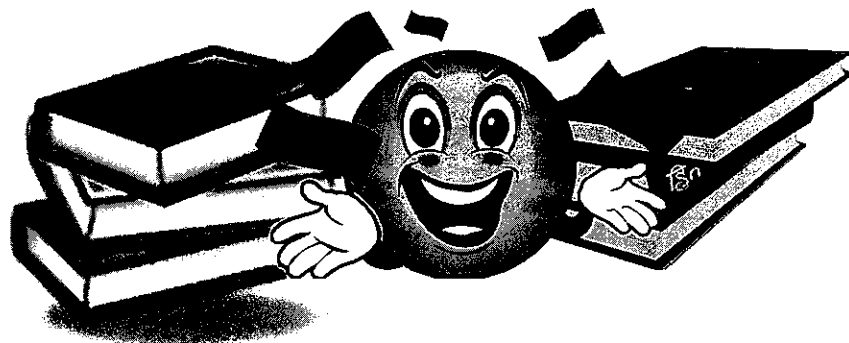


City Council
July 25, 2011
Monday



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



2011 JULY/AUGUST

Monday 25th	CITY COUNCIL Special Meeting 4:00 p.m., Committee of the Whole 5:00 p.m., and Regular Meeting 6:00 p.m.
Tuesday 26th	KAREN HORNADAY PATH COMMITTEE 5:30 p.m.
Wednesday 27th	PORT AND HARBOR ADVISORY COMMISSION Regular Meeting 5:00 p.m.
Tuesday 2nd	LIBRARY ADVISORY BOARD 5:00 p.m.
Wednesday 3rd	PLANNING COMMISSION Worksession 5:30 p.m. and Regular Meeting 7:00 p.m.
Thursday 4th	KACHEMAK DRIVE PATH COMMITTEE 5:30 p.m.
Monday 8th	CITY COUNCIL Committee of the Whole 5:00 p.m. and Regular Meeting 6:00 p.m.

Regular Meeting Schedule

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

MAYOR AND CITY COUNCILMEMBERS AND TERMS

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

<http://www.cityofhomer-ak.gov/cityclerk> for 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.

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

JULY 25, 2011
MONDAY, AT 4:00 P.M.
COWLES COUNCIL CHAMBERS

**MEETING NOTICE
SPECIAL MEETING AGENDA**

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

Councilmember Hogan 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. NEW BUSINESS

- A. **Memorandum 11-096**, From City Clerk Re: Request for Executive Session Pursuant to AS §44.62.310(C)(1&2), Matters, the Immediate Knowledge of Which Would Clearly Have an Adverse Effect Upon the Finances of the Government Unit and Subjects That Tend to Prejudice the Reputation and Character of Any Person, Provided the Person May Request a Public Discussion. (City Attorney Contract and Hillstrand vs. City of Homer)
- Page 7

5. COMMENTS OF THE AUDIENCE

6. COMMENTS OF THE CITY ATTORNEY

7. COMMENTS OF THE CITY CLERK

8. COMMENTS OF THE CITY MANAGER

9. COMMENTS OF THE MAYOR

10. COMMENTS OF THE CITY COUNCIL

11. ADJOURNMENT NO LATER THAN 4:50 p.m. Next Committee of the Whole is scheduled for Monday, August 8, 2011 at 5:00 p.m. Next Regular Meeting is Monday, August 8, 2011 at 6:00 p.m. All meetings are scheduled to be held in the City Hall Cowles Council Chambers.

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 11-096

TO: MAYOR HORNADAY AND HOMER CITY COUNCIL

FROM: JO JOHNSON, CMC, CITY CLERK 

DATE: JULY 15, 2011

SUBJECT: REQUEST FOR EXECUTIVE SESSION PURSUANT TO AS
§44.62.310(C)(1 & 2), MATTERS, THE IMMEDIATE KNOWLEDGE
OF WHICH WOULD CLEARLY HAVE AN ADVERSE EFFECT
UPON THE FINANCES OF THE GOVERNMENT UNIT AND
SUBJECTS THAT TEND TO PREJUDICE THE REPUTATION AND
CHARACTER OF ANY PERSON, PROVIDED THE PERSON MAY
REQUEST A PUBLIC DISCUSSION. (CITY ATTORNEY
CONTRACT AND HILLSTRAND VS. CITY OF HOMER)

Pursuant to Council's Operating Manual – "Any Councilmember, the Mayor or City Manager may place consideration of an executive session on the agenda..."

City Manager Wrede requested an Executive Session regarding "City Attorney Contract" and "Hillstrand vs. City of Homer" for the Special Meeting of July 25, 2011. This has been publicly and internally noticed since that time.

Attorney Klinkner will be present.

RECOMMENDATION:

Approve the request for Executive Session and conduct immediately in the Break Room.

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

JULY 25, 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 Hogan 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. Anderson Group, Lobbyists Linda Anderson & Yuri Morgan, 20 minutes.

4. REGULAR MEETING AGENDA

5. COMMENTS OF THE AUDIENCE

6. ADJOURNMENT NO LATER THAN 5:50 P.M. NEXT REGULAR MEETING IS SCHEDULED FOR MONDAY, AUGUST 8, 2011 AT 6:00 P.M. THE NEXT COMMITTEE OF THE WHOLE IS SCHEDULED FOR MONDAY, AUGUST 8, 2011 AT 5:00 P.M. All meetings scheduled to be held in the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

CALL TO ORDER
PLEDGE OF ALLEGIANCE
AGENDA APPROVAL

HOMER CITY COUNCIL
491 E. PIONEER AVENUE
HOMER, ALASKA

JULY 25, 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 Hogan 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 Regular Meeting minutes of June 27, 2011. City Clerk.
Recommend adoption. Page 17

- B. **Memorandum 11-097**, from Mayor, Re: Appointments of Shelly Erickson and Jennifer Sonneborn to the Advisory Planning Commission, Appointments of Bob Howard and Robert Hartley to the Port and Harbor Improvement Committee. Page 39

Memorandum 11-108 from City Attorney as backup. Page 49

6. VISITORS

- A. **Buccaneer Alaska Operations, LLC**, Cook Inlet Exploratory Drilling Program, Mark Landt, 15 minutes. Page 53

- B. **Tsunami Warning System**, Sam Albanese, National Weather Service and Eric Mohrmann, Kenai Peninsula Borough Office of Emergency Management, 20 minutes.

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

- A. Borough Report

- B. Mayor's Proclamation – Community Health Center Week August 7 – 13, 2011
Page 67

- C. 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

- D. Newspaper Article: Alaska Plans Large-Scale Disaster Drill, from Mayor Hornaday
Page 69

8. **PUBLIC HEARING(S)**

- A. **Ordinance 11-28**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a Coastal Impact Assistance Program Grant of \$65,351.11 Through the Kenai Peninsula Borough for the Beluga Slough Trail Reconstruction Project and Authorizing the City Manager to Execute the Appropriate Documents. City Manager. Introduction June 27, 2011, Public Hearing and Second Reading July 25, 2011.
Page 75

- B. **Ordinance 11-29(A)**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code, Chapter 1.74 Parks and Recreation Advisory Commission, Section 1.74.030 Proceedings of the Commission, Amending the Monthly Meeting Frequency to Monthly Meetings with the Exception of the Month of December. City Clerk/Parks and Recreation Advisory Commission. Introduction June 27, 2011, Public Hearing and Second Reading July 25, 2011.
Page 91

Memorandum 11-090 from Parks and Recreation Advisory Commission as backup.
Page 95

9. ORDINANCE(S)

- A. **Ordinance 11-30**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 10.04.110, Violation-Penalty; Regarding the Payment of Citations for Parking Violations in the Harbor Area. City Clerk. Recommended dates: Introduction July 25, 2011, Public Hearing and Second Reading August 8, 2011. Page 97

Memorandum 11-098 from City Clerk as backup. Page 101

- B. **Ordinance 11-31**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a State of Alaska Public Library Assistance Grant for FY 2012 in the Amount of \$6,500.00, with a Local Match of \$7,000.00 for Books and Library Materials and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Library Director. Page 105

Memorandum 11-099 from Library Director as backup. Page 109

- C. **Ordinance 11-32**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.34.010, Purpose; Homer City Code 21.24.020, Permitted Uses; and Homer City Code 21.34.030, Conditional Uses; Regarding the Purpose and Uses Permitted in the Conservation Zoning District. Planning. Recommended dates: Introduction July 25, 2011, Public Hearing and Second Reading August 8, 2011.

Page 115

Memorandum 11-103 from City Planner as backup. Page 119

10. CITY MANAGER'S REPORT

- A. City Manager's Report Page 145

- B. Games Report

1. Alaska Marine Conservation Council Page 165

2. Alaska State Elks Association Page 169

11. CITY ATTORNEY REPORT

12. COMMITTEE REPORT

- A. Public Arts Committee

- B. Transportation Advisory Committee

- C. Permanent Fund Committee

- D. Lease Committee

E. City Hall Renovation and Expansion Task Force

13. PENDING BUSINESS

14. NEW BUSINESS

A. **Memorandum 11-100**, From City Clerk Re: 2012 Proposed Budget Schedule.
Page 173

B. **Memorandum 11-101**, From City Clerk Re: Travel Authorization for Councilmember Zak's Attendance at Alaska Municipal League Summer Legislative Meeting in Sitka, Alaska, August 10 - 12, 2011.
Page 177

15. RESOLUTIONS

A. **Resolution 11-070**, A Resolution of the City Council of Homer, Alaska, Extending the Contract for General Counsel Legal Services with the Firm of Birch, Horton, Bittner, Inc. for the Period of August 1, 2011 through July 31, 2012 in the Amount of \$11,000.00 per Month and Authorizing the Mayor to Execute the Contract. City Clerk. Page 179

B. **Resolution 11-071**, A Resolution of the City Council of Homer, Alaska, Removing Lot 44C, Rocky Point Subdivision (Kenai Peninsula Borough Tax Parcel No. 179-330-04), from the Preliminary Assessment Roll for the Kachemak Drive Phase Two Water and Sewer Local Improvement District. City Clerk. Page 181

Memorandum 11-102 from City Clerk as backup. Page 183

C. **Resolution 11-072**, A Resolution of the City Council of Homer, Alaska, Approving the Amendments to the Cooperative Participation Agreement and Bylaws of the Alaska Municipal League Joint Insurance Association, Inc. Effective July 1, 2011. City Manager. Page 187

D. **Resolution 11-073**, A Resolution of the Homer City Council Urging the Kenai Peninsula Borough School District to Repair and Upgrade the Track at Homer High School. Roberts. Page 189

E. **Resolution 11-074**, A Resolution of the City Council of Homer, Alaska, Amending the Fee Schedule for Port and Harbor Long Term Parking Fines. City Clerk/Port and Harbor Advisory Commission. Page 199

Memorandum 11-104 from City Clerk as backup. Page 201

Memorandum 11-109 from Port and Harbor Director as backup. Page 203

- F. **Resolution 11-075**, A Resolution of the City Council of Homer, Alaska, Amending the Port of Homer Terminal Tariff No. 600 to Provide for Long Term Parking Violation Fines. City Clerk/Port and Harbor Advisory Commission. Page 215
- Memorandum 11-104 from City Clerk as backup. Page 217
- G. **Resolution 11-076**, A Resolution of the City Council of Homer, Alaska, Amending the Parks and Recreation Advisory Commission Bylaws to Establish Monthly Meetings with the Exception of December. City Clerk/Parks and Recreation Advisory Commission. Page 223
- Memorandum 11-103 from Parks and Recreation Advisory Commission as backup. Page 225
- H. **Resolution 11-077**, A Resolution of the City Council of Homer, Alaska, Authorizing the City Manager to Issue a Request for Proposals Related to Health Care Insurance Benefit Broker and Consulting Services. City Manager/Personnel Director. Page 227
- Memorandum 11-105 from Personnel Director as backup. Page 229
- I. **Resolution 11-078**, A Resolution of the City Council of Homer, Alaska, Authorizing the City Manager to Enter Into a Short Term Lease With the Boys and Girls Club to Extend its Occupancy of the Lower Level of the Old Intermediate School Until January 31, 2012. Lewis. Page 251
- J. **Resolution 11-079**, A Resolution of the City Council of Homer, Alaska, Authorizing the City of Homer to "Opt-Out" of the Automated, System Wide Tsunami Warning Activation Program. City Manager. Page 253
- Memorandum 11-106 from City Manager as backup. Page 255
- K. **Resolution 11-080**, A Resolution of the City Council of Homer, Alaska, Authorizing the City Manager to Enter into Lease Negotiations with Alaskan Coastal Freight, LLC for a Lease on Lot 11, Homer Spit Subdivision No. 5. City Manager. Page 257
- Memorandum 11-107 from City Manager as backup. Page 259
- L. **Resolution 11-081**, A Resolution of the City Council of Homer, Alaska, Authorizing the City Manager to Enter Into Lease Negotiations with Fortune Sea, LLC for a Lease on Lot 19, Homer Spit Subdivision No. 5. City Manager. Page 269
- Memorandum 11-108 from City Manager as backup. Page 271

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, AUGUST 8, 2011 AT 6:00 P.M. THE NEXT COMMITTEE OF THE WHOLE IS SCHEDULED FOR MONDAY, AUGUST 8, 2011 AT 5:00 P.M.** All meetings scheduled to be held in the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

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

RECONSIDERATION

CONSENT AGENDA

Session 11-21 a Regular Meeting of the Homer City Council was called to order on June 27, 2011 at 6:00 p.m. by Mayor James C. Hornaday, at the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of Allegiance.

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

STAFF: CITY MANAGER WREDE
CITY CLERK JOHNSON
FINANCE DIRECTOR MAURAS
PORT AND HARBOR DIRECTOR HAWKINS

Councilmember Hogan has requested telephonic participation.

LEWIS/WYTHE – MOVED TO ALLOW COUNCILMEMBER HOGAN TO PARTICIPATE BY PHONE.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Council conducted a Worksession from 4:00 p.m. to 4:56 p.m. to discuss the Salary & Benefit Parity Study. Council met as a Committee of the Whole from 5:04 p.m. to 5:37 p.m. to discuss Regular Meeting Agenda items.

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

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 include the following changes: **CONSENT AGENDA** - **Memorandum 11-088**, from Mayor, Re: Appointment of Doug Stark to the Advisory Planning Commission, Appointment of Monte Davis to the Economic Development Advisory Commission, and Appointments of Barbara Howard, David Lewis, and Beth Wythe to the Port and Harbor Improvement Committee. Written public comments. **VISITORS** - Roland Maw, Executive Director, United Cook Inlet Drift Association (CANCELED); Eric Mohrmann, Kenai Peninsula Borough Office of Emergency Management, 10 minutes. **ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS** - Letter from Governor Sean Parnell to Mayor Hornaday, re: Homer Area Natural Gas Pipeline; **CITY MANAGER'S REPORT** - U.S. Army Corps of Engineers Public Notice of Application for Permit to Dredge a Sediment Trap by the Pioneer Dock and the Old Timber

Dock; Alaska Department of Natural Resources Division of Forestry Public Notice, Reissuance of an Interagency Land Management Assignment; **RESOLUTIONS - Memorandum 11-094** from City Manager, re: backup to Resolution 11-061(A)(S) Setting a Minimum of \$200,000 to Water/Sewer Depreciation Reserves Annually Through the Budgeting Process, and Additionally, Any Residual Amount at Year End is to be Transferred to the Water/Sewer Depreciation Reserves; **Memorandum 11-095** from City Manager, re: backup to Resolution 11-066 Authorizing the City Manager to Apply for, Accept and Appropriate an Alaska Clean Water Fund (ACWF) Loan in the Amount of \$2.1M and an Alaska Drinking Water Fund (ADWF) Loan in the Amount of \$2.15M for the Purpose of Constructing the Kachemak Drive Phase Two Water and Sewer Project; **Resolution 11-067(S)**, Authorizing Formation of the Kachemak Drive Phase Two Water and Sewer Improvement/Assessment District at 75% Property Owner Share of Assessments and Authorizing the City Manager to Proceed with the Preparation and Construction of the Kachemak Drive Phase Two Water and Sewer Project. Written objection.

Resolutions 11-066 and 11-067 were reversed by title to provide for the financing after approval of the Kachemak Drive Phase Two Water and Sewer Improvement District. Memorandum 11-088 was removed from the Consent Agenda and placed under New Business.

WYTHE/LEWIS - MOVED TO APPROVE THE AGENDA AS AMENDED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

Jan Needham, city resident, expressed her appreciation she will be relieved from the Kachemak Drive water and sewer improvements since she has no street frontage. It has been six years since the LID started and she is hopeful.

Mike Illg, city resident, commented as a father of 2 yr. old he is supportive of Ordinances 11-24, 11-26, and 11-27(A). There is great energy and support behind the parks.

RECONSIDERATION

CONSENT AGENDA

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

- A. Homer City Council unapproved Special and Regular Meeting minutes of June 13, 2011. City Clerk. Recommend adoption.

- B. **Memorandum 11-088**, from Mayor, Re: Appointment of Doug Stark to the Advisory Planning Commission, Appointment of Monte Davis to the Economic Development Advisory Commission, and Appointments of Barbara Howard, David Lewis, and Beth Wythe to the Port and Harbor Improvement Committee.

(Item B was moved to New Business.)

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

LEWIS/ZAK - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

VISITORS

- A. Roland Maw, Executive Director, United Cook Inlet Drift Association

Canceled.

- B. Eric Mohrmann, Kenai Peninsula Borough Office of Emergency Management

Eric Mohrmann, Director of the KPB Office of Emergency Management, provided a summary of the events surrounding the June 23rd tsunami warning and the failures of the equipment. A 7.3 earthquake occurred at 7:10 p.m. on the Aleutian chain. The West Coast and Alaska Tsunami Warning Center (WCAWC) issued a tsunami warning for the Aleutian chain area at 7:15 p.m. Mr. Mohrmann became aware of the warning at 7:30 p.m. An email was sent at 7:15 p.m., yet the sirens had not sounded. When a tsunami warning is issued by the WCAWC it goes to the National Weather Radio System operated by NOAA and the Emergency Alert System (EAS) operated by the State of Alaska Division of Homeland Security Emergency Management. The National Weather Radio System sends a tone that activates the sirens on the peninsula and a broadcast on their own radio system. The Emergency Alert System (EAS) issues an alert over the television. When the alert was sent the tone (FIPS Code) was not issued so the sirens did not go off. When it was discovered there was no tsunami, the WCAWC sent a cancellation of the warning for the Aleutian chain. They used a FIPS Code that activated the sirens to indicate the warning was cancelled. That was followed by the activation tone again. The tsunami warning system installed by the Borough did work as designed. It activated the FIPS tone and the internet notification.

The question is why did they issue a warning on the KPB when it was the Aleutian chain? The state issues one tone statewide for any event anywhere. If something affects the Aleutian chain or

Southeast Alaska it will go everywhere. They are currently capable of issuing a tone for certain regions affected by the tsunami. In the past when they tried the separate regions it failed. To prevent failure of the tone it is sent statewide to activate the sirens and alert the populous. It is unknown when the regional notification can be used without error.

There are two options. We either stay as we are now to be notified of warnings for the entire state. The second option is to disconnect from the radio system. If we disconnect, the local dispatch systems would be responsible to monitor the WCAWC and make the decision to act. They will have to remember how to operate the equipment and activate the tone. His office is not staffed 24/7 and cannot offer the service. If we drop the National Weather Radio System we would be totally reliant on the internet and satellite technology for remote areas. A couple units have given them many problems, including the one at Mariner Park.

Mr. Mohrmann would be happy to assist in public education programs. Evacuation is voluntary as the Governor is the only person that can mandate an evacuation. In July there will be opportunity to register cell phones to receive the notifications. Local dispatch centers have the ability to use a microphone to speak over the towers and notify citizens of the time allowed for evacuation.

Mayor Hornaday expressed frustration at the equipment failures.

Councilmember Wythe expressed appreciation at how far the tsunami alarm notification system has come since its inception.

ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

A. Borough Report

Bill Smith, Kenai Peninsula Borough Assemblyman, reported representatives are interested in a functioning tsunami warning system. He hopes to see further progress and good resolution to the problems. Part of the emergency management department could be there to receive warnings and pass them on expeditiously. The Borough Assembly approved increasing the phone surcharge to \$1.50 per month. It is 50% funded by the State of Alaska; they are not doing their part to furnish the personnel. The Soldotna dispatch center dispatches fire, emergency, and police all the way to Girdwood.

Recent ordinances adopted were for anadromous streams habitat protection. To date there are 25 streams protected. They have extended the habitat protection to all streams within the Borough effective January 1, 2012. Another ordinance was passed that pertains to conflicts of interest for the mayor. The Assembly adopted a budget just short of \$17M. It was \$2M from the ending fund balance and they are looking for ways of keeping the fund balance from going lower. Pending ballot issues include a 1/10% sales tax increase for economic development and amending term limits to three full terms, or a maximum of nine years.

Mayor Hornaday asked about the poor shape of the school tracks and when repairs could be expected. Assemblyman Smith answered he talked to the board president of the KPBSD and learned they are looking for a capital budget next year to start working on the tracks.

B. Mayor's Proclamation – July as Parks and Recreation Month

Mayor Hornaday read the proclamation and presented it to Mike Illg, Community Recreation Coordinator.

C. 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

Bob Howard, Port and Harbor Advisory Commissioner, reported the commission is still discussing parking on the Spit, fines for long term parking specifically. People that park long term will rack up a significant fine at \$25 per day. The commission moved to limit the long term parking fine to \$250 and allow the person to pay a \$250 fine and be issued a long term parking pass. The parking regulations are for compliance, not revenue. A resolution will reach Council at the July meeting and the commission would appreciate positive support for the fall fishing season. The parking program is working quite well with 50 long term and 10 seasonal parking passes issued to date. It has produced between \$10,000 and \$12,000 in income for the Port and Harbor enterprise fund.

D. Letter from Governor Sean Parnell to Mayor Hornaday, re: Homer Area Natural Gas Pipeline.

PUBLIC HEARING(S)

- A. **Ordinance 11-24**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 1.74.040 Duties and Responsibilities of Commission, to Authorize the Parks and Recreation Advisory Commission to Solicit Donations of Money and Property for the Benefit of Parks and Recreation Facilities in the City. City Clerk/Parks and Recreation Advisory Commission. Introduction June 13, 2011, Public Hearing and Second Reading June 27, 2011.

Memorandum 11-078 from Parks and Recreation Advisory Commission 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 11-24 by reading of title for second and final reading.

LEWIS/ZAK - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- B. **Ordinance 11-25**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 18.08.120, Sublease, Regarding the Charging of Additional Rent for Subleases of City Property. City Manager. Introduction June 13, 2011, Public Hearing and Second Reading June 27, 2011.

Memorandum 11-079 from City Clerk 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 11-25 by reading of title for second and final reading.

HOWARD/ROBERTS – SO MOVED.

Councilmember Hogan expressed opposition to the ordinance. Since 2004 when the provision was added to city code there have only been four new long term leases. The EDC reviewed and recommended the sublease provision be eliminated as it is a huge reduction for economic development. New leases since 2004 are the Kenai Peninsula Housing Initiative, Alaska Marine Highway System, and Seldovia Ferry.

Councilmember Roberts sees the code amendment to be consistent with the lease documents that were passed earlier, not a significant change. She asked if Councilmember Hogan may have a conflict of interest since he has a lease.

Councilmember Lewis noted the ordinance is for sublease of property. If you are occupying the inside of a lessee's building there is no additional charge. He sees no conflict with Councilmember Hogan's lease or the Seldovia Ferry with the oyster people.

City Manager Wrede agreed it only applies if you are subleasing city land, not your own.

Councilmember Hogan stated he has related companies leasing between each other. His lease does not subject them to this policy since it is already in effect.

Councilmember Wythe remembers the previous discussion on a possible conflict of interest for Councilmember Hogan. She recalled the City Attorney concurred Mr. Hogan has no conflict as he has an existing lease. If one were in the process of negotiating a lease it would be a conflict.

Mayor Hornaday ruled Councilmember Hogan did not have a conflict of interest. There was no objection from the Council.

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

VOTE: NO. HOGAN

Motion carried.

- C. **Ordinance 11-26**, An Ordinance of the City Council of Homer, Alaska, Repealing Subsection (c) of Homer City Code 14.08.035, Water Connection and Extension Permit Fee; and Enacting Homer City Code 14.08.037, Water Meters; Regarding the Number of Water Meters Required Per Lot. Roberts/Wythe. Introduction June 13, 2011, Public Hearing and Second Reading June 27, 2011.

Mayor Hornaday opened the public hearing.

Gary Thomas, city resident, is affiliated with an organization that has several buildings and meters. He appreciates the grandfather clause. Last month's water bill was \$850 and will be \$1,089 with the new policy. He asked that Council make sure they include the grandfather allowance for customers that complied with previous city regulations.

Mayor Hornaday closed the public hearing.

Mayor Hornaday called for a motion for the adoption of Ordinance 11-26 by reading of title for second and final reading.

HOWARD/ROBERTS - SO MOVED.

VOTE: YES. LEWIS, ROBERTS, WYTHER, HOWARD

VOTE: NO. ZAK, HOGAN

Motion carried.

- D. **Ordinance 11-27(A)**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2011 Operating Budget by Appropriating \$5,000 from the Karen Hornaday Park Phase I Account to the Homer Foundation to Support Community Efforts to Create a New Improved Playground at Karen Hornaday Park. City Manager. Introduction June 13, 2011, Public Hearing and Second Reading June 27, 2011.

Memorandum 11-084 from Special Projects Coordinator as backup.

Mayor Hornaday opened the public hearing.

Miranda Weiss, city resident and HoPP member, stated there are volunteers interested in rebuilding the Karen Hornaday Park playground in the summer of 2012. Mayor Hornaday pledged \$5,000 and The Homer Foundation awarded them a \$7,500 grant. The City's \$5,000 appropriation will be put to use now to reach out to the community to design the new playground. They are following a model of a community designed, community built playground and are working closely with Parks and Recreation. Mike Illg and Angie Otteson have attended their meetings and a letter from Parks and Recreation Advisory Commission Chair Bumpo Bremicker addresses the project. The project's budget will be \$200,000 to \$250,000 with the design outreach phase costing \$30,000.

Mike Illg, city resident, supports Ordinance 11-27(A) as it is a wonderful opportunity for the community to rally and build a playground, setting the tone for future parks and playgrounds in the community. Partnering with the City and other granting agencies will make Homer beautiful and benefit families and kids.

Angie Newby, city resident, supports Ordinance 11-27(A). There is a dynamic, skillful, and industrious group of local moms and dads, known as HoPP. Toddlers and young children need motor and social skills. HoPP members are donating time and money and breathing new life and excitement into the parks and recreation efforts. They are following a community park design model that has proved to be successful. There are volunteers to do the work, 75% of the fundraising will be within the community, and the City will not be burdened with the financial records.

Ingrid Harrauld, Parks and Recreation Advisory Commissioner, reported the commission has been looking at the Karen Hornaday Park plan. The commission felt the work on the playground and ballfields were both worthwhile projects. It is a win, win situation with the volunteer efforts.

Mayor Hornaday closed the public hearing.

Mayor Hornaday called for a motion for the adoption of Ordinance 11-27(A) by reading of title for second and final reading.

LEWIS/ZAK - SO MOVED.

Councilmember Wythe asked if an accounting of staff time/in-kind services was being tracked to allocate as city support. City Manager Wrede answered keeping track of staff time was not considered. Mike and Angie will do some of the work through their normal duties. We could also track the time spent.

Community Recreation Coordinator Mike Illg reported he attended the three meetings of the HoPP. He has drawn the line on how much he is going to participate as a city employee.

Although it is a natural fit, he is a salaried employee, with no overtime. He is able to fill other work obligations when the meetings take place at the high school.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- E. **Resolution 11-062**, A Resolution of the City Council Amending the City of Homer Fee Schedule Under Water and Sewer Fees. City Clerk. Recommended date: Public Hearing June 27, 2011.

Memorandum 11-087 from City Clerk 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 June 13: MOTION FOR THE ADOPTION OF RESOLUTION 11-062 BY READING OF TITLE ONLY.

WYTHE/ROBERTS – MOVED TO AMEND LINE 6 TO STRIKE “AMENDING” AND REPLACE WITH “MAINTAINING.”

There was no discussion.

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

Motion carried.

WYTHE/ROBERTS - MOVED TO AMEND LINE 15 AFTER RATES TO ADD A COMMA AND THE LANGUAGE “AND DETERMINED THAT THERE WAS NO ADJUSTMENT NEEDED AT THIS TIME.”

There was no discussion.

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

Motion carried.

WYTHE/LEWIS – MOVED TO AMEND LINE 18 TO STRIKE THE WORD “AMENDED” AND REPLACE IT WITH “MAINTAINING.”

There was no discussion.

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

Motion carried.

VOTE: (main motion as amended) YES. ROBERTS, WYTHER, ZAK, HOWARD, LEWIS
VOTE: NO. HOGAN

Motion carried.

ORDINANCE(S)

- A. **Ordinance 11-28**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a Coastal Impact Assistance Program Grant of \$65,351.11 Through the Kenai Peninsula Borough for the Beluga Slough Trail Reconstruction Project and Authorizing the City Manager to Execute the Appropriate Documents. City Manager. Recommended dates: Introduction June 27, 2011, Public Hearing and Second Reading July 25, 2011.

Mayor Hornaday called for a motion for the adoption of Ordinance 11-28 for introduction and first reading by reading of title only.

LEWIS/WYTHER - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- B. **Ordinance 11-29**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code, Chapter 1.74 Parks and Recreation Advisory Commission, Section 1.74.030 Proceedings of the Commission, Amending the Monthly Meeting Frequency to Monthly Meetings with the Exception of the Month of December. City Clerk/Parks and Recreation Advisory Commission. Recommended dates: Introduction June 27, 2011, Public Hearing and Second Reading July 25, 2011.

Memorandum 11-090 from Parks and Recreation Advisory Commission as backup.

Mayor Hornaday called for a motion for the adoption of Ordinance 11-29 for introduction and first reading by reading of title only.

WYTHER/LEWIS - SO MOVED.

WYTHER/ZAK – MOVED TO AMEND LINE 74, THE FISCAL NOTE TO REFLECT THE 9 OR 10 ADDITIONAL HOURS OF OVERTIME FOR THE CLERK.

There was no discussion.

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

Motion carried.

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

Motion carried.

CITY MANAGER'S REPORT

A. City Manager's Report

1. Attorney Contract: The City attorney recently returned from vacation but he is aware that Council would like to know if he proposes any amendments to his contract. He has assured me that he will address this issue prior to the meeting. At the time this was written, that had not yet occurred but I am sure I will be able to report on that by meeting time.
2. Health Insurance: We are currently looking into hiring a broker to assist us with managing the City's Health Insurance Program. Most cities have brokers and it appears that hiring one would not cost any additional money since the broker would be paid by the plan administrator (Meritain Health). The broker would do some of the tasks Meritain is doing now for us. A broker would have a number of advantages including helping to shop for competitive rates and acting as a consultant on all things related to health insurance. This is very important in this time of rapidly changing rules and regulations. If the City moves ahead on this, we would issue an RFP for broker services. A sample RFP is attached so that you can see the scope of what a broker might be asked to do. We are currently evaluating a number of cost saving measures for the health care plan and will be talking with the employees about the options soon. Council will be pleased to know that at this point we project that we will likely be in a position to reduce the contribution to the health insurance fund, or at least keep it static, again this year. This is great considering that most other municipalities are experiencing huge cost increases. The primary reasons for this are the fact that Homer has a well managed self insured plan, the staff has been relatively healthy overall, and the reserve account is very healthy. **(NEW INFORMATION)**. I included the above report again since this might be a topic we want to address during the workshop on the parity study. Andrea and I are both planning to attend the first Borough meeting on health care plans scheduled for June 29 at noon in Soldotna. We are beginning the process of re-establishing the employee committee so that it is organized and in good position to provide input on any proposed modifications to the insurance plan.
3. KBBI / Emergency/Disaster Equipment Contribution: After the recent tsunami in Japan, we discovered some flaws in our overall emergency communication system and SOPs. One of them was that the radio stations did not get quick and accurate information for emergency broadcast messages. In a recent meeting with KBBI, Chief Robl suggested that one good way to provide staff with alerts, even late at night when no one is in the office, is for key personnel to have a NOAA Marine / Emergency Alert Radio in their homes. Funding was an issue. We offered to contribute \$135.00 from the Police communications budget to purchase three of these radios for KBBI. We reasoned that this expenditure was justified in the interest of public safety.

4. City Hall Construction: You have probably noticed that construction is well under way. The foundation for the addition has been poured and much of the drainage work, including the storm water retention area is pretty far along. Preliminary renovation work in the old planning, IT, and administration areas has begun. The planning, administration, and IT staff are all now located at the Old Intermediate School. This move was a major undertaking and we could not have done it without tremendous assistance from the Homer High Football team. We anticipate being at this location until Thanksgiving or Christmas. We are tracking the costs associated with this move. So far the costs are minimal and include a contribution to the football team and re-keying the building. We expect costs will stay low through the summer and early fall months. We are using very little electric and heat at this point and will do what we can to minimize energy usage. The Boys and Girls Club is closed for the summer and depending upon decisions made later on, they may not be there in the fall either. That will also reduce energy costs.
5. State Capital Projects / : At the time this report was written, we were still waiting, like everyone else around the state, to see what the Governor might decide regarding the Capital Budget. We sent him correspondence regarding the gas line and the Mayor invited him to visit Homer and view the project himself. During the past two weeks, Bryan, Anne Marie, and your lobbyist Linda Anderson, have been providing information to the Director of the Office of Management and Budget regarding the cruise ship passenger enhancement project. Karen has been communicating with us directly and has been asking good questions, which we hope is a positive sign.
6. Old Intermediate School: Last week I met with the two groups that submitted proposals to lease the old intermediate school as requested by the combined Lease and EDC Committees. The purpose of the meetings was to obtain more information that would be needed before the committee would be prepared to make a recommendation to the Council. There are several immediate issues for us to consider. First, the applicant who submitted a proposal to lease the entire building does not want to occupy it until the fall of 2012. If this proposal is ultimately accepted by the Council, it would mean keeping the building in "warm status" for almost a year. Second, and more immediate, is the Boys and Girls Club. The Club has not secured a new location. Since we are occupying the building, and will be until the end of the year, the Council could consider allowing the Club to continue to occupy the lower floor until then. The Club's Board has stated that it would be able to make payments of \$700 per month to help offset the cost of utilities.
7. Transportation Committee Recommendation: At the last meeting, the Council received a recommendation from the Transportation Committee that all intersections on the Sterling Highway between Pioneer Avenue and Lake Street be designated as right hand turn only. I assume Lake Street would be exempt because of the traffic signal and that this scheme would be summer only. Council asked for a map showing the intersections involved with turning arrows. It also asked for a draft resolution. A large map will be provided at the meeting for discussion purposes. The draft resolution is attached.
8. Fishing Hole Concerns: As you know, the Fishing Hole has been filling in and it needs to be dredged. We have discussed this as a capital project in need of funding on several occasions in the past few years. You may also know that ADF&G is experiencing a survival problem with stocked smolt; especially with the early kings. This occurred again this year when over 50% of the smolt died in the pens on June 6. A decision was made to release the fish early the next day which may further reduce survivability. There are

many theories about what is going on. Some think that the depth of the lagoon may be a problem. ADF&G has also discovered a Chaetoceros Bloom (Diatoms) which is known to affect the gills of young fish. ADF&G is currently doing research on this bloom and other possible explanations with assistance from KBRR and others. They are also doing depth studies at the lagoon. As the results of these studies come in and the scientists get a better idea of what they think the problem is, we will provide updates and perhaps invite ADF&G to make a presentation. In the meantime, the City should probably focus on how to get the dredging done.

9. Training Dates: At the last meeting, during the discussion about the records retention ordinance, it was suggested that a training session for Council (and maybe for Commissions too) about public records and especially the use of e-mail would be a good idea. I discussed this topic with Holly and she could put something together quickly if the Council is ready to proceed. A target date for this training would be very helpful. Feedback from the Council would be very helpful.
10. Playground Improvements / Karen Hornaday Park: This agenda contains an ordinance that is up for second reading and public hearing which would make a \$5,000 contribution to the Homer Foundation to be used as seed money to launch a much bigger effort by HoPP to make major improvements at the playground. Some concerns have been expressed by individual Council members about this money being used for administration fees or for activities that do not include the direct purchase of playground equipment. Please let me know if any of these issues are of concern to the full Council. We have been looking further into these questions and are prepared to discuss them. I would also remind the Council that as the grantor, it can place conditions or stipulations upon grants or contributions that it makes. The agenda also contains a resolution approving an MOU between the City, the Homer Foundation, and HoPP. I have attached information located by the Clerk's office for the Mayor which shows that a similar approach (to the one proposed in the MOU) was used in 1997; the last time the playground was improved significantly.
11. STIP Amendment #22: DOT/PF recently issued Amendment # 22 to the State Transportation Improvement Program Plan. The Mayor asked that I provide an update for the Council regarding Homer Projects. At the time this report was drafted, we were still reviewing the amendment. I will be prepared to provide a verbal report at the meeting.
12. Kachemak Drive Water and Sewer / Phase II: The objection period is over and it looks like the property owners have given a pretty definitive "thumbs up" for moving ahead. As a result, the Tentative Agenda for this meeting contains several resolutions regarding this project. One awards the construction contract to the low bidder. The other authorizes us to borrow the additional money needed for financing the construction phase. At the time this was written, we were reviewing all of the information to make sure we are ready to go on both fronts.

City Manager Wrede reported the City Attorney does not ask for any changes to the current contract. A resolution to approve a one-year contract with Birch Horton Bittner & Cherot will follow in July.

City Manager Wrede asked Council to think about how to proceed with the Boys and Girls Club in the Old Intermediate School. Two lease proposals were received for the building, with the

Lease Committee asking him to meet with the proposers. One proposal is to lease the entire building, with occupation to begin in the fall of 2012. The City will occupy the building until Christmas and the Boys and Girls Club could stay until then. He will bring the subject back later for more conversation about the Boys and Girls Club.

The Transportation Advisory Committee made a recommendation for right hand turns for intersections on a seasonal basis. The map provided in the packet visualizes the traffic flow. Lake Street was left out since it has a traffic signal. If the idea is adopted DOT may try to push some costs on the City for signage and striping. Discussion ensued on the right hand turn idea forcing citizens to start using private property to turn around. A draft resolution was included in the Manager's Report.

City Manager Wrede indicated the tsunami warning system would be broadcast on both radio stations and both local newspapers.

Asked if the City incurred any costs for the Spit Run, City Manager Wrede answered he was not aware of any.

City Manager Wrede noted the two documents in the supplemental packet, the Corps dredging project under the Pioneer Dock to create a catch basin for sediment before it hits The Hickory slot. If it saves the Corps money it will save the Coast Guard money. The other document is public notice from DNR to continue with the demonstration forest.

As to STIP amendment #22 there are no Homer projects. The STIP does include Pioneer Avenue rebuild and reconstruction, Lake Street, limited work on East End Road and the Deep Water Dock to allow access to the \$2M appropriated by Congress a couple years ago.

Council confirmed a Special Meeting on July 25th for Executive Session with the City Attorney for discussion on the attorney contract.

B. Records Inventory Report

CITY ATTORNEY 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

PENDING BUSINESS

- A. **Resolution 11-061(A)**, A Resolution of the City Council of Homer, Alaska, Setting Water/Sewer Depreciation Reserve Transfers of a Minimum of \$200,000 Plus to the Net Change in Fund Balance Annually. Roberts.

Resolution 11-061(A)(S), A Resolution of the City Council of Homer, Alaska, Setting a Minimum of \$200,000 to Water/Sewer Depreciation Reserves Annually Through the Budgeting Process, and Additionally, Any Residual Amount at Year End is to be Transferred to the Water/Sewer Depreciation Reserves. Roberts.

Memorandum 11-094 from City Manager as backup

Motion on the floor from June 13: MOTION FOR THE ADOPTION OF RESOLUTION 11-061(A).

Mayor Hornaday called for a motion to substitute Resolution 11-061(A)(S) for Resolution 11-061(A).

WYTHE/ROBERTS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

VOTE: (main motion as amended)

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

NEW BUSINESS

- A. **Memorandum 11-088**, from Mayor, Re: Appointment of Doug Stark to the Advisory Planning Commission, Appointment of Monte Davis to the Economic Development Advisory Commission, and Appointments of Barbara Howard, David Lewis, and Beth Wythe to the Port and Harbor Improvement Committee.

Mayor Hornaday declared a possible conflict of interest as he represented Doug and Sandy Stark eight years ago. The amount was over \$1,000. Mayor Hornaday is no longer practicing law and has no other financial connection. They do attend the same church. Mayor Hornaday passed the gavel to Mayor Pro Tempore Wythe for the determination.

Mayor Pro Tempore Wythe found there was no conflict of interest since there was no current financial transactions. There was no objection from the Council. Mayor Pro Tempore Wythe returned the gavel to Mayor Hornaday.

Mayor Hornaday called for a motion for the approval of Memorandum 11-088.

WYTHE/HOWARD – SO MOVED.

WYTHE/HOWARD - MOVED THAT WE BREAK THE ITEMS OUT FOR CONSIDERATION SEPARATELY, THE APPOINTMENT TO THE ECONOMIC DEVELOPMENT AS ONE, THE APPOINTMENT TO THE PORT AND HARBOR AS ONE, AND THE APPOINTMENT TO THE PLANNING ZONING AS A SEPARATE ITEM.

WYTHE/LEWIS - MOVED FOR THE APPROVAL OF THE APPOINTMENT OF MONTE DAVIS TO THE ECONOMIC DEVELOPMENT COMMISSION.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

WYTHE/HOWARD - MOVED FOR THE APPOINTMENT OF BARBARA HOWARD, DAVID LEWIS, AND BETH WYTHE TO THE PORT AND HARBOR IMPROVEMENT COMMITTEE.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

WYTHE/HOGAN - MOVED FOR THE APPOINTMENT OF DOUG STARK TO THE PLANNING AND ZONING COMMISSION.

There was no discussion.

VOTE: YES. HOGAN

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

Motion failed.

Mayor Hornaday called for a recess at 7:37 p.m. and reconvened the meeting at 8:47 p.m.

RESOLUTIONS

- A. **Resolution 11-069**, A Resolution of the City Council of Homer, Alaska, Awarding the Contract for the Prisoner Meal Contract for the Homer Jail to the Firm of Caribou Family Restaurant of Homer, Alaska, in the Amount of \$6.50 Breakfast, \$7.00 Lunch, and \$10.00 Dinner Per Day/Per Inmate With a Delivery Fee of \$5.00 Per Trip and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk.

Memorandum 11-089 from Police Chief as backup.

Mayor Hornaday called for a motion for the adoption of Resolution 11-069 by reading of title only.

HOWARD/ZAK - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- B. **Resolution 11-064**, A Resolution of the City Council of Homer, Alaska, Approving a Memorandum of Agreement Between the City of Homer, the Homer Foundation, and the Homer Playground Project (HoPP) Regarding Improvements to the Playground at Karen Hornaday Park and Delineating the Roles and Responsibilities of the Parties. City Manager.

ROBERTS/LEWIS - MOVED TO ADOPT RESOLUTION 11-064.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- C. **Resolution 11-065**, A Resolution of the City Council of Homer, Alaska, Awarding the Contract for the Deep Water Dock Security Gate and Camera Systems to the Firm of Puffin Electric of Homer, Alaska, in the Amount of \$130,800.00 and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk.

Memorandum 11-091 from Port and Harbor Director as backup.

Memorandum 11-092 from Public Works Director as backup.

Mayor Hornaday called for a motion for the adoption of Resolution 11-065 by reading of title only.

LEWIS/ZAK - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- E. **Resolution 11-066**, A Resolution of the Homer City Council Authorizing Formation of the Kachemak Drive Phase Two Water and Sewer Improvement/Assessment District at 75% Property Owner Share of Assessments and Authorizing the City Manager to Proceed with the Preparation and Construction of the Kachemak Drive Phase Two Water and Sewer Project. City Clerk.

Resolution 11-066(S), A Resolution of the Homer City Council Authorizing Formation of the Kachemak Drive Phase Two Water and Sewer Improvement/Assessment District at 75% Property Owner Share of Assessments and Authorizing the City Manager to Proceed with the Preparation and Construction of the Kachemak Drive Phase Two Water and Sewer Project. City Clerk.

Mayor Hornaday called for a motion to substitute Resolution 11-066(S) for Resolution 11-066.

WYTHE/ZAK - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Mayor Hornaday called for a motion for the adoption of Resolution 11-066(S) by reading of title only.

WYTHE/ZAK – SO MOVED.

WYTHE/HOWARD - MOVED TO AMEND TO ADD AN ADDITIONAL BE IT FURTHER RESOLVED THAT UNDER A SEPARATE RESOLUTION THE ASSESSMENT ROLLS WILL BE AMENDED BY THE REMOVAL OF KENAI PENINSULA BOROUGH PARCEL NUMBER 179-330-04 IN THE ROCKY POINT SUBDIVISION LOT 44C FROM THE PRELIMINARY ASSESSMENT ROLL DATED MARCH 15, 2011.

There was no discussion.

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

Motion carried.

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

Motion carried.

