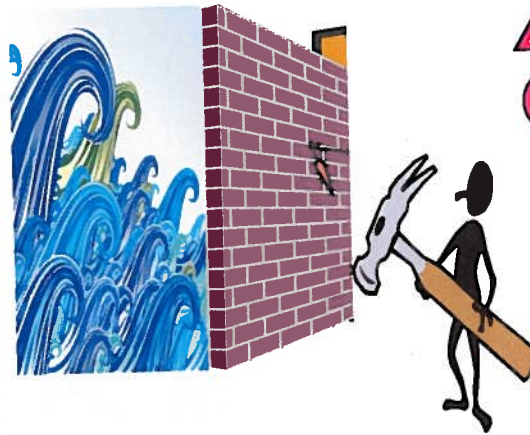


City Council
January 23, 2012
Monday

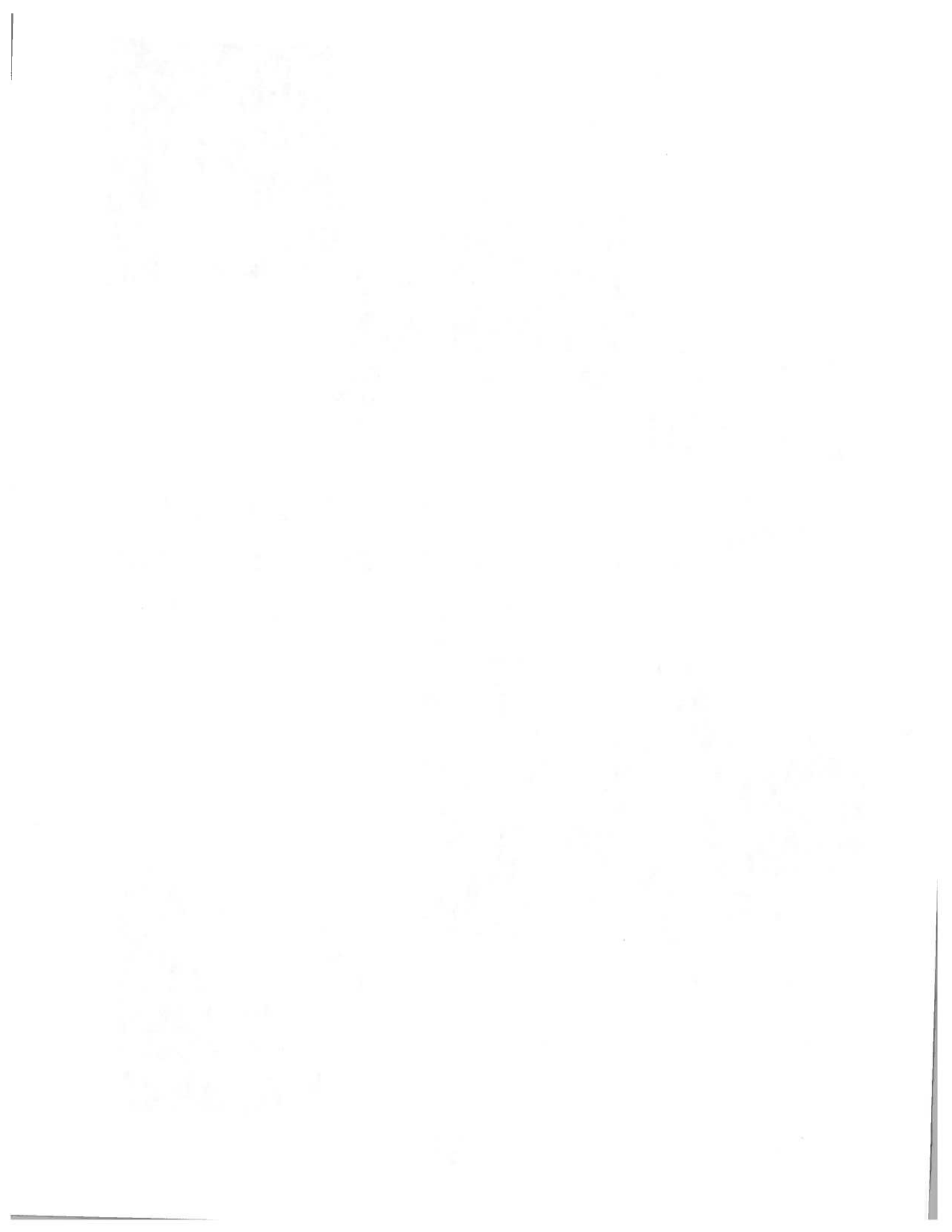


Special Meeting 4:00 P.M.
Committee of the Whole 5:00 P.M.
Regular Meeting 6:00 P.M.



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





2012 JANUARY ~ FEBRUARY

- Monday 23rd** **CITY COUNCIL** Special Meeting 4:00 p.m., Committee of the Whole 5:00 p.m., and Regular Meeting 6:00 p.m.
- Tuesday 24th** City Council and Commissioners training with City Attorney 1:00 p.m. to 5:00 p.m.
- Wednesday 25th** **PORT AND HARBOR ADVISORY COMMISSION** Regular Meeting 5:00 p.m.
-
- Thursday 26th** **LIBRARY LANDSCAPE COMMITTEE** 12:00 – 1:00 p.m. at Library.
LEASE COMMITTEE 3:00 p.m.
PORT AND HARBOR IMPROVEMENT COMMITTEE 5:30 p.m.
- Wednesday 1st** **PLANNING COMMISSION** Worksession 5:30 p.m. and Regular Meeting 6:30 p.m.
- Thursday 2nd** **KACHEMAK DRIVE PATH COMMITTEE** 5:30 p.m.
- Tuesday 7th** **LIBRARY ADVISORY BOARD** 5:00 p.m.
- Wednesday 8th** **PUBLIC ARTS COMMITTEE** Worksession 4:00 p.m. and Special Meeting 5:00 p.m.
- Thursday 9th** **LIBRARY LANDSCAPE COMMITTEE** 12:00 – 1:00 p.m. at Library.
PERMANENT FUND COMMITTEE 5:15 p.m.
KAREN HORNADAY PARK COMMITTEE 5:30 p.m.
- Monday 13th** **CITY COUNCIL** Committee of the Whole 5:00 p.m. and Regular Meeting 6:00 p.m.
- Regular Meeting Schedule**
City Council 2nd and 4th Mondays 6:00 p.m.
Library Advisory Board 1st Tuesday 5:00 p.m.
Economic Development Advisory Commission 2nd Tuesday 6:00 p.m.
Parks and Recreation Advisory Commission 3rd Thursday 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 months of February, May, August, and November 2nd Thursday 5:00 p.m.
Lease Committee Quarterly 2nd Thursday 3:00 p.m.
Permanent Fund Committee months of February, May, August, and November 2nd Thursday 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.

**COWLES COUNCIL CHAMBERS
491 E. PIONEER AVENUE
HOMER, ALASKA
www.cityofhomer-ak.gov**

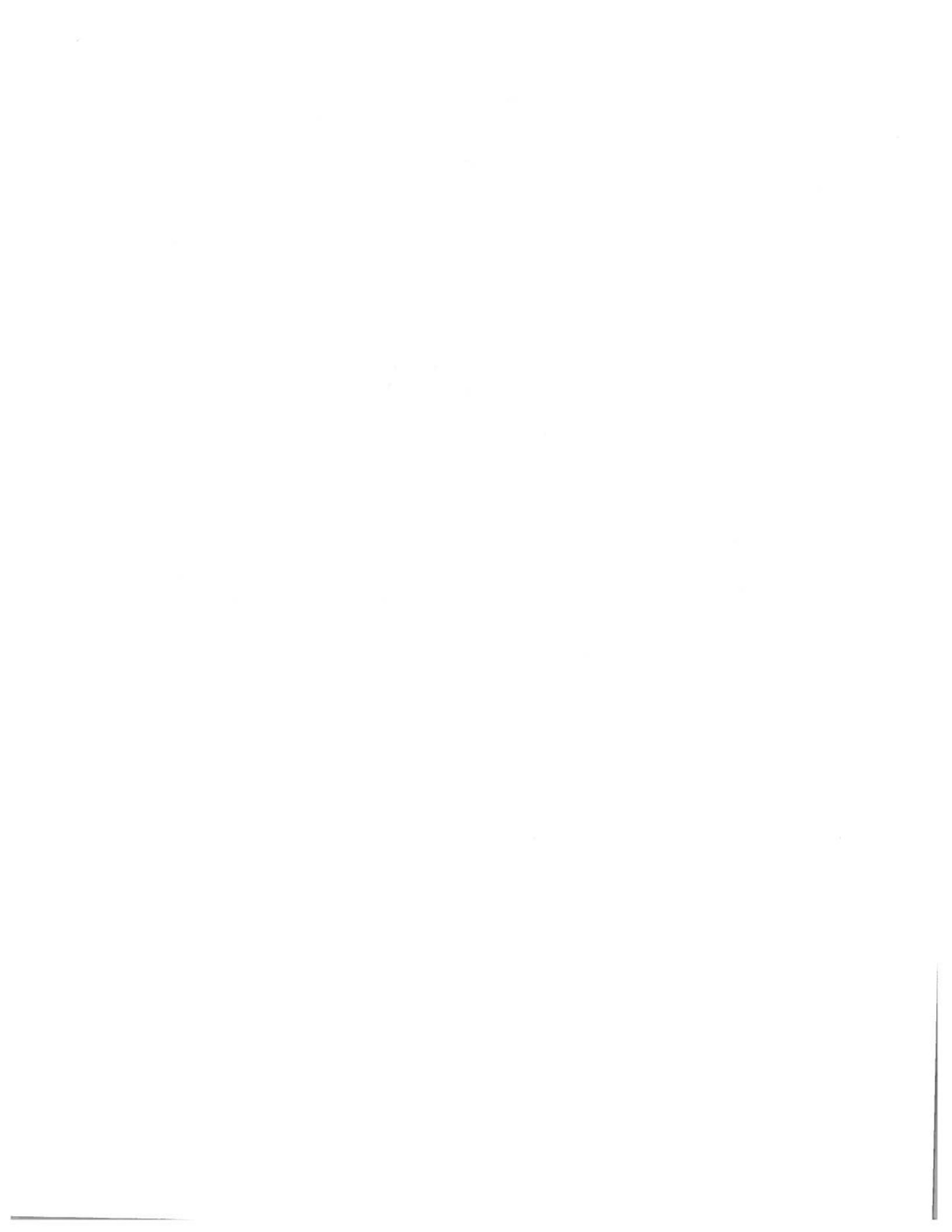


**SPECIAL MEETING
4:00 P.M. MONDAY
JANUARY 23, 2012**

MAYOR JAMES C. HORNADAY
COUNCIL MEMBER BETH WYTHER
COUNCIL MEMBER FRANCIE ROBERTS
COUNCIL MEMBER BARBARA HOWARD
COUNCIL MEMBER DAVID LEWIS
COUNCIL MEMBER BRYAN ZAK
COUNCIL MEMBER KEVIN HOGAN
CITY ATTORNEY THOMAS KLINKNER
CITY MANAGER WALT WREDE
CITY CLERK JO JOHNSON

**MEETING NOTICE
SPECIAL MEETING AGENDA**

1. **CALL TO ORDER, 4:00 P.M.**
2. **AGENDA APPROVAL** (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg. 5)
3. **NEW BUSINESS**
 - A. **Memorandum 12-011**, From City Clerk Re: Request for Executive Session Pursuant to AS 44.62.310 (C)(2), Matters, Subjects that Tend to Prejudice the Reputation and Character of any Person, Provided the Person May Request a Public Discussion. (City Manager Wrede Annual Performance Evaluation). Page 7
4. **COMMENTS OF THE AUDIENCE**
5. **ADJOURNMENT NO LATER THAN 4:50 P.M.**
Next Regular Meeting is Monday, February 13, 2012 at 6:00 p.m. and Committee of the Whole 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.



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 12-011

TO: MAYOR HORNADAY AND HOMER CITY COUNCIL

FROM: JO JOHNSON, CMC, CITY CLERK 

DATE: JANUARY 16, 2012

SUBJECT: REQUEST FOR EXECUTIVE SESSION PURSUANT TO AS §44.62.310(C)(2), SUBJECTS THAT TEND TO PREJUDICE THE REPUTATION AND CHARACTER OF ANY PERSON, PROVIDED THE PERSON MAY REQUEST A PUBLIC DISCUSSION. (CITY MANAGER WREDE ANNUAL PERFORMANCE EVALUATION/EMPLOYMENT CONTRACT.)

Mayor Hornaday requested that the City Manager's Annual Performance Evaluation/Employment Contract be placed on the January 23, 2012 Special Meeting agenda to provide for the current City Council to conduct the performance evaluation. The Executive Session request is provided at the Council's discretion with agreement of the City Manager.

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

Pursuant to AS 44.62.310(C)(2), City Manager Wrede may request a public discussion.

RECOMMENDATION:

Conduct the performance evaluation and executive session as deemed appropriate.

COWLES COUNCIL CHAMBERS
491 E. PIONEER AVENUE
HOMER, ALASKA
www.cityofhomer-ak.gov

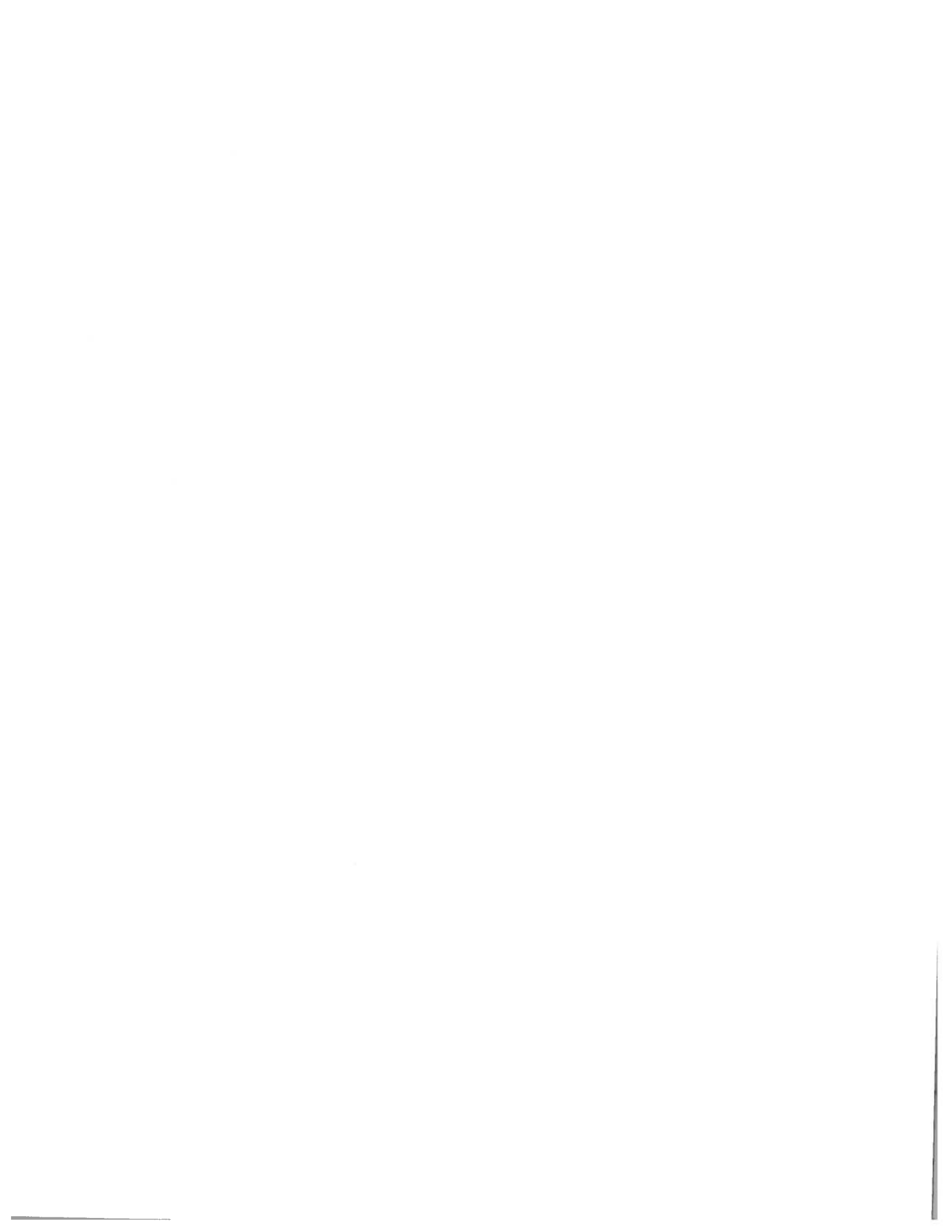


COMMITTEE OF THE WHOLE
5:00 P.M. MONDAY
JANUARY 23, 2012

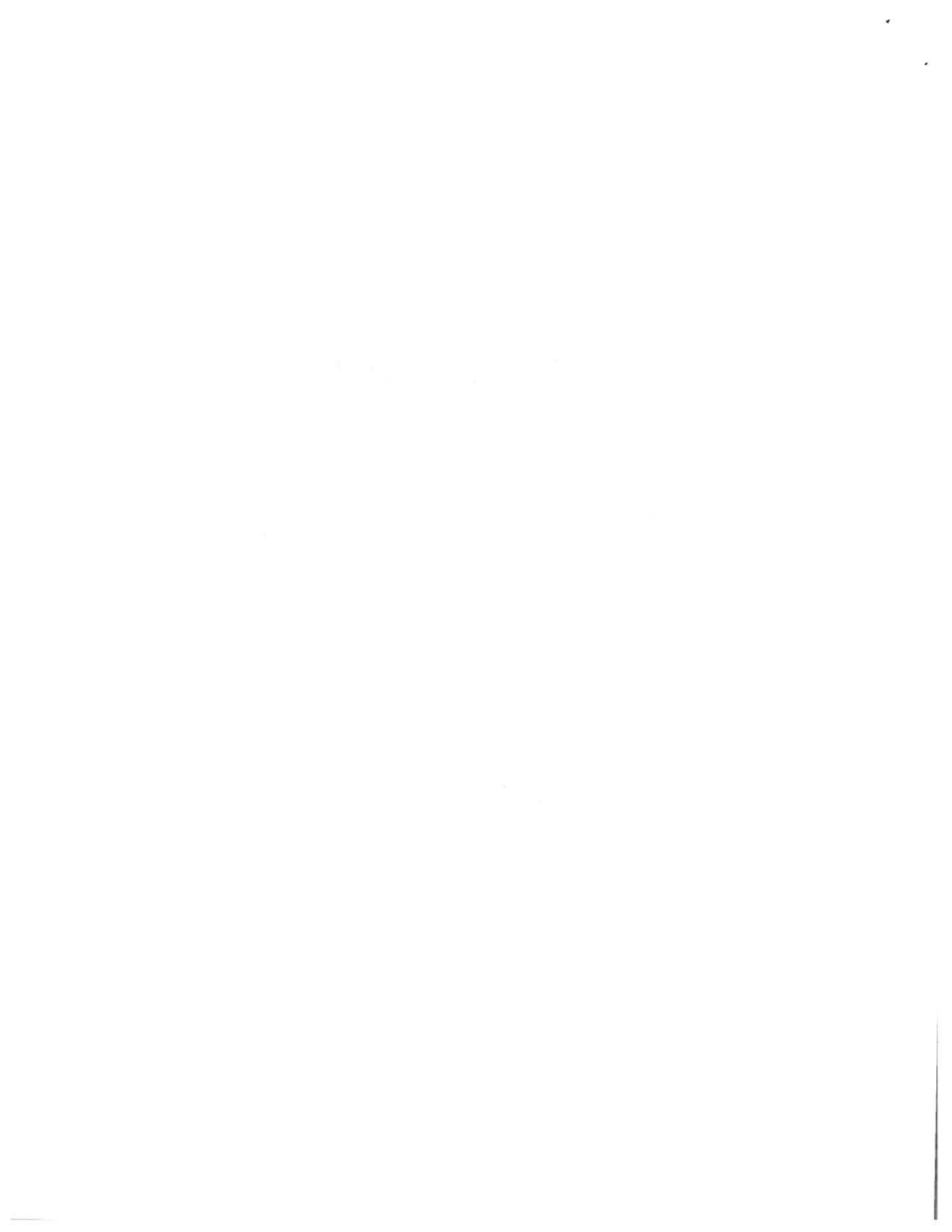
MAYOR JAMES C. HORNADAY
COUNCIL MEMBER BETH WYTHE
COUNCIL MEMBER FRANCIE ROBERTS
COUNCIL MEMBER BARBARA HOWARD
COUNCIL MEMBER DAVID LEWIS
COUNCIL MEMBER BRYAN ZAK
COUNCIL MEMBER KEVIN HOGAN
CITY ATTORNEY THOMAS KLINKNER
CITY MANAGER WALT WREDE
CITY CLERK JO JOHNSON

MEETING NOTICE
COMMITTEE OF THE WHOLE AGENDA

1. **CALL TO ORDER, 5:00 P.M.**
2. **AGENDA APPROVAL** (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg. 5)
3. **REGULAR MEETING AGENDA** Page 11
5. **COMMENTS OF THE AUDIENCE**
6. **ADJOURNMENT NO LATER THAN 5:50 P.M.**
Next Regular Meeting is Monday, February 13, 2012 at 6:00 p.m. and Committee of the Whole 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.



CALL TO ORDER
PLEDGE OF ALLEGIANCE
AGENDA APPROVAL



COWLES COUNCIL CHAMBERS
491 E. PIONEER AVENUE
HOMER, ALASKA
www.cityofhomer-ak.gov



REGULAR MEETING
6:00 P.M. MONDAY
JANUARY 23, 2012

MAYOR JAMES C. HORNADAY
COUNCIL MEMBER BETH WYTHE
COUNCIL MEMBER FRANCIE ROBERTS
COUNCIL MEMBER BARBARA HOWARD
COUNCIL MEMBER DAVID LEWIS
COUNCIL MEMBER BRYAN ZAK
COUNCIL MEMBER KEVIN HOGAN
CITY ATTORNEY THOMAS KLINKNER
CITY MANAGER WALT WREDE
CITY CLERK JO JOHNSON

REGULAR MEETING AGENDA

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

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE

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

2. AGENDA APPROVAL

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

3. PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

4. RECONSIDERATION

5. CONSENT AGENDA

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

- A. Homer City Council unapproved Special and Regular Meeting minutes of January 9, 2012. City Clerk. Recommend adoption. Page 17

- B. **Memorandum 12-013**, from Deputy City Clerk, Re: Liquor License Renewal for Finn's, Cosmic Kitchen on the Spit, Cosmic Kitchen, Save-U-More, Down East Saloon.

Page 35

- C. **Memorandum 12-014**, from Mayor, Re: Reappointment of Pete Wedin to the Port and Harbor Advisory Commission.

Page 51

6. **VISITORS**

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

- A. Borough Report

- B. Commissions/Board Reports:

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

8. **PUBLIC HEARING(S)**

- A. **Ordinance 11-49**, An Ordinance of the Homer City Council Adopting Homer City Code Chapter 15.10, Ocean Drive Loop Special Service District, to Create a Differential Property Tax Zone to Levy Property Taxes to Fund Special Services Provided in the District. City Manager/City Attorney. (Introduction December 19, 2011 as emergency ordinance, Public Hearing and Second Reading January 23, 2012)

Page 59

- Ordinance 11-49(S)**, An Ordinance of the Homer City Council Adopting Homer City Code Chapter 15.10, Ocean Drive Loop Special Service District, to Create a Differential Property Tax Zone to Levy Property Taxes to Fund Special Services Provided in the District. City Manager/City Attorney.

Page 67

- B. **Ordinance 12-01(S)(A)**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.60.040, Definitions; Homer City Code 21.60.060, Signs Allowed on Private Property With and Without Permits; Homer City Code 21.60.070, Permits Required; Homer City Code 21.60.080 Design, Construction, and Maintenance; Homer City Code 21.60.090, Signs in the Public Right-of-Way; Homer City Code 21.60.100, Signs Exempt From Regulation Under This Chapter; Homer City Code 21.60.110 Signs Prohibited Under This Chapter; Homer City Code 21.60.130, Temporary Signs-Private Property; Homer City Code 21.60.150, Time of Compliance-Nonconforming Signs and Signs Without Permits; and Homer City Code 21.60.170, Enforcement and Remedies; and Repealing Homer City Code 21.60.095, Electoral Signs; Homer City Code 21.60.120, General Permit Procedures; Homer City Code 21.60.140, Temporary Signs-Public Rights-of-Way; and Homer City Code 21.60.160, Violations; Regarding the Regulation of Signs. Introduction January 9, 2012, Public Hearing and Second Reading January 23, 2012. Page 79

Memorandum 12-007 from City Planner as backup.

Page 97

Memorandum 12-008 from City Attorney as backup.

Page 103

- C. **Ordinance 12-02(A)**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2012 Operating Budget by Appropriating \$114,288 from the Sewer Reserve Account for the Polymer Equipment Replacement Project. City Manager/Public Works Director. Introduction January 9, 2012, Public Hearing and Second Reading January 23, 2012. Page 107

Memorandum 12-003 from Public Works Director as backup.

Page 111

- D. **Ordinance 12-03**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2012 Operating Budget by Appropriating and Transferring \$60,000 from the General Fund Reserves to the Seawall Maintenance Reserve for the Purpose of Repairing and Maintaining the Wall. City Manager. Introduction January 9, 2012, Public Hearing and Second Reading January 23, 2012. Page 113

- E. **Ordinance 12-04**, An Ordinance of the City Council of Homer, Alaska, Amending the Deep Water Dock Security Gates and Video Surveillance Equipment Project Budget by Appropriating an Additional \$9,623.41 from the Port and Harbor Reserves for the Purpose of Addressing Unanticipated Conditions Encountered During Construction. City Manager/Port and Harbor Director. Introduction January 9, 2012, Public Hearing and Second Reading January 23, 2012. Page 125

Memorandum 12-004 from Port and Harbor Director as backup.

Page 129

9. **ORDINANCE(S)**

- A. **Ordinance 12-05**, An Ordinance of the City Council of Homer, Alaska, Authorizing the Purchase of Kenai Peninsula Borough Parcel No. 17714019 (Lot 2, Glacier View

Subdivision No. 18), in the Amount of \$260,000 from the General Fund Balance for the Purpose of Providing Land for Future Expansion of the City Public Works Complex. City Manager. Recommended dates: Introduction January 23, 2012, Public Hearing and Second Reading February 13, 2012. Page 133

Memorandum 12-012 from City Manager as backup. Page 137

10. CITY MANAGER'S REPORT

A. City Manager's Report Page 153

B. Games Report Page 159

11. CITY ATTORNEY REPORT

12. COMMITTEE REPORT

A. Public Arts Committee

B. Transportation Advisory Committee

C. Permanent Fund Committee

D. Lease Committee

E. Port and Harbor Improvement Committee

F. Employee Committee Report

13. PENDING BUSINESS

14. NEW BUSINESS

A. **Memorandum 12-015**, From City Clerk, Re: Travel Authorization for Mayor Hornaday and Councilmember Zak's Attendance at Alaska Municipal League Winter Legislative Conference in Juneau, Alaska, February 7 - 9, 2012. Page 173

15. RESOLUTIONS

A. **Resolution 12-008**, A Resolution of the City Council of Homer, Alaska, Approving a Cooperative Agreement Between the Alaska Department of Fish and Game, Division of

Sport Fish, and the City of Homer, Regarding Repair, Replacement, and Rehabilitation of Infrastructure and Facilities at the Homer Load and Launch Ramp. City Manager/Port and Harbor Director. Page 177

- B. **Resolution 12-009**, A Resolution of the City Council Revising Certain Portions of the Homer Public Library Policy Manual. City Manager/Library Advisory Board.

Page 193

Memorandum 12-016 from Library Director as backup.

Page 207

- C. **Resolution 12-010**, A Resolution of the City Council of Homer, Alaska, Awarding the Design Contract for the Deep Water Dock Fender Replacement Project to the Firm of R&M Consultants, Inc. of Anchorage, Alaska, in the Amount of \$202,500 and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk.

Page 229

Memorandum 12-017 from Public Works Director as backup.

Page 231

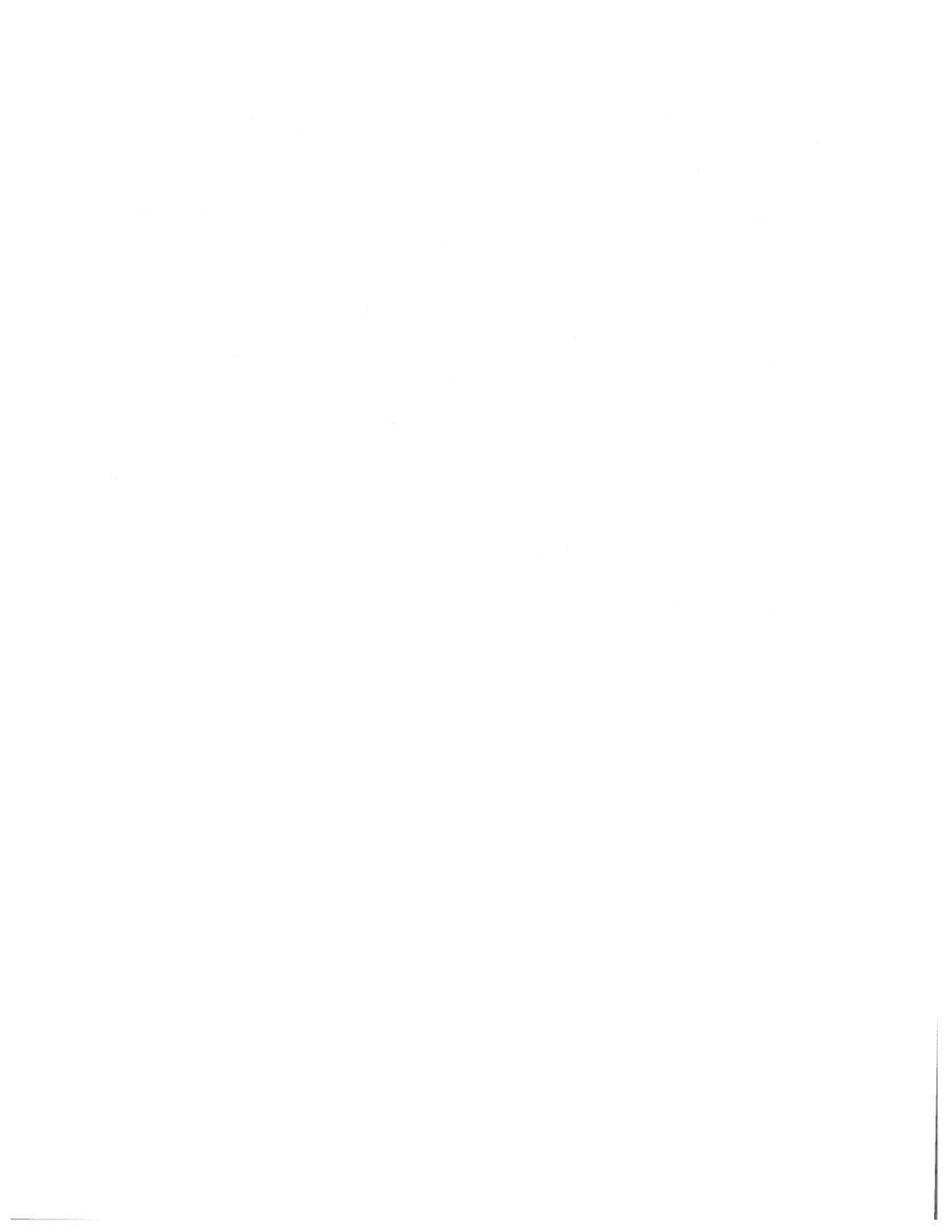
- D. **Resolution 12-011**, A Resolution of the City Council of Homer, Alaska, Appointing Council Member Bryan Zak as the City's Representative for the Business Leaders for Economic Development Task Force. Mayor.

Page 235

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 Monday, February 13, 2012 at 6:00 p.m. and Committee of the Whole 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.



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

RECONSIDERATION

CONSENT AGENDA

Session 12-01 a Special Meeting of the Homer City Council was called to order on January 9, 2012 at 4:01 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 (arrived at 4:03 p.m.) WYTHER, ZAK

STAFF: CITY MANAGER WREDE
CITY CLERK JOHNSON
CITY ATTORNEY KLINKNER

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

The agenda was approved by consensus of the Council.

NEW BUSINESS

Memorandum 12-006, From City Clerk, Re: Request for Executive Session Pursuant to AS §44.62.310(C)(1 & 5), Matters, the Immediate Knowledge of Which Would Clearly Have an Adverse Effect Upon the Finances of the Government Unit and Attorney/Client Privilege. (Kazan Property).

Mayor Hornaday called for a motion for the approval of the recommendations of Memorandum 12-006 to discuss Kazan Property.

WYTHER/LEWIS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Mayor Hornaday called for a motion to adjourn to Executive Session.

There was no discussion.

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

Motion carried.

Councilmember Roberts arrived at 4:03 p.m. and joined Council in the Executive Session.

Council adjourned to Executive Session at 4:03 p.m. and reconvened the meeting at 4:16 p.m.

Mayor Pro Tempore Wythe stated Council met with the attorney and provided him with their recommendations.

COMMENTS OF THE AUDIENCE

There were no comments of the audience.

ADJOURNMENT

There being no further business to come before the Council, Mayor Hornaday adjourned the meeting at 4:17 p.m. The next Regular Meeting is Monday, January 23, 2012 at 6:00 p.m. and Committee of the Whole 5:00 p.m., and Special Meeting 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.

JO JOHNSON, CMC, CITY CLERK

Approved: _____

Session 12-02 a Regular Meeting of the Homer City Council was called to order on January 9, 2012 at 6:00 p.m. by Mayor James C. Hornaday at the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of Allegiance.

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

STAFF: CITY MANAGER WREDE
CITY CLERK JOHNSON
CITY ATTORNEY KLINKNER
CITY PLANNER ABOUD
COMMUNITY & ECONOMIC DEVELOPMENT
COORDINATOR KOESTER
FINANCE DIRECTOR MAURAS
LIBRARY DIRECTOR DIXON
PORT AND HARBOR DIRECTOR HAWKINS
PUBLIC WORKS DIRECTOR MEYER

Council met for a Special Meeting from 4:00 p.m. to 4:17 p.m. and conducted an Executive Session. Council met for a Worksession from 4:17 p.m. to 4:54 p.m. to discuss Ordinances 12-01 and 12-01(S) and met as a Committee of the Whole from 5:00 p.m. to 5:43 p.m. to discuss Revolving Energy Fund 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

Chris Holderied, city resident, spoke in support of Resolution 12-005 for the Pratt Museum.

Rachel Lord, city resident, commented on the benefits of Big Brothers Big Sisters and encouraged everyone to get involved in the organization.

Paul Hueper, city resident, expressed support for Ordinance 12-03 to repair the Seawall.

Ken Bergman commented on the benefits of Big Brothers Big Sisters.

Alaine Miller, city resident and senior at Homer High, recounted her positive experience with her involvement in Big Brothers Big Sisters.

Don McNamara, city resident, asked Council to let him out of the Ocean Drive Loop Seawall Special Service District. He asked what the tax cap would be on his property.

City Attorney Klinkner advised the 30% property tax is an overall cap that includes all real property taxation. It is not the only limitation on real property taxation; there is another formula in state statute that kicks in for some cases.

Donna Rae Faulkner, city resident, asked Council to let her out of the Ocean Drive Loop Seawall Special Service District. She has asked the Army Corps for a good faith transfer.

RECONSIDERATION

CONSENT AGENDA

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

- A. Homer City Council unapproved Special Meeting minutes of December 12 and 19, 2011 and Regular Meeting minutes of December 12, 2011. City Clerk. Recommend adoption.
- B. **Memorandum 12-001**, from Deputy City Clerk, Re: Liquor License Renewal for Oaken Keg, BPO Elks Lodge, The Alibi, Salty Dawg Saloon, Captain Patties Fish House.
- C. **Memorandum 12-002**, from Mayor, Re: Appointment of Phil Gordon to the Library Advisory Board and Reappointment of Carla Stanley to the Cook Inlet Regional Citizens Advisory Council.

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

WYTHE/ZAK – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

VISITORS

- A. **Susan Kirn**, Big Brothers Big Sisters of Alaska

Susan Kirn advocated for the Big Brother Big Sister program as mentoring is a powerful way to give back and make a difference in a child's life. She encouraged Council to think of different ways they can mentor a child. It makes a difference in a child's life and a huge difference in an adult's life.

There is a community based program and school based program. The school based program meets during lunch recess and they have the summers off. Bigs and Littles and been a part of clean up day, trails day, and the Shorebird Festival. She thanked the businesses that provide discounts for Bigs and Littles.

Joel Cooper thanked Council for their support for Big Brothers Big Sisters. He is having a lot of fun with his Little match. It is a relearning experience for him doing new things with his Little, named Tim.

Tim spoke in favor of the program and the fun things and new experiences he has had with his Big, Joel.

B. Representative Paul Seaton, Oil and Gas Issues

Representative Paul Seaton reported the Legislative Session starts January 17th. Heather Beggs has been hired to replace Katie Koester who now works for the City. Information on Vitamin D was passed out.

