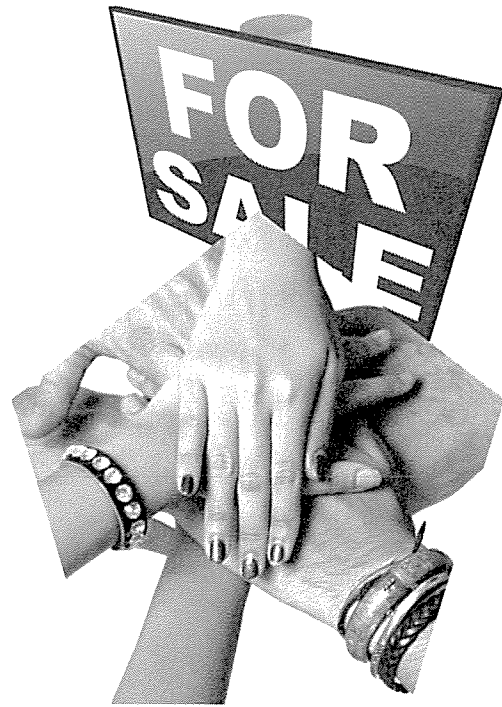
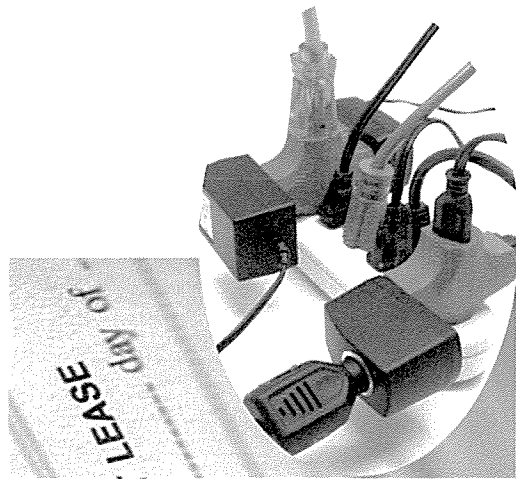
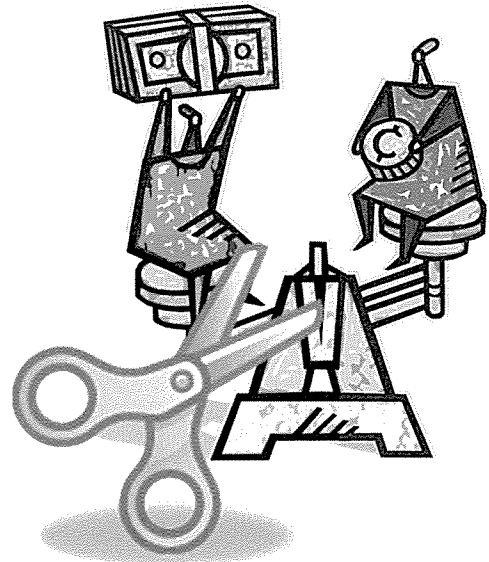
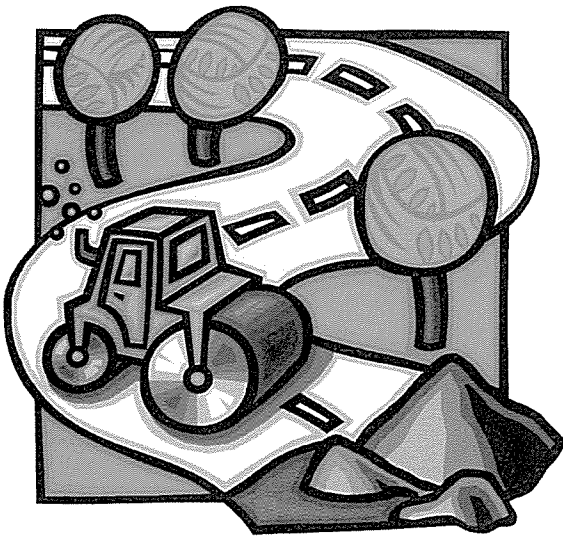


City Council
November 28, 2011
Monday



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 NOVEMBER/DECEMBER

- Monday 28th** **CITY COUNCIL** Committee of the Whole 5:00 p.m. and Regular Meeting 6:00 p.m.
- Monday 5th** **1% FOR THE ARTS SELECTION COMMITTEE** 1:00 p.m.
KAREN HORNADAY PARK COMMITTEE 5:30 p.m.
- Tuesday 6th** **LIBRARY ADVISORY BOARD** 5:00 p.m.
- Wednesday 7th** **PLANNING COMMISSION** Worksession 5:30 p.m. and Regular Meeting 6:30 p.m.
- Thursday 8th** **PARKS AND RECREATION ADVISORY COMMISSION** Special Meeting 5:30 p.m.
- Monday 12th** **CITY COUNCIL** Special Meeting 4:00 p.m., Committee of the Whole 5:00 p.m., and Regular Meeting 6:00 p.m.

Regular Meeting Schedule

- City Council 2nd and 4th Mondays 6:00 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 with the exception of December 5:30 p.m.
Planning Commission 1st and 3rd Wednesday 6:30 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 months of February, May, August, and November 5:15 p.m.

MAYOR AND CITY COUNCILMEMBERS AND TERMS

- JAMES C. HORNADAY, MAYOR - 12**
BARBARA HOWARD, COUNCILMEMBER - 14
DAVID LEWIS, COUNCILMEMBER - 14
FRANCIE ROBERTS, COUNCILMEMBER - 12
KEVIN HOGAN, COUNCILMEMBER - 12
MARY E. (BETH) WYTHER, COUNCILMEMBER - 13
BRYAN ZAK, COUNCILMEMBER - 13
City Manager, Walt Wrede
City Attorney, Thomas Klinkner

<http://www.cityofhomer-ak.gov/cityclerk> 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/COMMITTEE OF THE WHOLE
491 E. PIONEER AVENUE
HOMER, ALASKA

NOVEMBER 28, 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.

Mayor Hornaday 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. 2012 Budget

A. Memorandum 11-150 from Parks and Recreation Advisory Commission, re: 2012 Budget Request. Page 19

B. Memorandum 11-151 from Parks and Recreation Advisory Commission, re: Construction and Installation of Vaulted Restroom Facilities at Mariner Park. Page 23

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, DECEMBER 12, 2011 AT 6:00 P.M. THE NEXT COMMITTEE OF THE WHOLE IS SCHEDULED FOR MONDAY, DECEMBER 12, 2011 AT 5:00 P.M. A SPECIAL MEETING IS SCHEDULED FOR DECEMBER 12, 2011 AT 4:00 P.M. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

Amendment No.	Council Member	Fund	Page #	Dept #	Account #	Description	Change in Budget	Proposed Budget Changes					Net Impact		
								General	Water/Sewer	Port & Harbor	Projects	Internal Services			
A-1	Management	Port/Harbor	164	400-611	5105	Overtime	+			1,500					
			165	400-612	5105	Overtime	+			100					
			166	400-614	5105	Overtime	+			500					
Justification: In moving Port/Harbor Maintenance from Public Works, Overtime was overbooked.															
A-2	Wythe	G/F Fishing Hole Maintenance Reserve	171	156-369	4992	Maintenance Reserve	+					100,000			100,000
Justification: Establish or maintenance fund for Fishing Hole.															
A-3	Wythe	Port & Harbor Depreciation Reserves	456	380	5990	Depreciation Reserve	+					500,000			500,000
		Bond Reserve Fund	4**	***	4992	Maintenance Reserve	-					(500,000)			
Justification: Establish reserve as required for Revenue Bond Issuing for P&H Improvement Project.															
A-4	Management	Fire Depreciation Reserve	156	393		Depreciation Reserve	+					10,000			10,000
Justification: Replacement of fuse station to meet FCC requirements.															
A-5	Lewis	G/F Fund Balance	100	*****		Fund from Fund Balance	+					10,000			
Justification: G/F Homer Foundation/Homer Hockey Change in gaming vendor and loss of \$10,000 to \$15,000. K&A brings many players both youth and adult during the winter to Homer.															
A-6	Zak	G/F Depreciation Reserves - Sister Cities	156	399	5990	Depreciation Reserve	+					5,868			5,868
		Establish Funds for Parks/Rec Commission	156	***	5990	Depreciation Reserve	+					1,000			
		G/F Library	100	145	5228	Books	-					(3,878)			
		G/F City Clerk	100	101	5227	Advertising	-					(1,000)			
Justification: G/F City Clerk - Elections															
			100	102	5227	Advertising	-					(2,000)			
Justification: To fund Sister Cities and Establish funds for Parks/Rec Board by reducing the expenditures to Library Books and City Clerks and Elections Advertising															
A-7	Hogan	G/F (All Departments)	100	***	5102	Health Care Contribution	-					(177,520)			(177,520)
		W/S (All Departments)	200	***	5102	Health Care Contribution	-					(18,720)			
		P&H (All Departments)	400	***	5102	Health Care Contribution	-					(21,360)			
Justification: G/F - Economic Development															
			100	112	5210	Chamber of Commerce	-					(121,375)			
Justification: G/F - Leased Properties															
			100	114	5203	Fuel/Lube	+					10,000			
		G/F Library	100	145	5227	Books	-					(6,000)			
		G/F City Contributions	100	350	5801	Museum	-					(35,500)			
		G/F City Contributions	100	350	5814	Homer Hockey	-					10,000			
		G/F City Contributions	100	350	5814	Homer Hockey	-					10,000			
		Port&Harbor - (Increase Revenue)	400	601	46**	H2O Harbor Floats	+					21,375			
		Port&Harbor	400	601	5990	Transfer to Reserves	+					40,000			
		G/F City Clerks	100	101	5101-5106	Add back PT Clerical 4	+					15,150			
		G/F Finance	100	120	5101-5106	Add back PT Clerical 6	+					22,725			
Justification: Various															
A-8	Howard	G/F - Leased Properties	100	114	5203	Fuel/Lube	+					8,000			8,000
		G/F - Leased Properties	100	114	5217	Electric	+					4,000			
		G/F - Leased Properties	100	114	5218	Water	+					1,000			
		G/F - Leased Properties	100	114	5219	Sewer	+					1,000			
Justification: To keep Boys & Girls Club open through May 2012. Expense to be covered by new revenues: \$3,750 from Boys & Girls Club for Utilities, & \$10,250 transfer from G/F Reserves.															
		G/F - City Council	100	100	5101	Council Stipend	-					(4,500)			
		G/F - City Council	100	100	5280	Volunteer Incentives	+					4,500			
Justification: Commission & Committee Appreciation.															
		G/F - City Contributions	100	350	5801	Pratt Museum	-					(5,000)			
		G/F - Economic Development	100	112	5210	Chamber of Commerce	-					(5,000)			
		G/F - City Contributions	100	350	5814	Homer Hockey	+					10,000			
Justification: To fund Homer Hockey															

CITY OF HOMER

2012 PROPOSED BUDGET AMENDMENT FORM

Date Submitted: 11/18/11
 Date Received: _____

Fund #	Dept #	Acct #	Account Description	Increase	Decrease	
100	114	5203	FUEL / HENC BUILDING	8,000		NEW REV
100	114	5217	ELECTRIC / HENC BUILDING	4,000		
100	114	5218	WATER / HENC BUILDING	1,000		
100	114	5219	SEWER / HENC BUILDING	1,000		
			<u>NOTE:</u> TO KEEP BOYS & GIRLS CLUB OPEN THROUGH MAY 2012. EXPENSE TO BE COVERED BY NEW REVENUES: 3,750 FROM UTILITY COST CONT. FROM B+G. CLUB AND 10,250 <u>TRANSFER FROM G.F. RESERVES</u>			14,00.
100	100	5101	COUNCIL STIPEND		4,500	
100	100	—	NEW LINE ITEM / COMMISSION AND COMMITTEE APPRECIATION	4,500		
100	350	5801	PRATT MUSEUM		5,000	
100	112	5210	CHAMBER OF COMMERCE		5,000	
100	350	—	HOMER HOCKEY	10,000		
Total (Must Be Balanced)				28,500	14,500	14,000
Requested by: <u>B. HOWARD</u>			Prepared By <u>W. WREDE</u>			

CITY OF HOMER

2012 PROPOSED BUDGET AMENDMENT FORM

Date Submitted: 11/16/11

Date Received: _____

Fund #	Dept #	Acct #	Account Description	Increase	Decrease
100 100 200 400	ALL	5102	HEALTH CONTRIBUTION EMPLOYEES 100 2 MD		117,600
100 200 400	ALL	5102	HEALTH CONTRIBUTION DEPENDANTS		TBD
100	112	5210	Chamber of Commerce		21,375
100	114	5203	old school HEAT	10,000	
100	145	5227	Books		6000
100	350	5801	MUSEUM		35,500
100	350	5814	Hockey	10000	
100	350	58XX	Boys + Girls Club	21,375	
400	601	46XX	Metered H ₂ O Harbor Floats	(40,000)	← Revenue
400	601	5218	WATER (Harbor) SEE ABOVE		40,000
400	601	5990	Reserve (Harbor)	40000	
100	101	5101 5106	CLERK OFFICE P.T. Clerical (.40)	10150	
100	120	5101 5106	FINANCE Dept PT Clerical (.60)	22725	
			Total (Must Be Balanced)	119850	220475
Requested by: <u>HOGAN</u>			Prepared By		

FINANCE FAX #
907-235-3140

CITY OF HOMER

2012 PROPOSED BUDGET AMENDMENT FORM

Date Submitted: Oct 24, 2011
 Date Received: _____

Fund #	Dept #	Acct #	Account Description	Increase	Decrease
Maint	OP	GF 5605	Sister City	5,875	
M&O	GF	?	Park & Rec BOARD (PAVE) BRAND Request	1,000	
M&O	GF	5228	BOOKS		3,875
M&O	GF	5227	Advertising		3,000
Total (Must Be Balanced)					
Requested by: <u>Bryan Zak</u>			Prepared By _____		

CITY OF HOMER

2012 PROPOSED BUDGET AMENDMENT FORM

Date Submitted: 10/24/11
 Date Received: _____

Fund #	Dept #	Acct #	Account Description	Increase	Decrease
100	-	-	General Fund - Fund Balance		10,000
350		5814	Homer Hockey / Homer Foundation	10,000	
Total (Must Be Balanced)				10,000	10,000
Reason → change in gaming vendor & loss of 10,000 → 15,000					
KBA → brings many players both youth & adult, during the winter to Homer.					
Requested by: <u>David Lewis</u>			Prepared By: <u>David G. Lewis</u>		

CITY OF HOMER

2012 PROPOSED BUDGET AMENDMENT FORM

Date Submitted: 10/10/2011

Date Received: _____

Fund #	Dept #	Acct #	Account Description	Increase	Decrease
156	393		Depreciation Reserves	10,000	
			G/F Balance		10,000
			Total (Must Be Balanced)	10,000	10,000

Replacement of Base Station to meet FCC requirements.

Requested by: R. Painter	Prepared By
--------------------------	-------------

**CITY OF HOMER
DEPARTMENT BUDGET REQUEST
YEAR 2012**

Requesting Department Fire Date 9/29/2011

Level of Need: Urgent Essential Necessary Desirable

Request for Additional Personnel:
 Position Title _____
 Salary Range & Step _____
 Full-time
 Part-time Hours Per Year _____

Request Other Than Personnel:
 Description Base Station Radio Replacement
 Fund Name: Capital Equipment

Account Name: Fire Dept. Capital Equipment
 Account # 156 - 393
 Estimated Cost: \$10,000

(FINANCE DEPT WILL COMPLETE)
 5101 Permanent Employees _____
 5102 Fringe Benefits _____
 5103 P/T Employees _____
 5104 Fringe Benefits P/T _____
 5105 Overtime _____
Total Personnel Cost _____

Justification:
 During the recent radio narrowbanding project funded by the Borough, it was determined that our existing base station radio is not capable of meeting the FCC's requirements and must be taken out of service by the end of 2012. The base station provided communications from the fire station to mobile and portable radios during fire and EMS responses and acts as a back-up radio to dispatch if that radio system were to fail for any reason. The base station also has a remote control station located in the Emergency Operations Center in the fire station. The new radio will be compatible with all existing and proposed communications requirements and will be capable of initiating a tone to activate fire department member's pagers if needed when normal dispatch is unable to function.

Requestor's Name: Robert Painter, Chief

Department Head Approval: R.Painter, Chief

City Manager Recommendation: _____ Date _____
 Approved _____
 Denied _____
 Comments _____

CITY OF HOMER

2012 PROPOSED BUDGET AMENDMENT FORM

Date Submitted: 10/10/11

Date Received: _____

Fund #	Dept #	Acct #	Account Description	Increase	Decrease
156	369		Gen Res Fund Reserul		7,000,000
156	--		Fishing Hole Maint Revenue Fund	100,000	
			New Rev.		
			Fishing Hole Parking		
			Total (Must Be Balanced)	100,000	100,000
Establish a maint Fund for Fishing Hole.					
Requested by: <u>MEW</u>			Prepared By		

CITY OF HOMER

2012 PROPOSED BUDGET AMENDMENT FORM

Date Submitted: 10/10/11
 Date Received: _____

Fund #	Dept #	Acct #	Account Description	Increase	Decrease
1400	380A		Reserve Fund		\$500,000
400	380?		Bond Reserve Fund	\$500,000	
			Total (Must Be Balanced)		

To establish reserve as required for Revenue Bond issuing for PTH Improvement Project

Requested by: MEW Prepared By: _____

CITY OF HOMER

2012 PROPOSED BUDGET AMENDMENT FORM

Date Submitted: 10/9/2011
 Date Received: 4/1

Fund #	Dept #	Acct #	Account Description	Increase	Decrease
400	611	5105	Overtime	1,500	
	612			100	
	614			500	
Total (Must Be Balanced)				2,100 ⁰⁰	

Part of operating budget, overtime was overlooked in moving these departments from Public Works to Port N Harbor

Requested by: B Hawkins Prepared By R Maurer

Regina Mauras

From: Regina Mauras
Sent: Tuesday, October 11, 2011 4:25 PM
To: Bryan Hawkins
Cc: Walt Wrede
Subject: RE: budget

Bryan -

You are correct. Thank you so much for catching this. I put a budget amendment in for you requesting the overtime be added back in at the 2011 budgeted levels for each of the departments.

400-611	\$1,500
400-612	100
400-614	<u>500</u>
Total	\$2,100

~~Thank you kindly,~~

~~Regina Mauras
Sent: Tuesday, October 11, 2011 4:25 PM
To: Bryan Hawkins
Cc: Walt Wrede
Subject: RE: budget~~
From: Bryan Hawkins
Sent: Sunday, October 09, 2011 9:09 AM
To: Regina Mauras
Subject: budget

Bryan -

Here is the reminder

We noted that there is no OT allotted in the Port Maintenance budget 400-611-5105. It looks like we funded 5105 at \$1500 in the past and we've been able to stay between the lines at that level so let's do it again and see how it goes.

The overtime lines have also been zeroed out of the 612 and 614 budgets. Did that have something to do with the move from P/works?

400-612	100
400-614	<u>500</u>
Total	\$2,100

Thanks Regina,

Thank you kindly,

Bryan Hawkins
Port Director/Harbormaster
Port of Homer
Homer, Alaska

~~Bryan Hawkins
Sent: Sunday, October 09, 2011 9:09 AM
To: Regina Mauras
Subject: budget~~
(907) 235-3160 ext. 203
bhawkins@port.homer.ak.us

Here is the reminder

We noted that there is no OT allotted in the Port Maintenance budget 400-611-5105. It looks like we funded 5105 at \$1500 in the past and we've been able to stay between the lines at that level so let's do it again and see how it goes.

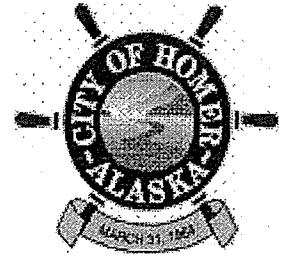
The overtime lines have also been zeroed out of the 612 and 614 budgets. Did that have something to do with the move from P/works?

Thanks Regina,

PARKS AND RECREATION ADVISORY COMMISSION

491 E. Pioneer Avenue
Homer, Alaska 99603-7624

(907) 235-8121



MEMORANDUM 11-150

TO: MAYOR HORNADAY AND CITY COUNCIL
THROUGH: WALT WREDE, CITY MANAGER
FROM: PARKS AND RECREATION ADVISORY COMMISSION
RE: 2012 BUDGET REQUESTS AND NARRATIVE
DATE: September 27, 2011

BACKGROUND

At the regular meeting the commission spent considerable time discussing the 2012 budgetary needs for park maintenance and the commission. A request and narrative has been included. The following is an excerpt of the discussion held during the Regular Meeting of September 15, 2011 under Staff Reports and Pending Business:

F. *Staff Report – Renee Krause*

Ms. Krause inquired if there were any questions. She described the progress with the work being done on the City Hall Renovations. The Budget is on her Staff Report and under the section for Parks and Campgrounds. The information included in the packet was for 2011 budget. Ms. Krause explained that it can be discussed at this meeting. Commissioner Brann expressed the fear of missing important deadlines. She confirmed that Council will receive the first draft of the Budget proposed for 2012 at the September 26, 2011 Council Meeting. She further added that the information so far has been status quo from 2011. Ms. Krause recommended that the commissioners discuss asking for a small budget to use for Park day or completing a small project or whatever they decide. The Chair agreed with asking for a small amount to hold Park Day. Ms. Krause explained that Park Day was the only function that the commission has; she stated it does not hurt to ask. She directed they discuss this further under pending business.

There was a brief discussion on the benefits of requesting a budget of \$1000.00 under Pending Business.

Ms. Krause explained that waiting until the October commission meeting would be too late possibly to request funding. A request for \$35,000.00 for a vault toilet and reinstating personnel was to be submitted by Ms. Otteson.

Further discussion on what meetings of city council will have the budget on the agenda. Ms. Krause further reiterated that it could be discussed under pending business.

There was no further discussion.

C. *Budget 2012 – Discussion on Advocating for Appropriations for Parks and Recreational Events, Needs and Programs for 2012*

1. *Shared Costs for Spit Restroom Maintenance*
2. *2011 Budget information*

Commissioner Cumming inquired if the commission was interested in applying for the Soil and Water Conservation Grant which required being included in the 2012 budget. She responded to a query from Chair Bremicker that the grant is used for recreational purposes and is federally funded coming through a state agency, any work must be ADA compliant.

There was additional discussion on whether the matching funds require being included in the budget cycle. It was not known at this time if the grant would be available for 2012 but if the call goes out then the Commissioners should entertain a discussion. It was questioned whether the matching funds would have to be included in this budget cycle. Commissioner Brann reminded Chair Bremicker about submitting a Budget Request for Park Day. Commissioner HARRALD noted that they did leave monies from the Legislative Grant for Karen Hornaday Park but then those grant funds would have to be used for that park only. Staff will look into the requirements and report back. Ms. Krause noted that there is currently a lot of focus on Karen Hornaday Park and that there are a number of other city parks and trails that deserve the Commissions attention.

It was agreed to bring this back on the October agenda.

The commissioners then reviewed the shared costs for the restrooms on the Spit. It was commented that all the costs including electric, water and sewer is taken out of parks and recreation funds. It was questioned whether the commissioners need to address this since it is being handled by the Harbor and Public Works and they did not need to jump into the battle. This explains why the expenses are so high for the parks maintenance.

There was a discussion on these expenses being the reasons for the inability to properly maintain the park facilities. They will discuss this on the October agenda.

BRANN/HARRALD -MOVED TO DIRECT STAFF TO SUBMIT A BUDGET REQUEST TO THE CITY MANAGER IN THE AMOUNT OF \$1,000.00 FOR THE ANNUAL PARK DAY AND OTHER EVENTS.

There was a brief discussion regarding the lack of a budget this year, and in 2010 they did not have the membership on the commission, prevented them from being able to hold the annual event. This event not only recognizes the parks but also gets some sprucing up and minor maintenance completed as well. It was noted that in years past they were given \$1500 out of the parks maintenance fund and they are only requesting \$1000.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

There was no further discussion.

RECOMMENDATION

Approve Budget Request for 2012.

**CITY OF HOMER
DEPARTMENT BUDGET REQUEST
YEAR 2012**

Requesting Department PARKS AND RECREATION
ADVISORY COMMISSION Date 9/27/2011

Level of Need: Urgent Essential Necessary Desirable

Request for Additional Personnel:
Position Title NA
Salary Range & Step _____
Full-time
Part-time Hours Per Year _____

Request Other Than Personnel:
Description TO PROVIDE SUPPLIES AND FOOD FOR THE ANNUAL PARK DAY
Fund Name: GENERAL

(FINANCE DEPT WILL COMPLETE)	
5101 Permanent Employees	_____
5102 Fringe Benefits	_____
5103 P/T Employees	_____
5104 Fringe Benefits P/T	_____
5105 Overtime	_____
Total Personnel Cost	_____

Account Name: _____
Account # 100-175
Estimated Cost: \$1,000

The Park Day event was held annually and paid for out of the park maintenance fund. Supplies such as charcoal, hot dogs, buns, condiments, snacks such as apples, carrots plus water were provided to celebrate the City parks and trails. Volunteers provided much needed help in cleaning up one of the local parks. Due to the lack of members on the Commission in 2010 and a budget for 2011 this well attended annual event was not held.

Requestor's Name: PARKS & RECREATION ADVISORY COMMISSION

Department Head Approval: _____

City Manager Recommendation: _____ Date _____

Approved _____

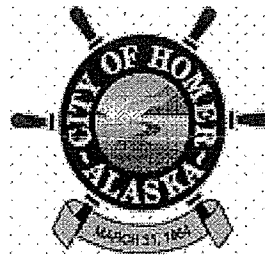
Denied _____

Comments _____

Office of the City Clerk

Jo Johnson, CMC, City Clerk

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



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

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

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

MEMORANDUM 11-151

TO: MAYOR HORNADAY AND CITY COUNCIL

FROM: PARKS AND RECREATION ADVISORY COMMISSION

DATE: OCTOBER 25, 2011

RE: RECOMMENDATION TO SUPPORT CONSTRUCTION AND INSTALLATION OF
VAULTED RESTROOM FACILITIES AT MARINER PARK

Background

The Spit Parks and Recreation Committee discussed with Parks Maintenance Coordinator Angie Otteson on any outstanding needs of the Parks and Recreation Department outside of reinstatement of the temporary summer personnel in the FY2012 Budget during a regular meeting on August 26, 2011.

Seasonal use of port-a-potties at this park detracts from the potential revenues that could be used to perform additional much needed improvements to the park as a whole. It would also alleviate most if not all of the public complaints received on the condition and cleanliness or those port-a-potties.

It was determined that the increasing use and popularity of Mariner Park at the base of the Homer Spit would benefit from the installation of permanent restroom facilities. While having flush toilets would be the overall preferred facility, the cost of construction and overall maintenance, and the high potential for vandalism warrants the construction and installation of vaulted toilet facilities similar to those installed at Bishops' Beach.

The estimated cost to construct and install a vault toilet is \$35,000.00 maximum.

The Committee forwarded their recommendation to the Parks and Recreation Advisory Commission for review discussion and recommendation to City Council.

During the Regular Meeting on October 20, 2011 the Parks and Recreation Advisory Commission reviewed the recommendation submitted and entertained a discussion on the recommendation. Following is the excerpt from those minutes of the meeting:

Chair Bremicker inquired about the recommendation regarding the vault toilet from the committee. Ms. Angie Otteson elaborated on the budget request and discussion held during the committee meeting.

LILLIBRIDGE/BRANN – MOVED TO SUBMIT RECOMMENDATION TO CITY COUNCIL TO INCLUDE \$35,000 IN THE PUBLIC WORKS BUDGET ALLOCATION TO CONSTRUCT VAULTED TOILET FACILITIES AT MARINER PARK.

Commissioner Archibald commented that he was in favor of supporting this request he acknowledged that the cost was minimal in comparison to the value added to the park.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Recommendation

Approve the Allocation to Public Works Department Budget to construct and install vaulted toilet facilities at Mariner Park.

CALL TO ORDER
PLEDGE OF ALLEGIANCE
AGENDA APPROVAL

HOMER CITY COUNCIL
491 E. PIONEER AVENUE
HOMER, ALASKA

NOVEMBER 28, 2011
MONDAY, AT 6:00 P.M.
COWLES COUNCIL CHAMBERS

**MEETING NOTICE
REGULAR MEETING AGENDA**

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

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE

Mayor Hornaday 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

A. **Resolution 11-099**, A Resolution of the City Council of Homer, Alaska, Authorizing the City Manager to Draft and Submit a Revenue Bond Sale Application and Take Other Steps Necessary to Prepare for a Possible Bond Sale to Finance Construction of Six Top Priority Capital Projects Within the Homer Harbor. Howard, Lewis, Wythe.

Memorandum 11-145 from City Manager as backup.

Page 31

Page 33

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 October 24, 2011. City Clerk. Recommend adoption. Page 41

B. **Memorandum 11-146**, from Deputy City Clerk, Re: Liquor License Renewal for Café Cups and Ring of Fire Meadery. Page 57

6. VISITORS

A. **Rachel Lord**, Cook Inletkeeper, Alaska Clean Harbor, 10 minutes.

- B. **Peter Micciche**, President of the Boys and Girls Clubs of the Kenai Peninsula and **Kelly Cooper**, Homer Boys and Girls Club Task Force, 15 minutes.

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

- A. Borough Report

- B. Commissions/Board Reports:

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

- a. Memorandum 11- Recommendation to Support Construction and Installation of Vaulted Restroom Facilities at Mariner Park.

Page 23

- 5. Port and Harbor Advisory Commission

- C. Mayor's Recognition to Joe Young, Treatment Plant Operator, "Water Operator of the Year" and Todd Cook, Water/Wastewater Treatment Superintendent, "Wastewater System of the Year" Awards.

Page 69

8. **PUBLIC HEARING(S)**

- A. **Ordinance 11-41**, An Ordinance of the City Council of Homer, Alaska, Appropriating Funds for the Calendar Year 2012 for the General Fund, the Water-Sewer Fund, the Port/Harbor Fund, Debt Funds, and Capital Reserve Funds (Conditional Expenditures). City Manager. Introduction October 10, 2011, Public Hearings November 28 and December 12, 2011, Second Reading December 12, 2011.

Page 75

- B. **Resolution 11-094**, A Resolution of the City Council of Homer, Alaska, Maintaining the City of Homer Fee Schedule at the Current Rates. City Clerk. Recommended to follow Budget Ordinance 11-41 schedule.

Page 79

- C. **Resolution 11-095**. A Resolution of the City Council of Homer, Alaska, Maintaining the Port of Homer Terminal Tariff No. 600 at the Current Rates. City Clerk. Recommended to follow Budget Ordinance 11-41 schedule.

Page 103

- D. **Ordinance 11-43**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 14.08.037, Water Meters; Regarding the Number of Water Meters Required Per Lot. City Manager. Introduction October 24, 2011, Public Hearing and Second Reading November 28, 2011. Page 167

Memorandum 11-143 from City Manager as backup. Page 171

9. **ORDINANCE(S)**

- A. **Ordinance 11-44**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.14.020, Permitted Uses and Structures; 21.16.020, Permitted Uses and Structures; and 21.18.020, Permitted Uses and Structures; to Add One Detached Dwelling Unit as a Permitted Accessory Building to a Principal Single Family Dwelling in the Urban Residential, Residential Office, and Central Business Zoning Districts. Planning. Recommended dates: Introduction November 28, 2011, Public Hearing and Second Reading December 12, 2011. Page 179

Memorandum 11-154 from City Planner as backup. Page 183

- B. **Ordinance 11-45**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2011 Operating Budget by Accepting and Appropriating a Grant from The Homer Foundation in the Amount of \$4,904.00 for the Purpose of Making Energy Efficiency Improvements at the Port and Harbor Office Building. City Manager. Recommended dates: Introduction November 28, 2011, Public Hearing and Second Reading December 12, 2011. Page 199

- C. **Ordinance 11-46**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2011 Operating Budget to Accept and Appropriate \$322,100 in the General Fund, the Utility Fund and the Port and Harbor Fund Operating Budgets for the Purpose of Recognizing and Accounting for State of Alaska PERS Relief Provided in 2011. City Manager/Finance. Recommended dates: Introduction November 28, 2011, Public Hearing and Second Reading December 12, 2011. Page 215

- D. **Ordinance 11-47**, An Ordinance of the Homer City Council Amending the FY 2011 Capital Budget by Transferring \$415,873 from the City Hall / Town Center Project Construction Account to the New City Hall Expansion and Renovation Project Construction Account. City Manager/Finance. Recommended dates: Introduction November 28, 2011, Public Hearing and Second Reading December 12, 2011. Page 219

10. **CITY MANAGER'S REPORT**

- A. City Manager's Report Page 233

- B. Games Report Page 235

1. Homer Emblem Club 350

2. Popeye Wrestling Club
3. Share the Spirit Inc.
4. Snomads, Inc.

11. CITY ATTORNEY REPORT

12. COMMITTEE REPORT

- A. Public Arts Committee
- B. Transportation Advisory Committee
- C. Permanent Fund Committee
- D. Lease Committee
- E. City Hall Renovation and Expansion Task Force
- F. Port and Harbor Improvement Committee

13. PENDING BUSINESS

- A. **Resolution 11-090**, A Resolution of the City Council of Homer, Alaska, Supporting the Concept and Construction of Non-Motorized Pathways to Increase the Safety for Motorized and Non-Motorized Users Along Kachemak Drive Located Within the City Limits, from the Base of the Homer Spit to East End Road. Lewis/Zak/Parks and Parks and Recreation Advisory Commission. (Referred to the Planning Commission September 12, 2011.) Page 251

Memorandum 11-152 from Planning Technician as backup. Page 253

14. NEW BUSINESS

15. RESOLUTIONS

- A. ***If reconsidered: Resolution 11-099***, A Resolution of the City Council of Homer, Alaska, Authorizing the City Manager to Draft and Submit a Revenue Bond Sale Application and Take Other Steps Necessary to Prepare for a Possible Bond Sale to Finance Construction of Six Top Priority Capital Projects Within the Homer Harbor. Howard, Lewis, Wythe. Page 309

Memorandum 11-145 from City Manager as backup. Page 311

- B. **Resolution 11-101**, A Resolution of the Homer City Council Adopting an Alternative Allocation Method for the FY 12 Shared Fisheries Business Tax Program and Certifying That This Allocation Method Fairly Represents the Distribution of Significant Effects of Fisheries Business Activity in the Cook Inlet Fisheries Management Area. City Manager.
Page 319
- C. **Resolution 11-102**, A Resolution of the City Council of Homer, Alaska, Approving a Borough Area Wide Mutual Aid Agreement for Fire and Emergency Medical Services and Authorizing the City's Participation in That Agreement. City Manager/Fire Chief.
Page 341
Memorandum 11-147 from Fire Chief as backup. Page 343
- D. **Resolution 11-103**, A Resolution of the City Council of Homer, Alaska, Approving the Grant Aviation, Inc. Air Carrier/Ticket Counter Sublease at the Homer Airport Terminal and Authorizing the City Manager to Sign the Appropriate Documents. City Manager.
Page 351
Memorandum 11-148 from Airport Terminal Manager as backup. Page 353
- E. **Resolution 11-104**, A Resolution of the City Council of Homer, Alaska, Approving a New Lease for the Pier One Theatre for a Term of Five Years and a Rental Rate of One Dollar Per Year and Finding That it is in the Public Interest to Award the Lease Without a Competitive Bidding Process and at Less Than Fair Market Rent. City Manager/Lease Committee.
Page 381
Memorandum 11-149 from City Manager as backup. Page 383
- F. **Resolution 11-105**, A Resolution of the City Council of Homer, Alaska, Authorizing the City Manager to Enter Into a New Short Term Lease With the Homer Boys and Girls Club and to Extend the Club's Occupancy of the Lower Level of the Homer Education and Recreation Complex Building (HERC) Until May 31, 2012. Howard/Lewis.
Page 433
- G. **Resolution 11-106**, A Resolution of the Homer City Council Directing the City Manager to Develop a Budget, Scope, and Schedule for the Waddell Way Road Improvement Project. Roberts/Transportation Advisory Committee.
Page 437
- H. **Resolution 11-107**, A Resolution of the City Council of Homer, Alaska, Authorizing the City Manager to Apply for and Accept Special Act Appropriations Project (SAAP) Funds in the Form of a Grant (45% Matching Requirement) in the Amount of \$485,000 for the Purpose of Completing the Kachemak Drive (Phase II) Water & Sewer Improvements Project. City Manager/Public Works Director.
Page 439
Memorandum 11-153 from Public Works Director as backup. Page 441

- I. **Resolution 11-108**, A Resolution of the City Council of Homer, Alaska, Finding the Need to Create the Crittenden Drive Reconstruction and Paving Local Improvement District (LID) and Setting a Public Hearing for January 23, 2012. City Clerk.

Page 443

16. **COMMENTS OF THE AUDIENCE**
17. **COMMENTS OF THE CITY ATTORNEY**
18. **COMMENTS OF THE CITY CLERK**
19. **COMMENTS OF THE CITY MANAGER**
20. **COMMENTS OF THE MAYOR**
21. **COMMENTS OF THE CITY COUNCIL**
22. **ADJOURNMENT/NEXT REGULAR MEETING IS SCHEDULED FOR MONDAY, DECEMBER 12, 2011 AT 6:00 P.M. THE NEXT COMMITTEE OF THE WHOLE IS SCHEDULED FOR MONDAY, DECEMBER 12, 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

1 **CITY OF HOMER**
2 **HOMER, ALASKA**

3 Howard, Lewis, Wythe

4 **RESOLUTION 11-099**

5
6 A RESOLUTION OF THE CITY COUNCIL OF HOMER,
7 ALASKA, AUTHORIZING THE CITY MANAGER TO DRAFT
8 AND SUBMIT A REVENUE BOND SALE APPLICATION
9 AND TAKE OTHER STEPS NECESSARY TO PREPARE FOR
10 A POSSIBLE BOND SALE TO FINANCE CONSTRUCTION
11 OF SIX TOP PRIORITY CAPITAL PROJECTS WITHIN THE
12 HOMER HARBOR.

13
14 WHEREAS, The Homer City Council recently adopted Resolution 11-060 entitled "A
15 RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, ESTABLISHING A
16 COMMITTEE TO DEVELOP A PORT AND HARBOR IMPROVEMENT REVENUE
17 BONDING PLAN AND PROVIDE COMMITTEE REVIEW AND OVERSIGHT
18 THROUGHOUT THE IMPLEMENTATION AND COMPLETION OF ANY APPROVED
19 PLAN"; and

20
21 WHEREAS, The Committee has completed the first phase of its work and has submitted
22 a memorandum containing recommendations to the Council, a copy of which is attached and
23 incorporated herein; and

24
25 WHEREAS, The Committee conducted a thorough review of all aspects related to
26 revenue bond sales that must be considered including the bond sale process, the status and fiscal
27 health of the Port and Harbor Enterprise Fund, the Fund's capacity to generate new revenues to
28 retire bonded indebtedness, and an overview of all projects identified for inclusion in a potential
29 bond sale; and

30
31 WHEREAS, The Committee found that it was in the best interest of the City to
32 recommend a small but targeted revenue bond sale focused on the most high priority projects and
33 those in which a local share would leverage funds from outside sources; and

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35 WHEREAS, The Committee selected six projects for inclusion in the sale at a cost of
36 approximately \$ 6 Million financed over twenty years; and
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41 WHEREAS, The projects recommended in order of priority ranking are:

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- Load and Launch Ramp
- Ramp 3 Gangway
- System 5 Upgrades
- Harbor Float Replacement
- Harbor Office
- Harbor Entrance Erosion Control

NOW, THEREFORE, BE IT RESOLVED that the Homer City Council finds that it is in the best interest of the City to proceed with the next steps in preparation for a possible bond sale consistent with the recommendations of the Port and Harbor Revenue Bond Committee; and

BE IT FURTHER RESOLVED that the City Council hereby authorizes the City Manager to draft and submit a revenue bond sale application and take other steps necessary to prepare for a possible bond sale for financing the harbor projects referenced above.

PASSED AND ADOPTED by the Homer City Council this 28th day of November, 2011.

CITY OF HOMER

MARY E. WYTHE, MAYOR PRO TEMPORE

ATTEST:

JO JOHNSON, CMC, CITY CLERK

Fiscal Note: Administration and Legal Time / estimated to be less than \$3,000.

MEMORANDUM 11-145

TO: Mayor Hornaday and Homer City Council

FROM: Port and Harbor Revenue Bond Committee / Barbara Howard Chair

DATE: October 24, 2011

SUBJECT: Proposed Revenue Bond Sale for Harbor Improvement Projects

Introduction

The City Council recently adopted Resolution 11-060 entitled " A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, ESTABLISHING A COMMITTEE TO DEVELOP A PORT AND HARBOR IMPROVEMENT REVENUE BONDING PLAN AND PROVIDE COMMITTEE REVIEW AND OVERSIGHT THROUGHOUT THE IMPLEMENTATION AND COMPLETION OF ANY APPROVED PLAN." The Committee was established and held its first meeting in early August. Barbara Howard was elected Chair and meetings were held every Thursday until the end of September when they were changed to every other week.

Resolution 11-060 required that the Committee provide recommendations to the Council by November 1, 2011. We are pleased to report that the Committee has completed the first phase of its work. This memorandum contains the Committee's recommendations.

The Committee conducted a thorough review of all of the variables that must be evaluated when municipalities are considering a revenue bond sale. The Committee started by having a discussion with Deven Mitchell, the Executive Director of the Alaska Municipal Bond Bank. Mr. Mitchell explained the entire bond sale process from conception and application through closing. He also outlined the benefits associated with using the Bond Bank to conduct the sale. The Committee received several briefings from the Finance Director regarding the financial health and capacity of the Port and Harbor Enterprise Fund. As part of this process, the Committee reviewed the Fund's ability to generate the amount of revenue that would be needed to retire bond debt.

The Committee received an overview of all of the harbor projects that were included in the enabling resolution. It also reviewed a number of new projects that were not included in either the CIP List or the enabling resolution for possible inclusion in the bond sale. Finally, the Committee was informed that the current City Attorney, Tom Klinkner, was one of the best known bond counsels in the State. Bond Counsel is required for any bond sale and the City already has the legal services it will need.

The Project Selection Criteria

There are many port and harbor projects that have been on the CIP List for a long time and are worthy of consideration for inclusion in the bond sale. Making choices was potentially difficult, especially given the backlog of priority projects and the limited bonding capacity of the enterprise fund. Therefore, the Committee decided to go about selecting projects in a methodical and structured manner. It scored and ranked projects using a weighted set of criteria. The criteria were:

- Is the project included in the enabling resolution?
- Does the project address health and safety issues?
- Does bonding leverage other money from outside sources?

- Does the project stimulate economic development and job creation?
- Does the project generate revenue for the enterprise fund?
- Does the project improve service delivery to port and harbor customers?
- Is there an identifiable revenue stream from benefitted users to retire the debt?

Other Considerations

The Committee carefully considered the financial capacity of the Port and Harbor Enterprise Fund and concluded that if a bond sale was conducted, it should be a relatively small and conservative one. The Committee took note of the fact that the Fund has diminishing retained earnings and cash assets below what would be advisable. The amount of money in the depreciation account is much less than that recommended by the City's auditors. The City could easily justify fee increases of 10 percent or more just to address these issues. Adding additional increases on top of that could be problematic and result in diminishing returns. No one wanted to raise fees too high too fast. To complicate matters further, revenues are down overall this year and are projected to be down again next year.

The Committee concluded that even though the Fund's bonding capacity at present is limited, interest rates are very low and there are opportunities right now to leverage significant amounts of outside funding for harbor priority projects that are too good to pass up. A targeted and limited investment in vital harbor infrastructure seems prudent and feasible. The Port and Harbor Enterprise Fund is expected to be self sustaining and good business practices require that investments be made in the facilities that support port and harbor operations. The port and harbor is an economic engine that creates jobs and generates revenue for the community. The revenues raised through a bond sale would be dedicated and directed right back into the facilities that port and harbor customers use and benefit from.

Bond revenues would be used to provide the required local match for other funding sources (with the exception of the harbor office). Therefore, five of the projects recommended for approval have significant funding sources associated with them. The City has already received a grant to pay for engineering and design for four of them. The Committee concluded that there was room for harbor fee increases sufficient to pay for bonded indebtedness up to \$5 or 6 Million. The Committee recommends exploring a staged call on bond revenues so that fees could be increased incrementally, and not all at once.

For a six million dollar bond sale and a twenty year amortization period, it is estimated that annual bond payments, including principal and interest, would be between \$300,000 and \$400,000. Closing costs will be minimal if the City goes through the Alaska Municipal Bond Bank and uses its attorney, Tom Klinkner as Bond Counsel. Harbor fees would have to be raised about 12% across the board to cover those payments unless other reductions in Port and Harbor expenses were achieved. The Committee also looked at targeted increases in specific fees for user groups that would benefit by particular projects. The City would be required to have a reserve account in place in the amount of \$500,000 to cover impending default and/or routine maintenance.

The City has received a grant Memorandum of Understanding for the load and launch ramp reconstruction project. Phase I of the project, engineering and design, will be fully funded up to \$350,000 with no local match requirement. The construction phase will be funded with federal money at 75% with a 25% local match. It is very likely that the 25% local match will be covered by the State of Alaska, either through Department of Fish and Game Sport Fish Program funds or through a State Harbor grant. Therefore, there is a good possibility no match from the City will be necessary. That could save the City an estimated \$837,500 in bonded indebtedness or a drawdown of port and harbor reserves.

The City will need to develop more current and precise project cost and local share estimates. This will be provided in more detail later if the Council approves the bonding recommendation in concept and authorizes us to move on to the next steps in the process. Council approval will be needed at a number of steps along the way.

The Recommended Projects

Following is a list of recommended projects to be included in a proposed revenue bond sale. They are listed in order of priority as scored by Committee members.

<u>Project</u>	<u>Estimated Cost</u>	<u>City Share</u>	<u>Matching Funds</u>
Load and Launch Ramp	\$3,350,000	\$837,500	Federal / State
Ramp 3 Gangway	\$1,700,000	\$850,000	State Harbor Grant
System 5 Upgrades	\$530,000	\$265,000	State Harbor Grant
Harbor Float Replacement	\$3,500,000	\$1,750,000	State Harbor Grant
Harbor Office	\$2,875,000	\$2,875,000	-----
Harbor Entrance Erosion Control	\$600,000	<u>\$300,000</u>	State Harbor Grant
TOTAL		\$6,877,500	
		<u>-790,000</u>	(secured design money)

TOTAL ESTIMATED BOND SALE \$6,087,500

FISCAL NOTES: The estimated costs presented above are total project costs. More refined and precise cost estimating will be provided as part of the bond application and approval process. The amount already secured for engineering and design (\$440,000 from Denali Commission and \$350,000 for L&L Ramp) is subtracted at the bottom. This has the effect of reducing the City’s overall bonding costs. Also, it is probable that the City share for reconstruction of the L&L ramp will also be eliminated. If so, that reduces the bond sale to about \$5 Million.

These projects have been bundled into one project that was approved as part of the newly adopted CIP List. A good description of each project, the estimated costs, and the anticipated matching funds are included there. The project is entitled “Harbor Improvement Revenue Bond Projects” and is attached for your information.

HARBOR OFFICE NOTES: The Committee noted that the criteria used to select the recommended projects was not well suited for evaluating the merits of this particular project. A new harbor office has been on the City CIP List for many years. The facility is a patchwork of older buildings cobbled together and is easily number one on the City’s list of buildings that need to be replaced. The building does not meet many of today’s building code standards and it is not energy efficient. Replacing this building is a health and safety issue, both for the employees that work there and for the general public that conducts business there. Replacing this building would enable the staff to work more efficiently and productively and therefore, provide better service to the public. It is the intent of the Committee to explore the possibility of securing renters in the new facility to help cover bond payments.

RECOMMENDATION: Approve Resolution 11-099. Authorize the City Manager to proceed with the next steps including preparation of a bond sale application to the Alaska Municipal Bond Bank and the necessary documents for Council approval authorizing a bond sale.

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**CITY OF HOMER
HOMER, ALASKA**

Wythe

RESOLUTION 11-060

A RESOLUTION OF THE CITY COUNCIL OF HOMER,
ALASKA, ESTABLISHING A COMMITTEE TO DEVELOP A
PORT AND HARBOR IMPROVEMENT REVENUE BONDING
PLAN AND PROVIDE COMMITTEE REVIEW AND
OVERSIGHT THROUGHOUT THE IMPLEMENTATION AND
COMPLETION OF ANY APPROVED PLAN.

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

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

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

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

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

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

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

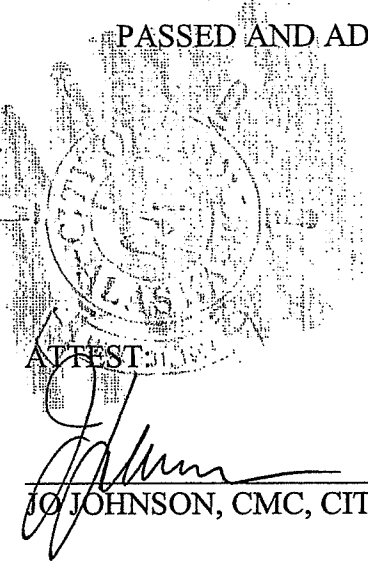
BE IT FURTHER RESOLVED that the committee will consist of six members, three representatives from the Homer City Council (to be appointed by the Mayor and approved by the Council), the Harbormaster, and two members from the Port and Harbor Advisory Commission (to be selected by the Port and Harbor Advisory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

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

- 51
- | | | | |
|----|----|---|-------------|
| 52 | a. | Harbormaster's Office (to be developed as a model over-slope development | |
| 53 | | project and include public restroom facilities with a separated entrance from the | |
| 54 | | building to allow 24-hour access) | \$2,875,000 |
| 55 | | | |
| 56 | b. | Harbor Entrance Erosion Control | 600,000 |
| 57 | | | |
| 58 | c. | Ramp 3 Gangway replacement (to include disability access) | 1,700,000 |
| 59 | | | |
| 60 | d. | Harbor Float Replacement | 3,500,000 |
| 61 | | | |
| 62 | e. | Upgrade System 5 – Vessel Shore Power & Water | 530,000 |
| 63 | | | |
| 64 | f. | Fishdock Restrooms | 400,000 |
| 65 | | | |

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

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CITY OF HOMER


JAMES C. HORNADAY, MAYOR

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

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81



Harbor Improvement Revenue Bond Projects

PROJECT DESCRIPTION & BENEFIT: This project will utilize municipal revenue bonds along with state and federal grant funds to accomplish six significant harbor improvement projects:

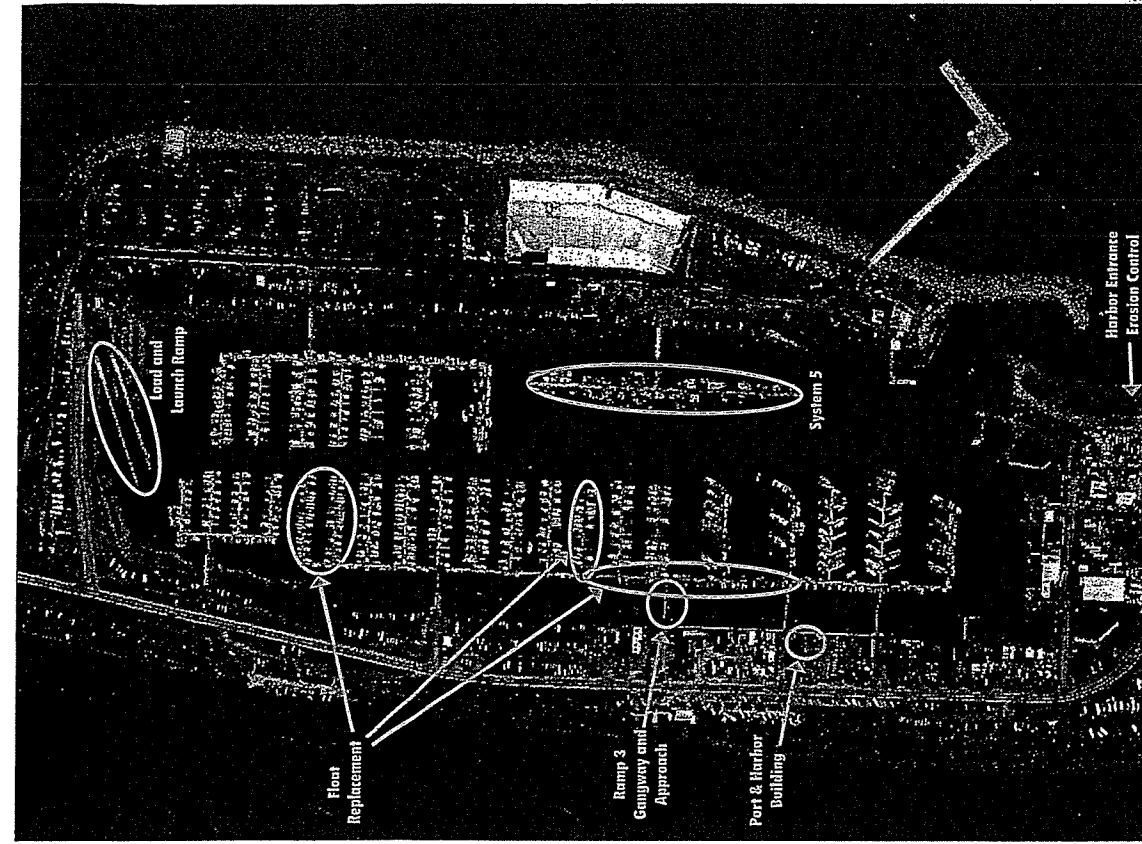
- **Port & Harbor Building**—will replace the existing Port & Harbor building (Harbormaster's Office) constructed in 1983. The building is substandard with electrical, lighting, and heating deficiencies, and does not meet codes and standards for occupancy as an office building. The new building is being planned as envelope development. Cost: \$2,875,000.
- **Harbor Entrance Erosion Control**—will construct a rock revetment to replace the badly damaged and disintegrating log cribbing that was installed as a temporary erosion control measure in 1995. Rip-rap revetment would extend 935 feet from the jetty entrance of the harbor to the existing revetment near the Ferry Terminal, providing critical shore/infrastructure protection. Cost: \$600,000.
- **Ramp 3 Gangway and Approach**—will replace the existing Ramp 3 which dates back to the mid-1960s. This ramp is the steepest ramp in the harbor and difficult to use during very low tides. At 100 feet long, the new ramp will be less steep and therefore ADA compliant. It will be constructed of aluminum and covered by an awning to keep it snow and ice-free for year-round access. The existing Ramp 3 approach, a long narrow wooden structure in poor condition, will also be replaced. Cost: \$1,700,000.
- **Harbor Float Replacement**—will replace some of the oldest and most badly damaged floats in the harbor. These floats are plagued by worn and irregular walking surfaces, bull rails in need of replacement, ice damage to pilings, and broken sidewalks with exposed flotation. A total of 4,706 linear feet will be replaced: A Float, connecting E-I; J Float, R Float, and S Float. Cost: \$3,500,000.
- **Upgrade System 5—Vessel Shore Power and Water**—will provide System 5, the large vessel float system in the Homer Harbor, with additional power pedestals and a year-round fresh water supply to meet the needs of the large vessel fleet and attract new vessels to be home-ported in Homer. Cost: \$530,000.
- **Load and Launch Ramp**—will reconstruct the entire Load and Launch Ramp facility, replacing all five lanes along with the floats and piles. The existing ramp is suffering from age-related wear and tear and has been judged by the Alaska Dept. of Fish and Game to be in need of replacement. The facility serves small boaters from all over south-central Alaska. Cost: \$3,500,000.

PLANS & PROGRESS: 80% of design and engineering funds have been procured through a Denali Commission Waterfront Development grant for three of the projects: Ramp 3 Gangway and Approach, Harbor Float Replacement, and System 5 Upgrade. The same three projects are also eligible for an Alaska Municipal Harbor Facility grant, which would cover 50% of construction costs. Local revenue bonds can be used to meet the 50% match requirement for this grant program. Load and Launch Ramp reconstruction may be accomplished with a Federal Aid in Sport Fish Restoration Act grant together with state matching funds (provided through the Dept. of Fish and Game).

Total Project Cost: \$12,705,000
 Amount covered by existing or projected grant funds = \$6,530,000 as follows:
 \$440,000 (Denali Commission grant – already secured)
 \$3,377,000 (Municipal Harbor Facility grant – to be requested after revenue bond sale is approved)
 \$2,712,500 (Federal Aid in Sport Fish Restoration Act funds plus state Fish and Game funds)

Remaining (local responsibility) = \$6,175,000
 Schedule: 2012-2014 Priority Level: 1

Contact Mayor Jim Hornaday or City Manager Walt Wrede at 235-8121



CONSENT AGENDA

Session 11-33 a Regular Meeting of the Homer City Council was called to order on October 24, 2011 at 6:00 p.m. by Mayor James C. Hornaday, at the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of Allegiance.

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

STAFF: ACTING CITY MANAGER ROBL
CITY CLERK JOHNSON
FINANCE DIRECTOR MAURAS
LIBRARY DIRECTOR DIXON
PERSONNEL DIRECTOR PETERSEN
PORT AND HARBOR DIRECTOR HAWKINS
PUBLIC WORKS DIRECTOR MEYER

Council met as a Committee of the Whole from 5:00 p.m. to 5:34 p.m. to discuss 2012 Budget and 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 approved by consensus of the Council.

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

There were no public comments.

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 Regular Meeting minutes of October 10, 2011 and Special Meeting minutes of October 10 and 17, 2011. City Clerk. Recommend adoption.
- B. **Memorandum 11-142**, from Mayor Hornaday, re: Reappointment of Barbara Howard to the Permanent Fund Committee.

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

WYTHE/LEWIS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

VISITORS

A. Dale Banks, Community Composting Program

Dale Banks, Community Composting Coalition, provided an overview of a potential composting program at the landfill location. Mr. Banks was a member of the City's Global Warming Task Force in 2007 that helped draft the Climate Action Plan. Compost is organic material that can be used as a soil amendment or a medium to grow plants. It can produce or eliminate the need for fertilizer, promote higher crop yields, facilitate wetland restoration, and provide erosion control. Food, yard, land clearing, construction, and fish waste are a good stream of compostable materials. The landfill will soon close and be turned into a transfer site. It would be a good spot for a pilot composting program and now is the time to do it. Not only will composting create a useable end product to sell or give away, it will reduce the amount of solid waste hauled to Soldotna. There is good value for compost in road construction, erosion control, home gardens, and the growing agricultural community. Currently the community only recycles 3.5% of its garbage. Mr. Banks is supportive of Resolution 11-100 requesting that the Borough perform a feasibility study for a community composting program at the landfill site.

Council directed questions to Mr. Banks about the potential compost site, including how clean the composting needed to be, if weed and feed on lawn clippings would contaminate compost, and whether a public composting facility would have an adverse effect on the private companies doing it. Mr. Banks answered that local restaurants, the hospital, and Senior Center could participate with workers at each business sorting food waste from garbage. Well designed recycle bins and good signage would produce a clean stream of recyclable material. Compost kept at proper temperatures would kill contaminants such as fertilizer, but some chemicals are banned. Presently people are making compost using specific ingredients, whereas the municipality would be a slightly different compost. The feasibility study would address the effect a municipal compost facility would have on private companies.

ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

A. Borough Report

Kenai Peninsula Borough Assemblyman Bill Smith reported the Borough does not have area-wide solid waste powers, but cities within the Borough authorized them to manage the solid waste. Resolution 11-100 is timely and could get some positive results depending on the reception it receives from the Assembly and new Mayor. At next week's Borough committee meetings discussion will be made on the maintenance of the track.

B. Commissions/Board Reports:

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

Dave Brann, Parks and Recreation Advisory Commissioner, reported the commission supports reinstatement of the parks maintenance position, especially with the prospect of additional restrooms at the harbor. They support the track improvements and whatever Council can do to add to it. A vault toilet system is needed for Mariner Park as the current facilities are not sufficient for the number of visitors there. The commission has a budgetary request of \$1,000 to go towards park day activities. The commission received a good report from HoPP (Homer Playground Project) of activities at Karen Hornaday Park including removal of the big red storage building. The commission is exploring options on the Kachemak Drive Path and plans to write a letter to all landowners to get their feedback. We had the first official adopt-a-park with the Rotary Club adopting the Ben Walters Park. Plans are in the works to paint the bathrooms, plant some flower bulbs, and to get the kiosks standing upright. The commission hopes to co-sponsor an ice skating party with the Rotary Club.

Commissioner Brann reported a proposal was presented to the Kachemak Drive Path Committee for signs indicating bicycles were on the road and digital radar signs for awareness and safety. The Kachemak Bay Water Trail Program is making progress, with the application for technical support from the Park Service being approved. The group will receive support for two years. The trail will be developed around Kachemak Bay for boaters. Upcoming meetings at both the Pratt Museum and Chamber of Commerce will be held on Wednesday. A recent press release from the United States Department of the Interior, Office of Secretary, was issued to approve two park projects within the State of Alaska. Those projects include an all-season trail at Denali State Park and the Kachemak Bay Waterway. The trail will be an economic boon to the area with wonderful recreational possibilities. Other work includes picking up garbage and trash on the Mud Bay Trail.

5. Port and Harbor Advisory Commission

Pete Wedin, Port and Harbor Advisory Commissioner, reported there are a lot of projects in the harbor that are waiting for funding. Much of the maintenance has been delayed. He questioned the fast tracking of Resolution 11-099 as the commission has not gotten a lot of information from

the Port and Harbor Improvement Committee for the bonding. People will ask why this is happening so fast when it is tied to stiff tariff increases. The reserves are low. A 3% increase in tariff is proposed and could increase up to 20% in the next six years. He favors more public input before the resolution for bonding is approved.

Councilmember Wythe commented the initial recommendation is from the Port and Harbor Improvement Committee and how to move forward. The request is that Council authorize the committee to continue the research and review of how we can do the projects. The committee is asking Council if we can look further to see if it is financially feasible. We would not be locked into anything until we actually did the bond and drew the money. There are several steps and Council would look at it a minimum of two times. The Committee believes it is feasible to start looking at a bond.

Councilmember Lewis asked Commissioner Wedin if he would like the Port and Harbor Advisory Commission to have a say. Commissioner Wedin indicated he just finished the fishing season and has been gathering a lot of information today. A new harbor building would not receive the public's vote and it would not make us any money. If we have to lump projects to sell it to the public it will not be palpable.

C. Prince William Sound Regional Citizens' Advisory Council, Report by John Velsko

PUBLIC HEARING(S)

A. **Ordinance 11-42**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating State Department of Corrections Capital Project Funds in the Amount of \$3,500 to Purchase New Lockers for Prisoner's Personal Property and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Police Chief. Introduction October 10, 2011, Public Hearing and Second Reading October 24, 2011.

Memorandum 11-138 from Police Chief as backup.

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

Mayor Hornaday called for a motion for the adoption of Ordinance 11-42 by reading of title only for second and final reading.

LEWIS/WYTHER - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

ORDINANCE(S)

- A. **Ordinance 11-43**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 14.08.037, Water Meters; Regarding the Number of Water Meters Required Per Lot. City Manager. Recommended dates: Introduction October 24, 2011, Public Hearing and Second Reading November 28, 2011.

Memorandum 11-143 from City Manager as backup.

Mayor Hornaday called for a motion for the adoption of Ordinance 11-43 for introduction and first reading by reading of title only.

WYTHE/HOGAN - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

CITY MANAGER'S REPORT

- A. City Manager's Report

BUDGET MESSAGE FY 2012 OPERATING BUDGET

Submitted September 28; Introduced October 10, 2011

Introduction:

The Draft FY 2012 Operating Budget was delivered to the City Council on September 28, 2011. The draft budget was a result of many hours of hard work, number crunching, and program review by the department heads and their staff. I would like to especially thank Regina Mauras, the Finance Director, for her immeasurable contribution to this effort. I believe the budget document contains more information and is easier to read than ever before. This draft budget is often referred to as the "Manager's Budget" and it is scheduled to be introduced via a budget ordinance at the regular meeting on October 10, 2011. After the budget is introduced by ordinance, it becomes the Council's budget and it can be amended as Council sees appropriate at anytime right up to final adoption.

The draft budget contains new graphics and data regarding personnel costs that I think the Council and the public will find to be helpful. The budget incorporates a recalibration of how some expenditures on the Spit related to the visitor industry (garbage collection, restroom maintenance and custodial) are shared between the General Fund and the Port and Harbor Enterprise Fund. The budget also fully incorporates the transfer of the port maintenance function from the Public Works Department to the Port and Harbor Department.

In developing this budget, I did my best to adhere to the budget priorities identified by the Council and balance them against fiscal reality and what is needed to maintain core municipal services. For example, my priorities as City Manager were workforce morale, productivity, building reserves, filling some vacant positions, and maintaining a high level of service delivery. This budget achieves those objectives for the most part with the notable exceptions of COLA's and filling vacant positions. The budget addresses Council priorities including no new or

increased taxes or fees, at least in the initial draft, a conservative budget that acknowledges continued economic and revenue uncertainty, and increased transfers to depreciation and fleet reserve accounts. One Council priority that the budget does not address at this time is refilling vacant positions in core programs.

A budget summary follows which provides a quick overview of the draft budget. This summary covers all three operating funds and highlights the “flashpoints” that many people zero in on and want to know first about the budget. A more detailed description of the contents of each fund follows in subsequent sections and we will go through the budget with you line item by line item at the Committee of the Whole on Monday.

Budget Summary:

- There are no new or increased taxes or fees
- All funds are balanced, meaning that revenues meet or exceed expenditures
- Transfers to depreciation and fleet reserves are included for the General Fund this year but they have been reduced slightly for the Port and Harbor Enterprise Fund and the Water and Sewer Utility Fund.
- Increases in real expenditures are limited to fixed costs, training, and basic operating supplies.
- Non-profits are funded at last year’s level. That includes The Chamber of Commerce, the Homer Foundation, the Pratt Museum, and Haven House.
- There are no new positions or vacant positions that have been filled with the exception of a part time seasonal position with Parks.
- There are no changes to employee compensation from last year.
- The budget does not include a COLA.

The General Fund

The General Fund is balanced in the sense that revenues meet or exceed expenses. The total General Fund Budget is \$10,782,862. Total Revenues and Transfers are projected to increase by \$668,004. This is due largely to the fact that PERS relief payments are shown as revenue. Property tax is projected to remain essentially level and sales tax is projected to increase by almost \$200,000 over what was budgeted last year. Expenditures increase by \$622,756 over 2011 however, most of that is accounted for by transfers to depreciation and reserve accounts and PERS relief payments which also are included on the expenditures side. Projected revenues exceed projected expenditures by \$ 443,246 before transfers. Virtually all of those excess funds were transferred into reserve accounts. Of that amount, \$329,894 was transferred into depreciation and fleet reserve accounts.

Following are some budget highlights that I would call your attention to:

- The lobbying contract is included at the same level as last year, pending Council action. \$22,000 from the General Fund and \$22,000 from P&H Fund (page 55).
- The Attorney Contract and budget is included at last year’s level, consistent with Council action. (page 55).
- The Animal Shelter contract is included at last year’s level, pending Council action. (page 97).
- Non-Profits are included at last year’s level (Pages 66, 92, and 114.)

- Fishing Hole Contribution included at last year's level (page 66).
- Contributions to depreciation and fleet reserves included for first time in two years, restored to 2009 levels but still far short of 2008 (page 47).
- Almost no major capital expenditures from reserve accounts proposed (page 201)
- No new positions or vacant positions filled with exception of restoration of vacant summer temporary Parks position. (page 228.)
- Funding restored for Council stipends (back to previous level) and for Council travel (for AML and Juneau) (page 55).
- Funding restored on limited basis for training (Clerk, Finance, Personnel, Police, Fire) and for basic operating supplies.
- Funding included for two elections (to provide for possible runoff or special elections) (page 60).
- Estimated "warm status" costs for HERC Building (Old School) (page 70)
- Estimated energy costs for expanded but more efficient City Hall (page 78)

Analysis / Comment

Overall, the general fund is in much better shape than it has been the previous couple of years. We can be thankful that at least this year, we are not talking about layoffs, eliminating entire programs, reducing the level of services, and deleting funding for services that might be considered "nice" but not essential. I am very pleased that we were able to include transfers to depreciation and fleet reserves for the first time since FY 2009.

However, we should not allow our collective relief over the fact that we can manage to produce what is essentially a status quo budget cloud our vision. There are still a number of concerns that must be addressed. Although the General Fund reserve is now close to the level recommended by the auditors, this budget does not "grow" the reserve at all. Second, although we are happy to be able to do something about depreciation this year, the amount transferred is far below what was transferred in the past and that recommended by the auditors and Council resolution. The economy and tax revenues continue to be very uncertain as we move forward. That is why I chose to place all of the excess revenues this year into savings accounts rather than fill vacant positions. I was not confident that the positions we would fill would be sustainable. Finally, the number of vacant positions continues to be a problem. The most critical positions right now, in my opinion are the project manager, maintenance and custodial, dispatch, and the jail. I would be happy to talk with the Council about this in detail.

Port and Harbor Enterprise Fund:

The Port and Harbor Enterprise Fund is balanced in that projected total revenues (\$3,431,243) exceed projected total expenditures (\$3,174,725). The fund is operating in the black in terms of operating expenses however, when the recommended depreciation expenses are included as though they represented a real expenditure this year, it appears that the fund is operating in the red, and by a large margin. Projected revenues are down slightly from 2011. The budget includes expenditures that are up approximately \$100,000; a fact that can be attributed largely to PERS Relief, increases in operating supplies, and increased garbage collection costs. This budget transfers \$470,000 into depreciation and fleet reserves which is \$30,000 less than 2011. Budget highlights for the Port and Harbor Enterprise Fund include:

- No new fees or fee increases pending Council action (see below)
- Incorporation of the port and harbor maintenance function
- Moderate expenditures from reserves (page 201)
- No new personnel
- An essentially status quo operating budget

Analysis / Comment:

The Port and Harbor Enterprise Fund is solvent but it is essentially treading water. This is basically a maintenance budget. It covers day to day operating costs and that is about it. The City has deferred maintenance, repair, upgrades, and investment in this vital infrastructure for too long. There is room to generate more revenue that can be reinvested in the port and harbor however, deciding how to increase revenues and what to spend them on can be difficult. Political pressure to keep fees low has trumped good management. As a result, fees have not kept up with inflation and they do not generate enough revenue to address basic depreciation. Because the City has not raised fees as it should and has not kept up with maintenance, repair and investment, the decisions get harder and the necessary fee increases more drastic.

The Enterprise Fund does not have as much in its depreciation reserve account as it should given its assets and the value of its infrastructure. Instead of transferring \$500,000 a year, the City should be transferring three times that much. The Fund is also developing a problem with retained earnings and cash on hand. This is getting dangerously low and it means that the Fund does not have much margin for error if a large unforeseen expense occurs or revenues suddenly decline.

As noted above, there are legitimate opportunities to raise fees and the City should probably do so simply to grow the depreciation reserves and improve the Fund's retained earnings position. But, given the current state of the economy, care should be taken to not raise fees to the point of diminishing returns. As you know, the Special Port Revenue Bond Committee is looking at the possibility of selling revenue bonds to leverage other funds and finance improvements in the harbor. This would also require raising fees. This is where the decisions get tough. But, the City has a wonderful asset and economic engine here. We have exciting opportunities before us to improve and maintain the asset if we manage it carefully with an eye toward the future.

Water and Sewer Utility Fund

The Water and Sewer Utility Fund is balanced but the margin between revenues and expenditures is tight. Water revenue is projected to increase by about \$150,000 over the 2011 Budget to \$1,717,101 but sewer revenues are anticipated to decrease by \$300,000 to \$1,572,089. Total revenues are projected to decrease by \$129,852 to \$3,289,190. Expenditures are budgeted to increase by \$115,284 to \$3,107,571. This can be accounted for by PERS relief showing as an expense, and by increases in fixed costs and essential operating supplies. Only the minimum amount authorized by resolution, \$200,000, was placed in the depreciation reserves. That was necessary to balance the budget.

Highlights for the Water and Sewer Revenue Fund Include:

- No increases in fees consistent with the fee schedule adopted in July
- No new staff positions
- Expense increases limited to inflation and purchase of basic supplies

- Moderate capital expenses from reserves for basic infrastructure upgrades and repair (page 201)

Analysis / Comment:

The Water and Sewer Utility Fund remains vulnerable because of the basic structural flaws we have discussed in the past. We have a production and distribution infrastructure that is very expensive to operate and maintain and relatively few customers to pay for it. We have a reliable source of funds to build things and expand the infrastructure (dedicated sales tax) but inadequate funds to maintain it all (user fees). There is intense political pressure to keep fees down even though doing so may not always be in the best interest of the Fund. Our bonded indebtedness is significant and will limit opportunities to finance new projects or expansion of the distribution system for the next few years at a minimum. That is a problem if the Council's goal is to increase the number of customers. This year we have further uncertainty on the revenue side until we fully understand how the new "meter" ordinance will work in practice. We have already discovered some unanticipated flaws and will soon be discussing amendments with the Council.

Acting City Manager Robl indicated the report was included in the packet.

- B. Bid Report
- C. Games Report
 - 1. Benevolent & Protective Order of Elks Lodge #2127
 - 2. K-Bay Marines Detachment 838 Marine Corp League

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
- F. Port and Harbor Improvement Committee

PENDING BUSINESS

Mayor Hornaday called for a recess at 6:40 p.m. and reconvened the meeting at 6:43 p.m.

NEW BUSINESS

A. **Memorandum 11-144**, from City Manager, re: Special Projects Coordinator Position

Mayor Hornaday called for a motion for the approval of the recommendations of Memorandum 11-144.

WYTHE/LEWIS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

RESOLUTIONS

A. **Resolution 11-099**, A Resolution of the City Council of Homer, Alaska, Authorizing the City Manager to Draft and Submit a Revenue Bond Sale Application and Take Other Steps Necessary to Prepare for a Possible Bond Sale to Finance Construction of Six Top Priority Capital Projects Within the Homer Harbor. Howard, Lewis, Wythe.

Memorandum 11-145 from City Manager as backup.

Mayor Hornaday called for a motion for the adoption of Resolution 11-099 by reading of title only.

HOWARD/WYTHE - SO MOVED.

Councilmember Wythe offered the following report from the Port and Harbor Improvement Committee:

The City of Homer considers the Port and Harbor to be a vital economic contributor to the community, but provides little funding for the proper maintenance and development of the facilities. The Port and Harbor Department is established as an enterprise fund, meaning that the expenses for the operations and maintenance of the port and harbor should be derived from the users of that facility. In exchange for user fees, the mission of the Port and Harbor Department is:

- To provide safe port and harbor facilities for our commercial clients, recreational users, and the general public.
- To manage and maintain these facilities cost effectively.
- To administer our Tariff and procedures fairly and equitably for all users.

There have been several items languishing in the Capital Improvement Plan for a number of years and in the absence of receiving state or federal funding to complete these projects, it is important that the enterprise fund take the initiative to move these projects forward. In June of this year Resolution 11-060 was adopted to form a committee to consider the possibilities of a

revenue bond to help fund these items and improve the port and harbor facilities that we consider a vital economic contributor to our community.

Port and Harbor Improvement Committee members included Councilmembers Howard, Lewis, and Wythe, Port and Harbor Advisory Commissioners Hartley and Howard, and Harbormaster Hawkins.

The committee activities included:

- Port and Harbor financial status review.
- Educations presentation from Deven Mitchell, Alaska Bond Bank.
- Reviewing the required revenues to qualify for “Revenue Bonding”.
- Reviewed projects included in the original resolution:
 - ❖ Harbormaster’s Office
 - ❖ Harbor Entrance Erosion Control
 - ❖ Ramp 3 Gangway Replacement
 - ❖ Harbor Float Replacement
 - ❖ System 5 Upgrade
 - ❖ Fish Dock Restrooms
- Reviewed projects that have the potential for increasing Port and Harbor revenues:
 - ❖ Harbor Sheet Pile Loading Dock/Pier
 - ❖ Truck Loading Facility/Fish Dock
 - ❖ HH Float Improvements
 - ❖ Barge Mooring Facility
 - ❖ Marine Ways Large Vessel Haul Out
 - ❖ Ice Plant Upgrades

It is likely that the Port and Harbor enterprise would only be able to afford a bond debt in the range of \$5M or \$6M, and for this reason, ultimately the only items considered were those that would qualify for a substantial matching grant. Those projects were determined to include:

- ❖ Load and Launch Ramp 75% Federal / 25% City
 - Note: The City’s 25% match for the Load and Launch Ramp
 May qualify for a State Harbor Grant.
- ❖ Ramp 3 Gangway 50% State Harbor Grant
- ❖ System Five Upgrade 50% State Harbor Grant
- ❖ Harbor Float Replacement 50% State Harbor Grant
- ❖ Harbormaster’s Office Safety Need
- ❖ Harbor Entrance Erosion Control 50% State Harbor Grant

- Evaluated projects for inclusion in final recommendation based on :

<u>Criteria</u>	<u>Possible Points</u>
-----------------	------------------------

- ❖ Was on the enabling resolution 5

❖ Addresses Health/Safety issues	15
❖ Bonding will leverage other money	20
❖ Stimulate Economic Development/Jobs	15
❖ Provide Revenue	15
❖ Improve Service Delivery	15
❖ Identifiable revenue stream from users	15

- The resulting ranking was:
 1. Load and Launch Ramp
 2. Ramp 3 Gangway
 3. System Five Upgrade
 4. Harbor Float Replacement
 5. Harbor Master's Office
 6. Harbor Entrance Erosion Control

The committee has a concern that the criterion established for the ranking of the projects did not adequately express the Harbormaster's Office as a vital project. This project may need to be addressed separately in some way, but should not be removed from serious consideration if the Port and Harbor Improvement project is moved forward.

The Fish Dock restrooms project was removed from consideration because a restroom will be included in the Ice Plant and has already been funded.

The Load & Launch Ramp project was added because it has revenue production capabilities and has funding options available which may reduce, or totally eliminate any cost to the City.

There are several additional items that will need to be considered before a final determination is made to move forward with a revenue bonding project including:

- The need for increased rates to provide adequate funding.
- The ability to acquire bonding funds in a staged manner to allow for a gradual rate increase.
- Updating the cost for the projects list.
- Considering additional partners for project funding.
- Reviewing possible tenants to provide a revenue basis for the new Harbormaster's Office.

Photos of the R Float, old deteriorating floats, the Harbormaster's Office, and Ramp 3 were shown.

If the City wants to consider the port and harbor as the jewel in our economic crown, it is important that we invest some time, energy, and effort in knocking off the grime and restoring the gems. The committee requests that Council authorize further review and consideration of the identified projects for feasibility of a Port and Harbor Improvement Revenue bond.