- D. **Resolution 11-067**, A Resolution of the City Council of Homer, Alaska, Authorizing the City Manager to Apply for, Accept and Appropriate an Alaska Clean Water Fund (ACWF) Loan in the Amount of \$2.1M and an Alaska Drinking Water Fund (ADWF) Loan in the Amount of \$2.15M for the Purpose of Constructing the Kachemak Drive Phase Two Water and Sewer Project. City Manager/Public Works Director.

Memorandum 11-095 from City Manager as backup.

Mayor Hornaday called for a motion for the adoption of Resolution 11-067 by reading of title only.

WYTHE/LEWIS -- SO MOVED.

Councilmember Wythe reported there was discussion at the Committee of the Whole about taking the two loans for \$4.2M for construction of the Kachemak Drive Phase Two Water and Sewer project. Taking these loans will stretch the amount of money for repayment of loans to a point that for a minimum of two years there will be no further LID assistance for the community of Homer.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- F. **Resolution 11-068**, A Resolution of the City Council of Homer, Alaska, Awarding a Contract to Herndon Construction of Homer, Alaska, in the Amount of \$3,533,004.74 for the Kachemak Drive Phase Two Water and Sewer Project and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk/Public Works Director.

Memorandum 11-093 from Public Works Director as backup.

Mayor Hornaday called for a motion for the adoption of Resolution 11-068 by reading of title only.

LEWIS/HOWARD - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

COMMENTS OF THE AUDIENCE

There were no comments of the audience.

COMMENTS OF THE CITY ATTORNEY

City Attorney Klinkner was not present.

COMMENTS OF THE CITY CLERK

City Clerk Johnson had no comment.

COMMENTS OF THE CITY MANAGER

City Manager Wrede said he can't wait until Carey comes back from vacation so he can tell him Kachemak Drive is going ahead. It has been a long journey and he appreciates Council's patience and recognition on how important this project is. The employees appreciate Council's support for an employee committee and that Council will take seriously their recommendations on changes to the compensation package. He and the two chiefs will be talking a lot whether Homer should take over the responsibility for the emergency warning system and sirens. It would be a big responsibility as we would not have the automatic sirens and we wouldn't be on the national alert system. They will bring Council back a report.

COMMENTS OF THE MAYOR

Mayor Hornaday commented the Rotary convention was a big success with 300 people in attendance. It was a real thrill to hear Bishop Tutu's daughter give the keynote address. The Little Shop of Horrors is being put on by the theatre. He has a small part and it will be a great play. For the 4th of July parade Council has been invited to ride in the car at the front of the parade.

COMMENTS OF THE CITY COUNCIL

Councilmember Wythe attended a dinner hosted by BP for their newly hired employees. Shelly Erickson invited her to attend. For 15 years BP has brought their employees here for a week long orientation for newly hired employees. There were 25 to 30 people here staying at Land's End and providing a community program. Young adults sat with members of the community, giving them an opportunity to meet the people they are impacting with BP's activities. It was an awesome boost to the community, hitting a lot of the avenues of the community. She appreciates BP putting that kind of money into the community since they don't have a presence otherwise.

Councilmember Hogan commented on Council's rejection of Mr. Stark's application for the Planning Commission. Although he disagrees with Mr. Stark more than he agrees with him, to reject an applicant for a volunteer position on an advisory committee strikes him as petty personal politics. He would like to think we are above that.

Councilmember Roberts was glad to see the Borough emergency person come down to talk about the tsunami emergency warning system. It is a really important topic and we need to have the best system possible. She is reluctant to leave the national system without clear abilities to warn on a 24-hour basis. Overriding the system or letting us know the warnings are false are some of the issues we should be looking at.

Councilmember Zak reiterated the City Manager's comments on Kachemak Drive Water and Sewer, knowing what it means for the residents and the boatyard. He still has his fingers crossed the Governor will bring natural gas to Homer. It will save the federal, state, private businesses, and citizens a lot of money.

Councilmember Howard expressed concern about the urgency of getting the right information to the public of what to do when the sirens go off. She hopes it remains at the top of our list. We have had some lessons lately and need to take it very seriously. She too attended the BP dinner for the second time. It is impressive that the young folks are so educated and full of energy. They came to listen and learn and offered a great opportunity to observe how they are getting involved in their new career. Next year they have 60 new hires and will be spending two weeks in Homer. She is grateful for the economic value it brings to Homer. The City of Kenai has won the second All-America City award. She has been involved with that process which is rigorous and expensive. It pulls the city together and she applauds them for the achievement. Councilmember Howard congratulated Bryan for his appointment to the Baldrige Quality Award. She thanked the listening audience for their participation.

ADJOURNMENT

There being no further business to come before the Council, Mayor Hornaday adjourned the meeting at 8:03 p.m. The next Regular Meeting is scheduled for Monday, July 25, 2011 at 6:00 p.m. The next Committee of the Whole is scheduled for Monday, July 25, 2011 at 5:00 p.m. A Special Meeting is scheduled for Monday, July 25, 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 Mayor
James C. Hornaday
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MEMORANDUM 11-097

TO: HOMER CITY COUNCIL

FROM: JAMES C. HORNADAY, MAYOR

DATE: JULY 18, 2011

SUBJECT: APPOINTMENTS OF SHELLY ERICKSON AND JENNIFER SONNEBORN TO THE ADVISORY PLANNING COMMISSION, APPOINTMENTS OF BOB HOWARD AND ROBERT HARTLEY TO THE PORT AND HARBOR IMPROVEMENT COMMITTEE.

Shelly Erickson is appointed to the Advisory Planning Commission for a term to expire July 1, 2013. This fills the seat vacated by Ray Kranich.

Jennifer Sonneborn is appointed to the Advisory Planning Commission for a term to expire July 1, 2013. This fills the seat vacated by Gretchen Druhot.

Port and Harbor Commissioners Bob Howard and Robert Hartley are appointed to the newly formed Port and Harbor Improvement Committee. These appointments will expire with office or upon completion of the work tasked to the committee.

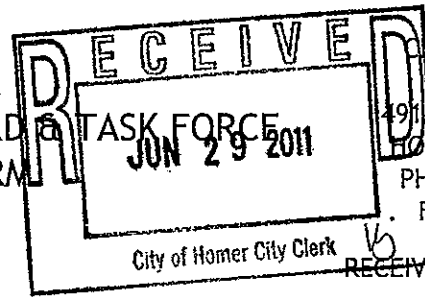
RECOMMENDATION:

Confirm the appointments of Shelly Erickson and Jennifer Sonneborn to the Advisory Planning Commission, and the appointments of Bob Howard and Robert Hartley to the Port and Harbor Improvement Committee.

Fiscal Note: N/A



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 Shelly Erickson Date 6/29/14
Physical Address 4453 E. Hill Road City Homer
Mailing Address Box 3695 Zip Code 99603
Phone # 235-6200 Work # 235-1386 Cell # 399-4700
Email Address homerwork@alaska.net

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

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

Select	COMMISSION/COMMITTEE/BOARD/TASK FORCE	REGULAR MEETING SCHEDULE
<input checked="" 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 5:00 P.M.
<input type="checkbox"/>	PARKS & RECREATION ADVISORY COMMISSION	3RD THURSDAY OF THE MONTH AT 5:30 P.M.
<input type="checkbox"/>	PORT & HARBOR ADVISORY COMMISSION	4TH WEDNESDAY OF THE MONTH AT 5:00 P.M.
<input type="checkbox"/>	PUBLIC ARTS COMMITTEE	QUARTERLY - 2ND THURSDAY OF THE MONTH AT 5:00 P.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 OF THE MONTH AT 3:00 P.M.
<input type="checkbox"/>	OTHER - PLEASE ENTER THE COMMITTEE/TASK FORCE	

I have been a resident of the City for ☒ 52 ☐ mos. ☒ yrs I have been a resident of the area for ☒ 52 ☐ mos. ☒ yrs.

I am presently employed as: bookkeeper

List any special training, education or background you have related to your choice:

EDC & lease Chair of Commissions

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

☒ yes

If so when and where?

Homer

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

I am interested in serving on the above because:

I believe in Homer & love the community and want to see us be reasonable & fair in our dealings with each other.

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

☐ Yes

☒ No

If yes, please list organizations:

Questions regarding the Homer Advisory Planning Commission:

Have you ever developed real property, other than your personal residence?

☐

If yes, briefly describe the development:

Homer Ranch

Questions regarding the Port & Harbor Advisory Commission:

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

☒ Semi

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

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

Cruise Ship

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

Print Form

Submit by Email



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

MAY 23 2011 AM 11:52 *Rk*

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 Jennifer Sonneborn Date 5/23/2011

Physical Address 38555 Tranquility Rd. City Homer

Mailing Address 38550 Tranquility Rd. Zip Code 99603

Phone 235-5476 Work # Cell # 399-8213

Email Address darkpond@yahoo.com

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

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

Select	COMMISSION/COMMITTEE/BOARD.TASK FORCE	REGULAR MEETING SCHEDULE
<input checked="" 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 5:00 P.M.
<input type="checkbox"/>	PARKS & RECREATION ADVISORY COMMISSION	3RD THURSDAY OF THE MONTH AT 5:30 P.M.
<input type="checkbox"/>	PORT & HARBOR ADVISORY COMMISSION	4TH WEDNESDAY OF THE MONTH AT 5:00 P.M.
<input type="checkbox"/>	PUBLIC ARTS COMMITTEE	QUARTERLY - 2ND THURSDAY OF THE MONTH AT 5:00 P.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 OF THE MONTH AT 3:00 P.M.
<input type="checkbox"/>	OTHER - PLEASE ENTER THE COMMITTEE/TASK FORCE	

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

I am presently employed as:

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

I've been working remodelling and repairing Homer's aging buildings for 13 years.

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

If so when and where?

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

I am interested in serving on the above because:

I would like to do my share to help our community blossom.

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

☐ Yes ☒ No

If yes, please list organizations:

Questions regarding the Homer Advisory Planning Commission:

Have you ever developed real property, other than your personal residence?

If yes, briefly describe the development:

Questions regarding the Port & Harbor Advisory Commission:

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

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

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

The planning & zoning office asked me to apply for this position.

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



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	June 29, 2011
Physical Address	629 Rangeview Avenue	City	Homer
Mailing Address	629 Rangeview Avenue	Zip Code	99603
Phone #	226.2025	Work #	
		Cell #	299.3727
Email Address	bobhoward@gci.net		

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

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

Select	COMMISSION/COMMITTEE/BOARD.TASK FORCE	REGULAR MEETING SCHEDULE
<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 5:00 P.M.
<input type="checkbox"/>	PARKS & RECREATION ADVISORY COMMISSION	3RD THURSDAY OF THE MONTH AT 5:30 P.M.
<input type="checkbox"/>	PORT & HARBOR ADVISORY COMMISSION	4TH WEDNESDAY OF THE MONTH AT 5:00 P.M.
<input type="checkbox"/>	PUBLIC ARTS COMMITTEE	QUARTERLY - 2ND THURSDAY OF THE MONTH AT 5:00 P.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 OF THE MONTH AT 3:00 P.M.
<input checked="" type="checkbox"/>	OTHER - PLEASE ENTER THE COMMITTEE/TASK FORCE	PORT & HARBOR IMPROVEMENT COMMITTEE

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

I am presently employed as:

List any special training, education or background you have related to your choice:

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

If so when and where?

Port and Harbor Commission, Economic Development Commission

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

I am interested in serving on the above because:

Do you currently belong to any organizations specifically related to the area of your choice(s) you wish to serve on? ☐ Yes ☐ No

If yes, please list organizations:

Questions regarding the Homer Advisory Planning Commission:

Have you ever developed real property, other than your personal residence?

If yes, briefly describe the development:

Questions regarding the Port & Harbor Advisory Commission:

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

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

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

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

[Print Form](#)

[Submit by Email](#)



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

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

RECEIVED 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.

JUL 01 2011 PM01:45

Name Robert Hartley Date 07-01-11
Physical Address 4665 Emerald City Homer, AK
Mailing Address PO Box 2284 Zip Code 99603
Phone 907-235-⁴²⁶⁹~~687~~ Work # 4269 Cell # 399-6871
Email Address hartley@xyz.net

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

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

Select	COMMISSION/COMMITTEE/BOARD.TASK FORCE	REGULAR MEETING SCHEDULE
<input type="checkbox"/>	ADVISORY PLANNING COMMISSION	1ST & 3RD WEDNESDAY OF THE MONTH AT 7:00 P.M. WORKSESSIONS AT 5:30 P.M.
<input type="checkbox"/>	ECONOMIC DEVELOPMENT ADVISORY COMMISSION	2ND TUESDAY OF THE MONTH AT 6:00 P.M.
<input type="checkbox"/>	LIBRARY ADVISORY BOARD	1ST TUESDAY OF THE MONTH AT 6:00 P.M.
<input type="checkbox"/>	PARKS & RECREATION ADVISORY COMMISSION	3RD THURSDAY OF THE MONTH AT 6:30 P.M.
<input 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 checked="" type="checkbox"/>	OTHER - PLEASE ENTER THE COMMITTEE/TASK FORCE	<u>Port and Harbor Bond Issue - Committee</u> -47-

I have been a resident of the City for 10 ☐ mos. ☒ yrs I have been a resident of the area for 20 ☐ mos. ☒ yrs.

I am presently employed as: _____

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

I am a sports fisherman - Com fisherman - had a water taxi and have had a residence in Peterson Bay.

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

If so, when & where:

I am presently serving on the Port & Harbor commission.

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

I am interested in serving on the above because:

I feel the harbor needs improvements.

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

☐ Yes ☒ No

If yes, please list organizations: _____

Questions regarding the Homer Advisory Planning Commission:

Have you ever developed real property, other than your personal residence? No 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.

MEMORANDUM 11-108

TO: JO JOHNSON
CITY CLERK, CITY OF HOMER

FROM: THOMAS F. KLINKNER

RE: ESTABLISHMENT OF PORT AND HARBOR IMPROVEMENT
REVENUE BONDING PROJECT COMMITTEE, AND APPOINTMENT
OF ITS MEMBERS

CLIENT: CITY OF HOMER

FILE NO.: 506,742.100

DATE: JULY 5, 2011

Resolution 11-060, adopted by the Council on June 13, 2011, "supports the establishment of a committee to develop a plan for the implementation of a Port and Harbor Improvement Revenue Bonding Project." Resolution 11-060 further states that "the committee will consist of six members, three representatives from the Homer City Council (to be appointed by the Mayor and approved by the Council), the Harbormaster, and two members from the Port and Harbor Advisory Commission (to be selected by the Port and Harbor Advisory Commission)." You have asked whether two committee members may be selected by the Port and Harbor Advisory Commission without appointment by the Mayor and confirmation by the Council. I conclude that all committee members should be subject to appointment by the Mayor and confirmation by the Council.

To respond to your question I also have needed to address other questions regarding the establishment of the committee and the selection of its members.

The first question is whether AS 29.20.320 applies to the establishment of the committee and the selection of its members. AS 29.20.320 provides:

29.20.320. Other boards and commissions. (a) The governing body may by ordinance establish advisory, administrative, technical, or quasi-judicial boards and commissions.

(b) Members of boards and commissions, except for members of the board of adjustment and assembly members serving on the board of equalization, are appointed by the mayor and confirmed by the governing body.

Resolution 11-060 establishes a "committee," rather than a "board" or a "commission." Nonetheless, I conclude that AS 29.20.320 governs the establishment of the committee and the selection of its members, because the term "boards and commissions" in AS 29.20.320 is intended to encompass all deliberative bodies that the City may create. Although a deliberative body sometimes is called a "committee" or "task force" or the like, rather than a "board" or "commission," the designation of a deliberative body by a name other than "board" or "commission" does not exempt the body from the requirements of AS 29.20.320. AS 29.20.320 comprehensively identifies boards and commissions by their functions, rather than by the titles assigned to them. AS 29.20.320(a) refers to bodies whose functions are "advisory, administrative, technical, or quasi-judicial." Thus, even if a body's function is advisory only, it is a "board" or "commission" for the purposes of AS 29.20.320, regardless of the name assigned to it.

While it is not clear that AS 29.20.320(a) mandates that the Council establish a deliberative body only by ordinance, using an ordinance avoids uncertainty regarding the validity of the establishment of a deliberative body, which is particularly important if the body has regulatory or quasi-judicial powers. AS 29.20.320(a) states that the governing body "may by ordinance" establish boards and commissions. While the Alaska Supreme Court has stated that the phrase "may...by ordinance" in another section of Title 29 is permissive, and does not preclude action by means other than an ordinance, that discussion is hypothetical only, and occurs in a context significantly different than that of AS 29.20.320(a).¹ Therefore, I recommend that all boards and commissions, particularly those with regulatory or quasi-judicial functions whose actions are intended to have the force of law, should be established by ordinance.

AS 29.20.320(b) clearly requires that members of boards and commissions, excepting only the board of adjustment and board of equalization, be appointed by the Mayor and confirmed by the Council. This appointment and confirmation process should be applied to all members of the committee, regardless of its designation by a name other than "board" or "commission."

Please let me know if I may be of further assistance in this matter.

¹ *Interior Cabaret, Hotel, Restaurant & Retailers Ass'n. v. Fairbanks North Star Borough*, 135 P.3d 1000, 1004-1005 (Alaska 2006).

1 CITY OF HOMER
2 HOMER, ALASKA

Wythe

3
4 RESOLUTION 11-060

5
6 A RESOLUTION OF THE CITY COUNCIL OF HOMER,
7 ALASKA, ESTABLISHING A COMMITTEE TO DEVELOP A
8 PORT AND HARBOR IMPROVEMENT REVENUE BONDING
9 PLAN AND PROVIDE COMMITTEE REVIEW AND
10 OVERSIGHT THROUGHOUT THE IMPLEMENTATION AND
11 COMPLETION OF ANY APPROVED PLAN.
12

13 WHEREAS, The City of Homer Capital Improvement Plan (CIP) contains a variety of
14 repair and improvement items for the Port & Harbor district, many of which have been
15 languishing on the CIP list for a number of years with the continued hope of receiving funding
16 from State and Federal agencies; and
17

18 WHEREAS, The Homer City Council recognizes the Port and Harbor Enterprise as a
19 vital economic contributor to the community and as such desires to maintain and improve the
20 facilities to ensure continued economic vitality and support economic development within the
21 community; and
22

23 WHEREAS, State and Federal funding of these projects becomes increasingly unlikely
24 due to economic shortfalls at all levels of government; and
25

26 WHEREAS, The Port and Harbor is an Enterprise Fund which generates revenues that
27 can be allocated to the repayment of financed projects, which qualifies the Enterprise Fund for
28 Revenue Bonding consideration; and
29

30 WHEREAS, The Port and Harbor Enterprise Fund currently has no indebtedness; and
31

32 WHEREAS, The current Port and Harbor Enterprise Fund depreciation reserve account
33 has a balance of \$1,653,816 as of December 31, 2010.
34

35 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska,
36 supports the establishment of a committee to develop a plan for the implementation of a Port and
37 Harbor Improvement Revenue Bonding Project; and
38

39 BE IT FURTHER RESOLVED that the committee will consist of six members, three
40 representatives from the Homer City Council (to be appointed by the Mayor and approved by the
41 Council), the Harbormaster, and two members from the Port and Harbor Advisory Commission
42 (to be selected by the Port and Harbor Advisory Commission). Other staff members will provide
43 administrative and consultative support as requested by the committee or directed by the City
44 Manager.
45

BE IT FURTHER RESOLVED that the committee will make a recommendation to the Council not later than November 1, 2011, including information on the process for revenue bond funding, a proposed timeline for project completion in not longer than three years with a beginning date of no later than June 1, 2012, and including the following items from the Capital Improvement Projects list:

- | | | |
|----|--|-------------|
| a. | Harbormaster's Office (to be developed as a model over-slope development project and include public restroom facilities with a separated entrance from the building to allow 24-hour access) | \$2,875,000 |
| b. | Harbor Entrance Erosion Control | 600,000 |
| c. | Ramp 3 Gangway replacement (to include disability access) | 1,700,000 |
| d. | Harbor Float Replacement | 3,500,000 |
| e. | Upgrade System 5 – Vessel Shore Power & Water | 530,000 |
| f. | Fishdock Restrooms | 400,000 |

PASSED AND ADOPTED by the Homer City Council this 13th day of June, 2011.

CITY OF HOMER


JAMES C. HORNADAY, MAYOR

ATTEST


JO JOHNSON, CMC, CITY CLERK

Fiscal Note: \$6,720, Acct. No. 165-375 (HART Trails Reserve)

VISITORS

Experienced Management Team

Jim Watt

President & COO

- 35 years of experience. Extensive managerial & operational experience with Texaco, Union Texas and Orient Petroleum
- Major project experience: Piper B & Saltire fields in North Sea
- Brought innovative methods for Alpine Development
- Three start-up companies Renaissance, Osprey Petroleum & Orient Petroleum Central Asia
- 15 years of direct experience in Alaska; Co-founder Renaissance Alaska & Stellar
- BSChE, MBA, PE

Mark Landt VP

Land & Business Dev

- 33 years of diverse experience in Land &, International Negotiations, Business Development & Marketing
- 25 years with ARCO, & over 12 years of direct experience in Alaska (5 years located in Alaska); Co-founder Prodigy Alaska, Renaissance Alaska & Stellar
- Pulled together land position for Alpine development
- BBA, PLM (University of Oklahoma),

Andy Rike VP

Operations

- 34 years of experience in Drilling and Production activities both land and offshore, domestic and international.
- Engineering and management history augmented through working for both producing companies and well servicing companies.
- Extensive experience with Gulf, Chevron, Schlumberger and equity participant in two startup companies related to hybrid rigs
- Designed and patented several techniques/equipment designs related to drilling technology
- BS in Petroleum Engineering from Louisiana Tech University



BUCCANEER ALASKA OPERATIONS, LLC

Cook Inlet Exploratory Drilling Program

Community Outreach: City of Homer



Purpose of Presentation:

- ☐ Explain proposed drilling program
- ☐ Receive feedback



Presentation Organization

1. Project Overview
2. Drilling Program
3. Waste Management
4. Environmental Management
5. Permitting
6. Questions and Comments

3

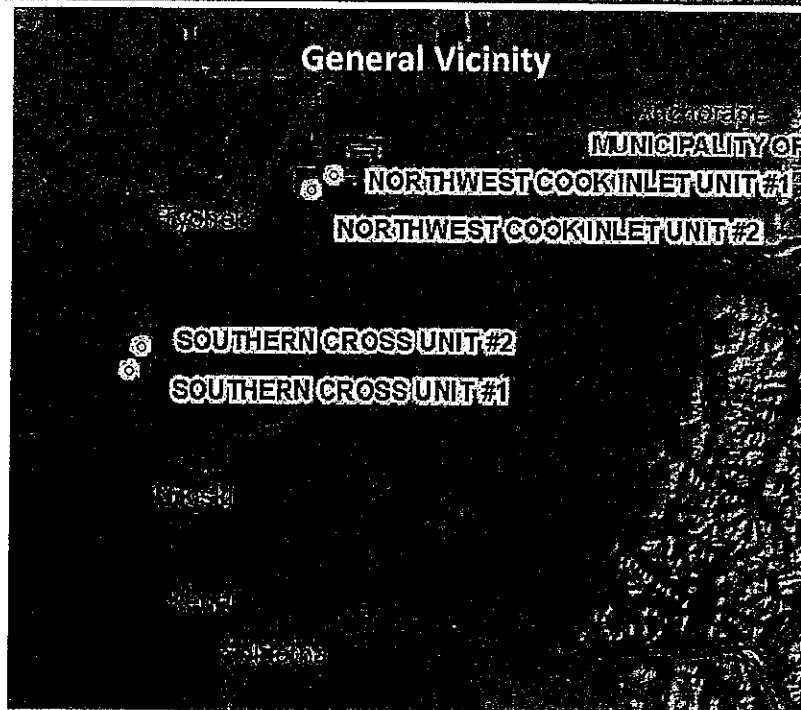


Project Overview

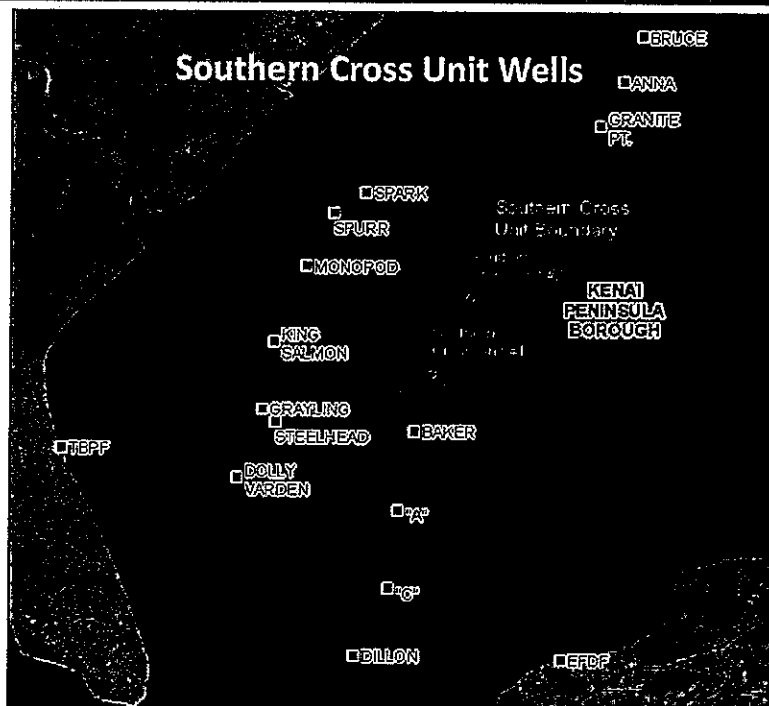
- ☐ Buccaneer Alaska Operations, LLC (Buccaneer) is an Alaska limited liability company wholly owned by Buccaneer Energy, Ltd. based in Sydney, Australia
- ☐ Buccaneer is operating on behalf of Buccaneer Alaska, LLC
- ☐ Buccaneer plans to drill 4 offshore oil and gas exploration wells in upper Cook Inlet:
 - ❖ Southern Cross Unit #1 (SCU #1)
 - ❖ Southern Cross Unit #2 (SCU #2)
 - ❖ Northwest Cook Inlet Unit #1 (NWCU #1)
 - ❖ Northwest Cook Inlet Unit #2 (NWCU #2)

4



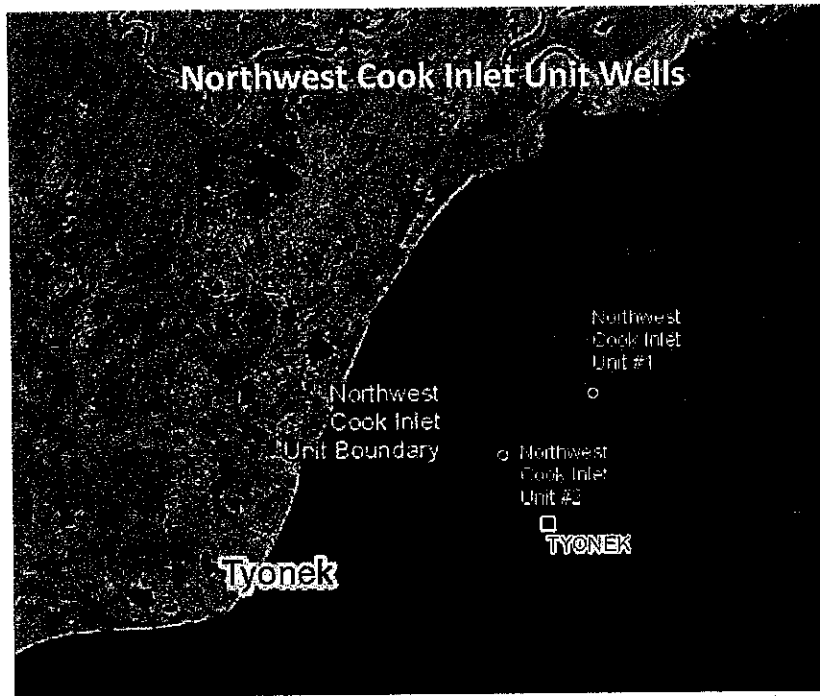


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6



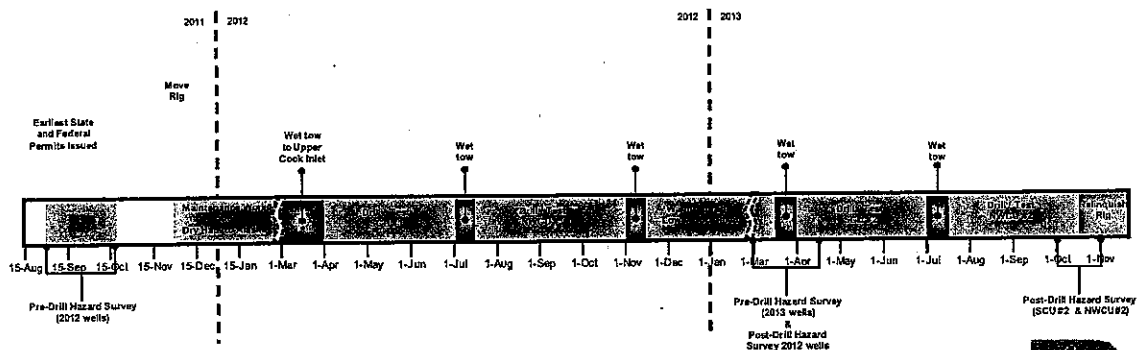


7



Drilling Program Project Schedule & Timeline

- ☐ Drill during three "Open Water" seasons (April to November)
- ☐ Move jackup rig south to lower Cook Inlet at the end of each season
- ☐ Begin operations August 2011 (Geohazard Survey) & end August 2013



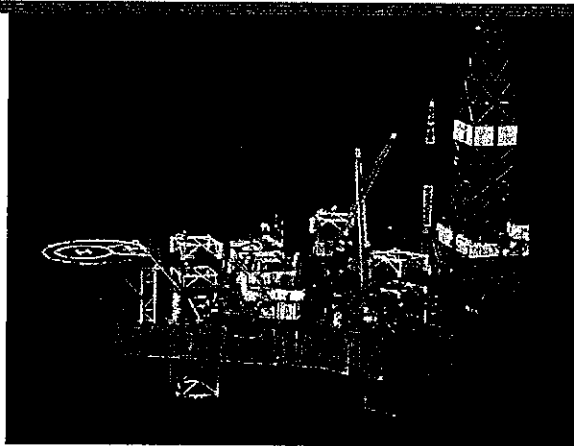
8



Drilling Program

Drilling Operations

- ☐ Use Marathon LeTourneau Class 116-C, cantilevered Jack-up Drill Rig capable of drilling to 25,000 ft. in water depths from 15 to 300 ft.
- ☐ 10K psi and 15K psi Blow Out Preventers (BOP) for drilling in higher pressure formations known in the Cook Inlet
- ☐ Variable deck load to accommodate the increased drilling loads and tubulars for deeper drilling (fewer service boat trips)



9



Drilling Program

Drilling Operations

- ☐ Riser tensioning system to adequately deal with the extreme tides/currents found in Cook Inlet
- ☐ Steel hull designed to withstand -10°C to eliminate risk of steel failure during operations in the Cook Inlet
- ☐ Proven history of operating successfully in arctic conditions in the North Sea
- ☐ Ability to cantilever up to 60 ft. over existing platforms for working on development wells or P&A
- ☐ Jones Act waiver not required to mobilize



10



Drilling Program

Drilling Operations - Rig

Mobilization

- ☐ Rig will be "dry-hauled" to Cook Inlet by Heavy Lift Vessel
- ☐ Rig will be "wet-towed" between drilling locations



- ☐ Buccaneer will work with UCIDA, KPFA & Southwest Alaska Pilot Association to avoid openings
- ☐ Buccaneer will start marine mammal monitoring program to avoid effects to Beluga whales & other marine mammals



11

Drilling Program

Drilling Operations – Well Site Clearance

- ☐ Geohazard surveys will be conducted at each site (before and after drilling) on a survey grid approved by AOGCC
- ☐ Existing 2D and 3D seismic data will be used to supplement the geohazard surveys

What is Required for Geohazard Surveys		
Activity	Before Drilling	After Drilling
2D and/or 3D Seismic Surveys:	Yes	No
Sea Floor Imagery: Side-scan sonograph	Yes	Yes
Bathymetry: High frequency sea floor profiling	Yes	No
High-Resolution Seismic Profiling System:	Yes	No
Magnetometer Survey:	Yes	Yes
Tide/Current Survey:	Yes	No



12

Drilling Program

Drilling Operations - Logistics & Field Support

- ☐ Most service contractors have offices, shops, & additional equipment located in the Kenai and Nikiski area
- ☐ Tugs will be staged at the Nikiski OSK dock for additional rig support, anchor-handling & ice-management (if required)
- ☐ Helicopters will provide transportation for personnel, groceries, & supplies
- ☐ Jackup rig will take on a maximum fuel load prior to operations to reduce fuel transfers during drilling

13



Drilling Program

Drilling Operations - Logistics & Field Support.....End result will be the 400 direct and indirect jobs related to Buccaneer's plan

- | | |
|--|--|
| • Drill Site Management | • Completion Equipment & Casing |
| • Rig Mobilization & Moves | • Tubing & Perforating |
| • Marine Surveyor | • Liner Hanging |
| • Heavy Lift Vessel & Oceangoing Tugs | • Pipe Rental, Drilling Jars |
| • Drilling Engineering/Technical Support | • Fishing Services & Tubular Inspections |
| • Well Testing/Drill Stem Testing | • Well Control & BOP Equipment |
| • Well Drilling | • Plugging & Abandonment |
| • Casing | • Onsite EMT & General Medical Equipment |
| • Drill Rig Crew | • Advanced Cardiac Life Support /Trauma Life Support |
| • Catering & Housekeeping | • Biologist/Marine Mammal Observers |
| • Drilling & Completion Operations | • Oil Spill Response Action Contractors |
| • Cementing Services | • Spill Technicians and Spill Prevention |
| • Directional/MWD/LWD | • Fuel-Fluid Transfers |
| • Wireline & Slickline | • Waste Management & Recycling |
| • Mud Logging & Service Packers | • Drill Cuttings & Drill Fluids Disposal |

14



Drilling Program

Casing /Cementing Programs

- ☐ Casing and cementing programs will be approved by AOGCC
- ☐ Conductor & surface casings will be cemented from total depth to surface
- ☐ Deeper casing strings will be cemented to cover length of any hydrocarbon bearing zones plus extra 500 ft. above
- ☐ All casings will meet AOGCC requirements for internal burst pressure to provide adequate well control

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Drilling Program

Blowout Prevention Program

- ☐ The focus of the drilling program (drilling fluids, well construction and operations) is to prevent a loss of well control.
- ☐ The program must be reviewed/approved by AOGCC before drilling.
- ☐ Primary method of well control is hydrostatic pressure exerted by drilling muds to prevent formation fluid flowing into well bore
- ☐ In the unlikely event that primary control is lost, surface blowout prevention equipment (BOPE) on the rig will be used for secondary control.
 - ❖ As noted, Buccaneer will use a 10K psi and 15K psi BOP stacks
 - ❖ BOPE testing will meet API recommended practices & AOGCC specifications & procedures
 - ❖ This will begin before dry haul in Singapore and then continue at least weekly during drilling

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Drilling Program

Well Plugging & Abandonment (P&A)

When drilling is completed, the wells will be P&A per AOGCC regulations

- ☐ P&A includes cutting the casing below the sea floor & retrieving the stub
- ☐ Each well string is sealed & cemented to prevent flow to the Cook Inlet and the movement of reservoir fluids between strata
- ☐ All P&A procedures will be approved by AOGCC prior to implementation



Waste Management

Drilling Waste (muds, cuttings, drilling fluids & formational water)

- ☐ No drilling wastes will be discharged into Cook Inlet
- ☐ No water will be discharged into Cook Inlet, except for:
 - ❖ Stormwater deck runoff (uncontaminated); if the storm water is not collected and used for makeup water (preferred)
 - ❖ Cook Inlet sea water used as pre-load water (uncontaminated and managed under a USCG ballast management program)



Waste Management

Solid Waste

- ☐ Classify, Segregate & Label All Waste as general, universal, & RCRA exempt or RCRA non-exempt
- ☐ Store Waste Onboard in labeled containers at designated accumulation areas
- ☐ Package & Palletize Waste for transport offshore
- ☐ Dispose at regulated facilities
- ☐ Track Disposal and audit facilities

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Waste Management

Hazardous Waste

- ☐ NO HAZARDOUS WASTES WILL BE TRANSPORTED
Buccaneer will inspect the rig in Singapore & have all hazardous wastes removed prior to dry haul
- ☐ NO HAZARDOUS WASTES WILL BE GENERATED ONBOARD....
Buccaneer will not use listed hazardous wastes...including the deep fat fryer...during drilling
- ☐ UNIVERSAL WASTES WILL BE MANAGED ONBOARD
Batteries & Light bulbs will be separated & labeled & temporarily stored onboard in approved containers before being transported for offshore disposal at regulated facilities

20



Environmental Management

Endangered Species - Beluga Whale

- ☐ Buccaneer continues to consult with the National Marine Fisheries Service (NMFS) on how to proceed under the Endangered Species Act & Marine Mammal Protection Act
- ☐ Buccaneer is coordinating with NMFS and has prepared/submitted a marine mammal monitoring plan for project mobilization & operations that will:
 - ❖ Provide qualified marine mammal observers during geohazard surveys and rig moves
 - ❖ Monitor and document marine mammal sightings
 - ❖ Take measures (such temporary shutdown) to avoid any effects to marine mammals

21



Environmental Management

Spill Response

- ☐ CISPRI will be contracted as spill response contractor
- ☐ O'Brien's Group/RM will be contracted to manage spill response
- ☐ Cook Inlet wells surrounding Buccaneer's leases have historically produced less than 1,500 barrels per day from any single zone
- ☐ Nonetheless, Buccaneer has developed and will implement a plan to respond to a blowout of 5,500 barrels per day
- ☐ The jackup rig can drill in any conditions found during the Cook Inlet Open Water season...however, drilling will cease if CISPRI cannot respond to a 5,500 barrel per day blowout due to sea states and conditions

22



Permitting

- ☐ ADNR
 - ❖ Lease Plan of Operation
 - ❖ SHPO Section 106 Historic Preservation Report
- ☐ ADEC
 - ❖ Air Quality Minor Permit
 - ❖ Oil Discharge Prevention & Contingency Plan
 - ❖ Alaska Pollutant Discharge Elimination System Permit
- ☐ NOAA/NMFS
 - ❖ Endangered Species Act Section 7 Consultation on Beluga Whales
 - ❖ Marine Mammal Protection Act Coordination
 - ❖ Biological Assessment & Marine Mammal Monitoring
- ☐ USACE
 - ❖ Section 10 Individual Permit
 - ❖ Endangered Species Act Section 7 Consultation on Beluga Whales
- ☐ AOGCC
 - ❖ Geohazard Survey Permit
 - ❖ Permit to Drill
 - ❖ Permit for Annular Injection
- ☐ USCG
 - ❖ Security and Response Plan
- ☐ USEPA
 - ❖ Cook Inlet NPDES General Discharge Permit
- ☐ KPB
 - ❖ Coastal District Consistency Review

23



Questions and Comments

http://www.diamondoffshore.com/ourCompany/ourcompany_jackupVideo.php

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**ANNOUNCEMENTS
PRESENTATIONS
BOROUGH REPORT
COMMISSION REPORTS**

**CITY OF HOMER
HOMER, ALASKA**

MAYOR'S PROCLAMATION

**HEALTH CENTER WEEK
August 7 - 13, 2011**

WHEREAS, Keeping families and communities healthy presents a unique challenge in Alaska. Geographic isolation and financial, cultural, and language barriers separate many families and communities from the resources necessary to meet their wellness needs; and

WHEREAS, Alaska's network of 142 Community Health Centers and delivery sites extend across the state, providing health care and other services to Alaskan residents, regardless of their insurance status or ability to pay. Community Health Centers are the family doctor and medical home for over 86,000 individuals in the State of Alaska; and

WHEREAS, Community Health Centers are local, nonprofit, community-owned facilities. They are open to all Alaskans and provide health care access to low-income and medically underserved populations and areas. For 40 years, Community Health Centers have provided high-quality, affordable primary care and preventive services to the nation's most vulnerable populations; and

WHEREAS, Community Health Centers have made a significant difference in Alaska's health care system by maintaining a high standard of accountability, empowering communities to enhance opportunities for children and families, and by providing health care services in accessible, cost-effective environments; and

WHEREAS, Community Health Centers have improved access to quality health care by providing trained professionals in areas that had previously been unserved or underserved. Community Health Centers promote individual responsibility and health awareness in a community setting and offer primary, preventative health care of the highest quality. Access to health care reduces preventable deaths, chronic disease disparities, costly disabilities, and communicable diseases; and

WHEREAS, There is a need to raise awareness of, and increase support for, Community Health Centers throughout the State of Alaska and in our local community. Community Health Centers play a vital role in ensuring access to healthcare for all Alaskans and in supporting Alaska's commitment to the provision of primary health care to its residents.

NOW, THEREFORE, I, James C. Hornaday Mayor of the City of Homer, do hereby proclaim August 7 - 13, 2011 as:

Health Center Week in Alaska, and encourage all community residents to recognize and support the important contribution of Alaska's health centers in improving the quality of life for all Alaskans.

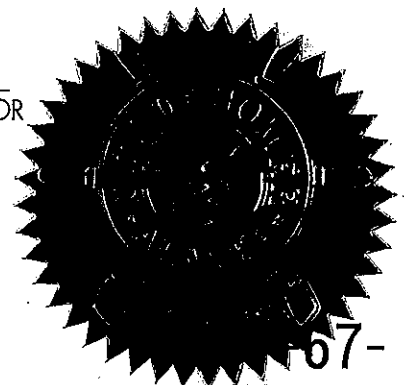
IN WITNESS WHEREOF, I have hereunto set my hand and cause to be affixed the official seal of the City of Homer, Alaska, on this 25th day of July, 2011.

CITY OF HOMER

ATTEST:

JAMES C. HORNADAY, MAYOR


JO JOHNSON, CMC, CITY CLERK



JAMES C. HORNADAY
BOX 2489
HOMER, ALASKA 99603-2489
PHONE 907-235-5976
horn@acsalaska.net

7711

To Walt and Council from Jim H. Enclosed is newspaper article about a state wide disaster drill. I would urge Homer to participate. In addition to making sure the equipment works, we need simple straight forward information. For example in a prior scare when Augustine blew, the court house employees were told to leave the building and get up to Pioneer Avenue, a hundred feet above sea level. Is this still the important information? Also, we need specific information on survival kits, etc. Hopefully we will never have to suffer like the people of Japan but we need to be far better prepared than at present. Thanks Jim H.

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Alaska plans large-scale disaster drill

by The Associated Press

Jul 08, 2011 | 551 views | 0 3 0 0

JUNEAU, Alaska - The state of Alaska is planning a large-scale emergency readiness drill this winter focused on how prepared the state and its residents are for a severe cold weather system.

Kathy Cavyell, the state's lead exercise planner, said eight communities and more than a dozen state and federal agencies will participate.

She said the state does a major exercise every two years; the focus in 2010 was earthquake readiness and response. She said the exercise planned for 2014 will be "everybody's worst nightmare: an earthquake in cold weather."

The drill planned for February will test how prepared the state and communities are for a cold-weather event and how much they can handle before having to seek outside help.

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CLICK HERE FOR MORE INFORMATION

PUBLIC HEARING(S)

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

Ordinances 11-28 and 11-29(A)

A **public hearing** is scheduled for **Monday, July 25, 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.

Ordinances 11-28 and 11-29(A) internet address:
<http://www.cityofhomer-ak.gov/ordinances>

Ordinance 11-28, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a Coastal Impact Assistance Program Grant of \$65,351.11 Through the Kenai Peninsula Borough for the Beluga Slough Trail Reconstruction Project and Authorizing the City Manager to Execute the Appropriate Documents. City Manager.

Ordinance 11-29(A), An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code, Chapter 1.74 Parks and Recreation Advisory Commission, Section 1.74.030 Proceedings of the Commission, Amending the Monthly Meeting Frequency to Monthly Meetings with the Exception of the Month of December. City Clerk/Parks and Recreation Advisory Commission.



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

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

Jo Johnson, CMC, City Clerk


Publish: Homer Tribune: July 20, 2011

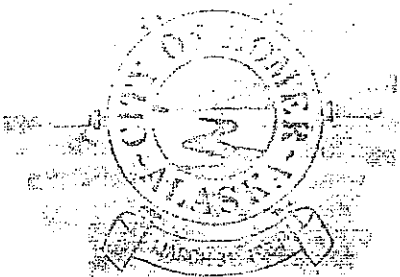


CLERK'S AFFIDAVIT OF POSTING

I, Jo Johnson, qualified City Clerk for the City of Homer, Alaska, do hereby certify that a copy of the Public Hearing Notice for Ordinance 11-28 to Accept and Appropriate a Coastal Impact Assistance Program Grant for the Beluga Slough Trail Reconstruction Project and Ordinance 11-29(A) Amending Homer City Code Chapter 1.74 Parks and Recreation Advisory Commission Monthly Meeting Frequency was posted at Homer City Hall, at the Homer Public Library, 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 July 15, 2011 and that the City Clerk posted same on City of Homer Homepage on July 11, 2011.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of said City of Homer this 15th day of July, 2011.