Since the South Peninsula Gas Line was not in the Governor's budget we will be looking for citizen's participation. A natural gas surcharge titled Homer Extension Surcharge is proposed at a rate of \$1 per Mcf. Natural gas rates are \$8 per Mcf, so the \$1 surcharge would be a 12% increase for users. The surcharge would last for ten years and then cease. The RCA (Regulatory Commission of Alaska) will clarify the surcharge would be in effect for ten years. Even with the surcharge, savings for natural gas versus oil heating would average 38%. House Speaker Chenault supports the \$1 Mcf and has already talked to the Governor about it.

There is a perception the entire Homer area is in opposition to any oil and gas development. Obviously that is not the case because we have the North Fork gas field. The City of Homer has been in contact with Buchaneer about over wintering the drilling rig used in the upper Cook Inlet. He encouraged Council to have a broad public conversation and find out if the community supports the drilling rig coming to Homer. The City currently has a Deep Water Dock project on the Capital Improvement Plan. If drilling rigs anticipate tying up to the Deep Water Dock there may be a need for additional bulkheads or pilings to be added to this capital budget.

Representative Seaton has received numerous questions about the \$250,000 allocated to Karen Hornaday Park Phase I. There have been questions if the money should be held to get some more money to complete Phase II. Phase I had definite things the money was allocated for so a reappropriation would be needed to change the allocations.

Aces or Not was a presentation Representation Seaton made to the Anchorage Downtown Rotary Club and Law Seminars International to look at current oil taxes and proposals for HB110. It shows a \$1.5B deficit for each new oil field. The information is available on his website at: <http://housemajority.org/seaton>

Mayor Hornaday commented John Hendrix, a local Homer kid, is head of Apache Oil and Gas Company. We are trying to invite him to a council meeting.

Councilmember Zak asked if getting the Seawall on the CIP list would enlist state or federal government help. Representative Seaton answered he has not looked at the project and it would depend on how it is prioritized. The Legislature looks at priority lists and things that are beneficial to the citizens of Homer.

ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

A. Mayor's Proclamation, January as Mentor Month

Mayor Hornaday read and presented the proclamation to Susan Kirn and Jenny Martin.

B. Borough Report

Bill Smith, Kenai Peninsula Borough Assemblyman, reported the idea of sharing the cruise ship tax that the Borough received with Seldovia is not legally defensible, thus has gone away. The full \$36,000 will be appropriated to the City of Homer. The Borough appropriated \$44,000 for an employee for the Kenai River Center since they are communicating with everyone adjacent to anadromous streams. The Fish and Game has identified the Beluga Slough as an anadromous stream because it is rearing habitat for coho. Anything that happens within 50 ft. of the slough is subject to additional regulations.

Assemblyman Smith is still pressing for a composting study for the feasibility of doing composting to create a useable product and reduce costs of hauling waste to Soldotna.

Asked by Mayor Hornaday about the feasibility of methane gas, Assemblyman Smith reported there is methane collection on the Central Peninsula. He has not heard of any plans to collect methane at the Homer landfill.

C. Commissions/Board Reports:

1. Library Advisory Board

Eileen Faulkner, Library Advisory Board Chair, thanked Council for approving Phil Gordon as a board member. Two more members are needed since two will be retiring in March. Chair Faulkner explained Resolution 12-006 addresses fees for mp3 players and kindle players recently donated by the Friends of the Library. If a fee schedule for the items is set, they may be checked out next week. The Board is currently updating 17 policies, 5 will come forward at Council's next meeting. The LAB will set up a rotating schedule to review policies.

2. Homer Advisory Planning Commission

Sharon Minsch, Planning Commission Chair, reported Council will receive the sign code ordinance and then the East End mixed use. The commission is following the recommendations and policies based on the Comprehensive Plan. The proposed East End mixed use area covers a wide variety of commercial and heavy industrial, but it does allow residential and retail. Existing residential is allowed, but new residential has to be done in conjunction with a business. She asked Council to forward any questions to the City Manager and give staff the opportunity to have the answers available.

The East End mixed use is coming straight from the recommendations in the Comprehensive Plan. The commission is doing it for a town of 5,000 people, rather than the minority that talks about things. When ordinances come to Council they will be vetted by the Planning Commission, City Planner, and City Attorney. The City Planner is very committed to the Comprehensive Plan and doesn't like to waiver from it. Chair Minsch referenced the recent accessory use ordinance and last minute questions resulting in amendments. She asked if there was anything the Planning Commission could do to make the process better.

3. Economic Development Advisory Commission
4. Parks and Recreation Advisory Commission
5. Port and Harbor Advisory Commission

PUBLIC HEARING(S)

- A. **Ordinance 11-48**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2012 Capital Budget by Accepting and Appropriating a Legislative Grant in the Amount of \$6,000,000 for the Purpose of Constructing Deep Water / Cruise Ship Dock and Passenger Facility Improvements. City Manager. Recommended dates: Introduction December 12, 2011, Public Hearing and Second Reading January 9, 2012.

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 11-48 by reading of title only for second and final reading.

WYTHE/LEWIS - SO MOVED.

Councilmember Zak noted there was discussion on adding additional anchors to the Deep Water Dock to accommodate jack-up rigs. Representative Seaton had suggested we send a message that we would allow the jack-up-rigs to tie up to the dock. He asked if the language could be amended to add anchors or other equipment.

City Manager Wrede answered Representative Seaton was talking about the coming year, if we specifically called out that oil and gas rigs were welcome and we might make accommodations. It would not refer to this grant.

Councilmember Hogan expressed concern of designating the Deep Water Dock as a cruise ship facility. It was originally built as a freight dock, but we have never used it as such since upgrades are needed to the trestle. He wants to make sure we have freight capability and are not compromising that.

City Manager Wrede answered the improvements here would not compromise freight deliveries and may improve them. We are starting out with new camels, bollards, and fenders. Restrooms, staging areas, and trails would enhance the dock for the passengers. In a different allocation from this grant we have \$3M, \$2M is an earmark and \$1M was granted by the Legislature last year for a study for expansion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

ORDINANCE(S)

- A. **Ordinance 12-01**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.60.040, Definitions; Homer City Code 21.60.060, Signs Allowed on Private Property With and Without Permits; Homer City Code 21.60.070, Permits Required; Homer City Code 21.60.080 Design, Construction, and Maintenance; Homer City Code 21.60.090, Signs in the Public Right-of-Way; Homer City Code 21.60.095, Electoral Signs; Homer City Code 21.60.100, Signs Exempt From Regulation Under this Chapter; Homer City Code 21.60.110 Signs Prohibited Under this Chapter; Homer City Code 21.60.130, Temporary Signs-Private Property; Homer City Code 21.60.150, Time of Compliance-Nonconforming Signs and Signs Without Permits; and Homer City Code 21.60.170, Enforcement and Remedies; and Repealing Homer City Code 21.60.120, General Permit Procedures; Homer City Code 21.60.140, Temporary Signs-Public Rights-of-Way; and Homer City Code 21.60.160, Violations; Regarding the Regulation of Signs. Planning. Recommended dates: Introduction January 9, 2012, Public Hearing and Second Reading January 23, 2012.

Ordinance 12-01(S), An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.60.040, Definitions; Homer City Code 21.60.060, Signs Allowed on Private Property With and Without Permits; Homer City Code 21.60.070, Permits Required; Homer City Code 21.60.080 Design, Construction, and Maintenance; Homer City Code 21.60.090, Signs in the Public Right-of-Way; Homer City Code 21.60.100, Signs Exempt From Regulation Under This Chapter; Homer City Code 21.60.110 Signs Prohibited Under This Chapter; Homer City Code 21.60.130, Temporary Signs-Private Property; Homer City Code 21.60.150, Time of Compliance-Nonconforming Signs and Signs Without Permits; and Homer City Code 21.60.170, Enforcement and Remedies; and Repealing Homer City Code 21.60.095, Electoral Signs; Homer City Code

21.60.120, General Permit Procedures; Homer City Code 21.60.140, Temporary Signs-Public Rights-of-Way; and Homer City Code 21.60.160, Violations; Regarding the Regulation of Signs.

Memorandum 12-007 from City Planner as backup.
Memorandum 12-008 from City Attorney as backup.

Mayor Hornaday called for a motion for the adoption of Ordinance 12-01 for introduction and first reading by reading of title only.

WYTHE/ROBERTS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Mayor Hornaday called for a motion to substitute Ordinance 12-01(S) for Ordinance 12-01.

WYTHE/ROBERTS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

ROBERTS/WYTHE - MOVED TO CHANGE SECTION 10 ON PAGE 135 TO THE SECTION 10 FOUND ON PAGE 118, LINES 291 TO 296 AND TO REPLACE THEM.

There was no discussion.

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

Motion carried.

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

Motion carried.

B. **Ordinance 12-02**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2012 Operating Budget by Appropriating \$114,288 from the Sewer Reserve Account for the Polymer Equipment Replacement Project. City Manager/Public Works Director. Recommended dates: Introduction January 9, 2012, Public Hearing and Second Reading January 23, 2012.

Memorandum 12-003 from Public Works Director as backup.

Mayor Hornaday called for a motion for the adoption of Ordinance 12-02 for introduction and first reading by reading of title only.

WYTHE/ROBERTS - SO MOVED.

ROBERTS/WYTHE - MOVED TO CHANGE LINE 26 TO 2012.

There was no discussion.

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

Motion carried.

Discussion on a Request for Proposals and whether the money has already been spent ensued.

City Manager Wrede answered we generally do not come to Council to authorize a RFP, only to ask for money to spend. No money has been spent besides some of the \$35,000 previously allocated.

Public Works Director Meyer reported it is fairly specialized equipment. Four suppliers were contacted to RFP, and three responses were received. The recommendation made represents the lowest cost equipment we could find. Original funds were spent for design.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- C. **Ordinance 12-03**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2012 Operating Budget by Appropriating and Transferring \$60,000 from the General Fund Reserves to the Seawall Maintenance Reserve for the Purpose of Repairing and Maintaining the Wall. City Manager. Recommended dates: Introduction January 9, 2012, Public Hearing and Second Reading January 23, 2012.

Mayor Hornaday called for the adoption of Ordinance 12-03 for introduction and first reading by reading of title only.

LEWIS/ROBERTS – SO MOVED.

Councilmember Zak will not support the ordinance as written unless amended on line 34 to put a period after activities. We have a special service district set up and are now going to fund the reserves. The \$60,000 is an arbitrary number; there are no bids. One property owner talked about a \$5,000 to \$7,000 maintenance issue that has grown to much larger. If the funds are appropriated we are starting to create an account with an unforeseen ceiling for property owners. We have not come to a long term solution.

Councilmember Howard noted we still have the permit with the Corps of Engineers and are still somewhat responsible for the Seawall. The appropriation is to take care of fixing the wall now while pursuing other avenues for a long term solution.

Councilmember Roberts expressed support the funds be transferred, with the understanding the entire sum of \$60,000 would not be spent.

City Manager Wrede defended it is not an arbitrary number as we have a couple estimates from the firm that generally does the repairs on the Seawall. They have provided three different scenarios, including immediate repairs, a mid-term estimate to fix the current damage, and the \$60,000 quote that includes expenditures that could be done as preventative maintenance to get ahead of repairs. He does not intend to spend the \$60,000 now.

Councilmember Zak noted the homeowners along the wall are incurring a debt, the \$60,000 is an obligation for the property owners within the special service district.

Asked what happens to the money if Council does not follow up to make the special service district permanent, City Manager Wrede answered if some money is spent it is pretty much gone. The excess could be re-appropriated from the Seawall reserve account to another account. If the Seawall special service district does not pass by permanent ordinance, the funds would come out of the general fund.

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

VOTE: NO. ZAK

Motion carried.

- D. **Ordinance 12-04**, An Ordinance of the City Council of Homer, Alaska, Amending the Deep Water Dock Security Gates and Video Surveillance Equipment Project Budget by Appropriating an Additional \$9,623.41 from the Port and Harbor Reserves for the Purpose of Addressing Unanticipated Conditions Encountered During Construction. City Manager/Port and Harbor Director. Recommended dates: Introduction January 9, 2012, Public Hearing and Second Reading January 23, 2012.

Memorandum 12-004 from Port and Harbor Director as backup.

Mayor Hornaday called for a motion for the adoption of Ordinance 12-04 for introduction and first reading by reading of title only.

WYTHE/LEWIS - SO MOVED.

Councilmember Hogan expressed concern for the project that has mushroomed to over \$100,000 for just a security gate and camera system. He asked why the extra costs do not come back on the contractor's bond.

Port and Harbor Director Hawkins answered we didn't do an accurate locate so when the power cable was struck it had to be repaired. The whole line from the trestle to the vault had to be replaced. The original construction 20 years ago was in metal conduit and had completely corroded. It is the City's responsibility to do the line locate from the vault to the dock; HEA does the line locate to the vault only.

Councilmember Hogan commented the project started out at \$30,000 and now we are above \$100,000 and covering the errors and performance of the contractor.

Port and Harbor Director Hawkins added the project had unintended consequences and the cable would have been replaced anyway due to its deteriorating condition.

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

VOTE: NO. HOGAN

Motion carried.

CITY MANAGER'S REPORT

A. City Manager's Report

1. Memorandum 12-005 from Public Works Director, Re: City Hall Expansion and Renovation Progress Update.
1. Revolving Energy Fund: A good portion of the Committee of the Whole meeting is devoted to a general discussion regarding the Revolving Energy Fund. Your packet contains a memorandum from the Finance Director which outlines some of the issues and concerns about the Fund and its full implementation that we referred to in prior reports. No action is scheduled for this meeting but the memorandum contains recommendations for action at future meeting. The primary author of the memorandum is Regina but Carey and I both had input and made contributions.
2. Legislative Priorities: The Legislature is getting ready to convene in Juneau toward the middle of this month. We have been thinking about what the legislative lobbying priorities should be this year. Katie and I have been talking about it and we had a meeting with Linda and Yuri on the phone this past week. I am planning to send Katie to Juneau in early February to get some early face time with key legislators. Some of the key strategy issues revolve around how to move ahead on the fish tax issue, what to do about the gas line now that the Governor has not included it in his budget but has hinted about what it would take to avoid another veto, other projects that have a chance this year that we should put energy into, and how to get some of Homer's projects included in potential statewide transportation and harbor GO Bond sales. Please let me know how the Council would like to be involved in helping to establish this year's priorities and strategy. I will try to set up a teleconference report for you with Linda for the next meeting on the 23rd.
3. Fishing Hole Funds: The FY 2011 Operating Budget contained \$7,000 as a contribution to fish stocking at the Nick Dudiak Fishing Lagoon. As we were reviewing year-end expenditure reports in December, we noticed that this money had not been spent and found

that no invoice had ever been received. We checked with both ADF&G and the Cook Inlet Acquaculture Corporation. It turns out that the City's contribution is usually used to purchase fry from Cook Inlet Acquaculture. ADF&G supplies the early run Kings and the Acquaculture Corp. hatchery supplied the late run Silvers. No late run Silvers were purchased this year. ADF&G said that they had no use for the money so we allowed the funds to lapse back into the G.F. Fund balance. Further, with the new ADF&G hatchery on line at Elmendorf AFB, ADF&G believes that it can supply fish within its own budget and it is questionable whether the FY 2012 appropriation will be needed either.

4. City Hall Expansion and Renovation Update: Attached is a progress report from Public Works Director Carey Meyer.
5. Cost Estimating / Harbor Revenue Bond Projects: The Port and Harbor Revenue Bond Committee has requested that the City contract with qualified engineers and/or other professionals to obtain current and more precise cost estimating for the harbor projects which may be part of a revenue bond sale. The Council added money for this purpose to the FY 2012 Budget. The purpose for doing this is so that Council will have better and more reliable information on how much it would have to borrow and how much it would have to raise fees in order to make bond payments. Representative Seaton has also requested better cost estimates so that he can work on getting some of these projects into the Capital Budget, perhaps as part of a statewide G.O. Bond sale. The City has obtained a proposal from PN&D, a qualified marine engineering firm to perform this work. The work product will be Rough Order of Magnitude (ROM) estimates and it can be delivered in less than 30 days. The cost is \$7,500, less than one half of the appropriation. The City has issued a Notice to Proceed. This will allow us to obtain the numbers quickly, as requested by the Committee.
6. ISO Workshop: Councilmember Hogan recently contacted me with some questions about the City's ISO rating. He wanted to know what the City could do to improve the rating. I asked Chief Painter to place a copy of the last ISO report in your boxes. This report outlines the scoring criteria and discusses where the City is weak and what it can do to improve its rating. Kevin asked if we could have a workshop to discuss the rating. Council can certainly do that if it wishes; especially if the ISO Report does not answer any questions you may have about how the rating is determined and what the City can do to improve it.
7. Gasline Task Force: Kachemak City Mayor Phil Morris called last week to let me know that a Task Force is being created to keep the pressure up on the gas line. The purpose of the Task Force is to raise public awareness and to strategize about a lobbying strategy for this year. The group wants to work with the business community to make sure their voice is heard by the Governor and the Legislature. The group is looking for members who have good contacts in the community and are willing to do a little work. The folks starting the Task Force are all from Kachemak City including the Mayor and at least one Councilmember. They would like to have at least one Councilmember from Homer as a member. Please let me know if you are interested or you can contact Phil directly.
8. Proposed Deep Water Dock CIP Project: Funding for additional feasibility work on the proposed Deep Water Dock Expansion is on the Top 15 CIP Priority List. Representative Seaton has suggested that it would be a good idea to change this project to one that specifically targeted improvements to the dock that benefitted oil and gas drilling rigs, whether that be feasibility studies or capital construction. The idea is that it would demonstrate that Homer is indeed open for business that supports the oil and gas industry. He believes this would change the image of Homer and perhaps some attitudes. It might make it

easier to get funding and smooth the way for gasoline funding as well. He may come and talk to you about this. If Council wanted to do this, it would require a new project description and a resolution amending the CIP Priority List. This is something I would not recommend doing without a public hearing and some opportunity for the public to weigh in. All of the other projects on the CIP List have been vetted over a series of months and last minute changes like this have the potential to trivialize the process if not handled carefully.

9. Personnel Policies: We are presently looking at changes to the Personnel Policies that affect part time employee benefits and how holiday pay is calculated. There are other changes contemplated as well including the changes to the PERS benefit discussed during the budget hearings. Once we have these proposed changes ready, we will bring them to the Council for consideration.
10. Procurement Policies: The City's procurement policies have not been revised for many years and are outdated. The Finance Department has initiated a revision of those policies which will then be reviewed by the department heads. We anticipate have this to Council for consideration within the next few months.
11. Karen Hornaday Park: One of Katie's first assignments is to try and bring all of the various interest groups together and decide on a strategic plan for how to spend the money we have for implementation of Phase I of the Park Plan. Several things are driving the need to get on top of this. First, the HoPP organization is preparing to apply for a Rasmussen Grant. They would like to see a \$50,000 contribution from the City in order to provide a match and show strong local support. Some of the other interest Groups have expressed concern that the money will be spent before they get a chance at it and the broader spending plan is agreed to. Park and playground advocates have approached Representative Seaton about additional funding. He has stated that he cannot consider more funding until the existing grant money is expended. There is also confusion about the money set aside for engineering, contingency, and as a possible match for a future Land and Water Conservation Fund Grant. In short, there are lots of ideas and lots of people who care about the park. We need to get everyone on the same page and move this project ahead. This topic will be discussed at the Parks and Recreation Commission meeting on the 5th and perhaps one of the members will report on it during Commission reports.
12. Training Opportunity? Holly Wells is coming to Homer to conduct a 3 or 4 hour training session for the Planning Commission the afternoon of January 24. This is the day after the Council meeting. Rick inquired as to whether the Council would like to participate. If so, topics could be selected that are important to both bodies, like the open meetings act and ex-parte contact, for example. Let us know what you think. I think it would be beneficial for all of us to sit in on a Planning Commission training even if it is tailored specifically for them.

City Manager Wrede reported he and Katie Koester, Community & Economic Development Coordinator, had a meeting with the lobbyists to discuss legislative priorities. They talked about the pipeline and the fish tax. There is discussion of big statewide general obligation bonds, some for transportation projects and some for port and harbor projects. We have an interest in getting the port and harbor projects included; some of the projects are those we are discussing bonding for. He is interested in finding other ways to pay for them. He asked if Council wanted to be involved in where to focus the energy.

Councilmember Hogan asked if the statewide general obligation bonds were driven by the Anchorage project. It is expected the Legislature will add on projects. Anchorage Mayor Sullivan and Governor Parnell are supportive of the general obligation bonds.

Councilmember Lewis asked for a push for funding for the Fishing Hole that is used by a lot of people out of the area. Council recently appropriated \$100,000 to maintain it. If the Legislature ensures the Fishing Hole is restored to its original condition we will make sure it stays there.

Councilmember Wythe asked that the \$7,000 allocated to provide fry (Item #3) be moved to the maintenance fund if the fry are not needed.

Councilmember Howard asked if the training session (Item #12) with the City Attorney could include the practical approach to amending ordinances on the floor.

B. Games Report

1. Kachemak Bay Family Planning Clinic
 - a. Pull Tab Vendor Registration – The Alibi & AJ’s Steakhouse

CITY ATTORNEY REPORT

City Attorney Klinkner reported the November and December reports were supplied to Council and he is working on getting monthly progress reports in a more timely manner.

COMMITTEE REPORT

- A. Public Arts Committee
- B. Transportation Advisory Committee
- C. Permanent Fund Committee
- D. Lease Committee
- E. Port and Harbor Improvement Committee
- F. Employee Committee Report

PENDING BUSINESS

NEW BUSINESS

RESOLUTIONS

- A. **Resolution 12-001**, A Resolution of the City Council of Homer, Alaska, Confirming the City Manager's Appointment of Robert Painter as Acting City Manager for the Calendar Year 2012. City Manager.

Mayor Hornaday called for a motion for the adoption of Resolution 12-001 by reading of title only.

WYTHE/LEWIS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- B. **Resolution 12-002**, A Resolution of the Homer City Council Confirming the Appointments of Regina Mauras as Treasurer and Laurie Moore as Deputy Treasurer for Calendar Year 2012. City Manager.

Mayor Hornaday called for a motion for the adoption of Resolution 12-002 by reading of title only.

WYTHE/LEWIS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- C. **Resolution 12-003**, A Resolution of the City Council of Homer, Alaska, Designating Signatories of City Accounts and Superseding Any Previous Resolution So Designating. City Manager.

Mayor Hornaday called for a motion for the adoption of Resolution 12-003 by reading of title only.

WYTHE/LEWIS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- D. **Resolution 12-004**, A Resolution of the City Council of Homer, Alaska, Amending the Homer Advisory Planning Commission Bylaws and Policies and Procedures Manual. Planning.

Mayor Hornaday called for a motion for the adoption of Resolution 12-004 by reading of title only.

WYTHE/ZAK - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- E. **Resolution 12-005**, A Resolution of the City Council of Homer, Alaska, Expressing Support for the Pratt Museum's Legislative Grant Request in the Amount of \$650,000 for the Design Phase of its New Facility and Site Redesign Project. Roberts.

ROBERTS/HOWARD - MOVED TO ADOPT RESOLUTION 12-005.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- F. **Resolution 12-006**, A Resolution of the City Council of Homer, Alaska, Amending the Fee Schedule for Library Fees to Include Overdue Items, Photocopies, Interlibrary Loan Fee, Replacement/Repair of Items, and Improper Return of Digital Devices. City Clerk/Library Director.

Memorandum 12-010 from Library Director as backup.

Mayor Hornaday called for a motion for the adoption of Resolution 12-006 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

Donna Rae Faulkner, city resident, questioned Council's intent to create a special service district for the Seawall. She asked if the City really wants to visually monitor the seawall and respond to complaints, blowouts, trespassing issues, and work on private property. It is shocking and she is frightened for both the City and herself.

Don McNamara, city resident, commented the Seawall homeowners let the wall fail. He asked that the homeowners take care of it. The City has already helped homeowners immensely over the years. He requested the estimate from the contractor for needed repairs. The City is putting their insurance on the line for private property.

COMMENTS OF THE CITY ATTORNEY

City Attorney Klinkner wished everyone a Happy New Year.

COMMENTS OF THE CITY CLERK

City Clerk Johnson wished everyone a Happy New Year.

COMMENTS OF THE CITY MANAGER

City Manager Wrede wished everyone a Happy New Year.

COMMENTS OF THE MAYOR

Mayor Hornaday praised the city road maintenance crews for the great job they are doing.

COMMENTS OF THE CITY COUNCIL

Councilmember Roberts commented she is glad to be in the new room. The people that remodeled the old part of the building have done a good job, especially with the new furniture. She asked how task forces are established, whether it is always by council, or if committees and commissions can establish them without approval.

ADJOURNMENT

There being no further business to come before the Council, Mayor Hornaday adjourned the meeting at 7:39 p.m. The next Regular Meeting is Monday, January 23, 2012 at 6:00 p.m., Committee of the Whole 5:00 p.m., and Special Meeting 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.

JO JOHNSON, CMC, CITY CLERK

Approved: _____

Office of the City Clerk

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



491 E. Pioneer Avenue
Homer, Alaska 99603
(907) 235-3130
(907) 235-8121
ext: 2224, 2226, or 2227
Fax: (907) 235-3143
Email: clerk@ci.homer.ak.us

MEMORANDUM 12-013

TO: MAYOR HORNADAY AND HOMER CITY COUNCIL

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

DATE: JANUARY 17, 2012

SUBJ: LIQUOR LICENSE RENEWAL FOR FINN'S, COSMIC KITCHEN ON THE SPIT, COSMIC KITCHEN, SAVE-U-MORE, DOWN EAST SALOON

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

Type: Restaurant/Eating Place - Seasonal
Lic #: 4164
DBA Name: Finn's
Premise Address: 4287 Homer Spit Road Unit #4
Owner: Finn's LLC
Mailing Address: PO Box 1435, Homer, AK 99603

Type: Restaurant/Eating Place - Public Convenience Seasonal
Lic #: 4790
DBA Name: Cosmic Kitchen on the Spit
Premise Address: 4460 Homer Spit Road
Owner: Cosmic Kitchen Inc
Mailing Address: 510 E Pioneer Ave., Homer, AK 99603

Type: Restaurant/Eating Place
Lic #: 4359
DBA Name: Cosmic Kitchen
Premise Address: 510 E Pioneer Avenue
Owner: Cosmic Kitchen Inc
Mailing Address: 510 E Pioneer Ave., Homer, AK 99603

Type: Package Store
Lic #: 4221
DBA Name: Save-U-More Liquor #6
Premise Address: 3611 Greatland
Owner: Castle Liquor Inc
Mailing Address: PO Box 58547, Seattle, WA 98138

“WHERE THE LAND ENDS AND THE SEA BEGINS”

To access City Clerk's Home Page on the Internet: <http://clerk.ci.homer.ak.us>

Type:	Beverage Dispensary
Lic #:	2300
DBA Name:	Down East Saloon
Premise Address:	3125 East End Road
Owner:	Down East, Inc.
Mailing Address:	3125 East End Road, Homer, AK 99603

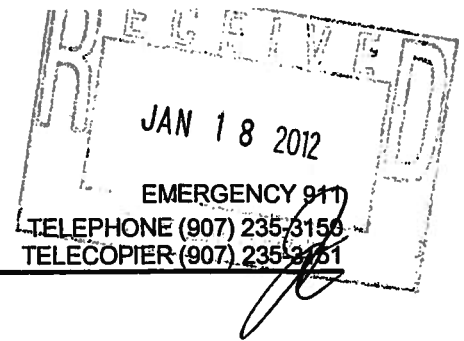
RECOMMENDATION: Voice non objection and approval for the liquor license renewals as listed above.

Fiscal Note: Revenues.



CITY OF HOMER POLICE DEPARTMENT

4060 HEATH STREET HOMER, AK 99603-7609



MEMORANDUM

DATE: January 17, 2012
TO: Melissa Jacobsen, Deputy City Clerk
FROM: Mark Robl, Chief of Police *[Signature]*
SUBJECT: Liquor License Renewals

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

Type: Restaurant/Eating Place - Seasonal
Lic #: 4164
DBA Name: Finn's
Premise Address: 4287 Homer Spit Road Unit #4
Owner: Finn's LLC
Mailing Address: PO Box 1435, Homer, AK 99603

Type: Restaurant/Eating Place - Public Convenience Seasonal
Lic #: 4790
DBA Name: Cosmic Kitchen on the Spit
Premise Address: 4460 Homer Spit Road
Owner: Cosmic Kitchen Inc
Mailing Address: 510 E Pioneer Ave., Homer, AK 99603

Type: Restaurant/Eating Place
Lic #: 4359
DBA Name: Cosmic Kitchen
Premise Address: 510 E Pioneer Avenue
Owner: Cosmic Kitchen Inc
Mailing Address: 510 E Pioneer Ave., Homer, AK 99603

Type: Package Store
Lic #: 4221
DBA Name: Save-U-More Liquor #6
Premise Address: 3611 Greatland
Owner: Castle Liquor Inc
Mailing Address: PO Box 58547, Seattle, WA 98138

Type: Package Store
Lic #: 4162
DBA Name: Oaken Keg
Premise Address: 90 Sterling Hwy
Owner: Safeway Inc
Mailing Address: PO Box 29096 MS 6531, Phoenix, AZ 85038-9096

Type: Restaurant/Eating Place
Lic #: 2673
DBA Name: Captain Patties Fish House
Premise Address: 4241 Homer Spit Road #1
Owner: Captain Patties Fish House Inc.
Mailing Address: PO Box 210, Anchor Point, AK 99556

Type: Beverage Dispensary
Lic #: 2300
DBA Name: Down East Saloon
Premise Address: 3125 East End Road
Owner: Down East, Inc.
Mailing Address: 3125 East End Road, Homer, AK 99603

Type: Beverage Dispensary
Lic #: 1002
DBA Name: Salty Dawg Saloon
Premise Address: 4380 Homer Spit Road
Owner: Sdawg Inc
Mailing Address: PO Box 2581, Homer, AK 99603

Type: Club
Lic #: 367
DBA Name: BPO Elks Lodge #2127
Premise Address: 215 W Jenny Way
Owner: BPO Elks Lodge #2127
Mailing Address: 215 W Jenny Way, Homer, AK 99603

Type: Beverage Dispensary
Lic #: 98
DBA Name: The Alibi
Premise Address: 453 E Pioneer Ave
Owner: Mix Rocks, LLC
Mailing Address: 4525 Heidi Court, Homer AK 99603



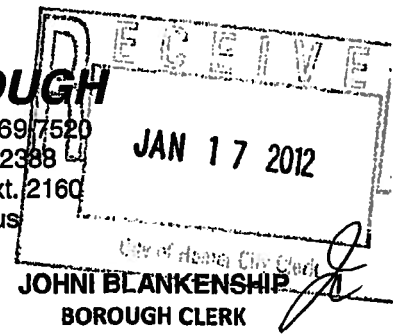
KENAI PENINSULA BOROUGH

144 North Binkley Street • Soldotna, Alaska 99669-7520

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

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

Email: assemblyclerk@borough.kenai.ak.us



January 6, 2012

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	:	Save-U-More Liquor #6
License Type	:	Package Store
License Location	:	City of Homer
License No.	:	4221

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,

Johni Blankenship, MMC
Borough Clerk

JB/klr

cc: Applicant
City of Homer
KPB Finance Department
File



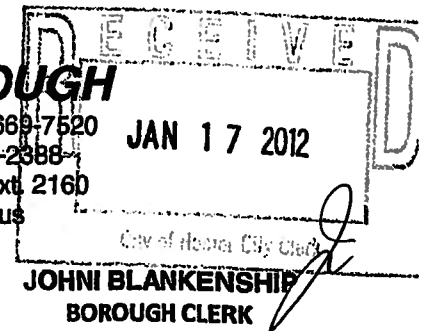
KENAI PENINSULA BOROUGH

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Email: assemblyclerk@borough.kenai.ak.us



January 10, 2012

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	:	Cosmic Kitchen on the Spit
License Type	:	Restaurant/Eating Place – Public Convenience - Seasonal
License Location	:	City of Homer
License No.	:	4790

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,

Johni 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

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

RECEIVED
JAN 17 2012

City of Homer City Clerk

JOHNI BLANKENSHIP
BOROUGH CLERK

January 10, 2012

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	:	Cosmic Kitchen
License Type	:	Restaurant/Eating Place
License Location	:	City of Homer
License No.	:	4359

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,

Johni Blankenship, MMC
Borough Clerk

JB/klr

cc: Applicant
City of Homer
KPB Finance Department
File



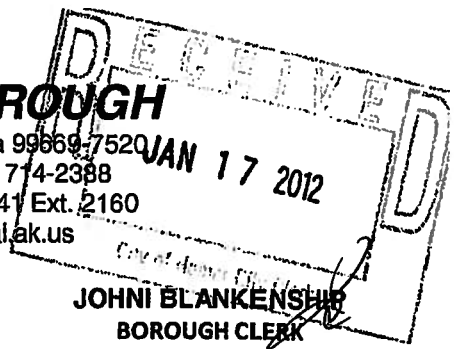
KENAI PENINSULA BOROUGH

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

Email: assemblyclerk@borough.kenai.ak.us



January 6, 2012

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	:	Finn's
License Type	:	Restaurant/Eating Place - Seasonal
License Location	:	City of Homer
License No.	:	4164

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,

Johni Blankenship, MMC
Borough Clerk

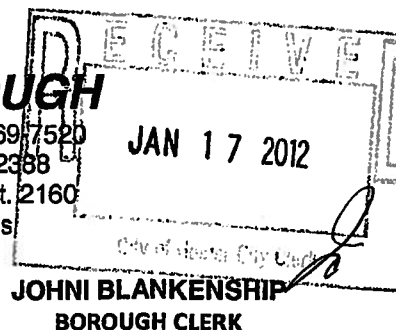
JB/klr

cc: Applicant
City of Homer
KPB Finance Department
File



KENAI PENINSULA BOROUGH

144 North Binkley Street • Soldotna, Alaska 99669-7520
PHONE: (907) 714-2160 • **FAX:** (907) 714-2388
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JOHNI BLANKENSHIP
BOROUGH CLERK

January 6, 2012

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	:	Down East Saloon
License Type	:	Beverage Dispensary
License Location	:	City of Homer
License No.	:	2300

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

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: December 22, 2011
TO: Mark Robl, Police Chief
FROM: Melissa Jacobsen, CMC, Deputy City Clerk
SUBJECT: Liquor License Renewal for Finn's, Cosmic Kitchen, Cosmic Kitchen on the Spit, Save-U-More, Oaken Keg, Captain Patties Fish House, Down East Saloon, Salty Dawg Saloon, BPO Elks Lodge #2127, and The Alibi

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

Type: Restaurant/Eating Place - Seasonal
Lic #: 4164
DBA Name: Finn's
Premise Address: 4287 Homer Spit Road Unit #4
Owner: Finn's LLC
Mailing Address: PO Box 1435, Homer, AK 99603

Type: Restaurant/Eating Place - Public Convenience Seasonal
Lic #: 4790
DBA Name: Cosmic Kitchen on the Spit
Premise Address: 4460 Homer Spit Road
Owner: Cosmic Kitchen Inc
Mailing Address: 510 E Pioneer Ave., Homer, AK 99603

Type: Restaurant/Eating Place
Lic #: 4359
DBA Name: Cosmic Kitchen
Premise Address: 510 E Pioneer Avenue
Owner: Cosmic Kitchen Inc
Mailing Address: 510 E Pioneer Ave., Homer, AK 99603

Type: Package Store
Lic #: 4221
DBA Name: Save-U-More Liquor #6
Premise Address: 3611 Greatland
Owner: Castle Liquor Inc
Mailing Address: PO Box 58547, Seattle, WA 98138

Type: Package Store
Lic #: 4162
DBA Name: Oaken Keg
Premise Address: 90 Sterling Hwy
Owner: Safeway Inc
Mailing Address: PO Box 29096 MS 6531, Phoenix, AZ 85038-9096

Type: Restaurant/Eating Place
Lic #: 2673
DBA Name: Captain Patties Fish House
Premise Address: 4241 Homer Spit Road #1
Owner: Captain Patties Fish House Inc.
Mailing Address: PO Box 210, Anchor Point, AK 99556

Type: Beverage Dispensary
Lic #: 2300
DBA Name: Down East Saloon
Premise Address: 3125 East End Road
Owner: Down East, Inc.
Mailing Address: 3125 East End Road, Homer, AK 99603

Type: Beverage Dispensary
Lic #: 1002
DBA Name: Salty Dawg Saloon
Premise Address: 4380 Homer Spit Road
Owner: Sdawg Inc
Mailing Address: PO Box 2581, Homer, AK 99603

Type: Club
Lic #: 367
DBA Name: BPO Elks Lodge #2127
Premise Address: 215 W Jenny Way
Owner: BPO Elks Lodge #2127
Mailing Address: 215 W Jenny Way, Homer, AK 99603

Type: Beverage Dispensary
Lic #: 98
DBA Name: The Alibi
Premise Address: 453 E Pioneer Ave
Owner: Mix Rocks, LLC
Mailing Address: 4525 Heidi Court, Homer AK 99603

This matter is scheduled for the January 9, 2012 City Council meeting. Please respond with any objections/non-objections to this liquor license renewal by Wednesday, January 4, 2012.