Councilmember Hogan agreed that a bonding mechanism is appropriate for realizing port and harbor improvements, although he feels it is being rushed. The Port and Harbor Advisory Commission should weigh in now and review before a bond application is submitted. These are the guys that spend time in the harbor and know what is going on out there. There is not a big hurry to get an application in.

HOGAN/LEWIS – MOVED TO POSTPONE TO THE NEXT CITY COUNCIL MEETING AND REFER IT TO THE PORT AND HARBOR COMMISSION.

Councilmember Lewis served on the committee and agrees with the recommendations. After hearing from Port and Harbor Advisory Commissioners who are not real happy, he believes they should have their say before going ahead with the resolution.

Councilmember Hogan appreciates all the work the committee put in on it, but he would like everybody on board.

Councilmember Roberts asked what would prevent the commission from weighing in even if Council passes the resolution. Councilmember Wythe answered this will go to the Port and Harbor Advisory Commission. The objective is to keep it moving forward. Without a timeline it will fall into government timing. Harbor improvements have been languishing, we are wringing our hands, the harbor is falling apart, and we need to move beyond.

Councilmember Hogan takes issue with the idea the port and harbor is falling apart. He commented Port and Harbor Director Hawkins and the crew at the icehouse are doing a great job getting the facility in shape without any additional funding. We are moving in the right direction. A lot of the time it is getting the right people with tools in hand. He asked that the Port and Harbor Advisory Commission get a chance to look at the recommendations and the opportunity to weigh in now and later. There are economic considerations, such as the one fish limit. Additionally, commercial halibut landings are 50% of what they were last year.

VOTE: (postponement) YES. HOGAN, LEWIS

VOTE: NO. ROBERTS, WYTHE, ZAK, HOWARD

Motion failed.

Councilmember Howard commented the bond application process is lengthy; we are not getting married tonight. We are just beginning the process and the next appropriate question is what the application looks like. She asked people to please not be afraid of this first step. As a prior city clerk she has been through many bond sales with city councils. It will come before the council many times. It can go to the Port and Harbor Advisory Commission in the meantime.

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

Motion carried.

- B. **Resolution 11-100**, A Resolution of the City Council of Homer, Alaska, Requesting the Kenai Peninsula Borough to Perform a Feasibility Study for a Community Composting Operation at the Homer Solid Waste Transfer Facility. Mayor.

Mayor Hornaday called for a motion for the adoption of Resolution 11-100 by reading of title only.

WYTHE/LEWIS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

COMMENTS OF THE AUDIENCE

Beth Cumming commented on the 2012 budget and Karen Hornaday Park improvements. She urged the City to re-apply for a matching land and water grant, and urged Council to add some money for the grant. The minimum match is \$50,000. She would like to see funds go to preliminary engineering and design work to relocate the road and develop a trail along Woodard Creek. Ms. Cumming told Council she is a small toad sitting in a tiny pond on the Parks and Recreation Advisory Commission; Council is in a much larger pond and she appreciates them.

COMMENTS OF THE CITY ATTORNEY

City Attorney Klinkner was not present.

COMMENTS OF THE CITY CLERK

City Clerk Johnson reminded everyone to vote in the Borough Mayoral runoff election.

COMMENTS OF THE CITY MANAGER

Acting City Manager Robl commented the Police Department has a supply of gun locks for free and a limited supply of CD's parents can download on their computer to help parents track internet usage of their kids.

COMMENTS OF THE MAYOR

Mayor Hornaday urged everyone to vote tomorrow.

COMMENTS OF THE CITY COUNCIL

Councilmember Wythe thanked Beth Cumming for her participation. All commissions are important and she appreciates the contributions they make. She appreciates the contributions of

the Port and Harbor Advisory Commission and is sorry the harbor bonding is offensive to them. The objective is to keep it moving forward, not to remove it, or disenfranchise the commission in any way.

Councilmember Hogan encouraged everyone to support the United Way fundraising efforts.

Councilmember Zak commented he learned some things tonight. We are not getting married, we are not throwing out the anchor, we are not running up on the beach, and we are in a big pond.

Councilmembers Howard, Lewis, and Roberts had no comment.

ADJOURNMENT

There being no further business to come before the Council, Mayor Hornaday adjourned the meeting at 7:17 p.m. The next Regular Meeting is scheduled for Monday, November 28, 2011 at 6:00 p.m. The next Committee of the Whole is scheduled for Monday, November 28, 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.

JO JOHNSON, CMC, CITY CLERK

Approved: _____

Office of the City Clerk

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



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

MEMORANDUM 11-146

TO: MAYOR HORNADAY AND HOMER CITY COUNCIL

FROM: MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK *MJ*

DATE: NOVEMBER 21, 2011

SUBJ: LIQUOR LICENSE RENEWAL FOR CAFÉ CUPS AND RING OF FIRE MEADERY

We have been notified by the ABC Board of liquor license renewals within the City of Homer for Café Cups and Ring of Fire Meadery:

Type: Restaurant/Eating Place
Lic #: 3210
DBA Name: Café Cups
Premise Address: 162 W Pioneer Ave.
Owner: Bivalves Inc
Mailing Address: 162 W Pioneer Ave, Homer 99603

Type: Winery
Lic #: 4506
DBA Name: Ring of Fire Meadery
Premise Address: 178 E Bunnell Ave.
Owner: Alaska Meads LLC
Mailing Address: 178 E Bunnell Ave, Homer 99603

RECOMMENDATION: Voice non objection and approval for the liquor license renewals as listed above.

Fiscal Note: Revenues.



KENAI PENINSULA BOROUGH

144 North Binkley Street • Soldotna, Alaska 99669-7520

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

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

Email: assemblyclerk@borough.kenai.ak.us

JOHNI BLANKENSHIP
BOROUGH CLERK

November 17, 2011

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

RE: Non-Objection of License Renewal

Business Name	:	Café Cups
License Type	:	Restaurant/Eating Place
License Location	:	City of Homer
License No.	:	3210

Dear Ms. Lambert,

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

Should you have any questions, or need additional information, please do not hesitate to contact our office.

Sincerely,

John Blankenship, MMC
Borough Clerk

JB/klr

cc: Applicant
City of Homer
KPB Finance Department
File



KENAI PENINSULA BOROUGH

144 North Binkley Street • Soldotna, Alaska 99669-7520

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

Email: assemblyclerk@borough.kenai.ak.us

JOHNI BLANKENSHIP
BOROUGH CLERK

November 17, 2011

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

RE: Non-Objection of License Renewal

Business Name	:	Ring of Fire Meadery
License Type	:	Winery
License Location	:	City of Homer
License No.	:	4506

Dear Ms. Lambert,

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

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

Sincerely,

Johni Blankenship, MMC
Borough Clerk

JB/klr

cc: Applicant
City of Homer
KPB Finance Department
File




CITY OF HOMER POLICE DEPARTMENT

4060 HEATH STREET HOMER, AK 99603-7609

EMERGENCY 911
TELEPHONE (907) 235-3150
TELECOPIER (907) 235-3151

MEMORANDUM

DATE: October 31, 2011
TO: Melissa Jacobsen, Deputy City Clerk
FROM: Mark Robl, Chief of Police 
SUBJECT: Liquor License Renewals

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

Winery

Ring of Fire Meadery Lic #4506
178 E Bunnell Ave.
Homer, AK 99603
Owner: Alaska Meads, LLC

Restaurant Eating Place

Café Cups Lic #3210
162 W Pioneer Ave.
Homer AK 99603
Owner: Bivalves, Inc.

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

DATE: October 28, 2011
TO: Mark Robl, Police Chief
FROM: Melissa Jacobsen, CMC, Deputy City Clerk
SUBJECT: Liquor License Renewal for Café Cups and Ring of Fire Meadery

We have been notified by the ABC Board of liquor license renewals within the City of Homer for Café Cups and Ring of Fire Meadery:

Type: Restaurant/Eating Place
Lic #: 3210
DBA Name: Café Cups
Premise Address: 162 W Pioneer Ave.
Owner: Bivalves Inc
Mailing Address: 162 W Pioneer Ave, Homer 99603

Type: Winery
Lic #: 4506
DBA Name: Ring of Fire Meadery
Premise Address: 178 E Bunnell Ave.
Owner: Alaska Meads LLC
Mailing Address: 178 E Bunnell Ave, Homer 99603

This matter is scheduled for the November 28, 2011 City Council meeting. Please respond with any objections/non-objections to this liquor license renewal by **Wednesday, November 23, 2011.**

Thank you for your assistance.

HOMER

Type: Restaurant/Eating Place
Lic #: 3210
DBA Name: Café Cups
Premise Address: 162 W Pioneer Ave.
Owner: Bivalves Inc
Mailing Address: 162 W Pioneer Ave, Homer 99603

Type: Winery
Lic #: 4506
DBA Name: Ring of Fire Meadery
Premise Address: 178 E Bunnell Ave.
Owner: Alaska Meads LLC
Mailing Address: 178 E Bunnell Ave, Homer 99603

KACHEMAK

Type: Winery
Lic #: 4374
DBA Name: Bear Creek Winery
Premise Address: 60203 Bear Creek Road
Owner: Bear Creek Winery LLC
Mailing Address: PO Box 164, Homer 99603

KENAI

Type: Beverage Dispensary - Tourism
Lic #: 1859
DBA Name: Uptown Motel/Louie's
Premise Address: 47 Spur View Drive
Owner: Schilling Alaska Inc
Mailing Address: 47 Spur View Drive, Kenai 99611

Type: Beverage Dispensary – Tourism Duplicate
Lic #: 2237
DBA Name: Uptown Motel/Back Door Lounge
Premise Address: 47 Spur View Drive
Owner: Schilling Alaska Inc
Mailing Address: 47 Spur View Dr., Kenai 99611

SOLDOTNA

Type: Restaurant/Eating Place
Lic #: 418
DBA Name: Buckets Sports Grill
Premise Address: 43960 Sterling Hwy.
Owner: Buckets North Inc
Mailing Address: 226 Susieana Lane, Kenai 99611

Type: Restaurant/Eating Place – Public Convenience
Lic #: 4183
DBA Name: Acapulco Restaurant
Premise Address: 44758 Sterling Hwy.
Owner: Juan A. Rodriguez
Mailing Address: 44758 Sterling Hwy., Ste. A, Soldotna 99669

Type: Package Store
Lic #: 4376
DBA Name: Fred Meyer #017
Premise Address: 43843 Sterling Hwy.
Owner: Fred Meyer Stores Inc.
Mailing Address: Po Box 305103, Nashville, TN 37230-5103

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

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

Under AS 04.11.420(a), the board may not issue a license or permit for premises in a municipality where a zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages, unless a variance of the regulation or ordinance has been approved. Under AS 04.11.420(b) municipalities must inform the board of zoning regulations or ordinances which prohibit the sale or consumption of alcoholic beverages. If a municipal

zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages at the proposed premises and no variance of the regulation or ordinance have been approved, please notify us and provide a certified copy of the regulation or ordinance if you have not previously done so.

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

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

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

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

Sincerely,

SHIRLEY A. GIFFORD
Director

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

VISITORS

ANNOUNCEMENTS
PRESENTATIONS
BOROUGH REPORT
COMMISSION REPORTS

Joe Young – 2011 Water Operator of the Year Alaska Rural Water Association

Joe Young started with the City five years ago as a Treatment Plant Maintenance Technician. In this position, Joe did more than just learn how to maintain the treatment equipment; he went above and beyond his expected work duties and learned how to operate the facilities. Joe studied hard and acquired his Level I State Certifications in both water and wastewater treatment and was promoted to a Treatment Plant Operator.

Subsequently, Joe has acquired his Level III certifications. His fellow employees agree that he does an outstanding job at operating the new membrane filter treatment plant (the largest ultra-filtration plant in Alaska); but his knowledge of computers and telemetry makes him especially valuable employee. Joe is always willing to tackle any challenge; his supervisor says “I have found nothing that he cannot figure out given the time and resources”. He is an important reason why the drinking water in Homer exceeds the more stringent drinking water standards recently established by EPA.

Joe takes pride in everything he does and it shows in the quality of work that he produces. In addition to operating the water treatment plant, Joe backs up the Wastewater Treatment Operator and performs lab work to optimize plant operations, protecting water quality in Kachemak Bay. Joe is a valuable asset to the Public Works Department and the City of Homer, as his fellow employees and this Alaska Rural Water Association – 2011 Water Operator of the Year award attests.

Thank you, Joe, for your hard work.

Congratulations!

City of Homer – Wastewater System of the Year Alaska Rural Water Association

In recognition of outstanding performance and service to the community, the City of Homer has been presented the Alaska Rural Water Association – 2011 Wastewater System of the Year award. Accepting this award is Todd Cook, Treatment Superintendent for the City of Homer. Todd has been instrumental in leading the efforts that have contributed to the City receiving this award.

The City of Homer operates an unusual, highly efficient wastewater treatment plant. The innovative biological wastewater treatment plant utilizes deep shaft technology to efficiently inject oxygen into the wastewater. This provides a highly efficient source of oxygen for the microorganisms that are used in the treatment process to remove nutrients prior to discharge into Kachemak Bay.

The efficiency of the deep shaft technology can be high, but it also requires highly skilled operators and large amounts of energy. The City has attracted and developed highly skilled operators and has initiated efforts to reduce energy usage by installing more efficient lighting, motors and aeration equipment. In 2011, the City has also completed the slip-lining of over 13,000 linear feet of old sewer main to reduce groundwater infiltration, lower operational costs, and extend the life of the collection system & treatment plant.

Also in 2011, the City of Homer acquired an Alaska Pollutant Discharge Elimination System (APDES) permit for the sewer treatment plant; the first to be issued to a municipality in Alaska by the Alaska Department of Environmental Conservation since permitting authority was transferred to the state APDES Program.

The citizens of Homer can be proud of their wastewater system, both the piped collection system and the innovative treatment facilities. These facilities protect the water quality of Kachemak Bay and contribute to the quality of life we cherish here at the end of the road.

Congratulations Todd and Congratulation City of Homer!

PUBLIC HEARING(S)

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

**Ordinances 11-41 and 11-43
Resolutions 11-094 and 11-095**

A **public hearing** is scheduled for **Monday, November 28, 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 11-41 and 11-43 internet address:
<http://www.cityofhomer-ak.gov/ordinances>

Resolutions 11-094 and 11-095 internet address:
<http://www.cityofhomer-ak.gov/resolutions>

Ordinance 11-41, An Ordinance of the City Council of Homer, Alaska, Appropriating Funds for the Calendar Year 2012 for the General Fund, the Water-Sewer Fund, the Port/Harbor Fund, Debt Funds, and Capital Reserve Funds (Conditional Expenditures). City Manager.

Resolution 11-094, A Resolution of the City Council of Homer, Alaska, Maintaining the City of Homer Fee Schedule at the Current Rates. City Clerk.

Resolution 11-095. A Resolution of the City Council of Homer, Alaska, Maintaining the Port of Homer Terminal Tariff No. 600 at the Current Rates. City Clerk.

Ordinance 11-43, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 14.08.037, Water Meters; Regarding the Number of Water Meters Required Per Lot. City Manager.



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

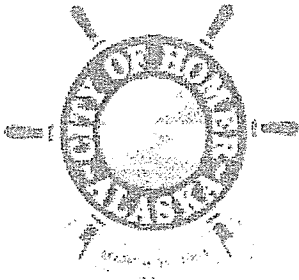
Publish: Homer Tribune: November 23, 2011

CLERK'S AFFIDAVIT OF POSTING

I, Renee Krause, Deputy City Clerk I for the City of Homer, Alaska, do hereby certify that a copy of the Ordinance 11-41, Appropriating Funds for the Calendar Year 2012 for the General Fund, the Water-Sewer Fund, the Port/Harbor Fund, Debt Funds, and capital Reserve Funds (Conditional Expenses); Ordinance 11-43, Amending Homer City Code 14.08.037, Water Meters; Regarding the Number of Water Meters Required Per Lot; Resolution 11-094, Maintaining the City of Homer Fee Schedule at the Current Rates; and Resolution 11-095, Maintaining the Port of Homer Terminal Tariff No. 600 at the Current Rates to the City of Homer kiosks located at City Clerk's Office, Captain's Coffee Roasting Co., Harbormaster's Office, Redden Marine Supply of Homer, on November 18, 2011 and posted same on City of Homer Website on November 18, 2011.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of said City of Homer this 18th day of November, 2011

Renee Krause
Renee Krause, CMC, Deputy City Clerk I



ORDINANCE REFERENCE SHEET
2011 ORDINANCE
ORDINANCE 11-41

An Ordinance of the City Council of Homer, Alaska, Appropriating Funds for the Calendar Year 2012 for the General Fund, the Water-Sewer Fund, the Port/Harbor Fund, Debt Funds, and Capital Reserve Funds (Conditional Expenditures).

Sponsor: City Manager

1. City Council Regular Meeting October 10, 2011 Introduction
2. City Council Regular Meeting November 28, 2011 Public Hearing

**CITY OF HOMER
HOMER, ALASKA**

City Manager

ORDINANCE 11-41

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, APPROPRIATING FUNDS FOR THE CALENDAR YEAR 2012 FOR THE GENERAL FUND, THE WATER-SEWER FUND, THE PORT/HARBOR FUND, DEBT FUNDS, AND CAPITAL RESERVE FUNDS (CONDITIONAL EXPENDITURES).

THE CITY OF HOMER ORDAINS:

Section 1. Pursuant to the authority of Alaska Statute, Title 29, the appropriations for Calendar Year ending December 2012 are appropriated as follows:

General Fund	\$10,782,862
Water-Sewer Fund	\$ 3,343,362
Port/Harbor Fund	\$ 3,680,579
Capital Projects	\$ 1,856,339
Internal Service Funds	\$ <u>1,713,872</u>
Total Expenditures	\$ 21,377,014

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

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

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

Section 5. The property tax mill levy is set at 4.5 mills for 2012.

Section 6. This Ordinance is limited to approval of the Budget and appropriations for Calendar Year 2012, is a non code Ordinance and shall become effective January 1, 2012.

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

CITY OF HOMER

JAMES C. HORNADAY, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

Introduction:
Public Hearing:
Second Reading:
Effective Date:

AYES:
NOES:
ABSTAIN:
ABSENT:

Reviewed and approved as to form:

Walt E. Wrede, City Manager

Date: _____

Thomas Klinkner, City Attorney

Date: _____

Fiscal Note: See Line Item Budget and detail.

**CITY OF HOMER
HOMER, ALASKA**

City Clerk

RESOLUTION 11-094

A RESOLUTION OF THE CITY COUNCIL MAINTAINING
THE CITY OF HOMER FEE SCHEDULE AT THE CURRENT
RATES.

WHEREAS, Fees are reviewed annually during the budget cycle; and

WHEREAS, It was determined that there was no adjustment to the City of Homer Fee
Schedule needed at this time.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Homer, Alaska, that
the City of Homer Fee Schedule is maintained at the current rates.

PASSED AND ADOPTED by the City Council of Homer, Alaska, this 12th day of
December, 2011.

CITY OF HOMER

JAMES C. HORNADAY, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

Fiscal Note: Revenue amounts not defined in CY2012 budget.

Fee Schedule

July 2011

This Pamphlet compiled by the Office of the Homer City Clerk

**Homer City Clerk
491 E. Pioneer Avenue
Homer, Alaska 99603
(907) 235-3130
Fax: (907) 235-3143
Email: clerk@ci.homer.ak.us**



City's Home Page - <http://clerk.ci.homer.ak.us>

Updated: July 2011

07/11 - clerk

The City of Homer is a First Class General Law Municipality with a Manager form of Government. Incorporated March 31, 1964.

Main Office Phone for the City of Homer 235-8121 (City Hall)

Sales Tax - 4.5% for the City, 3.0% Borough, and total sales tax paid within Homer City limits, 7.5%. Non prepared food items are exempt from Borough and City Sales Tax September 1st through May 31st of each year.

Property Tax - Mill levy
City - 4.5
Borough - 6.50
Hospital - 1.75
KPC - 0.10

HCC - Homer City Code - codification of City ordinances.
AAC - Alaska Administrative Code
AS - Alaska Statutes

Office Hours for City Hall are 8:00 a.m. to 5:00 p.m. unless otherwise specified.

Phone Numbers for main offices:

Administration - 235-8121
City Clerk - 235-3130
City Hall - 235-8121
Community Schools - 235-6090
Fire Department - 235-3155
Library - 235-3180
Planning - 235-3106
Police Department - 235-3150
Port/Harbor - 235-3160
Public Works - 235-3170

BILLING AND PAYMENTS - 235-8121 ext 2240 or 0 for the front desk.
Assessment Bills (City of Homer only) - 235-8121 ext 2240
Port/Harbor Bills - 235-3160
Water/Sewer Bills - 235-8121 ext 2240
Ambulance Bills - 235-8121 ext 2228
Emergencies - 911 (Fire, Medical, Police)

ADMINISTRATIVE FEES FOR THE CITY OF HOMER

(The following fees have been set by legislative enactments, Ordinances 04-53(S)(A), 03-36(A), 01-13(S)(A); Resolutions 11-074(A), 11-036(A)(S), 10-90(A), 06-24(S), 05-125(S), 05-49, 05-22, 04-98(S)(A), 04-96, 04-95, 04-94(S)(A), 03-159, 00-14, 99-116, 99-50, 95-1 and 92-10(A), Regulations Concerning Public Record Inspections dated March 2003.)

These fees are administrative fees for all departments of the City of Homer unless otherwise specified under that department. All fees are inclusive of sales tax. Unless otherwise specified: Any item mailed may have an additional fee added for actual postage. Handling fees may be added up to the actual staff time spent preparing the item for shipping.

An application for indigency may be filed with the City Manager for waiving or partially waiving the costs of fees. The City Manager may allow an applicant, who qualifies as an indigent, a reduced fee, a payment plan or a waiver of the fee where the Manager is able to make a written finding, based on information provided by the applicant, that payment of the fee would be a financial hardship. Based upon the information provided, the fee may be reduced or waived in accordance with the following scale:

Annual Income as a Percent of current Health and Human Services (HHS) Poverty Guidelines for Alaska	Percent of fee reduced
1-100%	100% Waiver
101-149%	75% Waiver
150-174%	50% Waiver
175-199%	25% Waiver
200% plus	No Waiver

Airport Pickup/delivery \$25
 Annual Safety Inspection commercial vehicles \$100
 Annual Taxi Permit \$75

Appeal Fees

Water and Sewer Appeals, under HCC 14.04 and 14.08 – shall be set by Resolution; in the event the appellant is the prevailing party the fee shall be refundable. Ordinance 05-43(A).

Zoning Appeals – fee \$250.00 subject to refund if the appellant is successful on any aspect of appeal. Resolution 06-24(S)

Credit Cards are accepted for other than real property lease payments with a minimum of \$10.

Computer Disc (includes 1st class postage): \$10/disc

CD Reproductions: \$20.00

Document copying fees: \$.25/page

Certification Fee: \$10/report

Driver License Records \$10

Fax: w/in Alaska \$1/page, Continental US \$2/1st page, Subsequent pages \$1/page. Other destination \$5/1st page. Subsequent pages \$2/page.

Electronic Transmission: \$1/page (Scanned PDF document)

Lease application fee \$30

Lease fee \$300

Lease Assignment Fee \$250

Local Bidder's Preference

Non-local bid is	Local bid is not more than
\$0 - \$500,000.00	5 percent higher than non-local bid
\$0 - \$1,000,000.00	5 percent higher than non-local bid on first \$500,000.00 and 2.5 percent higher than non-local bid on amount in excess of \$500,000.00 to \$1,000,000.00

No additional adjustment for bids above \$1,000,000.00

Photograph Copying: \$10/order (includes shipping and; handling)
If done commercially – Actual Costs plus 5%

Production Fees -

Per requestor in a calendar month exceeds five-person hours the fee is the City employee's actual salary plus benefit costs. An estimate will be prepared and the requestor must deposit the estimated production and copying fees in advance. If the actual costs are greater than the estimate the records will not be released until the difference is paid and if the actual costs are less the requestor will receive a refund of the difference.

No fee for simple inspection, except when the production of records by one requestor exceeds five person hours in a calendar month.

Local Improvement Districts (LID's):

HARP (Homer Accelerated Roads Program) LID's

Assessments are: \$30 per front foot for Road Reconstruction
\$17 per front foot for Paving

HAWSP (Homer Accelerated Water and Sewer Program) LID's

Assessments are: 75% of the total project cost allocated in equal shares to each participating parcel

OTHER LID's if approved by the Council are at 100% property owner participation.

Application Fee	\$100
Bill Fee	\$3.00 per bill
Administrative Fee	
0-500,000	5%
over 500,000	\$25,000 plus 2.5%

Notary \$5.00

Smoking prohibited in City Facilities, Vehicles and Watercraft - \$25 fine

Tapes: Audio Cassette (Police Department) \$25 tape
Subsequent, \$15/tape Includes 1st class postage

Video Cassette (Police Department) \$30/tape

Vehicle Impound/Storage Fees (actual costs + towing) Storage, \$7.50/per day

AIRPORT TERMINAL FACILITY

Administration - 235-8121 (ext 2225)

(The following fees have been set by legislative enactments, Resolution 10-90(A), 04-98(S)(A), 94-61, 93-107, 08-124).

Advertising only:

\$ 75/yr. - size 9X4"
\$ 100/yr. - size 9X7"
\$125/yr. - size 9X11"

Advertising w/Direct Dial Phone - \$350/year
Long Term Parking - Per day \$5
Annual Pass \$500/year
Vending Machine Space \$30/month

ANIMAL CONTROL FEES

235-3141 Hours are 11 a.m. to 2 p.m. Monday through Friday.

(The following fees have been set by legislative enactments to HCC 20.32, Resolution 01-85)

Dog License	
Neutered/spayed	\$10.00/2 years
Nonneutered/nonspayed	\$50.00/2 years
Kennel license	\$100.00/2 years
Replacement fee, lost license	\$ 4.00
Rabies Voucher	\$ 12.00
Quarantine at Home	\$ 40.00
Quarantine at Shelter	\$ 40.00 plus daily boarding fee
Boarding fee (when available)	\$ 12.00 daily
Pickup at residence for owner release	\$ 20.00
Turn In	\$ 5.00
Turn In for Euthanasia	\$ 15.00

Impound fees:

Nonspayed/Nonneutered		Spayed or Neutered	
1st offense	\$35.00	1st offense	\$25.00
2nd offense	\$50.00	2nd offense	\$40.00
3rd offense	\$85.00	3rd offense	\$75.00
4th offense or greater	\$100.00		same

Live Trap:

Small trap \$ 70.00 deposit, \$1.00 per day. Seven (7) day rental maximum.
Large trap \$150.00 deposit, \$1.00 per day. Seven (7) day rental maximum.
Deposit is forfeited if the trap is not returned in seven days. A portion of the deposit, up to the entire amount of the deposit, will be forfeited if the trap is damaged.

Adoption Fee \$ 15.00

All impounded animals must be properly licensed and have current rabies vaccinations prior to being released. Owners of impounded animals will be charged a daily boarding fee for every full day that the animal stays in the shelter. Vaccination and license fees shall be the owner's responsibility.

Animals being adopted shall be spayed or neutered, properly licensed and vaccinated. Associated fees shall be the responsibility of the adopting party.

The City shall charge for any additional expense incurred by the City in the actual impoundment, transportation, medical care, housing or feeding of any animal; which expenses shall be paid in full prior to the animal's release.

CAMPING FEES

(The following fees have been set by legislative enactments, Resolutions 05-05, 04-98(S)(A), 99-94, 93-35, 91-34 and; 91-20(S)).

“Campground” means an area owned, controlled, developed and/or maintained by the City, which contains one or more improved campsites or contains adequate area for one or more unimproved campsites.

“Camping” means:

1. The erection of, or occupancy of any tent.
2. The placing or leaving of any items normally found at a campsite within campsite such as cook stoves, lanterns, sleeping bags or bedding.
3. Parking of any camper unit in any area owned or controlled by the City that has been designated a camping area by official signs, in excess of twenty-four hours. "Camping Season" means that period of time from April 1 through October 30.

RV \$ 15/day
 14 calendar days \$189

All other camping \$ 8/day
 14 calendar days \$100

All fees inclusive of sales tax.

CITY CLERK

(The following fees have been set by legislative enactments, Resolutions 03-159, 05-125(S), 06-16 and 06-40(A).)

Administrative - 235-3130
 Cemetery fees amended Resolution 98-28.
 Cemetery - plot \$200

Excavation
 adult - \$500; \$400 opening, \$100 closing
 infant \$375; \$300 opening, \$75 closing

Extraordinary conditions such as weather, heavy snow coverage, ice, frozen ground and etcetera may result in fees charged up to \$200 additional at Public Works discretion.

City Council and Commission Meeting packet fee

Per Packet:

 0 - 25 pages - \$5.00
 26 - 50 pages - \$10.00

 51 - 100 pages - \$20.00
 100 - 200 pages - \$25.00
 200 - 500 pages - \$30.00
 500+ pages - \$35.00

Per Month, Per Council or Advisory Body:

- 1 packet same fees as above.
- 2 packets above fee with 10% reduction.
- 3 packets above fee with 12% reduction.
- 4 or more packets above fee with 15% reduction.

City Hall Facility Use Fee (Resolution 03-159)

Government Agencies, generally, are exempt from fees.

Use by non governmental agency or entity fee is \$15.00 per hour, with a minimum of two hours; maximum fee is \$75.00 per day.

Cleaning Fee - if the facility is not left as found an additional fee of up to \$30.00 may be applied.

City Pins and Mugs (Resolution 98-28)
 Logo Pins \$1.00
 Logo Mugs \$4.00
 Scene Mugs \$8.00

Copies of meeting (audio) tapes \$10.00/each (Reso. 03-159)
 Copies of meeting (digital) CDs \$10.00/each (Reso. 06-16)

The following fees have been set by legislative enactments to HCC 19, 5.

Gravel Permit, application fee \$5 (Areas B and; C require no approval of the COE or Div. of Lands, HCC 19.12.040(c).)

Fire Works Permit, HCC 5.24 \$25 (apply 30 days in advance) per exhibit plus bond for \$500 or liability insurance, must have.

LIBRARY FEES

235-3180 (Amended: Ordinance 05-08, 03/15/05; Resolution 04-98(S)(A), 12/13/04; 03-87, 06/23/03; 99-19(A), 3/22/99; 98-86, 9/28/98; 97-87, 10/13/97)

Closed - Sundays. Open - Mon, Wed, Fri and Sat from 10 a.m. to 6 p.m. Tues and Thurs from 10 a.m. - 8 p.m.

Library Cards Replacement cards \$5/issue
 Temporary card \$10 non refundable
 Temporary Family card \$50, \$40 refundable; limit of twelve items.
 Refunds are issued the second check run of each month via check from the City of Homer. Apply for refund through Library staff and provide forwarding address. If the refund is not claimed within six months the refund becomes a donation to the Library.

Overdue Items 14 day circulation -\$0.15/day
 Maximum charge \$6.00
 Admin. Fee of \$25
 3 day and 1 day circulation - \$1.00/day
 2nd overdue notice - \$1.00/notice
 Bill notice - \$1.00/notice

Photo copy \$.15/ea (letter size) and (legal size)

Interlibrary loan fee \$2 standard size books
 \$.32 for photocopy
 Priority Mail \$4.00
 Microfilm/videos/CDS/Audios
 Additional charges may be assessed and mailing costs may exceed these amounts.

Replacement/Repair of items
 Lost items \$7.00 processing fee to

Damaged items \$7.00 processing fee to
 Lost or damaged cases, hang-up bags, etc. \$2.00
 Lost map or inserts - \$10/item
 Lost out-of print items - \$50/Alaskana
 \$40/non fiction
 \$35/fiction

Damaged Item - \$1.00/page
 \$2.50/cover

Damaged beyond repair - Full bindery cost or full replacement
 cost plus \$7.00 processing charge.

Please Note: To receive a refund on a lost item, patrons must return the item within
 sixty days of lost status. Refunds of payment for items deemed valuable
 to the collection and returned after the 60-day period may be
 made at the discretion of the Director.

PLANNING AND ZONING DEPARTMENT

235-3106 or 235-8121 (Coordinates with Public Works)

Zoning Permit

(The following fees, for Zoning Permits have been set by legislative enactments, Resolution 00-17 as authorized by HCC 21.42.060, Resolution 03-12(A), Resolution 03-159, Resolution 04-35, and Resolution 04-98(S)(A), Resolution 05-27(S) and Resolution 05-35, Resolution 07-14 and Resolution 07-45, Resolution 08-124.)

Zoning Permit Fees:

Single Family /Duplex	\$200
Multi-Family/Commercial/Industrial	\$300, plus \$50 per hour when over six hours of administrative time.
Change of Use fee	\$50
Deck	\$50

Fees for commencing activities, without a permit, shall be assessed at the regular rate multiplied by one and one half (1.5) for Residential and two (2) for Commercial.
 (The following fees have been set by legislative enactments to HCC 14.08.035.)

ROW Permit - minor \$90
 major \$90

(The following fees have been set by legislative enactments to HCC 11.08.040).

Driveway Permit Residential	\$45
Commercial	\$60
Long	\$105

Publication Fees

Comp Plan large	\$20
Comp Plan small	\$10
Zoning Map	sm \$ 5 lg \$25
Road Maint. Map	\$ 5

Zoning Ordinance - HCC 21 \$ 15

Sign Permit - \$ 50
 Variance - \$250
 Erosion and Sediment Control Plan (BCWPD): \$300

Storm Water Protection Plan Fee: \$200

Conditional Use Permit Processing Fee
 Amendment \$200
 Fence \$300
 Single Family/Duplex \$200
 Multi-Family/Commercial/Industrial
 \$500 for uses less than 8,000 sq. ft.
 \$1,000 for uses 8,001 sq. ft. to 15,000 sq. ft.
 \$2,500 for uses 15,001 sq. ft. to 25,000 sq. ft.
 \$5,000 for uses 25,001 sq. ft. to 40,000 sq. ft.
 \$8,000 for uses 40,001 sq. ft. and larger
 Recording (as Required) \$50

Fees for commencing activities, without a permit, shall be assessed at the regular rate multiplied by one and one half (1.5) for Residential and two (2) for Commercial.

Traffic Impact Analysis and Community Impact Assessment – when required, applicant will be charged for the actual cost of the study, plus a 10% administrative fee. The City will be responsible for hiring and managing the study.

(Resolution 03-159 and 96-13 HCC 12.12.03)

Rezone - \$500
 (HCC 21.63 repealed via Ordinance 03-21.)

Flood Hazard Development Permit \$200

Preliminary Plat Processing Fee \$300, or \$100 per lot, whichever is greater. (Resolution 07-14, 03-159 and 96-13)

Elimination of a common interior lot line. \$200.00

Right of Way and Section Line \$300

Easement Vacation Application
 Fee: (In addition to applicable preliminary plat fees).

Utility easement vacation: no fee

Bridge Creek Watershed Permit - zoning permits are required for the Bridge Creek Watershed Area. Although no fees will be charged for the zoning permits outside of City Limits, the evaluation process is still in effect.

Street Renaming

Fees

(A) For name changes or naming of public dedicated streets other than those named during the subdivision process:

(1) Street Naming Petition and hearing advertising fee \$150

- | | |
|--|-------|
| (2) Installation of each new City sign, post, etc. Per sign: | \$150 |
| (3) Replacement of existing City sign due to change where no post is needed. Per sign: | \$ 80 |

The minimum fee shall be either a combination of 1 and 2 OR 1 and 3, above; however, all signs that need to be changed and/or maintained by the City must be paid for prior to installation.

(B) For Private Road Naming:

- | | |
|--|--------|
| (1) Street Naming Petition and hearing advertising fee | \$150 |
| (2) Installation of each new City sign, post, etc. Per sign: | \$150 |
| (3) If no public hearing or public notice is necessary, i.e., 100% petition and no partial dedicated street involved | No fee |
| (4) If no signs are required | No fee |

PORT AND HARBOR DEPARTMENT

(The following fees have been set by legislative enactments to HCC 10, Ord. 95-18(A) and Resolutions 10-89, 06-52, 06-04, 05-123, 04-96, 03-154(S), 03-104, 03-88, 00-39, 99-118(A), 99-101, 99-78(S), 99-30(A), 95-69 (Port/Harbor Tariff No. 600), Resolution 95-19, Resolution 01-84(S)(A), Resolution 02-81(A), Resolution 07-121, and Resolution 08-123)
 Harbor Office - 235-3160
 Fish Dock - 235-3162

All rates except load and launch ramp fees and parking fees for Ramps 1 - 4, which are inclusive of sales tax, will have sales tax applied. The resulting figure will be rounded to the nearest half dollar for billing purposes.

Administrative cost for changing boat in slip - \$25.00
 A \$30.00 per year charge will be assessed for a listing on a permanent reserved stall assignment.
 Large quantity waste oil disposal (with Harbor Master approval) - \$3.25 gallon

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 harbor map (Resolution 11-36(A)).

Existing code definitions for Restricted parking, vehicles, junk vehicles, and fines for violations apply.

Fines, \$25.00 per calendar day, provided that the fine for overtime parking in long term parking area will be limited to \$250.00 fine per calendar year, with \$200.00 of the fine credited towards the long term parking annual permit.

Annual Moorage fee - \$35.22 per lineal foot, plus \$50.00 administrative charge.

Reserved Stall - length of the float stall assigned, or overall length of vessel whichever is greater, plus \$50.00 administrative charge.

Float Plane Fee - daily moorage rate of (2) 24' vessels shall be assessed on a daily basis for float planes or a monthly rate equal to the monthly rate for (2) 24' vessels.

Dockage charges will be assessed per calendar day or portion thereof at the rate of \$2.27 per foot for the length of the vessel.

A service charge of \$52 will be assessed to each vessel.

These charges are applicable to the "outer face" and "trestle berth" of Deep Water Dock and to all berthing locations on Pioneer Dock. The "inside berth" (berth No.2) of Deep Water Dock will have a 4-hour minimum dockage charge of 1/6 the daily rate, and a half day (up to 12 hours) docking charge of 1/2 the daily rate, with no service charge applicable.

Cruise Ship dockage will be assessed per calendar day or portion thereof at the rate of \$2.27 per foot for the length of the vessel. A service charge of \$481.53 will be assessed to each Cruise Ship.

The fees for general storage are as follows:

Open Areas, fishing gear	.11 per sq. ft.
Open Areas, non-fishing gear	.15 per sq. ft.
Fenced Storage Yard	.22 per sq. ft.

The fees for trailer parking area/long term storage Oct. 1 to May 1 are as follows:

Up to 30 feet	\$ 75.00 per month
Over 30 feet up to 40 feet	\$100.00 per month

Storage:

Short term storage seven days or less, on a space available basis.

Long term storage eight days or more, not available during May 1 through September 30.

Wharfage:

Minimum wharfage on any shipment will be ten dollars (\$10). Except as otherwise specifically provided, rates are in dollars per short ton of 2,000 lbs. or per 40 cu. ft.

COMMODITY	WHARFAGE RATE
Freight N.O.S. (Not Otherwise Specified)	\$7.96

Freight at barge ramp \$5.14
 Poles, logs, cants or cut
 finished lumber per M.M. \$3.95/thousand board ft.

(Note: Industry standard conversion formulas shall be used in converting pounds to board feet measure.)

Logs that are unloaded at Port of Homer barge beaching site will be charged 50% of the wharfage rate applicable to outbound (export) shipment. However if these cargoes are not exported over Deep Water Dock with full payment of outbound wharfage within 60 days of unloading at the barge beaching site, then the additional 50% of wharfage will be owed and paid for inbound products.

Petroleum products \$.39/barrel
 (inbound and outbound) \$.0103 gallon
 Wood Chips (all grades) \$ as per contract

Seafood/fish product Setting a tariff of \$4.76 per ton of seafood/fish product across the dock, regardless of species.

Livestock: Horses, mules, \$10.12 per head
 cattle, hogs, sheep, goats,
 all other livestock

Fowl: Any kind, crated \$10.12 per crate

Boats: Up to and including twenty (20) feet LOA \$15.66 each
 Over twenty (20) feet LOA \$1.60 per lineal ft.
 (Fishing boats, pleasure craft, skiffs, dinghies and other boats moved over the docks.)

Demurrage 0.09/sq. ft.

Uplands Storage:

Land for Gear Storage-

First come-first served basis; approved by Harbormaster; primarily for fishing related gear.

Open areas, fishing gear 0.12/ sq. ft.
 Open areas, non-fishing gear 0.17/ sq. ft.
 Fenced storage yard 0.24/ sq. ft.

Boat Trailers-

Short term storage, up to 7 days - space available basis - no fee.
 Long term storage, 8 days or more - not available May 1 to Oct 1
 Up to 30 feet \$ 75.00/month Oct 1 to May 1
 Over 30 feet \$100.00/month Oct 1 to May 1

TIDAL GRIDS:

The City of Homer operates two tidal grids. The wooden grid is for vessels of less than 60 feet in length. The steel grid is only for use by vessels of 60 feet or greater in length. Vessels that remain on either grid after their scheduled tide may be assessed a 50% surcharge for each unscheduled tide. Use of the steel grid shall be charged at the minimum rate applicable for a 60' boat if a boat of less length is allowed to use this grid.

The rate per foot per tide is \$1.05 for vessels 0' - 59'
 The rate per foot per tide is \$2.55 for vessels 60' - 80'
 The rate per foot per tide is \$3.25 for vessels 81' - 100'

The rate per foot per tide is \$3.82 for vessels 101' - 120'
The rate per foot per tide is \$4.24 for vessels 121' - 140'

WATER:

Potable water furnished to vessels at the Deep Water Dock and Main Dock:
Quantity charge - \$38.81 per one thousand gallons (minimum five thousand gallons).
Scheduled deliveries will have a minimum charge of one hundred and two (\$102.00) dollars for combined connection and disconnection.
Unscheduled deliveries will have a minimum charge of one hundred thirty nine dollars and thirty two cents (\$139.32) for combined connection and disconnection.

ELECTRICITY (per kilowatt):

Reserved stalls having a meter base at the berth shall be charged a meter availability fee.
The meter availability fee - \$23.95 per month
Connect/disconnect fee - \$28.80

Metered transient vessels will be charged a meter availability fee of \$28.80 per month with a one month minimum charge to be applied for shorter connection periods. Connect/ Disconnect fee 28.80.

Unless other arrangements have been made in writing with the Harbormaster, transient vessels shall be charged the following rates (where metered power is unavailable).

	<u>110 volt</u>	<u>220 volt</u>	<u>208 volt/3-phase</u>
Daily (or part thereof)	\$ 10.20	\$ 20.12	\$42.50
Monthly	\$152.67	\$341.70	available meter only

* Vessels requiring conversion plugs may purchase them from the Harbormaster's office for a nominal fee.

208 volt/3-phase electrical power is available at System 5 on a first come first served basis, for vessels will be charged the following rates:

1. There will be an electrical usage charge per kilowatt hour as determined by the local public utility;
2. Vessels will be charged a meter availability fee of \$28.80 per month with a one month minimum charge to be applied for shorter connection periods.
3. There will be a \$28.80 connect/disconnect fee.

TOWING: Inside small boat harbor: Skiff with operator - 1/2 hour \$68.00, Skiff with operator - 1 hour \$102.00. Any additional personnel required will be charged at rate of \$99.00 per hour each.

PUMPING VESSEL: \$40.79 per day or portion thereof for electrical pumps.
\$69.97 per hour or portion thereof for gas pumps.

LABOR/PERSONNEL:

All labor provided by City personnel shall be charged at \$102.00 per hour (1/2 hour minimum at \$51.00). Work requiring callouts shall be charged at a minimum of two hours.

SPECIAL SERVICES:

Special services, including waste, bulk oil, or garbage disposal shall be billed at the City's actual cost plus 125% of city costs for services arranged for by the City but provided by others.

Waste oil in quantities greater than 5 gallons, shall be charged a \$3.35 per gallon handling and disposal fee.

REGULATED GARBAGE HANDLING FEE:

\$800.00 per round trip for certificated truck pickup plus \$90.00 per one hundred pounds. Regulated garbage, as per the Code of Federal Regulations, is garbage from foreign going vessels that contains, or that is suspected of containing food scraps or food waste.

SEARCH AND RESCUE FEES:

When the City utilizes city equipment and personnel to provide search and rescue assistance to vessels outside of the Homer Port and Harbor, such as towing and rescue, the Harbormaster will charge users of those services \$102.00 per hour for skiff and operator for the first hour and for additional search and rescue assistance beyond one hour. Additional personnel will be charged at the rate of \$99.00 per man per hour.

PUBLIC LAUNCH RAMPS:

Vessels shall be charged \$13.00 per day to launch from the public launch ramps from April 1 through October 15. (Reserved stall lessees exempt for the boat assigned to and registered to the reserved stall only, not for other boats owned by the same individual.)

Vessel owners or operators may obtain a seasonal permit for \$130.00 entitling a specific vessel and owner to launch from April 1 through October 15. (Reserved stall lessees exempt for the boat assigned to and registered to the reserved stall only, not for other boats owned by the same individual.)

BEACHES AND BARGE RAMP:

The use of beaches and barge ramp under the City ownership or control for commercial barge vessel repair, equipment loading or similar purposes, must be approved by the Harbormaster. A beach use agreement will be filled out and signed by the user and Harbormaster prior to use of the beach.

The Harbormaster shall charge a fee of \$1.50 per foot based on the overall length of the vessel, for vessels landing or parking on the beaches under City ownership or control. This same rate shall apply to vessels using the barge ramp.

Charges for extended beach or barge ramp use may be adjusted by the Harbormaster under appropriate circumstances.

The user of any beach area or the barge ramp must repair any damage to the beach or ramp and remove all debris. Failure to make such repairs and removal will result in repairs and cleanup by the harbor staff. The costs incurred by the harbor staff will be fully charged to the beach user. Labor rate for the harbor staff will be ninety dollars (\$99.00) per hour per person, plus appropriate equipment rental and material costs.

Sandblasting of vessel hull is not permitted on City beaches or barge ramp; water blasting using pressures that result in removal of paint is also prohibited. No paint chips or other paint materials are to be put into the water as a result of any maintenance done on the beach or ramp.

FISH DOCK:

The Fish Dock is to be used primarily for the loading and unloading of fish, fish products and fishing gear.

Cranes located onboard the vessel moored at Fish Dock may be utilized for loading/unloading the vessel only with prior approval granted by the Harbor Officer on duty.

Every person using a crane on the Fish Dock shall first obtain a license from the City.

Blocking access to cranes - \$150.00/hr.

Unattended vessels - \$150.00/hr.

Failure to obtain prior approval for a use other than loading and unloading fish, fish products or fishing gear will result in the imposition of a surcharge of thirty (\$30.00) dollars per hour in addition to the regular fee.

ITEM	FEE
Annual access	\$52.00 per year
Card (private license)	(annual renewal fee)
Card replacement fee	\$15.00 per occurrence
Cold Storage	\$334.75/month
(Cold storage rate structure is for storage area of eight (8) feet by ten (10) feet consecutive	\$309/per month for two (2) consecutive months
	\$283.25/per month for three (3) months
season	\$275.50/per month for nine (9) month
	Minimum one month rental
	Inspection \$50/per hour
Bait Storage Fee (4x4x4)	
Per Day	\$5.15
Per Week	\$25.75
Per Month	\$77.25
Ice Plant Bin Storage (Roofed over, open sided storage bins at west end of ice plant building sixteen (16) feet by twelve (12) feet)	\$200/per month, minimum two (2) months
Fish Dock crane	\$90.64/per hour
Minimum charge per hour for crane	Fifteen minutes
Ice	\$119.00/per ton
Seafood Wharfage/Fish product	Setting a tariff of \$4.76 per ton of seafood/fish product across the docks. Regardless of species bait in quantities greater than one ton that is loaded onto a vessel at Fish Dock, shall be charged seafood wharfage.
Freight NOS, Nonfish Cargo	\$14.50/per ton for cargo going over the Fish Dock.
Fish Waste Disposal Fees/Fish Grinder	\$5.00/Tub \$30.00/Tote

Fishing gear is free from wharfage, except as otherwise provided under a lease agreement, contract or operating agreement with the City of Homer, ice brought onto Fish Dock to be loaded into totes or transferred to boats at the dock, shall be charged wharfage at the Freight NOS rate, unless this is ice that was purchased from the City Ice Plant.

Minimum per hour charge for the cranes and cold storage inspection will be one quarter hour (fifteen minutes). All additional charges will be in one-quarter hour (fifteen minutes) increments.

PUBLIC SAFETY

Emergency 911
 Administrative Office 235-3150
 HPD = Homer Police Department

(The following fees have been set by legislative enactments to HCC 7): Resolution 10-90(A); 06-45
 Handicap Parking Violation \$100

Noisy Vehicles - enforcement begins April 28, 2004.
 Noise greater than 85 decibels (dBA) at a distance of fifty (50) feet is prohibited. Between the hours of 8 p.m. and 8 a.m. not greater than 75 dBA at a distance of fifty (50) feet.

<u>Offense</u>	<u>Penalty/Fine</u>
Muffler not working properly	CORR/\$500
Muffler modified/excessive noise	CORR/\$500
Muffler removed or inoperative	CORR/\$500
Noise exceeds limits:	
First conviction	\$100
Second conviction within 6 months of first conviction	\$200
Third conviction within 6 months of any prior conviction	\$300
Sale of vehicle exceeding noise limits:	
First conviction	\$100
Second conviction within six (6) months of first conviction	\$200
Third conviction within six (6) months of any prior conviction	\$300
Jake brake use prohibited:	
First conviction	\$100
Second conviction within six (6) months of first conviction	\$200 plus proof of satisfactory HPD commercial vehicle inspection
Third conviction within six (6) months of any prior conviction	\$300 plus proof of satisfactory HPD commercial vehicle inspection

CORR: "CORR" means a correctable/dismissible offense. A citation for one of these offenses may be dismissed (or voided) if proof of correction is presented to a HPD vehicle inspector within thirty (30) days. If the required repair is not made and shown to a vehicle inspector within the specified time, the defendant must pay the fine.

Public Transportation (HCC 8.12.150 and 8.12.200):
 Vehicle Permit \$75 Fiscal Year, expires June 30th
 Permit \$37.50 after January 1st, expires June 30th
 \$5 Replacement Permit

Chauffeurs License \$75 application fee plus the fees in the amount of \$35.00 (for Fingerprinting to the State of Alaska)(none of these fees are refundable)
 Annual Safety Inspection commercial vehicles \$100

(The following fees have been set by legislative enactments AAC 13 (Paid at City Hall).

Parking Tickets -\$25

(The following fees have been set by legislative enactments to HCC 8, Ord. 01-20).

Itinerant Merchant - \$330/for 60 days
 Mobile Food Unit - \$390/per yr.

FIRE DEPARTMENT FEES

Emergency 911
 Administrative Office - 235-3155

(The following fees have been set by legislative enactments Resolutions 91-97, 92-06, 92-43(S), 03-145, 04-98(S)(A) and 06-64(S)A).

AMBULANCE:

Basic Life Support (BLS) \$440
 Advanced Life Support (ALS) \$550
 Non-Emergency Transport \$440
 Standby each half hour \$ 25
 Mileage \$7.50 mile
 Medevac Determined by level of call, see BLS, ALS rate

FIRE:

Type 1 Engines (>1,000 gals or 1,500 GPM)	\$240/hr.	\$2,040 day
Type 1 Tenders (<3,000 gals or 1,000 GPM)	\$144/hr.	\$1,224/day
Ladder Truck	\$360/hr.	\$3,060/day
Medic Unit/Ambulance	\$60/hr.	\$510/day
Brush Patrol	\$100/hr.	
Command Vehicle	\$ 50/hr.	
Rescue/Extrication Truck	\$144/hr.	\$1,224/day
Command/Utility Vehicle	\$ 60/hr.	\$510/day
6 x 6 ATV	\$25/hr.	\$200/day

VOLUNTEER PERSONNEL:

Fire Department IC (1) (IC - Incident Command)	\$36/hr.
Safety Officer/Officer	\$36/hr.
Driver/Engineer (1 per vehicle)	\$24/hr.
Firefighters (Minimum 1 per tender, 2 per Engine)	\$18/hr.
EMT (Minimum 2 per Rescue Medical Unit)	\$18/hr.

PUBLIC WORKS DEPARTMENT

(The following fees have been set by legislative enactment Resolution 04-98(S)(A) and 95-1).

R.V. Station dumping \$2 per dumping
Bluelines, copies minimum \$10 + \$2/pg.
Standard Construction Specs \$50
Job Specific Specifications and plans vary in price.

SUBDIVISION AGREEMENT FEE SCHEDULE:

Agreement Application, Plan Review, Inspection, and Warranty Period Deposits

A developer shall pay the City's actual cost associated with the reviewing, approving, coordinating and inspecting improvements required to be completed under a subdivision agreement. The City's cost shall include, but is not limited to, administering the agreement, plan checking, surveillance, and administrative overhead. Prior to initiating each phase of the subdivision approval process, a deposit shall be paid. Deposits shall not bear interest. The deposits shall be held in a separate account and disbursed only as authorized by this fee schedule. The deposits are described below:

- 1) Subdivision Agreement Application: Upon submitting an application agreement, the Developer will provide a \$300 deposit.
- 2) Subdivision Improvement Plan Review: Upon submission of plans for review and approval, the Developer will provide a plan review deposit of .5% of the estimated cost of improvements or \$300, whichever is greater.
- 3) Construction Inspection: Prior to the issuance of a notice to proceed with construction to the Developer, the Developer shall pay a deposit toward the City's costs based upon the estimated cost of the improvements to be constructed under the subdivision agreement as follows:

<u>Estimated Construction Cost</u>	<u>Deposit</u>
\$10,000 or less	\$300
Over \$10,000 up to \$50,000	4% of the estimated costs
Over \$50,000 up to \$150,000	3% of the estimated costs
Over \$150,000 up to \$500,000	2.5% of the estimated costs
Over \$500,000	\$13,000

After the City finds the subdivision improvements meet City specifications, it shall determine its costs to date. If costs (plus any deposit required under subsection 4 below) exceed the total deposits received, the Developer shall pay the balance to the City prior to final acceptance of the improvements. If the total deposits exceed the costs, the City shall refund the balance (less any deposit required under subsection 4 below) to the Developer.

- 4) Initiation of Warranty Period: Prior to acceptance of completion by the City of the undertaking by the developer, the Developer shall also pay a deposit toward the City's cost incurred during the warranty period under the subdivision agreement in the amount determined by the Public Works Director, but not to exceed \$2,000.

If at any time the City finds its costs exceed the total deposit received, the City may periodically bill and receive payment from the Developer for those actual incurred costs in excess of the amount of deposit.

WATER AND SEWER FEES:

(The following fees have been set by the following legislative enactment HCC Title 14, new fees set forth in Resolution 11-062(A), Resolution 09-47(S)(A), Resolution 09-48(S)(A), Resolution 07-119 (A), Resolution 07-120(A), Ordinance 06-62(A), Resolution 06-04, Resolution 05-125, Resolution 05-122, Resolution 05-121(A), Resolution 05-09, Resolution 04-95, Resolution 04-94(S)(A), Resolution 03-159, Resolution 02-80, Resolution 01-80(A), Resolution 00-123, Resolution 00-34, Ordinance 00-02, Ordinance 97-17(A), amending the rates set forth in Ordinance 97-5(S)(A), with amendments by Ordinance 97-7, Ordinance 97-13 and Ordinance 97-14).

Public Works - 235-3170
 City Hall - 235-8121
 Billing - 235-8121 x2240

A 15% admin. fee for replacement parts for water/sewer services, functions, pressure reducing valves, sewer saddles, any Public Works Department stock item for resale to public.

(Contact Planning Department - at City Hall, 235-3106. Planning issues the permits.)

Establishing service includes a one time disconnect - \$30

Service calls, inspections, repairs not to exceed one hour - \$25 per employee plus equipment and materials.

Service calls, inspections and repairs during normal operating hours in excess of one hour labor: actual labor costs by City plus equipment and materials.

Service calls, inspections and repairs after normal operating hours or on weekends/holidays: \$50 minimum plus equipment and materials or actual cost incurred by City, whichever is greater.

SEWER FEES:

Sewer Connection and Extension Permit Fee

Single Family/Duplex \$255
 Multi-Family/Commercial/Industrial \$330

Sewer Rate Schedule.

All sewer utility services shall be billed according to the following schedule. This schedule is for monthly sewer services and is in addition to any charges for connecting or disconnecting the service, installation of the service or any assessment of the improvements.

	Monthly Customer Charge	Charge per Gallon	Usage Charge per 1,000 Gallons of Water
Residential	\$20	\$0.00997	\$ 9.97
Commercial	\$20	\$0.01264	\$12.64

Sewer System Residential or Residential Equivalent Dischargers Who Are Not Water System Users:

Sewer system dischargers who are not water system users shall be charged at the rate of \$54.90. Variable rate \$34.90 based on 3,500 gallons per month plus monthly customer charge \$20. The City reserves the right to adjust this rate based on the characteristics of the service

for non-residential or non-residential equivalent users. Customers who receive septic service shall be charged an additional \$6.00* per month.

Sewer System Dischargers Who Are Members of Kachemak City LID:

Kachemak City Local Improvement District (LID) members have contributed to the initial cost of the sewer treatment plant and the collection system. Kachemak City LID dischargers connected within the LID and the City of Homer shall bill Kachemak City in one lump sum at the rate of \$60.90. Variable rate \$34.90 based on 3,500 gallons per month plus monthly customer charge of \$20 plus septage cost \$6.00* per month for each residential or residential equivalent discharger. Kachemak City shall be responsible for payment to the City of Homer.

Domestic sewer service customers who use large quantities of City water in addition to their domestic use shall be allowed, with the Public Works Director's approval, to install an additional water meter on the domestic water use line for the purpose of metering and charging for domestic sewer system use. Sewer system use will be billed monthly.

The City will allow, upon approval by Public Works and a permit from the Public Works Department, a second water usage meter – called a seasonal sewer meter – for each customer that desires to measure the flow of City water that is not discharged to the sewer system during the summer growing season, June 15 through September 15. Rates noted above do not apply.

Seasonal Sewer Meter Fee is \$211.97.

WATER FEES:

Water Connection Fee

Single Family/Duplex \$300

Multi-Family/Commercial/Industrial \$375

Water Rate Schedule.

All water utility services shall be billed according to the following schedule. This schedule is for monthly water service and is in addition to any charges for connecting or disconnecting the service, installation of the service or any assessment of the improvements.

	Monthly Customer Charge	Charge per Gallon	Usage Charge per 1,000 Gallons of Water
Residential	\$25	\$0.00442	\$ 4.42
Commercial	\$25	\$0.01140	\$11.40
Bulk	\$25	\$0.01269	\$12.69

Meter Size Deposits.

<u>Size (inches)</u>	<u>Residential Users</u>	<u>Nonresidential Users</u>
5/8	\$75.00	\$220.00
3/4	\$80.00	\$230.00
1	\$90.00	\$250.00
1-1/2	\$115.00	\$310.00
2	\$150.00	\$370.00
3	\$220.00	\$525.00

4	\$310.00	\$730.00
6	\$520.00	\$1,225.00

\$750 meter deposit shall apply to metered fire hydrant connections. The deposit will be returned when the meter is returned undamaged. This deposit may be waived upon the recommendation of the Public Works Superintendent.

If a bulk water customer purchases a meter from the City for measuring the quantity of water purchased, it shall be exempt from the monthly meter service charge. It is the responsibility of the bulk water customer to maintain that meter so the City can accurately determine the amount of water being purchased. In the event the meter fails, it is the bulk water customer's responsibility, at its expense, to repair it or purchase a replacement meter from the City. The City may at any time test the meter for accuracy.

RESIDENTIAL HOLDING TANK FEES

(Resolution 02-23)

City of Homer will bill property owner/customer monthly for City service, not pumping contractor charge.

Each property owner/customer will be billed once each month, regardless of number of pumping, 1 [one] Customer Charge \$3.98 + 1 [one] General Service Charge \$16.95 + Commodity Charge [\$12.00 per pumping]

Property owner/customer is responsible for payment to pumping contractor.

City of Homer monthly billing examples based on number of pumping per month:

<u>Type of Charge</u>	<u>No Pumping</u>	<u>1 mo.Pumping</u>	<u>3 mo. Pumping</u>
Customer Charge	\$3.98	\$3.98	\$3.98
Gen. Svs. Charge	\$16.95	\$16.95	\$16.95
Commodity Charge	\$0	\$12.00	\$36.00
Total Monthly Bill	\$20.93	\$32.93	\$56.93

LEGISLATIVE BODY

MAYOR
James C. Hornaday – 2010

COUNCILMEMBERS

Mary E. (Beth) Wythe—2010
Bryan Zak—2010
Barbara Howard—2011
David Lewis—2011
Francie Roberts—2012
Kevin Hogan—2012

ADVISORY BODIES

Parks and Recreation Advisory
Commission
Advisory Planning Commission
Port and Harbor Advisory
Commission
Library Advisory Board
Economic Development Advisory
Commission

DEPARTMENTS

Located At:

City Hall
City Manager’s Office
Administration
Personnel
City Clerk’s Office
Records & Elections
Planning & Zoning

Public Works Facility
Public Works
Water & Sewer
Maintenance
City Engineer
Inspector

On the Spit
Port and Harbor

Public Library
Library

Police Department
Public Safety
Police Department

Fire Hall
Fire Department
EMS
Fire
Rescue

Homer High School
Community Schools

**CITY OF HOMER
HOMER, ALASKA**

City Clerk

RESOLUTION 11-095

A RESOLUTION OF THE CITY COUNCIL OF HOMER,
ALASKA, MAINTAINING THE PORT OF HOMER
TERMINAL TARIFF NO. 600 AT THE CURRENT RATES.

WHEREAS, Fees are reviewed annually during the budget cycle; and

WHEREAS, It was determined that there was no adjustment to the Port of Homer
Terminal Tariff No. 600 fee schedule at this time.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby maintains the
Port of Homer Terminal Tariff No. 600 at the current rates.

PASSED AND ADOPTED by the City Council of Homer, Alaska, this 12th day of
December, 2011.

CITY OF HOMER

JAMES C. HORNADAY, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

Fiscal Note: Revenue amounts not defined in CY2011 budget.

PORT OF HOMER TERMINAL TARIFF NO. 600

Terminal Tariff No. 600
Filed under ATFI Rules



Issued by City of Homer
Phone 907.235.3160 Fax 907.235.3152
Or Visit our Website at
<http://clerk.ci.homer.ak.us/terminaltariff.pdf>
491 E. Pioneer Avenue
Homer, Alaska 99603

Naming, Rates, Charges, Rules and Regulations
For
Wharfage, Terminal Storage, Demurrage
And
Other Terminal Services and Privileges Defined Herein
At Port of Homer Municipal Terminals
Located at Homer, Alaska

Issued: July 25, 2011

Effective: July 25, 2011

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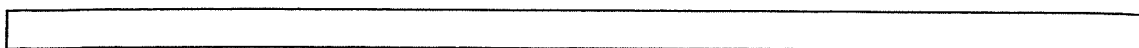
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RULE: 01 -- SCOPE (I)

EFF: 31OCT1994

NOT APPLICABLE

RULE: 02 -- APPLICATION OF RATES AND CHARGES (I)

EFF: 31OCT1994

NOT APPLICABLE

RULE: 03 -- RATE APPLICABILITY RULE (I)

EFF: 31OCT1994

NOT APPLICABLE

RULE: 04 -- HEAVY LIFT (I)

EFF: 31OCT1994

NOT APPLICABLE

RULE: 05 -- EXTRA LENGTH (I)

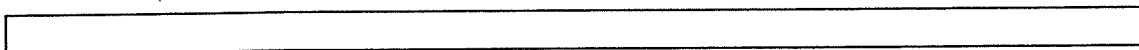
EFF: 31OCT1994

NOT APPLICABLE

RULE: 06 -- MINIMUM BILL OF LADING CHARGES (I)

EFF: 31OCT1994

NOT APPLICABLE



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RULE: 07 -- PAYMENT OF FREIGHT CHARGES (I)

EFF: 31OCT1994

NOT APPLICABLE

RULE: 08 -- BILL(S) OF LADING (I)

EFF: 31OCT1994

NOT APPLICABLE

RULE: 09 -- FREIGHT FORWARDER COMPENSATION (I)

EFF: 31OCT1994

NOT APPLICABLE

RULE: 10 -- SURCHARGES AND ARBITRARIES (I)

EFF: 31OCT1994

NOT APPLICABLE

RULE: 11 -- MINIMUM QUANTITY RATES (I)

EFF: 31OCT1994

NOT APPLICABLE

RULE: 12 -- AD VALOREM RATES (I)

EFF: 31OCT1994

NOT APPLICABLE



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RULE: 13 -- TRANSSHIPMENT (I)

EFF: 31OCT1994

NOT APPLICABLE

RULE: 14 -- CO-LOADING IN FOREIGN COMMERCE (I)

EFF: 31OCT1994

NOT APPLICABLE

RULE: 15 -- OPEN RATES IN FOREIGN COMMERCE (I)

EFF: 31OCT1994

NOT APPLICABLE

RULE: 16 -- HAZARDOUS CARGO (I)

EFF: 31OCT1994

NOT APPLICABLE

RULE: 17 -- GREENSALTED HIDES IN FOREIGN COMMERCE (I)

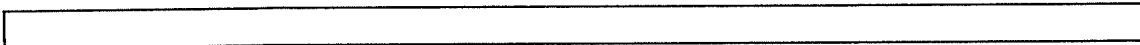
EFF: 31OCT1994

NOT APPLICABLE

RULE: 18 -- RETURNED CARGO IN FOREIGN COMMERCE (I)

EFF: 31OCT1994

NOT APPLICABLE



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RULE: 19 -- SHIPPER'S REQUESTS IN FOREIGN COMMERCE (I)

EFF: 31OCT1994

NOT APPLICABLE

RULE: 20 -- OVERCHARGE CLAIMS (I)

EFF: 31OCT1994

NOT APPLICABLE

RULE: 21 -- USE OF CARRIER EQUIPMENT (I)

EFF: 31OCT1994

NOT APPLICABLE

RULE: 22 -- AUTOMOBILE RATES IN DOMESTIC OFFSHORE COMMERCE (I)

EFF: 31OCT1994

NOT APPLICABLE

RULE: 23 -- CARRIER TERMINAL RULES AND CHARGES (I)

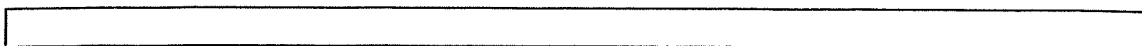
EFF: 31OCT1994

NOT APPLICABLE

RULE: 24 -- NVOCCS IN FOREIGN COMMERCE: BONDS AND AGENTS (I)

EFF: 31OCT1994

NOT APPLICABLE



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RULE: 25 -- CERTIFICATION OF SHIPPER STATUS IN FOREIGN COMMERCE (I)

EFF: 31OCT1994

NOT APPLICABLE

RULE: 26 -- TIME/VOLUME RATES IN FOREIGN COMMERCE (I)

EFF: 31OCT1994

NOT APPLICABLE

RULE: 27 -- LOYALTY CONTRACTS IN FOREIGN COMMERCE (I)

EFF: 31OCT1994

NOT APPLICABLE

RULE: 28 -- DEFINITIONS (I)

EFF: 31OCT1994

NOT APPLICABLE

RULE: 29 -- SYMBOLS (I)

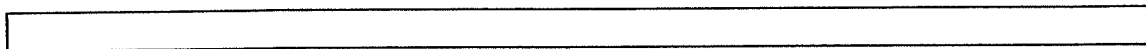
EFF: 31OCT1994

NOT APPLICABLE

RULE: 30 -- ACCESS TO TARIFF INFORMATION (I)

EFF: 31OCT1994

NOT APPLICABLE



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RULE: 31 -- SEASONAL DISCONTINUANCE (I)

EFF: 31OCT1994

NOT APPLICABLE

RULE: 32 -- MILITARY CARGO TERMS (I)

EFF: 31OCT1994

NOT APPLICABLE

RULE: 33 -- PROJECT RATES (I)

EFF: 31OCT1994

NOT APPLICABLE

RULE: 34 -- TERMINAL TARIFFS (I)

EFF: 31OCT1994

For application of individual charges, consult the sub-rules contained herein.

RULE: 34.1 -- SCOPE (C)

EFF: 15SEPT1995

SECTION I

SCOPE:

The rules, regulations, conditions, commodity rates and/or charges set forth in this tariff apply to or from the following terminal(s)

NAME

ADDRESS

PORT OF HOMER

4350 HOMER SPIT ROAD
 HOMER, ALASKA 99603



PORT AND HARBOR OF HOMER 4350 HOMER SPIT ROAD HOMER, ALASKA 99603 PHONE: 907.235.3160 TERMINAL TARIFF NO. 600	FMC NO. 600	PAGE	7
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RULE: 34.2 -- ABBREVIATIONS, SYMBOLS, DEFINITIONS (C)

EFF: 01JAN2002

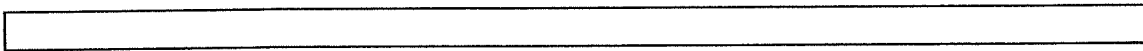
SUBSECTION 100

Abbreviations:

B.M.	- Board Measure	L.C.L.	- Less than Carload/ Container Load
Bbl.	- Barrel	Ldg.	- Loading
Bdl.	- Bundle	Lgth.	- Length
B.D.U.	- Bone Dry Unit	M.B.M.	- 1,000 ft Board Measure
Cs.	- Case; ctn-carton crt-crate	Meas.	- Measurement
C.L.	- Carload	Min.	- Minimum
C.T.	- Cubic Ton of 40/ Cu.ft.	MISC.	- Miscellaneous
Cu. Ft.	- Cubic Foot or Feet	N.O.S.	- Not Otherwise Specified
Dkg.	- Dockage	Par.	- Paragraph
Ea.	- Each	Pkg.	- Package
F	- Fahrenheit	S.T.	- Weight by Short Ton of 2,000 lb.
F.F.	- Folded Flat	S.U.	- Set-Up
F.M.C.	- Federal Maritime	Sq. Ft.	- Square Foot/Feet
Gals.	- Gallons	Stg.	- Storage
Hdlg.	- Handling	Term'l	- Terminal
Inc.	- Including, Inclusive or Incorporated	U.S.	- United States of America
K.D.	- Knocked Down	W/M	- Weight Ton of 2,000 Pounds or Cubic Ton of 40 cu.ft.
K.D.F.	- Knocked Down Flat	W.R.	- Warehouse Receipt
		Yd.	- Yard

Symbols:

(A) Denotes Increase	(E) Denotes Expiration
(C) Denotes Change in Wording which results in neither increase nor decrease in rates of charges	(R) Denotes Reduction
(I) Denotes New or Initial Matter	(N) Denotes Reissued Matter
	(G) Denotes General Increase or Decrease



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RULE 34.2 - ABBREVIATIONS, SYMBOLS, DEFINITIONS
(continued)

DEFINITIONS:

(a) DEFINITIONS OF FEDERAL MARITIME COMMISSION MAY CONTROL:

Unless provided in this Tariff, applicable definitions set fort in 46 C.F.R. shall control.

(b) BEAM:

For the purpose of this Tariff, "beam" means greatest width of the vessel, including booms, spars, gins, or any fixed extensions.

(c) CITY DOCKS:

The city docks of the City of Homer include all docks, floats, stalls, wharves, ramps, piers, bulkheads, and sea walls owned or operated by the City of Homer including the Deep Water Dock, the Wood and Steel tidal grids, the Main (Ferry) Dock, Fish Dock, and beaches within the boundaries of the City of Homer.

(d) DERELICT:

For the purpose of this Tariff, "derelict" means any vessel moored or otherwise located within the boundaries of the Homer Harbor which is forsaken, abandoned, deserted or cast away, which by appearance gives evidence of being forsaken, abandoned, deserted or cast away, or which in the opinion of any recognized marine surveyor is unsound, unseaworthy and unfit for its trade or occupation and which by any substantial evidence of neglect may be considered abandoned.

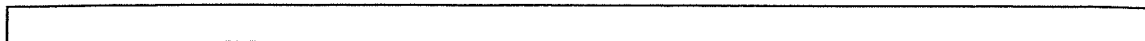
(e) FLOAT; FLOAT SYSTEM:

Those portions of the city docks located within the Homer Port that rise and fall with the tide including the pilings, ramps, ladders, and utility connections.

(f) HOLIDAYS:

Whenever in this Tariff reference is made to holidays the following are included:

New Year's Day	Washington's Birthday
Seward's Day	Memorial Day
Independence Day	Labor Day
Alaska Day	Veteran's Day
Thanksgiving Day	Christmas Day
Day after Thanksgiving	



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RULE: 34.2 - ABBREVIATIONS, SYMBOLS, DEFINITIONS
(continued)

(g) HOMER HARBOR:

For the purpose of this Tariff, "Homer Harbor" shall mean all salt water or tide water laying within the boundaries of the City, including that area known as the Small Boat Harbor.

(h) LENGTH:

For the purpose of this Tariff, "length" means the overall length (OAL) as measured from the furthestmost forward position including booms, spars, gins or any fixed extensions, to the further most after portion of the vessel including the booms, spars, gins or any fixed extensions.

(i) OPERATOR:

For the purpose of this Tariff, "operator" means any lessee of a vessel, and master or captain who has actual physical use, control and/or possession of a vessel and who is in the employ of, or who has a contractual relationship with the owner.

(j) OWNER:

For the purpose of this Tariff, "owner" means the individual, partnership or corporation holding legal title to the vessel.

(k) POINT OF REST STAGING AREA:

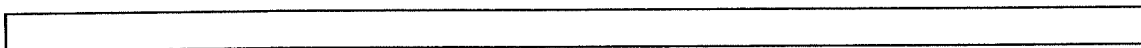
"Point of Rest Staging Area" is defined as that area on the terminal facility which is assigned for the receipt of inbound cargo from the vessel and which inbound cargo may be delivered to the consignee, and that area which is assigned for the receipt of outbound cargo from shippers for vessel loading.

(l) REGISTRATION:

"Registration" means completing a moorage or use agreement with all necessary information concerning the vessel and vessel owner, indicating type an duration of service required, and full payment of all applicable fees and charges.

(m) RESERVED MOORING:

"Reserved Mooring" means having a specific assigned stall the use of which, after payment of reserved mooring fees, takes precedence over the use of the stall by any other vessel.



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RULE: 34.2 - ABBREVIATIONS, SYMBOLS, DEFINITIONS

(continued)

(n) STALL:

A berthing location within the float system of the Homer Port and Harbor. A stall does not include the float or finger of the float; only the space between or adjacent to it.

(o) SMALL BOAT HARBOR:

“Small Boat Harbor” means that area of water protected by breakwaters constructed by the federal government and by the line of the mean higher high water of the shoreline of the area protected by breakwaters, including docks, floats, berths, tidal grids and other mooring facilities as operated by the City.

(p) TERMINAL FACILITIES:

Terminal Facilities include the two (2) City docks which are the Deep Water Dock and the Pioneer (Ferry) Dock the Fish Dock within the Small Boat Harbor and associated equipment, offices, warehouses. Storage space, roads, paved areas, water banks, beaches and shorelines under the management and control of the City of Homer.

(q) TRANSIENT:

“Transient” means any vessel using the mooring space on a temporary basis or which does not have a specific reserved mooring space.

(r) “VESSEL” DEFINED:

Whenever reference is made to a “vessel” in the Tariff, the term shall mean any boat, motor boat, ship, aircraft when waterborne, boathouse, floats, scows, rafts, pile drivers, or any floating structure or object used for recreational, or any other purpose upon the waterways, or moored at any place in any waterway within the boundaries of the City.

(s) WATERWAY:

“Waterway” means any water, waterway, lake, river, tributary or lagoon within the boundaries of the City.



PORT AND HARBOR OF HOMER 4350 HOMER SPIT ROAD HOMER, ALASKA 99603 PHONE: 907.235.3160 TERMINAL TARIFF NO. 600	FMC NO. 600	PAGE	11
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RULE: 34.2 - NOTICE TO THE PUBLIC (C)

EFF: 21DEC1999

SECTION 1

This Tariff is published and filed under the Federal Maritime Commission Automated Tariff Filing Information System as required by law and is; therefore, notice to the public, shippers, consignees and carriers, that the rates, rules and charges apply to all traffic for which contract rates have not been arranged.

In addition to the Port and Harbor Tariff, the public, shippers, consignees and carriers using City of Homer facilities should consult and be aware that the City of Homer Code of Ordinances, including but not limited to Chapter 5 (Fire Prevention), Chapter 5.14 and 21 (Utilities including Garbage, Refuse, Water and Sewage) and Chapter 10 (Ports and Harbors), all as amended, apply and govern where not specifically provided otherwise in this Tariff.

RULE: 34.4 - APPLICATION OF TARIFF (C)

EFF: 01JAN2002

SUBSECTION 105

(a) GENERAL APPLICATION OF TARIFF:

Rates, charges, rules and regulations provided in this Tariff will apply to persons and vessels using certain terminal facilities under jurisdictional control of the City of Homer and located within the harbor bounded by the City of Homer with the Small Boat Harbor entrance located at latitude 59 36'15" N and longitude 151 24'48" W and specifically to docks, appurtenant structures thereto, and waterways under the management of the City of Homer. Special terms and conditions exist for the dock operations by the State of Alaska, Alaska Marine Highway System, for operations of the State Ferry System on the Pioneer Dock and for the dock operations by a contractor engaged in chip storage and loading operations on or in the vicinity of Deep Water Dock.



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RULE: 34.4 - APPLICATION OF TARIFF

(continued)

(b) TARIFF EFFECTIVE:

Rates, charges, rules and regulations named in this Tariff and any additions, revisions, or supplements thereto shall apply to all vessels or users and to all freight received at facilities subject to the Tariff on and after the effective date of revisions, or supplements thereto. Unless otherwise specified all transit freight received at terminal and undelivered prior to effective dates of Tariff, revisions, or supplements thereto shall be charged the rates in effect on the date such freight was received until entire lot or shipment has been withdrawn.

(c) ACCEPTANCE OF TARIFF:

Use of the city docks and terminal facilities of the City shall be deemed acceptance of this Tariff and the terms and conditions named herein.

(d) RESERVATION OF AGREEMENT RIGHTS:

Right is reserved by the City of Homer to enter into agreement with carriers, shippers, consignees, and/or their agents concerning rates and services, providing, such agreements are consistent with existing local, state and federal law governing the civil and business relations of all parties concerned.

(e) COMPLIANCE WITH CONDITIONS OF BERTHING:

Use of city docks and terminal facilities and the acceptance of services shall comply with any additional Conditions of Berthing set forth in subsection 310 contained herein.

RULE: 34.5 - APPLICATION OF RATES (C)

EFF: 27DEC2000

SUBSECTION 110

Except as otherwise provided herein, rates apply per short ton which is 2,000 lbs., or per 40 cu.ft. as rated by ocean carriers, or per 1,000 feet board measure, or 42 gallons per barrel of bulk petroleum products corrected to 60 F. net, or 376 lbs. per barrel of bulk cement, or per bone dry wood chips as rated by ocean carrier.



