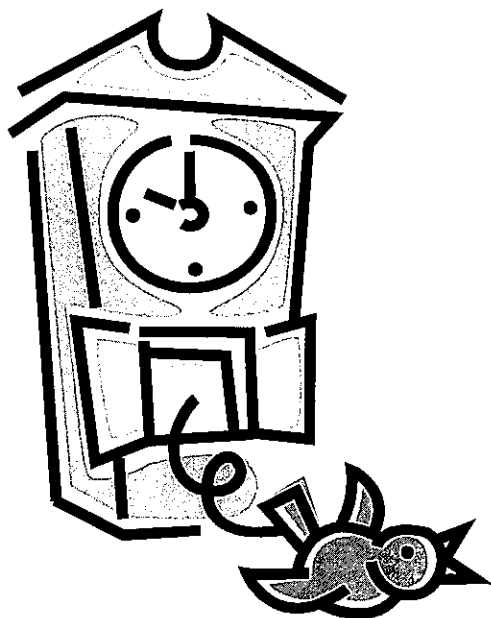


City Council
March 12, 2012
Monday



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



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



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2012

MARCH

- Monday 12th** **CITY COUNCIL** Committee of the Whole 5:00 p.m. and Regular Meeting 6:00 p.m.
- Tuesday 13th** **ECONOMIC DEVELOPMENT ADVISORY COMMISSION** 6:00 p.m.
- Thursday 15th** **PARKS AND RECREATION ADVISORY COMMISSION** Regular Meeting 5:30 p.m.
- Monday 19th** **CITY COUNCIL** Worksession 4:00 p.m. to 6:00 p.m.
- Wednesday 21st** **PLANNING COMMISSION** Worksession 5:30 p.m. and Regular Meeting 6:30 p.m.
- Thursday 22nd** **PORT AND HARBOR IMPROVEMENT COMMITTEE** 5:30 p.m.
KACHEMAK DRIVE PATH COMMITTEE 5:30 p.m.
- Tuesday 27th** **CITY COUNCIL** Worksession 4:00 p.m., Committee of the Whole 5:00 p.m. and Regular Meeting 6:00 p.m.

Regular Meeting Schedule

City Council 2nd and 4th Mondays 6:00 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.

For the months of September through April and
6:00 p.m. for the months of May, June, July, and August

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



COMMITTEE OF THE WHOLE
5:00 P.M. MONDAY
MARCH 12, 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.

Councilmember Roberts has requested excusal.

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

3. REGULAR MEETING AGENDA

5. COMMENTS OF THE AUDIENCE

6. ADJOURNMENT NO LATER THAN 5:50 P.M.

Next Regular Meeting is Tuesday, March 27, 2012 at 6:00 p.m., Committee of the Whole 5:00 p.m., and Worksession 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.

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
MARCH 12, 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

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

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE

Councilmember Roberts has requested excusal.

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

2. AGENDA APPROVAL

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

3. PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

4. RECONSIDERATION

5. CONSENT AGENDA

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

- A. Homer City Council unapproved Special and Regular Meeting minutes of February 27, 2012. City Clerk. Recommend adoption. Page 11
- B. **Memorandum 12-032**, from Mayor, Re: Appointment of David Groesbelk to the Library Advisory Board. Page 29

6. VISITORS

7. ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

A. **Mayor's Proclamation – 30th Anniversary Alaskan Coastal Studies** Page 33

B. Borough Report

C. Commissions/Board Reports:

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

8. PUBLIC HEARING(S)

9. ORDINANCE(S)

A. **Ordinance 12-11**, An Ordinance of the City Council of the City of Homer, Alaska, Amending the Homer City Zoning Map to Rezone Portions of the Rural Residential (RR) and General Commercial Two (GC2) Zoning Districts to Conservation (CONS). Planning. Recommended dates: Introduction March 12, 2012, Public Hearing and Second Reading March 27, 2012. Page 35

Memorandum 12-033 from City Planner as backup. Page 45

B. **Ordinance 12-12**, An Ordinance of the City Council of Homer, Alaska, Amending the 2012 Operating Budget to Purchase Water Meter Reading Software/Hardware from the Water and Sewer Reserve Accounts in an Amount Not to Exceed \$15,425. City Manager/Public Works Director. Recommended dates: Introduction March 12, 2012, Public Hearing and Second Reading March 27, 2012. Page 119

Memorandum 12-034 from Public Works Superintendent as backup. Page 123

C. **Ordinance 12-13**, An Ordinance of the City Council of the City of Homer, Alaska, Enacting Homer City Code Chapter 11.24, Utility Use of Rights-of-Way. City Manager/Public Works Director. Recommended dates: Introduction March 12, 2012, Public Hearing and Second Reading March 27, 2012. Page 129

D. **Ordinance 12-14**, An Ordinance of the City Council of Homer, Alaska, Repealing and Reenacting HCC Chapter 17.04 Regarding Special Assessment Districts. City Manager. Recommended dates: Introduction March 12, 2012, Public Hearing and Second Reading March 27, 2012. Page 139

Memorandum 12-035 from City Attorney as backup. Page 151

10. CITY MANAGER'S REPORT

A. City Manager's Report Page 155

B. Bid Report Page 167

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

15. RESOLUTIONS

- A. **Resolution 12-018**, A Resolution of the City Council of Homer, Alaska, Amending the City of Homer Fee Schedule to Provide that a Multifamily Residential Account Customer is Charged Only a Single Monthly Sewer and Water Customer Charge. Hogan.

Page 169

- B. **Resolution 12-019**, A Resolution of the City Council of Homer, Alaska, Amending the Overall Karen Hornaday Park Project Budget, Including a New Allocation of Funds for Ball Field Improvements, Northern Parking Lot Improvements, and Day Use Area Improvements. City Manager/Parks and Recreation Advisory Commission.

Page 179

Memorandums 12-036, 12-037, 12-038 and 12-039 from Parks and Recreation Advisory Commission as backup.

Page 181

- C. **Resolution 12-020**, A Resolution of the City Council of Homer, Alaska, Amending the Homer Public Library Policies for Computer Use and Internet Safety. City Clerk/Library Director.

Page 203

Memorandum 12-040 from Library Advisory Board as backup.

Page 207

- D. **Resolution 12-021**, A Resolution of the City Council of Homer, Alaska Approving the Establishment of a Campground Host Program in City Parks and Authorizing the City Manager to Execute the Appropriate Documents and Initiate the Program. City Manager/Parks and Recreation Advisory Commission.

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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 Tuesday, March 27, 2012 at 6:00 p.m., Committee of the Whole 5:00 p.m., and Worksession 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.

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

RECONSIDERATION

CONSENT AGENDA

Session 12-06 a Special Meeting of the Homer City Council was called to order on February 27, 2012 at 4:00 p.m. by Mayor James C. Hornaday at the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of Allegiance.

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

ABSENT: WYTHE (excused)

STAFF: CITY MANAGER WREDE
CITY CLERK JOHNSON
CITY ATTORNEY KLINKNER (telephonic)

Councilmember Wythe has requested excusal.

Mayor Hornaday declared Councilmember Wythe as excused and there was no objection from the Council.

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

- A. **Memorandum 12-025**, From City Clerk Re: Request for Executive Session Pursuant to AS 44.62.310 (C)(1), Matters, the Immediate Knowledge of Which Would Clearly Have an Adverse Effect Upon the Finances of the Government Unit. (Kazan Property Purchase).

Mayor Hornaday called for a motion to approve the recommendations of Memorandum 12-025 to meet in Executive Session with Attorney Klinkner to discuss Kazan Property Purchase.

HOWARD/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.

HOWARD/LEWIS - SO MOVED.

There was no discussion.

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

Motion carried.

Council adjourned to Executive Session at 4:03 p.m. and reconvened the meeting at 4:35 p.m.

Acting Mayor Pro Tempore Roberts stated they met with the attorney who provided advice and they directed the City Manager as how to proceed.

COMMENTS OF THE AUDIENCE

Michael Armstrong, Homer News reporter, referenced Attorney Tans Open Meetings Act that the people are to retain control over the government. At the last council meeting Council did not cite a statute as to why they went into Executive Session. For an adverse financial impact there must be facts on the record to enable the court if there was immediate knowledge open discussion would harm the City. He encouraged Council to provide that information to the public.

ADJOURNMENT

There being no further business to come before the Council, Mayor Hornaday adjourned the meeting at 4:38 p.m. The next Regular Meeting is Monday, March 12, 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.

JO JOHNSON, CMC, CITY CLERK

Approved: _____

Session 12-07 a Regular Meeting of the Homer City Council was called to order on February 27, 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 (telephonic), ZAK

STAFF: CITY MANAGER WREDE
CITY CLERK JOHNSON
FINANCE DIRECTOR MAURAS
COMMUNITY AND ECONOMIC
DEVELOPMENT COORDINATOR KOESTER
PUBLIC WORKS DIRECTOR MEYER

Councilmember Wythe has requested telephonic participation or excusal.

Mayor Hornaday called for a motion to allow Councilmember Wythe to participate by telephone.

ZAK/ROBERTS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Council met for a Special Meeting from 4:00 p.m. to 4:38 p.m., adjourning to Executive Session to discuss Kazan Property Purchase. From 5:02 p.m. to 5:42 p.m. Council met as a Committee of the Whole to hear from Anderson Group, the City's lobbyists and discuss Regular Meeting Agenda items.

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

AGENDA APPROVAL

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

The agenda was approved by consensus of the Council with the following changes:

ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORTS - Memorandum 12-028 from Parks and Recreation Advisory Board, re: Karen Hornaday Park to Complete the Recommendations Outlined in Ordinance 11-22; Memorandum 12-029 from Parks and Recreation Advisory Board, re: Karen Hornaday Park Day Use Improvements; Memorandum 12-030 from Parks and Recreation Advisory Board, re: Karen

REPORT/COMMISSION

Hornaday Park Improvements to Ball Fields, Dugout and Related Amenities; and Memorandum 12-031 from Parks and Recreation Advisory Board, re: Karen Hornaday Park Northern Parking Lot Improvements; **PUBLIC HEARINGS - Ordinance 12-09**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2012 Operating Budget by Appropriating \$27,275.01 (in Equal Amounts from the Public Works, Water and Sewer Reserve Accounts) for the Purchase of a Used Skid-Mounted Steamer Equipment Unit, Written correspondence.

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

There were no comments of the public.

RECONSIDERATION

CONSENT AGENDA

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

- A. Homer City Council unapproved Regular Meeting minutes of February 13, 2012. City Clerk. Recommend adoption.
- B. **Memorandum 12-026**, from Mayor, Re: Reappointment of Glen Carroll to the Port and Harbor Advisory Commission.

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

HOWARD/LEWIS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

VISITORS

- A. **John Hendrix/Lisa Parker**, Apache Corporation

John Hendrix, General Manager of Apache Alaska Corporation, reported the company was founded in 1954 by three World War II veterans. They are a \$40 billion company employing 4,500 people. Mr. Hendrix has been with Apache since 2006 and has seen production go from 400,000 barrels per day to 350,000 barrels per day. Apache wants to be the most responsible developer and a partner of choice meaning they engage with citizens before developing. Apache's goals are safety and in the best interests of the communities.

Accomplishments/Plans in Alaska:

- 2010 - acquired leases to include Alaska Mental Health Trust
- 2011 – purchased 90+ tracts in the Alaska Department of Natural Resource oil and gas lease sale, bringing their ownership to over 800,000 acres, the largest lease holder in Cook Inlet
- 3-year seismic exploration program, employing over 250 people
- Currently employ over 150 people in the Tyonek area
- November, 2011 - acquired first seismic data; Apache has the largest seismic shoot in Cook Inlet
- Apache wants to develop responsibly with maps of the subsurface of the Cook Inlet
- Seismic information reveals folds in earth that hide the hydrocarbons.
- Apache wants to plan, develop, and succeed in Alaska
- Apache hopes to drill two wells this year in Cook Inlet basin, one on each the east and west sides

Mr. Hendrix answered questions from Council:

- The impact on fisheries within Cook Inlet would be mitigated with Apache's development plan.
- Apache has talked to the Kenai Peninsula Borough School District about educating students how seismic and geology works.
- Apache would target 80% Alaska hire with some outside hires.
- Seven boats have used the Deep Water Dock facilities.
- Apache uses nodal wireless technology that can be dropped anywhere to find signals where folds of the earth lay.
- The nodals provide a soundwave that give a signal where the folds of the earth lay.
- Directional drilling can be used 8 miles out.
- Apache's seismic technology is environmental friendly; the units can be moved freely.

Mayor Hornaday commented we have a number of special interest groups that do not speak for the City of Homer. He hopes Apache uses our facilities and set up offices and hire locally. We have a lot of talented people that need jobs and Apache is welcome here.

B. Representative Seaton, Legislative Session update

Representative Seaton appeared by telephone and reported there are good vibrations on the gas line. The tariff will be helpful. He is hopeful the City and Enstar are working on the Army Corps of Engineers regional permit to allow the main gas line, distribution lines, and connections without a separate permit.

District 35 has over \$300M in requests. If the Deep Water Dock is a general obligation bond it will not be competitive with the gas line. Although the fish tax bill would be advantageous, he has no high hopes. Representative Seaton is a sponsor for the Alaska Coastal Management program but is not too confident it will pass the Legislature. He may look at a voter initiative. If the City decides enforceable policies may be needed they can incorporate those in Homer City

Code under Title 29 authority. He also endorses that all oil companies pay a 9.4% corporate income tax.

B. Kachemak Bay Research Reserve, Kachemak Bay Science Conference

Megan Murphy, Coastal Training Program Coordinator for the Kachemak Bay Research Reserve, invited Homer and Kachemak Bay communities to participate in Healthy Bay = Vibrant Communities. The science conference will be held March 8 – 10 to highlight the interconnectedness between the communities well being and coastal ecosystems wellbeing. There will be over 30 presentations on resource and management. It is an opportunity for the community to learn and better understand our home. Due to generous support of local businesses and partners the registration is free. Register at: www.kbayscience.org

ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORTS

REPORT/COMMISSION

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

Commissioner Tricia Lillibridge provided a PowerPoint presentation showing the state of Karen Hornaday Park. The Parks and Recreation Advisory Commission is very busy working on all parks and any recreational land. They have had discussions on additional areas just outside the boundaries of the City and presentations from various people. Recommendations tonight include the additional allocation of funds from the Karen Hornaday Park Grant Committee. There is support for a vibrant 24-hour park in the summer with additional day shelters, added BBQ pits, and new turf. HoPP (Homer Playground Project) has been the energy fuel cell to get everyone off the ground.

The commission is recommending a campground host program they hope will start in June. There is also the Adopt-A-Park program to ensure someone is overseeing each local park. Signage prohibiting alcohol and cigarettes within 50 ft. of the parks and a code of conduct are being explored.

Community activities include repairing the day use area of the campground near Pier One Theatre. It is currently in disrepair and falling down; the object is to repair it for safety. The commission also requests restrooms at Mariner Park. On May 5 there is an event scheduled called "Meet the Trucks" with fire trucks, ambulances, and Public Works trucks at Mariner Park

show kids how things work. It will also provide an opportunity to sign up for summer activities. There are currently two commissioner openings.

City Manager Wrede reported draft documents of the campground host program were forwarded to the City Attorney and the attorney's comments were received. He will bring something forward at the next meeting.

5. Port and Harbor Advisory Commission

PUBLIC HEARING(S)

- A. **Ordinance 12-06**, An Ordinance of the City Council of Homer, Alaska, Amending the Karen Hornaday Park Project Budget Established via Ordinance 11-22 by Appropriating an Additional \$50,000 for Playground Equipment and Materials and Providing that Future Budget Amendments be Made by Resolution. City Manager/Parks and Recreation Advisory Commission. Introduction February 13, 2012, Public Hearing and Second Reading February 27, 2012.

Memorandum 12-019 from Parks and Recreation Advisory Commission as backup.

Mayor Hornaday opened the public hearing.

Erin Micciche advocated for the Karen Hornaday Park playground project. In Soldotna the town takes pride in their playground and it provides an amazing sense of community, bringing families closer together.

Miranda Weiss, city resident, thanked the Parks and Recreation Advisory Commission for their recommendations for the Karen Hornaday Park playground, Council, and the Micciche family. At the last council meeting she issued a challenge to raise \$22,000 before this meeting and instead raised \$31,000. Over an eight day period from May 20 – 27 the playground will be built by hundreds of volunteers. On March 7 from 5:30 p.m. to 7:00 p.m. there will be an informational presentation at Paul Banks Elementary.

Soldotna Mayor Peter Micciche told Council few city dollars were spent for the nearly \$1 million dollar Soldotna playground. Their playground project defines the community and defines quality of life. He urged Council to support the allocation and announced ConocoPhillips is donating \$10,000.

Mayor Hornaday closed the public hearing.

Mayor Hornaday called for a motion for the adoption of Ordinance 12-06 by reading of title only for second and final reading.

LEWIS/WYTHE - SO MOVED.

Councilmember Zak moved to amend to increase the amount to \$75,000 and then withdrew his motion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- B. **Ordinance 12-07**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2012 Operating Budget by Appropriating and Transferring \$81,000 from the General Fund Reserve (Fund Balance) to the City Hall Complex Budget for the Purpose of Acquiring New Furniture at City Hall. City Manager. Introduction February 13, 2012, Public Hearing and Second Reading February 27, 2012.

Memorandum 12-023 from City Manager as backup.

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

Mayor Hornaday called for a motion for the adoption of Ordinance 12-07 by reading of title only for second and final reading.

HOWARD/ROBERTS – SO MOVED.

There was no discussion.

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

VOTE: NO. LEWIS

Motion carried.

- C. **Ordinance 12-08**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a Commercial Vessel Passenger Tax Program Pass Through Grant from the Kenai Peninsula Borough for FY 2009 and FY 2010 in the Amount of \$35,512.50, and Authorizing the City Manager to Execute the Appropriate Documents. City Manager. Introduction February 13, 2012, Public Hearing and Second Reading February 27, 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 12-08 by reading of title only for second and final reading.

HOWARD/LEWIS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- D. **Ordinance 12-09**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2012 Operating Budget by Appropriating \$27,275.01 (in Equal Amounts from the Public Works, Water and Sewer Reserve Accounts) for the Purchase of a Used Skid-Mounted Steamer Equipment Unit. City Manager/Public Works Director. Introduction February 13, 2012, Public Hearing and Second Reading February 27, 2012.

Memorandum 12-024 from Public Works Director as backup.

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

Mayor Hornaday called for a motion for the adoption of Ordinance 12-09 by reading of title only for second and final reading.

HOWARD/ROBERTS - SO MOVED.

Councilmember Hogan expressed concern that the ordinance was not introduced as an emergency ordinance. The money has already been spent prior to Council's vote. There's no doubt the equipment is needed, it's the amount of money for a used piece of equipment. The used equipment costs 85% of what a new piece would cost, when he found the same steamer unit on *Craigslist* at 20% of the cost. He expressed concern of buying equipment without the proper RFP process.

Councilmember Roberts understands the concerns of Councilmember Hogan and had asked at the last meeting whether an emergency ordinance was needed. The City Attorney advised it was okay to proceed with the regular ordinance.

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

VOTE: NO. HOGAN

Motion carried.

- E. **Ordinance 12-10**, An Ordinance of the City Council of Homer, Alaska, Enacting Homer City Code Chapter 21.27, East End Mixed Use District, Amending Homer City Code 21.10.010, Zoning Districts, and Amending the Homer Zoning Map to Rezone Portions of the Rural Residential, General Commercial One and General Commercial Two Zoning Districts to East End Mixed Use. Planning. Introduction February 13, 2012, Public Hearing and Second Reading February 27, 2012.

Memorandum 12-028 from City Attorney as backup.

Memorandum 12-021 from City Planner as backup.

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

Mayor Hornaday called for a motion for the adoption of Ordinance 12-10 by reading of title only for second and final reading.

HOWARD/LEWIS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

ORDINANCE(S)

CITY MANAGER'S REPORT

A. City Manager's Report

1. Natural Gas: We met with Enstar representatives this week to go over design and cost estimates for the distribution system. I asked Enstar to provide cost estimates for three LID options for Council consideration. Those options are 1) the "core area" 2) the entire City limits and 3) the core area plus a loop that goes up West Hill, across Skyline, and down East Hill. At the last meeting, Council members had several questions for Enstar. Answers to those questions are attached. This agenda contains a resolution expressing support for the \$1.00 per mcf increase idea. We anticipate that ordinances amending the code to provide for gas main LIDs and for regulation of gas main utilities in the ROW will be ready for introduction at the first meeting in March. A resolution expressing the necessity to create an LID and starting the process to seek landowner approval can be expected in April.
2. Customer Charge / Multi-family Dwellings: The new customer charge for residential units in multi-family dwellings which was approved by the Council last year is about to go into effect. Some of you have been contacted by apartment building owners who have expressed disapproval. It might be a good time to remind ourselves why the Council enacted this change. Customer charges for residential units within multi-family dwellings are very common. The staff have been recommending this for a number of years and Council approved it in June as part of setting the overall fee schedule for the next two years. Recall that the Council changed the commodity fee from commercial to residential and added the customer fee for each unit. Customer charges cover the fixed costs associated with maintaining the infrastructure. In December, the Council dropped the requirement that each unit have a separate meter and went with an administrative charge instead in part, to save money for contractors and dwelling owners. The Council made the change to customer charges for the following reasons:
 - Fairness: it was seen as unfair that single family homes paid a customer charge but apartments did not. Everyone benefits from the distribution system,

fire hydrants etc. being maintained properly. This spreads the cost more equitably.

- Increase Customer Base: One of the goals of the Council has been to increase the customer base to balance the budget and keep the Water and Sewer Fund in the black. This added approximately 400 customers and significant additional revenue.
 - Stable Fees: The Council did not wish to raise the basic fees for water and sewer for the next two years. The Council was able to keep fees at the current level with no increases by reducing its contribution to depreciation reserves to a minimal amount and spreading costs more equitably among the residential customer base.
3. Health Insurance Broker: During the budget discussions at the end of last year, the Council approved an employee contribution toward the cost of providing health insurance. During this discussion, the Mayor and several Council members expressed an interest in having a workshop with the city insurance broker, Jeff Paxton. That workshop has been scheduled for 4 Pm on March 19th. I would be interested in hearing what topics the Council may wish to discuss and learn more about. Some topics may have to be in executive session depending upon how deep you want to get into the details of things like spending on certain types of coverage (HIPPA and privacy regulations). For now, I have indicated to Jeff that we would like him to discuss broad topics that could be discussed in open setting such as trends in health care costs, city spending on insurance, projected costs in the future, ways to control costs and the role of the broker, and the impacts on Homer that the new Health Care law will have, including the tax implications.
 4. Term Contracts: Carey has issued a request for proposals for engineering services for term contracts. The two are for engineers to provide civil (roads, trails, drainage, etc) and water and sewer engineering services. Another RFP is on the way for marine engineering. Term contracts have worked very well for us in the past. They allow us to move quickly and be more efficient because we do not have to issue an RFP every time a new project comes up. This will help us move ahead quickly on some of the capital projects we have and in some cases, provide the project management assistance we need.
 5. Airport Doors: In the 2011 Operating Budget, the Council approved \$25,000 to replace the glass sliding doors at the airport terminal. The building maintenance staff has been researching different types of sliding glass doors and companies that would provide and install them. The staff has been spending many hours repairing and nursing these doors along and recently they have become inoperable on occasions. Sometimes the doors are stuck in the open position; something we clearly do not want in the winter. (See attached memo from PW Superintendent.) It was necessary to take action immediately. The Council has already approved the money but we did not have time to bring you a resolution approving the contract. Lakeshore Glass of Homer was the lowest responsible bidder at \$21,850. Work is proceeding.
 6. HB 312: This is a bill that we are watching closely which could have big impacts for Homer residents if natural gas arrives in the community. Katie testified in favor at a hearing last week and Linda Anderson is working on it as well. Council has not formally expressed an opinion on this one so we want to bring it to your attention and make sure you knew that we are working on it. HB 312 would provide low interest loans to businesses and residents who wish to make the conversion to natural gas.

7. Building Art: This agenda contains a memorandum with recommendations from the Public Arts Committee regarding how public art should be displayed in the expanded and renovated City Hall. There are other locations within the building that are calling out for art and the Arts Committee has expressed a willingness to help secure it. That raises a number of issues about the donation of art and the display of art by local residents in public buildings that probably should be discussed. It would be good to have policies in place before we leap into this. We have already addressed this issue to some degree at the library.
8. Community Recreation Program: New schedules for sports activities at the High School and Middle school have been established that put a severe squeeze on Community Recreation Programs. Some of the most popular programs (most participants and most revenue) will be seriously impacted and may even have to be cancelled. The future of the program is uncertain and the current contract with the School District expires at the end of June. This has renewed interest in moving some if not all of the Community Rec. Programs to the HERC Building. It would be good if Council could have a discussion about this sometime soon.

City Manager Wrede reported on the FEMA flood hazard maps that produced a fair amount of concern with Council and the community. City Planner Abboud has been working with FEMA and the assumptions behind the data and just learned that FEMA has changed the maps. The good news is the end of the Spit is now in the 100 year flood zone, alleviating special regulations or higher insurance costs. The map amendments have dramatically improved the situation for the City.

The Borough and State declared a disaster for the November windstorm damage and subsequently President Obama declared the Kenai Peninsula Borough a disaster. In the storm, two fenders of the Deep Water Dock were severely damaged. They will be fixed as quickly as possible. We have applied for reimbursement from FEMA. Pier One Theatre had roof damage from the windstorm and is applying for reimbursement too.

City Manager Wrede indicated water bills that include charges for multi-family dwellings will go out soon. He asked that Council let him know if they wish to amend the rates or classifications. Councilmember Hogan had concerns of how Resolution 11-094(S) was adopted, without public notice of the substitute resolution. Councilmember Hogan is not comfortable with the resolution as there was no mention to the public we were going to institute the rate classification change. An opinion from City Attorney Klinkner on the subject indicated sufficient public notice was given.

Councilmember Lewis recollected we were going to have meters for every single apartment complex. The owners would have to pay for the meters and would have the same charges. We took out the requirement and cost of putting in the meters; you no longer have to have an individual meter for each apartment. The charge for each apartment was already there. People are saving money by not having to redo plumbing for individual meters.

Councilmember Hogan noted the Council passed an ordinance and rescinded it. Resolution 11-094 was advertised and the title said there would be no changes to the fee schedule. Substitute

Resolution 11-094(S) added a separate classification of service. He plans to bring forth a new resolution at the next meeting to change that.

Councilmember Roberts stated we changed apartment people from commercial to residential last summer. Multi-family dwellings would have a meter. In December we said it was onerous and we would eliminate meters from family dwellings. We eliminated the one charge.

Mayor Hornaday reflected he had vetoed a water/sewer rate increase and last time was insistent we not raise the rates. He noted:

- For those with existing leases, if you subtract the savings from commercial to residential the individual fee was a \$15 increase.
- Apartment owners who are not involved in a preexisting lease had to pay the full \$45 increase.
- There are a number of people on subsidized low rental programs. If the \$45 increase goes into effect those people can no longer afford their apartments. He is concerned they may be forced out.

Councilmember Lewis commented we tried to get everyone on the same playing field. A number of people own homes and make monthly payments. Apartments are getting away with one rate for many users, yet the single family pays.

Finance Director Mauras reported in July she did an analysis on costs for all multiplex units showing the monthly differences. A 10 plex will pay \$2,000 less as they will pay residential rates. There are reduced rates for water usage; some are paying more, but most are paying less.