Jo Johnson, City Clerk



ORDINANCE REFERENCE SHEET
2011 ORDINANCE
ORDINANCE 11-28

An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a Coastal Impact Assistance Program Grant of \$65,351.11 Through the Kenai Peninsula Borough for the Beluga Slough Trail Reconstruction Project and Authorizing the City Manager to Execute the Appropriate Documents.

Sponsor: City Manager

1. City Council Regular Meeting June 27, 2011 Introduction
 - a. Grant Agreement
2. City Council Regular Meeting July 25, 2011 Public Hearing and Second Reading
 - a. Grant Agreement

CITY OF HOMER
HOMER, ALASKA

City Manager

ORDINANCE 11-28

AN ORDINANCE OF THE CITY COUNCIL OF HOMER,
ALASKA, ACCEPTING AND APPROPRIATING A COASTAL
IMPACT ASSISTANCE PROGRAM GRANT OF \$65,351.11
THROUGH THE KENAI PENINSULA BOROUGH FOR THE
BELUGA SLOUGH TRAIL RECONSTRUCTION PROJECT
AND AUTHORIZING THE CITY MANAGER TO EXECUTE
THE APPROPRIATE DOCUMENTS.

WHEREAS, The City has received a Coastal Impact Assistance Program Grant through
the Kenai Peninsula Borough for the Beluga Slough Trail Reconstruction Project; and

WHEREAS, This grant is to provide funding that will be used to restore habitat and
provide environmentally responsible visitor access to Beluga Slough by replacing existing trail
with an elevated walkway and view, keeping visitors from walking in sensitive habitat.

NOW, THEREFORE, BE IT ORDAINED by the City of Homer:

Section 1. That the City of Homer accepts \$65,351.11 from the Kenai Peninsula Borough
for the purpose of the Beluga Slough Trail Reconstruction Project as follows:

Revenue:

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
151-772	Kenai Peninsula Borough Grant	
	Coastal Impact Assistance Program	\$65,351.11

Expenditure:

151-772	Beluga Slough Trail Reconstruction Project	\$65,351.11
---------	--	-------------

Section 2. That the City Council hereby authorizes the City Manager to execute the
appropriate documents.

Section 3. This ordinance is a budget amendment only, is not of a permanent nature and
is a non code ordinance.

PASSED AND ENACTED by the Homer City Council this _____ day of
_____, 2011.

CITY OF HOMER

JAMES C. HORNADAY, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

AYES:

NOES:

ABSTAIN:

ABSENT:

Introduction:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and approved as to form:

Walt Wrede, City Manager

Thomas Klinkner, City Attorney

Date: _____

Date: _____

Fiscal Note: Fiscal information included in body of Ordinance.



KENAI PENINSULA BOROUGH

GRANT AGREEMENT

Total Grant Funds	Authorizing Ordinance	KPB Account Number	Total Grant Award
\$65,834.00	O2010-19-38	271.21135.11067.43011	\$65,351.11
Federal Agency	CFDA #	Program Title	
U.S. Dept. of Interior BOEMRE	15.426	Coastal Impact Assistance Program	
Project Title			
Beluga Slough Trail Reconstruction Project			

Grantee		Borough Contact Person	
Name	DUNS# 040171563	Name	
City of Homer	EIN# 92-0030963	Brenda Ahlberg, Community & Fiscal Projects Manager	
Mailing Address		Mailing Address	
491 East Pioneer Ave.		144 N. Binkley Street	
City/State/Zip		City/State/Zip	
Homer, AK 99603		Soldotna, AK 99669	
Contact Person		Email	
Jo Earls, Accounting Tech III		bahlberg@borough.kenai.ak.us	
Phone	Email	Phone	Fax
435-3110	JEarls@ci.homer.ak.us	714-2153	714-2377

The Kenai Peninsula Borough (*hereinafter* "Borough") and City of Homer (*hereinafter* "subrecipient") agree as set forth herein.

Section I: The Borough shall pay subrecipient for the performance of the project work under the terms outlined in this agreement. The amount of the payment is based upon project expenses incurred, which are authorized under this agreement. In no event shall the payment exceed \$65,351.11.

Section II: The subrecipient shall perform all of the work required by this agreement.

Section III: The work to be performed under this agreement begins 04/19/2011 and shall be completed no later than 11/10/2012.

Section IV: the agreement consists of this page and the following attachments:

- A. Scope of Work, Administrative Requirements and Program Regulations
- B. Budget, Timeline of Deliverables, and Finance/Progress Reporting Form
- C. "Certification Regarding Lobbying"
- D. Signature Authorization Form

Section V: The original, including any attachments filed with the Borough Clerk shall control.

Grantee	Borough
Signature:	Signature:
Authorized Signatory Name and Title	Authorized Signatory Name and Title
Walt Wrede, City Manager	David R. Carey, Borough Mayor
Date:	Date:
	Attest: Johni Blankenship, Borough Clerk

Approved as to form and legal sufficiency:

Borough Attorney

FY11 KPB Grant Agreement - Beluga Slough Trail Reconstruction Project

Scope of Work and Use of Funds

Project Description: The purpose of this Borough grant is to provide funding in the amount of \$65,351.11 to the City of Homer (*hereinafter referred to as "subrecipient"*) to restore habitat and provide environmentally responsible visitor access to Beluga Slough by replacing 153 feet of pre-engineered surface supported trail through wetlands adjacent to the Beluga Slough. The scope of work will include: (1) an elevated walkway to keep visitors from walking in sensitive habitat; (2) use appropriate means to keep pedestrian traffic from trespassing onto adjacent private land; and (3) provide an elevated view of the habitat without interfering with wildlife transit.

Project Management

- A. The project will be managed by the subrecipient.
- B. The City Manager, or such other person(s) as indicated on Attachment D, shall be designated as the representative of the subrecipient to receive or make all communications regarding the performance or administration of this agreement. The Borough Community & Fiscal Projects Manager, or such other person(s) as designated by the Borough Mayor, is hereby designated as the representative of the Borough to receive or make all communications, payment requests, and reports regarding the performance or administration of this agreement, and who approves payment under this agreement. The parties may change their representative upon written notification to the other party.

Key Contact Information

John Mohorcich, River Center Director
714-2462 • jmohorci@borough.kenai.ak.us
Donald E. Gilman River Center
514 Funny River Rd., Soldotna AK 99669

Brenda Ahlberg, Community & Fiscal Projects
714-2153 • bahlberg@borough.kenai.ak.us
Kenai Peninsula Borough
144 N. Binkley St., Soldotna AK 99669

Project Approval

The Assembly approved and appropriated funds in the amount of \$65,351.11 through KPB Ordinance 2010-19-38. Subrecipient shall cite KPB account number **271.21135.11067.43011** in correspondence and reporting forms.

Project Budget

The budget and narrative shall constitute the maximum amount available to the subrecipient for work performed under this agreement as detailed in Attachment B, "Budget and Timeline of Deliverables." Grant funds, or any earnings there from, may be spent only for the purposes of the grant project as described above. Any monies used for purposes not authorized by this agreement shall be refunded to the Borough immediately after such expenditures, with or without demand by the Borough. Request to amend the budget shall be submitted to the Community & Fiscal

Projects Manager no less than ninety (90) days prior to performance period end date.

Project Performance Period

Period: The performance period shall be effective for the period commencing on April 19, 2011 and ending on November 10, 2012. The subrecipient must liquidate all obligations not later than October 30, 2012. The Borough shall have no obligation for payment of services rendered by the subrecipient which are not performed within this specified period.

Time of Performance: All project tasks, reports and other obligations shall be completed by the subrecipient as detailed in "Attachment B" of this agreement.

Request to Extend: Any determination to extend the project performance period is solely at the discretion of the Borough. A request to amend the performance period should be submitted not later than ninety (90) days prior to the established end date.

Funding

A. Source of Funds:

1. This project is being funded in full through Federal Grant M11AF00067, the full and complete terms and provisions of which are hereby incorporated into this agreement by this reference. The federal administrative and program regulations are cited in 43 CFR Part 12.
2. Federal funds for this project are identified by the Catalog of Federal Domestic Assistance (CFDA) #15.426 • U.S. Department of Interior, Bureau of Ocean Energy Management, Regulation and Enforcement for the "Coastal Impact Assistance Program."
3. All unexpended grant funds as of the end of the grant period must be returned to the Borough. Funds will be considered obligated if they have actually been expended or encumbered prior to the end date of the performance period.

B. Condition for Receipt of Funds: Funds provided by the Borough to the subrecipient under this program may not be used by the subrecipient as a match or cost-sharing provision to secure other federal monies without prior written approval by the Borough.

C. Funds, or earnings there from, shall not be expended for the purposes of lobbying activities before the Borough Assembly, the Alaska State Legislature or U.S. Congress.

Authorizing Federal Statutes and Regulations

A. Subrecipient Uniform Administrative Requirements: For each type of subrecipient organization, there is a set of Federal Uniform Administrative Requirements which are hereby made part of this agreement by reference. The subrecipient agrees to comply with the applicable Uniformed Administrative Requirements which are applicable to the subrecipient's type of organization, including, but not limited to, requirements for the use of

tracking of program income generated from funds received. The following list are examples, but are not meant to be exclusive, of applicable Uniform Administrative Requirements:

- For a State, local or Indian tribal government, the applicable Uniform Administrative Requirement is OMB Circular A-102 (including the "Common Rule").
- For a nonprofit organization, institution of higher education, hospital or for-profit (commercial) organization, the applicable Uniform Administrative Requirement is 2 CFR 215 *et seq.* (OMB Circular A-110).
- The subrecipient is solely responsible for obtaining, reviewing and understanding all federal rules, regulations and statutes applicable to federal funding and this project, which federal rules, regulations and statutes are hereby included by reference in this agreement. (See <http://www.gpoaccess.gov/cfr/index.html> to obtain an electronic version of the above-cited circulars.)

- B. Statutes and Program Regulations: The applicable federal statutes and/or codified federal program regulations and applicable administrative and policy rules that the Borough is authorized to implement as the pass-through entity for which the subrecipient is also solely responsible and which are hereby included by reference in this agreement include, but are not limited to: Code of Federal Regulations Title 43, Volume 1 • Public Lands: Interior - Part 12 "Administrative and Audit Requirements and Cost Principles for Assistance Programs" (43 CFR Part 12). This information is to be used by the subrecipient to determine the manner in which the work is performed under this agreement. (Reference online the above-cited documents at http://www.accesss.gpo.gov/nara/cfr/waisidx_04/43cfr12.)

Payment Terms and Conditions

- A. Budget: The program budget shall constitute the maximum amount available to the subrecipient for work performed under this agreement (reference Attachment B).
- B. Payment: For the purpose of expediting payment for deliverables completed within a reporting quarter, fiscal reports may be submitted quarterly but no more than monthly.
- A. Upon receiving and approving subrecipient's financial and activity reports, the Borough will reimburse the subrecipient for costs incurred during the reporting period, in accordance with this grant agreement. The Borough will not reimburse without approved financial and activity reports, prepared and submitted by the subrecipient on the forms requested by the Borough.
 - B. In no case shall the total amount of payments exceed the total amount of this grant agreement.
 - C. Advance Payment: An advance payment request must be submitted thirty (30) days prior to approval and must include justification and timeline of completion for the expenditure of funds.
- C. **Reporting Requirements:** Reporting requirements are detailed in Attachment B "Budget and Timeline of Deliverables."

Mail OR Email Narrative and Fiscal Reports to:

Brenda Ahlberg, Community & Fiscal Projects Manager
Kenai Peninsula Borough
144 N. Binkley St., Soldotna AK 99669
(907) 714-2153 • bahlberg@borough.kenai.ak.us

Standards for Financial Management

- A. Financial Management System:
1. The subrecipient will maintain an accounting system and a set of accounting records that at a minimum, allows for the identification of individual projects by source of revenue and expenditures related to this project.
 2. All costs will be supported by source documentation.
 3. The subrecipient's accounting records will be the basis for generating financial reports which must reflect accurate and complete data. In addition, financial records must be properly closed out at the end of the project period and all reports submitted in a timely manner.
- B. Cost Principles: For each type of subrecipient organization, there is a set of federal cost principles for determining allowable costs with which principles the subrecipient agrees to comply and which principles are hereby included by reference in the agreement. Allowable costs are determined in accordance with the cost principles applicable to the type of organization incurring the costs. The following list are examples, but are not meant to be exclusive, of applicable cost principles to be used:
- State, local or Indian tribal government, OMB Circular A-87
 - Nonprofit organization, OMB Circular A-122
 - Institutions of Higher Education, OMB Circular A-21
 - Hospitals, 45 CFR 74
 - For-profit (Commercial) and selected nonprofit organizations (identified in OMB Circular A-11, Attachment C), 48 CFR Part 31.2
- C. Indirect Costs: No indirect costs are allowed. Indirect costs are defined as daily administrative functions or services including but not limited to processing payroll, purchasing, accounts payable, cash receipts, cash disbursements, cash management, grant management, real and personal property valuation, tax billing and collection, miscellaneous billing and collection, legal services or computer support services.

Procurement Standards

- A. The subrecipient agrees to comply with standards for procurement listed in the Federal Uniformed Administrative Requirements which are applicable to the subrecipient's type of organization.
1. These provisions define the standards for use in establishing procedures for procurement of supplies, equipment and other services which cost is borne in whole or in part as a condition of this agreement.

2. These standards include but are not limited to the following:
 - i. Subrecipient may use its own procurement policies provided that they adhere to the applicable standards;
 - ii. Subrecipient shall maintain a code of conduct which shall govern the performance of its officers, employees or agents in contracting with or expending grant funds; and
 - iii. All procurement transactions shall be conducted in a manner so as to provide for maximum open and free competition.
- B. Sub-contracting: The subrecipient shall not enter into a subcontract for any of the work performed under this agreement without obtaining the prior written approval from the borough. Upon approval, the subcontractor shall contain, at a minimum, sections of the federal program requirements pertaining to debarring and suspending vendors, lobbying certifications, audit requirements, and/or any other Federal, state and local requirements specific to the project or project activities in the amount of \$25,000 or greater (2 CFR Part 1326, Subpart C "Governmentwide Debarment and Suspension").

Audits and Monitoring

- A. Subrecipient is responsible for obtaining audits in accordance with the Single Audit Act of 1984, the Single Audit Act Amendments of 1996, and the Office of Management and Budget audit requirements implemented and revised in OMB Circular A-133. For program specific requirements as cited in 43 CFR Part 12: Section 12.66 (b) Non-Federal Audit: "Subgrantees. State or local governments, as those terms are defined for purpose of the Single Audit Act Amendments of 1996 that provide Federal awards to a subgrantee, which expends \$300,000 or more" shall determine audit requirements *[sic]*.
- B. Monitoring:
 1. The subrecipient may receive an on-site review from the Borough, or its authorized representatives, in addition to reviews from the Federal government personnel representing the U.S. Department of U.S. Department of Interior, Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE). Monitoring staff may review project and financial activity relating to the terms of this agreement. Upon request, the Borough shall be given full and complete access to all information related to the performance period of this agreement to ensure compliance with the project activities and consistently applied costs.
 2. The subrecipient shall provide the Borough and its authorized representatives all technical staff, assistance and information needed to enable the Borough or the Federal government personnel to perform its monitoring function. This assistance from the subrecipient includes, but is not limited to, information about the subrecipient's project operation, accounting and data-base systems.

C. Program and Financial Deficiencies:

1. Through audits, reviews, monitoring or other means, the Borough may find the subrecipient to have program or financial deficiencies in the performance of the agreement. Such deficiencies may include, but are not limited to, the areas of accounting, financial controls, budgeting, and/or project compliance issues. If deficiencies are found, the Borough may require the subrecipient to take corrective action and to submit a written corrective action plan to address identified deficiencies. All corrective action plans must be accepted by the Borough or its authorized representatives. Any corrective action must be satisfactorily completed within thirty days from the date of written notification.
2. The Borough, in its sole discretion, may require the subrecipient to submit periodic written verification that measures have been taken to implement the corrective action. If the subrecipient fails to demonstrate its compliance with the approved corrective action plan within the time constraints set by the Borough, the Borough may, at its option, exercise its rights to terminate the agreement. The Borough may exercise any of the other rights and remedies available to it at law or in equity.

Standard Provisions

- A. **No Maintenance or Further Funding Responsibility:** By signing this agreement, subrecipient certifies that it will not ask the Borough to operate or maintain its program, except as may be otherwise agreed to in writing signed by both parties. Subrecipient understands, acknowledges and agrees that the Borough shall not be responsible for any services, programs, maintenance, operations, or further funding to subrecipient, or actions related thereto, and has not, and will not assume any such responsibility, all of such to be the sole and exclusive responsibility of subrecipient.
- B. **Defense and Indemnification:** The Subrecipient shall indemnify, defend, save and hold the Borough, its elected and appointed officers, agents and employees, harmless from any and all claims, demands, suits, or liability of any nature, kind or character including costs, expenses, and attorneys fees resulting from subrecipient or subrecipient's officers, agents, employees, partners, attorneys and suppliers' performance or failure to perform this agreement in any way whatsoever. This defense and indemnification responsibility includes claims alleging acts or omissions by the Borough or its agents, which are said to have contributed to the losses, failure, violations, or damage. However, subrecipient shall not be responsible for any damages or claim arising from the sole negligence or willful misconduct of the Borough, its agents, or employees. Subrecipient shall also not be required to defend or indemnify the Borough for damage or loss that has been found to be attributed to an independent party directly responsible to the Borough under separate written contract. If any portion of this clause is voided by law or court of competent jurisdiction, the remainder of the clause shall remain in full force and effect.
- C. **Insurance:** Subrecipient shall purchase at its own expense and maintain in force at all times during the term of this agreement Commercial General Liability and Automobile Insurance. Such policies are to include bodily injury, personal injury, and property damage with respect to the property and the activities conducted by subrecipient in which coverage shall not be less than \$1,000,000 per occurrence or such higher coverage as specified by the Borough.

The policy shall name the Borough as an additional insured. Borough approval shall be required for the amount of any deductible or self-insured retention.

- D. Additionally, subrecipient shall purchase and maintain at its own expense worker's compensation and employers liability insurance for all employees per Alaska State Statutes who are performing work under this agreement.
- a. Proof of Insurance: *Subrecipient shall deliver to the Borough certificates of insurance along with subrecipient's signature on this agreement.* The certificates shall indicate the Borough as an additional insured. This insurance shall be primary and exclusive of any other insurance by the Borough. Failure to provide the certificate of insurance required by this section, or a lapse in coverage, is a material breach of the terms of this agreement entitling the Borough to terminate this agreement.
- E. **Relationship of Parties**: Nothing herein contained shall be deemed or construed by the parties hereto, nor by any third party, as creating the relationship of principal and agent, or of partnership, or of joint venture between the parties hereto, it being understood and agreed that neither method of computation of payment nor any other provision contained herein, nor any acts of the parties hereto, shall be deemed to create any relationship between the parties hereto other than the relationship of Borough and independent subrecipient of funds.
- F. **No Exclusive Service; No Property Interest**: The subrecipient understands, acknowledges and agrees that all supplies, materials and equipment purchased with the grant funds shall be and shall remain the property of the subrecipient, subject to all applicable Federal Uniform Administrative and Program Requirements.
- G. **Publication, Reproduction and Use of Materials**: Draft publications including but not limited to studies, media relations, signage, websites, social media, etc. must be reviewed per borough and/or federal grant requirement to receive approval *prior* to publication. No material produced, in whole or in part, under this agreement shall be subject to copyright in the United States or in any other country. The Borough shall have unrestricted authority to publish, disclose, distribute and otherwise use, in whole or in part, any reports, data or other materials prepared under this agreement.
- H. **Termination**. The Borough may terminate this agreement, by written notice, when it is in the best interest of the Borough. In the event that subrecipient does not perform the tasks as required in this agreement, or does not submit any required reports for verification of performance, the Borough may exercise its option to terminate this agreement.
- I. **Permits, Taxes and Adherence to Local, State, and Federal Laws**: Signing of this agreement does not, in any manner, excuse subrecipient from complying with any other law, Alaska state statute or regulation, or Borough ordinance or regulation. Subrecipient must in all cases adhere to all local, state and federal laws and regulations that pertain to public funds, to the services performed pursuant to this agreement, and related to wages, taxes, social security, workers compensation, nondiscrimination, licenses, permits, and registration

requirements. Subrecipient shall pay all taxes pertaining to its performance under this agreement, and shall acquire and maintain in good standing all permits, licenses and other entitlements necessary to the performance under this agreement.

- J. **Jurisdiction; Choice of Law:** Any civil action arising from this agreement shall be brought in the superior court for the Third Judicial District of the State of Alaska at Kenai. The law of the State of Alaska shall govern the rights and obligations of the parties.
- K. **Non-Waiver:** The failure of the Borough at any time to enforce a provision of this agreement shall in no way constitute a waiver of the provisions, nor in any way affect the validity of this agreement or any part thereof, or the right of the Borough thereafter to enforce each and every protection hereof. No conditions or provisions of this grant agreement can be waived unless approved by the Borough in writing. Waiver by the Borough of any non-compliance by subrecipient, or excusing or extending performance, shall not be considered a waiver of any other rights of the Borough or a waiver of the right to terminate in the event of future breaches.
- L. **No Third-Party Beneficiary:** This agreement is intended solely for the benefit of each party hereto. Nothing contained herein shall be construed or deemed to confer any benefit or right upon any third party.
- M. **Byrd Anti-Lobbying Amendment:** Subrecipient, receiving funds in excess of \$100,000, shall certify to the Borough that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. The subrecipient shall complete Form CD-512, "Certification Regarding Lobbying" (Attachment C). The subrecipient must submit a completed Form SF-LLL, "Disclosure of Lobbying Activities" regarding the use of non-federal funds for lobbying. The Form SF-LLL shall be submitted within fifteen (15) days following the end of the calendar quarter in which there occurs any event that requires disclosure or that materially affects the accuracy of the information contained in any disclosure form previously filed.
- N. **Environmental Requirements:** The subrecipient must comply with all environmental standards, to include those prescribed under State of Alaska and Federal statutes and Executive Orders. The subrecipient shall identify to the Borough any impact the award may have on the environment.
- O. **Entire Agreement:** This agreement represents the entire and integrated agreement between the Borough and subrecipient, and supersedes all prior, inconsistent negotiations, representations or agreements, whether written or oral. This agreement may be amended only by written instrument signed by both the Borough and subrecipient.

Budget and Timeline of Deliverables

Account/Class	Budget Amount		
	Current	Revision (-/+)	Approved
Contractual	\$65,351.11		\$65,351.11

Narrative Reports: Quarterly activity reports shall be submitted on the "Financial/Progress Report" form during the term of the agreement. The reports shall identify what services have been provided and/or what activities have been conducted by subrecipient under this agreement, and the outcome or results of those activities. It should show substantial work effort in the performance of the tasks and completion of tasks as required by the agreement. Subrecipient is required to submit quarterly narrative reports when no fiscal reimbursements are requested.

Reports are due the 10th day after the end of each fiscal quarter as follows:
July 10th, October 10th, January 10th, April 10th and July 10th.

Financial Reports: Reports may be submitted *quarterly* but no more than monthly as listed above. The subrecipient is encouraged to submit reimbursement requests for expenditures completed within the quarter that work is completed. Quarterly financial reports shall be submitted as follows: (1) submit an expenditure statement by project fund which indicates the grant revenue and approved expenditures year-to-date; and (2) submit a request for reimbursement of expenditures using the "Financial/Progress Report" form (this form may be used for monthly reimbursement requests).

Additional deliverables to be completed:**Due:**

Submit copy of permits with applicable narrative report.	04/2012
Mark off the work area to be completed by these grant funds and photo document the designated work area from the beginning to completion.	07/10/2012
Liquidate all obligations against grant funds.	10/30/2012
Submit final fiscal/narrative report.	11/10/2012

CERTIFICATION REGARDING LOBBYING

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

APPLICANT'S ORGANIZATION

City of Homer
491 East Pioneer Ave.
Homer, AK 99603
907-235-8121

PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE:

Walt Wrede, City Manager

SIGNATURE:

DATE:

ORDINANCE REFERENCE SHEET
2011 ORDINANCE
ORDINANCE 11-29

An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code, Chapter 1.74 Parks and Recreation Advisory Commission, Section 1.74.030 Proceedings of the Commission, Amending the Monthly Meeting Frequency to Monthly Meetings with the Exception of the Month of December.

Sponsor: City Clerk/Parks and Recreation Advisory Commission

1. City Council Regular Meeting June 27, 2011 Introduction
 - a. Memorandum 11-090 from Parks and Recreation Advisory Commission as backup
2. City Council Regular Meeting July 25, 2011 Public Hearing and Second Reading
 - a. Amended Ordinance 11-29(A) (as amended June 27, 2011)
 - b. Memorandum 11-090 from Parks and Recreation Advisory Commission as backup

1 CITY OF HOMER
2 HOMER, ALASKA

3 City Clerk/Parks & Recreation
4 Advisory Commission

5 ORDINANCE 11-29(A)
6

7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER,
8 ALASKA, AMENDING HOMER CITY CODE, CHAPTER 1.74
9 PARKS AND RECREATION ADVISORY COMMISSION,
10 SECTION 1.74.030 PROCEEDINGS OF THE COMMISSION,
11 AMENDING THE MONTHLY MEETING FREQUENCY TO
12 MONTHLY MEETINGS WITH THE EXCEPTION OF THE
13 MONTH OF DECEMBER.
14

15 WHEREAS, The Parks and Recreation Advisory Commission acts in an advisory
16 capacity to the City Manager and the City Council; and
17

18 WHEREAS, The Parks and Recreation Advisory Commission has a complete
19 appointment of commissioners and the lack of a quorum would be unlikely and the issues,
20 projects and concerns with the City of Homer parks, beaches and trails have increased over the
21 past few years; and

22 WHEREAS, The Parks and Recreation Advisory Commission agreed that it would be
23 more productive to meet on a monthly schedule year round with the exception of December, to
24 address concerns related to the City of Homer parks, trails, and beaches.

25 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

26 Section 1. Homer City Code 1.74.030 is hereby amended to read as follows:

27 1.74.030 Proceedings of Commission. The Commission shall meet regularly once a
28 month ~~during the period of May through September, and every other month during the period of~~
29 ~~October through April,~~ **with the exception of December there will be no regularly scheduled**
30 **meeting,** and at the call of the Chairman ~~person~~. Permanent records or minutes shall be kept of
31 the vote of each member upon every question. Every decision of finding shall immediately be
32 filed in the office of the City Clerk, and shall be a public record open to inspection by any
33 person. Every decision or finding shall be directed to the City Council at the earliest possible
34 date.

35 Section 2. This Ordinance is of a permanent and general character and shall be
36 included in the City Code.

37 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of
38 _____, 2011.
39
40
41

CITY OF HOMER

JAMES C. HORNADAY, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

AYES:

NOES:

ABSTAIN:

ABSENT:

Introduction:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and approved as to form:

Walt Wrede, City Manager

Thomas Klinkner, City Attorney

Date: _____

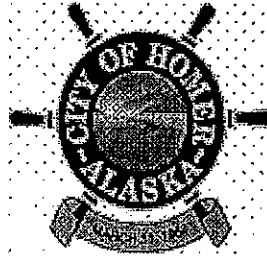
Date: _____

Fiscal Note: ~~N/A~~ Acct. No. 100.101.5105 Clerks overtime wages \$325.00.

Office of the City Clerk

Jo Johnson, CMC, City Clerk

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



491 E. Pioneer Avenue
Homer, Alaska 99603-7624
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(907) 235-8121
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Extension: 2224

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

MEMORANDUM 11-090

TO: MAYOR HORNADAY AND CITY COUNCIL
FROM: THE PARKS AND RECREATION ADVISORY COMMISSION
DATE: JUNE 19, 2011
RE: AMENDING THE REGULAR MEETING SCHEDULE OF THE COMMISSION

Background

The Parks and Recreation Advisory Commission changed the regular meeting schedule in 2009 due to the inability to have a quorum for meetings especially during the winter months. Due to increased budget shortfalls City Council also requested the standing bodies to consider reducing the number of meetings to save on staff overtime.

This commission complied reducing the meetings to monthly during the May through September season and bi-monthly October through April.

Since there is now a full complement on this Commission and to be able to distribute the workload and items on the agenda it is in the best interest of the Commission to revert back to monthly meetings. The number of time sensitive issues is increasing; the commission is focused on more projects, goals and tasks, and the results are meetings lasting longer than two hours.

The Parks and Recreation Advisory Commission addressed the issue of meeting monthly at their regular meetings of March 17, 2011; May 19, 2011 and June 16, 2011. Excerpts from those meetings minutes are included.

RECOMMENDATION

Approve the request to reinstate the regular monthly meetings on the third Thursday of the month at 5:30 p.m. with the exception of no meeting scheduled for the month of December.

Attachments: Meeting Minutes - March 17, 2011, New Business, Item D.
Meeting Minutes - May 19, 2011, Pending Business, Item A.
Meeting Minutes - June 16, 2011, Pending Business, Item A.

EXCERPT FROM THE MARCH 17, 2011 MEETING MINUTES:

NEW BUSINESS

D. Request to Consider Changing the Frequency of the Regular Commission Meetings

Chair Bremicker outlined the reason for the previous changes to the meeting time and schedule and asked what the majority of the commission felt on changing the time.

The Commissioners discussed the budgetary constraints and having special meetings in order to accomplish their heavy agendas. The current meeting schedule is not favorable to accomplishing their agenda in a timely manner. Subcommittees are a great way to accomplish some tasks but the time to form a Committee, getting members, etc. Subcommittees still must work on the recommendations that are submitted to the Commission and then the Commission submits to the Council. It was agreed that this all takes time. Staff noted that the frequency of the meetings was originally changed to comply with Council request at the time and since there was a number of meetings that the Commission did not have a quorum but the time and expense to create the agendas and packets was still expended by staff it was agreeable. If the Commission agrees that regular monthly meetings at 5:30 p.m. it will have to still be approved by Council.

BRANN/HARRALD – MOVED TO START THE PROCESS TO CHANGE THE BYLAWS TO MEET MONTHLY YEAR ROUND.

There was no discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

There was a brief discussion on having a special meeting in April after the Worksession on April 20, 2011 at 5:00 p.m.

There was no further discussion.

~~~~~
EXCERPT FROM THE REGULAR MEETING MINUTES OF MAY 19, 2011:
PENDING BUSINESS

A. Changing the Frequency of the Regular Meetings

Chair Bremicker summarized the memorandum for the record. Clarification was made regarding the need to make a decision on it at this meeting since they were running short of time. Ms. Krause explained that this item was on the agenda and discussed during the March regular meeting and this is the second review and hearing on changing the meeting frequency to monthly year round. It was noted that it could be postponed to the June meeting.

The Commission agreed to postpone this item to the June meeting.

~~~~~
EXCERPT FROM THE JUNE 16, 2011 REGULAR MEETING MINUTES:
PENDING BUSINESS

A. Changing the Frequency of the Regular Meetings

Chair Bremicker introduced the agenda item and provided a summary history of the changes and request to revert back to monthly meetings.

CUMMING/HARRALD – MOVED TO RESUME REGULARLY SCHEDULED MONTHLY MEETINGS WITH THE EXCEPTION OF DECEMBER THERE WOULD BE NO MEETING AND THESE MEETINGS WILL BE ON THE THIRD THURSDAY OF THE MONTH.

Commissioner Cumming reminded the Commissioners present on the previous discussions and that they have so many things to address and not meeting monthly they will fall behind. She pointed out further the value of meeting monthly year round. This will have to go before Council for approval. Commissioner Harrauld brought attention to unexcused absences. Chair Bremicker explained absences and the removal from the Commission. Commissioner Harrauld stated that this was off topic and apologized to the Commissioners present. There was no further discussion or comments.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

ORDINANCE(S)

ORDINANCE REFERENCE SHEET
2011 ORDINANCE
ORDINANCE 11-30

An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 10.04.110, Violation--Penalty; Regarding the Payment of Citations for Parking Violations in the Harbor Area.

Sponsor: City Clerk

1. City Council Regular Meeting July 25, 2011 Introduction
 - a. Memorandum 11-098 from City Clerk as backup
 - b. Ordinance 11-15

CITY OF HOMER
HOMER, ALASKA

City Clerk

ORDINANCE 11-30

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
AMENDING HOMER CITY CODE 10.04.110, VIOLATION--PENALTY;
REGARDING THE PAYMENT OF CITATIONS FOR PARKING
VIOLATIONS IN THE HARBOR AREA.

THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code 10.04.110, Violation--Penalty, is amended to read as follows:

10.04.110 Violation--Penalty. a. Except as provided in (b) of this section, any violation of the provisions contained in this title or regulations adopted pursuant to this title shall be unlawful and punishable as provided in Section 1.16.010 of this Code.

b. A violation of HCC 10.04.100(b) is amenable to disposition without court appearance upon payment of a fine in the amount of \$25.00. The person cited for the violation may mail or personally deliver to the City Finance Department ~~clerk of court~~ the amount of the fine plus any surcharge required to be imposed by AS 29.25.074, together with a copy of the citation signed by the person indicating the person's waiver of court appearance, entry of plea of no contest, and forfeiture of the fine. The payment of a fine under this subsection shall be treated as a judgment of conviction. The fine paid is complete satisfaction for the offense. If a person cited for a violation of HCC 10.04.100(b) appears in court to contest the citation and is found guilty, the maximum sentence which may be imposed is the scheduled fine amount plus any surcharge required to be imposed by AS 29.25.074.

Section 2. 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

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

46 YES:

47 NO:

48 ABSTAIN:

49 ABSENT:

50

51 First Reading:

52 Public Hearing:

53 Second Reading:

54 Effective Date:

55

56 Reviewed and approved as to form:

57

58

59

60 _____
Walt E. Wrede, City Manager

Thomas F. Klinkner, City Attorney

61

62 Date: _____

Date: _____

63

64

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

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
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(907) 235-8121
ext: 2224, 2226, or 2227
Fax: (907) 235-3143
Email: clerk@ci.homer.ak.us

MEMORANDUM 11-098

TO: MAYOR HORNADAY AND HOMER CITY COUNCIL

FROM: JO JOHNSON, CMC, CITY CLERK

DATE: JULY 18, 2011

SUBJECT: PAYMENT OF CITATIONS FOR PARKING VIOLATIONS IN THE HARBOR AREA

At the regular city council meeting of May 9, 2011 Council adopted Ordinance 11-15 defining parking in the harbor area and penalties. The ordinance indicated fines were to be paid to the clerk of court, rather than the Finance Department.

Ordinance 11-30 makes the correction that citations are to be paid at the City Finance Department.

RECOMMENDATION:

Introduce Ordinance 11-30 to correct the location where citations are paid.

CITY OF HOMER
HOMER, ALASKA

City Manager/
Port and Harbor Director

ORDINANCE 11-15

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
AMENDING HOMER CITY CODE 10.04.100, VEHICLES AND OTHER
WHEELED CONVEYANCES; AND HOMER CITY CODE 10.04.110,
VIOLATION--PENALTY; REGARDING THE REGULATION OF PARKING
IN THE HARBOR AREA.

THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code 10.04.100, Vehicles and other wheeled conveyances, is amended to read as follows:

10.04.100 Vehicles and other wheeled conveyances. a. The harbormaster may designate restricted parking areas in the harbor area. In a restricted parking area, the harbormaster may:

- (1) Establish time limits for parking;
- (2) Designate areas for paid parking, and establish fees for paid parking there; and
- (3) Designate areas for permit parking, and establish the fees and qualifications for obtaining a permit.

"Restricted parking" areas pertain to the parking of any vehicle or trailer, private or commercial.

b. The harbormaster shall notify the public of time limits in restricted parking areas, fees required to park in restricted parking areas, and permit requirements for parking in restricted parking areas by the placement of official traffic control devices. No person may stop, stand or park a vehicle in violation of such an official traffic control device. Every day in which such a violation continues shall constitute a separate offense.

c. No person other than an employee of the City or other person acting on City business shall drive a vehicle upon the inside gravel slope of the Small Boat Harbor except in case of emergency. Parking or leaving boats, trailers and/or other vehicles and equipment related thereto by the public shall be limited to specific areas designated for such use.

d. Hauling out boats on skids is prohibited unless approved in advance by the harbormaster.

Section 2. Homer City Code 10.04.110, Violation--Penalty, is amended to read as follows:

10.04.110 Violation--Penalty. a. Except as provided in (b) of this section, any violation of the provisions contained in this title or regulations adopted pursuant to this title shall be unlawful and punishable as provided in Section 1.16.010 of this Code.

b. A violation of HCC 10.04.100(b) is amenable to disposition without court appearance upon payment of a fine in the amount of \$25.00. The person cited for the violation may mail or personally deliver to the clerk of court the amount of the fine plus any surcharge required to be imposed by AS 29.25.074, together with a copy of the citation signed by the person indicating

the person's waiver of court appearance, entry of plea of no contest, and forfeiture of the fine. The payment of a fine under this subsection shall be treated as a judgment of conviction. The fine paid is complete satisfaction for the offense. If a person cited for a violation of HCC 10.04.100(b) appears in court to contest the citation and is found guilty, the maximum sentence which may be imposed is the scheduled fine amount plus any surcharge required to be imposed by AS 29.25.074.

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 9th day of May, 2011.

CITY OF HOMER


JAMES C. HORNADAY, MAYOR

ATTEST:


JO JOHNSON, CMC, CITY CLERK

YES: 5

NO: 0

ABSTAIN: 0

ABSENT: 1

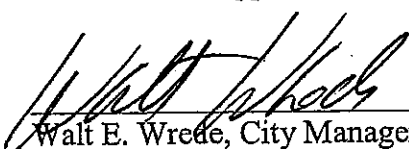
First Reading: 4/25/11

Public Hearing: 5/09/11

Second Reading: 5/09/11

Effective Date: 5/10/11

Reviewed and approved as to form:


Walt E. Wrede, City Manager

Date: 5/13/11


Thomas F. Klinkner, City Attorney

Date: 5-17-11

ORDINANCE REFERENCE SHEET
2011 ORDINANCE
ORDINANCE 11-31

An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a State of Alaska Public Library Assistance Grant for FY 2012 in the Amount of \$6,500.00, with a Local Match of \$7,000.00 for Books and Library Materials and Authorizing the City Manager to Execute the Appropriate Documents.

Sponsor: City Manager/Library Director

1. City Council Regular Meeting July 25, 2011 Introduction
 - a. Memorandum 11-099 from Library Director as backup
 - b. Notification and Alaska Public Library Assistance Grant Agreement FY2012

CITY OF HOMER
HOMER, ALASKA

City Manager/
Library Director

ORDINANCE 11-31

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, ACCEPTING AND APPROPRIATING A STATE OF ALASKA PUBLIC LIBRARY ASSISTANCE GRANT FOR FY 2012 IN THE AMOUNT OF \$6,500.00, WITH A LOCAL MATCH OF \$7,000.00 FOR BOOKS AND LIBRARY MATERIALS AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPROPRIATE DOCUMENTS.

WHEREAS, The City submitted an application for the Alaska Public Library Assistance Grant for books and library materials; and

WHEREAS, The State awarded the grant in the amount of \$6,500.00, requiring a local match of \$7,000.00.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer City Council hereby accepts and appropriates a State of Alaska Public Library Assistance Grant in the amount of \$6,500.00 with a local match of \$7,000.00 for books and library materials as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
Revenue:		
100-030-4507	State of Alaska Public Library Assistance Grant	\$6,500.00
Expenditure:		
100-146	Books and Library Materials	
	Local Match	\$7,000.00

Section 2. The City Manager is authorized to execute the appropriate documents.

Section 3. 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

47 ATTEST:

48

49

50

51 JO JOHNSON, CMC, CITY CLERK

52

53

54 YES:

55 NO:

56 ABSENT:

57 ABSTAIN:

58

59 First Reading:

60 Public Hearing:

61 Second reading:

62 Effective Date:

63

64 Reviewed and approved as to form:

65

66

67 Walt Wrede, City Manager

68

69 Date: _____

70

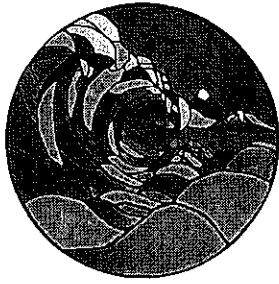
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72

73

Thomas F. Klinkner, City Attorney

Date: _____



Homer Public Library
500 Hazel Avenue
Homer, Alaska 99603

ph: 907-235-3180 • fax: 907-235-3136 • <http://library.ci.homer.ak.us>

Memorandum 11-099

TO: Mayor and Council
THROUGH: Walt Wrede, City Manager
FROM: Ann Dixon, Library Director
DATE: July 18, 2011
SUBJECT: Alaska Public Library Assistance Grant Award and Budget Revision

Each year the Homer Public Library applies for the Alaska Public Library Assistance Grant, a matching grant funded by the State of Alaska. As in past years, we were awarded the grant. When we applied for the grant, the amount offered and requested was \$7,000. However, the State Library, which administers the grant, has reduced that amount to \$6,500 because not enough money was appropriated to fully fund the grants. In that case, each grant to qualifying libraries is reduced proportionally.

The Homer Public Library is obligated to match at the original amount of \$7,000. The funds are intended to be spent on books and library materials. Our current book budget will meet the \$7,000 requirement.

I have revised the budget, as requested by the Alaska State Library. The agreement is ready to be approved and signed. It must be received by the State Library by September 1 in order to receive this year's award.

RECOMMENDATION: Approve Ordinance 11-31 accepting the Alaska Public Library Assistance Grant and authorizing the Library Director and the City Manager to execute the Grant Agreement.

STATE OF ALASKA

SEAN PARNELL, GOVERNOR

DEPARTMENT OF EDUCATION & EARLY DEVELOPMENT

ALASKA STATE LIBRARY
LIBRARY DEVELOPMENT
344 W. THIRD, SUITE 125
ANCHORAGE, ALASKA 99501-2337
PHONE (907) 269-6570

DIVISION OF LIBRARIES, ARCHIVES & MUSEUMS

Linda S. Thibodeau, Director

June 28, 2011

Ann Dixon
Homer Public Library
500 Hazel Avenue
Homer, AK 99603

Dear Ann,

The total Public Library Assistance grant for FY2012 for the Homer Public Library will be \$6,500. Although the State Library has reduced the grant, your library may NOT reduce the amount of local match, \$7,000.

The reason that we will not be able to fund grant requests at \$7,000 is that the grant line in the State Library's budget has not been fully funded for some years. Since the money appropriated is not sufficient to fully fund the grants, regulations require that we: "reduce each grant proportionally."

In order to receive your grant check as soon as possible, please:

- Return the enclosed grant agreement and budget revision as soon as you can. Two different people (the librarian and the appropriate legal authority) must sign the grant agreement, since it is a legal document committing your library to certain obligations in return for receiving the public library assistance grant. Once we have your agreement and budget revision, we will start mailing out grant checks.
- Please review your original grant budget and revise that budget to show how you plan to spend the lower amount of the grant. For libraries without branches, show how you plan to spend \$6,500, rather than the \$7,000 you requested on the grant application. We have included a copy of the budget from your original grant application and a budget revision form. This budget revision form should be submitted with your grant agreement.
- As you fill out the budget revision form, please remember that the library **MUST** spend at least \$3,500 on the Collection (Library Materials). Of this \$3,500, each library may include UP TO a total of \$500 for Electronic Materials and Online Services. We have broadened the definition of Electronic Materials and Online Services to include: Internet Service Provider (ISP) fees, OCLC license fees, and database access or purchase fees.

Post-It® Fax Note	7671	Date	7/14/11	# of pages	4
To	Jo Johnson	From	Ann Dixon		
Co./Dept.	City Clerk	Co.	Library		
Phone #		Phone #	435-3150		
Fax #	235-3143	Fax #			

Alaska Public Library Assistance Grant Agreement FY2012

This agreement made and entered into this twenty-eighth day of June 2011, by and between the Alaska State Library, hereafter referred to as the Grantor; and the Homer Public Library, hereafter referred to as the Grantee.

Whereas, the State of Alaska has appropriated funds for public library assistance; and whereas, the application of the Grantee for a grant for public library assistance has been approved. NOW THEREFORE, for and in consideration of the mutual covenants herein contained the parties hereto agree as follows:

The Grantor will agree to:

1. Furnish funds in the amount of **\$6,500**.
2. Provide advisory services in furtherance of the grant project.

The Grantee will agree to:

1. Expend local funds of at least **\$7,000** for project purposes. Funds may be expended only for public library purposes and must be clearly attributable to public library services and operations.
2. Provide at least the following services free to residents of the municipality or community:
 - Establish and maintain a collection of books and other materials for loan;
 - Provide access to interlibrary loans;
 - Provide reading or other educational programs for children; and
 - Provide reference information.
3. Abide by the conditions set forth in its application and approved by the Grantor, including:
 - The number and timing of open hours;
 - The existing and ongoing educational requirements for the library director.
4. Expend at least \$3,500 on library materials and online services for each outlet.
5. Have trained staff on duty in the library during the scheduled open hours.
6. Submit a Final Grant and Technology Report and Public Library Annual Report by September 1, 2012.
7. Maintain accurate records for auditing purposes.
8. Return any grant funds unexpended or unencumbered by June 30, 2012, and all funds for which there is no proper accounting.
9. Repay any portion of grant funds that have not actually been matched by local funds over the course of the grant period.
10. Receive prior approval from the Grantor for any line item change that exceeds 10% of the line item, except that no prior approval is required for:
 - Line item changes of less than \$100; or
 - Line item changes that add funds to library materials and online services.