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RULE: 34.5 - APPLICATION OF RATES
 (continued)

Rates provided for commodities herein are specific and may not be applied by analogy. If rates are not provided for specific commodities, rates to be applied are those established for "Freight N.O.S."

All rates in this Tariff except daily and seasonal load and launch ramp fees will have combined Borough and City sales tax applied. The resulting figure will be rounded to the nearest quarter dollar for billing purposes. The load and launch ramp daily and seasonal fees are both inclusive Borough and City sales taxes for ease of collection at the Iron Ranger and toll booth at the load and launch ramp.

These revisions are effective upon filing with the Federal Maritime Commission as an amendment to the Homer Port and Harbor Tariff.

RULE: 34.6 - INSURANCE (C)

EFF: 15SEP1995

SUBSECTION 115

Rates named in the Tariff do not include insurance of any kind. The City of Homer shall be under no obligation to provide any insurance of any type for any vessel, cargo, or liability arising out of use of the city docks or terminal facilities. If the City does acquire any such insurance, the charges for that insurance shall be in addition to the dockage and wharfage fees described in this Tariff.

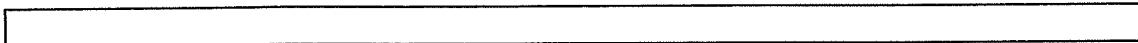
RULE: 34.7 - RESPONSIBILITY FOR COLLECTION AND GUARANTEE OF CHARGES (C)

EFF: 01JAN2002

SUBSECTION 120

(a) RESPONSIBILITY FOR CHARGES:

The vessel, its owner or agents, shippers or consignees, and the owner of cargo on the vessel shall be jointly and severally responsible for payment of charges named herein and such payment responsibility applies without regard to the provisions of bills of lading, charter party agreements, contracts or other conflicting provisions.



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RULE: 34.7 - RESPONSIBILITY FOR COLLECTION AND GUARANTEE OF
 (continued) CHARGES

(b) PREPAYMENT, TIME OF PREPAYMENT, ACCEPTABLE SECURITY:

All charges for services rendered by the Port or for the use of terminal, dock and harbor facilities are due and payable in United States currency as they accrue upon completion of such services or uses. Failure to pay an invoice when due shall render the account delinquent and subject to legal collection efforts. In his sole discretion, the Harbormaster may require payment in advance of any or all charges prior to rendering services or granting use of terminal, dock or harbor service.

(c) CHARGES ON DELINQUENT ACCOUNTS:

All invoices, except for damages to City of Homer property will be declared delinquent 45 days after billing date (statement date) and will be charged interest at the rate of 10.5% per annum (.875% per month). All accounts delinquent 90 days after billing date will be assessed a \$250 administrative fee.

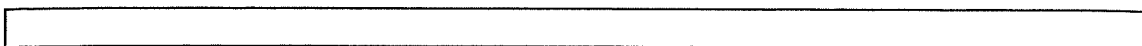
RULE: 34.8 - LIABILITY FOR LOSS OR DAMAGE AND INDEMNITY (I)

EFF: 15SEP1995

SUBSECTION 125

(a) RESPONSIBILITY LIMITED

No person other than employees of the holders of authorized Terminal Use Permits of Fish Dock Use Permits shall be permitted to perform any services on the wharves or docks, on in any other terminal facility of the City of Homer, except on written authorization of the Harbormaster. The City of Homer, its employees and agents, shall not be liable for the injury of persons on city docks, or terminal facilities, nor shall they be liable for any loss, damage or theft occasioned by e such persons' presence of the city docks, or terminal facilities, except that the City of Homer shall be liable for any portion of loss or damage that is directly caused by its own negligence.



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RULE: 34.8 - LIABILITY FOR LOSS OR DAMAGE AND INDEMNITY

(continued)

The City of Homer, its employees and agents, are not responsible for loss or damage caused by fire, frost, heat, dampness leakage, weather damage, evaporation, natural shrinkage, waste, or decay, animals, rats, mice, or other rodents, moths, weevil or other insects, leakage or discharge from fire protection systems, collapse of buildings or structures, breakdown of plant protection systems, breakage of plant or machinery or equipment, or by floats or logs, piling or camel logs required in breasting vessels away from wharf; nor will they be answerable for any loss, or damage, or delay arising from insurrection, shortage of labor, combinations, riots or strikes of any persons in their employ or in the service of others, or from any consequences arising therefrom, except the City of Homer shall be liable for any portion of loss or damage that is directly caused by its own negligence.

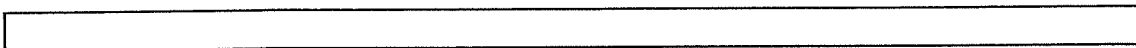
(b) INDEMNITY:

User, vessel, vessel owner and its agents, shippers or consignees shall indemnify and hold harmless the City of against any and all claims arising from any breach or default in performance of any obligation to such parties to be performed under the terms of this Tariff or arising from any act or omission of said parties for all costs, attorneys' fees, expenses and liabilities incurred in the defense of any such claims, action or proceeding brought against the City of Homer except for those caused by the City's own negligence.

(c) OWNER'S RISK:

All of the following shall be at the owner's risk except for those damages caused by the City's own negligence:

- (1) glass, liquids and fragile articles will be accepted only at owner's risk for breakage, leakage or chafing;
- (2) freight on open ground is at owner's risk for loss or damage;
- (3) freight subject to freezing will be accepted only at owner's risk; and



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RULE: 34.8 - LIABILITY FOR LOSS OR DAMAGE AND INDEMNITY
(continued)

- (4) all water craft, moored in the Harbor or berthed at Port Facilities, are at owner's risk for loss or damage. This includes vessels, if and when permitted by the Harbormaster or his authorized agent moored alongside of vessels.

(d) LIMITS OF LIABILITY:

No provisions contained in this tariff shall limit or relieve the Port of Homer from liability for its own negligence nor require any person, vessel or lessee to indemnify or hold harmless the Port of Homer from liability for its own negligence.

RULE: 34.9 - RIGHTS OF THE CITY OF HOMER (C)

EFF: 21DEC1999

SUBSECTION 130

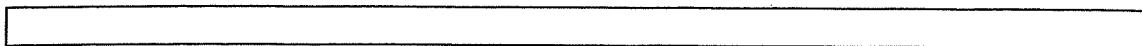
SUBJECT TO SUBRULE 34.8 (d)

Without in any way limiting the general authority of the City of Homer, the City shall have the following powers:

(a) ACCESS TO HARBOR OR PORT FACILITIES:

The City shall at all times have the right to refuse the use of any city dock or terminal or harbor facility by any person, equipment materials or vessel or to remove any vessel or, person or cargo at any time from any city dock or terminal, or harbor facility. This right shall be reserved at all times to the City without responsibility for demurrage, loss or damage when:

- (1) previous arrangements for berthing, space, receiving or unloading have not been made with the Harbormaster; or
- (2) the vessel is unsafe or hazardous and may pose risk to life or property; or
- (3) the value of the vessel, in the opinion of the Harbormaster is less than the probable service charges and other charges to its use of the city dock or terminal, or harbor facility; or



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RULE: 34.9 - RIGHTS OF THE CITY OF HOMER
(continued)

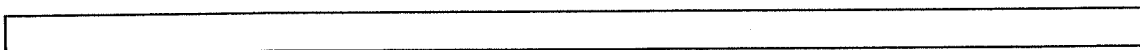
- (4) during periods of congestion, or in cases of emergency, when, in the judgment of the Harbormaster, the circumstances the prevailing or likely to occur will prevent the city docks or terminal, or harbor facilities, or any portion of them from providing customary services to the public.

For vessels that may be hazardous or become a menace to other vessels, their occupants, or city facilities, the Harbormaster or City Manager may require an operator or owner of a vessel to furnish evidence that there is currently in effect liability insurance in an amount satisfactory to the City by filing a certificate of insurance or other satisfactory evidence signed by an agent or officer of the insurance company and stating the effectiveness and expiration date thereof. (HCC 10.04.110(b))

(b) RIGHT TO REFUSE CARGO:

In his discretion the Harbormaster shall at all times have the right to refuse to accept, receive or unload, or to permit a vessel to discharge:

- (1) Cargo for which previous arrangements for space, receiving, unloading or handling have not been made with the Harbormaster by shipper, consignee or vessel.
- (2) Cargo not suitably packed for safe transportation.
- (3) Cargo, deemed by the Harbormaster in the reasonable exercise of his discretion, that is offensive, perishable or hazardous. Hazardous cargo must have been prepared for shipment in accordance with the applicable Department of Transportation regulations (including 49 C.F.R. Parts 171-179).
- (4) Cargo, deemed by the Harbormaster in the reasonable exercise of his discretion, which may be less in value than the probable service charges and other charges related to it.



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RULE: 34.9 - RIGHTS OF THE CITY OF HOMER
(continued)

- (5) Cargo, deemed by the Harbormaster in the reasonable exercise of his discretion, which may have circumstances then prevailing or likely to occur that will prevent the city docks, or terminal or harbor facilities, or any portion of them, from providing customary service to the public during a period of congestion or in cases of emergency.

(c) RIGHT TO SCHEDULE VESSELS AND CARGO:

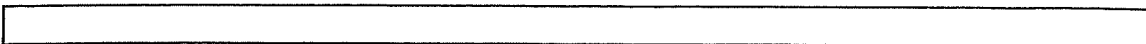
In his discretion, the Harbormaster shall at all times have the right to schedule access to any harbor or port facility by any person or vessel, or to remove any person, vessel, or cargo at any time from any city dock or terminal facility in order to provide for efficient operation of the city docks or terminal facilities and promote the objectives of the City of Homer as set forth in the Homer Code or as adopted by the City Council of City of Homer.

(d) RIGHT TO REMOVE, TRANSFER OR WAREHOUSE CARGO:

- (1) Hazardous or offensive cargo. In his discretion, the Harbormaster shall at all times have the right to immediately remove all hazardous or offensive cargo, or cargo, which by its nature, is liable to damage other cargo or city dock, terminal or harbor facilities. The cargo may be removed from its present location or any other location with all expenses and risk of loss or damage to be charged to the account of the owner, shipper, or consignee.
- (2) Cargo beyond free time. Any cargo remaining on city dock, terminal, or harbor facilities after expiration of any free time, may be removed to public warehouses, and all expenses of removal and risk of loss or damage shall be charged to the account of the owner, shipper, consignee or vessel as responsibility may appear on shipping documents, manifests or other sources.

(e) RIGHT TO WITHHOLD DELIVERY OF FREIGHT:

Right is reserved by the City of Homer to withhold delivery of freight until all accrued charges and/or advances against said freight have been paid in full. At the Harbormaster's discretion, any or all of such freight may be placed in public or private storage and all costs of removal and subsequent handling and storage shall be charged to the account of the owner of the freight.



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RULE: 34.9 - RIGHTS OF THE CITY OF HOMER
(continued)

(f) RIGHT TO SELL FOR UNPAID CHARGES:

Freight on which unpaid terminal, dock or harbor charges have accrued may be sold to satisfy such charges and costs; provided, such sale has been publicly advertised. Freight of a perishable nature or of a nature liable to damage other freight may be sold at public or private sale without advertising; provided owner has been given proper notice to pay charges and to remove said freight and has neglected or failed to do so within a prescribed reasonable time.

(g) EXPLOSIVES:

The City of Homer shall allow the acceptance, handling or storage of explosives within the confines of the Port and Homer Small Boat Harbor.

- (1) Hazardous materials, as established by the Department of Transportation Hazardous Materials Commodity List, will be charged wharfage at a rate of forty cents per hundred pounds, or fraction thereof, at locations designated for loading, unloading, or staging by U.S. Coast Guard permit.
- (2) Hazardous materials must be handled according to all federal, state, and local laws and regulations.

(h) RIGHT TO REMOVE, TRANSFER, OR REARRANGE VESSELS:

- (1) Hazardous vessels or vessels with hazardous cargo. In his discretion, the Harbormaster shall at all times have the right to immediately remove any hazardous or offensive vessel, or any vessel containing hazardous cargo, or any vessel or one containing cargo, which by its nature, is liable to damage other vessels, or other cargo, or harbor or port facilities.

The vessel may be removed from its present location to any other location and all expenses and risk of loss or damage shall be charged to the account of the owner, shipper, vessel or consignee.

- (2) Vessel beyond free time. Any vessel remaining at city dock, terminal or harbor facilities after expiration of any applicable free time, may be removed to any other public or private facility, and all expenses of removal and risk of loss or damage shall be charged to the account of the owner, shipper, consignee, or vessel.



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RULE: 34.9 - RIGHT OF THE CITY OF HOMER
 (continued)

(3) Movements of vessels to reduce congestion, or maximize services. In his discretion, the Harbormaster shall at all times have the right to move or rearrange any vessel from its present location to any other location in order to reduce congestion within or on the terminal, the docks or the harbor to prevent disruption of customary services to the public.

(i) RIGHT TO REMOVE MATERIALS OR EQUIPMENT FROM CITY DOCK
 TERMINAL OR HARBOR FACILITIES

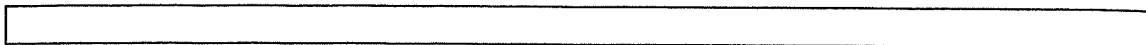
Any materials, equipment, trash, or other items left on or about any city dock, terminal or harbor facilities may be removed by the Harbormaster at any time with all expenses of removal and risk of loss or damage charged to the account of the vessel that last occupied the facility, or the owner, shipper, consignee or vessel as responsibility may appear on shipping documents, manifests, or other sources.

(j) RIGHT TO IMPOUND AND DISPOSE OF VESSEL:

(1) Impoundment of vessels for violations. The Harbormaster is authorized to impound any vessel in or on the Homer Harbor, terminal, or dock facilities whose owner or operator is not aboard and which is not properly identified by name and/or number; or any vessel in violation of any provisions of this tariff; or any vessel whose owner or operator has not paid the stall license fee or any other fee or charge due the City for the vessel by the due date of such fee or charge and such fee or charge is thirty days past due; or any vessel which is unsafe and whose owner or operator has failed to remove it after notice. The Harbormaster may impound a vessel by immobilizing it or removing or having it removed from the water and placed in City or commercial storage with all expenses and risk of haul-out and storage to be borne by the owner of such vessel.

(2) The owner or operator of any vessel impounded by the City shall be subject to and liable for storage charge and shall be subject to and liable for all costs incurred by the City by reason of impounding or removal.

(3) The procedure for impoundment, including notice and pre-impoundment hearing are set forth in 10.04.120 of the Homer City Code.



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RULE: 34.9 - RIGHT OF THE CITY OF HOMER
(continued)

(k) RIGHT TO REMOVE AND DISPOSE OF NUISANCES.

The City retains the right to abate and remove nuisances including vessels which are derelicts and unfit and unseaworthy or which are maintained in such manner as to make them liable to sinking for lack of being pumped or other maintenance. The provisions of Homer City Code 10.04.130, govern the declaration and abatement of nuisances including vessels, refuse and debris.

RULE: 34.10 - SHIPPERS REQUESTS AND COMPLAINTS (I)

EFF: 15SEP1995

SUBSECTION 135

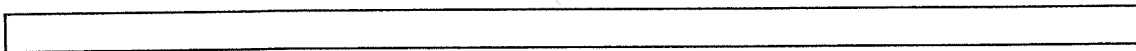
Requests and complaints may be made by any shipper, vessel, or vessel agent by filing a written statement with: Harbormaster, 4350 Homer Spit Road, Homer, Alaska, 99603, or by facsimile, number (907) 235-3152.

RULE: 34.11 - DELAYS NO WAIVER OF CHARGES (C)

EFF: 15DEC1999

SUBSECTION 140

Delays which may be occasioned in loading, unloading, receiving or delivering freight, or the berthing of vessels as a result of harbor, terminal or dock congestion, equipment failure or breakdown, or combinations, riots or strikes of any persons in the employ of the City of Homer or others, or arising from any other cause not reasonably within the control of the City of Homer, will not excuse the owners, shippers, consignees or carriers of the freight or vessel from full wharf demurrage, berthing or other terminal, dock or harbor charges or expenses which may be incurred under conditions stated herein.



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RULE: 34.12 - MANIFESTS REQUIRED OF VESSELS (C)

EFF: 15DEC1999

SUBSECTION 145

Masters, owners, agents or operators of vessels are required to furnish the City of Homer with complete copies of vessel's manifests showing the name of consignees or consignors and the weights or measurements of all freight loaded or discharged at the docks terminal or harbor facilities of the City of Homer. Such manifests must be certified as correct by an authorized official of the company and must also designate the base weight or measurement on which ocean freight was assessed. In lieu of manifests, freight bills containing all information as required above may be accepted.

RULE: 34.13 - MOORAGE IN HARBOR (C)

EFF: 01JAN2006

SUBSECTION 150

(a) ASSIGNMENT OF MOORAGE:

The Homer Port and Harbor is often congested and it is the policy of the City of Homer to provide for the maximum public use of available facilities. The Harbormaster shall have discretion to implement that policy.

Mooring assignments to particular stalls on the City of Homer float system are made by the Harbormaster and subject to charges named in Subrule 34.18 Subsection 200. Mooring assignments are made to a particular combination vessel and owner/operator are not assignable by the owner/operator, and automatically expire upon the sale or transfer of the vessel to another owner/operator unless stall assignee places a newly acquired or replacement vessel of permitted size in the stall as per approved request made to Harbormaster and upon payment of the \$25.00 fee to cover administrative costs of changing the boat in the reserved stall. A mooring assignment is not a lease or an exclusive right to occupy any particular stall. In order to maximize the public's use of existing facilities it is common for the Harbormaster to temporarily assign vessels to stalls normally used by another vessel when that vessel is out of the harbor.

Individuals who have a reserved stall may request a change in reserved stall assignment by completing the Swap List Request Form upon payment of the required \$25.00 Swap List Fee.

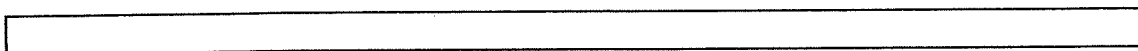


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RULE: 34.13 - MOORAGE IN HARBOR (C)
(continued)

This fee is neither refundable nor creditable to the reserved stall holder or the reserved stall account. The Harbormaster shall place the reserved stall change request on the swap list on the swap list on a first-come, first-served basis.

As a condition precedent to securing moorage space, each applicant shall, in writing, agree to the terms and conditions of the moorage agreement provided by the Port and Harbor of the City of Homer. Providing false or misleading information on the moorage agreement is grounds for immediate termination of the moorage agreement.



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RULE: 34.13 - MOORAGE IN HARBOR (C)
(continued)

No long term (more than 3 consecutive months) live-aboard situation is permitted in the harbor without Harbormaster's approval in writing after an evaluation of the sanitary, service and congestion problems that may be a result of such arrangement.

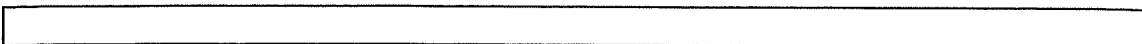
A stall, on becoming available, shall promptly be made available to the next applicant from the top of the appropriate waiting list, as provided herein. The applicant may be assigned to an available stall upon completion and execution of the moorage agreement, payment of the appropriate moorage fee, and providing proof satisfactory to the Harbormaster of vessel ownership or agreement to operate or intent to obtain a vessel within one year. In the latter case, the moorage agreement will not be renewed without showing satisfactory proof of vessel ownership. If an applicant does not want to sign a moorage agreement within the time prescribed by the Harbormaster, after being offered a stall, he will be placed at the bottom of the waiting list.

The reserved stall is personal to the individual named as owner or operator on the moorage agreement. The stall is reserved only with respect to the vessel indicated on the moorage agreement. If the vessel is not in the reserved stall, the Harbormaster may, at his discretion assign a transient vessel to the reserve stall. Neither the owner nor operator is entitled to payment for or reimbursement from the use of the reserved stall by the transient vessel.

No person may sell, lease, transfer or assign a moorage agreement for the use or control of the assigned stall to any other person or entity, or otherwise charge another person for the use of a stall. The City has the sole control of the assignment, transfer and use of the individual stalls. In the event of a sale, lease, transfer or assignment of a moorage agreement prohibited by this section, the Harbormaster shall revoke the moorage agreement after 10 days' written notice to the holder of the moorage agreement.

No Bed & Breakfast, lodging business, coffee shops or sandwich shops, cafes or similar types of businesses are allowed on boats in the harbor due to the potential of increased congestion and/or liabilities to the City and impact on services capability in the harbor.

A stall user who no longer has possession, control or custody of the vessel or loses the vessel to fire, sinking or other casualty may continue to pay moorage fees with respect to the stall and retain reserved use for a period of not more than one year from the date of sale, transfer or loss of possession of the vessel so long as he has replaced the vessel with another vessel



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RULE: 34.13 - MOORAGE IN HARBOR
(continued)

of appropriate size for the stall assigned within such one-year period and paid the \$25.00 administrative fee for changing the boat assigned to this reserved stall. Otherwise, the moorage agreement expires. Failure of the owner or operator to give notice in writing to the Harbormaster of the sale, assignment, transfer or loss of use, control and/or possession of a vessel occupying a reserved moorage space within fifteen days of the loss or transfer is grounds for immediate termination of the moorage agreement.

Any person acquiring a vessel or any interest therein, or acquiring any interest in a corporation, partnership, or other entity owning a vessel or any interest therein, shall not thereby acquire any other right under a moorage agreement, or any right to use an assigned stall.

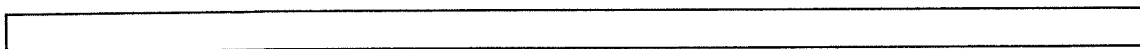
Upon the death of any reserved stall user, reserved mooring privileges shall be transferred to the surviving spouse, son or daughter upon written request to the Harbormaster.

(b) WAITING LIST FOR RESERVED STALL ASSIGNMENT:

Due to the scarcity of stalls on the City of Homer float system, vessels will be assigned a permanent reserved stall based on seniority position on waiting lists maintained by the Harbormaster's office. Separate waiting lists shall be maintained for the following size floats stalls:

- 18 feet
- 20 feet
- 24 feet
- 32 feet
- 40 feet
- 50 feet
- 75 feet

The Harbormaster shall place applicants on the waiting list on a first-come, first-serve basis only upon receipt of all requested information and payment of the annual waiting list fee. The annual waiting list fee will be accepted only from the individual whose name appears on the waiting list.



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RULE: 34.13 - MOORAGE IN HARBOR
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The fee is neither refundable nor creditable to berth lessee. An applicant or existing reserved shall licensee may be placed on one or more of these lists. An applicant need not own or operate a vessel to be placed on the waiting list.

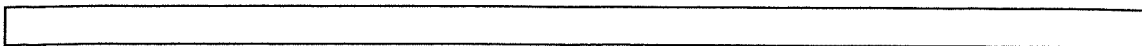
Upon the death of an applicant, the applicant's rank on the waiting list shall be transferred to the surviving spouse, son or daughter upon written request to the Harbormaster.

An applicant shall notify the Harbormaster in writing of any change of address or telephone number(s) immediately. Any individual, partnership, corporation or governmental agency may apply for use of a reserved stall. All applicants, except government agencies, shall designate a single individual whose name shall appear on the waiting list and who shall be responsible for payment of all fees. Any change in the individual designated may result in the applicant's loss of priority on the waiting list.

There is a fee of \$30.00 per year per listing upon the waiting list(s) for a permanent reserved stall assignment. An individual may sign up at any time during the year and pay a prorated fee to the May 1 Stall Wait List due date. Non payment of the fee by the May 1 due date means automatic cancellation from the wait list.

(c) RESERVED STALL ASSIGNMENTS:

- (1) The Harbormaster may assign a specific stall on the City of Homer float system within the Homer Small Boat Harbor, to a particular vessel on an annual basis.
- (2) Upon return of the permanently assigned vessel to the Small Boat Harbor, (provided property notifications are given, and based on harbor congestion and the difficulties involved in moving vessels) the Harbormaster will attempt to rearrange vessels so a vessel with a permanent reserved stall assignment may moor at that assigned stall.
- (3) A vessel assigned a permanent reserved stall assignment should notify the Harbormaster when departing for more than 5 days. If away from Homer for more than five days, a reserved stall vessel should notify the Harbormaster of its intended arrival date and time back into the Small Boat Harbor at least 24 hours prior to reentry into the Harbor.



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RULE: 34.13 - MOORAGE IN HARBOR
(continued)

(d) PERMANENT RESERVED STALL AND TRANSIENT MOORAGE ASSIGNMENTS:
There are two types of moorage assignments at the Homer Port and Harbor Small Boat Harbor. The first is a permanently assigned reserved stall and the second is a transient moorage. Stalls that are permanently assigned to a boat/owner may be used for transient moorage when the permanently assigned vessel is away from the stall.

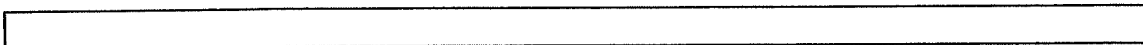
(e) NOTICE UPON ARRIVAL:

All vessels should notify the Harbormaster's office prior to arrival. Those vessels who have received permanently assigned stalls should notify the Harbormaster's office 24 hours prior to expected arrival to allow the harbor staff to free the stall. If, despite reasonable efforts, the Harbormaster is unable to clear a permanently assigned stall due to congestion, high winds, or safety considerations, a vessel with a permanently assigned stall may be required to temporarily use a transient moorage space as directed by the Harbormaster.

Vessels entering the Homer Port and Harbor which have not, for any reason, received a mooring assignment by radio contact or otherwise, shall be restricted to the following areas:

Transient moorage space throughout the Small Boat Harbor, which is designated by a yellow colored bullrail (approximately 4,000 lineal feet).

There are no transient stalls in the Small Boat Harbor. If there is no available transient space available at the bullrail, a vessel is permitted to "raft" to a vessel(s) already secured to the bullrail.



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RULE: 34.13 - MOORAGE IN HARBOR

(continued)

(f) VESSEL REGISTRATION:

As a condition precedent to securing mooring space, each applicant shall, agree in writing to the terms and conditions of the moorage agreement provided by the Harbormaster and provide the information requested in the moorage agreement. Registration by completing the moorage agreement and paying the required fees must be accomplished immediately but not later than two hours after the vessel enters and moors in the Small Boat Harbor or before using and Port and Harbor Facilities. Providing false or misleading information on the moorage agreement is grounds for immediate termination of services.

RULE: 34.14 - BERTHING AT THE PORT (C)

EFF: 01JAN2002

SUBSECTION 155

(a) ASSIGNMENT OF BERTHS:

The Homer Port Docks require advance scheduling in order to provided maximum public use of available facilities. All vessels, or their owners or agents, desiring a berth at the docks shall, within a minimum time of twenty-four (24) hours make advance application for berthing, specifying the date of docking, sailing, and the nature and quantity of cargo to be handled. Application for berthing is to be made in writing to the Port.

Vessels may occupy a berth, subject to charges named in Subrule 34.19 Subsection 205, providing such vessel shall vacate the berth upon demand by the Port. Vessels refusing to vacate berth upon demand may be moved by tug or otherwise, and any expense, including damages to other vessels or to the facility during such removal, shall be charged to the vessel so moved. Vessels at berth engaged in loading or discharging cargo may be required to work overtime at the discretion of the Port. Overtime differentials shall be added to the account of the vessel's owners, agents or operators.

(Subject to Subrule 34.8 (d) herein)

Unauthorized anchoring in open areas in or adjacent to the Homer Port and Harbor is prohibited.



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RULE: 34.14 - BERTHING AT THE PORT

(continued)

(b) PREFERENCE TO RESERVED DOCK USE:

At the Deep Water Dock priority is given to dock use reserved in advance with the Harbormaster. Reservation of dock use must specify arrival and departure dates and the nature and quantity of the freight to be loaded or discharged. Preferential berthing rights are accorded by contract to berth vessels for wood chip loading up to fifteen (15) times in each calendar year. Preferential berthing rights by contract for vessels at the dock are immediate upon arrival of each vessel during a period of twelve (12) hours before and twelve (12) hours after the established arrival times recited by a written schedule filed by the contracted company with the Harbormaster at least thirty (30) days in advance. Other vessels utilizing the dock will be removed upon the arrival of contracted vessel arriving within the scheduled arrival period at no cost to contractor, with the exception that no vessel shall be moved from the dock if doing so would, in the opinion of the Harbormaster, create an emergency condition for that vessel.

On the main face of the Pioneer Dock, preferential privileges to berth Alaska Marine Highway System ferry vessels in accordance with the published schedule is accorded. Any variance in the schedule will be provided to the Harbormaster a minimum of six (6) hours prior to arrival.

Other vessels using the dock will be cleared upon arrival of the ferry. The north face of the Pioneer Dock has preferential mooring privileges accorded to the U.S. Coast Guard vessel assigned.

RULE: 34.15 - SAFETY, SANITATION AND HOUSEKEEPING (C)

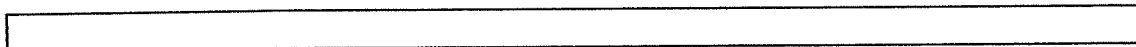
EFF: 01JAN2009

SUBSECTION 160

(a) GENERAL PROVISIONS

All users of City docks, terminal and harbor facilities shall exercise due care for the protection of life and property and the public from injury or damage.

Additional safety and sanitation rules applicable to docks and terminals should be consulted. Ordinances of the City of Homer of particular relevance include Chapter 5.06, (Nuclear Free Zone Which Includes Harbor Facilities), Chapter 5.08 (Garbage and Solid Waste Disposal), Chapter 5.16 (Public Nuisances), Chapter 5.20 (Fire Prevention and Explosives), and Title 10 (Port and Harbor).



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RULE: 34.15 - SAFETY, SANITATION AND HOUSEKEEPING
(continued)

All safety and sanitation laws, regulations and policies of the City of Homer, the Kenai Peninsula Borough, the State of Alaska, and the United States, including those adopted by international treaty, apply to city docks, terminal or harbor facilities. All users, including shippers, vessels, and consignees are hereby warned that the party or parties responsible for infractions of such laws, regulations or policies will be subject to and responsible for any penalties that may result from their violation of those laws, regulations and policies.

(b) HAZARDOUS MATERIAL, NOTICE OF HAZARDOUS CARGO AND PERMIT REQUIREMENT:

Hazardous materials, as established by the Department of Transportation Hazardous Materials Commodity List, will not be permitted without the express consent of the Harbormaster and previous arrangement (at least 12 hours prior to landing) and receipt of all appropriate manifests and U.S. Coast Guard Permits, and only at those locations designated by U.S. Coast Guard Permit.

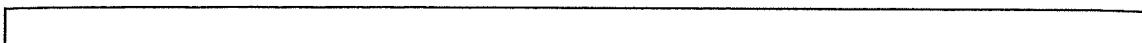
Temporary storage and/or shipment through the Port of Homer of quantities of hazardous waste in excess of 400 pounds of acutely hazardous material) requires a minimum 14 day advance request for a permit, in compliance with the "Interim Policy for the Port and City of Homer concerning notification by hazardous waste carriers and/or generators, municipal review and public notification."

No person shall throw or otherwise cause to be deposited any gasoline, oil, hazardous waste, petroleum contaminated refuse or pumping of bilge containing petroleum products onto any part of into the water of the port or harbor.

Pumping or storing fuel on floats is prohibited.

(c) RESPONSIBILITY FOR HOUSEKEEPING:

Users of docks and other terminal and harbor facilities will be required to maintain same in an orderly manner as directed by the Harbormaster. It is unlawful for any person to dump or otherwise dispose of refuse, sewage, garbage, rocks, and/or debris of any kind or type whatever into the water under the jurisdiction of the City of Homer Port and Harbor.



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RULE: 34.15 - SAFETY, SANITATION AND HOUSEKEEPING
 (continued)

Deposit of fish carcasses, including heads, bones or viscera from sport fishing activities is authorized only at designated locations.

If user does not properly clean property used, the Harbormaster shall order the work performed and user will be billed for services in accordance with the rates set forth in Subrule 34.25 Subsection 245 of this tariff.

No person shall tap, connect, disconnect, or interfere with any water outlet, water pipe, water connection, telephone equipment, electrical devise of any kind on docks or in stalls maintained or operated by the City in the Homer Port or Small Boat Harbor without first having obtained the permission of the Harbormaster; or to interfere with or tamper with any wharf, float, gangway, ramp, or any other facility operated by the City.

No person shall use or disturb any port or harbor equipment or facilities; except fire extinguishers in a fire emergency and harbor carts. City provided carts are for use on the floats and may not be removed from the harbor or used on ramps at any time. Carts should be returned to area adjacent to ramps after each use.

(d) SMOKING PROHIBITED:

No smoking shall be allowed on any wharf, pier or in any port or harbor facility, during fuel operations or at any time on any fuel station. Persons violating this rule may be barred, at the discretion of the Harbormaster, from the further use of any wharf or facility and, in addition, shall be subject to prosecution under applicable federal, state and municipal laws.

(e) WASTE OIL AND PETROLEUM PRODUCTS:

All waste oil and petroleum products must be properly disposed of by the vessel/owner. The City of Homer offers a limited ability to take small quantities of such products as a convenience to the boating public. Quantities, less than 5 gallons, of waste oil and petroleum products will be accepted by the City in the approved and designated facilities on shore. There shall be no storage, even of a temporary nature, of waste oil or petroleum products on city docks, wharves, piers, or finger floats. Any vessel/owner/agent storing or disposing of waste oil in an inappropriate or illegal manner may be barred from further use of the Homer Port and Harbor and/or penalized according to the provisions of federal, state and local law.



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RULE: 34.15 - SAFETY, SANITATION AND HOUSEKEEPING
(continued)

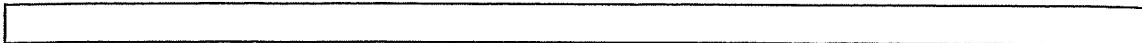
Larger quantities of waste oil may be accepted by the Harbormaster upon prior arrangement by written approval on a case by case basis. These larger quantities of waste oil, if accepted shall be charged \$3.25 per gallon handling and disposal fee.

(f) TUG REQUIREMENT AND SPEED LIMITATIONS

- (1) Vessels berthing or departing docks subject to the Tariff must use sufficient tugs so vessel can be berthed or removed in a safe manner. Berthing speed shall not exceed the maximum speed allowable for the tonnage or displacement of the vessel by the design of the facility.
- (2) The Deep Water Dock (DWD) fendering system was designed for a 37,500 displacement ton vessel with maximum berthing speed of 20 feet per minute then later up grader with modified corner fenders, and three breasting dolphins, to accommodate up to 65,000 ton displacement vessels. Vessels larger than 37,500 displacement tons shall have a maximum berthing speed of 16 feet per minute.
- (3) The new Pioneer Dock was designed to accommodate vessels of up to 80,000 displacement tons. Vessels larger than 37,500 displacement tons shall be docked with a maximum berthing speed of 16 feet per minute.
- (4) All craft shall restrict their speed to two miles per hour, no wake, while inside the Small Boat Harbor entering or leaving and shall operate at a reduced speed within one quarter mile of the docks outside the harbor. It shall be unlawful for any vessel to travel at a speed within any waterway causing a wake, wash or wave action which will damage, endanger or cause undue distress to any other boat or occupant thereof, regardless of established speed limits.

(g) TYING TO PILING IS PROHIBITED:

All vessels using the Deep Water Dock and Pioneer Dock will use bits and bullrails.



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RULE: 34.15 - SAFETY, SANITATION AND HOUSEKEEPING
(continued)

(h) FIRE EXTINGUISHER REQUIREMENTS:

- (1) Fire extinguishers in operating condition must be readily available on or immediately adjacent to all welding, cutting, or open flame equipment being used on vessels.
- (2) Fire extinguishers in operating condition must be readily available on all machines, cranes, and welders used on the docks or within the Terminal.

(i) NO POSTING OR DEFACEMENT:

No person shall write or post any written or printed matter in any place within or on any Homer Port or Harbor facilities, except upon bulletin boards constructed for the purpose only after having obtained permission from the Harbormaster.

No person shall disregard, deface, remove, tamper with or damage any sign or notice posted or installed by the Harbormaster.

(j) ANIMALS:

All dogs or other animals will at all times be under the physical control of the owner or person in charge of the animal in accordance with 20.08.020 of the City Code.

(k) STOVES, FIRES, EQUIPMENT, FLAMES, ETC:

No person shall leave a stove or other heating equipment in unattended operation on a vessel moored within the Homer harbor unless such equipment has been certified as safe for such unattended use. No person shall leave any vessel within the Homer Boat Harbor unattended while fire or open flame is burning thereon. No cutting or welding or use of open flame shall be allowed on any boat undergoing repairs, on or at any Homer port or harbor facility except in an area especially designated for such repair. However, at the Harbormaster's discretion, this requirement may be waived provided adequate fire fighting equipment is physically located where the welding project is taking place. No person shall use any fire-fighting equipment located at the Homer harbor for the purpose of pumping fire suppressant water into boats for any purpose other than extinguishing fires. Any use of City fire extinguishers must immediately be reported to the Harbormaster.



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RULE: 34.15 - SAFETY, SANITATION AND HOUSEKEEPING
 (continued)

(m) PLACEMENT OF GEAR:

The placement of fishing nets in the waters of the Homer Small Boat Harbor is prohibited. The physical limits of the "Small Boat Harbor" are set forth in Subrule 34.2 (o) Subsection 100 of this Tariff.

RULE: 34.16 - RESPONSIBILITY FOR PROPERTY DAMAGE (C)
 EFF: 15DEC 1999

SUBSECTION 165

Users damaging city docks, floats, ramps, or other property of the City of Homer will be responsible for cost of repairs. User will be billed for repairs to damaged property at cost, including overhead.

RULE: 34.17 - BULK PETROLEUM PRODUCTS (I)
 EFF: 15SEP1995

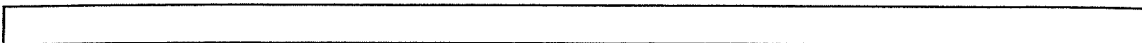
SUBSECTION 170

(a) APPLICATION OF TARIFF:

Except as otherwise provided in this section, the rates, rules and regulations published in other sections of this Tariff apply to vessels, shippers, and consignees of Bulk Petroleum Products.

(b) CLEARING AND HEATING PETROLEUM LINES:

Shippers, consignees, or vessels and persons in charge thereof are responsible for providing steam or other heating means to assure the proper flow of asphalt and other petroleum products requiring heat. Shippers, consignees, or vessels and persons in charge thereof will be responsible for clearing all petroleum products from lines located on or adjacent to any Terminal facility after a vessel completes loading or discharge unless otherwise authorized by the Harbormaster. In the event the City of Homer performs any of the above named services, rates shall be charged in accordance with Subrule 34.21 Subsection 215 of this Tariff and billed to shipper, consignee or vessel.



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RULE: 34.17 - BULK PETROLEUM PRODUCTS
(continued)

(c) REGULATIONS GOVERNING PETROLEUM PRODUCTS:

The transfer of bulk petroleum products shall be made in compliance with City of Homer Code provisions including Chapter 5.20 (Fire Prevention), as well as other federal, state and municipal laws, rules or regulations.

(d) HOUSEKEEPING:

Flammable liquids and all hydrocarbons leaked or spilled on wharves shall be cleaned up immediately. Vessels, or consignees shall remove temporary lines immediately upon completion of receipt or discharge of flammable liquids. Spillage from disconnected lines shall be cleaned up immediately by vessel or consignee.

RULE: 34.18 - HARBOR MOORAGE RATES (A)
EFF: 01JAN2011
SUBSECTION 200

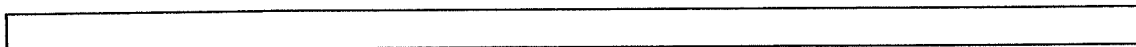
(a) CALCULATION OF MOORAGE RATES:

Mooring charges shall commence when a vessel is made fast to a wharf, pier, harbor float or other facility, or when a vessel is moored to another vessel so berthed (rafting). Charges shall continue until such vessel is completely free from and has vacated the port and harbor facilities.

A vessel moored at any time between 12:01 A.M. and 10:00 A.M. shall be charged a full day's moorage. The Harbormaster may, in his discretion and with proper and appropriate advance notice, waive a daily rate for a vessel that will occupy mooring space for a minimum time and, provided that the Harbormaster determines the use of the public facilities by others will not be congested or adversely affected.

Mooring charges shall be calculated on the length of the vessel, or in the case of a reserved stall, the length of the float stall assigned, whichever is greater.

Length shall be construed to mean the distance expressed in feet from the most forward point at the stem to the aftermost part of the stern of the vessel, measured parallel to the base line of the vessel. The length shall include all hull attachments such as bowsprits, dinghies, davits, etc.



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RULE: 34.18 - HARBOR MOORAGE RATES
(continued)

For billing purposes, when the actual length of the vessel is not immediately available, length of the vessel as published in "Lloyd's Register of Shipping" may be used. The City of Homer reserves the right to: (1) obtain the length from the vessel's register, or (2) measure the vessel.

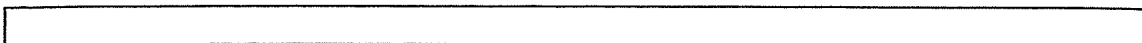
All vessels in the harbor are subject to these rates, except properly registered seine skiffs or work skiffs attached to the mother vessel. Work skiff is defined as a boat that is usually carried on the deck or super structure of the mother vessel and is regularly used in the commercial enterprise of the mother vessel.

(b) ANNUAL MOORAGE FEE:

The annual moorage fee for reserved moorage and transient moorage privileges shall be thirty five dollars and twenty-two cents (\$35.22) per lineal foot based on the overall length of the vessel (including all hull attachments such as bowsprits, davits, dinghies, swimsteps etc.) plus a fifty dollar (\$50.00) administration charge; or for a reserved stall, the length of the finger float stall assigned, or the overall length of the vessel, whichever is greater plus a fifty dollar (\$50.00) administration charge.

Any reproduction in the moorage fee due to a substituted or amended moorage agreement is not applied retroactively and the owner or operator is not entitled to a refund or a pro-rata adjustment of the moorage fees already due or paid. Any moorage agreement that expires will, after five days, automatically be charged a monthly rate retroactive to the expiration date. Unregistered vessels will also, after 5 days, automatically be charged a monthly rate retroactively to the date the vessel entered the harbor.

- (1) All reserved stall assignments are on an annual basis beginning October 1 and ending September 30 of the following year. Prepayment of a full year's moorage is due on or before October 1 of each year. Payment for reserved moorage will only be accepted from the individual assigned the reserved stall. The reserved stall payment shall be paid in full at the time the reserved stall/moorage agreement is executed to the satisfaction of the Harbormaster. Any other arrangements are at the discretion of the Harbormaster and must be made in advance.



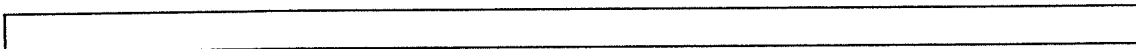
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RULE: 34.18 - HARBOR MOORAGE RATES

(continued)

- (2) A reserved stall assignment granted after October 1 will be charged a fee based on the number of months (including the month which it is granted regardless of the day of the month) left in the fiscal year ending September 30.
- (c) A semiannual transient rate is available on a prepaid basis only for transient vessels mooring in the Small Boat Harbor for a period of six consecutive months. The transient semiannual rate is 67% of the annual rate. Vessels that do not renew will automatically be charged the monthly rate.
- (d) The monthly transient rate will be 17% of the annual rate. Vessels that are properly registered and pay all moorage fees in advance may deduct fifty cents (\$.50) per foot per month.
- (e) The daily transient rates are: 3% of the annual rate.
Vessels that properly register and pay all moorage fees in advance may deduct five dollars per day from the daily rate.
- (f) **FLOAT PLANE FEES:**
With proper registration and specific permission from the Harbormaster, float planes may arrange for short-term moorage in the Small Boat Harbor. This is only allowed when ice and weather conditions prevent float planes from landing on Beluga Lake.

A fee in the amount equal to the daily rate for moorage of two (2) 24' vessels shall be assessed on a daily basis for float planes mooring within the confines of the Small Boat Harbor. A monthly rate in the amount equal to the monthly rate for two 24' vessels shall be assessed for float plane moorage for longer periods, and the moorage charge computed for a float plane's stay in the harbor shall be the lowest total charge resulting from the application of either the daily or the monthly rate indicated.



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RULE: 34.19 - DOCKAGE (A)
 EFF: 01JAN2011

SUBSECTION 205

(a) DEFINITION:

Dockage charges are assessed on the overall length of the vessel. Length of the vessel as published in the "Lloyds Register of Ships" will be used; however, the Port reserves the right to:

- (1) obtain the length from the vessel's register, or (2) measure the vessel.

(b) DOCKAGE CHARGES:

Dockage charges will be assessed per calendar day or portion thereof at the rate of \$2.27 per foot for the length of the vessel. A service charge of \$52 will be assessed to each vessel. These charges are applicable to the "outer face" and "trestle berth" of Deep Water Dock and to all berthing locations on Pioneer Dock. The "inside berth" (berth No.2) of Deep Water Dock will have a 4-hour minimum dockage charge of 1/6 the daily rate, and a half day (up to 12 hours) docking charge of 1/2 the daily rate, with no service charge applicable.

Cruise Ship dockage will be assessed per calendar day or portion thereof at the rate of \$2.27 per foot for the length of the vessel. A service charge of \$481.53 will be assessed for each Cruise Ship.

The crane at the inside of (berth No. 2) of Deep Water Dock shall be subject to same terms for charge and usage as for the cranes on Fish Dock (Rule 34.30).

RULE: 34.20 - DEFINITIONS AND CHARGES WHARFAGE (A)
 EFF: 01JAN2011

SECTION II

SUBSECTION 210

(a) DEFINITION:

Wharfage is the charge assessed against any freight placed in transit shed or on a wharf, or passing through, over or under a wharf, or transferred between vessels, or loaded to or unloaded from a vessel at a wharf, regardless of whether or not a wharf is used. Wharfage is solely the charge for use of wharf and does not include handling, sorting, piling of freight or charges for any other services.



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RULE: 34.20 - DEFINITIONS AND CHARGES WHARFAGE
 (continued)

Log quantities will be reported by manifest to the Port Office for subsequent billing. The basis for measuring 1,000 board feet (M.B.M.) log scale shall be the Scribner Rule or Scribner Dec. C Log Rule. All log scales will be performed by an independent log scaling bureau. Certified copies of log scale tickets and/or log scale books shall be provided to the Port for all logs shipped. The basis for the tariff payment to the City will be computed on a net log scale, with a maximum of a twenty five percent (25%) deduct factor for defects and taper; that is gross scale minus 25% total deduct.

A Bone Dry Unit (BDU) is defined as 1.2 bone dry tons of wood chips. A bone dry ton is that quantity of wood chips which would weigh 2,000 lbs when dry.

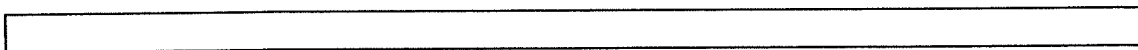
(b) APPLICATION:

Wharfage rates named in the Tariff will be charged for all merchandise or cargoes received inbound or shipped outbound over the city docks (except the Fish Dock for which wharfage rates are contained in Rule 34.30 Subsection 275, barge ramp, or barge beaching site within the Homer Port and Harbor and will be in addition to all other charges made under provisions of this Tariff, EXCEPT:

No wharfage shall be charged to ship's gear, such as strongbacks, lines, hatch covers, walking boards, etc., placed on wharf during unloading operations. Fuel handled over wharf will not be considered as ship stores and will be subject to wharfage and other charges that may be incurred. Logs that are unloaded at Port of Homer barge beaching site will be charged 50% of the wharfage rate applicable to outbound (export) shipment. However if these cargoes are not exported over Deep Water Dock with full payment of outbound wharfage within 60 days of unloading at the barge beaching site, then the additional 50% of wharfage will be owed and paid for the inbound product.

(c) OVERSIDE:

One-half of wharfage named herein will be charged to merchandise or cargo discharged or loaded overside of vessel directly to or from another vessel or to the water when vessel is berthed at wharf.



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RULE: 34.20 - DEFINITIONS AND CHARGES WHARFAGE
(continued)

(d) OVERSTOWED CARGO:

Overstowed cargo destined for discharging at another port will be exempt of wharfage charges, provided such cargo is not removed from the wharf prior to re-loading to the vessel.

(e) SCHEDULE OF RATES:

Minimum wharfage on any shipment will be ten dollars (\$10). Except as otherwise specifically provided, rates are in dollars per short ton of 2000 lbs. or per 40 cu.ft.

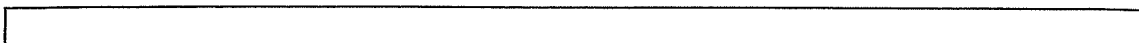
COMMODITY	WHARFAGE RATE
Freight N.O. S.	\$7.96
Freight at Barge Ramp	\$5.14
Poles, logs, cants or cut	\$3.95/thousand board
Finished lumber per MBM	feet
(Note: Industry standard conversion formulas shall be used in converting pounds to board feet measure.)	

In absence of board feet measure on bill of lading, a loadout will be assessed a tariff by converting the weight of logs to board foot measure, for the average diameter of logs (small end diameter) in accordance with the following table for white spruce logs:

Scaling Diameter of Logs Inches	Weight per Board Feet Pounds
8"	14.5
12"	11.5
16"	9.5
20"	8.5
24"	7.8

Kiln dried lumber: Three pounds will equal one board foot measure.

Petroleum Products	\$.39/barrel
(inbound and outbound)	\$0.0103/gallon
Wood Chips (all grades)	\$ as per contract



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RULE: 34.20 - DEFINITIONS AND CHARGES WHARFAGE
(continued)

Seafood/fish product:	Setting a tariff of \$4.76 per ton of seafood/fish Product across the dock, regardless of species.
Livestock: Horses, mules	
Cattle, hogs, sheep, goats	\$10.12 per head
All other livestock:	
Fowl: Any kind, crated:	\$10.12 per crate
Boats: Up to and including twenty feet L.O.A.	\$15.66 each
Over twenty feet L.O.A.:	\$1.60 per lineal foot
(Fishing boats, pleasure craft, skiffs, dinghies and other boats moved over the docks.)	

RULE: 34.21 - DEMURRAGE (A)

EFF: 01JAN2011

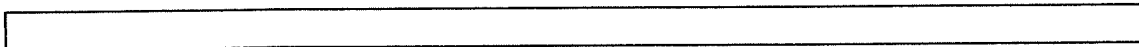
SUBSECTION 215

(a) DEFINITION:

The term "demurrage" as used in this tariff shall mean the charge assessed against cargo remaining in or on terminal facilities after the expiration of free time, unless arrangements have been made for storage.

(b) FREE TIME:

- (1) Definition: The specified period during which cargo may occupy space assigned to it on terminal property free of demurrage or terminal storage charges, immediately prior to the loading, or subsequent to the discharge, of such cargo off the vessel.
- (2) Computing free time: Free time is calculated inclusive of Saturdays, Sundays or holidays. Free time starts the first 7 A.M. after freight is received or unloaded onto wharf from car, truck, or, in the case of freight received from vessel, the first 7 A.M. after completion of vessel's discharge. On outbound traffic from vessel, delivery of which is made after the allotted time period, the day freight is loaded out or delivered to truck or car is to be included in the computation as storage day.



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RULE: 34.21 - DEMURRAGE (A)
(continued)

When freight is transshipped between deep sea vessels and involves application of both a long and short time period, the longer period shall be allowed, but not the aggregate of any two free time periods.

- (3) Free time period: Free time of 3 days will be allowed on all inbound traffic.
Free time of 3 days will be allowed on all outbound traffic.

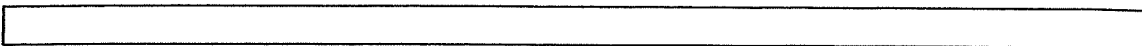
(c) RATES:

Demurrage will be assessed at a rate of nine cents (\$.09) per square foot per day, based on the "foot print" occupied by cargo in the laydown area or for cargo with overhangs, the footprint plus the area under the overhang that the overhang renders unusable for other storage.

(d) LAY-DOWN AREAS:

All cargo is expected to vacate city docks, and piers as soon upon arrival as possible. Cargo is not to be stored on City piers awaiting pick up by vessels unless prior arrangements are made with the Harbormaster. The Harbormaster shall have the discretion to refuse all cargo activities and/or laydown, either in-bound or out-bound. Cargo that is allowed to wait for "beyond" transportation shall adhere to the following rules.

- (1) The Harbormaster shall designate laydown areas for cargo.
- (2) Cargo may not be placed on city docks or terminal facilities except in designated laydown areas.



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RULE: 34.21 - DEMURRAGE
(continued)

- (3) Cargo and freight not placed in designated laydown area must be immediately removed from a city dock or terminal facility upon order of the Harbormaster.
- (4) A vessel, shipper or consignee who refuses to move cargo on demand will be assessed wharf demurrage at five times its applicable rate, starting at the time the vessel, shipper or consignee is notified to move the cargo.
- (5) In addition, the Harbormaster may, in his discretion move cargo or freight and any expense or damages, including damage to cargo or freight during such movement, shall be charged to the vessel, shipper or consignee except damages caused by the City's own negligence.

RULE: 34.22 - UPLAND STORAGE (A)

EFF: 01JAN2009

SUBSECTION 230

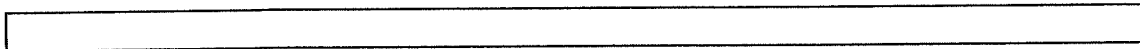
(a) AREA OF LAND AVAILABLE:

The City of Homer may make available a limited area of land for gear storage subject to the following conditions:

- (1) Space is made available on a first-come, first-served basis. All storage assignments must be approved by the Harbormaster.
- (2) This upland storage area is primarily for fishing related gear. No vehicle or boat trailers may be placed on the upland storage area without prior permission of the Harbormaster.

(b) BOAT TRAILER STORAGE:

- (1) Short term storage of boat trailers not to exceed 7 days will be provided on a space available basis. Storage is allowed only in designated areas where posted.



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RULE: 34.22 - UPLAND STORAGE
(continued)

- (2) Long term storage of boat trailers (8 or more days) is not available during the summer season beginning May 1 and ending September 30. Long term storage of boat trailers other than during the summer season must be approved and assigned by the Harbormaster. Long term boat storage is available commercially off the Spit.

(c) METHOD OF CALCULATIONS OF RATES:

Charges shall be based on type of storage required, vehicle, boat trailer, gear or equipment.

(d) STORAGE CHARGES:

No charge for storage should be generated for free time of 2 days or less. Storage time beyond 7 days shall generate one month charge.

(e) RATES:

All general storage is on a month-to-month basis unless otherwise provided. Charges for any particular lot shall begin at the receipt of the first unit of that particular lot in store and shall continue and include the storage month during which the last unit of the particular lot is removed from storage. Charges shall be made on the basis of square footage of units in any particular lot in store during the storage month. All charges for storage are due on the first day of a storage month.

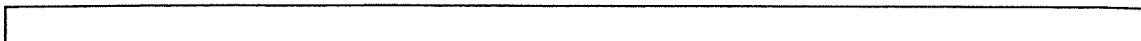
A storage month shall extend from a date in one calendar month to, but not including, the same date of the next and all succeeding calendar months. Less than one month's storage will be charged for the full month. The Harbormaster may negotiate storage contracts for six months or longer.

Fees for general storage are as follows:

Open Areas, fishing gear	\$.12 per square foot
Open Areas, non fishing gear	.17 per square foot
Fenced Storage Yard	.24 per square foot

The fees for trailer parking area/long term storage Oct. 1 to May 1 are as follows:

Up to 30 feet	\$75.00 per month
Over 30 feet up to 40 feet	\$100.00 per month



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RULE: 34.22 - UPLAND STORAGE
(continued)

There will be no storage of trailers of total length greater than 40 feet and no long term storage available from June 1 to Oct. 1.

Equipment and materials stored without proper registration and advance payment will be charged according to storage fees above.

(f) EMPTY CRADLES/TRAILERS:

For the purpose of this Tariff, a vessel trailer or cradle shall be treated as a vessel of the length of the vessel normally occupying the cradle.

RULE: 34.23 - TIDAL GRIDS (A)
EFF: 01JAN2011

SUBSECTION 235

(a) TIDAL GRIDS

The City of Homer operates two tidal grids. The wooden grid is for vessels of less than 60 feet in length. The steel grid is generally for use by vessels of 60 feet or greater in length. Vessels over 60' may not use the wooden grid without specific approval of the Harbormaster. Vessels over 300 displacement tons or over 120' may not use the steel grid without specific approval of the Harbormaster. Vessels that remain on either grid after their scheduled tide may be assessed a 50% surcharge for each unscheduled tide. Use of the steel grid shall be charged at the minimum rate applicable for a 60' boat if a boat of less length is allowed to use this grid.

Sandblasting of vessel is not permitted on tidal grids; water blasting of vessel to remove barnacles or other marine growth is permitted provided that the water pressure used does not result in removal of paints onto the grid work platform or into the water of the harbor.

(b) RATES:

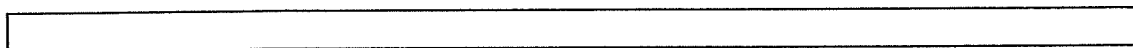
The rate per foot per tide is \$1.05 for vessels 0'-59'

The rate per foot per tide is \$2.55 for vessels 60'-80'

The rate per foot per tide is \$3.25 for vessels 81'-100'

The rate per foot per tide is \$3.82 for vessels 101'-120'

The rate per foot per tide is \$4.24 for vessels 121'-140'



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RULE: 34.23 - TIDAL GRIDS
(continued)

(c) USE OF TIDAL GRIDS

Except in emergencies, use of tidal grids is limited to three tide cycles. Use of the tidal grids must be scheduled in advance and a deposit equal to one tide use must be paid. Deposit may be refunded if cancellation of reservation is at least forty-eight hours prior to scheduled use.

(d) WRITTEN PERMISSION FOR USE OF GRIDS:

No vessel shall be moored onto the tidal grids until permission has been granted by the Harbormaster and the appropriate Utilization Agreement/Waiver and Release forms completed by User.

RULE: 34.24 - HANDLING, LOADING AND UNLOADING (I)

EFF: 15SEP1995

SUBSECTION 240

(a) HANDLING DEFINED:

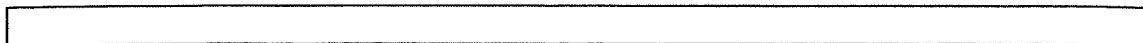
Handling means the service of physically moving cargo between point of rest and any place on the terminal facility other than the end of a ship's tackle.

(b) LOADING AND UNLOADING DEFINED:

Loading and unloading means the service of loading or unloading cargo between any place on the terminal and trucks lighter or barges or any other means of conveyance to or from the terminal facility.

(c) TERMINAL USE PERMIT:

Handling, loading and unloading services are provided by independent agents at all terminal facilities covered by this Tariff. A Terminal Use Permit or Fish Dock Use Permit is available to any qualified agent desiring to provide long shore services at the terminal facilities of the City of Homer.



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RULE: 34.25 - SERVICE CHARGES (A)

EFF: 01JAN2011

SUBSECTION 245

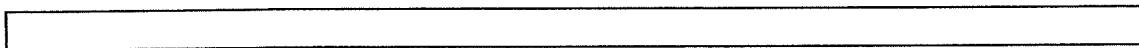
A service charge is assessed, in addition to any other charges set forth in this Tariff, for specific services provided by the City of Homer or its agents. Service charges do not include charges for dockage, wharfage, wharf demurrage and handling.

(a) SPECIFIC SERVICES:

The following rates shall apply for services provided by the City of Homer.

- (1) Potable water furnished to vessels at the Deep Water Dock and Main Dock:
 The following charges in dollars will be made for furnishing water to vessels berthed at docks or terminals subject to this Tariff:
 - a. Quantity charge, \$38.81 dollars per one thousand gallons (minimum five thousand gallons).
 - b. Scheduled deliveries will have a minimum charge of \$102.00 for combined connection and disconnection.
 - c. Unscheduled deliveries will have a minimum charge of \$139.32 dollars for combined connection and disconnection.

- (2) Electricity (per kilowatt):
 - (a) Reserved stalls having a meter base at the berth shall be charged a meter availability fee.
 1. The meter availability fee will be \$23.95 per month.
 2. There will be an electrical usage charge cost per kilowatt determined by the local public utility.
 3. Licensee shall notify the Harbormaster of any period when the assigned vessel will not occupy the stall and the Harbormaster, upon payment of a \$28.80 connect/disconnect fee, shall disconnect service to the license holder's stall.



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RULE: 34.25 - SERVICE CHARGES

(continued)

(b) Subject to availability, transient vessel may buy electrical power on a metered basis from October 15 to April 15.

1. There will be a \$28.80 connect/disconnect fee.
2. Metered transient vessels will be charged a meter availability and connect/disconnect fee of \$28.80 per month with a one month minimum charge to be applied for shorter connection periods.
3. There will be an electrical usage charge per kilowatt as determined by the local public utility.

(c) Unless other arrangements have been made in writing with the Harbormaster, transient vessels shall be charged the following rates (where metered power is unavailable).

	110 volt	220 volt	208 volt 3 phase
Daily (or part thereof)	\$10.20	\$20.12	\$45.20
Monthly	\$152.67	\$341.70	Available meter only

If a transient vessel consumes more electricity than would be covered by these flat rates, then such transient vessel shall be charged for the actual consumption. If a transient vessel on the daily rate accrues daily charges that total for a 30 day period more than the monthly flat rate, then the monthly rate shall be billed.

- Vessels requiring conversion plugs may purchase them from the Harbormaster's office for a nominal fee.

(d) 208 volt/3 phase electrical power is available at System 5 on a first come-first served basis, for which the vessel will be charged the following rates:

1. There will be an electrical usage charge per kilowatt hour as determined by the local public utility:
2. Vessels will be charged a meter availability fee of \$28.80 per month with a one month minimum charge to be applied for shorter connection periods.
3. There will be a \$28.80 connect/disconnect fee.

(3) Towing inside small boat harbor: Skiff with operator ½ hour \$68.00, Skiff with operator 1 man hour \$102.00. Any additional personnel required will be charged at rate of \$99.00 per hour.



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RULE: 34.25 - SERVICE CHARGES

(continued)

(4) Pumping vessel: \$40.79 per day or portion thereof for electrical pumps.
 \$69.97 per hour or portion thereof for gas pumps. (includes attendant time)

(b) LABOR/PERSONNEL:

- (1) When labor is furnished by the City at the request of a user it is expressly stipulated that the City acts as agent of the user. The City shall charge for labor provided by the City for the following services:
- (i) all services not specifically described in this Tariff.
 - (ii) Services of loading, unloading, or transferring cargo for which no specific commodity rates are provided and which cannot be performed at the rates named N.O.S. and cargo in packages or units of such unusual bulk, size, shape or weight as to preclude performing such services at rates named under individual items of this Tariff.
 - (iii) Services for which no specific commodity rates are provided and any other services for which specific rates are named in this Tariff because of unusual conditions or requirements of shippers not normally incidental to such services preclude the performance; and
 - (iv) Services of cleaning City docks or terminal facilities of dunnage, stevedore gear, and other equipment or material when the shipper, vessel owner or consignee fails to promptly clear the facility as requested by the Harbormaster.
- (2) When a user notifies the Harbormaster for labor for a specific time and labor is on the job ready for work at that time, the use shall be charged from the time the labor is ready for work until the work is concluded even if the work is delayed through no fault of the City.



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RULE: 34.25 - SERVICE CHARGES

(continued)

(3) All labor provided by City personnel shall be charged at \$102.00 per hour. (½ hour minimum at \$51.00. Work requiring call-outs shall be charged at a minimum of two hours.

(c) **EQUIPMENT:**

When the City utilizes city equipment to provide services under this Subsection, it will charge users for the cost of that equipment on an hourly basis at the rates charged capital projects within the City of Homer for similar equipment.

(d) **REGULATED GARBAGE HANDLING FEE:**

\$800.00 per round trip for certified truck pick up plus \$90.00 per one hundred pounds. Regulated garbage, as per the Code of Federal Regulations, is garbage from foreign going vessels that contains, or that is suspected of containing, food scraps or food waste.

(e) **SPECIAL SERVICES:**

Except where otherwise required by law, the Harbormaster has the authority to refuse or to provide or to arrange for the provision of services in addition to those set out in paragraph (a) above. Special services, including waste, bulk oil, or garbage disposal shall be billed at the City's actual cost (including city labor costs as determined in paragraph 2 above) plus 125% of city costs for services arranged and paid for by the City but provided by others. Waste oil in quantities greater than 5 gallons, shall be charged a \$3.35 per gallon handling and disposal fee.

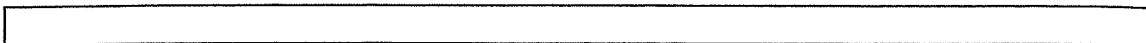
Special services shall not include the taking or handling of sewage of any kind. Sewage disposal must be accomplished by the vessel owner or his agent pursuant to federal, state and municipal laws, codes and ordinances.

RULE: 34.26 - PASSENGER FEES (C)

EFF: 15DEC1999

SUBSECTION 250

Vessels with a capacity in excess of eight passengers shall pay a fee of two dollars for each passenger disembarking either directly by shuttle or lighter at the Small Boat Harbor Float or launch ramp during the period May 01 to September 30 of each year.



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RULE: 34.26 - PASSENGER FEES (C)
(continued)

The Harbormaster shall provide forms to be used by the vessel operators in logging passenger traffic off-loading at the harbor floats or ramp, and such completed forms shall be submitted with the appropriate fee to the Harbormaster.

RULE: 34.27 - SEARCH AND RESCUE FEES (A)

EFF: 01JAN2011

SUBSECTION 255

In addition to other Tariff provisions, when the City utilizes city equipment and personnel to provide search and rescue assistance to vessels outside of the Homer Port and Harbor, such as towing and rescue, the Harbormaster will charge users of those services \$102.00 per hour for skiff and operator for the first hour on any part thereof, and for additional search and rescue assistance beyond one hour. Additional personnel will be charged at the rate of \$99.00 per man hour.

RULE: 34.28 - BOAT LAUNCH RAMP FEES (A)

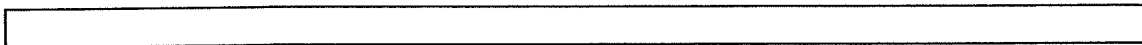
EFF: 01JAN2011

SUBSECTION 260

(a) USE OF PUBLIC LAUNCH RAMPS:

The City owns and provides access to public launch ramps, Access to those ramps is generally on a first come, first served basis, but the Harbormaster may deviate from that policy or refuse access to a ramp when, in his judgment, the public interest would be served and his consideration in that determination of the following factors:

- (1) The degree of existing or potential congestion in the harbor, including upland storage area, and whether the proposed launch or retrieval will affect that congestion, and
- (2) Whether the launch or retrieval poses a risk of loss of public or private property.



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RULE: 34.28 - BOAT LAUNCH RAMP FEES (A)
(continued)

(b) CHARGES FOR USE OF PUBLIC LAUNCH RAMPS:

Vessels shall be charged \$13.00 per day to launch from the public launch ramps from April 1 through October 15 (Reserved stall lessees exempt for the boat assigned to and registered to the stall only, not for other boats owned by the same individual.) Vessel owners or operators may obtain a seasonal permit for \$130.00 entitling a specific vessel and owner to launch from April 1 through October 15. (Reserved stall lessees exempt for the boat assigned to and registered to the reserved stall only, not for other boats owned by the same individual.)

(c) RAMP USE:

The principal intended use of the launch ramp is the launch and recovery of small/trailable vessels. An authorized subsidiary use is the incidental, noncommercial, loading or unloading of goods, supplied or materials.

The principal intended use of the harbor barge ramp is the commercial loading or unloading of goods, materials, equipment or personnel. An authorized subsidiary use is the loading or unloading of fishing gear and equipment or other use approved by the Harbormaster.

At the Harbormaster's discretion, reasonable restrictions may be placed on the use of any ramp owned or operated by the City.

RULE: 34.29 - BEACHES AND BARGE RAMP (A)

EFF: 01JAN2011

SUBSECTION 270

The use of beaches and barge ramp under the City ownership or control for commercial barge vessel repair, equipment loading or similar purposes, must be approved by the Harbormaster. A beach use agreement will be filled out and signed by the user and Harbormaster prior to use of the beach.

The Harbormaster shall charge a fee per foot based on length overall of the vessel, for vessels landing or parking on the beaches under City ownership or control. This same rate shall apply to vessels using the barge ramp.

Vessels up to 50 ft.	per foot \$1.50
Vessels over 50 ft.	per foot \$1.50



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RULE: 34.29 - BEACHES AND BARGE RAMP
(continued)

Charges for extended beach or barge ramp use may be adjusted by the Harbormaster under appropriate circumstance.

The user of any beach area or barge ramp must repair any damage to the beach or ramp and remove all debris. Failure to make such repairs and removal will result in repairs and cleanup by harbor staff. The costs incurred by the harbor staff will be fully charged to the beach user. Labor rate for the harbor staff will be (\$90.00) per hour per person, plus appropriate equipment rental and material costs.

Sandblasting of vessels is not permitted on City beaches or barge ramps; water blasting using pressures that result in removal of paint is also prohibited. No paint chips or other paint materials are to be put into the water as a result of any maintenance done on the beach or ramp.

RULE: 34.30 - FISH DOCK (A)
EFF: 01JAN2011

SUBSECTION 275

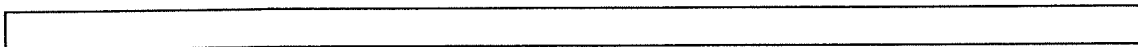
The Fish Dock is to be used primarily for the loading and unloading of fish, fish products and fishing gear. Any other use must be approved in advance by the Harbormaster.

Dock fees shall be those set at Subrule 34.19 Subsection 205;

Cranes located onboard the vessel moored at Fish Dock may be utilized for loading/unloading the vessel only with prior approval granted by the Harbor Officer on duty.

No non-City owner cranes or boom trucks may be brought onto Fish Dock for use in loading/unloading without advance Harbor Officer approval.

Every person using a crane on the Fish Dock shall first obtain a license from the City. A private user shall obtain a private license, which shall be the annual access card, and shall pay the annual access card fee set forth in this subsection. A private license shall entitle only the owner if an individual, and the master and crew of a vessel to load/unload the vessel at the Fish Dock. In addition to the annual license fee, all users of the Homer Fish Dock shall pay the user fees set forth herein.



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RULE: 34.30 - FISH DOCK
 (continued)

The Harbormaster shall designate one or more cranes on the Fish Dock open to public use (both private and commercial users) on a first-come first-served basis. All private licenses and food services are subject to a two-hour maximum time limit during the times when other private or food service licensees are waiting to use the crane. This time shall be the time that the licensees actually occupy the crane berthing space or otherwise has possession of the public use crane. Every other crane at the Fish Dock and the crane on the Main dock may be designated by the Harbormaster for preferential use. Preferential use of a crane shall entitle the holder to the exclusive right to use of the crane for loading and unloading fish and fish product during fish buying periods and to priority use of crane for all other uses; provided however, that a preferential user shall not be entitled to use of the crane until an actual and legal use of the crane by non-preferential user ends. The Harbormaster shall promulgate such additional rules as may be necessary to implement this section.

For an approved user's vessel blocking access to cranes other than those in use, a fee of one hundred fifty dollars (\$150.00) per hour will be assessed if such vessel is not immediately moved upon request of Harbor staff and if another vessel is thereby forced to wait.

Vessels are not to be left unattended at Fish Dock. Vessels moored at Fish Dock must have sufficient crew on board to move the vessel upon request or direction of Harbor staff. A fee of one hundred fifty dollars (\$150.00) per hour will be assessed against the owner or operator of a vessel per hour left unattended at Fish Dock that obstructs access by other vessels.

Failure to obtain prior approval for a use other than loading and unloading fish, fish products or fishing gear will result in the imposition of a surcharge of thirty dollars (\$30.00) per hour in addition to the regular fee.

No person shall use the Fish Dock in violation of this section.

Schedule of rates shall be set by City Council Resolution
 See also Subrule 34.20 Subsection 210 e.



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RULE: 34.30 - FISH DOCK
(continued)

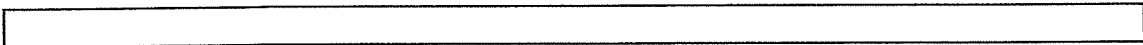
ITEM	FEE
Annual access	\$52.00 per year
Card (private license)	(annual renewal fee)
Card replacement fee	\$15.00 per occurrence
Cold Storage	\$334.75/month
(Cold storage rate structure is for storage area of eight feet by ten feet)	\$309/per month for two consecutive months
	\$283.25 per month for three consecutive months minimum one month rental
	inspection \$50/hour
	\$257.50 per month nine month season
Ice Plant Bin Storage (roofed-over, open-sided Storage bins at west end of ice plant building Sixteen feet by twelve feet)	\$200/month Minimum two months
Bait Storage Fee per bin (4x4x4)	
Per Day	\$5.15
Per Week	\$25.75
Per Month	\$77.25
Fish Dock Crane	\$90.64/hour
Minimum charge per hour for crane	Fifteen minutes
Ice	\$119.00 per ton

Seafood wharfage/Fish product:

Setting a tariff of \$4.76 per ton of seafood/fish product across the docks regardless of species. Bait in quantities greater than one (1) ton that is loaded onto a vessel at Fish Dock, shall be charged seafood wharfage.

Freight NOS, Non-fish Cargo:

\$14.50/T for cargo going over the Fish Dock. Fishing gear is free from wharfage. Except as otherwise provided under a lease agreement contract or operating agreement with the City of Homer, ice brought onto Fish Dock to be loaded into totes or transferred to boats at the dock, shall be charged wharfage at the Freight NOS rate, unless this is ice that was purchased from the City Ice Plant.



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RULE: 34.31 - CONDITIONS OF BERTHING (C)

EFF: 15DEC1999

SUBSECTION 310

All applications for Bessel berthing shall be made in the form specified by the Harbormaster and may require the timely filing of the financial responsibility information called for by Supplement to Vessel Berthing Application, completed in accordance with, and otherwise governed by, the terms and conditions set forth below:

(1) Unless waived pursuant to paragraph 2 below, the terms of payment for all applicable terminal or dockage charges shall be cash in advance. A cash deposit or acceptable security in an amount equal to 125% of the estimated applicable charges will be required to be posted with the Harbormaster six days prior to the vessel's scheduled arrival, or at such time as may be authorized or directed by the Harbormaster, but in all cases in advance of actual services rendered.

When a cash deposit has been posted, any excess there of after satisfaction of all applicable port charges, shall be promptly refunded by the Port of Homer to the party posting same.

(2) The Harbormaster may waive the requirement of cash in advance as to all or any category or categories of its anticipated port charges when the party responsible for such charges has been identified by berthing agent to the satisfaction of the Harbormaster, and:

- (i) That the party responsible has established credit worthiness acceptable to the Harbormaster; or
- (ii) Adequate security, acceptable to the Harbormaster in an amount equal to 125% of the applicable estimated port charges, has been posted; or
- (iii) The agent requesting the berth, or another entity, in each case applicable to the Harbormaster as credit worthy, has personally accepted financial responsibility for the applicable charges.

(3) The vessel agent or other person requesting a berth ("berthing agent") shall provide, as a part of the berthing process and to the extent of his knowledge, all information called for by any Supplement to Vessel Berthing Application respecting the vessel, its estimated arrival and departure, amount(s) and type(s) of cargo to be loaded or discharged.

PORT AND HARBOR OF HOMER 4350 HOMER SPIT ROAD HOMER, ALASKA 99603 PHONE: 907.235.3160 TERMINAL TARIFF NO. 600	FMC NO. 600	PAGE	55
		REVISED PAGE NO.	4th

RULE: 34.31 - CONDITIONS OF BERTHING
(continued)

The vessel agent or other person requesting a berth shall provide an estimate of the amount of each category of port charges, as enumerated, and the party responsible there for.

The submission of this form, signed by the berthing agent, shall constitute the berthing agent's information supplied, based upon and to the extent of information made available to the berthing agent shall agent shall be held personally liable to the City of Homer as a result of the agent's failure to accurately report the above information.

Should the berthing agent, subsequent to submission of this form, receive information which materially differs from the information the agent reasonably believes is not equally know to the Harbormaster, it shall immediately notify the Harbormaster and if requested by the Harbormaster, promptly file an amended Supplement to Vessel Berthing Application with the Harbormaster.

All estimates of terminal and dockage charges are subject to approval and/or adjustment by the Harbormaster.

(4) The Harbormaster shall, promptly after receipt of this form, advise the berthing agent as to (i) its approval or adjusted estimate of terminal charge and (ii) whether posting of cash or security is required for any one or more categories of such charges and the amount thereof.

(5) In addition to the terms for berth reservation and establishment of financial responsibility as set forth herein, request for berth reservation and assignment of berths shall otherwise be in accordance with all local rules and regulations established by the City of Homer.

(6) The City of Homer retains the right in its sole discretion to determine whether a responsible party or agent is credit worthy and waive the cash-in-advance requirement. The City may establish guidelines for determining whether a responsible party or an agent is credit worthy. Compliance with these guidelines does not create a right to waiver of the cash-in-advance requirement.

(7) For safety or other reasons, the City of Homer in some circumstances may grant a vessel a temporary berth before the owner or agent has paid all applicable charges or otherwise complied with all applicable Tariff provisions of conditions of berthing.

PORT AND HARBOR OF HOMER 4350 HOMER SPIT ROAD HOMER, ALASKA 99603 PHONE: 907.235.3160 TERMINAL TARIFF NO. 600	FMC NO. 600	PAGE	56
		REVISED PAGE NO.	6th

RULE: 34.31 - CONDITIONS OF BERTHING
(continued)

In such circumstances, the vessel may unload its cargo only if (i) the Harbormaster determines that a regular berth is available, and (ii) the owner pays all applicable charges and complies with all other applicable Tariff provisions and conditions of berthing. If no regular berth is available, or the vessel owner or agent does not pay all applicable charges and comply with other applicable provisions, the vessel may not unload its cargo and shall sail on the next tide. The vessel shall be assessed appropriate fees as set forth in this Tariff.

RULE: 34.32 - PARKING FEES
EFF: 25APR2011

Parking fees to be collected at Ramp 1, Ramp 2, Ramp 3 and Ramp 4 seasonally (Memorial Day through Labor Day).

(a) DAY USE PARKING

- (1) Two (2) to four (4) spaces at each Ramp are reserved as a "No Fee Loading Zone".
- (2) Parking fee is \$5 per calendar day, with a time limit of one (1) day maximum stay.