Thank you for your assistance.

December 22, 2011

HOMER

Type: Restaurant/Eating Place - Seasonal
Lic #: 4164
DBA Name: Finn's
Premise Address: 4287 Homer Spit Road Unit #4
Owner: Finn's LLC
Mailing Address: PO Box 1435, Homer, AK 99603

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Owner: Cosmic Kitchen Inc
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Owner: Castle Liquor Inc
Mailing Address: PO Box 58547, Seattle, WA 98138

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Lic #: 4162
DBA Name: Oaken Keg
Premise Address: 90 Sterling Hwy
Owner: Safeway Inc
Mailing Address: PO Box 29096 MS 6531, Phoenix, AZ 85038-9096

Type: Restaurant/Eating Place
Lic #: 2673
DBA Name: Captain Patties Fish House
Premise Address: 4241 Homer Spit Road #1
Owner: Captain Patties Fish House Inc.
Mailing Address: PO Box 210, Anchor Point, AK 99556

5848 E Tudor Rd – Anchorage, AK 99507
Phone: 907-269-0350 Fax: 907-269-9412

ABC Board Renewal Notice 12/22/11

Type: Beverage Dispensary
Lic #: 2300
DBA Name: Down East Saloon
Premise Address: 3125 East End Road
Owner: Down East, Inc.
Mailing Address: 3125 East End Road, Homer, AK 99603

Type: Beverage Dispensary
Lic #: 1002
DBA Name: Salty Dawg Saloon
Premise Address: 4380 Homer Spit Road
Owner: Sdawg Inc
Mailing Address: PO Box 2581, Homer, AK 99603

Type: Club
Lic #: 367
DBA Name: BPO Elks Lodge #2127
Premise Address: 215 W Jenny Way
Owner: BPO Elks Lodge #2127
Mailing Address: 215 W Jenny Way, Homer, AK 99603

Type: Beverage Dispensary
Lic #: 98
DBA Name: The Alibi
Premise Address: 453 E Pioneer Ave
Owner: Mix Rocks, LLC
Mailing Address: 4525 Heidi Court, Homer AK 99603

KENAI

Type: Package Store
Lic #: 1308
DBA Name: Country Liquor
Premise Address: 140 S Willow Street
Owner: Country Liquor LLC
Mailing Address: PO Box 2311, Kenai, AK 99611

Type: Restaurant/Eating Place
Lic #: 4533
DBA Name: Katina's Greek & Italian Restaurant
Premise Address: 1188 Kenai Spur Hwy
Owner: George Lagoutaris & Christine Lagoutaris
Mailing Address: PO Box 4047, Soldotna AK 99669

ABC Board Renewal Notice 12/22/11

Type: Package Store
Lic #: 4535
DBA Name: TJ Seggy's
Premise Address: 50470 Sterling Hwy
Owner: TLS, Inc.
Mailing Address: 50470 Sterling Hwy., Soldotna, AK 99669

Type: Club
Lic #: 4997
DBA Name: Fraternal Order of Eagles Kasilof Aerie #4317
Premise Address: 52322 Jason Road
Owner: Fraternal Order of Eagles Kasilof Aerie #4317
Mailing Address: PO Box 704, Kasilof, AK 99610

Type: Restaurant/Eating Place
Lic #: 3989
DBA Name: Freddie's Roadhouse Inc.
Premise Address: 5245 Arneson Avenue
Owner: Freddie's Roadhouse Inc.
Mailing Address: PO Box 1360, Kenai, AK 99611

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

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

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

ABC Board Renewal Notice 12/22/11

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



Office of the Mayor
James C. Hornaday
Homer City Hall
491 E. Pioneer Avenue
Homer, Alaska 99603-7624

Phone 907-235-8121 x2229
Fax 907-235-3143

MEMORANDUM 12-014

TO: HOMER CITY COUNCIL

FROM: JAMES C. HORNADAY, MAYOR

DATE: JANUARY 17, 2012

SUBJECT: REAPPOINTMENT OF PETE WEDIN TO THE PORT AND HARBOR ADVISORY COMMISSION.

Pete Wedin is reappointed to the Port and Harbor Advisory Commission. His appointment will expire February 1, 2015.

RECOMMENDATION:

Confirm the reappointment of Pete Wedin to the Port and Harbor Advisory Commission.

Fiscal Note: N/A

Melissa Jacobsen

From: Pete Wedin [pete@captpete.com]
Sent: Wednesday, January 11, 2012 5:44 PM
To: Melissa Jacobsen
Subject: Re: Port and Harbor Commission Terms

Hey Melissa:

If the Mayor and the other commissioners are okay with my sporadic attendance in the fishing season, I would be happy to serve another term as Port and Harbor Commissioner. Let me know if I need to do something more formal. Thanks. Pete

--

Pete Wedin
Capt. Pete's Alaska
P.O. Box 3353
Homer, AK 99603
907-235-2911

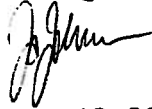
VISITORS

**ANNOUNCEMENTS
PRESENTATIONS
BOROUGH REPORT
COMMISSION REPORTS**

PUBLIC HEARING(S)

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

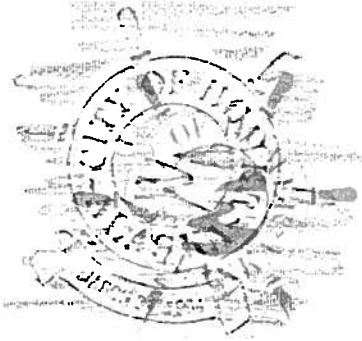


Publish: Homer Tribune: January 19, 2012

CLERK'S AFFIDAVIT OF POSTING

I, Renee Krause, CMC, Deputy City Clerk I for the City of Homer, Alaska, do hereby certify that a copy of the Public Hearing Notice for Ordinance 11-49, An Emergency Ordinance of the Homer City Council Adopting Homer City Code Chapter 15.10, Ocean Drive Loop Special Service District to Create a Differential Property Tax Zone to Levy Property Taxes to Fund Special Services Provided in the District; Ordinance 12-01(S)(A), Amending Homer City Code 21.60.040, Definitions; Homer City Code 21.60.060, Signs Allowed on Private Property With and Without Permits; Homer City Code 21.60.070, Permits Required; Homer City Code 21.60.080 Design, Construction, and Maintenance; Homer City Code 21.60.090, Signs in the Public Right-of-Way; Homer City Code 21.60.100, Signs Exempt From Regulation Under This Chapter; Homer City Code 21.60.110 Signs Prohibited Under This Chapter; Homer City Code 21.60.130, Temporary Signs-Private Property; Homer City Code 21.60.150, Time of Compliance-Nonconforming Signs and Signs Without Permits; and Homer City Code 21.60.170, Enforcement and Remedies; and Repealing Homer City Code 21.60.095, Electoral Signs; Homer City Code 21.60.120, General Permit Procedures; Homer City Code 21.60.140, Temporary Signs-Public Rights-of-Way; and Homer City Code 21.60.160, Violations; Regarding the Regulation of Signs; Ordinance 12-02(A), An Ordinance of the City Council of Homer, Alaska, Amending the FY 2012 Operating Budget by Appropriating \$114,288 from the Sewer Reserve Account for the Polymer Equipment Replacement Project; Ordinance 12-03, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2012 Operating Budget by Appropriating and Transferring \$60,000 from the General Fund Reserves to the Seawall Maintenance Reserve for the Purpose of Repairing and Maintaining the Wall; Ordinance 12-04, An Ordinance of the City Council of Homer, Alaska, Amending the Deep Water Dock Security Gates and Video Surveillance Equipment Project Budget by Appropriating an Additional \$9,623.41 from the Port and Harbor Reserves for the Purpose of Addressing Unanticipated Conditions Encountered During Construction at the City of Homer kiosks located at City Clerk's Office, Captain's Coffee Roasting Co., Harbormaster's Office, and Redden Marine Supply of Homer, on January 13, 2012 and that the City Clerk posted same on City of Homer Homepage on January 13, 2012.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of said City of Homer this 13th day of January, 2012.



Renee Krause
Renee Krause, CMC, Deputy City Clerk I

ORDINANCE REFERENCE SHEET
2011 ORDINANCE
ORDINANCE 11-49

An Emergency Ordinance of the Homer City Council Adopting Homer City Code Chapter 15.10, Ocean Drive Loop Special Service District, to Create a Differential Property Tax Zone to Levy Property Taxes to Fund Special Services Provided in the District.

Sponsor: City Manager/City Attorney

1. City Council Special Meeting December 19, 2011 Introduction
2. City Council Regular Meeting January 23, 2012 Public Hearing and Second Reading
 - a. Substitute Ordinance 11-49(S)
 - b. Written public comment

**CITY OF HOMER
HOMER, ALASKA**

City Manager/City Attorney

ORDINANCE 11-49

1
2
3
4
5
6 AN EMERGENCY ORDINANCE OF THE HOMER CITY COUNCIL
7 ADOPTING HOMER CITY CODE CHAPTER 15.10, OCEAN DRIVE LOOP
8 SPECIAL SERVICE DISTRICT, TO CREATE A DIFFERENTIAL PROPERTY
9 TAX ZONE TO LEVY PROPERTY TAXES TO FUND SPECIAL SERVICES
10 PROVIDED IN THE DISTRICT.
11

12 WHEREAS, The City may by ordinance establish, alter, and abolish differential tax
13 zones to provide and levy property taxes for services not provided generally in the City, or a
14 different level of service than that provided generally in the City; and
15

16 WHEREAS, The City by Ordinance 06-53(S) established a differential tax zone known
17 as the Ocean Drive Loop Special Service District ("District") for the purpose of providing
18 special services to the properties in the Ocean Drive Loop Bluff Erosion Control Improvement
19 District that are not provided elsewhere in the City; and
20

21 WHEREAS, Ordinance 06-53(S) provided for the formation of an association of property
22 owners to receive and expend taxes levied in the District for the purpose of operating and
23 maintaining the seawall that had been constructed in the Ocean Drive Loop Bluff Erosion
24 Control Improvement District; and
25

26 WHEREAS, When no association of property owners formed as contemplated by
27 Ordinance 06-53(S), the Council enacted Ordinance 10-19, finding that it would be in the best
28 interest of the City to allow the owners of property in the District to determine among themselves
29 what collective arrangements, if any, to make for funding the operation of the seawall, and
30 abolishing the District; and
31

32 WHEREAS, Some property owners in the Ocean Drive Loop Bluff Erosion Control
33 Improvement District continue to assert that the City is responsible for maintaining the seawall,
34 and have induced the Army Corps of Engineers to require the City to repair damage to the
35 seawall under the terms of the permit the Corps issued to the City for the seawall; and
36

37 WHEREAS, Until the issue of the City's obligations under the Corps permit can be
38 resolved, it is necessary for the City to have a source of funds to pay costs of repairing the
39 seawall; and
40

41 WHEREAS, For the purpose of providing funds required to pay the cost of repairs to the
42 seawall, it is in the best interest of the City to immediately establish a new differential tax zone
43 known as the Ocean Drive Loop Special Service District for the purpose of providing special
44 services to the properties in the Ocean Drive Loop Bluff Erosion Control Improvement District
45 of a special kind and greater level of service than those provided generally in the City.
46

47 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
48

49 Section 1. The Homer City Council finds that an emergency ordinance is appropriate in
50 order to meet an immediate need for funding to pay the cost of repairs to the seawall during the
51 current winter storm season, and that providing that funding through the establishment of a
52 differential tax zone that includes only the properties that are benefited by this service is in the
53 public interest.
54

55 Section 2. Homer City Code Chapter 15.10, Ocean Drive Loop Special Service District,
56 is adopted to read as follows:

57 Chapter 15.10

58 OCEAN DRIVE LOOP SPECIAL SERVICE DISTRICT
59

60 Sections:
61

- 62 15.10.005 Definitions
63 15.10.010 Ocean Drive Loop Special Service District established
64 15.10.020 Property tax levy
65 15.10.030 Payment in lieu of taxes
66 15.10.040 Administration
67 15.10.050 Services authorized
68 15.10.060 Excess tax revenue
69

70 15.10.005 Definitions. As used in this chapter:
71

72 "*Improvement District*" means the Ocean Drive Loop Bluff Erosion Control
73 Improvement District previously established by the City as a local improvement district to
74 construct an erosion control seawall.
75

76 "*Operate*" and "*Operation*" with respect to the Seawall includes operation, maintenance,
77 repair, reconstruction, improvement, insurance, administration and other related or similar
78 activities conducted in the course of making and keeping the Seawall operational for its intended
79 erosion control purpose for the benefit of the properties in the Improvement District.
80

81 "*Seawall*" means the erosion control seawall constructed in the Improvement District.
82

83 "*Special Service District*" means the Ocean Drive Loop Special Service District
84 established under this chapter.
85

86 15.10.010 Ocean Drive Loop Special Service District established. a. There is established
87 a special service district within the City designated as the "Ocean Drive Loop Special Service
88 District" for the purpose of providing special services to the properties in the Ocean Drive Loop
89

90 Bluff Erosion Control Improvement/Assessment District that are not provided elsewhere in the
91 City.

92 b. The Special Service District consists of the properties in the Homer Recording
93 District that are described as follows:

94
95 Oscar Munson Subdivision Lot 34

96
97 Oscar Munson Subdivision Lot 35

98
99 Oscar Munson Subdivision Lot 36

100
101 Oscar Munson Subdivision Lot 37

102
103 Oscar Munson Subdivision Lot 38

104
105 Oscar Munson Subdivision Lot 39

106
107 Oscar Munson Subdivision Lot 40

108
109 Oscar Munson Subdivision Lot 41

110
111 Oscar Munson Subdivision Lot 42

112
113 Oscar Munson Subdivision Lot 43

114
115 Oscar Munson Subdivision Lot 44

116
117 Oscar Munson Subdivision No. 18 Lot 45B

118
119 Oscar Munson Subdivision No. 18 Lot 45A

120
121 Tamian Subdivision Lot 1

122
123 A portion of T6S R13W Section 21, Beginning at corner of Sections 20, 21, 28,
124 and 29; thence N 64 degrees 10 minutes E a distance of 50.00 feet; thence S 64
125 degrees 10 minutes E a distance of 50.00 feet; thence E a distance of 35.00 feet;
126 thence N 0 degrees 05 minutes W a distance of 450.00 feet; thence W a distance
127 of 125.00 feet; thence S 0 degrees 05 minutes E a distance of 450.00 feet to the
128 point of beginning.

129
130 Seabreeze Subdivision Lot 5

131
132 Lake St ROW south of Ocean Drive Loop

133

134 Pedestrian Easement south of Ocean Drive Loop between Lots 37 and 38, Oscar
135 Munson Subdivision

136
137 15.10.020 Property tax levy. a. The Special Service District shall be funded by a property
138 tax levied on the properties in the Special Service District. The City Council shall annually set
139 the mill levy pursuant to Section 9.04.040. The tax shall be assessed and collected as other real
140 property taxes levied by the City.

141 b. Any property tax levied for the purpose of funding the Special Service District
142 shall be excluded from the calculation of the mill rate contingency set forth in Section 9.16.020
143 for purpose of determining whether the City's sales tax levy shall remain in effect.

144
145 15.10.030 Payment in lieu of taxes. In lieu of paying taxes on tax exempt property owned
146 by the City in the Special Service District, the City will annually appropriate money to the
147 district or perform in-kind services for the district equivalent in value to the amount of taxes that
148 would be levied on the City property if it were taxable.

149
150 15.10.040 Administration. The administration of this chapter is a function of the
151 Department of Administration.

152
153 15.10.050 Services Authorized. Revenue collected by the City under this chapter may be
154 appropriated and expended for the limited purpose of funding Operation of the Seawall for the
155 benefit of all properties in the Improvement District.

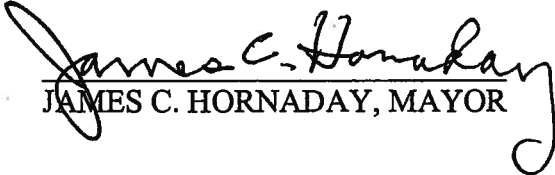
156
157 15.10.060 Excess tax revenue. If at any time the City Council determines Special Service
158 District tax revenues exceed the needs of the Special Service District, the City Council may
159 authorize a refund of the excess tax revenues collected under this chapter to the taxpayers in
160 proportion to amounts paid in by such taxpayers.

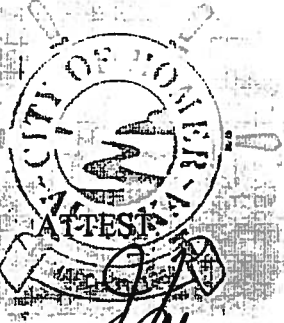
161
162 Section 3. This Ordinance is of a permanent and general character and shall be included
163 in the City Code.


164
165 Section 4. This ordinance shall become effective on December 19, 2011.
166

167 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 19th day of
168 December, 2011.

CITY OF HOMER


JAMES C. HORNADAY, MAYOR

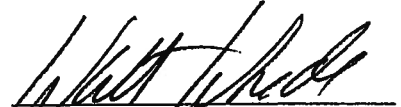


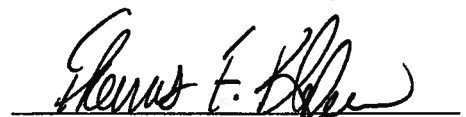
179 
180 JO JOHNSON, CMC, CITY CLERK

182
183 YES: 5
184 NO: 1
185 ABSTAIN: 0
186 ABSENT: 0

187
188
189 First Reading: 12/19/11
190 Public Hearing:
191 Second Reading:
192 Effective Date: 12/19/11

193
194 Reviewed and approved as to form:

195 
196
197
198 Walt E. Wrede, City Manager


Thomas F. Klinkner, City Attorney

199
200 Date: 12/21/11

Date: 12-27-11

201
202

**CITY OF HOMER
HOMER, ALASKA**

City Manager, City Attorney

ORDINANCE 11-49(S)

AN ORDINANCE OF THE HOMER CITY COUNCIL ADOPTING HOMER CITY CODE CHAPTER 15.10, OCEAN DRIVE LOOP SPECIAL SERVICE DISTRICT, TO CREATE A DIFFERENTIAL PROPERTY TAX ZONE TO LEVY PROPERTY TAXES TO FUND SPECIAL SERVICES PROVIDED IN THE DISTRICT.

WHEREAS, The City may by ordinance establish, alter, and abolish differential tax zones to provide and levy property taxes for services not provided generally in the City, or a different level of service than that provided generally in the City; and

WHEREAS, The City by Ordinance 06-53(S) established a differential tax zone known as the Ocean Drive Loop Special Service District ("District") for the purpose of providing special services to the properties in the Ocean Drive Loop Bluff Erosion Control Improvement District that are not provided elsewhere in the City; and

WHEREAS, Ordinance 06-53(S) provided for the formation of an association of property owners to receive and expend taxes levied in the District for the purpose of operating and maintaining the seawall that had been constructed in the Ocean Drive Loop Bluff Erosion Control Improvement District; and

WHEREAS, When no association of property owners formed as contemplated by Ordinance 06-53(S), the Council enacted Ordinance 10-19, finding that it would be in the best interest of the City to allow the owners of property in the District to determine among themselves what collective arrangements, if any, to make for funding the operation of the seawall, and abolishing the District; and

WHEREAS, Some property owners in the Ocean Drive Loop Bluff Erosion Control Improvement District continue to assert that the City is responsible for maintaining the seawall, and have induced the Army Corps of Engineers to require the City to repair damage to the seawall under the terms of the permit the Corps issued to the City for the seawall; and

WHEREAS, Until the issue of the City's obligations under the Corps permit can be resolved, it is necessary for the City to have a source of funds to pay costs of repairing the seawall; and

WHEREAS, For the purpose of providing funds required to pay the cost of repairs to the seawall, it is in the best interest of the City to immediately establish a new differential tax zone known as the Ocean Drive Loop Special Service District for the purpose of providing special services to the properties in the Ocean Drive Loop Bluff Erosion Control Improvement District of a special kind and greater level of service than those provided generally in the City.

47 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

48
49 Section 1. Homer City Code Chapter 15.10, Ocean Drive Loop Special Service District,
50 is adopted to read as follows:

51 Chapter 15.10

52
53 OCEAN DRIVE LOOP SPECIAL SERVICE DISTRICT

54
55 Sections:

- 56
57 15.10.005 Definitions
58 15.10.010 Ocean Drive Loop Special Service District established
59 15.10.020 Property tax levy
60 15.10.030 Payment in lieu of taxes
61 15.10.040 Administration
62 15.10.050 Services authorized
63 15.10.060 Excess tax revenue

64
65 15.10.005 Definitions. As used in this chapter:

66
67 "*Improvement District*" means the Ocean Drive Loop Bluff Erosion Control
68 Improvement District previously established by the City as a local improvement district to
69 construct an erosion control seawall.

70
71 "*Operate*" and "*Operation*" with respect to the Seawall includes operation, maintenance,
72 repair, reconstruction, improvement, insurance, administration and other related or similar
73 activities conducted in the course of making and keeping the Seawall operational for its intended
74 erosion control purpose for the benefit of the properties in the Improvement District.

75
76 "*Seawall*" means the erosion control seawall constructed in the Improvement District.

77
78 "*Special Service District*" means the Ocean Drive Loop Special Service District
79 established under this chapter.

80
81 15.10.010 Ocean Drive Loop Special Service District established. a. There is established
82 a special service district within the City designated as the "Ocean Drive Loop Special Service
83 District" for the purpose of providing special services to the properties in the Ocean Drive Loop
84 Bluff Erosion Control Improvement/Assessment District that are not provided elsewhere in the
85 City.

86 b. The Special Service District consists of the properties in the Homer Recording
87 District that are described as follows:

88
89 Oscar Munson Subdivision Lot 34

90
91 Oscar Munson Subdivision Lot 35

92

- 93 Oscar Munson Subdivision Lot 36
- 94
- 95 Oscar Munson Subdivision Lot 37
- 96
- 97 Oscar Munson Subdivision Lot 38
- 98
- 99 Oscar Munson Subdivision Lot 39
- 100
- 101 Oscar Munson Subdivision Lot 40
- 102
- 103 Oscar Munson Subdivision Lot 41
- 104
- 105 Oscar Munson Subdivision Lot 42
- 106
- 107 Oscar Munson Subdivision Lot 43
- 108
- 109 Oscar Munson Subdivision Lot 44
- 110
- 111 Oscar Munson Subdivision No. 18 Lot 45B
- 112
- 113 Oscar Munson Subdivision No. 18 Lot 45A
- 114
- 115 Tamian Subdivision Lot 1
- 116
- 117 A portion of T6S R13W Section 21, Beginning at corner of Sections 20, 21, 28,
- 118 and 29; thence N 64 degrees 10 minutes E a distance of 50.00 feet; thence S 64
- 119 degrees 10 minutes E a distance of 50.00 feet; thence E a distance of 35.00 feet;
- 120 thence N 0 degrees 05 minutes W a distance of 450.00 feet; thence W a distance
- 121 of 125.00 feet; thence S 0 degrees 05 minutes E a distance of 450.00 feet to the
- 122 point of beginning.
- 123
- 124 Seabreeze Subdivision Lot 5
- 125
- 126 Lake St ROW south of Ocean Drive Loop
- 127
- 128 Pedestrian Easement south of Ocean Drive Loop between Lots 37 and 38, Oscar
- 129 Munson Subdivision
- 130

131 15.10.020 Property tax levy. a. The Special Service District shall be funded by a property
132 tax levied on the properties in the Special Service District. The City Council shall annually set
133 the mill levy pursuant to Section 9.04.040. The tax shall be assessed and collected as other real
134 property taxes levied by the City.

135 b. Any property tax levied for the purpose of funding the Special Service District shall be
136 excluded from the calculation of the mill rate contingency set forth in Section 9.16.020 for
137 purpose of determining whether the City's sales tax levy shall remain in effect.

138

184 Reviewed and approved as to form:

185

186

187

188 Walt E. Wrede, City Manager

189

190 Date: _____

191

192

Thomas F. Klinkner, City Attorney

Date: _____

Jo Johnson

From: Donna Rae and Don [surfshack@acsalaska.net]
Sent: Wednesday, January 11, 2012 3:01 AM
To: Department Clerk; Barbara Howard; Francie Roberts; David Lewis; Mary Wythe; Bryan Zak; Kevin Hogan
Cc: Walt Wrede; Jo Johnson
Subject: Stressing over the City's choices about the Seawall - Feeling like a cat toy at 2am

Dear Honorable Mayor Hornaday and City Council members,
Let us be on record that we object to Ordinances 11-48, 11-49, and 12-03. We do not accept the obligations that those ordinances place on us and don't believe that the City should be spending any of the money put forth in those ordinances. We disappointedly reserve the right to engage legal council in the future if we are not removed from the SSD. We are very willing to have the City make a good faith transfer of its Army Corps permit to us for our 100 lineal foot section of the seawall that we own on our private property (westernmost end of the seawall) – or the City can make a written agreement with us that would have the same effect contracting us to continue to pay for and provide maintenance and repairs for our section. The City and neighbors can fight out the financing and operation for the rest of the seawall (perhaps with an SSD) and leave us out of it.

We have been as clear and honest and honorable as we know how to be. We trusted our agreement with the City and kept our end of the agreements in every way.

We made financial and other life decisions and plans based on those agreements. We have not tried to cheat the City in any way or hold it responsible for things we agreed to. Now we feel like the City Administration is actually trying to cheat us and hold us responsible for things that we never agreed to. Who would have imagined this?

We are now sick and in a bind. I can hardly stop shaking or crying or being nauseous or thinking about this mess.

You can all understand that after all of this seawall mess over the years, we have little remaining faith or trust in our City Manager and the City's Attorney. We have tried to assume the best intentions, but clearly we do not think/operate as they do and I don't feel that they have our welfare in mind. It sounds like it is so easy for them to break commitments and make up new rules that serve them years down the road. These unprincipled actions put us into great stress and financial hardship. We can't just sit back.

We do not believe that their actions regarding the seawall are good in the long run for the City and they certainly are not good for us. Walt clearly wants to simply seize our money and put us in an SSD we don't need or want. We don't believe that the SSD based on mil rate will even cover all the monies for obligations and liabilities that the City is in the process of taking on for the unforeseeable future (after years of neglect in some places, weather factors, etc.) but I'll remind you that taking us out of the SSD would not change the mil rate increase for our neighbors in your ordinances. And again, we aren't senior citizens with property tax exemptions and the ordinances you are considering would essentially give us a second mortgage.

Perhaps Walt and the City's Attorney *may* have the power to disgracefully break agreements with us and to convince you to vote as they want you to and seize our money, but it is not right and certainly not honorable or moral.

They are trying to mitigate a number of mistakes that the City has made – understandable, but it shouldn't be on our backs – and we see the new ordinances as fraught with more mistakes for the City to step into.

Surely you can forgive us if you think we are mistaken when we tell you at this point that we don't believe that the City Manager and City Attorney are sincerely working to honor our agreements and to not include us in their newest schemes involving the City taking over all liability and operation of the seawall on our private property and tax us so unfairly for "services" on other people's properties that we don't need and never agreed to. Is Walt *sincerely* pushing with the Army Corps to transfer the permit for our section to us?

How easily the City Administration acts to obligate us to new debts that we do not agree with and to pay for other people's private property. How little they care about whether or not we have the resources to finance these new obligations or how they impact our lives. I can assure you that all of this impacts us a lot.

Make no mistake about this, we are not trying to screw the City in any way. We just want the City to honor our agreements and to be left in peace.

I never imagined that the City would treat us or any of its citizens this way or that I would spend so many hours awake and worried. Remove us from any seawall SSD.

We deeply appreciate that the Mayor and City Council have been listening to us. I am still trying to hold faith that things will work out well.

We are trusting you and what happens on your watch.

Respectfully,
Donna Rae

Donna Rae Faulkner (Don is hopefully asleep)
811 Ocean Drive Loop, Homer, AK 99603

Jo Johnson

From: Donna Rae and Don [surfshack@acsalaska.net]
Sent: Monday, January 16, 2012 10:36 AM
To: Walt Wrede
Cc: Department Clerk; Barbara Howard; Francie Roberts; David Lewis; Mary Wythe; Bryan Zak; Kevin Hogan
Subject: Seawall RE: Cost estimates - and Army Corps paperwork

Hi, Walt –

Thank you for your response. Can you tell me about what his dollar amount was? I priced out metal plates with bolts at \$200 + labor to reinstall them. There are 50 missing, so that part should be around \$20,000 total – it is a little hard to get a price on re-establishing the 2% slope on top of the wall with all the snow. Many sections are low and some as much as 2 feet which creates a lake when the water splashes up there.

We are of course still hoping (well beyond hope) that we won't be part of any SSD. And trust us, you and the neighbors really don't want us in any SSD!

We also hope that you, the Council and citizens of Homer don't really want the City to be involved in a seawall SSD – especially at this point so far down the road.

When we were at the Kenai River Center for a construction meeting we picked up some little booklets put out by the Regulatory Division of the US Army Corps of Engineers Alaska District. You have likely already seen them/talked about the contents, but it included a section on "Appeals" describing a bit about the Corps administrative appeal process whereby applicants and landowners may appeal issued permits that contain requirements that are unacceptable to the applicant or jurisdictional determinations, which are made by the AK District – and moved up to the Pacific Ocean Division office if need be for reconsideration. It also generally addressed compliance and enforcement. We'll stop by and drop off a copy to your office just in case it might be helpful.

Don

-----Original Message-----

From: Walt Wrede [mailto:wwrede@ci.homer.ak.us]
Sent: Friday, January 13, 2012 11:54 AM
To: surfshack@acsalaska.net
Subject: Cost estimates

Don:

I am aware that you called several times in the last few days about cost estimates. I am not prepared to provide them to you because they are not a formal or detailed bid. What we have is a rough order of magnitude estimate that was provided to help us determine a course of action. In other words, the information was deliberative in nature and Troy was simply doing us a favor on short notice. I am sure he did not expect the information to be made public and we would not hold him to that estimate if we made a decision to move forward. We would ask for a more detailed bid. If and when the Council authorizes us to spend money and we decide to move ahead with repairs, a detailed bid could be made available.

Walt

Jo Johnson

From: Donna Rae and Don [surfshack@acsalaska.net]
Sent: Wednesday, December 21, 2011 9:54 AM
To: Department Clerk; Barbara Howard; Francie Roberts; David Lewis; Mary Wythe; Bryan Zak; Kevin Hogan; Walt Wrede
Cc: Jo Johnson
Subject: Happy Holidays - food for thought

Hello,

That was a powerful meeting Monday night. Personally we would like to thank the City for bringing all together - again. So you need to decide if you want to keep your wall? What would happen if the City defaults on the Corps permit? It might be the best thing to do in the long run for Homer. In creating a SSD the City is taking on the responsibilities and costs of the wall - with the very inequitable SSD mil rate never covering the actual expenses the seawall will take (and enabling what we would call "bad" or irresponsible behavior of some citizens - while punishing others)

I walked the wall today. There are 39 metal plates missing and 9 more are in a state of disrepair. There are 3 boards missing and several loose plus the damage at Doug and Brad's properties. That at John and Paul's is a concern also. Most of the rock has sunk or washed away, Sonny told us that when the wall failed in front of the Ocean House, it cost Larry \$60 grand to repair for what looks like 70 feet of the wall to me. Just think about what it would have been had they put money into maintenance before the need for repairs. Some of the neighbors voiced concern that there was much erosion on the west end of the seawall. We've kept up with maintenance and our seawall was placed above the 20' tide line (as per Corp recommendations.) Some other properties had their sections placed around the 17' tide line.

Remember that you heard only one person speaking in favor of a SSD and that was only if it were expanded to include LOTS more properties and utility companies.

We STILL would just like to be untangled from this mess. You can use us as an example for the property owners. Perhaps some would follow suit by taking over the City's permit with the Corps their private properties. Remove us from the SSD if you still really want to have one with the wall after so many years and so much lack of maintenance by private property owners.

And we should all try to remember that worry brings you down and good thoughts bring you up.

We wish you all the best and a Merry Christmas.

Your loyal citizens,

Donna Rae and Don

Donna Rae Faulkner and Don McNamara

ORDINANCE REFERENCE SHEET
2012 ORDINANCE
ORDINANCE 12-01

An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.60.040, Definitions; Homer City Code 21.60.060, Signs Allowed on Private Property With and Without Permits; Homer City Code 21.60.070, Permits Required; Homer City Code 21.60.080 Design, Construction, and Maintenance; Homer City Code 21.60.090, Signs in the Public Right-of-Way; Homer City Code 21.60.095, Electoral Signs; Homer City Code 21.60.100, Signs Exempt From Regulation Under this Chapter; Homer City Code 21.60.110 Signs Prohibited Under this Chapter; Homer City Code 21.60.130, Temporary Signs-Private Property; Homer City Code 21.60.150, Time of Compliance-Nonconforming Signs and Signs Without Permits; and Homer City Code 21.60.170, Enforcement and Remedies; and Repealing Homer City Code 21.60.120, General Permit Procedures; Homer City Code 21.60.140, Temporary Signs-Public Rights-of-Way; and Homer City Code 21.60.160, Violations; Regarding the Regulation of Signs.

Sponsor: Planning

1. City Council Regular Meeting January 9, 2012 Introduction
 - a. Substitute Ordinance 12-01(S)
 - b. Memorandum 12-007 from City Planner as backup
 - c. Memorandum 12-008 from City Attorney as backup

2. City Council Regular Meeting January 23, 2012 Public Hearing and Second Reading
 - a. Substitute/Amended Ordinance 12-01(S)(A)
 - b. Memorandum 12-007 from City Planner as backup
 - c. Memorandum 12-008 from City Attorney as backup

CITY OF HOMER
HOMER, ALASKA

Planning/City Attorney

ORDINANCE 12-01(S)(A)

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING HOMER CITY CODE 21.60.040, DEFINITIONS; HOMER CITY CODE 21.60.060, SIGNS ALLOWED ON PRIVATE PROPERTY WITH AND WITHOUT PERMITS; HOMER CITY CODE 21.60.070, PERMITS REQUIRED; HOMER CITY CODE 21.60.080 DESIGN, CONSTRUCTION, AND MAINTENANCE; HOMER CITY CODE 21.60.090, SIGNS IN THE PUBLIC RIGHT-OF-WAY; HOMER CITY CODE 21.60.100, SIGNS EXEMPT FROM REGULATION UNDER THIS CHAPTER; HOMER CITY CODE 21.60.110 SIGNS PROHIBITED UNDER THIS CHAPTER; HOMER CITY CODE 21.60.130, TEMPORARY SIGNS-PRIVATE PROPERTY; HOMER CITY CODE 21.60.150, TIME OF COMPLIANCE-NONCONFORMING SIGNS AND SIGNS WITHOUT PERMITS; AND HOMER CITY CODE 21.60.170, ENFORCEMENT AND REMEDIES; AND REPEALING HOMER CITY CODE 21.60.095, ELECTORAL SIGNS; HOMER CITY CODE 21.60.120, GENERAL PERMIT PROCEDURES; HOMER CITY CODE 21.60.140, TEMPORARY SIGNS-PUBLIC RIGHTS-OF-WAY; AND HOMER CITY CODE 21.60.160, VIOLATIONS; REGARDING THE REGULATION OF SIGNS.

THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code 21.60.040, Definitions, is amended to read as follows:

21.60.040 Definitions. ~~In~~ For the purpose of this chapter, in addition to terms defined in HCC §21.03.040, the following words and phrases shall have the meanings set forth in this section ~~chapter.~~

"Abandoned sign-" means a ~~Any sign containing copy~~ that refers to a business or activity that is no longer being conducted or pursued.

"Animated sign-" means a ~~Any sign~~ that uses flashing lights, movement or change of lighting to depict action or create a special effect or scene, or that includes characters, letters, or illustrations whose message changes at least one time per day; provided that a changing- ~~A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature~~ does not cause a sign to be ~~shall be considered a time and temperature portion of a sign and not an animated sign for purposes of this chapter.~~

"Banner-" means a ~~Any sign~~ of lightweight sign that contains a message which is attached or imprinted on a flexible surface that deforms under light pressure and that is typically constructed of non-durable fabric or similar materials, including without limitation cardboard, cloth and plastic. ~~that is mounted to a pole or a building by a permanent frame at~~

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

44 ~~one or more edges.~~ **Banner material attached to a rigid frame on all edges or** A flag shall
45 not be considered a banner.

46 "Beacon-" **means a Any sign that emits** with one or more beams **of light**, capable of
47 being directed in **one or more** any direction or directions or capable of being rotated or moved.

48 "Building marker-" **means a wall** Any sign cut or etched into masonry, bronze, or similar
49 material that includes only the building name, date of construction, or historical data on historic
50 site.

51 "Building sign-" **means a Any sign that is** attached to **and/or supported by** any part of a
52 building, **but that is not a freestanding sign** unless it is supported in whole or in part by
53 structures or supports that are placed on, or anchored in, the ground and that are independent
54 from any building or other structure.