Councilmember Hogan questioned the RFP for replacement of the airport doors. He contacted a vendor who said the proposal asked specifically for Tormax doors. If you put it out for RFP and only specify one brand, what happens to other brands? Councilmember Hogan commented the procurement process is broken. We need to spend money in the interests of the citizens.

Councilmember Roberts commented on the new art in the new building. She thanked the Public Arts Committee for all their work.

Councilmember Lewis asked about the Community Recreation Program and if we moved as many programs as possible to the HERC building how it would affect negotiations with the other schools. City Manager Wrede answered it would help since there is concern of elimination for some programs or scaling back due to classroom space. The Boys and Girls Club has the gym for wrestling. The biggest loss is the high school gym and mat room. Asked by Councilmember Lewis if Council has the funds to keep the entire building heated, City Manager Wrede answered revenues could be made as there are inquiries to rent the HERC building. There is no fee schedule or rental agreement for the building.

Councilmember Wythe noted if we start using the HERC building for another institution we would have to upgrade accessibility and code regulations. City Manager Wrede agreed some upgrades would be needed. We have been holding off from using the sizeable depreciation

account for that building. Councilmember Wythe asked if it was a multi-million account as a couple hundred thousand dollars would not be enough to bring the building up to code.

Councilmember Roberts asked if the money currently paid to the school district to have Community Recreation in their building would be equal to maintain the other building. City Manager Wrede answered the money we are paying the school district was a legislative grant and is running out. Next year \$6,000 will come out of the general fund to pay the school district.

B. Bid Report

CITY ATTORNEY REPORT

COMMITTEE REPORT

A. Public Arts Committee

Public Arts Committee Chair Angie Newby thanked Council for supporting their budget request and their input on the City Hall art. The committee is working to get the Welcome to Homer sign at the airport replaced with visible language. Gaye Wolfe has been the PAC liaison, working diplomatically with groups to provide art placement recommendations contained in Memorandum 12-027. Public art that has been stuffed in corners will be placed in visible spaces. Two more of the 1% for arts pieces are scheduled for installation.

A subcommittee is working on the Gateway project, specifically the Baycrest Hill portion. It is the same group of people that made the airport diorama photo display possible. Public Arts Committee Member Marianne Aplin collaborated with the Alaska State Parks, Kachemak Bay Research Reserve, and Fish and Wildlife to obtain the \$35,000 airport diorama at no cost to the City. The Baycrest Hill project will be driven by the community, but led by Alaska State Parks, Kachemak Bay Research Reserve, Fish and Wildlife, Homer Chamber of Commerce, Pratt Museum, and Alaska Department of Transportation. Baycrest Hill is the primary way to draw people into Homer.

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

- A. **Memorandum 12-027**, From Public Arts Committee, Re: Recommendation on Placement of Existing City Owned Artwork Within City Hall Public Areas.

Mayor Hornaday called for a motion for the approval of the recommendations of Memorandum 12-027 for placement of existing artwork within city hall public areas.

HOWARD/ROBERTS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

RESOLUTIONS

- A. **Resolution 12-017**, A Resolution of the City Council of Homer, Alaska, Expressing Support for a One Dollar Per Mcf Tariff Increase on the Price of Natural Gas in the Area Served by the Proposed South Peninsula Natural Gas Pipeline as a Local Contribution to the Cost of Constructing the Line. City Manager.

Councilmember Wythe declared a conflict of interest. She did not attend the last meeting when the gas line was discussed, but asked that Council determine her conflict.

Mayor Hornaday ruled Councilmember Wythe does have a conflict of interest. The City Attorney advised she did have a conflict.

HOGAN/LEWIS – MOVED TO OVERRULE THE MAYOR’S RULING.

Councilmember Hogan stated Councilmember Wythe has no more of a conflict than Council who receive credits from Homer Electric Association.

Councilmember Howard will not support the overruling, but instead will follow the advice of the attorney.

VOTE: (overrule) YES. HOGAN, LEWIS

VOTE: NO. ROBERTS, ZAK, HOWARD

Motion failed.

Councilmember Wythe excused herself from discussion on the resolution.

Mayor Hornaday called for a motion for the adoption of Resolution 12-017 by reading of title only.

LEWIS/ROBERTS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Councilmember Wythe rejoined the meeting.

COMMENTS OF THE AUDIENCE

Larry Slone, city resident, told Council he was blindsided on the water/sewer rates. His multiplex unit will be affected with a \$90 per month increase from the current \$100 monthly charge he pays. His rental rates are already fixed. Mr. Slone referred to Councilmember Zak's amendment to increase the HoPP contribution by \$25,000 and encouraged Council to use restraint when spending public funds.

COMMENTS OF THE CITY ATTORNEY

City Attorney Klinkner was not present.

COMMENTS OF THE CITY CLERK

City Clerk Johnson had no comment.

COMMENTS OF THE CITY MANAGER

City Manager Wrede had no comment.

COMMENTS OF THE MAYOR

Mayor Hornaday had no comment.

COMMENTS OF THE CITY COUNCIL

Councilmember Wythe thanked Soldotna Mayor Micciche for coming to Homer and the additional funding from ConocoPhillips for the playground project. She appreciates his efforts on our behalf.

Councilmember Roberts commented on remarks made by Larry Slone. If the playground equipment appropriation ordinance was amended to change the contribution from \$50,000 to \$75,000 it would require more public testimony. It is a substantive amendment so the public would be noticed to allow them the opportunity to testify.

Councilmember Zak commented he is glad he asked for the increased playground equipment contribution and hopes it will go back to the Parks and Recreation Advisory Commission and

they will recommend an increase. There is value in the HoPP, both economically and bringing the community together. He appreciates meeting with the lobbyists and the update and asked for another meeting before the legislative session ends.

Councilmember Hogan expressed appreciation to Mayor Micciche for coming to Homer to offer support for the HoPP. He wonders what issue we can send to Mayor Micciche.

Councilmembers Howard and Lewis had no comment.

ADJOURNMENT

There being no further business to come before the Council, Mayor Hornaday adjourned the meeting at 7:37 p.m. The next Regular Meeting is Monday, March 12, 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.

JO JOHNSON, CMC, CITY CLERK

Approved: _____



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 12-032

TO: HOMER CITY COUNCIL

FROM: JAMES C. HORNADAY, MAYOR

DATE: MARCH 7, 2012

SUBJECT: APPOINTMENT OF DAVID GROESBELK TO THE LIBRARY ADVISORY BOARD.

David Groesbelk is appointed to the Library Advisory Board to fill the seat vacated by Bette Seaman. His appointment will expire April 1, 2015.

RECOMMENDATION:

Confirm the appointment of David Groesbelk to the Library Advisory Board.

Fiscal Note: N/A



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

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

RECEIVED BY CLERK'S OFFICE

The information below provides some basic background for the Mayor and Council.
 This information is public and will be included in the Council Information packet.

Name DAVID GROESBELK Date 2.15.12
 Physical Address 67513 AGUSTA LN City HOMER
 Mailing Address SAME AS ABOVE Zip Code 99603
 Phone 226.1115 Work # _____ Cell # _____
 Email Address davidg@acsalaska.net

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

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

Select	COMMISSION/COMMITTEE/BOARD.TASK FORCE	REGULAR MEETING SCHEDULE
<input type="checkbox"/>	ADVISORY PLANNING COMMISSION	1ST & 3RD WEDNESDAY OF THE MONTH AT 7:00 P.M. WORKSESSIONS AT 5:30 P.M.
<input type="checkbox"/>	ECONOMIC DEVELOPMENT ADVISORY COMMISSION	2ND TUESDAY OF THE MONTH AT 6:00 P.M.
<input checked="" type="checkbox"/>	LIBRARY ADVISORY BOARD	1ST TUESDAY OF THE MONTH AT 6:00 P.M.
<input type="checkbox"/>	PARKS & RECREATION ADVISORY COMMISSION	3RD THURSDAY OF THE MONTH AT 6:30 P.M.
<input type="checkbox"/>	PORT & HARBOR ADVISORY COMMISSION	4TH WEDNESDAY OF THE MONTH AT 6:00 P.M.
<input type="checkbox"/>	PUBLIC ARTS COMMITTEE	3RD THURSDAY OF THE MONTH AT 11:00 A.M. WORKSESSIONS AT 10:00 A.M.
<input type="checkbox"/>	TRANSPORTATION ADVISORY COMMITTEE	3RD TUESDAY OF THE MONTH AT 5:30 P.M.
<input type="checkbox"/>	PERMANENT FUND COMMITTEE	QUARTERLY - 2ND THURSDAY OF THE MONTH AT 6:00 P.M.
<input type="checkbox"/>	LEASE COMMITTEE	QUARTERLY - 2ND THURSDAY AT 3:00 P.M.
<input type="checkbox"/>	OTHER - PLEASE ENTER THE COMMITTEE/TASK FORCE	

I have been a resident of the City for ___ mos. yrs I have been a resident of the area for 2 mos. yrs.

I am presently employed as: RETIRED School Superintendent, Calexico, CA

List any special training, education or background you have which is related to your choice of commission, committee, board, or task force: Spent 40 yrs in public education, most recently as Superintendent of Schools. I have served as Asst. Supt for HR and Business as well as teaching at the university level.

Have you ever served on a similar commission, committee, board or task force? Yes 1990-2009
If so, when & where: Calexico, CA; El Centro, CA; Springfield, MA

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

I am interested in serving on the above because: Homer is a unique community that has a history of support for public access to library and educational programs. The challenge will be to enhance services in times of diminishing resources. I would like to

Do you currently belong to any organizations specifically related to the area of your choice(s) you wish to serve on?
 Yes No If yes, please list organizations: _____

Questions regarding the Homer Advisory Planning Commission: N/A

Have you ever developed real property, other than your personal residence? If yes, briefly describe the development: _____

Questions regarding the Port & Harbor Advisory Commission: N/A

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

If yes, is you use primarily: Commercial Recreational Both

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

offer my experience as the City and the library seek to meet the challenges of the 21st Century.

VISITORS

**ANNOUNCEMENTS
PRESENTATIONS
BOROUGH REPORT
COMMISSION REPORTS**

**CITY OF HOMER
HOMER, ALASKA**

MAYOR'S PROCLAMATION

**CENTER FOR ALASKAN COASTAL STUDIES
30th ANNIVERSARY**

WHEREAS, The Center for Alaskan Coastal Studies was established under the name the China Poot Bay Society in 1982; and

WHEREAS, The Center for Alaskan Coastal Studies has grown into a organization that stewards 145 acres in Kachemak Bay, including a land base that includes the Peterson Bay Coastal Science Field Station and the Carl E. Wynn Nature Center and serves over 11,000 people every year; and

WHEREAS, The Center for Alaskan Coastal Studies has provided educational programs about Kachemak Bay's unique environments and diversity to generations of school children in more than 30 Alaskan communities and to thousands of people from Homer, Alaskan communities, and from throughout the world; and

WHEREAS, The Center for Alaskan Coastal Studies has served as a model of land management and environmental education that balances human use with protection of coastal environments and has inspired citizens to make decisions and take actions that promote the health and integrity of ecosystems; and

WHEREAS, The Center for Alaskan Coastal Studies has led many other organizations in these efforts in the community; and

WHEREAS, The Center for Alaskan Coastal Studies is celebrating its 30th anniversary as a local non-profit organization.

NOW, THEREFORE, I, James C. Hornaday, Mayor, hereby proclaim the Center for Alaskan Coastal Studies 30th Anniversary and commend the Center for its service to the community in fulfilling its vision to cultivate environmental stewards who preserve the natural world for future generations.

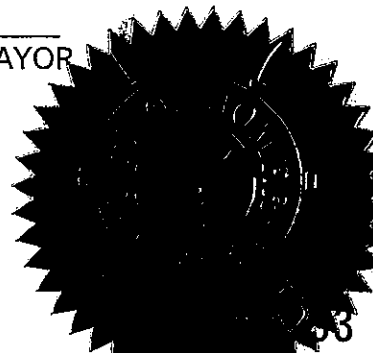
IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Homer, Alaska to be affixed this 12th day of March, 2012.

CITY OF HOMER

JAMES C. HORNADAY, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK



PUBLIC HEARING(S)

ORDINANCE(S)

ORDINANCE REFERENCE SHEET
2012 ORDINANCE
ORDINANCE 12-11

An Ordinance of the City Council of the City of Homer, Alaska, Amending the Homer City Zoning Map to Rezone Portions of the Rural Residential (RR) and General Commercial Two (GC2) Zoning Districts to Conservation (CONS).

Sponsor: Planning

1. City Council Regular Meeting March 12, 2012 Introduction
 - a. Memorandum 12-033 from City Planner as backup
 - b. Staff Reports PL 12-08 with minutes and 12-05
 - c. Email from Kachemak Heritage Land Trust

1 CITY OF HOMER
2 HOMER, ALASKA

Planning

3
4 ORDINANCE 12-11
5

6 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
7 HOMER, ALASKA, AMENDING THE HOMER CITY ZONING
8 MAP TO REZONE PORTIONS OF THE RURAL
9 RESIDENTIAL (RR) AND GENERAL COMMERCIAL TWO
10 (GC2) ZONING DISTRICTS TO CONSERVATION (CONS).
11

12 WHEREAS, Chapter 4 Goal 1 Objective C of the Homer Comprehensive Plan states,
13 “Develop clear and well-defined land use regulations and update the zoning map in support of
14 the desired pattern of growth”; and
15

16 WHEREAS, The Homer Comprehensive Plan classifies an 80-acre parcel northwest of
17 the Homer Airport owned by the Kenai Peninsula Borough and described as Parcel No. 179-010-
18 26 for conservation use, and the Kenai Peninsula Borough Assembly adopted Resolution 2011-
19 97 classifying this parcel for Preservation; and
20

21 WHEREAS, The Homer Advisory Planning Commission held a public hearing on the
22 rezonings described herein on February 15, 2012 as required by Homer City Code 21.95.040,
23 and
24

25 WHEREAS, The Homer Advisory Planning Commission found that (i) the proposed
26 rezonings are consistent with the Homer Comprehensive Plan and will further specific goals and
27 objectives of the Plan; (ii) the proposed rezonings apply zoning districts that are better suited to
28 the areas that are the subject of the rezonings than the districts that the rezonings would replace;
29 and (iii) there is a public need and justification for the rezonings, the rezonings are in the best
30 interest of the public, and the rezonings will not have a negative effect on the public health,
31 safety or welfare.
32

33 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
34

35 Section 1. The Homer Zoning Map is amended to transfer the parcels listed on the attached
36 Exhibit A from the Rural Residential (RR) zoning district to the Conservation (CONS) zoning
37 district as shown on the attached Exhibit B.
38

39 Section 2. The Homer Zoning Map is amended to transfer the parcels listed on the attached
40 Exhibit A from the General Commercial 2 (GC2) zoning district to the Conservation (CONS)
41 zoning district as shown on the attached Exhibit C.
42

43 Section 3. The City Planner is authorized to note on the Homer Zoning Map the
44 amendments enacted by this ordinance as required by Homer City Code 21.10.030(b).
45

Exhibit A

Tax Parcel 17316006. Rezone from Rural Residential to Conservation.

Legal Description: T6S R14W Sec 15 Seward Meridian HM Govt Lot 1

Tax Parcel 17901026. Rezone from General Commercial Two to Conservation.

Legal Description: T6S R13W Sec 15 Seward Meridian HM NW $\frac{1}{4}$ SE $\frac{1}{4}$ & NE $\frac{1}{4}$ SW $\frac{1}{4}$

Exhibit B

Dump

Rural Residential

City Limits

Sterling Highway

X

Conservation

This lot to change from Rural Residential to Conservation zoning.

Kachemak Bay



City of Homer
Planning and Zoning Department

2/8/2012

Legend

 City Limits

Adjacent Existing Zoning

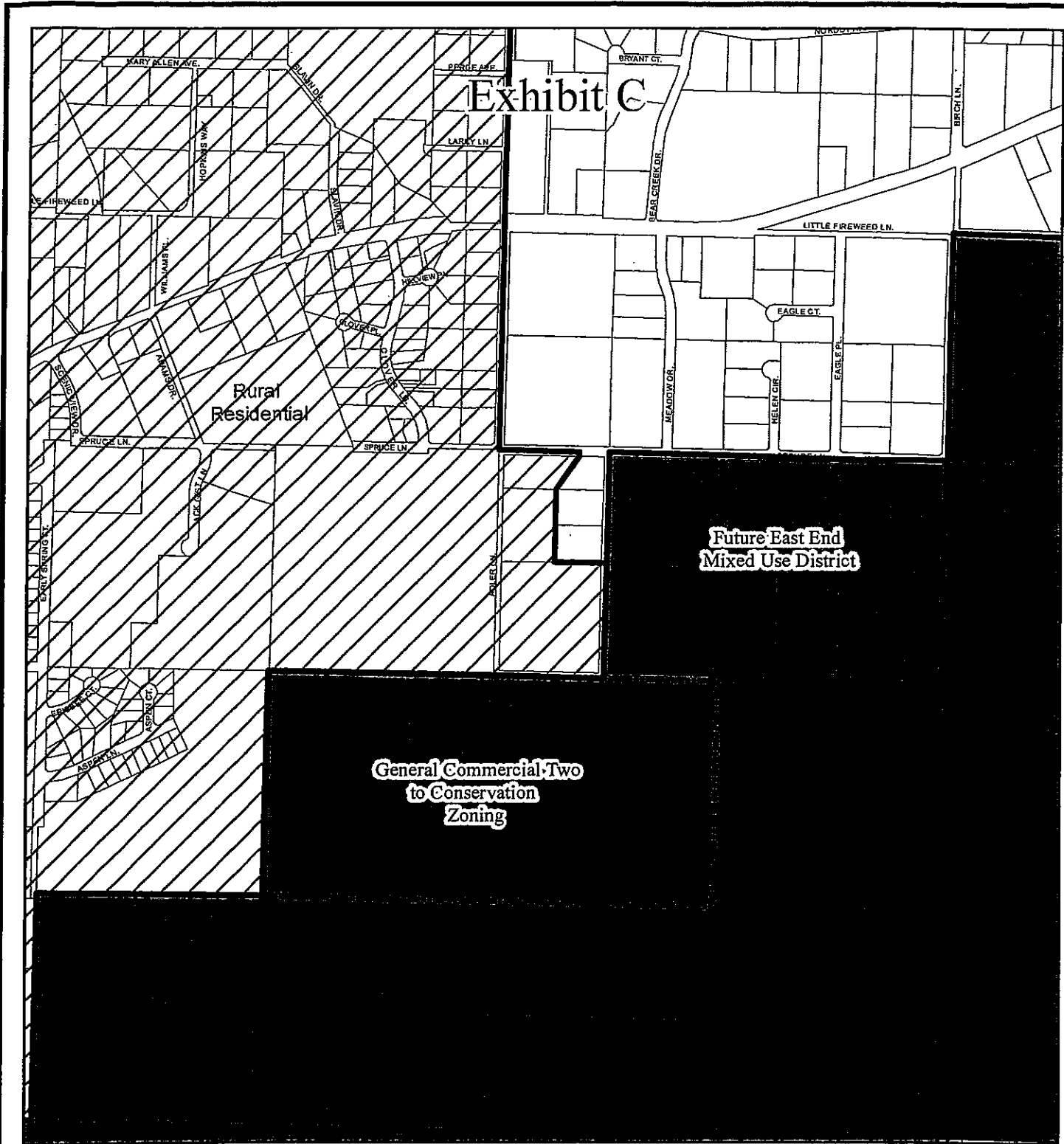
Zone

 Rural Residential

 Conservation







*Disclaimer:
It is expressly understood the City of Homer, its council, board, departments, employees and agents are not responsible for any errors or omissions contained herein, or deductions, interpretations or conclusions drawn therefrom.*



City of Homer
 Planning and Zoning Department
 2/8/2012

Legend

-  Proposed Conservation
-  Existing Adjacent Zoning
-  General Commercial 2
-  Rural Residential



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Introduced by: Mayor, Smith
 Date: 09/20/11
 Action: Adopted as Amended
 Vote: 8 Yes, 0 No, 1 Absent

**KENAI PENINSULA BOROUGH
 RESOLUTION 2011-097**

A RESOLUTION TO CLASSIFY BOROUGH LAND LOCATED WITHIN THE HOMER CITY LIMITS, LOCATED WITHIN SECTION 15, T6S, R13W, S.M., ALASKA, CONTAINING 80 ACRES MORE OR LESS, PURSUANT TO KPB 17.10.080

- WHEREAS,** the Kenai Peninsula Borough has received title to subject land; and
- WHEREAS,** pursuant to KPB Chapter 17.10.080, classification provides direction for the management of borough land; and
- WHEREAS,** the subject parcel is located within the Homer city limits; and
- WHEREAS,** City of Homer Ordinance 09-40(S) and KPB Ordinance 2010-24 adopted the 2008 City of Homer Comprehensive Plan for that area of the borough within the boundaries of the City of Homer; and
- WHEREAS,** City of Homer Resolution 11-063 encourages the assembly to designate 80 acres, KPB Parcel Number 179-010-26 northwest of the Homer airport as wildlife habitat; and
- WHEREAS,** the City of Homer Comprehensive Plan classifies this 80 acres as conservation use; and
- WHEREAS,** the Kenai Peninsula Borough Planning Commission at its regular scheduled meeting of September 12, 2011, recommended adoption by unanimous consent;

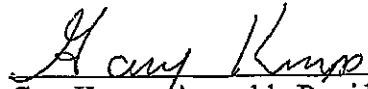
NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

SECTION 1. Based on the findings of fact, analysis, and conclusions contained in the staff report of September 12, 2011, the following described borough land shall be classified as follows:

PARCEL	GENERAL LOCATION	LEGAL	ACRES	PROPOSED CLASSIFICATION
179-010-26	Homer	NW1/4SE1/4 & NE1/4SW1/4, T6S, R13W, Section 15, S.M.	80	Preservation

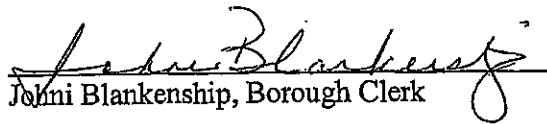
SECTION 2. This resolution shall take effect immediately upon adoption.

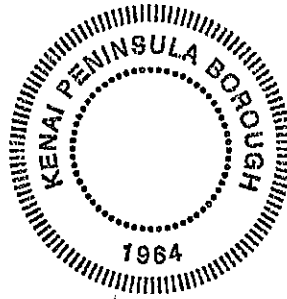
ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 20TH DAY OF SEPTEMBER, 2011.



Gary Knopp, Assembly President

ATTEST:


Johni Blankenship, Borough Clerk



Yes: Haggerty, Johnson, McClure, Murphy, Smalley, Smith, Tauriainen, Pierce
No: None
Absent: Knopp



City of Homer

Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

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

MEMORANDUM 12-033

TO: Mayor Hornaday and Homer City Council
THRU: Walt Wrede, City Manager
FROM: Rick Abboud, City Planner
DATE: March 6, 2012
SUBJ: **Ordinance 12-11**, An Ordinance of the City Council of the City of Homer, Alaska, Amending the Homer City Zoning Map to Rezone Portions of the Rural Residential (RR) and General Commercial Two (GC2) Zoning Districts to Conservation (CONS) Planning. Recommended dates: Introduction March 12, 2012, Public Hearing and Second Reading March 27, 2012.

Introduction

The Planning Commission is forwarding the Draft Ordinances for review. The HAPC has had work session and a public hearing regarding this issue.

Why

Amending the map by adding these lands to the Conservation District (EEMU) directly fulfills objectives of the Homer Comprehensive Plan. The Land Use Recommendation Map indicates the proposed land desirable to be declared a Conservation District. The parcels currently function as conservation, and having them in the Conservation District only reflects the current reality of their functions. Further explanation about the current disposition of the lands can be found in the staff reports.

In Staff Report 12-05 you will find that originally I proposed that the entire area surrounding the airport, including the land designated as critical habitat, be included in the Conservation District. After hearing from nearby land owners and State of Alaska DOT, I withdrew state lands surrounding the airport from the proposed district because of a conflict with the airport. A letter from AKDOT is included in the backup material. This item was originally scheduled for public hearing February 1st and the meeting was canceled. Notices to neighboring property owners were sent out again and the hearing was held February 15th.

Staff and Planning Commission recommendation:

Adopt Ordinance 12-11

Attachments

1. Draft Ordinance 12-XX
2. Staff Report PL 12-08 and minutes
3. Staff Report PL 12-05 (canceled, no minutes)
4. Email from Kachemak Heritage Land Trust to Julie Engebretsen

- A. Staff Report PL 12-08, Draft Ordinance 12-xx Amending the Zoning Map to rezone portions of the Rural Residential and General Commercial Two districts to Conservation

City Planner Abboud reviewed his staff report.

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

VENUTI/BOS MOVED TO APPROVE THE AMENDMENTS TO THE ZONING MAP TO REZONE PORTIONS OF RURAL RESIDENTIAL AND GENERAL COMMERCIAL TWO DISTRICTS TO CONSERVATION AND FORWARD IT TO CITY COUNCIL FOR ADOPTION.

The Commission briefly discussed the history of the zoning. It was noted that relabeling the land won't make any difference regarding bird strikes, which have been minimal given the proximity to the airport. The Borough had it zoned as Preservation and this change will bring it in line with the City's designation of Conservation.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

PLAT CONSIDERATION

- A. Staff Report 12-03 Thompson Subdivision, Upton Addition Preliminary Plat

City Planner Abboud reviewed the staff report.

SONNEBORN/HIGHLAND MOVED TO ADOPT STAFF REPORT PL 12-03 THOMPSON SUBDIVISION, UPTON ADDITION PRELIMINARY PLAT.

There was brief comment that everything appears to be in order.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

PENDING BUSINESS

- A. Staff Report PL 12-09, Sign Ordinance

City Planner Abboud reviewed his staff report. He explained that the Economic Development Advisory Commission was tasked by Council to review and make recommendations, and they voted to support the Commission's work as presented.

Some Commissioners expressed that people want sandwich boards and they should be a permitted use. Other Commissioners disagreed noting that there is a small group of business owners calling out for this. There are a lot of communities that don't allow sandwich boards. The proliferation of the signs is a real issue.



City of Homer
Planning & Zoning
491 East Pioneer Avenue
Homer, Alaska 99603-7645

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

STAFF REPORT PL 12-08

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Planning Technician
MEETING: February 1, 2012, Feb. 15, 2012
SUBJECT: Draft Ordinance 12-xx, Amending the Zoning Map to rezone portions of the Rural Residential and General Commercial Two districts to Conservation.

Requested Action: Conduct a public hearing and make a recommendation on the City Council on the proposed zoning map changes.

NOTE:

Staff originally advertised this ordinance to include more lands to be rezoned. However, based on airport comments and advice from the city attorney, staff withdrew state owned airport lands from the ordinance. Under state law, municipal zoning does not apply to airport lands. Because the last meeting was cancelled, staff re-advertised the ordinance, using the new boundaries.

GENERAL INFORMATION

This ordinance proposes to rezone two areas of the City. The first proposal is to rezone a piece of Rural Residential land to Conservation. The property is located on the far western boundary of the City, and is part of the state lands commonly called Overlook Park. The property is adjacent to existing conservation lands. The second proposal is to rezone an 80 acre parcel, owned by the Kenai Peninsula Borough north of the airport to Conservation. The lands to be rezoned are currently zoned General Commercial Two, and Urban Residential.

STAFF COMMENTS/RECOMMENDATIONS:

Planning staff has reviewed the ordinance per 21.95.050 and recommends the Planning Commission conduct a public hearing, and recommend approval to the City Council.