(b) LONG TERM PARKING

Vehicles over 20' and trailers are not eligible for long term parking.

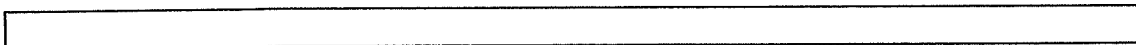
- (1) Seasonal permits for day use parking (Ramps 1-4): \$250.00.
- (2) Long term parking annual permit fee available for legal vehicles 20' or less/trailers still subject to the seven (7) day rule: \$200.00.
- (3) Long term parking annual permit fee available for legal vehicles 20' or less parked in excess of seven (7) 24-hour days: \$200.00.
- (4) Long Term Parking annual permit fee for vessel owners paying annual moorage: \$100.00.
- (5) Long term parking enforcement year around. Parking lot restrictions for long term parking, May 1 through October 1.



PORT AND HARBOR OF HOMER 4350 HOMER SPIT ROAD HOMER, ALASKA 99603 PHONE: 907.235.3160 TERMINAL TARIFF NO. 600	FMC NO. 600	PAGE	57
		REVISED PAGE NO.	1 st

RULE: 34.32 – PARKING FEES
 (continued)

- (6) Existing code definitions for vehicles, junk vehicles, and fines for violations apply. Fines, \$25.00 per day.
- (7) Existing code definitions for restricted parking, vehicles, junk vehicles, and fines for violations apply. Fines, \$25.00 per calendar day, provided that the fine for overtime parking in long term area will be limited to \$250.00 fine per calendar year, with \$200.00 of the fine credited towards the long term parking annual permit.



ORDINANCE REFERENCE SHEET
2011 ORDINANCE
ORDINANCE 11-43

An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 14.08.037, Water Meters; Regarding the Number of Water Meters Required Per Lot.

Sponsor: City Manager/Public Works

1. City Council Regular Meeting October 24, 2011 Introduction
 - a. Memorandum 11-143 from City Manager as backup
 - b. Ordinance 11-26
 - c. Excerpt of Fee Schedule for water/sewer fees

2. City Council Regular Meeting November 28, 2011 Introduction
 - a. Memorandum 11-143 from City Manager as backup
 - b. Ordinance 11-26
 - c. Excerpt of Fee Schedule for water/sewer fees

CITY OF HOMER
HOMER, ALASKA

City Manager/Public Works

ORDINANCE 11-43

AN ORDINANCE OF THE CITY COUNCIL OF HOMER,
ALASKA, AMENDING HOMER CITY CODE 14.08.037,
WATER METERS; REGARDING THE NUMBER OF WATER
METERS REQUIRED PER LOT.

THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code 14.08.037, Water meters, is amended to read as follows:

14.08.037 Water meters. a. All water shall be metered. The one time meter lease fee shall be the actual cost of the water meter installed plus fifteen percent as determined by the Public Works Director.

b. ~~Except for the following,~~ **Only one meter shall be issued to each lot, except that :**

1. ~~— A multi family building that contains more than one dwelling unit shall have a separate water meter for each dwelling unit. This requirement applies to all new construction on and after the effective date of this section. Units in multi family buildings subject to and in compliance with this subsection shall be billed at residential rates for both water and sewer.~~

2. ~~Existing multi family buildings:~~

a) ~~Have the option to have individual meters installed for each dwelling unit. By doing so, each unit will be subject to "Single Family Dwelling Unit" Rates as defined under the Rate Schedule, and be billed at residential rates for both water and sewer, or~~

b) ~~Continue business utilizing the single meter. These businesses will be required to pay the customer charge per unit for water and sewer as defined by the Rate Schedule and will remain on the higher rate schedule listed as "Other", or "Commercial" as listed in the rate schedule until such a time as they have individual meters installed as defined by 2.a.~~

e) ~~m~~ **Multiple meters may be issued for lots on the Spit.**

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.

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

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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.]

MEMORANDUM 11-143

TO: Mayor Hornaday and Homer City Council

FROM: Walt Wrede

DATE: October 24, 2011

SUBJECT: Water Meters

Introduction

The City Council recently adopted Ordinance 11-26 entitled "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 WATERS METERS REQUIRED PER LOT." This ordinance was adopted upon the recommendation of the city administration when the Council was setting water and sewer rates this summer. The intent was to increase the customer base, increase revenues, provide equity among residential users, and reduce rates in multifamily dwellings from commercial to residential.

While the intent behind this ordinance was good, some unintended and practical consequences were fully appreciated when we geared up to implement the ordinance. In hindsight, we could have thought this through a little better before bringing it to Council.

The Issues:

There are a number of cost related and practical implications for both the property owner and the City. Property owners of multifamily units would be required to install separate water lines to the street for each unit in the dwelling or install elaborate plumbing fixtures either in the building or at the street so that each unit could have a separate shutoff valve and water meter. Not only would this be expensive, but the maintenance costs would increase as well over time.

The City would have to install and maintain 400 plus new shut-off valves and meters. The City wants these valves to be in the street because it does not want to enter buildings to do this, for a variety of reasons. It is important that the City has the ability to shut water off. This greatly increases the workload for Public Works staff; because there will be more maintenance and more shutoffs and turn-ons due to payment delinquency, changes in renters, people leaving in the winter, etc. In addition, the added administrative burden on the Finance Department will be significant. Anytime you have 400 plus new customers, the workload increases.

What Does This Ordinance Do?

This ordinance eliminates the need for each unit in a multifamily dwelling to have a separate meter. However, it keeps the same concept. Each unit will be charged the same customer charge as any other residential building. However, this charge will be levied administratively through the fee schedule. So, instead of the City interacting with individual renters, it will continue to interact with the property owner, as it does now. The property owner is ultimately responsible. Residential rates will apply. Finance will conduct another analysis when Regina returns, but we believe this raises enough money to balance the budget, similar to the ordinance passed this summer.

RECOMMENDATION: Approve Ordinance 11-43.

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**CITY OF HOMER
HOMER, ALASKA**

Roberts/Wythe

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.

THE CITY OF HOMER ORDAINS:

Section 1. Subsection (c) of Homer City Code 14.08.035, Water connection and extension permit fee, is repealed:

Section 2. Homer City Code 14.08.037, Water meters, is enacted to read as follows:

14.08.037 Water meters. a. All water shall be metered. The one time meter lease fee shall be the actual cost of the water meter installed plus fifteen percent as determined by the Public Works Director.

b. Except for the following, only one meter shall be issued to each lot:

1. A multi-family building that contains more than one dwelling unit shall have a separate water meter for each dwelling unit. This requirement applies to all new construction on and after the effective date of this section. Units in multi-family buildings subject to and in compliance with this subsection shall be billed at residential rates for both water and sewer.
2. Existing multi-family buildings:
 - a) Have the option to have individual meters installed for each dwelling unit. By doing so, each unit will be subject to "Single Family Dwelling Unit" Rates as defined under the Rate Schedule, and be billed at residential rates for both water and sewer, or
 - b) Continue business utilizing the single meter. These businesses will be required to pay the customer charge per unit for water and sewer as defined by the Rate Schedule and will remain on the higher rate schedule listed as "Other", or "Commerical" as listed in the rate schedule until such a time as they have individual meters installed as defined by 2.a.
 - c) Multiple meters may be issued for lots on the Spit.

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

46 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 27th day of June,
47 2011.

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CITY OF HOMER

James C. Hornaday
JAMES C. HORNADAY, MAYOR

ATTEST:

Jo Johnson
JO JOHNSON, CMC, CITY CLERK

YES: 4
NO: 2
ABSTAIN: 0
ABSENT: 0

First Reading: 6/13/11
Public Hearing: 6/27/11
Second Reading: 6/27/11
Effective Date: 6/28/11

Reviewed and approved as to form:

Walt E. Wrede
Walt E. Wrede, City Manager
Date: 6/30/11

Thomas F. Klinkner
Thomas F. Klinkner, City Attorney
Date: 7-5-11

for domestic sewer system use. Sewer system use will be billed monthly.

The City will allow, upon approval by Public Works and a permit from the Public Works Department, a second water usage meter – called a seasonal sewer meter – for each customer that desires to measure the flow of City water that is not discharged to the sewer system during the summer growing season, June 15 through September 15. Rates noted above do not apply.

Seasonal Sewer Meter Fee is \$211.97.

WATER FEES:

Water Connection Fee

Single Family/Duplex \$300

Multi-Family/Commercial/Industrial \$375

Water Rate Schedule.

All water utility services shall be billed according to the following schedule. This schedule is for monthly water service and is in addition to any charges for connecting or disconnecting the service, installation of the service or any assessment of the improvements.

Customer Classification*	Monthly Customer Charge	Charge per Gallon	Usage Charge per 1,000 Gallons of Water
Single Family Residential	\$25	\$0.00442	\$ 4.42
Multi-Family Residential	\$25 (per unit)	\$0.00442	\$ 4.42
Commercial	\$25	\$0.01140	\$11.40
Bulk	\$25	\$0.01269	\$12.69

* - Customer classification definitions for determining water rates:

Single Family Residential – A unit providing housing for one household; with less than 25% of the building area used for business or commercial purposes.

Multi-Family Residential - A building or lot occupied by more than one household; contained within one building or several buildings within one complex. Examples of multi-family units include duplexes, four-plexes and up, apartments, condominiums, co-housing projects, and multiple structures on one lot (where units are normally rented or occupied for longer than one month at a time). Examples of units not considered as multi-family include hotels, motels, B & B's, seasonal rooms/cabins (where units are routinely rented or occupied for less than one month at a time).

Commercial – Any user not defined as Residential.

Meter Size Deposits.

<u>Size (inches)</u>	<u>Residential Users</u>	<u>Nonresidential Users</u>
5/8	\$75.00	\$220.00
3/4	\$80.00	\$230.00
1	\$90.00	\$250.00
1-1/2	\$115.00	\$310.00
2	\$150.00	\$370.00
3	\$220.00	\$525.00

SEWER FEES:

Sewer Connection and Extension Permit Fee

Single Family/Duplex \$255

Multi-Family/Commercial/Industrial \$330

Sewer Rate Schedule.

All sewer utility services shall be billed according to the following schedule. This schedule is for monthly sewer services and is in addition to any charges for connecting or disconnecting the service, installation of the service or any assessment of the improvements.

Customer Classification*	Monthly Customer Charge	Charge per Gallon	Usage Charge per 1,000 Gallons of Water
Single Family Residential	\$20	\$0.00997	\$ 9.97
Multi-Family Residential	\$20 (per unit)	\$0.00997	\$ 9.97
Commercial	\$20	\$0.01264	\$12.64

* - Customer classification definitions for determining sewer rates:

Single Family Residential - A unit providing housing for one household; with less than 25% of the building area used for business or commercial purposes.

Multi-Family Residential - A building or lot occupied by more than one household; contained within one building or several buildings within one complex. Examples of multi-family units include duplexes, four-plexes and up, apartments, condominiums, co-housing projects, and multiple structures on one lot (where units are normally rented or occupied for longer than one month at a time). Examples of units not considered as multi-family include hotels, motels, B & B's, seasonal rooms/cabins (where units are routinely rented or occupied for less than one month at a time).

Commercial - Any user not defined as Residential.

Sewer System Residential or Residential Equivalent Dischargers Who Are Not Water System Users:

Sewer system dischargers who are not water system users shall be charged at the rate of \$54.90. Variable rate \$34.90 based on 3,500 gallons per month plus monthly customer charge \$20. The City reserves the right to adjust this rate based on the characteristics of the service for non-residential or non-residential equivalent users. Customers who receive septic service shall be charged an additional \$6.00* per month.

Sewer System Dischargers Who Are Members of Kachemak City LID:

Kachemak City Local Improvement District (LID) members have contributed to the initial cost of the sewer treatment plant and the collection system. Kachemak City LID dischargers connected within the LID and the City of Homer shall bill Kachemak City in one lump sum at the rate of \$60.90. Variable rate \$34.90 based on 3,500 gallons per month plus monthly customer charge of \$20 plus septage cost \$6.00* per month for each residential or residential equivalent discharger. Kachemak City shall be responsible for payment to the City of Homer.

Domestic sewer service customers who use large quantities of City water in addition to their domestic use shall be allowed, with the Public Works Director's approval, to install an additional water meter on the domestic water use line for the purpose of metering and charging

4	\$310.00	\$730.00
6	\$520.00	\$1,225.00

\$750 meter deposit shall apply to metered fire hydrant connections. The deposit will be returned when the meter is returned undamaged. This deposit may be waived upon the recommendation of the Public Works Superintendent.

If a bulk water customer purchases a meter from the City for measuring the quantity of water purchased, it shall be exempt from the monthly meter service charge. It is the responsibility of the bulk water customer to maintain that meter so the City can accurately determine the amount of water being purchased. In the event the meter fails, it is the bulk water customer's responsibility, at its expense, to repair it or purchase a replacement meter from the City. The City may at any time test the meter for accuracy.

ORDINANCE(S)

ORDINANCE REFERENCE SHEET
2011 ORDINANCE
ORDINANCE 11-44

An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.14.020, Permitted Uses and Structures; 21.16.020, Permitted Uses and Structures; and 21.18.020, Permitted Uses and Structures; to Add One Detached Dwelling Unit as a Permitted Accessory Building to a Principal Single Family Dwelling in the Urban Residential, Residential Office, and Central Business Zoning Districts.

Sponsor: Planning

1. City Council Regular Meeting November 28, 2011 Introduction
 - a. Memorandum 11-154 from City Planner
 - b. Draft Ordinance 11-XX
 - c. Staff Reports 11-84, 104, 109 and associated minutes

1 CITY OF HOMER
2 HOMER, ALASKA

3 Planning

4 ORDINANCE 11-44
5

6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
7 AMENDING HOMER CITY CODE 21.14.020, PERMITTED USES AND
8 STRUCTURES; 21.16.020, PERMITTED USES AND STRUCTURES; AND
9 21.18.020, PERMITTED USES AND STRUCTURES; TO ADD ONE
10 DETACHED DWELLING UNIT AS A PERMITTED ACCESSORY
11 BUILDING TO A PRINCIPAL SINGLE FAMILY DWELLING IN THE
12 URBAN RESIDENTIAL, RESIDENTIAL OFFICE, AND CENTRAL
13 BUSINESS ZONING DISTRICTS.
14

15 WHEREAS, Homer City Code 21.14.030, 21.16.030 and 21.18.030 each requires an
16 approved conditional use permit for the placement of “more than one building containing a
17 principal use on a lot” in the Urban Residential, Residential Office and Central Business zoning
18 districts; and
19

20 WHEREAS, The Homer Advisory Planning Commission wishes to allow the placement
21 of an accessory dwelling unit on a lot in the Urban Residential, Residential Office and Central
22 Business zoning districts without the burden of obtaining a conditional use permit if no other
23 regulation requires such; and
24

25 WHEREAS, the 2008 Comprehensive Plan Chapter 4 Land Use Goal 1 states: “Guide
26 Homer’s growth with a focus on increasing the supply and diversity of housing, protect
27 community character, encourage infill, and helping minimize global impacts of public facilities
28 including limiting greenhouse gas emissions; and
29

30 WHEREAS, the 2008 Comprehensive Plan Chapter 4 Land Use Goal 5 states: “Maintain
31 high-quality residential neighborhoods; promote housing choice by supporting a variety of
32 dwelling options.
33

34 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
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36 Section 1. Homer City Code 21.14.020, Urban Residential District Permitted uses and
37 structures, is amended to include:

38 **q. One detached dwelling unit as an accessory building to a principal single family**
39 **dwelling on a lot.**
40

41 Section 2. Homer City Code 21.16.020, Residential Office District Permitted uses and
42 structures, is amended to include:

43 **r. One detached dwelling unit as an accessory building to a principal single family**
44 **dwelling on a lot.**
45

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

46 Section 3. Homer City Code 21.18.020, Central Business District Permitted uses and
47 structures, is amended to include:

48 **ii. One detached dwelling unit, excluding mobile homes, as an accessory building to**
49 **a principal single family dwelling on a lot.**

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

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54 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of
55 _____ 2011.

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57 CITY OF HOMER

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61 _____
62 JAMES C. HORNADAY, MAYOR

63 ATTEST:

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66 _____
67 JO JOHNSON, CMC, CITY CLERK

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69 YES:

70 NO:

71 ABSTAIN:

72 ABSENT:

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74 First Reading:

75 Public Hearing:

76 Second Reading:

77 Effective Date:

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79 Reviewed and approved as to form:

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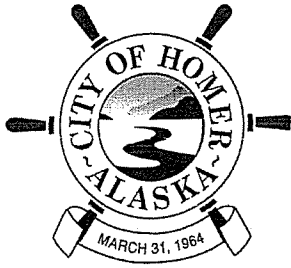
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83 _____
Walt E. Wrede, City Manager

84 _____
Thomas F. Klinkner, City Attorney

85 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 11-154

TO: Mayor Hornaday and Homer City Council
THRU: Walt Wrede, City Manager
FROM: Rick Abboud, City Planner
DATE: November 17, 2011
SUBJ: Draft Ordinance 11-44, AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING HOMER CITY CODE SECTIONS 21.14.030; 21.16.030; 21.18.030; 21.22.030; ADDRESSING PERMITTED USES AND STRUCTURES; TO ADD ONE ACCESSORY DWELLING UNIT AS A PERMITTED USE TO A PRIMARY SINGLE FAMILY RESIDENCE IN THE URBAN RESIDENTIAL, RESIDENTIAL OFFICE, AND CENTRAL BUSINESS DISTRICTS

Introduction

The Planning Commission is forwarding the Draft Ordinance 11-XX for review. The HAPC has had the ordinance on 3 regular meeting agendas and associated work sessions. The subject of allow the Planning Office issue zoning permits for more than one structure housing a permitted use on a lot has been a subject of discussion for the Planning Commission for quite some time and it has resided on a work list. The ordinance before you has been carefully considered by the Planning Commission regarding how it fulfills goals of the Comprehensive plan and how it interacts with current code requirements regarding site development.

Planning Commission recommendation:

Adopt Ordinance 11-44

Attachments

1. Draft Ordinance 11-XX
2. Staff Reports 11-84, 104, 109 and associated minutes.

1 CITY OF HOMER
2 HOMER, ALASKA

3 Planning

4 ORDINANCE 11-xx

5 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
6 AMENDING HOMER CITY CODE SECTIONS 21.14.030; 21.16.030;
7 21.18.030; 21.22.030; ADDRESSING PERMITTED USES AND
8 STRUCTURES; TO ADD ONE ACCESSORY DWELLING UNIT AS A
9 PERMITTED USE TO A PRIMARY SINGLE FAMILY RESIDENCE IN THE
10 URBAN RESIDENTIAL, RESIDENTIAL OFFICE, AND CENTRAL
11 BUSINESS DISTRICTS.

12
13 WHEREAS, Homer City Code 21.14.030, 21.16.030, 21.18.030 and 21.22030 requires
14 an approved conditional use permit for the placement of “more than one building containing a
15 principle use on a lot”; and,

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17 WHEREAS, The Homer Advisory Planning Commission wishes to allow the placement
18 of an accessory dwelling unit on a lot without the burden of gaining a conditional use permit if
19 no other regulation requires such; and

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21 WHEREAS, the 2008 Comprehensive Plan Chapter 4 Land Use Goal 1 states: “Guide
22 Homer’s growth with a focus on increasing the supply and diversity of housing, protect
23 community character, encourage infill, and helping minimize global impacts of public facilities
24 including limiting greenhouse gas emissions; and,

25
26 WHEREAS, the 2008 Comprehensive Plan Chapter 4 Land Use Goal 5 states: “Maintain
27 high-quality residential neighborhoods; promote housing choice by supporting a variety of
28 dwelling options.

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31 THE CITY OF HOMER ORDAINS:

32
33 Section 1. Homer City Code 21.14.020, Urban Residential District Permitted uses and
34 structures, is amended to include:

35 **q. One detached dwelling unit as an accessory structure to a primary single family**
36 **dwelling on a lot.**

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39 Section 2. Homer City Code 21.16.020, Residential Office District Permitted uses and
40 structures, is amended to include:

41 **r. One detached dwelling unit as an accessory structure to a primary single family**
42 **dwelling on a lot.**

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Section 3. Homer City Code 21.18.020, Central Business District Permitted uses and structures, is amended to include:

i. One detached dwelling unit, excluding mobile homes, as an accessory structure to a primary single family dwelling on a lot.

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

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85 Date: _____

Date: _____

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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 11-84

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
MEETING: August 3, 2011
SUBJECT: Draft Ordinance 11-XX, Amending Homer City Code to eliminate “more than one building containing a permitted principle use on a lot” as conditional uses.

GENERAL INFORMATION

After the analysis of several applications for “more than one building containing a permitted principle use on a lot” (more than one) as conditional uses, staff proposes that this policy be reviewed and considered for elimination. I believe that the requirement for a conditional use permit for “more than one” is an undue burden for the applicant monetarily and adds many weeks to the time it takes to permit a project. Additionally, staff’s time might be better spent on other projects and processes once this requirement for a conditional use permit is eliminated.

Criteria for lot developments are addressed in City Code. The regulations for lot and site development are addressed in each individual district under the heading “dimension requirements” and “site development requirements.” “Dimensional requirements” address things such as lot size setbacks, maximum building area and percentage of lot coverage, and maximum building area. “Site development requirements” are found in each district that specify which development standards are applicable. The need for an approved Conditional Use Permit (CUP) is specified according to the physical nature of development in addition to the list of Conditional Uses found in each district. By definition the “more than one building containing a permitted principle use on a lot” is a regulation of physical standard, rather than that of a particular use (as a “permitted principle use” is already permissible without a CUP). Therefore, I find that the CUP for “more than one” is already regulated to the maximum extent by the guidance of City Code which is applied through the Planning Office with a Zoning Permit. Additionally regulating two structures that could be joined into one without the CUP requirement is inconsistent. Should we have additional procedure for someone who proposes an acceptable size impact according to code just because it consists of separated structures instead of one?

In simpler terms, all the applicable spatial requirements are spelled out in code. The requirement that the applicant go to the Planning Commission for a CUP just takes up time and money to achieve the same result as could be achieved at the Planning Office, as the Planning Commission is required to apply the same criteria as the City Planner.

[Type text]

STAFF COMMENTS/RECOMMENDATIONS:

Planning Commission discuss the draft ordinance and forward to public hearing.

ATTACHMENTS

1. Draft ordinance



City of Homer

Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

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Web Site www.ci.homer.ak.us

STAFF REPORT PL 11-104

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
MEETING: October 5, 2011
SUBJECT: Draft Ordinance 11-XX, Amending Homer City Code to add one accessory dwelling unit as a permitted use.

GENERAL INFORMATION

At the meeting of August 3rd, 2011, staff introduced an ordinance to remove ‘more than one building containing a permitted principle use’ as a conditional use in most districts. The goal was to reduce the number of conditional use permits that are requested for this use/structures, because there are other parts of code the generally deal with the impacts. After discussion with the Planning Commission, it was decided to narrow the focus of the amendment to second dwelling units, on residential lots. These CUPs take time and money to achieve the same result as could be achieved at the Planning Office, as the Planning Commission is required to apply the same criteria as the City Planner. The requirement for a CUP also discourages people from applying; a home owner who wants to move a cabin onto their lot faces city fees and a one to two month timeframe before they receive an answer on their proposal. The CUP process is a disincentive for accessory housing units.

The ordinance proposes to allow one detached dwelling unit, accessory to a primary dwelling unit. All other “more than one” situations will still require a conditional use permit. Staff has used the word “accessory” to describe the second dwelling for a specific reason. In this code context, ‘accessory’ implies with new dwelling will be smaller than the main house.

What does this change code accomplish?

Under current code, a second detached home requires a conditional use permit. If a property owner wants to build a detached dwelling unit, like a cabin, cottage, or garage apartment if the garage is not attached to the house, then a CUP is required. This ordinance would eliminate the need for a CUP. The code would no longer treat a duplex differently than a main home with a small detached residence.

What is not changing?

If someone wants to build multiple cabins, a CUP will still be required. This zoning change only allows for one additional dwelling unit.

What districts are included?

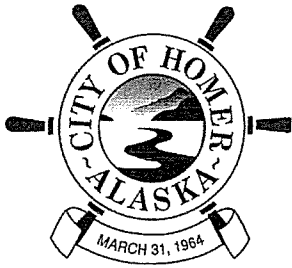
Urban Residential, Residential Office, Central Business District, and Gateway Business District. These zones generally have city water and sewer.

STAFF COMMENTS/RECOMMENDATIONS:

Planning Commission discuss the draft ordinance and forward to public hearing. Staff will send the ordinance to the attorney prior to public hearing.

ATTACHMENTS

1. Draft ordinance



City of Homer

Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

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Web Site www.ci.homer.ak.us

STAFF REPORT PL 11-109

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
MEETING: October 19, 2011
SUBJECT: Draft Ordinance 11-XX, Amending Homer City Code to add one accessory dwelling unit as a permitted use.

GENERAL INFORMATION

This ordinance proposes to allow one detached dwelling unit, accessory to a primary dwelling unit, as a permitted use. The districts affected are Urban Residential, Residential Office, and the Central Business District. At the last meeting, the Commission removed the Gateway Business District from the ordinance.

Under current code, a second detached home requires a conditional use permit. If a property owner wants to build a detached dwelling unit, like a cabin, cottage, or garage apartment if the garage is not attached to the house, then a CUP is required. This ordinance would eliminate the need for a CUP.

Planning Staff review per 21.95.040

21.95.040 Planning Department review of code amendment. The Planning Department shall evaluate each amendment to this title that is initiated in accordance with HCC 21.95.010 and qualified under HCC 21.95.030, and may recommend approval of the amendment only if it finds that the amendment:

- a. Is consistent with the comprehensive plan and will further specific goals and objectives of the plan.
Staff response: 2008 Comprehensive Plan Chapter 4 Land Use Goal 1 and goal 5 are supported by this amendment. This amendment encourages infill, increasing the supply and diversity of housing while supporting a variety of dwelling options.
- b. Will be reasonable to implement and enforce.
This amendment will reduce the number of conditional use permits reviewed by the Planning Commission, reduce staff time spent on simple applications, and can reasonably be handled administratively without Commission review.
- c. Will promote the present and future public health, safety and welfare.
This amendment promotes health, safety and welfare by encouraging small dwelling units in zones where public water and wastewater are available.

d. Is consistent with the intent and wording of the other provisions of this title.

This amendment is consistent with the intent, wording and purpose of HCC Title 21.

STAFF COMMENTS/RECOMMENDATIONS:

Planning staff has reviewed the ordinance per 21.95.040 and recommends the Planning Commission conduct public hearing, and recommend approval to the City Council.

ATTACHMENTS

1. Draft ordinance

PLAT CONSIDERATION

PENDING BUSINESS

A. Staff Report PL 11-82, Sign Code Amendments

The Commission continued their discussion from the worksession. They addressed electoral signs, temporary signs, and off premise signs.

B. Staff Report PL 11-76, Draft Resolution Amending the Homer Advisory Planning Commission Bylaws to Change the Regular Meeting Time

MINSCH/HIGHLAND MOVED TO APPROVE THE DRAFT RESOLUTION OUTLINED IN STAFF REPORT PL 11-76 AND FORWARD TO CITY COUNCIL FOR ADOPTION.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

C. Staff Report PL 11-77, East End Mixed Use

Chair Minsch explained that the Commission gave staff feedback during the worksession.

NEW BUSINESS

A. Staff Report PL 11-84, More than One Permitted Principal Use on a Lot

City Planner Abboud reviewed the staff report.

HIGHLAND/VENUTI MOVED TO DISCUSS AND MAKE RECOMMENDATIONS.

No objection was expressed and discussion ensued.

The Commission discussed challenges and concerns regarding density and how it relates to the different districts and the Comprehensive Plan. They began reviewing districts to try to establish if there is enough direction for staff to make a determination rather than bringing it to the Commission with a CUP. The following points were raised:

- Concern was expressed regarding water and septic requirements in rural residential district.
- Staff could permit one additional use, and two or more would come to the Commission.
- Would this include permitting a second 4-plex or rooming house.

Chair Minsch recommended reviewing the Comprehensive Plan. City Planner Abboud appreciated the feed back and will bring a revised recommendation at a future meeting.

INFORMATIONAL MATERIALS

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
OCTOBER 5, 2011

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

HIGHLAND/BOS MOVED THAT ON TABLE 1, ADD SUSPENDED BACK ONTO THE TABLE AND ADD THE DEFINITION OF SUSPENDED.

It was noted that it will clarify it if someone wants to a suspension from the soffits.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

MINSCH/HIGHLAND MOVED TO APPROVE THE DRAFT SIGN ORDINANCE AS AMENDED AND MOVE IT FORWARD TO PUBLIC HEARING.

There was brief discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

NEW BUSINESS

- A. Staff Report PL 11-104, Draft Ordinance Allowing Accessory Dwelling Units as Permitted Uses

City Planner Abboud reviewed the staff report.

ERICKSON/HIGHLAND MOVED TO DISCUSS AND MAKE RECOMMENDATIONS.

There was no objection expressed and discussion ensued.

It was noted that while this is a good idea, the accessory units should be required to have electric, water, and sewer. City Planner Abboud noted the definition of dwelling specifies that it includes facilities for sleeping, cooking, and sanitation.

There was discussion of limiting this to residential districts. It was noted that central business includes everything, it is a density center, and has water and sewer. The gateway business district promotes mixed use development but an emphasis on the visitor oriented business, and conflicts between residential and business are resolved in favor of business. The goals of the district are minimization of future traffic construction along the Sterling Highway corridor, and preservation of the view experience.

MINSCH/SONNEBORN MOVED TO DELETE THE GATEWAY BUSINESS DISTRICT FROM THIS PROPOSAL.

Comment was made that the Comprehensive Plan wants density, development, infill, and wants to follow the water and sewer, so it is easy to support the residential districts and CBD. If there isn't water and sewer in urban and rural residential, then typically it is a bigger lot.

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
OCTOBER 19, 2011

- B. Staff Report PL 11-109, Draft Ordinance allowing accessory dwelling units as a permitted use

City Planner Abboud reviewed the staff report.

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

VENUTI/BOS MOVED TO DISCUSS AND MAKE RECOMMENDATIONS REGARDING THE DRAFT ORDINANCE ALLOWING DWELLING UNITS AS A PERMITTED USE.

There was no objection expressed and discussion ensued.

Commissioners commented in favor of the ordinance and the way it would streamline the process.

Question was raised about how the allowance will relate to lot coverage and building size. City Planner Abboud explained the way it is now the accessory structure is one that is not as prominent as the primary structure on the lot. If the property owner wants a bigger one, they will have to come in and ask. It is also dependant the services given to the lot as one without water and sewer will have a larger lot size requirement per dwelling. If he doesn't feel it will qualify for an accessory structure or the applicant feels it should be permitted they will come to the Commission through a CUP process.

There was brief discussion about water and sewer meters, rates, and that those are issues for Council.

There was also discussion about in-fill and what could be considered in-fill.

There was no more discussion and no objection to sending this draft ordinance to City Council for public hearing.

PLAT CONSIDERATION

No plats were scheduled for consideration.

PENDING BUSINESS

- A. Staff Report PL 11-110, Policies and Procedures

BOS/DOLMA MOVED TO DISCUSS STAFF REPORT PL 11-110.

There was brief discussion regarding the recommendation of the staff report.

BOS/SONNEBORN MOVED TO POSTPONE TO THE WORKSESSION AND REGULAR MEETING ON NOVEMBER 16.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

ORDINANCE REFERENCE SHEET
2011 ORDINANCE
ORDINANCE 11-45

An Ordinance of the City Council of Homer, Alaska, Amending the FY 2011 Operating Budget by Accepting and Appropriating a Grant from the Homer Foundation in the Amount of \$4,904.00 for the Purpose of Making Energy Efficiency Improvements at the Port and Harbor Office Building.

Sponsor: City Manager

1. City Council Regular Meeting November 28, 2011 Introduction
 - a. Letter of Agreement with The Homer Foundation
 - b. Grant Application and Guidelines
 - c. Estimate from Lakeshore Glass

1 CITY OF HOMER
2 HOMER, ALASKA

City Manager

3
4 ORDINANCE 11-45
5

6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER,
7 ALASKA, AMENDING THE FY 2011 OPERATING BUDGET
8 BY ACCEPTING AND APPROPRIATING A GRANT FROM
9 THE HOMER FOUNDATION IN THE AMOUNT OF \$4,904.00
10 FOR THE PURPOSE OF MAKING ENERGY EFFICIENCY
11 IMPROVEMENTS AT THE PORT AND HARBOR OFFICE
12 BUILDING.
13

14 WHEREAS, Jack and Mary Lentfer made a very generous donation to The Homer
15 Foundation which was intended to be used to support implementation of the City's adopted
16 Climate Action Plan; and
17

18 WHEREAS, The City has submitted an application to The Homer Foundation to use the
19 funds for energy efficiency upgrades at the Port and Harbor office.
20

21 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
22

23 Section 1. The City Council hereby accepts and appropriates a grant in the amount of
24 \$4,904.00 from The Homer Foundation for energy efficiency upgrades at the Port and Harbor
25 office and amends the FY 2011 Operating Budget as follows:
26

27 Revenue:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
415-927	Grant/ Energy Efficiency / P&H Office	\$4,904.00

30 Expenditure:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
415-927	Energy Efficiency / P&H Office	\$4,904.00

31
32
33
34
35 Section 2. The City Manager is authorized to execute the appropriate documents.
36

37 Section 3. This ordinance is a budget amendment ordinance only, is not permanent in
38 nature, and shall not be codified.
39
40

41
42 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of
43 _____ 2011.

44
45 CITY OF HOMER

46
47
48
49 _____
JAMES C. HORNADAY, MAYOR

50 ATTEST:

51
52
53 _____
54 JO JOHNSON, CMC, CITY CLERK

55
56
57 YES:

58 NO:

59 ABSTAIN:

60 ABSENT:

61
62 First Reading:

63 Public Hearing:

64 Second Reading:

65 Effective Date:

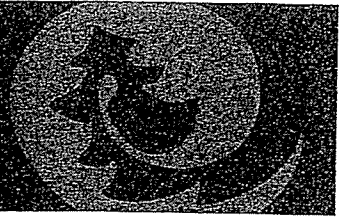
66
67 Reviewed and approved as to form:

68
69
70 _____
71 Walt E. Wrede, City Manager

70 _____
71 Thomas F. Klinkner, City Attorney

72
73 Date: _____

72
73 Date: _____



November 8, 2011

Walt Wrede, Manager
City of Homer
491 E. Pioneer Ave.
Homer, AK 99603

Dear Walt,

I am pleased to inform you that the Homer Foundation has approved the City of Homer's request in the amount of \$4,904.00 to support further implementation of your Climate Action Plan by making energy efficient upgrades to the Port and Harbor Office. Please sign the enclosed Letter of Agreement and return to the Homer Foundation. A fully executed copy will be forwarded with your award check.

Sincerely,

Joy Steward, Ex. Director
The Homer Foundation
Homer, AK 99603

Homer Foundation
P.O. Box 2600
Homer, AK 99603
235-0541 voice - info@homerfund.org email

LETTER OF AGREEMENT

DISTRIBUTION #12-20 DATE: 11/8/11
FUNDING RECIPIENT NAME: City of Homer
CONTACT PERSON: Walt Wrede, Manager
ADDRESS: 491 E. Pioneer Ave, Homer, AK 99603
PROJECT: Climate Action Plan Implementation- Port and Harbor Office Upgrades
FUNDING SOURCE: Lentfer Pass-Through AMOUNT: \$4,904.00 CODE: 5015/4535

The Homer Foundation is pleased to award funding to the City of Homer in the amount of \$4,904.00 to support Energy Efficient Upgrades to the Port and Harbor Office as part of the City's Climate Action Plan. The City of Homer agrees to expend the funds for the intended purpose and:

1. *Write a letter to the editors of the local media describing your project and recognizing support from Jack and Mary Lentfer through the Homer Foundation.*
2. *Write a letter describing your project and recognizing support from the Lentfers. Send this letter to the Homer Foundation and we will forward it to the donor.*
3. *Upon completion of your project submit the attached Evaluation Cover Sheet and a brief summary stating how the funds were use. Include copies of the letters to the media, letter to the donors, and 1-2 photos if available. (Digital photos are preferred and may be submitted via email to info@homerfund.org.)*

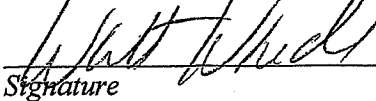
Final compliance of all requirements must occur within sixty (60) days following the completion of your project.

Please sign and return this letter of agreement. A signed copy will be forwarded with your check.

City of Homer by:

WALT WREDE / CITY MANAGER

Print Name, Title



Signature

11/14/11

Date

The Homer Foundation by:

Joy Steward, Director

Date

Connecting generosity to community need.

THE HOMER FOUNDATION
EVALUATION COVER SHEET

GRANT NUMBER: _____

DATE: _____

APPLICANT: _____

ADDRESS: _____

CONTACT PERSON: _____

PHONE #: _____ EMAIL: _____

PROJECT TITLE: _____

PROJECT START/END DATES: _____

AMOUNT AWARDED: \$ _____

DIRECTIONS:

Complete this grant evaluation cover sheet and attach the following:

1. Summary of project; include how funds were expended, how the project benefitted the community;
2. Copies of letters to the editors of local media;
3. Letter to donor if required;
4. Any publicity recognizing the Homer Foundation and/or donors or their funds;
5. Photos of the project that would be suitable for inclusion in the HF annual report. List individuals shown and/or photographer if applicable
6. Please share if there was a "learning moment" for your project. Was there something that worked better than anticipated? Why? Or was there something that you would change to improve the project should it be replicated? What would you do differently?

Grant # _____
Date Rec'd _____

Exempt Status confirmed by staff _____

**FY12 Grants Cycle
(July 1, 2011 – June 30, 2012)
THE HOMER FOUNDATION
GRANT APPLICATION**

APPLICANT: City of Homer DATE: October 26, 2011

Please Check: 501(c)(3) Non-Profit Org EIN#: 920030963
 Must attach a copy of your IRS Letter of Determination
 Society/Group* Individual*

*Expenditure responsibility provided for funds awarded to non-exempt entities.

APPLICANT ADDRESS: 491 E. Pioneer Ave., Homer, AK 99603

CONTACT PERSON: Walt Wrede TITLE: City Manager PHONE #: 907- 435-3102

EMAIL: wwrede@cityofhomer-ak.gov WEBSITE: cityofhomer-ak.gov

PROJECT TITLE: Energy Efficient Doors and Windows at Port and Harbor Office

PROJECT START/END DATES: November 1 – 30, 2011

TOTAL PROJECT COST: \$4,904 AMOUNT REQUESTED: \$4,904

1. Provide a brief description of your organization, society, group, entity, summarizing your mission, goals and objectives. For an individual, describe your involvement in the community and your experience/expertise as it relates to this project. (Use only space provided.)

The City of Homer is requesting \$4,904 in funds from the \$5,000 currently held by the Homer Foundation on behalf of Jack and Mary Lentfer, who pledged the funds in support of the City's efforts to implement its Climate Action Plan (CAP), adopted by the City Council in December 2007. The purpose of the Climate Action Plan was to assess greenhouse gas emissions in Homer, including from City facilities, and to outline strategies to reduce those emissions as well as to help the community adapt to unavoidable climate change.

FY11 Grants Cycle
THE HOMER FOUNDATION
GRANT APPLICATION/Page 2

2. Describe the project for which you are requesting funding. Include a project timeline and an explanation of how the project will benefit the community. (Use only space provided.)

One of the strategies for reducing the City's greenhouse gas emissions outlined in the CAP is to "conduct energy audits for all City buildings and implement recommendations for weatherization and other measures to reduce energy use." The follow-up "Climate Action Plan Implementation Project Final Report," completed in December 2009, notes that electricity and fuel oil consumption could be reduced in the Port and Harbor Building (also known as the Harbormaster's Office) by replacing old doors and windows with more energy efficient models.

The Port and Harbor Office was constructed in 1983 from two older buildings and is known as one of the City's most energy-inefficient buildings. Located as it is at the end of the Spit, which is subject to colder and windier conditions than many other places in town, the building leaks warm air and therefore uses more energy for heating purposes than it should. Although the City is hoping to build a new Harbormaster's Office, this is not likely to happen very soon and the old building would most likely be re-purposed in any case. Therefore, efforts to reduce greenhouse gas emissions at the Harbormaster's Office now will have long-term benefits. They will also set a good example for other building managers.

3. Budget Sheet: Use the attached Budget Detail and Narrative Sheet.

HAVE YOU RECEIVED A HOMER FOUNDATION GRANT BEFORE? YES NO

IF YES, MOST CURRENT AWARD: PROJECT DATES: _____
GRANT # _____ AMOUNT: _____
PROJECT TITLE: _____

COMPLIANCE WITH LETTER OF AGREEMENT? YES
 NO. If no, attach a current status of your project.

I certify that the information contained in this application, including all attachments and supporting material, is true and correct. (Signatory must be an authorized fiduciary for the organization, or the building principal for a school.)

SIGNATURE  TITLE: City Manager
PRINTED NAME: Walt Wrede DATE: NOV. 7 2011

The Homer Foundation
FY11 GRANTS PROGRAM - PROJECT BUDGET DETAIL SHEET

ORGANIZATION NAME: Homer Playground Project

PROJECT TITLE: Homer Playground Project - Design & Community Outreach Phase

PROJECT BUDGET: Please provide complete budget detail for this project (fill in only the blanks that pertain to this project). In the space provided for budget narrative, or on a separate sheet, be sure to explain how Homer Foundation funds would be used, or prioritize your funding needs. Indicate which revenue sources have been realized and which are pending. Explain any discrepancies.

PROJECT REVENUES:

	<u>Cash</u>	<u>In-Kind</u>	<u>Total</u>
<u>Earned Income (list detail):</u>			
Fundraisers _____ _____	_____	_____	_____
Fees for Services _____ _____	_____	_____	_____
Sales of Goods/Merchandise _____ _____	_____	_____	_____
Memberships _____	_____	_____	_____
Other (Specify) _____ _____	_____	_____	_____
<u>Private Gifts, Grants & Contributions (list detail):</u>			
Individual Contributions (do not list names)	_____	_____	_____
Corporations (list names and amounts) _____ _____	_____	_____	_____
Homer Foundation Request Amount	<u>\$4,904</u>	_____	<u>\$4,904</u>
Other Foundations (list names and amounts) _____ _____	_____	_____	_____
Other (Specify) _____ _____	_____	_____	_____
<u>Government (list detail):</u>			
Federal _____	_____	_____	_____
State _____	_____	_____	_____
City of Homer _____	_____	_____	_____
Other (Specify) _____ _____	_____	_____	_____
<u>Other Income (list detail):</u>			
_____	_____	_____	_____
TOTAL PROJECT REVENUES	<u>\$4,904</u>	_____	<u>\$4,904</u>

PROJECT EXPENSES:

	<u>Cash</u>	<u>In-Kind</u>	<u>Total</u>
Salaries/fees: Labor to install doors and windows	\$1,875	_____	\$1,875
Travel	_____	_____	_____
Facilities			
Supplies (be specific)			
two 4x5 ft. picture windows @ \$256 each	\$512	_____	\$512
one 4x4 ft. slider window	\$278		\$278
one 2ft-8in x 4 ft casement window	\$345		\$345
one 3ft-6in x 30in picture window	\$165		\$165
one 21 7/8 in x 45 1/8 in thermal window	\$79		\$79
two 3ft x 82.5 in doors, 4 9/16 half-lites @ \$825 ea.	\$1,650		\$1,650
Other (be specific)			_____
TOTAL PROJECT EXPENSES	<u>\$4,904</u>	_____	<u>\$4,904</u>
PROFIT/LOSS	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>

BUDGET NARRATIVE:**Expenses**

The expenses for materials and labor reflect a quote from Lakeshore Glass prepared in October 2011. (See attached.)

THE HOMER FOUNDATION
GRANT GUIDELINES
FY11 Grants Cycle
(July 1, 2010 – June 30, 2011)

The Homer Foundation is a publicly supported tax-exempt organization founded in 1991 to enhance and foster charitable and philanthropic giving in the greater Homer Area. This is accomplished by:

- Attracting gifts and bequests from many donors;
- Creating permanent endowments dedicated to improving the quality of life for Homer area citizens forever;
- Managing its funds through cooperative investment and prudent management of its gifts and bequests;

The Homer Foundation seeks to distribute funds in a manner consistent with its Mission Statement and as requested by specific donor interests. The general policy of the Foundation is to fund innovative, creative projects that have a high likelihood of success and will have a long-term, positive impact on the communities we serve.

Our Service Area: southern Kenai Peninsula, from Ninilchik south including the communities across Kachemak Bay.

Our Project Area: preference will be given to projects or programs that take place **within** our service area. However, consideration will be given to projects occurring **outside** our service area if the applicant can establish that direct benefits will accrue to our communities as a result of the project/program.

Who is Eligible to Receive Funds?

Non-Profit Organizations: recognized by the IRS under section 501(c)(3), and other qualified not-for-profit entities.

Societies and Groups: not recognized by the IRS under section 501(c)(3), but are functioning to enhance the quality of life in the same region as cited above, are eligible for consideration for projects that benefit the communities we serve. (The Homer Foundation will provide expenditure responsibility for any grant funds awarded to non-exempt organizations.)

Individuals: must be a resident of the region as described above. Requests will be considered on the merit of the project and how it will benefit the community. (The Homer Foundation will provide expenditure responsibility for any grant funds awarded.)

Award Process: Awards are made year-round, depending on availability of funds. The Distributions Committee has the authority to approve awards up to \$4000, and responses to applicants at this level can be expected within two weeks. These requests may be 1) approved, 2) declined, or 3) funded at a level other than amount requested. The Distributions Committee will also consider requests in excess of \$4000. If the Committee supports the application they will forward it to the Board of Trustees, and the full Board will be asked to vote on the decision. Again, grants may be approved, declined or funded at a level other than requested. This process may take as long as three months. The same application form is used, but you may be asked to supply a copy of the organization's current year operating budget, or other support materials.

Applications: All applications must be complete, properly signed, and submitted on the current Foundation application form. Fax and digital application will be accepted if legible and signed by a

fiduciary. Each application must include a project budget. Larger requests (in excess of \$4,000) will also require the organization's current operating budget. Forms are available from the Homer Foundation located in the lower level of the Kachemak Bay Title building, 3733 Ben Walters Lane, Suite 4, or requested via mail at P.O. Box 2600, Homer, Alaska 99603; phone, 235-0541; Fax, 235-2021; email, info@homerfund.org; or downloaded from our web site at www.homerfund.org. Fax and digital applications will be accepted if legible and include signature of a fiduciary.

Prior Grants Awarded: In FY10 the Homer Foundation awarded over \$80,000 from all sources. A list of past grantees may be found in our annual report, which may be requested from the Foundation and is also posted on the HF website: www.homerfund.org.

Letter of Agreement: Once an award is made, applicants are notified by mail. A Letter of Agreement must be signed for compliance and returned to the Homer Foundation before an award check will be issued. The Letter of Agreement must be signed by a fiduciary of the organization, or if a school, the building principal.

Project Report and Final Evaluation: Within 60 days of project completion, grantees are required to submit the Final Evaluation Cover Sheet and a final summary to include: how the funds were expended; how the project benefited the community; copies of publicity; and photographs, if available.

Other Homer Foundation Grant Programs:

Scholarships: The Homer Foundation manages a variety of scholarship funds. These scholarship programs each have a separate application process. Contact the Homer Foundation for more information.

City of Homer Grants Program: The Homer Foundation administers the City of Homer Grants Program. This is an annual grants program supporting grass-roots nonprofit organizations that have a facility and that provide services within the City of Homer. The grant requires a separate application form, and is dependent upon an annual City appropriation.

YAC Grants: The Homer Foundation's Youth Advisory Committee administers an annual grants program for projects affecting youth issues. This grant program is administered by the Youth Advisory Committee and requires a separate application process.

Contact the Homer Foundation for more information.

CONTACT: Joy Steward, Director
The Homer Foundation
P.O. Box 2600
Homer, AK 99603
235-0541 voice, 235-2021 fax
jsteward@homerfund.org
www.homerfund.org

Located downstairs in the Kachemak Bay Title Building
3733 Ben Walters Lane, Suite 4, Homer, AK

Estimate for City of Homer
Harbor office

Breakroom

2-4'x5' Picture \$256 each

office Desk

1-4'x4' Slider \$278

Rachel's office

1-2'x4' Casement \$345

1st office
1-3'x30' Picture \$165

1-21⁷/₈ x45¹/₈ thermal \$79

Doors

2-3'x82¹/₂ wall 4⁹/₁₆ 1/2 lites

\$825 each

Windows

\$1379.00

Labar \$1575

Total: \$4904.00

907-235-8505

Fax 907-235-8065

1371 Lakeshore Drive

Homer, Alaska 99603

ORDINANCE REFERENCE SHEET
2011 ORDINANCE
ORDINANCE 11-46

An Ordinance of the City Council of Homer, Alaska, Amending the FY 2011 Operating Budget to Accept and Appropriate \$322,100 in the General Fund, the Utility Fund and the Port and Harbor Fund Operating Budgets for the Purpose of Recognizing and Accounting for State of Alaska PERS Relief Provided in 2011.

Sponsor: City Manager/Finance

1. City Council Regular Meeting November 28, 2011 Introduction

CITY OF HOMER
HOMER, ALASKA

City Manager/ Finance

ORDINANCE 11-46

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING THE FY 2011 OPERATING BUDGET TO ACCEPT AND APPROPRIATE \$322,100 IN THE GENERAL FUND, THE UTILITY FUND AND THE PORT AND HARBOR FUND OPERATING BUDGETS FOR THE PURPOSE OF RECOGNIZING AND ACCOUNTING FOR STATE OF ALASKA PERS RELIEF PROVIDED IN 2011.

WHEREAS, The adopted FY 2011 Operating Budget did not recognize or account for PERS Relief provided by the State of Alaska in the amount of \$322,100; and

WHEREAS, The City Auditor has informed the Finance Department that PERS relief must be recognized in the adopted City budget.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The following revenue line items in the FY 2011 Operating Budget are hereby amended as follows:

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
100-030-4527	General Fund PERS RELIEF REVENUE	\$222,100
200-400-4527	Water Utility PERS RELIEF REVENUE	\$ 25,000
200-500-4527	Sewer Utility PERS RELIEF REVENUE	\$ 25,000
400-600-4527	Port & Harbor PERS RELIEF REVENUE	\$ 50,000
	Total	\$322,100

Section 2. The following expenditure line items in the FY 2011 Operating Budget are hereby amended as follows:

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
100-101-5102	City Clerks PERS RELIEF EXPENDITURE	\$ 9,500
100-110-5102	City Manager PERS RELIEF EXPENDITURE	\$ 9,300
100-111-5102	Personnel PERS RELIEF EXPENDITURE	\$ 4,600
100-113-5102	Info. System PERS RELIEF EXPENDITURE	\$ 9,200
100-120-5102	Finance PERS RELIEF EXPENDITURE	\$ 22,500
100-130-5102	Planning PERS RELIEF EXPENDITURE	\$ 12,500
100-145-5102	Library PERS RELIEF EXPENDITURE	\$ 15,000
100-149-5102	Airport PERS RELIEF EXPENDITURE	\$ 2,000
100-150-5102	Fire PERS RELIEF EXPENDITURE	\$ 22,500

47	100-160-5102	Police PERS RELIEF EXPENDITURE	\$ 68,000
48	100-170-5102	Public Works PERS RELIEF EXPENDITURE	\$ 47,000
49			
50	200-400-5102	Water Utility PERS RELIEF EXPENDITURE	\$ 25,000
51	200-500-5102	Sewer Utility PERS RELIEF EXPENDITURE	\$ 25,000
52	400-600-5102	Port & Harbor PERS RELIEF EXPENDITURE	\$ 50,000
53		Total	\$322,100
54			

55 Section 3. This ordinance is a budget amendment only, is not of a permanent nature and
56 shall not be codified.

57
58 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of
59 _____ 2011.

60
61 CITY OF HOMER

62
63
64
65 _____
66 JAMES C. HORNADAY, MAYOR

67 ATTEST:

68
69
70 _____
71 JO JOHNSON, CMC, CITY CLERK

- 72
- 73 YES:
- 74 NO:
- 75 ABSTAIN:
- 76 ABSENT:
- 77
- 78 First Reading:
- 79 Public Hearing:
- 80 Second Reading:
- 81 Effective Date:

82
83 Reviewed and approved as to form:

84
85
86
87 _____
88 Walt E. Wrede, City Manager

89 _____
90 Thomas F. Klinkner, City Attorney

91 Date: _____

92 Date: _____

ORDINANCE REFERENCE SHEET
2011 ORDINANCE
ORDINANCE 11-47

An Ordinance of the Homer City Council Amending the FY 2011 Capital Budget by Transferring \$415,873 from the City Hall / Town Center Project Construction Account to the New City Hall Expansion and Renovation Project Construction Account.

Sponsor: City Manager/Finance

1. City Council Regular Meeting November 28, 2011 Introduction
 - a. Ordinance 07-29
 - b. Ordinance 11-04
 - c. Ordinance 11-19(S)
 - d. Memorandum 11-066

1 CITY OF HOMER
2 HOMER, ALASKA

3 City Manager/Finance

4 ORDINANCE 11-47
5

6 AN ORDINANCE OF THE HOMER CITY COUNCIL
7 AMENDING THE FY 2011 CAPITAL BUDGET BY
8 TRANSFERRING \$415,873 FROM THE CITY HALL / TOWN
9 CENTER PROJECT CONSTRUCTION ACCOUNT TO THE
10 NEW CITY HALL EXPANSION AND RENOVATION
11 PROJECT CONSTRUCTION ACCOUNT.
12

13 WHEREAS, Ordinance 07-29 authorized the transfer of \$415,873 from the City Hall
14 Depreciation Reserves (Acct: 156-384) to the City Hall / Town Center project construction
15 account (Account 170-173); and
16

17 WHEREAS, The proposed financing package for the City Hall / Town Center project
18 was rejected by the voters and the funds remaining in a Legislative Grant for this project were
19 subsequently re-appropriated by the Legislature to be used for the City Hall Expansion and
20 Renovation Project (Acct: 151-775); and
21

22 WHEREAS, The Council accepted and appropriated the re-appropriated Legislative
23 Grant (Ordinance 11-04) however, it did not formally transfer the \$415,873 from the City Hall /
24 Town Center Project account (170-173) to the City Hall Expansion and Renovation Project
25 account (151-775); and
26

27 WHEREAS, It is important from an accounting perspective that this transfer take place
28 before the end of the year and before the FY 2011 audit takes place; and
29

30 WHEREAS, The Council intended that this money be transferred and used for the new
31 project as evidenced by the adoption of Ordinance 11-19(S) and supporting Memorandum 11-
32 066 which established a preliminary project budget and showed the transfer of these funds to the
33 project account.
34

35 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

36
37 Section 1. The Homer City Council hereby amends the FY 2011 Capital Budget by
38 transferring \$415,873 from the City Hall / Town Center Project account to the City Hall
39 Expansion and Renovation account as follows:
40

<u>Account</u>	<u>Description</u>	<u>Amount</u>
170-173	City Hall / Town Center Project	\$415,873
Transfer to:		
151-775	City Hall Renovation and Expansion Project	\$415,873

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

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: _____

CITY OF HOMER
HOMER, ALASKA

Finance/City Manager

ORDINANCE 07-29

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA AMENDING THE FY 2007 BUDGET BY AUTHORIZING THE TRANSFER OF \$415,273.80 FROM CITY HALL DEPRECIATION RESERVES TO FUND 170, NEW CITY HALL, FOR THE CONSTRUCTION OF A NEW CITY HALL BUILDING.

WHEREAS, Constructing a new City Hall building has been a priority over the past few years; and

WHEREAS, The Finance Department has decided to create a new fund, Fund 170, to hold all costs and revenues associated with the cost of building a new City Hall; and

WHEREAS, The Finance Department recommends transferring the available balance of the City Hall Depreciation Reserves account to the New City Hall Building account, with the goal of using these monies to cover expenses that are not grant eligible.

NOW, THEREFORE THE CITY OF HOMER ORDAINS:

Section 1. That the City Council hereby amends the FY 2007 Budget by authorizing the transfer of funds from City Hall Depreciation Reserves to New City Hall Building, in the amount of \$415,273.80 for the construction of a new City Hall building:

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
Revenue		
156-384-5990	City Hall Depreciation Reserves	\$415,273.80
Expenditure		
170 733 4992	New City Hall Building	\$415,273.80

Section 2. This ordinance is a budget amendment only, is not of a permanent nature and is a non code ordinance.

PASSED AND ENACTED by the Homer City Council this 10 day of September, 2007.

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CITY OF HOMER



James C. Hornaday

JAMES C. HORNADAY, MAYOR

J. Johnson

JO JOHNSON, CMC, CITY CLERK

Introduction: *8/27/07*
Public Hearing: *9/10/07*
Second Reading: *9/10/07*
Effective Date: *9/11/07*

Ayes: *6*
Noes: *0*
Abstain: *0*
Absent: *0*

Reviewed and approved as to form and content:

Walt E. Wrede

Walt E. Wrede, City Manager

Gordon Tans

Gordon Tans, City Attorney

Date: *9/12/07*

Date: *17 Sept 2007*

Fiscal Note: Fiscal information included in body of Ordinance.

CITY OF HOMER
HOMER, ALASKA

City Manager

ORDINANCE 11-04

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

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

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

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

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

Revenue:

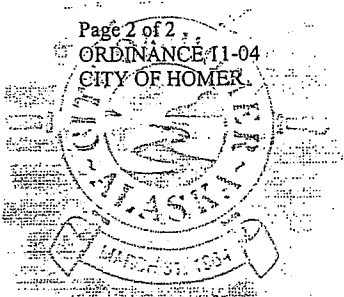
<u>Account</u>	<u>Description</u>	<u>Amount</u>
151-775	Legislative Grant/City Hall Renovation and Expansion	\$1,457,758.20

Expenditure:

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

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

ENACTED BY THE HOMER CITY COUNCIL this 28 day of Feb., 2011.



CITY OF HOMER

James C. Hornaday
JAMES C. HORNADAY, MAYOR

ATTEST:

[Signature]
JO JOHNSON, CMC, CITY CLERK

YES: 5
NO: 0
ABSENT: 1
ABSTAIN: 0

First Reading: 2/15/11
Public Hearing: 2/28/11
Second Reading: 2/28/11
Effective Date: 3/01/11

Reviewed and approved as to form:

[Signature]
Walt Wrede, City Manager

Date: 3/2/11

[Signature]
Thomas F. Klinkner, City Attorney

Date: 3-16-11

1 CITY OF HOMER
2 HOMER, ALASKA

3 Roberts/Wythe

4 ORDINANCE 11-19(S)
5

6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER,
7 ALASKA, ESTABLISHING A PRELIMINARY BUDGET AND
8 AUTHORIZING THE EXPENDITURE OF \$486,948 FROM
9 DEPRECIATION RESERVES FOR THE RENOVATION AND
10 EXPANSION OF CITY HALL.
11

12 WHEREAS, Upon review of the renovations and expansion of City Hall, the City Hall
13 Renovation and Expansion Task Force recommended improvements to the current City Hall
14 heating system, lighting, and air handling unit and replacement of the roof, deck, carpets and
15 exterior siding; and
16

17 WHEREAS, Depreciation reserves were set aside for the purpose of repairs and
18 maintenance of the existing City Hall building to extend the useful life of the building; and
19

20 WHEREAS, Council declared via Resolution 11-028 their support to use City Hall
21 Depreciation Reserves to assist with the costs of renovation to the existing City Hall, finding it
22 economically sensible to complete the improvements and replacements of the existing building
23 during the renovation and expansion project.
24

25 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
26

27 Section 1. The Homer City Council hereby establishes a preliminary budget (Attachment
28 A) and authorizes the expenditure of Depreciation Reserves for the Renovation and Expansion of
29 City Hall as follows:
30

31 Expenditure:
32

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
33 156-375	34 Depreciation Reserves	35 \$486,948

36 Section 2. This is a budget amendment ordinance, is temporary in nature, and shall not
37 be codified.
38

39 ENACTED BY THE HOMER CITY COUNCIL this 24th day of May, 2011.
40

41
42
43
44

CITY OF HOMER

Mary E. Wythe
MARY E. WYTHE, MAYOR PRO TEMPORE

45 ATTEST

46
47 Jo Johnson
48 JO JOHNSON, CMC, CITY CLERK
49

50
51 YES: 5
52 NO: 0
53 ABSENT: 0
54 ABSTAIN: 0

55
56
57 First Reading: 5/09/11
58 Public Hearing: 5/24/11
59 Second Reading: 5/24/11
60 Effective Date: 5/25/11

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62
63 Reviewed and approved as to form:

64
65 Mark Robl
66 Mark Robl, Acting City Manager
67

68
69 Date: 6-2-11
70
71

Thomas F. Klinkner
Thomas F. Klinkner, City Attorney

Date: 6-22-11

Attachment A

65% Budget Breakdown
 City Hall Renovation and Expansion
 May 3, 2011

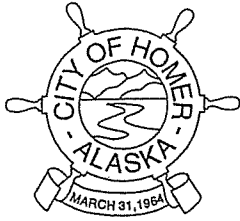
Proposed Project	Original Budget	Proposed Budget
Expansion Construction	\$1,500,000	\$1,510,909
1% for Art	\$15,000	\$15,000
Preconstruction Services	\$135,000	\$129,869
Construction Assistance Services	\$30,000	\$22,150
City Salaries/Administration	\$40,000	\$40,000
Contingency (10%)	\$150,000	\$150,000
Total Proposed Project	\$1,870,000	\$1,867,928

4100 SF new bldg; removal of HEA power line, no work on existing bldg

	Proposed
Additional Work (addn funding req'd)	
Energy Efficiency Improvements	
New Heating System	\$39,400
Lighting Upgrade	\$27,500
New Air Handling Unit	\$24,500
Subtotal Energy Improvements	\$91,400
Renovations per UAA Architect's Report	
New Roof	\$52,000
Deck Replacement	\$25,000
New Carpet	\$62,900
Interior Painting	\$22,660
Exterior Siding	\$71,850
Window Replacement (2)	\$2,000
Work Space Improvements	\$131,400
Elevator Pit Repair	\$4,550
Subtotal Renovation Improvements	\$372,360
Contingency (5%)	\$23,188
Total Addition Funding Required =	\$486,948

replace electric heat with hydronic (heating fuel)
 replace lighting with energy efficient lighting
 replace old roof AHU with new efficient unit

replace shingle roof/rehab flat roof
 replace handicap ramp and deck (north side of bldg)
 install new carpeting in existing bldg
 paint and patch all interior wall surfaces
 new siding on exterior of existing building
 replace two damaged windows
 Wall moving/breakroom relocation/storage area adjustments
 repair mountings bottom of elevation shaft



**CITY OF HOMER
PUBLIC WORKS**

3575 HEATH STREET HOMER, AK 99603

TELEPHONE (907)235-3170
FACSIMILE (907)235-3145

MEMORANDUM 11-066

TO: Walt Wrede, City Manager
FROM: Carey Meyer, Public Works Director
DATE: May 3, 2011
RE: **City Hall Expansion and Renovation Project
Additional Funding to Complete Renovations**

The City Hall Expansion and Renovation Task Force has been meeting since February to provide guidance and oversight of the design team regarding the development of plans for this project.

During the conceptual design stage, it became evident that additional funding would be required to complete both the expansion and renovation portion of the project.

The Task Force supports the idea that City Hall expansion work be funded using the available State Legislative Grant monies; and that it would be appropriate to use City reserve account depreciation funds to complete the renovation of the existing City Hall building.

Attached is the current budget for the project, separating the expansion work from the renovation work. An additional \$486,948 is required to complete all renovation work.

Recommendations: The City Council pass an ordinance authorizing the use of depreciation funds to complete the renovation portion of the project.

CITY MANAGER'S REPORT

**MANAGERS REPORT
NOVEMBER 28, 2011**

TO: MAYOR HORNADAY / HOMER CITY COUNCIL

FROM: WALT WREDE

UPDATES / FOLLOW-UP

1. Pending Contracts: There are two important contracts that expire at the end of this year, the lobbyist contract and the contract for the Animal Shelter with Coastal Animal Care. The money for both contracts is included in the draft budget at the same compensation as this year. I mention this just to make sure Council recalls this has time to propose any changes if they wish. Resolutions approving both contracts will be on the Agenda for the December 12 meeting. They will follow approval of the budget.
2. City Hall Expansion and Renovation Update: The contractor is on pace to finish this job on time and on budget. It also appears that they will achieve their original goal of completing the new expansion by Thanksgiving. Incredible in my opinion. It would be possible for Administration, IT, and Planning to move back toward the end of next week. But, due to a variety of reasons, we have decided that it would be best to delay the move until the beginning of January. This will allow the Clerk's office and Finance to move into the new section of the building while renovation work is being done in their areas. It should be more efficient. The current construction budget contains money for new furniture in the Council Chambers and the public areas. There is no money for furniture in the offices or for things like shelves in the storage areas. The staff is currently putting together a list of important items that need to be purchased now. We would not attempt to refurnish each office in its entirety. But there are desks and computer tables that are really old, dilapidated, and are recommended for replacement by our insurance agent for ergonomics reasons. So, we will put together a list with a price tag and bring it to you at the next meeting for your consideration. We have several ideas about where the money could come from.
3. Dock Fenders / Deep Water Dock: There are several damaged dock fenders on the Deep Water Dock. We originally planned to replace them as part of the cruise ship grant project. However, that grant will take awhile to get rolling and we now have an emergency because the fenders sustained additional damage in the recent storms. One is missing completely. This is an emergency situation and we need to begin engineering and design immediately. We have given the engineers the go-ahead to begin the design work and will follow-up with a budget ordinance at the next meeting.
4. Budget Amendments / Employee Committee: At the time this report was written, two Council members had submitted budget amendments that contained employee contributions to the health insurance plan. The Employee Committee has worked long and hard to come up with a set of alternatives that all employees can vote on. However, since the Council as a body has not yet asked for changes to the employee benefits, the Committee did not think it was necessary or appropriate to simply offer

up a set of concessions. Council has stated that it would like to hear from the Employee Committee if benefit changes are contemplated. So, if the Council is of a mind to look at some changes this year, please do not spend too much time with the details because you could get bogged down really quickly. Just give us a number that you would like to achieve; a dollar amount to be saved. The Committee, after consulting with employees, will come back with recommendations on how to achieve that savings in a way that has the least impact on employees and their families.

5. Lease Rentals: Councilmember Hogan has requested that we provide a full report on what is included in budget line item 5714 ; leases and rentals. We will be ready to provide a report on that at the meeting.
6. Tsunami Warning System Sirens: We had a meeting last week with the Borough Office of Emergency Management, the City of Seward, and the City of Seldovia. The topic was whether to proceed with setting up local control of the siren system as requested by those Cities, now that the National Weather Service has found a way to "regionalize" the tsunami warnings. After much discussion about the cost and level of effort needed to switch to local control, we agreed to stick with the current system on a trial basis but continue to do research on what it would take to institute a local radio activation option to improve redundancy and back-up if the internet goes down.
7. Clean Harbor Award: The City of Homer Port and Harbor department was awarded the first Alaska Clean harbors Award. Congratulations to Bryan and his staff. Rachael Lord from Cook Inlet Keeper will be a visitor at the meeting to discuss this award.
8. Boys and Girls Club: The Boys and Girls Club has requested that they be allowed to remain in the building at least until the end of the school year. Councilmembers Lewis and Howard have sponsored a resolution to accomplish that. The Boys and Girls Club Task Force has been formed and it has been very active raising money for the Club. A sub-committee of the Task Force has begun looking at ways to raise money to fix the building up and elevate the dialog on re-purposing the building.
9. Ice Rink / Ben Walters Park: The Rotary Club has adopted Ben Walters Park. The discussion regarding what the Club might do there has revived an old debate about whether the City should maintain an ice rink on the lake and in fact, whether it is obligated to do so. The City has not maintained a skating area there for at least 22 years and only did so for two years. It stopped doing so primarily for budgetary and liability reasons. Please let me know if you would like to discuss this in more detail at the meeting.

**Alaska Department of Revenue
Permittee Signature Page**

Thank you for using the DOR Online Permit Application System. In order to complete your permit application, you must send this signed form to the following address:

Attn:
Tax Division, Alaska Department of Revenue
PO Box 110420
Juneau, AK 99811-0420
Fax: 907-465-3098

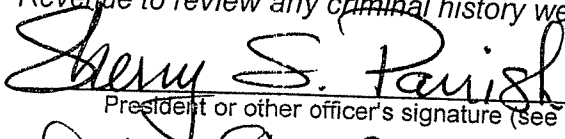
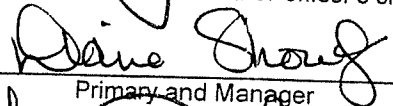
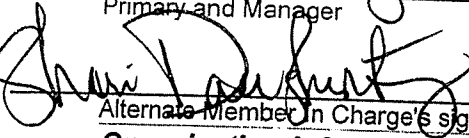
Please Note: The Primary and Alternate Members in Charge must legibly print their names and sign and date the signature page. An Officer who is not a Primary or Alternate Member must legibly print his or her name and sign and date the signature page. If your organization is applying for self-directed bingo and/or pull-tab permit(s), the Manager of Games must also legibly print his or her name and sign and date the signature page.

Your permit application will not be processed until a completed Signature Page has been received by the Department.

Year	2012
Gaming Permit/License	167
Permittee Name	Homer Emblem Club 350
EIN/ATIN	237165326
Application Number	8940
Electronically Paid Amount	\$50.00
Payment Receipt	11288000095

COPY

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.

	Sherry Parish	10/19/2011
President or other officer's signature (see instructions)	Printed Signature	Date
	Diane Shoutz	10/15/2011
Primary and Manager	Printed Signature	Date
	Shari Daugherty	10/18/2011
Alternate Member in Charge's signature	Printed Signature	Date

Organization Information

Year Permit requested for	2012
Federal EIN or Alaska Tax Identification Number	237165326
Name of Organization or Municipality	Homer Emblem Club 350
Mailing Address One	Po Box 614
City, State Zip + 4	Homer, AK 99603 + 0614

Telephone Number (All numbers include area code) (907) 235-8081
 Fax Number (All numbers include area code) (907) 235-7109
 Organization Website Address (If available)
 Type of Organization Fraternal
 Organized As Corporation
 Specify the organization type
 How will activities be conducted? Self-Directed by the Organization
 Does the organization have 25 or more members who are Alaska residents as defined in your articles of incorporation or bylaws? Yes
 Have the organization's articles of incorporation changed? No
 Have the organization's bylaws changed? No
 Estimated gross receipts for year prior to application year: \$20,001 - \$100,000

Game Types

Facility or Location-Specific - Unrestricted Bingo
 Pull-Tabs
 Area Based - Unrestricted Raffles

Self-Directed Facility or Location-specific

Game Type(s) Bingo, Pull-Tabs, Raffles
 Facility or Location Name Homer Elks Lodge
 Address 215 W Jenny Lane
 City, State, Zip Homer, AK 99603
 Ownership Leased

Area-based Information

Area Kenai Peninsula Borough
 Game Type(s) Raffles

Vendor Information

Operator Information

Multiple-beneficiary Permittee (MBP)

Members in Charge / Manager of Games

What position does this person serve? Alternate Member in Charge
 First name Shari
 Middle Initial
 Last Name Daugherty
 Address Po Box 52
 City, State, Zip Anchor Point, AK 99556 + 0052

Daytime Telephone (907) 235-8151
 Mobile Number
 Email Address
 Has this person taken the test? Yes
 Permit number under which the test was taken

What position does this person serve? Primary and Manager
 First name Diane
 Middle Initial L
 Last Name Shultz
 Address Po Box 1694
 City, State, Zip Homer, AK 99603 + 1694
 Daytime Telephone (907) 235-8081
 Mobile Number
 Email Address deeshultz@gmail.com
 Has this person taken the test? Yes
 Permit number under which the test was taken

Legal Information

Persons convicted of a felony, extortion, or a violation of a law
 None
 Persons with a prohibited conflict of interest
 None

Net Proceeds Dedication, Details

• Scholarships, medical assistance, food, clothing, housing for needy families, search and rescue, literacy, veteran's park maintenance, Elks charities, drug awareness, community disaster assistance, youth activities, educational travel, etc

Attachments

Title (Type), Description

2012 Alaska Gaming Permit Application

DEPARTMENT USE ONLY	
Validation #	RECEIVED
Date Stamp	NOV 10 2011
City of Homer City Clerk	

826

Organization Information

Federal EIN 92-0170670	If renewing, enter gaming permit # 2087	Phone Number (907) 299-0914	Fax Number (907) 235-5369
Organization Name Popeye Wrestling Club	Website Address		
Mailing Address PO Box 1992	City Homer	State AK	Zip + 4 99603
Entity Type (check one)	Organization Type (check one) for definitions see AS 05.15.690 and 15 AAC 160.995.		
<input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input checked="" type="checkbox"/> Association	<input type="checkbox"/> Charitable <input checked="" type="checkbox"/> Civic or service <input type="checkbox"/> Dog mushers' association <input type="checkbox"/> Educational <input type="checkbox"/> Fishing derby association	<input type="checkbox"/> Fraternal <input type="checkbox"/> Labor <input type="checkbox"/> Municipality <input type="checkbox"/> Nonprofit trade association <input type="checkbox"/> Outboard motor association	<input type="checkbox"/> Police or fire department <input type="checkbox"/> Political <input type="checkbox"/> Religious <input type="checkbox"/> Veterans <input type="checkbox"/> IRA/Native Village
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Does the organization have 25 or more members who are Alaska residents as defined in your articles of incorporation or bylaws?			

Members in Charge of Games

Members in charge must be natural persons and active members of the organization or employees of the municipality and designated by the organization. Members in charge may not be licensed as an operator, be a registered pull-tab vendor or an employee of a vendor for this organization. If more than one alternate, attach a separate sheet.

Primary Member First Name	M.I.	Primary Member Last Name	Alternate Member First Name	M.I.	Alternate Member Last Name
Abi		Rios	Chris		Perk
Social Security Number		Email Popeyewrestling@gmail.com rytmehere@gmail.com	Social Security Number		Email cperk@kpbsd.k12.ak.us
Daytime Phone Number (907) 235-5920		Mobile Number (907) 299-0914	Daytime Phone Number (907) 299-6440		Mobile Number (907) 299-6440
Home Mailing Address PO Box 3561			Home Mailing Address 41305 Crested Crane St.		
City Homer	State AK	Zip + 4 99603	City Homer	State AK	Zip + 4 99603
Has the primary member passed the test? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			Has the alternate member passed the test? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Permit # under which test was taken: 2087			Permit # under which test was taken: 2119		

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

<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Does any member of management or any person who is responsible for gaming activities have a prohibited conflict of interest as defined by 15 AAC 160.954?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Has any member of management or any person who is responsible for gaming activities ever been convicted of a felony, extortion, or a violation of a law or ordinance of this state, or another jurisdiction, that is a crime involving theft or dishonesty, or a violation of gambling laws?
---	--

We declare, under penalty of unsworn falsification, that I 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>Abi Rios</i>	Printed Name Abi Rios	Date NOV 5, 2011
President or Other Officer's Signature (see instructions) <i>Abe Alborn</i>	Printed Name Abe Alborn	Date 11-7-11
Alternate Member in Charge's Signature <i>Chris Perk</i>	Printed Name Chris Perk	Date 11/5/11
Manager of Games Signature <i>Abi Rios</i>	Printed Name Abi Rios	Date NOV 5, 2011

Mail to: ALASKA DEPARTMENT OF REVENUE
TAX DIVISION - GAMING GROUP
PO BOX 110420
JUNEAU AK 99811-0420
Phone 907-465-2320 • Fax 907-465-3098

One copy of the completed 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

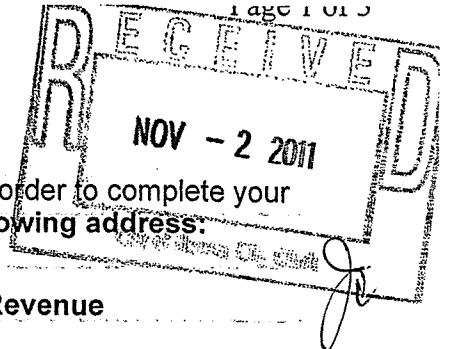
The permit fee is based on the 2011 estimated gross receipts. Check the appropriate box.

<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

Alaska Department of Revenue
Permittee Signature Page

Thank you for using the DOR Online Permit Application System. In order to complete your permit application, you must send this signed form to the following address:



Attn: Tax Division, Alaska Department of Revenue
PO Box 110420
Juneau, AK 99811-0420
Fax: 907-465-3098

Please Note: The Primary and Alternate Members in Charge must legibly print their names and sign and date the signature page. An Officer who is not a Primary or Alternate Member must legibly print his or her name and sign and date the signature page. If your organization is applying for self-directed bingo and/or pull-tab permit(s), the Manager of Games must also legibly print his or her name and sign and date the signature page.

Your permit application will not be processed until a completed Signature Page has been received by the Department.

Year	<u>2012</u>
Gaming Permit/License	<u>1794</u>
Permittee Name	<u>Share The Spirit Inc</u>
EIN/ATIN	<u>920157475</u>
Application Number	<u>8756</u>
Electronically Paid Amount	<u>\$20.00</u>
Payment Receipt	<u>11288000094</u>

COPY

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.

	Secretary Frances C. Van Sandt	10/24/2011
President or other officer's signature (see instructions)	Printed Signature	Date
	Diane Shultz	10/15/2011
Primary Member In Charge's signature	Printed Signature	Date
	Shari Daugherty	10/18/2011
Alternate Member In Charge's signature	Printed Signature	Date

Organization Information

Year Permit requested for	2012
Federal EIN or Alaska Tax Identification Number	920157475
Name of Organization or Municipality	Share The Spirit Inc
Mailing Address One	Po Box 3218
City, State Zip + 4	Homer, AK 99603 + 3218

Telephone Number (All numbers include area code) (907) 235-8081
 Fax Number (All numbers include area code) (907) 235-7109
 Organization Website Address (If available)
 Type of Organization Charitable
 Organized As Corporation
 Specify the organization type
 How will activities be conducted? Self-Directed by the Organization
 Does the organization have 25 or more members who are Alaska residents as defined in your articles of incorporation or bylaws? Yes
 Have the organization's articles of incorporation changed? No
 Have the organization's bylaws changed? No
 Estimated gross receipts for year prior to application year: \$0 - \$20,000

Game Types

Area Based - Unrestricted Raffles

Self-Directed Facility or Location-specific

Area-based Information

Area Kenai Peninsula Borough
 Game Type(s) Raffles

Vendor Information

Operator Information

Multiple-beneficiary Permittee (MBP)

Members in Charge / Manager of Games

What position does this person serve? Alternate Member in Charge
 First name Shari
 Middle Initial
 Last Name Daugherty
 Address Po Box 52
 City, State, Zip Anchor Point, AK 99556 + 0052
 Daytime Telephone (907) 235-8151
 Mobile Number
 Email Address
 Has this person taken the test? Yes
 Permit number under which the test was taken

What position does this person serve? Primary Member in Charge

First name	Diane
Middle Initial	L
Last Name	Shoultz
Address	Po Box 1694
City, State, Zip	Homer, AK 99603 + 1694
Daytime Telephone	(907) 235-8081
Mobile Number	
Email Address	deeshoultz@gmail.com
Has this person taken the test?	Yes
Permit number under which the test was taken	

Legal Information

Persons convicted of a felony, extortion, or a violation of a law
None

Persons with a prohibited conflict of interest
None

Net Proceeds Dedication, Details

Financial aid to needy members of the community including rent, housing deposits, utilities, food, medical, pharmacy, transportation, clothing, work supplies, holiday baskets, etc.