55 "Changeable copy sign-" **means a A sign that includes** or portion thereof with
56 characters, letters, or illustrations that can be changed or rearranged without altering the face or
57 the surface of the sign, **and** A sign on which the message changes **less often** more than one time
58 per day shall be considered an animated sign and not a changeable copy sign for purposes of this
59 chapter; **provided that a A changing sign on which the only copy that changes is an electronic**
60 or mechanical indication of time or temperature **does not cause a sign to be** shall be considered
61 a time and temperature portion of a sign and not a changeable copy sign for purposes of this
62 chapter.

63 "Commercial message-" **means letters, graphic material or a combination thereof** Any
64 sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls
65 attention to a business, brand, product, service or other commercial activity.

66 "Department." The Planning and Zoning division or department of the City.

67 "Electoral sign." Any sign used for the purpose of advertising or promoting a political
68 party, or the election or defeat of a candidate initiative, referendum or proposition at an election.

69 "Flag-" **means the flag** Flags of the United States, the State, the City, a foreign nations
70 having diplomatic relations with the United States, and any other flag adopted or sanctioned by
71 an elected legislative body of competent jurisdiction. A flag shall not be considered a banner for
72 purposes of this chapter.

73 "Freestanding sign-" **means a Any sign** supported, in whole or in part, by structures or
74 supports that are placed on, or anchored in, the ground and that are independent **of** from any
75 building or other structure.

76 "Ground sign-" **means A ground sign** is a freestanding sign that is placed directly on the
77 ground having or appearing to have a foundation or solid base beneath 50 percent or more of the
78 longest horizontal dimension of the sign.

79 "Handbill." Any flyer, notice or brochure advertising or promoting any product, business,
80 cause, political candidate or issue, and intended for distribution to the general public.

81 "Incidental sign-" **means an A sign, generally informational, or directional sign that is**
82 **incidental and subordinate** has a purpose secondary to **a principal** the use of the lot on which
83 it is located, such as "no parking," "entrance," "loading only," "telephone," and other similar

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

84 ~~directives. No sign with a~~ **and that bears no** commercial message **that is** legible from **outside**
85 **that** a position off the lot on which the sign is located shall be considered incidental.

86 "Lot." See HCC § 21.32.030.

87 "Marquee." ~~Any permanent roof like structure projecting beyond a building or extending~~
88 ~~along and projecting beyond the wall of the building, generally designed and constructed to~~
89 ~~provide protection from the weather.~~

90 "Marquee sign." **means a** Any sign attached **in any manner** to, ~~in any manner,~~ or made a
91 part of, a **permanent roof-like structure projecting beyond a building, generally designed**
92 **and constructed to provide protection from the weather** marquee.

93 "Non-conforming sign." ~~Any lawfully pre-existing sign that does not conform to~~
94 ~~regulations of this chapter that became applicable after erection of the sign.~~

95 "**Official traffic control device**" **means a sign not inconsistent with Alaska Statutes**
96 **Title 28, placed or erected by authority of a state or municipal agency or official having**
97 **jurisdiction, for the purpose of traffic regulating, warning and guiding.**

98 "Off-premises sign." **means a** A sign containing a ~~commercial or non-commercial~~
99 message drawing attention to goods or services, business or other activity not offered or
100 conducted on the lot on which the sign is located.

101 "Pennant." **means a** Any lightweight plastic, fabric, or other material, whether or not
102 containing a message of any kind suspended from a rope, wire, or string, usually in series,
103 designed to move in the wind.

104 "**Permanent sign**" **means a sign that is not a temporary sign.**

105 "~~Portable sign.~~" ~~means a Any sign not permanently attached to the ground or other~~
106 ~~permanent structure, or a sign designed to be transported, including signs designed to be~~
107 ~~transported by means of wheels; signs converted to A or T frames; menu and sandwich board~~
108 ~~signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on~~
109 ~~vehicles parked and visible from the public right of way, unless said vehicle is used in the~~
110 ~~normal day-to-day operations of the business.~~

111 "Principal building." **means a** The building in which is conducted the principal use of the
112 lot **is conducted** ~~on which it is located.~~ Lots with multiple principal uses may have multiple
113 principal buildings, but storage buildings, garages, and other accessory structures shall not be
114 considered principal buildings.

115 "Projecting sign." **means a** Any **building** sign **attached** affixed to a building or wall **and**
116 **that protrudes** ~~in such a manner that its leading edge extends more than six inches beyond the~~
117 surface of ~~the~~ **such** building or wall.

118 "Public sign." **means A** Public Sign is an **off-premises** ~~off premises~~ sign **other than an**
119 **official traffic control device,** that provides direction **or information,** or identifies public
120 facilities such as parks; playgrounds, libraries, or schools or ~~to a~~ distinct area of the City, such as
121 Pioneer Avenue, the Homer spit, Old Town and entrances to the City. ~~Public Signs may identify~~
122 ~~categories of services available, but may not carry any other commercial message. Public signs~~
123 ~~are non-regulatory.~~

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

124 "Residential sign-" means a Any-sign located in the Rural Residential, Residential Office
125 or Urban Residential zoning districts that contains no commercial message except for advertising
126 for goods or services legally offered on the premises where the sign is located, if offering such
127 services at such location conforms ~~to with~~ all requirements of the zoning code.

128 "Roof sign, integral." means a Any-sign erected and constructed as an integral part of a
129 ~~normal~~ the roof of a building structure, such that no part of the sign extends vertically more than
130 two feet above the highest portion of that roof of which it is a part.

131 "Setback-" means the ~~The~~ distance between a sign located on a lot and the closest lot
132 ~~line and the sign.~~

133 "Sign-" means a Any-device, fixture, placard, or structure that uses any color, form,
134 graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the
135 purpose of a person or entity, or to communicate information of any kind to the public.

136 "Suspended sign." A sign that is suspended from the underside of a horizontal plane
137 surface and is supported by such surface.

138 "Temporary sign-" means a Any-sign that is not affixed permanently to a building or
139 to a permanent support or foundation, ~~used only temporarily and is not permanently mounted~~
140 including without limitation menu or sandwich board signs.

141 "Wall sign-" means a Any-sign attached parallel to, but within six inches of, a wall,
142 painted on the ~~wall-surface of,~~ or erected and confined within the limits of an outside wall of any
143 building or structure, which is supported by such ~~wall or building or structure,~~ and which
144 displays only one sign surface.

145 "Window sign-" means a Any-sign, pictures, symbol, or combination thereof, ~~designed to~~
146 ~~communicate information about an activity, business, commodity, event, sale, or service,~~ that is
147 placed inside a window or upon the window panes or glass and is visible from the exterior of the
148 building window.

149
150 Section 2. The title and subsection (a) of Homer City Code 21.60.060, Signs allowed on
151 private property with and without permits, are amended to read as follows:

152
153 21.60.060 Signs allowed on private property with and without permits. a. Signs shall be
154 allowed on private property in the City ~~in accordance with,~~ and only in accordance with Table 1.
155 If the letter "A" appears for a sign type in a column, such sign type is allowed without prior
156 permit approval in the zoning district represented by that column. If the letter "P" appears for a
157 sign type in a column, such sign type is allowed only with prior permit approval in the zoning
158 districts represented by that column. Special conditions may apply in some cases. If the letter
159 "N" appears for a sign type in a column, such a-sign type is not allowed in the zoning districts
160 represented by that column under any circumstances. If the letters "PH" appear for a sign
161 type in a column, such sign type is allowed in the zoning districts represented by that
162 column only with prior approval by the Commission after a public hearing.

163 b. Although permitted under the previous paragraph, a sign designated by an "AP"
164 or "PS" in Table 1 shall be allowed only if:

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

165 1. The sum of the area of all building and free standing signs on the lot **does**
 166 **not exceed** ~~conforms with~~ the maximum permitted sign area for the zoning district in
 167 which the lot is located as specified in Table 2; **and**

168 2. The characteristics of the sign conform ~~to with~~ the limitations of Table 3;
 169 Permitted Sign Characteristics, and with any additional limitations on characteristics
 170 listed in Table 1 or Table 2.

171 c. Any sign **type that is** not listed on the following tables **is prohibited** ~~are not~~
 172 ~~permitted, with or without a permit.~~

173
 174 **Section 3.** The Key to Tables 1 through 3 that follows Homer City Code 21.60.060,
 175 Signs on private property, is amended to read as follows:
 176

KEY to Tables 1 through 3	
RR Rural Residential	GBD Gateway Business District
UR Urban Residential	GC1 General Commercial 1
RO Residential Office	GC2 General Commercial 2
INS Institutional Uses Permitted in Residential Zoning Districts (a)	<u>EEMU East End Mixed Use</u>
CBD Central Business District	MC Marine Commercial
TC Town Center District	MI Marine Industrial
	OSR Open Space Recreation
	PS Public Sign Uses Permit
<u>AP</u> = Allowed without sign permit	
<u>PS</u> = Allowed only with sign permit	
N = Not allowed	
PH = Allowed only upon approval by the Planning Commission after a public hearing	
For parenthetical references, e.g., "(a)," see Notes following graphical portion of table.	

177
 178
 179 **Section 4.** Table 1 following Homer City Code 21.60.060, Signs on private property, is
 180 amended to read as follows:

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

Sign Type	RR	UR	RO	INS (a)	CBD	TC	GBD	GC 1	GC 2	<u>EEM</u> <u>U</u>	MC	MI	OSR	I
<u>Freestanding</u>														
Residential (b)	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	N	N	<u>N</u>	N	N	<u>AP</u>	I
Other (b)	N	N	N	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u> (ik)	<u>PS</u>	<u>PS</u>	<u>P</u>	<u>PS</u>	<u>PS</u>	N	I
Incidental (c)	N	N	<u>AP(d)</u>	<u>AP</u> (d)	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>A</u>	<u>AP</u>	<u>AP</u>	N	I
<u>Building</u>														
Banner	N	N	N	N	<u>NS</u>	<u>NS</u>	N	<u>NS</u>	<u>NS</u>	<u>N</u>	<u>NS</u>	<u>NS</u>	N	I
Building Marker (e)	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>A</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	I
Identification (d)	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>A</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	I
Incidental (c)	N	N	<u>AP</u> (f)	<u>AP</u> (e)	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>A</u>	<u>AP</u>	<u>AP</u>	N	I
Marquee (g)	N	N	N	N	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>P</u>	<u>PS</u>	<u>PS</u>	N	I
Projecting (g)	N	N	N	N	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>P</u>	<u>PS</u>	<u>PS</u>	N	I
Residential (b)	<u>AP</u>	<u>AP</u>	<u>AP</u>	N	<u>AP</u>	<u>AP</u>	<u>AP</u>	N	N	<u>N</u>	N	N	<u>AP</u>	I
Roof	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	I
Roof, Integral	N	N	N	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>P</u>	<u>PS</u>	<u>PS</u>	N	I
Suspended (g)	N	N	N	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>P</u>	<u>PS</u>	<u>PS</u>	N	I
Temporary (gh)	<u>AN</u>	<u>AN</u>	<u>AN</u>	<u>AN</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>A</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	I
Wall	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>P</u>	<u>PS</u>	<u>PS</u>	<u>AP</u>	I
Window	N	N	<u>AP</u>	N	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>P</u>	<u>PS</u>	<u>PS</u>	N	I
<u>Miscellaneous</u>														
Banner (e)	N	N	N	N	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>P</u>	<u>PS</u>	<u>PS</u>	N	I
Flag (hi)	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>A</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	I
Portable	N	N	N	N	S	S	S	S	S		S	S	N	I

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

181 Notes to Table 1:

- 182 a. This column does not represent a zoning district. It applies to institutional uses permitted under
 183 the zoning code in the RR, UR and RO zoning districts. Institutional is defined as an established
 184 organization or corporation of a public, non-profit, or public safety/benefit nature, i.e., schools, churches,
 185 and hospitals.
- 186 b. No commercial message allowed on sign, except for a commercial message drawing attention to
 187 goods or services legally offered on the lot, ~~except signs approved by the state of Alaska Department of~~
 188 ~~Transportation and signs that meet the requirements of HCC § 21.60.092.~~
- 189 c. No commercial message of any kind allowed on sign if such message is legible from any location
 190 off the lot on which the sign is located.
- 191 d. Only address and name of occupant allowed on sign.
- 192 e. May include only building name, date of construction, or historical data on historic site; must be
 193 cut or etched into masonry, bronze, or similar material.
- 194 f. No commercial message of any kind allowed on sign.
- 195 ~~g. If such a sign is suspended or projects above a public right of way, the issuance and continuation~~
 196 ~~of a sign permit shall be conditioned on the sign owner obtaining and maintaining in force liability~~
 197 ~~insurance for such a sign in such form and such amount as the City planner may reasonably from time to~~
 198 ~~time determine, provided that the amount of such liability insurance shall be at least \$500,000 per~~
 199 ~~occurrence per sign.~~
- 200 ~~gh.~~ The conditions of HCC § 21.60.130 of this ordinance apply.
- 201 ~~hi.~~ Flags of the United States, the state, the city, foreign nations having diplomatic relations with the
 202 United States and any other flag adopted or sanctioned by an elected legislative body of competent
 203 jurisdiction. These flags must be flown in accordance with protocol established by the Congress of the
 204 United States for the stars and stripes. Any flag not meeting any one or more of these conditions shall be
 205 considered a banner sign and shall be subject to regulations as such.
- 206 ~~j. Permitted on the same terms as a temporary sign, in accordance with HCC § 21.60.130, except~~
 207 ~~that it may be free standing.~~
- 208 ~~jk.~~ The main entrance to a development in GBD may include one ground sign announcing the name
 209 of the development. such sign shall consist of natural materials. Around the sign grass, flowers and shrubs
 210 shall be placed to provide color and visual interest. The sign must comply with applicable sign code
 211 requirements.

212
 213 Section 5. Table 2 following Homer City Code 21.60.060, Signs on private property, is
 214 amended to read as follows:

Table 2. Maximum Total Sign Area Per Lot by Zoning District						
<u>Table 2 Part A</u>						
The maximum combined total area of all signs, in square feet, except incidental, building marker and flags (b) shall not exceed the following according to district:						
R	UR	RO	RO (e)	INS (a)	OSR	PS (d)
4	4	6	50	20	4	32

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

Table 2 Part B

In all other districts not described in Table 2 Part A, the maximum combined total area of all signs, in square feet, except incidental, building marker and flags, shall not exceed the following:

<u>Square feet of wall frontage (c):</u>	<u>Maximum allowed sign area per lot Principle Building:</u>
750 s.f. and over	150 s.f.
650 to 749	130 s.f.
550 to 649	110 s.f.
450 to 549	90 s.f.
350 to 449	70 s.f.
<u>2000</u> to 349	50 s.f.
<u>0</u> to <u>199</u>	<u>30 s.f.</u>

In all districts covered by Table 2 Part B, on any lot with multiple principal buildings or with multiple independent businesses or occupancies in one or more buildings, the total allowed sign area may be increased beyond the maximum allowed signage as shown in Table 2 Part B, by 20%. This additional sign area can only be used to promote or identify the building or complex of buildings.

In all districts covered by Table 2 Part B, freestanding signs, when otherwise allowed, shall not exceed the following limitations:

Only one freestanding sign is allowed per lot, except one freestanding Public Sign may be additionally allowed. A freestanding sign may not exceed ten (10) feet in height. The sign area on a freestanding sign (excluding a Public Sign) shall be included in the calculation of maximum allowed sign area per lot and shall not exceed the following:

- One business or occupancy in one building – 36 sq ft
- Two independent businesses or occupancies or principal buildings in any combination – 54 sq ft
- Three independent businesses or occupancies or principal buildings in any combination – 63 sq ft
- Four or more independent businesses or occupancies or principal buildings in any combination – 72 sq ft

215
 216 Section 6. Table 3 following Homer City Code 21.60.060, Signs on private property, is
 217 amended to read as follows:
 218

Table 3.												
Sign Type	RR	UR	RO	INS (a)	CBD	TC	GBD	GC1	GC2	<u>EEMU</u>	MC	MI
Animated (b)	N	N	N	N	<u>PS</u>	<u>PS</u>	N	<u>PS</u>	N	<u>P</u>	<u>PS</u>	N
Changeable Copy (c)	N	N	N	N	<u>PS</u>	<u>PS</u>	N	<u>PS</u>	<u>PS</u>	<u>P</u>	<u>PS</u>	<u>PS</u>
Illumination Internal	N	N	N	<u>PS</u>	<u>PS</u>	<u>PS</u>	N	<u>PS</u>	<u>PS</u>	<u>P</u>	<u>PS</u>	<u>PS</u>
Illumination External	N	N	N	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>P</u>	<u>PS</u>	<u>PS</u>

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

Neon (d)	N	N	N	N	PS	PS	N	PS	PS	P	PS	PS
Notes to Table 3												
<p>a. The INS column does not represent a zoning district. It applies to institutional uses permitted under the zoning code in the RR, UR and RO zoning districts. Institutional is defined as an established organization or corporation of a public, non-profit or public safety/benefit nature, <i>i.e.</i>, schools, churches and hospitals.</p> <p>b. Animated signs may not be neon or change colors or exceed three square feet in area.</p> <p>c. Changeable Copy signs must be wall or pole mounted, and may not be flashing.</p> <p>d. Neon signs may not be flashing and may not exceed 32 square feet.</p> <p>e. The PS column does not represent a zoning district. It applies to Public Signs permitted under the zoning code, in all zoning districts.</p>												

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Section 7. Homer City Code 21.60.070, Permits required, is amended to read as follows:

21.60.070 Sign permits ~~Permits required.~~ a. No person may place, construct, erect or modify a sign for which ~~If a sign requiring a provision of this chapter requires a permit without first obtaining a permit for the sign under this section the provisions of this chapter is to be placed, constructed, erected, or modified on a lot, the owner of the lot shall secure a sign permit prior to the construction, placement, erection, or modification of such a sign in accordance with the requirements of HCC § 21.60.120.~~

b. Applications. An application for a sign permit shall be submitted to the Department on an application form or in accordance with application specifications published by the Department. An application for a permit for a sign that is not an off-premises sign shall be submitted by the owner of the lot where the sign is to be located, or by a tenant leasing all or part of the lot when the sign names, advertises, or calls attention to a business, brand, product, service or other commercial activity of the tenant. ~~No sign shall be erected in the public right of way except in accordance with HCC § 21.60.090 and the permit requirements of HCC § 21.60.140.~~

c. Fees. An application for a sign permit shall be accompanied by the applicable fees established by the Homer City Council from time to time by resolution.

d. Action. Within seven working days after the submission of a complete application for a sign permit, the Department shall:

1. If the sign is allowed only with the prior approval of the Commission after a public hearing, refer the application to the next available Commission meeting for a public hearing.

2. If the sign is subject to administrative permit approval, either

i. Issue the sign permit, if each sign that is the subject of the application conforms in every respect with the requirements of this chapter; or

ii. Reject the sign permit if a sign that is the subject of the application fails in any way to conform to the requirements of this chapter.

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

249 **In case of rejection, the Department shall specify in the rejection the section**
250 **or sections of this chapter to which the sign does not conform.**
251

252 Section 8. Subsection (b) of Homer City Code 21.60.080, Design, construction, and
253 maintenance, is amended to read as follows:
254

255 b. Except for ~~banners~~ flags, temporary signs and window signs conforming in all respects
256 to ~~with~~ the requirements of this chapter, all signs shall be constructed of permanent materials and
257 shall be permanently attached to the ground, a building, or another structure by direct attachment
258 to a rigid wall, frame, or structure.
259

260 Section 9. Homer City Code 21.60.090, Signs in the public right-of-way, is amended to
261 read as follows:
262

263 21.60.090 Permanent sSigns in the public rights-of-way. No person may place,
264 construct or erect a permanent sign shall be allowed in a the public right-of-way, except for
265 the following:
266

266 a. ~~Permanent Signs. Only the following permanent signs, including:~~

267 a1. Official traffic control devices.

268 b. Public signs erected by or on behalf of a governmental body to post legal notices,
269 identify public property, convey public information, and direct or regulate pedestrian or
270 vehicular traffic;

271 c2. Informational signs of a public utility regarding its poles, lines, pipes, or facilities;
272 and

273 d3. Signs containing commercial messages that have been ~~must be~~ approved by the
274 State of Alaska Department of Transportation, ~~Tourist Oriented Directional Signing Program.~~

275 ~~b. Temporary Signs. Temporary signs for which a permit has been issued in~~
276 ~~accordance with HCC § 21.60.140, which shall be issued only for signs meeting the following~~
277 ~~requirements:~~

278 1. ~~The signs shall contain no commercial message; and~~

279 2. ~~The signs shall be no more than two square feet in area each.~~

280 3. ~~Notwithstanding (1) and (2), such signs calling attention to civic events~~
281 ~~shall be no more than four square feet in area, if freestanding, or if street banner, may not~~
282 ~~exceed the width of traveled portion of road.~~

283 ~~e. Emergency signs. Emergency warning signs erected by a governmental agency, a~~
284 ~~public utility company, or a contractor doing authorized or permitted work within the~~
285 ~~public right-of-way.~~

286 ~~d. Other Signs Forfeited. Any sign installed or placed on public property, except in~~
287 ~~conformance with the requirements of this section, shall be forfeited to the City and subject to~~
288 ~~confiscation. In addition to other remedies hereunder, the City shall have the right to recover~~
289 ~~from the owner or person placing such a sign the full costs of removal and disposal of such sign.~~

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

290
291 Section 10. Homer City Code 21.60.095, Electoral signs, is repealed. Subsection (d) of
292 Homer City Code 21.60.095, Electoral Signs, is amended to read as follows:

293
294 d. An electoral sign shall not exceed 32-16 square feet in area and shall not
295 exceed the height limitation applicable to non-electoral signs within the same zoning
296 district.

297
298 Section 11. Homer City Code 21.60.100, Signs exempt from regulation under this
299 chapter, is amended to read as follows:

300
301 21.60.100 Signs exempt from regulation under this chapter. The following signs shall be
302 exempt from regulation under this chapter:

303 a. Any sign bearing only a public notice or warning required by a valid and
304 applicable federal, state, or local law, regulation, or ordinance.

305 b. Any emergency warning sign erected by a governmental agency, a public
306 utility company, or a contractor doing authorized or permitted work within a public
307 right-of-way.

308 c. Any sign inside a building, not attached to a window or door, that is not legible
309 from a distance of more than three feet beyond the lot line of the lot or parcel on which such sign
310 is located,

311 de. Works of art that do not contain a commercial message;

312 ed. Holiday lights between October 15 and April 15;

313 fe. Traffic control signs on private property, such as a stop sign, a yield sign, and
314 similar signs, the face of which meet Department of Transportation standards and that contain no
315 commercial message of any sort.

316 gf. Signs in existence before February 11, 1985, but such signs shall not be replaced,
317 moved, enlarged, altered, or reconstructed except in compliance with this chapter.

318
319 Section 12. Homer City Code 21.60.110, Signs prohibited under this chapter, is amended
320 to read as follows:

321
322 21.60.110 Signs prohibited under this chapter. All signs not expressly permitted under
323 this chapter or exempt from regulation hereunder in accordance with HCC § 21.60.100 are
324 prohibited in the City. Without limiting the foregoing, examples of prohibited signs include:

325 a. Banners;

326 ba. Beacons;

327 cb. Pennants;

328 de. Strings of lights not permanently mounted to a rigid background, except those
329 exempt under HCC § 21.60.100;

330 ed. Inflatable signs and tethered balloons;

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

331 fe. Animated signs that are neon, change colors, or exceed three square feet in area;
332 gf. Placement of hand bills, flyers, or bumper stickers on parked vehicles other than
333 by owner;

334 **h. Signs placed on or painted on a motor vehicle or trailer parked with the primary**
335 **purpose of providing signage not otherwise allowed by the Code; Prohibited is any sign displayed**
336 **on a parked trailer or truck or other vehicle where the primary purpose of the vehicle is to**
337 **advertise a product, service, business, or other activity. This regulation shall permit the use of**
338 **business logos, identification or advertising on vehicles primarily and actively used for business**
339 **purposes and/or personal transportation.**

340 ig. Abandoned signs, which shall be removed by the owner or lessee, if any, of the
341 lot upon which the signs are located. If such owner or lessee fail to remove such signs after an
342 opportunity for a hearing before the Planning Commission and fifteen days written notice to
343 remove given by the City, then (i) the owner or lessee has committed a violation, and (ii) the City
344 may remove the signs and collect the cost of removal from such owner or lessee, who shall be
345 jointly and severally liable for such cost.

346
347 Section 13. Homer City Code 21.60.120, General permit procedures, is repealed.

348
349 Section 14. Homer City Code 21.60.130, Temporary signs-private property, is amended
350 to read as follows:

351
352 21.60.130 Temporary signs-Private property. a. **General. All temporary signs are**
353 **subject to the following requirements:**

354 **1. A temporary sign may not be an illuminated, animated, or changeable**
355 **copy sign.**

356 **2. Unless a smaller area is required by another provision of this chapter,**
357 **the area of a temporary sign shall not exceed 16 square feet.**

358 **3. A temporary sign whose message pertains to a specific date, event, or**
359 **time period shall not be displayed for more than seven days after that date or the**
360 **conclusion of the event or time period.**

361 **b. Commercial. A temporary signs that bears a commercial message is not**
362 **allowed except: on private property shall be:**

363 **a. Term. A temporary sign shall not be displayed for more than 14 days in any 90-**
364 **day period, except a sign offering for sale or lease the lot on which the sign is located,**
365 **which is allowed as long as the property is for sale or lease.**

366 **b. Number. Only one temporary sign per lot is allowed.**

367 **1. One sign advertising the property on which the sign is located for sale**
368 **or for rent; or**

369 **2. One sign advertising a temporary sale of household goods located on**
370 **the lot where the sale is held.**

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

371 c. Non-commercial. Temporary signs that do not bear a commercial message
372 are allowed on private property in any number, subject to the square footage limitations in
373 this chapter.

374
375 Section 15. Homer City Code 21.60.140, Temporary signs-Public right-of-way, is
376 repealed.

377
378 Section 16. Homer City Code 21.60.150, Time of compliance-Nonconforming signs and
379 signs without permits, is amended to read as follows.

380
381 21.60.150 Time of compliance-Nonconforming signs and signs without permits. a.
382 Except as otherwise provided herein, the owner of any lot or other premises on which exists a
383 sign that does not conform to with the requirements of this chapter or for which there is no
384 current and valid sign permit must remove such sign or, in the case of a nonconforming sign,
385 bring it into conformity with the requirements of this chapter.

386 b. Signs that were prohibited by Ordinance 84-33(S), as amended by Ordinances 86-
387 18; and 89-8, and that are prohibited by in this chapter are illegal and must be removed
388 immediately.

389 c. Any sign that was constructed and continues to be maintained in accordance with
390 the applicable ordinances and other laws that existed prior to an amendment to this code, but
391 which becomes unlawful as a result of an amendment to this code, is lawfully nonconforming. A
392 sign that is lawfully nonconforming under this subsection may remain in place and continue to
393 be maintained until the information on the face of the sign is changed, or for a period of one
394 year after the effective date of the amendment, whichever occurs first. If any action is taken that
395 increases the degree or extent of the nonconformity with the amended code, the sign loses lawful
396 nonconforming status and must be removed immediately. ~~A change in the information on the~~
397 ~~face of an existing nonconforming sign is allowed.~~ At the end of the period during which the
398 lawfully nonconforming sign is allowed to remain in use, the sign shall either be removed or the
399 owner must obtain a permit, if required, and complete all other steps and make any modifications
400 necessary to bring it into full compliance with this code.

401 d. Any sign that was constructed and continues to be maintained in accordance with
402 the applicable laws that governed territory prior to its annexation to the City, but which becomes
403 unlawful under this code as a result of annexation to the City, is lawfully nonconforming. A sign
404 that is lawfully nonconforming under this subsection may remain in place and continue to be
405 maintained until the information on the face of the sign is changed, or for a period of one year
406 after the later of (i) the effective date of the annexation of the territory or (ii) the effective date of
407 the ordinance that assigns the territory in which the sign is located to a zoning district under the
408 Homer zoning code, whichever occurs first. If any action is taken that increases the degree or
409 extent of the nonconformity with the code, the sign loses lawful nonconforming status and must
410 be removed immediately. ~~A change in the information on the face of an existing nonconforming~~
411 ~~sign is allowed.~~ At the end of the period during which the lawfully nonconforming sign is

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

412 allowed to remain in use, the sign shall either be removed or the owner must obtain a permit, if
413 required, and complete all other steps and make any modifications necessary to bring it into full
414 compliance with this code.

415 **e. Notwithstanding the remainder of this section, a nonconforming banner or**
416 **temporary sign shall be removed no later than March 1, 2012.**

417

418 **Section 17.** Homer City Code 21.60.160, Violations, is repealed.

419

420 **Section 18.** Homer City Code 21.60.170, Enforcement and remedies, is amended to read
421 as follows:

422

423 **21.60.170 Enforcement and remedies. In addition to the remedies provided in HCC**
424 **Chapter 21.90, violations of this chapter are subject to the following remedies:**

425 a. **A person designated to enforce this title under HCC 21.90.020 may remove a**
426 **temporary sign placed in a public right-of-way in violation of this chapter. The person**
427 **responsible for the illegal placement shall be liable for the cost incurred in removing the**
428 **sign.** Any violation or attempted violation of this chapter or of any condition or requirement
429 adopted pursuant hereto may be restrained, corrected, or abated, as the case may be, by
430 injunction or other appropriate proceedings pursuant to law.

431 b. **Notwithstanding any other provision of this title:**

432 1. **An appeal to the Planning Commission from an enforcement order**
433 **that requires the abatement or removal of a temporary sign placed on private**
434 **property in violation of this chapter must be filed within seven days after the date of**
435 **distribution of the enforcement order to the person whose property is the subject of**
436 **the enforcement order.**

437 2. **An appeal from a final decision of the Planning Commission**
438 **regarding an enforcement order that requires the abatement or removal of a**
439 **temporary sign placed on private property in violation of this chapter must be taken**
440 **directly to the Superior Court** A violation of this chapter shall be considered a violation
441 of the zoning code of the City, subject prosecution and, upon conviction, subject to fines
442 pursuant to HCC § 21.90.100.

443 c. ~~The City shall have and may exercise all remedies provided for or allowed by City~~
444 ~~code or other law for the violation of the zoning code.~~

445 d. ~~All remedies provided herein shall be cumulative. To the extent that state law may~~
446 ~~limit the availability of a particular remedy set forth herein for a certain violation or a part~~
447 ~~thereof, such remedy shall remain available for other violations or other parts of the same~~
448 ~~violation.~~

449

450 **Section 19.** Sections 1 through 18 of this Ordinance are of a permanent and general
451 character and shall be included in the City Code.

452

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



City of Homer Planning & Zoning

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Web Site www.ci.homer.ak.us

MEMORANDUM 12-007

TO: Mayor Hornaday and Homer City Council
THRU: Walt Wrede, City Manager
FROM: Rick Abboud, City Planner
DATE: January 4, 2012
SUBJ: Draft Ordinance 12-01, Sign Ordinance

Introduction

The Planning Commission is forwarding the Draft Ordinance 12-01 for review. The HAPC has had 17 work sessions, 14 regular meetings, 2 public workshops, a joint session with Council, and a public hearing regarding this issue.

Why

Work on the ordinance started out as a response to some specific items. Staff was looking for a directive to deal with noncompliant signage that had not been comprehensively addressed for many years, mostly dealing with the Spit and sandwich boards. The Planning Office was unable to issue a sign permits for new boardwalk businesses because we found that most all boardwalks were far past the sign allowance found in code and thus we could not condone any sign past the legal limits. Additionally, we were getting a large number of complaints about illegal sandwich board signs that were found off-site, in the rights-of-way, on the sidewalk, being displayed beyond the amount of time allowed in code, and in numbers exceeding limits in code. Complaints and comments were provided by a wide array of people including those on the council and commission along with business owners (especially competing businesses) and the general public

What

Measure signage per building from per lot

To make it less complicated and easier to enforce and permit on the spit, changes were made to table 2 part B, line 216 that allows signage to be measured per Principle Building instead of Per Lot. It is proposed that signage be displayed in proportion to the size of individual structures and not limited to 150 square feet per lot (some spit lots have over 12 buildings).

Temporary Signs

Generally, temporary signs are those that are temporary in physical nature and in display term. They are only allowed on-site within the boundary of the parcel and should not be placed on a sidewalk, ROW, or blocking a sight triangle. Additionally, they need to fit within the total amount of allowed signage per lot. These are universal concepts that are not proposed to be compromised. Now it gets more complicated, as I try to explain what is currently allowed to what is proposed.

Currently, one may use a temporary sign on private property (one per lot) for up to 14 days in a

ninety day period for advertising, except real estate signs which are allowed until sale and electoral signage (allowed 60 days prior to election and must be removed in week after), which are allowed in any amount up to 32 square feet each. The Commission does not propose changes in real estate or electoral sign other than paring down the size of electoral sign to a max of 16 square feet, which is the maximum allowable size of any other temporary sign.

The Commission has recommended regulating commercial and non-commercial messages differently. Temporary Signs are divided into General (21.60.130 (a)), conditions that apply to all temporary signs; Commercial (21.60.130 (b)), only allowing garage sales and real estate signs; and Non-commercial (21.60.130 (c)), most non-commercial messages will be displaying information about an event and would be regulated as indicated in the General section. Things get a bit difficult in deciding just which types of signs may be non-commercial considering the vast amount of fund raising events and activities in Homer. This is left to the City Planner to evaluate. I am concerned about where the line is drawn on non-commercial messages and plan to confer with the City Attorney about the implications prior to the worksession.

There is a current provision for permitting temporary signs in the rights-of-way (ROW). This has been struck because most everyone applying would want a sign in the State ROW, which we do not have the authority to grant (we can only be more restrictive than the state, not less).

Banner

The definition of a banner has changed. Basically, banners must be affixed to a rigid surface all around all edges; once this happens it meets the definition of a sign and will be regulated as such. No more banners blowing with or in the wind.

Appeals

The enforcement procedure has been streamlined with the thought of being able to resolve enforcement in a more reasonable time frame. Someone will have 7 days to file an appeal with the Clerk just as we have 7 days to issue a permit. Once appealed to the Planning Commission (if the decision is not reversed) the item would then go directly to Superior Court. As proposed, the process for appeal to the Planning Commission could take up to 6 months and 7 days before going to court. Currently, the time frame for two appeal hearings, one before the Planning Commission and then before the BOA could take up to a year and seven days get to court. In a nutshell, the proposed change cuts the time to submit the appeal request to the Clerks from 30 days to 7 days and eliminates an additional appeal to the BOA.

Other

Other changes are mostly clarifications to definitions recommended by the Planning Staff, Commission, or Attorney and are not intended to be policy changes.

Staff recommendation:

Adopt Ordinance 12-01

Attachments

1. Draft Ordinance 11-XX
2. Staff Report 11-108 and minutes
3. Staff Report 11-106 and minutes
4. Staff Report 11-99 and minutes
5. Staff Report 11-93 and minutes
6. Staff Report 11-82 and minutes
7. Staff Report 11-78 and minutes
8. Staff Report 11-68 (Work Session)
9. Staff Report 11-61 and minutes
10. Staff Report 11-53 and minutes
11. Staff Report 11-46 and minutes
12. Staff Report 11-42 and minutes
13. Staff Report 11-37 (Work Session)
14. Staff Report 11-31 (Joint Work Session with City Council)
15. Staff Report 11-16 (Work Session)
16. Staff Report 10-105 and minutes
17. Staff Report 10-97 and minutes
18. Staff Report 10-88 (Work Session)
19. Staff Report 10-97 and minutes



To reduce copying costs and save a tree,
backup information to Memorandum 12-007 was
excluded from this packet.

Please refer to the January 9th City Council packet
for all the backup information pertaining to Ordinance
12-01(S)(A).

MEMORANDUM 12-008

TO: MAYOR AND CITY COUNCIL MEMBERS

FROM: THOMAS F. KLINKNER

RE: SUBSTITUTE ORDINANCE AMENDING CITY SIGN CODE

CLIENT: CITY OF HOMER

FILE NO.: 506,742.521

DATE: JANUARY 4, 2012

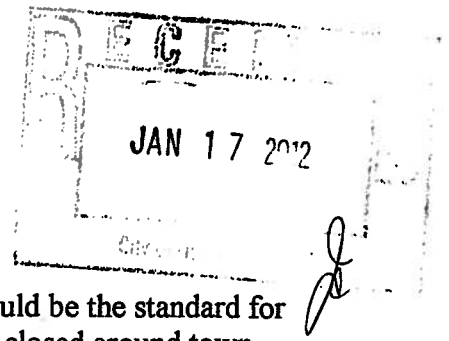
Presented among ordinances for introduction at the January 9, 2012 Council meeting is an ordinance that makes numerous amendments to HCC 21.60, the City's sign code. The Homer Advisory Planning Commission developed these amendments with the advice and assistance of the Planning Department and the City Attorney. Accompanying this memorandum is a substitute ordinance amending the sign code, which includes the following changes that I recommend to the ordinance recommended by the Commission.

1. Definition of window sign (Section 1, page 4, lines 146-149). This definition is revised to delete language that is redundant with the definition of "sign" in the same code section and to clarify that the definition does not apply to a sign that is visible only within a building.