ATTACHMENTS

1. Staff Memorandum; review of HCC 21.95.050
2. Draft ordinance and attachments
3. Public Notice
4. Attorney Klinker comments
5. Homer Airport Comments from DOT
6. Staff report 12-05 (Meeting was cancelled and proposed ordinance changed from this staff report)





City of Homer Planning & Zoning

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Homer, Alaska 99603-7645

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Web Site www.cityofhomer-ak.gov

MEMORANDUM

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Planning Technician
MEETING: February 15, 2012
SUBJECT: Draft Ordinance 12-xx, Amending the Zoning Map to rezone portions of the Rural Residential and General Commercial Two districts to Conservation.

This memo contains the planning staff review of the zoning code amendment as required by HCC 21.95.050.

21.95.050 Planning Department review of zoning map amendment. The Planning Department shall evaluate each amendment to the official zoning map that is initiated in accordance with HCC 21.95.020 and qualified under HCC 21.95.030, and may recommend approval of the amendment only if it finds that the amendment:

a. Is consistent with the comprehensive plan and will further specific goals and objectives of the plan.

Staff response: The proposed amendments are consistent with the Comprehensive Plan and follow the guidelines of the Land Use Recommendations Map found in Chapter 4, Land Use, of the Plan.

b. Applies a zoning district or districts that are better suited to the area that is the subject of the amendment than the district or districts that the amendment would replace, because either conditions have changed since the adoption of the current district or districts, or the current district or districts were not appropriate to the area initially.

Staff response:

1. 80 acre parcel north of the airport. Since initial zoning of the area around the airport in 1982 with the adoption of the Homer Zoning Code, it has become apparent that heavy industrial zoning is not appropriate to the area. A large part of the General Commercial Two district was designated as Critical Habitat Area in 1996 in recognition of important wetlands and area moose habitat. Through the Comprehensive Plan, the community has outlined those areas more appropriate for industrial development, and those areas that would better serve community needs through conservation. The proposed map amendment follows the guidelines in the Plan.

2. Conservation zoning near Bluff Point (western edge of the City). The land is beach bluff property on a bench. It is much lower in elevation than adjacent residential lots along the Sterling Highway. When this area was annexed in 2002, it was owned by a private citizen who requested rural residential zoning. Staff thinks it may have been a lot selected as part of the Alaska Native Claims Settlement Act. Over the past ten years, the property has returned to the state, and the citizen has passed away. The land, and the adjacent land, is an area the state purchased with Exxon Valdez Oil Spill money for conservation or inclusion in the Kachemak bay State Park. With this change in ANCSLA selection, lack of physical access for residential development, and proximity to other conservation lands, it is appropriate to rezone this property to Conservation.

c. Is in the best interest of the public, considering the effect of development permitted under the amendment, and the cumulative effect of similar development, on property within and in the vicinity of the area subject to the amendment and on the community, including without limitation effects on the environment, transportation, public services and facilities, and land use patterns.

Staff response:

1. 80 acre parcel north of the airport. It is in the best interest of the public to rezone this portion of the Beluga Wetlands area as conservation. There are few public services or facilities available, and development would have a negative effect on the environment. The area is important moose and bird habitat, and contains extensive wetlands.

2. Bluff point conservation area. It is in the best interests of the public to rezone this parcel to conservation. There are no public services or access available for rural residential development and the land is adjacent to other conservation areas.

**CITY OF HOMER
HOMER, ALASKA**

Planning

ORDINANCE 12-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, AMENDING THE HOMER CITY ZONING MAP TO REZONE PORTIONS OF THE RURAL RESIDENTIAL (RR) AND GENERAL COMMERCIAL TWO (GC2) ZONING DISTRICTS TO CONSERVATION (CONS).

WHEREAS, Chapter 4 Goal 1 Objective C of the Homer Comprehensive Plan states, "Develop clear and well-defined land use regulations and update the zoning map in support of the desired pattern of growth"; and

WHEREAS, the Homer Comprehensive Plan classifies an 80-acre parcel northwest of the Homer Airport owned by the Kenai Peninsula Borough and described as Parcel No. 179-010-26 for conservation use, and the Kenai Peninsula Borough Assembly adopted Resolution 2011-97 classifying this parcel for Preservation; and

WHEREAS, The Homer Advisory Planning Commission held a public hearing on the rezonings described herein on _____, 2012 as required by Homer City Code 21.95.040, and

WHEREAS, The Homer Advisory Planning Commission found that (i) the proposed rezonings are consistent with the Homer Comprehensive Plan and will further specific goals and objectives of the Plan; (ii) the proposed rezonings apply zoning districts that are better suited to the areas that are the subject of the rezonings than the districts that the rezonings would replace; and (iii) there is a public need and justification for the rezonings, the rezonings are in the best interest of the public, and the rezonings will not have a negative effect on the public health, safety or welfare.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer Zoning Map is amended to transfer the parcels listed on the attached Exhibit A from the Rural Residential (RR) zoning district to the Conservation (CONS) zoning district as shown on the attached Exhibit B.

Section 2. The Homer Zoning Map is amended to transfer the parcels listed on the attached Exhibit A from the General Commercial 2 (GC2) zoning district to the Conservation (CONS) zoning district as shown on the attached Exhibit C.

Section 3. The City Planner is authorized to note on the Homer Zoning Map the amendments enacted by this ordinance as required by Homer City Code 21.10.030(b).

Section 4. This is a non-Code ordinance of a permanent nature and shall be noted in the ordinance history of Homer City Code 21.10.030.

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

CITY OF HOMER

JAMES C. HORNADAY, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and approved as to form:

Walt E. Wrede, City Manager

Date: _____

Thomas F. Klinkner, City Attorney

Date: _____

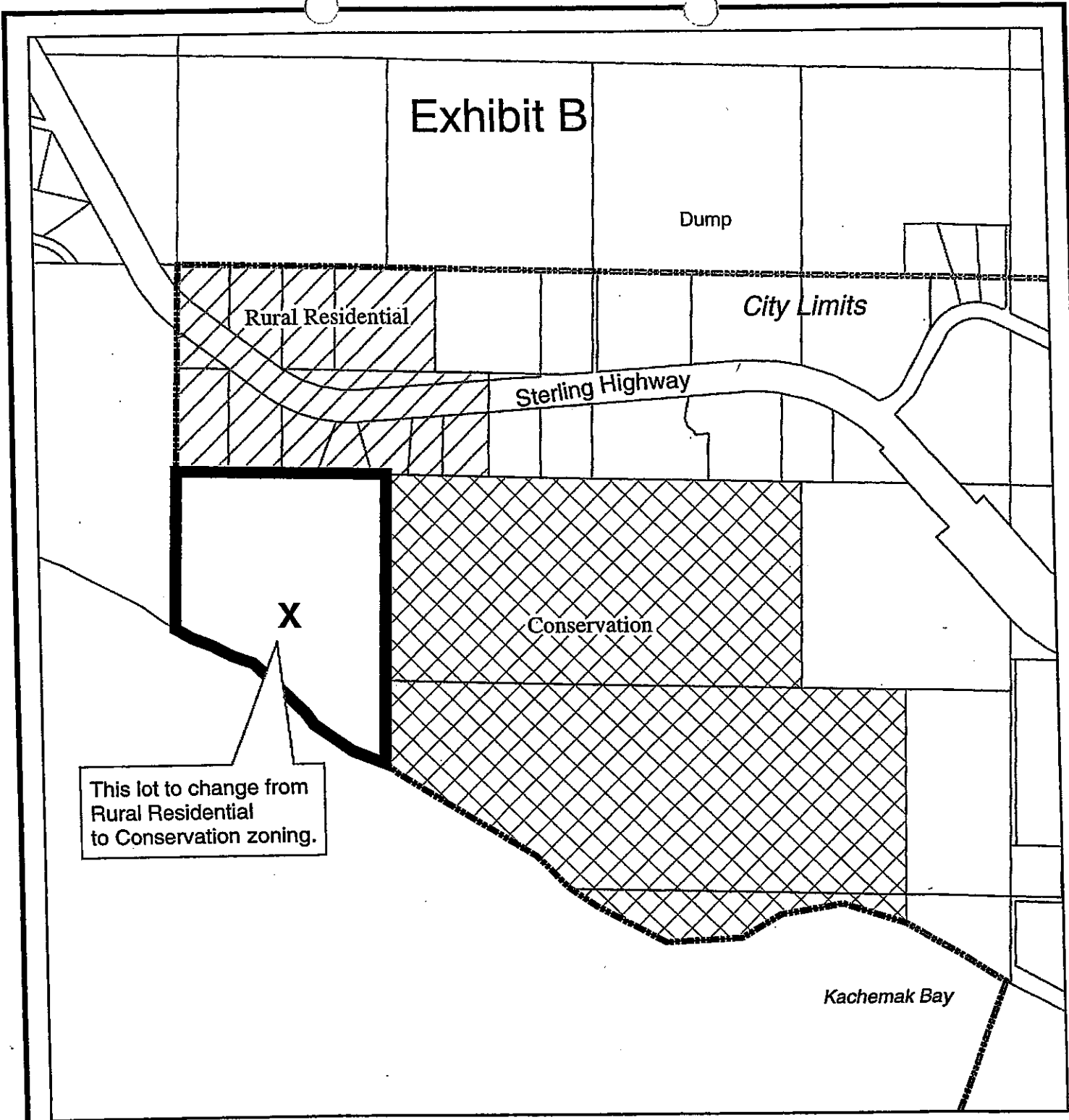
Exhibit A

Tax Parcel 17316006. Rezone from Rural Residential to Conservation.

Legal Description: T6S R14W Sec 15 Seward Meridian HM Govt Lot 1

Tax Parcel 17901026. Rezone from General Commercial Two to Conservation.

Legal Description: T6S R13W Sec 15 Seward Meridian HM NW $\frac{1}{4}$ SE $\frac{1}{4}$ & NE $\frac{1}{4}$ SW $\frac{1}{4}$



City of Homer
 Planning and Zoning Department
 2/8/2012

Legend

 City Limits

Adjacent Existing Zoning

Zone

 Rural Residential

 Conservation



*Disclaimer:
 It is expressly understood the City of Homer, its council, board, departments, employees and agents are not responsible for any errors or omissions contained herein, or deductions, interpretations or conclusions drawn therefrom.*

PUBLIC NOTICE

Public notice is hereby given that the City of Homer will hold a public hearing by the Homer Advisory Planning Commission on Wednesday, February 15, 2012 at 6:30 p.m. at Homer City Hall, 491 East Pioneer Avenue, Homer, Alaska on the following matters:

Draft Ordinance 12-xx Amending the Zoning Map to rezone portions including T 6S R 13W SEC 15 SEWARD MERIDIAN HM NW ¼ SE ¼ & NE ¼ SW ¼ and T 6S R 14W SEC 15 SEWARD MERIDIAN HM GOVT LOT 1 of the Rural Residential, and General Commercial Two districts to Conservation. One parcel is located near Overlook Park on the Western edge of the city limits, and one parcel is located south of Bottom Lane, north of the Homer airport.

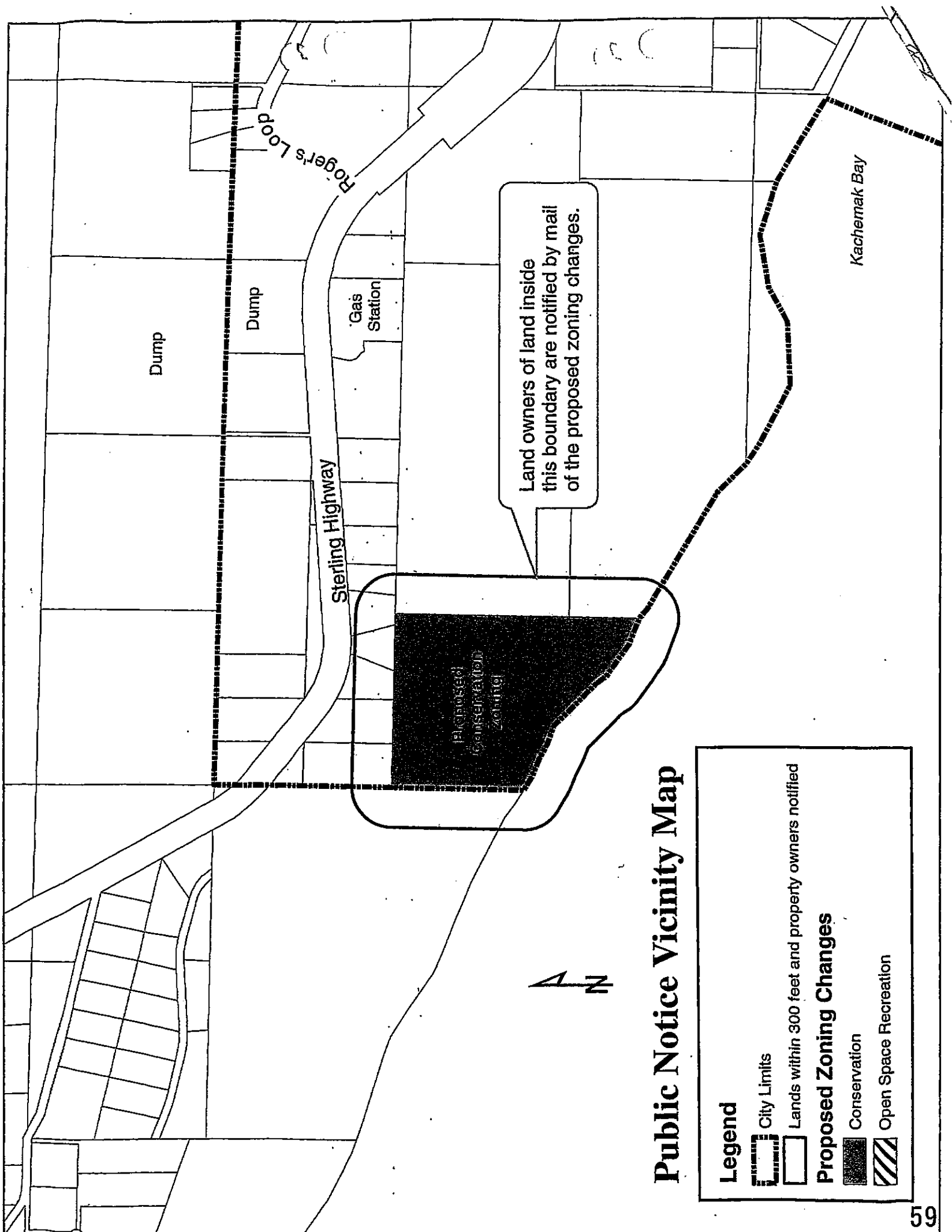
Anyone wishing to present testimony concerning these matters may do so at the meeting or by submitting a written statement to the Homer Advisory Planning Commission, 491 East Pioneer Avenue, Homer, Alaska 99603, by 4:00 p.m. on the day of the meeting.

For additional information, please contact Rick Abboud in the City Planning and Zoning Office at 235-8121, ext. 2236.

NOTICE TO BE SENT TO PROPERTY OWNERS WITHIN 300 FEET OF PROPERTY.



PLEASE PUBLISH ONCE

ACCOUNT 100.130.5227





Public Notice Vicinity Map

Legend

-  City Limits
-  Lands within 300 feet and property owners notified

Proposed Zoning Changes

-  Conservation
-  Open Space Recreation

Public Notice Vicinity Map

The area proposed for conservation zoning has been reduced. The original proposal and last public notice involved a much larger area. Marked lots are within 300 feet and property owners notified.

Proposed Conservation Zoning

Beluga Lake

East End Road

FAA Road



Ocean Drive

Airport Runway

Kachemak Drive



Legend

-  Proposed Rezone
-  Lands within 300 feet

Julie Engebretsen

From: Thomas Klinkner [tklinkner@BHB.com]
Sent: Friday, January 27, 2012 4:07 PM
To: Julie Engebretsen
Cc: Holly Wells
Subject: Airport and City Zoning

Julie,

This responds to your message to Holly of Wednesday, January 25.

Although AS 35.30.020 requires the State Department of Transportation to comply with local planning and zoning ordinances to the same extent as other landowners, AS 02.25 provides specifically for the Department to adopt zoning regulations for state airports. The Alaska Attorney General has issued an opinion that the Department's zoning authority under AS 02.25 prevails over the deference to local zoning prescribed by AS 35.30.020. Thus (1) Homer Airport land is not subject to City zoning; and (2) the City's purported rezoning of airport land from Urban Residential to Open Space Recreational will have no effect on an airport lessee's right to construct a dock on airport land.

Thomas F. Klinkner | Birch Horton Bittner & Cherot
1127 W 7th Avenue | Anchorage, AK 99501
Tel: (907) 276-1550 | Fax: (907) 276-3680
Email: tklinkner@bhb.com | Website: www.birchhorton.com

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STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

DIVISION OF MAINTENANCE AND OPERATIONS
CENTRAL REGION

P.O. Box 1327
Seldovia, AK 99569
907-262-2199
Fax 907-262-5343

February 1, 2012

Homer Advisory Planning Commission
c/o City of Homer
491 East Pioneer Avenue
Homer, AK 99603

Re: Draft ordinance 12-XX to amend zoning to create conservation area adjacent to and including some portions of the Homer airport.

Dear Homer Advisory Planning Committee:

The Alaska Department of Transportation and Public Facilities (DOT&PF) is the owner and operator of the Homer Airport. Consistent with federal grant commitments and standard airport management practices, the DOT&PF is committed to managing the airport in a safe manner. The proposed ordinance conflicts with the goal of safe airport operations, and we specifically object to the proposed ordinance on the following basis:

- Per state statute (AS 02.25.010, Airport Zoning Regulations), state airports are ensured uniform state oversight and local governments are not given authority to zone them. The adoption of this ordinance would contribute to unrealistic expectations regarding airport management. It seems both imprudent and ill-advised to create public expectations that run counter to both state statute and safe airport management practices. If local governments were permitted to non-uniformly zone airports in their boundaries, it would create aviation safety and security issues for the system of airports.
- Per AS 16.20.500-16.20.530 (C) (see attached) the DOT&PF has the authority to work with the Alaska Department of Fish and Game to prohibit the enhancement or creation of bird habitat within the vicinity of the Homer Airport on the lands described therein. If this re-zone is approved and the lands promoted for habitat/conservation, wildlife may become pressured into the proposed conservation zone as development outside of the area increases. This may create hazards related to bird strikes and related human injury or loss of life. As wildlife encroaches onto the airport, it will be necessary to haze them from airport land and perimeters, contributing to further stress and potential mortality for these populations. Wildlife feeding and breeding patterns would be interrupted and the additional effort to keep the airport safe would consume staff time.

- FAA advises a distance of 5 miles between airports and "Wildlife attractants" to protect the approach and departure of airspace from wildlife hazards. A conservation designation adjacent to airport property may promote wildlife propagation. As stated above, the attraction of additional wildlife near the airport inhibits our goal of providing a safe airport environment.
- Although legally the ordinance would not apply to airport land, its existence may impose a conflict with the airport's ability to comply with federal regulations for airport management. Over recent years the FAA has been increasing its airport land use compliance requirements, which include activities that occur on lands adjacent to airports that could result in conflicts with standard airport practices. In situations where serious conflicts exist, the ability for that airport to receive federal funds may be curtailed, and penalties imposed. This could eventually make the airport ineligible for federal funding.

Thank you for the opportunity to convey our concerns and objections to the proposed ordinance.

Sincerely,



TMS II

Carl High
Kenai District Maintenance Manager, DOT&PF

HOMER AIRPORT CRITICAL HABITAT ACT

The Homer Airport Critical Habitat Area (HACHA) was established in 1996 and is composed of approximately 290 acres and borders HOM to the north. The Homer Airport Critical Habitat Act, an Alaska state statute, (sections AS 16.20.500-16.20.530 ((C) - (ii), and (e)), specifically provides the authority to the Department of Transportation and Public Facilities in cooperation with the Department of Fish and Game, to prohibit the enhancement or creation of bird habitat in the vicinity of HOM or within the Homer Airport Critical Habitat Area (Attachment 1 and 2).

The Federal Aviation Administration (FAA) approved the Homer Wildlife Hazard Management Plan as part of the Federal Aviation Regulation Part 139.337 requirement due to wildlife strikes at the airport (Attachment 3). The FAA Wildlife Strike Database reports wildlife strikes at the Homer Airport between January 1990 – January 2012 (Attachment 4).

The FAA issued Advisory Circulars 150/5200-33B Hazardous Wildlife Attractants on or Near Airports (Attachment 5) to provide guidance on certain land uses that have the potential to attract hazardous wildlife on or near public-use airports. AC 150/5200-33B includes a table that ranks 25 species groups as to the relative hazard to aircraft, many of which live in the HACHA. AC 150/5200-33B also recommends a distance of 5 statute miles between the farthest edge of the airports airport operating area and the hazardous wildlife attractant if the attractant could cause hazardous wildlife movement into or across the approach or departure of airspace (pages 1 and 2). AC 150/5200-33B (page 8) also recommend immediately correcting, in cooperation with local, state, and Federal regulatory agencies, any wildlife hazards arising from existing wetlands located on or near airports.

HOM currently has a federal depredation permit for control actions that ensures compliance with the Migratory Bird Treaty Act, the Bald and Golden Eagle Protection Act, and the Endangered Species Act (original wildlife control permits on file in the Airport Managers office). Taking any actions, other than controlling wildlife access to airport properties, would negate any benefits provided by the depredation permit.

ATTACHMENT 1 ALASKA STATUTES
05 FISH AND GAME CRITICAL HABITAT AREAS
Section 16.20.630

Sec. 16.20.630. Homer Airport Critical Habitat Area established.

(a) The following described area is established as the Homer Airport Critical Habitat Area:

(1) Tract A:

Township 6 South, Range 13 West, Seward Meridian

Section 21: that portion of the S1/2NE1/4NW1/4 upland of the ordinary high water line of Beluga Lake, comprising 9.3 acres, more or less;

(2) Tract B:

Township 6 South, Range 13 West, Seward Meridian

Section 21: that portion of the NE1/4 upland of the ordinary high water line of Beluga Lake that is encompassed by a boundary beginning at the section corner common to Sections 15, 16, 21, and 22, Township 6 South, Range 13 West, Seward Meridian; thence proceeding South 00 degrees 01 minute 00 seconds East along the section line common to Sections 21 and 22, Township 6 South, Range 13 West, Seward Meridian, to the point of intersection with a line located 1,520 feet South of and parallel to the northern section line of Section 21, Township 6 South, Range 13 West, Seward Meridian; thence along the line located 1,520 feet South of and parallel to the northern section line of Section 21, Township 6 South, Range 13 West, Seward Meridian, to the point of intersection with the ordinary high water line of Beluga Lake; thence in a northwesterly direction along the meanders of the ordinary high water line of Beluga Lake to the point of intersection with the West boundary line of NE1/4, Section 21, Township 6 South, Range 13 West, Seward Meridian, being common to the center quarter line of Section 21, Township 6 South, Range 13 West, Seward Meridian; thence North 00 degrees 01 minute 00 seconds West along the West boundary line of NE1/4, Section 21, Township 6 South, Range 13 West, Seward Meridian, to the point of intersection with the section line common to Sections 16 and 21, Township 6 South, Range 13 West, Seward Meridian; thence East along the section line common to Sections 16 and 21, Township 6 South, Range 13 West, Seward Meridian, to the point of beginning; comprising 70.4 acres, more or less;

(3) Tract C:

Township 6 South, Range 13 West, Seward Meridian

Section 15: S1/2SW1/4, comprising 80 acres, more or less;

(4) Tract D:

Township 6 South, Range 13 West, Seward Meridian

Section 22: that portion of the NW1/4 northwesterly of a line parallel to, northwesterly of, and 750 feet perpendicular from the monumented runway centerline of the Homer Airport, comprising 60 acres, more or less;

(5) Tract E, comprising 74 acres, more or less:

Township 6 South, Range 13 West, Seward Meridian

Section 15: those portions of SW1/4SE1/4 and E1/2SE1/4 northwesterly of a line parallel to, northwesterly of, and 750 feet perpendicular from the monumented runway centerline of the Homer Airport;

Section 22: that portion of the NW1/4NE1/4 northwesterly of a line parallel to, northwesterly of, and 750 feet perpendicular from the monumented runway centerline of the Homer Airport.

(b) Notwithstanding AS 16.20.500 - 16.20.530, the land in Township 6 South, Range 13 West, Section 21 described in (a) of this section is subject to the following:

- (1) the right of unobstructed passage by aircraft over the land;
- (2) the right of aircraft to use the airspace above the land without restrictions on noise, dust, or fumes, other than those imposed under federal and state laws governing air and water quality;
- (3) the authority of the Department of Transportation and Public Facilities to
 - (A) prohibit the construction of obstructions and permanent structures on the land;
 - (B) clear the land and keep the land clear, including removal of trees, brush, soil, berms, hills, irregularities in the topography, stockpiles, rocks, buildings, structures, and other obstructions;
 - (C) prohibit or remove an activity, installation, or object on the land that
 - (i) creates electrical interference with radio communication or navigational instruments of aircraft or the Homer Airport;
 - (ii) may enhance bird habitat on or in the vicinity of the Homer Airport;
 - (iii) hinders the ability of pilots to distinguish between airport lights and other lights;
 - (iv) results in glare in the eyes of pilots using the Homer Airport;
 - (v) impairs visibility in the vicinity of the Homer Airport; or

(vi) endangers the landing, departure, or maneuvering of aircraft at the Homer Airport;

(D) prohibit development on the land for any purpose, other than public access across the land;

(E) require

(i) approval of the Department of Transportation and Public Facilities for the design and construction of access across the land;

(ii) relocation of access across the land as necessary to satisfy applicable standards of airport design, safety, and security;

(F) install navigational aids on the land; and

(G) enter upon the land for the purpose of enforcing or implementing this subsection.

(c) Notwithstanding AS 16.20.500 - 16.20.530, the land in Township 6 South, Range 13 West, Sections 15 and 22 described in (a) of this section is subject to the following:

(1) the right of unobstructed passage by aircraft over the land;

(2) the right of aircraft to use the airspace above the land without restrictions on noise, dust, or fumes, other than those imposed under federal and state laws governing air and water quality;

(3) the authority of the Department of Transportation and Public Facilities to

(A) prohibit the construction of obstructions and permanent structures extending above the imaginary surface of the Homer Airport as determined under regulations of the Federal Aviation Administration;

(B) clear the land and keep the land clear of obstructions extending above the imaginary surface of the Homer Airport as determined under regulations of the Federal Aviation Administration, including removal of trees, brush, soil, berms, hills, irregularities in the topography, stockpiles, rocks, buildings, structures, and other obstructions;

(C) prohibit or remove an activity, installation, or object that

(i) creates electrical interference with radio communication or navigational instruments of aircraft or the Homer Airport;

(ii) may enhance bird habitat on or in the vicinity of the Homer Airport;

(iii) hinders the ability of pilots to distinguish between airport lights and other lights;

(iv) results in glare in the eyes of pilots using the Homer Airport;

(v) impairs visibility in the vicinity of the Homer Airport; or

(vi) endangers the landing, departure, or maneuvering of aircraft at the Homer Airport;

(D) enter upon the land for the purpose of enforcing or implementing this subsection.

(d) The Department of Fish and Game shall cooperate with the Department of Transportation and Public Facilities in implementing (b) and (c) of this section.

(e) Neither the Department of Fish and Game nor another person may create, develop, or enhance bird habitat within the Homer Airport Critical Habitat Area.