Attachments

Title (Type), Description

2012 Alaska Gaming Permit Application

DEPARTMENT USE ONLY
 Validation # **826**
 Date Stamp **NOV 15 2011**

Organization Information

Federal EIN	If renewing, enter gaming permit #	Phone Number	Fax Number
	1781	(907) 235-8081	(907) 235-7109
Organization Name	Website Address		
SNOMADS, INC.			
Mailing Address	City	State	Zip + 4
P.O. BOX 3646	HOMER	AK	99603
Entity Type (check one)	Organization Type (check one) for definitions see AS 05.15.690 and 15 AAC 160.995.		
<input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Association	<input checked="" type="checkbox"/> Charitable <input type="checkbox"/> Civic or service <input type="checkbox"/> Dog mushers' association <input type="checkbox"/> Educational <input type="checkbox"/> Fishing derby association <input type="checkbox"/> Fraternal <input type="checkbox"/> Labor <input type="checkbox"/> Municipality <input type="checkbox"/> Nonprofit trade association <input type="checkbox"/> Outboard motor association <input type="checkbox"/> Police or fire department <input type="checkbox"/> Political <input type="checkbox"/> Religious <input type="checkbox"/> Veterans <input type="checkbox"/> IRA/Native Village		
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Does the organization have 25 or more members who are Alaska residents as defined in your articles of incorporation or bylaws?			

Members in Charge of Games

Members in charge must be natural persons and active members of the organization or employees of the municipality and designated by the organization. Members in charge may not be licensed as an operator, be a registered pull-tab vendor or an employee of a vendor for this organization. If more than one alternate, attach a separate sheet.

COPY

Primary Member First Name	M.I.	Primary Member Last Name	Alternate Member First Name	M.I.	Alternate Member Last Name
NORMAN	E	SCHNEIDER	DIANE	L	SHOULTZ
Security Number		Email	Social Security Number		Email
					deeshoultz@gmail.com
Daytime Phone Number		Mobile Number	Daytime Phone Number		Mobile Number
(907) 235-1353			(907) 235-8081		
Home Mailing Address			Home Mailing Address		
P.O. BOX 3338			P.O. BOX 1694		
City	State	Zip + 4	City	State	Zip + 4
HOMER	AK	99603	HOMER	AK	99603
Has the primary member passed the test?		Permit # under which test was taken: 1781	Has the alternate member passed the test?		Permit # under which test was taken: 0167
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		

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

<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Does any member of management or any person who is responsible for gaming activities have a prohibited conflict of interest as defined by 15 AAC 160.954?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Has any member of management or any person who is responsible for gaming activities ever been convicted of a felony, extortion, or a violation of a law or ordinance of this state, or another jurisdiction, that is a crime involving theft or dishonesty, or a violation of gambling laws?
---	--

We declare, under penalty of unsworn falsification, that I 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	Printed Name	Date
<i>[Signature]</i>	NORMAN SCHNEIDER	10/31/11
President or Other Officer's Signature (see instructions)	Printed Name	Date
<i>[Signature]</i>	STEVE PARIZEK	10/31/11
Alternate Member In Charge's Signature	Printed Name	Date
<i>[Signature]</i>	DIANE SHOULTZ	10/15/2011
Manager of Games Signature	Printed Name	Date
<i>[Signature]</i>	NORMAN SCHNEIDER	10/31/11

Mail to: ALASKA DEPARTMENT OF REVENUE
 TAX DIVISION - GAMING GROUP
 PO BOX 110420
 JUNEAU AK 99811-0420
 Phone 907-465-2320 • Fax 907-465-3098

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 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 the 2011 estimated gross receipts. Check the appropriate box.

<input type="checkbox"/> New applicant	\$20
<input type="checkbox"/> \$0 - \$20,000	\$20
<input type="checkbox"/> \$20,001 - \$100,000	\$50
<input checked="" type="checkbox"/> \$100,001 or more	\$100

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2012 Alaska Gaming Permit Application

Gaming Permit # 1781	Organization Name SNOMADS, INC.
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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**			

Area-Based Games If more than two areas, attach a separate sheet.

* restricted game type **see instructions for mandatory attachments

Area KENAI PENINSULA BOROUGH	Game type (check all that apply) <input checked="" type="checkbox"/> Raffle <input type="checkbox"/> Contest of skill <input type="checkbox"/> Fish derby <input type="checkbox"/> Dog musher' 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 musher' 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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Permit # under which test taken

Vendor Information Attach 2012 vendor registration form(s) and fee(s) for each vendor listed below.

Bar or Liquor Store Name BELUGA LAKE LODGE	Physical Address 204 OCEAN DRIVE LOOP	City HOMER	State AK	Zip + 4 99603
Bar or Liquor Store Name BEST WESTERN BIDARKA	Physical Address 575 STERLING HIGHWAY	City HOMER	State AK	Zip + 4 99603
Bar or Liquor Store Name CCL LODGE	Physical Address CARIBOU LAKE SUB LOT 5 BLOCK 16	City HOMER	State AK	Zip + 4 99603
Bar or Liquor Store Name	Physical Address	City	State AK	Zip + 4
Bar or Liquor Store Name	Physical Address	City	State AK	Zip + 4

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.

To encourage, promote and instruct safe and responsible snowmobile, ATV and other off road vehicle usage, via classes, events, meetings, mailings and other avenues appropriate. To assist in defining, building, clearing, marking, maintaining and grooming trails. To provide and maintain safe and legal trailhead areas for on/off loading and parking. To maintain the Snomad's warming cabin and other assets owned by the club. To actively participate and assist in search and rescue efforts in our community. To promote and support safety practices of all kinds. To support our community with donations to other charitable organizations.

2012 Alaska Pull-Tab Vendor Registration

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A registration is required for each vendor location. A permittee may not contract with more than five vendors at one time.

Permittee Information

Federal EIN	Gaming permit # 1781	Permittee Name SNOMADS, INC.
Phone number (907) 235-8081	Member in Charge NORMAN SCHNEIDER	Member in Charge Phone Number (907) 235-1353

Vendor Information

Federal EIN or Social Security Number*			Beverage Dispensary License # 4795	Package Store License #	
Owner Name BELUGA LAKE LODGE INC			Business License 743466		
Business Name BELUGA LAKE LODGE			Phone Number (907) 235-5995	Fax Number (907) 235-2640	
Mailing Address 204 OCEAN DRIVE LOOP			Physical Address of Vendor Location 204 OCEAN DRIVE LOOP		
City HOMER	State AK	Zip + 4 99603	City of Vendor Location HOMER	State AK	Zip + 4 99603

Legal Questions

**If your business has not been issued a federal EIN, you are required to provide your social security number.*

These questions must be answered. If you answer Yes to any question, please submit the person's name, date of birth, social security number and position of responsibility.

- Yes No Has any member of management or any person who is responsible for gaming activities ever been convicted of a felony, extortion, or a violation of law or ordinance of this state, or another jurisdiction, that is a crime involving theft or dishonesty, or a violation of gambling laws?
- Yes No Do you employ or have a contract with the primary or alternate member in charge, officer, board member or manager of gaming for the above organization?
- Yes No Do you have a contract other than a vendor contract with the organization listed above?

Vendor Contract to Sell Pull-Tab

Pursuant to AS 05.15.188, the vendor listed above hereby agrees to sell pull-tabs as a vendor on behalf of the permittee listed above.

The vendor further agrees that, as compensation for expenses incurred in selling pull-tabs on behalf of the permittee, 30.00 % of the ideal net of each game may be retained by the vendor as compensation. Permittee must receive at least 70% of the ideal net from each game. AS 05.188(h).

The vendor further agrees that an amount equal to the ideal net, less the compensation owed to the vendor, shall be paid by check by the vendor to the permittee upon delivery of a pull-tab series. AS 05.15.188(i).

It is further agreed that the vendor will ensure pull-tab winners of \$50 or more will complete prize receipt forms; that a prize winner summary form will be completed for each pull-tab game and retained with those winning pull-tabs AS 05.15.187(i); and these records of pull-tab winners will be given to the permittee to retain for the required two or three years. AS 05.15.187(f).

It is further agreed that it is the vendor's responsibility to ensure gaming activity at this vendor location is conducted in accordance with all applicable state statutes and regulations.

It is further agreed that, if the vendor is no longer eligible to sell pull-tabs, then all unopened and opened pull-tab games shall be returned to the permittee within 10 days. If the permittee loses the privilege to conduct gaming activities, then all unopened and opened pull-tab games must be treated in accordance with 15 AAC 160.490.

We declare, under penalty of unsworn falsification, that we have examined this 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.

Vendor Signature 	Printed Name Douglas L. Johnson	Date 11/8/11
Member in Charge Signature 	Printed Name NORMAN SCHNEIDER	Date 10/21/11

Registration Fee is \$50

Pay online using (OTIS) at www.tax.alaska.gov or make your check payable to the State of Alaska. This completed registration form must be attached to a permit application form and will not be processed until the fee is received.

Mail to: ALASKA DEPARTMENT OF REVENUE
TAX DIVISION - GAMING GROUP
PO BOX 110420
JUNEAU AK 99811-0420
Phone 907-465-2320 • Fax 907-465-3098

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Date Stamp	

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0405-854 • Rev 08/11 247

2012 Alaska Pull-Tab Vendor Registration

854

A registration is required for each vendor location. A permittee may not contract with more than five vendors at one time.

Permittee Information

Federal EIN	Gaming permit # 1781	Permittee Name SNOMADS, INC.
Phone Number (907) 235-8081	Member in Charge NORMAN SCHNEIDER	Member in Charge Phone Number (907) 235-1353

Vendor Information

Federal EIN or Social Security Number*			Beverage Dispensary License # 1402	Package Store License #	
Owner Name BELUGA LAKE LODGE INC			Business License 278560		
Business Name BEST WESTERN BIDARKA/OTTER ROOM LOUNGE			Phone Number (907) 235-8148	Fax Number (907) 235-8140	
Mailing Address 575 STERLING HIGHWAY			Physical Address of Vendor Location 575 STERLING HIGHWAY		
City HOMER	State AK	Zip + 4 99603	City of Vendor Location HOMER	State AK	Zip + 4 99603

Legal Questions

**If your business has not been issued a federal EIN, you are required to provide your social security number.*

These questions must be answered. If you answer Yes to any question, please submit the person's name, date of birth, social security number and position of responsibility.

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

Yes No Do you employ or have a contract with the primary or alternate member in charge, officer, board member or manager of gaming for the above organization?

Yes No Do you have a contract other than a vendor contract with the organization listed above?

Vendor Contract to Sell Pull-Tabs

Pursuant to AS 05.15.188, the vendor listed above hereby agrees to sell pull-tabs as a vendor on behalf of the permittee listed above.

The vendor further agrees that, as compensation for expenses incurred in selling pull-tabs on behalf of the permittee, 30.00 % of the ideal net of each game may be retained by the vendor as compensation. Permittee must receive at least 70% of the ideal net from each game. AS 05.188(h).



The vendor further agrees that an amount equal to the ideal net, less the compensation owed to the vendor, shall be paid by check by the vendor to the permittee upon delivery of a pull-tab series. AS 05.15.188(i).

It is further agreed that the vendor will ensure pull-tab winners of \$50 or more will complete prize receipt forms; that a prize winner summary form will be completed for each pull-tab game and retained with those winning pull-tabs AS 05.15.187(i); and these records of pull-tab winners will be given to the permittee to retain for the required two or three years. AS 05.15.187(f).

It is further agreed that it is the vendor's responsibility to ensure gaming activity at this vendor location is conducted in accordance with all applicable state statutes and regulations.

It is further agreed that, if the vendor is no longer eligible to sell pull-tabs, then all unopened and opened pull-tab games shall be returned to the permittee within 10 days. If the permittee loses the privilege to conduct gaming activities, then all unopened and opened pull-tab games must be treated in accordance with 15 AAC 160.490.

We declare, under penalty of unsworn falsification, that we have examined this 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.

Vendor Signature 	Printed Name Douglas L. Johnson	Date 11/8/11
Member in Charge Signature 	Printed Name NORMAN SCHNEIDER	Date 10/31/11

Registration Fee is \$50

Pay online using (OTIS) at www.tax.alaska.gov or make your check payable to the State of Alaska.

This completed registration form must be attached to a permit application form and will not be processed until the fee is received.

Mail to: ALASKA DEPARTMENT OF REVENUE
TAX DIVISION - GAMING GROUP
PO BOX 110420
JUNEAU AK 99811-0420
Phone 907-465-2320 • Fax 907-465-3098

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Validation #	
Date Stamp	

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0405-854 • Rev 08/11

2012 Alaska Pull-Tab Vendor Registration

A registration is required for each vendor location. A permittee may not contract with more than five vendors at one time.

Permittee Information

Federal EIN C	Gaming permit # 1781	Permittee Name SNOMADS, INC.
Phone Number (907) 235-8081	Member in Charge NORMAN SCHNEIDER	Member in Charge Phone Number (907) 235-1353

Vendor Information

Federal EIN or Social Security Number*	Beverage Dispensary License # 4766	Package Store License #
Owner Name JUSTIN COLE	Business License 936501	
Business Name CCL LODGE	Phone Number (907) 235-1009	Fax Number (907) 226-3443
Mailing Address 33730 JUSTINS COURT	Physical Address of Vendor Location CARIBOU LAKE SUBDIVISION LOT 5 BLOCK 16	
City HOMER	State AK	Zip + 4 99603
	City of Vendor Location HOMER	State AK
		Zip + 4 99603

Legal Questions

**If your business has not been issued a federal EIN, you are required to provide your social security number.*

These questions must be answered. If you answer Yes to any question, please submit the person's name, date of birth, social security number and position of responsibility.

- Yes No Has any member of management or any person who is responsible for gaming activities ever been convicted of a felony, extortion, or a violation of law or ordinance of this state, or another jurisdiction, that is a crime involving theft or dishonesty, or a violation of gambling laws?
- Yes No Do you employ or have a contract with the primary or alternate member in charge, officer, board member or manager of gaming for the above organization?
- Yes No Do you have a contract other than a vendor contract with the organization listed above?

Vendor Contract to Sell Pull-Tab

Pursuant to AS 05.15.188, the vendor listed above hereby agrees to sell pull-tabs as a vendor on behalf of the permittee listed above.

The vendor further agrees that, as compensation for expenses incurred in selling pull-tabs on behalf of the permittee, 30.00 % of the ideal net of each game may be retained by the vendor as compensation. Permittee must receive at least 70% of the ideal net from each game. AS 05.188(h).

The vendor further agrees that an amount equal to the ideal net, less the compensation owed to the vendor, shall be paid by check by the vendor to the permittee upon delivery of a pull-tab series. AS 05.15.188(i).

It is further agreed that the vendor will ensure pull-tab winners of \$50 or more will complete prize receipt forms; that a prize winner summary form will be completed for each pull-tab game and retained with those winning pull-tabs AS 05.15.187(i); and these records of pull-tab winners will be given to the permittee to retain for the required two or three years. AS 05.15.187(f).

It is further agreed that it is the vendor's responsibility to ensure gaming activity at this vendor location is conducted in accordance with all applicable state statutes and regulations.

It is further agreed that, if the vendor is no longer eligible to sell pull-tabs, then all unopened and opened pull-tab games shall be returned to the permittee within 10 days. If the permittee loses the privilege to conduct gaming activities, then all unopened and opened pull-tab games must be treated in accordance with 15 AAC 160.490.

We declare, under penalty of unsworn falsification, that we have examined this 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.

Vendor Signature 	Printed Name JUSTIN COLE	Date 10/31/11
Member in Charge Signature 	Printed Name NORMAN SCHNEIDER	Date 10/31/11

Registration Fee is \$50

Pay online using (OTIS) at www.tax.alaska.gov or make your check payable to the State of Alaska.

This completed registration form must be attached to a permit application form and will not be processed until the fee is received.

Mail to: ALASKA DEPARTMENT OF REVENUE
TAX DIVISION - GAMING GROUP
PO BOX 110420
JUNEAU AK 99811-0420
Phone 907-465-2320 • Fax 907-465-3098

DEPARTMENT USE ONLY	
Validation #	
Date Stamp	

CITY ATTORNEY REPORT

COMMITTEE REPORT(S)

PENDING BUSINESS

**CITY OF HOMER
HOMER, ALASKA**

Lewis/Zak/Parks and Recreation
Advisory Commission

RESOLUTION 11-090

A RESOLUTION OF THE CITY COUNCIL OF HOMER,
ALASKA, SUPPORTING THE CONCEPT AND
CONSTRUCTION OF NON-MOTORIZED PATHWAYS TO
INCREASE THE SAFETY FOR MOTORIZED AND NON-
MOTORIZED USERS ALONG KACHEMAK DRIVE
LOCATED WITHIN THE CITY LIMITS, FROM THE BASE OF
THE HOMER SPIT TO EAST END ROAD.

1
2 WHEREAS, The Parks and Recreation Advisory Commission established a committee to
3 specifically address possible solutions to the hazards presented to non-motorized and motorized users
4 of Kachemak Drive; and
5

6 WHEREAS, Public input was sought through a variety of channels for solutions to address
7 these safety concerns; and recommendations to Lower the Speed Limit, Alter the Travel Lane
8 Width and Shoulder, Increase the Use of Signage, Construct Separated, Non-motorized Paths
9 paralleling Kachemak Drive using the existing Utility Easements will be contingent on available
10 funding in the future; and
11

12 WHEREAS, The Homer City Council has shown support in approval of the Homer Non-
13 Motorized Transportation and Trail Plan, Homer Area Transportation Plan, Climate Action Plan,
14 HART Policy Manual and inclusion of the Kachemak Drive Rehabilitation/Pathway on the Capital
15 Improvement Plan; and
16

17 WHEREAS, Increasing active transportation, motorized and non-motorized, offers the
18 potential for improved public health, economic development, a cleaner environment, reduced
19 transportation costs, enhanced community connections, social equity, and more livable
20 communities.
21

22 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska,
23 hereby supports the concept and construction of non-motorized pathways along Kachemak Drive in,
24 over, and upon property within the City of Homer, and that said improvements are necessary for the
25 use and benefit of the public; and
26

27 BE IT FURTHER RESOLVED that the City Council of Homer, Alaska, further supports
28 the actions increasing the safety for motorized and non-motorized users along Kachemak Drive
29 in any or all of the following ways:

- 30 - Alteration of the existing Kachemak Drive and Shoulder
 - 31 - Separated Paths paralleling Kachemak Drive using the Utility Easements
 - 32 - Lowering the Speed Limit
 - 33 - Increasing the Use of Signage
- 34

35 PASSED AND ADOPTED by the Homer City Council this 12th day of September, 2011.

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49

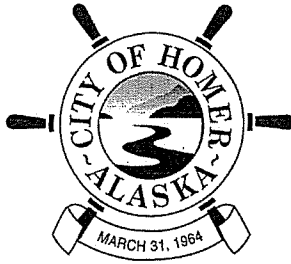
CITY OF HOMER

JAMES C. HORNADAY, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

Fiscal information: Funding not defined.



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 11-152

TO: Mayor Hornaday and Homer City Council
THRU: Rick Abboud, City Planner
FROM: Julie Engebretsen, Planning Technician
DATE: November 2, 2011
SUBJ: Homer Advisory Planning Commission comments on the Kachemak Drive Pathway

At the September 12, Homer City Council meeting, the Council considered Resolution 11-90, bought forward by the Parks and Recreation Advisory Commission. The resolution supported the concept and construction of a pathway or other non-motorized improvement along Kachemak Drive. The Council referred the matter to the Planning Commission.

At the September 21st HAPC meeting, the Commission made and approved the following motions:

- THE ADVISORY PLANNING COMMISSION SUPPORTS THE CONCEPT OF A NON MOTORIZED ACCESS ALONG KACHEMAK DRIVE.
- A LARGE PART OF THIS PROJECT IS A PRIVATE PROPERTY RIGHTS ISSUE THAT SHOULD BE ADDRESSED CAREFULLY FROM THE ONSET. THE UTILITY EASEMENTS ARE PRIVATE PROPERTY.
- THE ADVISORY PLANNING COMMISSION RECOMMENDS THE CITY ADD THE KACHEMAK DRIVE PATH IMPROVEMENTS TO THE STIP NEEDS LIST AS AN AVENUE FOR STATE FUNDING.
- THE COMMISSION APPRECIATES THE EFFORTS OF THE PARKS AND RECREATION ADVISORY COMMISSION AND ENCOURAGES THEM TO CONTINUE WITH THIS GRASS ROOTS EFFORT.

Renee Krause

From: Beaver & Jessie Nelson <bjnelson@alaska.net>
Sent: Tuesday, September 06, 2011 9:25 PM
To: Renee Krause
Subject: Kachemak Drive Bike Path

Sept 7, 2011

City of Homer

ATTN: Rene Krause

RE: Kachemak Bike Path

I am commenting on the various proposals to turn Kachemak Drive into a very unfriendly road for the working people of Homer to gain access between the Spit/Boat Harbor and the businesses along Kachemak Drive and the Gear Shed on East Road.

This road is not a scenic byway - it is an industrial road used to transport boats, trailers with fishing gear, freight hauling 18-wheelers and for airport activities. The entire fishing population east of Kachemak Center, which includes the Russian villages, uses it to access the Spit. At times, several trips are made per day between the Spit and the Gear Shed or other businesses along the road.

Do we really want all that traffic going through town? Narrowing the lanes and implementing a 25 mph speed limit would be ridiculous! There is a mile-long straight stretch with a double yellow line - to go 25 mph with not another car in sight is just not going to happen. This would be like an office worker's computer running at half speed. Incredibly infuriating. Do we want our police force enforcing this limit? I don't. Actually, the speed limit between the Bay Club and Northern Enterprises should be 40-45 mph.

I like bike paths. It just needs to be along the utility right-of-way so the working people do not bear the burden for other peoples' pleasure. Leave Kachemak Drive alone.

Jessie Nelson
Mile 5 East End Rd.

PROPOSED KACHEMAK DRIVE NON-MOTORIZED PATH

PLEASE HELP OUR EFFORTS BY COMPLETING THE SURVEY
QUESTIONS BELOW



Background: Late last year it was brought to the attention of the Parks and Recreation Advisory Commission that the current state of Kachemak Drive is unsafe for the traffic and recreation occurring there. A committee was formed to look at the safety issues on this road to come up with creative ideas to increase safety. All four scenarios presented are ideas created and supported by the Committee members but are not to be considered concrete plans. Your input will help the Kachemak Drive Pedestrian Bike Path Committee present recommendations to the Parks and Recreation Advisory Commission and ultimately City Council for further action, if any, in the future.

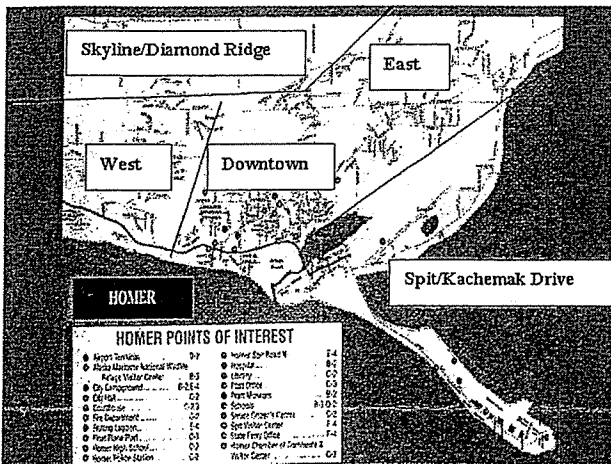
Kachemak Drive Pedestrian Bike Path
A Committee of the Parks and Recreation Advisory
Commission

Cowles Council Chambers City Hall
491 E. Pioneer Avenue
Homer, Alaska
www.cityofhomer-ak.com

Name (Optional) Lon Zitzmann

Address: (Optional) 599 Hidden Way

City, State, Zip Homer, AK



1. Please refer to the map and indicate the area of Homer where you live.

- West Homer
- Downtown Homer
- East Homer
- Kachemak Drive and Spit
- Skyline/Diamond Ridge

2. Referring to the map, indicate the area of Homer where your most frequent destination is located (workplace, office, school, etc.)

- West Homer
- Downtown Homer
- East Homer
- Skyline/Diamond Ridge
- Kachemak Drive and Spit

3. How often do you ride a bicycle on Kachemak Drive?

- Never
- Infrequently; maybe every few months
- Occasionally, about once or twice a month
- Regularly, once or twice a week
- Frequently, several times a week or every day

5. If you ride a bike, which of the following describes why you use it on Kachemak Drive. If more than one please note in "Other".

- Regular Exercise or Workout
- Family Outings or touring
- Commuting - Work or School
- Routine Errands
- Trips to the Library, Museums, Spit, Parks, etc.
- I do not Ride a Bike
- Other I am a bike rider.

4. How often do you drive a car on Kachemak Drive?

- Never
- Infrequently; maybe every few months
- Occasionally, about once or twice a month
- Regularly, once or twice a week
- Frequently, several times a week or every day

6. If you drive a car which describes why you use Kachemak Drive. If more than one please note in "Other".

- Commuting to Work or School
- Routine Errands
- Trips to the Library, Museums, Spit, Parks, etc.
- Other

If you could re-allocate space on the road for the following user groups, circle the action you would take:

- | CARS | PEDESTRIANS | CYCLISTS | OTHER VEHICLES |
|--|--|--|--|
| <input type="radio"/> Same Road Space | <input type="radio"/> Same Road Space | <input type="radio"/> Same Road Space | <input type="radio"/> Same Road Space |
| <input checked="" type="radio"/> More Road Space | <input checked="" type="radio"/> More Road Space | <input checked="" type="radio"/> More Road Space | <input type="radio"/> More Road Space |
| <input checked="" type="radio"/> Less Road Space | <input type="radio"/> Less Road Space | <input type="radio"/> Less Road Space | <input checked="" type="radio"/> Less Road Space |

8. Half Mile Trail from the Base of the Spit to the Airport Access Road. Comments and Concerns about this Option. Do you support this Option? Why or Why Not?

9. Narrowing the Width of Road and Adding Widened Painted Shoulder for Bike Lane. Comments or concerns about this Option? Do you Support this Option? Why or Why Not?

Support

10. Creating a Separated Recreational Trail following Current Water and Sewer Easements or Right of Ways. Comments or Concerns? Do you Support this Option? Why or Why Not?

11. Decreasing the Speed Limit to 25 MPH during Summer Months (defined as non-studded tire months) and Making it Scenic Byway during this Time. Comments or Concerns? Do you Support this Option? Why or Why Not?

strongly support
safer for all

Support ✓
safer for all

12. Take No Action on Kachemak Drive. Comments and Concerns? Do you Support this Option? Why or Why Not?

13. What do you feel are the most pressing issues facing Kachemak Drive?

no

safety +
preserving scenic
by way drive option

14. How are the Community and the Uses of Kachemak Drive changing? How should the City respond to the changes?

15. What do you want Kachemak Drive to look like in the next 10 or 20 years?

16. Please identify any actions on Kachemak Drive that seem easy, affordable and effective?

17. Please identify any actions on Kachemak Drive that you feel the City needs to take even though they appear hard but worth it? These actions may be difficult to achieve or may require significant investment.

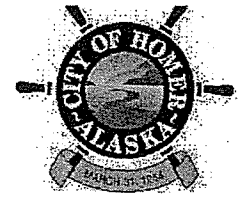
YOU CAN MAIL THE COMPLETED SURVEY TO: CITY OF HOMER, KDPC ATTN. RENEE KRAUSE, CITY CLERK'S OFFICE 491 E. PIONEER AVENUE HOMER, ALASKA 99603 OR SUBMIT VIA EMAIL

Submit by Email

Print Form

PROPOSED KACHEMAK DRIVE NON-MOTORIZED PATH

PLEASE HELP OUR EFFORTS BY COMPLETING THE SURVEY
QUESTIONS BELOW



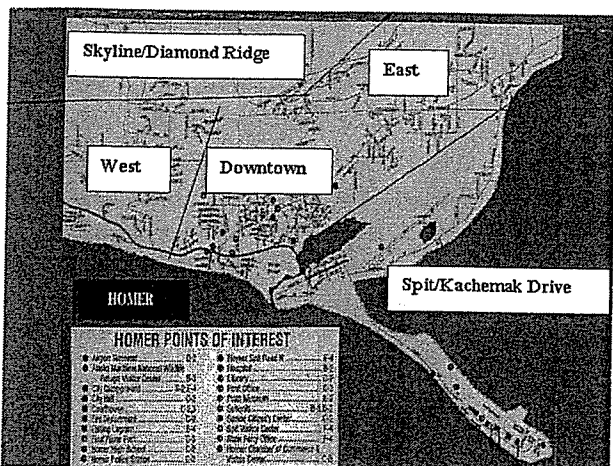
Kachemak Drive Pedestrian Bike Path
Advisory Committee of the Parks and Recreation Advisory
Commission

Cowles Council Chambers City Hall
491 E. Pioneer Avenue
Homer, Alaska
www.cityofhomer-ak.com

Background: Late last year it was brought to the attention of the Parks and Recreation Advisory Commission that the current state of Kachemak Drive is unsafe for the traffic and recreation occurring there. A committee was formed to look at the safety issues on this road and to come up with creative ideas to increase safety. All four scenarios presented are ideas created and supported by the Committee members but are not to be considered concrete plans. Your input will help the Kachemak Drive Pedestrian Bike Path Committee present recommendations to the Parks and Recreation Advisory Commission and ultimately City Council for further action, if any, in the future.

Name (Optional) Address: (Optional)

City, State, Zip



1. Please refer to the map and indicate the area of Homer where you live.

- West Homer
- Downtown Homer
- East Homer
- Kachemak Drive and Spit
- Skyline/Diamond Ridge

2. Referring to the map, indicate the area of Homer where your most frequent destination is located (workplace, office, school, etc.)

- West Homer
- Downtown Homer
- East Homer
- Skyline/Diamond Ridge
- Kachemak Drive and Spit

3. How often do you ride a bicycle or walk along Kachemak Drive?

- Never
- Infrequently; maybe every few months
- Occasionally, about once or twice a month
- Regularly, once or twice a week
- Frequently, several times a week or every day

4. How often do you drive a car on Kachemak Drive?

- Never
- Infrequently; maybe every few months
- Occasionally, about once or twice a month
- Regularly, once or twice a week
- Frequently, several times a week or every day

5. If you ride a bike or walk, which of the following describes why you use Kachemak Drive. If more than one please note in "Other".

- Regular Exercise or Workout
- Family Outings or touring
- Commuting - Work or School
- Routine Errands
- Trips to the Library, Museums, Spit, Parks, etc.
- I do not Ride a Bike
- Other

6. If you drive a car, which describes why you use Kachemak Drive. If more than one please note in "Other".

- Commuting to Work or School
- Routine Errands
- Trips to the Library, Museums, Spit, Parks, etc.
- Other

If you could re-allocate space on the road for the following user groups, circle the action you would take:

- | CARS | PEDESTRIANS | CYCLISTS | OTHER VEHICLES |
|---------------------------------------|--|--|---------------------------------------|
| <input type="radio"/> Same Road Space | <input type="radio"/> Same Road Space | <input type="radio"/> Same Road Space | <input type="radio"/> Same Road Space |
| <input type="radio"/> More Road Space | <input checked="" type="radio"/> More Road Space | <input checked="" type="radio"/> More Road Space | <input type="radio"/> More Road Space |
| <input type="radio"/> Less Road Space | <input type="radio"/> Less Road Space | <input type="radio"/> Less Road Space | <input type="radio"/> Less Road Space |

8. Half Mile Trail from the Base of the Spit to the Airport Access Road. Comments and Concerns about this Option. Do you support this Option? Why or Why Not?

9. Narrowing the Width of Road and Adding Widened Painted Shoulder for Bike/Walking Lane. Comments or concerns about this Option? Do you Support this Option? Why or Why Not?

10. Creating a Separated Recreational Trail following Current Water and Sewer Easements or Right of Ways. Comments or Concerns? Do you Support this Option? Why or Why Not?

11. Decreasing the Speed Limit to 25 MPH during Summer Months (defined as non-studded tire months) and Making it a Scenic Byway during this Time. Comments or Concerns? Do you Support this Option? Why or Why Not?

12. Take No Action on Kachemak Drive. Comments and Concerns? Do you Support this Option? Why or Why Not?

13. What do you feel are the most pressing issues facing Kachemak Drive?

The ability to safely ride a bike or run on the road. Additionally, it should NOT be commercialized

14. How are the Community and the Uses of Kachemak Drive Changing? How should the City respond to the changes?

15. What do you want Kachemak Drive to look like in the next 10 or 20 years?

16. Please identify any actions on Kachemak Drive that seem easy, affordable and effective?

17. Please identify any actions on Kachemak Drive that you feel the City needs to take even though they appear hard but worth it? These actions may be difficult to achieve or may require a significant investment.

YOU CAN MAIL THE COMPLETED SURVEY TO: CITY OF HOMER, 280
 1000 PC ATTN. RENEE KRAUSE, CITY CLERK'S OFFICE 491 E. WILSON AVENUE HOMER, ALASKA 99603 OR SUBMIT VIA EMAIL

Submit by Email

Print Form

Renee Krause

From: Hayley Norris <hayleybird412@gmail.com>
Sent: Wednesday, July 06, 2011 11:16 AM
To: Renee Krause
Subject: Kachemak Drive Survey
Attachments: Survey Kachemak Drive 07.06.11.xml

attached.


```

<?xml version="1.0" encoding="UTF-8"?>
<form1>
  <TextField3>41347 McLay Road</TextField3>
  <TextField4>Homer, AK 99603</TextField4>
  <Answer>East Homer</Answer>
  <Answer/>
  <Answer/>
  <Answer/>
  <Answer>Downtown Homer</Answer>
  <Answer/>
  <Answer>Occasionally, about once or twice a month</Answer>
  <Answer>Occasionally, about once or twice a month</Answer>
  <Answer>Routine Errands</Answer>
  <Answer>Routine Errands</Answer>
  <TextField1>and 'Trips to the Spit.'

```

```
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<Question1/>
<Question1/>
</form1>
```

Renee Krause

From: chase warren <likes_to_roam@yahoo.com>
Sent: Wednesday, July 06, 2011 11:56 AM
To: Renee Krause
Subject: path survey
Attachments: survey.kdpc_.06.21.11.xml

Excellent idea to put this online!

<?xml version="1.0" encoding="UTF-8"?>

<form1>

<TextField3>41347 mclay rd</TextField3>

<TextField4>kachemak city, ak, 99603</TextField4>

<Answer>East Homer</Answer>

<Answer/>

<Answer/>

<Answer/>

<Answer>Downtown Homer</Answer>

<Answer/>

<Answer>Occasionally, about once or twice a month</Answer>

<Answer>Regularly, once or twice a week</Answer>

<Answer>Routine Errands</Answer>

<Answer/>

<TextField1/>

<TextField1/>

<TextField2>Chase Warren</TextField2>

<Question11>How about 30? Or, and I know the committee has little to do with this but, what if we actually enforced the speed limit? Make it a double fine zone. 25 is kinda pushy, considering nobody wants to go 35.</Question11>

<Question10>Good luck. If the cost, right of way issues, dealing with the airport, dealing with the bog, cooperation with HEA, and the time it would take to deal with all those things were not issues, then yes I am for it. Create a shoulder first, then tie yourselves up with this project for the next 10 years. </Question10>

<Question5>I am in full support of this option. Although it is not an ideal solution, as it does not safely open up the shoulder to children/families, or persons with special needs. However, the cost/effectiveness of this option for out way the others. A consistent shoulder width is not necessary to immediately alleviate the dangers of riding on the current uneven and rock/sand riddled shoulders. No fill is needed, which dramatically reduces the cost of creating a shoulder. In addition, I would propose more signs, both speed limit and be aware of pedestrian/cyclists signs.</Question5>

<Question3>The trail would promote tourism, the shore bird festival would benefit greatly. Perhaps increased traffic would cut down on blatant littering. Also the trail seems to cut right through areas currently being used as squatter camps, the remnants of these camps are evident by the bags of trash and weather logged materials scattered along the bluff. I'd rather see people appreciating the area, not abusing it. The downside of this option is that it really doesn't address the inherent safety hazards of riding and/or walking on K drive, and could distract from the real objective of the committee. </Question3>

<Question1>Ideally, a separated ADA approved path connecting E end road to the spit, with alternate nature trails headed north and through the bog that could be used as ski trails in the winter</Question1>

<Question2>Every year since I have lived here I have seen more cyclists and higher gas prices. If you want people to be able to afford to live here, something that has always been an issue, the city design should be able to accommodate alternative modes of transportation. </Question2>

<Question13>considerations made by the state/city/drivers who speed/drivers who pass a pedestrian or cyclists with another car coming in the other lane at the same time also, the condition or lack of shoulder. the lack of considerations by others could be alleviated by a sufficient shoulder</Question13>

<Question6>This would be absolutely negligent, which is my current opinion of the situation. K dr. has become a major through route for those working/ travelling to the spit or ocean drive. For everyone's safety there needs to be a shoulder. If nothing is done now, when there is the opportunity, any accidents in the future would reflect quite clearly that the state and the city has not been concerned enough about the safety of persons to do anything. </Question6>

<RadioButtonList>1</RadioButtonList>

<RadioButtonList/>

<RadioButtonList/>

<RadioButtonList>1</RadioButtonList>

<RadioButtonList/>

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<RadioButtonList>1</RadioButtonList>

<Question1>pave out to the edge of the dirt, re-stripe the road, narrow the lanes if at all possible, put up signs, enforce the current speed limit. any or all of these I feel would dramatically improve the situation as is</Question1>

<Question1>Your dealing with a situation that places people within 12-24" of being struck by a moving vehicle. I feel that no matter how difficult or significant the investment that the city has made some major oversights in letting this go on for so long and must do something before someone is hurt. I'm all for the narrow lanes and re-paving option!</Question1>

</form1>

PROPOSED KACHEMAK DRIVE NON-MOTORIZED PATH



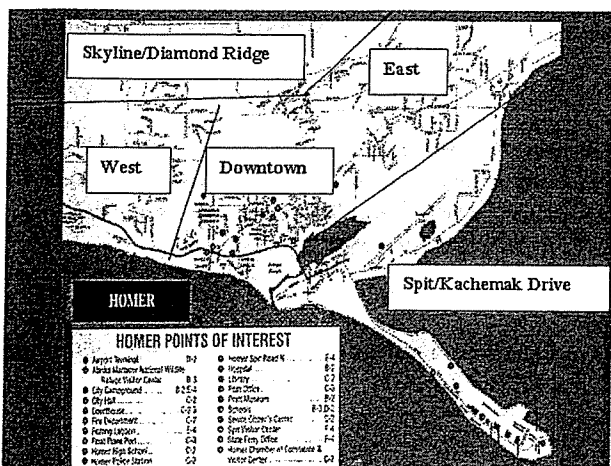
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QUESTIONS BELOW

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Kachemak Drive Pedestrian Bike Path
Advisory Committee of the Parks and Recreation Advisory
Commission

Cowles Council Chambers City Hall
491 E. Pioneer Avenue
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www.cityofhomer-ak.com

Name (Optional) Address (Optional)
 City, State, Zip



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- Downtown Homer
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- Kachemak Drive and Spit
- Skyline/Diamond Ridge

2. Referring to the map, indicate the area of Homer where your most frequent destination is located (workplace, office, school, etc.)

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- Skyline/Diamond Ridge
- Kachemak Drive and Spit

3. How often do you ride a bicycle or walk along Kachemak Drive?

- Never
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- Frequently, several times a week or every day

4. How often do you drive a car on Kachemak Drive?

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5. If you ride a bike or walk, which of the following describes why you use Kachemak Drive. If more than one please note in "Other".

- Regular Exercise or Workout
- Family Outings or touring
- Commuting - Work or School
- Routine Errands
- Trips to the Library, Museums, Spit, Parks, etc.
- I do not Ride a Bike
- Other

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- Trips to the Library, Museums, Spit, Parks, etc.
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If you could re-allocate space on the road for the following user groups, circle the action you would take:

CARS	PEDESTRIANS	CYCLISTS	OTHER VEHICLES
<input type="radio"/> Same Road Space	<input type="radio"/> Same Road Space	<input type="radio"/> Same Road Space	<input checked="" type="radio"/> Same Road Space
<input type="radio"/> More Road Space	<input checked="" type="radio"/> More Road Space	<input checked="" type="radio"/> More Road Space	<input type="radio"/> More Road Space
<input type="radio"/> Less Road Space	<input type="radio"/> Less Road Space	<input type="radio"/> Less Road Space	<input type="radio"/> Less Road Space

8. Half Mile Trail from the Base of the Spit to the Airport Access Road. Comments and Concerns about this Option.

Do you support this Option? Why or Why Not?

can't find where Airport Access Road is.

A better connection to FAA road would be good, esp. the crossing from the W-side of Ocean Drive (heading out the spit) onto the spit trail (E-side) could be improved. A round-a-bout would be a really good idea here.

10. Creating a Separated Recreational Trail following Current Water and Sewer Easements or Right of Ways.

Comments or Concerns? Do you Support this Option?

Why or Why Not?

Motorists tend to like this option because it gets bikes off "their" road, and inexperienced bikers like it because it gives them a (false!) sense of security.

Unfortunately, this is actually a bad idea in terms of bike safety. Drivers cannot see or do not notice bicycles that far off the road. Riding this kind of trail is often less safe than riding on the road.

12. Take No Action on Kachemak Drive. Comments and Concerns? Do you Support this Option? Why or Why Not?

There's a need to improve Kachemak Drive. That said, I would not have given it the highest priority. Main Street, of all places, is an embarrassment for our town. Please go there, get out of the car, and take a walk. Now imagine pushing a baby stroller through the dirt. Now imagine doing this in winter with a foot of snow. It's downright scary.

14. How are the Community and the Uses of Kachemak Drive changing? How should the City respond to the changes?

16. Please identify any actions on Kachemak Drive that seem easy, affordable and effective?

A speed limit along with a narrower road for cars would be a great start. One without the other would be dangerous.

9. Narrowing the Width of Road and Adding Widened Painted Shoulder for Bike/Walking Lane. Comments or concerns about this Option? Do you Support this Option? Why or Why Not?

Yes, I'd support this option. This is an economical and effective solution. By keeping bicyclists on the road, they are easier for motorists to see, making it safer for everybody.

When going for this option, it is important to implement it on both sides. Cycling in the opposite direction from car traffic is very dangerous because bikes are not expected to come from this direction and their speed is generally underestimated.

As with any of the other solutions, snow plowing and dirt can be

11. Decreasing the Speed Limit to 25 MPH during Summer Months (defined as non-studded tire months) and Making it a Scenic Byway during this Time. Comments or Concerns? Do you Support this Option? Why or Why Not?

Good idea.

Why limit this to summer months? Driving conditions don't get better during the winter.

13. What do you feel are the most pressing issues facing Kachemak Drive?

Intersection with Spit Rd is dangerous.

15. What do you want Kachemak Drive to look like in the next 10 or 20 years?

Maintain the rural/wilderness character of Kachemak Drive. Widening this drive would be a sad mistake. This is a great scenic drive through wetlands, past baby moose, with views of the bluff and the the bay, and all that right next to town.

17. Please identify any actions on Kachemak Drive that you feel the City needs to take even though they appear hard but worth it? These actions may be difficult to achieve or may require significant investment.

Round-a-bout at the base of the spit, intersection Kachemak Drive and Spit Rd. Not that big of an investment, really. Pay-off in smoother traffic and considerable fuel savings compared to the current stop-signs. This would also improve safety for motorists, cyclists and pedestrians.

YOU CAN MAIL THE COMPLETED SURVEY TO: CITY OF HOMER, KDPC ATTN. RENEE KRAUSE, CITY CLERK'S OFFICE 491 E. 270 PIONEER AVENUE HOMER, ALASKA 99603 OR SUBMIT VIA EMAIL

Submit by Email

Print Form

<?xml version="1.0" encoding="UTF-8"?>

<form1>

<TextField3>41640 Gladys Ct</TextField3>

<TextField4>Homer</TextField4>

<Answer>East Homer</Answer>

<Answer/>

<Answer>Kachemak Drive and Spit</Answer>

<Answer/>

<Answer/>

<Answer/>

<Answer>Never</Answer>

<Answer>Regularly, once or twice a week</Answer>

<Answer> Other </Answer>

<Answer>Trips to the Library, Museums, Spit, Parks, etc.</Answer>

<TextField1>To access the spit.</TextField1>

<TextField1/>

<TextField2>Duane Howe</TextField2>

<Question11>That would be too confusing to motorists to have changing speed limits. They already drive 50 mph in the 25 zone. </Question11>

<Question10>That could work if the easements are far enough from the road to allow several feet of separation from the roadway. I walk frequently on the spit and along East Road, and I can tell you I would not feel safe with any less space than there is along those paths, and there is several feet most of the time. I have known two people who were killed trying to walk or ride a bike too close to traffic. I would not risk doing it myself.</Question10>

<Question5>That would not allow enough space to walk or ride a bike safely. </Question5>

<Question3>No. It would not be of much use just to go that far. </Question3>

<Question1>Pretty much like it is now.</Question1>

<Question2>That road is primarily to access the homes along it, and it should stay that way. There is little place for businesses along it because it is mostly wetland which should not be disturbed or filled in.</Question2>

<Question13>Surface water drainage and domestic water supply.</Question13>

<Question6>Since there is already a path on East End Road we may not need another one to go essentially to the same place. Extending the present one farther east would make more practical sense to me.</Question6>

<RadioButtonList/>

<RadioButtonList>1</RadioButtonList>

<RadioButtonList/>

<RadioButtonList>1</RadioButtonList>

<RadioButtonList/>

<RadioButtonList/>

<RadioButtonList/>

<RadioButtonList>1</RadioButtonList>

<RadioButtonList/>

<RadioButtonList>1</RadioButtonList>

<RadioButtonList/>

<RadioButtonList/>

<Question1>Improve the drainage and rezone the commercial portion to conservation. There should be no development in the wetlands. This would add to the recreational value of a path, but the cost would be questionable. I have seen groups of bikers that ride out via one route and

return via the other route, so this might be an excuse to improve Kachemak Drive to accommodate that sort of recreation. </Question1>

<Question1>Little investment should be made here because most of that land will eventually be eroded away along with the houses on it. There is no way to prevent it as we are learning in other parts of town.</Question1>

</form1>

<?xml version="1.0" encoding="UTF-8"?>

<form1>

JUL 01 2011 PM01:53

<TextField3/>

<TextField4/>

<Answer>East Homer</Answer>

<Answer/>

<Answer/>

<Answer/>

<Answer>Downtown Homer</Answer>

<Answer/>

<Answer>Infrequently; maybe every few months</Answer>

<Answer>Frequently, several times a week or every day</Answer>

<Answer> Other </Answer>

<Answer>Other</Answer>

<TextField1>exercise and to go birding</TextField1>

<TextField1>to go to the spit or businesses that are closer that way for me</TextField1>

<TextField2>Lani Raymond</TextField2>

<Question11>I definitely think you need to acknowledge that there is lots of bike and pedestrian traffic in winter also!! Not so much as summer, but still quite a bit. AND, it is a more dangerous situation because of ice on the road. This road is often quite icy and with the curves and limited visibility, can be challenging for drivers. Please also note that if you reduce the speed limit but don't enforce it, the situation will still be very dangerous.</Question11>

<Question10>This might be another good idea. Possibly safer but more costly.</Question10>

<Question5>I think there should be a narrowing of the road and make a walking/biking lane on ONE SIDE ONLY. The speed limit should be reduced and enforced. The speed limit should also be lower in winter because there is still lots of use (biking and walking) even in winter and with icy roads, the lower limit would still be needed. I think also some sort of "watch for pedestrians and bikers along this road" caution signs should be in place at each end.</Question5>

<Question3>It's a good idea. I walked it last week and there were several people camping down there. Concern about it being a possible homeless area? Also how maintained in winter?
</Question3>

<Question1>Not built up with lots of commercial stuff. It is beautiful as it is now. Hopefully there won't be too much more erosion. If it had a bike/walking path somewhere along it to use safely, it would be a fantastic asset. Plus being able to go from town out East End Rd, down Kachemak Dr then back into town as a circle (or triangle).</Question1>

<Question2>More use of Kachemak Drive for driving and walking and biking. More people wanting to use bikes and walk for various reasons--save gas, exercise, etc.</Question2>

<Question13>Safe travel for: bicyclists, walkers and vehicles. I want to say somewhere that your Question #3 might be going to give you a false sense of amount of use this road gets for walking and biking. AS IT IS NOW, I and many others I know avoid using Kachemak Drive. But if it were safe, there would be way, way more use!!!!</Question13>

<Question6>Obviously something needs to be done!!</Question6>

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<RadioButtonList>1</RadioButtonList>

<RadioButtonList/>

<RadioButtonList/>

<RadioButtonList/>
<RadioButtonList>1</RadioButtonList>
<RadioButtonList/>
<RadioButtonList/>
<RadioButtonList/>
<RadioButtonList>1</RadioButtonList>

<Question1>Figure out what is most affordable and weigh the safety. I also think that you need to do something SOON!! Not just have an elaborate plan for 5 years down the road (pardon the pun there). Reducing the speed limit for vehicles is easy and cheap. People may complain but taking a little bit more time is not the end of the world. (But would have to be enforced.)
</Question1>

<Question1>Ideally there would be a bike path along the whole way but that might not be possible due to cost, land owners not wanting to cooperate, and the fact it is wetland part of the way. If enough people think about it and help plan, there will be a way found to accomplish this.</Question1>

</form1>

Renee Krause

From: Adam Bauer <abauer@bauerhaus.ws>
Sent: Friday, July 01, 2011 6:13 PM
To: Renee Krause
Subject: Kachemak Drive survey
Attachments: survey.kdpc.pdf

PROPOSED KACHEMAK DRIVE NON-MOTORIZED PATH

PLEASE HELP OUR EFFORTS BY COMPLETING THE SURVEY
QUESTIONS BELOW

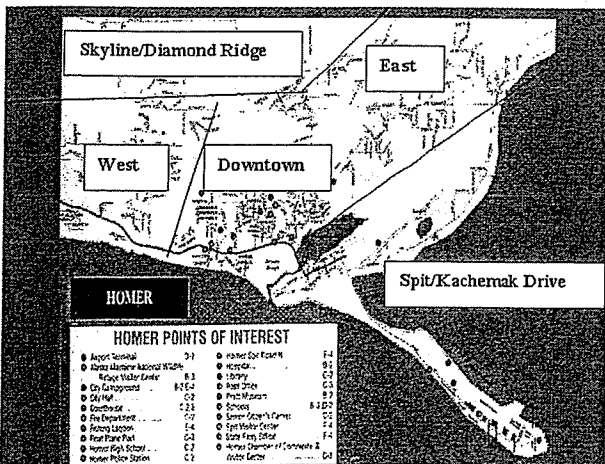


Background: Late last year it was brought to the attention of the Parks and Recreation Advisory Commission that the current state of Kachemak Drive is unsafe for the traffic and recreation occurring there. A committee was formed to look at the safety issues on this road and to come up with creative ideas to increase safety. All four scenarios presented are ideas created and supported by the Committee members but are not to be considered concrete plans. Your input will help the Kachemak Drive Pedestrian Bike Path Committee present recommendations to the Parks and Recreation Advisory Commission and ultimately City Council for further action, if any, in the future.

Kachemak Drive Pedestrian Bike Path
Advisory Commission of the Parks and Recreation
Commission

Cowles Council Chambers City Hall
491 E. Pioneer Avenue
Homer, Alaska
www.cityofhomer-ak.com

Name (Optional) Address (Optional)
City, State, Zip



1. Please refer to the map and indicate the area of Homer where you live.

- West Homer
- Downtown Homer
- East Homer
- Kachemak Drive and Spit
- Skyline/Diamond Ridge

2. Referring to the map, indicate the area of Homer where your most frequent destination is located (workplace, office, school, etc.)

- West Homer
- Downtown Homer
- East Homer
- Skyline/Diamond Ridge
- Kachemak Drive and Spit

3. How often do you ride a bicycle or walk along Kachemak Drive?

- Never
- Infrequently; maybe every few months
- Occasionally, about once or twice a month
- Regularly, once or twice a week
- Frequently, several times a week or every day

5. If you ride a bike or walk, which of the following describes why you use Kachemak Drive. If more than one please note in "Other".

- Regular Exercise or Workout
- Family Outings or touring
- Commuting - Work or School
- Routine Errands
- Trips to the Library, Museums, Spit, Parks, etc.
- I do not Ride a Bike
- Other

4. How often do you drive a car on Kachemak Drive?

- Never
- Infrequently; maybe every few months
- Occasionally, about once or twice a month
- Regularly, once or twice a week
- Frequently, several times a week or every day

6. If you drive a car, which describes why you use Kachemak Drive. If more than one please note in "Other".

- Commuting to Work or School
- Routine Errands
- Trips to the Library, Museums, Spit, Parks, etc.
- Other

If you could re-allocate space on the road for the following user groups, circle the action you would take:

- | CARS | PEDESTRIANS | CYCLISTS | OTHER VEHICLES |
|---------------------------------------|--|--|--|
| <input type="radio"/> Same Road Space | <input type="radio"/> Same Road Space | <input type="radio"/> Same Road Space | <input checked="" type="radio"/> Same Road Space |
| <input type="radio"/> More Road Space | <input checked="" type="radio"/> More Road Space | <input checked="" type="radio"/> More Road Space | <input type="radio"/> More Road Space |
| <input type="radio"/> Less Road Space | <input type="radio"/> Less Road Space | <input type="radio"/> Less Road Space | <input type="radio"/> Less Road Space |

8. Half Mile Trail from the Base of the Spit to the Airport Access Road. Comments and Concerns about this Option. Do you support this Option? Why or Why Not?

9. Narrowing the Width of Road and Adding Widened Painted Shoulder for Bike/Walking Lane. Comments or concerns about this Option? Do you Support this Option? Why or Why Not?

10. Creating a Separated Recreational Trail following Current Water and Sewer Easements or Right of Ways. Comments or Concerns? Do you Support this Option? Why or Why Not?

11. Decreasing the Speed Limit to 25 MPH during Summer Months (defined as non-studded tire months) and Making it a Scenic Byway during this Time. Comments or Concerns? Do you Support this Option? Why or Why Not?

12. Take No Action on Kachemak Drive. Comments and Concerns? Do you Support this Option? Why or Why Not?

13. What do you feel are the most pressing issues facing Kachemak Drive?

14. How are the Community and the Uses of Kachemak Drive changing? How should the City respond to the changes?

15. What do you want Kachemak Drive to look like in the next 10 or 20 years?

The area will most likely lose more coastline to erosion there will most likely be fewer residents. I doubt there will be any more businesses. The road will become an important transportation link diverting traffic from East Road to Ocean Drive both of

16. Please identify any actions on Kachemak Drive that seem easy, affordable and effective?

17. Please identify any actions on Kachemak Drive that you feel the City needs to take even though they appear hard but worth it? These actions may be difficult to achieve or may require significant investment.

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Submit by Email

Print Form

```

<?xml version="1.0" encoding="UTF-8"?>
<form1>
  <TextField3/>
  <TextField4>Homer, AK 99603</TextField4>
  <Answer>Downtown Homer</Answer>
  <Answer/>
  <Answer>Kachemak Drive and Spit</Answer>
  <Answer/>
  <Answer/>
  <Answer/>
  <Answer>Frequently, several times a week or every day</Answer>
  <Answer>Regularly, once or twice a week</Answer>
  <Answer>Commuting - Work or School</Answer>
  <Answer>Commuting to Work or School</Answer>
  <TextField1/>
  <TextField1/>
  <TextField2>Ryan Briscoe</TextField2>
  <Question11>Yes, as long as the speed limit is enforced. Although, you will still have cars that go
    around bicyclists/walkers in unsafe locations.</Question11>
  <Question10>Yes, this would be the ideal situation and would encourage more user groups to use
    the trail.</Question10>
  <Question5>If there is actually enough room to do this safely, then I would support it. I am
    skeptical that there is enough room with the current width of the road to make this
    feasible.</Question5>
  <Question3>Yes, this seems to be the most dangerous spot since cars frequently go around me on
    my bicycle in the middle of the hill where they cannot see what is coming the other
    direction.</Question3>
  <Question1>Kachemak drive should have a trail that connects the Spit trail to the East End Road
    trail. </Question1>
  <Question2>I don't know the history beyond three years, so I can't speak to long term changes,
    but the city should provide safe travel options for multiple user groups.</Question2>
  <Question13>Providing a safe road for all user groups (cars, walkers, bicycles,
    etc.).</Question13>
  <Question6>I do not support taking no action.</Question6>
  <RadioButtonList/>
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  <RadioButtonList>1</RadioButtonList>
  <RadioButtonList/>
  <RadioButtonList/>
  <Question1>For starters, you could add the half mile trail from the spit to the airport access road
    and widen the shoulders on the remainder of the road. </Question1>

```

<Question1>Ultimately, it would be best to have a trail connecting the spit to East End
Road.</Question1>

</form1>

Renee Krause

From: Ryan & Erin Briscoe <rebriscoe602@hotmail.com>
Sent: Thursday, June 30, 2011 10:38 AM
To: Renee Krause
Subject: Kachemak Drive Path survey
Attachments: survey.kdpc_.06.21.11_0.xml

Hello,

I filled out the survey online and clicked on submit via email. It said to save file and attach to an email, so I did that. It saved it as an .xml file instead of a .pdf file. Hopefully, you can read the .xml file and see my comments.

Thanks,
Ryan

Dear Homer Community Member,

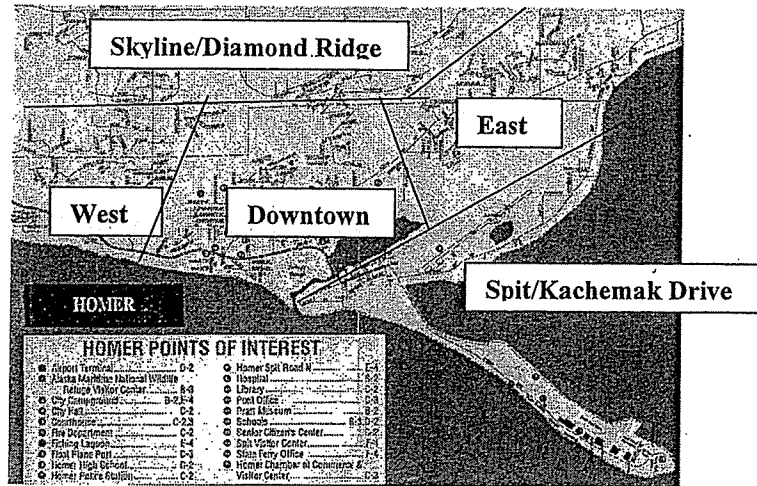
Thank you for attending the Kachemak Drive Proposed Bike Path Open House.

Background: Earlier this year it was brought to the attention of the Parks and Recreation Advisory Commission that the current state of Kachemak Drive is unsafe for the traffic and recreation occurring there. A committee was formed to look at the safety issues on this road and to come up with creative ideas to increase safety. All four scenarios presented tonight are ideas created and supported by the subcommittee, but not put forth as concrete plans. Your input and opinions will help us formulate further actions, if any, that should occur along this issue.

Please help our efforts by completing the survey form below.

1. Please refer to the map below and indicate the area of Homer where you live.

- West Homer
- Downtown Homer
- East Homer
- Kachemak Drive and Spit
- Skyline/Diamond Ridge



Please refer to the map and indicate the area of Homer where your most frequent destination is located (workplace, office, school, etc.)

- West Homer
- Downtown Homer
- East Homer
- Kachemak Drive and Spit
- Skyline/Diamond Ridge

How often do you ride a bicycle on Kachemak Drive?

- Never
- Infrequently: maybe every few months
- Occasionally: about once or twice a month
- Regularly: once or twice a week
- Frequently: several times a week to every day

If you ride a bike, which of the following describes why you use it on Kachemak Drive. Check all those that apply.

- Regular exercise or workout
- Commuting to work or school
- Routine errands
- Trips to the library, museums, parks, and similar places
- Family outings or touring
- Other (please indicate)
- I do not ride a bike

How often to do you drive a car on Kachemak Drive?

- Never
- Infrequently: maybe every few months
- Occasionally: about once or twice a month
- Regularly: once or twice a week
- Frequently: several times a week to every day

If you drive a car, which of the following describes why you use it on Kachemak Drive. Check all those that apply.

- Commuting to work or school
- Routine errands
- Trips to the library, museums, parks, and similar places
- Other (please indicate)

If you could re-allocate space on the road for the following user groups, circle the action you would take:

Space For	Less Road Space	Same Road Space	More Road Space
Cars	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Pedestrians	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Cyclists	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Buses	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

The following page refers to the ideas presented at the Kachemak Drive Open House:

1. Half Mile Trail from base of the spit to the airport access road.

Do you have any comments or concerns about this option?

I LIKE IT CAN BE A NICE WALKABLE/BIKABLE
RECREATIONAL ROUTE.

Do you support this option? Why or why not?

YES, VERY APPEALING GREAT EASY WALK CLOSE TO SPIT
PARKING, A WALKABLE ACCESS TO GRAVEL BAR - FOR BIRDING

2. Narrowing width of road on Kachemak Drive and adding widened painted shoulder for bike lane.

Do you have any comments or concerns about this option?

I THINK IT CAN/SHOULD BE DONE, EASY TO
ACCOMPLISH, RELATIVELY INEXPENSIVE

Do you support this option? Why or why not?

YES INCREASES SAFETY, CONNECTS EXISTING
BIKE PATHS.

3. Creating a separated recreational trail following current water and sewer right of ways.

Do you have any comments or concerns about this option?

BEST OPTION UNTIL POWER LINE EASEMENT CAN
BE UTILIZED.

Do you support this option? Why or why not?

YES, MAKES GOOD USE OF DISTURBED GROUND/
PROPERTY

4. Decreasing speed to 25 mph during summer months (defined as non-studded tire months) and making it a "scenic byway" during this time.

Do you have any comments or concerns about this option?

A GOOD OPTION - WOULD BE MORE SCENIC WITH
2-3 POCKET PARKS/LOOKOUTS

Do you support this option? Why or why not?

YES, INCREASES SAFETY, EASY TO IMPLEMENT

5. Take no action on Kachamak Drive.

Do you have any comments or concerns about this option?

NOT A VIABLE OPTION FOR ME, SOMETHING
NEEDS TO BE DONE.

Do you support this option? Why or why not?

NO. IT MEANS GIVING UP, ACCEPTING NO FOR
AN ANSWER

In addition, we would appreciate your thoughts on the following questions:

What do you feel are the most pressing issues facing Kachamak Drive?

SPEEDING, LACK OF BICYCLE/PEDESTRIAN PATH

How are the community and the uses of Kachamak Drive changing?

BICYCLE USE INCREASING, VEHICLE USE INCREASING,
MORE DEVELOPMENT IN GENERAL

How should we respond to these changes?

SLOW VEHICLE TRAFFIC PROVIDE SAFE OPTIONS
FOR BICYCLES + PEDESTRIANS

What do you want Kachamak Drive to look like 10 and 20 years into the future?

A SCENIC BYWAY WITH A MIX OF BUSINESS
INDUSTRY, RESIDENTIAL - ACCESSED BY IMPROVED
ROAD/BICYCLE/PEDESTRIAN PATH

CIT 11

4. Please identify any actions on Kachamak Drive that seem easy, affordable and effective.

WEEKLY PLACEMENT OF DIGITAL SPEED CAP, RADIO/NEWSPAPER
EDUCATIONAL SPOTS, SHARE THE ROAD SIGNS SPEED AN
ENFORCEMENT, OTHER SIGNS, PEDESTRIAN'S BICYCLES DOUBLE F

5. Please identify any actions on Kachamak Drive that you feel we need to take even though they seem hard, but worth it. These actions may be difficult to achieve or may require a significant investment.

PURCHASE TRAIL EASEMENT(S), PURCHASE PROPERTY
FOR TRAILHEADS, PARKING, SCENIC OVERLOOKS
ENCOURAGE BUSINESSES/HOMESOWNERS TO
CLEAN UP PROPERTIES.

```

<?xml version="1.0" encoding="UTF-8"?>
<form1>
  <TextField3>PO Box 2355 </TextField3>
  <TextField4>Homer, AK 99603</TextField4>
  <Answer>Downtown Homer</Answer>
  <Answer/>
  <Answer/>
  <Answer/>
  <Answer>Downtown Homer</Answer>
  <Answer/>
  <Answer>Never</Answer>
  <Answer>Occasionally, about once or twice a month</Answer>
  <Answer/>
  <Answer>Routine Errands</Answer>
  <TextField1/>
  <TextField1/>
  <TextField2>Ryjil Christianson</TextField2>
  <Question11>No, if anything the speed limit should be lowered during the winter time when it's
    icy. I think the current speed limit is fine. I do think this would be a wonderful spot to make a
    Scenic Byway though. A trail or walking/bike lane should also be added. </Question11>
  <Question10>On Kachemak Drive? I think this would be wonderful. Kachemak Drive is a lovely
    stretch of road to walk or bike. Unfortunately, there is no room right now for walkers and
    bikers to safely travel. </Question10>
  <Question5>What road are you talking about? The base of the Spit or Kachemak Drive?
    Kachemak Drive is already a narrow road. I would be strongly in favor of adding a bike/
    pedestrian lane. But not if it means narrowing the roadway. The road at the base of the Spit
    may be wide enough to accommodate the a bike/walking lane. </Question5>
  <Question3>Extending this trail would be wonderful. Right now there is a narrow point between
    the Airport Access Road and the beginning of the Spit trail. I often feel uncomfortable walking
    or cycling this stretch. </Question3>
  <Question1>I would like to see turn out spots along to road for trucks towing boats. In the winter
    these areas could also be used as parking for people skating on the lake. </Question1>
  <Question2>When the road was paved the traffic speed seemed to increase drastically. This made
    it even more terrifying to walk or bike along the road in some respects. More people have
    discovered the lake as a great skating area in the winter. It is difficult to park though. More
    homes are being built along the roadway. </Question2>
  <Question13>Safety of walkers and bikers! This is a very scary roadway to travel if you are not in
    a car. </Question13>
  <Question6>NO Something should be done on Kachemak Drive. I have never felt safe walking or
    biking on that road. </Question6>
  <RadioButtonList/>
  <RadioButtonList>1</RadioButtonList>
  <RadioButtonList/>
  <RadioButtonList>1</RadioButtonList>
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  <RadioButtonList/>
  <RadioButtonList>1</RadioButtonList>
  <RadioButtonList/>

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<RadioButtonList/>

<RadioButtonList/>

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<Question1>We could lower the speed limit until we build a seprate walking/ biking lane. I would not be thrilled by this but it would be an affordable change. </Question1>

<Question1>put in a walking/ biking lane that is set back from the main roadway and make the road a scenic byway (like the done along East End Road)</Question1>

</form1>

```

<?xml version="1.0" encoding="UTF-8"?>
<form1>
  <TextField3/>
  <TextField4>Homer, Alaska 99603</TextField4>
  <Answer>Downtown Homer</Answer>
  <Answer/>
  <Answer/>
  <Answer/>
  <Answer>Downtown Homer</Answer>
  <Answer/>
  <Answer>Never</Answer>
  <Answer>Infrequently; maybe every few months</Answer>
  <Answer/>
  <Answer>Other</Answer>
  <TextField1/>
  <TextField1>Occasionally to get from East End Road to the Spit or vice versa, or to Ocean Drive</TextField1>
  <TextField2>Anne Marie Holen</TextField2>
  <Question11>I would love to see traffic slow down but I don't think this is a realistic option. Narrowing the lanes would help (with visual cues). Scenic Byway status requires an application to Alaska DOT. I have never heard of a seasonal Byway designation. I doubt such a short section would be granted Scenic Byway designation. (I know something about this topic.)</Question11>
  <Question10>Clearly the best option in terms of non-motorized user experience. Undoubtedly more expensive. However, I think we need to quit thinking of non-motorized transportation infrastructure as "optional." For years, handicapped access to buildings was thought of as "optional" until enough pressure was put on public officials to make it mandatory. It should be the same with non-motorized transportation, for many reasons.</Question10>
  <Question5>Not as good/safe/pleasant as a separated trail, but better than current situation.</Question5>
  <Question3>I support all trail development in the Homer area, including this proposal.</Question3>
  <Question1>It should have a separated bike/walking/running trail along the entire length.</Question1>
  <Question2>not sure</Question2>
  <Question13>not sure</Question13>
  <Question6>I am glad that the Parks and Rec Commission has not let this issue (biking/pedestrian pathway) die. It would be a shame if that happened.</Question6>
  <RadioButtonList>1</RadioButtonList>
  <RadioButtonList/>
  <RadioButtonList/>
  <RadioButtonList>1</RadioButtonList>
  <RadioButtonList/>
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<RadioButtonList>1</RadioButtonList>

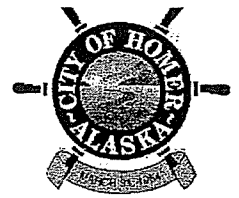
<Question1>Narrowing the lanes and creating bike/walking shoulders of a different color (this is important) would be easy and affordable but not as effective as a separated pathway.</Question1>

<Question1>Kachemak Drive is a State road, not a City road. The City needs to advocate strongly for improvements via the STIP (Statewide Transportation Improvement Plan) process.</Question1>

</form1>

PROPOSED KACHEMAK DRIVE NON-MOTORIZED PATH

PLEASE HELP OUR EFFORTS BY COMPLETING THE SURVEY
QUESTIONS BELOW



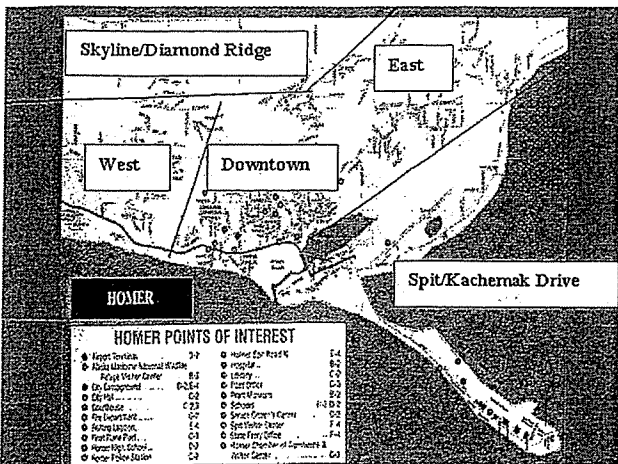
Background: Late last year it was brought to the attention of the Parks and Recreation Advisory Commission that the current state of Kachemak Drive is unsafe for the traffic and recreation occurring there. A committee was formed to look at the safety issues on this road and to come up with creative ideas to increase safety. All four scenarios presented are ideas created and supported by the Committee members but are not to be considered concrete plans. Your input will help the Kachemak Drive Pedestrian Bike Path Committee present recommendations to the Parks and Recreation Advisory Commission and ultimately City Council for further action, if any, in the future.

Kachemak Drive Pedestrian Bike Path
Advisory Committee of the Parks and Recreation
Commission

Cowles Council Chambers City Hall
491 E. Pioneer Avenue
Homer, Alaska
www.cityofhomer-ak.co

Name (Optional) Address: (Optional)

City, State, Zip



1. Please refer to the map and indicate the area of Homer where you live.

- West Homer
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- East Homer
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- Skyline/Diamond Ridge

2. Referring to the map, indicate the area of Homer where your most frequent destination is located (workplace, office, school, etc.)

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- Downtown Homer
- East Homer
- Skyline/Diamond Ridge
- Kachemak Drive and Spit

3. How often do you ride a bicycle on Kachemak Drive?

- Never
- Infrequently; maybe every few months
- Occasionally, about once or twice a month
- Regularly, once or twice a week
- Frequently, several times a week or every day

4. How often do you drive a car on Kachemak Drive?

- Never
- Infrequently; maybe every few months
- Occasionally, about once or twice a month
- Regularly, once or twice a week
- Frequently, several times a week or every day

5. If you ride a bike, which of the following describes why you use it on Kachemak Drive. If more than one please note in "Other".

- Regular Exercise or Workout
- Family Outings or touring
- Commuting - Work or School
- Routine Errands
- Trips to the Library, Museums, Spit, Parks, etc.
- I do not Ride a Bike
- Other

6. If you drive a car which describes why you use Kachemak Drive. If more than one please note in "Other".

- Commuting to Work or School
- Routine Errands
- Trips to the Library, Museums, Spit, Parks, etc.
- Other

If you could re-allocate space on the road for the following user groups, circle the action you would take:

CARS	PEDESTRIANS	CYCLISTS	OTHER VEHICLES
<input checked="" type="checkbox"/> Same Road Space	<input type="checkbox"/> Same Road Space	<input type="checkbox"/> Same Road Space	<input checked="" type="checkbox"/> Same Road Space
<input type="checkbox"/> More Road Space	<input checked="" type="checkbox"/> More Road Space	<input checked="" type="checkbox"/> More Road Space	<input type="checkbox"/> More Road Space
<input type="checkbox"/> Less Road Space	<input type="checkbox"/> Less Road Space	<input type="checkbox"/> Less Road Space	<input type="checkbox"/> Less Road Space

8. Half Mile Trail from the Base of the Spit to the Airport Access Road. Comments and Concerns about this Option. Do you support this Option? Why or Why Not?

This doesn't make sense...
Why would anyone just want to bike to the airport.

9. Narrowing the Width of Road and Adding Widened Painted Shoulder for Bike Lane. Comments or concerns about this Option? Do you Support this Option? Why or Why Not?

Yes, concern is road is small to begin w/

10. Creating a Separated Recreational Trail following Current Water and Sewer Easements or Right of Ways. Comments or Concerns? Do you Support this Option? Why or Why Not?

Possibly depending on how far.

11. Decreasing the Speed Limit to 25 MPH during Summer Months (defined as non-studded tire months) and Making it Scenic Byway during this Time. Comments or Concerns? Do you Support this Option? Why or Why Not?

No! Will just create more traffic.

12. Take No Action on Kachemak Drive. Comments and Concerns? Do you Support this Option? Why or Why Not?

No - the shoulder needs to be paved at least!

13. What do you feel are the most pressing issues facing Kachemak Drive?

No Bike lane, or at least no paved shoulder

14. How are the Community and the Uses of Kachemak Drive changing? How should the City respond to the changes?

Bike commuters are more common - also tourist bike trips create hazard in summer - need safe path for the loop

15. What do you want Kachemak Drive to look like in the next 10 or 20 years?

Much the same but w/ Bike Path.

16. Please identify any actions on Kachemak Drive that seem easy, affordable and effective?

Paving shoulders

17. Please identify any actions on Kachemak Drive that you feel the City needs to take even though they appear hard but worth it? These actions may be difficult to achieve or may require significant investment.

YOU CAN MAIL THE COMPLETED SURVEY TO: CITY OF HOMER, (DPC ATTN. RENEE KRAUSE, CITY CLERK'S OFFICE 491 E. SPOONER AVENUE HOMER, ALASKA 99603 OR SUBMIT VIA EMAIL

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PROPOSED KACHEMAK DRIVE NON-MOTORIZED PATH

PLEASE HELP OUR EFFORTS BY COMPLETING THE SURVEY
QUESTIONS BELOW

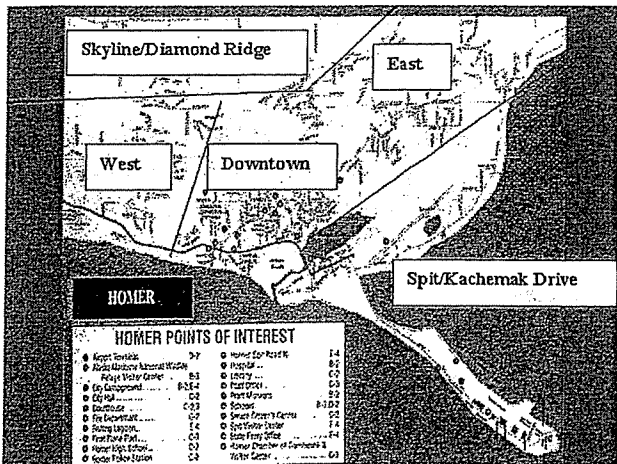


Kachemak Drive Pedestrian Bike Path
Advisory Commission of the Parks and Recreation Advisory
Commission

Cowles Council Chambers City Hall
491 E. Pioneer Avenue
Homer, Alaska
www.cityofhomer-ak.co

Background: Late last year it was brought to the attention of the Parks and Recreation Advisory Commission that the current state of Kachemak Drive is unsafe for the traffic and recreation occurring there. A committee was formed to look at the safety issues on this road and to come up with creative ideas to increase safety. All four scenarios presented are ideas generated and supported by the Committee members but are not to be considered concrete plans. Your input will help the Kachemak Drive Pedestrian Bike Path Committee present recommendations to the Parks and Recreation Advisory Commission and ultimately City Council for further action, if any, in the future.

Name (Optional) Address (Optional)
City, State, Zip



1. Please refer to the map and indicate the area of Homer where you live.

- West Homer
- Downtown Homer
- East Homer
- Kachemak Drive and Spit
- Skyline/Diamond Ridge

2. Referring to the map, indicate the area of Homer where your most frequent destination is located (workplace, office, school, etc.)

- West Homer
- Downtown Homer
- East Homer
- Skyline/Diamond Ridge
- Kachemak Drive and Spit

3. How often do you ride a bicycle on Kachemak Drive?

- Never
- Infrequently; maybe every few months
- Occasionally, about once or twice a month
- Regularly, once or twice a week
- Frequently, several times a week or every day

running several times per week

4. How often do you drive a car on Kachemak Drive?

- Never
- Infrequently; maybe every few months
- Occasionally, about once or twice a month
- Regularly, once or twice a week
- Frequently, several times a week or every day

5. If you ride a bike, which of the following describes why you use it on Kachemak Drive. If more than one please note in "Other".