2. Section 4, table and annotations. This table (page 6) and the annotations to this table are revised as follows:

- Freestanding/Other. The correct annotation reference letter is "i" rather than "j".
- Freestanding/Incidental. The "c" annotation reference under "INS" is redundant and is deleted.
- Building/Marquee and Building/Suspended. The former "g" annotation (page 7, lines 196-200), which imposed a liability insurance requirement for certain marquee and suspended signs, has been deleted, so the "g" annotation reference for these two rows also should be deleted.
- "b" annotation (page 7, lines 188-189). The last part of this annotation conflicts with the definition of "residential sign" in HCC 21.60.040, and should be deleted.
- Former "j" annotation (page 7, lines 207-208). This annotation applied to "portable signs", a category of sign that has been combined with temporary signs in the revised sign code, and should be deleted.

3. Section 7, page 9, lines 234-236. The deletion of the language stricken through was omitted inadvertently from the ordinance.



To the Homer City Council and Zoning Office,

As a concerned citizen of the city, here is what I believe should be the standard for Homer's sign ordinance. I see many businesses that are for sale or closed around town, and am afraid there will be many more if we don't do all that is possible to help them. There is only one way that the merchants are going to survive this very difficult economic time in our history, and that is to help them gain every dollar from the coming tourist season, and also from what local business there is. If they want to advertise a sale, let them. If they want the public know they are open, let them. Whatever message they need to have in front of, or on their place of business to attract all the customers they can let them do it. I don't understand why we would ever have a sign ordinance that would be detrimental to the very livelihood of our own citizens. I also don't understand why the City of Homer would not do all that is possible to help these owners, not hinder them. If they don't get every tourist dollar they can, they won't make it. Every dollar that is not spent and stays in the tourists pocket will subtract from the sales tax collected, and the city needs every dime it can find to just keep the basic services going right now. These are hard, hard times, do all that you can to help them. I don't want giant billboards put up and don't think that is appropriate at all. I don't think however that there is anything at all wrong or unattractive with sandwich signs out by the street, or temporary signs that are put on the place of business, We have got to let these business owners have every opportunity to attract the visiting public to their shops. I urge you to adopt these measures and try to keep these hard working people in business, and to also get every bit of tax money we can for our city instead of letting it go up the road to be spent somewhere else. I hope, anything other than that doesn't make any sense to anyone that lives here or that is on the City Council. Help these people make it, don't contribute to their going out of business.

ALL CITY COUNCIL

PLEASE READ

ORDINANCE REFERENCE SHEET
2012 ORDINANCE
ORDINANCE 12-02

An Ordinance of the City Council of Homer, Alaska, Amending the FY 2012 Operating Budget by Appropriating \$114,288 from the Sewer Reserve Account for the Polymer Equipment Replacement Project.

Sponsor: City Manager/Public Works Director

1. City Council Regular Meeting January 9, 2012 Introduction
 - a. Memorandum 12-003 from Public Works Director as backup
2. City Council Regular Meeting January 23, 2012 Public Hearing and Second Reading
 - a. Ordinance 12-02(A)
 - B. Memorandum 12-003 from Public Works Director as backup

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**CITY OF HOMER
HOMER, ALASKA**

City Manager/
Public Works Director

ORDINANCE 12-02(A)

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING THE FY 2012 OPERATING BUDGET BY APPROPRIATING \$114,288 FROM THE SEWER RESERVE ACCOUNT FOR THE POLYMER EQUIPMENT REPLACEMENT PROJECT.

WHEREAS, Feeding polymer into the wastewater treatment process is critical to protecting Kachemak Bay from pollution. The original polymer feed equipment at the wastewater treatment plant (installed when the plant was constructed in the 1980's) needs to be replaced; and

WHEREAS, The 2011 capital budget contained \$35,000 for the design/replacement of this equipment; and

WHEREAS, The cost to design, purchase and install the equipment is estimated to be \$149,288 (as reflected in Memorandum 12-003 prepared by the Public Works Director).

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The FY ~~2011~~ **2012** Operating Budget is hereby amended by appropriating \$114,288 from the Sewer Reserve Account for the replacement of polymer feed equipment at the wastewater treatment plant, as follows:

Expenditure:

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
256-379	Polymer Equipment Replacement	\$114,288

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

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of _____ 2012.

CITY OF HOMER

JAMES C. HORNADAY, MAYOR

47 ATTEST:

48

49

50

51 JO JOHNSON, CMC, CITY CLERK

52

53

54

55 YES:

56 NO:

57 ABSTAIN:

58 ABSENT:

59

60

61

62 First Reading:

63 Public Hearing:

64 Second Reading:

65 Effective Date:

66

67

68 Reviewed and approved as to form:

69

70

71

72 Walt E. Wrede, City Manager

Thomas F. Klinkner, City Attorney

73

74

75 Date: _____

Date: _____



CITY OF HOMER
PUBLIC WORKS
 3575 HEATH STREET HOMER, AK 99603

TELEPHONE (907)235-3170
 FACSIMILE (907)235-3145

MEMORANDUM 12-003

TO: Walt Wrede, City Manager
 FROM: Carey Meyer, Public Works Director
 DATE: December 28, 2011
 RE: **Polymer Feed Equipment Replacement
 Wastewater Treatment Plant**

Feeding polymer into the wastewater treatment process is critical to protecting Kachemak Bay from pollution. The original polymer feed equipment at the wastewater treatment plant (installed when the plant was constructed in the 1980's) needs to be replaced.

The 2011 capital budget contained \$35,000 for the design/replacement of this equipment. The cost to replace this equipment is considerably higher than originally projected.

Public Works has obtained quotes from three manufacturers. Below are the results:

Siemens	\$118,000
Acrison	\$113,000
Fluid Dynamics	\$101,800

Public Works proposes to purchase polymer feed equipment from Fluid Dynamics. Based on the quoted equipment purchase amount; below is the total cost of designing, purchasing and installing the new equipment:

Design	\$ 9,988	Total Cost	\$ 149,288
Equipment	\$ 101,800	Previously Budgeted	<u>\$ 35,000</u>
Installation	\$ 31,000	Addn. Funding Reqr'd	\$ 114,288
Contingency (5%)	<u>\$ 6,500</u>		
Total Cost	\$ 149,288		

Recommendations: The City Council pass an ordinance amending the 2012 budget authorizing the expenditure of \$114,288 from the Water/Sewer Reserve account and authorizing the City Manager to execute all appropriate documents necessary to complete the replacement of polymer feed equipment at the Homer wastewater treatment plant.

ORDINANCE REFERENCE SHEET
2012 ORDINANCE
ORDINANCE 12-03

An Ordinance of the City Council of Homer, Alaska, Amending the FY 2012 Operating Budget by Appropriating and Transferring \$60,000 from the General Fund Reserves to the Seawall Maintenance Reserve for the Purpose of Repairing and Maintaining the Wall.

Sponsor: City Manager

1. City Council Regular Meeting January 9, 2012 Introduction
 - a. Emergency Ordinance 11-49
2. City Council Regular Meeting January 23, 2012 Public Hearing and Second Reading
 - a. Emergency Ordinance 11-49
 - b. Written public comment

1 CITY OF HOMER
2 HOMER, ALASKA

City Manager

3
4 ORDINANCE 12-03
5

6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER,
7 ALASKA, AMENDING THE FY 2012 OPERATING BUDGET
8 BY APPROPRIATING AND TRANSFERRING \$60,000 FROM
9 THE GENERAL FUND RESERVES TO THE SEAWALL
10 MAINTENANCE RESERVE FOR THE PURPOSE OF
11 REPAIRING AND MAINTAINING THE WALL.
12

13 WHEREAS, The Homer City Council adopted Emergency Ordinance 11-49 which
14 created the Ocean Drive Loop Special Service District; and

15 WHEREAS, The Special Service District was created to raise tax revenues from
16 benefitted property owners to support maintenance and repair of the seawall they own which is
17 located on their properties; and

18 WHEREAS, Expenditures made by the City in providing this special service can be
19 reimbursed through a mil levy on properties located within the service area; and

20 WHEREAS, There is an immediate need to conduct maintenance and repair activities on
21 the seawall in order to prevent further damage and remain in compliance with the Army Corps of
22 Engineers Permit.

23 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

24 Section 1. The Homer City Council hereby amends the FY 2012 Operating Budget by
25 appropriating and transferring \$60,000 from the General Fund Reserves to the Seawall
26 Maintenance Reserve for the purpose of repairing and maintaining the seawall as follows:

27 Appropriation / Transfer From:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
156-375	General Fund Reserve / Fund Balance	\$60,000

30 Transfer To:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
156-369	Seawall Maintenance Reserve	\$60,000

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**CITY OF HOMER
HOMER, ALASKA**

City Manager/City Attorney

ORDINANCE 11-49

AN EMERGENCY ORDINANCE OF THE HOMER CITY COUNCIL ADOPTING HOMER CITY CODE CHAPTER 15.10, OCEAN DRIVE LOOP SPECIAL SERVICE DISTRICT, TO CREATE A DIFFERENTIAL PROPERTY TAX ZONE TO LEVY PROPERTY TAXES TO FUND SPECIAL SERVICES PROVIDED IN THE DISTRICT.

WHEREAS, The City may by ordinance establish, alter, and abolish differential tax zones to provide and levy property taxes for services not provided generally in the City, or a different level of service than that provided generally in the City; and

WHEREAS, The City by Ordinance 06-53(S) established a differential tax zone known as the Ocean Drive Loop Special Service District ("District") for the purpose of providing special services to the properties in the Ocean Drive Loop Bluff Erosion Control Improvement District that are not provided elsewhere in the City; and

WHEREAS, Ordinance 06-53(S) provided for the formation of an association of property owners to receive and expend taxes levied in the District for the purpose of operating and maintaining the seawall that had been constructed in the Ocean Drive Loop Bluff Erosion Control Improvement District; and

WHEREAS, When no association of property owners formed as contemplated by Ordinance 06-53(S), the Council enacted Ordinance 10-19, finding that it would be in the best interest of the City to allow the owners of property in the District to determine among themselves what collective arrangements, if any, to make for funding the operation of the seawall, and abolishing the District; and

WHEREAS, Some property owners in the Ocean Drive Loop Bluff Erosion Control Improvement District continue to assert that the City is responsible for maintaining the seawall, and have induced the Army Corps of Engineers to require the City to repair damage to the seawall under the terms of the permit the Corps issued to the City for the seawall; and

WHEREAS, Until the issue of the City's obligations under the Corps permit can be resolved, it is necessary for the City to have a source of funds to pay costs of repairing the seawall; and

WHEREAS, For the purpose of providing funds required to pay the cost of repairs to the seawall, it is in the best interest of the City to immediately establish a new differential tax zone known as the Ocean Drive Loop Special Service District for the purpose of providing special services to the properties in the Ocean Drive Loop Bluff Erosion Control Improvement District of a special kind and greater level of service than those provided generally in the City.

47 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
48

49 Section 1. The Homer City Council finds that an emergency ordinance is appropriate in
50 order to meet an immediate need for funding to pay the cost of repairs to the seawall during the
51 current winter storm season, and that providing that funding through the establishment of a
52 differential tax zone that includes only the properties that are benefited by this service is in the
53 public interest.
54

55 Section 2. Homer City Code Chapter 15.10, Ocean Drive Loop Special Service District,
56 is adopted to read as follows:

57 Chapter 15.10

58 OCEAN DRIVE LOOP SPECIAL SERVICE DISTRICT
59

60 Sections:

61 15.10.005 Definitions

62 15.10.010 Ocean Drive Loop Special Service District established

63 15.10.020 Property tax levy

64 15.10.030 Payment in lieu of taxes

65 15.10.040 Administration

66 15.10.050 Services authorized

67 15.10.060 Excess tax revenue

68 15.10.005 Definitions. As used in this chapter:
69

70
71 *"Improvement District"* means the Ocean Drive Loop Bluff Erosion Control
72 Improvement District previously established by the City as a local improvement district to
73 construct an erosion control seawall.
74

75
76 *"Operate"* and *"Operation"* with respect to the Seawall includes operation, maintenance,
77 repair, reconstruction, improvement, insurance, administration and other related or similar
78 activities conducted in the course of making and keeping the Seawall operational for its intended
79 erosion control purpose for the benefit of the properties in the Improvement District.
80

81 *"Seawall"* means the erosion control seawall constructed in the Improvement District.
82

83 *"Special Service District"* means the Ocean Drive Loop Special Service District
84 established under this chapter.
85

86 15.10.010 Ocean Drive Loop Special Service District established. a. There is established
87 a special service district within the City designated as the "Ocean Drive Loop Special Service
88 District" for the purpose of providing special services to the properties in the Ocean Drive Loop
89

90 Bluff Erosion Control Improvement/Assessment District that are not provided elsewhere in the
91 City.

92 b. The Special Service District consists of the properties in the Homer Recording
93 District that are described as follows:

94
95 Oscar Munson Subdivision Lot 34

96
97 Oscar Munson Subdivision Lot 35

98
99 Oscar Munson Subdivision Lot 36

100
101 Oscar Munson Subdivision Lot 37

102
103 Oscar Munson Subdivision Lot 38

104
105 Oscar Munson Subdivision Lot 39

106
107 Oscar Munson Subdivision Lot 40

108
109 Oscar Munson Subdivision Lot 41

110
111 Oscar Munson Subdivision Lot 42

112
113 Oscar Munson Subdivision Lot 43

114
115 Oscar Munson Subdivision Lot 44

116
117 Oscar Munson Subdivision No. 18 Lot 45B

118
119 Oscar Munson Subdivision No. 18 Lot 45A

120
121 Tamian Subdivision Lot 1

122
123 A portion of T6S R13W Section 21, Beginning at corner of Sections 20, 21, 28,
124 and 29; thence N 64 degrees 10 minutes E a distance of 50.00 feet; thence S 64
125 degrees 10 minutes E a distance of 50.00 feet; thence E a distance of 35.00 feet;
126 thence N 0 degrees 05 minutes W a distance of 450.00 feet; thence W a distance
127 of 125.00 feet; thence S 0 degrees 05 minutes E a distance of 450.00 feet to the
128 point of beginning.

129
130 Seabreeze Subdivision Lot 5

131
132 Lake St ROW south of Ocean Drive Loop

133

134 Pedestrian Easement south of Ocean Drive Loop between Lots 37 and 38, Oscar
135 Munson Subdivision

136
137 15.10.020 Property tax levy. a. The Special Service District shall be funded by a property
138 tax levied on the properties in the Special Service District. The City Council shall annually set
139 the mill levy pursuant to Section 9.04.040. The tax shall be assessed and collected as other real
140 property taxes levied by the City.

141 b. Any property tax levied for the purpose of funding the Special Service District
142 shall be excluded from the calculation of the mill rate contingency set forth in Section 9.16.020
143 for purpose of determining whether the City's sales tax levy shall remain in effect.

144
145 15.10.030 Payment in lieu of taxes. In lieu of paying taxes on tax exempt property owned
146 by the City in the Special Service District, the City will annually appropriate money to the
147 district or perform in-kind services for the district equivalent in value to the amount of taxes that
148 would be levied on the City property if it were taxable.

149
150 15.10.040 Administration. The administration of this chapter is a function of the
151 Department of Administration.

152
153 15.10.050 Services Authorized. Revenue collected by the City under this chapter may be
154 appropriated and expended for the limited purpose of funding Operation of the Seawall for the
155 benefit of all properties in the Improvement District.

156
157 15.10.060 Excess tax revenue. If at any time the City Council determines Special Service
158 District tax revenues exceed the needs of the Special Service District, the City Council may
159 authorize a refund of the excess tax revenues collected under this chapter to the taxpayers in
160 proportion to amounts paid in by such taxpayers.

161
162 Section 3. This Ordinance is of a permanent and general character and shall be included
163 in the City Code.

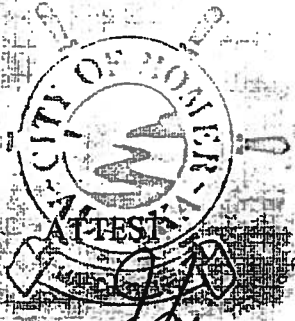
164
165 Section 4. This ordinance shall become effective on December 19, 2011.
166

167 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 19th day of
168 December, 2011.

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CITY OF HOMER

James C. Hornaday
JAMES C. HORNADAY, MAYOR



179 *[Signature]*
180 JO JOHNSON, CMC, CITY CLERK

181
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183 YES: 5
184 NO: 1
185 ABSTAIN: 0
186 ABSENT: 0

187
188
189 First Reading: 12/19/11
190 Public Hearing:
191 Second Reading:
192 Effective Date: 12/19/11

193
194 Reviewed and approved as to form:

195
196 *[Signature]*
197
198 Walt E. Wrede, City Manager

Thomas F. Klinkner, City Attorney

199
200 Date: 12/21/11

Date: _____

201
202

Jo Johnson

From: Donna Rae and Don [surfshack@acsalaska.net]
Sent: Monday, January 16, 2012 10:36 AM
To: Walt Wrede
Cc: Department Clerk; Barbara Howard; Francie Roberts; David Lewis; Mary Wythe; Bryan Zak; Kevin Hogan
Subject: Seawall RE: Cost estimates - and Army Corps paperwork

Hi, Walt –

Thank you for your response. Can you tell me about what his dollar amount was? I priced out metal plates with bolts at \$200 + labor to reinstall them. There are 50 missing, so that part should be around \$20,000 total – it is a little hard to get a price on re-establishing the 2% slope on top of the wall with all the snow. Many sections are low and some as much as 2 feet which creates a lake when the water splashes up there.

We are of course still hoping (well beyond hope) that we won't be part of any SSD. And trust us, you and the neighbors really don't want us in any SSD!

We also hope that you, the Council and citizens of Homer don't really want the City to be involved in a seawall SSD – especially at this point so far down the road.

When we were at the Kenai River Center for a construction meeting we picked up some little booklets put out by the Regulatory Division of the US Army Corps of Engineers Alaska District. You have likely already seen them/talked about the contents, but it included a section on "Appeals" describing a bit about the Corps administrative appeal process whereby applicants and landowners may appeal issued permits that contain requirements that are unacceptable to the applicant or jurisdictional determinations, which are made by the AK District – and moved up to the Pacific Ocean Division office if need be for reconsideration. It also generally addressed compliance and enforcement. We'll stop by and drop off a copy to your office just in case it might be helpful.

Don

-----Original Message-----

From: Walt Wrede [mailto:wwrede@ci.homer.ak.us]
Sent: Friday, January 13, 2012 11:54 AM
To: surfshack@acsalaska.net
Subject: Cost estimates

Don:

I am aware that you called several times in the last few days about cost estimates. I am not prepared to provide them to you because they are not a formal or detailed bid. What we have is a rough order of magnitude estimate that was provided to help us determine a course of action. In other words, the information was deliberative in nature and Troy was simply doing us a favor on short notice. I am sure he did not expect the information to be made public and we would not hold him to that estimate if we made a decision to move forward. We would ask for a more detailed bid. If and when the Council authorizes us to spend money and we decide to move ahead with repairs, a detailed bid could be made available.

Walt

ORDINANCE REFERENCE SHEET
2012 ORDINANCE
ORDINANCE 12-04

An Ordinance of the City Council of Homer, Alaska, Amending the Deep Water Dock Security Gates and Video Surveillance Equipment Project Budget by Appropriating an Additional \$9,623.41 from the Port and Harbor Reserves for the Purpose of Addressing Unanticipated Conditions Encountered During Construction.

Sponsor: City Manager/Port and Harbor Director

1. City Council Regular Meeting January 9, 2012 Introduction
 - a. Memorandum 12-004 from Port and Harbor Director as backup
 - b. Ordinance 09-56

2. City Council Regular Meeting January 23, 2012 Public Hearing and Second Reading
 - a. Memorandum 12-004 from Port and Harbor Director as backup
 - b. Ordinance 09-56

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2
3 **CITY OF HOMER**
4 **HOMER, ALASKA**

5
6 City Manager/
Port and Harbor Director

7 **ORDINANCE 12-04**
8

9 AN ORDINANCE OF THE CITY COUNCIL OF HOMER,
10 ALASKA, AMENDING THE DEEP WATER DOCK SECURITY
11 GATES AND VIDEO SURVEILLANCE EQUIPMENT
12 PROJECT BUDGET BY APPROPRIATING AN ADDITIONAL
13 \$9,623.41 FROM THE PORT AND HARBOR RESERVES FOR
14 THE PURPOSE OF ADDRESSING UNANTICIPATED
15 CONDITIONS ENCOUNTERED DURING CONSTRUCTION.
16

17 WHEREAS, Ordinance 09-56 accepted and appropriated a Homeland Security Grant in
18 the amount of \$107,252.00 for security gates and video surveillance equipment at the Deep
19 Water Dock, appropriated a local match in the amount of \$35,748, and established a project
20 budget of \$143,000; and
21

22 WHEREAS, The project is nearly complete but during construction, the contractor
23 encountered unanticipated conditions in the field which necessitates the appropriation of
24 additional funds; and
25

26 WHEREAS, It is necessary to appropriate an additional \$9,623.41 from the Port and
27 Harbor Reserves and amend the project budget to \$152,623.41 in order to repair damaged
28 electrical equipment at the dock.
29

30 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
31

32 Section 1. The Homer City Council hereby amends the Deep Water Dock Security Gates
33 and Video Surveillance Project Budget by appropriating an additional \$9,623.41 from the Port
34 and Harbor Reserves for the purpose of addressing unanticipated conditions encountered during
35 construction and making repairs to electrical equipment and infrastructure at the dock as follows:
36

37 Appropriation / Transfer From:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
456-380	Port and Harbor Reserves	\$9,623.41

40
41 Transfer To:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
415-923	Security Gates Project Budget	\$9,623.41



City of Homer

Port / Harbor

4350 Homer Spit Road
Homer, Alaska 99603-8005

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

MEMORANDUM 12-004

TO: HOMER CITY COUNCIL & WALT WREDE, CITY MANAGER

FROM: BRYAN HAWKINS, PORT DIRECTOR/HARBORMASTER

DATE: JANUARY 3, 2012

SUBJECT: AMENDING ORDINANCE 09-56 TO INCLUDE A CHANGE ORDER TO PUFFIN ELECTRIC AND ADDITIONAL DESIGN ENGINEERING TO NELSON ENGINEERING

Background:

The installation of the Deep Water Dock Security System is 75% complete. Due to unforeseen onsite conditions there has been cost overrun for this project that has required additional funding for completion.

Conflict/Resolution:

The Deep Water Dock power line was damaged during excavation for the light/security camera pole foundation. These power lines were not drawn accurately on the as-built plans and their actual location was not accurately determined in the utilities locate. We also found a concrete junction box that was not accounted for on the drawings, which further complicated the repair project. Due to the age of the existing power line and that it was originally installed in metal conduit, a simple repair was not possible. Thus the power line from the Deep Water Dock trestle to the vault was replaced and the concrete junction box was repaired.

This amendment also includes an allocation of \$3,602.00 to Nelson Engineering for additional required design engineering.

Recommendation:

Approve the amendment to Ordinance 09-56 allocating \$5,821.41 to Puffin Electric, \$3,602.00 to Nelson Engineering, and \$500.00 as a contingency reserve for this project from the Port and Harbor Enterprise Reserves.

Fiscal Note: \$5,821.41 to Puffin Electric
\$3,602.00 to Nelson Engineering
\$ 500.00 Contingency
\$9,623.41 from account #456-380

**CITY OF HOMER
HOMER, ALASKA**

City Manager/
Port and Harbor Director

ORDINANCE 09-56

AN ORDINANCE OF THE HOMER CITY COUNCIL ACCEPTING AND APPROPRIATING A HOMELAND SECURITY GRANT FOR SECURITY GATES AND VIDEO SURVEILLANCE EQUIPMENT AT THE DEEP WATER DOCK IN THE AMOUNT OF \$107,252, PROVIDING FOR 25% LOCAL MATCH, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPROPRIATE DOCUMENTS.

WHEREAS, A Homeland Security Grant in the amount of \$107,252 was awarded to the Port of Homer; and

WHEREAS, This grant is to be used for security gates and video surveillance equipment at the Deep Water Dock to aid in the protection of the harbor; and

WHEREAS, Total project costs amount to \$143,000 and the City's 25% match amounts to \$35,748.

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

Section 1. The Homer City Council hereby accepts and appropriates a grant of \$107,252 from Homeland Security as follows:

Revenue:

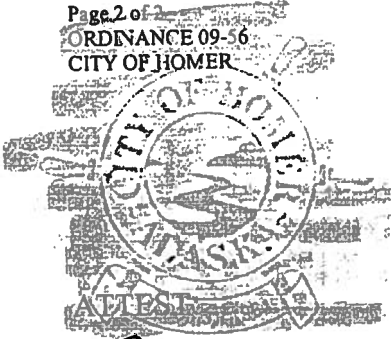
<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
415-923	Homeland Security Grant	\$107,252

Expenditure:

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
456-380	Security Gates and Video Surveillance Equipment (25% Match of Total Project Cost)	\$35,748

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 23 day of November, 2009.



CITY OF HOMER

James C. Hornaday
JAMES C. HORNADAY, MAYOR

[Signature]
JO JOHNSON, CMC, CITY CLERK

Introduction: 10/26/09
Public Hearing: 11/23/09
Second Reading: 11/23/09
Effective Date: 11/24/09

Ayes: 4
Noes: 2
Abstain: 0
Absent: 0

Reviewed and approved as to form:

[Signature]
Walt E. Wrede City Manager

Date: 12/1/09

[Signature]
Thomas F. Klinkner, City Attorney

Date: 12-2-09

Fiscal Note: Fiscal information included in body of Ordinance.

ORDINANCE(S)

ORDINANCE REFERENCE SHEET
2012 ORDINANCE
ORDINANCE 12-05

An Ordinance of the City Council of Homer, Alaska, Authorizing the Purchase of Kenai Peninsula Borough Parcel No. 17714019 (Lot 2, Glacier View Subdivision No. 18), in the Amount of \$260,000 from the General Fund Balance for the Purpose of Providing Land for Future Expansion of the City Public Works Complex.

Sponsor: City Manager

1. City Council Regular Meeting January 23, 2012 Introduction
 - a. Memorandum 12-012 from City Manager as backup

CITY OF HOMER
HOMER, ALASKA

City Manager

ORDINANCE 12-05

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AUTHORIZING THE PURCHASE OF KENAI PENINSULA BOROUGH PARCEL NO. 17714019 (LOT 2, GLACIER VIEW SUBDIVISION NO. 18), IN THE AMOUNT OF \$260,000 FROM THE GENERAL FUND BALANCE FOR THE PURPOSE OF PROVIDING LAND FOR FUTURE EXPANSION OF THE CITY PUBLIC WORKS COMPLEX.

WHEREAS, The owner of Lot 2, Glacier View Subdivision No. 18 ("Property"), has offered to sell the Property to the City for \$260,000; and

WHEREAS, The proposed sale price for the Property is substantially less than the \$290,000 appraised value of the Property; and

WHEREAS, The sale offer provides the City with the opportunity to acquire property that is well situated for future expansion of the City Public Works Complex.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer City Council hereby authorizes the purchase of Kenai Peninsula Borough Parcel No. 17714019 (Lot 2, Glacier View Subdivision No. 18) with funds from the General Fund Balance for the purpose of acquiring a site for the future expansion of the Public Works Complex as follows:

Expenditure

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
156-375	Property Acquisition, Lot 2, Glacier View Subdivision No. 18	\$260,000

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 _____ 2012.

CITY OF HOMER

JAMES C. HORNADAY, MAYOR

46 ATTEST:

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50 JO JOHNSON, CMC, CITY CLERK

51

52

53 YES:

54 NO:

55 ABSTAIN:

56 ABSENT:

57

58 First Reading:

59 Public Hearing:

60 Second Reading:

61 Effective Date:

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64 Reviewed and approved as to form:

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66

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68 Walt E. Wrede, City Manager

69

70 Date: _____

Thomas F. Klinkner, City Attorney

Date: _____

MEMORANDUM 12-012

TO: Mayor Hornaday and Homer City Council

FROM: Walt Wrede

DATE: January 16, 2012

SUBJECT: Acquisition of Lot 2, Glacier View Subdivision No. 18

The City of Homer has been offered the opportunity to acquire Lot 2, Glacier View Subdivision No. 18. This parcel is just over one acre in size and it is located on the Sterling Highway immediately West and adjacent to the Public Works Complex. The City has an interest in this parcel for reasons described below. The City Manager has been negotiating with the property owner and has agreed to a purchase price. A preliminary purchase agreement has been signed. This agreement is subject to City Council approval.

Acquiring this parcel is in the public interest for the following reasons:

- **The Public Works Complex:** Expanding and/or creating a new Public Works complex is on the C.I.P. List as a Priority II project. For a variety of reasons (funding, zoning, availability of suitable land), it is difficult to imagine the public works complex moving to another location anytime soon. The current site is extremely crowded and there is little room for expansion or new activities. Acquisition of this adjacent property would allow for the elimination of lot lines and provide new land for expansion. Acquiring this property now might be cheaper than acquiring this or other land later. Expanding the footprint of the existing complex is cheaper than acquiring enough land to relocate the entire complex.
- **New PW Administration Building:** Primary needs at the Public Works Complex include expanded office space, conference rooms, public waiting areas, map rooms, and storage areas. Expanded office space at the current location could be problematic for a variety of reasons and there are many advantages to separating office space and public areas from the motor pool and the shop. This property could provide a suitable location for a new administration building and the existing building could be modified to provide more badly needed shop space.
- **Consolidation of PW Functions:** Council members have expressed an interest in moving the buildings and grounds maintenance shop to a new location and facility so that the old school building could be demolished. This would eventually save on energy costs and improve the value of the City's property at the corner of Pioneer Ave. and the Sterling Highway. Acquiring this parcel might provide the space for a new buildings and grounds maintenance shop on the PW complex or for incorporation into the existing PW Building if administration functions are moved to another location.
- **Possible Trading Stock:** The most suitable land for expansion of the Public Works Complex lies to the east of the existing parking lot. However, that land was purchased by the Exxon Valdez Trustee Council and currently is governed by a conservation easement. The South portion of the

property to be acquired contains wetlands, a small stream that empties into the Beluga Slough, Slough frontage with a great view, and an old elevated observation platform. Trail connections with the existing Beluga Slough trail network and in the other direction, toward Bishops Beach, are desirable. Consideration could be given to a potential trade of conservation easement property; this parcel, or a portion of it, for a small piece of property east of the PW Complex.

The Council has been provided with a Title Report and a current appraisal as required by HCC 18.06.020 (c). The appraisal values the property at \$290,000. The purchase agreement stipulates a sale price of \$260,000. The City has not objected to any of the exceptions contained in the title report with the exception of the unpaid property taxes and interest for 2011. The owner had agreed to satisfy unpaid taxes through escrow and have them deducted from the property sale proceeds.

RECOMMENDATION: Approve Ordinance 12-05, appropriate \$260,000 for the purchase of this property, and authorize the City Manager to execute the appropriate documents.

Kachemak Bay Title Agency, Inc.

3733 Ben Walters Lane, Suite 1, Homer, Alaska 99603
Phone (907) 235-8196 • Fax (907) 235-2420

PRELIMINARY COMMITMENT FOR TITLE INSURANCE

Agent for Stewart Title Guaranty Company

Kachemak Bay Title Agency, Inc.
3733 Ben Walters Lane, Suite 1
Homer, Alaska 99603
ATTENTION: Amanda Miotke

File No.: 30394

Date of Preliminary Commitment: December 16, 2011 at 8:00 A.M.

A consolidated statement of all charges and advances in connection with this order will be provided at closing.

	<u>Amount</u>	<u>Premium</u>
(X) Owner's Standard Coverage	\$260,000.00	\$1,062.00

Stewart Title Guaranty Company agrees to issue on request and on recording of any appropriate documents, its Policy or Policies as applied for, with coverage as indicated based on this Preliminary Commitment that title to the property described herein is vested on the date shown above in:

NICHOLAS KAZAN, an estate in fee simple.

SUBJECT only to the exceptions shown herein and to the terms, conditions and exceptions contained in policy form. This report and commitment shall have no force or effect except as a basis for coverage specified herein.

By: 
Kathy Oakland
Authorized Signator

DESCRIPTION

Lot Two (2), GLACIER VIEW SUBDIV. NO. 18, according to Plat No. 85-128, in the Homer Recording District, Third Judicial District, State of Alaska.

GENERAL EXCEPTIONS

1. Encroachments or questions of location, boundary and area, which an accurate survey may disclose; public or private easements not disclosed by the public records; rights or claims of persons in possession, or claiming to be in possession, not disclosed by the public records; material or labor liens or statutory liens under State Acts not disclosed by the public records; material or labor liens or statutory liens under State Acts not disclosed by the public records; water rights or matters relating thereto; any service, installation or construction charges for sewer, water or electricity.
2. Right of use, control or regulation by the United States of America in the exercise of powers over navigation; defects, liens, encumbrances, or other matters created or suffered by the insured; rights or claims based upon instrument or upon facts not disclosed by the public records but of which rights, claims, instruments or facts the insured has knowledge.
3. General taxes not now payable; matters relating to special assessments and special levies, if any, preceding the same becoming a lien.
4. Mining claims, reservations or exceptions in patents or in Acts authorizing the issuance thereof.
5. Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use or enjoyment of the land; (ii) the character, dimensions or location of any improvements now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
6. "Consumer Credit Protection", "Truth in Lending" or similar law, or failure to comply with said law(s).
7. Public or private easements not disclosed by the public records, including right of ways claimed pursuant to RS 2477.

SPECIAL EXCEPTIONS

1. **RESERVATIONS** and exceptions as contained in U.S. Patent, and/or acts authorizing the issuance thereof.
2. **TAXES DUE** the taxing authority noted below for the year and amount indicated::
Taxing Authority: KENAI PENINSULA BOROUGH
Year: 2011
Original Amount: \$1,937.96 DELINQUENT, PLUS PENALTY AND INTEREST THEREON

NOTE: For current payoff information, contact the Kenai Peninsula Borough at (907) 262-4441. Refer to Tax Account No. 177-140-19.

3. **EASEMENTS, SET-BACKS AND DEDICATIONS** as delineated on Plat No. 85-128, to the record of which reference is hereby made.
4. **EFFECT** of the notes on said Plat No. 85-128, to the record of which reference is hereby made.
5. **EASEMENT** affecting the portion of said premises and for the purposes stated herein, and incidental purposes thereto:
For: Sewer Utility
In Favor Of: City of Homer
Recorded: February 24, 1987
Volume/Page: 177/544
Affects: No definite location disclosed
6. **PROPER SHOWING** of the authorization for the proposed transaction by the herein named party according to its constitution, charter, discipline or by-laws, including authorization for the party or parties acting on its behalf:
Party: City of Homer

TITLE TO VEST: CITY OF HOMER

NOTE: We find no unsatisfied judgments or tax liens against the above named in the Homer Recording District.

Kenai Peninsula Borough Tax Parcel No. 177-140-19

2011 Assessed Values as follows for:

Land:	\$171,500.00
Improvements:	\$0
Total:	\$171,500.00

NOTE: IN THE EVENT THIS TRANSACTION FAILS TO CLOSE, a cancellation fee of \$250.00 will be charged in accordance with our rate schedule, due and payable within 30 days.

NOTE: Investigation should be made to determine if there are any service, installation maintenance, or construction charges for sewer, water or electricity.

ko
1/3/12

BK00313PG0494

the same as her free and voluntary act and deed for the uses and purposes therein contained.

WITNESS my hand and official seal the day and year in this certificate first above-written.

Ann Lawrence
Notary Public in and for Alaska
My Commission Expires: 6/6/2004

Grantor's Address:
P. O. Box 222551
Anchorage, AK 99522
Grantee's Address:
601 West 36th Avenue
Anchorage, AK 99503



After Recording, Return to:
Thomas L. Melaney, Esq.
2263 Spenard Road
Anchorage, AK 99503

THOMAS L. MELANEY
ATTORNEY AT LAW
2263 SPENARD ROAD
ANCHORAGE, AK 99503
(907) 274-7881

001807

Kazan/Cooper-Feeney
RECORDER
RECORDING DISTRICT

-2-

2001 APR 30 P 1:23
REQUESTED BY *Melaney*
Statutory Warranty Deed

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT

CITY OF HOMER, a municipal corporation,

Plaintiff,

vs.

1.159 acres permanent sewer easement and 2.531 acres temporary construction easement across real property located within the City of Homer, Alaska; CLAYTON CO.; IABEL B. DUFFY and all other unknown heirs and devisees of the ESTATE OF DON DUFFY, SR., deceased; EVELYN M. GRANT; B. C. HAMILTON; HARRY W. HEGDahl; EARL HILLSTROM; RONALD HUNT; CARL NICKELSON; JACK and FLORENCE SOLLEE; KEI COOPER; M. G. YOUNG; and all other Unknown Owners and parties in interest,

Defendants.