(f) The state land described in (a) of this section may not be transferred to municipal or private ownership or to another state agency unless covenants or easements in the land, containing provisions substantially similar to (b) and (c) of this section, are reserved to the Department of Transportation and Public Facilities for the benefit of the Homer Airport.

(g) The Department of Fish and Game shall establish and appoint an advisory committee to work with the department and advise on the management of the Homer Airport Critical Habitat Area. If the department develops a management plan for the critical habitat area, the department shall consult with the advisory committee, and the plan must allow guaranteed access to and continued public fishing, hunting, and trapping activities and opportunities in the area. Among appointments to the advisory committee, the department shall include

(1) industry and commercial users and hunters, trappers, fishermen, and recreational users recommended by the City of Homer;

(2) an official representing the City of Homer; and

(3) a representative of the Department of Transportation and Public Facilities.

ATTACHMENT 2
ALASKA STATUTES 05 FISH AND GAME CRITICAL HABITAT AREAS
Section 16.20.500 – 16.20.530

Article 05. FISH AND GAME CRITICAL HABITAT AREAS

Sec. 16.20.500. Purpose.

The purpose of AS 16.20.500 - 16.20.690 is to protect and preserve habitat areas especially crucial to the perpetuation of fish and wildlife, and to restrict all other uses not compatible with that primary purpose.

Sec. 16.20.510. Regulations.

The Board of Fisheries and the Board of Game, where appropriate, shall adopt regulations they consider advisable for conservation and protection purposes governing the taking of fish and game in state fish and game critical habitat areas.

Sec. 16.20.520. Multiple land use.

Before the use, lease, or other disposal of land under private ownership or state jurisdiction and control, within state fish and game critical habitat areas created under AS 16.20.500 - 16.20.690, the person or responsible state department or agency shall notify the commissioner of fish and game. The commissioner shall acknowledge receipt of notice by return mail.

Sec. 16.20.530. Submission of plans and specifications.

(a) When a board determines that the following information is required, it shall instruct the commissioner, in the letter of acknowledgment required under AS 16.20.520, to require the person or governmental agency to submit:

- (1) full plans for the anticipated use;
- (2) full plans and specifications of proposed construction work;
- (3) complete plans and specifications for the proper protection of fish and game; and
- (4) the approximate date when the construction or work is to commence.

(b) The board shall require the person or governmental agency to obtain the written approval of the commissioner as to the sufficiency of the plans or specifications before construction is commenced.

ATTACHMENT 3
HOMER WILDLIFE HAZARD MANAGEMENT PLAN

Homer Wildlife Hazard Management Plan, 1.2 Wildlife Strike History, Table 1. Wildlife Strikes near Miss Activity within 5 miles of HOM (late 1980's-2001), pages 1-2:

DATE	TYPE OF AIRCRAFT	NUMBER/SPECIES	DAMAGE	COMMENTS
Late 80's	AK-Air-nautical Twin Otter	1 coyote	Unknown	Found on runway by airport manager
1990	Cessena	1 mallard	Minor	Occurred on approach
1993	Cessena	1 ring-necked pheasant	Unknown	Occurred at an altitude less than 100 ft. on approach
Mid 1990s	Unknown	1 sandhill crane	Unknown	Found by airport maintenance at the approach end of Runway 21
4/2/95	Unknown	1 warbler species	unknown	Found by airport maintenance on runway
11/11/97	PA-31 Navajo	1 moose	None	Occurred during take-off on Beluga lake
11/21/00 *	Cessena	5 blaucous-winged gulls	None	Near Miss occurring during the approach over the approach lights of Runway 3
5/14/01 *	C-130	1 bald eagle	None	Near Miss resulted in an aborted approach to runway 21
9/17/01 *	Cessena	2 ring-necked pheasants	None	Near Miss occurred in front of taxiing aircraft
10/14/01	Unknown	1 white-winged crossbill	Unknown	Found by airport maintenance on the approach to runway 21

* **Near Miss:** an incident in which a wildlife species comes within 50 feet of an operating aircraft, or the aircraft or wildlife species takes evasive action to avoid a collision.

ATTACHMENT 4
 FEDERAL AVIATION ADMINISTRATION
 WILDLIFE STRIKE DATABASE

Search The FAA Wildlife Strike Database (search criteria: Homer Airport, from 1/1/1990 – 1/31/2012, all aircraft type, all engine type, all damage, all species). <http://wildlife-mitigation.tc.faa.gov/wildlife/database.aspx>

DATE	PHASE OF FLT	SPECIES	BIRDS SEEN	BIRDS STRUCK	SIZE	REMARKS
8/12/2010		Unknown bird or bat				
10/15/2008	Landing	Unknown bird or bat			Medium	
10/5/2008	En Route				Medium	
8/11/2008	Take-off run	Coyote	1	1	Large	DURING T/O, COYOTE RAN ACROSS RWY AND WAS HIT BY THE LDG GEAR. COYOTE WAS KILLED. PILOT CONTD FLT TO ANC WITH LDG GEAR IN DOWN & LOCKED POSITION. AFTER LDG, INSPN FOUND NO DMG. TIME OUT OF SERVICE WAS LESS THAN 1/2 HR.
5/15/2006	Approach	Wilson's snipe			Small	
4/19/2005	Take-off run	Unknown bird or bat			Medium	
10/24/2001	Approach	Unknown bird – small	2 to 10	1	Small	Insufficient remains on aircraft, blood stain only
10/14/2001		White-winged crossbill		1	Small	CARCASS FOUND BY ARPT MX. ID BY WS BIOL. DAY.
4/2/1995		Wood Warblers		1		WARBLER FOUND ON RWY BY APRT MX

ATTACHMENT 5
ADVISORY CIRCULAR 150/5200-33B HAZARDOUS WILDLIFE
ATTRACTANTS ON OR NEAR AIRPORTS



U.S. Department
of Transportation
**Federal Aviation
Administration**

Advisory Circular

**Subject: HAZARDOUS WILDLIFE
ATTRACTANTS ON OR NEAR
AIRPORTS**

Date: 8/28/2007

AC No: 150/5200-33B

Initiated by: AAS-300 Change:

1. **PURPOSE.** This Advisory Circular (AC) provides guidance on certain land uses that have the potential to attract hazardous wildlife on or near public-use airports. It also discusses airport development projects (including airport construction, expansion, and renovation) affecting aircraft movement near hazardous wildlife attractants. Appendix 1 provides definitions of terms used in this AC.

2. **APPLICABILITY.** The Federal Aviation Administration (FAA) recommends that public-use airport operators implement the standards and practices contained in this AC. The holders of Airport Operating Certificates issued under Title 14, Code of Federal Regulations (CFR), Part 139, Certification of Airports, Subpart D (Part 139), may use the standards, practices, and recommendations contained in this AC to comply with the wildlife hazard management requirements of Part 139. Airports that have received Federal grant-in-aid assistance must use these standards. The FAA also recommends the guidance in this AC for land-use planners, operators of non-certificated airports, and developers of projects, facilities, and activities on or near airports.

3. **CANCELLATION.** This AC cancels AC 150/5200-33A, *Hazardous Wildlife Attractants on or near Airports*, dated July 27, 2004.

4. **PRINCIPAL CHANGES.** This AC contains the following major changes, which are marked with vertical bars in the margin:
 - a. Technical changes to paragraph references.
 - b. Wording on storm water detention ponds.
 - c. Deleted paragraph 4-3.b, *Additional Coordination*.

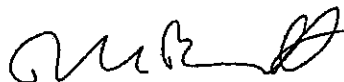
5. **BACKGROUND.** Information about the risks posed to aircraft by certain wildlife species has increased a great deal in recent years. Improved reporting, studies, documentation, and statistics clearly show that aircraft collisions with birds and other wildlife are a serious economic and public safety problem. While many species of wildlife can pose a threat to aircraft safety, they are not equally hazardous. Table 1

ranks the wildlife groups commonly involved in damaging strikes in the United States according to their relative hazard to aircraft. The ranking is based on the 47,212 records in the FAA National Wildlife Strike Database for the years 1990 through 2003. These hazard rankings, in conjunction with site-specific Wildlife Hazards Assessments (WHA), will help airport operators determine the relative abundance and use patterns of wildlife species and help focus hazardous wildlife management efforts on those species most likely to cause problems at an airport.

Most public-use airports have large tracts of open, undeveloped land that provide added margins of safety and noise mitigation. These areas can also present potential hazards to aviation if they encourage wildlife to enter an airport's approach or departure airspace or air operations area (AOA). Constructed or natural areas—such as poorly drained locations, detention/retention ponds, roosting habitats on buildings, landscaping, odor-causing rotting organic matter (putrescible waste) disposal operations, wastewater treatment plants, agricultural or aquaculture activities, surface mining, or wetlands—can provide wildlife with ideal locations for feeding, loafing, reproduction, and escape. Even small facilities, such as fast food restaurants, taxicab staging areas, rental car facilities, aircraft viewing areas, and public parks, can produce substantial attractions for hazardous wildlife.

During the past century, wildlife-aircraft strikes have resulted in the loss of hundreds of lives worldwide, as well as billions of dollars in aircraft damage. Hazardous wildlife attractants on and near airports can jeopardize future airport expansion, making proper community land-use planning essential. This AC provides airport operators and those parties with whom they cooperate with the guidance they need to assess and address potentially hazardous wildlife attractants when locating new facilities and implementing certain land-use practices on or near public-use airports.

6. MEMORANDUM OF AGREEMENT BETWEEN FEDERAL RESOURCE AGENCIES. The FAA, the U.S. Air Force, the U.S. Army Corps of Engineers, the U.S. Environmental Protection Agency, the U.S. Fish and Wildlife Service, and the U.S. Department of Agriculture - Wildlife Services signed a Memorandum of Agreement (MOA) in July 2003 to acknowledge their respective missions in protecting aviation from wildlife hazards. Through the MOA, the agencies established procedures necessary to coordinate their missions to address more effectively existing and future environmental conditions contributing to collisions between wildlife and aircraft (wildlife strikes) throughout the United States. These efforts are intended to minimize wildlife risks to aviation and human safety while protecting the Nation's valuable environmental resources.



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Table 1. Ranking of 25 species groups as to relative hazard to aircraft (1=most hazardous) based on three criteria (damage, major damage, and effect-on-flight), a composite ranking based on all three rankings, and a relative hazard score. Data were derived from the FAA National Wildlife Strike Database, January 1990–April 2003.¹

Species group	Ranking by criteria			Composite ranking ²	Relative hazard score ³
	Damage ⁴	Major damage ⁵	Effect on flight ⁶		
Deer	1	1	1	1	100
Vultures	2	2	2	2	64
Geese	3	3	6	3	55
Cormorants/pelicans	4	5	3	4	54
Cranes	7	6	4	5	47
Eagles	6	9	7	6	41
Ducks	5	8	10	7	39
Osprey	8	4	8	8	39
Turkey/pheasants	9	7	11	9	33
Hérons	11	14	9	10	27
Hawks (buteos)	10	12	12	11	25
Gulls	12	11	13	12	24
Rock pigeon	13	10	14	13	23
Owls	14	13	20	14	23
H. lark/s. bunling	18	15	15	15	17
Crows/stavens	15	16	16	16	16
Coyote	16	19	5	17	14
Mourning dove	17	17	17	18	14
Shorebirds	19	21	18	19	10
Blackbirds/starling	20	22	19	20	10
American kestrel	21	18	21	21	9
Meadowlarks	22	20	22	22	7
Swallows	24	23	24	23	4
Sparrows	25	24	23	24	4
Nighthawks	23	25	25	25	1

¹ Excerpted from the *Special Report for the FAA, "Ranking the Hazard Level of Wildlife Species to Civil Aviation in the USA: Update #1, July 2, 2003"*. Refer to this report for additional explanations of criteria and method of ranking.

² Relative rank of each species group was compared with every other group for the three variables, placing the species group with the greatest hazard rank for ≥ 2 of the 3 variables above the next highest ranked group, then proceeding down the list.

³ Percentage values, from Tables 3 and 4 in Footnote 1 of the *Special Report*, for the three criteria were summed and scaled down from 100, with 100 as the score for the species group with the maximum summed values and the greatest potential hazard to aircraft.

⁴ Aircraft incurred at least some damage (destroyed, substantial, minor, or unknown) from strike.

⁵ Aircraft incurred damage or structural failure, which adversely affected the structure strength, performance, or flight characteristics, and which would normally require major repair or replacement of the affected component, or the damage sustained makes it inadvisable to restore aircraft to airworthy condition.

⁶ Aborted takeoff, engine shutdown, precautionary landing, or other.

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SECTION 1.**GENERAL SEPARATION CRITERIA FOR HAZARDOUS WILDLIFE ATTRACTANTS ON OR NEAR AIRPORTS.**

1-1. INTRODUCTION. When considering proposed land uses, airport operators, local planners, and developers must take into account whether the proposed land uses, including new development projects, will increase wildlife hazards. Land-use practices that attract or sustain hazardous wildlife populations on or near airports can significantly increase the potential for wildlife strikes.

The FAA recommends the minimum separation criteria outlined below for land-use practices that attract hazardous wildlife to the vicinity of airports. Please note that FAA criteria include land uses that cause movement of hazardous wildlife onto, into, or across the airport's approach or departure airspace or air operations area (AOA). (See the discussion of the synergistic effects of surrounding land uses in Section 2-8 of this AC.)

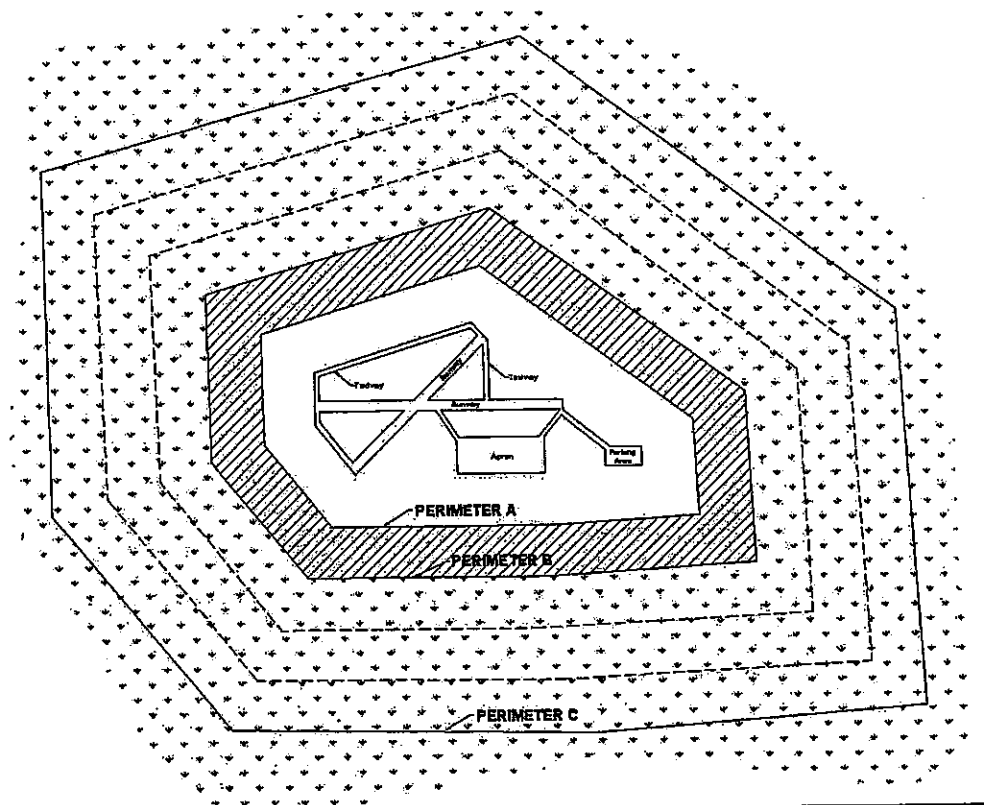
The basis for the separation criteria contained in this section can be found in existing FAA regulations. The separation distances are based on (1) flight patterns of piston-powered aircraft and turbine-powered aircraft, (2) the altitude at which most strikes happen (78 percent occur under 1,000 feet and 90 percent occur under 3,000 feet above ground level), and (3) National Transportation Safety Board (NTSB) recommendations.

1-2. AIRPORTS SERVING PISTON-POWERED AIRCRAFT. Airports that do not sell Jet-A fuel normally serve piston-powered aircraft. Notwithstanding more stringent requirements for specific land uses, the FAA recommends a separation distance of 5,000 feet at these airports for any of the hazardous wildlife attractants mentioned in Section 2 or for new airport development projects meant to accommodate aircraft movement. This distance is to be maintained between an airport's AOA and the hazardous wildlife attractant. Figure 1 depicts this separation distance measured from the nearest aircraft operations areas.

1-3. AIRPORTS SERVING TURBINE-POWERED AIRCRAFT. Airports selling Jet-A fuel normally serve turbine-powered aircraft. Notwithstanding more stringent requirements for specific land uses, the FAA recommends a separation distance of 10,000 feet at these airports for any of the hazardous wildlife attractants mentioned in Section 2 or for new airport development projects meant to accommodate aircraft movement. This distance is to be maintained between an airport's AOA and the hazardous wildlife attractant. Figure 1 depicts this separation distance from the nearest aircraft movement areas.

1-4. PROTECTION OF APPROACH, DEPARTURE, AND CIRCLING AIRSPACE. For all airports, the FAA recommends a distance of 5 statute miles between the farthest edge of the airport's AOA and the hazardous wildlife attractant if the attractant could cause hazardous wildlife movement into or across the approach or departure airspace.

Figure 1. Separation distances within which hazardous wildlife attractants should be avoided, eliminated, or mitigated.



PERIMETER A: For airports serving piston-powered aircraft, hazardous wildlife attractants must be 5,000 feet from the nearest air operations area.

PERIMETER B: For airports serving turbine-powered aircraft, hazardous wildlife attractants must be 10,000 feet from the nearest air operations area.

PERIMETER C: 5-mile range to protect approach, departure and circling airspace.

SECTION 2.**LAND-USE PRACTICES ON OR NEAR AIRPORTS THAT POTENTIALLY ATTRACT HAZARDOUS WILDLIFE.**

2-1. GENERAL. The wildlife species and the size of the populations attracted to the airport environment vary considerably, depending on several factors, including land-use practices on or near the airport. This section discusses land-use practices having the potential to attract hazardous wildlife and threaten aviation safety. In addition to the specific considerations outlined below, airport operators should refer to *Wildlife Hazard Management at Airports*, prepared by FAA and U.S. Department of Agriculture (USDA) staff. (This manual is available in English, Spanish, and French. It can be viewed and downloaded free of charge from the FAA's wildlife hazard mitigation web site: <http://wildlife-mitigation.tc.FAA.gov>.) And, *Prevention and Control of Wildlife Damage*, compiled by the University of Nebraska Cooperative Extension Division. (This manual is available online in a periodically updated version at: ianrwww.unl.edu/wildlife/solutions/handbook/.)

2-2. WASTE DISPOSAL OPERATIONS. Municipal solid waste landfills (MSWLF) are known to attract large numbers of hazardous wildlife, particularly birds. Because of this, these operations, when located within the separations identified in the siting criteria in Sections 1-2 through 1-4, are considered incompatible with safe airport operations.

- a. Siting for new municipal solid waste landfills subject to AIR 21.** Section 503 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (Public Law 106-181) (AIR 21) prohibits the construction or establishment of a new MSWLF within 6 statute miles of certain public-use airports. Before these prohibitions apply, both the airport and the landfill must meet the very specific conditions described below. These restrictions do not apply to airports or landfills located within the state of Alaska.

The airport must (1) have received a Federal grant(s) under 49 U.S.C. § 47101, et. seq.; (2) be under control of a public agency; (3) serve some scheduled air carrier operations conducted in aircraft with less than 60 seats; and (4) have total annual enplanements consisting of at least 51 percent of scheduled air carrier enplanements conducted in aircraft with less than 60 passenger seats.

The proposed MSWLF must (1) be within 6 miles of the airport, as measured from airport property line to MSWLF property line, and (2) have started construction or establishment on or after April 5, 2001. Public Law 106-181 only limits the construction or establishment of some new MSWLF. It does not limit the expansion, either vertical or horizontal, of existing landfills.

NOTE: Consult the most recent version of AC 150/5200-34, *Construction or Establishment of Landfills Near Public Airports*, for a more detailed discussion of these restrictions.

- b. Siting for new MSWLF not subject to AIR 21.** If an airport and MSWLF do not meet the restrictions of Public Law 106-181, the FAA recommends against locating MSWLF within the separation distances identified in Sections 1-2 through 1-4. The separation distances should be measured from the closest point of the airport's AOA to the closest planned MSWLF cell.
- c. Considerations for existing waste disposal facilities within the limits of separation criteria.** The FAA recommends against airport development projects that would increase the number of aircraft operations or accommodate larger or faster aircraft near MSWLF operations located within the separations identified in Sections 1-2 through 1-4. In addition, in accordance with 40 CFR 258.10, owners or operators of existing MSWLF units that are located within the separations listed in Sections 1-2 through 1-4 must demonstrate that the unit is designed and operated so it does not pose a bird hazard to aircraft. (See Section 4-2(b) of this AC for a discussion of this demonstration requirement.)
- d. Enclosed trash transfer stations.** Enclosed waste-handling facilities that receive garbage behind closed doors; process it via compaction, incineration, or similar manner; and remove all residue by enclosed vehicles generally are compatible with safe airport operations, provided they are not located on airport property or within the Runway Protection Zone (RPZ). These facilities should not handle or store putrescible waste outside or in a partially enclosed structure accessible to hazardous wildlife. Trash transfer facilities that are open on one or more sides; that store uncovered quantities of municipal solid waste outside, even if only for a short time; that use semi-trailers that leak or have trash clinging to the outside; or that do not control odors by ventilation and filtration systems (odor masking is not acceptable) do not meet the FAA's definition of fully enclosed trash transfer stations. The FAA considers these facilities incompatible with safe airport operations if they are located closer than the separation distances specified in Sections 1-2 through 1-4.
- e. Composting operations on or near airport property.** Composting operations that accept only yard waste (e.g., leaves, lawn clippings, or branches) generally do not attract hazardous wildlife. Sewage sludge, woodchips, and similar material are not municipal solid wastes and may be used as compost bulking agents. The compost, however, must never include food or other municipal solid waste. Composting operations should not be located on airport property. Off-airport property composting operations should be located no closer than the greater of the following distances: 1,200 feet from any AOA or the distance called for by airport design requirements (see AC 150/5300-13, *Airport Design*). This spacing should prevent material, personnel, or equipment from penetrating any Object Free Area (OFA), Obstacle Free Zone (OFZ), Threshold Siting Surface (TSS), or Clearway. Airport operators should monitor composting operations located in proximity to the airport to ensure that steam or thermal rise does not adversely affect air traffic. On-airport disposal of compost by-products should not be conducted for the reasons stated in 2-3f.

- f. **Underwater waste discharges.** The FAA recommends against the underwater discharge of any food waste (e.g., fish processing offal) within the separations identified in Sections 1-2 through 1-4 because it could attract scavenging hazardous wildlife.
- g. **Recycling centers.** Recycling centers that accept previously sorted non-food items, such as glass, newspaper, cardboard, or aluminum, are, in most cases, not attractive to hazardous wildlife and are acceptable.
- h. **Construction and demolition (C&D) debris facilities.** C&D landfills do not generally attract hazardous wildlife and are acceptable if maintained in an orderly manner, admit no putrescible waste, and are not co-located with other waste disposal operations. However, C&D landfills have similar visual and operational characteristics to putrescible waste disposal sites. When co-located with putrescible waste disposal operations, C&D landfills are more likely to attract hazardous wildlife because of the similarities between these disposal facilities. Therefore, a C&D landfill co-located with another waste disposal operation should be located outside of the separations identified in Sections 1-2 through 1-4.
- i. **Fly ash disposal.** The incinerated residue from resource recovery power/heat-generating facilities that are fired by municipal solid waste, coal, or wood is generally not a wildlife attractant because it no longer contains putrescible matter. Landfills accepting only fly ash are generally not considered to be wildlife attractants and are acceptable as long as they are maintained in an orderly manner, admit no putrescible waste of any kind, and are not co-located with other disposal operations that attract hazardous wildlife.

Since varying degrees of waste consumption are associated with general incineration (not resource recovery power/heat-generating facilities), the FAA considers the ash from general incinerators a regular waste disposal by-product and, therefore, a hazardous wildlife attractant if disposed of within the separation criteria outlined in Sections 1-2 through 1-4.

2-3. WATER MANAGEMENT FACILITIES. Drinking water intake and treatment facilities, storm water and wastewater treatment facilities, associated retention and settling ponds, ponds built for recreational use, and ponds that result from mining activities often attract large numbers of potentially hazardous wildlife. To prevent wildlife hazards, land-use developers and airport operators may need to develop management plans, in compliance with local and state regulations, to support the operation of storm water management facilities on or near all public-use airports to ensure a safe airport environment.

- a. **Existing storm water management facilities.** On-airport storm water management facilities allow the quick removal of surface water, including discharges related to aircraft deicing, from impervious surfaces, such as pavement and terminal/hangar building roofs. Existing on-airport detention ponds collect storm water, protect water quality, and control runoff. Because they slowly release water

after storms, they create standing bodies of water that can attract hazardous wildlife. Where the airport has developed a Wildlife Hazard Management Plan (WHMP) in accordance with Part 139, the FAA requires immediate correction of any wildlife hazards arising from existing storm water facilities located on or near airports, using appropriate wildlife hazard mitigation techniques. Airport operators should develop measures to minimize hazardous wildlife attraction in consultation with a wildlife damage management biologist.

Where possible, airport operators should modify storm water detention ponds to allow a maximum 48-hour detention period for the design storm. The FAA recommends that airport operators avoid or remove retention ponds and detention ponds featuring dead storage to eliminate standing water. Detention basins should remain totally dry between rainfalls. Where constant flow of water is anticipated through the basin, or where any portion of the basin bottom may remain wet, the detention facility should include a concrete or paved pad and/or ditch/swale in the bottom to prevent vegetation that may provide nesting habitat.

When it is not possible to drain a large detention pond completely, airport operators may use physical barriers, such as bird balls, wires grids, pillows, or netting, to deter birds and other hazardous wildlife. When physical barriers are used, airport operators must evaluate their use and ensure they will not adversely affect water rescue. Before installing any physical barriers over detention ponds on Part 139 airports, airport operators must get approval from the appropriate FAA Regional Airports Division Office.

The FAA recommends that airport operators encourage off-airport storm water treatment facility operators to incorporate appropriate wildlife hazard mitigation techniques into storm water treatment facility operating practices when their facility is located within the separation criteria specified in Sections 1-2 through 1-4.

- b. New storm water management facilities.** The FAA strongly recommends that off-airport storm water management systems located within the separations identified in Sections 1-2 through 1-4 be designed and operated so as not to create above-ground standing water. Stormwater detention ponds should be designed, engineered, constructed, and maintained for a maximum 48-hour detention period after the design storm and remain completely dry between storms. To facilitate the control of hazardous wildlife, the FAA recommends the use of steep-sided, rip-rap lined, narrow, linearly shaped water detention basins. When it is not possible to place these ponds away from an airport's AOA, airport operators should use physical barriers, such as bird balls, wires grids, pillows, or netting, to prevent access of hazardous wildlife to open water and minimize aircraft-wildlife interactions. When physical barriers are used, airport operators must evaluate their use and ensure they will not adversely affect water rescue. Before installing any physical barriers over detention ponds on Part 139 airports, airport operators must get approval from the appropriate FAA Regional Airports Division Office. All vegetation in or around detention basins that provide food or cover for hazardous wildlife should be eliminated. If soil conditions and other requirements allow, the FAA encourages

the use of underground storm water infiltration systems, such as French drains or buried rock fields, because they are less attractive to wildlife.