The source of funding for this agreement is as follows:

State Sources

\$6,500

By accepting this award or agreement, the grantee may become subject to the audit requirements of State of Alaska Administrative code 2 AAC 45.010. As a result, the grantee may be required to provide for an audit and to permit independent auditors to have access to their records and financial statements. The grantee should consult with an independent auditor for assistance in determining audit requirements for each fiscal year.

The undersigned understands and agrees to the conditions of this agreement.

Both Signatures Are Required.

For the Library

For the Legal Entity

Signature

Signature

Title

Date

Title

Date

**PLEASE MAKE A PHOTOCOPY OF THE SIGNED AGREEMENT FOR YOUR RECORDS
RETURN BY SEPTEMBER 1, 2011 TO: GRANTS ADMINISTRATOR, ALASKA STATE LIBRARY,
344 WEST THIRD AVENUE, SUITE 125, ANCHORAGE, AK 99501**

PUBLIC LIBRARY ASSISTANCE GRANT FY2012

Budget Revision

Budget Summary	Local Funds for Project	Grant Funds Requested	Total Project Budget
a. Personnel			
1. Salaries and Wages (Actual funds)	367,905		367,905
2. Value of volunteer labor		Not applicable	
3. Benefits	178,641		178,641
b. Collection (Library Materials)			
1. Books	20,000	6,500	26,500
2. Subscriptions	8,994		8,994
3. Audiovisuals	6,420		6,420
4. Online Services & Internet Service Provider (ISP Fees) (Expenditures up to \$500 total)	500		500
5. Microforms, Computer Software for Patron Use, Games and Toys	0		0
c. Other Expenditures			
1. Building Operations	71,246		71,246
2. Furniture, Equipment, & Computers	6,190		6,190
3. Travel	6,787		6,787
4. Supplies	7,790		7,790
5. Online Services & Internet Service Provider/ISP Fees (Expenditures beyond \$500 total)	18,345		18,345
6. Services	11,874		11,874
7. All Other Unreported Expenditures.	4,540		4,540
d. Total	709,232		715,732

As Amended for Library Name: Homer Public Library

Signature _____

Date _____



Approved: _____

Date _____

For the Alaska State Library

Instructions:

1. The Alaska State Library must approve any change of more than 10% to any budget line on your original grant application. Please show the entire revised budget in the budget summary above.
2. Changes of less than \$100 to any line item or any change that adds funds to amounts budgeted for library materials (lines B1 through B5) do NOT need to be approved by the State Library, even if the change is more than 10%.
3. The librarian should sign this form, then fax it to 907-269-6580 or mail it to Alaska State Library, 344 West Third Avenue, Suite 125, Anchorage, AK 99501 or send a scanned copy to: Patience.Frederiksen@alaska.gov
4. The grants administrator at the Alaska State Library will sign this form and fax or mail it back to you.
5. Keep the signed copy of this budget revision with your original grant application.
6. Call 1-800-776-6566 if you have questions.

Eligible 5/6/11

FY2012 ALASKA PUBLIC LIBRARY ASSISTANCE GRANT APPLICATION

RECEIVED

DUE: April 1, 2011

MAR 31 2011

1. Library Name: Homer Public Library2. Address: 500 Hazel Avenue**ALASKA STATE LIBRARY**City: HomerZip: 996033. Contact Person: Helen Hill Dan Diston4. Phone No: 907-435-31515. Fax No: 907-235-31366. E-mail: hhill@ci.homer.ak.us

7. Check Mailing Address: _____

8. Schedule of Hours Library Will Be Open (Note any seasonal library schedule changes you expect this year):

Sun	Mon	Tues	Wed	Thurs	Fri	Sat	Total Hours Per Week	Weeks Open Per Year
Closed To	10:00 to 6:00	10:00 To 8:00	10:00 To 6:00	10:00 to 8:00	10:00 to 6:00	10:00 to 6:00	52	52

9. If the library will be open fewer than 52 weeks, which weeks will your library be closed?
_____10. Number of branch libraries and/or bookmobiles: 0 Please fill out the enclosed Branch Library Addendum Page or Bookmobile Addendum Page and attach to the grant application. Currently applies just to Anchorage, Barrow, Fairbanks, Juneau, Kotzebue, and Naknek.

11. Budget Summary:

	Local Funds for Match	Public Library Assistance Grant Funds Requested	Total Project Budget
a. Personnel			
1. Salaries and Wages	367,905		367,905
2. Fair Value Rate for Volunteer Labor (#12 below)		Not Applicable	
3. Benefits	178,641		178,641
b. Collection (Library Materials)			
1. Books	20,000	7,000	27,000
2. Subscriptions	8,994		8,994
3. Audiovisuals	6,420		6,420
4. Online Services, and Internet Service Provider (ISP) Fees (Expenditures up to \$500 total)	500		500
5. Microforms, Computer Software for Patron Use, Games and Toys	0		0
c. Other Expenditures			
1. Building Operations	71,246		71,246
2. Furniture, Equipment, & Computers	6,190		6,190
3. Travel	6,787		6,787
4. Supplies	7,790		7,790
5. Online Services and Internet Service Provider (ISP) Fees (Expenditures beyond \$500 total)	18,345		18,345
6. Services	11,874		11,874
7. All Other Unreported Expenditures	4,540		4,540
d. Total	709,232		716,232

Note: If Local Funds for Match column totals \$7,000 or more, you should request \$7,000 in Grant Funds Requested column.

ORDINANCE REFERENCE SHEET
2011 ORDINANCE
ORDINANCE 11-32

An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.34.010, Purpose; Homer City Code 21.24.020, Permitted Uses; and Homer City Code 21.34.030, Conditional Uses; Regarding the Purpose and Uses Permitted in the Conservation Zoning District.

Sponsor: Planning

1. City Council Regular Meeting July 25, 2011 Introduction
 - a. Memorandum 11-103 from City Planner as backup
 - b. Staff Reports PL 11-71, 11-60, 11-45, and 11-28 with Draft Ordinance 11-XX and Planning Commission meeting minutes of June 1 and 15, April 20 and March 2, 2011

CITY OF HOMER
HOMER, ALASKA

Planning

ORDINANCE 11-32

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
AMENDING HOMER CITY CODE 21.34.010, PURPOSE; HOMER CITY
CODE 21.24.020, PERMITTED USES; AND HOMER CITY CODE 21.34.030,
CONDITIONAL USES; REGARDING THE PURPOSE AND USES
PERMITTED IN THE CONSERVATION ZONING DISTRICT.

THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code 21.34.010, Purpose, is amended to read as follows:

21.34.010 Purpose. The purposes of the conservation district **is applied to sensitive** are primarily to identify, protect and enhance those public lands that **are** have been identified by state or federal agencies or the City of Homer as habitat critical to the maintenance of fish and wildlife resources, **protect important watershed areas, or serve other key environmental functions. Private lands meeting the same criteria also may be included in the district with the consent of the owner. These lands are to be maintained in an undisturbed and natural state, except for** and secondarily including parks **with passive** whose recreation activities and facilities are passive in nature, (e.g., those activities that include wildlife viewing, nature walks, educational and interpretive uses) and other uses that do not change the character of the land or disrupt fish and wildlife. **Passive recreation activities are secondary to habitat protection and enhancement.**

Section 2. Homer City Code 21.34.020, Permitted uses, is amended to read as follows:

21.34.020 Permitted uses. The following uses are permitted outright in the conservation district:

- a. Fish and wildlife habitat protection and enhancement,; and
- b. Marine-life and wildlife sanctuary or preserve.

Section 3. Homer City Code 21.34.030, Conditional uses, is amended to read as follows:

21.34.030 Conditional uses. The following uses are conditionally permitted in the conservation district when authorized by conditional use permit issued in accordance with HCC Chapter 21.71:

- a. Pedestrian trails, including boardwalks and viewing platforms,; and
- b. Educational and interpretive displays and signs,; and
- c. **Public utility facilities and structures that cannot be reasonably located in another district.**
- d. Parking lots incidental to a permitted or conditionally permitted use,; and

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

ed. Other conservation uses that will enhance the conservation district, approved by the Planning Commission, provided, however, a finding of no adverse impact to the integrity of the fish and wildlife resources and habitat must be found.

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 _____ 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: _____

[**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 11-103

TO: Mayor Hornaday and Homer City Council
THRU: Walt Wrede, City Manager
FROM: Rick Abboud, City Planner
DATE: July 13, 2011
SUBJ: Draft Ordinance 11-XX, Conservation District

Introduction

The Planning Commission is forwarding the Draft Ordinance 11-XX for review. The HAPC has had the ordinance on 4 regular meeting agendas and associated work sessions. Much of the information regarding the ordinance is found in Staff Report 11-28. The ordinance is in response to the newly adopted Comprehensive Plan and allows opportunities for individuals to apply for private land to be designated as Conservation District, while leaving the opportunity for public utilities, such as a pump station, to reside in the district.

Staff recommendation:

Adopt Ordinance 11-32

Attachments

1. Draft Ordinance 11-XX
2. Staff Reports 11-28, 45, 60, 71 and associated minutes.



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 11-71

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
MEETING: June 15, 2011
SUBJECT: Draft Ordinance amending Chapter 21.34 Conservation District

GENERAL INFORMATION:

After review at the June 1st Regular Meeting the HAPC recommended the ordinance be presented for a public hearing.

STAFF COMMENTS/RECOMMENDATIONS:

Planning Commission to receive public comments and forward to the City Council for approval.

ATTACHMENTS

1. 5.10.11 Attorney Review Draft Ordinance

CITY OF HOMER
HOMER, ALASKA

Planning

ORDINANCE 11-

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
AMENDING HOMER CITY CODE 21.34.010, PURPOSE; HOMER CITY
CODE 21.24.020, PERMITTED USES; AND HOMER CITY CODE 21.34.030,
CONDITIONAL USES; REGARDING THE PURPOSE AND USES
PERMITTED IN THE CONSERVATION ZONING DISTRICT.

THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code 21.34.010, Purpose, is amended to read as follows:

21.34.010 Purpose. ~~The purposes of the conservation district~~ **is applied to sensitive** ~~are primarily to identify, protect and enhance those public lands that are have been identified by state or federal agencies or the City of Homer as habitat critical to the maintenance of fish and wildlife resources,~~ **protect important watershed areas, or serve other key environmental functions. Private lands meeting the same criteria also may be included in the district with the consent of the owner. These lands are to be maintained in an undisturbed and natural state, except for** ~~and secondarily including parks with passive whose recreation activities and facilities are passive in nature, (e.g., those activities that include wildlife viewing, nature walks, educational and interpretive uses) and other uses that do not change the character of the land or disrupt fish and wildlife. Passive recreation activities are secondary to habitat protection and enhancement.~~

Section 2. Homer City Code 21.34.020, Permitted uses, is amended to read as follows:

21.34.020 Permitted uses. The following uses are permitted outright in the conservation district:

- a. Fish and wildlife habitat protection and enhancement;~~;~~ and
- b. Marine-life and wildlife sanctuary or preserve.

Section 3. Homer City Code 21.34.030, Conditional uses, is amended to read as follows:

21.34.030 Conditional uses. The following uses are conditionally permitted in the conservation district when authorized by conditional use permit issued in accordance with HCC Chapter 21.71:

- a. Pedestrian trails, including boardwalks and viewing platforms;~~;~~ and
- b. Educational and interpretive displays and signs;~~;~~ and

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

c. Public utility facilities and structures that cannot be reasonably located in another district.

d. Parking lots incidental to a permitted or conditionally permitted use; and
ed. Other conservation uses that will enhance the conservation district, approved by the Planning Commission, provided, however, a finding of no adverse impact to the integrity of the fish and wildlife resources and habitat must be found.

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 _____ 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

Date: _____

Thomas F. Klinkner, City Attorney

Date: _____

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

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MINSCH/HIGHLAND MOVED TO ADD CONDITION FOUR THAT THE APPLICANT IS REQUIRED TO MAKE EVERY ATTEMPT TO BRING THIS NEW ADDITION INTO HARMONY, SCALE, AND BULK WITH APPROPRIATE DESIGN FEATURES.

There was brief discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

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

VOTE (Main motion as amended): YES: BOS, MINSCH, HIGHLAND, DRUHOT, VENUTI, DOLMA

Motion carried

C. Staff Report PL 11-71, Draft Ordinance 11-xx, Conservation District

City Planner Abboud reviewed the staff report.

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

There was no further Commission discussion with staff.

BOS/HIGHLAND MOVED TO FORWARD THE DRAFT CONSERVATION DISTRICT ORDINANCE TO THE CITY COUNCIL FOR PUBLIC HEARING AND ADOPTION.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

PLAT CONSIDERATION

A. Staff Report PL 11-67, Oscar Munson No. 25 Goode Replat Preliminary Plat
CANCELED

PENDING BUSINESS

A. Staff Report PL 11-68, Draft Ordinance 11-xx Sign Code Amendments

Chair Minsch advised that the Commission discussed the sign code amendments in the worksession and staff will be bringing it back at another meeting.

B. Staff Report PL 11-69, Bylaws Change to Amend the Meeting Time

HIGHLAND/BOS MOVED TO APPROVE THE DRAFT RESOLUTION AMENDING THE PLANNING COMMISSION BYLAWS TO CHANGE THE REGULAR MEETING TIME TO START AT 6:30 P.M. AND



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 11-60

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
MEETING: May 18, 2011, June 1, 2011
SUBJECT: Draft Ordinance amending Chapter 21.34 Conservation District
Postponed

GENERAL INFORMATION:

Staff has incorporated changes and had the attorney review and amend the draft ordinance. Changes include a different positioning relating to public land and private lands with consent of owner, the elimination of the reference of public utilities in the purpose statement and the dimension limits found in the conditional use of public utility facility and structures that cannot be reasonably located in another district.

STAFF COMMENTS/RECOMMENDATIONS:

Planning Commission discuss the draft ordinance, review the amendments and recommend public hearing on June 1st.

ATTACHMENTS

1. 5.10.11 Attorney Review Draft Ordinance

CITY OF HOMER
HOMER, ALASKA

Planning

ORDINANCE 11-

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
AMENDING HOMER CITY CODE 21.34.010, PURPOSE; HOMER CITY
CODE 21.24.020, PERMITTED USES; AND HOMER CITY CODE 21.34.030,
CONDITIONAL USES; REGARDING THE PURPOSE AND USES
PERMITTED IN THE CONSERVATION ZONING DISTRICT.

THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code 21.34.010, Purpose, is amended to read as follows:

21.34.010 Purpose. The purposes of the conservation district **is applied to sensitive** are primarily to identify, protect and enhance those public lands that **are** have been identified by state or federal agencies or the City of Homer as habitat critical to the maintenance of fish and wildlife resources, **protect important watershed areas, or serve other key environmental functions. Private lands meeting the same criteria also may be included in the district with the consent of the owner. These lands are to be maintained in an undisturbed and natural state, except for** and secondarily including parks **with passive** whose recreation activities and facilities are passive in nature, (e.g., those activities that include wildlife viewing, nature walks, educational and interpretive uses) and other uses that do not change the character of the land or disrupt fish and wildlife. **Passive recreation activities are secondary to habitat protection and enhancement.**

Section 2. Homer City Code 21.34.020, Permitted uses, is amended to read as follows:

21.34.020 Permitted uses. The following uses are permitted outright in the conservation district:

- a. Fish and wildlife habitat protection and enhancement, ~~and~~
- b. Marine-life and wildlife sanctuary or preserve.

Section 3. Homer City Code 21.34.030, Conditional uses, is amended to read as follows:

21.34.030 Conditional uses. The following uses are conditionally permitted in the conservation district when authorized by conditional use permit issued in accordance with HCC Chapter 21.71:

- a. Pedestrian trails, including boardwalks and viewing platforms, ~~and~~
- b. Educational and interpretive displays and signs, ~~and~~

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

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c. Public utility facilities and structures that cannot be reasonably located in another district.

d. Parking lots incidental to a permitted or conditionally permitted use; and
ed. Other conservation uses that will enhance the conservation district, approved by the Planning Commission, provided, however, a finding of no adverse impact to the integrity of the fish and wildlife resources and habitat must be found.

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 _____ 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

Date: _____

Thomas F. Klinkner, City Attorney

Date: _____

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

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Commissioner Dolma noted that the analysis under item h in the staff report refers to "Fire Marshal certification for all existing and proposed buildings" contradicts staff recommendation 1.

BOS/HIGHLAND MOVED TO ADOPT STAFF REPORT PL 11-58, CUP 11-10, A REQUEST FOR A CONDITIONAL USE PERMIT AT 5155 KACHEMAK DRIVE, NORTHERN ENTERPRISES BOATYARD, FOR MORE THAN ONE BUILDING CONTAINING A PERMITTED PRINCIPAL USE ON A LOT, AND MORE THAN 8,000 SF OF BUILDING AREA, WITH STAFF RECOMMENDATIONS AND FINDINGS.

Commissioner Bos expressed his agreement with the testimony that the activity at the boatyard is vital to the community and with the staff recommendations it will be a better product than what was there originally.

There was brief discussion regarding the NOI in recommendation two. It was noted that the applicant hired a firm and they plan to file the NOI at which time the DEC will hold the firm and the boatyard accountable for what happens around the new building, and it will satisfy the item g in the staff report. City Planner Abboud commented that the NOI will ensure verification that the site is current with DEC storm water pollution prevention standards. The NOI is a plan that will be reviewed. Homer City Code has no direction on the issue other than the project must meet state and federal regulations.

VOTE: YES: BOS, MINSCH, HIGHLAND, DRUHOT, VENUTI, DOLMA

Motion carried.

PLAT CONSIDERATION

No plats were scheduled for consideration.

PENDING BUSINESS

A. Staff Report PL 11-60, Draft Ordinance 11-xx, Conservation District

City Planner Abboud reviewed the staff report.

HIGHLAND/VENUTI MOVED TO DISCUSS, MAKE RECOMMENDATIONS, AND SCHEDULE THE DRAFT CONSERVATION DISTRICT ORDINANCE FOR PUBLIC HEARING.

There was brief discussion in support of moving the draft ordinance to public hearing.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Chair Minsch noted that they missed the amendment that Commissioner Dolma pointed out.

MINSCH/DRUHOT MOVED TO RECONSIDER CUP 11-10, 5155 KACHEMAK DRIVE.

There was no discussion.



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 11-45

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
MEETING: April 20, 2011
SUBJECT: Draft Ordinance amending Chapter 21.34 Conservation District

GENERAL INFORMATION:

Staff has incorporated suggested changes and had the attorney review and amend the draft ordinance. Changes include incorporation of a new purpose statement and a description of public utility facilities and structures including the height limit and (after consulting the Public Works Director) a maximum building area of 3000 square feet.

STAFF COMMENTS/RECOMMENDATIONS:

Planning Commission discuss the draft ordinance, review the amendments and recommend public hearing on May 4th.

ATTACHMENTS

1. March 24, 2011 Attorney Review Draft Ordinance

CITY OF HOMER
HOMER, ALASKA

Planning

ORDINANCE 11-

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
AMENDING HOMER CITY CODE 21.34.010, PURPOSE; HOMER CITY
CODE 21.24.020, PERMITTED USES; AND HOMER CITY CODE 21.34.030,
CONDITIONAL USES; REGARDING THE PURPOSE AND USES
PERMITTED IN THE CONSERVATION ZONING DISTRICT.

THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code 21.34.010, Purpose, is amended to read as follows:

21.34.010 Purpose. The purposes of the conservation district **is applied to sensitive** are primarily to identify, protect and enhance those public **lands, and private** lands **subject to the consent of the owner,** that **are** have been identified by state or federal agencies or the City of Homer as habitat critical to the maintenance of fish and wildlife resources, **protect important watershed areas, or serve other key environmental functions. These lands are to be maintained in an undisturbed and natural state, except for enhancement projects and necessary public utility facilities and structures that cannot be reasonably located in another district. Acceptable uses in this district include undeveloped open space, and secondarily including parks with passive** whose recreation activities and facilities are passive in nature, (e.g., those activities that include wildlife viewing, nature walks, educational and interpretive uses) and other uses that do not change the character of the land or disrupt fish and wildlife. **Passive recreation activities are secondary to habitat protection and enhancement.**

Section 2. Homer City Code 21.34.020, Permitted uses, is amended to read as follows:

21.34.020 Permitted uses. The following uses are permitted outright in the conservation district:

- a. Fish and wildlife habitat protection and enhancement;~~;- and =~~
- b. Marine-life and wildlife sanctuary or preserve.

Section 3. Homer City Code 21.34.030, Conditional uses, is amended to read as follows:

21.34.030 Conditional uses. The following uses are conditionally permitted in the conservation district when authorized by conditional use permit issued in accordance with HCC Chapter 21.71:

- a. Pedestrian trails, including boardwalks and viewing platforms;~~;- and~~
- b. Educational and interpretive displays and signs;~~;- and~~

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

c. Public utility facilities and structures that cannot be reasonably located in another district, and that have a maximum height of 35 feet and a maximum building area of 3000 square feet.

d. Parking lots incidental to a permitted or conditionally permitted use; and
ed. Other conservation uses that will enhance the conservation district, approved by the Planning Commission, provided, however, a finding of no adverse impact to the integrity of the fish and wildlife resources and habitat must be found.

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 _____ 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

Date: _____

Thomas F. Klinkner, City Attorney

Date: _____

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

P:\PACKETS\PCPacket 2011\Ordinance\Conservation\Draft CONS Ord Klinkner 3 24 11 version.DOCX

C. Staff Report PL 11-45, Draft Ordinance Amending Chapter 21.34, Conservation District

Chair Minsch acknowledged that the Commission discussed the draft ordinance regarding the conservation district during the worksession and this will come back to them from staff.

NEW BUSINESS

A. Staff Report PL 11-44 Replacement and/or Expansion of Nonconforming Residential Structures

City Planner Abboud reviewed the staff report.

Chair Minsch commented that it is important to remember that nonconforming applies to commercial uses as well as residential uses.

The Commission reviewed the questions raised in the staff report. Some Commissioners supported not allowing residential nonconforming structures to be replaced or rebuilt and others felt it should be allowed within a time frame. Agreement was expressed not to continue to allow mobile homes.

Point was raised that if a person buys a home and the City says that the mobile homes in the area are nonconforming, the person has an expectation that through zoning their area will grow to improve the surroundings, but a mobile home could be just as important to someone as a stick house. In considering the bigger picture if someone conducting a business and gets caught up in the nonconforming, it affects their livelihood. You get an emotional spin on this in looking at words like family, residence, homes, but it clouds the non conforming issue. The purpose is to look at what the most good for the most people.

The Commission took a break at 9:16 p.m. The meeting resumed at 9:19 p.m.

VENUTI/DOLMA MOVED THAT WE NOT CHANGE OUR CODE WHICH DOES NOT ALLOW FOR RECONSTRUCTION OF A NON CONFORMITY IF THE STRUCTURE IS DAMAGED IN EXCESS OF 50% OF THE STRUCTURES PRE DAMAGED VALUE.

Comment was made when looking at this for the good of the whole City and how we continue to improve. If you throw out nonconformities, you might as well throw out zoning.

VOTE: YES: MINSCH, VENUTI, DOLMA
NO: HIGHLAND, DRUHOT

Motion failed.

DOLMA/VENUTI MOVED THAT NON CONFORMING RESIDENTIAL STRUCTURES SHALL NOT BE ALLOWED TO EXPAND OR BE ALLOWED AS A SECOND PERMITTED STRUCTURE.

There was no discussion.

VOTE: YES: DRUHOT, MINSCH, DOLMA, HIGHLAND, VENUTI



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 11-28

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Planning Technician
MEETING: March 2, 2011
SUBJECT: Draft Ordinance amending Chapter 21.34 Conservation District

GENERAL INFORMATION

Staff has prepared a draft ordinance to amend the conservation district code. The changes are recommended by the Comprehensive Plan, and also include a few issues staff has identified. This is not a map amendment; only the zoning text will change. Zoning map changes will come at a future meeting, probably after any text changes have been approved by the City Council.

Homer's current conservation lands are typically areas that have formal conservation easements, such as the Exxon Valdez Oil Spill (EVOS) properties on the Spit and Beluga Slough, and sensitive lands such as the Bridge Creek Reservoir. State owned lands at Overlook Park near Bluff Point, are also zoned Conservation. In the future, the Comprehensive Plan also shows changing the Homer Airport Critical Habitat Area (CHA) from General Commercial 2, to Conservation.

Staff has been thinking about this conservation ordinance, because it is related to the East End Mixed Use District. The mapping changes (EEMU and Homer Airport CHA) are a big change and it would be nice to be able to present them to the public reasonably close together. Then the public can see the whole picture for this region of Homer. There are properties owned by nonprofits and private individuals that may prefer to have Conservation zoning (over the adjacent residential districts). Amending the conservation zone text to follow the recommendations of the comprehensive plan is a first step.

There are a few changes recommended in the ordinance. Changes include amending the purpose statement, and conditional uses.

Purpose Statement

The current purpose of the district is to enhance and protect public lands. The result is that so far Homer has not zoned any privately held lands as conservation, even if there are conservation easements on the land. Examples include Moose Habitat Inc, and the Kachemak Heritage Land Trust (KHLT). Both organizations own property near or adjacent to the Homer Airport CHA. The comprehensive plan recommends allowing private property to be zoned conservation, and that is reflected in the draft ordinance.

A note on conservation easements –

A conservation easement does not necessarily mean no development on a parcel. An easement might include an area set aside for development, such as a future home site or agricultural activity. Staff does not recommend that the presence of an easement is all that is required for inclusion in a conservation zone. In the future, any changes to Conservation zoning need to be individually studied, as all rezones are.

There are two purpose statements proposed in the ordinance. Staff requests the Commission pick one, (and make any other desired changes)

Option A. A completely new statement mainly drawn from the Comprehensive Plan.

Option B. Keep the current statement with a few amendments.

Conditional Uses

Currently, the City of Homer potable water pump station on the reservoir is zoned conservation. It is reasonable to expect future changes at the pump station over time. Currently the pump house is a nonconforming use, and cannot be expanded, both due to the nonconforming code and because the Bridge Creek Watershed Protection District does not allow expansion of nonconformities. The reservoir and pump house infrastructure are of major importance. Future changes could be handled via 21.34.030 (d), other uses, or the Commission could amend the ordinance to allow public utility facility and structures as a conditional use. Staff recommends allowing public utility facilities and structures as a conditional use, as is shown in the draft ordinance.

Staff recognizes that other utilities uses, such as cell phone towers etc, may not be appropriate. Therefore language has been added to state: **e. Public utility facilities and structures, limited to uses and structures not more appropriate in a non-conservation zoned area.** (The City Attorney will review the ordinance prior and the exact wording will probably change). If the Commission does not like the concept of allowing limited public facilities, or has other suggestions, please discuss at the meeting!

STAFF COMMENTS/RECOMMENDATIONS:

Planning Commission discuss the draft ordinance and make amendments. Please choose which purpose statement you prefer. Staff will forward the amended ordinance for attorney review. The Commission will see the ordinance again prior to public hearing.

ATTACHMENTS

1. March 2, 2011 Draft Ordinance

1
2 **March 2nd, 2011 Draft Ordinance**

3
4 Chapter 21.34

5
6 CO CONSERVATION DISTRICT

7
8 Sections:

9
10 21.34.010 Purpose.

11 21.34.020 Permitted uses.

12 21.34.030 Conditional uses.

13 21.34.040 Dimensional requirements.

14 21.34.050 Site development standards.

15
16 Option A Purpose Statement:

17
18 New purpose statement, based on the 2008 Comprehensive Plan, with mention of
19 public utilities (more on that at the end of the staff report)...

20
21 The conservation district is applied to sensitive public and in some instances private
22 lands that are critical to the maintenance of fish and wildlife resources, serve
23 important watershed protection areas, or serve other key environmental functions.
24 These lands are to be maintained in an undisturbed and natural state, except for
25 enhancement projects or limited public utility facilities and structures that provide
26 significant public benefit and cannot be reasonably located in another location.
27 Private landowners may agree to have this designation on their property. Acceptable
28 uses in this district include undeveloped open space, parks with passive recreation
29 activities and facilities (e.g., wildlife viewing, nature walks, educational and
30 interpretive uses) and other uses that do not change the character of the land or
31 disrupt fish and wildlife. Passive recreation activities are secondary to habitat
32 protection and enhancement.

33
34
35 Option B: Old purpose statement with a few changes

36 21.34.010 Purpose. The purposes of the conservation district are primarily to
37 identify, protect and enhance those public lands that have been identified by state or
38 federal agencies or the City of Homer as habitat critical to the maintenance of fish
39 and wildlife resources, watershed protection areas, and secondarily including parks
40 whose recreation activities and facilities are passive in nature, e.g., those activities
41 that include wildlife viewing, nature walks, educational and interpretive uses and
42 other uses that do not change the character of the land or disrupt fish and wildlife.

43
44 21.34.020 Permitted uses. The following uses are permitted outright in the
45 conservation district:

46 a. Fish and wildlife habitat protection and enhancement; and

b. Marine-life and wildlife sanctuary or preserve

21.34.030 Conditional uses. The following uses are conditionally permitted in the conservation district when authorized by conditional use permit issued in accordance with HCC Chapter 21.71:

- a. Pedestrian trails, including boardwalks and viewing platforms; and
- b. Educational and interpretive displays and signs; and
- c. Parking lots incidental to a permitted or conditionally permitted use; and
- d. Other conservation uses that will enhance the conservation district, approved by the Planning Commission, provided, however, a finding of no adverse impact to the integrity of the fish and wildlife resources and habitat must be found.
- e. Public utility facilities and structures, limited to uses and structures not more appropriate in a non-conservation zoned area.

21.34.040 Dimensional requirements.

- a. Lot width: Lot width is unrestricted.
- b. Lot area: Lot area is unrestricted.

21.34.050 Site development standards. All development in this district shall comply with the level one site development standards contained in HCC § 21.50.020.

Question was raised whether this amendment to nonconforming uses was made as a result of the 2008 technical re-write of Title 21 or if the Commission had been advised of the amendment and supported it. Chair Minsch commented that she is uncomfortable amending this without more information.

KRANICH/HIGHLAND MOVED TO POSTPONE ACTION UNTIL BROUGHT BACK BY STAFF.

Chair Minsch asked if staff could do some research and said she would be willing to help review minute and look through stuff.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- C. Staff Report PL 11-28, Draft Ordinance Amending HCC Chapter 21.34, Conservation District

DOLMA/HIGHLAND MOVED TO BRING STAFF REPORT 11-28 TO THE NEXT WORKSESSION.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

INFORMATIONAL MATERIALS

- A. City Manager's Report

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 commented that he appreciated the discussion on the GC1. They rooted out some of the issues and made some clearer findings to forward to City Council.

Deputy City Clerk commented that if the issue was just to produce findings there may be other ways to bring something back after adoption rather than staff soliciting Commissioners for reconsideration. The Clerk's office staff can help with that when there are questions.

COMMENTS OF THE COMMISSION

Commissioner Venuti welcomed Chair Minsch back.

Commissioner Dolma, Highland, Kranich, and Druhot had no comments.

CITY MANAGER'S REPORT

MANAGERS REPORT
JULY 25, 2011

TO: MAYOR HORNADAY / HOMER CITY COUNCIL

FROM: WALT WREDE *W. Wrede*

UPDATES / FOLLOW-UP

1. **Coastal Animal Care Contract:** Coastal Animal Care is currently under contract to operate the Homer Animal Shelter. I have received several questions about this contract over the past months, including some from the Council during the last budget approval process. This contract expires on December 31, 2011. The current contract contains an option for two additional years if continuing on is mutually acceptable to both the contractor and the City. The contractor has submitted a letter expressing her interest in exercising the option for another two years. The City has not yet responded except to acknowledge receipt of the letter. I bring this to your attention now because the administration will soon have to decide if it will recommend a contract extension to the Council. This will also be a topic of discussion in the upcoming budget.
2. **Health Insurance:** Andrea and I attended the first meeting of the Borough sponsored health insurance roundtable on June 29. A summary of the meeting prepared by Borough staff is attached. The City of Homer was recognized for its management of the self insurance plan, the quality of the plan, and its efforts to contain costs. The next meeting is scheduled for early in August.
3. **More Staff Changes in Administration Department:** There are about to be several additional significant personnel changes in the Administration Department. Steve Bambakitis, the City IT / Systems Manager has accepted a position in Oregon and is moving there for family reasons. His last day will be August 14. Steve has been with the City for over 10 years and has done an excellent job upgrading, operating, and maintaining the City's computer and phone systems. He will be greatly missed and difficult to replace. We started advertising for this position on Monday the 18th. Anne Marie Holen, the City Special Projects Coordinator has decided to retire effective November 1st. Anne Marie has also been with the City for approximately 10 years and she has been extremely productive in a number of areas; not the least of which is grant writing and capital project development and funding. She will also be greatly missed. The services she provided will likely become even more important in this time of reduced budgets and limited capital funding from the federal government. I have been thinking about this position and options for reorganization, but at this point in time, I would recommend that we fill the position.
4. **City Hall Construction:** Construction is proceeding on schedule. The foundation has been poured and the remodel of the existing building has begun in earnest. This past week the Public Works Department moved the Mayor's office over to the old school building. Finance Department staff members have moved into the

Mayor's old office so that remodeling in the Finance department section can proceed.

5. Construction Projects: Attached is a project status report from the Public Works Director. As you can see, construction activity is really ramping up during this construction season. Construction is about to begin on the Kachemak Drive Phase II Water and Sewer Project. Demolition of the old water treatment plant has been completed as has construction of the trail by the Homer Middle School and the access road adjacent to the new water treatment plant. Construction on the new water and sewer lines and the bridge over Woodard Creek at the intersection of Soundview and Bartlett Street is underway. The City is also pushing to make progress on some of the other big projects that it has received funding for including the Deep Water Dock and Spit Trail Extension.
6. Old Intermediate School: We are still working with the two groups who submitted proposals to lease the building to work out some of the details of their proposals. In the meantime, Councilmember Lewis has sponsored a resolution that would authorize a short term lease for the Boys and Girls Club so that they can remain in the building at least until December of this year. This would coincide with the period that City staff are expected to remain there until they move back into City Hall. The school year is coming up fast and a decision on the Boys and Girls Club is needed quickly.
7. Library Landscaping: Carey, Ann Dixon, and I are scheduled to meet with members of the LAB this week to talk about landscaping at the library. There are two main issues on the agenda. First, as you know, the Friends of the Homer Public Library have contributed time and money toward improving and maintaining the gardens. This money is limited and may not continue next year. Second, there seems to be a growing consensus that we should abandon the natural look (A LEED certification issue) and start mowing more of the grounds. Both of these issues could require more time and resources from the City; especially if City crews have to spend additional time maintaining flower gardens there. Recall that the Parks maintenance staff took some hits in the last budget. They are already stretched very thin. More summer staff and an increase in the mowing contract could be on the horizon. Expect a report on this topic and perhaps a recommendation/request from the LAB at a future meeting.
8. Employee Committee: An Employee Committee has been formed and its first meeting will be on August 4th. Andrea Peterson, Regina Mauras, and I will provide staff support and get the Committee the budget and benefit information it needs. My intent is to provide information and facilitation functions only and I will not attempt to guide the employees in any particular direction. The Committee members have been told that their charge will be to disseminate information and solicit input from co-workers and to represent all City employees. They have also been told that they will have direct access to and a dialog with the Council.
9. Training Dates: At a recent meeting, during the discussion about the records retention ordinance, it was suggested that a training session for Council (and maybe for Commissions too) about public records and especially the use of e-mail would be a good idea. I discussed this topic with Holly and she could put

something together quickly if the Council is ready to proceed. A target date for this training would be very helpful. Feedback from the Council would be very helpful.

10. Port Maintenance: We have been discussing the idea of moving the port and harbor maintenance function back under the supervision of the Port and Harbor Director for the past few years. This is where that function used to be until about 2000 when it was moved to Public Works. I think now is the time to make the move for a variety of reasons; not least of which is significant changes in personnel and staffing expected within the next few months. Public Works has done an excellent job correcting the deficiencies in the port and harbor maintenance program that it inherited. The Port and Harbor Director is prepared to take this program and move it to the next level. I believe we can make this move without adding redundancy or increased costs. We are only talking about routine day to day maintenance. Capital improvements or major repairs will still require involvement by Public Works. I am hoping this will increase efficiency and teamwork at the Port and Harbor and relieve some of the pressure on Public Works which is understaffed. A transition plan is being prepared and we hope to implement on January 1.
11. Spit Run: At the most recent meeting, Councilmember Hogan asked if the City expended any funds in support of the Spit Run. The Spit Run was not sponsored by the City and little or no public funds were expended. The Community Recreation Program used some of its advertising budget to advertise its program along with other businesses and organizations. Advertising helped to support the run. The Public Works and Fire Departments provided some cones to direct traffic and assist with safety. The Police Department had an increased presence during the race to insure public safety. However, all of this was done with normal shifts. There was no increased staffing or overtime related to the run.
12. More Derelict Vessels to be Removed: The Port and Harbor Director and the City Attorney continue their excellent work on ridding the harbor of derelict vessels. This makes mooring space available for working boats that will create jobs and revenue. The City has reached an agreement with the owner of one vessel to remove it from the harbor and has signed a deal with a recycle company to cut up and remove two other old vessels that have not moved for well over a decade.
13. More Metal Recycling: You will recall that last year the City leased part of the chip pad to Peninsula Scrap for a large recycling project. The target was primarily old vehicles but other metal, including at least two large vessels were included. This was one of the biggest recycling efforts the Peninsula had ever seen and it was very successful. The Borough and the City were both partners and over 6,000 junked vehicles were shipped out. The City just entered into another short term lease with the same company to continue the effort this summer and fall. The City negotiated reduced rent and tariff fees in exchange for the contractor removing and recycling two derelict vessels from the harbor.
14. Baycrest Ski Trails / Diamond Creek Properties Land Use Plan: Several years ago, the City accepted title to two large parcels that were once owned by the University of Alaska. The parcels were obtained with Forest Legacy Funds and private donations. The transaction was spearheaded by the Kachemak Heritage

Land Trust with support from the State Department of Natural Resources. A significant portion of the Baycrest Ski Trail system is located on these parcels and the area has historically been used for recreation and conservation purposes. The City Council approved an ordinance designating this as park land and recently approved a conservation easement for the property. Under the deed and the terms of the transaction, the land can only be used for conservation, recreation, and forestry projects. In the past, the need for a resource inventory and management plan has been discussed. The advantages of doing this include better management and development decisions and the fact that not all proposed activities there would have to be reviewed and approved by DNR under the terms of the conservation easement. Some activities can be preapproved if you have a plan. The Homer Soil and Water Conservation District recently received a NRCS grant to conduct this work. They plan to begin work soon and will be working closely with the Planning and Parks and Recreation Commissions and the general public.

15. Tsunami Warning System: Sam Albanese of the National Weather Service and Eric Morhman of the Kenai Peninsula Borough OEM will be visitors at the meeting. Sam will be talking about what went wrong during the last tsunami warning and what the role is of the National Weather Service. Eric will be talking about the recent meetings we have had discussing how to improve the warning system. The most recent was held on July 18th. The discussions are centered on how to avoid false alarms, how to make the alarms more specific to local threats, and how to fix problems with the voice messages. A number of cities, including Homer, are considering going back to local activation of the alert system, and opting out of the current automated system wide activation. This agenda contains a resolution authorizing the City to opt-out.
16. Natural Gas Pipeline: I have received lots of comments and advice recently from a variety of sources about how the City should proceed with the effort to get a transmission pipe constructed from Anchor Point to Homer now that the Governor has vetoed the project. There are several approaches to look at which including further work with the administration and alternative financing. Community support for this project appears to remain strong but I want to discuss the next steps with the Council with before I spend too much time and effort on this. I would suggest that the pipeline be scheduled as a workshop or Committee of the Whole topic as soon as possible. The Governor's staff will begin working on his budget proposal for next year very soon and it is important that we have a strategy in place. Linda Anderson will be at this Committee of the Whole meeting and the topic could be discussed with here also.

ATTACHMENTS

1. Meeting Summary: Health Care Cost Study Working Group
2. Pratt Museum News Release

**Kenai Peninsula Borough
Health Care Cost Study Working Group
First Meeting Wednesday, June 29th, 2011**

The focus and purpose of the meeting was to begin a discussion about the rising costs of healthcare and to eventually define a plan of how similar entities can work together towards a more economical healthcare plan.

The following organizations presented their current health care plans:

Kenai Peninsula Borough
Kenai Peninsula Borough School District
Cities of Soldotna, Kenai, Homer, Seward
Central Peninsula Hospital and South Peninsula Hospital

CITY OF SOLDOTNA State of Alaska Polysub Plan IV, high deductible plan

<u>Premium</u>	<u>Total Premium</u>	<u>City Portion</u>	<u>Employee Portion</u>
Employee Only	55.46	502.61	55.85
Employee/Children	1,070.24	856.19	214.05
Employee/Spouse	1,270.72	1,016.58	254.14
Employee/Family	1,782.16	1,425.73	356.43

Deductible

Employee Only	2,000	1,800	200
Employee/Children	4,000	3,200	800
Employee/Spouse	4,000	3,200	800
Employee/Family	4,000	3,200	800

<u>Total Cost including deductible:</u>	<u>Annual</u>	<u>Monthly</u>
City	13,837	1,153.08
Employee	3,323	276.92
Total	17,160	1,430

CITY OF KENAI

City of Kenai provides coverage to its full time (35 or more hours per week) employees at no charge and the premiums to add dependents is as follows:

Spouse	\$124.00
Child	\$107.00
Family	\$168.00

Employees working more than 14 hours per week are offered coverage at the following rates per month with no deductible reimbursement:

Employee:	\$279.23
Employee with Child(ren)	\$791.01
Employee with Spouse	\$991.49
Employee with Family	\$1,502.93

The city has 99 employees eligible for coverage. Total budgeted for FY12 is \$16,395 per employee.

Total cost per employee per month: \$1,366.25

CITY OF SEWARD -

APUIT Pool 80/20 plan Employee pays: 163.68/month Employer pays: 1,488/month

CITY OF HOMER

Meritain Health is third party administrator, and Symetra provides Stop Loss coverage.

No contribution required from employees.

Medical coverage is 90% with a \$100 deductible per person, \$300 per family.

Dental coverage is 80% with a limit of \$1500, with a deductible of \$50 per person, \$150 per family. Vision is 80% for exams and a set amount for frames, glasses and contacts.

Per Employee Per Month Cost in 2010 \$1,526

SOUTH PENINSULA HOSPITAL

Per Employee Per Month Program Cost

Medical/Rx \$1,212.50

Dental \$96.93

Vision \$15.46

Total \$1,324.90

Total cost per employee per month: \$1,324.90

CENTRAL PENINSULA HOSPITAL

<u>Premium</u>	<u>Total Premium</u>	<u>Employer Portion</u>	<u>Employee Portion</u>
Employee Only	858.55	386.35	85.86
Employee/Children	1,070.24	747.63	166.14
Employee/Spouse	1,270.72	796.90	177.09
Employee/Family	1,782.16	1,177.52	261.67

KENAI PENINSULA SCHOOL DISTRICT

Cover Medical, Dental, Vision, Rx

Employees Covered: 1,241

Estimated FY11 costs: \$20,654,210.94

Estimated FY11 cost per employee: \$16,643.20

Deductible: \$200 individual/ \$600 per family

FY11 Plan Premiums

District: \$1,086.67

Employee: \$311.67

Total: \$1,398.34

FY12 Health Plan Premiums-Monthly

District: \$1,115.00

Employee: \$340.00

Spouse: \$10.00

Child: \$5.00 (up to 4)

Family: \$30.00

KENAI PENINSULA BOROUGH

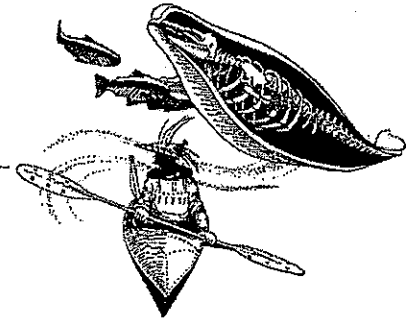
Estimated cost for FY12:

Medical/Dental/Vision: \$5,096,600 or \$17,000 per employee

3rd party admin costs \$125,000

Average cost to employee: \$1,000 annually

Jan-Dec 2011: \$1,555.56
Jan-Dec 2009: \$1,323.21



NEWS RELEASE

For Immediate Release, July 11, 2011

CONTACT INFORMATION

Diane Converse, Museum Director/CEO: (907) 435-3333

Pratt Museum Announces Selection of Architectural Firm *Introducing the Primary Architects for the Museum's New Building*

The Pratt Museum is pleased to announce the selection of the architectural firm that will design the Homer community's new Museum building: the Anchorage firm of Livingston Slone. Tom Livingston and Joe Abegg will be the primary architects on the building project. "The Pratt Museum is the jewel of Homer and a source of great pride to Alaskans. Livingston Slone is honored to assist this National Merit Award-winning museum in designing their new facility," said Tom Livingston.