FILED
IN CIVIL COURT
Superior Court
State of Alaska
Date 4/11/71
A. M. YOKACEK, Clerk
Richard D. Duff

No. 71-664

ORDER GRANTING RIGHT OF ENTRY AND POSSESSION

The above entitled cause having come on for hearing on the 13th day of April, 1971, Notices of Filing Complaint having been duly served either by certified mailing or personal service upon all parties having an interest in the hereafter described parcels of land, with the exception of EVELYN M. GRANT and JACK and FLORENCE SOLLEE; and it appearing to the Court that only B. C. HAMILTON has objected to the Declaration of Taking filed herein on March 10, 1971, all other parties having waived any defenses or objections to the said taking; and it further appearing that the estimated compensation for the interests condemned was deposited with the Court on March 12, 1971; that Appearances have been filed

LET OFFICE OF
THE ATTORNEY GENERAL
STATE OF ALASKA
JULY 1971

1 by defendants RONALD HUNT, CLAYTON CO., LABEL H. DUFFY, the ESTATE
2 OF DON DUFFY, SR., B. C. HAMILTON and EARL HILLSTRAND, defendants
3 HARRY W. HEGDARL, CARL NICKELSON and JACK and FLORENCE SOLLEE hav-
4 ing been dismissed, and no answer or appearance being filed by
5 REX COOPER and M. G. YOUNG.

6 IT IS HEREBY ORDERED that permanent sewer easements and
7 temporary construction easements as described in the Complaint
8 herein as to the following parcels are condemned and taken for
9 the use of the plaintiff as set forth in the Declaration of
10 Taking:

- 11 Parcel O.F.-1 (Earl Hillstrand, owner of record)
- 12 Parcel O.F.-2 (Clayton Co., owner of record)
- 13 Parcel O.F.-3 (Clayton Co., owner of record)
- 14 Parcel O.F.-6 (Clayton Co., owner of record)
- 15 Parcel O.F.-7 (Clayton Co., owner of record)
- 16 Parcel O.F.-9 (M. G. Young & Rex Cooper, owners of record)
- 17 Parcel O.F.-10 (Ronald Hunt, owner of record)
- 18 Parcel W-3 (Estate of Don Duffy, Sr., owner of record)

20 AND IT IS HEREBY FURTHER ORDERED, that plaintiff have the
21 right of entry upon said parcels and that all persons interested
22 therein immediately surrender possession of the land condemned
23 to the plaintiff, its agents, employees and contractors.

24 AND IT IS FURTHER ORDERED that the hearing as to right of
25 entry and possession be continued as to defendants B. C. HAMILTON
26 and EVELYN GRANT until the 9th day of June, 1971, at the hour of
27 11:00 A.M. in Courtroom 8 of the above Court.

28 AND IT IS FURTHER ORDERED, that these proceedings shall
29 remain open with regard to the above described parcels for the
30 determination of just compensation for the interests condemned
31 therein.
32

AND OFFICE OF
BAR, HUGL & FIFTH
AND ONLY OFFICE OFFICE
ANCHORAGE, ALASKA
575-1100
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575-1100

KACHEMAK BAY TITLE AGENCY, INC.
1491 BEN WALTERS LANE, S.
HELI, ALASKA 99502

0177-546

DATED at Anchorage, Alaska, this 2 day of April, 1971.

Judge of Superior Court

87-2518

RECORDED-FILED
HOMER RECORDING
DISTRICT

Jan 29 14 1971

REQUESTED BY KBT

ADDRESS Homer

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THE STATE OF ALASKA
 COUNTY OF...
 JUDGE OF SUPERIOR COURT
 1971

Richard
 KACEMIK BAY TITLE AGENCY, INC.
 3091 BEECH WALKER LANE, #1
 ANCHORAGE, ALASKA 99503

PATENT

1037 Instrument No. 1037

Anchorage 03983

THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS, a Certificate of the Register of the Land Office at Anchorage, Alaska, has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of JOSEPH E. LEE has been established and duly consummated, in conformity to law, for the north half of the southwest quarter and the east half of the northwest quarter of Section twenty in Township six south of Range thirteen west of the Seward Meridian, Alaska, containing one hundred sixty acres, according to the Official Plat of the Survey of the said land, returned to the GENERAL LAND OFFICE by the Surveyor-General:

NOW KNOW YE, That there is, therefore granted by the UNITED STATES unto the said claimant the tract of land above described; TO HAVE AND TO HOLD the said tract of land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States. Also excepting and reserving to the United States all the coal in the lands so patented, and to it, or persons authorized by it, the right to prospect for, mine, and remove such deposits from the same upon compliance with the conditions and subject to the provisions and limitations of the Act of March 8, 1922 (42 Stat. 415). And there is, also, reserved to the United States a right of way for the construction of railroads, telegraph and telephone lines in accordance with the Act of March 12, 1914 (38 Stat., 305).

IN WITNESS WHEREOF, I, Calvin Coolidge, President of the United States of America, have caused these letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the THIRTIETH day of MAY in the year of our Lord One thousand nine hundred and TWENTY-FIVE and of the Independence of the United the one hundred and FORTY-NINTH.

By the President
Calvin Coolidge
By Viola B. Fugh, Secretary.
M. P. LeBay
Register of the General Land Office.

(SEAL)

RECORD OF PATENTS: Patent Number 959430

UNITED STATES DEPARTMENT OF THE INTERIOR
Bureau of Land Management

Washington 25, D. C. Dec. 3, 1953

I hereby certify that this photograph is a true copy of the patent record, which is in my custody in this office.

Oscar E. Collins
Chief, Copy Records Section

FILED FOR RECORDING: December 29, 1953
at 9:45 A. M.

1037

At the Request of Kenneth A. Heath

* * * * *

KACHEMAK BAY TITLE AGENCY



Dear Customer:

Thank you for selecting Kachemak Bay Title Agency, Inc. as the closing agent for your transaction.

Attached is the Preliminary Commitment for Title Insurance (title report) along with copies of documents referenced in the title report.

At the end of the report, please note the paragraph headed "Title to Vest". Please be sure the names are correct on the report as *these are the names we will use on all closing documents*. If corrections need to be made, please contact our office as soon as possible.

The Escrow Department is now preparing documents for closing and will contact you or your agency regarding a time to sign and the amount of funds you will need for closing. All funds will need to be available one day prior to recording, either by *wire transfer or a cashier's check drawn on an Alaskan bank*, payable to Kachemak Bay Title Agency.

Please be advised that document recording may not take place prior to the deposit and verification of all funds required for the closing of your transaction, including any loan funds that may be involved. This may result in a delay in recording.

If you are required to provide *fire insurance* as part of closing, you will need to bring an insurance binder with you to closing or have your insurance company fax the binder to our office. It is best to contact your insurance agency as soon as possible regarding your insurance requirements.

We are looking forward to serving as your closing agent and encourage you to contact our Escrow Department with any questions or additional requirements you might have to ensure a smooth closing.

CASSANDRA MCMAHON
Escrow Officer

AMANDA MIOTKE
Escrow OFFICER

3733 Ben Walters Lane • Suite 1 • Homer, Alaska 99603
Ph (907) 235-8196 • Fax (907) 235-2420 • E-mail kbt@xyz.net

Kachemak Bay Title Agency, Inc.

3733 Ben Walters Lane, Suite 1

Homer, Alaska 99603

Tel: (907) 235-8196

Fax: (907) 235-2420

Email kbt@xyz.net

OUR PRIVACY NOTICE

Title V of the Gramm-Leach-Bliley Act (GLBA) generally prohibits any financial institution, directly or through its affiliates, from sharing nonpublic information about you with a nonaffiliated third party unless the institution provides you with a notice of its privacy policies and practices, such as the type of information that it collects about you and categories of persons or entities to whom it may be disclosed. In compliance with the GLBA, we are providing you with this document, which notifies you of the privacy policies and practices of STEWART TITLE GUARANTY COMPANY, STEWART TITLE INSURANCE COMPANY, PACIFIC NORTHWEST TITLE INSURANCE COMPANY AND KACHEMAK BAY TITLE AGENCY INC.

We may collect nonpublic personal information about you from the following sources:

Information we receive from you such as on applications or other forms.

Information about your transactions we secure from our files, or from others.

Information we receive from a consumer reporting agency.

Information that we receive from others involved in your transaction, such as the real estate agency or lender.

Unless it is specifically stated otherwise in an amended Privacy Policy Notice, no additional nonpublic personal information will be collected about you.

We may disclose any of the above information that we collect about our customers or former customers to our affiliates or to nonaffiliated third parties as permitted by law.

We also may disclose this information about our customers or former customers to the following types of nonaffiliated companies that perform marketing services on our behalf or with whom we have joint marketing agreements:

Financial Service providers such as companies engaged in banking, consumer finance, securities and insurance.

Non-financial companies such as envelope stuffers and other fulfillment service providers.

WE DO NOT DISCLOSE ANY NONPUBLIC PERSONAL INFORMATION ABOUT YOU WITH ANYONE FOR ANY PURPOSE THAT IS NOT SPECIFICALLY PERMITTED BY LAW.

We restrict access to nonpublic personal information about you to those employees who need to know that information in order to provide products or services to you. We maintain physical, electronic and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

Stewart Title Guaranty Company, Stewart Title Insurance Company, Stewart Title Insurance Company of Oregon, National Land Title Insurance Company, Arkansas Title Insurance Company, Charter Land Title Insurance Company

Privacy Policy Notice

PURPOSE OF THIS NOTICE

Title V of the Gramm-Leach-Bliley Act (GLBA) generally prohibits any financial institution, directly or through its affiliates, from sharing nonpublic personal information about you with a nonaffiliated third party unless the institution provides you with a notice of its privacy policies and practices, such as the type of information that it collects about you and the categories of persons or entities to whom it may be disclosed. In compliance with the GLBA, we are providing you with this document, which notifies you of the privacy policies and practices of **Stewart Title Guaranty Company, Stewart Title Insurance Company, Stewart Title Insurance Company of Oregon, National Land Title Insurance Company, Arkansas Title Insurance Company, Charter Land Title Insurance Company.**

We may collect nonpublic personal information about you from the following sources:

- Information we receive from you, such as on applications or other forms.
- Information about your transactions we secure from our files, or from our affiliates or others.
- Information we receive from a consumer reporting agency.
- Information that we receive from others involved in your transaction, such as the real estate agent or lender.

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- Financial service providers such as companies engaged in banking, consumer finance, securities and insurance.
- Non-financial companies such as envelope stuffers and other fulfillment service providers.

WE DO NOT DISCLOSE ANY NONPUBLIC PERSONAL INFORMATION ABOUT YOU WITH ANYONE FOR ANY PURPOSE THAT IS NOT SPECIFICALLY PERMITTED BY LAW.

We restrict access to nonpublic personal information about you to those employees who need to know that information in order to provide products or services to you. We maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

CITY MANAGER'S REPORT

MANAGERS REPORT

January 23, 2012

TO: MAYOR HORNADAY / HOMER CITY COUNCIL

FROM: WALT WREDE *W. Wrede*

UPDATES / FOLLOW-UP

South Peninsula Gas Line and Distribution System Update

This Manager's Report is devoted entirely to the proposed natural gas transmission line and the gas distribution system within the Homer city limits. I think this is appropriate because there is a lot happening on this front right now and it would be good for the Council to be engaged and proactive. There are very specific steps the Council can take in the next few months that can greatly assist in making this project a reality.

The Transmission Line

This past summer, the Governor vetoed capital funding which would have financed construction of an 8 inch gas transmission line from Anchor Point through Homer to Kachemak City. In his veto message, and in subsequent interviews, the Governor indicated that he wanted local consumers to participate in financing the line. In other words, he wanted to see some "skin in the game". Although, we still believe there are numerous valid arguments against this position, the City lobbyist and many key legislators believe this is something that must be addressed if we want the Governor's support.

Since the Governor's veto, Representative Seaton has been working with Enstar and the RCA on a possible tariff increase that would enable local consumers to pay for some of the cost of constructing the transmission line. It would be a local match of sorts. The current idea on the table is that local consumers would pay an additional \$1.00 per mcf above the "postage stamp" rate for gas (what everyone else in the Enstar service area pays) for 10 years. This would raise about \$2.5 Million. The extra dollar in the tariff would be extinguished after 10 years or sooner if the target of \$2.5 Million is reached. Enstar would provide the \$2.5 Million upfront and would be repaid through the tariff increase. Instead of asking the state for 10.5 Million, the request would now be in the neighborhood of \$ 8 Million.

This idea seems to be gaining traction and support. Enstar has agreed in concept. Key legislators who are in positions of power and have the ear of the Governor appear to be lining up in favor. A meeting with key legislators, the Governor, and Enstar is expected to take place in the next month/ In short, this could be a key tipping point in making this project a reality.

It would be beneficial if the City Council took a position on this idea. I think a constructive role for the City would be to disseminate information to the public and make sure local residents understand this proposal and what it would mean for them in terms of cost and payback period. My understanding is that even with this additional cost on the gas bill, the consumer would still save over 50% on heating costs at current prices. Note: I am talking here about just the cost of gas. This does not include the costs associated with getting the gas to your house or making necessary conversions. We hope to have some updated spreadsheets addressing this type of information at the meeting. We also plan to provide a list of anticipated distribution line and conversions costs.

The Distribution System

Local consumers will pay for the cost of building the distribution system within the Homer City limits under any scenario. The big question is whether the City will stimulate and quicken the pace of construction of the distribution system and make it easier for its residents to hook up by providing financing with attractive terms. I have requested projected construction costs and a build-out plan from Enstar so that the Council could fully evaluate its options. Last week we received a proposed build-out plan for the "core area" and a first shot at estimated costs. There were good reasons for starting with the core area but however, there are also good arguments for doing the entire town at once. We think that the build-out plan could be revised in certain areas and that the costs can be lowered. We will be working with Enstar and the City Planning and PW departments on that this week. We plan to have the build-out map available at the meeting. The core area contains 37 miles of road and an estimated cost of about \$6 Million.

I believe that the local economy and cost of living would benefit substantially if the City providing financing for the distribution system. There are arguments on either side of this but I think the proper timing for this discussion is now. The Borough and Kachemak City are already positioned to provide financing. City participation is important because it may have a bearing on whether this project moves ahead. I am aware that City participation is anticipated and assumed by Legislators, the Governor, and Enstar. But, it is the City's finances, fund balances, and credit rating that we must also take into consideration. Key factors to be considered include:

- The costs/and benefits to the economy and local business and residents
- The type of financing mechanism (LID, Special Service Area), etc.
- The lending institution (Commercial Bank, AIDEA, Bonds, etc).
- The overall fiscal health of the city and its capacity to take on debt.
- Is a public vote required or desirable

Financing Mechanisms

I believe the two most logical approaches would be an LID or a Special Service Area. One uses property taxes to repay the debt, the other uses special assessments on

benefitted properties, similar to what the City already does with water and sewer LIDs. There are very definite advantages and disadvantages to each which we can discuss in more detail. I am currently looking at the options and will be prepared to make a recommendation very soon. If Council decides to move ahead, key considerations will be:

1. The scope of the LID or SSD
2. Whether the LID or SSD is Council initiated or initiated by the benefitted property owners.
3. Whether a vote is needed or desirable.

Next Steps:

- A workshop, probably several or one that lasts more than an hour
- Decision on whether to provide financing. Supporting resolutions, ordinances, etc.
- Revise Utility Code
- Revise LID Code

ATTACHMENTS

1. Homer Area Natural Gas Pipeline Project: Approved 2011-2012 Action Plan
2. Proposed gas line and gas line distribution system maps and spreadsheets will be available at the meeting.

HOMER AREA NATURAL GAS PIPELINE PROJECT

2011-2012 ACTION PLAN

Lobbying and Public Information

- Work with the Alaska Energy Authority and with the Governor's Office to identify areas of concern with the goal being inclusion of the project in the Governor's FY 2013 Capital Budget.
- Work with the Central Peninsula Legislators who either opposed the project or expressed reservations to identify areas of concern and attempt to obtain their support.
- Draft an updated project description for inclusion in the C.I.P. document and for distribution to the Governor, Legislators, project partners, and other interested parties.
- Keep the project webpage current in order to keep the public informed.
- Continue to work with community coalitions, organizations, and individuals that support the project and want to get directly involved.

Financing

- Work with Enstar to identify and evaluate alternative options for financing all or a part of the transmission line.
- Work with AIDEA and other financing agencies to identify and evaluate alternative financing options for the transmission line.
- Evaluate options for financing the construction of the distribution system within the community.

Completing Homer's "Plan"

- Develop a City Council position on financial participation to stimulate development of the distribution network.
- Define the "core area" boundaries, the part of the community that would benefit most by hooking up to natural gas and would be most likely to have a majority of buildings hook up quickly.
- Conduct a survey of government and public buildings that would hook-up quickly.
- Work with Enstar to develop a survey using data and pricing provided by Enstar to measure interest in making the conversation to natural gas.
- Adopt and amendment to the Homer City Code to provide for the placement of gas utility lines in Homer public streets and ROWs.

Office of the City Clerk

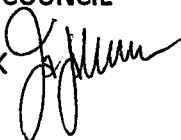
Jo Johnson, CMC, City Clerk
Melissa Jacobsen, CMC, Deputy City Clerk II
Renee Krause, CMC, Deputy City Clerk I

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

TO: MAYOR HORNADAY AND CITY COUNCIL

FROM: JO JOHNSON, CMC, CITY CLERK



DATE: JANUARY 16, 2012

SUBJECT: GAMES REPORT

We have received notification by the following entities of 2012 Alaska Gaming Permits:

Alaska State Elks Association, Inc.
Homer Hockey Association, Inc.

RECOMMENDATION:

Informational only.

Fiscal Note: Revenues.

"WHERE THE LAND ENDS AND THE SEA BEGINS"
To access City Clerk's Home Page on the Internet: <http://clerk.ci.homer.ak.us>

ALASKA
STATE



ELKS ASSOCIATION

2011 ~ 2012 ALASKA STATE ASSOCIATION OFFICERS

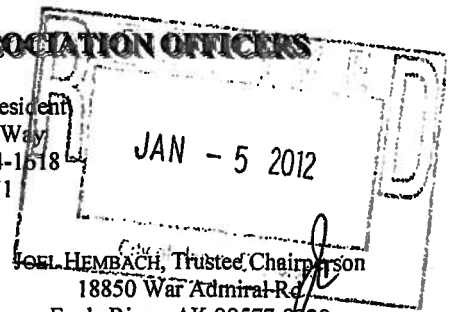
Roland Reiswig, President
1150 E McAdoo Way
Wasilla, AK 99654-1518
(907) 376-6951

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

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

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

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



JOEL HEMBACH, Trustee, Chairperson
18850 War Admiral Rd
Eagle River, AK 99577-8629

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

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

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

December 30, 2011

City of Homer
491 East Pioneer Avenue
Homer, AK 99603

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

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

Sincerely,

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

2012 Alaska Gaming Permit Application

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Validation #	
Date Stamp	

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Organization Information

Federal EIN 92-6002001	If renewing, enter gaming permit # 1415	Phone Number (907) 262-5667	Fax Number
Organization Name Alaska State Elks Association, Inc.		Website Address alaskastateelks.org	
Mailing Address 231 Knoll Circle		City Soldotna	State AK
		Zip + 4 99669-7352	
Entity Type (check one) <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input checked="" type="checkbox"/> Association		Organization Type (check one) for definitions see AS 05.15.690 and 15 AAC 160.995. <input type="checkbox"/> Charitable <input type="checkbox"/> Civic or service <input type="checkbox"/> Dog mushers' association <input type="checkbox"/> Educational <input type="checkbox"/> Fishing derby association <input checked="" type="checkbox"/> Fraternal <input type="checkbox"/> Labor <input type="checkbox"/> Municipality <input type="checkbox"/> Nonprofit trade association <input type="checkbox"/> Outboard motor association <input type="checkbox"/> Police or fire department <input type="checkbox"/> Political <input type="checkbox"/> Religious <input type="checkbox"/> Veterans <input type="checkbox"/> IRA/Native Village	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Does the organization have 25 or more members who are Alaska residents as defined in your articles of incorporation or bylaws?			

Members in Charge of Games

Members in charge must be natural persons and active members of the organization or employees of the municipality and designated by the organization. Members in charge may not be licensed as an operator, be a registered 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 Paul	M.I. J	Primary Member Last Name Whitney	Alternate Member First Name Konrad	M.I. Q	Alternate Member Last Name Jackson
Social Security Number		Email aseasecretary@live.com	Social Security Number		Email kqjack@hotmail.com
Daytime Phone Number (907) 262-5667		Mobile Number (907) 395-7231	Daytime Phone Number (907) 398-9121		Mobile Number (907) 283-3872
Home Mailing Address 231 Knoll Circle			Home Mailing Address P.O. Box 2935		
City Soldotna	State AK	Zip + 4 99669-7352	City Soldotna	State AK	Zip + 4 99669-2935
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: 662			Permit # under which test was taken: 528		

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

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

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

We declare, under penalty of unsworn falsification, that 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 Paul J. Whitney	Date 12/19/11
President or Other Officer's Signature (see instructions) 	Printed Name Roland H. Reisinger	Date 12/21/11
Alternate Member in Charge's Signature 	Printed Name Konrad Q. Jackson	Date 12/19/11
Manager of Games Signature	Printed Name	Date

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

2012 Alaska Gaming Permit Application

826

Gaming Permit # 1415	Organization Name Alaska State Elks Association, 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 SEE ATTACHED LIST	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 SEE ATTACHED LIST	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) _____

Manager of Games Required only for self-directed pull-tabs and bingo.

Manager First Name	MI	Manager Last Name	Social Security Number	Daytime Phone Number
Home Mailing Address			Email	Mobile Phone
City	State	Zip + 4	Has the manager of games passed the test? <input type="checkbox"/> Yes <input type="checkbox"/> No	Permit # under which test taken

Vendor Information Attach 2012 vendor registration form(s) and fee(s) for each vendor listed below.

Bar or Liquor Store Name	Physical Address	City	State AK	Zip + 4
Bar or Liquor Store Name	Physical Address	City	State AK	Zip + 4
Bar or Liquor Store Name	Physical Address	City	State AK	Zip + 4
Bar or Liquor Store Name	Physical Address	City	State AK	Zip + 4
Bar or Liquor Store Name	Physical Address	City	State AK	Zip + 4

Operator Information

Designate operator who will conduct activities on the organization's behalf. Attach signed operating contract(s). If more than one operator, attach a separate sheet.

Operator License #	Operator	Facility Name	Game Type(s)
Physical Address		City	State Zip + 4

Multiple-Beneficiary Permittee Information (MBP)

Designate the MBP with which the organization has signed a partnership or joint venture agreement.

MBP Permit #	MBP Name	Facility Name	Game Type(s)
Physical Address		City	State Zip + 4

Dedication of Net Proceeds Describe in detail how the organization will use the net proceeds from gaming activities.

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

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2012 ALASKA GAMING PERMIT APPLICATION

AREA-BASED GAMES

Anchorage Area Municipality of Anchorage	Anchorage Elks Lodge 2868 P.O. Box 230462 Anchorage, AK 99525	RAFFLE
Eagle River Area Municipality of Anchorage	Eagle River Elks Lodge 2682 17111 North Eagle River Loop Road Eagle River, AK 99577	RAFFLE
Fairbanks Area City of Fairbanks	Fairbanks Elks Lodge 1551 1003 Pioneer Road Fairbanks, AK 99701	RAFFLE
Wasilla Area City of Wasilla	Palmer Elks Lodge 1842 2600 North Barrys Resort Road Wasilla, AK 99645	RAFFLE
Valdez Area City of Valdez	Valdez Elks Lodge 2537 339 Fairbanks Street (P.O. Box 1607) Valdez, AK 99686	RAFFLE
Bristol Bay Area Bristol Bay Borough	Bristol Bay Elks Lodge 2687 Mile 5 Omholt Subdivision (P.O. Box 477) King Salmon, AK 99613	RAFFLE
Homer Area City of Homer	Homer Elks Lodge 2127 215 Jenny Lane Homer, AK 99603	RAFFLE
Kenai Area City of Kenai	Kenai Elks Lodge 2425 205 Barnacle Way Kenai, AK 99611	RAFFLE
Kodiak Area City of Kodiak	Kodiak Elks Lodge 1772 102 West Marine Way (P.O. Box 846) Kodiak, AK 99615	RAFFLE
Seward Area City of Seward	Seward Elks Lodge 1773 419 5 th Avenue (P.O. Box 426) Seward, AK 99664	RAFFLE
Soldotna Area Kenai Peninsula Borough	Soldotna Elks Lodge 2706 44640 Parkway Avenue Soldotna, AK 99669	RAFFLE
Haines Area Haines Borough	Haines Elks Lodge 2634 543 Main Street (P.O. Box 29) Haines, AK 99827	RAFFLE

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

2012 Alaska Gaming Permit Application

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Validation #	82-
Date Stamp	JAN 16 2012

City of Homer, City Clerk

Organization Information

Federal EIN 92-0143117	If renewing, enter gaming permit # 2122	Phone Number (907) 235-2647	Fax Number (907) 235-2647
Organization Name Homer Hockey Association, Inc.	Website Address www.homerhockey.org		
Mailing Address P.O. Box 2703	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 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.

Primary Member First Name David	M.I. G	Primary Member Last Name Lewis	Alternate Member First Name Timothy	M.I. T	Alternate Member Last Name Stage
Social Security Number ---	Email davelyn@gci.net		Social Security Number	Email stage@xyz.net	
Daytime Phone Number (907) 235-2245	Mobile Number (907) 399-6073		Daytime Phone Number (907) 235-5370	Mobile Number (907) 299-1264	
Home Mailing Address P.O. Box 468			Home Mailing Address P.O. Box 1970		
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		Permit # under which test was taken: 2122	Has the alternate member passed the test? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Permit # under which test was taken: 2122

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>David G. Lewis</i>	Printed Name David G. Lewis	Date 11/4/11
President or Other Officer's Signature (see instructions) <i>Karen Weston</i>	Printed Name Karen Weston	Date 11/4/11
Alternate Member In Charge's Signature <i>Timothy T. Stage</i>	Printed Name Timothy T. Stage	Date 11/4/11
Manager of Games Signature	Printed Name	Date

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

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 92-0134117	Gaming permit # 2122	Permittee Name Homer Hockey Association, Inc.
Phone Number (907) 235-2647	Member in Charge David G. Lewis	Member in Charge Phone Number (907) 235-2245

Vendor Information

Federal EIN or Social Security Number*			Beverage Dispensary License # 2300	Package Store License #		
Owner name Kathleen E. McDonough			Business License 165809			
Business Name Down East Saloon, Inc.			Phone Number (907) 235-6002	Fax Number		
Mailing Address 3125 East End Road			Physical Address of Vendor Location Same			
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).

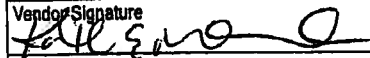

The vendor further agrees that an amount equal to the ideal net, less the compensation owed to the vendor, shall be paid by check by the vendor to the permittee upon delivery of a pull-tab series. AS 05.15.188(i).

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(j); and these records of pull-tab winners will be given to the permittee to retain for the required two or three years. AS 05.15.187(f).

It is further agreed that it is the vendor's responsibility to ensure gaming activity at this vendor location is conducted in accordance with all applicable state statutes and regulations.

It is further agreed that, if the vendor is no longer eligible to sell pull-tabs, then all unopened and opened pull-tab games shall be returned to the permittee within 10 days. If the permittee loses the privilege to conduct gaming activities, then all unopened and opened pull-tab games must be treated in accordance with 15 AAC 160.490.

We declare, under penalty of unsworn falsification, that we have examined this 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 KATHLEEN E. MCDONOUGH	Date 11/11/11
Member in Charge Signature 	Printed Name David G. Lewis	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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Retain a copy for your records

0405-854 • Rev 08/11

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 92-0143117	Gaming permit # 2122	Permittee Name Homer Hockey Association, Inc.
Phone Number (907) 235-2647	Member in Charge David G. Lewis	Member in Charge Phone Number (907) 235-2245

Vendor Information

Federal EIN or Social Security Number* 20-8984773	Beverage Dispensary License # 1402	Package Store License #
Owner Name Beluga Lake Lodge, Inc.	Business License 278560	
Business Name Best Western Bidarka Inn	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 David G. Lewis	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 907-465-3088

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Validation #	
Date Stamp	

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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 92-0134117	Gaming permit # 2122	Permittee Name Homer Hockey Association, Inc.
Phone Number (907) 235-2647	Member in Charge David G. Lewis	Member in Charge Phone Number (907) 235-2245

Vendor Information

Federal EIN or Social Security Number* 20-1966927			Beverage Dispensary License # 253	Package Store License #	
Owner Name Homer Beverages, Inc.			Business License 723753		
Business Name Alice's Champagne Palace			Phone Number (907) 235-6909	Fax Number (907) 235-6904	
Mailing Address PO Box 88			Physical Address of Vendor Location 195 E. Pioneer Avenue		
City Anchor Point	State AK	Zip + 4 99556	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?

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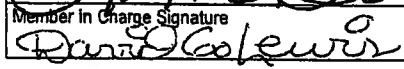
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We declare, under penalty of unsworn falsification, that we have examined this application, including any attachments, and that, to the best of our knowledge and belief, it is true and complete. We understand that any false statement made on the application or any attachments is punishable by law.

Vendor Signature 	Printed Name Gathe Bees	Date
Member in Charge Signature 	Printed Name David G. Lewis	Date 10/31/11

Registration Fee is \$50

Mail to: ALASKA DEPARTMENT OF REVENUE
TAX DIVISION - GAMING GROUP
PO BOX 110420
JUNEAU AK 99811-0420
Phone 907-465-2320 • Fax 907-465-3088

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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 92-0143117	Gaming permit # 2122	Permittee Name Homer Hockey Association, Inc.	
Phone Number (907) 235-2647	Member in Charge David G. Lewis	Member in Charge Phone Number (907) 235-2245	

Vendor Information

Federal EIN or Social Security Number* 27-3374887			Beverage Dispensary License # 1252	Package Store License #	
Owner Name APS Investments, LLC			Business License 951688		
Business Name AJ's Old Town Steakhouse			Phone Number (907) 299-8019	Fax Number (907) 299-8019	
Mailing Address 135 W. Bunnell Avenue			Physical Address of Vendor Location 120 W. Bunnell Avenue		
City Homer	State AK	Zip + 4 99603	City of Vendor Location Homer	State AK	Zip + 4 99603

Legal Questions

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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.

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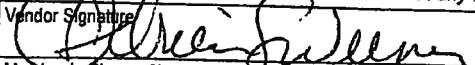
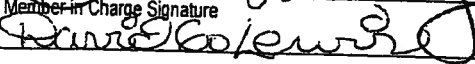
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We declare, under penalty of unsworn falsification, that we have examined this application, including any attachments, and that, to the best of our knowledge and belief, it is true and complete. We understand that any false statement made on the application or any attachments is punishable by law.

Vendor Signature 	Printed Name David G. Lewis	Date 11/10/11
Member in Charge Signature 	Printed Name David G. Lewis	Date 10/31/11

Registration Fee is \$50

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CITY ATTORNEY REPORT

COMMITTEE REPORT(S)

PENDING BUSINESS

NEW BUSINESS

Office of the City Clerk


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



491 E. Pioneer Avenue
Homer, Alaska 99603
(907) 235-3130
(907) 235-8121
ext: 2224, 2226, or 2227
Fax: (907) 235-3143
Email: clerk@ci.homer.ak.us

MEMORANDUM 12-015

TO: HOMER CITY COUNCIL

FROM: JO JOHNSON, CMC, CITY CLERK 

DATE: JANUARY 17, 2012

SUBJECT: TRAVEL AUTHORIZATION FOR MAYOR HORNADAY AND COUNCILMEMBER ZAK'S ATTENDANCE AT ALASKA MUNICIPAL LEAGUE WINTER LEGISLATIVE CONFERENCE IN JUNEAU, ALASKA, FEBRUARY 7 - 9, 2012.

Mayor Hornaday and Councilmember Bryan Zak would like to attend the Alaska Municipal League (AML) Winter Legislative Conference in Juneau, Alaska, February 7 – 9, 2012.

The AML is a voluntary, nonprofit, nonpartisan, statewide organization of 140 cities, boroughs, and unified municipalities, representing over 97 percent of Alaska's residents. Originally organized in 1950, the League of Alaska Cities became the Alaska Municipal League in 1962 when boroughs joined the League.

Meetings include Alaska Conference of Mayors, board committees and meeting with Legislators.

Cost estimates for travel include round trip airfare from Homer to Juneau at \$520.00 and room rates at \$129.00 per night. Per diem is \$58.00 per day, for three meals.

For FY 2012 Council budgeted transportation funds in the amount of \$3,500 and subsistence funds in the amount of \$2,500. Council should approve travel for Mayor and Council when representing the City.

RECOMMENDATION:

Discuss and approve the requested travel authorization.

Fiscal Note: Mayor and Council 2012 Budget: 100.100.5236 - Transportation: \$3,500 and 100.100.5237 - Subsistence: \$2,500.00.



Alaska Municipal League 2012 Winter Legislative Meeting

February 7-9, 2012 • Westmark Baranof Hotel • Juneau, Alaska

Please join the Alaska Municipal League and the Alaska Conference of Mayors February 7-9, 2012 for the AML Winter Legislative Meeting. During this meeting, AML members will be able to discuss legislative priorities, hear from the Administration and key legislators about the 2012 Legislative Session, and learn about legislation that may affect Alaska's cities and boroughs.

Use this opportunity to meet with your legislators and staff while in Juneau. Please make your own appointments with legislators at your convenience.

DRAFT MEETING AGENDA

Tuesday, February 7, 2012

8:00 a.m. – 11:45 a.m.....AML Board of Directors Meeting Treadwell Room

1:00 p.m. – 5:00 p.m.Alaska Conference of Mayors Meeting..... Treadwell Room

Wednesday, February 8, 2012

8:00 a.m. - 9:00 a.m.Continental Breakfast Treadwell Room

8:30 a.m. – 11:45 a.m.....Legislative Meeting Treadwell Room

12:00 p.m.- 1:15 p.m.....Luncheon Treadwell Room

1:30 p.m. – 4:00 p.m.Legislative Meeting, continued Treadwell Room

5:30 p.m. – 7:00 p.m.AML Legislative Reception..... Treadwell Room

Thursday, February 9, 2012

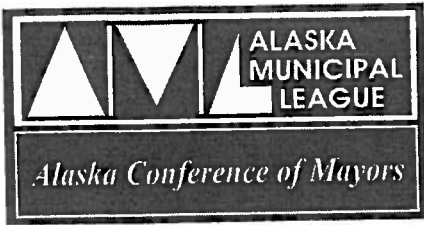
8:30 a.m. - 10:30 a.m.Gourmet Breakfast with State Commissioners..... Treadwell Room

10:30 a.m. Visit with your Legislators

Hotel Room Block-RESERVE YOUR ROOM NOW!

A room block has been reserved at the Westmark Baranof Hotel, rates are \$122-\$162/night plus tax depending on room type and occupancy. Please call 1-800-544-0970 for reservations. All reservations must be made prior to 1/6/2012 or room block will be released.

When booking your room you must mention the AML booking code: ALMU020612



Alaska Municipal League 2012 Winter Legislative Meeting

Delegate Registration

Delegate Name (First, Last)

Title

Municipality/Organization

E-mail Address

Billing Information

Name

Title

Address

City, State, Zip

Telephone, Fax

I AM Attending (check all that apply):

AML Board Meeting (Tues.) Mayor (Tues.) Legislative Meeting (Wed.&Thurs.)

Meeting Fee (check one):

Member: \$125 Non Member: \$150 One Day: \$75 _____

Please indicate which day.

Cancellation Policy: Cancellations or changes must be made in writing and received by mail, email or fax no later than Friday, January 27th, 2012. No refund will be made for cancellations or "no-shows" after this date. AML cannot be responsible for cancellations due to weather. If you have any questions please contact Sarah Geary at (907) 586-1325 or sarah@akml.org.

Please return the completed registration with check or money order to:
Alaska Municipal League • 217 Second Street, Suite 200, Juneau, Alaska 99801

To register and pay by credit card online visit: www.akml.org

RESOLUTION(S)

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**CITY OF HOMER
HOMER, ALASKA**

City Manager/
Port and Harbor Director

RESOLUTION 12-008

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, APPROVING A COOPERATIVE AGREEMENT BETWEEN THE ALASKA DEPARTMENT OF FISH AND GAME, DIVISION OF SPORT FISH, AND THE CITY OF HOMER, REGARDING REPAIR, REPLACEMENT, AND REHABILITATION OF INFRASTRUCTURE AND FACILITIES AT THE HOMER LOAD AND LAUNCH RAMP.

WHEREAS, The Alaska Department of Fish and Game (ADF&G), Division of Sport Fish, has access to federal funding for enhanced recreational boating and sport fishing access from a variety of programs including Recreational Boating Access, Boating Infrastructure Grants, and the Clean Vessel Act; and

WHEREAS, ADF&G has approached the City and proposes to use state and federal funds to improve public recreational boating and sport fishing by cooperatively rehabilitating and maintaining the load and launch ramp facility at the Homer boat harbor; and

WHEREAS, The Cooperative Agreement establishes the respective roles and responsibilities of the parties and it provides that the state will secure the funding for the project if the City agrees to take responsibility for construction management, maintenance and operation; and

WHEREAS, This project has been endorsed in concept by the Port and Harbor Advisory Commission and the Port and Harbor Revenue Bond Committee; and

WHEREAS, The Agreement has been reviewed by the City Administration and it recommends approval.

NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby approves the Cooperative Agreement between the Alaska Department of Fish and Game, Division of Sport Fish, and the City of Homer, regarding repair, replacement, and rehabilitation of infrastructure and facilities at the Homer load and launch ramp.