- Regular Exercise or Workout
- Family Outings or touring
- Commuting - Work or School
- Routine Errands
- Trips to the Library, Museums, Spit, Parks, etc.
- I do not Ride a Bike
- Other

6. If you drive a car which describes why you use Kachemak Drive. If more than one please note in "Other".

- Commuting to Work or School
- Routine Errands
- Trips to the Library, Museums, Spit, Parks, etc.
- Other

go to boat harbor, athletic club, Starvin Marvin's, beach

If you could re-allocate space on the road for the following user groups, circle the action you would take:

CARS

PEDESTRIANS

CYCLISTS

OTHER VEHICLES

Same Road Space

Same Road Space

Same Road Space

Same Road Space

More Road Space

More Road Space

More Road Space

More Road Space

Less Road Space

Less Road Space

Less Road Space

Less Road Space

8. Half Mile Trail from the Base of the Spit to the Airport Access Road. Comments and Concerns about this Option. Do you support this Option? Why or Why Not?

would be nice as continuation of spit bike trail - Homer needs to add bike paths whenever possible

9. Creating a Separated Recreational Trail following Current Water and Sewer Easements or Right of Ways. Comments or Concerns? Do you Support this Option? Why or Why Not?

Yes - this would be best

10. Take No Action on Kachemak Drive. Comments and Concerns? Do you Support this Option? Why or Why Not?

Nope - needs something

11. How are the Community and the Uses of Kachemak Drive changing? How should the City respond to the changes?

More bikers, runners - they need safer accommodations

12. Please identify any actions on Kachemak Drive that seem easy, affordable and effective?

9. Narrowing the Width of Road and Adding Widened Painted Shoulder for Bike Lane. Comments or concerns about this Option? Do you Support this Option? Why or Why Not?

The road is not very wide now - but this would be better than nothing

11. Decreasing the Speed Limit to 25 MPH during Summer Months (defined as non-studded tire months) and Making it a Scenic Byway during this Time. Comments or Concerns? Do you Support this Option? Why or Why Not?

No - drivers don't usually observe the speed limit now - but would be better than nothing also

13. What do you feel are the most pressing issues facing Kachemak Drive?

more use - needs to be upgraded

15. What do you want Kachemak Drive to look like in the next 10 or 20 years?

Wider, with room for everyone

17. Please identify any actions on Kachemak Drive that you feel the City needs to take even though they appear hard but worth it? These actions may be difficult to achieve or may require significant investment.

Bike/pedestrian path

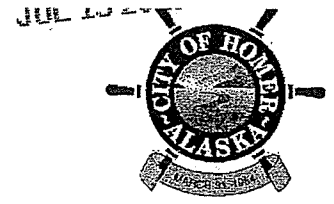
YOU CAN MAIL THE COMPLETED SURVEY TO: CITY OF HOMER, (DPC ATTN. RENEE KRAUSE, CITY CLERK'S OFFICE 491 E. PIONEER AVENUE HOMER, ALASKA 99603 OR SUBMIT VIA EMAIL

Submit by Email

Print Form

PROPOSED KACHEMAK DRIVE NON-MOTORIZED PATH

PLEASE HELP OUR EFFORTS BY COMPLETING THE SURVEY
QUESTIONS BELOW



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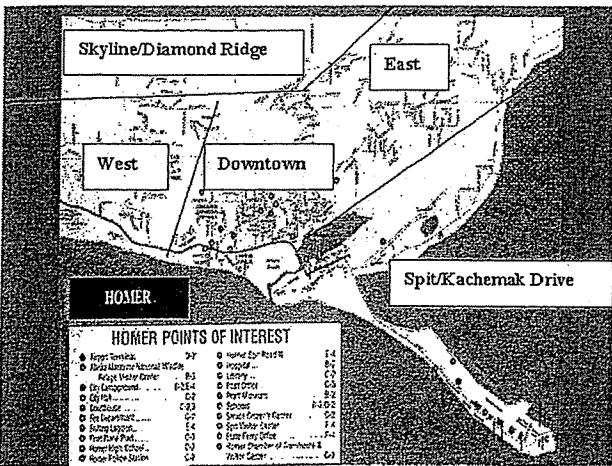
Kachemak Drive Pedestrian Bike Path
Advisory Commission

Cowles Council Chambers City Hall
491 E. Pioneer Avenue
Homer, Alaska
www.cityofhomer-ak.co

Name (Optional) Bruce Bezon

Address (Optional) 304 W. Pioneer

City, State, Zip 99603



1. Please refer to the map and indicate the area of Homer where you live.

- West Homer
- Downtown Homer
- East Homer
- Kachemak Drive and Spit
- Skyline/Diamond Ridge

2. Referring to the map, indicate the area of Homer where your most frequent destination is located (workplace, office, school, etc.)

- West Homer
- Downtown Homer
- East Homer
- Skyline/Diamond Ridge
- Kachemak Drive and Spit

3. How often do you ride a bicycle on Kachemak Drive?

- Never
- Infrequently; maybe every few months
- Occasionally, about once or twice a month
- Regularly, once or twice a week
- Frequently, several times a week or every day

4. How often do you drive a car on Kachemak Drive?

- Never
- Infrequently; maybe every few months
- Occasionally, about once or twice a month
- Regularly, once or twice a week
- Frequently, several times a week or every day

5. If you ride a bike, which of the following describes why you use it on Kachemak Drive. If more than one please note in "Other".

- Regular Exercise or Workout
- Family Outings or touring
- Commuting - Work or School
- Routine Errands
- Trips to the Library, Museums, Spit, Parks, etc.
- I do not Ride a Bike

6. If you drive a car which describes why you use Kachemak Drive. If more than one please note in "Other".

- Commuting to Work or School
- Routine Errands
- Trips to the Library, Museums, Spit, Parks, etc.
- Other

Other Routine errands

If you could re-allocate space on the road for the following user groups, circle the action you would take:

CARS	PEDESTRIANS	CYCLISTS	OTHER VEHICLES
Same Road Space <input type="radio"/>	Same Road Space <input type="radio"/>	Same Road Space <input type="radio"/>	Same Road Space <input type="radio"/>
More Road Space <input type="radio"/>	More Road Space <input checked="" type="radio"/>	More Road Space <input checked="" type="radio"/>	More Road Space <input type="radio"/>
Less Road Space <input type="radio"/>	Less Road Space <input type="radio"/>	Less Road Space <input type="radio"/>	Less Road Space <input type="radio"/>

8. Half Mile Trail from the Base of the Spit to the Airport Access Road. Comments and Concerns about this Option. Do you support this Option? Why or Why Not?

9. Narrowing the Width of Road and Adding Widened Painted Shoulder for Bike Lane. Comments or concerns about this Option? Do you Support this Option? Why or Why Not?

10. Creating a Separated Recreational Trail following Current Water and Sewer Easements or Right of Ways. Comments or Concerns? Do you Support this Option? Why or Why Not?

11. Decreasing the Speed Limit to 25 MPH during Summer Months (defined as non-studded tire months) and Making it a Scenic Byway during this Time. Comments or Concerns? Do you Support this Option? Why or Why Not?

Yeah right!

12. Take No Action on Kachemak Drive. Comments and Concerns? Do you Support this Option? Why or Why Not?

13. What do you feel are the most pressing issues facing Kachemak Drive?

a bike path

14. How are the Community and the Uses of Kachemak Drive changing? How should the City respond to the changes?

more cyclists, & also more car traffic w/ little space.
Bad mix!

15. What do you want Kachemak Drive to look like in the next 10 or 20 years?

16. Please identify any actions on Kachemak Drive that seem easy, affordable and effective?

17. Please identify any actions on Kachemak Drive that you feel the City needs to take even though they appear hard but worth it? These actions may be difficult to achieve or may require significant investment.

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PROPOSED KACHEMAK DRIVE NON-MOTORIZED PATH

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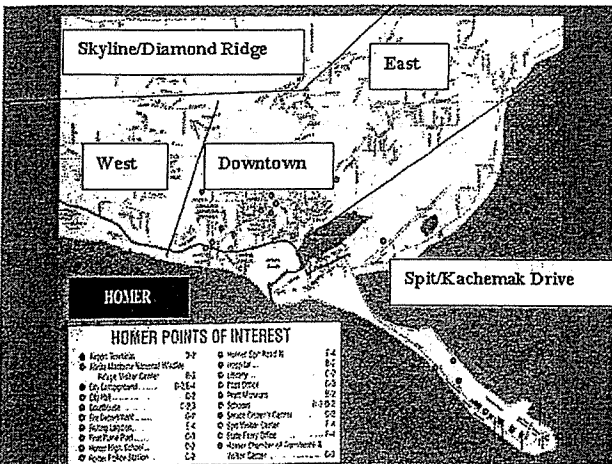
Kachemak Drive Pedestrian Bike Path
Advisory Commission

Cowles Council Chambers City Hall
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Homer, Alaska
www.cityofhomer-ak.co

Name (Optional)

Address: (Optional)

City, State, Zip



1. Please refer to the map and indicate the area of Homer where you live.

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- Downtown Homer
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- Kachemak Drive and Spit
- Skyline/Diamond Ridge

2. Referring to the map, indicate the area of Homer where your most frequent destination is located (workplace, office, school, etc.)

- West Homer
- Downtown Homer
- East Homer
- Skyline/Diamond Ridge
- Kachemak Drive and Spit

3. How often do you ride a bicycle on Kachemak Drive?

**CURRENTLY TOO DANGEROUS*

- Never
- Infrequently; maybe every few months
- Occasionally, about once or twice a month
- Regularly, once or twice a week
- Frequently, several times a week or every day

5. If you ride a bike, which of the following describes why you use it on Kachemak Drive. If more than one please note in "Other".

- Regular Exercise or Workout
- Family Outings or touring
- Commuting - Work or School
- Routine Errands
- Trips to the Library, Museums, Spit, Parks, etc.
- I do not Ride a Bike
- Other

4. How often do you drive a car on Kachemak Drive?

- Never
- Infrequently; maybe every few months
- Occasionally, about once or twice a month
- Regularly, once or twice a week
- Frequently, several times a week or every day

6. If you drive a car which describes why you use Kachemak Drive. If more than one please note in "Other".

- Commuting to Work or School
- Routine Errands
- Trips to the Library, Museums, Spit, Parks, etc.
- Other

If you could re-allocate space on the road for the following user groups, circle the action you would take:

- | CARS | PEDESTRIANS | CYCLISTS | OTHER VEHICLES |
|-----------------|--|--|--|
| Same Road Space | <input type="radio"/> Same Road Space | <input type="radio"/> Same Road Space | <input type="radio"/> Same Road Space |
| More Road Space | <input checked="" type="radio"/> More Road Space | <input checked="" type="radio"/> More Road Space | <input type="radio"/> More Road Space |
| Less Road Space | <input type="radio"/> Less Road Space | <input type="radio"/> Less Road Space | <input checked="" type="radio"/> Less Road Space |

8. Half Mile Trail from the Base of the Spit to the Airport Access Road. Comments and Concerns about this Option.

Do you support this Option? Why or Why Not?
 YES, FOR PEDESTRIAN/BYCECLE ACCESS TO LOCAL/CHARTER AIR SERVICES

9. Narrowing the Width of Road and Adding Widened Painted Shoulder for Bike Lane. Comments or concerns about this Option? Do you Support this Option? Why or Why Not?

MAYBE, NOT CERTAIN IT WOULD IMPROVE SAFETY FOR ANYONE.

10. Creating a Separated Recreational Trail following Current Water and Sewer Easements or Right of Ways.

Comments or Concerns? Do you Support this Option?

Why or Why Not?
 YES, A PEDESTRIAN/BYCLE PATH IS NEEDED TO COMPLETE THE LOOP BY TIEING EAST END RD TO SPIT TRAILS.

11. Decreasing the Speed Limit to 25 MPH during Summer Months (defined as non-studded tire months) and Making it Scenic Byway during this Time. Comments or Concerns?

Do you Support this Option? Why or Why Not?

YES, WOULD IMPROVE SAFETY FOR ALL USERS.

12. Take No Action on Kachemak Drive. Comments and Concerns? Do you Support this Option? Why or Why Not?

NO

13. What do you feel are the most pressing issues facing Kachemak Drive?

SAFETY & DRAINAGE.

14. How are the Community and the Uses of Kachemak Drive changing? How should the City respond to the changes?

MORE & FASTER TRAFFIC, ESPECIALLY IN SUMMER - BOAT/TRAILOR TRAFFIC TO BOAT YARD + RVs.

15. What do you want Kachemak Drive to look like in the next 10 or 20 years?

MORE LIKE PORTION OF EAST END ROAD THAT HAS BIKE PATH.

16. Please identify any actions on Kachemak Drive that seem easy, affordable and effective?

?

17. Please identify any actions on Kachemak Drive that you feel the City needs to take even though they appear hard but worth it? These actions may be difficult to achieve or may require significant investment.

SEPARATED BIKE/PEDESTRIAN LANE

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PROPOSED KACHEMAK DRIVE NON-MOTORIZED PATH

PLEASE HELP OUR EFFORTS BY COMPLETING THE SURVEY
QUESTIONS BELOW

AUG 30 2011 10:02:06.12



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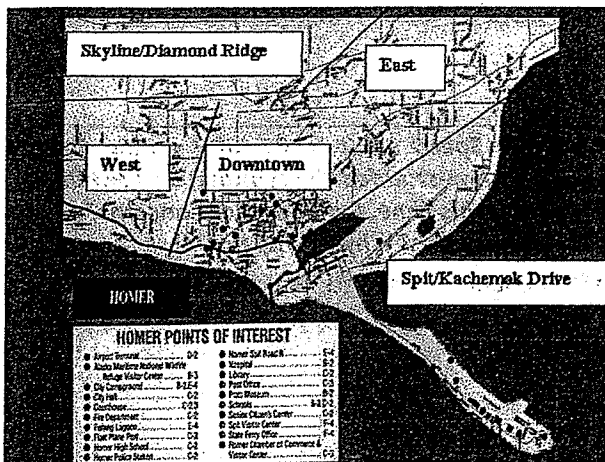
Kachemak Drive Pedestrian Bike Path
A Committee of the Parks and Recreation Advisory
Commission

Cowles Council Chambers City Hall
491 E. Pioneer Avenue
Homer, Alaska
www.cityofhomer-ak.com

Name (Optional)

Address: (Optional)

City, State, Zip



1. Please refer to the map and indicate the area of Homer where you live.

- West Homer
- Downtown Homer
- East Homer
- Kachemak Drive and Spit
- Skyline/Diamond Ridge

2. Referring to the map, indicate the area of Homer where your most frequent destination is located (workplace, office, school, etc.)

- West Homer
- Downtown Homer
- East Homer
- Skyline/Diamond Ridge
- Kachemak Drive and Spit

3. How often do you ride a bicycle or walk along Kachemak Drive?

- Never
- Infrequently; maybe every few months
- Occasionally, about once or twice a month
- Regularly, once or twice a week
- Frequently, several times a week or every day

4. How often do you drive a car on Kachemak Drive?

- Never
- Infrequently; maybe every few months
- Occasionally, about once or twice a month
- Regularly, once or twice a week
- Frequently, several times a week or every day

5. If you ride a bike or walk, which of the following describes why you use Kachemak Drive. If more than one please note in "Other".

- Regular Exercise or Workout
- Family Outings or touring
- Commuting - Work or School
- Routine Errands
- Trips to the Library, Museums, Spit, Parks, etc.
- I do not Ride a Bike
- Other

6. If you drive a car, which describes why you use Kachemak Drive. If more than one please note in "Other".

- Commuting to Work or School
- Routine Errands
- Trips to the Library, Museums, Spit, Parks, etc.
- Other

If you could re-allocate space on the road for the following user groups, circle the action you would take:

- | CARS | PEDESTRIANS | CYCLISTS | OTHER VEHICLES |
|---------------------------------------|--|--|--|
| <input type="radio"/> Same Road Space | <input type="radio"/> Same Road Space | <input type="radio"/> Same Road Space | <input type="radio"/> Same Road Space |
| <input type="radio"/> More Road Space | <input checked="" type="radio"/> More Road Space | <input checked="" type="radio"/> More Road Space | <input type="radio"/> More Road Space |
| <input type="radio"/> Less Road Space | <input type="radio"/> Less Road Space | <input type="radio"/> Less Road Space | <input checked="" type="radio"/> Less Road Space |

8. Half Mile Trail from the Base of the Spit to the Airport Access Road. Comments and Concerns about this Option.

Do you support this Option? Why or Why Not?

Is this the beach trail option? This is a good pedestrian option, but only mountain bikers with lots of time would find cycle on this trail. I would strongly support a paved or crushed gravel surface parallel to the road - this is a very dangerous section as cars are going fast with limited visibility over the hill, and uphill bike riders may be going very slow and weaving a bit.

10. Creating a Separated Recreational Trail following Current Water and Sewer Easements or Right of Ways.

Comments or Concerns? Do you Support this Option? Why or Why Not?

This is an excellent long term solution. Act fast, the easements on the west end are dug up and construction equipment is on site!

12. Take No Action on Kachemak Drive. Comments and Concerns? Do you Support this Option? Why or Why Not?

I travel this road frequently, both on a bike and by car. There is often a lot of car / truck traffic and they are going too fast. I often see 4-8 bicyclists on my trips along Kachemak Drive. I can not support no action.

14. How are the Community and the Uses of Kachemak Drive Changing? How should the City respond to the changes?

With the rising price of gas, more people are riding bikes.

16. Please identify any actions on Kachemak Drive that seem easy, affordable and effective?

Take advantage of the current construction activity at the west end of Kachemak Drive to eliminate move - demobe costs. Repaint the lines to allow up to 3' on each side for a paved shoulder for bikes and walkers.

9. Narrowing the Width of Road and Adding Widened Painted Shoulder for Bike/Walking Lane. Comments or concerns about this Option? Do you Support this Option? Why or Why Not?

I strongly support this option as an immediate, low cost solution where the right of way and topography permit.

11. Decreasing the Speed Limit to 25 MPH during Summer Months (defined as non-studded tire months) and Making it a Scenic Byway during this Time. Comments or Concerns? Do you Support this Option? Why or Why Not?

I support this if it could be enforced. Making 9.5-10' lanes would help slow down traffic.

13. What do you feel are the most pressing issues facing Kachemak Drive?

Safety, safety, and safety.

15. What do you want Kachemak Drive to look like in the next 10 or 20 years?

I would like to see a separate, paved bike and pedestrian trail, similar to the spit trail. I would discourage an adjacent trail where possible, as the proximity of speeding cars and trucks detracts from a pleasant commuting / traveling experience.

17. Please identify any actions on Kachemak Drive that you feel the City needs to take even though they appear hard but worth it? These actions may be difficult to achieve or may require a significant investment.

Acquire necessary easements for trails under the power lines and over the sewer and water lines.

YOU CAN MAIL THE COMPLETED SURVEY TO: CITY OF HOMER, (DPC ATTN. RENEE KRAUSE, CITY CLERK'S OFFICE 491 E. MOORE AVENUE HOMER, ALASKA 99603 OR SUBMIT VIA EMAIL

Submit by Email

Print Form

From: "Thomas, Scott E (DOT)" <scott.thomas@alaska.gov>
Subject: **RE: signage on Kachemak Drive, Homer**
Date: August 26, 2011 11:08:44 AM AKDT
To: Molly Brann <brann@alaska.net>
Cc: "Jones, Kevin L (DOT)" <kevin.jones@alaska.gov>, "High, Carl S (DOT)" <carl.high@alaska.gov>, "Vanderwood, Randy D (DOT)" <randy.vanderwood@alaska.gov>, "Huling, Lawrence K (DOT)" <larry.huling@alaska.gov>, "Rader, Val S (DOT)" <val.rader@alaska.gov>, "Morton, Kenneth M (DOT)" <ken.morton@alaska.gov>

Mr. Brann,

As we discussed, I recommend the following:

1. SHARE THE ROAD signs.

A. A State perspective: DOT/PF has no policy/rules, program, or resource on where best to do this or proof they are effective. If we did, we would likely choose higher priority roads on a southcentral Region basis. Kachemak Bay Drive has visibility, and it is our practice to limit the use of warning signs to things people need to know because they can't see the problem. Bicyclists can be seen on this route and sharing the road should be obvious to the driver due to the lack of shoulders and other facilities.

B. A local perspective: State priorities are not the same as local priorities. What I can recommend and support is a local government plan for signing for SHARE THE ROAD or BIKE ROUTE[s] or pathways. This is the approach we are taking in the Municipality of Anchorage, where the city creates a priority plan for bike routes and pathway circulation regardless of road ownership. They identify in a plan the routes and connectivity in an area. Then they are responsible for signing those routes. We would entertain an agreement for route signing that is conducted at the local level with continuity in mind. That will get you away from a Regional priority system for investing in signing and into more of a system that makes sense and is easier to coordinate/plan at the local level.

2. SPEED signs - driver feedback, battery operated.

A. DOT/PF is not opposed to these, but again, is only prioritizing these and maintaining these at the Regionwide level - with our highest priority being to test the effectiveness of these in our Safety Corridors - high speed, high volume highways with a crash problem. For the same reasons as above, (resources, funding, priority) we are not doing this on other roads.

B. Similar to bicycling signs, we have agreed to allow the City of Anchorage to test driver feedback signs on state roads. We do require they take speed measurements and document effectiveness before they are allowed to remain indefinitely. I would recommend a local level approach to the use of these signs for education and policing information to the driver, with a local priority system. Same as Anchorage and local use of speed carts. We would entertain an agreement led by the City of Homer to have a local effort in speed feedback signs, as long as it is part of a prioritized plan, funded by and operated by the City.

Thank you for calling.

Scott Thomas
Traffic Safety Engineer
DOT/PF Central Region
907-269-0633
scott.thomas@alaska.gov

-----Original Message-----

From: Molly Brann [mailto:brann@alaska.net]
Sent: Tuesday, August 23, 2011 1:57 PM
To: Thomas, Scott E (DOT)
Subject: signage on Kachemak Drive, Homer

Hello Mr. Thomas,

I was referred to you by Kevin Jones, DOT here in Homer. I am working on various ideas to increase safety for pedestrians, bicyclists and motorists along Kachemak Drive in Homer. I am writing as a concerned citizen and one that supports the concept of a bike/pedestrian path along Kachemak Drive. Until all the questions related to a possible path can be answered, possibly years down the road, I think a few things can be done to increase safety for users of the road.

I would like to be able to add a couple of Bicycles on the Road or Share the Road signs to existing signposts, the yellow advisory signs, not to the black and white regulatory signs. This would avoid (I hope) having to get permits to add new sign posts in the ROW. I think this would help make drivers aware there may be bicycles on the roadway, especially since there is a blind hill and some blind corners along the road. Without paved shoulders bicyclists do ride in the road-this summer has seen an increased number of commuter type bicyclists.

I have also been researching driver feedback / radar signs that are small and alert drivers when they go over the posted speed limit. The speed limit on Kachemak Drive is 35 but many, if not most, drive 45mph. The radar signs are battery operated and can be placed on existing sign posts. The signs are about \$3000 and I think I could raise the funds for two if permission could be obtained to mount them on existing signs. The local police chief and the city manager support the concept as far as slowing traffic and increasing safety.

Any advice, information or perhaps permission you could send my way would be greatly appreciated.

Sincerely,
Dave Brann

Jo Johnson

From: Renee Krause
Sent: Friday, July 29, 2011 7:50 AM
To: Melissa Jacobsen; Jo Johnson
Subject: FW: Request for Resolution from Councilmember Zak

See below. I can draft one if you are too swamped. I believe the goal is to have it on the agenda for August 22 cc meeting since Francie was gone for the first meeting.

Renee Krause, CMC
Deputy City Clerk I

-----Original Message-----

From: bryanzak@aol.com [mailto:bryanzak@aol.com]
Sent: Thursday, July 28, 2011 10:22 PM
To: Renee Krause
Subject: Re: Excerpt from the Parks and Recreation Minutes of July 21 2011

I will sponsor a resolution to this effect.

-----Original Message-----

From: Renee Krause <RKrause@ci.homer.ak.us>
To: Bryan Zak <BryanZak@aol.com>; Francie Roberts <roberts2@alaska.net>; David Lewis <davelyn@gci.net>
Cc: Beth Cumming <listentothewaters@yahoo.com>
Sent: Thu, Jul 28, 2011 12:05 pm
Subject: Excerpt from the Parks and Recreation Minutes of July 21 2011

The below is an excerpt from the Meeting Minutes of the Parks and Recreation Advisory Commission regarding recommendations submitted on a proposed Kachemak Drive Pedestrian and Bike Path this was requested from Commissioner Cumming to be emailed to you seeking support for the recommendation and a resolution from Council to continue/proceed with the concept.

I believe this may be brought up at the Council Meeting August 8th.

COMMITTEE REPORTS/STAFF REPORTS

- C. Kachemak Drive Path Committee - Commissioner Harrald
1. Synopsis of the June 17, 2011 Meeting
 2. Synopsis if Surveys Received as of July 13, 2011
 3. Survey received as of July 1, 2011
 4. Recommendations to the Commission
 5. Memorandum dated July 14, 2011 Discussion on Recommendations to Council from the Committee

Chair Bremicker requested a motion and read the motion submitted by the Committee into the record as follows:

THE KACHEMAK DRIVE PATH COMMITTEE OF THE HOMER PARKS AND RECREATION ADVISORY COMMISSION RECOMMENDS THAT THE FOLLOWING BE PASSED AND SUBMITTED TO CITY COUNCIL:

TO SUPPORT THE ACTIONS INCREASING THE SAFETY FOR MOTORIZED AND NON-MOTORIZED USERS ALONG KACHEMAK DRIVE IN ANY OR ALL OF THE FOLLOWING WAYS:

- ALTERATION OF THE EXISTING KACHEMAK DRIVE AND SHOULDER
- A SEPARATED PATH PARALLELING KACHEMAK DRIVE USING THE UTILITY EASEMENTS
- LOWERING THE SPEED LIMIT AND INCREASING THE USE OF SIGNAGE
- THE PARKS AND RECREATION ADVISORY COMMISSION WILL WORK IN COOPERATION WITH THE CITY OF HOMER IN THE PLANNING AND IMPLEMENTATION PHASES.

BRANN/ARCHIBALD - SO MOVED.

CUMMING/LILLIBRIDGE - MOVED TO AMEND THE MOTION TO READ "TO SUPPORT DEVELOPMENT OF PATHS ALONG KACHEMAK DRIVE FOR NON-MOTORIZED USERS INCLUDING WALKERS, RUNNERS AND BICYCLISTS TO INCREASE SAFETY FOR BOTH MOTORIZED AND NON-MOTORIZED USERS IN THE FOLLOWING WAYS.

Discussion proceeded on the wording changes and that the word flow and intent of the motion was the same and the original recommendation was appropriate. The maker and second pulled the amendment from consideration. Chair Bremicker commented that the motion was acceptable as written.

Commissioner Lillibridge re-read the motion as written for clarification.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Ms. Krause responded to questions regarding the process and what happens when they submit the recommendations to City Council. She informed the commissioners that since this item was not and has not been on the council agenda, the recommendation can be verbally presented at the August 8, 2011 Council meeting during Commission Reports, a memorandum from the Commission could be submitted for inclusion in the packet. It will be up to the Council if they would like to proceed further on the recommendation and it must have Council support for the recommendation to have anything further done. The commissioners must realize that the recommendation could be presented to council and that is it, nothing more happens even with the support of councilmembers. The issue will then be finished and the job of the Committee may then be complete. She recommended contacting council members to try to gain support for further action and implementation of the recommendations that will be forwarded by this commission. She confirmed that Council has the option to request a resolution to express support also.

Commissioner Cumming commented that she would like to do as much as possible to ensure that the council supports the recommendation. She expounded on her reasons for having this approved by council.

Renee Krause, CMC
Deputy City Clerk I
City of Homer
491 E. Pioneer Avenue
Homer, Alaska 99603
Ph. 907-235-8121 ext. 2224
Fax. 907- 235-3143
rkrause@ci.homer.ak.us

"Successful is the person who has lived well, laughed often and loved much, who has gained the respect of children, who leaves the world better than they found it, who has never lacked appreciation for the earth's beauty, who never fails to look for the best in others or give the best of themselves."

The information contained in this message is proprietary and/or confidential. If you are not the intended recipient, please: (i) delete the message and all copies; (ii) do not disclose, distribute or use the message in any manner; and (iii) notify the sender immediately. In addition, please be aware that any message is subject to archiving and review by persons other than the intended recipient. Thank you.

**CITY OF HOMER
HOMER, ALASKA**

Lewis/Zak/Parks and Recreation
Advisory Commission

RESOLUTION 11-090

A RESOLUTION OF THE CITY COUNCIL OF HOMER,
ALASKA, SUPPORTING THE CONCEPT AND
CONSTRUCTION OF NON-MOTORIZED PATHWAYS TO
INCREASE THE SAFETY FOR MOTORIZED AND NON-
MOTORIZED USERS ALONG KACHEMAK DRIVE
LOCATED WITHIN THE CITY LIMITS, FROM THE BASE OF
THE HOMER SPIT TO EAST END ROAD.

1
2 WHEREAS, The Parks and Recreation Advisory Commission established a committee to
3 specifically address possible solutions to the hazards presented to non-motorized and motorized users
4 of Kachemak Drive; and
5

6 WHEREAS, Public input was sought through a variety of channels for solutions to address
7 these safety concerns; and recommendations to Lower the Speed Limit, Alter the Travel Lane
8 Width and Shoulder, Increase the Use of Signage, Construct Separated, Non-motorized Paths
9 paralleling Kachemak Drive using the existing Utility Easements will be contingent on available
10 funding in the future; and
11

12 WHEREAS, The Homer City Council has shown support in approval of the Homer Non-
13 Motorized Transportation and Trail Plan, Homer Area Transportation Plan, Climate Action Plan,
14 HART Policy Manual and inclusion of the Kachemak Drive Rehabilitation/Pathway on the Capital
15 Improvement Plan; and
16

17 WHEREAS, Increasing active transportation, motorized and non-motorized, offers the
18 potential for improved public health, economic development, a cleaner environment, reduced
19 transportation costs, enhanced community connections, social equity, and more livable
20 communities.
21

22 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska,
23 hereby supports the concept and construction of non-motorized pathways along Kachemak Drive in,
24 over, and upon property within the City of Homer, and that said improvements are necessary for the
25 use and benefit of the public; and
26

27 BE IT FURTHER RESOLVED that the City Council of Homer, Alaska, further supports
28 the actions increasing the safety for motorized and non-motorized users along Kachemak Drive
29 in any or all of the following ways:

- 30 - Alteration of the existing Kachemak Drive and Shoulder
31 - Separated Paths paralleling Kachemak Drive using the Utility Easements
32 - Lowering the Speed Limit
33 - Increasing the Use of Signage
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35 PASSED AND ADOPTED by the Homer City Council this 12th day of September, 2011.

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CITY OF HOMER

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JAMES C. HORNADAY, MAYOR

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42 ATTEST:

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JO JOHNSON, CMC, CITY CLERK

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Fiscal information: Funding not defined.

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NEW BUSINESS

RESOLUTION(S)

1 **CITY OF HOMER**
2 **HOMER, ALASKA**

3 Howard, Lewis, Wythe

4 **RESOLUTION 11-099**

5
6 A RESOLUTION OF THE CITY COUNCIL OF HOMER,
7 ALASKA, AUTHORIZING THE CITY MANAGER TO DRAFT
8 AND SUBMIT A REVENUE BOND SALE APPLICATION
9 AND TAKE OTHER STEPS NECESSARY TO PREPARE FOR
10 A POSSIBLE BOND SALE TO FINANCE CONSTRUCTION
11 OF SIX TOP PRIORITY CAPITAL PROJECTS WITHIN THE
12 HOMER HARBOR.

13
14 WHEREAS, The Homer City Council recently adopted Resolution 11-060 entitled “A
15 RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, ESTABLISHING A
16 COMMITTEE TO DEVELOP A PORT AND HARBOR IMPROVEMENT REVENUE
17 BONDING PLAN AND PROVIDE COMMITTEE REVIEW AND OVERSIGHT
18 THROUGHOUT THE IMPLEMENTATION AND COMPLETION OF ANY APPROVED
19 PLAN”; and

20
21 WHEREAS, The Committee has completed the first phase of its work and has submitted
22 a memorandum containing recommendations to the Council, a copy of which is attached and
23 incorporated herein; and

24
25 WHEREAS, The Committee conducted a thorough review of all aspects related to
26 revenue bond sales that must be considered including the bond sale process, the status and fiscal
27 health of the Port and Harbor Enterprise Fund, the Fund’s capacity to generate new revenues to
28 retire bonded indebtedness, and an overview of all projects identified for inclusion in a potential
29 bond sale; and

30
31 WHEREAS, The Committee found that it was in the best interest of the City to
32 recommend a small but targeted revenue bond sale focused on the most high priority projects and
33 those in which a local share would leverage funds from outside sources; and

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35 WHEREAS, The Committee selected six projects for inclusion in the sale at a cost of
36 approximately \$ 6 Million financed over twenty years; and

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41 WHEREAS, The projects recommended in order of priority ranking are:

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- 43 • Load and Launch Ramp
- 44 • Ramp 3 Gangway
- 45 • System 5 Upgrades
- 46 • Harbor Float Replacement
- 47 • Harbor Office
- 48 • Harbor Entrance Erosion Control

49

50 NOW, THEREFORE, BE IT RESOLVED that the Homer City Council finds that it is in
51 the best interest of the City to proceed with the next steps in preparation for a possible bond sale
52 consistent with the recommendations of the Port and Harbor Revenue Bond Committee; and

53

54 BE IT FURTHER RESOLVED that the City Council hereby authorizes the City Manager
55 to draft and submit a revenue bond sale application and take other steps necessary to prepare for
56 a possible bond sale for financing the harbor projects referenced above.

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58 PASSED AND ADOPTED by the Homer City Council this 28th day of November, 2011.

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60 CITY OF HOMER

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MARY E. WYTHE, MAYOR PRO TEMPORE

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65 ATTEST:

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68 JO JOHNSON, CMC, CITY CLERK

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70 Fiscal Note: Administration and Legal Time / estimated to be less than \$3,000.

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MEMORANDUM 11-145

TO: Mayor Hornaday and Homer City Council

FROM: Port and Harbor Revenue Bond Committee / Barbara Howard Chair

DATE: October 24, 2011

SUBJECT: Proposed Revenue Bond Sale for Harbor Improvement Projects

Introduction

The City Council recently adopted Resolution 11-060 entitled " A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, ESTABLISHING A COMMITTEE TO DEVELOP A PORT AND HARBOR IMPROVEMENT REVENUE BONDING PLAN AND PROVIDE COMMITTEE REVIEW AND OVERSIGHT THROUGHOUT THE IMPLEMENTATION AND COMPLETION OF ANY APPROVED PLAN." The Committee was established and held its first meeting in early August. Barbara Howard was elected Chair and meetings were held every Thursday until the end of September when they were changed to every other week.

Resolution 11-060 required that the Committee provide recommendations to the Council by November 1, 2011. We are pleased to report that the Committee has completed the first phase of its work. This memorandum contains the Committee's recommendations.

The Committee conducted a thorough review of all of the variables that must be evaluated when municipalities are considering a revenue bond sale. The Committee started by having a discussion with Deven Mitchell, the Executive Director of the Alaska Municipal Bond Bank. Mr. Mitchell explained the entire bond sale process from conception and application through closing. He also outlined the benefits associated with using the Bond Bank to conduct the sale. The Committee received several briefings from the Finance Director regarding the financial health and capacity of the Port and Harbor Enterprise Fund. As part of this process, the Committee reviewed the Fund's ability to generate the amount of revenue that would be needed to retire bond debt.

The Committee received an overview of all of the harbor projects that were included in the enabling resolution. It also reviewed a number of new projects that were not included in either the CIP List or the enabling resolution for possible inclusion in the bond sale. Finally, the Committee was informed that the current City Attorney, Tom Klinkner, was one of the best known bond counsels in the State. Bond Counsel is required for any bond sale and the City already has the legal services it will need.

The Project Selection Criteria

There are many port and harbor projects that have been on the CIP List for a long time and are worthy of consideration for inclusion in the bond sale. Making choices was potentially difficult, especially given the backlog of priority projects and the limited bonding capacity of the enterprise fund. Therefore, the Committee decided to go about selecting projects in a methodical and structured manner. It scored and ranked projects using a weighted set of criteria. The criteria were:

- Is the project included in the enabling resolution?
- Does the project address health and safety issues?
- Does bonding leverage other money from outside sources?

- Does the project stimulate economic development and job creation?
- Does the project generate revenue for the enterprise fund?
- Does the project improve service delivery to port and harbor customers?
- Is there an identifiable revenue stream from benefitted users to retire the debt?

Other Considerations

The Committee carefully considered the financial capacity of the Port and Harbor Enterprise Fund and concluded that if a bond sale was conducted, it should be a relatively small and conservative one. The Committee took note of the fact that the Fund has diminishing retained earnings and cash assets below what would be advisable. The amount of money in the depreciation account is much less than that recommended by the City's auditors. The City could easily justify fee increases of 10 percent or more just to address these issues. Adding additional increases on top of that could be problematic and result in diminishing returns. No one wanted to raise fees too high too fast. To complicate matters further, revenues are down overall this year and are projected to be down again next year.

The Committee concluded that even though the Fund's bonding capacity at present is limited, interest rates are very low and there are opportunities right now to leverage significant amounts of outside funding for harbor priority projects that are too good to pass up. A targeted and limited investment in vital harbor infrastructure seems prudent and feasible. The Port and Harbor Enterprise Fund is expected to be self sustaining and good business practices require that investments be made in the facilities that support port and harbor operations. The port and harbor is an economic engine that creates jobs and generates revenue for the community. The revenues raised through a bond sale would be dedicated and directed right back into the facilities that port and harbor customers use and benefit from.

Bond revenues would be used to provide the required local match for other funding sources (with the exception of the harbor office). Therefore, five of the projects recommended for approval have significant funding sources associated with them. The City has already received a grant to pay for engineering and design for four of them. The Committee concluded that there was room for harbor fee increases sufficient to pay for bonded indebtedness up to \$5 or 6 Million. The Committee recommends exploring a staged call on bond revenues so that fees could be increased incrementally, and not all at once.

For a six million dollar bond sale and a twenty year amortization period, it is estimated that annual bond payments, including principal and interest, would be between \$300,000 and \$400,000. Closing costs will be minimal if the City goes through the Alaska Municipal Bond Bank and uses its attorney, Tom Klinkner as Bond Counsel. Harbor fees would have to be raised about 12% across the board to cover those payments unless other reductions in Port and Harbor expenses were achieved. The Committee also looked at targeted increases in specific fees for user groups that would benefit by particular projects. The City would be required to have a reserve account in place in the amount of \$500,000 to cover impending default and/or routine maintenance.

The City has received a grant Memorandum of Understanding for the load and launch ramp reconstruction project. Phase I of the project, engineering and design, will be fully funded up to \$350,000 with no local match requirement. The construction phase will be funded with federal money at 75% with a 25% local match. It is very likely that the 25% local match will be covered by the State of Alaska, either through Department of Fish and Game Sport Fish Program funds or through a State Harbor grant. Therefore, there is a good possibility no match from the City will be necessary. That could save the City an estimated \$837,500 in bonded indebtedness or a drawdown of port and harbor reserves.

The City will need to develop more current and precise project cost and local share estimates. This will be provided in more detail later if the Council approves the bonding recommendation in concept and authorizes us to move on to the next steps in the process. Council approval will be needed at a number of steps along the way.

The Recommended Projects

Following is a list of recommended projects to be included in a proposed revenue bond sale. They are listed in order of priority as scored by Committee members.

<u>Project</u>	<u>Estimated Cost</u>	<u>City Share</u>	<u>Matching Funds</u>
Load and Launch Ramp	\$3,350,000	\$837,500	Federal / State
Ramp 3 Gangway	\$1,700,000	\$850,000	State Harbor Grant
System 5 Upgrades	\$530,000	\$265,000	State Harbor Grant
Harbor Float Replacement	\$3,500,000	\$1,750,000	State Harbor Grant
Harbor Office	\$2,875,000	\$2,875,000	-----
Harbor Entrance Erosion Control	\$600,000	<u>\$300,000</u>	State Harbor Grant
TOTAL		\$6,877,500	
		<u>-790,000</u>	(secured design money)

TOTAL ESTIMATED BOND SALE \$6,087,500

FISCAL NOTES: The estimated costs presented above are total project costs. More refined and precise cost estimating will be provided as part of the bond application and approval process. The amount already secured for engineering and design (\$440,000 from Denali Commission and \$350,000 for L&L Ramp) is subtracted at the bottom. This has the effect of reducing the City’s overall bonding costs. Also, it is probable that the City share for reconstruction of the L&L ramp will also be eliminated. If so, that reduces the bond sale to about \$5 Million.

These projects have been bundled into one project that was approved as part of the newly adopted CIP List. A good description of each project, the estimated costs, and the anticipated matching funds are included there. The project is entitled “Harbor Improvement Revenue Bond Projects” and is attached for your information.

HARBOR OFFICE NOTES: The Committee noted that the criteria used to select the recommended projects was not well suited for evaluating the merits of this particular project. A new harbor office has been on the City CIP List for many years. The facility is a patchwork of older buildings cobbled together and is easily number one on the City’s list of buildings that need to be replaced. The building does not meet many of today’s building code standards and it is not energy efficient. Replacing this building is a health and safety issue, both for the employees that work there and for the general public that conducts business there. Replacing this building would enable the staff to work more efficiently and productively and therefore, provide better service to the public. It is the intent of the Committee to explore the possibility of securing renters in the new facility to help cover bond payments.

RECOMMENDATION: Approve Resolution 11-099. Authorize the City Manager to proceed with the next steps including preparation of a bond sale application to the Alaska Municipal Bond Bank and the necessary documents for Council approval authorizing a bond sale.

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**CITY OF HOMER
HOMER, ALASKA**

Wythe

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RESOLUTION 11-060

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A RESOLUTION OF THE CITY COUNCIL OF HOMER,
ALASKA, ESTABLISHING A COMMITTEE TO DEVELOP A
PORT AND HARBOR IMPROVEMENT REVENUE BONDING
PLAN AND PROVIDE COMMITTEE REVIEW AND
OVERSIGHT THROUGHOUT THE IMPLEMENTATION AND
COMPLETION OF ANY APPROVED PLAN.

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

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

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

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

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

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

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

BE IT FURTHER RESOLVED 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). Other staff members will provide administrative and consultative support as requested by the committee or directed by the City Manager.

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

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- | | | | |
|----|----|---|-------------|
| 52 | a. | Harbormaster's Office (to be developed as a model over-slope development | |
| 53 | | project and include public restroom facilities with a separated entrance from the | |
| 54 | | building to allow 24-hour access) | \$2,875,000 |
| 55 | | | |
| 56 | b. | Harbor Entrance Erosion Control | 600,000 |
| 57 | | | |
| 58 | c. | Ramp 3 Gangway replacement (to include disability access) | 1,700,000 |
| 59 | | | |
| 60 | d. | Harbor Float Replacement | 3,500,000 |
| 61 | | | |
| 62 | e. | Upgrade System 5 – Vessel Shore Power & Water | 530,000 |
| 63 | | | |
| 64 | f. | Fishdock Restrooms | 400,000 |
| 65 | | | |

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



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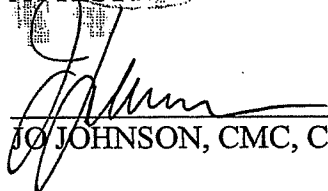
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73 ATTEST:

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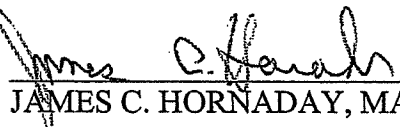
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77 JO JOHNSON, CMC, CITY CLERK

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CITY OF HOMER



JAMES C. HORNADAY, MAYOR

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

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Harbor Improvement Revenue Bond Projects

PROJECT DESCRIPTION & BENEFIT: This project will utilize municipal revenue bonds along with state and federal grant funds to accomplish six significant harbor improvement projects:

- **Port & Harbor Building**—will replace the existing Port & Harbor building (Harbormaster's Office) constructed in 1983. The building is substandard with electrical, lighting, and heating deficiencies, and does not meet codes and standards for occupancy as an office building. The new building is being planned as overslope development. Cost: \$2,875,000.
- **Harbor Entrance Erosion Control**—will construct a rock revetment to replace the badly damaged and disintegrating log cribbing that was installed as a temporary erosion control measure in 1995. Rip-rap revetment would extend 935 feet from the jetty entrance of the harbor to the existing revetment near the Ferry Terminal, providing critical shore/infrastructure protection. Cost: \$600,000.
- **Ramp 3 Gangway and Approach**—will replace the existing Ramp 3 which dates back to the mid-1960s. This ramp is the steepest ramp in the harbor and difficult to use during very low tides. At 100 feet long, the new ramp will be less steep and therefore ADA compliant. It will be constructed of aluminum and covered by an awning to keep it snow and ice-free for year-round access. The existing Ramp 3 approach, a long narrow wooden structure in poor condition, will also be replaced. Cost: \$1,700,000.
- **Harbor Float Replacement**—will replace some of the oldest and most badly damaged floats in the harbor. These floats are plagued by worn and irregular walking surfaces, bull rails in need of replacement, ice damage to pilings, and broken sidewalks with exposed flotation. A total of 1,706 linear feet will be replaced: A Float, connecting E-J Float, R Float, and S Float. Cost: \$3,500,000.
- **Upgrade System 5—Vessel Shore Power and Water**—will provide System 5, the large vessel float system in the Homer Harbor, with additional power pedestals and a year-round fresh water supply to meet the needs of the large vessel fleet and attract new vessels to be home-ported in Homer. Cost: \$530,000.
- **Load and Launch Ramp**—will reconstruct the entire Load and Launch Ramp facility, replacing all five lanes along with the floats and piles. The existing ramp is suffering from age-related wear and tear and has been judged by the Alaska Dept. of Fish and Game to be in need of replacement. The facility serves small boaters from all over south-central Alaska. Cost: \$3,500,000.

PLANS & PROGRESS: 80% of design and engineering funds have been procured through a Denali Commission Waterfront Development grant for three of the projects: Ramp 3 Gangway and Approach, Harbor Float Replacement, and System 5 Upgrade. The same three projects are also eligible for an Alaska Municipal Harbor Facility grant, which would cover 50% of construction costs. Local revenue bonds can be used to meet the 50% match requirement for this grant program. Load and Launch Ramp reconstruction may be accomplished with a Federal Aid In Sport Fish Restoration Act grant together with state matching funds (provided through the Dept. of Fish and Game).

Total Project Cost: \$12,705,000

Amount covered by existing or projected grant funds = \$6,530,000 as follows:

\$440,000 (Denali Commission grant – already secured)

\$3,377,000 (Municipal Harbor Facility grant – to be requested after revenue bond sale is approved)

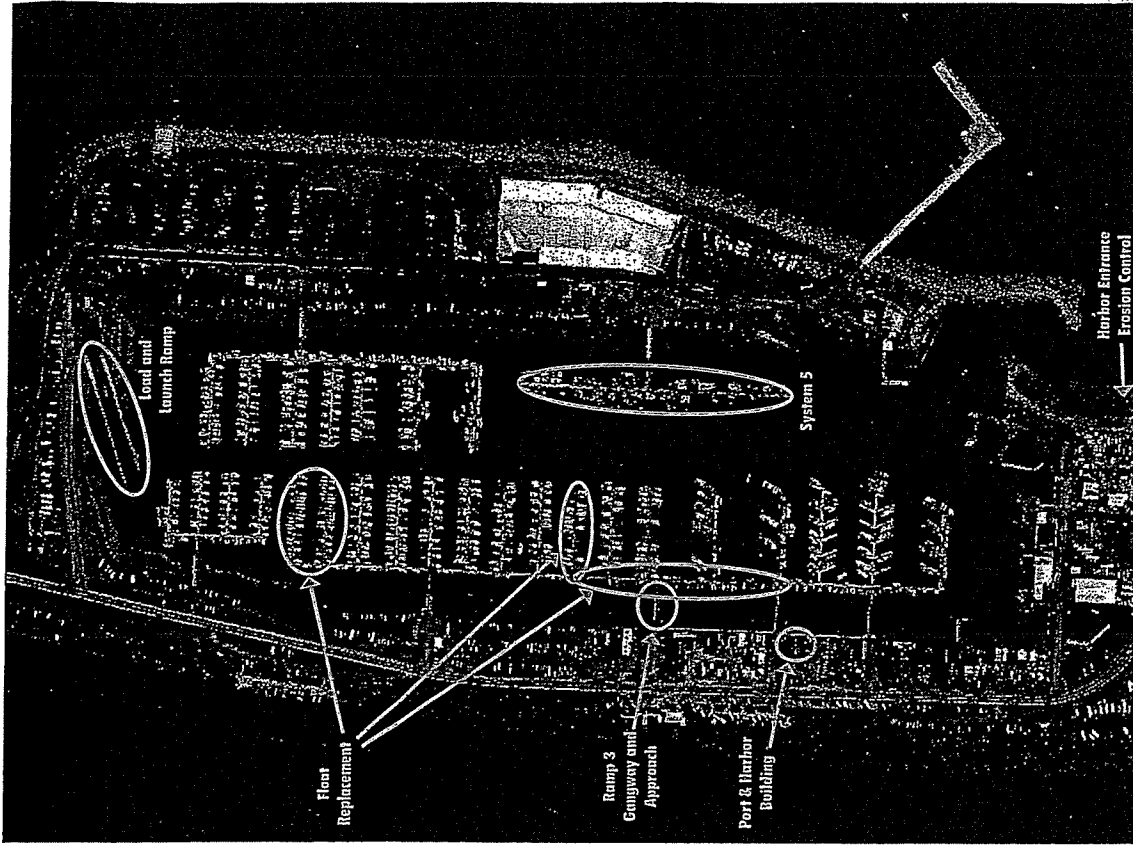
\$2,712,500 (Federal Aid In Sport Fish Restoration Act funds plus state Fish and Game funds)

Remaining (local responsibility) = \$6,175,000

Schedule: 2012-2014

Priority Level: 1

Contact Mayor Jim Hornaday or City Manager Walt Wrede at 235-8121



**CITY OF HOMER
HOMER, ALASKA**

City Manager

RESOLUTION 11-101

A RESOLUTION OF THE HOMER CITY COUNCIL ADOPTING AN ALTERNATIVE ALLOCATION METHOD FOR THE FY 12 SHARED FISHERIES BUSINESS TAX PROGRAM AND CERTIFYING THAT THIS ALLOCATION METHOD FAIRLY REPRESENTS THE DISTRIBUTION OF SIGNIFICANT EFFECTS OF FISHERIES BUSINESS ACTIVITY IN THE COOK INLET FISHERIES MANAGEMENT AREA.

WHEREAS, AS 29.60.450 requires that for a municipality to participate in the FY 12 Shared Fisheries Business Tax Program, the municipality must demonstrate to the Department of Commerce, Community and Economic Development that the municipality suffered significant effects during calendar year 2011 from fisheries business activities; and

WHEREAS, 3AAC 134.060 provides for the allocation of available program funding to eligible municipalities located within fisheries management areas specified by the Department of Commerce, Community and Economic Development; and

WHEREAS, 3AAC 134.070 provides for the use, at the discretion of the Department of Commerce, Community and Economic Development, of alternative allocation methods which may be used within fisheries management areas if all eligible municipalities within the area agree to use the method, and the method incorporates some measure of the relative significant effect of fisheries business activity on the respective municipalities in the area; and

WHEREAS, The Homer City Council proposes to use an alternative allocation method for allocation of FY 12 funding available within the Cook Inlet Fisheries Management Area in agreement with all other municipalities in this area participating in the FY 12 Shared Fisheries Business Tax Program.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, by this Resolution, certifies that the following alternative allocation method fairly represents the distribution of significant effects during 2011 of fisheries business activity in the Cook Inlet Fisheries Management Area:

50% divided equally and 50% divided on a per capita basis.

PASSED and ADOPTED by the City Council of Homer, Alaska this 28th day of November, 2011.

CITY OF HOMER

MARY E. WYTHER, MAYOR PRO TEMPORE

53 ATTEST:

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58 JO JOHNSON, CMC, CITY CLERK

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61 Fiscal Note: Previous year's Acct. 400-603-4206 and budgeted for previous years.

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STATE OF ALASKA
DEPARTMENT OF
COMMERCE
COMMUNITY AND
ECONOMIC DEVELOPMENT

Division of Community and Regional Affairs

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

October 7, 2011

Dear Municipal Official:

The purpose of the *Shared Fisheries Business Tax Program* is to provide for a sharing of state fish tax collected outside municipal boundaries with municipalities that have been affected by fishing industry activities. Municipalities around the state will share approximately \$2.15 million based on 2010 fisheries activity as reported by fish processors on their fish tax returns.

The law that created this program requires that program funding be first allocated to fisheries management areas around the state based on the level of fish processing in each area compared to the total fish processing for the whole state. Then the funding is further allocated among the municipalities located within each fisheries management area based on the relative level of impacts experienced by each municipality. Details of how the program works are presented in the application under *Program Description*.

Your municipality is located in the **Cook Inlet Fisheries Management Area**. The municipalities located in this area include Anchorage, Homer, Kenai, Kenai Peninsula Borough, Kachemak, Seldovia, Seward and Soldotna. The FY 12 program allocation to be shared within this area is estimated to be **\$83,537.37**.

In fisheries management areas where the program allocation is greater than \$4,000 multiplied by the number of municipalities in the area, program regulations provide for a "long-form" application. In your area the threshold value equals \$32,000 (8 municipalities x \$4,000) and you are therefore receiving the attached Long-Form Application. The long-form application provides for a "standard" and an "alternative" method of funding allocation. We encourage your municipality to complete the FY 12 Shared Fisheries Business Tax Application as soon as possible. **The deadline for submission of applications is December 15, 2011.**

If you have any questions about the program, or require assistance in completing the application, please call me at 465-4733.

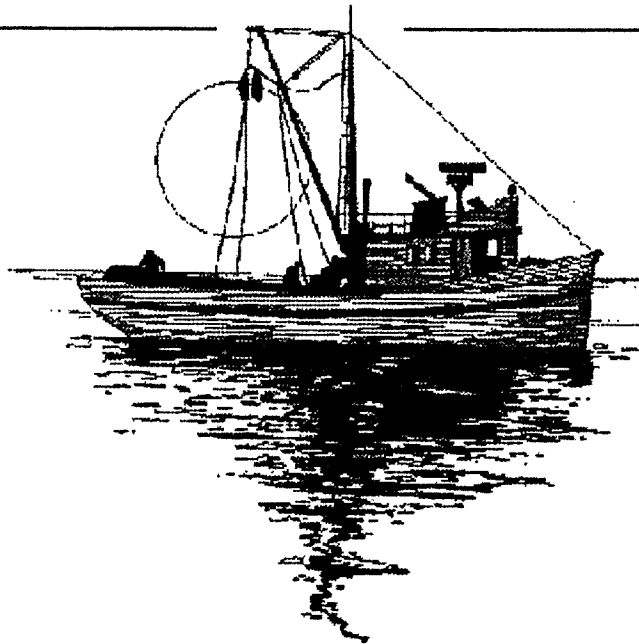
Sincerely,

A handwritten signature in black ink, appearing to read "Bill Rolfzen", with a long horizontal flourish extending to the right.

Bill Rolfzen
Local Government Specialist

**DCCED
Shared Fisheries Business
Tax Program**

**FY 12
Long-Form Application**



**APPLICATION MUST BE SUBMITTED TO DCCED
NO LATER THAN DECEMBER 15, 2011**

**State of Alaska
Sean Parnell, Governor
Department of Commerce, Community, and
Economic Development
Susan K. Bell, Commissioner
Division of Community and Regional Affairs
Scott Ruby, Director**

FY 12 SHARED FISHERIES BUSINESS TAX PROGRAM

PROGRAM DESCRIPTION

The purpose of the Shared Fisheries Business Tax Program is to provide for an annual sharing of fish tax collected outside municipal boundaries to municipalities that can demonstrate they suffered significant effects from fisheries business activities. This program is administered separately from the state fish tax sharing program administered by the Department of Revenue which shares fish tax revenues collected inside municipal boundaries.

Program Eligibility

To be eligible for an allocation under this program, applicants must:

1. be a municipality (city or borough); and
2. demonstrate the municipality suffered significant effects as a result of fisheries business activity that occurred within its respective fisheries management area(s).

Program Funding

The funding available for the program this year is equal to half the amount of state fisheries business tax revenues collected outside of municipal boundaries during calendar year 2010.

Program funding is allocated in two stages:

1st Stage: Nineteen Fisheries Management Areas (FMAs) were established using existing commercial fishing area boundaries. The available funding is allocated among these 19 FMAs based on the pounds of fish and shellfish processed in the whole state during the 2010 calendar year. For example, if an area processed 10% of all the fish and shellfish processed in the whole state during 2010, then that area would receive 10% of the funding available for the program this year. These allocations are calculated based on Fisheries Business Tax Return information for calendar year 2010.

2nd Stage: The funding available within each FMA will be allocated among the municipalities in that area based on the level of fishing industry significant effects suffered by each municipality compared to the level of effects experienced by the other municipalities in that FMA.

Some boroughs, because of their extensive area, are included in more than one fisheries management area. In these cases, the borough must submit a separate program application for each area.

FY 12 SHARED FISHERIES BUSINESS TAX PROGRAM

PROGRAM DESCRIPTION

There are Two Application Methods Possible: Standard and Alternative

Standard Method: In the Standard Method, established by the department, each municipality in the FMA must determine and document the cost of fisheries business impacts experienced by the community in 2010. These impacts are submitted by each municipality in their applications. The department will review the applications and determine if the impacts submitted are valid. Once the impacts have been established for each of the municipalities in the FMA, the department will calculate the allocation for each municipality using the following formula:

One half of the funding available within a FMA is divided up among participating municipalities on the basis of the relative dollar amount of impact in each municipality. The other half of the funding available to that area is divided equally among all eligible municipalities.

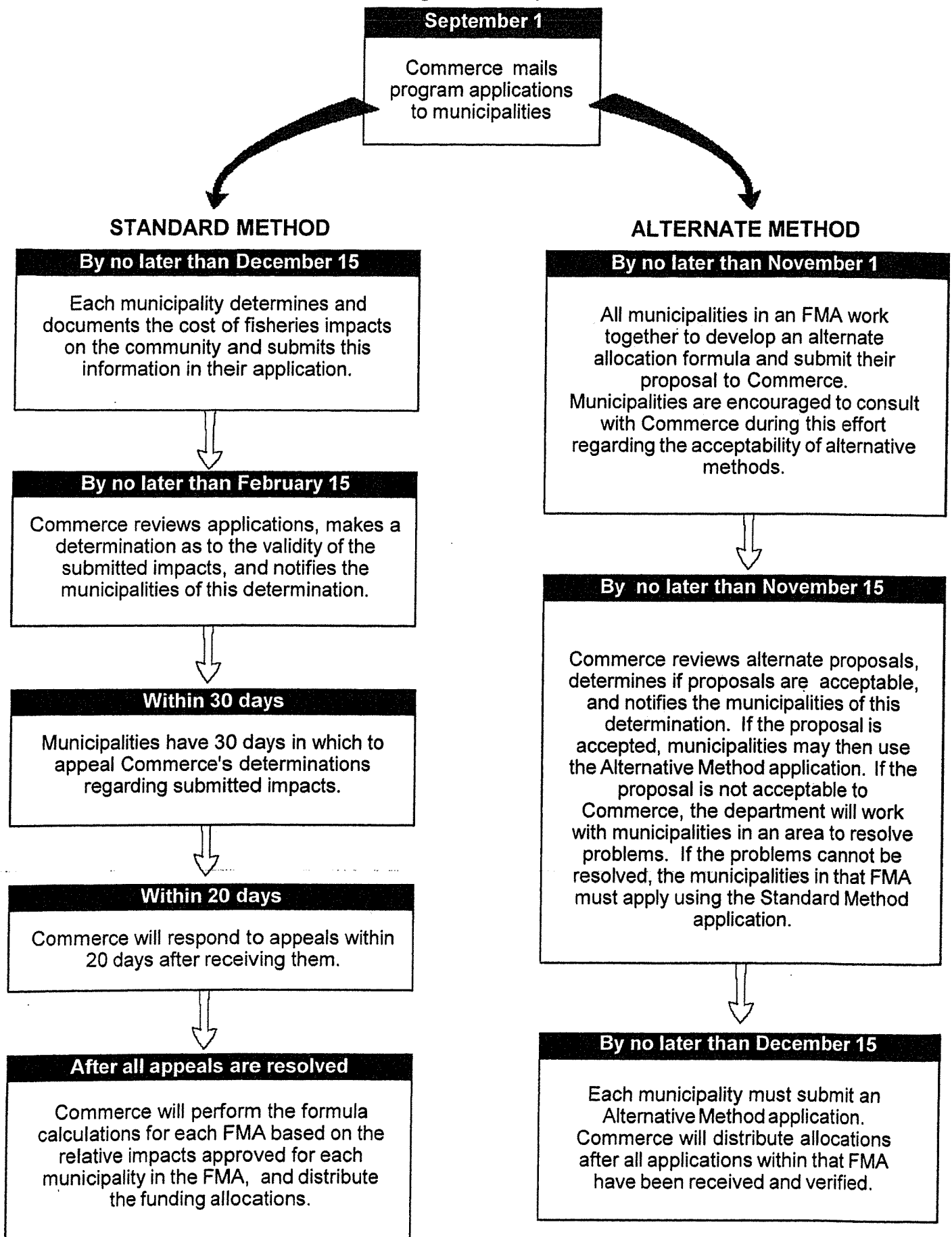
Alternative Method: Alternative allocation methods may be proposed by the municipalities within the FMA. The department will consider approving the use of a proposed alternative method only if all the municipalities in the area agree to use the method, and if the method includes some measure of the relative effects of the fishing industry on the respective municipalities in the area.

This application packet contains the instructions and forms for applying under either of these methods.

- The **yellow pages** are for applications using the **standard method**.
- The **pink pages** are to be used for **alternative method** applications.

The chart on the following page summarizes the process for these two methods.

FY 12 Shared Fisheries Business Tax Program:
Program Description



FY 12 Shared Fisheries Business Tax Program Application Instructions


STANDARD METHOD

The Process

- In the standard method application process each municipality determines and documents the cost to the municipality of fisheries industry significant effects suffered by the community in 2010.
- Details for each of these effects are submitted by municipalities using the *Declaration of Significant Effects* application forms on the following pages.
- The municipality must also submit an approved resolution by the governing body certifying that the information submitted in the application is correct and complete. A sample resolution is included in this packet.
- The department will review the applications and determine if the significant effects submitted are valid.
- Once the effects have been established for each of the municipalities in a Fisheries Management Area, the department will calculate the funding allocation for each municipality using the following formula:

One half of the funding available within a FMA is divided up among participating municipalities on the basis of the relative dollar amount of impact in each municipality. The other half of the funding available to that area is divided equally among all eligible municipalities.

Guidelines for Completing the Declaration of Significant Effects Forms

 **Some important definitions:** The Shared Fisheries Business Tax Program provides for a sharing of State Fisheries Business Tax with municipalities that can demonstrate they suffered *significant effects* during the *program base year* from *fisheries business activity* in their respective fisheries management area.

For the purposes of this program, "fisheries business activity" means:

- activity related to fishing, including but not limited to the catching and sale of fisheries resources;
- activity related to commercial vessel moorage and commercial vessel and gear maintenance;
- activity related to preparing fisheries resources for transportation; and,
- activity related to processing fisheries resources for sale by freezing, icing, cooking, salting, or other method and includes but is not limited to canneries, cold storages, freezer ships, and processing plants.

And, "significant effects" means:

- municipal expenditures during the program base year demonstrated by the municipality to the department to be reasonable and necessary that are the result of fisheries business activities on the municipality's:
 - population;
 - employment;
 - finances;
 - air and water quality;
 - fish and wildlife habitats; and,
 - ability to provide essential public services, including health care, public safety, education, transportation, marine garbage collection and disposal, solid waste disposal, utilities, and government administration.

And, "program base year" means:

- calendar year 2010.

A municipality does not need to have actually made expenditures in 2010 in order to include them as significant effects in the application. If a fishing business activity impacts a municipality in a manner that will result in a cost to the municipality, then the municipality can claim that impact as a significant effect. For example, a city's pier might have been damaged by an improperly docked fish processing vessel. The city might not have the funds to repair the pier during 2010, but the city has obtained final engineering estimates for the cost of repairs. In this case, the city could declare the repair cost estimates as significant effects on their application. However, **these costs may not be claimed again** if the city subsequently expended the monies to repair the pier at a later date (this would result in a double counting of significant effects).

If a significant effect claimed in the application reflects expenditures that were determined by the municipality to be necessary, but for which the municipality was unable to make an expenditure during the program base year, the application must include a finding by the municipal governing body which documents and clearly describes the procedures and methods by which the need and the estimated cost of such expenditures were determined.

Only that part of overall community impacts which are directly attributable to fishing business activity should be included as significant effects in the application. For example, a city's water supply system may be impacted by the fresh water needs of the local fishing fleet and fish processing facilities. However, a city in this situation should not claim the entire cost of operating or maintaining the water system as a "significant effect" for the purposes of this program. In this case, the city must determine and document its estimate of the share of the use, and "wear and tear," of the water system that can reasonably be attributed to fisheries business activity. A place is provided on the *Declaration of Significant Effects* forms for municipalities to explain how they arrived at such estimates.

Examples of eligible significant effects. The kinds of negative effects which a municipality might possibly claim to have suffered are many. It is the responsibility of each municipality to describe, document and justify its particular claims of negative impacts during 2010 resulting from fisheries business activities. For the purposes of this program, all significant effects must be presented in terms of expenditures of municipal funds, either actual or determined necessary. For example, a sudden population increase of 1,000 people is not in itself a negative effect. It is the demonstrable impacts on the city budget of dealing with

these extra people that may be considered as significant effects for this program. The following examples represent the kinds of community impacts which are clearly eligible for inclusion in a city's *Declaration of Significant Effects* forms.

- a municipality's expenses during 2010 in repairing a dock damaged by a fishing vessel;
- a municipality's costs of hiring extra police, teachers or medical staff to cover periods during 2010 when fish processing workers or fishing crew and their families expanded the municipality's population;
- a city 2010 loan which was used to improve the city's water system to meet increased demands for fresh water by local fish processors. Only that part of the debt service which can be directly attributable to supporting the fishing industry may be counted as a significant effect.
- special expenditures made by a city during 2010 to assist or help re-train workers who lost their jobs in the fishing industry because of a downturn in fishing activity;
- a borough's expenditures for operating and maintaining harbor facilities during 2010;
- that part of operating and maintaining a city's water and sewer system or landfill during 2010 that is directly attributable to the fishing industry.

➔ **Examples of events which are not eligible to be significant effects.** The following are examples of municipal expenditures or events which are **not eligible** for inclusion in a municipality's *Declaration of Significant Effects* forms:

- municipal expenditures that occurred before or after 2010 which are the result of fishing business activities;
- revenues which a city did not receive during 2010 because of a downturn in local fishing business activity.

If you're not sure whether an event is a valid "significant effect" or not, contact DCCED.

Specific Instructions for Completing the Standard Method Application

The completed standard method application submitted by each municipality will contain three elements:

- a set of Declaration of Significant Effects forms (one separate form for each significant effect claimed by the municipality). **Three copies of this form are included in the application—please make as many additional copies of this form as you need.**
- a *Cover Page* that provides the total number and cost of the significant effects claimed by the municipality.
- an *approved resolution* by the governing body adopting the application as true and correct. A sample resolution is included in the application.

Instructions for Declaration of Significant Effects forms

- Part 1: **Description of fisheries business activity which resulted in the significant effect.** In clear detail describe what fisheries business activity caused the significant effect and how this resulted in a necessary expenditure of municipal funds.
- Part 2: **Significant Effect (municipal expenditures) made necessary by fisheries business activity.** What municipal funds were spent, or were determined to be necessary during 2010, to address this specific fishing business activity.
- Part 3: **Actual or planned expenditures.** Check the box which applies. If the municipality actually has made a municipal expenditure during 2010 to address the effect of the fishing business activity, check "**actual.**" If the municipality has specifically determined a need for expenditures during 2010 to address the effect of fisheries business activity, but has not yet made the expenditures, check "**determined necessary.**"
- Part 4: **Describe method of determining expenditures.** In clear detail describe the methods used by the municipality to determine the dollar amounts submitted under Part 2 of this form. Note: Every municipal expenditure "determined necessary" but the municipality was unable to make during 2010 must include a finding in a resolution by the municipal governing body that documents and clearly demonstrates the procedures and methods by which the need and estimates were determined.
- Part 5: **Is the fisheries business activity part of a larger community impact.** If a fisheries business activity (such as use of the municipal water system by a fish processor) is part of an overall municipal impact (like the use of the water system by all residents and businesses), then, for the purposes of this fish tax sharing program, the municipality may only claim as a significant effect those municipal expenditures made on the water system that are directly attributable to the fishing industry. A city in this situation should not claim the entire cost of operating or maintaining the water system as a "significant effect." In this case, the city must determine and document its estimate of the portion of the operation and maintenance of the water system that can reasonably be attributed to fisheries business activity.
- Part 6: **Describe the documents which support the municipality's expenditure determination.** List and describe all supporting documentation for the significant effect claimed. Examples would be audits, certified financial statements, invoices for repair work on the water line leading to the harbor, city payroll accounts, documentation on the need for extra emergency medical staff during fishing season, documentation demonstrating what portion of city water is used by the fishing industry, and final engineering estimates for repair of harbor facilities. These documents do not need to be submitted with the application, but they must be provided to the department in a timely manner if the department requests them during the application review process.

Instructions for the *Cover Page/Summary*

The *Cover Page* must be completed and submitted as part of the application. This form summarizes the information found in the application. The number of significant effects claimed should be equal to the number of *Declarations of Significant Effects* forms submitted with the application and the total dollar amount should equal the sum of all the dollar amounts stated in Part 2 on the *Declarations of Significant Effects* forms.

Instruction for the *Resolution* form

Municipalities may use this form, or a similar form, to comply with the requirement that the submitted application be certified by the municipality's governing body.

**Submit your completed application
by no later than December 15, 2011, to:**

**Department of Commerce, Community, and Economic Development
Division of Community and Regional Affairs
Shared Fisheries Business Tax Program
P.O. Box 110809
Juneau, AK 99811-0809**

**If you have any questions regarding this program,
please call Bill Rolfzen at 465-4733**

**STANDARD METHOD APPLICATION
for the
FY 12 SHARED FISHERIES BUSINESS
TAX PROGRAM**

Name of Municipality: _____

Address: _____

Contact Person: _____

Phone Number: _____

Total # of Significant Effects Claimed: _____

Total \$ of Significant Effects Claimed: \$ _____

Return this cover page along with
Declaration of Significant Effects forms and resolution to:

Department of Commerce, Community, and
Economic Development
Division of Community and Regional Affairs
Shared Fisheries Business Tax Program
P.O. Box 110809
Juneau, AK 99811-0809

**FY 12 Shared Fisheries Business Tax Program
DECLARATION OF
SIGNIFICANT EFFECTS FORM**

(One Separate Form for Each Significant Effect Claimed)

1. Description of the fisheries business activity which resulted in the significant effect:

2. Significant effect (municipal expenditure) made necessary during 2010 by the fisheries business activity listed in #1: \$ _____

3. Municipal expenditure is: actual determined necessary

4. Describe how the municipal expenditure figure listed under Part 2 was determined:
(Every municipal expenditure marked "determined necessary" must be supported by a resolution that documents and clearly demonstrates the procedures and methods by which the needs and estimates were determined).

5. Is the fisheries business activity part of a larger fiscal impact on the municipality?
 yes no

If yes, describe how the fisheries business-related part of the overall fiscal impact was determined.

6. Describe the documentation that supports the municipality's claim of this significant effect (this documentation must be readily available to the department upon request):

**FY 12 Shared Fisheries Business Tax Program
DECLARATION OF
SIGNIFICANT EFFECTS FORM**

(One Separate Form for Each Significant Effect Claimed)

1. Description of the fisheries business activity which resulted in the significant effect:

2. Significant effect (municipal expenditure) made necessary during 2010 by the fisheries business activity listed in #1: \$ _____

3. Municipal expenditure is: actual determined necessary

4. Describe how the municipal expenditure figure listed under Part 2 was determined:
(Every municipal expenditure marked "determined necessary" must be supported by a resolution that documents and clearly demonstrates the procedures and methods by which the needs and estimates were determined).

5. Is the fisheries business activity part of a larger fiscal impact on the municipality?
 yes no

If yes, describe how the fisheries business-related part of the overall fiscal impact was determined.

6. Describe the documentation that supports the municipality's claim of this significant effect (this documentation must be readily available to the department upon request):

**FY 12 Shared Fisheries Business Tax Program
DECLARATION OF
SIGNIFICANT EFFECTS FORM**

(One Separate Form for Each Significant Effect Claimed)

1. Description of the fisheries business activity which resulted in the significant effect:

2. Significant effect (municipal expenditure) made necessary during 2010 by the fisheries business activity listed in #1: \$ _____

3. Municipal expenditure is: actual determined necessary

4. Describe how the municipal expenditure figure listed under Part 2 was determined:
(Every municipal expenditure marked "determined necessary" must be supported by a resolution that documents and clearly demonstrates the procedures and methods by which the needs and estimates were determined).

5. Is the fisheries business activity part of a larger fiscal impact on the municipality?
 yes no

If yes, describe how the fisheries business-related part of the overall fiscal impact was determined.

6. Describe the documentation that supports the municipality's claim of this significant effect (this documentation must be readily available to the department upon request):

**FY 12 Shared Fisheries Business Tax Program
Standard Method Resolution**

(City or Borough)

RESOLUTION NO. _____

A RESOLUTION CERTIFYING THE FY 12 SHARED FISHERIES BUSINESS TAX PROGRAM APPLICATION TO BE TRUE AND CORRECT

WHEREAS, AS 29.60.450 requires that for a municipality to participate in the FY 12 Shared Fisheries Business Tax Program, the municipality must demonstrate to the Department of Commerce, Community, and Economic Development that the municipality suffered significant effects during calendar year 2010 from fisheries business activities; and

WHEREAS, the Department of Commerce, Community, and Economic Development has prepared specific application forms for the purpose of presenting the municipality's claims as to the significant effects suffered by the municipality during calendar year 2010; and

WHEREAS, 3 AAC 134.100 requires the governing body of the municipality to include with the municipality's FY 12 program application an approved resolution certifying the information contained in the application to be true and correct;

NOW THEREFORE BE IT RESOLVED THAT:

The _____ by this resolution certifies
(Governing Body)

the information contained in the _____
(City or Borough)

FY 12 Shared Fisheries Business Tax Program Application to be true and correct to the best of our knowledge.

PASSED AND APPROVED by a duly constituted quorum of the

_____ this _____ day of _____, 20____.
(Governing Body)

SIGNED _____
Mayor

ATTEST _____
Clerk

FY 12 Shared Fisheries Business Tax Program Application Instructions

ALTERNATE METHOD

The Process

- In the alternate method application process all municipalities in a fisheries management area may work together to develop an alternative allocation formula for distributing the available program funding among municipalities in the area. It is advised that the department be consulted during this process if the municipalities have questions or concerns about what constitutes an acceptable alternative to the standard allocation method.
- All the municipalities in an area must reach an agreement in writing on an alternative allocation formula.
- By November 1, the department must receive the proposed alternative method. If the alternative method is not acceptable, the department will work with the municipalities to resolve the problems.
- If the municipalities in an area fail to satisfy the department regarding the acceptability of the alternative allocation method proposed, then each municipality in the region must return to the standard application process and submit separate applications as required by that process.
- If the department finds the alternative allocation method satisfactory, each municipality must then complete an alternative method application consisting of a cover page and resolution. The resolution must be adopted by the governing body and it must **clearly describe the approved alternative allocation method within that area**. After all alternative method applications within an area have been received and approved, the department will perform the allocations and distribute program funds.

General Guidelines for Developing an Alternative Allocation Method

→ All municipalities in a fisheries management area must agree on the alternative method: There must be unanimous agreement among all eligible municipalities in a fisheries management area with regard to alternative allocation methods. It is the responsibility of community leaders in the area to work together to negotiate an alternative which is acceptable to all municipalities. The department may be consulted at any time regarding what kinds of formula approaches are considered acceptable by the department.

→ Alternative methods must incorporate some measure of the relative significant effects experienced by the respective municipalities in the area. The measure of significant effects may take many forms. One area might agree to use the number of commercial fishing boat visits-per-year per community as a measure of significant effects. Another area might use the linear foot-length of public docks as a measure. Another area might use

community population figures as an indication of the significant effects of fisheries business activity. Another area might share one half of the funding equally between the respective municipalities and share the other half based upon community population figures. Areas may decide to use one measure, or may use a combination of measures.

Specific Instructions for an Alternative Method Application

In the alternative method application, a **cover page and approved resolution** constitute the application. No other forms need to be submitted. A cover page and sample resolution have been attached for your use.