Tom Livingston, raised in Anchor Point and a frequent visitor to Homer, will provide design team leadership, project and contract management, and quality control. Livingston has provided these services for some of Alaska's most unique museum facilities, community/cultural centers, and other public facilities, including 18 museum projects. He is known for this thorough knowledge of technical and aesthetic challenges of museum buildings in all regions of Alaska. Livingston has worked with countless community groups, small municipalities and nonprofit organizations to bring their projects to successful fruition. His portfolio contains over 300 projects, including the firm's entire museum portfolio and various museum/display facilities imbedded in other projects.

Joe Abegg will serve as project architect. Abegg has provided design expertise for numerous museums and community centers, many of which have received design awards for attention to arctic issues and sustainable design. A LEED Accredited Professional, Abegg's designs consistently incorporate energy

Meet the Architects Reception

WHERE: Pratt Museum's
Stewardship Gallery
3779 Bartlett Street
Homer

WHEN: August 1, 2011,
5:30-6:30 pm

WHO: Diane Converse,
Museum Director/CEO;
Tom Livingston; Joe Abegg;
and community members

RSVP to:
office@prattmuseum.org



3779 Bartlett Street, Homer, Alaska 99603-7579

Email: info@prattmuseum.org Web: www.prattmuseum.org

(907) 235-8635

Fax: 235-2764

efficiencies. His award-winning design of the YKHC Community Health Services Building in Bethel was featured as a case study in a national American Institute of Architects (AIA) publication on energy efficient design. Abegg's portfolio includes numerous relevant projects, including the \$33 million Alaska SeaLife Center, for which he designed education areas, animal habitat and rehabilitation areas, and wet and dry research labs; and for which the project was awarded the AIA's *Honor Award for Design Excellence*. Other relevant projects include the North Slope Borough Cultural Center; Museum of the Aleutians; Yupik Cultural Center; the Pratt Museum's expansion (in the 1980s); and Campbell Creek Science Center.

A project launch reception is scheduled for August 1 from 5:30 to 6:30pm, when community members may meet the architects and learn more about the schedule for fall public design meetings.

80

The Pratt's mission is to help people explore the natural history and human experience in the Kachemak Bay region and beyond, and to ignite a connection between people and place through exhibits, programs, and collections.

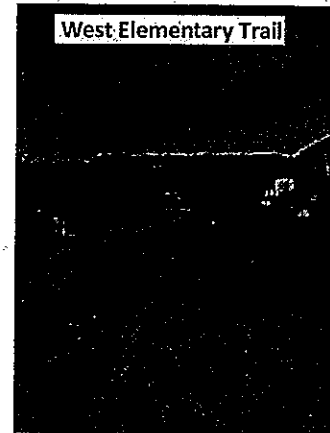
www.prattmuseum.org

2011 Homer Projects Progress Update

City of Homer - Public Works Department
July, 2011

Current Construction

West Elementary Trail Construction -- After years of effort from adjacent property owners and City officials, the trail from the West Elementary School playground to Forest Glen Avenue has been completed. The eight foot wide gravel trail provides access from school property to the adjacent residential area via dedicated right-of-way and easements provided by property owners on either side of the trail corridor. Arno Construction completed the work through a contract administered by Public Works.



Kachemak Drive (Phase II) Water and Sewer Improvements -- In June, the City Council was finally able to award the construction contract that will result in the extension of piped water and sewer to the northern 8300 feet of Kachemak Drive. 88 lots; many of which are located in poorly drained soils adversely affected by a high seasonal groundwater table, will receive water and sewer service. Construction is expected to begin in August and work will be complete in 2012. Herndon Construction will complete the project under the supervision of Public Works.

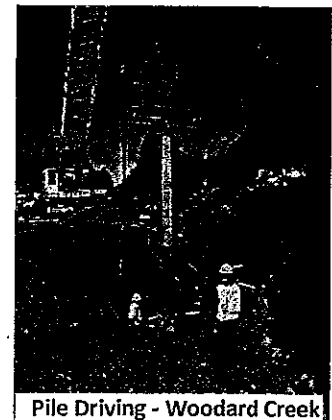


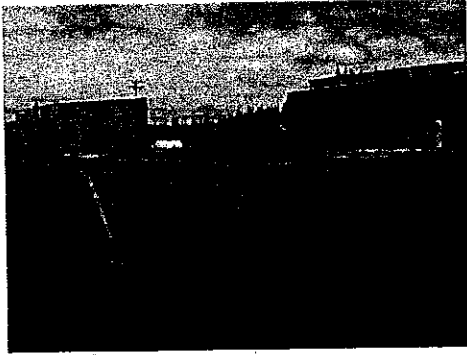
Jack Gist Recreational Park Improvements -- The third (and largest) softball field received drainage improvements, a playable infield surface, and topsoil/seeding in the outfield. Material excavated during perimeter ditching and infield preparation was used to create a pad for additional parking along the access road. Unfortunately, the project budget was not sufficient to allow for gravel to be placed on the pad to create usable parking. Public Works will identify future funding for this work.



Volunteers have installed playground equipment at the park. This facility will give the children of softball players something to do when Mom and Dad are getting some exercise on the softball fields.

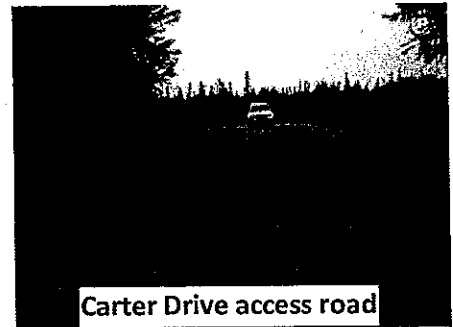
Soundview Avenue/Woodard Creek Culvert Replacement -- The culvert carrying Woodard Creek across Soundview Avenue is being replaced with a bridge (with pile supported abutments). The sewer main that was displaced by the settling culvert has been repaired and the PVC water main was replaced with a stronger insulated HDPE main. The bottom of the creek will be lined with rock to eliminate erosion. The bridge will provide additional hydraulic capacity to safely pass flood waters and storm debris. The project is being completed by Green Construction under a contract administered by Public Works.





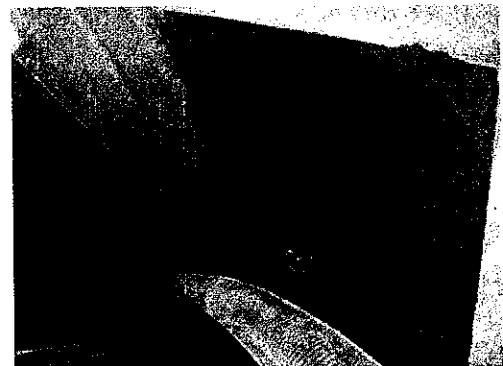
Old Water Treatment Plant Demolition – The building that housed the water treatment plant serving Homer for 35 years is no more. East Road Services, under the supervision of Public Works, completed the demolition of the building in June. City treatment personnel installed insulation and siding on the adjacent shop building that will remain to support water treatment activities at the newly constructed cutting-edge membrane filtration water treatment plant (first municipal membrane filter plant in Alaska).

Carter Drive Access Improvements – The construction of the new water treatment plant eliminated the ability to access property to the north of the plant from Skyline Drive along the section line easement. The City established a right-of-way corridor (parallel to the section line easement); Carter Drive has been improved to allow for permanent public access.



Sanitary Sewer Rehabilitation Project - Using economic stimulus funding, the City is rehabilitating 13,500 linear feet of old sanitary sewer. The rehabilitation consists of slip-lining 8", 10" and 12" sewer main (mostly within the central business district). A flexible liner will be pulled through the sewer mains in Bunnell Street, Ocean Drive, Bartlett Street, Heath Street, Main Street, Lake Street, Sterling Highway, Pioneer Avenue, and Crittenden Street, and inflated to conform to the inside of each pipe section.

A ultra-violet light is then being pulled through the lined pipe section, which cures and hardens the liner. The new liner will be as strong as the existing pipe was when it was installed, provide a smooth inner surface, and reinforce weak portions of the old pipe section. This method of rehabilitation eliminates the need to excavate pavement and minimizes impacts to the traveling public.



Flexible liner being installed

The work began early in 2010 and is expected to be complete later this year.

Energy Efficiency Improvements – City Facilities – These improvements consist of lighting upgrade improvements in the harbor, at the airport terminal, the police station, and the sewer treatment plant. Other improvements include equipment motor replacements at the raw water pump station, motor upgrades in the sewer treatment plant; and heating system control modifications at Public Works and the police station.

City of Homer spent \$759,535 on electricity and fuel (from August 2009 through July 2010) for the facilities undergoing energy efficiency improvements. Electricity = \$637,989; Fuel = \$121,546. After the planned energy efficiency improvements are completed, we estimate that the City's energy bill for

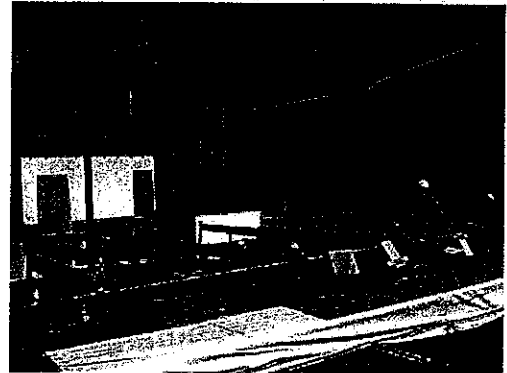
the facilities to be reduced by almost \$100,000; a reduction of at least 10%. The improvements were initiated in the Spring of 2011 and will be completed by the end of the year.

City Hall Expansion and Renovation Project - the scope of the project includes adding 4200 square feet of new space and rehabilitating the existing space. Work would also include expansion of paved parking, drainage/ landscaping improvements, energy efficiency improvements, additional public meeting room areas, and office space.

The schedule for the project is shown below:

Task	Completed By
Final Design Complete	June 2011
Site Civil Construction	June 2011 to August 2011
Building Construction	June 2011 to December 2011
Renovation Improvements	June 2011 to November 2011

The total project budget is approximately \$1,900,000; with new construction estimated to be \$1,500,000. This project is funded through a State of Alaska legislative grant (\$1.4M) and matching City of Homer general fund reserve monies (.4M).



Foundation work nearing completion

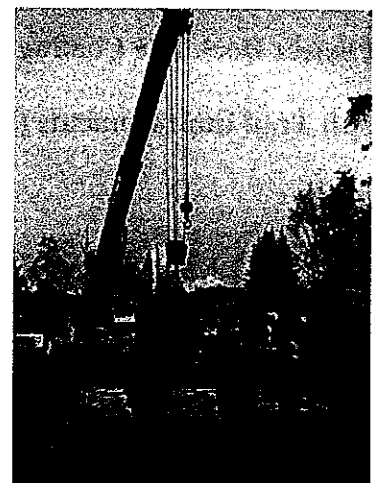
Deepwater Dock Security Gate and Camera System – This project consists of installing a security gate and fencing; and installing video cameras to provide the level of security required at the Deepwater Dock. This project is funded through a Homeland Security grant, with the City matching 50%.



Karen Hornaday Park Master Plan Improvements – Volunteers, with supervision from Parks and Recreation, are improving the playground area at Karen Hornaday Park. Old equipment is being repaired; new equipment is being installed. A master plan for the playground area is being prepared. Preliminary design, including survey and cost estimating of all master plan improvements is in the works. The volunteers have been working since late winter to make the playground a child friendly facility.

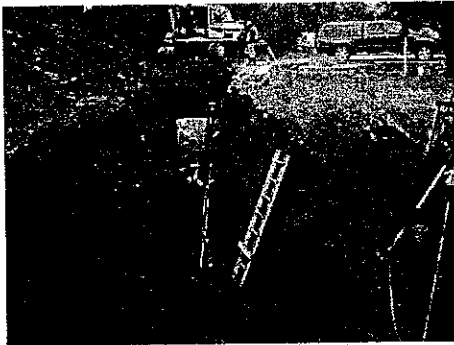
Mattox Pressure Reducing Station Improvement - Construction is complete on this project. The project is located approximately 400 feet south of East End Road on Mattox Street. The project consists of installing a new concrete vault containing pressure reducing valves that will control water pressure to the neighborhood below.

The cost of this work is \$210,000. A loan has been secured through the Alaska Department of Environmental Conservation for the cost of the design and construction of this project; 90% of which will be forgiven once the project is complete. The remaining 10% is funded by the Homer Accelerated Water and Sewer Program (HAWSP), which has



Vault lid installation

been established by the community to fund water and sewer improvements through the implementation of a ¾ cent sales tax.



Sewer trench excavation

Rainbow Avenue Sanitary Sewer Extension – The Rainbow Court neighborhood initiated a sewer main extension that adds additional customers to the water system without utilizing public construction monies. The sewer extension is an example of “in-filling”, increasing service density within the urban residential area.

Public Works coordinated a construction agreement between a property owner and the City that allowed benefitted property owners to share main extension costs.

Future Project Planning

Sewer Treatment Plant Polymer Equipment Replacement –

Sewer Treatment Plant Bio-Solids Disposal Feasibility Study –

Cruise Ship Docking/Upland Passenger Facility Improvements –

Beluga Slough Trail Improvements –

Spit Trail Improvements (Phase II) –

Main Street/Sterling Highway Intersection Improvements –

Beluga Slough Trail Improvements –

Sewer Treatment Bio-Solids Feasibility Study –

Pioneer Dock Pile Coating Repair –

Spit Trail Improvements (Phase II) –

Date: July 19, 2011
To: Friends of the Homer Library; Library Advisory Board; Walt Wrede;
Carey Meyer; Angie Otteson
Subject: Library Landscaping

Over the past several weeks I've discussed the library grounds and landscaping issues with many people, including the Friends of Homer Library, the Library Advisory Board, Carey Meyer, and Angie Otteson, Parks Coordinator. I also met with Kyra Wagoner and Gillian Munn (new to LAB) and spoke with Brenda Adams of Gardens by Design (the gardener contracted by Friends of Homer Library).

The topic of landscaping at the library continues to come up for a number of reasons. The issues break down into four main areas: safety, security, maintenance and esthetics.

Safety Concerns

Tall grass and brush at the exit onto Heath Street make it difficult to see oncoming vehicles, pedestrians and bicyclists. This was recently mowed and much improved.

Security Concerns

The growth of alders and trees in areas along the bike trail and the pond near Heath Street, if unchecked, will create corridors blocked from public view that may become problem areas for "hanging out" and vagrancy.

Maintenance Concerns

Dandelions and other invasive plants growing in the L-shaped "natural" area along the two streets spread into the planted and maintained flower beds. These beds represent a significant investment in money and labor from both paid and volunteer gardeners.

Alders are taking root and starting to grow into trees in the "fern garden" area, which also serves as a drainage zone. Alders are also growing alongside the building walls and the concrete surrounding the fuel tank. Their proximity to the walls and the spread of their roots into the concrete are both problematic.

Esthetic Concerns

The library receives complaints about the untended appearance of the grounds, as well as compliments on the designed gardens.

Until the recent mowing, the outdoor benches were not being used because no one could see them in the tall grass and access to them was impeded by the grass and alders.

Alders growing inside the two designated view corridors will soon begin to impact the views from inside the building.

In our meeting, Kyra informed us of the history of the landscape planning, what actually happened (not necessarily according to plan), and made some excellent suggestions concerning our options and how to proceed. She suggests three basic choices, which I will summarize here:

1) **Do nothing.**

Advantages: Cheap and easy in the short run.

Disadvantages: Doesn't address any of the problems listed above. It also looks unattractive (her adjective was more blunt) to many people.

2) **Mow on a regular basis**, primarily in an L along the Hazel Avenue and Heath Street sides.

Advantages: Relatively cheap; looks better (to many people); addresses issues of safety, security and maintenance; facilitates access to the outdoor benches, trails and gardens around the library; creates open space for the public to enjoy; and makes the flower garden along the Hazel Street wall visible from a distance.

Disadvantages: Requires funds to mow.

3) **Invest in the original plan.** The original intent to create natural, low-maintenance grounds was undermined by several factors. First, the soil was disturbed and compacted, and then hydro-seeded with native grasses. Nutrient-rich soil was not applied first, which explains why the "pioneer" species of dandelions, alders, horsetails and clover moved in. Second, the native shrubs that were originally planned for the grounds were never purchased due to lack of funds. It is still possible to retrofit by purchasing and planting the native plants and shrubs originally intended, as well as the soil amendments needed to give them a good start. However, they would require maintenance for several years until established and able to compete with invasive species.

Advantages: If planned and executed carefully, it could result in addressing the issues of concern, as well as reduce the amount of area that needs mowing.

Disadvantages: Requires a focused plan, follow-through and funding. Results will not be immediate.

Other issues were discussed, as well.

- **The semi-natural area to the left of the entrance (facing the library).** That area, too, suffers from poor soil, which is why it supports a mix of invasive species alongside planted native species. It would be a major project at this point to save the desirable plants, try to remove the undesirables, replenish the soil, and replant with desired native species. A more cost-effective approach is more realistic.
- **Alders.** Their uncontrolled growth creates concerns about safety, security, visual corridors, and maintenance (explained above).

- **Flower beds.** Many compliments are received about the improved beds near the entrance (funded by Friends of Homer Library) and the Rotary Club's garden near the parking lot entrance. Everyone seems to agree that they are lovely and a worthwhile addition to the grounds.

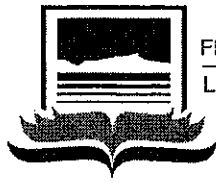
General consensus from these various discussions seemed to be that mowing is a good idea for the short term.

For the longer term, Kyra suggested developing an updated plan that identifies various zones on the grounds, short and long-term tasks to be accomplished for each area, and delineating who would be responsible for each task and/or zone. Some could be taken on by the City and some by volunteers, with specific lists of needs. For example, groups might "adopt" a bed (as the Rotary Club does), an individual might "adopt" a bench to keep it cleared for public use, or someone else might agree to remove alders from a particular zone. Such a plan could facilitate organization around an overall goal of improved landscaping that enhances public use of the grounds and also meets the safety, security, esthetic and maintenance needs of the library at a cost the City can afford.

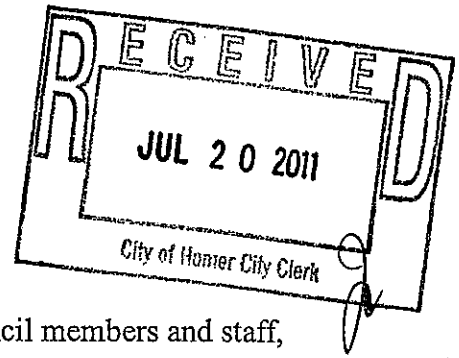
Taking it a step farther, if a plan were in place and soil amendments were provided, perhaps a group of volunteers could coordinate donations of targeted native or hardy plants and oversee their planting. This might be a way to approach the original goal of natural, low-maintenance grounds (Option #3) at a lower cost, although it would be slower than a City-sponsored effort.

Ann

Ann Dixon
Director, Homer Public Library
500 Hazel Ave.
Homer, AK 99603
907-435-3151
907-235-3136 (FAX)



FRIENDS OF THE HOMER
LIBRARY



Dear City of Homer Manager Wrede, Mayor Hornaday, City Council members and staff,

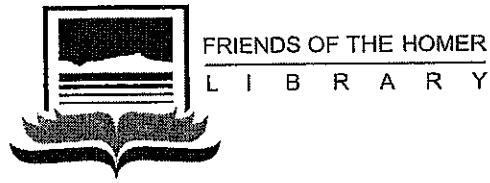
The Homer Public Library's grounds and gardens have been the topic of much discussion recently. As a result, the Friends of the Homer Library is considering current and future plans for its involvement in the library gardens and landscaping. We would like to share a bit of the history of our involvement, as well as ask for increased city support in future efforts.

In the winter of 2009-10, the Friends of the Homer Library was asked by the Library Advisory Board to help facilitate the planning of some work on the flower gardens around the library. Former Library Director Helen Hill relayed that many community members had expressed their concern about the state of the surrounding grounds as unkempt and full of weeds. Although the original plan for the library grounds was to remain natural and low maintenance, the reality has been a rich mix of dandelions and other weedy species dominating the grounds. The Friends board approved this initial funding request to improve the gardens.

The work entailed a War on Weeds day in the spring of 2010 as well as refurbishing the beds in front of the library entrance. Brenda Adams of Gardens by Design was hired to oversee the volunteer weed-pulling efforts as well as plan and plant the front beds. The cost of Gardens by Design's services totaled more than \$10,000 in 2010, in part because of the extensive weeding effort required. In addition, new topsoil had to be brought in to replace existing soils, and several of the garden beds were completely replanted with perennials.

Brenda Adams made it clear from the beginning that the cost of maintaining the flower beds would be significantly reduced if the surrounding library grounds were mowed to prevent more weedy invasions. The Friends passed this information on to the Library Advisory Board with the hope that the city would mow the grounds. Meanwhile the Friends agreed to continue paying for garden maintenance to ensure the success of its initial investment and in response to the positive feedback library staff received about the new improved appearance. To date, in 2011, the Friends has spent more than \$4,000 on gardening efforts.

When it was clear that the city was not planning to mow during the height of the dandelion season, a private citizen stepped in and hired a private contractor to mow the grounds before weed seeds undid the efforts accomplished thus far. The Friends then paid for workers to come and remove the cut grass, which was a big undertaking. The cutting improved visibility of the current gardens as well as uncovered two benches that no one seemed to know even existed. But most importantly, continued mowing will prevent invasive species and weeds from taking over the now-maintained gardens at the library.



The Friends is currently reviewing how maintenance of the library gardens fits in with its mission to provide volunteer support for library programs and services, to raise funds that enrich the library experience and to promote the use and enjoyment of the library. The board would like the city of Homer to consider a mid-year budget revision to include mowing of the library grounds in its mowing contract as well as discuss the city's plans for future involvement in the Homer Public Library grounds and garden maintenance. It is our hope that by working together, the city of Homer and the Friends of the Homer Public Library, supported by community volunteer efforts, can maintain and enhance the landscaping around the Homer Public Library for the safety and enjoyment of all who visit this cornerstone building of our community.

Thank you for your consideration,

Cleo Webb, Andrew Haas, Sean Campbell, Frank Vondersaar, Sue Mauger, Marylou Burton, and Ann Dixon

The Friends of the Homer Public Library board of directors



June 24, 2011

City Clerk
491 East Pioneer Ave.
Homer, AK 99603

To Whom It May Concern:

This letter is to inform you that the Alaska Marine Conservation Council (AMCC) is holding a cash raffle this fall with the drawing to be held Saturday October 15, 2011 at Alice's Champagne Palace in Homer as part of our annual Ocean Boogie fundraiser.

Enclosed please find two copies of AMCC's 2011 Gaming Permit for your files as required by State regulations. We will be selling tickets from our main office in Anchorage, as well as distributing tickets to our board members throughout the state who will sell tickets in their home communities.

Please do not hesitate to contact me at 277-5357 should you have any questions.

Thank you.

Sincerely,

Amy K. Snider
Program & Outreach Assistant

Enclosures:

Two copies of gaming permit

ALASKA DEPARTMENT OF REVENUE

Charitable Gaming Permit

Location Authorized: Jun. 17, 2011 through Dec. 31, 2011

Permit No
1820

Permittee

Alaska Marine Conservation Council
PO Box 101145
Anchorage AK 99510-1145

Authorized Games of Chance and Skill

Raffle or Lottery Effective 06/17/2011

Self-Directed Location:

ID#: 19493

Homer
Homer AK 99603

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 06/17/2011

Issued By

Issue Date

Caution: This does not permit you to do business in Alaska without complying with other State or US Laws.

This permit must be posted in a conspicuous place at the location of the authorized activity.

ALASKA MARINE CONSERVATION COUNCIL
PO BOX 101145
ANCHORAGE AK 99510-1145

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Raffle or Lottery Effective 06/17/2011

Self-Directed Location:

ID#: 16144

Anchorage Area
Anchorage AK 99501

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Jeff M. Prather, Gaming Supervisor 06/17/2011

Caution: This does not permit you to do business in Alaska without complying with other State or US Laws.

Issued By

Issue Date

**ALASKA
STATE**



ELKS ASSOCIATION

2011 ~ 2012 ALASKA STATE ASSOCIATION OFFICERS

Roland Reiswig, President
1150 E McAdoo Way
Wasilla, AK 99654-1618
(907) 376-6951

Mark Daum, President Elect
PO Box 672
Sitka, AK 99835-0672

JANET JOHNSON, Vice President
859 Panamaroff Creek Dr
Kodiak, AK 99615-9301

Paul J. Whitney, Secretary
231 Knoll Circle
Soldotna, AK 99669-7352

Al Nagel, Treasurer
19637 N. Montague Loop
Eagle River, AK 99577

JOEL HEMBACH, Trustee Chairperson
18850 War Admiral Rd
Eagle River, AK 99577-8329

Jon E Shennett, Trustee
PO Box 2642
Sitka, AK 99835-2642

Konrad Jackson, Trustee
P.O. Box 2935
Soldotna, AK 99669-2935

Roger R. True, PGER/Alaska Sponsor
251 Thyme Circle
Richland, WA 99352

June 28, 2011

City of Homer
491 East Pioneer Avenue
Homer, AK 99603

The Alaska State Elks Association has applied for a renewal of our Gaming Permit to conduct raffles in the Haines Borough area through our Homer Elks Lodge 2127. Pursuant to Alaska State Gaming Regulations we have enclosed a copy of our renewal application.

If there should be any questions feel free to contact me at anytime.

Sincerely,

A handwritten signature in cursive script that reads "Paul J. Whitney". The signature is written in dark ink and is positioned above the typed name and address.

Paul J. Whitney, Secretary
Alaska State Elks Association
231 Knoll Circle
Soldotna, AK 99669-7352
907-262-5667
aseasecretary@live.com

2011 Alaska Gaming Permit Application

Organization Information

Department use only
Validation #
Date stamp

826

Federal EIN 92-6007001	If renewing, enter gaming permit # 1415	Phone number 907-262-5667	Fax number
Organization name ALASKA STATE ELKS ASSOCIATION	Website address WWW.ALASKASTATEELKS.ORG		
Mailing address 231 KNOWELL CIRCLE	City SOLDOTNA	State AK	Zip + 4 99669-7352
Entity type (check one) <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input checked="" type="checkbox"/> Association	Organization type (check one) for definitions, see AS 05.15.690 and 15 AAC 160.995 <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 checked="" 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 Paul	MI J	Primary member last name WHITNEY	Alternate member first name Konrad	MI Q	Alternate member last name Jackson
Social security number		Email ASESECRETARY@LIVE.COM	Social security number		Email kg JACK@hotmail.com
Daytime phone number 907-262-5667		Mobile number 907-395-7331	Daytime phone number 907-398-9121		Mobile number 907-283-3872
Home mailing address 231 KNOWELL CIRCLE			Home mailing address Box 2935		
City SOLDOTNA	State AK	Zip + 4 99669-7352	City SOLDOTNA	State AK	Zip + 4 99669
Has the primary member passed the test? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Permit # under which test was taken 662			Has the alternate member passed the test? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Permit # under which test was taken 528		

Legal Questions These questions must be answered. If you answer Yes to either question, see instructions.

☒ Yes ☐ No Does any member of management or any person who is responsible for gaming activities have a prohibited conflict of interest as defined by 15 AAC 160.954?

☐ Yes ☒ No Has any member of management or any person who is responsible for gaming activities ever been convicted of a felony, extortion, or a violation of a law or ordinance of this state, or another jurisdiction, that is a crime involving theft or dishonesty, or a violation of gambling laws?

We declare, under penalty of unsworn falsification that we have examined this application, including any attachments, and that to the best of our knowledge and belief it is true and complete. We understand that any false statement made on the application or any attachments is punishable by law. By our signatures below, we the primary member, the alternate member, and if applicable, the manager of games, agree to allow the Department of Revenue to review any criminal history we may have, in accordance with 15 AAC 160.934.

Primary Member in Charge's signature <i>Paul J. Whitney</i>	Printed name PAUL J. WHITNEY	Date 6-20-11
President or other official signature (see instructions) <i>Roland H. Reisinger</i>	Printed name ROLAND H. REISINGER	Date 6/24/11
Alternate Member in Charge's signature <i>Konrad Q. Jackson</i>	Printed name KONRAD Q. JACKSON	Date 6/22/11
Manager of Games signature	Printed name	Date

Mail to Alaska Department of Revenue - Tax Division
PO Box 110420 • Juneau, AK 99811-0420
Phone (907)465-2320 • Fax (907)465-3098
www.tax.alaska.gov/gaming

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

Retain a copy for your records

0405-826 Rev 01/11 for 2011 - page 1

Organization name ALASKA STATE ELKS ASSOCIATION	Gaming permit # 1415	2011 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**			

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 SEE ATTACHED LIST	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	MI	Manager last name	Social security number	Daytime phone number
Home mailing address			Email	Mobile phone
City	State	Zip + 4	Has the manager of games passed the test? <input type="checkbox"/> Yes <input type="checkbox"/> No	
				Permit # under which test taken

Vendor Information

Attach 2011 vendor registration form(s) and fee(s) for each vendor listed below.

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
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.

Gaming funds are used to help support the Youth Camp, a two week summer camp for 100 boys and 100 girls aged 9-13, D.A.R.E. Program, Hoop Shoot, a free throw competition for boys and girls aged 7-13, Soccer Shoot, for boys and girls aged 7-13, other Youth Activities, Scholarships, Veterans Programs, Americanism and other state wide activities in support of our communities.

826

Retain a copy for your records

0405-826 Rev 01/11 for 2011 - page 2

Juneau Area City & Borough of Juneau	Juneau Elks Lodge 420 P.O. Box 33239 Juneau, AK 99803	RAFFLE
Ketchikan Area	Ketchikan Elks Lodge 1429 1448 Tongass (P.O. Box 5177) Ketchikan, AK 99901	RAFFLE
Petersburg Area City of Petersburg	Petersburg Elks Lodge 1615 301 North First Street (P.O. Box 609) Petersburg, AK 99833	RAFFLE
Sitka Area City & Borough of Sitka	Sitka Elks Lodge 1662 412 Sawmill Creek Road Sitka, AK 99835	RAFFLE
Skagway Area Municipality of Skagway Borough	Skagway Elks Lodge 431 560 State Street (P.O. Box 416) Skagway, AK 99840	RAFFLE
Wrangell Area City & Borough of Wrangell	Wrangell Elks Lodge 1595 103 Front Street (P.O. Box 377) Wrangell, AK 99929	RAFFLE

CITY ATTORNEY REPORT

COMMITTEE REPORT(S)

PENDING BUSINESS

NEW BUSINESS

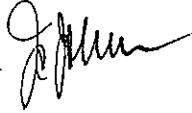
Office of the City Clerk

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 11-100

TO: MAYOR HORNADAY AND HOMER CITY COUNCIL
FROM: JO JOHNSON, CMC, CITY CLERK 
DATE: JULY 18, 2011
SUBJECT: 2012 PROPOSED BUDGET SCHEDULE

Included is the 2012 Proposed Budget Development Schedule.

RECOMMENDATION:

Review and approve the 2012 Budget Schedule.

CITY OF HOMER

2012 PROPOSED BUDGET DEVELOPMENT SCHEDULE

DATE	TIME	EVENT
7/25/2011	6:00 PM	Budget Schedule to Council
8/5/2011		Submit to departments, budget work sheets including salary and fringe benefit costs.
8/8/2011	5:00 PM	During Committee of the Whole, Council to discuss budget priorities for the coming year.
8/8/2011	6:00 PM	Regular Meeting-Public Hearing, Council to seek public input on budget priorities for the coming year.
8/15/2011		Complete budget work sheets, including narratives, and justifications to finance.
8/22/2011	5:00 PM	During Committee of the Whole, Council to discuss Revenue Sources for General Fund.
8/31/2011		Compile data and return copy to departments for review.
9/9/2011	Week of	City Manager & Finance Director review budget requests with Department Heads.
9/12/2011		Preliminary budget assumptions to council.
9/26/2011		City Manager submits Draft Proposed Budget to Council.
10/10/2011	5:00 PM	During Committee of the Whole, Council to discuss budget - 1 hour.
10/10/2011	6:00 PM	Regular Meeting - Public Hearing.
10/24/2011	5:00 PM	During Committee of the Whole, Council to discuss budget - 1 hour
10/24/2011	6:00 PM	Regular Meeting-Budget Ordinance and Resolutions Introduced.
11/28/2011	5:00 PM	During Committee of the Whole, Council to discuss budget - 1 hour
11/28/2011	6:00 PM	Regular Meeting - Public Hearing.
12/12/2011	6:00 PM	Regular Meeting - Public Hearing & Adoption of Proposed Budget.

Office of the City Clerk


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



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MEMORANDUM 11-101

TO: MAYOR HORNADAY AND HOMER CITY COUNCIL

FROM: JO JOHNSON, CMC, CITY CLERK 

DATE: JULY 18, 2011

SUBJECT: TRAVEL AUTHORIZATION FOR COUNCILMEMBER ZAK'S
ATTENDANCE AT ALASKA MUNICIPAL LEAGUE SUMMER
LEGISLATIVE MEETING IN SITKA, ALASKA, AUGUST 10 - 12,
2011.

Councilmember Bryan Zak would like to attend the Alaska Municipal League (AML) Summer Legislative Meeting in Sitka, Alaska, August 10 - 12, 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 Sitka at \$386.00 and room rates at \$169.00 per night. Per diem is \$58.00 per day, for three meals.

For FY 2011 Council budgeted zero dollars for transportation and \$2,000 for subsistence. To date \$118.19 has been expended from Subsistence Acct. No. 100.100.5237, with a balance of \$1,381.81 remaining.

RECOMMENDATION:

Discuss the travel and if approved allocate funds for transportation.

Fiscal Note: Mayor and Council 2011 Budget: 100.100.5236 - Transportation: \$0 and 100.100.5237 - Subsistence: \$2,000.00.

RESOLUTION(S)

CITY OF HOMER
HOMER, ALASKA

City Clerk

RESOLUTION 11-070

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, EXTENDING THE CITY ATTORNEY CONTRACT WITH BIRCH, HORTON, BITTNER, INC. FOR THE PERIOD OF AUGUST 1, 2011 THROUGH JULY 31, 2012 IN THE AMOUNT OF \$11,000.00 PER MONTH AND AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT.

WHEREAS, Birch, Horton, Bittner, Inc. has been the City's Attorney since August 1, 2008, selected and hired by the City Council; and

WHEREAS, It is the recommendation of administration that the contract be extended from August 1, 2011 to July 31, 2012; and

WHEREAS, The City Attorney requested no changes for the 2011 contract.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, extends the City Attorney Contract with Birch, Horton, Bittner, Inc. for the period of August 1, 2011 through July 31, 2011 in the amount of \$11,000.00 per month for 50 hours and hourly rates for work above and beyond fifty hours per month for specialized services at the rate of \$205.00 for shareholders and members; \$180.00 for associates; and \$100.00 for paralegals and authorizes the Mayor to execute the contract as follows:

1. Scope of Services. A. The Firm shall act as general counsel to the City, to include without limitation the following:

- Serve as the legal advisor of and be responsible to the Council; advise the Manager and City Clerk concerning matters affecting the City Administration and perform other duties prescribed by the Council.
- Prepare legal documents, including but not limited to ordinances, resolutions, contracts, conveyances, leases, easements and legal opinions as needed.
- Be readily available for consultation by the Council, Manager and City Clerk.
- Provide limited representation in court and manage the activities of other attorneys who may represent the City in court.
- Assist the Manager in negotiations on the City's behalf and handle other legal matters that may arise.
- Draft opinion letters regarding, among other things, the interpretation of the City Code, state and federal laws, and policies.
- Perform other such duties as may be prescribed for the City Attorney by ordinance or by direction of the Council and/or Manager.
- Work effectively with the Council, Manager, City Clerk and with all other public agencies and other entities with which the City has a legal relationship.
- Attend at least one Council meeting per month and others telephonically as requested.

B. All representation of the City shall continue until the matters or cases assigned are either closed out by mutual consent or are recalled by the Council.

C. The Firm shall not engage any consultant, expert, or other third-party service without the prior approval of the Manager or Council.

D. Provide toll-free telephone access to the City.

2. Compensation. For the services described in paragraph A of this Agreement and based on a budget of 50 hours of legal services per month, the City agrees to pay the Law Firm a monthly fixed fee of \$11,000.00. For work above and beyond 50 hours per month or for specialized services (i.e., litigation): Shareholders and members: \$205.00; associates: \$180.00; paralegals: \$100.00. The Law Firm will submit itemized monthly statements to the City for all fees and costs incurred during the preceding calendar month. Payment of monthly statements will be remitted to the Firm within 30 days. A late charge on amounts past due for 30 days or more will be assessed at the rate of .88% per month.

Except for travel expenses described in Section A, the City shall reimburse the Firm for in-house expenses and third-party expenses incurred on the City's behalf. Such expenses may include applicable filing fees, recording fees, facsimile services, courier services, photocopying at \$0.20 per page, long distance telephone charges, postage, expedited mail or delivery services, travel expenses, service of process fees, deposition transcripts, stenographer fees, computer-assisted legal research fees, title insurance premiums, and other similar charges.

6. Attorney Assignment. Thomas F. Klinkner is the Firm attorney who will be principally responsible for performing or supervising the work to be done by the Firm on the City's behalf and who will be the City's principal contact with respect to contract administration and billing. The responsible attorney will not be changed without the consent of the City. The responsible attorney may, in his discretion, assign additional Firm attorneys, paralegals, and law clerks to perform legal services under his supervision.

7. Term of Agreement. The Term of this Agreement shall be one year commencing August 1, 2011 through July 31, 2012. This agreement may be terminated earlier for convenience by the City, by mutual consent of the parties, or for cause.

PASSED AND ADOPTED by the Homer City Council this 25th day of July, 2011.

CITY OF HOMER

JAMES C. HORNADAY, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

Fiscal information: Budgeted, Mayor and Council, Professional Services, 100.100.5210.

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**CITY OF HOMER
HOMER, ALASKA**

City Clerk

RESOLUTION 11-071

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, REMOVING LOT 44C, ROCKY POINT SUBDIVISION (KENAI PENINSULA BOROUGH TAX PARCEL NO. 179-330-04), FROM THE PRELIMINARY ASSESSMENT ROLL FOR THE KACHEMAK DRIVE PHASE TWO WATER AND SEWER LOCAL IMPROVEMENT DISTRICT.

WHEREAS, The City of Homer ("City") authorized the Kachemak Drive Phase Two Water and Sewer Local Improvement District ("District") by the adoption of Resolution 11-066(S)(A) on June 27, 2011; and

WHEREAS, The improvements that are to be constructed in the District will be located in or adjacent to the Kachemak Drive right-of-way, and will make water and sewer service available to parcels that are adjacent to the Kachemak Drive right-of-way; and

WHEREAS, A parcel known as Lot 44C, Rocky Point Subdivision (Kenai Peninsula Borough Tax Parcel No. 179-330-04) was included in the District at the time of its formation, but is not adjacent to the Kachemak Drive right-of-way and will not receive access to water or sewer service from the improvements that are to be constructed in the District; and

WHEREAS, The owner of Lot 44C, Rocky Point Subdivision, has objected to the inclusion of that parcel in the preliminary assessment roll for the District, dated March 15, 2011; and

WHEREAS, HCC 17.04.080 authorizes the Council to correct any errors or inequalities in the assessment roll for the District; and

WHEREAS, Removing Lot 44C, Rocky Point Subdivision, from the preliminary assessment roll for the District will correct an error or inequality in the assessment roll, because Lot 44C, Rocky Point Subdivision will not receive access to water or sewer service from the improvements that are to be constructed in the District, and will not be benefited by those improvements.

NOW, THEREFORE, BE IT RESOLVED that the Council, pursuant to HCC 17.04.080 hereby amends the preliminary assessment roll for the District dated March 15, 2011, by removing Lot 44C, Rocky Point Subdivision (Kenai Peninsula Borough Tax Parcel No. 179-330-04) from the preliminary assessment roll for the District.

PASSED AND ADOPTED by the Homer City Council this _____ day of
_____, 2011.

CITY OF HOMER

JAMES C. HORNADAY, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

Fiscal Note: Preliminary assessment amount of \$33,539.32 for KPB parcel no. 179-330-04 will
be assumed by the City.

Office of the City Clerk

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



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Homer, Alaska 99603
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MEMORANDUM 11-102

TO: MAYOR HORNADAY AND HOMER CITY COUNCIL

FROM: JO JOHNSON, CMC, CITY CLERK

DATE: JULY 18, 2011

SUBJECT: REMOVE LOT 44C, ROCKY POINT SUBDIVISION FROM THE
KACHEMAK DRIVE PHASE TWO WATER AND SEWER LOCAL
IMPROVEMENT DISTRICT

At the June 27, 2011 regular meeting, City Council adopted Resolution 11-066(S)(A) forming the Kachemak Drive Phase Two Water and Sewer Local Improvement/Assessment District.

Council passed a motion to remove Kenai Peninsula Borough parcel no. 179-330-04 from the assessment district as the lot will not receive access to water or sewer service from the improvements. The preliminary assessment amount of \$33,539.32 for this parcel will be assumed by the City.

Resolution 11-071 effectively removes KPB parcel no. 179-330-04 (Jan Needham's parcel) from the assessment district.

RECOMMENDATION:

Adopt Resolution 11-071 to remove KPB parcel no. 179-330-04 from the preliminary assessment roll.

**CITY OF HOMER
HOMER, ALASKA**

City Clerk

RESOLUTION 11-066(S)(A)

A RESOLUTION OF THE HOMER CITY COUNCIL
AUTHORIZING FORMATION OF THE KACHEMAK DRIVE
PHASE TWO WATER AND SEWER
IMPROVEMENT/ASSESSMENT DISTRICT AT 75%
PROPERTY OWNER SHARE OF ASSESSMENTS AND
AUTHORIZING THE CITY MANAGER TO PROCEED WITH
THE PREPARATION AND CONSTRUCTION OF THE
KACHEMAK DRIVE PHASE TWO WATER AND SEWER
PROJECT.

WHEREAS, The Kachemak Drive Phase Two Water and Sewer District boundary contains lots fronting a portion of Kachemak Drive beginning at East End Road and ending at Campbell Lane and including portions of HK Davis, Moore Holt, Northern Enterprises, Lee Cole, Seekins Replat, Uminski Addition, CR Hart and JO Campbell, Morris, Tyrer Halgens Survey, Harry Feyer, Mac Innes, John L. Warren Replat, Rankin Subdivision, and Rocky Point Subdivisions and Government Lots; and

WHEREAS, In compliance with Chapter 17, Improvement District, of the Homer City Code, the Homer City Council created the Kachemak Drive Phase Two Water and Sewer Local Improvement District (LID) on April 11, 2005 via Resolution 05-43 and a public hearing was held on May 24, 2005; and

WHEREAS, The solicitation of bids to construct the improvements in the District was delayed due to difficulties in easement acquisition and a lengthy environmental permitting process, resulting in the Homer City Council adopting Resolution 10-54 on July 19, 2010 to extend the period for constructing the improvements to July 25, 2015; and

WHEREAS, On March 14, 2011 via Resolution 11-023(S) the Homer City Council again confirmed the need to create the LID and a public hearing was held on April 24, 2011; and

WHEREAS, Property owners were duly notified by certified/return receipt mailing of the hearing and legal notice of the hearing was published in a local weekly newspaper for four consecutive publications; and

WHEREAS, The objection deadline for written protests was June 24, 2011; and

WHEREAS, Filed with the City Clerk are ten (10) written objections to include twelve (12) parcels that equal \$402,471.84 in assessments or 10.23%, fifteen (15) written non objections to include twenty-four (24) parcels that equal \$804,943.68 in assessments or 20.45%, forty-three (43) non responses to include fifty-two (52) parcels that equal \$1,744,044.64 in assessments or 44.32%, all totaling 75% of the project cost; and

47
48 WHEREAS, The estimated project cost is \$3,935,280.00 with 25% paid for by the
49 Homer Accelerated Water and Sewer Program and 75% paid for by the property owners via the
50 equal share per parcel methodology, equaling an approximate \$33,539.32 assessment per parcel.

51
52 NOW, THEREFORE, BE IT RESOLVED by the City Council of Homer, Alaska, that
53 the formation of the Kachemak Drive Phase Two Water and Sewer Assessment District is hereby
54 authorized at 75% property owner share of the project, in equal shares per parcel, and that the
55 City Manager is hereby authorized to proceed with the preparation and construction of the
56 Kachemak Drive Phase Two Water and Sewer Project.

57
58 NOW, THEREFORE, BE IT FURTHER RESOLVED by the City Council of Homer,
59 Alaska, that under a separate resolution the assessment rolls will be amended by the removal of
60 Kenai Peninsula Borough parcel number 179-330-04 in the Rocky Point subdivision Lot 44C
61 from the preliminary assessment roll dated March 15, 2011.

62 PASSED and ADOPTED by the City Council of Homer, Alaska, this 27th day of June,
63 2011.

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65 CITY OF HOMER

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JAMES C. HORNADAY, MAYOR

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ATTEST

JO JOHNSON, CMC, CITY CLERK

Fiscal Note: Estimated project cost is \$3,935,280.00 with 25% paid for by the Homer Accelerated Water and Sewer Program and 75% paid for by the property owners via the equal share per parcel methodology, equaling an approximate \$33,539.32 per assessment for 88 parcels.