- c. **Existing wastewater treatment facilities.** The FAA strongly recommends that airport operators immediately correct any wildlife hazards arising from existing wastewater treatment facilities located on or near the airport. Where required, a WHMP developed in accordance with Part 139 will outline appropriate wildlife hazard mitigation techniques. Accordingly, airport operators should encourage wastewater treatment facility operators to incorporate measures, developed in consultation with a wildlife damage management biologist, to minimize hazardous wildlife attractants. Airport operators should also encourage those wastewater treatment facility operators to incorporate these mitigation techniques into their standard operating practices. In addition, airport operators should consider the existence of wastewater treatment facilities when evaluating proposed sites for new airport development projects and avoid such sites when practicable.
- d. **New wastewater treatment facilities.** The FAA strongly recommends against the construction of new wastewater treatment facilities or associated settling ponds within the separations identified in Sections 1-2 through 1-4. Appendix 1 defines wastewater treatment facility as "any devices and/or systems used to store, treat, recycle, or reclaim municipal sewage or liquid industrial wastes." The definition includes any pretreatment involving the reduction of the amount of pollutants or the elimination of pollutants prior to introducing such pollutants into a publicly owned treatment works (wastewater treatment facility). During the site-location analysis for wastewater treatment facilities, developers should consider the potential to attract hazardous wildlife if an airport is in the vicinity of the proposed site, and airport operators should voice their opposition to such facilities if they are in proximity to the airport.
- e. **Artificial marshes.** In warmer climates, wastewater treatment facilities sometimes employ artificial marshes and use submergent and emergent aquatic vegetation as natural filters. These artificial marshes may be used by some species of flocking birds, such as blackbirds and waterfowl, for breeding or roosting activities. The FAA strongly recommends against establishing artificial marshes within the separations identified in Sections 1-2 through 1-4.
- f. **Wastewater discharge and sludge disposal.** The FAA recommends against the discharge of wastewater or sludge on airport property because it may improve soil moisture and quality on unpaved areas and lead to improved turf growth that can be an attractive food source for many species of animals. Also, the turf requires more frequent mowing, which in turn may mutilate or flush insects or small animals and produce straw, both of which can attract hazardous wildlife. In addition, the improved turf may attract grazing wildlife, such as deer and geese. Problems may also occur when discharges saturate unpaved airport areas. The resultant soft, muddy conditions can severely restrict or prevent emergency vehicles from reaching accident sites in a timely manner.

2-4. WETLANDS. Wetlands provide a variety of functions and can be regulated by local, state, and Federal laws. Normally, wetlands are attractive to many types of wildlife, including many which rank high on the list of hazardous wildlife species (Table 1).

NOTE: If questions exist as to whether an area qualifies as a wetland, contact the local division of the U.S. Army Corps of Engineers, the Natural Resources Conservation Service, or a wetland consultant qualified to delineate wetlands.

- a. **Existing wetlands on or near airport property.** If wetlands are located on or near airport property, airport operators should be alert to any wildlife use or habitat changes in these areas that could affect safe aircraft operations. At public-use airports, the FAA recommends immediately correcting, in cooperation with local, state, and Federal regulatory agencies, any wildlife hazards arising from existing wetlands located on or near airports. Where required, a WHMP will outline appropriate wildlife hazard mitigation techniques. Accordingly, airport operators should develop measures to minimize hazardous wildlife attraction in consultation with a wildlife damage management biologist.
- b. **New airport development.** Whenever possible, the FAA recommends locating new airports using the separations from wetlands identified in Sections 1-2 through 1-4. Where alternative sites are not practicable, or when airport operators are expanding an existing airport into or near wetlands, a wildlife damage management biologist, in consultation with the U.S. Fish and Wildlife Service, the U.S. Army Corps of Engineers, and the state wildlife management agency should evaluate the wildlife hazards and prepare a WHMP that indicates methods of minimizing the hazards.
- c. **Mitigation for wetland impacts from airport projects.** Wetland mitigation may be necessary when unavoidable wetland disturbances result from new airport development projects or projects required to correct wildlife hazards from wetlands. Wetland mitigation must be designed so it does not create a wildlife hazard. The FAA recommends that wetland mitigation projects that may attract hazardous wildlife be sited outside of the separations identified in Sections 1-2 through 1-4.

(1) **Onsite mitigation of wetland functions.** The FAA may consider exceptions to locating mitigation activities outside the separations identified in Sections 1-2 through 1-4 if the affected wetlands provide unique ecological functions, such as critical habitat for threatened or endangered species or ground water recharge, which cannot be replicated when moved to a different location. Using existing airport property is sometimes the only feasible way to achieve the mitigation ratios mandated in regulatory orders and/or settlement agreements with the resource agencies. Conservation easements are an additional means of providing mitigation for project impacts. Typically the airport operator continues to own the property, and an easement is created stipulating that the property will be maintained as habitat for state or Federally listed species.

Mitigation must not inhibit the airport operator's ability to effectively control hazardous wildlife on or near the mitigation site or effectively maintain other aspects of safe airport operations. Enhancing such mitigation areas to attract hazardous wildlife must be avoided. The FAA will review any onsite mitigation proposals to determine compatibility with safe airport operations. A wildlife damage management biologist should evaluate any wetland mitigation projects that are needed to protect unique wetland functions and that must be located in the separation criteria in Sections 1-2 through 1-4 before the mitigation is implemented. A WHMP should be developed to reduce the wildlife hazards.

(2) Offsite mitigation of wetland functions. The FAA recommends that wetland mitigation projects that may attract hazardous wildlife be sited outside of the separations identified in Sections 1-2 through 1-4 unless they provide unique functions that must remain onsite (see 2-4c(1)). Agencies that regulate impacts to or around wetlands recognize that it may be necessary to split wetland functions in mitigation schemes. Therefore, regulatory agencies may, under certain circumstances, allow portions of mitigation to take place in different locations.

(3) Mitigation banking. Wetland mitigation banking is the creation or restoration of wetlands in order to provide mitigation credits that can be used to offset permitted wetland losses. Mitigation banking benefits wetland resources by providing advance replacement for permitted wetland losses; consolidating small projects into larger, better-designed and managed units; and encouraging integration of wetland mitigation projects with watershed planning. This last benefit is most helpful for airport projects, as wetland impacts mitigated outside of the separations identified in Sections 1-2 through 1-4 can still be located within the same watershed. Wetland mitigation banks meeting the separation criteria offer an ecologically sound approach to mitigation in these situations. Airport operators should work with local watershed management agencies or organizations to develop mitigation banking for wetland impacts on airport property.

2-5. DREDGE SPOIL CONTAINMENT AREAS. The FAA recommends against locating dredge spoil containment areas (also known as Confined Disposal Facilities) within the separations identified in Sections 1-2 through 1-4 if the containment area or the spoils contain material that would attract hazardous wildlife.

2-6. AGRICULTURAL ACTIVITIES. Because most, if not all, agricultural crops can attract hazardous wildlife during some phase of production, the FAA recommends against the use of airport property for agricultural production, including hay crops, within the separations identified in Sections 1-2 through 1-4. If the airport has no financial alternative to agricultural crops to produce income necessary to maintain the viability of the airport, then the airport shall follow the crop distance guidelines listed in the table titled "Minimum Distances between Certain Airport Features and Any On-Airport Agricultural Crops" found in AC 150/5300-13, *Airport Design*, Appendix 17. The cost of wildlife control and potential accidents should be weighed against the income produced by the on-airport crops when deciding whether to allow crops on the airport.

- a. **Livestock production.** Confined livestock operations (i.e., feedlots, dairy operations, hog or chicken production facilities, or egg laying operations) often attract flocking birds, such as starlings, that pose a hazard to aviation. Therefore, The FAA recommends against such facilities within the separations identified in Sections 1-2 through 1-4. Any livestock operation within these separations should have a program developed to reduce the attractiveness of the site to species that are hazardous to aviation safety. Free-ranging livestock must not be grazed on airport property because the animals may wander onto the AOA. Furthermore, livestock feed, water, and manure may attract birds.
- b. **Aquaculture.** Aquaculture activities (i.e. catfish or trout production) conducted outside of fully enclosed buildings are inherently attractive to a wide variety of birds. Existing aquaculture facilities/activities within the separations listed in Sections 1-2 through 1-4 must have a program developed to reduce the attractiveness of the sites to species that are hazardous to aviation safety. Airport operators should also oppose the establishment of new aquaculture facilities/activities within the separations listed in Sections 1-2 through 1-4.
- c. **Alternative uses of agricultural land.** Some airports are surrounded by vast areas of farmed land within the distances specified in Sections 1-2 through 1-4. Seasonal uses of agricultural land for activities such as hunting can create a hazardous wildlife situation. In some areas, farmers will rent their land for hunting purposes. Rice farmers, for example, flood their land during waterfowl hunting season and obtain additional revenue by renting out duck blinds. The duck hunters then use decoys and call in hundreds, if not thousands, of birds, creating a tremendous threat to aircraft safety. A wildlife damage management biologist should review, in coordination with local farmers and producers, these types of seasonal land uses and incorporate them into the WHMP.

2-7. GOLF COURSES, LANDSCAPING AND OTHER LAND-USE CONSIDERATIONS.

- a. **Golf courses.** The large grassy areas and open water found on most golf courses are attractive to hazardous wildlife, particularly Canada geese and some species of gulls. These species can pose a threat to aviation safety. The FAA recommends against construction of new golf courses within the separations identified in Sections 1-2 through 1-4. Existing golf courses located within these separations must develop a program to reduce the attractiveness of the sites to species that are hazardous to aviation safety. Airport operators should ensure these golf courses are monitored on a continuing basis for the presence of hazardous wildlife. If hazardous wildlife is detected, corrective actions should be immediately implemented.
- b. **Landscaping and landscape maintenance.** Depending on its geographic location, landscaping can attract hazardous wildlife. The FAA recommends that airport operators approach landscaping with caution and confine it to airport areas not associated with aircraft movements. A wildlife damage management biologist should review all landscaping plans. Airport operators should also monitor all landscaped areas on a continuing basis for the presence of hazardous wildlife. If

hazardous wildlife is detected, corrective actions should be immediately implemented.

Turf grass areas can be highly attractive to a variety of hazardous wildlife species. Research conducted by the USDA Wildlife Services' National Wildlife Research Center has shown that no one grass management regime will deter all species of hazardous wildlife in all situations. In cooperation with wildlife damage management biologist, airport operators should develop airport turf grass management plans on a prescription basis, depending on the airport's geographic locations and the type of hazardous wildlife likely to frequent the airport

Airport operators should ensure that plant varieties attractive to hazardous wildlife are not used on the airport. Disturbed areas or areas in need of re-vegetating should not be planted with seed mixtures containing millet or any other large-seed producing grass. For airport property already planted with seed mixtures containing millet, rye grass, or other large-seed producing grasses, the FAA recommends disking, plowing, or another suitable agricultural practice to prevent plant maturation and seed head production. Plantings should follow the specific recommendations for grass management and seed and plant selection made by the State University Cooperative Extension Service, the local office of Wildlife Services, or a qualified wildlife damage management biologist. Airport operators should also consider developing and implementing a preferred/prohibited plant species list, reviewed by a wildlife damage management biologist, which has been designed for the geographic location to reduce the attractiveness to hazardous wildlife for landscaping airport property.

- c. **Airports surrounded by wildlife habitat.** The FAA recommends that operators of airports surrounded by woodlands, water, or wetlands refer to Section 2.4 of this AC. Operators of such airports should provide for a Wildlife Hazard Assessment (WHA) conducted by a wildlife damage management biologist. This WHA is the first step in preparing a WHMP, where required.
- d. **Other hazardous wildlife attractants.** Other specific land uses or activities (e.g., sport or commercial fishing, shellfish harvesting, etc.), perhaps unique to certain regions of the country, have the potential to attract hazardous wildlife. Regardless of the source of the attraction, when hazardous wildlife is noted on a public-use airport, airport operators must take prompt remedial action(s) to protect aviation safety.

2-8. SYNERGISTIC EFFECTS OF SURROUNDING LAND USES. There may be circumstances where two (or more) different land uses that would not, by themselves, be considered hazardous wildlife attractants or that are located outside of the separations identified in Sections 1-2 through 1-4 that are in such an alignment with the airport as to create a wildlife corridor directly through the airport and/or surrounding airspace. An example of this situation may involve a lake located outside of the separation criteria on the east side of an airport and a large hayfield on the west side of an airport, land uses that together could create a flyway for Canada geese directly across the airspace of the airport. There are numerous examples of such situations;

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therefore, airport operators and the wildlife damage management biologist must consider the entire surrounding landscape and community when developing the WHMP.

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SECTION 3.**PROCEDURES FOR WILDLIFE HAZARD MANAGEMENT BY OPERATORS OF PUBLIC-USE AIRPORTS.**

3.1. INTRODUCTION. In recognition of the increased risk of serious aircraft damage or the loss of human life that can result from a wildlife strike, the FAA may require the development of a Wildlife Hazard Management Plan (WHMP) when specific triggering events occur on or near the airport. Part 139.337 discusses the specific events that trigger a Wildlife Hazard Assessment (WHA) and the specific issues that a WHMP must address for FAA approval and inclusion in an Airport Certification Manual.

3.2. COORDINATION WITH USDA WILDLIFE SERVICES OR OTHER QUALIFIED WILDLIFE DAMAGE MANAGEMENT BIOLOGISTS. The FAA will use the Wildlife Hazard Assessment (WHA) conducted in accordance with Part 139 to determine if the airport needs a WHMP. Therefore, persons having the education, training, and expertise necessary to assess wildlife hazards must conduct the WHA. The airport operator may look to Wildlife Services or to qualified private consultants to conduct the WHA. When the services of a wildlife damage management biologist are required, the FAA recommends that land-use developers or airport operators contact a consultant specializing in wildlife damage management or the appropriate state director of Wildlife Services.

NOTE: Telephone numbers for the respective USDA Wildlife Services state offices can be obtained by contacting USDA Wildlife Services Operational Support Staff, 4700 River Road, Unit 87, Riverdale, MD, 20737-1234, Telephone (301) 734-7921, Fax (301) 734-5157 (<http://www.aphis.usda.gov/ws/>).

3-3. WILDLIFE HAZARD MANAGEMENT AT AIRPORTS: A MANUAL FOR AIRPORT PERSONNEL. This manual, prepared by FAA and USDA Wildlife Services staff, contains a compilation of information to assist airport personnel in the development, implementation, and evaluation of WHMPs at airports. The manual includes specific information on the nature of wildlife strikes, legal authority, regulations, wildlife management techniques, WHAs, WHMPs, and sources of help and information. The manual is available in three languages: English, Spanish, and French. It can be viewed and downloaded free of charge from the FAA's wildlife hazard mitigation web site: <http://wildlife-mitigation.tc.faa.gov/>. This manual only provides a starting point for addressing wildlife hazard issues at airports. Hazardous wildlife management is a complex discipline and conditions vary widely across the United States. Therefore, qualified wildlife damage management biologists must direct the development of a WHMP and the implementation of management actions by airport personnel.

There are many other resources complementary to this manual for use in developing and implementing WHMPs. Several are listed in the manual's bibliography.

3-4. WILDLIFE HAZARD ASSESSMENTS, TITLE 14, CODE OF FEDERAL REGULATIONS, PART 139. Part 139.337(b) requires airport operators to conduct a Wildlife Hazard Assessment (WHA) when certain events occur on or near the airport.

Part 139.337 (c) provides specific guidance as to what facts must be addressed in a WHA.

3-5. WILDLIFE HAZARD MANAGEMENT PLAN (WHMP). The FAA will consider the results of the WHA, along with the aeronautical activity at the airport and the views of the airport operator and airport users, in determining whether a formal WHMP is needed, in accordance with Part 139.337. If the FAA determines that a WHMP is needed, the airport operator must formulate and implement a WHMP, using the WHA as the basis for the plan.

The goal of an airport's Wildlife Hazard Management Plan is to minimize the risk to aviation safety, airport structures or equipment, or human health posed by populations of hazardous wildlife on and around the airport.

The WHMP must identify hazardous wildlife attractants on or near the airport and the appropriate wildlife damage management techniques to minimize the wildlife hazard. It must also prioritize the management measures.

3-6. LOCAL COORDINATION. The establishment of a Wildlife Hazards Working Group (WHWG) will facilitate the communication, cooperation, and coordination of the airport and its surrounding community necessary to ensure the effectiveness of the WHMP. The cooperation of the airport community is also necessary when new projects are considered. Whether on or off the airport, the input from all involved parties must be considered when a potentially hazardous wildlife attractant is being proposed. Airport operators should also incorporate public education activities with the local coordination efforts because some activities in the vicinity of your airport, while harmless under normal leisure conditions, can attract wildlife and present a danger to aircraft. For example, if public trails are planned near wetlands or in parks adjoining airport property, the public should know that feeding birds and other wildlife in the area may pose a risk to aircraft.

Airport operators should work with local and regional planning and zoning boards so as to be aware of proposed land-use changes, or modification of existing land uses, that could create hazardous wildlife attractants within the separations identified in Sections 1-2 through 1-4. Pay particular attention to proposed land uses involving creation or expansion of waste water treatment facilities, development of wetland mitigation sites, or development or expansion of dredge spoil containment areas. At the very least, airport operators must ensure they are on the notification list of the local planning board or equivalent review entity for all communities located within 5 miles of the airport, so they will receive notification of any proposed project and have the opportunity to review it for attractiveness to hazardous wildlife.

3-7 COORDINATION/NOTIFICATION OF AIRMEN OF WILDLIFE HAZARDS. If an existing land-use practice creates a wildlife hazard and the land-use practice or wildlife hazard cannot be immediately eliminated, airport operators must issue a Notice to Airmen (NOTAM) and encourage the land-owner or manager to take steps to control the wildlife hazard and minimize further attraction.

SECTION 4.**FAA NOTIFICATION AND REVIEW OF PROPOSED LAND-USE PRACTICE CHANGES IN THE VICINITY OF PUBLIC-USE AIRPORTS****4-1. FAA REVIEW OF PROPOSED LAND-USE PRACTICE CHANGES IN THE VICINITY OF PUBLIC-USE AIRPORTS:**

- a. The FAA discourages the development of waste disposal and other facilities, discussed in Section 2, located within the 5,000/10,000-foot criteria specified in Sections 1-2 through 1-4.
- b. For projects that are located outside the 5,000/10,000-foot criteria but within 5 statute miles of the airport's AOA, the FAA may review development plans, proposed land-use changes, operational changes, or wetland mitigation plans to determine if such changes present potential wildlife hazards to aircraft operations. The FAA considers sensitive airport areas as those that lie under or next to approach or departure airspace. This brief examination should indicate if further investigation is warranted.
- c. Where a wildlife damage management biologist has conducted a further study to evaluate a site's compatibility with airport operations, the FAA may use the study results to make a determination.

4-2. WASTE MANAGEMENT FACILITIES.

- a. **Notification of new/expanded project proposal.** Section 503 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (Public Law 106-181) limits the construction or establishment of new MSWLF within 6 statute miles of certain public-use airports, when both the airport and the landfill meet very specific conditions. See Section 2-2 of this AC and AC 150/5200-34 for a more detailed discussion of these restrictions.

The Environmental Protection Agency (EPA) requires any MSWLF operator proposing a new or expanded waste disposal operation within 5 statute miles of a runway end to notify the appropriate FAA Regional Airports Division Office and the airport operator of the proposal (40 CFR 258, *Criteria for Municipal Solid Waste Landfills*, Section 258.10, *Airport Safety*). The EPA also requires owners or operators of new MSWLF units, or lateral expansions of existing MSWLF units, that are located within 10,000 feet of any airport runway end used by turbojet aircraft, or within 5,000 feet of any airport runway end used only by piston-type aircraft, to demonstrate successfully that such units are not hazards to aircraft. (See 4-2.b below.)

When new or expanded MSWLF are being proposed near airports, MSWLF operators must notify the airport operator and the FAA of the proposal as early as possible pursuant to 40 CFR 258.

b. Waste handling facilities within separations identified in Sections 1-2 through 1-4. To claim successfully that a waste-handling facility sited within the separations identified in Sections 1-2 through 1-4 does not attract hazardous wildlife and does not threaten aviation, the developer must establish convincingly that the facility will not handle putrescible material other than that as outlined in 2-2.d. The FAA strongly recommends against any facility other than that as outlined in 2-2.d (enclosed transfer stations). The FAA will use this information to determine if the facility will be a hazard to aviation.

c. Putrescible-Waste Facilities. In their effort to satisfy the EPA requirement, some putrescible-waste facility proponents may offer to undertake experimental measures to demonstrate that their proposed facility will not be a hazard to aircraft. To date, no such facility has been able to demonstrate an ability to reduce and sustain hazardous wildlife to levels that existed before the putrescible-waste landfill began operating. For this reason, demonstrations of experimental wildlife control measures may not be conducted within the separation identified in Sections 1-2 through 1-4.

4-3. OTHER LAND-USE PRACTICE CHANGES. As a matter of policy, the FAA encourages operators of public-use airports who become aware of proposed land use practice changes that may attract hazardous wildlife within 5 statute miles of their airports to promptly notify the FAA. The FAA also encourages proponents of such land use changes to notify the FAA as early in the planning process as possible. Advanced notice affords the FAA an opportunity (1) to evaluate the effect of a particular land-use change on aviation safety and (2) to support efforts by the airport sponsor to restrict the use of land next to or near the airport to uses that are compatible with the airport.

The airport operator, project proponent, or land-use operator may use FAA Form 7460-1, *Notice of Proposed Construction or Alteration*, or other suitable documents similar to FAA Form 7460-1 to notify the appropriate FAA Regional Airports Division Office. Project proponents can contact the appropriate FAA Regional Airports Division Office for assistance with the notification process.

It is helpful if the notification includes a 15-minute quadrangle map of the area identifying the location of the proposed activity. The land-use operator or project proponent should also forward specific details of the proposed land-use change or operational change or expansion. In the case of solid waste landfills, the information should include the type of waste to be handled, how the waste will be processed, and final disposal methods.

a. Airports that have received Federal grant-in-aid assistance. Airports that have received Federal grant-in-aid assistance are required by their grant assurances to take appropriate actions to restrict the use of land next to or near the airport to uses that are compatible with normal airport operations. The FAA recommends that airport operators to the extent practicable oppose off-airport land-use changes or practices within the separations identified in Sections 1-2 through 1-4 that may attract hazardous wildlife. Failure to do so may lead to noncompliance with applicable grant assurances. The FAA will not approve the placement of airport

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development projects pertaining to aircraft movement in the vicinity of hazardous wildlife attractants without appropriate mitigating measures. Increasing the intensity of wildlife control efforts is not a substitute for eliminating or reducing a proposed wildlife hazard. Airport operators should identify hazardous wildlife attractants and any associated wildlife hazards during any planning process for new airport development projects.

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APPENDIX 1. DEFINITIONS OF TERMS USED IN THIS ADVISORY CIRCULAR.**1. GENERAL.** This appendix provides definitions of terms used throughout this AC.

1. **Air operations area.** Any area of an airport used or intended to be used for landing, takeoff, or surface maneuvering of aircraft. An air operations area includes such paved areas or unpaved areas that are used or intended to be used for the unobstructed movement of aircraft in addition to its associated runway, taxiways, or apron.
2. **Airport operator.** The operator (private or public) or sponsor of a public-use airport.
3. **Approach or departure airspace.** The airspace, within 5 statute miles of an airport, through which aircraft move during landing or takeoff.
4. **Bird balls.** High-density plastic floating balls that can be used to cover ponds and prevent birds from using the sites.
5. **Certificate holder.** The holder of an Airport Operating Certificate issued under Title 14, Code of Federal Regulations, Part 139.
6. **Construct a new MSWLF.** To begin to excavate, grade land, or raise structures to prepare a municipal solid waste landfill as permitted by the appropriate regulatory or permitting agency.
7. **Detention ponds.** Storm water management ponds that hold storm water for short periods of time; a few hours to a few days.
8. **Establish a new MSWLF.** When the first load of putrescible waste is received on-site for placement in a prepared municipal solid waste landfill.
9. **Fly ash.** The fine, sand-like residue resulting from the complete incineration of an organic fuel source. Fly ash typically results from the combustion of coal or waste used to operate a power generating plant.
10. **General aviation aircraft.** Any civil aviation aircraft not operating under 14 CFR Part 119, Certification: Air Carriers and Commercial Operators.
11. **Hazardous wildlife.** Species of wildlife (birds, mammals, reptiles), including feral animals and domesticated animals not under control, that are associated with aircraft strike problems, are capable of causing structural damage to airport facilities, or act as attractants to other wildlife that pose a strike hazard
12. **Municipal Solid Waste Landfill (MSWLF).** A publicly or privately owned discrete area of land or an excavation that receives household waste and that is not a land application unit, surface impoundment, injection well, or waste pile, as those terms are defined under 40 CFR § 257.2. An MSWLF may receive

other types wastes, such as commercial solid waste, non-hazardous sludge, small-quantity generator waste, and industrial solid waste, as defined under 40 CFR § 258.2. An MSWLF can consist of either a stand alone unit or several cells that receive household waste.

13. **New MSWLF.** A municipal solid waste landfill that was established or constructed after April 5, 2001.
14. **Piston-powered aircraft.** Fixed-wing aircraft powered by piston engines.
15. **Piston-use airport.** Any airport that does not sell Jet-A fuel for fixed-wing turbine-powered aircraft, and primarily serves fixed-wing, piston-powered aircraft. Incidental use of the airport by turbine-powered, fixed-wing aircraft would not affect this designation. However, such aircraft should not be based at the airport.
16. **Public agency.** A State or political subdivision of a State, a tax-supported organization, or an Indian tribe or pueblo (49 U.S.C. § 47102(19)).
17. **Public airport.** An airport used or intended to be used for public purposes that is under the control of a public agency; and of which the area used or intended to be used for landing, taking off, or surface maneuvering of aircraft is publicly owned (49 U.S.C. § 47102(20)).
18. **Public-use airport.** An airport used or intended to be used for public purposes, and of which the area used or intended to be used for landing, taking off, or surface maneuvering of aircraft may be under the control of a public agency or privately owned and used for public purposes (49 U.S.C. § 47102(21)).
19. **Putrescible waste.** Solid waste that contains organic matter capable of being decomposed by micro-organisms and of such a character and proportion as to be capable of attracting or providing food for birds (40 CFR §257.3-8).
20. **Putrescible-waste disposal operation.** Landfills, garbage dumps, underwater waste discharges, or similar facilities where activities include processing, burying, storing, or otherwise disposing of putrescible material, trash, and refuse.
21. **Retention ponds.** Storm water management ponds that hold water for several months.
22. **Runway protection zone (RPZ).** An area off the runway end to enhance the protection of people and property on the ground (see AC 150/5300-13). The dimensions of this zone vary with the airport design, aircraft, type of operation, and visibility minimum.
23. **Scheduled air carrier operation.** Any common carriage passenger-carrying operation for compensation or hire conducted by an air carrier or commercial

operator for which the air carrier, commercial operator, or their representative offers in advance the departure location, departure time, and arrival location. It does not include any operation that is conducted as a supplemental operation under 14 CFR Part 119 or as a public charter operation under 14 CFR Part 380 (14 CFR § 119.3).