40 BE IT FURTHER RESOLVED that the City Manager is authorized to execute all
41 appropriate documents and carry out the responsibilities of the City contained in the Agreement.

42
43 PASSED AND ADOPED by the Homer City Council this 23rd day of January, 2012.

44
45 CITY OF HOMER

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48 _____
49 JAMES C. HORNADAY, MAYOR

49 ATTEST:

50
51 _____
52 JO JOHNSON, CMC, CITY CLERK

53
54 Fiscal Note: Staff Time / public scoping and construction management.

55
56

STATE OF ALASKA

SEAN PARNELL, GOVERNOR

DEPARTMENT OF FISH AND GAME

DIVISION OF ADMINISTRATIVE SERVICES

P.O. BOX 115526
JUNEAU, AK 99811-5526

PHONE: (907) 465-6177
FAX: (907) 465-6181

INTERNET: Tom.Taylor@alaska.gov

September 15, 2011

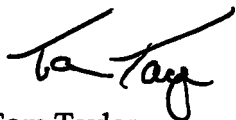
Walt Wrede
City of Homer
491 East Pioneer Avenue
Homer, Alaska 99603

Dear Mr. Wrede:

Enclosed are three copies of Cooperative Agreement #COOP-12-058 between the Alaska Department of Fish and Game, Division of Division of Sport Fish and the City. Please sign and return all to me. Upon signature by the Department, a fully executed copy will be returned to you.

The Department's Project Director is Rich Price. Please direct all inquiries concerning this project to him at (907) 746-6337. Please refer to the above tracking numbers on all billings and correspondence.

Sincerely,



Tom Taylor
Contracting Officer

Cc:

COOPERATIVE AGREEMENT

COOP-12 - 058

between the

ALASKA DEPARTMENT OF FISH AND GAME

and the

CITY OF HOMER

for

Homer Harbor Boat Launch Facility and Mooring Dock Renovation

This cooperative agreement is made and entered into between the Alaska Department of Fish and Game, Division of Sport Fish, hereinafter referred to as the ADF&G and the City of Homer, hereinafter referred to as the CITY. ADF&G enters into this agreement under the authority of state statutes AS16.05.050(12) and AS36.30.050(c) and one or more of the following Federal Aid in Sport Fish Restoration programs: Recreational Boating Access (CFDA # 15-605), Boating Infrastructure Grants (CFDA # 15-622) and Clean Vessel Act (CFDA # 15-616).

I. PURPOSE OF THE AGREEMENT

To improve public recreational boating and sport fishing access to the marine waters near Homer by cooperatively rehabilitating and maintaining a boat launch facility in Homer Harbor.

II. COVENANTS OF THE STATE

The ADF&G does hereby agree:

1. To reimburse the CITY for accomplishing the purpose of this agreement. This project will be split into two phases: Phase I will consist of planning activities (design and permitting) and Phase II will consist of construction-related activities. Initial funding in an amount not to exceed \$350,000.00 will be reimbursable to the CITY for Phase I activities. Once Phase I is complete, this cooperative agreement will be amended to add additional funding to address Phase II of the project. The source of funding shall be 75% from the Federal Aid in Sport Fish Restoration Act (Dingell-Johnson/Wallop-Breaux) and 25% from state matching funds. Availability of these funds shall be subject

to approval of the project by the Federal Aid Office of the U.S. Fish and Wildlife Service (USF&WS).

2. To authorize the CITY to manage and maintain the Homer Boat Ramp as a CITY facility.
3. To perform a final inspection of the completed project to verify compliance with this agreement.

III. COVENANTS OF THE CITY

The CITY does hereby agree:

1. The CITY shall provide all additional funding needed to complete the improvements covered by this agreement. The total estimated cost of Phase I is \$350,000.00.
2. To dedicate to this project, CITY owned uplands *and /or* tidelands known as Homer Boat Harbor. The parcel shall be used exclusively for the launch ramp, a parking area for vehicles with boat trailers and other improvements incidental to this project. The parcel is shown on Attachment A.

The CITY warrants that it has the right, power, and authority to construct and maintain the improvements on the parcel and that there are no restrictions, covenants, easements, rights-of-way, or uses which would prevent the CITY from constructing and maintaining the improvements on the parcel.

3. To complete the planning of the boat launch facility funded by this agreement prior to December 31, 2012. In the event the funding provided by ADF&G is not sufficient to cover all costs incurred by the CITY in completing this project, the CITY shall provide all additional funding that may be needed.
4. To manage and maintain the boat launch facility for public use until December 31, 2032. The boat launch facility will be managed primarily for the benefit of the recreational boating and sport fishing public in providing access to public waters. No change in this use will be made without prior written approval of ADF&G.

Management activities and maintenance services shall ensure orderly public use and keep the facility clean and in a good state of repair. Management and maintenance may be adjusted seasonally commensurate with seasonal public use.

ADF&G will consider the facility closed to the public if the CITY physically denies access, fails to provide adequate management or maintenance or allows incompatible

uses of the facility that effectively limits public use by recreational boaters and sport anglers.

5. To obtain and comply with all federal, state and local permits required for construction and maintenance of the project.

6. To install a sign identifying the participation of ADF&G, the Federal Aid in Sport Fish Restoration program, and sport anglers in facility development.

7. To be responsible, for a period of one year from the date of ADF&G's final inspection, for correcting all defects in the design or construction when the defect is brought to the attention of the CITY, without additional cost to ADF&G. The CITY will make good and be fully responsible for all damages to persons and property that arise from equipment or workmanship which is inferior, defective, or not in accordance with the terms of this agreement.

8. To maintain adequate insurance in conjunction with the design, construction and maintenance of the improvements.

9. To perform all aspects of the project in compliance with appropriate laws and regulations which include but are not limited to the following:

Local Building Codes- The CITY shall comply with applicable local buildings codes and shall obtain a building permit if required (AS 35.10.025).

Historic Preservation- The CITY shall comply with AS 41.35.070 to preserve historic, prehistoric and archeological resources threatened by public construction.

Public Contracts- The CITY shall comply with AS 36.05 in determining the wages and hours of labor on public contracts.

Political Activity- Federal funds cannot be used for partisan political purposes of any kind by any person or organization involved in the administration of federally assisted programs.

Civil Rights- Pursuant to Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Americans with Disabilities Act of 1990, the Age Discrimination Act of 1975 and Title IX of the Education Amendments of 1972, no person shall, on the grounds of race, color, national origin, age, sex or handicap, be excluded from participation in or be subjected to discrimination in any program or activity funded in whole or in part by federal funds.

Allowable costs/Cost principles-OMB Circular No. A-87, "Cost Principles of State and Local Governments" establishes principles and standards for determining costs applicable to grants, contracts, and other agreements with state and local governments.

A cost is allowable for federal reimbursement only to the extent of benefits received by federal programs, and costs must meet the basic guidelines for allow ability, reasonableness, and allocability.

Drug-free Workplace Act- The CITY, by signing this agreement, certifies that they will provide a drug-free workplace.

Debarment/Suspension- The CITY, by signing this agreement, certifies that neither it nor its principals, or subcontractors, is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from federal financial assistance programs or activities. Where the CITY is unable to certify to any of the statements in this certification, the CITY shall attach an explanation to this agreement.

Audits- The CITY acknowledges that the Phase I source of funding shall be 75% from the Federal Aid in Sport Fish Restoration Act (Dingell-Johnson/Wallop-Breaux) and 25% from state matching funds. Availability of these funds shall be subject to approval of the project by the Federal Aid Office of the U.S. Fish and Wildlife Service (USF&WS) under CFDA 15.605.

The City acknowledges that receipt of federal funds may create audit requirements under OMB Circular A-133. The CITY acknowledges that the State of Alaska single audit provisions of 2 AAC 45.010 may also apply.

Workers Compensation Insurance- The CITY shall provide and maintain, for all employees engaged in work under this agreement, coverage as required by AS 23.30.045, and, where applicable, any other statutory obligations including but not limited to Federal U.S.L. & H. and Jones Act requirements. The policy must waive subrogation against the State.

Open Competition - The CITY shall comply with Executive Order 13202 dated February 17, 2001 prohibiting any requirements or bidding preferences based contractor affiliation with labor organizations.

10. If the CITY handles hazardous materials on the site, the CITY agrees to employ adequate procedures for safely storing, dispensing, and otherwise handling hazardous materials in accordance with applicable federal, state, and local laws. Hazardous materials include but are not limited to fuels and lubricants commonly used in vehicles and boats.

a. In the event of a hazardous materials spill by the CITY or the public using the site, the CITY shall act promptly, at its own expense, to contain the spill, repair any damage, absorb and clean up the spill area, and restore the site to a condition satisfactory to the ADF&G and in accordance with applicable federal, state, and local laws. The CITY shall be the lead agency in requesting additional funds from the legislature to cover the cost of spill clean-up. ADF&G shall support such requests.

b. If contamination of the site occurs as a result of the CITY's management of the site, the CITY shall indemnify, defend, and hold harmless the ADF&G from any and all claims, judgments, damages, penalties, fines, costs, liabilities, or losses.

IV. IT IS MUTUALLY AGREED THAT

1. ADF&G and the CITY shall cooperate in accomplishing the improvements to be provided under this agreement. ADF&G shall provide design criteria for the improvements. The CITY shall be the lead agency in accomplishing all work necessary to make the improvements. The CITY may employ design consultants and construction contractors as may be appropriate. The project shall be designed by a professional engineer registered in the State of Alaska unless exempt under AS 08.48.331.

2. The CITY shall perform the following tasks in accomplishing this project:

Phase I: Design and land status: A preliminary design shall be developed in sufficient detail to allow the CITY to develop a project budget, obtain all required permits and dedicate the land as specified in paragraph III.2 above. The CITY shall not proceed with final design until notified in writing by ADF&G that the USF&WS has approved the project. In the event USF&WS approval is not obtained by ADF&G or the non-federal match requirement cannot be acquired, this agreement shall be terminated and ADF&G shall reimburse the CITY for its work on this task. The maximum reimbursement allowed for this task shall be the amount stated in paragraph II.1 above. Any funds not used for this task shall be available for construction.

Phase II: Bidding and Construction: The CITY shall obtain ADF&G's written approval of the final design and cost estimate before starting work with its own personnel or advertising for contractor bids. During the bidding process, the CITY shall send to ADF&G a copy of the bid package and all addenda that may be issued.

The CITY shall provide ADF&G a copy of the proposed construction schedule. The CITY shall also promptly notify ADF&G of all changes made to the schedule or the design. At the completion of the construction work, the CITY shall provide ADF&G a copy of the as built plans. Reimbursement for construction work shall be contingent on ADF&G approval of work actually performed.

ADF&G review of designs, plans, specifications or other project-related documents will be to ensure conformance to the purpose of this agreement and shall not constitute engineering review nor relieve the CITY from responsibility to prepare an adequate design, meet code compliance, or assure that cost principles are applied to change orders.

3. The CITY will be reimbursed only for the cost of work actually completed which is directly related and allocable to the project and which ADF&G has approved. The CITY will not be reimbursed for administrative work or overhead it incurred while completing the project. Reimbursement will be made within 30 days of receipt and approval, by ADF&G, of a request for reimbursement from the CITY. All requests for reimbursement shall be adequately documented. Documentation may include copies of materials invoices, payroll ledgers, equipment logs, contract payments, etc. In the event of a late payment, ADF&G will not pay late fees. Requests for reimbursement shall be mailed no more frequently than once a month to Jeff Breakfield at:

State of Alaska
Department of Fish and Game
Sport Fish Division, Region II
43961 Kalifornsky Beach Road, Suite B
Soldotna, Alaska 99669

The CITY shall maintain a separate set of accounting records for this project and shall retain these records for a period of three years from the termination of the agreement. These records shall be made available to the state for audit purposes.

With the exception of the final payment, requests for reimbursement shall be in amounts not less than \$10,000.00. If the CITY chooses to make monthly billings, such billings will be held by ADF&G until the total amount reaches at least \$10,000.00.

4. The CITY may charge user fees in accordance with Homer City Code 10.04.035, in effect on the effective date of this agreement. All future changes to the fee schedule shall be reviewed and approved by ADF&G. Fees shall be subject to the following criteria:

a. Fees for recreational boating and sport fishing use shall not exceed fees for other uses.

b. Fees shall not be imposed to recover the capital cost of the improvements covered by this agreement.

c. Fees shall not exceed the cost of operation, maintenance and improvement of the site.

d. Site specific fees that exceed the cost of operation, maintenance and improvement are program income. An area-wide fee, such as an annual launch permit, that allows the use of any CITY launch ramp usually is not considered program income. Fees collected and determined to be program income must be credited back to the Federal Aid in Sport Fish Restoration program through ADF&G. The basic policies for the treatment of program income by the USF&WS contained in 43 CFR Part 12 and OMB Circular A-102 apply to this agreement.

e. The CITY may establish a capital improvement account to fund specified major improvements to the site. Establishment of such an account shall be reviewed and approved by ADF&G. The CITY shall specify the improvement proposed, the estimated cost, and completion date when requesting approval. Fees accumulated in a capital improvement account will not be considered program income if they are used for the approved improvement.

f. If required by future changes to federal regulations or at the request of ADF&G, the CITY shall provide ADF&G an accounting of fees collected and costs of operation, maintenance, and improvements. This accounting shall be on an annual basis and in sufficient detail to satisfy state and federal regulations.

g. Trailerable boats owned and operated by the ADF&G and the Department of Public Safety shall be allowed to use the facility at no cost in the course of carrying out their official duties to the extent such use does not interfere with public use of the facility.

5. The effective date of this agreement shall be from the date of final signature by ADF&G.

6. The design life of the facility is 20 years; therefore, this agreement shall remain in effect until December 31, 2032.

7. Either agency may terminate its involvement in this agreement by written notice to the other at least 90 days in advance of the date on which termination is to become effective. In the event that an agency terminates its involvement in this agreement, defaults in its duties under this agreement or this agreement expires, disposition of the sport fishing access improvements shall be accomplished by whichever of the following contingencies is appropriate:

a. Agreement expires on December 31, 2032:

ADF&G shall have the option to negotiate an extension of this agreement with the CITY for the continued use of the facility for public sport fishing access. ADF&G shall have 90 days after the expiration of this agreement in which to notify the CITY of its intent to exercise this option. If ADF&G does not exercise this option, all improvements shall become the property of the CITY.

b. ADF&G terminates its involvement:

If prior to December 31, 2032, ADF&G finds that there is no longer a need for the sport fishing access improvements covered by this agreement, then this agreement shall be terminated. Improvements funded by ADF&G shall become the property of the CITY at no additional cost to the CITY.

c. The CITY terminates its involvement:

If prior to December 31, 2032, the CITY closes the facility to the public, does not comply with the requirements of this agreement or terminates its involvement in the purpose of this agreement, this agreement shall be terminated and the CITY shall reimburse ADF&G for:

1) the total funding it provided at the rate of 5 percent for each full year between the date of termination and December 31, 2032.

2) the appraised fair market value, on the date of the City's default, of any land acquired for the project with ADF&G funds.

This agreement shall be terminated when the City's reimbursement to ADF&G is completed. The CITY shall not be required to reimburse ADF&G in the event the facility must be closed to protect public safety because of casualty damage arising from a catastrophic occurrence.

8. The CITY may make improvements to the facility at its own expense provided the improvements are compatible with the purpose of this agreement and are approved in writing by ADF&G prior to construction.

9. Funding for major maintenance or repair of casualty damage will be negotiated on a case-by-case basis. Each agency's share of such funding shall be contingent on availability of funds.

10. The rights and responsibilities vested in each agency by this agreement shall not be assigned without the written consent of the other agency.

11. Agents and employees of each agency shall act in an independent capacity and not as officers, employees, or agents of the other agency in performance of this agreement.

12. Nothing in this agreement shall obligate either agency to the expenditure of funds or future payments of money in excess of those herein agreed upon or authorized by law.

13. Nothing in this agreement transfers title or land jurisdiction other than set forth herein.

14. The CITY shall indemnify, hold harmless and defend ADF&G from and against any claim of, or liability for error, omission or negligent act of the CITY under this agreement. The CITY shall not be required to indemnify ADF&G for a claim of, or liability for, the independent negligence of ADF&G. If there is a claim of, or liability for, the joint negligent error or omission of the CITY and the independent negligence of ADF&G, the indemnification and hold harmless obligation shall be apportioned on a

comparative fault basis. "CITY" and "ADF&G" as used within this paragraph, include the employees, agents and other contractors who are directly responsible, respectively, to each. The term "independent negligence" is negligence other than in ADF&G's selection, administration, monitoring or controlling of the CITY and in approving or accepting the CITY's work.

15. Both parties agree to comply with all applicable federal and state laws regulating ethical conduct of public officers and employees.

16. Each agency will comply with all applicable laws, regulations, and executive orders relative to Equal Employment Opportunity.

17. Nothing herein is intended to conflict with federal, state, or local laws or regulations. If there are conflicts, this agreement will be amended at the first opportunity to bring it into conformance with conflicting laws or regulations.

18. This agreement may be revised as necessary by mutual consent of both parties, by the issuance of a written amendment, signed and dated by both parties.

19. All approvals and notices required by this agreement shall be written and shall be sent by registered or certified mail to:

Director
Division of Sport Fish
Alaska Dept. of Fish & Game
P.O. Box 115526
Juneau, Alaska 99811-5526

City Manager
Homer City Hall
491 East Pioneer Ave.
Homer, Alaska 99603

20. This agreement is complete and has no other encumbrances, addenda, attachments, or amendments with the following exceptions: Attachment A – Plat of Homer Boat Harbor.

21. SIGNATURES:

For the City of Homer

Walt Wrede
City Manager

Date

For the Alaska Department of Fish and Game

Charles O. Swanton
Director
Division of Sport Fish

Date

Kevin Brooks
Director
Division of Administrative Services

Date

Walt Wrede

To: Walt Wrede
Subject: FW: cooperative agreement draft

From: Walt Wrede
Sent: Friday, January 13, 2012 8:59 AM
To: 'Price, Richard A (DFG)'
Cc: Breakfield, Jeffery A (DFG); Bryan Hawkins; 'Cyr, Paul A (DFG)'
Subject: RE: cooperative agreement draft

II Covenants of the State

2) Delete the language in Number 2 and replace it with: The City of Homer owns, operates, and maintains the existing load and launch facility. The facility is operated primarily for the use of recreational and sport fish users. ADF&G authorizes the City to continue to manage and maintain the Homer Load and Launch Ramp as a City facility.

III Covenants of the City

2) Delete the first sentence and replace with: "To dedicate to this project, City owned uplands and/or tidelands under and immediately adjacent to the Load and Launch Facility." Appendix A is way too broad because it shows the entire port and harbor complex and we cannot dedicate all of that to the project. We will send you another map to be used as Appendix A which will show the area to be dedicated.

4) At the end of the second sentence, after the words public waters, add a comma and the words, " consistent with current management".

5) In this sentence, delete the word "construction" and replace it with the words "replacement and repair of existing infrastructure"

6) Add a sentence which says, "install signs indicating that the primary use of the facility is sport fishing and recreational access."

IV. IT IS MUTUALLY AGREED THAT:

4. (A) At the end of the sentence, add the words " at the Load and Launch Facility."

4. (C) Add a sentence which says " Fees may be used to establish a depreciation account to be used for maintenance, repair, and replacement of the infrastructure and facilities at the site."

4. (E). Add a sentence at the end which says " The capital improvement account can be used for improvements that support and are incidental to the primary activity at the site including, but not limited to expanded restrooms, boat and trailer wash down facilities, stackable trailer storage, etc."

That is it!! Not too bad I hope. Bryan and I will get you a new Appendix A today or Monday.

Walt

Dedicated areas for Load /Launch
and parking on the Homer Spit



**CITY OF HOMER
HOMER, ALASKA**

City Manager/
Library Advisory Board

RESOLUTION 12-009

**A RESOLUTION OF THE CITY COUNCIL REVISING
CERTAIN PORTIONS OF THE HOMER PUBLIC LIBRARY
POLICY MANUAL.**

WHEREAS, The 2002 Homer Public Library Policy was adopted via Resolution 02-35(A) on June 10, 2002; and

WHEREAS, The Homer Public Library requires some updated, revised, and new operational policies; and

WHEREAS, The Library Advisory Board has worked on revisions and updates for the policies of the Library; and

WHEREAS, The summary of the changes is noted in Memorandum 12-016 regarding Complaint; Display and Exhibit; Unattended Children; User Conduct; Gift Acceptance Policy; and Library Card Registration Policy.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby adopts the following revisions to the Homer Public Library Policy:

COMPLAINT POLICY

Any person wishing to lodge a complaint concerning the Homer Public Library shall fill out a form provided by the Library staff stating reasons for the complaint, giving his or her full name and address, and dating and signing the form. The signed form will be held until the next regular scheduled meeting of the Homer Public Library Advisory Board for consideration. A copy of the form will be sent to the City Manager.

The person registering the complaint shall be notified of the time and place of the meeting and shall be required to attend the meeting to personally present the problem.

If the problem cannot be resolved at the meeting to the satisfaction of the person, the person may take the complaint to the Homer City Manager who may in turn refer it to the proper legal authority.

44 **DISPLAY AND EXHIBIT POLICY**

45 The Homer Public Library has three kinds of spaces available for displays and exhibits.

46 **A. BULLETIN BOARDS AND INFORMATION RACKS**

47 As a service to the City of Homer, the Library is a designated posting place for notices issued by
48 the City. Space permitting, other public notices that meet the following guidelines will be
49 posted.

- 50 • Official notices of borough, state, and federal agencies relevant to the Homer area.
51 • Notices for public meetings and fundraising events for non-profit organizations.
52 • Notices of educational courses sponsored by a recognized community organization (but
53 not those publicizing instruction by individual teachers or private firms).

54
55 All notices events must be open to the general public. Notices must be dated and include the
56 name of the sponsoring organization.

57 Library bulletin boards may not be used for commercial sales, announcements for political
58 candidates or causes, religious services, or personal services.

59 No solicitation or active distribution of literature is permitted inside the Library or at the entrance
60 to the Library. Advertising literature and petitions are strictly forbidden within the Library.

61 The Library will not act as a distribution center for materials that deal with controversial issues,
62 presented from a single point of view.

63 All decisions on posting notices are at the discretion of the Library director.

64 Posting of notices and/or distribution of materials do not imply endorsement by the Library or
65 City of Homer.

66 **B. AREAS FOR NON-PROFIT DISPLAYS AND EXHIBITS**

67 As part of its public service and information mission, the Library makes available designated
68 display and exhibit areas to non-profit organizations and other not-for-profit enterprises engaged
69 in educational, cultural, intellectual, or charitable activities.

70 The provision of display space for public use does not constitute library endorsement of the
71 beliefs or viewpoints advocated by the displays, or the organization responsible for the displays.

72 Individuals or organizations interested in posting displays or exhibits should fill out an exhibit
73 request form (provided by the Library) to include a written description and, if possible, photos.

74 Exhibits shall be appropriate to community standards and shall not advocate only one side of a
75 controversial issue. All decisions regarding exhibits shall be at the discretion of the Library

76 director. Due to limited space, the Library director will use his/her judgment regarding value to
77 the community and balancing over time a variety of community interests. Regarding community
78 interests and standards, the Library director may seek the advice and determination of the
79 Library Advisory Board's exhibits committee or the entire LAB, but final authority rests with the
80 director.

81 Duration of displays shall generally be for a maximum of three months.

82 Objects on display may not be offered for sale.

83 The Library does not accept any responsibility for loss or damage of exhibited materials. An
84 owner may wish to obtain private insurance for valuables. Before leaving any materials or
85 objects on exhibit, an individual in charge must sign and date a release form (provided by the
86 Library).

87 **C. AREAS FOR ROTATING DISPLAYS OF WORK BY ARTISTS**

88 In the spirit of the mission statement of the Homer Public Library, rotating exhibitions and
89 displays of artwork may be installed in the Library's public spaces in accordance with the
90 following approved policies and procedures.

91 **1. Responsibilities and liabilities**

92 Artists and/or galleries that submit artwork for display in the Homer Public Library accept full
93 responsibility for the proper installation, display and upkeep of artwork chosen for exhibition.

94 All installations and related processes must be approved by the appropriate staff of the Homer
95 Public Library.

96 The general wellbeing, safety, maintenance, and good order of the Homer Public Library will
97 take precedence over the agreement to mount or otherwise show exhibitions in library spaces.

98 Release forms: artists and/or galleries that submit artwork for display will sign a general "release
99 form" that establishes: (a) the official responsible parties, (b) dates of exhibition, (c) specifics of
100 exhibition, (d) insurance coverage or waiver, and (e) details of conditions of display.

101 The Library does not accept any responsibility for loss or damage of exhibited materials. An
102 owner may wish to obtain private insurance for valuables. Before leaving any materials or
103 objects on exhibit, an individual in charge must sign and date a release form (provided by the
104 Library).

105 **2. Selection processes**

106 General guidelines: it is recognized that tastes and preferences in artwork vary widely and that
107 freedom of expression and access to alternative perspectives are among the highest national

108 values. It is also recognized that the public library is a space in which all segments of society are
109 welcome and encouraged to participate in all its services and activities without barrier; these
110 considerations require a community-based process and public sensitivity in the selection process
111 for exhibitions installed in the Homer Public Library.

112 Community standards: exhibits shall be appropriate to community standards. A Community
113 Artwork Selection Panel will evaluate proposed exhibitions and develop an appropriate schedule.
114 All final decisions regarding exhibits shall be at the discretion of the Library director.

115 Process: the following process is intended to achieve a broad-based consensus on “community
116 standards” for artwork on display in the Homer Public Library.

117 The Community Artwork Selection Panel:

118 The Panel shall meet once a year to select works for exhibition and determine the
119 schedule of the exhibitions.

120 Composition:

- 121 • One LAB member
122 • One member of the Friends of the Homer Public Library who is not a LAB member
123 • One member of the Public Arts Committee
124 • The Library director
125

126 Solicitation of artwork: the Library director and/or the Community Artwork
127 Selection Panel may formally solicit artwork for display in the Homer Public
128 Library.

129 Director review: in all cases, the director of the Homer Public Library will have final
130 review authority of recommendations made by the Community Artwork Selection Panel.

131 **3. Available spaces**

132 General: while all exhibitions and displays of artwork are to be placed in such designated areas
133 where they can be viewed by library visitors, no exhibitions or displays will be allowed to block
134 or otherwise impede public access or movement in and around the library.

135 Main Stacks area: each wall panel/exhibit space is numbered and may be assigned individually
136 or in groups to artwork exhibitions (single works or multiple works) according to an annual
137 calendar plan.

138 Children’s area: selected works may be free-standing, placed on vacant wall space, or suspended
139 from the overhead.

140 Lounge area: rotating displays of three-dimensional works may be placed in fireplace niches.

141

142 Open areas: may contain free-standing works that do not interfere with movement in area.

143 Outdoor spaces: works and exhibitions to be displayed in outdoor spaces will also be considered
144 by the Community Art Selection Panel.

145 **4. Sales and commissions**

146 Artwork on display in the Homer Public Library may not be offered for sale.

147 **5. Exhibition Openings and other events**

148 All exhibit-related events using the Homer Public Library grounds and interior spaces must be
149 incorporated into the Library calendar and schedule and have the written approval of the Library
150 director (or other established Library use approval mechanism).

151 No alcohol may be served on Homer Public Library grounds or within the Library (Homer
152 Public Library Policy, II.A).

153 Unless the Homer Public Library has been retained for private, after-hours use, all exhibition
154 openings and related events must be open to the public free of charge.

155 **UNATTENDED CHILDREN POLICY**

156

157 The Library welcomes children to use its facilities and services; however, the safety of children
158 left alone in the Library is a serious concern. Responsibility for the behavior and well being of
159 children using the Library rests with the parent (or guardian or caregiver assigned by the parent)
160 and not with the Library's personnel. Children under the age of 12 are not considered
161 appropriate guardians for their younger siblings in a library setting. Library staff members
162 cannot supervise children in the Library.

163

164 If a child under 12 years of age is left unattended in the Library, and the child's behavior
165 becomes a problem for other patrons or library staff, the library staff will attempt to locate the
166 child's parents. If a parent cannot be reached, the City of Homer Police Department will be
167 called to escort the child home or keep the child until parents can be located. Library employees
168 are not permitted to remain after hours with an unattended child or to give a child a ride home. If
169 a parent cannot be reached by the time the Library is to close, the police will be called to escort
170 the child home or keep the child until parents can be reached.

171

172 In any situation involving youth safety and specifically whenever parents (or other caregivers) or
173 law enforcement personnel are contacted, staff will complete an Incident Report. In cases of
174 serious violations of the Unattended Children Policy, the Library will notify the Alaska Division
175 of Family and Youth Services.

176 **LIBRARY USER CONDUCT**

177

178 The Homer Public Library is available to persons of all ages. While everyone has an equal right
179 to access library services and facilities, no person has the right to interfere with the ability of
180 others to use and enjoy library resources, services and facilities.

181

182 To ensure that visitors may enjoy a safe and pleasant library experience, the following rules have
183 been established and adopted by the Library Advisory Board and approved by the Homer City
184 Council.

185

186 The Library director and staff are responsible for enforcing customer conduct in the Library.
187 Anyone found to be interfering with another's use of the Library will be asked to stop the
188 behavior or activity. If the behavior continues, the staff will ask the individual to leave the
189 Library. Failure to leave will result in staff calling the police for assistance. Repeated or serious
190 violations may result in denial of library privileges and permanent exclusion.

191

192 Patrons should observe the following guidelines:

- 193 • Attend to children.
194 • Speak in a soft voice.

195

196 No list can be exhaustive; however, any conduct which disrupts the Library is prohibited. The
197 following behaviors are inappropriate and are not acceptable in the Library:

- 198 • Disturbing or distracting others.
199 • Using abusive or profane language.
200 • Running inside the Library.
201 • Using a skateboard, scooter, roller or in-line skates in the Library.
202 • Using cell phones to make or receive calls while in the Library.
203 • Bringing animals into the facility, with the exception of service animals such as dogs
204 serving patrons experiencing disabilities.
205 • Bringing food or drinks other than bottled water beyond the security gates.
206 • Smoking in the Library.
207 • Circulating petitions or soliciting funds.
208 • Distributing or posting materials that have not been previously approved by library
209 personnel.
210 • Making unauthorized or inappropriate use of library equipment (for example, computers,
211 copiers, fire alarms, or emergency exit doors).
212 • Trespassing into any area closed to the public.
213 • Exhibiting bodily hygiene or fragrance that is distracting to users or staff to the point that
214 it interferes with users' use of library resources or staff work.
215 • Using library facilities for purposes of bathing or sleeping.
216 • Displaying threatening demeanor toward patrons or staff.

- 217 • Possessing a weapon except as exempted under State of Alaska law (AS 29.35.145) or
218 other applicable authority.
- 219 • Consuming or possessing alcohol or illegal drugs or being under the influence.
- 220 • Destroying or defacing library property or the property of customers or staff.
- 221 • Illegally removing library materials (theft). Theft includes but is not limited to:
 - 222 ○ Attempts to remove materials from the Library without checking them out
 - 223 ○ The removal of artwork, plants, or decorations from library property
 - 224 ○ Clipping portions or sections from books and other library materials
- 225 • Committing any other illegal acts or conduct in violation of Federal, State, or local law,
226 ordinance or regulation.

227
228 **GIFT ACCEPTANCE POLICY**

229 Gifts not retained for the collection will be added to the Friends of the Homer Public Library's
230 book sale.

231 The Library director shall be authorized to accept gifts on behalf of the Library and will, in most
232 cases, accept on her sole authority unrestricted gifts of cash or marketable securities, unrestricted
233 donations of books and other library materials, and in-kind donations specifically designated or
234 solicited for existing projects.

235 No conditions or restrictions on donations of Library materials can be honored. The Library
236 adds gift materials to the collection with the understanding that such material is an integral part
237 of the collection. The Library will not set up special collections and will not permit circulation
238 restrictions or stipulations for future use. Books and other materials not deemed appropriate for
239 inclusion in the Library collection may be offered to other libraries or institutions or offered for
240 sale. The Library will be glad to provide a list of needed material.

241 Donors may place restrictions on other categories of gifts under the following conditions:

- 242 • The restriction must be compatible with the overall mission of the Library.
- 243 • The restriction shall not impede the ability of the Library to acquire gifts from other
244 sources.
- 245 • The restriction shall not place undue burden on the Library's resources.
- 246 • The restriction shall not subject the Library to adverse publicity.

247
248 When considering any gift, the Library director may solicit the recommendation of a gift
249 acceptance committee, a group made up of advisors knowledgeable about financial, legal, and
250 community matters, to be chosen by the Library director. Authority for accepting or rejecting
251 gifts resides with the Library director, although some gifts may require further approval of the
252 Library Advisory Board and/or the Homer City Council. Gifts that may require an opinion from
253 the gift acceptance committee, include, but are not limited to the following:

- 254 • Any gift with recognition requirements other than those ordinarily provided by the
255 Library or Friends of the Library.
- 256 • Cash given to create a new library program.
- 257 • Gifts of art or other valuables that will encumber the Library either financially or
258 administratively.
- 259 • Securities which are not readily marketable. These may include closely held stock,
260 limited partnership interests, joint venture interests, and other forms of investments that
261 may not fall into the marketable securities category.
- 262 • Real estate. Every proposed gift of real estate must be examined on its individual merits,
263 including, but not limited to, the title to the property and its insurability, the results of
264 environmental investigations, and marketability. A current appraisal completed by a
265 qualified appraiser must be provided by the donor.
- 266 • Gift annuities.
- 267 • Charitable Remainder or Lead trusts.
- 268 • Named endowment funds.
- 269 • Life insurance policies. Any proposed gift of life insurance must be examined on its
270 merits, including, but not limited to, the type of insurance, the status (paid-up, vanished,
271 etc.) of the policy, outstanding loan balances, and the long-term viability of the insurance
272 company.

273
274 The Library's acceptance of a non-monetary gift does not guarantee its retention as Library
275 property in perpetuity. All non-monetary gifts are subject to disposition. Because of limited
276 space, as a general rule the Library is unable to accept donations of art, furnishings, or other
277 tangible personal property given on condition that they be retained by or displayed at the Library.
278 The Library does not accept for deposit materials that are not outright gifts. The Library reserves
279 the right to decline any gift that interferes with its ability to fulfill its mission or that unduly
280 encumbers either the Library or the City of Homer.

281 The Library cannot legally appraise gifts for tax purposes. Donors will be provided a signed a
282 dated gift statement as a receipt (~~please see attached form~~).

283 HOMER PUBLIC LIBRARY

284 ~~IV.~~ LIBRARY CARD REGISTRATION POLICY

285 All library loan transactions require the use of a valid library card. The first card is free.
286 Replacement cards cost \$5.00 each. Permanent library cards are renewed every ~~two~~ years. A
287 patron may not have more than one valid Homer Library card. Individuals applying for any
288 card must comply with the identification requirements set out below.

289 A. PERMANENT CARDS

290 A permanent card is issued to adults who complete and sign the proper application form, and
291 demonstrate proof of identity and local residency ~~mailing address, and provide a personal~~

292 ~~reference.~~ Completion of the application form affirms that individuals have accepted
293 responsibility for the proper use of ~~their library cards~~ **library materials and resources.** A
294 permanent card allows patrons to check out up to 12 items at a time.

295 **To obtain a Permanent Card you must:**

- 296 1. **Apply in person.**
- 297 2. **Supply proof of identity.**
- 298 3. **Supply proof of residency or land ownership in the Homer Public Library service**
299 **area.**
- 300 4. **Supply proof of mailing address in the Homer Public Library service area.**

301
302 **1. Apply in Person**

303 **2. 1. Proof of Identity**

304 **Photo** Identification is required to ensure that the person applying for ~~the~~ **a library card** is the
305 applicant. Acceptable proof of identity for a permanent card includes:

- 306 • ~~Alaska~~ **Valid** Driver's License.
- 307 • Alaska issued **Government Issued Photo** Identification Card.
- 308 • ~~Social Security Card.~~
- 309 • ~~Voter Registration Card.~~
- 310 • ~~Alaska Sport or Commercial Hunting or Fishing License.~~
- 311 • School Identification Card.
- 312 • Military ~~or other official government~~ identification.

313
314 **3. 2. Proof of Local Residence** **Proof of Residence or Land Ownership in the Library**
315 **Service Area**

316 **Applicants must fulfill the requirements listed in 3a. or 3b.**

317 ~~Proof of local residence is also required. "Local" is defined as residence within:~~

318 **The Homer Library Service area includes:**

- 319 • City of Homer.
- 320 • City of Kachemak.
- 321 • City of Seldovia.
- 322 • Anchor Point voting precinct.
- 323 • Diamond Ridge voting precinct.
- 324 • Fritz Creek voting precinct.
- 325 • **Halibut Cove**
- 326 • Kachemak Bay voting precinct.

- 327 • Port Graham voting precinct.
- 328 • Ninilchik voting precinct.
- 329 • Nanwalek.

330
331 **3a. Applicants must reside at a permanent address within the Library service area**

332 Acceptable proof of local residence includes:

- 333 • ~~Alaska Driver's License with local address.~~
- 334 • ~~Alaska Identification Card with local address.~~
- 335 • Voter registration card with local address.
- 336 • Alaska Sport or Commercial Hunting or Fishing license with local address.
- 337 • Military Identification Card.
- 338 • ~~Preprinted checks from a local bank imprinted with local address.~~
- 339 • ~~Official government issued document showing local address.~~
- 340 • ~~Evidence of cancelled mail addressed to the applicant at a local address.~~
- 341 • A tax receipt showing physical address.
- 342 • A utility bill showing physical address.