**CITY OF HOMER
HOMER, ALASKA**

City Manager

RESOLUTION 11-072

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, APPROVING THE AMENDMENTS TO THE COOPERATIVE PARTICIPATION AGREEMENT AND BYLAWS OF THE ALASKA MUNICIPAL LEAGUE JOINT INSURANCE ASSOCIATION, INC. EFFECTIVE JULY 1, 2011.

WHEREAS, AS 21.76 enacted by the 1986 Alaska Legislature provides a means for local governments and school districts to join together in a joint insurance arrangement intended to mitigate the cyclical and erratic nature of the conventional insurance market; and

WHEREAS, The Alaska Municipal League Joint Insurance Association, Inc. (AMLJIA), a not-for-profit corporation, was established pursuant to AS 21.76 by the Alaska Municipal League to provide risk management services for Alaska municipalities, city and borough school districts and regional education attendance areas; and

WHEREAS, This Association provides risk management services, including pooling of risks, self-insurance management, joint purchase of insurance, claims administration, loss prevention and control, claims defense and other related risk management services on behalf of its participants; and

WHEREAS, AS 21.76.010 provides that two or more local governmental entities may enter into cooperative agreements for these purposes; and

WHEREAS, Since the time of formation and in subsequent revisions, the AMLJIA's current Cooperative Participation Agreement and Bylaws are out-dated and need revision; and

NOW, THEREFORE, BE IT RESOLVED by the Homer City Council that approval is expressed of the proposed amendments to the Cooperative Participation Agreement and Bylaws of the AMLJIA, a copy of which is attached hereto and incorporated by reference.

BE IT FURTHER RESOLVED that the Homer City Council hereby approves the revised Cooperative Participation Agreement (hereinafter the "Agreement") among municipalities, school districts and regional education attendance areas creating the AMLJIA, a copy of which is attached hereto and incorporated by reference. The chief administrator is hereby authorized and directed to execute said Agreement and such other documents as may be necessary to effectuate participation of the entity as a member of the AMLJIA.

BE IT FURTHER RESOLVED that the Homer City Council hereby indicates its continued commitment to participate in the AMLJIA, organized pursuant to AS 21.76. By

making this commitment, the entity hereby accepts and approves the revised Bylaws of the Association, a copy of which is attached hereto and incorporated by reference.

BE IT FURTHER RESOLVED that the Agreement will go into effect upon receipt by the Association of a signed copy of this resolution and a signed Agreement. The Entity's participation in the Association continues for a term of one year commencing on on July 1 of the calendar year in which coverage begins.

BE IT FURTHER RESOLVED that this resolution shall be effective upon enactment.

PASSED AND ADOPTED by the Homer City Council this 25th day of July, 2011.

CITY OF HOMER

JAMES C. HORNADAY, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

Fiscal Note: N/A

CITY OF HOMER
HOMER, ALASKA

Roberts

RESOLUTION 11-073

A RESOLUTION OF THE HOMER CITY COUNCIL URGING
THE KENAI PENINSULA BOROUGH SCHOOL DISTRICT TO
REPAIR AND UPGRADE THE TRACK AT HOMER HIGH
SCHOOL.

WHEREAS, The City of Homer supports recreational opportunities for its citizens; and

WHEREAS, The Homer High School track is in such disrepair that a officially
sanctioned track event cannot be held; and

WHEREAS, The Homer High School track is an important recreational and economic
resource for our community; and

WHEREAS, The Homer High School track offers health benefits for high school youth
and the community; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, urges
the Kenai Peninsula Borough School District to repair and upgrade the track at Homer High
School.

PASSED AND ADOPTED by the Homer City Council this 25th day of July, 2011.

CITY OF HOMER

JAMES C. HORNADAY, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

Fiscal Note: N/A

350 BONANZA AVENUE
HOMER, ALASKA 99603
U S A
TELEPHONE (907) 235-1007
FAX (907) 235-2029

Haas & Spigelmyer Inc.

ATTORNEYS AT LAW
& MEDIATION SERVICES

Bill Smith
Assembly Member, District 8
144 North Binkley Street
Soldotna, AK 99669

July 19, 2011

Dear Mr. Smith,

I wanted to take a minute and write to you about the track at the Homer High School. As a parent of high school students for the last seven years, I have not felt free to say anything about it. But my last child graduated, and I am letting you know that it is unsafe.

As you must know, a school is held liable for failure to use reasonable care. Reasonable care is that amount of care that a reasonably prudent person would use under similar circumstances. Negligence may consist of doing something which a reasonably prudent person would not do, or it may consist of failing to do something which a reasonably prudent person would do.

Having seen the track deteriorate over these last years, I can tell you with a fair degree of certainty that failure to repair it is negligence. It is dangerous, and someone will get injured on it this next year. This letter is to let you know that the injury is foreseeable.

Because the track maintenance is an *operational* decision rather than a *planning* decision, the government does not enjoy immunity from lawsuits. The immunity is to ensure that courts do not intrude into the policy roles of the other branches. Whether to spend the money and maintain the track is hardly a role that requires a legislative or executive decision.

I would certainly prefer that people not get injured on the track and that the school district not have to pay money to mend their damages. But really, unless you spend some money making it safe, that will happen. You have three choices. The first is to close off the track. But then you would have to close off the football field to keep the students and public out. Even were you to close the track program, you would still have students running on the track to get in shape. Your football players and other

athletes will run the track to train for their sport. Your PE program will use the track. Students will voluntarily run on it for self-improvement.

The second choice is to finally pay some money for the track maintenance. The third choice is to have someone get injured and to pay for their injury. It's really up to you to decide which of these three choices is best.

Thank you for your time in reading this letter. It is the first one that I have ever sent to the Borough. But I think that it the most important one that I could have written.

Sincerely,

A handwritten signature in dark ink, appearing to be 'Andrew Haas', enclosed within a large, hand-drawn oval.

Andrew Haas

Haas & Spigelmyer Inc.

ATTORNEYS AT LAW
& MEDIATION SERVICES

350 BONANZA AVENUE
HOMER, ALASKA 99603
U S A
TELEPHONE (907) 235-1007
FAX (907) 235-2029

Makko Haggerty
Assembly Member, District 8
144 North Binkley Street
Soldotna, AK 99669

July 19, 2011

Dear Makko,

I wanted to take a minute and write to you about the track at the Homer High School. As a parent of high school students for the last seven years, I have not felt free to say anything about it. But my last child graduated, and I am letting you know that it is unsafe.

As you must know, a school is held liable for failure to use reasonable care. Reasonable care is that amount of care that a reasonably prudent person would use under similar circumstances. Negligence may consist of doing something which a reasonably prudent person would not do, or it may consist of failing to do something which a reasonably prudent person would do.

Having seen the track deteriorate over these last years, I can tell you with a fair degree of certainty that failure to repair it is negligence. It is dangerous, and someone will get injured on it this next year. This letter is to let you know that the injury is foreseeable.

Because the track maintenance is an operational decision rather than a planning decision, the government does not enjoy immunity from lawsuits. The immunity is to ensure that courts do not intrude into the policy roles of the other branches. Whether to spend the money and maintain the track is hardly a role that requires a legislative or executive decision.

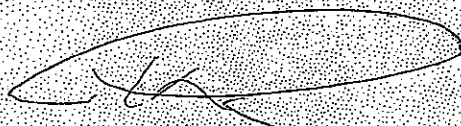
I would certainly prefer that people not get injured on the track and that the school district not have to pay money to mend their damages. But really, unless you spend some money making it safe, that will happen. You have three choices. The first is to close off the track. But then you would have to close off the football field to keep the students and public out. Even were you to close the track program, you would still have students running on the track to get in shape. Your football players and other

athletes will run the track to train for their sport. Your PE program will use the track. Students will voluntarily run on it for self-improvement.

The second choice is to finally pay some money for the track maintenance. The third choice is to have someone get injured and to pay for their injury. It's really up to you to decide which of these three choices is best.

Thank you for your time in reading this letter. It is the first one that I have ever sent to the Borough. But I think that it the most important one that I could have written.

Sincerely,

A handwritten signature in dark ink, appearing to be 'Andrew Haas', enclosed within a large, hand-drawn oval.

Andrew Haas

350 BONANZA AVENUE
HOMER, ALASKA 99603
U.S.A.
TELEPHONE: (907) 235-1007
FAX: (907) 235-2029

Haas & Spigelmyer Inc.

ATTORNEYS AT LAW
& MEDIATION SERVICES

David Carey
Assembly Member, District 8
144 North Binkley Street
Soldotna, AK 99669

July 19, 2011

Dear Mayor Carey,

I wanted to take a minute and write to you about the track at the Homer High School. As a parent of high school students for the last seven years, I have not felt free to say anything about it. But my last child graduated, and I am letting you know that it is unsafe.

As you must know, a school is held liable for failure to use reasonable care. Reasonable care is that amount of care that a reasonably prudent person would use under similar circumstances. Negligence may consist of doing something which a reasonably prudent person would not do, or it may consist of failing to do something which a reasonably prudent person would do.

Having seen the track deteriorate over these last years, I can tell you with a fair degree of certainty that failure to repair it is negligence. It is dangerous, and someone will get injured on it this next year. This letter is to let you know that the injury is foreseeable.

Because the track maintenance is an *operational* decision rather than a planning decision, the government does not enjoy immunity from lawsuits. The immunity is to ensure that courts do not intrude into the policy roles of the other branches. Whether to spend the money and maintain the track is hardly a role that requires a legislative or executive decision.

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athletes will run the track to train for their sport. Your PE program will use the track. Students will voluntarily run on it for self-improvement.

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A handwritten signature, likely "Andrew Haas", is enclosed within a hand-drawn oval. The signature is written in dark ink and is somewhat stylized.

Andrew Haas

350 BONANZA AVENUE
HOMER, ALASKA 99603
U S A

TELEPHONE: (907) 235-1007
FAX: (907) 235-2029

Haas & Spigelmyer Inc.

ATTORNEYS AT LAW
& MEDIATION SERVICES

Paul Seaton
345 W. Sterling Hwy. Suite 102 B.
Homer AK, 99603

July 19, 2011

Dear Representative Seaton,

I wanted to take a minute and write to you about the track at the Homer High School. As a parent of high school students for the last seven years, I have not felt free to say anything about it. But my last child graduated, and I am letting you know that it is unsafe.

As you must know, the state is held liable for failure to use reasonable care. Reasonable care is that amount of care that a reasonably prudent person would use under similar circumstances. Negligence may consist of doing something which a reasonably prudent person would not do, or it may consist of failing to do something which a reasonably prudent person would do.

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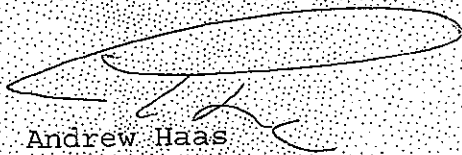
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I would certainly prefer that people not get injured on the track and that the state not have to pay money to mend their damages. But really, unless you spend some money making it safe, that will happen.

Thank you for your time in reading this letter. It is the first one that I have ever sent to the State. But I think that it

the most important one that I could have written.

Sincerely,

A handwritten signature in black ink, appearing to be 'Andrew Haas', written over a large, horizontal oval scribble.

Andrew Haas

CITY OF HOMER
HOMER, ALASKA

City Clerk/

Port and Harbor Advisory Commission

RESOLUTION 11-074

A RESOLUTION OF THE CITY COUNCIL OF HOMER,
ALASKA, AMENDING THE FEE SCHEDULE FOR PORT
AND HARBOR LONG TERM PARKING FINES.

WHEREAS, The Port and Harbor Advisory Commission approved a Long Term Parking
Plan; and

WHEREAS, City Council approved the Long Term Parking Plan via Resolution 11-
034(S) and adopted Resolution 11-036(A)(S) to amend the Fee Schedule to reflect the long term
parking fees; and

WHEREAS, The Port and Harbor Advisory Commission subsequently recommended a
\$250.00 limit per calendar year be placed on the fines associated with long term parking
violations, with \$200.00 of the fine credited towards the long term parking annual permit.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby amends the City
of Homer Fee Schedule as follows:

PARKING FEES

Parking fees to be collected at Ramp 1, Ramp 2, Ramp 3 and Ramp 4 seasonally (Memorial Day
through Labor Day). Parking fee is \$5 per calendar day. Posted parking time limits will be
established and enforced as per Homer city code 10.04.100.

Seasonal permits for day use parking (Ramps 1-4): \$250.00.

Long Term parking permits required for Vehicles 20' or less parked in excess of seven (7)
Consecutive 24-hour days.

Long Term parking annual permit (January 1st through December 31st): fee \$200.00.

Long Term Parking annual permit fee for vessel owners paying annual moorage in the Homer
Harbor: fee \$100.00.

Vehicles over 20' and trailers are not
eligible for long term parking permits.

Long term parking will be enforced year around.

Parking lot restrictions for long term parking, May 1 through October 1, as depicted on attached
map (Attachment A).

Existing code definitions for Restricted parking, vehicles, junk vehicles, and fines for violations
apply.

Fines, \$25.00 per calendar day, **limited to \$250.00 fine per calendar year, with \$200.00 of the
fine credited towards the long term parking annual permit.**

PASSED AND ADOPTED by the City Council of Homer, Alaska, this 25th day of July,
2011.

CITY OF HOMER

JAMES C. HORNADAY, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK.

Fiscal Note: Revenue amounts not defined in CY2011 budget.

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 11-104

TO: MAYOR HORNADAY AND HOMER CITY COUNCIL

FROM: JO JOHNSON, CMC, CITY CLERK 

DATE: JULY 19, 2011

SUBJECT: CAPPING LONG TERM PARKING VIOLATION FINES IN THE HARBOR AREA.

The Port and Harbor Advisory Commission discussed placing a cap on long term parking violation fines at their June 22, 2011 meeting. By unanimous consent the commission recommended a \$250.00 limit be placed on long term annual parking violation fines, with \$200 of that amount credited toward the cost of the long term annual permit.

RECOMMENDATION:

Adopt Resolutions 11-074 and 11-075 to place a limit on fines, allowing fines collected to be credited toward the long term annual parking permit.



City of Homer

Port / Harbor

4350 Homer Spit Road
Homer, Alaska 99603-8005

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

MEMORANDUM

11-109

TO: HOMER CITY COUNCIL & WALT WREDE, CITY MANAGER
FROM: BRYAN HAWKINS, PORT DIRECTOR/HARBORMASTER
SUBJECT: LONG TERM PARKING FINES ON THE HOMER SPIT
DATE: JULY 19, 2011

Background

During the Port and Harbor Advisory Commission's last meeting, the commission recognized that a vehicle owner could amass a large fine while away fishing if they either failed to recognize the new parking regulations or were unable to purchase a seasonal pass for whatever reason.

The Port Commission therefore recommends to City Council to put a \$250.00 limit on the long term parking fine on the spit with \$200.00 going toward the long term permit.

Recommendation

Adopt Resolution 11-074 to reflect this recommendation. Maximum fine for vehicles parked in excess of the 7 day rule will be \$250.00, of which \$200.00 will be used to purchase an annual long term parking pass.

Attachments: Resolution 11-034(5)
Ordinance 11-15
Port & Harbor Commission Meeting Minutes June 22, 2011

**CITY OF HOMER
HOMER, ALASKA**

City Manager/Port and
Harbor Advisory Commission/
Port and Harbor Director

RESOLUTION 11-034(S)

A RESOLUTION OF THE CITY COUNCIL OF HOMER,
ALASKA, APPROVING A LONG TERM PARKING PLAN
FOR THE PORT AND HARBOR AREA ON THE HOMER
SPIT.

WHEREAS, Long term parking in the port and harbor area has been an issue of concern for many years and has generated a great deal of discussion; and

WHEREAS, The Draft Homer Spit Comprehensive Plan recommends that a permitting system be established to provide for long term parking there; and

WHEREAS, A long term parking plan and permitting system would better meet the needs of port and harbor customers and user groups, provide for a more orderly and efficient use of space, and generate revenues for future parking improvements; and

WHEREAS, The Port and Harbor Advisory Commission has approved a long term parking plan and has submitted a set of recommendations to the Council for consideration.

NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby approves the long term parking plan for the port and harbor area as submitted by the Port and Harbor Advisory Commission, described in Memorandum 11-046 dated February 15, 2011 to the Commission and Memorandum 11-047 dated March 16, 2011 to the Council, both of which are attached and incorporated herein.

BE IT FURTHER RESOLVED that the Council specifically approves the following key components of the "Plan"

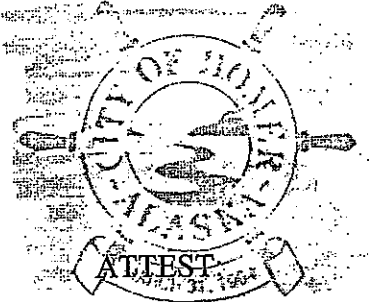
- Long term parking annual permit fee: \$200.00
- Long Term Parking annual permit fee for vessel owners paying annual moorage: \$100.00
- Long term parking enforcement year around
- Annual permits for day use parking (Ramps 1-4) available for legal vehicles 20' or less still subject to 7 day rule: \$250.00
- Parking lot restrictions for long term parking, May 1 through October 1, as depicted on attached map


- Existing code definitions for vehicles, junk vehicles, and fines for violations apply
- Fines, \$25.00 per day

PASSED AND ADOPTED by the Homer City Council this 29th day of March, 2011.

CITY OF HOMER


JAMES C. HORNADAY, MAYOR




JO JOHNSON, CMC, CITY CLERK

Fiscal Note: Signage, supplies, estimated cost less than \$5,000.

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**CITY OF HOMER
HOMER, ALASKA**

City Manager/
Port and Harbor Director

ORDINANCE 11-15

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
AMENDING HOMER CITY CODE 10.04.100, VEHICLES AND OTHER
WHEELED CONVEYANCES; AND HOMER CITY CODE 10.04.110,
VIOLATION--PENALTY; REGARDING THE REGULATION OF PARKING
IN THE HARBOR AREA.

THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code 10.04.100, Vehicles and other wheeled conveyances, is amended to read as follows:

10.04.100 Vehicles and other wheeled conveyances. a. The harbormaster may designate restricted parking areas in the harbor area. In a restricted parking area, the harbormaster may:

(1) Establish time limits for parking;

(2) Designate areas for paid parking, and establish fees for paid parking there; and

(3) Designate areas for permit parking, and establish the fees and qualifications for obtaining a permit.

"Restricted parking" areas pertain to the parking of any vehicle or trailer, private or commercial.

b. The harbormaster shall notify the public of time limits in restricted parking areas, fees required to park in restricted parking areas, and permit requirements for parking in restricted parking areas by the placement of official traffic control devices. No person may stop, stand or park a vehicle in violation of such an official traffic control device. Every day in which such a violation continues shall constitute a separate offense.

c. No person other than an employee of the City or other person acting on City business shall drive a vehicle upon the inside gravel slope of the Small Boat Harbor except in case of emergency. Parking or leaving boats, trailers and/or other vehicles and equipment related thereto by the public shall be limited to specific areas designated for such use.

d. Hauling out boats on skids is prohibited unless approved in advance by the harbormaster.

Section 2. Homer City Code 10.04.110, Violation--Penalty, is amended to read as follows:

10.04.110 Violation--Penalty. a. Except as provided in (b) of this section, any violation of the provisions contained in this title or regulations adopted pursuant to this title shall be unlawful and punishable as provided in Section 1.16.010 of this Code.

b. A violation of HCC 10.04.100(b) is amenable to disposition without court appearance upon payment of a fine in the amount of \$25.00. The person cited for the violation may mail or personally deliver to the clerk of court the amount of the fine plus any surcharge required to be imposed by AS 29.25.074, together with a copy of the citation signed by the person indicating

the person's waiver of court appearance, entry of plea of no contest, and forfeiture of the fine. The payment of a fine under this subsection shall be treated as a judgment of conviction. The fine paid is complete satisfaction for the offense. If a person cited for a violation of HCC 10.04.100(b) appears in court to contest the citation and is found guilty, the maximum sentence which may be imposed is the scheduled fine amount plus any surcharge required to be imposed by AS 29.25.074.

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 9th day of May, 2011.

CITY OF HOMER


JAMES C. HORNADAY, MAYOR

ATTEST:


JO JOHNSON, CMC, CITY CLERK

YES: 5

NO: 0

ABSTAIN: 0

ABSENT: 1

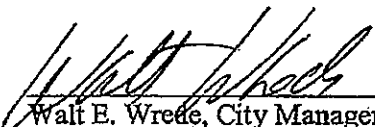
First Reading: 4/25/11

Public Hearing: 5/09/11

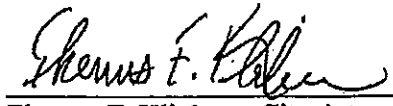
Second Reading: 5/10/11

Effective Date: 5/10/11

Reviewed and approved as to form:


Walt E. Wrede, City Manager

Date: 5/13/11


Thomas F. Klinkner, City Attorney

Date: 5-17-11

Session 11-06, a Regular Meeting of the Port and Harbor Advisory Commission was called to order by Chair Ulmer at 5:00 p.m. on June 22, 2011 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS CARROLL, HARTLEY, HOTTMAN, HOWARD, ULMER, ZIMMERMAN

ABSENT: COMMISSIONER WEDIN

STAFF: PORT AND HARBOR DIRECTOR HAWKINS
DEPUTY CITY CLERK JACOBSEN

AGENDA APPROVAL

The agenda was approved as written by consensus of the Commission.

PUBLIC COMMENTS REGARDING ITEMS ON THE AGENDA

There were no public comments.

RECONSIDERATION

There were no reconsiderations scheduled.

APPROVAL OF MINUTES

A. May 25, 2011 Regular Meeting Minutes

HOWARD/HARTLEY MOVED TO APPROVE THE MAY 25 MEETING MINUTES.

Commission Howard noted a correction to reflect that Commissioner Wedin was absent at the May 25th meeting.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

VISITORS

There were no visitors scheduled.

STAFF AND COUNCIL REPORT/COMMITTEE REPORTS/BOROUGH REPORTS

A. Port and Harbor Director's Reports for June 2011

Harbormaster Hawkins reviewed his staff report.

There was brief discussion that the ice sales were down due to halibut quotas being down 29% from last year. Harbormaster Hawkins reported there is still a lot of halibut coming in and that the salmon run is shaping up to be a big one.

PUBLIC HEARING

There were no public hearing scheduled.

PENDING BUSINESS

PORT AND HARBOR ADVISORY COMMISSION
REGULAR MEETING
JUNE 22, 2011

A. Discussion of Capping Long Term Parking Fines at \$250

Harbormaster Hawkins commented that quite a few citations have been given out for people parked over seven days, including citations for boat trailers. His goal is to make every effort to contact owners and have them remove their vehicle or trailer from the spit. They have been writing a citation and then attempting to contact. They are trying to avoid owning or impounding anyone's vehicles. He has been advising people that there aren't going to be changes made mid season and recommend they write letters to the Port and Harbor Commission and we will review the results in the fall.

Commissioner Zimmerman commented that the ordinance doesn't affect seasonal parking; it deals with year round parking. He recognized the time it takes to get through the City Council's schedule but doesn't see a reason to put it off. He proposes a \$250 ceiling on long term parking fines, with \$200 paying for the annual parking pass. If someone goes out fishing they come back and have a long term parking pass and a \$50 fine. He said he thought this is something the Commission passed on to Council.

ZIMMERMAN/HOWARD MOVED THAT THE PORT AND HARBOR COMMISSION RECOMMEND TO COUNCIL TO PUT A \$250 LIMIT ON THE LONG TERM PARKING FINE ON THE SPIT WITH \$200 GOING TOWARD THE LONG TERM PERMIT.

There was discussion supporting the motion. While the Commission agrees that normally it would be best to go to the council with a packet of information to consider at one time, the potential issues that could come from dealing with this administratively for a time would make it appropriate to bring it forward for Council approval. There was further discussion to clarify that this will require an ordinance to amend what was recently adopted in Code.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

NEW BUSINESS

No new business items scheduled.

INFORMATIONAL ITEMS

- A. Harbormaster's Monthly Statistical Report for May 2011
- B. Weekly Crane and Ice Report
- C. Deep Water Dock Report
- D. Pioneer Dock Report
- E. Pioneer Dock Ferry Landings Report
- F. Resolution 11-053 Re: Water Infrastructure Set Aside Funding Program
- G. Resolution 11-058 Re: Dredge Spoils Contracts
- H. Resolution 11-060 Re: Establishing a Port& Harbor Improvement Revenue Bonding Plan
- I. Strategic Plan
- J. Lease Expirations as of 2/17/11
- K. Commissioner Attendance Schedule for City Council Meetings

PORT AND HARBOR ADVISORY COMMISSION
REGULAR MEETING
JUNE 22, 2011

The Commissioners briefly discussed resolution 11-060 and the Port and Harbor Improvement Committee. Commissioners Howard and Hartley advised that they were willing to participate on the Committee. There was no opposition expressed by any other Commissioners.

Chair Ulmer brought up the Commission's strategic plan. She noted one item is to request a City Council member attend their meetings. Commissioner Howard said he could make that happen. Another item is for the Clerk to help the Commission learn to be more efficient and effective. Deputy City Clerk Jacobsen commented that aside from reminders to turn on the microphones, the Commission appears to be doing well at staying on task and getting through their agenda.

Commissioner Howard advised that he attended the last City Council meeting to give an update on the Commission's business, and Commissioner Hartley attended to comment in support of Resolution 11-060.

COMMENTS OF THE AUDIENCE

Barbara Howard, Councilmember, thanked the group for serving on this very essential Commission. She acknowledged the importance of their work and the financial environment impact of their recommendations toward our general plan for Homer. The Port and Harbor Improvement Revenue Bond Committee is charged with development of a plan to finance several significant projects and the Commission's involvement is crucial. The suggested projects listed on resolution 11-060 mirror the goals of the Commission's strategic plan. Mrs. Howard said that on a recent flight to Seattle she had the good fortune to sit next to a gentleman who introduced himself as a herring fisherman from Kodiak. She asked why he was in Homer and he responded that Homer's superior docks, incredible harbor staff, very reasonable rates, and quality marine ancillary services caused him to deliberately choose Homer over Kodiak for repairs. She quoted him as saying, that Matt Clark is a quality, well experienced, nice guy, and you city folks should be thankful to have such a person representing the Port of Homer." She assured him that his comments would be passed on to this Commission and City Council. Lastly Mrs. Howard commented that in reading the Harbormaster's report she is reminded of the 24/7 service that is delivered by staff with "a can do, will do" attitude to protect person and property. She thanked them for the level of service they provide.

COMMENTS OF CITY STAFF

Harbormaster Hawkins noted a possible agenda item for the next meeting will be a proposal to the City from the Roanoke Island to stand up a small wind turbine at the lease lot by their office on the spit.

He also noted that since the card-readers for the cranes are now on the cranes themselves it has eliminated the need for the card reader room. He is looking forward to looking into the opportunity to use the old card-reader room to expand the bathroom on the fish dock. There is a grant in place for \$86,000 and hope it will be enough money to do that as it is just a remodel in the existing building. He is looking forward to putting a project together for that.

COMMENTS OF THE COUNCILMEMBER

There were no Councilmember comments.

COMMENTS OF THE CHAIR

PORT AND HARBOR ADVISORY COMMISSION
REGULAR MEETING
JUNE 22, 2011

Chair Ulmer had no comments.

COMMENTS OF THE COMMITTEE

Commissioner Zimmerman thanked the Commission for revisiting the parking issue.

Commissioner Howard commented that in the fee parking areas the R numbers get knocked out and asked if they would be using overhead wires or something that can't be backed into. Harbormaster Hawkins said they might look into painting numbers on the spaces or getting away from the numbers.

Commissioner Zimmerman commented that previously they had discussed making up coupon book for parking passes. Harbormaster Hawkins said that they have not done that.

It was requested that the Clerk research the record and bring back the information they passed regarding the parking ordinance so they can review what they recommended in relation to what was passed by Council.

ADJOURN

There being no further business to come before the Commission the meeting adjourned at 7:00 p.m. The next regular meeting is scheduled for Wednesday, July 27, 2011 at 5:00 p.m. at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

Approved: _____

**CITY OF HOMER
HOMER, ALASKA**

City Manager

RESOLUTION 11-036(A)(S)

**A RESOLUTION OF THE CITY COUNCIL OF HOMER,
ALASKA, AMENDING THE FEE SCHEDULE TO PROVIDE
FOR LONG TERM PARKING PERMIT FEES.**

WHEREAS, The Port and Harbor Advisory Commission approved a Long Term Parking Plan; and

WHEREAS, City Council approved the Long Term Parking Plan via Resolution 11-034(S); and

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby amends the City of Homer Fee Schedule as follows:

PARKING FEES

Parking fees to be collected at Ramp 1, Ramp 2, Ramp 3 and Ramp 4 seasonally (Memorial Day through Labor Day). Parking fee is \$5 per calendar day. Posted parking time limits will be established and enforced as per Homer city code 10.04.100.

Seasonal permits for day use parking (Ramps 1-4): \$250.00.

Long Term parking permits required for Vehicles 20' or less parked in excess of seven (7) Consecutive 24-hour days.

Long Term parking annual permit (January 1st through December 31st): fee \$200.00.

Long Term Parking annual permit fee for vessel owners paying annual moorage in the Homer Harbor: fee \$100.00.

Vehicles over 20' and trailers are not eligible for long term parking permits.

Long term parking will be enforced year around.


Parking lot restrictions for long term parking, May 1 through October 1, as depicted on attached map (Attachment A).

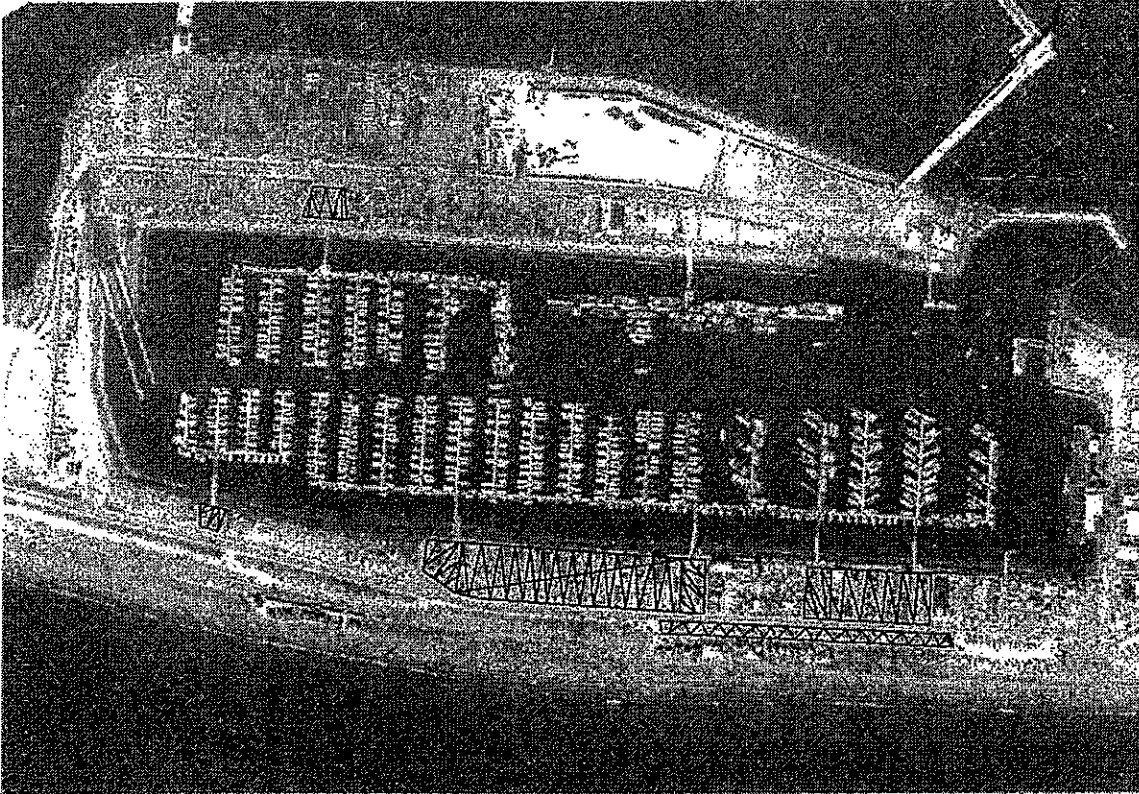
Existing code definitions for Restricted parking, vehicles, junk vehicles, and fines for violations apply.

Fines, \$25.00 per calendar day.

PASSED AND ADOPTED by the City Council of Homer, Alaska, this 25th day of April, 2011.

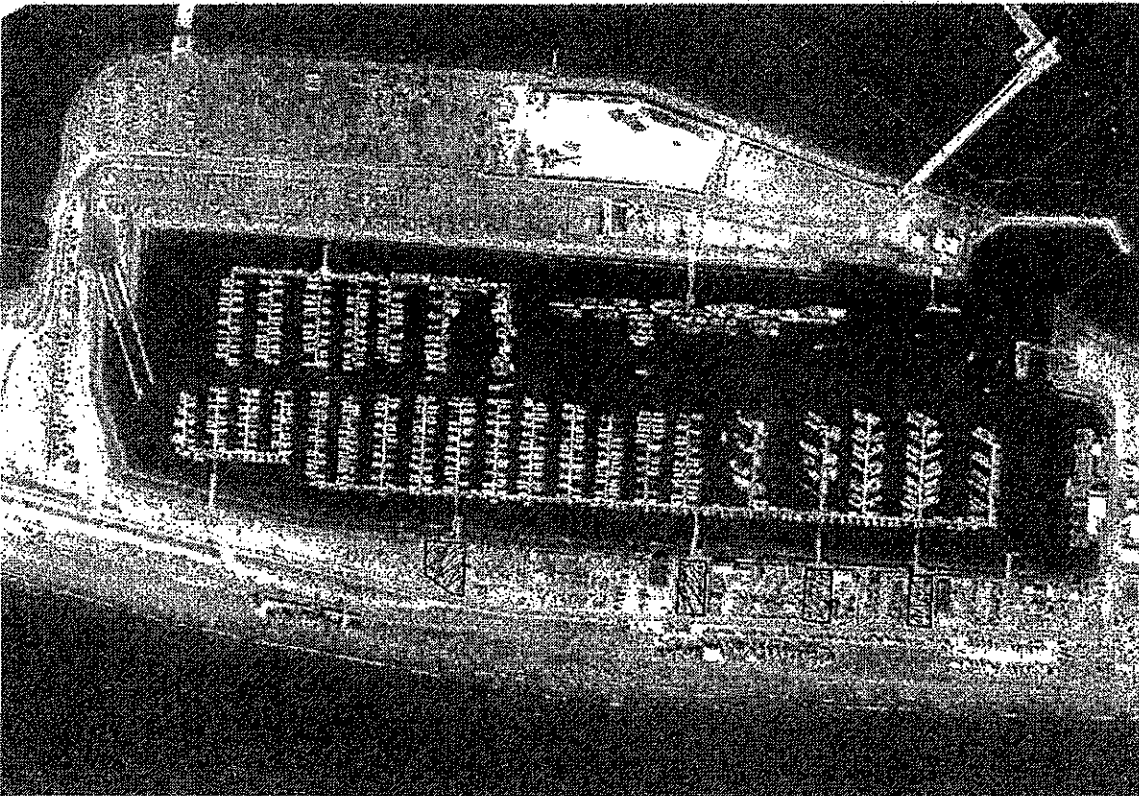
CITY OF HOMER


JAMES C. HORNADAY, MAYOR



No Long-Term Parking Areas

Day-Use Parking Areas



**CITY OF HOMER
HOMER, ALASKA**

City Manager/
Port and Harbor Director

RESOLUTION 11-075

A RESOLUTION OF THE CITY COUNCIL OF HOMER,
ALASKA, AMENDING THE PORT OF HOMER TERMINAL
TARIFF NO. 600 TO PROVIDE FOR LONG TERM PARKING
VIOLATION FINES.

WHEREAS, A Long Term Parking Plan was adopted via Resolution 11-034(S), with
parking fees included in the Port of Homer Terminal Tariff No. 600 via Resolution 11-040(A);
and

WHEREAS, The Port and Harbor Advisory Commission subsequently recommended a
limit on the amount of long term parking violation fines per calendar year, with monies of the
fine credited towards the long term parking annual permit.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby amends the Port
of Homer Terminal Tariff No. 600 as follows:

RULE: 34.31 – PARKING FEES

Parking fees to be collected at Ramp 1, Ramp 2, Ramp 3 and Ramp 4 seasonally (Memorial Day
through Labor Day). Parking fee is \$5 per calendar day. Posted parking time limits will be
established and enforced as per Homer City Code 10.04.100.

(a) LONG TERM PARKING PERMITS

Vehicles over 20' and trailers are not eligible for long term parking permits.

- (1) Seasonal permits for day use parking (Ramps 1-4): \$250.00.
- (2) Long Term parking permits required for vehicles 20' or less parked in excess
of seven (7) consecutive 24-hour days.
- (3) Long Term Parking annual permit fee for vessel owners paying annual
moorage in the Homer Harbor: fee \$100.00.
- (4) Long Term parking annual permit (January 1st through December 31st): fee
\$200.00.
- (5) Long term parking will be enforced year around.
- (6) Parking lot restrictions for long term parking, May 1 through October 1, as
depicted on harbor map (Resolution 11-036(A)).

(7) Existing code definitions for restricted parking, vehicles, junk vehicles, and fines for violations apply. Fines, \$25.00 per calendar day, limited to \$250.00 fine per calendar year, with \$200.00 of the fine credited towards the long term parking annual permit.

PASSED AND ADOPTED by the City Council of Homer, Alaska, this 25th day of July, 2011.

CITY OF HOMER

JAMES C. HORNADAY, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

Fiscal Note: Revenue amounts not defined in CY2011 budget.

Office of the City Clerk


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



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MEMORANDUM 11-104

TO: MAYOR HORNADAY AND HOMER CITY COUNCIL

FROM: JO JOHNSON, CMC, CITY CLERK 

DATE: JULY 19, 2011

SUBJECT: CAPPING LONG TERM PARKING VIOLATION FINES IN THE HARBOR AREA.

The Port and Harbor Advisory Commission discussed placing a cap on long term parking violation fines at their June 22, 2011 meeting. By unanimous consent the commission recommended a \$250.00 limit be placed on long term annual parking violation fines, with \$200 of that amount credited toward the cost of the long term annual permit.

RECOMMENDATION:

Adopt Resolutions 11-074 and 11-075 to place a limit on fines, allowing fines collected to be credited toward the long term annual parking permit.

Session 11-06, a Regular Meeting of the Port and Harbor Advisory Commission was called to order by Chair Ulmer at 5:00 p.m. on June 22, 2011 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS CARROLL, HARTLEY, HOTTMAN, HOWARD, ULMER, ZIMMERMAN

ABSENT: COMMISSIONER WEDIN

STAFF: PORT AND HARBOR DIRECTOR HAWKINS
DEPUTY CITY CLERK JACOBSEN

AGENDA APPROVAL

The agenda was approved as written by consensus of the Commission.

PUBLIC COMMENTS REGARDING ITEMS ON THE AGENDA

There were no public comments.

RECONSIDERATION

There were no reconsiderations scheduled.

APPROVAL OF MINUTES

A. May 25, 2011 Regular Meeting Minutes

HOWARD/HARTLEY MOVED TO APPROVE THE MAY 25 MEETING MINUTES.

Commission Howard noted a correction to reflect that Commissioner Wedin was absent at the May 25th meeting.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

VISITORS

There were no visitors scheduled.

STAFF AND COUNCIL REPORT/COMMITTEE REPORTS/BOROUGH REPORTS

A. Port and Harbor Director's Reports for June 2011

Harbormaster Hawkins reviewed his staff report.

There was brief discussion that the ice sales were down due to halibut quotas being down 29% from last year. Harbormaster Hawkins reported there is still a lot of halibut coming in and that the salmon run is shaping up to be a big one.

PUBLIC HEARING

There were no public hearing scheduled.

PENDING BUSINESS

PORT AND HARBOR ADVISORY COMMISSION
REGULAR MEETING
JUNE 22, 2011

A. Discussion of Capping Long Term Parking Fines at \$250

Harbormaster Hawkins commented that quite a few citations have been given out for people parked over seven days, including citations for boat trailers. His goal is to make every effort to contact owners and have them remove their vehicle or trailer from the spit. They have been writing a citation and then attempting to contact. They are trying to avoid owning or impounding anyone's vehicles. He has been advising people that there aren't going to be changes made mid season and recommend they write letters to the Port and Harbor Commission and we will review the results in the fall.

Commissioner Zimmerman commented that the ordinance doesn't affect seasonal parking; it deals with year round parking. He recognized the time it takes to get through the City Council's schedule but doesn't see a reason to put it off. He proposes a \$250 ceiling on long term parking fines, with \$200 paying for the annual parking pass. If someone goes out fishing they come back and have a long term parking pass and a \$50 fine. He said he thought this is something the Commission passed on to Council.

ZIMMERMAN/HOWARD MOVED THAT THE PORT AND HARBOR COMMISSION RECOMMEND TO COUNCIL TO PUT A \$250 LIMIT ON THE LONG TERM PARKING FINE ON THE SPIT WITH \$200 GOING TOWARD THE LONG TERM PERMIT.

There was discussion supporting the motion. While the Commission agrees that normally it would be best to go to the council with a packet of information to consider at one time, the potential issues that could come from dealing with this administratively for a time would make it appropriate to bring it forward for Council approval. There was further discussion to clarify that this will require an ordinance to amend what was recently adopted in Code.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

NEW BUSINESS

No new business items scheduled.

INFORMATIONAL ITEMS

- A. Harbormaster's Monthly Statistical Report for May 2011
- B. Weekly Crane and Ice Report
- C. Deep Water Dock Report
- D. Pioneer Dock Report
- E. Pioneer Dock Ferry Landings Report
- F. Resolution 11-053 Re: Water Infrastructure Set Aside Funding Program
- G. Resolution 11-058 Re: Dredge Spoils Contracts
- H. Resolution 11-060 Re: Establishing a Port& Harbor Improvement Revenue Bonding Plan
- I. Strategic Plan
- J. Lease Expirations as of 2/17/11
- K. Commissioner Attendance Schedule for City Council Meetings

PORT AND HARBOR ADVISORY COMMISSION
REGULAR MEETING
JUNE 22, 2011

The Commissioners briefly discussed resolution 11-060 and the Port and Harbor Improvement Committee. Commissioners Howard and Hartley advised that they were willing to participate on the Committee. There was no opposition expressed by any other Commissioners.

Chair Ulmer brought up the Commission's strategic plan. She noted one item is to request a City Council member attend their meetings. Commissioner Howard said he could make that happen. Another item is for the Clerk to help the Commission learn to be more efficient and effective. Deputy City Clerk Jacobsen commented that aside from reminders to turn on the microphones, the Commission appears to be doing well at staying on task and getting through their agenda.

Commissioner Howard advised that he attended the last City Council meeting to give an update on the Commission's business, and Commissioner Hartley attended to comment in support of Resolution 11-060.

COMMENTS OF THE AUDIENCE

Barbara Howard, Councilmember, thanked the group for serving on this very essential Commission. She acknowledged the importance of their work and the financial environment impact of their recommendations toward our general plan for Homer. The Port and Harbor Improvement Revenue Bond Committee is charged with development of a plan to finance several significant projects and the Commission's involvement is crucial. The suggested projects listed on resolution 11-060 mirror the goals of the Commission's strategic plan. Mrs. Howard said that on a recent flight to Seattle she had the good fortune to sit next to a gentleman who introduced himself as a herring fisherman from Kodiak. She asked why he was in Homer and he responded that Homer's superior docks, incredible harbor staff, very reasonable rates, and quality marine ancillary services caused him to deliberately choose Homer over Kodiak for repairs. She quoted him as saying, that Matt Clark is a quality, well experienced, nice guy, and you city folks should be thankful to have such a person representing the Port of Homer." She assured him that his comments would be passed on to this Commission and City Council. Lastly Mrs. Howard commented that in reading the Harbormaster's report she is reminded of the 24/7 service that is delivered by staff with "a can do, will do" attitude to protect person and property. She thanked them for the level of service they provide.

COMMENTS OF CITY STAFF

Harbormaster Hawkins noted a possible agenda item for the next meeting will be a proposal to the City from the Roanoke Island to stand up a small wind turbine at the lease lot by their office on the spit.

He also noted that since the card-readers for the cranes are now on the cranes themselves it has eliminated the need for the card reader room. He is looking forward to looking into the opportunity to use the old card-reader room to expand the bathroom on the fish dock. There is a grant in place for \$86,000 and hope it will be enough money to do that as it is just a remodel in the existing building. He is looking forward to putting a project together for that.

COMMENTS OF THE COUNCILMEMBER

There were no Councilmember comments.

COMMENTS OF THE CHAIR

PORT AND HARBOR ADVISORY COMMISSION
REGULAR MEETING
JUNE 22, 2011

Chair Ulmer had no comments.

COMMENTS OF THE COMMITTEE

Commissioner Zimmerman thanked the Commission for revisiting the parking issue.

Commissioner Howard commented that in the fee parking areas the R numbers get knocked out and asked if they would be using overhead wires or something that can't be backed into. Harbormaster Hawkins said they might look into painting numbers on the spaces or getting away from the numbers.

Commissioner Zimmerman commented that previously they had discussed making up coupon book for parking passes. Harbormaster Hawkins said that they have not done that.