**Submit your completed application
by no later than December 15, 2011, to:**

**Department of Commerce, Community, and Economic Development
Division of Community and Regional Affairs
Shared Fisheries Business Tax Program
P.O. Box 110809
Juneau, AK 99811-0809**

**If you require assistance in completing this application,
please call Bill Rolfzen at 465-4733.**

**ALTERNATIVE METHOD APPLICATION
for the
FY 12 SHARED FISHERIES BUSINESS
TAX PROGRAM**

Name of Municipality: _____

Address: _____

Contact Person: _____

Phone Number: _____

Return this cover page along with your resolution to:

Department of Commerce, Community, and
Economic Development
Division of Community and Regional Affairs
Shared Fisheries Business Tax Program
P.O. Box 110809
Juneau, AK 99811-0809

FY 12 Shared Fisheries Business Tax Program
Alternative Method Resolution

(City or Borough)

RESOLUTION NO. _____

A RESOLUTION ADOPTING AN ALTERNATIVE ALLOCATION METHOD FOR THE FY 12 SHARED FISHERIES BUSINESS TAX PROGRAM AND CERTIFYING THAT THIS ALLOCATION METHOD FAIRLY REPRESENTS THE DISTRIBUTION OF SIGNIFICANT EFFECTS OF FISHERIES BUSINESS ACTIVITY IN

(Fisheries Management Area)

WHEREAS, AS 29.60.450 requires that for a municipality to participate in the FY 12 Shared Fisheries Business Tax Program, the municipality must demonstrate to the Department of Commerce, Community, and Economic Development that the municipality suffered significant effects during calendar year 2010 from fisheries business activities; and,

WHEREAS, 3 AAC 134.060 provides for the allocation of available program funding to eligible municipalities located within fisheries management areas specified by the Department of Commerce, Community, and Economic Development; and,

WHEREAS, 3 AAC 134.070 provides for the use, at the discretion of the Department of Commerce, Community, and Economic Development, of alternative allocation methods which may be used within fisheries management areas if all eligible municipalities within the area agree to use the method, and the method incorporates some measure of the relative significant effect of fisheries business activity on the respective municipalities in the area; and,

WHEREAS, The _____
(Governing Body)

proposes to use an alternative allocation method for allocation of FY 12 funding available

within the _____
(Fisheries Management Area)

in agreement with all other municipalities in this area participating in the FY 12 Shared Fisheries Business Tax Program;

NOW THEREFORE BE IT RESOLVED THAT: The _____
(*Governing Body*)

by this resolution certifies that the following alternative allocation method fairly represents the distribution of significant effects during 2010 of fisheries business activity

in the _____
(*Fisheries Management Area*)

ALTERNATIVE ALLOCATION METHOD:

PASSED and APPROVED by a duly constituted quorum

of the _____ this _____ day of _____, 20 ____
(*Governing Body*)

SIGNED _____
Mayor

ATTEST _____
Clerk

1 CITY OF HOMER
2 HOMER, ALASKA

3 City Manager/Fire Chief

4 RESOLUTION 11-102
5

6 A RESOLUTION OF THE CITY COUNCIL OF HOMER,
7 ALASKA, APPROVING A BOROUGH AREA WIDE MUTUAL
8 AID AGREEMENT FOR FIRE AND EMERGENCY MEDICAL
9 SERVICES AND AUTHORIZING THE CITY'S
10 PARTICIPATION IN THAT AGREEMENT.
11

12 WHEREAS, The Kenai Peninsula Borough Office of Emergency Management and the
13 Kenai Fire Chief's Association has agreed upon an area wide mutual aid agreement which
14 establishes policies and procedures for the provision of mutual aid resources among departments
15 within the Borough; and
16

17 WHEREAS, The new area wide agreement will allow the City of Homer to both provide
18 and receive mutual aid from any department within the Borough that has signed the agreement;
19 not just the departments immediately adjacent to Homer, such as the Kachemak Emergency
20 Service Area and the Anchor Point Fire and Emergency Service Area, who already have mutual
21 aid agreements with the City; and
22

23 WHEREAS, This agreement enhances public safety within the greater Homer area, it
24 does not place binding financial obligations on the City, and the Fire Chief recommends
25 approval.
26

27 NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby approves
28 the new Borough Area Wide Mutual Aid Agreement, a copy of which is attached and
29 incorporated herein, and authorizes the City's participation in that agreement.
30

31 PASSED AND ADOPTED by the Homer City Council this 28th day of November, 2011.
32

33 CITY OF HOMER
34
35
36

37 _____
38 MARY E. WYTHER, MAYOR PRO TEMPORE
39
40

41 ATTEST:

42

43

44

45 _____
JO JOHNSON, CMC, CITY CLERK

46

47 Fiscal Note: Difficult to project. City mutual aid responses would be carried out generally within
48 the parameters of the existing approved budget. Additional appropriations would be requested in
49 the event of a City response to major emergencies in other areas of the Borough that could
50 significantly exceed the budget.

51

Memo 11-147

To: Walt Wrede, City Manager
From: Bob Painter, Fire Chief
CC:
Date: November 21, 2011
Re: Borough-Wide Mutual Aid Agreement

Walt,

After several years of stalled attempts, Eric Mohrmann of the Kenai Peninsula Borough Office of Emergency Management and the Kenai Peninsula Fire Chiefs Association has worked out an area wide mutual aid agreement. This agreement establishes policies and procedures for the provision of mutual aid resources not only among our nearest mutual aid partners but across the entire Kenai Peninsula.

As you may know Borough Service Area departments were prevented in sending personnel or apparatus outside their service area boundaries (in the absence of a mutual aid agreement) only upon the express permission of the Borough Mayor. This agreement will allow us to provide and receive mutual aid from any department adopting the agreement. This agreement does not bind us to send aid if/when we are unable to do so due to staffing shortages or local needs. I recommend the approval of this agreement.

Mutual Aid Agreement

AGREEMENT FOR MUTUAL AID FOR THE PROVISION OF EMERGENCY SERVICES

By and Among

THE KENAI PENINSULA BOROUGH ON BEHALF OF THE

**ANCHOR POINT FIRE AND EMERGENCY SERVICE AREA
BEAR CREEK FIRE SERVICE AREA
CENTRAL EMERGENCY SERVICE AREA
KACHEMAK EMERGENCY SERVICE AREA
LOWELL POINT EMERGENCY SERVICE AREA
NIKISKI FIRE SERVICE AREA
and**

**CITY OF HOMER
CITY OF KENAI
CITY OF SELDOVIA
CITY OF SEWARD
COOPER LANDING EMERGENCY SERVICES, INC.
HOPE SUNRISE EMERGENCY MEDICAL SERVICES, INC.
MOOSE PASS VOLUNTEER FIRE DEPARTMENT
NANWALEK VOLUNTEER FIRE DEPARTMENT
NINILCHIK EMERGENCY SERVICES
PORT GRAHAM VOLUNTEER FIRE DEPARTMENT
SELDOVIA VILLAGE VOLUNTEER FIRE DEPARTMENT
SEWARD VOLUNTEER AMBULANCE CORPS**

SECTION I – Purpose:

1. This Agreement made pursuant to AS 18.70.150 establishes the authority and procedures whereby the parties to this Agreement provide Emergency Mutual Aid Services, upon request of a requesting agency and within the capability of each responding agency.
2. This Agreement is effective as of the last date of signature below.

SECTION II – Policies:

Support rendered under the terms of this Agreement will be limited to the boundaries of the specific designated protection areas and established policies of the agencies party to this Agreement. A map of each agency's service boundaries is attached hereto as Attachment A.

SECTION III – General:

1. The President of the Peninsula Fire Chief's Association is designated as coordinator for all parties to this Agreement, in cooperation with the Kenai Peninsula EMS Coordinator.

SECTION IV – Review, Re-Negotiation, or Amendment:

1. Review, re-negotiation, or amendment of this Agreement may be initiated at any time upon written request by any party hereto.
2. The Agreement will remain in effect until amended or terminated.
3. Amendments will be submitted in writing, will be approved by all parties hereto or their designated representatives and will be attached to and become part of this Agreement upon execution.

SECTION V – Terms of Agreement:

1. It is agreed that participants will assist each other as provided by this agreement.
2. It is further specifically agreed and understood by and among the parties hereto that this Agreement does not and shall not create any monetary contractual obligations between or among the parties.
3. The Agreement may be terminated any time by mutual agreement. Any party hereto may withdraw by giving thirty (30) days advance written notice to all other parties hereto.
4. The rendering of assistance under the terms of this Agreement shall not be mandatory, but the party receiving the request for assistance should immediately inform the requesting department if, for any reason, assistance cannot be rendered. *(In no event shall any agency provide mutual aid to another agency if by doing so, the area of the*

October 28, 2011

agency responding to the aid of another would thereby be placed in jeopardy. This shall be determined in each instance by the Agency chief or designee of the area from which support is requested.)

5. The agency requesting assistance/aid will have in place an Incident Command System at the time of the request.
6. Aid may be requested by any agency in the form of personnel, equipment, facilities or materials for the purpose of assisting in fighting fires or responding to other emergency incidents. Request for aid shall include as much detail as circumstances and time allow.
7. Upon dispatch by the requested agency, the requesting agency shall at a minimum provide:
 - a. concise directions to the location of the emergency and/or to the location at which the requested department's equipment/personnel will be staged;
 - b. a description of the type of emergency and of the planned utilization of the requested agency's resources;
 - c. designated communications channels for command functions as well as any tactical channels.
8. The agency chief or designee of the requested agency shall determine whether to respond in whole, in part, or to deny the request, based on a determination of what level of response can be provided, without unreasonably limiting the requested agency's abilities to meet its responsibilities within its own jurisdictional area. The agency chief or designee of the requested agency shall promptly notify the requesting agency of the level of response, if any, the requested agency will provide.
9. Upon arrival of the requested agency's resources at the incident scene, staging area, or cover assignment location, all such personnel, equipment, and materials shall remain under the command of the requested department's senior responding personnel. The requested agency's senior responding personnel shall report to and operate under the direction of the requesting agency's Incident Command.
10. Turn down of an assignment may be made at the scene of an incident, at the sole discretion of the requested agency's senior personnel, if he/ she determines that the requested agency's personnel, equipment, or materials are being exposed to unnecessary or unreasonable danger, or if the requested agency's personnel do not have the training or resources required for the assignment.
11. The responding agency's senior responding officer shall coordinate any withdrawal or declination of assignment with the Incident Commander to mitigate the consequences of the withdrawal or declination of the assignment. After arrival at the incident, staging area or location of cover assignment, if it becomes necessary to withdraw a portion or all such requested personnel, equipment or materials, such withdrawal may be initiated at the sole discretion of the requested agency's senior personnel at the scene.

12. The officers and personnel of the parties to this Agreement are invited and encouraged, on a reciprocal basis, to frequently visit each other's jurisdictions for guided familiarization tours consistent with local security requirements and, as feasible, to jointly conduct pre-fire and medical planning inspections and drills.
13. Responsibility for Liability. Each agency shall bear its own costs for responding to requests for aid under this agreement. Each responding agency shall be responsible for damages caused by its personnel's negligence while traveling to the scene, at the scene, and returning to the station of origin. In rendering emergency services, each agency will bear the responsibility to other parties for actions of its own personnel, and any liability incurred as a result of such acts. Nothing in this provision shall preclude individuals from being held personally liable for damage caused by their own intentional misconduct.
14. Cooperative agreements between the Alaska Department of Forestry or United States Forest Service and individual departments or agencies are not addressed or affected by this agreement. Any and all other mutual aid or automatic aid agreements between any of the undersigned parties are not affected by this agreement and supersede this agreement should any conflict exist.

October 28, 2011

SECTION VI – AUTHORIZATION:

The following entities have reviewed this Agreement for Mutual Aid for the Provision of Emergency Services on the date indicated and agree that they concur to this Agreement as written.

_____ Signature/Date Approved by resolution no./board (if applicable): _____	_____ Printed Name/Title _____	Kenai Peninsula Borough
_____ Area Signature/Date Approved by resolution no./board (if applicable): _____	_____ Printed Name/Title _____	Anchor Point Fire & Emergency Service
_____ Signature/Date Approved by resolution no./board (if applicable): _____	_____ Printed Name/Title _____	Bear Creek Fire Service Area
_____ Signature/Date Approved by resolution no./board (if applicable): _____	_____ Printed Name/Title _____	Central Emergency Service Area
_____ Signature/Date Approved by resolution no./board (if applicable): _____	_____ Printed Name/Title _____	City Of Homer
_____ Signature/Date Approved by resolution no./board (if applicable): _____	_____ Printed Name/Title _____	City Of Kenai
_____ Signature/Date Approved by resolution no./board (if applicable): _____	_____ Printed Name/Title _____	City Of Seldovia
_____ Signature/Date Approved by resolution no./board (if applicable): _____	_____ Printed Name/Title _____	City Of Seward

October 28, 2011

Inc.

Signature/Date

Printed Name/Title

Approved by resolution no./board (if applicable):

Cooper Landing Emergency Services,

Services, Inc.

Signature/Date

Printed Name/Title

Approved by resolution no./board (if applicable):

Hope Sunrise Emergency Medical

Signature/Date

Printed Name/Title

Approved by resolution no./board (if applicable):

Kachemak Emergency Services Area

Signature/Date

Printed Name/Title

Approved by resolution no./board (if applicable):

Lowell Point Emergency Service Area

Signature/Date

Printed Name/Title

Approved by resolution no./board (if applicable):

Moose Pass Volunteer Fire Department

Signature/Date

Printed Name/Title

Approved by resolution no./board (if applicable):

Nanwalek Volunteer Fire Department

Signature/Date

Printed Name/Title

Approved by resolution no./board (if applicable):

Nikiski Fire Service Area

Signature/Date

Printed Name/Title

Approved by resolution no./board (if applicable):

Ninilchik Emergency Services

Signature/Date

Printed Name/Title

Approved by resolution no./board (if applicable):

Port Graham Volunteer Fire Dept.

Signature/Date

Printed Name/Title

Approved by resolution no./board (if applicable):

Seldovia Village Volunteer Fire Dept.
Barabara Heights Volunteer Fire Department

Signature/Date

Printed Name/Title

Approved by resolution no./board (if applicable):

Seward Volunteer Ambulance Corp.

October 28, 2011

**CITY OF HOMER
HOMER, ALASKA**

City Manager

RESOLUTION 11-103

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, APPROVING THE GRANT AVIATION, INC. AIR CARRIER/TICKET COUNTER SUBLEASE AT THE HOMER AIRPORT TERMINAL AND AUTHORIZING THE CITY MANAGER TO SIGN THE APPROPRIATE DOCUMENTS.

WHEREAS, Grant Aviation, Inc. has held an air carrier lease sublease at the Homer Airport Terminal since 2005; and

WHEREAS, The air carrier sublease expired on September 30, 2011; and

WHEREAS, Grant Aviation, Inc. has requested a new three year sublease with the City of Homer at the Homer Airport Terminal for the period of October 1, 2011 until September 30, 2014 with two (1) one year options to renew; and

WHEREAS, Grant Aviation, Inc. is a tenant in good standing and provides valuable economic and transportation benefits to the community.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, hereby approves the Grant Aviation, Inc. Sublease for the Homer Airport Terminal and authorizes the City Manager to sign the appropriate documents.

PASSED AND ADOPTED by the Homer City Council this 28th day of November, 2011.

CITY OF HOMER

MARY E. WYTHER, MAYOR PRO TEMPORE

ATTEST:

JO JOHNSON, CMC, CITY CLERK

Fiscal Note: Estimated \$26,719.57 annually in Airport Revenues to the General Fund.

MEMORANDUM 11- 148

TO: Mayor Hornaday and Homer City Council
THRU: Walt Wrede, City Manager *W. Wrede*
FROM: Terry Felde, Airport Terminal Manager *T. Felde*
DATE: November 9, 2011
RE: Grant Aviation, Inc. Air Carrier Lease

Airport leases have been considered administrative leases since 1993 when the airport terminal opened and are negotiated and reviewed by administration with final approval of the City Council and DOT. They have not been subject to the lease policy procedures since they are building leases and the lease policy procedures have applied to city owned land. If a current lease holder is in good standing and requests a renewal to continue their airport operation we have approved. If lease space becomes available or the current lease holder is not in good standing when their lease is up for renewal we will RFP the available space.

Airport leases have limited allowed use such as air carriers, car rentals and food or gifts that supply the traveling public. The City owns the terminal building but leases the land from the State who is also subject to FAA guidelines. DOT limits a lease to a five year period. At times this makes it difficult for lease holders to develop long range business plans and obtain financing but short term leases seem to be standard procedure in the aviation industry. Additional space is and has been available at the airport if another airline indicates interest in the future.

Grant Aviation has held a sublease with the City since August 2005, is in good standing with their current lease, and has requested to renew their lease. Grant Aviation provides economic benefits to the City along with beneficial transportation options for the community through the operation of more than one airline. Grant has requested a three year lease for the period of October 1, 2011 to September 30, 2014. The lease fee is \$2,226.63 per month, \$26,719.57 annually, plus tax for the ticket counter, office and baggage areas.

RECOMMENDATION: Approve the Grant Aviation, Inc. sublease and authorize the City Manager to sign.

FISCAL IMPACT: \$26,719.57 annual Airport revenues to the General Fund.

**HOMER AIRPORT TERMINAL
AIR CARRIER/TICKET COUNTER SUBLEASE**

THIS SUBLEASE IS MADE this ____ day of November, 2011, between the City of Homer, Sublessor, (hereinafter referred to as "City") a municipal corporation, whose address is 491 East Pioneer Avenue, Homer, Alaska 99603-7624 and Grant Aviation, Inc. (hereinafter referred to as "Sublessee") whose address is P.O. Box 92200 Anchorage, Alaska 99509. The City is the lessee in that certain Lease Agreement No.ADA-06600, recorded at Book 222, Pages 124-140 of the Books and Records of the Homer Recording District, Third Judicial District, State of Alaska, between the State of Alaska, Department of Transportation and Public Facilities ("DOT/PF" or "State of Alaska"), lessor, and the City of Homer, lessee, as amended by Supplement No. 1, dated, February 28, 2002, and as may be further amended from time to time (collectively, the "Base Lease") to which all the terms, covenants, and conditions of this Sublease are subject. Sublessee will fully comply with all covenants, provisions, conditions, and terms of that Base Lease.

CITY AND SUBLESSEE AGREE AS FOLLOWS:

1. **DESCRIPTION.** City subleases to Sublessee and Sublessee subleases from City the premises consisting of 741 square feet of space as more fully described and/or depicted on Exhibit "A" attached hereto (hereinafter referred to as the "Premises"), located in the Homer Airport Terminal Building (hereinafter referred to as the "Building") located on Lot 5A, Block 800, HOMER AIRPORT TRACTS according to the official plats on file with the State of Alaska, Department of Transportation and Public Facilities, Division of Aviation (hereinafter referred to as the "Property"), for the term, the rent, and subject to the covenants and conditions hereinafter provided. This Sublease confers no rights either with regard to the subsurface of the land below the floor level of the Premises or with regard to airspace above the ceiling of the Premises.

2. **TERM.** (a) The term of this Sublease shall commence on the 1st day of October, 2011, and shall end on the 30th day of September, 2014 unless sooner terminated as hereinafter provided.

(b) In any event, Sublessee may not occupy the Premises before DOT/PF consents to this Sublease in writing. If City is unable to deliver possession of the Premises by the date specified for the commencement of the term of this Sublease as a result of causes beyond its reasonable control, including without limitation any failure or delay in obtaining the consent of DOT/PF, City shall not be liable for any damage caused by failing to deliver possession, this Sublease shall not be void or voidable, and the term of this Sublease shall not be extended by the delay. The Sublessee shall not be liable for rent until City delivers possession of the Premises to Sublessee, but shall commence paying rent when City delivers possession.

3. **RENT.** Sublessee shall pay to City as annual rent, without deduction, setoff, prior notice or demand, the sum of \$26,719.57, plus taxes, payable in monthly installments of \$2,226.63, plus taxes, in advance on the first day of each month, commencing on the date the term of this Sublease commences. Monthly rent for the first month or portion of it shall be paid on the day the term commences.

Monthly rent for any partial month shall be prorated at the rate of 1/30th of the monthly rent per day. Rent not paid when due shall bear interest from the date when due at the rate of interest specified in

AS 45.45.010(a) as now enacted or hereinafter amended. Rent shall be paid at the address set forth for City in the introductory paragraph of this Sublease, or as otherwise directed from time to time by notices from City.

4. USE OF PREMISES. Sublessee shall use the Premises for office space and ticket counter space for passenger or cargo transportation by air and related functions of aircraft operations and ticket sales and for no other use without City's consent. Sublessee shall be open for business not less than four hours per day, six days per week (excluding holidays). Sublessee agrees to comply with all federal, state and local laws, ordinances and regulations. Sublessee agrees to comply with the following rules and regulations and with such reasonable modifications thereof and additions thereto as City may hereafter from time to time make for the Building.

(a) Sublessee shall comply with all covenants, provisions, conditions, and terms of that certain Lease Agreement No. ADA-06600, recorded at Book 222, Pages 124-140 of the Books and Records of the Homer Recording District, Third Judicial District, State of Alaska, between the State of Alaska, Department of Transportation and Public Facilities ("DOT/PF" or "State of Alaska"), lessor, and the City of Homer, lessee, as amended by Supplement No. 1, dated February 28, 2002, and as may be further amended from time to time (collectively, the "Base Lease") to which all the terms, covenants, and conditions of this Sublease are subject. Sublessee will fully comply with all covenants, provisions, conditions and terms of that Base Lease. Sublessee shall not make or permit to be made any use of the premises or any part thereof which would violate any of the covenants, agreements, terms, provisions and conditions of said Base Lease; nor will Sublessee commit any act, either by commission or omission, which would cause City to be in default of any covenant, provision, term or condition of the Base Lease. Sublessee hereby acknowledges receiving a copy of the Base Lease.

(b) Sublessee will not make any use of the Property or the Building, nor will Sublessee make or permit to be made any use of the Premises or any part thereof which would violate any of the covenants, agreements, terms, provisions and conditions of this Sublease; which is forbidden by any federal, state or local law, ordinance or regulation; which may be dangerous to life, limb, or property; which would, in the reasonable judgment of City, in any way impair the character, reputation or appearance of the Building as an attractive and functional airport terminal building; or which would impair or interfere with or tend to impair or interfere with any of the services performed by City for the Property.

(c) Sublessee shall not exhibit, sell or offer for sale on the Premises or in the Building any article or thing except those articles and things reasonably connected with the stated use of the Premises set forth above by Sublessee without the advance consent of the City.

(d) Sublessee shall not display, inscribe, print, paint, maintain or affix in or about the Building or outside of the Premises any sign, notice, legend, direction, figure or advertisement, unless Sublessee shall first have obtained the consent of the City, and then only such names(s) and matter, and in such color, size, style, place and materials as shall first have been approved by City. City shall not unreasonably withhold prompt approval, but City's insistence on compliance with a uniform signage plan shall not be deemed unreasonable.

(e) No additional locks or similar devices shall be attached to any door or window

without City's consent. No keys for any door other than those provided by City shall be made. If more than two keys for one lock are desired, City will provide the same upon payment by Sublessee. All keys must be returned to City at the expiration or termination of this Sublease.

(f) Sublessee shall not overload any floor. City may direct, within reason, the time and manner of delivery, routing and removal, and the location, of safes and other heavy articles.

(g) Unless City gives consent, Sublessee shall not install or operate any steam or internal combustion engine, boiler, machinery, refrigerating or heating device or air conditioning apparatus in or about the premises, or carry on any mechanical business therein, or use the Premises for housing accommodations or lodging or sleeping purposes, or do any cooking therein, or use any illumination other than electric light, or use or authorize to be brought into the Building any inflammable fluid such as gasoline, kerosene, naphtha, and benzene, or any explosives, radioactive materials or other articles deemed extra hazardous to life, limb or property, except in a manner which would not violate any federal, state or local law, ordinance or regulation. Sublessee shall not use the Premises for any illegal or immoral purpose.

(h) The sidewalks, halls, passages, exits, entrances and stairways shall not be obstructed by Sublessee or used for any purpose other than for ingress to and egress from the Premises. No Sublessee and no employees or invitees of any Sublessee shall go upon the roof of the Building.

(i) Sublessee shall not use, keep or permit to be kept any foul, explosive or noxious gas or substance in the Premises, or permit or suffer the Premises to be occupied or used in a manner unreasonably offensive or objectionable to the City or other occupants of the Building by reason of noise, odors, and/or vibrations, or unreasonably interfere in any way with other tenants or those having business therein; nor shall any animals or birds be brought in or kept in or about the Premises or the Building, unless for purposes of air transport, and then only in containers designed for transport of such animals or birds. Sublessee shall be responsible for enforcing the requirement that all animals and birds shall be kept in containers while in the Premises or the Building. Sublessee shall make all repairs and conduct all cleaning necessary as a result of the presence of birds or animals in the Premises or the Building in connection with air transport.

(j) Sublessee shall see that the doors and windows, if openable, of the Premises, are closed and securely locked before leaving the Building and must observe with strict care and caution that all water faucets or water apparatus are entirely shut off before Sublessee or Sublessee's employees leave the Building, and that all electricity shall likewise be carefully shut off so as to prevent waste or damage.

(k) In the event of any default or carelessness in performing the duties imposed by this paragraph, Sublessee shall make good all resulting injuries or losses sustained by other sublessees or occupants of the Building and City. In addition to all other liabilities for breach of any covenant of this paragraph, the Sublessee shall pay to the City an amount equal to any increase in insurance premiums payable by the City or any other tenant in the building, caused by such breach, but City shall have the burden of proving by a preponderance of the evidence that such increase is directly attributable to such breach.

5. SECURITY DEPOSIT. The Sublessee has deposited with City at the time of execution of this Sublease the sum of \$4,267.08 as a security deposit for the performance by Sublessee of the provisions of this Sublease. If Sublessee is in default, City can use the security deposit, or any portion of it, to cure the default or to compensate City for all damage sustained by City resulting from Sublessee's default. Sublessee shall immediately upon demand pay to City a sum equal to the portion of the security deposit expended or applied by City as provided in this paragraph so as to maintain the security deposit in the sum initially deposited with City. Sublessee's failure to do so within five (5) days after demand by City shall be a default under this Sublease. If Sublessee is not in default at the expiration or termination of this Sublease, City shall return the security deposit to Sublessee. City's obligation with respect to the security deposit are those of a debtor and not those of a trustee or fiduciary. City may maintain the security deposit separate and apart from City's general funds or co-mingle the security deposit with City's general funds. City shall not be required to pay Sublessee interest on the security deposit. If City is required by law to maintain the security deposit in an interest bearing account, City shall be entitled to receive and retain the maximum amount permitted under applicable law as a bookkeeping and administrative charge.

6. UTILITIES AND SERVICES. City shall furnish to the Premises, at City's expense, except as otherwise provided in this Sublease, reasonable quantities of electricity and heat as required for Sublessee's use. City shall furnish water, sewer and garbage removal service to the Building, at City's expense; however, Sublessee shall be responsible for cleaning the Premises and taking its garbage to dumpsters provided for the Building. If City is required to construct new or additional utility installations including, without limitation, wiring, plumbing, conduits and mains, resulting from Sublessee's changed or increased utility requirements, Sublessee shall, on demand, pay to City the total cost of these items. City shall not be liable for failure to furnish utilities to the Premises when the failure results from causes beyond City's reasonable control, but in case of such failure City will take all reasonable steps to restore the interrupted utilities. Any such interruption of utilities shall never be deemed an eviction or disturbance of Sublessee's use and possession of the Premises, or any part thereof, or give Sublessee any right to abatement of rent, or otherwise relieve Sublessee from performance of any of Sublessee's obligations under this Sublease, except that Sublessee's obligation to pay rent shall be abated to the extent that any such interruption of the utilities exceeds fifteen (15) days. Sublessee shall pay for all telephone charges, including installation.

7. CONDITION OF PREMISES. Sublessee's taking possession of the Premises shall be conclusive evidence as against Sublessee that the Premises were in good order and satisfactory condition when Sublessee took possession, except as to latent defects. No promise of City to alter, remodel, repair or improve the Premises or the Building and no representation as to the condition of the Premises or the Building has been made by City to Sublessee, other than as may be contained in this Sublease or in a separate written agreement. At the termination of this Sublease, the Sublessee shall return the Premises clean and in as good order and condition as when the Sublessee took possession, ordinary wear and tear excepted, failing which the City may restore the Premises to such condition and the Sublessee shall pay the cost thereof on demand.

8. MAINTENANCE AND REPAIRS. City, at City's expense, shall maintain, in good condition, the structural parts of the Building which shall include only the foundation, bearing and exterior walls (excluding glass and doors to the Premises), subflooring, the unexposed electrical, plumbing and sewage systems, and the heating and ventilation system servicing the Premises.

Sublessee, at Sublessee's expense, shall maintain, in good condition, the Premises, including, without limitation, all glass, doors to the Premises, electrical and plumbing fixtures, interior walls, signs and Sublessee's personal property.

9. PARKING AND SNOW REMOVAL. City shall designate a parking area for employees of the tenants of the Building, and Sublessee's employees shall park in the employee parking lot. No overnight parking of employee vehicles is allowed. City shall designate overnight parking areas for Sublessee's vans. City shall provide snow removal in the parking area.

10. ALTERATIONS. (a) Sublessee shall not make any alterations to the Premises without City's prior written consent, which shall not be unreasonably withheld. Requests for approval of alterations shall be made in writing and shall include three (3) copies of the plans and specifications. The City will approve or disapprove the proposed alterations within thirty (30) days. Approval of the alterations shall not constitute a building permit, nor shall a building permit constitute approval of the alterations. Any alterations (except Sublessee's trade fixtures) shall remain on and be surrendered with the Premises on expiration or termination of this Sublease, except that City can elect at any time to require Sublessee to remove any alterations that Sublessee has made to the Premises. If City so elects, Sublessee, at Sublessee's expense, shall restore the Premises to the condition designated by City in its election, before the last day of the term, or within thirty (30) days after notice of election is given, whichever is later. If Sublessee proceeds to make any approved alterations to the Premises as provided in this paragraph, Sublessee shall notify City no less than five (5) days prior to the commencement of the work.

(b) Sublessee shall make no improvements or construction without the prior approval of DOT/PF. Sublessee shall provide City with copies of such written approval(s) prior to commencement of any improvements or construction.

11. MECHANICS' LIENS. Sublessee shall pay all costs for construction done by it or caused to be done by it on the Premises as permitted by this Sublease. Sublessee shall keep the Premises, the Building, and the Property free and clear of mechanics' liens resulting from construction done by or for Sublessee. Sublessee shall have the right to test the correctness or the validity of any such lien only if, immediately on demand by City, Sublessee procures and records a lien release bond issued by a corporation authorized to issue surety bonds in the State of Alaska in an amount equal to one and one-half times the amount of the claim of lien. The bond shall meet the requirements of AS 34.35.072 and shall provide for the payment of any sum that the claimant may recover on the claim, plus interest, costs and attorney's fees.

12. INDEMNITY. (a) Sublessee shall protect, indemnify and hold City and DOT/PF harmless from all damages, including costs and attorneys' fees, arising out of any injury to or death of any person or damage to or destruction of property occurring to, in, on or about the Premises, Building or Property, but only to the proportionate extent such damages, costs and fees may be caused by or contributed to by fault or other legal responsibility on the part of Sublessee, its employees, authorized representative, customers, invitees, or sublessees. Notwithstanding the preceding sentence, Sublessee shall protect, indemnify and hold City and DOT/PF harmless from all damages, including costs and attorney's fees, arising out of any injury to or death of any person or damage to or destruction of property arising out of and in the course of Sublessee's flight time, as defined in 14 CFR Section 1.1. Notwithstanding the first sentence of this paragraph, Sublessee shall

not be liable to City or its insurers for, and Sublessee's obligation to protect, indemnify and hold City harmless shall not include any loss or damages, including costs and attorney's fees, covered and paid by City's fire insurance described in paragraph 16.

(b) Furthermore, Sublessee shall protect, defend, and indemnify and hold the State harmless to the same level and extent that the Sublessee would provide to the State if the Sublessee were a direct lessee of the State under the Base Lease.

13. AVIATION LIABILITY, PUBLIC LIABILITY, PROPERTY DAMAGE, WORKERS' COMPENSATION, AND OTHER INSURANCE. (a) Sublessee, at Sublessee's expense, shall maintain airline/aircraft/airport public liability insurance with policy limits not less than that required by statute.

(b) Sublessee, at Sublessee's expense, shall maintain comprehensive general liability insurance with a single combined liability limit of not less than ONE MILLION DOLLARS (\$1,000,000.00) per person THREE MILLION DOLLARS (\$3,000,000.00) per occurrence for personal injury or death and property damage arising from one occurrence in the amount of not less than ONE MILLION DOLLARS (\$1,000,000.00) insuring against all liability of Sublessee, its employees, and authorized representatives, arising out of or in connection with Sublessee's use or occupancy of the Premises.

(c) All aviation and comprehensive general liability insurance policies shall insure performance by Sublessee of the indemnity provisions of paragraph 12; shall name City and DOT/PF as additional insureds; shall include a waiver of subrogation by the insurer against City and DOT/PF; and shall not contain any exclusion from coverage for Sublessee's liability for damages or loss incurred by City or DOT/PF because of their status as additional insureds.

(d) Sublessee, at Sublessee's expense, shall maintain workers' compensation insurance with policy limits not less than that required by statute.

(e) In addition to the foregoing, Sublessee must obtain and maintain such insurance covering the operations and activities of Sublessee to the same level and extent that Sublessee would be required to maintain if the Sublessee were the direct lessee of DOT/PF under the Base Lease. Sublessee must provide to DOT/PF, with a copy to City, such binders or certificates of insurance as may be required by DOT/PF to prove compliance with this subparagraph.

14. USE OF HAZARDOUS SUBSTANCES.

(a) Sublessee shall not cause or permit any Hazardous Material to be brought upon, kept or used in or about the Property by Sublessee or its authorized representatives, customers, invitees or sublessees, except for such Hazardous Material as is necessary or useful to Sublessee's lawful use of the Property.

(b) Any Hazardous Material permitted on the Property as provided in this paragraph, and all containers therefor, shall be handled, used, kept, stored and disposed of in a manner that complies with all laws or regulations applicable to any such Hazardous Material. Such Hazardous Material shall be handled only by properly trained personnel.

(c) Sublessee shall not discharge, leak or emit, or permit its authorized representatives, customers, invitees or sublessees to discharge, leak or emit, any material into the atmosphere, ground, sewer system or any body of water, if such material does or may, unlawfully pollute or contaminate the same, or may unlawfully adversely affect (i) the health, welfare or safety of persons, whether located on the Property or elsewhere, or (ii) the condition, use or enjoyment of the Property or any other real or personal property. The preceding sentence only applies to Sublessee's use of and operations on the Property.

(d) If any such discharge, leak, spill, emission, or pollution (referred to in subparagraph 14(c) above) occurs upon or from the Property during the Sublease term or any holdover, Sublessee will immediately notify City and all appropriate federal, state, and local authorities, and will act immediately to contain the spill, repair any damage, absorb and clean up the spill area and restore the Property to comply with the applicable portions of any federal, state, or local law or regulation then in effect.

(e) Sublessee hereby agrees that it shall be fully liable for all costs and expenses related to the handling, use, storage and disposal of Hazardous Material brought or kept on the Property by the Sublessee, its authorized representatives, customers, invitees and sublessees, and the Sublessee shall give immediate notice to the City of any violation or suspected violation of the provisions of subparagraphs 14(a), (b), (c) and (d).

15. INDEMNITY FOR USE OF HAZARDOUS MATERIAL.

(a) Sublessee shall protect, indemnify and hold City and DOT/PF and their officers, officials, and other employees harmless from and against any claims, demands, penalties, fines, judgments, settlements, liabilities, losses, damages, costs and expenses (including, without limitation, attorney, consultant and expert fees, court costs and other litigation expenses) (individually and collectively, "Environmental Damages") arising out of or related to (i) the presence, disposal or release of any Hazardous Material (as defined in subparagraph (c) below) on or impacting the Property; and (ii) any bodily injury (including death) or property damage (real or personal) caused by such presence, disposal or release; but only to the proportionate extent such Environmental Damages shall have been caused by or contributed to by fault or other legal responsibility on the part of Sublessee or its employees, agents, customers, invitees or contractors.

(b) City shall protect, indemnify and hold Sublessee and its directors, officers, and other employees harmless from and against any Environmental Damages arising out of or related to (i) the presence, disposal or release of any Hazardous Material on or impacting the Property; and (ii) any bodily injury (including death) or property damage (real or personal) caused by such presence, disposal or release; but only to the proportionate extent such Environmental Damages shall have been caused by or contributed to by fault or other legal responsibility on the part of City or its employees, agents, customers, invitees or contractors.

(c) For the purposes of paragraphs 14 and 15, "Hazardous Material" is defined as any substance that is toxic, ignitable, reactive, or corrosive that is regulated by any local government, the State of Alaska, or the United States government. "Hazardous Material" includes any and all material or substances that are defined as "hazardous waste", "extremely hazardous waste" or a

"hazardous substance" pursuant to local, state or federal law, including without limitation, the Resource Conservation and Recovery Act of 1976, as amended from time to time, and regulations promulgated thereunder, and the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended from time to time, and regulations promulgated thereunder. "Hazardous Material" also includes, but is not restricted to, asbestos, polychlorobiphenyls ("PCB's") and petroleum and petroleum products.

16. CITY'S FIRE INSURANCE. City shall, at City's expense, maintain on the Building a policy of fire and extended coverage insurance, with vandalism and malicious mischief endorsements, up to the full replacement value. The policy shall provide that any proceeds shall be made payable solely to City. The "full replacement value" of the Building to be insured under this paragraph shall be determined by the insurance company issuing the policy at the time the policy is initially obtained or subsequently renewed.

Sublessee shall not use the Premises for any purpose, nor do any acts in the Premises, which will increase the existing rate of insurance on the Building or cause the cancellation of any insurance policy covering the Building, or any part thereof, nor shall Sublessee sell, or permit to be kept, used or sold, on the Premises, any article, material or substance which may be prohibited by standard form fire and extended coverage insurance policies. Sublessee shall, at Sublessee's expense, comply with any and all requirements pertaining to the Premises of any insurance organization or company, necessary for the maintenance of fire and extended coverage insurance covering the Building. Sublessee agrees to pay to City as additional rent any increase in premiums on policies which may be carried by City covering damage to the Building by fire and the perils normally included in extended coverage, but only to the extent City proves by a preponderance of the evidence that such increase is directly attributable to Sublessee's breach of the first two sentences of this subparagraph. In event of nonpayment of such additional rent, City shall have all the rights and remedies provided in this Sublease in case of nonpayment of rent.

17. OTHER INSURANCE MATTERS. All insurance required to be carried by Sublessee under this Sublease and the Base Lease shall be issued by insurance companies authorized to do business in the State of Alaska with a financial rating of at least "A" as rated in the most recent edition of Best's Insurance Reports, or an equivalent rating; shall be issued as a primary policy; and shall contain an endorsement requiring twenty (20) days prior written notice from the insurance company to both parties and before cancellation or change in the coverage, scope or amount of any policy. Sublessee shall furnish insurance certificates to City and DOT/PF at the commencement of the term of this Sublease, and on renewals. Sublessee shall promptly furnish copies of each policy to City and DOT/PF upon request.

18. TAXES AND ASSESSMENTS. City shall pay all general and special assessments. Sublessee shall pay all real estate taxes levied on Sublessee's interest in the Premises, Building or Property.

19. DESTRUCTION. If, during the term of this Sublease, the Premises or the Building are totally or partially destroyed from any cause, rendering the Premises totally or partially inaccessible or unusable, City shall restore the Premises or the Building to substantially the same condition as they were in immediately before destruction, if the restoration can be made under the then existing laws and can be substantially completed within one hundred twenty (120) working days after the date

of destruction. Such destruction shall not terminate this Sublease. If the restoration cannot be made in the time stated in this paragraph, either party shall have the right to terminate this Sublease by notice to the other party given at any time within thirty (30) days after the date of such destruction, or within thirty (30) days after it is determined that such restoration cannot be completed within the time stated, whichever is longer, except that if such destruction resulted from Sublessee's fault or negligence, Sublessee shall have no right to terminate this Sublease. If the then existing laws do not permit the restoration, either party shall have the right to terminate this Sublease by notice to the other party given at any time within thirty (30) days after the date of such destruction.

If a portion of the Building other than the Premises shall be totally or partially destroyed from any cause such that in the reasonable opinion of the City the Building should be restored in such a way as to alter the Premises materially, City may terminate this Sublease by notice to Sublessee at anytime within thirty (30) days after the date of such destruction. In the event of giving effective notice pursuant to this paragraph, the term of this Sublease shall expire on the date thirty (30) days after the giving of such notice as fully and completely as if such date were set forth for the expiration of the term of this Sublease. If this Sublease is not so terminated, City shall restore the Premises and the Building within a reasonable time and this Sublease shall continue in full force and effect.

If City is required or elects to restore the Premises as provided in this paragraph, City shall not be required to restore alterations made by Sublessee, Sublessee's improvements, Sublessee's trade fixtures, and Sublessee's personal property, including without limitation, any panels, decoration, office fixtures, railing, ceiling, floor covering, partitions and the like, such excluded items being the sole responsibility of Sublessee to restore.

In case of destruction there shall be an abatement or reduction of rent, between the date of destruction and the date of completion of the restoration or the date of termination of this Sublease based on the extent to which the destruction interferes with Sublessee's use of the Premises, except that if such destruction resulted from Sublessee's fault or negligence, Sublessee shall not be entitled to such abatement or reduction of rent.

If there is destruction to the Building that exceeds thirty-three and one-third percent (33 1/3%) of the then replacement value of the Building from any risk, City can elect to terminate this Sublease whether or not the Premises are destroyed. If, in the case of such destruction, Sublessee reasonably determines that such destruction unreasonably interferes with its use and occupancy of the Premises, Sublessee can elect to terminate this Sublease by written notice to City.

20. CONDEMNATION. If, during the term of this Sublease, there is a taking by condemnation (including condemnation by City) of all or any part of the Premises or Building, the rights and obligations of the parties shall be as follows:

If there is a taking of all or any part of the Premises, the term of this Sublease shall forthwith cease and terminate as of the date of vesting of title in the condemnor, and the City is entitled to receive the entire award from the condemning authority except that portion, if any, of the award which may be attributable to the loss of the value of the Sublessee's business and Sublessee's leasehold interest, which is given the Sublessee by virtue of this Sublease.

21. DEFAULT. Each of the following shall be deemed a default by the Sublessee and a

breach of the Sublease:

(a) A default in the payment of the rent and additional rents due hereunder for a period of ten (10) days from the due date for such payment.

(b) A default in the performance of any other term, covenant or condition on the part of the Sublessee to be kept, performed, or observed for a period of fifteen (15) days after service by City on Sublessee of a notice specifying the particular default or defaults, provided, however, that no default on the part of the Sublessee in the performance of work or acts required by it to be done, or conditions to be modified, shall be deemed to exist if steps shall have in good faith been commenced promptly by the Sublessee to rectify the same and shall be prosecuted to completion with diligence and continuity.

(c) The entry of a decree or order for relief by a court having jurisdiction in respect of the Sublessee in an involuntary case under the federal bankruptcy laws, as now or hereinafter constituted, or any other applicable federal or state bankruptcy, insolvency or other similar law, or appointing a receiver, liquidator, assignee, custodian, trustee, sequestrator (or similar official) of or for the Sublessee or for any substantial part of its property, or ordering the winding-up or liquidation of its affairs.

(d) The commencement by the Sublessee of a voluntary case under the federal bankruptcy laws, as now constituted or thereafter amended, or any other applicable federal or state bankruptcy, insolvency or other similar law, or the consent by it to the appointment of or taking possession of a receiver, liquidator, assignee, trustee, custodian, sequestrator (or other similar official) of or for the Sublessee or for any substantial part of its property, or the making by Sublessee of any assignment for the benefit of creditors, or the failure of the Sublessee generally to pay its debts as such debts become due, or the taking of corporate action by the Sublessee in furtherance of any of the foregoing.

(e) The taking possession of the property of Sublessee by any governmental office or agency pursuant to statutory authority for the dissolution or liquidation of the Sublessee.

(f) The vacation or abandonment of the Premises by Sublessee.

(g) The assignment or subletting of the Premises by Sublessee without the prior written consent of City and the State of Alaska.

22. CITY'S REMEDIES IN EVENT OF DEFAULT. In the event of any default by Sublessee under this Sublease, City shall have the following rights and remedies, which shall be cumulative and all in addition to any rights and remedies that City may be given by statute, common law or otherwise:

(a) Distrain for rent due.

(b) Reenter the Premises and take possession thereof and remove all signs, other evidence of tenancy, and all personal property of Sublessee from the Premises.

(c) Declare the term of this Sublease ended.

(d) Relet the Premises in whole or in part for any period equal to or greater or less than the remainder of the term of this Sublease.

(e) Collect any and all rents due or to become due from subtenants or other occupants of the Premises.

(f) If Sublessee shall at any time fail to make any payment or perform any other act on its part to be made or performed under this Sublease, City may, but shall not be obligated to, and without waiving or releasing Sublessee from any obligation under this Sublease, make such payment or perform such other act as may be reasonable in the circumstances, and in connection therewith to pay expenses and employ counsel.

All sums so paid by City and all expenses in connection therewith, together with interest thereon at the rate of twelve percent (12%) per year or the current maximum legal rate of interest, whichever is less, from the date of payment to the date of repayment, shall be deemed additional rent hereunder and payable at the time of any installment of rent thereafter becoming due and City shall have the same rights and remedies for the nonpayment thereof, or of any other additional rent, as in the case of default in the payment of rent.

(g) Restrain by injunction any violation or attempted violation, or compel by injunction the performance of any of the covenants, agreements or conditions or terms of this Sublease.

(h) Recover, whether this Sublease be terminated or not, from Sublessee, damages provided for below constituting of items (i) and (ii), or, at City's election in lieu of (ii), item (iii):

(i) reasonable attorney's fees and other expenses incurred by City by reason of the breach or default by Sublessee;

(ii) an amount equal to the amount of all rent and additional rents reserved under this Sublease, less the net rent, if any, collected by City on reletting the Premises, which shall be due and payable by Sublessee to City on the days on which the rent and additional rents reserved in this Sublease would have become due and payable; that is to say, upon each of such days Sublessee shall pay to City the amount of deficiency then existing. Such net rent collected on reletting by City shall be computed by deducting from the gross rent collected all expenses incurred by City in connection with the reletting of the Premises, or any part thereof, including broker's commission and the cost of renovating or remodeling the Premises;

(iii) an amount to be due immediately on breach, equal to the amount, if any, by which the remaining rent due under this Sublease exceeds the fair and reasonable rental value of the Premises for the same period. In the computation of such damages the difference between any installment of rent thereafter becoming due and the fair and reasonable value of the Premises for the period for which such installment was payable shall be discounted to the date of such breach at the rate of eight percent (8%) per year. If the Premises, or any part thereof, be relet by City for the unexpired term of this Sublease, or any part thereof, before presentation of proof of damages, the amount of rent reserved upon such reletting, in the absence of evidence to the contrary, shall be deemed to be the fair and reasonable rental value for the Premises, or any part thereof, so relet during the term of such reletting.

(i) Reentry or reletting of the Premises, or any part thereof, pursuant to this paragraph

22 shall not be deemed a termination of this Sublease, unless expressly declared to be so by City. If this Sublease shall be deemed terminated, Sublessee's liabilities shall survive and Sublessee shall be liable for damages as provided above.

The enumeration of the default rights of City above are not intended to imply that they are mutually exclusive, nor that they are in lieu of any or all statutory, common law or other rights.

23. BANKRUPTCY OR INSOLVENCY.

(a) In the event that Sublessee shall file a petition, or an order for relief is entered against Sublessee, under Chapter 7 of the Bankruptcy Code, and the Trustee of Sublessee shall elect to assume this Sublease for the purpose of assigning the same, such election and/or assignment may only be made if all of the terms and conditions of subsections (c), (d) and (e) hereof are satisfied. If such Trustee shall fail to elect to assume this Sublease for the purpose of assigning the same within sixty (60) days after the order of relief, this Sublease shall be deemed to have been rejected. City shall be thereupon immediately entitled to exercise any remedies available to it under paragraph 25 of this Sublease, and this Sublease shall be canceled, but City's right to be compensated for damages in such bankruptcy proceedings shall survive.

(b) In the event that Sublessee files a petition for reorganization under Chapters 11 or 13 of the Bankruptcy Code or a proceeding filed by or against Sublessee under any other chapter of the Bankruptcy Code is converted to a Chapter 11 or 13 proceeding, and the Trustee of Sublessee or Sublessee as debtor-in-possession fails to assume this Sublease within sixty (60) days from the date of filing of the Petition or such conversion, the Trustee or debtor-in-possession shall be deemed to have rejected this Sublease. City shall be thereupon immediately entitled to exercise any remedies available to it under paragraph 22 of this Sublease, and this Sublease shall be canceled, but City's right to be compensated for damages in such bankruptcy proceedings shall survive. If the Trustee of Sublessee shall elect to assume this Sublease, such election may only be made if all of the terms and conditions of subsections (c) and (d) hereof are satisfied. If the Trustee of Sublessee shall elect to assign this Sublease after assuming it, such assignment may only be made if all of the terms and conditions of subsections (e) hereof are satisfied.

(c) No election to assume this Sublease shall be effective unless in writing and addressed to City and unless, in City's reasonable business judgment, all of the following conditions, which City and Sublessee acknowledge to be commercially reasonable, have been satisfied:

(i) The Trustee or the debtor-in-possession has cured or has provided City adequate assurance (as defined hereunder) that:

(A) within ten (10) days from the date of such assumption the Trustee or debtor-in-possession will cure all monetary defaults under this Sublease; and

(B) within thirty (30) days from the date of such assumption the Trustee or debtor-in-possession will cure all non-monetary defaults under this Sublease, or if the non-monetary default requires more than thirty (30) days to cure, the Trustee or debtor-in-possession will within thirty (30) days commence and proceed with diligence and continuity to cure the non-monetary defaults under this Sublease.

(ii) The Trustee or the debtor-in-possession has

compensated, or has provided to City adequate assurance (as defined hereunder) that within ten (10) days from the date of assumption City will be compensated for any pecuniary loss incurred by City arising from the default of Sublessee, the Trustee, or the debtor-in-possession as recited in City's written statement of pecuniary loss sent to the Trustee or debtor-in-possession.

(iii) The Trustee or the debtor-in-possession has provided City with adequate assurance of the future performance of each of Sublessee's obligations under this Sublease; provided, however, that the obligations imposed upon the Trustee or debtor-in-possession shall continue with respect to Sublessee after the completion of bankruptcy proceedings.

(iv) City has determined that the assumption of the Sublease will not breach any provision in any other Lease by which City is bound relating to the Property.

(d) For purposes of subparagraph (c), adequate assurance shall mean:

(i) City shall reasonably determine that the Trustee or the debtor-in-possession has and will continue to have sufficient unencumbered assets after the payment of all secured obligations and administrative expenses to assure City that the Trustee or debtor-in-possession will have sufficient funds to fulfill the obligations of Sublessee under this Sublease; and

(ii) an order shall have been entered segregating sufficient cash payable to City and/or there shall have been granted a valid and perfected first lien and security interest in property of Sublessee, Trustee or debtor-in-possession, acceptable as to value and kind to City, to secure City the obligation of the Trustee or debtor-in-possession to cure the monetary and/or non-monetary defaults under this Sublease within the time period set forth above.

(e) (i) If the Trustee or debtor-in-possession has assumed the Sublease pursuant to the terms and provisions of subparagraphs (a) or (b), for the purpose of assigning (or elects to assign) Sublessee's interest under this Sublease, to any other person, such interest may be so assigned only if City shall acknowledge in writing that the intended assignee has provided adequate assurance as defined in this subparagraph (e) of future performance of all of the terms, covenants and conditions of this Sublease to be performed by Sublessee.

(ii) For purposes of this subparagraph (e), adequate assurance of future performance shall mean that City shall have reasonably ascertained that each of the following conditions has been satisfied:

(A) the assignee has submitted a current financial statement audited by a certified public accountant which shows a net worth and working capital in amounts determined to be sufficient by City to assure the future performance by such assignee of Sublessee's obligations under this Sublease;

(B) if requested by City, the assignee shall have obtained guarantees in form and substance satisfactory to City from one or more persons whom City determines to be creditworthy;

(C) the assignee has submitted in writing evidence, satisfactory to City, of substantial business experience in business operations of the same kind and comparable size to the business contemplated under this Sublease; and

(D) City has obtained all consents or waivers from any third party necessary to permit such assignment under any lease or agreement by which City is bound.

(f) Neither Sublessee's interest in this Sublease, nor any lesser interest of Sublessee herein, shall pass to any Trustee, receiver, assignee for the benefit of creditors, or any other person or entity, or otherwise by operation of law under the laws of any state having

jurisdiction of the person or property of Sublessee ("state law") unless City shall consent to such transfer in writing. No acceptance by City of rent or other payments from any such Trustee, receiver, assignee, person or other entity shall be deemed to have waived, nor shall it waive, the need to obtain City's consent or City's right to terminate this Sublease for any transfer of Sublessee's interest under this Sublease without such consent.

(g) In the event Sublessee shall be adjudicated insolvent pursuant to the provisions of any present or future insolvency law under state law, or if a receiver or Trustee of the property of Sublessee shall be appointed under state law by reason of Sublessee's insolvency or inability to pay its debts as they become due or otherwise, or if any assignment shall be made of Sublessee's property for the benefit of creditors under state law; then and in such event City may, at its option, terminate this Sublease and all rights of Sublessee hereunder without further obligation to Sublessee, by giving Sublessee written notice of the election to so terminate.

24. SURRENDER OF POSSESSION. If, after termination of this Sublease, Sublessee shall vacate the Premises without removing all of its property, any and all property that remains may be removed from the Premises by City and may be handled, removed or stored by City at the risk, cost and expense of Sublessee, and City shall in no event be responsible for the value, preservation or safekeeping thereof or for any loss or damage to Sublessee occasioned thereby. Sublessee shall pay to City, upon demand, any and all expenses incurred in such removal and all storage charges against such property so long as the same shall be in City's possession or under City's control. Any such property of Sublessee not removed from the Premises or retaken from storage by Sublessee within thirty (30) days after the end of the term of this Sublease or of Sublessee's right to possession of the Premises, however terminated, shall be conclusively deemed to have been forever abandoned by Sublessee and either may be retained by City as its property or may be disposed of in such manner as City may see fit.

25. QUIET ENJOYMENT. So long as Sublessee shall observe and perform the covenants and conditions contained in this Sublease, Sublessee shall, at all times during the term of this Sublease, peacefully and quietly have and enjoy possession of the Premises without any disturbance or hindrance by, from or through City, but subject to any rights of the State of Alaska in the Base Lease.

26. ASSIGNMENT AND SUBLETTING. (a) Sublessee shall not assign, hypothecate, or encumber its interest in this Sublease or in the Premises. Sublessee shall not sublease all or any part of the Premises, or allow any other person or entity (except Sublessee's authorized representatives) to occupy or use all or any part of the Premises without first obtaining City's written consent, which will not unreasonably be withheld, and the written consent of DOT/PF. No sub-sublessee may occupy the Premises before DOT/PF grants written consent. Any assignment, encumbrance or hypothecation of the Sublease is void, and any sub-sublease without such consent by the City and DOT/PF is voidable and, at City's election, shall constitute a default. No consent to any sublease shall constitute a further waiver of the provisions of this paragraph.

(b) Any proposed sublease must be submitted to the City for approval in three (3) copies, each bearing the original notarized signature of all parties. Each sublease shall be expressly subject and subordinate to the Sublease and the Base Lease and the rights of the City and DOT/PF respectively, and shall require the sublessee to assume the Sublessee's obligations hereunder and

shall not release the Sublessee from liability hereunder. Each sublease shall be expressly terminable by City in its sole discretion at the end of the term of this Sublease. If approved by City, the proposed sublease will be forwarded to DOT/PF for approval. No consent to sublease is effective until given in writing by both the City and DOT/PF.

27. RIGHTS RESERVED TO CITY. City reserves the following rights:

- (a) To name or to change the name of the Building.
- (b) To install and maintain or to allow installation and maintenance of signs on the exterior or interior of the Building, excluding the interior of the Premises.
- (c) To have pass keys to the Premises.
- (d) To have access to the Premises for purposes of inspection upon reasonable prior notice.
- (e) On reasonable prior notice to Sublessee, to exhibit the Premises to prospective tenants during the last six (6) months of the term of this Sublease, and to any prospective purchaser, mortgagee, or assignee of any mortgage on the Building and to others having a legitimate interest at any time during the term of this Sublease.
- (f) At any time in the event of an emergency and otherwise at reasonable times, to take any and all measures, including inspections, repairs, alterations, additions, and improvements to the Premises or to the Building as may be necessary or desirable for the safety, protection or preservation of the Premises or the Building or City's interest, or as may be necessary or desirable in the operation or improvement of the Building, or in order to comply with laws, orders and requirements of governmental or other authority.

28. ESTOPPEL CERTIFICATES. Either party shall at any time and from time to time upon not less than fifteen (15) days prior request by the other party, execute, acknowledge and deliver to such party, or to its designee, a statement in writing certifying that this Sublease is unamended and in full force and effect (or, if there has been any amendment thereof, that the same is in full force and effect as amended and stating the amendment or amendments), that there are no defaults existing (or if there is any claimed default, stating the nature and extent thereof); and stating the dates to which the rent and other charges have been paid in advance.

29. HOLDING OVER. If Sublessee remains in possession of the Premises after expiration of the term of this Sublease, or after the date in any notice given by City to Sublessee terminating this Sublease, such possession by Sublessee shall be deemed to be a month-to-month tenancy terminable on thirty (30) days notice given at any time by either party. The provisions of this paragraph do not exclude City's rights of re-entry or any other right under this Sublease.

30. SUBORDINATION OF SUBLEASE. The rights of Sublessee under this Sublease shall be and are subordinate at all times to the Base Lease and all ground leases and/or underlying leases, if any, now or hereafter in force against the Property and to the lien of any mortgage or mortgages now or hereafter in force against such leases and/or the Premises, and to all advances

made or hereafter to be made upon the security thereof, and to all renewals, modifications, consolidations, replacements, and extensions thereof. This paragraph is self-operative and no further instrument of subordination shall be required. In confirmation of such subordination, Sublessee shall promptly execute such further instrument as may be reasonably requested by City. Sublessee, at the option of any mortgagee, agrees to attorn to such mortgagee in the event of a foreclosure sale or deed in lieu thereof.

31. NOTICES. All notices, demands and requests from one party to another shall be delivered in person or sent by mail addressed to the other party at the address set forth below, or at such other address as either party may notify the other in writing pursuant to this paragraph.

If to City:
Terry Felde, Airport Terminal Manager
491 East Pioneer Avenue
Homer, Alaska 99603-7624
Telephone: 907-435-3102
Facsimile: 907-235-3148
E-mail: terminalmanager@cityofhomer-ak.gov

If to Sublessee:
Bruce McGlasson, President
P.O. Box 92200
Anchorage, Alaska 99509
Telephone: 907-644-4307
Facsimile: 907-248-7076
E-mail: bmcglasson@flygrant.com

Telephone, facsimile, and e-mail addresses are provided for informational purposes, and may not be used in lieu of mail or personal delivery for formal notices, demands, and requests.

32. WAIVER. No failure by either City or Sublessee to insist upon the strict performance by the other of any term, covenant or condition of this Sublease or to exercise any right or remedy consequent upon a breach thereof, shall constitute a waiver of any such breach or of such term, covenant or condition. No waiver of any breach or right, unless in writing, shall affect or alter this Sublease, but each and every term, covenant and condition of this Sublease shall continue in full force and effect with respect to any other then existing or subsequent breach.

The receipt and acceptance by City of delinquent rent shall not constitute a waiver of any other defaults; it shall constitute only a waiver of timely payment of the particular installment of rent involved. No act or conduct of City, including, without limitation, the acceptance of the keys to the Premises, shall constitute an acceptance of the surrender of the Premises by Sublessee before the expiration of the term of this Sublease. Only a notice from City to Sublessee shall constitute acceptance of the surrender of the Premises and accomplish a termination of the term of this Sublease.

33. SALE OR TRANSFER OF PREMISES. If City sells or transfers the Building or the Premises, on consummation of the sale or transfer, City shall be released from any liability thereafter accruing under this Sublease. If any security deposit or prepaid rent has been paid by Sublessee, City can transfer the security deposit or prepaid rent to City's successor and on such transfer City shall be discharged from any further liability in reference to the security deposit or prepaid rent.

34. MISCELLANEOUS PROVISIONS.

(a) Time is of the essence of each provision of this Sublease.

(b) This Sublease shall be binding on and inure to the benefit of the parties hereto and their respective successors and assigns, except as otherwise provided in the Sublease.

(c) This Sublease shall be governed by and construed and enforced in accordance with the laws of the State of Alaska.

(d) This Sublease contains all the agreements of the parties and cannot be amended or modified except by a written agreement signed by the parties hereto.

(e) It is understood and agreed that this Sublease shall not be binding until and unless all parties have signed it.

(f) If Sublessee is a corporation, Sublessee shall deliver to City and DOT/PF on execution of this Sublease a certified copy of a resolution of its board of directors authorizing the execution of this Sublease and naming the officers that are authorized to execute this Sublease on behalf of the corporation or other proof reasonably satisfactory to City and DOT/PF.

(g) Any litigation arising out of the performance of the parties under this Sublease, or its interpretation, shall be brought in the Superior Court for the State of Alaska, Third Judicial District at Homer.

(h) All provisions contained in this Sublease, whether covenants or conditions, shall be deemed to be both covenants and conditions.

(i) This Sublease may be executed in several counterparts, each of which shall be deemed an original and may be used as such, and such counterparts shall constitute but one and the same instrument.

35. NON-DISCRIMINATION. Sublessee covenants and agrees that discrimination on the grounds of race, color, religion, national origin, ancestry, age or gender will not be permitted against any patron, employee, applicant for employment, or other person or group of persons in any manner prohibited by federal, state or local law. To the extent required by applicable law, regulation, or government contract, Sublessee shall furnish services on a fair, reasonable and not unjustly discriminatory basis, and shall charge fair, reasonable and not unjustly discriminatory prices for each unit or service; provided, however, that Sublessee may make reasonable and nondiscriminatory discounts, rebates and similar types of price reductions to volume purchasers. The Sublessee recognizes the right of the City to take any action necessary to enforce this covenant, including actions required pursuant to any federal, state or local law.

(a) This agreement is subject to requirements of the U.S. Department of Transportation's regulations, 49 CFR Part 23, Subpart F. The concessionaire agrees that it will not discriminate against any business owner because of the owner's race, color, national origin, or sex in connection with the award or performance of any concession agreement covered by 49 CFR Part 23, Subpart F.

(b) The concessionaire agrees to include the above statements in any subsequent concession agreement that it enters and cause those businesses to similarly include the statements in

further agreements.

36. RADIO INTERFERENCE. At the City's request, Sublessee shall discontinue the use of any machine or device which interferes with any government operated transmitter, receiver, or navigation aid until the cause of the interference is eliminated.

37. REGULATIONS. Sublessee agrees to abide by all reasonable regulations now or hereafter established by the City or DOT/PF, or both, concerning the use, operation and maintenance of the Premises, Building and the Property.

38. STATE DOT/PF APPROVAL. Pursuant to the terms of the Base Lease this Sublease shall not become effective until approved in writing by the State of Alaska, Department of Transportation and Public Facilities.

39. TERMINAL CHANGES AND IMPROVEMENTS.

(a) The Sublessee understands and agrees that the requirements of the Building as an airport terminal in such matters as passenger volume, freight volume, flight frequencies, aircraft size, operating procedures, efficient baggage handling and passenger movements, aircraft and vehicle parking requirements, etc., may from time to time change, sometimes substantially, and consequently the City does hereby reserve the right and option to rebuild, remodel, relocate or otherwise effect such changes in the Premises and the Building. Sublessee agrees that upon thirty (30) days advance written notice given by City to relocate to new premises within the Building as may be reasonably assigned by City as deemed necessary or advisable; subject, however, to the conditions that the new premises shall be situated on the same floor in the Building and on the same concourse or hallway as the Premises, and further that the area of the new premises shall not be less than ninety percent (90%) of the area of the Premises unless Sublessee shall consent to a greater reduction.

(b) Sublessee shall receive no compensation but shall receive reimbursement of reasonable expenses for any such move required by City. Moreover, if the area of the new premises is less than the area of the Premises, rent shall be reduced by a fraction, the numerator of which is the difference between the area of the Premises and the area of the new premises and the denominator of which is the area of the Premises. During the term of this Sublease (not including any extensions or renewals thereof) the Sublessee shall not be required to pay any increased rent resulting from any such move required by City, even if the new premises are larger than or have a higher rental rate than the Premises.

(c) The Sublessee agrees that temporary inconveniences, such as noise, disturbances, traffic detours, moving, and the like, caused by or associated with the construction, remodeling, rebuilding, or relocation of the Premises or other portions of the Building shall not constitute a breach of quiet enjoyment of the Premises, nor shall they be grounds for an abatement of rental except in cases of interruption of the Sublessee's business or activities of longer than five (5) days in any calendar month in which case the rent shall be abated to the extent of 1/30th of the monthly rental per each day of interruption of the Sublessee's business or activity.

(d) In the event Sublessee is required to move to new premises, City will exert its best efforts to provide new premises comparable to the Premises but in the event Sublessee reasonably believes the move will have a substantially adverse effect on the activities or business of

the Sublessee conducted in the Premises, the Sublessee may terminate this Sublease by giving written notice of termination to the City within thirty (30) days after the City has given the Sublessee the foregoing notice that the Sublessee must move.

40. SPECIAL COVENANTS. Special Covenants including renewal and rent adjustment provisions, if any, are set forth in Exhibit "B" attached hereto and incorporated by reference in this Sublease.

IN WITNESS WHEREOF, City and Sublessee have signed this Sublease as of the day and year first above written.

ATTEST:

**CITY:
CITY OF HOMER, ALASKA**

Jo Johnson, CMC, Deputy City Clerk

Walt Wrede, City Manager

**SUBLESSEE:
GRANT AVIATION, INC.**

Bruce McGlasson, President

STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on this ____ day of November, 2011, before me, the undersigned, a Notary Public in and for the State of Alaska, personally appeared Walt Wrede, known to me to be the City Manager of the City of Homer, and he acknowledged to me that he was authorized to execute the foregoing document by authority granted him by the City of Homer for the uses and purposes therein set forth.

WITNESS my hand and notary seal the day and year first hereinabove written.

Notary Public in and for Alaska
My Commission Expires:

STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on this ____ day of November, 2011, before me, the undersigned, a Notary Public in and for the State of Alaska, personally appeared Bruce McGlasson, known to me to be the President of Grant Aviation, Inc., and he acknowledged to me that he was authorized to execute the foregoing document by authority granted him by Grant Aviation, Inc. for the uses and purposes therein set forth.

WITNESS my hand and notary seal the day and year first hereinabove written.

Notary Public in and for Alaska
My Commission Expires:

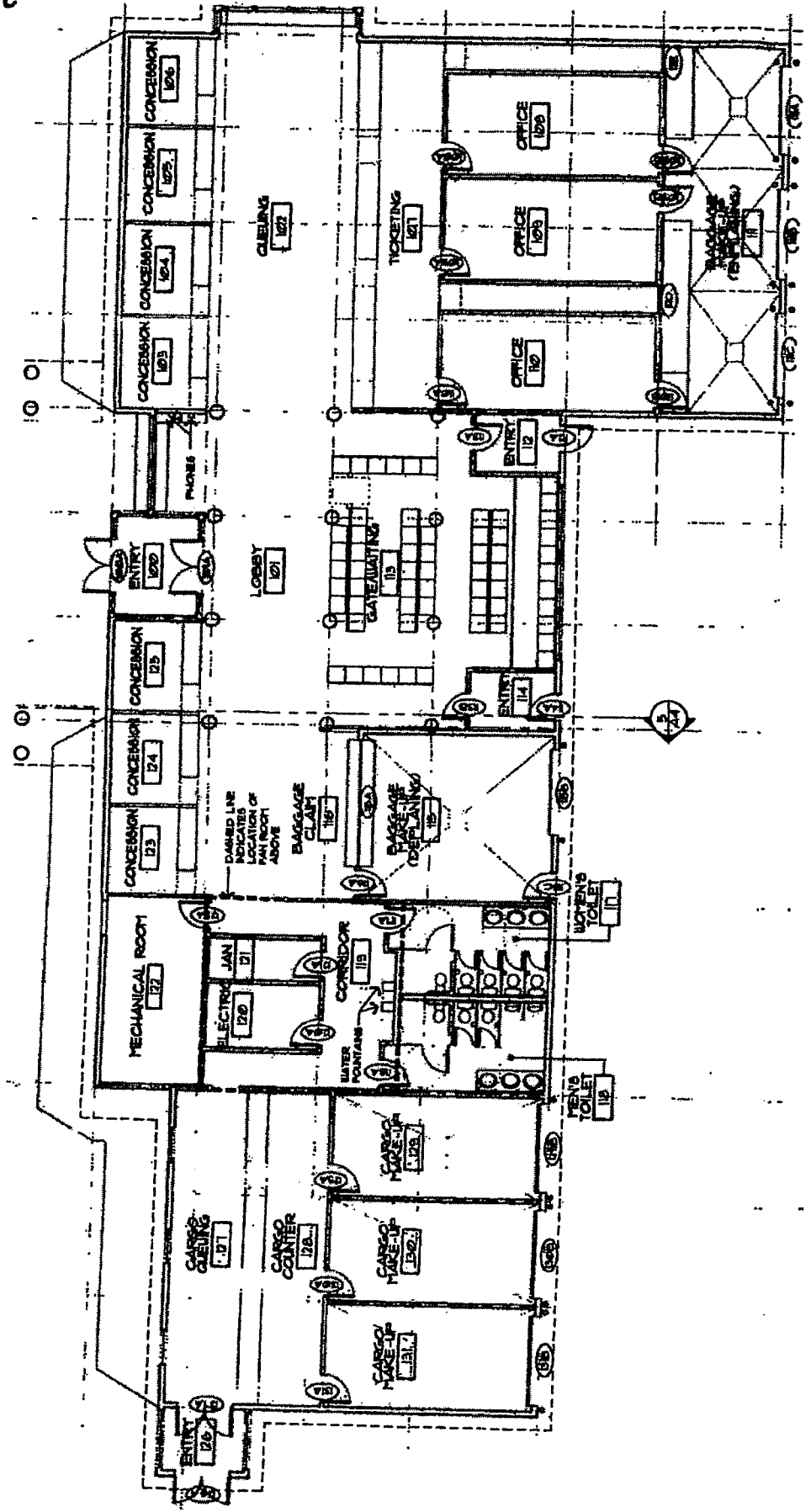
EXHIBIT A
HOMER AIRPORT TERMINAL
AIR CARRIER/TICKET COUNTER SUBLEASE

The legal description of the Premises is as follows:

Office area #110 and ticket area #107 (directly in front of office area #110), baggage make-up area (enplaning) directly behind office area #110. Baggage make-up area (deplaning) #115. Total area consisting of 741 square feet, in the Homer Airport Terminal Building, Homer Airport located in Township 6S, Range 13W, Seward Meridian, Section 21, Homer Recording District, Homer, Alaska, all situated on Lot 5A, Block 800, HOMER AIRPORT TRACTS according to the official plats on file with the State of Alaska, Department of Transportation and Public Facilities, Division of Aviation.

The attached drawing depicts the Premises being subleased and common areas of the Building used in common with other sublessees and City.

City of Homer
 Airport Terminal Floor Plan



21 a-

EXHIBIT B
HOMER AIRPORT TERMINAL
AIR CARRIER/TICKET COUNTER SUBLEASE
SPECIAL CONVENANTS

1. If agreed to by the City, Sublessee may renew this Sublease for two additional one (1 year periods ("Renewal Term")), on the following conditions and terms:

(a) Sublessee must give written notice to the Airport Terminal Manager of Sublessee's desire to renew the Sublease not more than 90 days and not less than 30 days prior to the last day of the term of the Sublease.

(b) The Airport Terminal Manager will, within 30 days of receipt of the request from Sublessee, advise the Sublessee whether the City agrees to the Renewal Term. In addition, the Airport Terminal Manager may, without a request from Sublessee, at any time less than 90 days before the last day of the term of the Sublease, notify the Sublessee that the City will not agree to a Renewal Term, if requested.

(c) Neither party is obligated to agree to a Renewal Term.

(d) If both parties agree to a Renewal Term, the parties shall confirm the same in a letter or other written documentation signed by both parties to the Sublease.

(e) Unless amendments are agreed to in a written amendment to this Sublease, the Renewal Term shall be on the same terms and conditions as set forth in this Sublease.

2. The annual rent provided for in paragraph 3 of the Sublease shall be adjusted annually on the first day of January 2013 as follows:

(a) The basis for computing the adjustment is the Consumer Price Index for All Urban Consumers, Anchorage, Alaska Area, All Items 2000-present = 100 ("CPI-U) as published by the United States Department of Labor, Bureau of Labor Statistics ("Index"). The Index published for the second half of the calendar year nearest, but preceding, the date of the commencement of the term of this Sublease is the "Beginning Index." The Index published for the second half of the calendar year nearest, but preceding, the Rent Adjustment Date is the "Extension Index." On the Rent Adjustment Date, the annual rent for the following year (until the next rent adjustment) shall be adjusted by increasing the initial annual rent stated in paragraph 3 of the Sublease by a percentage equal to the percentage of increase from the Beginning Index to the Extension Index. In no case shall the adjusted annual rent be less than the initial annual rent set forth in paragraph 3. Upon adjustment of the annual rent as provided in this Sublease, City shall promptly provide written notice to Sublessee stating the new annual rent, but its failure to do so will not relieve Sublessee of its obligation to pay the adjusted rent commencing as of the Rent Adjustment Date.

(b) If the Index is changed so the base year differs from that used as of the commencement of the term of this Sublease, the Index shall be converted in accordance with the conversion factor published by the United States Department of Labor, Bureau of Labor Statistics. If the Index is discontinued or revised during the term, such other government index or computation with which it is replaced shall be used in order to obtain substantially the same result as would be obtained if the Index had not been discontinued or revised.

EXHIBIT B
HOMER AIRPORT TERMINAL
AIR CARRIER/TICKET COUNTER SUBLEASE
SPECIAL CONVENANTS
(continued)

3. In addition to the uses authorized in paragraph 4 of the Sublease, Sublessee is authorized to conduct aircraft fueling operations in conformance with the requirements of the Base Lease, as amended by Supplement No. 1. By conducting aircraft fueling operations, Sublessee, with respect to Sublessee's aircraft fueling operations, voluntarily assumes all responsibilities and liabilities assigned to the "Lessee" in Supplement No. 1, and further agrees to hold harmless, defend, and indemnify the City and DOT/PF from and against any and all losses, liabilities, damages, claims, costs, expenses and attorney fees, resulting from or arising out of Sublessee's aircraft fueling operations or its breach in performance of the obligations of the "Lessee" under Supplement No. 1, or both. Nothing contained in this paragraph shall be construed as any limitation of any other hold harmless, defense, or indemnity provision of the Lease, and in the case of any conflict between such provisions, the provision granting the greater protection to the City shall control.

**HOMER RECORDING DISTRICT
MEMORANDUM OF SUBLEASE**

CITY OF HOMER ("City"), whose mailing address is 491 East Pioneer Avenue, Homer, Alaska 99603, and Grant Aviation, Inc., ("Sublessee"), whose mailing address is P.O. Box 92200 Anchorage, Alaska 99509, entered a Sublease dated November __, 2011 ("the Sublease").

1. **Leased Premises.** Under the terms of the Sublease, City leases to Sublessee the premises consisting of 741 square feet of space as more fully described and/or depicted on Exhibit "A" attached hereto, located in the Homer Airport Terminal Building located on Lot 5A, Block 800, HOMER AIRPORT TRACTS, Homer Recording District, State of Alaska, according to the official plats on file with the State of Alaska, Department of Transportation and Public Facilities, Division of Aviation.

2. **Term of Lease.** The term of the Sublease commences on October 1, 2011 and terminates on September 30, 2014, with two (1) year options to renew.

IN WITNESS WHEREOF, the parties to Sublease set their hands and seals the dates set forth below.

ATTEST:

**CITY:
CITY OF HOMER**

Jo Johnson, CMC, City Clerk

Walt Wrede, City Manager

**SUBLESSEE:
GRANT AVIATION, INC.**

Date: _____

Bruce McGlasson, President

STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on this _____ day of November 2011, before me, the undersigned, a Notary Public in and for the State of Alaska, personally appeared Walt Wrede, known to me to be the City Manager of the City of Homer, and he acknowledged to me that he was authorized to execute the foregoing document by authority granted him by the City of Homer for the uses and purposes therein set forth.

WITNESS my hand and notary seal the day and year first hereinabove written.

Notary Public in and for Alaska
My Commission Expires:

STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on this _____ day of November, 2011, before me, the undersigned, a Notary Public in and for the State of Alaska, personally appeared Bruce McGlasson, known to me to be the President of Grant Aviation, Inc., and he acknowledged to me that he was authorized to execute the foregoing document by authority granted him by Grant Aviation, Inc. for the uses and purposes therein set forth.

WITNESS my hand and notary seal the day and year first hereinabove written.

Notary Public in and for Alaska
My Commission Expires:

1 **CITY OF HOMER**
2 **HOMER, ALASKA**

3 City Manager/Lease Committee

4 **RESOLUTION 11-104**

5
6 A RESOLUTION OF THE CITY COUNCIL OF HOMER,
7 ALASKA, APPROVING A NEW LEASE FOR THE PIER ONE
8 THEATRE FOR A TERM OF FIVE YEARS AND A RENTAL
9 RATE OF ONE DOLLAR PER YEAR AND FINDING THAT IT
10 IS IN THE PUBLIC INTEREST TO AWARD THE LEASE
11 WITHOUT A COMPETITIVE BIDDING PROCESS AND AT
12 LESS THAN FAIR MARKET RENT.

13
14 WHEREAS, The City lease with the Pier One Theatre expires on December 9, 2011 and
15 the Theatre has submitted a proposal for a new lease with the same term and rent as the current
16 lease; and

17
18 WHEREAS, The Lease Committee considered this proposal at a Special Meeting on
19 November 10, 2011; and

20
21 WHEREAS, When reviewing the Pier One Proposal, the Committee relied on the
22 proposal evaluation criteria contained in Sections 6.2 (B), 7.2 (A) (4) and 11.2 (F) of the Lease
23 Policies; and

24
25 WHEREAS, The Lease Committee recommends that a new lease be granted to the Pier
26 One Theatre for a term of five years and a rental rate of \$1.00 per year subject to review by the
27 Planning Department and the State Fire Marshall; and

28
29 WHEREAS, The Lease Committee recommends further that a new lease for less than fair
30 market value and without a competitive bidding process is justified for the reasons outlined in
31 the staff report.

32
33 NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby approves
34 a new lease for the Pier One Theatre for a term of five years and a rental rate of \$1.00 per year,
35 subject to Planning Department and Fire Marshall approval, and authorizes the City Manager to
36 execute the appropriate documents.

37
38 BE IT FURTHER RESOLVED that the Council finds that it is in the best interest of the
39 community to approve a lease without a competitive bidding process under Section 11.2 (F) of
40 the Lease Policies for the following reasons:

- 41 • Pier One Theatre has been an excellent tenant and has performed well under the terms of
- 42 the lease.
- 43 • Pier One has made improvements to the building, including improvements requested by
- 44 the Fire Marshall.
- 45 • The proposed use of the property is compatible with adjacent uses.
- 46 • The proposed use is consistent with the Spit Comprehensive Plan, the Comprehensive
- 47 Economic Development Strategy, and Resolution 98-36(A).
- 48 • There are substantial economic, social, cultural, and educational benefits which derive
- 49 from this use.
- 50 • The lease term is short and the City can terminate with 90 days notice.
- 51 • There are few if any alternative uses of the building.
- 52 • The City has yet to develop a long term plan for the property and is therefore not ready to
- 53 issue an RFP.

54
55 BE IT FURTHER RESOLVED that the Council finds that it is in the public interest to
56 approve a lease for less than fair market rent under Section 7.2 (A) (4) for the following reasons:

- 57
- 58 • History / tradition: The City has leased this building for \$1.00 per year for decades. The
- 59 Council has consistently determined that it was in the public interest to do so.
- 60 • The building was an old harbor building that was ready for destruction. The Theatre
- 61 salvaged it and made various improvements to make it suitable for its present use. The
- 62 City has little investment in the building.
- 63 • The Theatre is operated by volunteers and has a very limited budget and financial
- 64 resources. It cannot afford to pay rent at this time.
- 65 • The economic, social, cultural, and educational benefits derived from the Theatre's
- 66 activities are substantial.