343
344 **-OR-**

345 **3b. Applicants must own property within the Library service area.**

346 **Acceptable proof of local land ownership consists of a current real estate property tax**
347 **receipt, which may be printed from the Borough website: www.borough.kenai.ak.us.**

348 **4. Proof of Local Mailing Address in the Library Service Area**

349 **Acceptable proof of local mailing address includes:**

- 350 • Preprinted checks from a local bank imprinted with local address.
- 351 • Official government-issued document (excluding a driver's license) showing local
352 address. **A mailing address on a driver's license is not sufficient.**
- 353 • Evidence of cancelled mail addressed to the applicant at a local address, **postmarked**
354 **within the last 30 days.**

355
356 **Important Notes:**

- 357 • General Delivery is not an acceptable address for a permanent card.
- 358 • ~~Seasonal residents who own property within the city limits are eligible for a permanent~~
359 ~~card.~~
- 360 • **Proof of change of address is required when mail has been returned.**
- 361 • **Patrons who move out of the service area and who no longer meet the requirements**
362 **of a Permanent Card are eligible for a Temporary Card.**

363 **3. Permanent Library Cards for Juveniles**

364 Persons under 18 years of age are considered juveniles.

365 **Requirements for a Permanent Juvenile library card:**

- 366 1. **A parent or responsible party must apply for a juvenile library card in person.**
367 2. **Proof of identity for parent or guardian.**
368 3. **Proof of a valid local mailing address for the parent or guardian.**

369

370 ~~Proof of identity of a parent or legal guardian is required, along with proof of a valid local~~
371 ~~mailing address. A parent's library card information on record is sufficient to demonstrate proof~~
372 ~~of identity and address, provided it is current and in good standing. A minor may take the~~
373 ~~application form home for a parent/legal guardian to sign if the parent/legal guardian has an~~
374 ~~existing valid permanent application on file. Verification of the parent/legal guardian's signature~~
375 ~~on the minor's application with the signature on the parent/legal guardian's application form is~~
376 ~~required before issuing the minor's card. By signing the juvenile's application, the parent/legal~~
377 ~~or guardian accepts responsibility for library materials and services used by a the juvenile, as~~
378 ~~well as the juvenile's conduct on library premises. Juveniles may check out up to 12 items at~~
379 ~~a time on a permanent card. The parent or guardian's library record must be in good~~
380 ~~standing before any new cards will be issued.~~

381 **B. TEMPORARY CARDS**

382 Temporary cards are issued to ~~visitors~~ **people** who plan to be in the ~~local area for a short period~~
383 ~~of time.~~ **service area for six months or less or do not have proof of local residency.** A
384 temporary card is issued for six months at a ~~non-refundable charge of \$10.00.~~ Completion of the
385 application form affirms that individuals have accepted responsibility for the proper use of their
386 library card. A ~~temporary card allows patrons to check out up to two items at a time.~~

387 **There are two types of Temporary Cards:**

- 388 • **A Standard Temporary Card allows up to 2 checked out items**
389 **for a non-refundable fee of \$10.00.**
- 390 • **A Family Temporary Card allows up to 12 checked out items**
391 **for a fee of \$50.00, \$40.00 of which is refundable.**

392 **Family Temporary Card Refund Procedure:**

393 **Upon patron's departure from Homer, \$40.00 of the deposit will be refunded, less**
394 **outstanding fines or fees. The \$10.00 non-refundable portion covers administrative**
395 **costs of the deposit program. Refunds will be issued via check by the City of Homer**

396 during the second check-run of the month. Patron must inform library staff of
397 departure, and forwarding address should be on the application. If deposit is not
398 requested within sixty days after the six-month expiration date, it will be considered a
399 donation to the Friends of the Homer Library.

400 **Requirements for Temporary library cards:**

- 401 1. **Must apply in person.**
402 2. **Proof of identity.**
403 3. **Proof of permanent residence address.**
404

405 **1. Apply in Person**

406 **2. 1. Proof of Identity for Temporary Cards**

407 **Photo** Identification is required to ensure the person applying for the library card is the applicant.
408 Acceptable proof of identity for a temporary card includes:

- 409 • Valid Driver's License.
410 • ~~Social Security Card.~~
411 • ~~Voter registration card.~~
412 • ~~Military or other official~~ government **Issued Photo** identification.
413 • School Identification **Card**
414 • **Military Identification.**
415

416 **3. Proof of Permanent Residence for Temporary Cards**

417 ~~Proof of permanent residence is required. A local address may be given in addition to a~~
418 ~~permanent address if available.~~ Acceptable proof of permanent residence for a temporary card
419 includes:

- 420 • Valid Driver's License **showing permanent address.**
421 • ~~Any~~ official government-issued document showing permanent address.
422 • **Evidence of cancelled mail addressed to the applicant at their permanent address**
423 **postmarked within the last 30 days.**

424 A local address may be given in addition to a permanent address if available.

425 **Important note:** General Delivery is not an acceptable permanent address for a temporary card.
426 General Delivery or "c/o" is acceptable as a ~~secondary~~ local address only in addition to a
427 permanent address.

428

429

430 **2. Temporary Cards for Juveniles**

431 ~~A temporary card may be issued to a minor under the age of eighteen, provided the application~~
432 ~~form is completed and signed by the applicant and parent, or person standing in place of the~~
433 ~~parent, who willingly assumes the responsibility for the minor and any misuse or abuse of the~~
434 ~~privileges of the library card. Proof of identity of the parent or responsible party is required,~~
435 ~~along with proof of a valid permanent mailing address.~~

436 **Persons under 18 years of age are considered juveniles.**

437 **By signing the application for a Juvenile Temporary Card, the parent or guardian accepts**
438 **responsibility for library materials and services used by the juvenile as well as the**
439 **juvenile's conduct on library premises. Juveniles may check out two items at a time on a**
440 **Juvenile Temporary Card. If the parent or responsible party has a library card, that**
441 **library record must be in good standing before a Juvenile Temporary Card will be issued**
442 **to the juvenile.**

443 **Requirements for a Juvenile Temporary library card:**

- 444 4. **A parent or responsible party must apply in person.**
445 5. **Proof of identity for parent or responsible party.**
446 6. **Proof of a valid local mailing address for the parent or responsible party.**
447

448 **Exceptions to the above requirements may be made at the discretion of the Library Director.**

449 PASSED AND ADOPTED by the Homer City Council this 23rd day January, 2012.

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451

CITY OF HOMER

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JAMES C. HORNADAY, MAYOR

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ATTEST:

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JO JOHNSON, CMC, CITY CLERK

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463

Fiscal Note: N/A

464

MEMORANDUM 12-016

TO: MAYOR HORNADAY AND HOMER CITY COUNCIL

THRU: WALT WREDE, CITY MANAGER

FROM: ANN DIXON, LIBRARY DIRECTOR

DATE: JANUARY 17, 2012

SUBJ: REVIEW OF AND REVISIONS TO LIBRARY POLICIES

Homer Public Library policies are in need of review and revision. Some have not been reviewed since 2002. Those most recently approved by City Council were reviewed in 2006.

The following policies have been reviewed and approved by the Library Advisory Board, with minor changes in punctuation: Complaint; Display and Exhibit; Unattended Children; and User Conduct.

The Gift Acceptance Policy has been reviewed and approved by the Library Advisory Board, with minor changes in punctuation and one deletion.

The Library Card Registration Policy has been reviewed and approved by the Library Advisory Board, with numerous additions and deletions. These changes were made to update and clarify current Library policies and procedures.

RECOMMENDATION:

Adopt the revised Library Policies attached to Resolution 12-009.

**HOMER PUBLIC LIBRARY
COMPLAINT POLICY**

Any person wishing to lodge a complaint concerning the Homer Public Library shall fill out a form provided by the Library staff stating reasons for the complaint, giving his or her full name and address, and dating and signing the form. The signed form will be held until the next regular scheduled meeting of the Homer Public Library Advisory Board for consideration. A copy of the form will be sent to the City Manager.

The person registering the complaint shall be notified of the time and place of the meeting and shall be required to attend the meeting to personally present the problem.

If the problem cannot be resolved at the meeting to the satisfaction of the person, the person may take the complaint to the Homer City Manager who may in turn refer it to the proper legal authority.

Approved:
December 6, 2011 by the LAB.
by the Homer City Council.

HOMER PUBLIC LIBRARY DISPLAY AND EXHIBIT POLICY

The Homer Public Library has three kinds of spaces available for displays and exhibits.

A. BULLETIN BOARDS AND INFORMATION RACKS

As a service to the City of Homer, the Library is a designated posting place for notices issued by the City. Space permitting, other public notices that meet the following guidelines will be posted.

- Official notices of borough, state, and federal agencies relevant to the Homer area.
- Notices for public meetings and fundraising events for non-profit organizations.
- Notices of educational courses sponsored by a recognized community organization (but not those publicizing instruction by individual teachers or private firms).

All notices events must be open to the general public. Notices must be dated and include the name of the sponsoring organization.

Library bulletin boards may not be used for commercial sales, announcements for political candidates or causes, religious services, or personal services.

No solicitation or active distribution of literature is permitted inside the Library or at the entrance to the Library. Advertising literature and petitions are strictly forbidden within the Library.

The Library will not act as a distribution center for materials that deal with controversial issues, presented from a single point of view.

All decisions on posting notices are at the discretion of the Library director.

Posting of notices and/or distribution of materials do not imply endorsement by the Library or City of Homer.

B. AREAS FOR NON-PROFIT DISPLAYS AND EXHIBITS

As part of its public service and information mission, the Library makes available designated display and exhibit areas to non-profit organizations and other not-for-profit enterprises engaged in educational, cultural, intellectual, or charitable activities.

The provision of display space for public use does not constitute library endorsement of the beliefs or viewpoints advocated by the displays, or the organization responsible for the displays.

Individuals or organizations interested in posting displays or exhibits should fill out an exhibit request form (provided by the Library) to include a written description and, if possible, photos.

Exhibits shall be appropriate to community standards and shall not advocate only one side of a controversial issue. All decisions regarding exhibits shall be at the discretion of the Library director. Due to limited space, the Library director will use his/her judgment regarding value to the community and balancing over time a variety of community interests. Regarding community interests and standards, the Library director may seek the advice and determination of the Library Advisory Board's exhibits committee or the entire LAB, but final authority rests with the director.

Duration of displays shall generally be for a maximum of three months.

Objects on display may not be offered for sale.

The Library does not accept any responsibility for loss or damage of exhibited materials. An owner may wish to obtain private insurance for valuables. Before leaving any materials or objects on exhibit, an individual in charge must sign and date a release form (provided by the Library).

C. AREAS FOR ROTATING DISPLAYS OF WORK BY ARTISTS

In the spirit of the mission statement of the Homer Public Library, rotating exhibitions and displays of artwork may be installed in the Library's public spaces in accordance with the following approved policies and procedures.

1. Responsibilities and liabilities

Artists and/or galleries that submit artwork for display in the Homer Public Library accept full responsibility for the proper installation, display and upkeep of artwork chosen for exhibition.

All installations and related processes must be approved by the appropriate staff of the Homer Public Library.

The general wellbeing, safety, maintenance, and good order of the Homer Public Library will take precedence over the agreement to mount or otherwise show exhibitions in library spaces

Release forms: artists and/or galleries that submit artwork for display will sign a general "release form" that establishes: (a) the official responsible parties, (b) dates of exhibition, (c) specifics of exhibition, (d) insurance coverage or waiver, and (e) details of conditions of display.

The Library does not accept any responsibility for loss or damage of exhibited materials. An owner may wish to obtain private insurance for valuables. Before leaving any materials or objects on exhibit, an individual in charge must sign and date a release form (provided by the Library).

2. Selection processes

General guidelines: it is recognized that tastes and preferences in artwork vary widely and that freedom of expression and access to alternative perspectives are among the highest national values. It is also recognized that the public library is a space in which all segments of society are welcome and encouraged to participate in all its services and activities without barrier; these considerations require a community-based process and public sensitivity in the selection process for exhibitions installed in the Homer Public Library.

Community standards: exhibits shall be appropriate to community standards. A Community Artwork Selection Panel will evaluate proposed exhibitions and develop an appropriate schedule. All final decisions regarding exhibits shall be at the discretion of the Library director.

Process: the following process is intended to achieve a broad-based consensus on "community standards" for artwork on display in the Homer Public Library.

The Community Artwork Selection Panel:

The Panel shall meet once a year to select works for exhibition and determine the schedule of the exhibitions.

Composition:

- One LAB member
- One member of the Friends of the Homer Public Library who is not a LAB member
- One member of the Public Arts Committee
- The Library director

Solicitation of artwork: the Library director and/or the Community Artwork Selection Panel may formally solicit artwork for display in the Homer Public Library.

Director review: in all cases, the director of the Homer Public Library will have final review authority of recommendations made by the Community Artwork Selection Panel.

3. Available spaces

General: while all exhibitions and displays of artwork are to be placed in such designated areas where they can be viewed by library visitors, no exhibitions or displays

will be allowed to block or otherwise impede public access or movement in and around the library.

Main Stacks area: each wall panel/exhibit space is numbered and may be assigned individually or in groups to artwork exhibitions (single works or multiple works) according to an annual calendar plan.

Children's area: selected works may be free-standing, placed on vacant wall space, or suspended from the overhead.

Lounge area: rotating displays of three-dimensional works may be placed in fireplace niches.

Open areas: may contain free-standing works that do not interfere with movement in area.

Outdoor spaces: works and exhibitions to be displayed in outdoor spaces will also be considered by the Community Art Selection Panel.

4. Sales and commissions

Artwork on display in the Homer Public Library may not be offered for sale.

5. Exhibition Openings and other events

All exhibit-related events using the Homer Public Library grounds and interior spaces must be incorporated into the Library calendar and schedule and have the written approval of the Library director (or other established Library use approval mechanism).

No alcohol may be served on Homer Public Library grounds or within the Library (Homer Public Library Policy, II.A).

Unless the Homer Public Library has been retained for private, after-hours use, all exhibition openings and related events must be open to the public free of charge.

Approved:
December 6, 2011 by the Library Advisory Board
by the Homer City Council

**HOMER PUBLIC LIBRARY
UNATTENDED CHILDREN POLICY**

The Library welcomes children to use its facilities and services; however, the safety of children left alone in the Library is a serious concern. Responsibility for the behavior and well being of children using the Library rests with the parent (or guardian or caregiver assigned by the parent) and not with the Library's personnel. Children under the age of 12 are not considered appropriate guardians for their younger siblings in a library setting. Library staff members cannot supervise children in the Library.

If a child under 12 years of age is left unattended in the Library, and the child's behavior becomes a problem for other patrons or library staff, the library staff will attempt to locate the child's parents. If a parent cannot be reached, the City of Homer Police Department will be called to escort the child home or keep the child until parents can be located. Library employees are not permitted to remain after hours with an unattended child or to give a child a ride home. If a parent cannot be reached by the time the Library is to close, the police will be called to escort the child home or keep the child until parents can be reached.

In any situation involving youth safety and specifically whenever parents (or other caregivers) or law enforcement personnel are contacted, staff will complete an Incident Report. In cases of serious violations of the Unattended Children Policy, the Library will notify the Alaska Division of Family and Youth Services.

Approved:
December 6, 2011 by the Library Advisory Board.

HOMER PUBLIC LIBRARY LIBRARY USER CONDUCT

The Homer Public Library is available to persons of all ages. While everyone has an equal right to access library services and facilities, no person has the right to interfere with the ability of others to use and enjoy library resources, services and facilities.

To ensure that visitors may enjoy a safe and pleasant library experience, the following rules have been established and adopted by the Library Advisory Board and approved by the Homer City Council.

The Library director and staff are responsible for enforcing customer conduct in the Library. Anyone found to be interfering with another's use of the Library will be asked to stop the behavior or activity. If the behavior continues, the staff will ask the individual to leave the Library. Failure to leave will result in staff calling the police for assistance. Repeated or serious violations may result in denial of library privileges and permanent exclusion.

Patrons should observe the following guidelines:

- Attend to children.
- Speak in a soft voice.

No list can be exhaustive; however, any conduct which disrupts the Library is prohibited. The following behaviors are inappropriate and are not acceptable in the Library:

- Disturbing or distracting others.
- Using abusive or profane language.
- Running inside the Library.
- Using a skateboard, scooter, roller or in-line skates in the Library.
- Using cell phones to make or receive calls while in the Library.
- Bringing animals into the facility, with the exception of service animals such as dogs serving patrons experiencing disabilities.
- Bringing food or drinks other than bottled water beyond the security gates.
- Smoking in the Library.
- Circulating petitions or soliciting funds.
- Distributing or posting materials that have not been previously approved by library personnel.
- Making unauthorized or inappropriate use of library equipment (for example, computers, copiers, fire alarms, or emergency exit doors).
- Trespassing into any area closed to the public.
- Exhibiting bodily hygiene or fragrance that is distracting to users or staff to the point that it interferes with users' use of library resources or staff work.
- Using library facilities for purposes of bathing or sleeping.
- Displaying threatening demeanor toward patrons or staff.

- Possessing a weapon except as exempted under State of Alaska law (AS 29.35.145) or other applicable authority.
- Consuming or possessing alcohol or illegal drugs or being under the influence.
- Destroying or defacing library property or the property of customers or staff.
- Illegally removing library materials (theft). Theft includes but is not limited to:
 - Attempts to remove materials from the Library without checking them out
 - The removal of artwork, plants, or decorations from library property
 - Clipping portions or sections from books and other library materials
- Committing any other illegal acts or conduct in violation of Federal, State, or local law, ordinance or regulation.

Approved:

December 6, 2011 by the Library Advisory Board
by the Homer City Council

HOMER PUBLIC LIBRARY GIFT ACCEPTANCE POLICY

Gifts not retained for the collection will be added to the Friends of the Homer Public Library's book sale.

The Library director shall be authorized to accept gifts on behalf of the Library and will, in most cases, accept on her sole authority unrestricted gifts of cash or marketable securities, unrestricted donations of books and other library materials, and in-kind donations specifically designated or solicited for existing projects.

No conditions or restrictions on donations of Library materials can be honored. The Library adds gift materials to the collection with the understanding that such material is an integral part of the collection. The Library will not set up special collections and will not permit circulation restrictions or stipulations for future use. Books and other materials not deemed appropriate for inclusion in the Library collection may be offered to other libraries or institutions or offered for sale. The Library will be glad to provide a list of needed material.

Donors may place restrictions on other categories of gifts under the following conditions:

- The restriction must be compatible with the overall mission of the Library.
- The restriction shall not impede the ability of the Library to acquire gifts from other sources.
- The restriction shall not place undue burden on the Library's resources.
- The restriction shall not subject the Library to adverse publicity.

When considering any gift, the Library director may solicit the recommendation of a gift acceptance committee, a group made up of advisors knowledgeable about financial, legal, and community matters, to be chosen by the Library director. Authority for accepting or rejecting gifts resides with the Library director, although some gifts may require further approval of the Library Advisory Board and/or the Homer City Council. Gifts that may require an opinion from the gift acceptance committee, include, but are not limited to the following:

- Any gift with recognition requirements other than those ordinarily provided by the Library or Friends of the Library.
- Cash given to create a new library program.
- Gifts of art or other valuables that will encumber the Library either financially or administratively.
- Securities which are not readily marketable. These may include closely held stock, limited partnership interests, joint venture interests, and other forms of investments that may not fall into the marketable securities category.
- Real estate. Every proposed gift of real estate must be examined on its individual merits, including, but not limited to, the title to the property and its insurability, the results of environmental investigations, and marketability. A current appraisal completed by a qualified appraiser must be provided by the donor.

- Gift annuities.
- Charitable Remainder or Lead trusts.
- Named endowment funds.
- Life insurance policies. Any proposed gift of life insurance must be examined on its merits, including, but not limited to, the type of insurance, the status (paid-up, vanished, etc.) of the policy, outstanding loan balances, and the long-term viability of the insurance company.

The Library's acceptance of a non-monetary gift does not guarantee its retention as Library property in perpetuity. All non-monetary gifts are subject to disposition. Because of limited space, as a general rule the Library is unable to accept donations of art, furnishings, or other tangible personal property given on condition that they be retained by or displayed at the Library. The Library does not accept for deposit materials that are not outright gifts. The Library reserves the right to decline any gift that interferes with its ability to fulfill its mission or that unduly encumbers either the Library or the City of Homer.

The Library cannot legally appraise gifts for tax purposes. Donors will be provided a signed a dated gift statement as a receipt ~~(please see attached form)~~.

Approved:
December 6, 2011 by the Library Advisory Board
by the Homer City Council

HOMER PUBLIC LIBRARY

IV. LIBRARY CARD REGISTRATION POLICY

All library loan transactions require the use of a valid library card. The first card is free. Replacement cards cost \$5.00 each. Permanent library cards are renewed every two years. **A patron may not have more than one valid Homer Library card.** Individuals applying for any card must comply with the identification requirements set out below.

A. PERMANENT CARDS

A permanent card is issued to adults who complete and sign the proper application form, **and demonstrate proof of identity and local residency mailing address, and provide a personal reference.** Completion of the application form affirms that individuals have accepted responsibility for the proper use of ~~their library cards~~ **library materials and resources.** A permanent card allows patrons to check out up to 12 items at a time.

To obtain a Permanent Card you must:

1. **Apply in person.**
2. **Supply proof of identity.**
3. **Supply proof of residency or land ownership in the Homer Public Library service area.**
4. **Supply proof of mailing address in the Homer Public Library service area.**

1. Apply in Person

2. 1. Proof of Identity

Photo Identification is required to ensure that the person applying for the **a library card** is the applicant. Acceptable proof of identity for a permanent card includes:

- Alaska **Valid** Driver's License.
- Alaska issued **Government Issued Photo** Identification Card.
- ~~Social Security Card.~~
- ~~Voter Registration Card.~~
- Alaska Sport or Commercial Hunting or Fishing License.
- School Identification Card.
- Military or other official government identification.

3. 2. Proof of Local Residence—Proof of Residence or Land Ownership in the Library Service Area

Applicants must fulfill the requirements listed in 3a. or 3b.

~~Proof of local residence is also required. “Local” is defined as residence within:~~

The Homer Library Service area includes:

- City of Homer.
- City of Kachemak.
- City of Seldovia.
- Anchor Point voting precinct.
- Diamond Ridge voting precinct.
- Fritz Creek voting precinct.
- **Halibut Cove**
- Kachemak Bay voting precinct.
- Port Graham voting precinct.
- Ninilchik voting precinct.
- Nanwalek.

3a. Applicants must reside at a permanent address within the Library service area

Acceptable proof of local residence includes:

- ~~• Alaska Driver’s License with local address.~~
- ~~• Alaska Identification Card with local address.~~
- Voter registration card with local address.
- Alaska Sport or Commercial Hunting or Fishing license with local address.
- Military Identification Card.
- ~~• Preprinted checks from a local bank imprinted with local address.~~
- ~~• Official government issued document showing local address.~~
- ~~• Evidence of cancelled mail addressed to the applicant at a local address.~~
- A tax receipt showing physical address.
- A utility bill showing physical address.

-OR-

3b. Applicants must own property within the Library service area.

Acceptable proof of local land ownership consists of a current real estate property tax receipt, which may be printed from the Borough website: www.borough.kenai.ak.us.

4. Proof of Local Mailing Address in the Library Service Area

Acceptable proof of local mailing address includes:

- Preprinted checks from a local bank imprinted with local address.
- Official government-issued document (**excluding a driver's license**) showing local address. **A mailing address on a driver's license is not sufficient.**
- Evidence of cancelled mail addressed to the applicant at a local address, **postmarked within the last 30 days.**

Important Notes:

- General Delivery is not an acceptable address for a permanent card.
- ~~Seasonal residents who own property within the city limits are eligible for a permanent card.~~
- **Proof of change of address is required when mail has been returned.**
- **Patrons who move out of the service area and who no longer meet the requirements of a Permanent Card are eligible for a Temporary Card.**

3. Permanent Library Cards for Juveniles

Persons under 18 years of age are considered juveniles.

Requirements for a Permanent Juvenile library card:

1. **A parent or responsible party must apply for a juvenile library card in person.**
2. **Proof of identity for parent or guardian.**
3. **Proof of a valid local mailing address for the parent or guardian.**

~~Proof of identity of a parent or legal guardian is required, along with proof of a valid local mailing address. A parent's library card information on record is sufficient to demonstrate proof of identity and address, provided it is current and in good standing. A minor may take the application form home for a parent/legal guardian to sign if the parent/legal guardian has an existing valid permanent application on file. Verification of the parent/legal guardian's signature on the minor's application with the signature on the parent/legal guardian's application form is required before issuing the minor's card. By signing the juvenile's application, the parent/legal or guardian accepts responsibility for library materials and services used by a the juvenile, as well as the juvenile's conduct on library premises. Juveniles may check out up to 12 items at a time on a permanent card. The parent or guardian's library record must be in good standing before any new cards will be issued.~~

B. TEMPORARY CARDS

Temporary cards are issued to visitors people who plan to be in the local area for a short period of time: service area for six months or less or do not have proof of local residency. A temporary card is issued for six months at a non-refundable charge of \$10.00. Completion of the application form affirms that individuals have accepted responsibility for the proper use of their library card. A temporary card allows patrons to check out up to two items at a time.

There are two types of Temporary Cards:

- **A Standard Temporary Card allows up to 2 checked out items for a non-refundable fee of \$10.00.**
- **A Family Temporary Card allows up to 12 checked out items for a fee of \$50.00, \$40.00 of which is refundable.**

Family Temporary Card Refund Procedure:

Upon patron's departure from Homer, \$40.00 of the deposit will be refunded, less outstanding fines or fees. The \$10.00 non-refundable portion covers administrative costs of the deposit program. Refunds will be issued via check by the City of Homer during the second check-run of the month. Patron must inform library staff of departure, and forwarding address should be on the application. If deposit is not requested within sixty days after the six-month expiration date, it will be considered a donation to the Friends of the Homer Library.

Requirements for Temporary library cards:

1. **Must apply in person.**
2. **Proof of identity.**
3. **Proof of permanent residence address.**

1. Apply in Person

2. 1. Proof of Identity for Temporary Cards

Photo Identification is required to ensure the person applying for the library card is the applicant. Acceptable proof of identity for a temporary card includes:

- Valid Driver's License.
- ~~Social Security Card.~~
- ~~Voter registration card.~~
- ~~Military or other official government~~ **Issued Photo** identification.
- School Identification **Card**
- **Military Identification.**

3. Proof of Permanent Residence for Temporary Cards

~~Proof of permanent residence is required. A local address may be given in addition to a permanent address if available.~~ Acceptable proof of permanent residence for a temporary card includes:

- Valid Driver's License **showing permanent address.**
- Any official government-issued document showing permanent address.
- **Evidence of cancelled mail addressed to the applicant at their permanent address postmarked within the last 30 days.**

A local address may be given in addition to a permanent address if available.

Important note: General Delivery is not an acceptable permanent address for a temporary card. General Delivery or "c/o" is acceptable as a ~~secondary~~ local address only in addition to a permanent address.

2. Temporary Cards for Juveniles

~~A temporary card may be issued to a minor under the age of eighteen, provided the application form is completed and signed by the applicant and parent, or person standing in place of the parent, who willingly assumes the responsibility for the minor and any misuse or abuse of the privileges of the library card. Proof of identity of the parent or responsible party is required, along with proof of a valid permanent mailing address.~~

Persons under 18 years of age are considered juveniles.

By signing the application for a Juvenile Temporary Card, the parent or guardian accepts responsibility for library materials and services used by the juvenile as well as the juvenile's conduct on library premises. Juveniles may check out two items at a time on a Juvenile Temporary Card. If the parent or responsible party has a library card, that library record must be in good standing before a Juvenile Temporary Card will be issued to the juvenile.

Requirements for a Juvenile Temporary library card:

4. **A parent or responsible party must apply in person.**
5. **Proof of identity for parent or responsible party.**
6. **Proof of a valid local mailing address for the parent or responsible party.**

Exceptions to the above requirements may be made at the discretion of the Library Director.

**CITY OF HOMER
HOMER, ALASKA**

City Manager

RESOLUTION 02-35(A)

**A RESOLUTION OF THE HOMER CITY COUNCIL
ADOPTING THE 2002 HOMER PUBLIC LIBRARY POLICY.**

WHEREAS, The Homer Public Library Policies have not been updated since 1999.

WHEREAS, The Homer Public Library has received a Public Library Assistance Grant (PLAG) annually from the State Library since 1979; and

WHEREAS, The State Library has added a new requirement to receiving the PLAG that requires a Collection Development Policy (CD) and a mission, goals and objectives statement (MGO) and these are a part of the 2002 Policy; and

WHEREAS, The 2002 Policy includes a revised policy on Public Use of Computer Resources to include standard language of an Internet Safety Policy and a policy for Library use has been added.

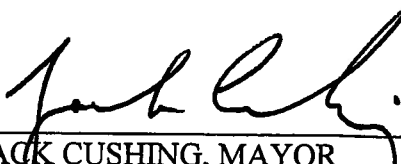
WHEREAS, The Library Advisory Board reviewed and approved these policies changes during their regular meeting of May 7, 2002.

NOW, THEREFORE, BE IT RESOLVED that the Homer City Council adopts the 2002 Homer Public Library Policy, as attached.

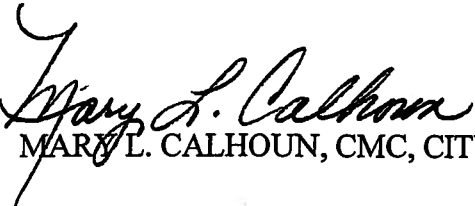
PASSED AND ADOPTED by the Homer City Council this 10th day of June, 2002.

CITY OF HOMER

ATTEST:



JACK CUSHING, MAYOR


MARY L. CALHOUN, CMC, CITY CLERK

Fiscal Note: NA

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**CITY OF HOMER
HOMER, ALASKA**

City Clerk

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RESOLUTION 12-010

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A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, AWARDING THE DESIGN CONTRACT FOR THE DEEP WATER DOCK FENDER REPLACEMENT PROJECT TO THE FIRM OF R&M CONSULTANTS, INC. OF ANCHORAGE, ALASKA, IN THE AMOUNT OF \$202,500 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPROPRIATE DOCUMENTS.

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WHEREAS, The City Council authorized acceptance of a grant from the State of Alaska for cruise ship dock and passenger facility improvements which includes improvements to berthing at the Deep Water Dock (Ordinance 11-48); and

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WHEREAS, Per the City of Homer's Procurement Policy, Public Works prepared a Request for Proposals (RFP) for design services associated with the replacement of the Deep Water Dock fendering system and sent the RFP to six firms specializing in marine structure design; and

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WHEREAS, The RFP review committee scored the five proposals that were received and selected R&M Consultants, Inc. as the most qualified. A scope of work and schedule for the design of the project was developed by Public Works and a maximum contract amount of \$202,500 has been established through negotiations with the selected design firm; and

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WHEREAS, This award is not final until notice is received by R&M Consultants, Inc. of Anchorage, Alaska, from the City of Homer.

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NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, hereby awards the contract for the Deep Water Dock Fender Replacement Project to the firm of R&M Consultants, Inc. of Anchorage,, Alaska, in the amount of \$202,500 and the City Manager is hereby authorized to execute the appropriate documents.

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PASSED AND ADOPTED by the Homer City Council this 23th day of January, 2012.

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CITY OF HOMER

JAMES C. HORNADAY, MAYOR

47 ATTEST:

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JO JOHNSON, CMC, CITY CLERK

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Fiscal Note: Acct. No. 415-926 - State Legislative Grant – Cruise Ship Dock and Passenger
Facility Improvements.



CITY OF HOMER
PUBLIC WORKS
3575 HEATH STREET HOMER, AK 99603

TELEPHONE (907)235-3170
FACSIMILE (907)235-3145

MEMORANDUM 12-017

TO: Walt Wrede, City Manager

FROM: Carey Meyer, Public Works Director

DATE: January 16, 2012

RE: **Professional Engineering Services Contract Award Recommendations
Deep Water Dock Fender Replacement Project**

The City Council authorized acceptance of a grant from the State of Alaska for cruise ship dock and passenger facility improvements which includes improvements to berthing at the Deep Water Dock (Ord. 11-48). The ordinance authorized the City Manager to accept the \$6,000,000 grant. The grant agreement has been executed.

Public Works prepared a Request for Proposals (RFP) for design services associated with the replacement of the fendering system. The RFP was sent to six firms specializing in marine structure design. Five firms responded to the RFP. The review committee scored the proposals and selected R&M Consultants, Inc. as the most qualified. Requirements of the City's procurement manual were followed.

Public Works has established a scope of work and schedule for the design of the project and a maximum contract amount of \$202,500 has been established through negotiations with the selected design firm.

Improvements to the Deep Water Dock fendering system will substantially improve cruise ship docking capabilities. The upland passenger facility improvements will be designed under a separate contract (secured through a future RPF process).

Recommendations: The City Council pass Resolution 12-010 awarding a contract for professional engineering design services for the Deep Water Dock Fender Replacement project in the amount of \$202,500 and authorize the City Manager to execute all appropriate documents necessary to complete the design of this project.

1 CITY OF HOMER
2 HOMER, ALASKA

3 City Manager

4 ORDINANCE 11-48
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6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER,
7 ALASKA, AMENDING THE FY 2012 CAPITAL BUDGET BY
8 ACCEPTING AND APPROPRIATING A LEGISLATIVE
9 GRANT IN THE AMOUNT OF \$6,000,000 FOR THE PURPOSE
10 OF CONSTRUCTING DEEP WATER / CRUISE SHIP DOCK
11 AND PASSENGER FACILITY IMPROVEMENTS.
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13 WHEREAS, The City has received a legislative grant agreement for a grant in the
14 amount of \$6,000,000 to construct Deep Water / Cruise Ship Dock and passenger facility
15 improvements; and
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17 WHEREAS, The City Council wishes to accept and appropriate the grant funds and
18 construct the improvements described in the grant agreement.
19

20 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
21

22 Section 1. The Homer City Council hereby amends the FY 2012 Capital Budget by
23 accepting and appropriating a legislative grant in the amount of \$6,000,000 for the purpose of
24 constructing Deep Water / Cruise Ship Dock and passenger facility improvements as follows:
25

26 Revenue:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
415-926	Dock and Passenger Facility Improvements	\$6,000,000

30 Expenditure:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
415-926	Dock and Passenger Facility Improvements	\$6,000,000

34 Section 2. The City Manager is authorized to execute the appropriate documents.
35

36 Section 3. This ordinance is a budget amendment ordinance only, is not permanent in
37 nature, and shall not be codified.
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39 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 9th day of
40 January 2012.

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J. Johnson
JO JOHNSON, CMC, CITY CLERK

YES: 6
NO: 0
ABSTAIN: 0
ABSENT: 0

First Reading: 12/12/11
Public Hearing: 1/09/12
Second Reading: 1/09/12
Effective Date: 1/10/12

Reviewed and approved as to form:

Walt Wrede
Walt E. Wrede, City Manager

Date: 1/16/12

CITY OF HOMER

James C. Hornaday
JAMES C. HORNADAY, MAYOR

Thomas F. Klinkner, City Attorney

Date: _____

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3 **CITY OF HOMER**
4 **HOMER, ALASKA**

Mayor

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6 **RESOLUTION 12-011**

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8 A RESOLUTION OF THE CITY COUNCIL OF HOMER,
9 ALASKA, APPOINTING COUNCIL MEMBER BRYAN ZAK
10 AS THE CITY'S REPRESENTATIVE FOR THE BUSINESS
11 LEADERS FOR ECONOMIC DEVELOPMENT TASK FORCE.

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13 WHEREAS, The Business Leaders for Economic Development Task Force was formed
14 within the Southern Peninsula; and

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16 WHEREAS, The goal of the Task Force is to promote a business focused lobbying effort
17 for the Southern Peninsula Gas Line; and

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19 WHEREAS, Kachemak City Mayor Phil Morris and Chairman of the Task Force asked
that a council member serve on the task force to represent the City of Homer; and

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21 WHEREAS, City Council Member Bryan Zak volunteered to represent the Homer City
Council by serving on the Business Leaders for Economic Development Task Force; and

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23 WHEREAS, Pursuant to Homer City Code HCC 1.18.030(h) City officials must be duly
24 appointed by the Mayor or Council to represent the interests of the full council; and

25
26 WHEREAS, Members of the Task Force will encourage businesses to express their
27 support of the Southern Peninsula Gas Line to the Governor by facilitating a letter writing
28 campaign to the Governor; and

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30 WHEREAS, The Task Force will terminate after the Governor's FY 2013 capital budget
vetoes are due, typically July or August of 2012.

31
32 NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby appoints
33 Council Member Bryan Zak as the City's representative for the Business Leaders for Economic
Development Task Force.

34
35 PASSED AND ADOPTED by the Homer City Council this 23rd day of January, 2012.

36
37 CITY OF HOMER

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40 _____
41 JAMES C. HORNADAY, MAYOR
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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