24. **Sewage sludge.** Any solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in a treatment works. Sewage sludge includes, but is not limited to, domestic septage; scum or solids removed in primary, secondary, or advanced wastewater treatment process; and a material derived from sewage sludge. Sewage does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator or grit and screenings generated during preliminary treatment of domestic sewage in a treatment works. (40 CFR 257.2)
25. **Sludge.** Any solid, semi-solid, or liquid waste generated from a municipal, commercial or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility or any other such waste having similar characteristics and effect. (40 CFR 257.2)
26. **Solid waste.** Any garbage, refuse, sludge, from a waste treatment plant, water supply treatment plant or air pollution control facility and other discarded material, including, solid liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solid or dissolved materials in domestic sewage, or solid or dissolved material in irrigation return flows or industrial discharges which are point sources subject to permits under section 402 of the Federal Water Pollution Control Act, as amended (86 Stat. 880), or source, special nuclear, or by product material as defined by the Atomic Energy Act of 1954, as amended, (68 Stat. 923). (40 CFR 257.2)
27. **Turbine-powered aircraft.** Aircraft powered by turbine engines including turbojets and turboprops but excluding turbo-shaft rotary-wing aircraft.
28. **Turbine-use airport.** Any airport that sells Jet-A fuel for fixed-wing turbine-powered aircraft.
29. **Wastewater treatment facility.** Any devices and/or systems used to store, treat, recycle, or reclaim municipal sewage or liquid industrial wastes, including Publicly Owned Treatment Works (POTW), as defined by Section 212 of the Federal Water Pollution Control Act (P.L. 92-500) as amended by the Clean Water Act of 1977 (P.L. 95-576) and the Water Quality Act of 1987 (P.L. 100-4). This definition includes any pretreatment involving the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. (See 40 CFR Section 403.3 (q), (r), & (s)).

30. **Wildlife.** Any wild animal, including without limitation any wild mammal, bird, reptile, fish, amphibian, mollusk, crustacean, arthropod, coelenterate, or other invertebrate, including any part, product, egg, or offspring thereof (50 CFR 10.12, *Taking, Possession, Transportation, Sale, Purchase, Barter, Exportation, and Importation of Wildlife and Plants*). As used in this AC, wildlife includes feral animals and domestic animals out of the control of their owners (14 CFR Part 139, *Certification of Airports*).
31. **Wildlife attractants.** Any human-made structure, land-use practice, or human-made or natural geographic feature that can attract or sustain hazardous wildlife within the landing or departure airspace or the airport's AOA. These attractants can include architectural features, landscaping, waste disposal sites, wastewater treatment facilities, agricultural or aquaculture activities, surface mining, or wetlands.
32. **Wildlife hazard.** A potential for a damaging aircraft collision with wildlife on or near an airport.
33. **Wildlife strike.** A wildlife strike is deemed to have occurred when:
 - a. A pilot reports striking 1 or more birds or other wildlife;
 - b. Aircraft maintenance personnel identify aircraft damage as having been caused by a wildlife strike;
 - c. Personnel on the ground report seeing an aircraft strike 1 or more birds or other wildlife;
 - d. Bird or other wildlife remains, whether in whole or in part, are found within 200 feet of a runway centerline, unless another reason for the animal's death is identified;
 - e. The animal's presence on the airport had a significant negative effect on a flight (i.e., aborted takeoff, aborted landing, high-speed emergency stop, aircraft left pavement area to avoid collision with animal) (Transport Canada, Airports Group, *Wildlife Control Procedures Manual*, Technical Publication 11500E, 1994).

2. RESERVED.



City of Homer Planning & Zoning

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STAFF REPORT PL 12-05

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Planning Technician
MEETING: February 1, 2012
SUBJECT: Draft Ordinance 12-xx, Amending the Zoning Map to rezone portions of the Rural Residential, Urban Residential and General Commercial Two districts to Conservation, and a portion of the Urban Residential district to Open Space Recreation.

Requested Action: Conduct a public hearing and make a recommendation on the City Council on the proposed zoning map changes.

NOTE:

Staff originally advertised this ordinance to include more lands to be rezoned. However, it has become apparent that there are questions about the city's ability to apply zoning to airport lands, including access to Beluga Lake which is a floatplane facility. Therefore, staff withdrew these lands from the ordinance until there is more information. There has been some interest from the public on some of these areas. There may be public comment on parcels that are no longer included- see attachments. Another rezone ordinance could address these areas in the future if warranted.

GENERAL INFORMATION

This ordinance proposes to rezone two areas of the City. The first proposal is to rezone a piece of Rural Residential land to Conservation. The property is located on the far western boundary of the City, and is part of the state lands commonly called Overlook Park. The property is adjacent to existing conservation lands. The second proposal is to rezone a large area north of the airport to Conservation. The lands to be rezoned are currently zoned General Commercial Two, and Urban Residential.

Map comment:

The Conservation zone boundary along the northern part of the airport runway shall follow the legal description of CHA despite any graphic interpretations.

STAFF COMMENTS/RECOMMENDATIONS:

Planning staff has reviewed the ordinance per 21.95.050 and recommends the Planning Commission conduct a public hearing, and recommend approval to the City Council.

ATTACHMENTS

1. Staff Memorandum; review of HCC 21.95.050
2. Draft ordinance and attachments
3. Public Notice
4. Map of parcels withdrawn from ordinance





City of Homer Planning & Zoning

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MEMORANDUM

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Planning Technician
MEETING: February 1, 2012
SUBJECT: Draft Ordinance 12-xx, Amending the Zoning Map to rezone portions of the Rural Residential, Urban Residential and General Commercial Two districts to Conservation, and a portion of the Urban Residential district to Open Space Recreation.

This memo contains the planning staff review of the zoning code amendment as required by HCC 21.95.050.

21.95.050 Planning Department review of zoning map amendment. The Planning Department shall evaluate each amendment to the official zoning map that is initiated in accordance with HCC 21.95.020 and qualified under HCC 21.95.030, and may recommend approval of the amendment only if it finds that the amendment:

a. Is consistent with the comprehensive plan and will further specific goals and objectives of the plan.

Staff response: The proposed amendments are consistent with the Comprehensive Plan and follow the guidelines of the Land Use Recommendations Map found in Chapter 4, Land Use, of the Plan.

b. Applies a zoning district or districts that are better suited to the area that is the subject of the amendment than the district or districts that the amendment would replace, because either conditions have changed since the adoption of the current district or districts, or the current district or districts were not appropriate to the area initially.

Staff response:

1. Conservation zoning around the airport. Since initial zoning of the area around the airport in 1982 with the adoption of the Homer Zoning Code, it has become apparent that heavy industrial zoning is not appropriate to the area. A large part of the General Commercial Two district was designated as Critical Habitat Area in 1996 in recognition of important wetlands and area moose habitat. Through the Comprehensive Plan, the community has outlined those areas

more appropriate for industrial development, and those areas that would better serve community needs through conservation. The proposed map amendment follows the guidelines in the Plan.

2. Conservation zoning near Bluff Point (western edge of the City). The land is beach bluff property on a bench. It is much lower in elevation than adjacent residential lots along the Sterling Highway. When this area was annexed in 2002, it was owned by a private citizen who requested rural residential zoning. Staff thinks it may have been a lot selected as part of the Alaska Native Claims Settlement Act. Over the past ten years, the property has returned to the state, and the citizen has passed away. The land, and the adjacent land, is an area the state purchased with Exxon Valdez Oil Spill money for conservation or inclusion in the Kachemak bay State Park. With this change in ANCSLA selection, lack of physical access for residential development, and proximity to other conservation lands, it is appropriate to rezone this property to Conservation.

c. Is in the best interest of the public, considering the effect of development permitted under the amendment, and the cumulative effect of similar development, on property within and in the vicinity of the area subject to the amendment and on the community, including without limitation effects on the environment, transportation, public services and facilities, and land use patterns.

Staff response:

1. Airport conservation area. It is in the best interest of the public to rezone this portion of the Beluga Wetlands area as conservation. There are few public services or facilities available, and development would have a negative effect on the environment. The area is important moose and bird habitat, and contains extensive wetlands.
2. Bluff point conservation area. It is in the best interests of the public to rezone this parcel to conservation. There are no public services or access available for rural residential development and the land is adjacent to other conservation areas.

**CITY OF HOMER
HOMER, ALASKA**

Planning

ORDINANCE 12-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, AMENDING THE HOMER CITY ZONING MAP TO REZONE PORTIONS OF THE RURAL RESIDENTIAL (RR), URBAN RESIDENTIAL (UR) AND GENERAL COMMERCIAL TWO (GC2) ZONING DISTRICTS TO CONSERVATION (CONS).

WHEREAS, Chapter 4 Goal 1 Objective C of the Homer Comprehensive Plan states, "Develop clear and well-defined land use regulations and update the zoning map in support of the desired pattern of growth"; and

WHEREAS, the Alaska Legislature enacted Chapter 39 SLA 1996 establishing the Homer Airport Critical Habitat Area north of the Homer Airport for the purpose of providing an area for enhancing winter browse for the moose herd in the lower Kenai Peninsula area, and the Homer Comprehensive Plan classifies the Homer Airport Critical Habitat Area for conservation or open space recreational use; and

WHEREAS, the Homer Comprehensive Plan classifies an 80-acre parcel northwest of the Homer Airport owned by the Kenai Peninsula Borough and described as Parcel No. 179-010-26 for conservation use, and the Kenai Peninsula Borough Assembly adopted Resolution 2011-97 classifying this parcel for Preservation; and

WHEREAS, The Homer Advisory Planning Commission held a public hearing on the rezonings described herein on _____, 2012 as required by Homer City Code 21.95.040, and

WHEREAS, The Homer Advisory Planning Commission found that (i) the proposed rezonings are consistent with the Homer Comprehensive Plan and will further specific goals and objectives of the Plan; (ii) the proposed rezonings apply zoning districts that are better suited to the areas that are the subject of the rezonings than the districts that the rezonings would replace; and (iii) there is a public need and justification for the rezonings, the rezonings are in the best interest of the public, and the rezonings will not have a negative effect on the public health, safety or welfare.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer Zoning Map is amended to transfer the parcels listed on the attached Exhibit A from the Rural Residential (RR) zoning district to the Conservation (CONS) zoning district as shown on the attached Exhibit B.

Section 2. The Homer Zoning Map is amended to transfer the parcels listed on the attached Exhibit A from the General Commercial 2 (GC2) zoning district to the Conservation (CONS) zoning district as shown on the attached Exhibit C.

Section 3. The Homer Zoning Map is amended to transfer the parcels listed on the attached Exhibit A from the Urban Residential (UR) zoning district to the Conservation (CONS) zoning district as shown on the attached Exhibit C.

Section 4. The City Planner is authorized to note on the Homer Zoning Map the amendments enacted by this ordinance as required by Homer City Code 21.10.030(b).

Section 5. This is a non-Code ordinance of a permanent nature and shall be noted in the ordinance history of Homer City Code 21.10.030.

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

CITY OF HOMER

JAMES C. HORNADAY, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and approved as to form:

Walt E. Wrede, City Manager

Date: _____

Thomas F. Klinkner, City Attorney

Date: _____

Exhibit A

PARCEL_ID	LEGAL DESCRIPTION	Zoning Change	OWNER	OWNTYPE
17316006	T 6S R 14W SEC 15 SEWARD MERIDIAN HM GOVT LOT 1	Rural Residential to Conservation	ALASKA STATE D N R	STATE
17901027	T 6S R 13W SEC 15 SEWARD MERIDIAN HM NE1/4 SE1/4	GC2 to Conservation. CHA Land	ALASKA STATE D N R	STATE
17901025	T 6S R 13W SEC 15 SEWARD MERIDIAN HM N1/2 SW1/4 SE1/4 & S1/2 SW1/4	GC2 to Conservation. CHA Land	ALASKA STATE D N R	STATE
17901026	T 6S R 13W SEC 15 SEWARD MERIDIAN HM NW1/4 SE1/4 & NE1/4 SW1/4	GC2 to Conservation.	KENAI PENINSULA BOROUGH	BOROUGH
17901008	T 6S R 13W SEC 21 SEWARD MERIDIAN HM N1/2 NE1/4 NW1/4 & N1/2 NW1/4 NE1/4	Eastern half of parcel only. Urban Residential to Conservation. CHA Land	ALASKA STATE D N R	STATE
17901021	T 6S R 13W SEC 21 SEWARD MERIDIAN HM S1/2 NE1/4 NW1/4 & S1/2 NW1/4 NE1/4 & N1/2 SW1/4 NW1/4	Eastern two thirds of parcel only. GC2 to Conservation. CHA Land	ALASKA STATE AVIATION DIVISION	STATE
17940001	T 6S R 13W SEC 15 & 21 & 22 SEWARD MERIDIAN HM PTN OF HOMER AIRPORT LAND NORTH OF KACHEMAK DR EXCL NE1/4 NW1/4 & NW1/4 NE1/4 & N1/2 SW1/4 NW1/4 IN SEC 21	Only portions of this lot will change. The CHA lands will change from GC2 to Conservation.	ALASKA STATE AVIATION DIVISION	STATE

Exhibit B

Dump

City Limits

Rural Residential

Sterling Highway

Conservation

Kachemak Bay

X

This lot to change from Rural Residential to Conservation zoning.



City of Homer
Planning and Zoning Department

1/27/2012

Legend

 City Limits

Adjacent Existing Zoning

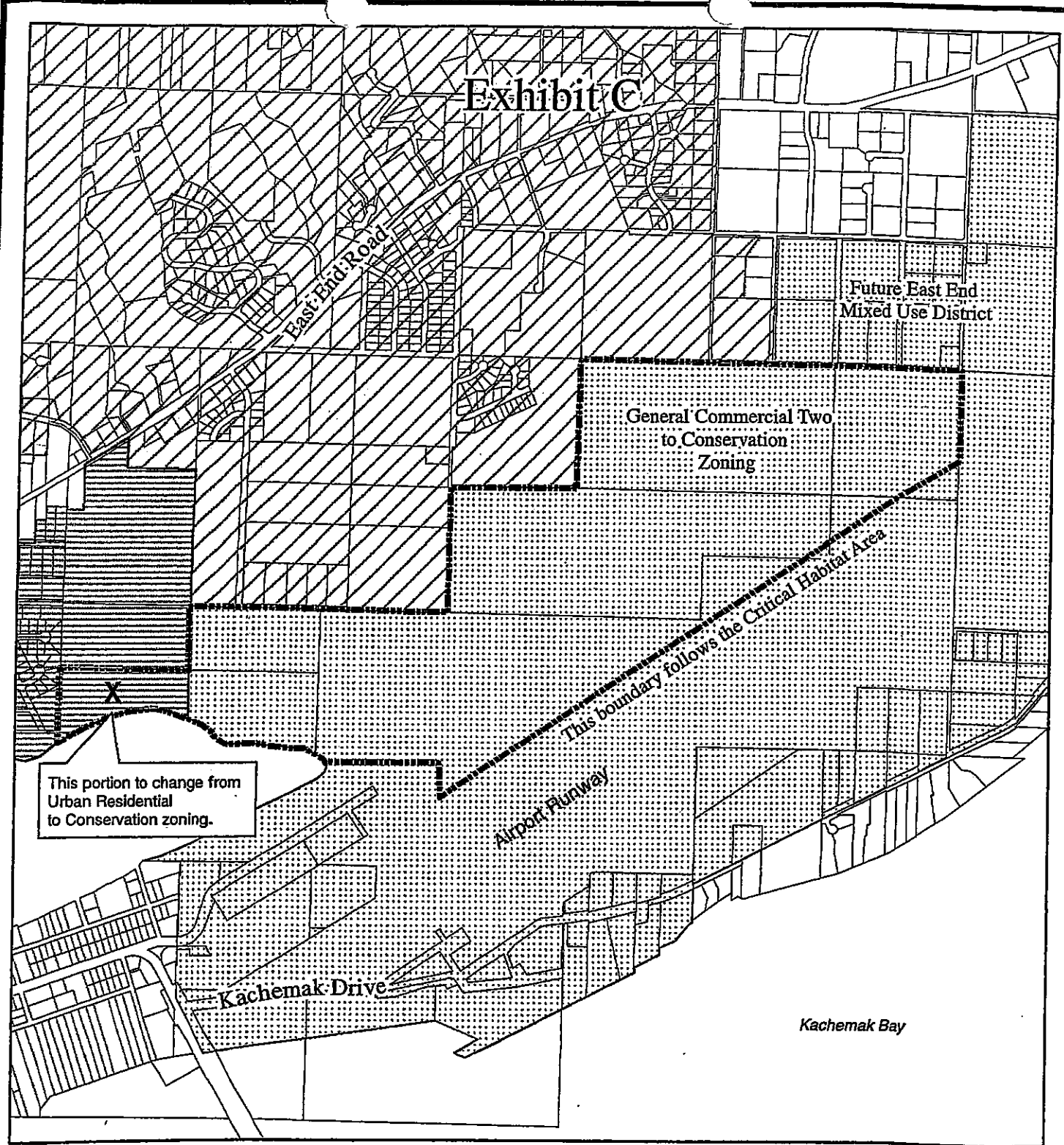
Zone

 Rural Residential

 Conservation



Disclaimer:
It is expressly understood the City of Homer, its council, board, departments, employees and agents are not responsible for any errors or omissions contained herein, or deductions, interpretations or conclusions drawn therefrom.







This portion to change from Urban Residential to Conservation zoning.



City of Homer
Planning and Zoning Department
 1/27/2012

Legend

Existing Adjacent Zoning

-  General Commercial 2
-  Rural Residential
-  Urban Residential
-  Proposed Conservation



Disclaimer:
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PUBLIC NOTICE

Public notice is hereby given that the City of Homer will hold a public hearing by the Homer Advisory Planning Commission on Wednesday, February 1, 2012 at 6:30 p.m. at Homer City Hall, 491 East Pioneer Avenue, Homer, Alaska on the following matters:

Draft Ordinance 12-xx Amending the Zoning Map to rezone portions including T 6S R 13W SEC 15 SEWARD MERIDIAN HM NE1/4 SE1/4, T 6S R 13W SEC 15 SEWARD MERIDIAN HM N1/2 SW1/4 SE1/4 & S1/2 SW1/4, T 6S R 13W SEC 15 SEWARD MERIDIAN HM NW1/4 SE1/4 & NE1/4 SW1/4, T 6S R 13W SEC 21 SEWARD MERIDIAN HM N1/2 NE1/4 NW1/4 & N1/2 NW1/4 NE1/4, T 6S R 13W SEC 21 SEWARD MERIDIAN HM S1/2 NE1/4 NW1/4 & S1/2 NW1/4 NE1/4 & N1/2 SW1/4 NW1/4, T 6S R 13W SEC 14 SEWARD MERIDIAN HM W1/2 SW1/4, T 6S R 13W SEC 23 SEWARD MERIDIAN HM 0850117 HOMER AIRPORT INDUSTRIAL PARK SUB LOT 2, T 6S R 13W SEC 23 SEWARD MERIDIAN HM 0850117 HOMER AIRPORT INDUSTRIAL PARK SUB LOT 3, T 6S R 13W SEC 23 SEWARD MERIDIAN HM 0850117 HOMER AIRPORT INDUSTRIAL PARK SUB LOT 1, T 6S R 13W SEC 23 SEWARD MERIDIAN HM 0850117 HOMER AIRPORT INDUSTRIAL PARK SUB LOT 4, T 6S R 13W SEC 23 SEWARD MERIDIAN HM THAT PORTION OF GOVT LOT 3 LYING NORTHWESTERLY OF KACHEMAK BAY DRIVE, T 6S R 14W SEC 15 SEWARD MERIDIAN HM GOVT LOT 1, T 6S R 13W SEC 22 SEWARD MERIDIAN HM BEGINNING AT THE NORTHWEST CORNER OF GOVT LOT 2 TH S 89 DEG 49 MIN 19 SEC E 1064.51 FT TH S 56 DEG 17 MIN, 36 SEC W 1297.70 FT TH N 01 DEG 10 MIN 41 SEC E 742.19 FT TO THE POB, of the Rural Residential, Urban Residential and General Commercial Two districts to Conservation, and a portion of the Urban Residential district, to Open Space Recreation.

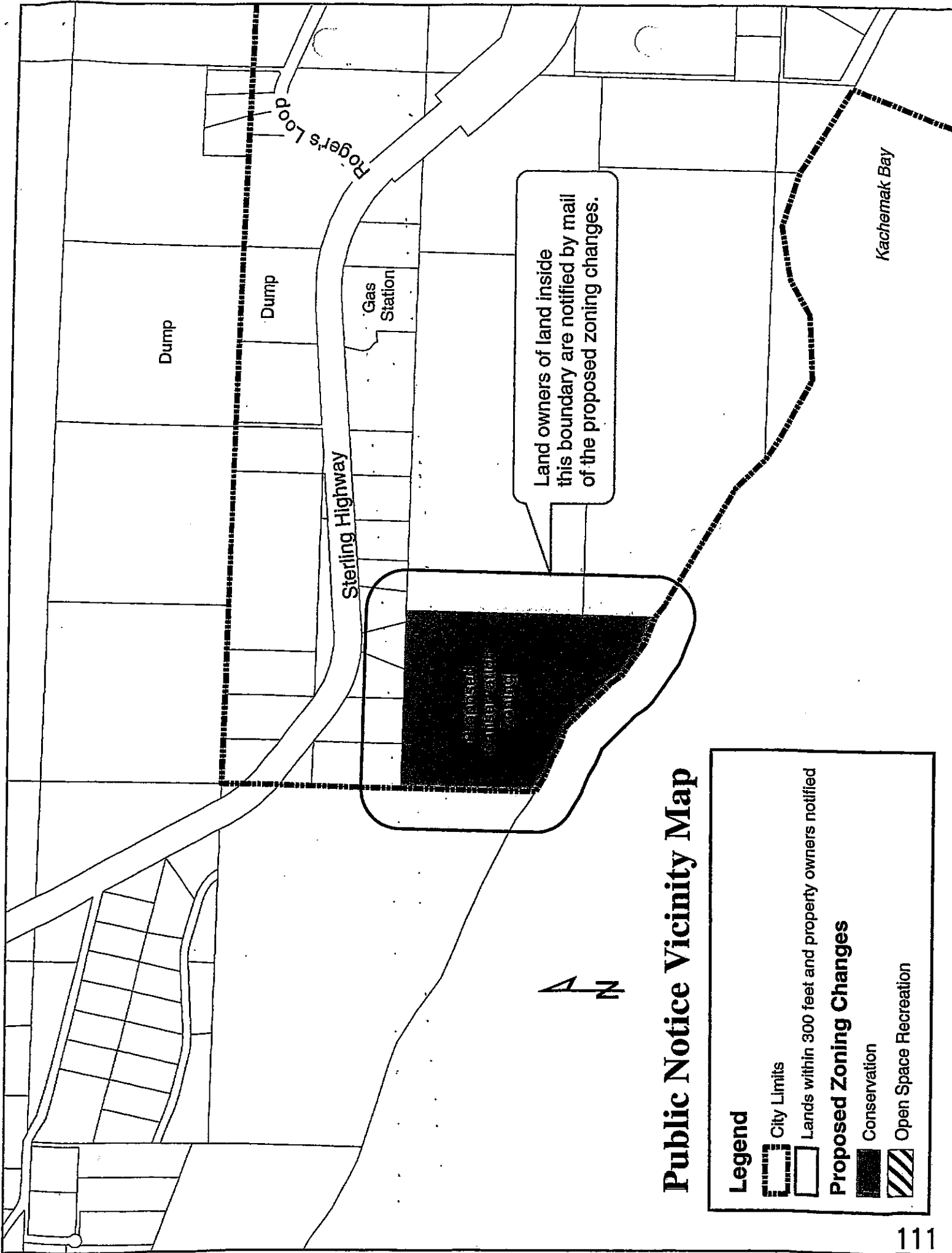
Anyone wishing to present testimony concerning these matters may do so at the meeting or by submitting a written statement to the Homer Advisory Planning Commission, 491 East Pioneer Avenue, Homer, Alaska 99603, by 4:00 p.m. on the day of the meeting.

For additional information, please contact Rick Abboud in the City Planning and Zoning Office at 235-8121, ext. 2236.

NOTICE TO BE SENT TO PROPERTY OWNERS WITHIN 300 FEET OF PROPERTY.

PLEASE PUBLISH ONCE

ACCOUNT 100.130.5227



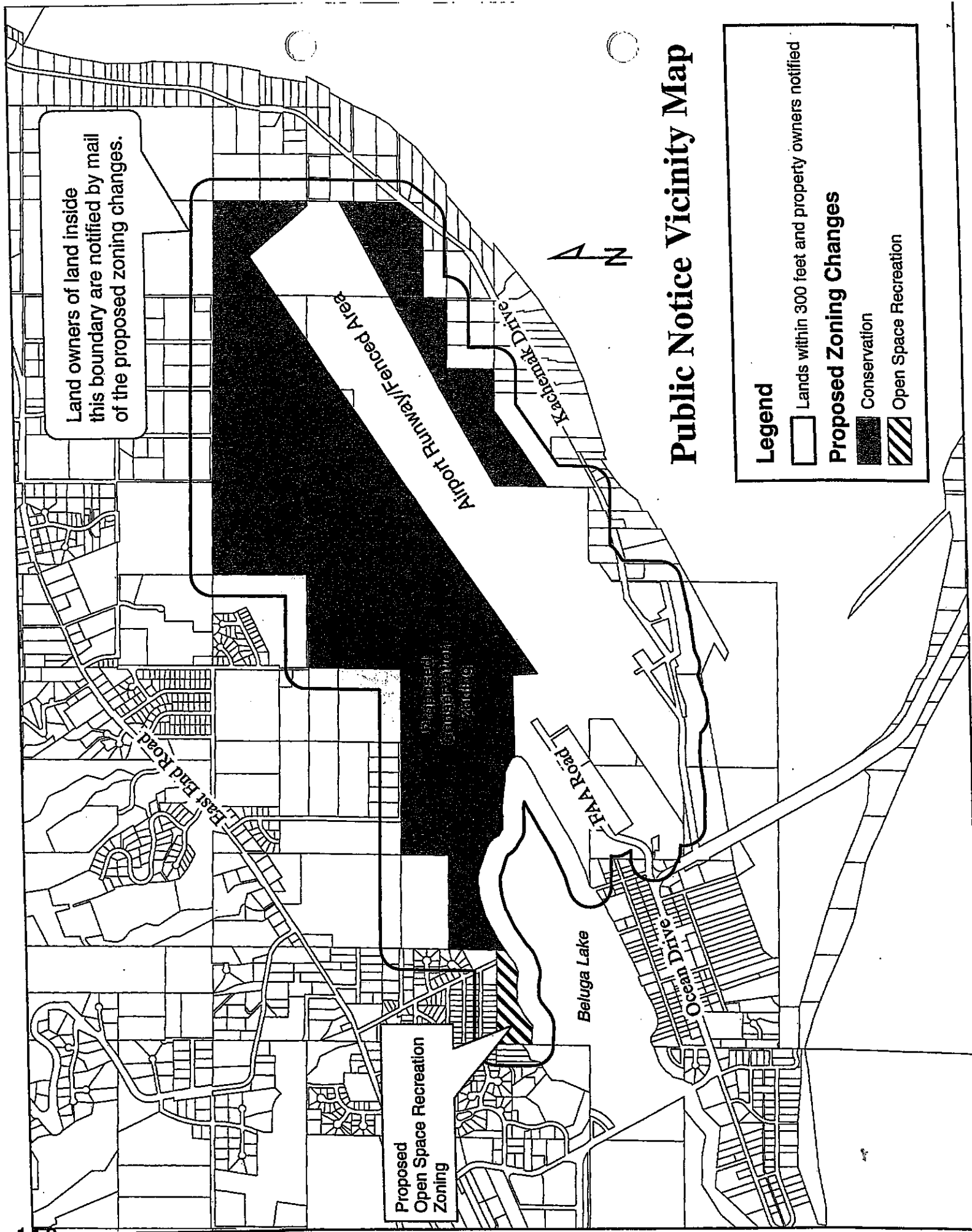
Public Notice Vicinity Map

Legend

- City Limits
- Lands within 300 feet and property owners notified




Proposed Zoning Changes

- Conservation
- Open Space Recreation



Public Notice Vicinity Map

Legend

-  Lands within 300 feet and property owners notified
- Proposed Zoning Changes**
-  Conservation
-  Open Space Recreation



Land owners of land inside this boundary are notified by mail of the proposed zoning changes.