It was requested that the Clerk research the record and bring back the information they passed regarding the parking ordinance so they can review what they recommended in relation to what was passed by Council.

ADJOURN

There being no further business to come before the Commission the meeting adjourned at 7:00 p.m. The next regular meeting is scheduled for Wednesday, July 27, 2011 at 5:00 p.m. at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

Approved:_____

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**CITY OF HOMER
HOMER, ALASKA**

City Clerk/
Parks and Recreation Advisory Commission

RESOLUTION 11-076

A RESOLUTION OF THE CITY COUNCIL OF HOMER,
ALASKA, AMENDING THE PARKS AND RECREATION
ADVISORY COMMISSION BYLAWS TO ESTABLISH
MONTHLY MEETINGS WITH THE EXCEPTION OF
DECEMBER.

WHEREAS, The Parks and Recreation Advisory Commission acts in an advisory capacity to the City Manager and the City Council; and

WHEREAS, In 2009 in an effort to reduce expenditures and lessen the amount of staff time spent on preparation of materials for meetings and overtime wages for meeting attendance after hours, the Parks and Recreation Advisory Commission voluntarily reduced their number of annual meetings; and

WHEREAS, Currently the Parks and Recreation Advisory Commission has a complete appointment of commissioners and the lack of a quorum would be unlikely and the issues, projects, and concerns with the City of Homer parks, beaches, and trails have increased over the past few years; and

WHEREAS, The Commission finds it is necessary to resume monthly meetings to complete the business before them, with the exception of the month of December; and

WHEREAS, The Parks and Recreation Advisory Commission introduced the bylaws amendment at their regular meeting held March 17, 2011 and took final action to approve the amendment at their regular meeting on June 16, 2011; and

WHEREAS, The Parks and Recreation Advisory Commission regular meetings will be held monthly, with the exception of December, on the third Thursday of each month at 5:30 p.m.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, hereby amends the Parks and Recreation Advisory Commission bylaws to establish regular monthly meetings with the exception of December.

PASSED AND ADOPTED by the Homer City Council this 25th day of July, 2011.

CITY OF HOMER

JAMES C. HORNADAY, MAYOR

49 ATTEST:

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53 JO JOHNSON, CMC, CITY CLERK

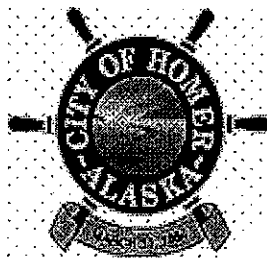
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55 Fiscal Note: Acct. No. 100.101.5105 Clerks overtime wages \$325.00.

Office of the City Clerk

Jo Johnson, CMC, City Clerk

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



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MEMORANDUM 11-103

TO: MAYOR HORNADAY AND CITY COUNCIL
FROM: PARKS AND RECREATION ADVISORY COMMISSION
DATE: July 19, 2011
RE: AMENDING BYLAWS TO CHANGE THE MEETING SCHEDULE

Background

The Parks and Recreation Advisory Commission discussed amending the frequency of their meetings at the March and the June regular meetings. Following are the excerpts from those meetings.

Excerpt from the Regular Meeting on March 17, 2011:

NEW BUSINESS

D. Request to Consider Changing the Frequency of the Regular Commission Meetings

Chair Bremicker outlined the reason for the previous changes to the meeting time and schedule and asked what the majority of the commission felt on changing the time.

The Commissioners discussed the budgetary constraints and having special meetings in order to accomplish their heavy agendas. The current meeting schedule is not favorable to accomplishing their agenda in a timely manner. Subcommittees are a great way to accomplish some tasks but the time to form a Committee, getting members, etc. Sub-committees still must work on the recommendations that are submitted to the Commission and then the Commission submits to the Council. It was agreed that this all takes time. Staff noted that the frequency of the meetings was originally changed to comply with Council request at the time and since there was a number of meetings that the Commission did not have a quorum but the time and expense to create the agendas and packets was still expended by staff it was agreeable. If the Commission agrees that regular monthly meetings at 5:30 p.m. it will have to still be approved by Council.

BRANN/HARRALD - MOVED TO START THE PROCESS TO CHANGE THE BYLAWS TO MEET MONTHLY YEAR ROUND.

There was no discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Excerpt from the Regular Meeting on May 19, 2011:

PENDING BUSINESS

A. Changing the Frequency of the Regular Meetings

Chair Bremicker summarized the memorandum for the record. Clarification was made regarding the need to make a decision on it at this meeting since they were running short of time. Ms. Krause explained that this item was on the agenda and discussed during the March regular meeting and this is the second review and hearing on changing the meeting frequency to monthly year round. It was noted that it could be postponed to the June meeting.

The Commission agreed to postpone this item to the June meeting.

Excerpt from the Regular Meeting on June 16, 2011:

PENDING BUSINESS

A. Changing the Frequency of the Regular Meetings

Chair Bremicker introduced the agenda item and provided a summary history of the changes and request to revert back to monthly meetings.

CUMMING/HARRALD – MOVED TO RESUME REGULARLY SCHEDULED MONTHLY MEETINGS WITH THE EXCEPTION OF DECEMBER THERE WOULD BE NO MEETING AND THESE MEETINGS WILL BE ON THE THIRD THURSDAY OF THE MONTH.

Commissioner Cumming reminded the Commissioners present on the previous discussions and that they have so many things to address and not meeting monthly they will fall behind. She pointed out further the value of meeting monthly year round. This will have to go before Council for approval. Commissioner Harrauld brought attention to unexcused absences. Chair Bremicker explained absences and the removal from the Commission. Commissioner Harrauld stated that this was off topic and apologized to the Commissioners present. There was no further discussion or comments.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

RESOLUTION 11-077

A RESOLUTION OF THE CITY COUNCIL OF HOMER,
ALASKA, AUTHORIZING THE CITY MANAGER TO ISSUE
A REQUEST FOR PROPOSALS RELATED TO HEALTH
CARE INSURANCE BENEFIT BROKER AND CONSULTING
SERVICES.

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44 JO JOHNSON, CMC, CITY CLERK

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46 Fiscal Note: N/A. Cannot be determined until proposals are received.

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**CITY OF HOMER
CITY HALL
PERSONNEL OFFICE**

491 East Pioneer Avenue
Homer, Alaska 99603

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E-mail personnel@cityofhomer-ak.gov

MEMORANDUM 11-105

TO: MAYOR HORNADAY AND CITY COUNCIL
THRU: Walt Wrede, City Manager
FROM: Andrea Petersen, Personnel Director
DATE: JULY 19, 2011
RE: 2011 Benefit Broker / Consultant RFP

The City of Homer utilizes Meritain Health as its third party administrator for the employee health insurance plan, as well as, providing some benefit broker/consultant services. The benefit broker/consultant services with Meritain began in 2006 as a cost savings measure. Transitioning from the Wilson Agency to Meritain has saved the plan approximately \$9,400 annually in broker/consultant service fees; however, this has created a conflict from the City's perspective. During the contract renewal period, Meritain does not conduct RFP's with other third party administrators to ensure the City of Homer is receiving a competitive package. Although the broker/consultant fees have decreased, the administrative costs and the consultation services have not stayed competitive keeping the overall costs high.

In a world of rising costs, greater employee need and rapidly changing healthcare requirements, a benefits broker/consultant is an essential ally for the City of Homer in cost savings, time management, compliance and expertise. A benefits broker/consultant will utilize the entire insurance field of carriers to obtain the best coverage, rates, service, and quality of products. Most carrier agents will only have access to one carrier - the one they are licensed with. An independent broker/consultant will negotiate aggressively with the carriers at each marketing and subsequent renewals to keep the service charges in check. The agent for a single insurer will have less desire to do so as the agent is an employee of the insurer and his/her commissions are directly related to these fees and profit margins. Individual insurance agents would normally not have any frame of reference as to what is competitive or appropriate versus not competitive. The commissions that a broker/consultant receives are all paid by the insurance companies that the business is placed with. Since the City of Homer deals directly with an insurer, these same fees are currently just going directly to the agent from the insurance company to service the account. We are already paying for these services! However, with a benefits broker/consultant, we will also get the independent consulting services and the objective advice that a consultant would provide, for no extra cost.

Today, the City of Homer is challenged with defining cost-effective opportunities for improvement in the design, delivery and administration of the health and ancillary benefit programs. It is imperative to maintain benefits that are affordable in both design and cost to the individual and the City of Homer while navigating through the complexity of compliance with state and federal regulations, including health care reform. It would be greatly beneficial for the City of Homer to conduct a request for proposal for a benefit broker/consultant. This could allow the City of Homer to receive better services at a similar price in the overall costs of the employee benefits package.

RECOMMENDATION: Approve Resolution 11-_____

REQUEST FOR PROPOSAL



City of Homer
2011 Benefit Broker/Consultant

RFP #

Release Date: July 29, 2011
Due Date: August 25, 2011 no later than 4:00 PM



CITY OF HOMER

CITY HALL

491 East Pioneer Avenue
Homer, Alaska 99603-7645

Telephone (907) 235-8121
Fax (907) 235-3148
Web Site <http://www.cityofhomer-ak.gov>

REQUEST FOR PROPOSAL

2011 Benefit Broker/Consultant

The City of Homer hereby invites qualified firms to submit proposals to provide health benefits consulting.

Proposal packets may be obtained beginning July 29, 2011 at the Clerk's Office, 491 E. Pioneer Ave Homer, Alaska 99603 (907) 235-3130. Electronic proposal documents are also available by contacting the Clerk's Office.

Five (5) complete sets of the proposal package are to be submitted to the City of Homer, Clerk's Office, 491 E. Pioneer Ave Homer, Alaska 99603. These forms must be enclosed in a sealed envelope with the proposer's name on the outside and clearly marked. Faxed or emailed proposals will not be accepted. Proposals received after the time fixed for receipt of the Proposal shall not be considered.

PROPOSAL: 2011 Benefit Broker/Consultant

DUE DATE: August 25, 2011 no later than 4:00 PM

REQUEST FOR PROPOSAL 2011 BENEFIT BROKER/CONSULTANT

1.0 GENERAL INFORMATION

1.1 Purpose

The City of Homer is seeking proposals for an Insurance Broker of Record to provide health benefits insurance and ancillary products consulting, marketing and placement services from reputable insurance carriers, finding the desired products at the most competitive price for a period of three (3) years.

1.2 Background

The City of Homer, located in Homer, Alaska is a first class municipality with over 100 employees who work in areas of police, fire, public works, community development, water distribution, finance, library services, administration as well as parks and recreation. Currently, the City of Homer provides life, medical, dental and vision benefits for approximately 100 employees. Information about the City of Homer is available at the following Internet site:

<http://www.cityofhomer-ak.gov/>

1.3 Questions

Any questions regarding this proposal are to be submitted in writing to the Personnel Department by no later than 5:00 p.m. local time on August 16, 2011. Questions may be faxed to 907-235-3148 or emailed to personnel@cityofhomer-ak.gov. The subject line of the email must read: "Questions: RFP for 2011 Benefit/Broker Consultants".

Verbal requests for information will not be accepted. Questions or requests for clarification directed to any employee or elected official of the City of Homer other than the Personnel Director may be grounds for disqualification of a proposal. All questions will be compiled, answered and distributed to all prospective proposers.

1.4 Preparation Costs

The City of Homer shall not be responsible for proposal preparation costs, nor for costs including attorney fees associated with any (administrative, judicial or otherwise) challenge to the determination of the highest ranked proposer and/or award of contract and/or rejection of proposal. By submitting a proposal, each proposer agrees to be bound in this respect and waives all claims to such costs and fees.

1.5 Insurance Requirements

Respondents must maintain a current errors and omissions insurance policy along with general liability insurance policy applicable to employee health benefits consulting in an amount not less than \$5,000,000 per occurrence. Coverage must be maintained throughout the term of the contract. Evidence of this coverage will be required prior to implementation of a contract with the City of Homer.

The City of Homer will be noted as an additional insured on all policies except where prohibited.

1.6 Term of Services

The effective date of the negotiated contract shall be on or about September 19, 2011. It is the City of Homer's intention to obtain the services of a broker for a period of three (3) years. At the end of such period, the broker's performance will be reviewed by the City of Homer Health Insurance Program administrators who will determine at that time whether or not it is in the best interest of the City of Homer to again seek competitive proposals or to continue with the incumbent broker for an additional three (3) year period. However, the City of Homer must reserve the right to terminate the services of the broker upon any anniversary date should said services prove to be unsatisfactory. City of Homer must also reserve the right to seek insurance coverage from other sources at any time should the servicing broker be unable to place coverage at any time.

2.0 RULES GOVERNING COMPETITION

2.1 Examination of Proposals

Proposers should carefully examine the entire RFP and any addenda thereto, and all related materials and data referenced in the RFP. Proposers should become fully aware of the nature of the work and the conditions likely to be encountered in performing the work.

2.2 Proposal Acceptance Period

Award of this proposal is anticipated to be announced within thirty (30) calendar days, although all offers must be complete and irrevocable for sixty (60) days following the submission date.

2.3 Confidentiality

The content of all proposals will be kept confidential until the selection of the Consultant is announced. At that time, the selected proposal is open for review by the competing proposers, excluding any tabulations and evaluations thereof. After the award of the Contract, all proposals will then become public information.

2.4 Proposal Format

Proposals are to be prepared in such a way as to provide a straight forward, concise delineation of the proposers' capabilities to satisfy the requirements of this RFP. Emphasis should be concentrated on:

- a. Conformance to the RFP instructions;
- b. Responsiveness to the RFP requirements;
- c. Completeness and clarity of content.

2.5 Signature Requirements

All proposals must be signed. A proposal may be signed by: an officer or other agent of a corporate vendor, if authorized to sign contracts on its behalf; a member of a partnership or limited liability company; an owner of an individually-owned vendor; or other agent if properly authorized by a power of attorney or equivalent document. The name and title of the individual(s) signing the proposal must be clearly shown immediately below the signature.

2.6 Proposal Submission

Five (5) copies of the complete proposal package are to be submitted no later than 4:00 p.m. local time on August 25, 2011 to the Clerk's Office, 491 E Pioneer Ave, Homer, Alaska 99603. Proposals shall be completely sealed in an envelope clearly marked with the company name. The City of Homer reserves the right to establish any and all elements or terms of this proposal. All proposals submitted shall be binding upon the contractor if accepted by the City of Homer.

Please note that overnight delivery from the lower 48 states is generally not available. Proposers should anticipate a minimum of two to three days delivery time for express, priority or expedited delivery services.

2.7 Tax Compliance

City of Homer Code requires that businesses or individuals contracting to do business with the City of Homer be in compliance with City of Homer tax provisions. No contract will be awarded to any individual or business found to be in violation of the City of Homer Code of Ordinances in several areas of taxation.

2.8 Licenses and Certifications

Proposers shall include with their proposals copies of all licenses, certificates, registrations and other credentials required for performance under the contract. Documentation must be current and must have been issued by or under authority of the State of Alaska or, if documentation is from an outside jurisdiction, such documentation must be accepted as valid by the State of Alaska for performance in Alaska. Such documentation shall include, but is not limited to, Alaska business license and applicable professional licenses, registrations and certificates.

2.9 News Releases

News releases pertaining to the award resulting from the RFPs shall not be made without prior written approval of the City of Homer.

2.10 Disposition of Proposals

All materials submitted in response to this RFP will become the property of the City of Homer. One copy shall be retained for the official files of the Clerk's Office and will become public record after award of the Contract.

2.11 Oral Change/Interpretation

No oral change or interpretation of any provision contained in this RFP is valid whether issued at a pre-proposal conference or otherwise. Written addenda will be issued when changes, clarifications, or amendments to proposal documents are deemed necessary by the City of Homer.

Proposer shall acknowledge receipt of each addendum in the space provided on the Cost Proposal Form. Only a proposal acknowledging receipt of all addenda may be considered responsive, unless the addendum, in the opinion of the Personnel Director or the agency head, would have no material effect on the terms of the proposal. It is the proposer's responsibility to assure that it has received all addenda.

2.12 Modifications of Proposals

Modifications will be accepted by the City of Homer and binding upon the responding firm where the modification:

- a. Is received by the City of Homer at the place designated for submission of RFP responses prior to the deadline.
- b. Is sealed in an envelope clearly stating "RFP for 2011 Benefit Broker/Consultants Modification" and the name of the responding firm.
- c. Is signed by the same individual who signed the original submittal.

The modification document shall include a photocopy of each page of the original submittal that the responding firm seeks to modify, with the modification and the respondent's signature clearly set out in ink on each page. Facsimile modification documents will be accepted within a sealed envelope provided that the proposer's signature is clearly legible.

Should there be more than one submittal modification from a responding firm, the last modification received prior to the deadline shall be opened and applied to the submittal. All earlier modifications shall be returned to the responding firm unopened.

Any modification, which fails to meet any requirement of this section, shall be rejected and the submittal shall be considered as if no modification had been attempted.

2.13 Late Submissions

PROPOSALS NOT RECEIVED PRIOR TO THE DATE AND TIME SPECIFIED IN THE COVER LETTER WILL NOT BE CONSIDERED AND WILL BE RETURNED UNOPENED AFTER RECOMMENDATION OF AWARD.

2.14 Withdrawal of Proposals

At any time prior to the scheduled closing time for receipt of RFP submittals, any responding firm may withdraw their submittal, either personally or by written request. However, a proposal may not be withdrawn after opening without the written consent of the City of Homer.

2.15 Acceptance – Rejection of Proposals

The City of Homer may reject any or all proposals if the City Manager determines that it is in the best interest of the City of Homer, and may waive irregularities, other than the requirements for timeliness and manual signature, if the irregularities do not affect the competitive advantage of any proposer.

If any proposer has interest in more than one proposal, all proposals in which such proposer has an interest shall be rejected.

2.16 Choice of Law and Jurisdiction

The laws of the State of Alaska shall govern this RFP, and any legal action brought thereon shall be filed in the trial courts for the State of Alaska in the Third Judicial District at Homer, Alaska.

3.0 **SCOPE OF WORK**

The scope of the services provided by the insurance broker shall include the following:

- a. Assist the City of Homer in clarifying objectives, expectations and concerns to establish short and long term goals of the health benefit plan and ancillary benefit programs;
- b. Compare actual results to stated goals and projections;
- c. Benefit related actuarial services;
- d. Review existing data, contracts and agreements and provide written commentary;
- e. Preparation for and attendance at Council and other appropriate meetings for the purpose of explaining status reports and recommended changes or courses of action;
- f. Research and reports on:
 - 1) Plan design with respect to short and long range objectives;
 - 2) Eligibility formulas with respect to industry work patterns;
 - 3) Cost containment features and administration;
 - 4) Participant incentives related to cost containment procedures;
 - 5) State and federal proposed and enacted legislation and its impact;
 - 6) Health promotion;
 - 7) Funding alternatives (conventional insurance, minimum premium, self-funding);
 - 8) Claim administration (quality and location);
 - 9) Relative competitiveness of plans;
 - 10) Flexible benefit plans;
 - 11) Alternative delivery systems (PPO's, contractual services, mail order drug programs, etc.); and,
 - 12) Employee satisfaction and cost sharing.

- g. Draft employee communication materials announcing a change in benefits or the addition of a new benefit;
- h. Assist with official publications concerning employee benefits for distribution to employees or administrative reports;
- i. Assist in conducting employee meetings to discuss benefit topics;
- j. Assist in developing enrollment procedures and forms;
- k. Monitor eligibility claims experience and provide financial reports regarding trends on a regular basis;
- l. Conduct renewal negotiations with the carrier(s) and vendors and prepare a complete and detailed accounting of all claim costs, provider access fees, administrative expenses, risk charges, etc.
- m. Make available published information regarding research, legislative matters and technical compliance;
- n. Review claim payments and procedures;
- o. When benefit modifications are made, report on estimates of cost impact;
- p. Assist with claim appeals or disputes, including attendance at hearings;
- q. Review and comment on contracts and/or amendments provided by the insurance carriers or TPA's;
- r. Assist with the calculation of COBRA rates;
- s. Prepare specifications for insurance carriers, TPA's, or vendors to offer competitive bids on any or all employee benefit plans, to include:
 - 1) Assist in establishing the criteria used to determine which carriers, administrators or other vendors are to receive the specifications;
 - 2) Review the specifications with the City of Homer prior to submission to the insurance carriers, administrators or other vendors;
 - 3) Receive proposals and prepare a bid analysis, including recommendations; and,
 - 4) If new carriers or providers are selected, assist in development of claims and administrative procedures, review contracts, agreements, booklets, and other associated forms necessitated by the transfer.
- t. Provide any other services that are usual and necessary for prudent administration of the City of Homer's benefits program.

u. Services not covered:

- 1) Production costs for special employee communications and audio/visual presentations;
- 2) Legal or investment advice;
- 3) Projects outside the scope of services listed above; and,
- 4) Claims audits.

4.0 **PROPOSAL AND SUBMISSION REQUIREMENTS**

To achieve a uniform review process and obtain the maximum degree of comparability, it is required that the proposals be organized in the following manner:

4.1 Letter of Transmittal

- a. Briefly state your firm's understanding of the services to be performed and make a positive commitment to provide the services as specified.
- b. List name(s) of the person(s) who are authorized to make representations for your firm, their titles, address, and telephone numbers.
- c. The letter must be signed by a corporate officer or other individual who has the authority to bind the firm.

4.2 Experience/Qualification

- a. Detail the firm's experience in the same or similar areas of expertise, stability, and its adaptability to providing the required services. Provide how the firm will support the City of Homer in reviewing plan expenditures and contractual obligations of the TPA in their administration of the City of Homer self insurance health care plan and ancillary benefits.
- b. Describe your experience with public sector plans and include at least three (3) references for which your firm has provided the same or similar services. Include a point of contact, telephone number, e-mail address, and a brief description of the services provided.
- c. Identify key project staff and sub-consultants expected to provide services on behalf of the firm. Resumes should be included for each of the individuals and sub-consultants referenced.

4.3 Analytical Reporting

Provide information regarding the firm's ability to provide analytical reports to include company actual cost to budgeted amounts and to stop loss estimates both by group and by individual. Provide samples of reports to include IBNR.

4.4 Available Resources/Consultant Location

Provide information on resources available to your firm, which indicates that you have access to the services necessary to perform the work.

Describe the firm's location where the primary services are to be provided and the ability to meet in person with Department personnel when required during the performance of the contract.

4.5 Methodology and Approach

Provide detailed information on the firm's methodology in meeting the scope of work requirements identified in Section 3.0. Describe overall approach to include any special considerations, which may be envisioned.

Detail the firm's ability to assist the City of Homer in securing coverage as needed for prescription coverage, stop loss, life insurance and other policies currently in place for the City of Homer benefits program.

4.6 Fee Schedule

Under a separate cover, submit one copy of a fee schedule for all services. The broker's compensation shall be on a flat fee basis, as mutually agreed to by the City of Homer and the Broker. Said fee shall be paid annually either in one lump sum or in increments mutually agreed to by the City of Homer and the Broker, upon delivery to the City of Homer of the appropriate contract, to include any necessary and/or required endorsements.

5.0 EVALUATION AND CRITERIA PROCESS

A committee of individuals representing the City of Homer will perform evaluation of the proposals. The committee will rank the proposals as submitted. The City of Homer reserves the right to award a contract solely on the written proposal. The City of Homer also reserves the right to request oral interviews with the highest ranked firms (short list). The purpose of the interviews with the highest ranked firms is to allow expansion upon, and possible refinement of, the written responses. If interviews are conducted, a maximum of three (3) firms will be short-listed. A second score sheet will be used to score those firms interviewed. The final recommendation for selection will be based on the total of all evaluators scores achieved on the second rating. The same categories and point ranges will be used during the second evaluation as for the first.

The evaluation committee will forward a recommendation for contract award based on points awarded. The firm, whose proposal is ranked highest, may be invited to enter into final negotiations with the City of Homer for the purposes of contract award.

5.1 Criteria

The criteria to consider during evaluations, and the associated point values, are as follows:

1.	Experience/Qualifications	20 points
2.	Key Staff/Sub-consultants	10 points
3.	Quality of Written Proposal	20 points
4.	Available Resources	10 points
5.	Methodology/Approach	20 points
6.	Cost	<u>20 points</u>

Total Points Available	100 points
------------------------	------------

5.2 Qualitative Rating Factor

Firms will be ranked using the following qualitative rating factors, excluding cost, for each RFP criteria-

1.0	Outstanding
.8	Excellent
.6	Good
.4	Fair
.2	Poor
0	Unsatisfactory

The rating factor for each criteria category will be multiplied against the points available to determine the total points for that category.

6.0 SELECTION PROCESS

The Proposer with the highest total evaluation points may be invited to enter into contract negotiations with the City of Homer. If an agreement cannot be reached with the highest ranked Proposer, the City of Homer shall notify the proposer and terminate the negotiations. If proposals are submitted by one or more other proponents determined to be qualified, negotiations may then be conducted with such other proposers in the order of their respective rankings. This process may continue until successful negotiations are achieved. The City of Homer reserves the right to reject any and all proposals submitted.

8.0 SAMPLE CONTRACT OR MINIMUM MANDATORY CONTRACT PROVISIONS

In addition to carefully reading all of the information in the RFP, all Proposers must carefully read and review the attached sample contract. The successful Proposer shall be required to enter into a Contract with the City of Homer, which will be substantially similar to the sample.

Therefore, the Proposer must make any proposed changes to the sample Contract consistent with Section 1.3 of this RFP

IF NO CHANGES ARE MADE, THE PROPOSER SHALL BE DEEMED TO HAVE ACCEPTED THE SAMPLE CONTRACT. IF THE RESPONDENT MAKES CHANGES, SUCH CHANGES WILL BE CONSIDERED IN ANY NEGOTIATIONS WITH THE CITY OF HOMER. CHANGES MADE TO THE SAMPLE CONTRACT SHALL NOT BE CONSIDERED DURING PROPOSAL EVALUATIONS.

PROFESSIONAL SERVICES AGREEMENT
FOR
2011 BENEFIT BROKER/CONSULTANT

THIS AGREEMENT made and entered by and between the CITY OF HOMER and

_____.

Section 1. Definition. In this Agreement:

1. The term "Consultant" means _____.
2. The term "City Manager" means the City Manager of the City of Homer or his authorized representative.

Section 2. Scope of Services. The Consultant shall perform all the services provided for by this Agreement:

See Attachment A, incorporated by reference as if fully set forth herein.

Section 3. Personnel. Personnel shall be limited to _____.

Section 4. Time of Performance. The services of the Consultant shall commence on or around September 19, 2011, and shall terminate on December 31, 2014. The period of performance may be extended for additional periods only by the mutual written agreement of the parties.

Section 5. Compensation.

- A. Subject to the provisions of this Agreement, the City of Homer shall pay the Consultant a total sum for all services and expenses for the term of this Agreement not exceeding the sum of \$ _____.
- B. Except as otherwise provided in this Agreement, the City of Homer shall not provide any additional compensation, payment, service or other thing of value to the Consultant in connection with performance of Agreement duties. The parties understand and agree that, except as otherwise provided in this agreement, administrative overhead and other indirect or direct costs the Consultant may incur in the performance of its obligations under this Agreement have already been included in computation of the Consultant's fee and may not be charged to the City of Homer.

Section 6. Method and Time of Payment.

- A. Payment shall be made within 30 calendar days from receipt of an approved invoice.
- B. Any expenditures identified as reimbursable under the request for proposal shall be included with the billings for professional services. Billing shall include a summary of expenditures to date by line item categories (e.g., personal services, travel, lodging, telephone, mail, photography, and photo copies). Documentation of expenditures need not be submitted with billings but must be retained by the Consultant in the event the City of Homer requests said documentation.
- C. No payment will be disbursed until the completed task and associated expenditures have been approved by the City of Homer.
- D. All invoices must be submitted in duplicate and addressed as follows:

City of Homer
Attn: Personnel
491 E. Pioneer Ave
Homer, AK 99603

- E. It is expressly understood and agreed that in no event shall the total compensation due the Consultant exceed \$_____.

Section 7. Ownership. All finished or unfinished documents, data, studies, surveys, and reports or other material prepared by the Consultant under this agreement are the property of the City of Homer.

Section 8. Termination of Agreement for Cause. If, through any cause, the Consultant shall fail to fulfill in a timely and proper manner the obligations under this Agreement or if the Consultant shall violate any of the covenants, agreements, or stipulations of this Agreement, the City of Homer shall have the right to terminate this Agreement by giving written notice to the Consultant of termination and specifying the effective date thereof, at least five (5) days before the effective date of such termination. All finished or unfinished documents, data, studies, surveys and reports or other material prepared by the Consultant under this Agreement are the property of the City of Homer and shall be delivered to the City of Homer by or upon the effective date of termination. The Consultant shall be entitled to receive compensation only for work completed to the City of Homer's satisfaction in accordance with the terms of this Agreement.

Section 9. Termination for Convenience of City of Homer. The City of Homer may terminate this Agreement at any time by giving written notice to the Consultant of such termination and specifying the effective date of such termination. All finished or unfinished documents and other materials as described in Section 8, above, are the property of the City of Homer and shall be delivered to the City of Homer by or upon the effective date of termination. The Consultant shall be entitled to receive compensation in accordance with the payment provisions of this Agreement only for work completed to the City of Homer's satisfaction in accordance with the terms of this Agreement. If this Agreement is terminated due to the fault of the Consultant, Section 8 of this Agreement shall govern the rights and liabilities of the parties.

Section 10. Causes Beyond Control. In the event the Consultant is prevented by a cause or causes beyond control of the Consultant from performing any obligation of this Agreement, nonperformance resulting from such cause or causes shall not be deemed to be a breach of this Agreement which will render the Consultant liable for damages or give rights to the cancellation of this Agreement for cause. However, if and when such cause or causes cease to prevent performance, the Consultant shall exercise all reasonable diligence to resume and complete performance of the obligation with the least possible delay. The phrase "cause or causes beyond control," as used in this section, means any one or more of the following causes which are not attributable to the fault or negligence of the Consultant and which prevent the performance of the Consultant: fire, explosions, acts of God, war, orders or law of duly constituted public authorities, and other major uncontrollable and unavoidable events, all of the foregoing which must actually prevent the Consultant from performing the terms of this Agreement. Events which are peculiar to the Consultant and would not prevent another Consultant from performing, including, but not limited to financial difficulties, are not causes beyond the control of the Consultant. The City of Homer will determine whether the event preventing the Consultant from performing is a cause beyond the Consultant's control.

Section 11. Modifications.

- A. The parties may mutually agree to modify the terms of this Agreement. Modifications to this Agreement shall be incorporated into this Agreement by written amendments.
- B. It is expressly understood that the City of Homer may require changes in the scope of services and an unreasonable refusal by the Consultant to agree to modification in the scope of services will be the basis for termination of this Agreement for cause. It is expressly understood that the total amount of compensation for successful performance

of this Agreement will not be modified, under any circumstances, without prior written approval of the City of Homer.

Section 12. Interest of Members of City of Homer and Others. No officer, member or employee of the City of Homer and no member of its governing body, and no other public official of the governing body shall participate in any decision relating to this Agreement which affects their personal interest or the interest of any corporation, partnership or association in which they are, directly or indirectly, interested or having any personal or pecuniary interest, direct or indirect, in this Agreement or the proceeds thereof.

Section 13. Assignability. The Consultant shall not assign any interest in this Agreement and shall not transfer any interest in the same (whether by assignment or novation) without the prior written consent of the City of Homer thereto; provided, however, that claims for money due or to become due to the Consultant from the City of Homer under this Agreement may be assigned by court order or to a bank, trust company, or other financial institution without such approval. Notice of any such assignment or transfer shall be furnished promptly to the City of Homer, or the Consultant shall be responsible to the City of Homer for any moneys due the assignee of this Agreement which are paid directly to the Consultant.

Section 14. Interest of Consultant. The Consultant covenants that it presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of services required to be performed under this Agreement. The Consultant further covenants that in the performance of this Agreement no person having any such interest shall be employed.

Section 15. Findings Confidential. To the extent permitted or required by law any reports, information, data, etc., given to or prepared or assembled by the Consultant under this Agreement which the City of Homer requests to be kept confidential shall not be made available to any individual or organization by the Consultant without the prior written approval of the City of Homer.

Section 16. Publication, Reproduction and Use of Materials. No material produced, in whole or in part, under this Agreement shall be subject to copyright in the United States or in any other country. The City of Homer shall have unrestricted authority to publish, disclose, distribute and otherwise use, in whole or in part, any reports, data or other materials prepared under this Agreement.

Section 17. Jurisdiction; Choice of Law. Any civil action arising from this Agreement shall be brought in the superior court for the third judicial district of the state of Alaska at Homer. The law of the state of Alaska shall govern the rights and obligations of the parties.

Section 18. Non-Waiver. The failure of the City of Homer at any time to enforce a provision of this Agreement shall in no way constitute a waiver of the provisions, nor in any way affect the validity of this Agreement or any part thereof, or the right of the City of Homer thereafter to enforce each and every protection hereof.

Section 19. Permits, Laws and Taxes. The Consultant shall acquire and maintain in good standing all permits, licenses and other entitlements necessary to the performance under this Agreement. All actions taken by the Consultant under this Agreement shall comply with all applicable federal, state, and local regulations including, but not limited to, those laws related to wages, taxes, social security, workers compensation, nondiscrimination, licenses, and registration requirements. The Consultant shall pay all taxes pertaining to its performance under this Agreement.

Section 20. Agreement Administration.

- A. The Personnel Director, or her designee, will be the representative of the City of Homer administering this Agreement.
- B. The services to be furnished by the Consultant shall be administered, supervised, and directed by the Personnel Director. In the event that the individual named above or any of the individuals identified in the proposal to perform work under this Agreement is unable to serve for any reason, the Consultant shall appoint a successor in interest subject to written approval of the City of Homer.

Section 21. Integration. This instrument and all appendices and amendments hereto embody the entire agreement of the parties. There are no promises, terms, conditions or obligations other than those contained herein; and this Agreement shall supersede all previous communications, representations or agreements, either oral or written, between the parties.

Section 22. Defense and Indemnification. The Consultant shall indemnify, defend, save and hold the City of Homer, its elected and appointed officers, agents and employees, harmless from any and all claims, demands, suits, or liability of any nature, kind or character including costs, expenses, and attorneys fees resulting from Consultant or Consultant's officers, agents, employees, partners, attorneys, suppliers, and subconsultants' performance or failure to perform this Agreement in any way whatsoever. This defense and indemnification responsibility includes claims alleging acts or omissions by the City of Homer or its agents which are said to have contributed to the losses, failure, violations, or damage. However, Consultant shall not be responsible for any damages or claim arising from the sole negligence or willful misconduct of the City of Homer, its agents, or employees. Consultant and subconsultants shall also not be required to defend or indemnify the Owner for damage or loss that has been found to be attributed to an independent contractor directly responsible to the City of Homer under separate written contract.

Section 23. Interpretation and Enforcement. This Agreement is being executed by the parties following negotiations between them. It shall be construed according to the fair intent of the language as a whole, not for or against any party. The titles of sections in this Agreement are not to be construed as limitations or definitions but are for identification purposes only.

Section 24. Relationship of the Parties. The services to be rendered under this Agreement are those of an independent contractor. The Consultant will not at any time directly or indirectly act as an agent, servant or employee of the City of Homer or make any commitments or incur any liabilities on behalf of the City of Homer without the City of Homer's express consent. The City of Homer shall not supervise or direct the Consultant except as set forth in this agreement.

Section 25. Insurance. Consultant and all subconsultants, if any, shall be responsible for the purchase and maintenance of minimum insurance coverage as specified in paragraphs A and B of this section.

This insurance coverage shall be in acceptable form, and for the amounts specified by the City of Homer, or as required by law, whichever is greater.

This insurance coverage shall remain in effect for the life of this Agreement and shall be a part of the contract price. This insurance shall be primary and exclusive of any other insurance carried by the City of Homer.

- A. Professional Liability: \$5,000,000 combined single limit per occurrence. The general aggregate limit shall be at least \$5,000,000. The professional liability insurance shall be maintained in effect until final acceptance by the City of Homer of the completed project. If the professional liability insurance is written on a claims made form, the Consultant shall provide insurance for a period of two years after final payment of this Agreement.

The policy(s) shall evidence a retroactive date, no later than the beginning of this Agreement.

- B. Commercial general/automobile liability insurance shall not be less than \$5,000,000 combined single limit bodily injury and property damage per occurrence.
- C. Worker's compensation per Alaska State Statutes and employers liability insurance at a limit of \$1,000,000 shall be provided for all employees who are performing work under this Agreement.
- D. Certificate(s) of insurance as described in paragraphs A, B, and C of this section shall be provided by Consultant, and certificates as described in paragraphs B and C by all subconsultants, or their insurance companies or their agents. The City of Homer shall be named as an additional insured on the policies specified in paragraph B for the work specified in this Agreement. Certificates of insurance, acceptable in form and content, will be delivered to:

City of Homer
Personnel Department
491 E Pioneer Ave
Homer, AK 99603

- E. There shall be no cancellation or material change of the insurance coverages, or intent not to renew the insurance coverages as specified in this Agreement, without thirty (30) days prior written notice to the City of Homer. Notice of cancellation, material change in coverage, or intent not to renew will be delivered to the address designated in paragraph D of this section. Cancellation or material change in insurance coverage without written authorization by the City of Homer is a material breach of this Agreement, and subjects this Agreement to termination for cause under Section 8.
- F. Upon renewal or change in policies during this Agreement, certificates of insurance shall be delivered to the address designated in paragraph D of this section.

Section 26. Severability. If any section or clause of this Agreement is held invalid by a court of competent jurisdiction, or is otherwise invalid under the law, the remainder of this Agreement shall remain in full force and effect.

Section 27. Understanding. The Consultant acknowledges that the Consultant has read and understands the terms of this Agreement, has had the opportunity to review the same with counsel of their choice, and is executing this Agreement of their own free will.

Section 28. Notices. Any notice required pertaining to the subject matter of this Agreement shall be personally delivered or mailed by prepaid first-class, registered or certified mail to the following addresses:

City of Homer:

491 E Pioneer Ave
Homer, AK 99603

Consultant:

Section 29. Consultant's Violations of Tax Obligations.

- 247-

Notary Public for State of Alaska
My Commission Expires: _____

STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

The foregoing instrument was acknowledged before me this ____ day of _____, 200__,
by (name) _____, the (title) _____ of (name of
corporation) _____ for and on behalf of the corporation.

Notary Public for State of Alaska
My Commission Expires: _____

STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

The foregoing instrument was acknowledged before me this ____ day of _____, 200__,
by (name) _____, (partner or agent) _____ of (name of
partnership) _____ for and on behalf of the partnership.

Notary Public for State of Alaska
My Commission Expires: _____

CITY OF HOMER
2011 BENEFIT BROKER/CONSULTANT

COST PROPOSAL

In submitting this proposal, we certify that we have examined the specifications documents, have received Addenda Nos. _____, and have included their provisions in our proposal. If awarded a contract under this proposal, we hereby agree to the terms set forth in the specifications documents and all addenda identified on this proposal.

TOTAL LUMP SUM

on annualized basis, for all professional services required:

\$ _____
Numerical amount

Dollars

Written Amount

Firm Name _____

Address _____

City _____

State _____

Zip _____

Telephone _____

Fax _____

E-mail address: _____

Representative _____

Title _____

Signature _____

Date _____

Cost Proposal is to be submitted in a separate sealed envelope

CITY OF HOMER
HOMER, ALASKA

Lewis

RESOLUTION 11-078

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
AUTHORIZING THE CITY MANAGER TO ENTER INTO A
SHORT TERM LEASE WITH THE BOYS AND GIRLS CLUB TO
EXTEND ITS OCCUPANCY OF THE LOWER LEVEL OF THE
OLD INTERMEDIATE SCHOOL UNTIL JANUARY 31, 2012.

WHEREAS, The City of Homer recently solicited proposals to lease all or a portion of the old Homer Intermediate School and a proposal was submitted by the Boys and Girls Club; and

WHEREAS, The Lease Committee found that the proposal was incomplete and requested that the City Manager work with the Boys and Girls Club to address some of the issues and obtain missing information, an effort that is currently in progress; and

WHEREAS, The Boys and Girls Club has been looking for alternative locations knowing that its current agreement with the City would lapse on May 31, 2011 and that the City was looking for new tenants or uses for the facility; and

WHEREAS, No other suitable locations have been found to date and the local chapter of the Boys and Girls Club will likely close this fall if a venue cannot be found; and

WHEREAS, The City currently has no prospective tenants for the facility until at least September 2012 and parts of the City administration are temporarily housed there, thus requiring that the building be maintained and heated to more than "warm" status; and

WHEREAS, There are a number of scenarios and ideas circulating about the future use of the building that incorporate a continued presence by the Boys and Girls Club.

NOW, THEREFORE, BE IT RESOLVED, That the Homer City Council hereby authorizes the City Manager to enter into a short term lease with the Boys and Girls Club and extend its occupancy of the lower level of the old intermediate school until January 31, 2012.

PASSED AND ADOPTED by the Homer City Council this 25th day of July, 2011.

CITY OF HOMER

JAMES C. HORNADAY, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

Fiscal Note: Utility fees to be determined

1 CITY OF HOMER
2 HOMER, ALASKA

3 City Manager

4 RESOLUTION 11-079
5

6 A RESOLUTION OF THE CITY COUNCIL OF HOMER,
7 ALASKA, AUTHORIZING THE CITY OF HOMER TO "OPT-
8 OUT" OF THE AUTOMATED, SYSTEM WIDE TSUNAMI
9 WARNING ACTIVATION PROGRAM.
10

11 WHEREAS, The City of Homer presently participates in an automated tsunami warning
12 program that is activated system wide by federal and state agencies from remote locations in the
13 Lower 48 and Palmer; and
14

15 WHEREAS, The current program software does not have the ability to "regionalize" or
16 "time" tsunami siren warnings and this results in the potential for false alarms; and
17

18 WHEREAS, False alarms can result in threats to public safety and the unnecessary
19 expenditure of money and resources; and
20

21 WHEREAS, A number of coastal communities in Alaska do not participate in the
22 program and activate their tsunami warning sirens locally and only if there is a direct threat to
23 the community; and
24

25 WHEREAS, The City Administration recommends that Homer "opt-out " of the
26 automated system and return to activating the warning system locally for the reasons presented in
27 Memorandum 11-106; a copy of which is attached and incorporated herein.
28

29 NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby
30 authorizes the City of Homer to 'opt-out' of the automated, system wide tsunami warning
31 activation program.
32

33 PASSED AND ADOPTED by the Homer City Council this 25th day of July, 2011.
34

35 CITY OF HOMER
36

37
38 _____
39 JAMES C. HORNADAY, MAYOR
40

41 ATTEST:

42

43

44 JO JOHNSON, CMC, CITY CLERK

45

46 Fiscal Note: \$1,600 for radios

47

MEMORANDUM 11-106

TO: Mayor Hornaday and Homer City Council

FROM: Chief Bob Painter, Chief Mark Robl, Port and Harbor Director Bryan Hawkins, CM Walt Wrede

DATE: July 25, 2011

SUBJECT: Automated System Wide Activation / Tsunami Warning Siren "Opt-Out"

The City of Homer currently participates in an automated system wide tsunami warning system program. In simple terms, what this means is that when an earthquake occurs anywhere in the world, it is monitored and wave arrival times are calculated by the National Weather Service in the lower 48. If it looks like Alaska will be affected, the National Weather Service sends an automated signal to the State Tsunami Warning center in Palmer which then activates sirens simultaneously around the state throughout the entire system. The State does not currently have the ability to "regionalize" or "time" the signals based upon the relative danger and immediacy of the threat. Therefore, the State cannot activate the siren system only in areas that face a threat. The alarm goes off in all coastal areas of the state.

As we saw with the last two "false alarms", sounding the tsunami warning sirens when there is no threat to the community can have serious consequences that go beyond mere inconvenience. The impacts can become exponentially worse if this happens in the middle of the busy summer season. The most recent event caused a near stampede on the Spit as RVs, tent campers and people with boats on trailers rushed to get to higher ground. Many boat owners rushed in the opposite direction toward the harbor to secure their boats, causing further confusion. Dispatch was inundated with calls and the 911 system was tied up preventing callers with real emergencies from getting through. Police officers and harbor officers fanned out to let people know that Homer was in no danger. In short, false alarms can be a threat to public health and safety. Too many of them will eventually cause the public to become cynical and ignore the warnings completely.

Since the last event, the City has been participating in meetings sponsored by the Borough Office of Emergency Management to discuss ways to make the system function better for local communities. A number of improvements have been discussed and Director Mohrman will likely talk about them at the meeting on Monday night. The discussions include different tones for warnings and all clear messages, shorter and more concise voice messages, and staggering voice messages by delivering them one siren at a time to eliminate echoes and other interference.

One of the things that has been discussed in detail is the possibility of "opting out" of the automated system wide program and going back to a locally activated system. Many communities have already done this or have not participated since program inception. This includes Kodiak, Valdez, and many of the communities in Southeast. The Kodiak harbormaster reports that the sirens were not activated in Kodiak during the last event. Seward has indicated that it is ready to "opt-out". We recommend that Homer do the same. We have consulted with the Administration in Seldovia, whom Homer dispatches

for, and they are in agreement. I expect Tim Dillion, the City Manager to be in attendance at this meeting.