67 •

68 PASSED AND ADOPTED by the Homer City Council this 28th day of November, 2011.

69

70 CITY OF HOMER

71

72

73 _____
MARY E. WYTHER, MAYOR PRO TEMPORE

74 ATTEST:

75

76 _____
77 JO JOHNSON, CMC, CITY CLERK

78

79 Fiscal Note: Rent \$1.000 per year. No utility costs and minimal maintenance costs.

MEMORANDUM 11-149

TO: Mayor Hornaday and Homer City Council

FROM: Walt Wrede

DATE: November 19, 2011

SUBJECT: Pier One Theatre Lease Application

Introduction

The City lease with the Pier One Theatre is set to expire on December 9, 2011. The Theatre leases the building and a small portion of land immediately adjacent to it for parking. The term of the current lease is five years and the rent is \$1.00 per year. The Theatre is responsible for maintenance and repair and pays for all utilities. The building is not plumbed and the theatre patrons use the City restroom next to the Nick Dudiak Fishing Lagoon.

The Pier One Theatre submitted an application for a new lease with the same term and rent as the lease currently in place. No significant capital improvements or new uses use of the facility are proposed. The Theatre basically wants to continue on as they have in the past. The application was determined to be complete and responsive by the City staff and the Lease Committee took this application under consideration at a special meeting on November 10, 2011. The staff report and the meeting minutes are attached for your information.

Committee Findings:

The Committee reviewed the application using the proposal evaluation criteria contained in Section 6.2 (B) of the Property Management Policies and Procedures (Lease Policies). The Committee also reviewed the proposal pursuant to the requirements contained in Section 11.2 (F) (exceptions to the competitive bidding process) and Section 7.2 (A) (4) (leases for less than fair market rent).

After review and discussion, the Committee approved motions recommending that the City Council award a new five year lease at a rent of one dollar per year to the Pier One Theatre pending review by Planning and the State Fire Marshall and that doing so without a competitive bidding process and at less than fair market value was justified and in the public interest for the reasons stated in the staff report. Those reasons are:

Section 11.2 (F) (competitive bidding process.) The Committee found that a new lease for the Pier One Theatre without a competitive bidding process was justified because:

- Pier One Theatre has been an excellent tenant and has performed well under the lease
- Pier One has made improvements to the building and has been responsive to requests by the State Fire Marshall
- The use is compatible with adjacent land uses
- The use is consistent with the Spit Comprehensive Plan, the Comprehensive Economic Development Strategy, and Resolution ~~98~~ 36(A).
- There are significant economic, social, cultural, and educational benefits which derive from this use.
- The lease term is short and the City can terminate with 90 days notice
- There are few if any alternative uses of the building
- The City has yet to develop a long term plan for that property and therefore is not ready to issue an RFP.

Section 7.2 (A) (4) (fair market rent). The Committee found that leasing the building and land to Pier One Theatre at less than fair market rent was justified and in the public interest for the following reasons:

- History / tradition. The City has leased this building for \$1.00 per year for decades. The Council has consistently determined that it was in the public interest to do so.
- The building was an old harbor building that was ready for destruction. The Theatre salvaged it and modified and improved it. The City has almost no investment in this building.
- The Theatre has a very limited budget and assets and would find it difficult to pay rent.
- The economic, social, cultural, and education benefits derived from the Theatre's activities are substantial.

RECOMMENDATION: Approve a new five year lease at \$1.00 per year subject to Planning and Fire Marshall review.

MEMORANDUM

TO: Lease Committee

FROM: Walt Wrede

DATE: November 4, 2011

SUBJECT: Staff Report / Pier One Theatre Lease Application

Introduction

Pier One Theatre has submitted a request for a new lease for the City owned building it currently occupies and for use of surround land for theatre related parking. The request is for a five year lease for \$1.00 per year; similar to the agreement that is about to expire.

Section 5.2 (A) of the Property Management Policy and Procedures (Lease Policies) provides the criteria to determine if a lease application is complete and responsive to the Request for Proposals. Terry Felde has reviewed the application from this perspective and her report is attached. Terry concludes that the application is substantially complete but additional supplemental information will need to be submitted before a lease can be finalized.

Proposal Evaluation

Section 6.2 (B) of the Lease Policies contains the evaluation criteria by which proposals are to be scored. It should be noted that these criteria are designed to measure proposals for leases that are commercial in nature. Although this is a proposed lease for a non-profit organization, some of the criteria still apply and are useful in the evaluation process. In addition, there are other criteria elsewhere in the Lease Policies that are directly applicable to non-profits. Those criteria are discussed in the next section.

Following is a discussion of the criteria as they pertain to this application:

Compatibility with neighboring uses and consistency with applicable land use regulations including the Comprehensive Plan. At the present time, this proposal appears generally to be consistent with applicable land use regulations and neighboring uses. The newly adopted Homer Spit Comprehensive Plan contains a future land use concept that suggests a good use for this parcel might be a public park which contained facilities for festivals and public gatherings. Back in 1989 the City Council adopted Resolution 98-36 (A) which reserved the land adjacent to the fishing lagoon for public recreational purposes and it specifically mentions the Pier One Theatre.

The Theatre is a seasonal use and it currently is compatible with other uses in the area including public camping, recreation, and limited, sporadic, marine industrial and commercial uses. There has been a good deal of public debate about the best long term use of this property. The City Council requested that the staff produce a land use plan for the property before it makes major decisions about future leasing or development. A short term five year lease seems appropriate from that perspective.

It should be noted that the parcel in question is presently zoned Marine Industrial. A community theatre is not specifically allowed either as a permitted (HCC 21.30.020) or a conditional use (HCC 21.30.030). This may change as the Planning Commission works its way through the process of implementing the new Spit Comprehensive Plan. The Theatre has been at its present location for a long time and the City Council clearly supported that use at the

present location. At the time this report was written, I was not aware that the Theatre had ever requested Planning Commission acceptance of a nonconforming use. This application should be referred to the Planning Department for further review and comment about zoning, and for review of the proposed parking plan.

The development plan including all proposed phases and timetables.

The Theatre does not propose a major new development plan. There are no new buildings or facility expansions anticipated.

The proposed capital investment. There are no significant capital investments proposed. However, it should be noted that the Theatre has made investments over the years as the need arises and funding becomes available. For example, roof damage has been repaired and the entire building has been repainted. Many of the investments were directed at bringing the building up to code. The director noted in his initial consultation with the staff that he had a letter from the Fire Marshall and that the Theatre had addressed the areas of concern. At the time this was written, the letter had not yet been produced. I think it would be prudent for the City to require a Fire Marshall inspection before a lease is finalized. The building was inspected by a team of City staff and found to be pretty sound from a structural perspective. The bottom line is that although the building could use improvements, the Theatre has gradually been making investments which have improved the facility and made it safer for the public.

Experience of the applicant in the proposed business or venture.

The Pier One Theatre has been operating at this location for decades. The facility is well managed and the City finds Pier One Theatre to be a very cooperative and responsible tenant.

Financial capability or backing of the applicant including credit history, prior lease history, and assets that will be used to support the proposed development.

The Theatre has provided a Financial Report which shows assets, liabilities, and fund balance. The staff has concluded that the organization has the financial capacity to maintain the facility and continue to operate it as it currently does.

The number of employees anticipated.

No specific information is provided about employees however, it is this reviewer's understanding that all work performed for the Theatre is done on a volunteer basis.

The proposed rental rate

The proposed rental rate is \$1.00 per year. This is the same rental rate that has been in place for all prior leases. The rent covers the building and the adjacent land required for parking. Utilities are paid for by the leasee. The leasee has also covered repairs and maintenance. Restrooms are provided by the City at the public restrooms next to the Nick Dudiak Fishing Lagoon.

The Lease Committee discussed rental rates for non-profits at prior meetings but there was no consensus or direction provided at that time. The Committee may make a recommendation to the City about the rental rate. The Council will make the final decision (see below).

Other financial impacts such as tax revenues, stimulation of spin-off economic development, or the value of improvements left behind upon termination of the lease.

The proposal contains an attachment dated October 5, 2011 which indirectly addresses economic impacts. Although we have no hard empirical evidence of economic impacts, it seems safe to assume that the Pier One Theatre brings many people into town who then spend money in restaurants, hotels, local shops, and other recreational opportunities. This helps local businesses, preserves or creates jobs, and generates sales tax revenues. It should be noted that supporting and stimulating the arts and music sector of the local economy is a major focus of the recently adopted Homer Comprehensive Economic Development Strategy (CEDS).

Other long term social and economic development.

The Pier One Theatre makes a significant contribution to the social, cultural, and educational fabric of the community. The staff was particular impressed with how many young people are involved in the Youth Theatre Programs. Arts and music are a significant part of the economic and social make-up of Homer. The Pier One Theatre is one of the community's most noteworthy facilities in this respect. The City Council has consistently provided financial support for local non-profits and recognizes the benefits they bring to the community.

Other Considerations:

This lease application requests that a new lease be awarded to the current tenant whose lease has expired. In general, it is the policy of the City that equal opportunities should be provided for the public to compete to lease City public property. The Lease Committee is expected to offer all properties upon which leases have expired to the public through the RFP/competitive bidding process. (11.2 (E). There can be exceptions however.

Section 11.2 (F) states in relevant part:

The City Council, after reviewing a recommendation from the Lease Committee, may elect to not require a competitive bidding process for a property whose lease has expired (including all options) if it finds that it is in the best interest of the City to enter into a lease agreement with the current lessee. If the Council chooses to approve such a new lease without a competitive bidding process, it must approve such new lease by resolution within six months that includes a finding that it is in the public interest to do so, after consideration of relevant facts including, but not limited to, the following:

- The lessee's past capital investment and binding commitment to future capital investment
- The lessee's financial condition and prior lease history
- The number of persons employed and the prospects for future employment
- Tax revenues and other financial benefits to the City of Homer anticipated in the future if the lease is renewed.
- Consistency of the past use and intended future use with all applicable land use codes and regulations, the Comprehensive Plan, and Overall Economic Development Plan
- Other opportunities for use of the property that may provide greater benefits to the City of Homer
- Other social, policy, and economic considerations as determined by the Council.

Discussion: This list of criteria was developed primarily to address commercial activities on City leased land. It does not lend itself well to evaluation of non-profit uses of City land. However, the City Council will still be required to make a finding that it is in the public interest to lease this property to the current tenant without going through the RFP process. If the Committee recommends going this route it will need to be clear in its recommendation why it is in the public interest to do so.

I would suggest that the main arguments for doing so are the prior lease history and performance of the current tenant, the compatibility with current uses in the area, the economic, social, cultural, and educational benefits associated with this use, consistency with the Homer Spit Comprehensive Plan, the Comprehensive Economic Development Strategy, and Resolution 89-36 (A), and the short term nature of the proposed lease.

In general, it is the policy of the City to lease land and buildings at no less than "fair market rent." This proposal requests that the rent be \$1.00 per year. The Council may make exceptions to the fair market rent policy under certain circumstances. Section 7.2 (A) (4) states as follows:

The Council may approve a lease of City land for less than fair market rent, minimum rent, or uniform rental rate only if the motion approving the lease contains a finding that the lease is for a valuable public purpose or use, and a statement identifying such public purpose or use.

Discussion: The City Council has historically made this building available for \$1.00 per year. The reasons include the Council's support for the Theatre and the benefits it provides and the fact that the building itself probably could not be used for much else. This building was old, excess, property that was used at the port when it was acquired by the Pier One Theatre. The City was prepared to destroy it. All improvements were made by the Theatre. In short, they made something out of what was essentially an abandoned building.

As noted above, this Committee has had preliminary discussions about rent for non-profits and about the criteria that should be used for judging non-profit applications. The discussion was preliminary and no action has been taken. The Committee can make whatever recommendation it wants to the Council regarding rent. While the City could use additional revenues and this is potentially valuable commercial land that could be used for other purposes, I am of the opinion that continuing on with \$1.00 per year is appropriate. This recommendation is based upon the short term nature of the proposed lease, the lack of identified demand for the property (the land and the building) at present, and the fact that a long term land use plan has yet to be developed. The community received significant benefits at very little cost.

RECOMMENDATION: A new five year lease at \$1.00 per year with the stipulation that zoning permits and Fire Marshall approval is obtained.



CITY OF HOMER
PROPERTY MANAGEMENT
LEASE APPLICATION CHECKLIST

Applicant Name: Pier One Theatre

Date Application Received: 5/24/2011

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

YES	NO	N/A	INCOMPLETE
------------	-----------	------------	-------------------

NOTES:

- 2. Any applicable fees

YES	NO	N/A	INCOMPLETE
------------	-----------	------------	-------------------

NOTES:

Check #10803 for \$30.00

3. A clear and precise narrative description of the proposed use of the property

YES	NO	N/A	INCOMPLETE
-----	----	-----	------------

NOTES:

The proposed use is continuation of live theatre.

4. A specific time schedule and benchmarks for development

YES	NO	N/A	INCOMPLETE
-----	----	-----	------------

NOTES:

The proposal is for continued use of the building that already exists, and there are no plans for any further development.

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:

Proposed parking plan would need to be reviewed and approved by Planning.

6. Any other information that is directly pertinent to the proposal scoring criteria contained herein

YES	NO	N/A	INCOMPLETE
-----	----	-----	------------

NOTES:

The proposal does not indicate a lease rate offer, so it is assumed the applicant desires the same terms of \$1/year. The proposal does not address reasons that the proposed use or purpose should be considered a valuable public purpose and in the public interest to be exempted from the requirement that properties be leased at no less than "fair market rent".

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

N/A Development Plan

Insurance

N/A Proposed Subleases

N/A Environmental Information

Agency approvals and permits – *Need documentation of Fire Marshal approval*

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 if domicile

Appropriate References (Total of 4 persons or firms with whom the applicant or its owners have conducted business transactions with during the past three years. Two references must have knowledge of your financial management history (One of which **MUST** be your principal financial institution) and two must have knowledge of your business expertise).

YES	NO	N/A	INCOMPLETE
-----	----	-----	-------------------

NOTES:

Applicant will need to provide documentation of Fire Marshal approval.

8. Any other information required by the solicitation or request for proposals.

YES	NO	N/A	INCOMPLETE
-----	-----------	-----	-------------------

NOTES:

Applicant's lease term and options for renewal have expired and this proposal has been submitted in accordance with 11.2(f) of the City of Homer Property Management Policy and Procedures without solicitation or request for proposals from the City. In order to approve a new lease outside of the competitive bidding process, it must be determined that it is in the public interest to do so.

Application review completed by *Luuy Fiddle* on *8/10/11*
(date)

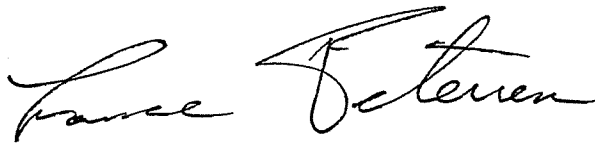
Lease Committee
Homer City Hall
491 East Pioneer Avenue
Homer, AK 99603
May 24, 2011

Dear Lease Committee;

This is the cover letter for Pier One Theatre, Inc.'s application to renew the lease for Pier One Theatre on the Homer Spit.

Because the continued partnership between the City of Homer and Pier One Theatre, Inc. serves the public good, we request the lease contain the same terms as it has in the past about the length and cost of the lease.

Thanks for your consideration,



Lance Petersen

**City of Homer
Lease Application/Assignment Form**

- Directions:**
1. Please type.
 2. Please submit this application form to the City Manager'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:	Pier One Theatre, Inc.
EIN Social Security No.:	23-7448364
Mailing Address:	PO BOX 894
City, State, ZIP code:	Homer, AK 99603-0894
Business Telephone No.:	235-7333
Representative's Name:	Lance Petersen
Mailing Address:	PO BOX 894
City, State, ZIP code:	Homer, AK 99603-0894
Business Telephone No.:	235-7333
Property Location:	Homer Spit Near Fishing Lagoon
Legal Description:	Tract 1-A
Type of Business to be placed on property:	Already There: Live Theatre (Non-profit)
Size of Buildings to be placed or leased:	32' X 80'
Duration of Lease requested:	5 years
Options to re-new:	yes
Special lease requirements:	
Number of parking spaces required, per code:	1 space per 5 seats: MAX audience is 200, so code requires 20 spaces.

**The following materials must be submitted when applying for a lease of
City of Homer real property**

1.	Plot Plan	<p><u>A drawing of the proposed leased property showing:</u></p> <p><input checked="" type="checkbox"/> Size of lot - dimensions and total square footage. – to scale, please.</p> <p><input checked="" type="checkbox"/> Placement and size of buildings, storage units, miscellaneous structures planned – to scale, please.</p> <p><input type="checkbox"/> Water and sewer lines – location of septic tanks, if needed. NA</p> <p><input checked="" type="checkbox"/> Parking spaces – numbered on the drawing with a total number indicated – please refer to Homer City Code _____</p>																				
2.	<p>Development Plan</p> <p><i>already in use</i></p>	<p><input type="checkbox"/> <u>List the time schedule from project initiation to project completion, including major project milestones.</u></p> <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> <p>For each building, indicate:</p> <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>Live Theatre</i></td> <td><i>32' X 80'</i></td> </tr> <tr><td>_____</td><td>_____</td></tr> <tr><td>_____</td><td>_____</td></tr> </tbody> </table>	Dates	Tasks	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	Building Use	Dimensions and square footage	<i>Live Theatre</i>	<i>32' X 80'</i>	_____	_____	_____	_____
Dates	Tasks																					
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Building Use	Dimensions and square footage																					
<i>Live Theatre</i>	<i>32' X 80'</i>																					
_____	_____																					
_____	_____																					
3.	Insurance	<p><input checked="" type="checkbox"/> Attach a statement of proof of insurability of lessee for a minimum liability insurance for combined single limits of \$1,000,000 showing the City of Homer as co-insured. Additional insurance limits may be required due to the nature of the business, lease or exposure. Environmental insurance may be required. If subleases are involved, include appropriate certificates of insurance.</p>																				
4.	Subleases NA	<p><input type="checkbox"/> Please indicate and provide a detailed explanation of any plans that you may have for subleasing the property. The City of Homer will generally require payment of 25% of proceeds paid Lessee by subtenants. Refer to chapter 13 of the Property Management Policy and Procedures manual.</p>																				
5.	Health Requirements NA	<p><input type="checkbox"/> Attach a statement documenting that the plans for the proposed waste disposal system, and for any other necessary health requirements, have been submitted to the State Department of Environmental Conservation for approval. Granting of this lease shall be contingent upon the lessee obtaining all necessary approvals from the State DEC.</p>																				
6.	Agency Approval NA	<p><input type="checkbox"/> Attach statement(s) of proof that your plans have been inspected and approved by any agency which may have jurisdiction of the project; i.e. Fire Marshall, Army Corps of Engineers, EPA, etc. The granting of this lease shall be contingent upon lessee obtaining approval, necessary permits, and/or inspection statements from all appropriate State and/or Federal agencies.</p>																				

7.	Fees	<p><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/ <u>General</u> <u>Name</u> <u>Address</u> <u>Share %</u></p>

NA

Please attach a copy of your partnership agreement.

10. Corporation Statement

If the applicant is a corporation, please provide the following:

Date of Incorporation: May 1, 1974

State of Incorporation: Alaska

Is the Corporation authorized to do business in Alaska?

No Yes. Is so, as of what Date? May 1, 1974

Corporation is held? Publicly Privately If publicly held, how and where is the stock traded? _____

Officers & Principal Stockholders [10%+]:

Name	Title	Address	Share
William Bell	President	P.O. Box 894 Homer, AK	NA
Magnard Smith	Vice-President	Box 3099	" " "
Barbara Petersen	Secretary	PO Box 894	" " "
Laura Norton	Trustee	1292 Beluga Ct.	" " "
Lance Petersen	Treasurer	PO Box 894	" " "

Please furnish a copy of Articles of Incorporation and By-laws.

Please furnish name and title of officer authorized by Articles and/or By-laws to execute contracts and other corporate commitments.

Name Lance Petersen Title Treasurer

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: Virginia Wise
Firm: FNBIA
Title: Customer Service Representative
Address: 3655 Heath Street Homer, AK
Telephone: 235-5800
Nature of business association with Applicant: Represents primary financial institution

Name: Saunders McNeil
Firm: Alaska State Council on The Arts
Title: Community and Native Arts Director
Address: 161 Klevin St. Suite 102 Anchorage, AK 99508-1506
Telephone: 907-269-6603
Nature of business association with Applicant: Reviews and grants Funding from State of Alaska and National Endowment for the Arts

Name: Bruce Turkington
Firm: Spensard Builder Supply
Title: Manager
Address: 3978 Lake St. Homer, AK 99667
Telephone: 235-8506
Nature of business association with Applicant: Bldg Supplies, Paint, hardware - Credit Account

Name: Joe Gallagher
Firm: HEA
Title: Administrator
Address: 3977 Lake Street Homer, AK 99603
Telephone: 235-8551
Nature of business association with Applicant: Supplies electricity and grants for youth theatre

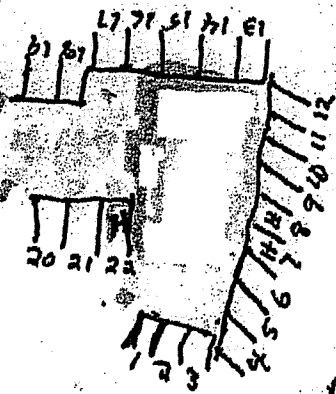
I hereby certify that the above information is true and correct to the best of my knowledge.

Signature:

Harold Peterson

Date:

5-24-2011



22 Parking Spaces
(3 Handicapped)

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE COMMUNITY DEVELOPMENT DEPARTMENT OF THE CITY OF HOMER, ALASKA, ON THE DATE OF 4/12/93.

Richard L. Island
 CITY MANAGER

NOTES

1. PART OF TRACT 1 IS THE CITY OF HOMER COMMERCIAL ZONING AS SHOWN ON PLAT 89-00-00-55 AND "CITY OF HOMER AND REGION OF SERVICE".
2. AN ENVIRONMENTAL IMPACT STATEMENT IS REQUIRED TO BE PLACED WITHIN AN EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
3. THESE LOTS SHALL BE SERVED BY CITY SEWER AND WATER. AN ON-SITE WATER ON WASTE-WATER SYSTEMS ARE PERMITTED.
4. NO OTHER ACCESS TO STATE MAINTAINED ROADS OF MAY BE PERMITTED UNLESS APPROVED BY THE STATE OF ALASKA DEPARTMENT OF TRANSPORTATION.

LEGEND

- 1. DASHED LINE IS EASEMENT IN USE
- 2. DASHED LINE WITH TWO DASHES IS CITY OWNED TIDELANDS
- 3. DASHED LINE WITH ONE DASH IS ALASKA CITY SET BACK SERVET

LINE TABLE

LINE	BEARING	DISTANCE	AREA
L1	S 81° 17' 11" W	100.00	84.20
L2	S 81° 17' 11" W	100.00	84.20
L3	S 81° 17' 11" W	100.00	84.20
L4	S 81° 17' 11" W	100.00	84.20
L5	S 81° 17' 11" W	100.00	84.20
L6	S 81° 17' 11" W	100.00	84.20
L7	S 81° 17' 11" W	100.00	84.20
L8	S 81° 17' 11" W	100.00	84.20
L9	S 81° 17' 11" W	100.00	84.20
L10	S 81° 17' 11" W	100.00	84.20

CURVE TABLE

CHORD	ARC	DELTA	CHORD BEARING	CHORD LENGTH	ARC LENGTH
100.00	100.00	90.00	S 45° 00' 00" W	100.00	157.08

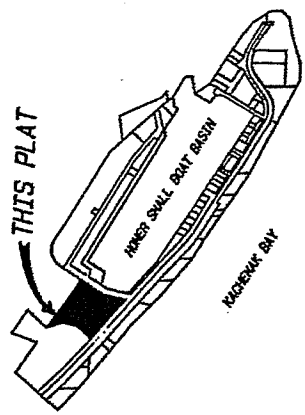
CERTIFICATE OF APPROVAL BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION
 STATEWIDE EASEMENT, TRACT 1-A, WASTEWATER TREATMENT AND DISPOSAL SYSTEMS MUST MEET THE PERMITTING REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.
 THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION APPROVES THIS CONSTRUCTION FOR PLATTING.

Richard L. Island
 STATEWIDE EASEMENT TITLE
 DATE 4/12/93
 THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION HAS REVIEWED THIS SUBDIVISION'S APPLICATION FOR PLATTING, AND APPROVES THIS SUBDIVISION FOR PLATTING.

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM PROPERLY LICENSED AND I INTEND TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA, AND THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT THE MEASUREMENTS AND CALCULATIONS THEREON ARE CORRECT, AND THAT THE MEASUREMENTS AND CALCULATIONS ARE CORRECT.

DATE 12/1/93 REGISTRATION NO. 7538-S
Stephen C. Smith
 REGISTERED LAND SURVEYOR



VICINITY MAP

SCALE: 1" = 1,000'
 LOCATED WITHIN THE CITY OF HOMER

CERTIFICATE OF OWNERSHIP

I HEREBY CERTIFY THAT I AM THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT THIS PLAT OF SUBDIVISION, AND BY MY FILED CORRECT, EXHAUSTS ALL RIGHTS OF WAY AND PUBLIC RIGHTS TO PUBLIC AND GRANT ALL EASEMENTS TO THE NEW SHOW HEREON.

CITY OF HOMER
 BY: *Richard L. Island*
 CITY MANAGER
 HOMER, ALASKA 99603

NOTARY'S ACKNOWLEDGEMENT

WITNESSED AND SHOWN TO BEFORE ME THIS 12/1/93 DAY OF DECEMBER, 1993.
 FOR: *Richard L. Island*
 MUNICIPAL CLERK FOR HOMER



THE FISHER'S HOLE NO. 2
 A REPLAT OF TRACT ONE, THE FISHER'S HOLE ACCORDING TO PLAT NO. 92-39, HFD LOCATED WITHIN THE SE 1/4 S. 35, T6S, R13N, SENARD MERIDIAN, ALASKA AND WITHIN THE CITY OF HOMER
 CONTAINING 11.667 ACRES

HERNDON & THOMPSON, INC.
 STEPHEN C. SMITH, PLS
 41745 BEAR CREEK DRIVE
 HOMER, ALASKA 99603
 907-255-8741

DRAWN BY: SCS
 COMP BY: SCS
 JOB #92-12
 DATE: 4/12/93
 SCALE: 1" = 100'
 SHEET #1 OF 3

KPB FILE NO. 93-034

SHEETS NO. 2 & 3 ARE SIGNATURE SHEETS ONLY

COMMERCIAL GENERAL LIABILITY COVERAGE PART DECLARATIONS

POLICY NUMBER: GC028288-11

Extension of Declarations is attached.

Effective Date: 03/10/2011 12:01 A.M. Standard Time

LIMITS OF INSURANCE If box is checked, refer to form S132 Amendment of Limits of Insurance.

General Aggregate Limit (Other Than Products/Completed Operations)	\$	1,000,000	
Products/Completed Operations Aggregate Limit	\$	INCLUDED	
Personal and Advertising Injury Limit	\$	1,000,000	Any One Person Or Organization
Each Occurrence Limit	\$	1,000,000	
Damage To Premises Rented To You Limit	\$	100,000	Any One Premises
Medical Expense Limit	\$	5,000	Any One Person

RETROACTIVE DATE (CG 00 02 ONLY)

This insurance does not apply to "bodily injury", "property damage" or "personal and advertising injury" which occurs before the Retroactive Date, if any, shown here: _____ (Enter Date or "NONE" if no Retroactive Date applies)

BUSINESS DESCRIPTION AND LOCATION OF PREMISES

BUSINESS DESCRIPTION: Non-profit Theatre
 LOCATION OF ALL PREMISES YOU OWN, RENT, OR OCCUPY: Location address is same as mailing address.

1. 3858 Homer Spit Road
Homer AK 99603-
- 2.

Additional locations (if any) will be shown on form S170, Commercial General Liability Coverage Part Declarations Extension.

LOCATION OF JOB SITE (If Designated Projects are to be Scheduled):

CODE # -	CLASSIFICATION	*	PREMIUM BASIS	RATE		ADVANCE PREMIUM
				Prem/Ops	Prod/Comp Ops	
49185	Theaters NOC - NFP "Products/Completed Operations are subject to the General Aggregate Limit"	M	3,500	127.270	INCLUDED	500 MP INCLUDED
49950	Additional Insured - All Other	t	1	100.000		100

* **PREMIUM BASIS SYMBOLS** + = Products/Completed Operations are subject to the General Aggregate Limit

a = Area (per 1,000 sq. ft. of area)	o = Total Operating Expenditures (per \$1,000 Total Operating Expenditures)	s = Gross Sales (per \$1,000 of Gross Sales)
c = Total Cost (per \$1,000 of Total Cost)	t = See Classification	
m = Admissions (per 1,000 Admissions)	p = Payroll (per \$1,000 of Payroll)	u = Units (per unit)

PREMIUM FOR THIS COVERAGE PART \$ 600

FORMS AND ENDORSEMENTS (other than applicable Forms and Endorsements shown elsewhere in the policy)

Forms and Endorsements applying to this Coverage Part and made part of this policy at time of issue:
Refer to Schedule of Forms and Endorsements

THESE DECLARATIONS ARE PART OF THE POLICY DECLARATIONS CONTAINING THE NAME OF THE INSURED AND THE POLICY PERIOD.
 Includes copyrighted material of Insurance Services Office, Inc. with its permission.

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

CG 20 11 01 96

ADDITIONAL INSURED-MANAGERS OR LESSORS OF PREMISES

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

1. Designation of Premises (Part Leased to You):
3858 Homer Spit Road
Homer, AK 99603

2. Name of Person or Organization (Additional Insured):
City of Homer
491 East Pioneer Avenue
Homer, AK 99603

3. Additional Premium: \$

WHO IS AN INSURED (Section II) is amended to include as an insured the person or organization shown in the Schedule but only with respect to liability arising out of the ownership, maintenance or use of that part of the premises leased to you and shown in the Schedule and subject to the following additional exclusions:

This insurance does not apply to:

1. Any "occurrence" which takes place after you cease to be a tenant in that premises.
2. Structural alterations, new construction or demolition operations performed by or on behalf of the person or organization shown in the Schedule.

Amended By-Laws
Of
PIER ONE THEATRE, INC.
(Formerly Homer Community Summer Theatre, Inc.)

Adopted 6-12-82
Effective 7-1-82

Article I
Name

The name of the corporation is: PIER ONE THEATRE, INC.

Article II
Purpose

The purpose for which this corporation is organized and formed is to produce and promote the Performing Arts through:

1. Sponsoring performances;
2. Stimulating public interest and awareness;
3. Providing practical training; and
4. Awarding scholarships for training and/or courses of study.

Article III
Offices

The principal office of the corporation in the State of Alaska shall be located in the city of Homer. The corporation may have such other offices, either within or without the State of Alaska, as the Board of Trustees may designate or as the business of the corporation may require from time to time.

The registered office of the corporation required by the Alaska Business Corporation Act to be maintained in the State of Alaska may be, but need not be, identical with the principal office in the State of Alaska, and the address of the registered office may be changed from time to time by the Board of Trustees

Article IV
Membership

The Board of Trustees shall constitute the membership of the corporation. Membership in the corporation must be renewed annually, subject to such terms, membership fees, and restrictions as may be determined by the Board of Trustees from time to time.

Article V
Board of Trustees

Section 1. Purpose, Powers, and Duties.

The Board of Trustees has the general power to 1) control and manage the affairs, funds, and property of the Corporation; and 2) disburse the Corporation's monies and dispose of its property in fulfillment of its Corporate purpose: provided, however, that the fundamental and basic purposes of the Corporation, as expressed in the Articles of Incorporation and in Article II of the By-Laws, shall not thereby be amended or changed, and provided further, that the Board of Trustees shall not permit any part of the net earnings or capital of the Corporation to inure to the benefit of any private individual.

The Board may appoint an Artistic Director and a Managing Director, who shall be responsible to the Board for the artistic, administrative, and business management of the Corporation. The Board may further delegate authority to committees, Trustees, or other individuals as it deems necessary to accomplish the Corporate purpose.

Section 2. Number.

The number of Trustees, which shall be not less than five (5), shall be fixed from time to time by the Trustees then serving in office.

Section 3. Election, Term of Office.

Trustees shall normally be elected at the annual meeting of the Corporation by a majority vote of the Trustees then serving in office. Trustees shall be elected to office for a term of five years, or until their successors are duly elected and qualified, except in the case of their earlier death, resignation, or removal from office. A Trustee may be elected to consecutive terms.

Section 4. Ex Officio Trustees.

From time to time, by majority vote of the Trustees then serving in office, the Board may designate ex officio Trustees with vote or ex officio Trustees without vote and determine the length of term to be served, not to exceed one year. Ex officio Trustees with vote shall be counted in determining whether or not a quorum is present at a meeting. Ex officio Trustees without vote shall not be counted in determining the presence of a quorum.

Section 5. Resignation and Removal of Trustees.

Any Trustee may resign by giving written notice of his or her resignation to the Board or to the President or Secretary of the Corporation. Such resignation shall take effect at the time

Section 5, continued.

specified in such notice and the acceptance of such resignation shall not be necessary to make it effective. Any Trustee may be removed, with or without cause, by a two-thirds vote of all Trustees then serving in office.

Section 6. Vacancies.

Vacancies in the Board, however arising, shall be filled by a majority vote of all Trustees then serving in office at any regular meeting of the Board or at a special meeting of the Board called for that purpose.

Article VI
Meetings

Section 1. Annual Meeting.

The annual meeting of the Corporation shall be held on the fourth day of the month of July in each year, or on such other date as may be fixed by the Board of Trustees.

Section 2. Regular Meeting.

The frequency and dates of regular meetings of the Board of Trustees shall be fixed by the Board of Trustees, normally at its annual meeting.

Section 3. Special Meetings.

Special meetings of the Board may be called by the President or Vice President of the Board or shall be called at the request of any three voting Trustees of the Board.

Section 4. Place of Meetings.

Meetings of the Board may be held at the principal offices of the Corporation or at any other place within or without the State of Alaska. The notice of the meeting shall include the place and time of the meeting.

Section 5. Notice of Meetings.

Written notice of the time and place of the annual and regular meetings shall be sent to each Trustee at least ten days, but not more than thirty days, prior to the date of such meetings. Written notice of special meetings shall be sent to each Trustee not less than four days prior to the date of such meeting or by telegraph or telephone not less than two days prior to the date of such meeting.

Section 6. Waiver.

Notwithstanding the provisions of any of the fore-going sections, a meeting of the Board may be held at such time or place within or without the State of Alaska as the Board shall designate and any action may be taken thereat, if notice thereof is waived in writing by every Trustee having the right to vote at the meeting.

Section 7. Quorum.

A majority of the Trustees then serving in office shall constitute a quorum for all meetings of the Board.

In the absence of a quorum, a majority of the Trustees present may, without giving notice other than announcement at the meeting, adjourn the meeting from time to time until a quorum is obtained. At any such adjourned meeting at which a quorum is present, any business may be transacted which might have been transacted at the meeting as originally called.

Section 8. Voting.

At any meeting of the Board, every voting Trustee present in person shall be entitled to one vote and, except as otherwise provided by law or by these By-Laws, the act of a majority of the Trustees present in person at any meeting at which a quorum is present shall be the act of the Board.

Section 9. Presumption of Assent.

A Trustee of the Corporation who is present at a meeting of the Board at which action on any Corporate matter is taken shall be presumed to have assented to the action taken unless his dissent shall be entered in the minutes of the meeting or unless he shall file his written dissent to such action with the person acting as secretary of the meeting before the adjournment thereof. Such right to dissent shall not apply to a Trustee who voted in favor of such action.

Section 10. Compensation.

By action of the Board, the Trustees may be paid their expenses, if any, at attendance at each meeting of the Board, and may be paid a fixed sum for attendance at each meeting of the Board, or a stated salary as Trustee. No such payment shall preclude any Trustee from serving the Corporation in any other capacity and receiving compensation therefor.

Article VII
Officers

Section 1. Principal Officers.

The principal officers of the Corporation shall be a President, a Vice President, a Treasurer, and a Secretary. The President, Vice President, and Treasurer shall be elected from among the Trustees then serving in office. The Board, at any meeting, may elect or appoint additional officers or engage agents and employees and determine their terms of office and compensation, if any, as it may deem advisable.

Section 2. Election and Term of Office.

The officers of the Corporation shall normally be elected at the annual meeting of the Board, but may be elected at any meeting of the Board at which a quorum is present, by a vote of the majority of the Trustees present in person at the meeting. Each officer shall hold office until his successor shall have been duly elected and shall have qualified or until his death or until he shall resign or shall have been removed in the manner hereinafter provided.

Section 3. Removal of Officers.

Any officer may be removed, with or without cause, at any time at any Board meeting at which a quorum is present by a vote of two-thirds of the Trustees present in person at the meeting.

Section 4. Vacancies.

Vacancies among the officers, however arising, shall be filled by a majority vote of Trustees present at any regular or special meeting of the Board at which there is a quorum present.

Section 5. President.

The President shall preside at all meetings of the Board and generally do and perform all acts incident to the office of President, and shall have such additional powers and duties as may from time to time be assigned to him or her by the Board. As the chief executive officer of the Corporation, the President shall have the authority to commit the Board to an action or actions between Board meetings, subject to the review of the Board at the next meeting.

Section 6. Vice President.

In the absence (or inability to act) of the President, the Vice President shall exercise the powers and perform the duties of President. The Vice President shall also generally assist the

Section 6, continued.

President and shall have such other powers and perform such other duties as may from time to time be designated by the President or the Board.

Section 7. Treasurer.

The Treasurer shall act under the supervision of the Board and shall have charge and custody of, and be responsible for, all the funds of the Corporation and shall keep, or cause to be kept, accurate and adequate records of the assets, liabilities, and transactions of the Corporation. He or she shall deposit, or cause to be deposited, all monies and other valuable effects of the Corporation in the name of and to the credit of the Corporation in such banks, trust companies, or other depositories as may be designated from time to time by the Board. He or she shall disburse, or cause to be disbursed, the funds of the Corporation based upon proper vouchers for such disbursement. In general, he or she shall perform all the duties incident to the office of Treasurer and such other duties as may from time to time be assigned by the President or the Board.

Section 8. Secretary.

The Secretary shall act as secretary of, and keep the minutes of all meetings of, the Board in one or more books provided for that purpose and shall see that minutes of the meetings of the Board are distributed promptly to all members of the Board. He or she shall have charge of the books, records, and papers of the Corporation relating to its organization as a corporation and shall see that all reports, statements, and other documents required by law are properly kept or filed, except to the extent that the same are to be kept or filed by the Treasurer. In general, he or she shall perform all the duties incident to the office of Secretary and such other duties as may from time to time be assigned by the President or by the Board.

Section 9. Bonding.

Any officer or employee of the Corporation shall, if required by the Board, give such security for the faithful performance of his or her duties as the Board may require.

Section 10. Compensation.

By action of the Board, officers of the Corporation may be paid a salary for performance of official duties for the Corporation. No officer shall be prevented from receiving such salary by reason of the fact that he is also a Trustee of the Corporation.

Article VIII
Committees

Section 1.

The Board may, at any meeting of the Board, designate advisory standing and/or ad hoc committees of the Board.

Section 2. Membership.

Each committee shall consist of at least three persons, at least one of whom shall be a Trustee of the Corporation. The chairman of each committee shall be appointed by the President of the Board.

Article IX
Miscellaneous

Section 1. Fiscal Year.

The fiscal year of the Corporation shall begin on the first day of ~~July~~ ^{January} and end on the thirty-first day of ~~June~~ ^{December} in each year, commencing with ~~July~~ ^{January} 1, 1982.

Section 2. Contracts, Checks, Bank Accounts, Etc.

The Board is authorized to select such banks or depositories as it shall deem proper for the funds of the Corporation. The Board shall determine who, if anyone, in addition to the President and the Treasurer, shall be authorized from time to time on the Corporation's behalf to sign checks, drafts, or other orders for the payment of money, acceptances, notes, or other evidences of indebtedness, to enter into contracts or to execute and deliver other documents and instruments.

Section 3. Scholarship Awards.

From time to time, as the financial resources of the Corporation permit, and shall be prescribed by the Board, the Corporation shall, by appropriate action of the Board, award scholarships for training and/or study in the performing arts. Scholarship applicants shall fulfill requirements as determined from time to time by the Board.

Article X
Amendments

These By-Laws may be altered, amended, or repealed in whole or in part at any duly organized meeting of the Board of Trustees of the Corporation, by a two-thirds majority vote of the Trustees then serving in office.

ARTICLES OF INCORPORATION
OF
HOMER COMMUNITY SUMMER THEATRE, INC.
A Non-Profit Organization

FILED FOR RECORD
DEPARTMENT OF COMMERCE
STATE OF ALASKA

MAY 1 1974

We, the undersigned adult persons of the age of twenty-one (21) years or more, residents of the State of Alaska, acting as incorporators of a non-profit corporation under the Alaska Business Corporation Act, Sec. 10.20.010, adopt the following Articles of Incorporation for said corporation:

FIRST: The name of the non-profit corporation is HOMER COMMUNITY SUMMER THEATRE, INC.

SECOND: The period of its duration is perpetual.

THIRD: Said corporation is organized exclusively for charitable and educational purposes, including, for such purposes, the making of distributions to organizations that qualify as exempt organizations under section 501(c)(3) of the Internal Revenue Code of 1954 (or the corresponding provision of any future United States Internal Revenue Law). Specifically, the organization shall produce and promote the Performing Arts through sponsoring performances in the Performing Arts; stimulating public interest and awareness in the Performing Arts; providing practical training in the Performing Arts; and awarding scholarships for training and/or courses of study in the Performing Arts.

FOURTH: The principal place of business for the corporation will be located at Homer, Alaska, and the agent for service of process will be Mr. Lance Petersen, Box 809, Homer, Alaska 99603.

FIFTH: No part of the net earnings of the corporation shall inure to the benefit of, or be distributable to, its members, trustees, officers, or other private persons, except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and

to make payments and distributions in furtherance of the purposes set forth in Article Third hereof. No substantial part of the activities of the corporation shall be the carrying on of propaganda, or otherwise attempting, to influence legislation, and the corporation shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office. Notwithstanding any other provision of these articles, the corporation shall not, except to an insubstantial degree, engage in any activities or exercise any powers not permitted to be carried on (a) by a corporation exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code of 1954 (or the corresponding provision of any future United States Internal Revenue Law) or (b) by a corporation, contributions to which are deductible under section 170(c)(2) of the Internal Revenue Code of 1954 (or the corresponding provision of any future United States Internal Revenue Law).

SIXTH: Upon the dissolution of the corporation, the Board of Directors shall, after paying or making provision for the payment of all of the liabilities of the corporation, dispose of all of the assets of the corporation exclusively for the purposes of the corporation in such manner, or to such organization or organizations organized and operated exclusively for charitable, educational, religious, or scientific purposes as shall at the time qualify as an exempt organization or organizations under section 501(c)(3) of the Internal Revenue Code of 1954 (or the corresponding provision of any future United States Internal Revenue Law). as the Board of Directors shall determine. Any of such assets not so disposed of shall be disposed of by the Court of Common Pleas of the Borough in which the principal office of the corporation is then located, exclusively for such

purposes or to such organization or organizations, as said Court shall determine, which are organized and operated exclusively for such purposes.

SEVENTH: A person may become a member of this non-profit organization by the payment of annual dues in the sum of five dollars (\$5.00). A current member in said organization is one who has paid the annual dues aforementioned, thereby entitling said member to voting rights and eligibility to hold office in this organization. The membership in the corporation will be open to the members of the public who submit an application to the corporation for approval by the current members as provided by the By-Laws duly enacted to carry out the purposes and objectives of said corporation enumerated above in Article Third.

EIGHTH: The highest amount of indebtedness or liability to which the corporation may be subject is Fifty thousand dollars (\$50,000.00).

NINTH: The corporation officers will be those of President, Vice-President, Secretary, and Treasurer who shall be elected for office on July 4, 1974.

TENTH: The number of directors constituting the initial board of directors of said corporation is three, and the names and addresses of the persons who are to serve as directors until the first election of the officers and directors are:

Mr. Lance Petersen, Box 809, Homer, Alaska.

Mr. Richard Dixon, Box 596, Homer, Alaska.

Mrs. Barbara Petersen, Box 809, Homer, Alaska

ARTICLES OF INCORPORATION

DATED at Homer, Alaska this 23rd day of April, 1974.

Lance Petersen

Richard M. Dixon

Barbara L. Petersen

STATE OF ALASKA)
(ss.
Third Judicial District)

I, Carl M. Gibson, a notary public, hereby certify that on the 23rd day of April, 1974, personally appeared before me, LANCE PETERSEN, RICHARD DIXON, and BARBARA PETERSEN, who being by me first duly sworn, severally declared that they are the persons who signed the foregoing document as incorporators, and that the statements therein contained are true.

Carl M. Gibson

Notary Public in and for Alaska

My commission expires: May 14, 1977

Alaska Corporations, Business and Professional Licensing

Search

- ✓ By Entity Name
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- ✓ Initial Biennial Report
- LLC
- ✓ File Online
- Business Corporation
- ✓ File Online
- Online Orders
- ✓ Register for Online
- Orders
- ✓ Order Good Standing
- Name Registration
- ✓ Register a Business
- Name Online
- ✓ Renew a Business Name

Date: 7/29/2011

Filed Documents

(Click above to view filed documents that are available.)

Print Blank Biennial Report

(To view the report, you must have Acrobat Reader installed.)

Entity Name History

Name	Name Type
PIER ONE THEATRE, INC,	Legal

Nonprofit Corporation Information

AK Entity #:	13110D
Status:	Active - Good Standing
Entity Effective Date:	05/01/1974
Primary NAICS Code:	6100: Schools and Libraries
Home State:	AK
Principal Office Address:	PO BOX 894 HOMER AK 99603
Expiration Date:	Perpetual
Last Biennial Report Filed Date:	8/13/2010
Last Biennial Report Filed:	2010

Registered Agent

Agent Name:	LANCE PETERSEN
Office Address:	592 Ocean Dr Loop Homer AK 99603
Mailing Address:	BOX 894 HOMER AK 99603
Principal Office Address:	PO BOX 894 HOMER AK 99603

Officers, Directors, 5% or more Shareholders, Members or Managers

Name: Lance Petersen
Address: PO Box 894
Homer AK 99603-0894
Title: Vice President
Owner Pct: 0

Name: Lance Petersen
Address: PO Box 894
Homer AK 99603-0894
Title: Director
Owner Pct: 0

Name: William H Bell
Address: PO Box 894
Homer AK 99603
Title: President
Owner Pct: 0

Name: William H Bell
Address: PO Box 894
Homer AK 99603
Title: Director
Owner Pct: 0

Name: Aurora G Neal
Address: 3684 Kechemark Dr
Homer AK 99603-3368
Title: Secretary
Owner Pct: 0

Name: Aurora G Neal
Address: 3684 Kechemark Dr
Homer AK 99603-3368
Title: Director
Owner Pct: 0

Name: Barbara Petersen
Address: PO Box 894
Homer AK 99603
Title: Treasurer

Owner Pct:	0
Name:	Barbara Petersen
Address:	PO Box 894 Homer AK 99603
Title:	Director
Owner Pct:	0

Officers & Directors

E-mail the Corporations Staff (907) 465-2550

[Online Public Notices](#)[Commerce](#)[find](#)[State of Alaska](#) > [Commerce](#) > [Professional Licensing](#) > [Business License Search](#)

License Detail

LicNum: 164835
Business Name: PIER ONE THEATRE
Address: PO BOX 894
HOMER AK 99603
Status: ACTIVE
Original Issue: 01/15/1993
Current Issue: 11/01/2010
Expiration: 12/31/2012
Business Type: CORPORATION
Tobacco Endorsements: 0
Line Of Business: Arts, Entertainment and Recreation
Primary Activity: 711110
Secondary Activity:
Note:
Owners: PIER ONE THEATRE, INC.
PIER ONE THEATRE Home Page.

Contact Phone: (907) 465-2550 Email Professional Licensing

City of Homer Lease info: statistics for Summer of 2011

October 5, 2011

To: Walt Wrede, City Manager

From: Lance Petersen, Artistic Director, Pier One Theatre Inc.

Hi, Walt....

Per our conversation today, here are some statistics and accomplishments for the recently completed Summer Season of Pier One Theatre on the Homer Spit, 2011.

There were 16 different performances, with a total of 55 different events.

Total audience: 4000 (this has been consistent over time.) Of that audience, 19% were Senior Citizens and 12% Youths.

Local residents (Lower Kenai Peninsula) made up 68% Of the audience.

Other Alaskans visiting Homer made up 22 % of the audience.

Visitors from other states and countries made up 10% of the audience.

Approximately 210 Homer area volunteers helped to pop popcorn, pass out programs, and sell tickets.

Approximately 60 young people were involved in Youth Theatre Programs.

Major building maintenance:

Repair roof damage (asphalt shingles blown off) from the windstorm of December, 2010.

Repaint entire building (3 coats of paint, costing some \$1700.00.)

CITY OF HOMER
HOMER, ALASKA

RESOLUTION 89-36(a)

A RESOLUTION OF THE HOMER CITY COUNCIL RESERVING LAND AROUND THE LAGOON ON THE SPIT FOR PUBLIC RECREATIONAL PURPOSES.

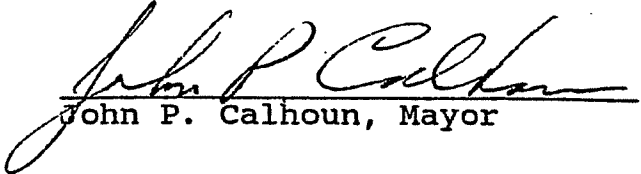
WHEREAS, the City of Homer has adopted the Interim Spit Plan which includes the designation of recreation/parking in the vicinity of the lagoon fishing hole on the Spit as well as Pier 1 Theatre; and

WHEREAS, the Parks and Recreation Commission at a special meeting held March 31, 1989 recommended that the City Council reserve the land in the vicinity of the lagoon and Pier 1 Theatre as indicated in the Interim Spit Plan for recreation/parking.


NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Homer, Alaska that the recreational/parking designation as indicated in the Spit Interim Plan is hereby acknowledge and continued for such period of time as sport fishing in the lagoon and the summer theatre activities at that location continue.

DATED at Homer, Alaska this 10th day of April, 1989.

CITY OF HOMER


John P. Calhoun, Mayor

ATTEST:


Patti J. Whalyn, City Clerk

Session 11-07 A Special Meeting of the Lease Committee was called to order at 3:05 pm on November 10, 2011 by Vice Chair Terry Yager at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMITTEEMEMBERS YAGER, HAWKINS, ABBOD, MAURAS,
AND ZIMMERMAN

ABSENT: COMMITTEE MEMBER NEECE

STAFF: DEPUTY CITY CLERK I RENEE KRAUSE
ADMINISTRATIVE ASSISTANT TERRY FELDE
CITY MANAGER WALT WREDE

APPROVAL OF THE AGENDA

Vice Chair Yager requested a motion to approve the agenda.

MAURAS/ABBOD – MOVED TO APPROVE THE AGENDA.

There was no discussion.

The agenda was approved by consensus of the Committee.

PUBLIC COMMENT REGARDING ITEMS ON THE AGENDA (3 Minute Time Limit)

There was no public present.

APPROVAL OF THE MINUTES

There were no minutes for approval.

VISITORS

There were no visitors scheduled.

STAFF & COUNCIL REPORTS/COMMITTEE REPORTS/BOROUGH REPORTS

A. Staff Report – Updates and Status Report

Ms. Felde updated the committee on outstanding issues as follows:

- Alaska Custom Seafoods
 - discussed outstanding paperwork required to complete this lease
- Appraisals Completed
 - There were five completed and additional meetings will be setup with the potential lessees Alaskan Coastal Freight and Fortune Sea
- Snug Harbor lease is completed and being reviewed by Lessee
 - Snug Harbor is in process of completing the conceptual site plan for submittal to Planning Dept.
- Homer Spit Campground Lease is completed and being reviewed by lessee.
 - They are working on getting a survey completed.
- Dock Side Two
 - In process of completing staff review of lease proposal and getting this prepared for the next committee meeting.

Mr. Wrede provided an update on the HERC building as follows:

- Spoke with the School District – they do not want the building back
- inquired if the School District would be willing to expend the upfront monies to bring Fireweed Academy into the building.
- Fireweed Academy has indicated that they would be willing to pay rent and discussions included current rents they pay now and the utilities cost plus upfront costs estimates to make the building usable by the academy.
- Boys and Girls Club advocacy group in the process of finding a solution and raising money.
 - It is anticipated that the group will be approaching the Council.
 - The deadline date is when the City Hall Staff relocates back to city hall which is Christmas or before. There is some maintenance that will be required even when the building is closed due to structural issues such as snow loads, etc.

Comments from members of the committee regarding participation by the parents in a manner that they are paying their fair share of the costs would assist in providing the service. The community is small and it should not be expected that the community pay for the service used by the few. Additional options are to use the building for the Community Recreation and parks and Recreation Department. Space could be rented out to other entities. It was noted that the original restrictions put on the building can be amended by the borough assembly. They may decide to request an amendment to allow the city to sell the building and use those funds for a public purpose. This option appealed to the Borough Mayor.

There was a brief discussion on other possibilities that the facility could be used for such as a trade school. It was noted that the economy has affected a number of entities including state, federal and private outlets. Many budgets are cut and other possible options are not feasible. There are still a number of options available.

There was no further discussion.

PUBLIC HEARING

There were no public hearings scheduled.

PENDING BUSINESS

- A. Additional Guidelines for Reviewing Proposals Submitted by Non-Profit Organizations for Lease on City Owned Property

Mr. Hawkins requested this item on the agenda at the regular meeting in July. Vice Chair Yager requested clarification on the reason for bringing this item to the committee since he was not at the last meeting.

Members of the committee stated their understanding of the concern in leasing to non-profits and that there are no specific guidelines or criteria established to review proposals submitted by a non-profit.

The following recommendations were made on the evaluation process or criteria for non-profits:

- Structure the lease prices based on a percentage of the total income for the non-profit
 - This would remove the politically charged atmosphere that occurs around non-profits
 - determine the fair percentage amount to charge all non-profits

Comments in opposition were noted that the City Council should direct the committee on what they would like to see. It was noted that the committee was advisory to the council and if they do not make a recommendation then the council has to make the decision with no input representing the good of the community and to look out for the city interests.

- Establish a point system

Mr. Wrede stated that there seems to be two issues before the committee one is the current criteria is based on commercial activities and he noted some criteria that was recommended at the last meeting and these criteria or other could be recommended to use. The second is the money issue and the committee could recommend that council determine a rate to charge them based on the criteria.

Discussion ensued on making amendments to the lease policies and how this would proceed.

MAURAS/ZIMMERMAN - MOVED TO DIRECT STAFF TO DRAFT AN AMENDMENT TO CHAPTER SIX OF THE LEASE POLICIES REGARDING A SEPARATE CRITERIA FOR EVALUATING PROPOSALS FROM NON-PROFITS USING THE BULLETED RECOMMENDATIONS FROM THE MINUTES OF THE JULY 14, 2011 MEETING.

- Those bulleted items were:
1. Activity days on site
 2. Persons Served – per year or month
 3. Revenues to the City from the non-profit whether via Head Tax, Rent or percentage of profits
 4. Indirect Commerce – How will this affect the City?
 5. Partnerships with Other Non-profits or Businesses
 6. How many volunteers – such as actors
 7. Profit vs. Non-Profit – benefits versus revenue loss to the city
Such as property taxes.

There was a brief discussion on whether non-profits had to pay the property taxes and comment from Lance Petersen whether they paid property tax on property owned that is not used in the endeavors of the non-profits where the Pier One Theater does not pay property taxes on the Spit property since it is used wholly in the pursuit of the non-profit endeavor.

There was no further discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

NEW BUSINESS

A. Elections of Chair and Vice Chair of the Committee

Mr. Hawkins moved to open discussion and nominated Mr. Yager as Chair.

Mr. Zimmerman seconded.

Mr. Yager asked if there were any other nominations. There were none.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Mr. Abboud nominated Mr. Zimmerman as vice chair. Mr. Hawkins seconded.

There were no additional nominations.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

The Chair and Vice Chair were congratulated and comments were made that they could decline the appointment if they chose. There was a brief period of quiet but Chair Yager and Vice Chair Zimmerman accepted their roles.

B. Draft Resolution 11-XX Establishing the 2012 Regular Meeting Schedule.

ABBOUD/MAURAS – MOVED TO APPROVE THE MEETING SCHEDULE AS PROPOSED.

There was a brief discussion on changing the January 12, 2012 meeting to January 26, 2012 at 3:00 p.m.

ABBOUD/ZIMMERMAN – MOVED TO AMEND THE JANUARY MEETING DATE TO JANUARY 26, 2012 AT 3:00 P.M.

There was no discussion.

VOTE. (Amendment) YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

VOTE. (Main) YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

There was no further discussion.

C. Pier One Lease Proposal

Vice Chair Yager brought to item to the floor for discussion.

Mr. Wrede summarized the review performed by Ms. Felde and has concluded that there would be some zoning permits needed and approval from the Fire Marshall. He went on to summarize his review and recommendations. A few of the points made:

- This has not been let for the request for proposal process.
- This is a request for less than fair market value lease.
- The use is compatible for the area.
- There are no plans for major new development by the lessee.
- There is no significant capital investments proposed.
- The applicant has been at the location for decades.
- It has been determined that the organization has the financial capacity to maintain the facility and continue operations.
- There are no employees, actors are volunteers.
- The rental rate is \$1.00 per year for five year. Utilities are paid for by the lessee. Restroom facilities are provided by the city.
- The theater does stimulate and add to the economic impact to the city.
- The theater has provided significant contribution towards the social, cultural and educational fabric of the community.
- Short term lease of 5 yrs allows time to determine the best use of the property
- Zoning Permits required
- If the fire Marshall does not approve then who bears the cost of the improvements
 - If it is determined unsafe would the city uphold this decision?

There was a brief disclosure on the amount of work and improvements that were undertaken to make the building safe and in compliance with the State Fire Marshall requirements. The current lessee has been in the building since 1987 when the first production was held. There was noted that it would be acceptable to the lessee to include a 90 day notice to cancel the lease by the city. The Lessee did direct the committee's attention to the Resolution 89-36(A) which stated that as long as there was sport fishing in the lagoon and the summer theater activities continued at the location that the land was to be used for recreational/parking purposes. He informed the committee on a form that must be completed and submitted to the IRS that indicates public support for the organization, and this form also shows a line item in-kind valuation from the city to the non-profit. A non-profit must prove that they received support from the community. The lessee recommended that they require a potential non-profit lessee submit the complete 990 form with the lease application. Mr. Petersen briefly reviewed the 990 form information with the committee.

There was a brief discussion on submitting the recommendation to council and making a motion and clarification on zoning review on parking was made.

ZIMMERMAN/ - MOVED TO RECOMMEND THAT THE \$1.00 PER YEAR LEASE FOR FIVE YEARS BE ACCEPTED CONTAINING THE STAFF RECOMMENDATIONS AND ADDRESS THE CONCERNS AS NOTED REGARDING ZONING REVIEW AND FIRE MARSHALL APPROVAL.

HAWKINS/ - PROPOSED TO OFFER A FRIENDLY AMENDMENT TO INCLUDE THE CLAUSE ALLOWING THE CITY OUT OF THE LEASE IF A BETTER USE WAS OFFERED DURING THE FIVE YEAR LEASE PERIOD.

There was no discussion on the amended motion.

The Clerk read the amended motion into the record

ZIMMERMAN/MAURAS - MOVED TO RECOMMEND A FIVE YEAR LEASE AT 1.00 PER YEAR WITH THE STIPULATION THAT A ZONING REVIEW AND FIRE MARSHAL APPROVAL IS OBTAINED AND INCLUDE A CLAUSE TO ALLOW THE CITY TO BREAK THE LEASE WITH A 90 DAY NOTICE.

There was no further discussion.

VOTE. (Amended) NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

MAURAS/ZIMMERMAN - MOVED THAT THE LEASE COMMITTEE FINDS THAT THIS PROPERTY SHOULD BE LEASED TO PIER ONE THEATER WITHOUT THE REQUEST FOR PROPOSAL PROCESS AND AT LESS THAN FAIR MARKET VALUE FOR THE REASONS STATED IN THE MEMORANDUM.

There was a brief discussion by the committee on the reasons to list in the memorandum.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

There was no further discussion.

INFORMATIONAL MATERIALS

- A. Ordinance 11-25, Amending Homer City Code 18.08.120, Sublease, Regarding the Charging of Additional Rent for Subleases of City Property

- B. Resolution 11-041, Approving and Adopting a New Amended Standard Ground Lease Document and Authorizing the Amendment of the City of Homer Property Management Policy and Procedures Manual to Conform to the Amended Standard Ground Lease Document.
- C. Amended Ground Lease and Security Agreement
- D. Lease Expiration Updated as of 5/23/11

There was no discussion on the informational materials.

COMMENTS OF THE AUDIENCE

Lance Petersen was really glad that the lease committee went through the work to have really specific guidelines on how to approach the city for a lease; much of the time the lease process has been murky and mysterious and this now makes it possible for an applicant to find the information and it is all lined out and if you add the non-profit chapter and criteria it will make it more transparent and open for the public.

COMMENTS OF THE CITY STAFF

There were no comments from Staff.

COMMENTS OF THE COUNCILMEMBER *(If one is appointed)*

There were no councilmembers present.

COMMENTS OF THE CHAIR

The Chair had no comments.

COMMENTS OF THE COMMITTEE

There were no comments from the committee members.

ADJOURN

There being no further business before the Lease Committee, Chair Yager adjourned the meeting at 4:23 p.m. The next regular Lease Committee meeting is scheduled for 3:00 p.m. January 26, 2012 at City Hall, Cowles Council Chambers, 491 E. Pioneer Avenue, Homer, Alaska.

RENEE KRAUSE, CMC, DEPUTY CITY CLERK I

Approved: _____

1 CITY OF HOMER
2 HOMER, ALASKA

Howard/Lewis

3
4 RESOLUTION 11-105

5
6 A RESOLUTION OF THE CITY COUNCIL OF HOMER,
7 ALASKA, AUTHORIZING THE CITY MANAGER TO ENTER
8 INTO A NEW SHORT TERM LEASE WITH THE HOMER
9 BOYS AND GIRLS CLUB AND TO EXTEND THE CLUB'S
10 OCCUPANCY OF THE LOWER LEVEL OF THE HOMER
11 EDUCATION AND RECREATION COMPLEX BUILDING
12 (HERC) UNTIL MAY 31, 2012.

13
14 WHEREAS, The Homer City Council recently adopted Resolution 11-078(A) which
15 authorized a new short term lease for the Homer Boys and Girls Club and extended its
16 occupancy of the lower level of the HERC Building, commonly referred to as the Old
17 Intermediate School, until December 31, 2011; and

18
19 WHEREAS, The Boys and Girls Club has been looking for alternative locations but none
20 has been identified to date and the lower level of the HERC building remains the best and most
21 suitable location for this program; and

22
23 WHEREAS, The very existence of the Homer Boys and Girls Club is threatened by the
24 fact that the City does not have the revenues to operate and maintain the facility at this time and
25 there is also uncertainty about future operating funds for the program; and

26
27 WHEREAS, After the City Council adopted Resolution 11-078(A), the Homer Boys and
28 Girls Club Task Force was formed and it has been working hard to raise funds and to increase
29 public awareness about the current status of the Boys and Girls Club and the significant benefits
30 it brings to young people and the community at large; and

31
32 WHEREAS, A sub-committee of the Task Force has been working diligently to assess
33 the overall condition of the building, identify potential funding sources for facility
34 improvements, and elevate the community dialog about re-purposing the building; and

35
36 WHEREAS, The primary goal of the Task Force is to find a way to enable the Boys and
37 Girls Club to stay in the facility for the long term and to relieve the City of the financial burden
38 associated with having this building unoccupied, and it needs more time to complete its work;
39 and

40 WHEREAS, The Homer Boys and Girls Club has requested that they be able to remain in
41 the facility at least until the end of the current school year and has offered to contribute \$750 per
42 month to offset the cost of utilities; and

43
44 WHEREAS, The City will have to keep the building heated minimally even if it is
45 unoccupied because of the flat roof and other considerations.

46
47 NOW, THEREFORE, BE IT RESOLVED that the Homer City Council finds that it is in
48 the best interest of the City to enter into another short term lease with the Homer Boys and Girls
49 Club and to work cooperatively with the Homer Boys and Girls Club Task Force and provide it
50 with more time to complete its work.

51
52 BE IT FURTHER RESOLVED that the Council authorizes the City Manager to enter
53 into a short term lease with the Homer Boys and Girls Club and to extend its occupancy of the
54 lower level of the HERC building. The term of the lease shall expire on May 31, 2012 and the
55 rent shall be \$750 per month.

56
57 PASSED AND ADOPTED by the Homer City Council this 28th day of November, 2011.

58
59 CITY OF HOMER

60
61
62 _____
MARY E. WYTHE, MAYOR PRO TEMPORE

63 ATTEST:

64
65 _____
66 JO JOHNSON, CMC, CITY CLERK

67
68 Fiscal Note: \$14,000 in additional expenditures for utility costs to be paid for by new revenues
69 and a fund transfer: \$3,750 in rent and a \$10,250 transfer from GF Reserves (Fund Balance).

CITY OF HOMER
HOMER, ALASKA

Lewis

RESOLUTION 11-078(A)

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 DECEMBER 31, 2011.

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 December 31, 2011.

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

**CITY OF HOMER
HOMER, ALASKA**

Roberts/ Transportation
Advisory Committee

RESOLUTION 11-106

A RESOLUTION OF THE HOMER CITY COUNCIL
DIRECTING THE CITY MANAGER TO DEVELOP A
BUDGET, SCOPE, AND SCHEDULE FOR THE WADDELL
WAY ROAD IMPROVEMENT PROJECT.

WHEREAS, The Transportation Advisory Committee is tasked with advising the Homer City Council on transportation issues; and

WHEREAS, Homer Accelerated Roads and Trails Program (HART) funding has been designated by voters to be utilized for road improvement; and

WHEREAS, No road Local Improvement District (LID) has been completed in the past four years; and

WHEREAS, The Homer City Council has approved the 2005 Homer Area Transportation Plan; and

WHEREAS, The Transportation Plan includes modeled road extensions; and

WHEREAS, Waddell Way between Lake Street and Heath Street is one of the modeled extensions; and

WHEREAS, There is adequate funding in the HART account to complete this modeled road improvement.

NOW, THEREFORE, BE IT RESOLVED that the Homer City Council authorizes the City Manager to develop a budget, scope, and schedule for the Waddell Way road improvement project.

PASSED AND ADOPTED by the Homer City Council this 28th day of November, 2011.

CITY OF HOMER

MARY E. WYTHER, MAYOR PRO TEMPORE

ATTEST:

JO JOHNSON, CMC, CITY CLERK

Fiscal Note: To be determined.

1 **CITY OF HOMER**
2 **HOMER, ALASKA**

3 City Manager/
4 Public Works Director

5 **RESOLUTION 11-107**

6
7 A RESOLUTION OF THE CITY COUNCIL OF HOMER,
8 ALASKA, AUTHORIZING THE CITY MANAGER TO
9 APPLY FOR AND ACCEPT SPECIAL ACT
10 APPROPRIATIONS PROJECT (SAAP) FUNDS IN THE
11 FORM OF A GRANT (45% MATCHING REQUIREMENT)
12 IN THE AMOUNT OF \$485,000 FOR THE PURPOSE OF
13 COMPLETING THE KACHEMAK DRIVE (PHASE II)
14 WATER & SEWER IMPROVEMENTS PROJECT.

15
16 WHEREAS, The City has been identified as a recipient of a Special Act Appropriations
17 Project (SAAP) congressional appropriation for use is completing a water and/or wastewater
18 infrastructure project; and

19
20 WHEREAS, The City has been offered a SAAP grant in the amount of \$485,000; and

21
22 WHEREAS, Projects that have already been started are eligible for reimbursement under
23 the grant conditions; if contract procurement is in compliance with Federal Regulations (40 CFR
24 Part 31) and have a complete NEPA environmental review; and

25
26 WHEREAS, The Kachemak Drive (Phase II) Water & Sewer Improvement Project
27 appears to meet procurement and environmental review requirements; and

28
29 WHEREAS, EPA is expected to determine that the project is eligible to be funded by the
30 SAAP grant; and

31
32 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska,
33 authorizes the City Manager to make a formal EPA SAAP grant application and execute a grant
34 agreement for the completion of the Kachemak Drive (Phase II) Water & Sewer Improvements
35 Project in the amount of \$485,000, 45% of which will be matched with Homer Accelerated
36 Water and Sewer Program (HAWSP) funds; previously authorized for use on this project.

37
38 PASSED AND ADOPTED by the Homer City Council this 28th day of November, 2011.

39
40 CITY OF HOMER

41
42
43
44 MARY E. WYTHE, MAYOR PRO TEMPORE

45 ATTEST:

46
47
48
49 JO JOHNSON, CMC, CITY CLERK

50
51 Fiscal Note: N/A



CITY OF HOMER

PUBLIC WORKS

3575 HEATH STREET HOMER, AK 99603

TELEPHONE (907)235-3170
FACSIMILE (907)235-3145

MEMORANDUM 11-153

TO: Walt Wrede, City Manager

FROM: Carey Meyer, Public Works Director

DATE: November 16, 2011

RE: **EPA Special Act Appropriations Project (SAAP) Grant
Recommendation to Utilize Available Funding
Kachemak Drive (Phase II) Water & Sewer Project**

EPA has indicated that federal grant monies are available to the City of Homer for use in completing a water/wastewater project. The amount of available funding is \$485,000. These funds require a 45% matching contribution.

Projects that have already been started are eligible for reimbursement under the grant conditions; if contract procurement is in compliance with Federal Regulations (40 CFR Part 31) and have a complete NEPA environmental review.

The Kachemak Drive (Phase II) Water & Sewer Improvements Project appears to meet procurement and environmental review requirements. EPA is expected to determine that the project is eligible to be funded by the SAAP grant.

The grant is expected to cover a portion of the City's costs associated with the project. The portion of the \$3.5 million project that the City is responsible for exceeds \$1.0 million. The Council has previously authorized the expenditure of Homer Accelerated Water and Sewer Program (HAWSP) funds to cover the City's share of the project. The required SAAP grant matching contribution would come from these HAWSP funds; the \$485,000 grant would be used to cover the City's cost of construction.

Recommendations: The City Council pass a resolution authorizing the City Manager to apply for the EPA SAAP grant and execute a grant agreement for the Kachemak Drive (Phase II) Water & Sewer Improvements project.

CITY OF HOMER
HOMER, ALASKA

City Clerk

RESOLUTION 11-108

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
FINDING THE NEED TO CREATE THE CRITTENDEN DRIVE
RECONSTRUCTION AND PAVING LOCAL IMPROVEMENT
DISTRICT (LID) AND SETTING A PUBLIC HEARING FOR
JANUARY 23, 2012.

WHEREAS, The owners of property fronting Crittenden Drive signed the application for road reconstruction and paving improvements at the required level of at least 50% thereby forwarding this LID to the petition phase; and

WHEREAS, A neighborhood meeting was held on August 9, 2011 at 5:00 p.m. regarding the requested improvements and one property owner and staff were in attendance; and

WHEREAS, Property owners signing the petition equal \$1,725,800.00 in property value or 78%; and

WHEREAS, The Homer City Council finds the need to create the Crittenden Road Reconstruction and Paving LID pursuant to HCC 17.04.030; and

WHEREAS, The deadline for this LID Petition was October 28, 2011.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby finds the need to create the Crittenden Road Reconstruction and Paving Local Improvement District and sets the date for public hearing as January 23, 2012 during the Regular City Council meeting that begins at 6 p.m. for the purpose of hearing protests against the formation of said improvement district.

BE IT FURTHER RESOLVED by the City Council that should the rest of the property owners, excluding the governmental agencies, sign the petition between now and the public hearing that the Council may agree to waive the 60 day objection period provided that the involved property owners agree thereto in writing by signing a waiver to that effect.

PASSED AND ADOPTED by the City Council of Homer, Alaska, this 28th day of November, 2011.

CITY OF HOMER

MARY E. WYTHE, MAYOR PRO TEMPORE

ATTEST:

JO JOHNSON, CMC, CITY CLERK

Fiscal Note: N/A

Office of the City Clerk

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



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

August 29, 2011

Dear Property Owner,

A proposal for road improvements was initiated in your neighborhood. To form a local improvement district (LID) at least fifty percent (50%) of property owners of record were required. There was a sufficient enough amount of interested property owners to proceed to the next step. We have compiled a list of property owners within the boundaries of the Crittenden Drive improvement district, including your parcel(s).

This is the second step, the Petition Phase, in the LID process. Your signature on the Property Owner Petition for Road Improvements in the Crittenden Drive area is your request that a Homer Accelerated Roads and Trails (HART) Reconstruction Improvement Area for road improvements be created.

If you are not interested in the road improvements you do not need to sign the Property Owner Petition. Your lack of signature indicates that you are not in favor of the LID.

If it is your intent to favor the improvement district, please sign and date the area indicated on the Property Owner Petition and return only the signed page to the Clerk's office by October 28, 2011. We will determine the sufficiency of the petition by the percentage of property value worth of signatures. At least fifty percent or more in value of property to be benefited by the improvement must have property owner of record signatures to be sufficient.

If you have questions concerning the LID process, please feel free to contact the Clerk's Office for assistance.

Best regards,

Melissa Jacobsen, CMC
Deputy City Clerk

PROPERTY OWNER PETITION

Requested by Michael J. Warburton Address: 3500 Crittenden Dr, Homer, AK 99603 Date: June 8/9/11
 District Name: Crittenden Drive Improvement Requested: Road Reconstruction and Paving

We, the undersigned owners of real property fronting Crittenden Drive within the City of Homer, Alaska, request that a Homer Accelerated Roads and Trails Program (HART) Reconstruction Improvement Area be created to include the properties listed below. We understand that this program is locally funded through the ¾ of 1 percent sales tax and property owner contributions and that property owner share for road reconstruction is \$30 per front foot and paving is \$17 per front foot. Any corner lots will be assessed only the length of the longest side pursuant to Homer City Code 17.04.160 and the Homer Accelerated Roads and Trails Policy Manual. We represent the owners of at least 50% or more in value* of the property to be benefited by these improvements. **If you have any questions please contact Jo Johnson, Homer City Clerk at 235-3130 or email clerk@ci.homer.ak.us**

*Total property owner assessments equal: \$2,198,500.00 50% equals: \$1,099,250.00

If you are in favor of these improvements please sign and date in the appropriate slot.
 In Witness Whereof, we have set our hands. **The deadline for responding is 10/28/11**

Signature owner(s) of Record/Date Signed	OWNER/ADDRESS	LEGAL DESCRIPTION PARCEL NO.	ASSESSED PROPERTY VALUE	APPROXIMATE ASSESSED ESTIMATED PROPERTY OWNER SHARE OF ASSESSMENT
	Clayton & Joan Ellington PO Box 833 Homer, AK 99603	Lot 8-A1, Webber Subdivision 175-183-24	\$409,800	137.7 x \$47 per front foot = \$6471.90
	William D. Kaehr PO Box 688 Homer, AK 99603	Lot 10-A, Webber Subdivision No. 7 175-183-10	\$156,300	160.66 x \$47 per front foot = \$7551.02
	Kyoko Haseo C/O PO Box 1972 Soldotna, AK 99669	Lot 9 Block 2, Webber Subdivision 175-182-09	\$26,200	150.76 x \$47 per front foot = \$7085.72
	Virginia M. Harris 3945 Balchen Dr. Anchorage, AK 99517	Lot 10 Block 2, Webber Subdivision 175-182-10	\$36,700	150.76 x \$47 per front foot = \$7085.72
	Michael J. Warburton 3500 Crittenden Rd. Homer, AK 99603	Lot 2, Webber Subdivision No. 6 175-184-05 Tract 1-A, Webber Subdivision No. 8 175-184-07 Lot 3, Webber Subdivision No. 6 175-184-06	\$405,200 \$427,100 \$737,200	387.90 x \$47 per front foot = \$18231.30 155 x \$47 per front foot = \$7285.00 ~160 x \$47 per front foot = \$7520.00

17510069

17510070

17518324
137.7'
17518310
160.66'

17518310
17518311
17518312
17518313
17518314
17518315
17518316
17518317
17518318
17518319
17518320
17518321
17518322
17518323

WADDELL ST.

17518209
150.76'

17518204
17518205
17518206
17518207
17518208

17518210
150.76'

17518211
17518212
17518213
17518214
17518215
17518216
17518217
17518218
17518219

17518403

17518407
387.90

17518405
155'

PORTION OF
PARCEL
17518406
~160'

17519014

PROPERTY OWNER PETITION

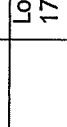
AUG 30 2011 PM 02:15

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We, the undersigned owners of real property fronting Crittenden Drive within the City of Homer, Alaska, request that a Homer Accelerated Roads and Trails Program (HART) Reconstruction Improvement Area be created to include the properties listed below. We understand that this program is locally funded through the 3/4 of 1 percent sales tax and property owner contributions and that property owner share for road reconstruction is \$30 per front foot and paving is \$17 per front foot. Any corner lots will be assessed only the length of the longest side pursuant to Homer City Code 17.04.160 and the Homer Accelerated Roads and Trails Policy Manual. We represent the owners of at least 50% or more in value* of the property to be benefited by these improvements. If you have any questions please contact Jo Johnson, Homer City Clerk at 235-3130 or email clerk@ci.homer.ak.us

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 8-30-11	Clayton & Joan Ellington PO Box 833 Homer, AK 99603	Lot 8-A1, Webber Subdivision 175-183-24	\$409,800	137.7 x \$47 per front foot = \$6471.90
	William D. Kaehr PO Box 688 Homer, AK 99603	Lot 10-A, Webber Subdivision No. 7 175-183-10	\$156,300	160.66 x \$47 per front foot = \$7551.02
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		Tract 1-A, Webber Subdivision No. 8 175-184-07	\$427,100	155 x \$47 per front foot = \$7285.00
		Lot 3, Webber Subdivision No. 6 175-184-06	\$737,200	-160 x \$47 per front foot = \$7520.00

8/29/11 mj

PROPERTY OWNER PETITION


WJ

Requested by Michael J. Warburton Address: 3500 Crittenden Dr., Homer, AK 99603 Date: June 8/9/11
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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