Proposed Open Space Recreation Zoning

East End Road

Airport Runway/Fenced Area

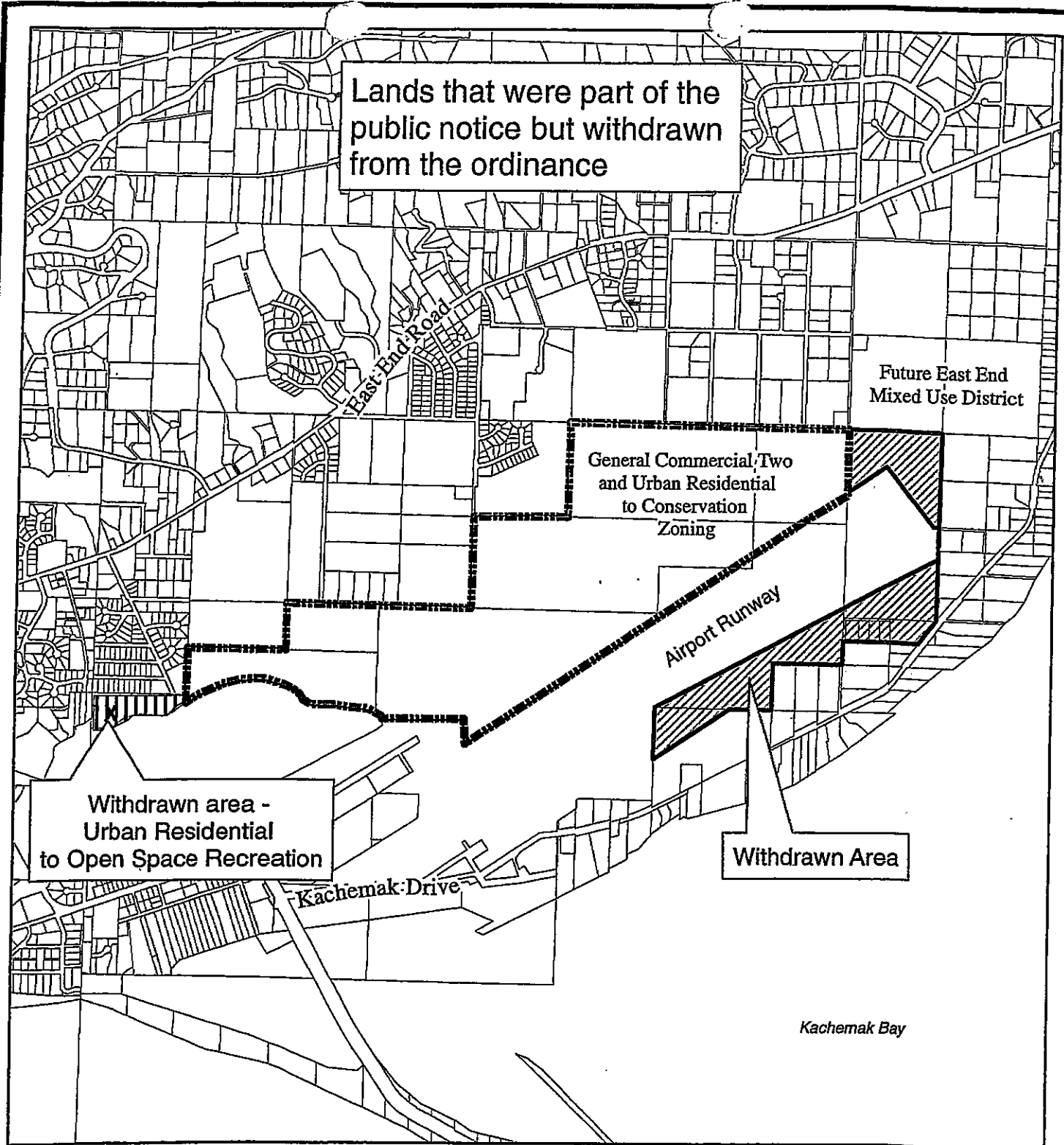
FIA Road

Beluga Lake

Kachemak Drive

W. Ocean Drive

Proposed Conservation Zoning



City of Homer
 Planning and Zoning Department

1/27/2012



Disclaimer:
 It is expressly understood the City of Homer, its council, board, departments, employees and agents are not responsible for any errors or omissions contained herein, or deductions, interpretations or conclusions drawn therefrom.



Julie Engebretsen

From: Mandy Bernard [mandy@kachemaklandtrust.org]
Sent: Wednesday, February 01, 2012 9:29 AM
To: Julie Engebretsen
Subject: RE: Calvin and Coyle trail/property management plan

Hi Julie!

I brought this to our Land and Easement Committee and Board Meeting last week and they agreed with you - let's stick with the current zoning for now.

Thank you for bringing this to our attention!

Mandy Bernard
Conservation Director
Kachemak Heritage Land Trust
315 Klondike Ave.
Homer, AK 99603
(907) 235-5263
mandy@kachemaklandtrust.org



Kachemak Heritage Land Trust

From: Julie Engebretsen [mailto:JEngebretsen@ci.homer.ak.us]
Sent: Wednesday, December 28, 2011 3:47 PM
To: Mandy Bernard
Subject: RE: Calvin and Coyle trail/property management plan

Hi Mandy,

This project has been on the back burner for a while! Sorry I didn't respond sooner.

After reading the management plan, I think it would be in KHLT's interest to keep the existing zoning, and not have the land rezoned conservation at this time. From the plan, it appears that further trail development is likely in the coming years. These projects would require a conditional use permit under Conservation zoning. Since KHLT owns these properties and there are formal conservation easements, the zoning does not really matter; KHLT's restrictions are much greater than the City's zoning rules.

It is possible to rezone these lands in the future, if KHLT is interested. The Comprehensive Plan calls for this area to eventually become Urban Residential. It would be entirely appropriate to consider conservation zoning at that time, when we have what will be a major shift from rural to urban residential zoning. There is no timeline for this change to occur; I expect it to be at least a few years down the road.

Those are my thoughts! Here is a link to our conservation zoning <http://www.cityofhomer-ak.gov/cityclerk/chapter-2134-co-conservation-district>

Here is a link to the current zoning <http://www.cityofhomer-ak.gov/cityclerk/chapter-2112-rr-rural-residential-district>

Let me know if you have any questions, or if you'd like me to meet with you or Marie. I expect to move forward with this project in early February, so if KHLT wants to be included in the rezone, let me know!

Thanks, and have a happy new year!

Julie

From: Mandy Bernard [<mailto:mandy@kachemaklandtrust.org>]
Sent: Friday, November 04, 2011 9:29 AM
To: Julie Engebretsen
Subject: RE: Calvin and Coyle trail/property management plan

Hi Julie,

Just checking in on where the city is on this issue. Let me know what you need from me. Thank you!

Mandy Bernard
Conservation Director
Kachemak Heritage Land Trust
315 Klondike Ave.
Homer, AK 99603
(907) 235-5263
mandy@kachemaklandtrust.org



Kachemak Heritage Land Trust

From: Julie Engebretsen [<mailto:JEngebretsen@ci.homer.ak.us>]
Sent: Wednesday, September 21, 2011 4:56 PM
To: Mandy Bernard
Subject: Calvin and Coyle trail/property management plan

Hi Mandy!

I spoke with Dotti, and she said you would be the one who would have the management plan for the Mariner Drive properties – where the Calvin and Coyle trail is, and the 5 lots on the east side of Mariner Drive. Can you email me a copy of the plan and the trail route?

The city is looking at rezoning the critical habitat area to a conservation zone. (It's zoned heavy industrial right now.) Because the land trust property is adjacent, it could also be rezoned to conservation (from rural residential), with board approval. You may or may not want this designation, depending on your plans for the property! Our web page is down so I can't send you a link to our conservation zoning language, but I'll try to get that to you shortly.

For conservation zoning, city code requires land owner consent because it is very restrictive. If it sounds like your management plan and our conservation zoning are a good fit, then I will do a formal letter to the board requesting the land trust consider consenting to the zoning change. But if KHLT's plans are for more trails and educational uses, it may not be a good fit. Send me your plan and I'll send you our zoning!

Thanks!

Julie

Julie Engebretsen
Planning Technician
City of Homer

907-435-3119

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ORDINANCE REFERENCE SHEET
2012 ORDINANCE
ORDINANCE 12-12

An Ordinance of the City Council of Homer, Alaska, Amending the 2012 Operating Budget to Purchase Water Meter Reading Software/Hardware from the Water and Sewer Reserve Accounts in an Amount Not to Exceed \$15,425.

Sponsor: City Manager/Public Works Director

1. City Council Regular Meeting March 12, 2012 Introduction
 - a. Memorandum 12-034 from Public Works Superintendent as backup
 - b. Quotation and Email from Badger Meter

1 CITY OF HOMER
2 HOMER, ALASKA

3 City Manager/
4 Public Works Director

5 ORDINANCE 12-12

6
7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER,
8 ALASKA, AMENDING THE 2012 OPERATING BUDGET TO
9 PURCHASE WATER METER READING
10 SOFTWARE/HARDWARE FROM THE WATER AND SEWER
11 RESERVE ACCOUNTS IN AN AMOUNT NOT TO
12 EXCEED \$15,425.

13
14 WHEREAS, The City uses the Badger Meter Orion System for water meter reading and
15 billing data in an electronic format; and

16
17 WHEREAS, The current Orion System was purchased in 2004 and has met its life
18 expectancy; and

19
20 WHEREAS, New Badger hardware and software is needed to enable the reading of water
21 meters and to facilitate the billing process.

22
23 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

24
25 Section 1. The FY 2012 Operating Budget is hereby amended by appropriating not more
26 than \$15,425 from the Public Works Water and Sewer Reserve Accounts for new water meter
27 reading software/hardware as follows:

28
29 Expenditure:

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
256-378	Water Reserve	\$7,712.50 (1/2 of \$15,425)
256-379	Sewer Reserve	\$7,712.50 (1/2 of \$15,425)

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

41
42 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of
43 _____, 2012.

CITY OF HOMER

JAMES C. HORNADAY, MAYOR

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ATTEST:

JO JOHNSON, CMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and approved as to form:

Walt E. Wrede, City Manager

Date: _____

Thomas F. Klinkner, City Attorney

Date: _____



**CITY OF HOMER
PUBLIC WORKS DEPARTMENT**

Jan C. Jonker, Superintendent
3575 Heath St.
Homer, Alaska 99603

Telephone: (907)235-3170
Fax: (907)235-3145
EMAIL: jjonker@ci.homer.ak.us

MEMORANDUM 12-034

To: Walt Wrede, City Manager
From: Jan Jonker, Public Works Superintendent *JJ*
Thru: Carey Meyer, PW Director
Date: Thursday, February 23, 2012
Subject: Water Meter Reading & Billing System

Discussion

The City presently uses the Badger Meter Orion System for meter reading and billing. This system was purchased in 2004 at a cost of \$15,775.00. Unfortunately as time marches forward technology becomes antiquated and such is the case with this system. As of February 26, 2012 this system will no longer be available or supported by Badger Meter and an updated Badger system will need to be purchased in the amount of \$15,425.00.

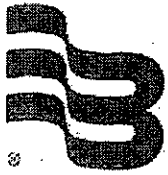
New Badger ReadCenter System

The new "ReadCenter" system will include the following.

- ReadCenter Software - \$4,500.00. This is an upgrade to our current "Connect" software which is used for customer base and billing purposes. The new software will interface with our present system.
- Laptop Upgrade - \$5,750.00. Used for Meter Technician for meter reading. Holds customer database for meter routes.
- Laptop Receiver - \$1,075.00. Receiver installed on Meter Technician truck to receive signals from individual meters installed throughout the city.
- Trimble Handheld Upgrade - \$4,100.00. Upgrade from our existing Radix unit. Used for meter reading.
- 1-day On-Site Training - no cost
- 4-hours web-x training - no cost

Recommendation

Introduce Ordinance for the purchase in the total amount of \$15,425.00. 50% each from Water & Sewer Reserve Fund.



Badger Meter

QUOTATION

Quotation No.59534

4545 W Brown Deer Road Milwaukee WI 53223
 PO Box 245036 Milwaukee WI 53224-9536
 Phone: 800-876-3837 Fax: 888-371-5982
 Customer Service Rep: bpepke@badgermeter.com

TO RICHARD GIBSON
 CITY OF HOMER
 3575 HEATH STREET
 HOMER AK 99603

CUSTOMER ID: 5001982

Phone:

Fax:

E-mail: RGibson@ci.homer.ak.us

EFFECTIVE DATES: 2/16/2012-8/16/2012

SALESPERSON	PROPOSAL SUBJECT	SHIPPING TERMS/INCO TERMS	PAYMENT TERMS
007504 Torre L Treace	Upgrades Quotation	PREPAY/NO CHARGE For Orders > \$12,500 FCA FACTORY	NET 30 DAYS

LINE #	DESCRIPTION	QTY	UNIT NET PRICE USD	LINE TOTALS USD
1	READCENTER, for up to 25,000, New Customer Agreement, 5 User Licenses, Route Management Activation, MR1-0000-0471	TBD	\$4,500.00	
2	On-Site, Training 1 Days, MR1-0000-0137	TBD	\$0.00	
3	Laptop Upgrade, for up to 25,000, US CENSUS BUREAU Mapping Software, MR1-0000-0632	TBD	\$5,750.00	
4	ORION CE Drive By Receiver, MR1-0000-0509	TBD	\$1,075.00	
5	TRIMBLE RANGER, READCENTER Field App. w/ Admin Access, ORION CE Receiver for Handheld, MR1-0000-0375	TBD	\$4,100.00	
6	WEB-X (Internet), Training 4 Hrs, MR1-0000-0376	TBD	\$0.00	

THANK YOU FOR YOUR BUSINESS!

This quotation is an offer, made subject to the terms & conditions found on our website: www.badgermeter.com/Company/Legal/Sales-Terms.aspx
 Quoted prices are firm for acceptance, via an order, within the effective dates provided, shipping within 60 calendar days past the expiration of this quotation.

QUOTATION



Quotation No.59534

Notes and Assumptions:

Badger Meter provides a certification file for utilities to help manage their meter and endpoint inventory and to maintain their meter accuracy data in an electronic format. The electronic certification file data will be provided upon request to the utility's designated user via e-mail, in our standard format. Any deviations or custom file formats required will be considered on a time and materials basis. Please contact Badger Meter's technical support group for information on custom electronic certification file formats.

If applicable, sales tax and freight charges will be added at time of invoice.

Actual lead time to be provided at time of order.

If you have any questions concerning this quotation, please contact: Torre L Treece, 800-876-3837x17071, ttreece@badgermeter.com

To place an order, please contact: Betty Pepke, 800-616-3837 x.15984, bpepke@badgermeter.com

Official authorized quote of Badger Meter Inc.

Torre L Treece, Account Mgr. West

THANK YOU FOR YOUR BUSINESS!

This quotation is an offer, made subject to the terms & conditions found on our website: www.badgermeter.com/Company/Legal/Sales-Terms.aspx
Quoted prices are firm for acceptance, via an order, within the effective dates provided, shipping within 60 calendar days past the expiration of this quotation.

Jan Jonker

From: Richard Gibson
Sent: Tuesday, January 24, 2012 10:31 AM
To: Jan Jonker
Subject: FW: Homer AK
Attachments: READCENTER-tech-brief.pdf, Trimble-Ranger-HH.pdf

Hey Jan here is an estimated quote for now . This is the new equipment that will replace our current out of date models . Let me know how to proceed.

Thanks

Richard

From: Treece, Torre [<mailto:ttreece@badgermeter.com>]
Sent: Monday, January 23, 2012 1:38 PM
To: Richard Gibson
Cc: Treece, Torre
Subject: Homer AK

Hi Richard,

I will have an official quote coming your way but I wanted to explain and highlight on the upgrades needed at Homer.

System purchased in 2004

Both the Handheld and the Laptop have meet their life and moving forward will not be covered under a Service Agreement from Badger, based on age and the upgrades we have made to the Software sense 2004.

We have a number of Marketing Programs to bring our existing ORION customers up to current Hardware and Software

- **Connect to ReadCenter Software** – upgrade to the route management software, this is needed based on the platform Connect was written is no longer supported by Microsoft. Upgrade uses the same Interface File you have today, no modifications, 1 day of on-site training. \$4,500.00
- **Laptop Upgrade** – Your current CF29 is out service based on age and need to be updated. Badger current Laptop offering is the Panasonic CF31 with built in GPS. \$5,750.00
- **Laptop ORION Receiver** – Update to the ORION Mobile receiver allowing our customers to read both Narrow Band (earlier release ORION transmitters) and Frequency Hopping Transmitters (improvement to our original release allowing for better range and performance of the transmitter) \$1,075.00
- **Radix to Trimble Handheld Upgrade** - your Radix HH is under service until February 26, 2012 and then will not be available for service after that point based again on age. Handheld upgrade program, includes 4 hours of on-site or web x training. \$4,100.00

Up to this point of time Badger has been sending the City of Homer an annual invoice for Service Renewal (about \$1,000 on the laptop, \$600.00 on the Radix HH, and about \$600.00 for Connect). All of the new Hardware (reading equipment)

and Software come with 1 year of Service Agreement included in the pricing. Thus, to support the cost of the above listed items, Homer will not need to pay for any service agreement renewals in 2012.

I have attached a few of the Tech Briefs to help explain to the group what you are proposing to keep your ORION system up to date. Look forward to talking with you soon about this and visiting in the Spring.

Torre
Badger Meter

ORDINANCE REFERENCE SHEET
2012 ORDINANCE
ORDINANCE 12-13

An Ordinance of the City Council of the City of Homer, Alaska, Enacting Homer City Code Chapter 11.24, Utility Use of Rights-of-Way.

Sponsor: City Manager/Public Works Director

1. City Council Regular Meeting March 12, 2012 Introduction

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**CITY OF HOMER
HOMER, ALASKA**

City Manager/
Public Works Director

ORDINANCE 12-13

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
ENACTING HOMER CITY CODE CHAPTER 11.24, UTILITY USE OF
RIGHTS-OF-WAY.

THE CITY OF HOMER ORDAINS:

Section 1. HCC Chapter 11.24, Utility Use of Rights-of-Way, is adopted to read as follows:

Chapter 11.24

UTILITY USE OF RIGHTS-OF-WAY

Sections:

- 11.24.010 Definitions.
- 11.24.020 Permit to use right-of way required.
- 11.24.030 Assignment of utility locations in rights-of-way.
- 11.24.040 Relocation of utility facilities within the right-of way.
- 11.24.050 Costs of utility relocations to be reimbursed by the city.
- 11.24.060 Utility construction project permits.
- 11.24.070 Utility construction project permit requirements.
- 11.24.080 Standards for excavation activity.
- 11.24.090 Appeals.
- 11.24.100 Liability.

11.24.010 Definitions. In this chapter:

“Right-of-way” means any public street, alley or other public way that is not part of the state highway system, but does not include a utility easement located on private property.

“Excavation” means the removal, carrying away, back-filling, tunneling, boring, bulldozing, digging out, leveling, clearing, or moving of material underlying a right-of-way by manual or mechanical means.

“Maintenance” means upkeep, repair or improvement work on an existing utility facility that does not expand the area occupied by, or change the location of, the facility.

“RCA” means the Regulatory Commission of Alaska, or its predecessor, the Alaska Public Utilities Commission.

“Roadway” means the improved driving surface in a right-of-way and all structural fill below that surface that makes up the roadway prism.

“Road opening” means excavation within a roadway.

46 "Utility" means a person that is defined as a public utility in AS 42.05.990 that owns,
47 operates, manages, or controls any plant, pipeline or system furnishing electrical service,
48 telephone service, cable television service, natural or manufactured gas service, water service or
49 sewer service to the public for compensation.

50
51 11.24.020 Permit to use right-of way required. a. A utility may not maintain a facility in,
52 under or over a right-of-way for which it must obtain a utility construction project permit under
53 HCC 11.24.060 without first obtaining a permit to use the right-of-way under this section.

54 b. A utility applies to the public works department for a permit to use a right-of-way
55 on a form provided by the public works department, accompanied by the permit fee in the city
56 fee schedule established by resolution of the council.

57 c. The permit application shall include without limitation:

58 1. the utility's written agreement to indemnify and save the city harmless
59 against any loss or damage caused by the negligence of the utility, its agents and
60 employees while constructing, operating or maintaining its facilities in, under or over the
61 right-of-way; and

62 2. Evidence of insurance coverage in a form acceptable to the city, with
63 limits not less than one million dollars per occurrence, to protect the city and third parties
64 against any loss or damages due to the negligence of the utility, its agents and employees
65 while constructing, operating and maintaining its facilities in, under or over right-of-way,
66 including hazards from pollution, underground work, explosion, collapse and damage to
67 underground wires, conduits, pipes and fittings.

68 d. In addition to requiring compliance with the other requirements of this chapter,
69 the city may make a utility right-of-way permit subject to reasonable conditions that it deems
70 necessary to protect the public health, safety, welfare and interests of the city.

71
72 11.24.030 Assignment of utility locations in rights-of-way. a. General. A utility shall
73 place new facilities, relocate existing facilities and replace existing facilities in a location
74 assigned by this section. It is the utility's responsibility to place its facilities within a right-of-
75 way in accordance with this chapter, the Design Criteria Manual, and with a reasonable degree of
76 prudence to enable maximum opportunity for others to use the right-of-way without conflict,
77 including adequate allowances for the future construction of roads, storm sewers, sanitary sewers
78 and water mains in the right-of-way. Utilities governed by this section shall be installed
79 underground unless an exception has been granted by the public works department in accordance
80 with subsection (b) of this section, or HCC §22.10.055.

81 1. Telephone, electric and cable television utilities. Telephone, electric and
82 cable television distribution lines will be placed between the boundary of the right-of-
83 way and to six feet within the boundary of the right-of-way. A location farther within the
84 right-of-way must be approved by the public works department and noted on the permit.

85 2. Natural gas utilities. Natural gas utility distribution mains will be placed
86 between the boundary of the right-of-way and eight feet within the boundary of the right-
87 of-way. A location farther within the right-of-way must be approved by the public works
88 department and noted on the permit.

89 3. Burial depths. Underground utility lines shall be installed at minimum
90 depths of thirty-six inches for parallel runs within the right-of-way, and sixty inches for
91 all roadway crossings. The public works director may require different depths to

92 accommodate unusual topography or street widths, especially in areas where storm
93 drainage ditches are used along the roadway.

94 4. Incomplete right-of-way dedications. If only a portion of a right-of-way
95 has been dedicated, utility facilities shall not be placed along the side of the right-of-way
96 that is likely to be within the roadway after a dedication of additional adjacent right-of-
97 way. If a utility proposes to place facilities on the side of a partial right-of-way where
98 additional adjacent right-of-way is likely to be dedicated, the utility shall obtain
99 easements from the neighboring property owners so that its facilities will be located
100 outside the future roadway.

101 b. Exceptions to assigned utility locations.

102 1. If a utility finds it unreasonable to place its facilities as required by
103 subsection (a) of this section, it may apply to the public works department for an
104 exception, submitting at a minimum the following information:

105 i. A complete explanation of the reasons why the utility is requesting
106 an exception from its assigned location within the right-of-way; and

107 ii. Plans, drawings or sketches necessary to show the locations of
108 other existing utilities, problem areas such as rock or wetlands, and locations
109 where the utility is proposing to place its new facilities.

110 2. An application for an exception whose necessity becomes evident during
111 construction shall be deemed approved if not rejected or modified within four normal
112 working hours after receipt by the public works department. The utility is responsible for
113 determining whether the application for an exception has been approved, rejected or
114 modified.

115 3. This subsection shall not be interpreted or applied in a manner that would
116 permit an underground utility to be installed above ground.

117
118 11.24.040 Relocation of utility facilities within the right-of way. a. If the city or a third
119 party lawfully elects to change the grade or location of any road, street, public place or highway,
120 and the change will conflict with a utility facility, upon reasonable request and notice from the
121 city the utility shall relocate its facility, making every effort to accommodate the construction
122 schedule.

123 b. The city will reimburse the utility for facility relocation costs under the following
124 conditions:

125 1. The city requests the relocation for a city project or activity reflected in
126 the city's capital budget;

127 2. The relocation is necessitated by a disturbance to the utility's facilities
128 incident to the City constructing facilities or otherwise working in the right-of-way; or

129 The city requests the relocation in writing for the benefit of a third party, incident
130 to the third party constructing facilities or working in a right-of-way. This provision does
131 not affect any right that the city may have to recover costs of the relocation from the third
132 party.

133 c. Notwithstanding subsection (b) of this section, the utility shall pay the cost of
134 relocating its facilities where the relocation is made necessary by:

135 1. The failure of the utility to install the facilities in a reasonably prudent
136 manner;

137 2. The utility placed its facilities in the right-of-way after July 1, 1985
138 without first obtaining a permit from the city to do so, or the as-built location facilities
139 varies from the location approved in the permit;

140 3. Repairs by the city either to restore the right-of-way after an emergency,
141 or otherwise to reasonably maintain the serviceability of the right-of-way in the condition
142 existing when the utility first constructed its facilities; or

143 4. Any other circumstance where the RCA has determined such payment to
144 be reasonable.

145
146 11.24.050 Costs of utility relocations to be reimbursed by the city. a. Where HCC
147 §11.24.040 requires the City to pay costs of relocating utility facilities, the city shall reimburse
148 the utility for its reasonable cost of the relocation less a "credit" for the value of salvaged
149 materials and betterments resulting from the construction of new facilities.

150 b. The city reserves the right to audit books and accounts of a Utility to verify its
151 determination of reasonable costs for engineering, acquisition of rights-of-way or easements,
152 labor, material, equipment, overhead, salvaged materials, and betterment incidental to relocation
153 of the facilities for a term of six years after substantial completion of the construction project.

154 c. Overhead rates for a utility facility relocation project that is reimbursable by the
155 city shall be negotiated prior to commencement of work and shall not exceed overhead rates
156 approved for relocation projects reimbursed by the Alaska Department of Transportation and
157 Public Facilities. Utility equipment stationed at a project in a "standby capacity" will not be
158 expensed to relocation projects.

159 d. The City reserves the right to "offset" against a utility's claim for reimbursement
160 of relocation costs for damages and delay claims it may incur for failure of the utility to perform
161 a relocation in a timely or acceptable manner.

162
163 11.24.060 Utility construction project permits. a. After securing a right-of-way use
164 permit under HCC §11.24.020, a utility shall obtain a permit from the public works department
165 before performing each individual road opening project or excavation within a right-of-way.

166 b. A utility need not obtain a construction project permit under this section for
167 normal maintenance of utility facilities within a right-of-way unless the maintenance work will
168 require an excavation in the roadway.