Here is how we envision the new protocol working. The Homer dispatch office already receives multiple notices of earthquakes and possible tsunamis from federal, state, and borough officials in the form of faxes, e-mails, NAWAS Radio transmissions, and phone tree calls. This would be the dispatcher's signal to go to the appropriate websites and other sources of information to determine the nature of the threat to Homer. If appropriate, the dispatcher would contact Chiefs Robl and Painter who would review the situation, the recommended response, and authorize action. The Port and Harbor Director would be notified and in the loop. If no threat existed or more information was needed before a decision could be made, the siren would not be activated. If a threat did exist the siren would be activated. If appropriate, the City Manager would be immediately notified and he would assemble the Emergency Operations staff and prepare to mobilize City resources. The City Emergency Operations Plan would be followed at this point.

The advantage to this approach is that we could avoid further false alarms. The siren would go off only if there was a real threat to Homer and we wanted people to head to high ground. We would keep the siren tones consistent so that everyone knew that when it went off, it was time to get out. We would keep voice messages short and simple and will continue working with the Borough to improve the sound. The City already has the ability to activate the sirens and the prerecorded messages locally. Dispatch can also speak over the sirens through a microphone if conditions warrant. Homer dispatchers are already trained on how to activate the system. Before this new system came into use the City had the responsibility for activation jointly with the Borough for over twenty years. We would be simply going back to the way it was.

The warning system is presently activated via the internet and we would propose setting it up so that it can be activated by radio frequency (RF) as well to provide redundancy in the event the internet goes down. The Dispatch Center in Soldotna will also provide back-up. Increased training for dispatch officers and a small investment in radios may be involved. It is likely that the Borough would pay for this. The City would be assuming an additional and very important responsibility but Chief Robl believes we are prepared to do so.

In short, we believe this approach will improve public safety and make the tsunami warning system function better in Homer. It is important to keep in mind that the tsunami warning system will continue to be owned and operated by the Borough. The only thing that would change is that the sirens would be activated locally rather than as part of a system wide automated alert.

RECOMMENDATION: Approve Resolution 11-079

**CITY OF HOMER
HOMER, ALASKA**

City Manager

RESOLUTION 11-080

A RESOLUTION OF THE CITY COUNCIL OF HOMER,
ALASKA, AUTHORIZING THE CITY MANAGER TO ENTER
INTO LEASE NEGOTIATIONS WITH ALASKAN COASTAL
FREIGHT, LLC FOR A LEASE ON LOT 11, HOMER SPIT
SUBDIVISION NO. 5.

WHEREAS, The City of Homer recently issued a request for proposals pursuant to the
adoption of the 2011 Land Allocation Plan; and

WHEREAS, A proposal was submitted by Alaskan Coastal Freight, LLC to lease Lot 11,
Homer Spit Subdivision No. 5 and the proposed use was equipment and freight staging for
marine transport; and

WHEREAS, The Lease Committee reviewed the proposal at a Special Meeting on June 9
and found that although the proposal was lacking sufficient detail in some areas, time was of the
essence and that the proposal had enough merit to go directly to the Council for consideration;
and

WHEREAS, The Lease Committee passed a recommendation that the City Council adopt
a resolution authorizing the City Manager to enter into lease negotiations with Alaskan Coastal
Freight, LLC and that the missing details be worked out during the negotiation process.

NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby
authorizes the City Manager to enter into lease negotiations with Alaskan Coastal Freight, LLC
for a lease on Lot 11, Homer Spit Subdivision No. 5, as described in the proposal.

PASSED AND ADOPTED by the Homer City Council this 25th day of July, 2011.

CITY OF HOMER

JAMES C. HORNADAY, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

Fiscal Note: Lease revenues to be determined.

MEMORANDUM 11-107

TO: Mayor Hornaday and Homer City Council
FROM: Walt Wrede
DATE: July 25, 2011
SUBJECT: Lease Proposal / Alaskan Coastal Freight, LLC

In late April of this year, the City issued a Request for Proposals for leases on thirteen lots in the port and harbor area. The RFP was generated right after the Council adopted the Land Allocation Plan which stipulates which lots are available for lease. Two proposals were received and the Lease Committee reviewed them at a Special Meeting on June 9, 2011.

Alaskan Coast Freight, LLC submitted a proposal to lease Lot 11, Homer Spit Subdivision No. 5. This lot is adjacent to Freight Dock Road and the chip pad. Alaskan Coastal Freight is a locally owned and well established barge and freight operation based in Homer. They are currently doing a large volume of business from the harbor and rented short term storage space on the uplands. The company is looking for a more permanent base of operations. The proposed use is equipment and freight staging for marine transport.

The staff report found that the proposal was very promising but that it lacked sufficient detail in some key areas. The report recommended that the City Manager be requested to meet with the applicant in order to seek clarification on some of the details. The Committee agreed that additional information was needed but found that the proposal was sufficiently promising had enough merit that the matter should go straight to the Council. A motion was passed that recommended that the Council adopt a resolution which authorized the City Manager to begin negotiations on a lease and work out the missing detail during the negotiation process.

RECOMMENDATION: Adopt Resolution 11-080

STAFF REPORT

ALASKAN COASTAL FREIGHT PROPOSAL

Lot 11, Homer Spit Sub. No. 5, on Freight Dock Road

INTRODUCTION

Compatibility with neighboring uses and consistency with applicable land use regulations including the Comprehensive Plan.

The applicant proposes to utilize the property for equipment and freight staging for marine transport. The staff is not aware of any conflicts with adjacent property owners or uses. The proposed use is consistent with the zoning code and the Homer Comprehensive Plan and supports the barge loading ramp. The proposed use fulfills the lease preference for Lot 11 outlined in the Land Allocation Plan to house a container ship/barge operation and/or an industrial support base to the Port of Homer.

The development plan includes all proposed phases and timetables.

The applicant has provided a basic site plan, but the proposal does not contain a development timetable. Further details would be needed in order to proceed with lease negotiations and permitting.

The proposed capital investment.

The applicant proposes to place two 40 foot connexes 20 feet apart with a roof constructed between them. The intended use is to provide shelter for a loader and miscellaneous tools. The structure is considered temporary in nature and no dollar amount of the proposed structure is provided. It appears the capital investment in the property would be minimal. Further information would be needed during the lease negotiation process.

Experience of the applicant in the proposed business or venture.

The applicant has substantial long-term experience in the coastal freight industry. The applicant conducted their business operations for many years out of the barge basin under a lease with the English Bay Corporation prior to moving the operation to the Harbor last year.

Financial capability or backing of the applicant including credit history, prior lease history, assets that will be used to support the proposed development.

The applicant has provided sufficient business financial statements and credit references to indicate the viability of their business operations and ability to carry out the terms of the lease. The applicant's past and current financial history with the Port & Harbor is very good.

The number of employees anticipated.

The proposal does not contain information regarding anticipated employment. More information is needed in order to be responsive.

The proposed rental rate.

The RFP indicated for planning purposes that proposers can assume that fair market rent for Lot 11 is likely within the range of \$0.60 to \$0.90 per square foot/per year. The proposal does not contain a proposed lease rate from the applicant. This information is necessary in order to be responsive and to adequately evaluate the proposal.

Other financial impacts such as tax revenues, stimulation of related spin off economic development, or the value of improvements left behind upon termination of the lease.

Since no capital investment or permanent improvements are anticipated, the value of improvements left behind is negligible. The proposal does not address other financial impacts .

Other long term social and economic development.

The proposal does not directly discuss long term social or economic development. The case can be made but it is not up to the staff reviewers to do so.

Proposal Summary:

Following is a brief summary of the primary strengths and weaknesses of this proposal.

Strengths

- The proposed use of the property aligns with the desired use of Lot 11 in the Land Allocation Plan as a container ship/barge operation and/or an industrial support base to the Port of Homer.
- The applicant is one of the larger sources of revenue supporting the Port & Harbor enterprise fund through moorage, wharfage and landing fees.
- Staging of equipment and freight for marine transport is an essential cornerstone to bringing new industry to the Port & Harbor, which would directly benefit Port operations and the enterprise fund.
- No other proposals were received for this lot.

Weaknesses

- The applicant did not propose a rental rate.
- The applicant does not indicate a development plan or timeline.
- The applicant proposes no capital improvements on the property.
- The applicant proposes a two year lease term with an option to renew. The Land Allocation Plan specifies that Lot 11 should be a long term lease.

RECOMMENDATION:

The proposal is potentially appealing and beneficial, however it lacks some key information necessary to adequately evaluate the proposal. It is recommended that the City Manager be requested to meet with Alaskan Coastal Freight to more fully address some of the items mentioned above. Full and more complete answers to these items would assist the Committee in evaluating this proposal.

City of Homer-Lease Application/Assignment Form

Directions:

1. Please type.
2. Please submit this application form to the City Clerk's Office, 491 Pioneer Avenue, Homer, Alaska 99603.
3. Please answer all questions on this form, or put "N/A" in the space if it is non applicable.

Alaskan Coastal Freight, LLC

Applicant Name:	Bruce / Anna Flanigan
Social Security No.s	314-54-2480/570-45-8747
Mailing Address:	Po Box 4083
City, State, ZIP code:	Homer, AK 99603
Business Telephone No.	907 - 235 - 3660
Representative's Name:	Bruce or Anna Flanigan
Mailing Address:	Po Box 4083
City, State, ZIP code:	Homer, AK 99603
Business Telephone No.	907 - 235 - 3660
Property Location:	Homer Spit Lot # 11.
Legal Description:	T 6S R 13W SEC 36 SEWARD Meridian HM 0930012 Homer Spit Sub No 5 Lot 11
Type of Business to be placed on property:	Equipment and freight staging for Marine Transport
Size of Buildings to be placed or leased:	2 40' Connex's 20' apart with roof
Duration of Lease requested:	2 years
Options to re-new:	Renew in 2 years
Special lease requirements:	N/A
Number of parking spaces required, per code:	N/A

**The following materials must be submitted when applying for a lease of
City of Homer real property**

1.	Plot Plan NA NA	<u>A drawing of the proposed leased property showing:</u> <input checked="" type="checkbox"/> Size of lot - dimensions and total square footage. -- to scale, please. <input checked="" type="checkbox"/> Placement and size of buildings, storage units, miscellaneous structures planned -- to scale, please. <input type="checkbox"/> Water and sewer lines -- location of septic tanks, if needed. <input type="checkbox"/> Parking spaces -- numbered on the drawing with a total number indicated -- please refer to Homer City Code _____																				
2.	Development Plan	<input type="checkbox"/> <u>List the time schedule from project initiation to project completion, including major project milestones.</u> <table border="0"> <thead> <tr> <th align="left">Dates</th> <th align="left">Tasks</th> </tr> </thead> <tbody> <tr><td>_____</td><td>_____</td></tr> <tr><td>_____</td><td>_____</td></tr> <tr><td>_____</td><td>_____</td></tr> <tr><td>_____</td><td>_____</td></tr> <tr><td>_____</td><td>_____</td></tr> </tbody> </table> For each building, indicate: <table border="0"> <thead> <tr> <th align="left">Building Use</th> <th align="left">Dimensions and square footage</th> </tr> </thead> <tbody> <tr> <td>Shelter for loader and misc tools</td> <td>36' x 40'</td> </tr> <tr><td>_____</td><td>_____</td></tr> <tr><td>_____</td><td>_____</td></tr> </tbody> </table>	Dates	Tasks	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	Building Use	Dimensions and square footage	Shelter for loader and misc tools	36' x 40'	_____	_____	_____	_____
Dates	Tasks																					
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Building Use	Dimensions and square footage																					
Shelter for loader and misc tools	36' x 40'																					
_____	_____																					
_____	_____																					
3.	Insurance	<input checked="" type="checkbox"/> Attach a statement of proof of insurability of lessee for a minimum liability insurance for combined single limits of \$1,000,000 showing the City of Homer as co-insured. Additional insurance limits may be required due to the nature of the business, lease or exposure. Environmental insurance may be required. If subleases are involved, include appropriate certificates of insurance.																				
4.	Subleases NA	<input type="checkbox"/> Please indicate and provide a detailed explanation of any plans that you may have for subleasing the property. The City of Homer will generally require payment of 25% of proceeds paid Lessee by subtenants. Refer to chapter 13 of the Property Management Policy and Procedures manual.																				
5.	Health Requirements NA	<input type="checkbox"/> Attach a statement documenting that the plans for the proposed waste disposal system, and for any other necessary health requirements, have been submitted to the State Department of Environmental Conservation for approval. Granting of this lease shall be contingent upon the lessee obtaining all necessary approvals from the State DEC.																				
6.	Agency Approval	<input type="checkbox"/> Attach statement(s) of proof that your plans have been inspected and approved by any agency which may have jurisdiction of the project; i.e. Fire Marshall, Army Corps of Engineers, EPA, etc. The granting of this lease shall be contingent upon lessee obtaining approval, necessary permits, and/or inspection statements from all appropriate State and/or Federal agencies.																				

7.	Fees	<p><u>All applicable fees must be submitted prior to the preparation and/or execution of a lease.</u></p> <p><input checked="" type="checkbox"/> Application fee - \$30.00. Covers costs associated with processing the application.</p> <p><input checked="" type="checkbox"/> Lease fee - \$300.00. Covers the costs of preparing and processing the actual lease.</p> <p><input checked="" type="checkbox"/> Assignment fee - \$250.00. Covers the costs of preparing and processing the lease transfer.</p>												
8.	Financial Data	<p><u>Please indicate lessee's type of business entity:</u></p> <p><input type="checkbox"/> Sole or individual proprietorship.</p> <p><input type="checkbox"/> Partnership.</p> <p><input type="checkbox"/> Corporation.</p> <p><input type="checkbox"/> Other - Please explain: <u>LLC</u></p> <hr/> <p><input type="checkbox"/> Financial Statement - Please attach a financial statement showing the ability of the lessee to meet the required financial obligations.</p> <p><input type="checkbox"/> Surety Information - Has any surety or bonding company ever been required to perform upon your default or the default of any of the principals in your organization holding more than a 10% interest</p> <p><input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. If yes, please attach a statement naming the surety or bonding company, date and amount of bond, and the circumstances surrounding the default or performance.</p> <p><input type="checkbox"/> Bankruptcy information - Have you or any of the principals of your organization holding more than a 10% interest ever been declared bankrupt or are presently a debtor in a bankruptcy action?</p> <p><input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. If yes, please attach a statement indicating state, date, Court having jurisdiction, case number and to amount of assets and debt.</p> <p><input type="checkbox"/> Pending Litigation - Are you or any of the principals of your organization holding more than a 10% interest presently a party to any pending litigation?</p> <p><input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. If yes, please attach detailed information as to each claim, cause of action, lien, judgment including dates and case numbers.</p>												
9.	Partnership Statement	<p><input type="checkbox"/> <u>If the applicant is a partnership, please provide the following:</u></p> <p>Date of organization: <u>12/3/05</u></p> <p>Type: <input type="checkbox"/> General Partnership <input type="checkbox"/> Limited Partnership <u>LLC</u></p> <p>Statement of Partnership Recorded? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Where <u>Homer AK</u> When <u>12/30/05</u></p> <p>Has partnership done business in Alaska? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Where <u>Homer</u> When <u>12/30/05</u> <u>to Present</u></p> <p>Name, address, and partnership share. If partner is a corporation, please complete corporation statement.</p> <p>Limited/</p> <table border="1"> <thead> <tr> <th>General</th> <th>Name</th> <th>Address</th> <th>Share %</th> </tr> </thead> <tbody> <tr> <td><input checked="" type="checkbox"/></td> <td>ANNA Flanigan</td> <td>PO Box 4083 Homer</td> <td>51</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Bruce Flanigan</td> <td>"</td> <td>49</td> </tr> </tbody> </table>	General	Name	Address	Share %	<input checked="" type="checkbox"/>	ANNA Flanigan	PO Box 4083 Homer	51	<input type="checkbox"/>	Bruce Flanigan	"	49
General	Name	Address	Share %											
<input checked="" type="checkbox"/>	ANNA Flanigan	PO Box 4083 Homer	51											
<input type="checkbox"/>	Bruce Flanigan	"	49											

Please attach a copy of your partnership agreement.

10. Corporation Statement

☐ If the applicant is a corporation, please provide the following:

Date of Incorporation: 1/26/06

State of Incorporation: Alaska

Is the Corporation authorized to do business in Alaska?

☐ No ☒ Yes. Is so, as of what Date? _____

Corporation is held? ☐ Publicly ☒ Privately If publicly held, how and where is the stock traded? _____

Officers & Principal Stockholders [10%+]:

<u>Name</u>	<u>Title</u>	<u>Address</u>	<u>Share</u>
ANNA Flanagan	Co-manager	Po Box 4083	51%
Bruce Flanagan	Co-manager	"	49%

☐ Please furnish a copy of Articles of Incorporation and By-laws.

Please furnish name and title of officer authorized by Articles and/or By-laws to execute contracts and other corporate commitments.

<u>Name</u>	<u>Title</u>
ANNA Flanagan	Co-manager
Bruce Flanagan	Co-manager

11. Applicant References

Please list four persons or firms with whom the Applicant or its owners have conducted business transactions with during the past three years. Two references named shall have knowledge of your financial management history, of which at least one must be your principal financial institution. Two of the references must have knowledge of your business expertise.

Name: David Bennett
Firm: Alaska USA Federal Credit Union
Title: Senior Vice President Business & Commercial Lending
Address: PO Box 196615 Anchorage, AK 99519-6615
Telephone: 907-786-2324
Nature of business association with Applicant: Loan manager at our bank

Name: Carrie Herndon
Firm: Carrie Herndon CPA
Title: CPA
Address: 331 E Pioneer Ave Homer
Telephone: 235-8260
Nature of business association with Applicant: Our Accountant

Name: James Harris
Firm: Alaska Native Tribal Health Consortium
Title: Purchasing Agent
Address: 1901 Bragaw St - Anchorage, AK
Telephone: _____
Nature of business association with Applicant: Charters our vessel to transport Freight - Long time customer - Consistently.

Name: Susan Ellenbecker
Firm: Cook Inlet Pipeline / Cherron
Title: Company Representative
Address: 3800 Centerpoint DR Anchorage 99503
Telephone: 907-263-7991
Nature of business association with Applicant: Charters our vessel to transport Freight Consistently

I hereby certify that the above information is true and correct to the best of my knowledge.

Signature:

Date:

[Signature]

5-18-11



State of Alaska
Corporations, Business and Professional Licensing
CORPORATION SECTION
PO. Box 110808
Juneau, AK 99811-0808

AK Entry # 00000
Date Filed: 12/30/2005 03:09 PM
Effective Date: 01/01/2006 12:00 AM
State of Alaska
Department of Commerce

ARTICLES OF ORGANIZATION
Online Filing
(Domestic Limited Liability Company)

The undersigned person(s) of the age of 18 years or more, acting as organizers of a limited liability company under the Alaska Limited Liability Act (AS 10.50) hereby adopt the following Articles of Organization:

Article 1. Name of the Limited Liability Company. The name of a limited liability company must contain the words "limited liability company" or the abbreviation "L.L.C.," or "LLC":

Alaskan Coastal Freight, LLC

Article 2. The purpose for which the company is organized. A limited liability company may list any lawful as its purpose:

To engage in the business of marine coastal freight transportation and any other lawful purpose.

Article 3. Registered Agent Name and Address:

Name: Anna M. Flanigan
Mailing Address: P.O. Box 4083
Homer, AK 99603

Physical Address if Mailing Address is a Post Office Box: 4722 Sabrina Road
Homer, AK 99603

Article 4. Duration:

Check this box if the duration is perpetual: ☒

If the duration is not perpetual, list the latest date upon which the Limited Liability Company is to dissolve:

Article 5. Management: Check this box if the company will be managed by a manager. ☐

Article 6. Optional Provisions:

One or more organizer shall sign the Articles of Organization for a limited liability company.

Name of Organizer Online Signature of Organizer

Bruce J. Flanigan

Bruce J. Flanigan

Anna M. Flanigan

Anna M. Flanigan

Date Submitted Online

December 30, 2005

**CITY OF HOMER
HOMER, ALASKA**

City Manager

RESOLUTION 11-081

A RESOLUTION OF THE CITY COUNCIL OF HOMER,
ALASKA, AUTHORIZING THE CITY MANAGER TO ENTER
INTO LEASE NEGOTIATIONS WITH FORTUNE SEA, LLC
FOR A LEASE ON LOT 19, HOMER SPIT SUBDIVISION NO.
5.

WHEREAS, The City of Homer recently issued a request for proposals pursuant to the adoption of the 2011 Land Allocation Plan; and

WHEREAS, A proposal was submitted by Fortune Sea, LLC to lease Lot 19, Homer Spit Subdivision No. 5 and the proposed use was equipment and freight staging for marine transport; and

WHEREAS, The Lease Committee reviewed the proposal at a Special Meeting on June 9 and found that although the proposal was lacking sufficient detail in some areas, time was of the essence and that the proposal had enough merit to go directly to the Council for consideration; and

WHEREAS, The Lease Committee passed a recommendation that the City Council adopt a resolution authorizing the City Manager to enter into lease negotiations with Fortune Sea, LLC and that the missing details be worked out during the negotiation process.

NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby authorizes the City Manager to enter into lease negotiations with Fortune Sea, LLC for a lease on Lot 19, Homer Spit Subdivision No. 5, as described in the proposal.

PASSED AND ADOPTED by the Homer City Council this 25th day of July, 2011.

CITY OF HOMER

JAMES C. HORNADAY, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

Fiscal Note: Lease revenues to be determined.

MEMORANDUM 11-108

TO: Mayor Hornaday and Homer City Council
FROM: Walt Wrede
DATE: July 25, 2011
SUBJECT: Lease Proposal / Fortune Sea, LLC

In late April of this year, the City issued a Request for Proposals for leases on thirteen lots in the port and harbor area. The RFP was generated right after the Council adopted the Land Allocation Plan which stipulates which lots are available for lease. Two proposals were received and the Lease Committee reviewed them at a Special Meeting on June 9, 2011.

Fortune Sea LLC submitted a proposal to lease Lot 19, Homer Spit Subdivision No. 5. This lot is on Freight Dock Road next to the Coast Guard Building. Fortune Sea, LLC is a locally owned and well established commercial fishing operation based in Homer. They are already doing a large volume of business from the harbor and are looking to expand operations. The local economic impact in terms of jobs and revenue is significant. The proposed use is upland fleet support, improved and secured storage for crab pots, tender gear, trailers, and other related equipment.

The staff report found that the proposal was very promising but that it lacked sufficient detail in some key areas. The report recommended that the City Manager be requested to meet with the applicant in order to seek clarification on some of the details. The Committee agreed that additional information was needed but found that the proposal was sufficiently promising and had enough merit that the matter should go straight to the Council. A motion was passed that recommended that the Council adopt a resolution which authorized the City Manager to begin negotiations on a lease and work out the missing detail during the negotiation process.

RECOMMENDATION: Adopt Resolution 11-081



CITY OF HOMER PROPERTY MANAGEMENT LEASE APPLICATION CHECKLIST

Applicant Name: **FORTUNE SEA, LLC**
Date Application Received: **May 19, 2011**

CHAPTER 5: LEASE APPLICATION PROCESS

5.1: POLICY

- A. It is the policy of the City of Homer to provide for a streamlined, standardized, and easily understood lease application process. A full and complete application packet shall be provided to all applicants. Applicants must be qualified under Section 18.08.50 of the Homer City Code:
- (a) a natural person and is responsible, meaning the applicant has sufficient skill, experience and financial capability to perform all the obligations of the lessee under the proposed lease; and
 - (b) a person who is at least nineteen years of age; or
 - (c) a group, association or corporation which is authorized to conduct business under the laws of the State of Alaska. (Ord. 92-10 (part), 1992). 183 (Homer 06/04)
- B. The City administration will provide for pre-application meetings with all potential applicants to provide relevant information on things like land use regulations, lease policies, the permitting process, and other relevant topics.

5.2 PROCEDURES

A. A responsive lease application / proposal shall include:

1. A completed application form provided by the City

<input checked="" type="checkbox"/>	NO	N/A	INCOMPLETE
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NOTES:

2. Any applicable fees

<input checked="" type="checkbox"/>	NO	N/A	INCOMPLETE
-------------------------------------	----	-----	------------

NOTES:

\$30 fee included

3. A clear and precise narrative description of the proposed use of the property

<input checked="" type="checkbox"/>	NO	N/A	INCOMPLETE
-------------------------------------	----	-----	------------

NOTES:

Upland fleet support; secured storage of crab pots, tender gear, vans, trailers, and fishing equipment.

4. A specific time schedule and benchmarks for development

<input checked="" type="checkbox"/>	NO	N/A	INCOMPLETE
-------------------------------------	----	-----	------------

NOTES:

Indicates improving the gravel pad, adding approximately 400 feet of chain link fencing, and staging movable connex unit along the Freight Dock Road side of the lot in 2012.

5. A proposed site plan drawn to scale that shows at a minimum property lines, easements, existing structures and other improvements, utilities, and the proposed development including all structures and their elevations, parking facilities, utilities, and other proposed improvements.

YES	NO	N/A	INCOMPLETE
-----	----	-----	------------

NOTES:

Parcel aerial map included. Does not indicate planned location of the 400 feet of fencing or connex storage units, though the proposal narrative indicates the connex storage to be located on the Freight Dock Road side of the lot.

6. Any other information that is directly pertinent to the proposal scoring criteria contained herein or required by the solicitation or request for proposals.

YES	NO	N/A	INCOMPLETE
-----	----	-----	------------

NOTES:

Did not indicate in proposal the amount/value of proposed capital investment.

7. All other required attachments requested on the application form including, but not limited to, the following documentation: applicant information, plot plan, development plan, insurance, proposed subleases, environmental information, agency approvals and permits, fees, financial information, partnership and corporation statement, certificate of good standing issued by an entity's state of domicile, and references.

☒ Applicant information

☐ Plot Plan

☒ Development Plan

☒ Insurance

N/A Proposed Subleases

N/A Environmental Information

N/A Agency approvals and permits

☒ Financial Information (Financial Statement **REQUIRED**, Surety, bankruptcy, pending litigation are situational.)

N/A Partnership information and a copy of the partnership agreement OR

☒ Corporation information and a copy of the Articles of Incorporation and Bylaws

☐ Certificate of good standing issued by the entity's state of domicile

☒ Appropriate References (Total of 4 persons or firms with whom the applicant or its owners have conducted business transactions with during the past three years. Two references must have knowledge of your financial management history (One of which **MUST** be your principal financial institution) and two must have knowledge of your business expertise).

YES	NO	N/A	INCOMPLETE
-----	----	-----	------------

NOTES:

Incomplete Plot Plan

Financial Statement is from 2009; did not provide one for 2010.

Fortune Sea LLC is currently non-compliant with the State of Alaska Dept of Commerce. Last Biennial Report filed 5/13/2008

☒ Application review completed by Larry Lilde on 6/2/11
(date)

STAFF REPORT
FORTUNE SEA LLC PROPOSAL

Lot 19, Homer Spit Sub. No. 5, on Freight Dock Road

INTRODUCTION

Compatibility with neighboring uses and consistency with applicable land use regulations including the Comprehensive Plan.

The applicant proposes to utilize the property for upland fleet support and improved, secured storage of crab pots, tender gear, connex vans, trailers and other fishing equipment. The staff is not aware of any conflicts with adjacent property owners or uses. The proposed use is consistent with the zoning code and the Homer Comprehensive Plan.

The development plan includes all proposed phases and timetables.

Proposed improvements to the property are described in the proposal narrative titled "Proposed Land Use". The applicant has proposed improving the gravel pad, installing approximately 400 feet of chain link fencing, and placing movable connex storage units along the Freight Dock Road side of the lot. The timetable for installation of the improvements is in 2012.

The proposed capital investment.

The proposal does not contain an estimated dollar figure with respect to the capital investments described above. The improvements to the gravel pad would provide value to the property. The value of installing chain link fencing on the lot is difficult to assess. Its value, if considered a permanent improvement, is questionable as it is contingent upon future use of the lot upon expiration of a lease. The movable connex units appear to be temporary in nature and not a permanent improvement to the lot. Further information and details would be needed during the lease negotiation process.

Experience of the applicant in the proposed business or venture.

The experience of the applicant regarding the proposed use is described in the proposal narrative titled "Proposed Land Use". The applicant appears to be very experienced in the fishing business and an integrated business of the Homer fishing industry itself.

Financial capability or backing of the applicant including credit history, prior lease history, assets that will be used to support the proposed development.

The applicant has provided its 2009 business financial statement and credit references to indicate the viability of their business operations and ability to carry out the terms of the lease. The applicant's past and current financial history with the Port & Harbor is excellent. The applicant's 2010 financial statement could be required during lease negotiations to eliminate concerns, if any, that may exist.

The number of employees anticipated.

The applicant's business operation currently employs 21 individuals during the peak season, and 10 during the winter off-season.

The proposed rental rate.

The applicant proposes a lease rate of .40 /sq. ft per year.

Other financial impacts such as tax revenues, stimulation of related spin off economic development, or the value of improvements left behind upon termination of the lease.

Applicant's proposal narrative summarizes its valuable impacts to the Homer economy. As a locally owned and operated company with the Homer Harbor as its fleet's home port, the applicant contributes significantly to the local economy through a variety of avenues such as moorage fees, local repair and maintenance of vessels, sales tax revenue from local purchases, etc.

Other long term social and economic development.

Applicant's proposal narrative outlines the recent growth of its operation and the current need for secured space in order to maintain and expand its operations in the fishing industry, a cornerstone of the local economy.

Proposal Summary:

Following is a brief summary of the primary strengths and weaknesses of this proposal.

Strengths

- The applicant's growing business is a source of revenue supporting the Port & Harbor enterprise fund through moorage fees and the City through tax revenues and the business operations generate significant spin-off economic activity in the local marine trade industry.
- No other proposals were received for this lot.
- The proposed use is compatible with applicable land use regulations.
- The proposed lease term of 5 years with a 5 year option to renew provides the City a reasonable timeframe to reevaluate the best use of the property.

Weaknesses

- The business is currently listed as active but non-compliant with the State of Alaska Department of Revenue due to not filing the required Biennial Reports.

RECOMMENDATION:

That the Lease Committee recommend to City Council that the City Manager be authorized to enter into lease negotiations with Fortune Sea LLC for Lot 19, Homer Spit Subdivision No. 5.

City of Homer-Lease Application/Assignment Form

Directions:

1. Please type.
2. Please submit this application form to the City Clerk's Office, 491 Pioneer Avenue, Homer, Alaska 99603.
3. Please answer all questions on this form, or put "N/A" in the space if it is non applicable.

Applicant Name: Social Security No.s	IAN PITZMAN
Mailing Address:	4254 Svedland CR
City, State, ZIP code:	HOMER, AK 99603
Business Telephone No.	907-299-1159
Representative's Name:	(same)
Mailing Address:	"
City, State, ZIP code:	"
Business Telephone No.	"
Property Location:	Freight Dock Road Lot 19
Legal Description:	T6S R 13W SEC 36 SEWARD MER HM0930012 HSS NO 5
Type of Business to be placed on property:	Upland Fleet Support 10719
Size of Buildings to be placed or leased:	NONE at this time
Duration of Lease requested:	5 years
Options to re-new:	5 years
Special lease requirements:	NONE
Number of parking spaces required, per code:	N/A

**The following materials must be submitted when applying for a lease of
City of Homer real property**

1.	Plot Plan <i>N/A</i> <i>EMPTY LOT of 14,000sqft</i>	<u>A drawing of the proposed leased property showing:</u> <input type="checkbox"/> Size of lot - dimensions and total square footage. – to scale, please. <input type="checkbox"/> Placement and size of buildings, storage units, miscellaneous structures planned – to scale, please. <input type="checkbox"/> Water and sewer lines – location of septic tanks, if needed. <input type="checkbox"/> Parking spaces – numbered on the drawing with a total number indicated – please refer to Homer City Code _____																				
2.	Development Plan	<input type="checkbox"/> <u>List the time schedule from project initiation to project completion, including major project milestones.</u> <table border="0"> <thead> <tr> <th align="left">Dates</th> <th align="left">Tasks</th> </tr> </thead> <tbody> <tr> <td><i>2012</i></td> <td><i>Improve Gravel Pad</i></td> </tr> <tr> <td></td> <td><i>Fence</i></td> </tr> <tr> <td></td> <td><i>Connex Storage Units</i></td> </tr> <tr> <td></td> <td></td> </tr> <tr> <td></td> <td></td> </tr> </tbody> </table> For each building, indicate: <table border="0"> <thead> <tr> <th align="left">Building Use</th> <th align="left">Dimensions and square footage</th> </tr> </thead> <tbody> <tr> <td><i>N/A</i></td> <td></td> </tr> <tr> <td></td> <td></td> </tr> <tr> <td></td> <td></td> </tr> </tbody> </table>	Dates	Tasks	<i>2012</i>	<i>Improve Gravel Pad</i>		<i>Fence</i>		<i>Connex Storage Units</i>					Building Use	Dimensions and square footage	<i>N/A</i>					
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3.	Insurance	<input checked="" type="checkbox"/> Attach a statement of proof of insurability of lessee for a minimum liability insurance for combined single limits of \$1,000,000 showing the City of Homer as co-insured. Additional insurance limits may be required due to the nature of the business, lease or exposure. Environmental insurance may be required. If subleases are involved, include appropriate certificates of insurance.																				
4.	Subleases <i>N/A</i>	<input type="checkbox"/> Please indicate and provide a detailed explanation of any plans that you may have for subleasing the property. The City of Homer will generally require payment of 25% of proceeds paid Lessee by subtenants. Refer to chapter 13 of the Property Management Policy and Procedures manual.																				
5.	Health Requirements <i>N/A</i>	<input type="checkbox"/> Attach a statement documenting that the plans for the proposed waste disposal system, and for any other necessary health requirements, have been submitted to the State Department of Environmental Conservation for approval. Granting of this lease shall be contingent upon the lessee obtaining all necessary approvals from the State DEC.																				
6.	Agency Approval <i>N/A</i>	<input type="checkbox"/> Attach statement(s) of proof that your plans have been inspected and approved by any agency which may have jurisdiction of the project; i.e. Fire Marshall, Army Corps of Engineers, EPA, etc. The granting of this lease shall be contingent upon lessee obtaining approval, necessary permits, and/or inspection statements from all appropriate State and/or Federal agencies.																				

7.	Fees	<p><u>All applicable fees must be submitted prior to the preparation and/or execution of a lease.</u></p> <p><input checked="" type="checkbox"/> Application fee - \$30.00. Covers costs associated with processing the application.</p> <p><input type="checkbox"/> Lease fee - \$300.00. Covers the costs of preparing and processing the actual lease.</p> <p><input type="checkbox"/> Assignment fee - \$250.00. Covers the costs of preparing and processing the lease transfer.</p>
8.	Financial Data	<p><u>Please indicate lessee's type of business entity:</u></p> <p><input type="checkbox"/> Sole or individual proprietorship.</p> <p><input type="checkbox"/> Partnership.</p> <p><input checked="" type="checkbox"/> Corporation.</p> <p><input type="checkbox"/> Other – Please explain: _____</p> <hr/> <p><input checked="" type="checkbox"/> Financial Statement – Please attach a financial statement showing the ability of the lessee to meet the required financial obligations.</p> <p><input checked="" type="checkbox"/> Surety Information – Has any surety or bonding company ever been required to perform upon your default or the default of any of the principals in your organization holding more than a 10% interest</p> <p><input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. If yes, please attach a statement naming the surety or bonding company, date and amount of bond, and the circumstances surrounding the default or performance.</p> <p><input checked="" type="checkbox"/> Bankruptcy information - Have you or any of the principals of your organization holding more than a 10% interest ever been declared bankrupt or are presently a debtor in a bankruptcy action?</p> <p><input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. If yes, please attach a statement indicating state, date, Court having jurisdiction, case number and to amount of assets and debt.</p> <p><input checked="" type="checkbox"/> Pending Litigation – Are you or any of the principals of your organization holding more than a 10% interest presently a party to any pending litigation?</p> <p><input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. If yes, please attach detailed information as to each claim, cause of action, lien, judgment including dates and case numbers.</p>
9.	Partnership Statement	<p><input type="checkbox"/> <u>If the applicant is a partnership, please provide the following:</u></p> <p>Date of organization: _____</p> <p>Type: <input type="checkbox"/> General Partnership <input type="checkbox"/> Limited Partnership</p> <p>Statement of Partnership Recorded? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Where _____ When _____</p> <p>Has partnership done business in Alaska? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Where _____ When _____</p> <p>Name, address, and partnership share. If partner is a corporation, please complete corporation statement.</p> <p>Limited/ General Name Address Share %</p>

Please attach a copy of your partnership agreement.

10. Corporation Statement

☒ If the applicant is a corporation, please provide the following:

Date of Incorporation: APRIL 11, 2006

State of Incorporation: ALASKA

Is the Corporation authorized to do business in Alaska?

☐ No ☒ Yes. Is so, as of what Date? APRIL 11, 2006

Corporation is held? ☐ Publicly ☐ Privately If publicly held, how and where is the stock traded? _____

Officers & Principal Stockholders [10%+]:

<u>Name</u>	<u>Title</u>	<u>Address</u>	<u>Share</u>
IAN PITZMAN	OWNER	4251 Sedlund Harbor	100%

☐ Please furnish a copy of Articles of Incorporation and By-laws.

Please furnish name and title of officer authorized by Articles and/or By-laws to execute contracts and other corporate commitments.

<u>Name</u>	<u>Title</u>
IAN PITZMAN	OWNER

11. Applicant References

Please list four persons or firms with whom the Applicant or its owners have conducted business transactions with during the past three years. Two references named shall have knowledge of your financial management history, of which at least one must be your principal financial institution. Two of the references must have knowledge of your business expertise.


Name: JOHN KELLY
Firm: HOMER BUSINESS SERVICES
Title: OWNER
Address: 5317 Kachemak Dr HOMER
Telephone: 907-235-9700
Nature of business association with Applicant: BOOKKEEPING and Payroll Services.

Name: Brandon Gracho
Firm: Wells Fargo Bank
Title: Banker
Address: Sterling Hwy HOMER
Telephone: 907-235-8151
Nature of business association with Applicant: Business Banker

Name: Ken Quinn
Firm: Kachemak Gear Shed - Redden Marine
Title: Owner
Address: 3625 East End Road HOMER
Telephone: 907-235-8612
Nature of business association with Applicant: Vendor of gear + supplies

Name: Steve Fisher
Firm: Integrity Welding
Title: owner
Address: P.O. Box 77 HOMER
Telephone: 907-399-7581
Nature of business association with Applicant: Vendor of welding services and personal snow/sand services

I hereby certify that the above information is true and correct to the best of my knowledge.

Signature: 

Date: 5/10/2011

Proposed Land Use

Fortune Sea LLC is a locally fishing company owned and operated by Ian Pitzman. It was founded in 2006 with the purchase of f/v Cape Caution. Fortune Sea operates catcher vessels for crab and cod in the Bering Sea and Gulf in the winter. During the spring and summer, it's vessels tender for salmon and herring. The company vessels are also available for leased charters.

We are a Homer Harbor home ported fleet, and since 06, we have grown to include ownership and management of four additional vessels in the same class. Our group, in order of acquisition includes:

f/v Cape Caution - 108 ft LOA
f/v Kona Kai - 108 ft LOA
f/v Katrina Em - 108 ft LOA
f/v Egegik Spirit - 95 ft LOA
f/v Akemi - 95 ft LOA

As a management group, we have 21 employees at season's peak, and 10 through the winter. The repair and maintenance budgets for our vessels range from \$75,000 to \$150,000. Short of a full haul-out, our relationships with the members of Homer's marine trades and services industry allow us to perform much of this work locally. We contribute significantly to the tax base with other local purchasing such as fuel, groceries, supplies, and harbor moorage.

Our rapid growth has perpetuated a need for an improved, secure storage and upland fleet support area. In the short term, we must acquire space to fence our gear for security of crab pots, tender gear, connex vans, trailers, and other fishing equipment. We anticipate an improved gravel pad, approximately 400 ft of chain link fencing, and movable connex units staged along the Freight Dock Road side of the lot, to meet the needs of five or more vessels. Fortune Sea is in an acquisition phase and we need room to grow.

With input from the Homer Harbor Office, we have identified lot 19 on the current RFP as our preferred alternative. Lot 20 will work for us as well. However, we feel that sharing a border with the USCG upland fleet support & storage lot is appropriate, and in keeping with the tenants of our Marine Industrial District under Homer City Code Chapter 21.30.

Proposed Lease of Parcel L – Lot 19 Homer Spit Subdivision No. 5

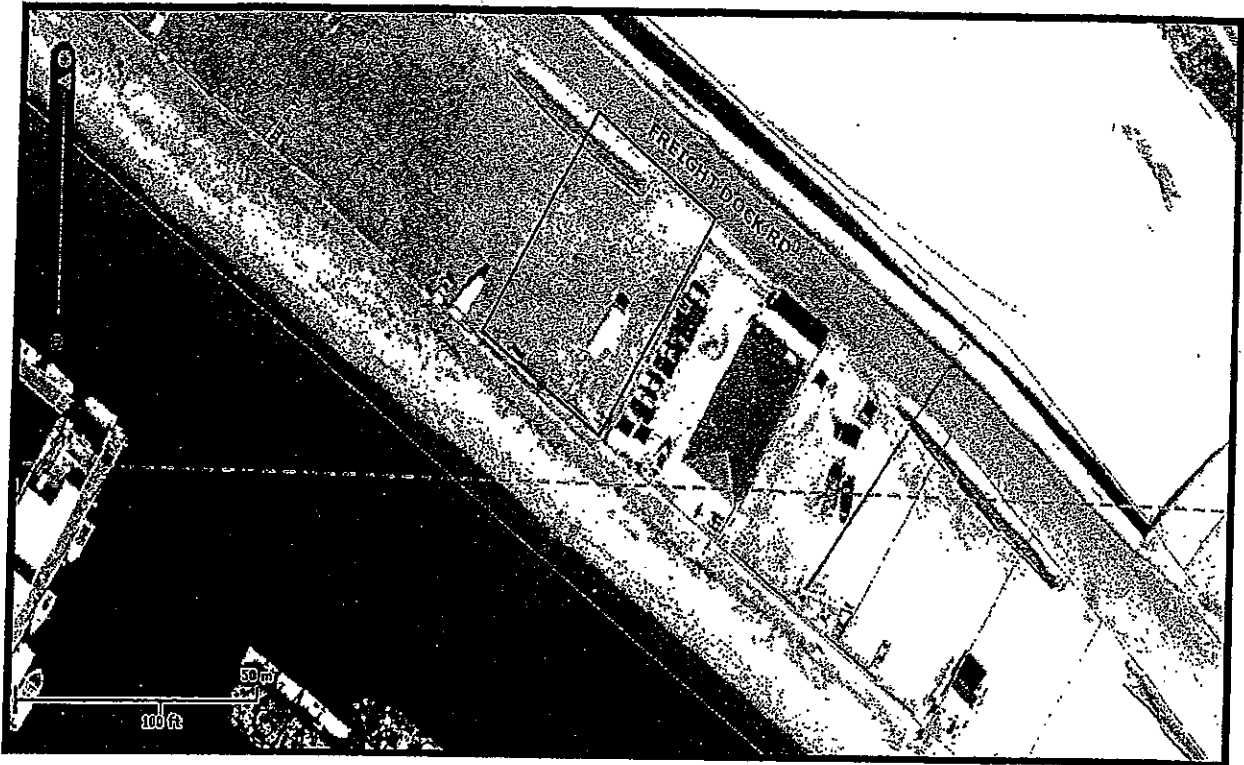
Please consider this offer made by Fortune Sea LLC to the City of Homer with the intent of providing secure storage and upland fleet support for our affiliated vessels.

We are prepared to offer a lease rate of .40 per sq foot per year for Parcel L - Lot 19 of the current RFP. We ask for a five year lease with an option to extend for five additional years. The relatively short lease term proposed is in recognition of the fact that the City of Homer assumes fair market rate to be between .60 and .90 for this lot at a long term lease.

We feel the Freight Dock Road side of the harbor is under-utilized for its intended purpose as a marine industrial district at this time. Given the current economy and rental environment, the suggested rates are too high and do not encourage new leases. This may change, however, and our proposed 10 year term lease will give the city two beneficial opportunities. First, it will support a young, growing local company with a clear and pressing need. And second, the City will have a chance to revisit the value/use of the property in a relatively short amount of time.

Kenai Peninsula Borough
Property Report - 18103238

Thu May 19 2011 02:15:58 PM



Parcel Number: 18103238

Address:

Owner: HOMER CITY OF
491 E PIONEER AVE
HOMER, AK 99603

Tax Area: 20 - HOMER CITY

Usage Code: 100 Residential Vacant

Acreage: 0.32

Land Value: \$142,200

Improvement Value: \$0

Assessed Value: \$142,200

Taxable Value: \$0

Legal Description: T 6S R 13W SEC 36 SEWARD MERIDIAN HM 0930012 HOMER SPIT SUB NO
5 LOT 19



DISCLAIMER: The data displayed herein is neither a legally recorded map nor survey and should only be used for general reference purposes. Kenai Peninsula Borough assumes no liability as to the accuracy of any data displayed herein. Original source documents should be consulted for accuracy verification.

Number of Structures: 1

Structure #	Year Built	Square Ft	Structure Type
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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