169 c. An application for a construction project permit shall be made upon a form
170 provided by the city, accompanied by the permit fee in the city fee schedule established by
171 resolution of the council, and shall include, at a minimum, the following information:

172 1. The name of the utility, its address, phone number, and contact person;

173 2. The name of any subcontractor working for the utility on the project, and
174 the subcontractor's name, address, phone number, and contact person;

175 3. The name and location of the right-of-way in which the work is to be
176 performed;

177 4. The type of improvement or facility planned;

178 5. Plans, drawings or sketches showing the length, distance from the right-of-
179 way boundary and configuration of the improvement, and its relationship to the roadway
180 if one exists;

181 6. The proposed method of locating and marking of the boundaries of the
182 right-of-way for construction purposes;

183 7. Whether a detour of traffic will be necessary, and, if so, a traffic routing
184 narrative statement and plan as required by HCC §11.24.060; and

185 8. Any requested exceptions to assigned utility locations as prescribed by
186 HCC §11.24.030, with the supporting material required by that section.

187 c: The city shall review and grant or deny an application for a utility construction
188 project permit within three working days, if the proposed construction conforms to the standards,
189 terms and conditions in this chapter, and within ten working days if the proposed construction
190 does not conform to the standards, terms, and conditions in this chapter.

191
192 11.24.070 Utility construction project permit requirements. A utility construction project
193 permit shall conform to the following requirements:

194 a. The permit shall state the commencement and completion dates for construction,
195 and the procedure for any required road closure during the course of construction. A utility
196 should make every effort to comply with the schedule for construction in the permit, but it shall
197 not be penalized for failing to perform if emergency or other priority work preempts the
198 schedule. The utility shall notify the city in advance of any proposed schedule change arising
199 from utility exigencies.

200 b. The permit shall establish locations for utility facilities to assure compatibility
201 with all present and anticipated future uses of the right-of-way in which the utility facilities are
202 located, in accordance with the following general standards:

203 1. Utility facilities shall be located outside of the existing or anticipated
204 roadway whenever possible.

205 2. The location of the utility facilities shall allow for the safe and practical
206 maintenance and improvement of both the utility facilities and the roadway.

207 3. Surface utility facilities shall be set back from the existing or planned
208 roadway surface and shall be located so as not to create a visual obstruction or physical
209 obstacle contrary to codes or statutes regarding placement of obstacles in public rights-of-
210 way.

211 4. Both underground and surface facilities shall be offset a minimum of five
212 feet from existing or proposed water and/or sewer service stubouts, gate valves, manholes
213 and vaults. Any deviation from this minimum must have prior approval from the public
214 works director or his designee.

215 5. Excavation, backfill or other disturbance of the right-of-way surface by
216 utility construction or maintenance activities shall be finished in a manner that restores
217 the right-of-way in accordance with HCC §11.24.080.

218
219 11.24.080 Standards for excavation activity. Excavation under a utility construction
220 project permit shall conform to the following standards:

221 a. Project Coordination. The utility shall coordinate its work with the schedule for
222 other construction work in the same area of the right-of-way, including giving timely notice to
223 persons who may be inconvenienced by the utility's work in the right-of-way. The utility may
224 use a "one-call locate" service to give notice to other utilities.

225 b. Notice of Damage. If the utility damages plant or equipment of another utility, it
226 shall immediately notify the affected utility of the damage.

227 c. Manner of Excavation. The utility shall conduct excavations in compliance with
228 the excavation standards promulgated by the Alaska Department of Labor, Occupational Safety

229 and Health Administration. The utility shall exercise caution to avoid injury to pipes, cables or
230 conduits of another utility in making excavations or tunnels.

231 d. Pedestrian Ways. If the utility's work blocks a pedestrian way, the utility shall
232 construct or provide a temporary pedestrian way which shall be safe and convenient for travel.

233 e. Traffic Routing. If the utility's work affects traffic, the utility shall provide
234 proper traffic signs, detours, and safeguards in accordance with the Alaska Traffic Manual and
235 shall notify fire, emergency medical, police and school bus transportation agencies to obtain
236 clearance for the type of detour, time, and other limitations imposed.

237 f. Closing Roads. When traffic conditions permit, the city may give written
238 approval for the closing of roads to all traffic for a necessary period of time. Such approval may
239 require the utility to give notification to various public agencies and to the general public.

240 g. Clearance for Vital Structures. The excavation work shall be performed in a
241 manner that will enable access to fire hydrants, fire stations, fire escapes, water gates,
242 underground vaults, valve housing structures and other vital equipment.

243 h. Restoration of Right-of-Way. The utility shall restore the right-of-way to the
244 grade and condition originally found or to the grade and condition directed by the utility
245 construction project permit. Clearing of vegetation should be held to a minimum necessary for
246 safe construction and maintenance of the utility. Debris and felled timber should be disposed of
247 in a neat and orderly manner. Property pins, gravel, paving or seal coating, ditches, culverts,
248 signs, or other public improvements shall be replaced, unless the city gives specific written
249 direction to the contrary. If the utility fails to restore a right-of-way as required by this
250 subsection after reasonable notice from the city to do so, the city may accomplish the work and
251 recover the cost from the utility.

252 i. Unpaved Roads. Excavations in unpaved roads will be backfilled with useable
253 native material to the subgrade of the existing road. Geotextiles will match existing conditions
254 with a minimum two foot overlap to existing geotextile material. Type II material will be placed
255 and compacted to within six inches of finish grade with the final six inch lift consisting of Type
256 III material. The excavation and adjacent areas shall be graded to leave the site in a condition as
257 nearly equal to that found prior to the excavation as is reasonably possible.

258 j. Paved Roads. For excavations in paved roads, fill below subgrade will match
259 existing material with native backfill when material is approved as suitable. Geotextiles will
260 match existing materials with a minimum two foot overlap of the new and existing materials.
261 Gravel fill will consist of a minimum of twenty-six inches of Type II material, followed by six
262 inches of Type III material, followed by two inches of leveling course before being overlaid with
263 two inches of hot asphalt concrete.

264 k. Excavation Warranty. Compaction of backfilled material should be equal to that
265 of the surrounding material. The excavation shall be guaranteed for three years against settling.
266 Any area that has settled within three years shall be promptly rectified at no cost to the city.

267 l. Cleanup. As the excavation work progresses, all roads shall be thoroughly
268 cleaned of all rubbish, excess earth, rock, and other debris deposited by the utility. All gutters
269 shall be maintained unobstructed. Whenever a gutter crosses an intersecting street, an adequate
270 waterway shall be provided and maintained at all times. All cleanup operations shall be
271 accomplished at the expense of the utility and shall be completed to the reasonable satisfaction of
272 the city.

273 m. Prompt Completion of Work. After an excavation is commenced, the work shall
274 be promptly completed and the road restored to its original condition as soon as reasonably
275 possible.

276 n. Urgent Work – The city may order emergency work to complete an excavation as
277 soon as possible when required to protect the public health, safety, and welfare.

278 o. Emergency Action. Nothing in this chapter shall be construed to prevent the
279 making of such excavations as may be necessary for the preservation of life or property or for the
280 location of trouble within a conduit or pipe, or for making repairs, provided that the person
281 making such excavation should make a reasonable effort to notify police dispatch of the location
282 of the emergency excavation. A utility excavating on an emergency basis in a roadway shall
283 apply for a permit on the first working day after such work commenced.

284
285 11.24.090 Appeals. a. A person aggrieved by a decision of the public works director
286 under this chapter may appeal the decision to the city manager within five working days after
287 receiving notice of the decision. The city manager shall decide an appeal under this subsection
288 within five working days.

289 b. A person aggrieved by a decision of the city manager under this section may
290 appeal the decision to the RCA pursuant to AS 42.05.251. Unless the RCA provides a different
291 time by regulation, the appeal must be filed within thirty days after the city manager’s decision is
292 mailed or delivered to the appellant.

293
294 11.24.100 Liability. Nothing in this chapter imposes a duty on the city to inspect any
295 activity of a utility for purposes of assuring compliance with standards set forth in this chapter;
296 nor does the city warrant to a utility that a right-of-way will be preserved in any particular
297 condition.

298
299 Section 2. This Ordinance is of a permanent and general character and shall be included
300 in the City Code.

301
302 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of
303 _____ 2012.

304
305 CITY OF HOMER

306
307
308
309 _____
310 JAMES C. HORNADAY, MAYOR

311 ATTEST:

312
313
314 _____
315 JO JOHNSON, CMC, CITY CLERK

316
317
318

319 YES:
320 NO:
321 ABSTAIN:
322 ABSENT:
323
324
325
326 First Reading:
327 Public Hearing:
328 Second Reading:
329 Effective Date:
330
331 Reviewed and approved as to form:
332
333
334
335 _____
336 Walt E. Wrede, City Manager
337
338 Date: _____
339
340

Thomas F. Klinkner, City Attorney

Date: _____

ORDINANCE REFERENCE SHEET
2012 ORDINANCE
ORDINANCE 12-14

An Ordinance of the City Council of Homer, Alaska, Repealing and Reenacting HCC Chapter 17.04 Regarding Special Assessment Districts.

Sponsor: City Manager

1. City Council Regular Meeting March 12, 2012 Introduction
 - a. Memorandum 12-035 from City Attorney as backup

1 CITY OF HOMER
2 HOMER, ALASKA

City Manager

3
4 ORDINANCE 12-14
5

6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
7 REPEALING AND REENACTING HCC CHAPTER 17.04 REGARDING
8 SPECIAL ASSESSMENT DISTRICTS.
9

10 WHEREAS, The City of Homer and others are seeking funding for the construction of a
11 natural gas transmission line from Anchor Point to the City; and
12

13 WHEREAS, The City Council deems it necessary and in the best interest of the City and
14 its residents to form special assessment districts to finance a natural gas distribution system in
15 the City upon the completion of the natural gas transmission line, by the issuance of bonds
16 secured by special assessments on real property in the City; and
17

18 WHEREAS, It is necessary to revise HCC Chapter 17.04, regarding special assessments,
19 to allow the formation of special assessment districts for natural gas distribution facilities.
20

21 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
22

23 Section 1. HCC Chapter 17.04, Special Assessment Districts, is repealed and reenacted
24 to read as follows:
25

26 Chapter 17.04
27

28 SPECIAL ASSESSMENT DISTRICTS
29

Sections:
30

- 31 17.04.010 Definitions.
- 32 17.04.020 Purpose of chapter.
- 33 17.04.030 Assessment authority.
- 34 17.04.040 Initiation of district.
- 35 17.04.050 Creation of district.
- 36 17.04.060 Contract award; Approval of increased costs.
- 37 17.04.070 Assessment roll.
- 38 17.04.080 Certification of assessment roll.
- 39 17.04.090 Payment.
- 40 17.04.100 Subdivision after levy of assessments.
- 41 17.04.110 Assessments to be liens.
- 42 17.04.120 Reassessment.
- 43 17.04.130 Objection and appeal.
- 44 17.04.140 Interim financing.
- 45 17.04.150 Special assessment bonds.
- 46 17.04.160 Time limit for special assessment districts.

- 47 17.04.170 Connection required.
48 17.04.180 Road improvement assessments for lots with two street frontages.
49 17.04.190 Deferment of assessment payments for senior citizens.
50 17.04.200 "In lieu of assessment".

51
52 17.04.010 Definitions. In this chapter:

- 53 a. "Cost" means all expenses incurred by the city for an improvement, including
54 without limitation advertising expenses, fees of engineers, architects and surveyors, legal fees,
55 costs of property acquisition, payments to construction contractors, costs of interim and long-
56 term financing of the improvement, including costs of issuing bonds and notes, and city
57 administrative costs.
58 b. "District" means a special assessment district created under this chapter.
59 c. "Improvement" means a capital improvement, including without limitation streets,
60 sidewalks, alleys and bridges; street lighting; drainage and flood control facilities; sanitary
61 sewage collection and treatment facilities; water supply and distribution facilities; natural gas
62 distribution facilities; and parks, playgrounds, public squares and open space.
63 d. "Record owner" means the person in whose name real property is listed on the
64 property tax roll prepared by the Kenai Peninsula Borough.

65
66 17.04.020 Purpose of chapter. a. A special assessment district may be created for the
67 purpose of acquiring, installing or constructing a capital improvement that primarily benefits real
68 property in the district, in contrast to capital improvements that benefit the entire community and
69 are paid for with general government resources.

70 b. The purpose of this chapter is to prescribe the procedure for initiating a special
71 assessment district, authorizing an improvement in a special assessment district, approving and
72 levying special assessments, payment of special assessments, and the authorization of special
73 assessment bonds, for public information and administrative guidance.

74
75 17.04.030 Assessment authority. a. The city may assess all or part of the cost of a capital
76 improvement against real property benefited by the improvement, whether the property is
77 privately or governmentally owned, including real property that is exempt from taxation.

78 b. A capital improvement that is provided through a special assessment district may
79 be owned by the city, a public utility, or another entity that is qualified to own and operate the
80 capital improvement.

81
82 17.04.040 Initiation of district. a. A special assessment district may be initiated by:

- 83 1. Resolution of the council; or
84 2. Petition signatures of the record owners of not less than one half in value
85 of the real property in the proposed district received by the city clerk within 60 days after
86 the mailing of the petition to record owners of property in the proposed district. Upon
87 payment of the nonrefundable filing fee in the city fee schedule established by resolution
88 of the council, the city clerk shall prepare a petition for distribution by certified mail to
89 all record owners of property in the proposed district that contains:

90 i. A statement that it is a petition to form a special assessment
91 district, and describing the capital improvement for which the district is proposed;

92 ii. For each property in the proposed district, the Kenai Peninsula
93 Borough tax parcel number and property description, the name and mailing
94 address of the record owner, the current assessed value, and a place for the record
95 owner's signature; and

96 iii. A statement that to support initiation of the proposed district, the
97 record owner must sign and return the petition to the city clerk within 60 days
98 after the date the petition was mailed.

99 b. Upon adoption of a resolution initiating a special assessment district, or the city
100 clerk's verification that a petition to initiate a district bears sufficient signatures, the city clerk
101 shall:

102 1. Schedule a meeting of record owners of real property in the proposed
103 district, notify the record owners by mail of the date, time and location of the meeting,
104 and include a copy of the notice in the city's regular meeting advertisement, and

105 2. Refer the proposed district to the city manager, who shall prepare an
106 improvement plan for the district that includes final boundaries for the district, the design
107 of the proposed improvement, a cost estimate for the improvement, the percentage of the
108 improvement cost to be assessed against properties in the district, a method for allocating
109 the assessed cost of the improvement among the properties in the district, the time period
110 over which assessments will be financed, and a preliminary assessment roll for the
111 district.
112

113 17.04.050 Creation of district. a. Upon completion of an improvement plan under HCC
114 §17.04.040, the city clerk shall set a time for a public hearing on the necessity of the
115 improvement and proposed improvement plan. Notice of the hearing shall be published at least
116 once in a newspaper of general circulation in the city, and mailed via certified mail to every
117 record owner of real property in the proposed district not less than 60 days before the hearing.

118 b. A record owner of real property in the proposed district may file a written
119 objection to the improvement plan with the city clerk no later than the day before the date of the
120 public hearing on the improvement plan. If owners of real property that would bear 50 percent
121 or more of the assessed cost of the improvement file timely written objections, the council may
122 not proceed with the improvement unless it revises the improvement plan to reduce the assessed
123 cost of the improvement that is borne by objecting record owners to less than 50 percent of the
124 assessed cost of the improvement. If the resolution changes the district boundary in the
125 improvement plan, the city clerk shall notify all record owners of property included in the district
126 under the improvement plan of the change.

127 c. At the noticed date and time, the council shall hold a public hearing on the
128 necessity of the improvement and proposed improvement plan. After the public hearing, the
129 council shall act upon a resolution determining to proceed with the proposed improvement. The
130 resolution shall find that the improvement is necessary, of benefit to the properties to be
131 assessed, and if the district is initiated by petition, that the petition is in proper form and bears
132 sufficient signatures. The findings of the council are conclusive. The resolution shall contain a
133 description of the improvement, the estimated cost of the improvement, the percentage of the
134 cost to be assessed against the properties in the district, and a description of the properties to be
135 assessed.

136 d. If the owners of 100 percent of the real property in the proposed district waive in
137 writing the notice, protest period and public hearing required under this section, the question of

138 creating the district may be submitted to the council without such notice, protest period or public
139 hearing.

140
141 17.04.060 Contract; Approval of increased costs. a. After a special assessment district
142 has been created, the city shall contract for the construction of the improvement. If the city will
143 own the improvement, it shall solicit bids for construction of the improvement. If the city will
144 not own the improvement, it shall contract with the owner of the improvement to provide for its
145 construction.

146 b. If the cost of constructing the improvement will exceed 115 percent of the
147 estimated cost of construction of the improvement in the improvement plan, the city shall not
148 contract for the construction of the improvement without first:

149 1. Notifying all record owners of property in the district via certified mail of
150 the increased cost, and

151 2. Within 30 days after the mailing of notice of the increased cost to record
152 owners of property in the district, receiving written objections from record owners of
153 property that would bear less than one-half of the cost of the improvement.

154 c. If record owners of property that would bear one-half or more of the cost of the
155 improvement object in writing to the increased cost, the city will not contract to construct the
156 improvement. The council either may levy assessments in the district in an amount sufficient to
157 recover costs incurred for preliminary design and engineering services, or determine that the city
158 shall assume such costs.

159
160 17.04.070 Assessment roll. a. After completion of the improvement the council shall
161 assess costs of the improvement by a method that the council determines will assess each
162 property in the district in proportion to the benefit that it receives from the improvement.

163 b. The city shall prepare an assessment roll stating for each property in the district
164 the name and address of the record owner, Kenai Peninsula Borough parcel number, a
165 description of the property, the amount assessed against the property, and the assessed value of
166 the property as determined by the Borough Assessor.

167 c. Each property in the district shall be identified and assessed on the assessment roll
168 in accordance with the legal description of the property at the time the council certifies the
169 assessment roll; except that where assessments are in an equal amount per parcel (i.e., without
170 regard to parcel area, dimension or other characteristic), a property that was created by
171 combining parcels after the public hearing under HCC §17.040.050(c) shall be assessed that
172 amount multiplied by the number of parcels that comprised the property at the time of the public
173 hearing.

174 d. The council shall fix a time to hear objections to the assessment roll. Not less than
175 fifteen days before the hearing, the city clerk shall send notice of the hearing and assessment roll
176 by certified mail to each record owner of an assessed property, and publish the notice in a
177 newspaper of general circulation in the city.

178
179 17.04.080 Certification of assessment roll. After the hearing the council shall correct any
180 errors or inequalities in the assessment roll. If an assessment is increased, a new hearing shall be
181 set and notice published, except that a new hearing and notice is not required if all record owners
182 of property subject to the increased assessment consent in writing to the increase. Objection to
183 the increased assessment shall be limited to record owners of properties whose assessments were

184 increased. When the assessment roll is corrected, the council shall confirm the assessment roll by
185 resolution. The city clerk shall record the resolution and confirmed assessment roll with the
186 district recorder.

187
188 17.04.090 Payment. a. In the resolution confirming the assessment roll, the council shall
189 fix the time or times when assessments or assessment installments are due, the amount of penalty
190 on a delinquent payment and the rate of interest on the unpaid balance of an assessment. An
191 assessment that is to be paid in a single payment shall not be due before 60 days after billing.

192 b. Within 30 days after fixing the time when payment of the assessments is due, the
193 finance director shall mail a statement to the record owner of each assessed property identifying
194 the property and stating the assessment amount, the payment due date and the amount of the
195 penalty on a delinquent payment. Within five days after mailing the statements, the finance
196 director shall publish notice of mailing the statements in a newspaper of general circulation in
197 the city.

198
199 17.04.100 Subdivision after levy of assessments. a. Except as provided in subsection (b)
200 of this section, upon the subdivision of a property assessed as a single parcel, the amount of the
201 assessment shall be allocated among the resulting lots that benefit from the improvement on the
202 same basis that the assessment originally was allocated.

203 b. Upon the subdivision of a property assessed as a single parcel in an assessment
204 district where assessments were levied in an equal amount per parcel (i.e., without regard to
205 parcel area, dimension or other characteristic), then no resulting parcel, other than the parcel that
206 contains the original connection to the improvement for which the assessment was levied, may
207 connect to the improvement until a subdivided property connection fee is paid for the parcel.

208 1. The amount of the connection fee shall be equal to the amount of the
209 original assessment, adjusted up or down by a percentage equal to the change in the
210 Consumer Price Index, All Urban Consumers (CPI-U) for Anchorage, Alaska, from the
211 end of the calendar year preceding the original assessment date to the end of the calendar
212 year preceding the date the parcel is connected to the improvement.

213 2. If the original assessment was payable in installments the city may enter
214 into a written agreement for the payment of the connection fee in installments on terms
215 that are substantially the same as those authorized for the payment of the original
216 assessment, secured by a deed of trust on the parcel.

217 3. The city shall adjust the original assessment amount or disburse payments
218 to the record owner at the time of disbursement of each property assessed in the district in
219 proportion to the amount originally assessed against the district.

220
221 17.04.110 Assessments to be liens. Assessments are liens upon the property assessed and
222 are prior and paramount to all liens except those having priority under State law. They shall be
223 enforced as provided in Title 9 of this Code.

224
225 17.04.120 Reassessment. a. The City Council shall within one year correct any
226 deficiency in a special assessment found by a court, under the procedure for certification of the
227 assessment roll in HCC §§17.04.070 and 17.04.080.

228 b. Payments on the initial assessment are credited to the property upon reassessment.
229 The reassessment becomes a charge upon the property notwithstanding failure to comply with
230 any provision of the assessment procedure.
231

232 17.04.130 Objection and appeal. a. The regularity or validity of an assessment may not
233 be contested by a person who did not file with the city clerk a written objection to the assessment
234 roll before its confirmation. The decision of the council on the objection may be appealed to
235 the superior court within 30 days after the date of confirmation of the assessment roll.

236 b. If no objection is filed or appeal taken within the time provided in this section, the
237 assessment procedure shall be considered regular and valid in all respects.
238

239 17.04.140 Interim financing. a. The council may provide by resolution or ordinance for
240 the issuance of notes to pay the costs of an improvement that shall be payable from the special
241 assessments for the improvement. The notes shall bear interest at a rate or rates authorized by
242 the resolution or ordinance, and shall be redeemed either in cash or bonds for the improvement
243 project.

244 b. Notes issued against assessments shall be claims against the assessments that are
245 prior and superior to a right, lien or claim of a surety on the bond given to the city to secure the
246 performance of the contract for construction of the improvement, or to secure the payment of
247 persons who have performed work or furnished materials under the contract.

248 c. The finance director may accept notes against special assessments on conditions
249 prescribed by the council in payment of:

- 250 1. Assessments against which the notes were issued in order of priority;
251 2. Judgments rendered against property owners who have become delinquent
252 in the payment of assessments; and
253 3. Certificates of purchase when property has been sold under execution or at
254 tax sale for failure to pay the assessments.
255

256 17.04.150 Special assessment bonds. a. The council by ordinance may authorize the
257 issuance and sale of special assessment bonds to pay all or part of the cost of an improvement in
258 a special assessment district. The principal and interest of the bonds shall be payable solely from
259 the special assessments levied against property in the district. The assessment shall constitute a
260 sinking fund for the payment of principal and interest on the bonds. The benefited property may
261 be pledged by the council to secure payment of the bonds.

262 b. On default in a payment due on a special assessment bond, a bondholder may
263 enforce payment of principal, interest, and costs of collection in a civil action in the same manner
264 and with the same effect as actions for the foreclosure of mortgages on real property. Foreclosure
265 shall be against all property on which assessments are in default. The period for redemption is
266 the same as for a mortgage foreclosure on real property.

267 c. Before the council may issue special assessment bonds, it shall establish a
268 guarantee fund and appropriate to the fund annually a sum adequate to cover a deficiency in
269 meeting payments of principal and interest on bonds if the reason for the deficiency is
270 nonpayment of assessments when due. Money received from actions taken against property for
271 nonpayment of assessments shall be credited to the guarantee fund.
272

273 17.04.160 Time limit for special assessment districts. If five or more years elapse
274 between the creation of an improvement district and the city contracting for construction of the
275 improvement, the city may not enter into the contract unless the council by resolution extends the
276 period for entering into the contract by not more than an additional five years.

277 b. Before the council acts on a resolution under subsection (a) of this section, the
278 city clerk shall mail notice of the resolution to each current record owner of property listed on
279 the preliminary assessment roll that the city will not contract for construction of the improvement
280 in the district unless the resolution is adopted. The notice also shall include an updated copy of
281 the preliminary assessment roll.
282

283 17.04.170 Water and sewer connections required. The owner of property in a water or
284 sewer special assessment district that contains an occupied building shall connect to the
285 improvement constructed in the district within one year after the date that the resolution
286 confirming the assessment roll for the district becomes final.
287

288 17.04.180 Road improvement assessments for lots with two street frontages. a. The
289 record owner of a through lot or flag lot may obtain a deferment of the part of an assessment for
290 road improvements that is based on frontage on a road to which the lot does not have access. To
291 obtain the deferment, the owner shall enter into a deferred assessment agreement with the city
292 before the end of the period for filing objections to the district under HCC §17.04.050. The
293 agreement shall provide that the lot has frontage on two streets, to only one of which the lot has
294 access; that the lot owner shall pay the part of the assessment that is based on frontage on the
295 street to which the lot has access; and that the owner shall pay the part of the assessment that is
296 based on the other street frontage when the lot acquires access to the street from that frontage.
297 The agreement shall be recorded with the district recorder's office.

298 b. The assessment for road improvements against a corner lot shall be based only on
299 the longer of the lot's road frontages.
300

301 17.04.190 Deferment of assessment payments for senior citizens. a. A person may obtain
302 a deferment of assessment payments under this section if the person:

303 1. Will be at least 62 years of age within 12 months after the date of
304 confirmation of the assessment roll;

305 2. Has an annual family income that would qualify under the United States
306 Department of Housing and Urban Development designation of lower income families
307 adjusted for Alaska and the Kenai-Cook Inlet Region;

308 3. Owns or has a life tenancy in the assessed property, and permanently
309 resides in a single family dwelling on the property; and

310 4. Is not determined by the city, after notice and hearing, to have been
311 conveyed the property primarily for the purpose of obtaining the exemption.

312 b. An assessment payment deferment is subject to approval by the council. A person
313 seeking deferment of an assessment payment shall file a written application with the finance
314 director on or before the first payment is due, supported by documentation showing that the
315 applicant meets the criteria in subsection (a) of this section. A person receiving an assessment
316 payment deferment must file with the city by April 15th of each subsequent year a new
317 application proving eligibility as of January 1st of that year in order to retain the exemption.

318 Within the same year the city for good cause shown may waive the claimant's failure to make
319 timely application and approve the application as if timely filed.

320 c. Assessment payment deferments are subject to the availability of funds
321 appropriated for that purpose. An application for an assessment payment deferment shall be
322 submitted to the council with a report from the finance director as to the availability of funds to
323 appropriate for the deferment. Deferred assessments are funded from the following sources:

324 1. The appropriate utility operating fund for deferred water and sewer
325 assessment payments.

326 2. The accelerated roads program fund for deferred road improvement
327 assessment payments.

328 If funds for an assessment payment deferment are not available from the appropriate source, the
329 council may loan the necessary amount to the appropriate source from the general fund.

330 d. A person who receives an assessment payment deferment shall execute a deed of
331 trust on the property subject to assessment, together with a promissory note payable to the city
332 on demand, to secure the eventual payment of the deferred payment.

333 e. A deferred assessment payment shall be immediately due and payable upon the
334 earlier to occur of the following events:

335 1. The sale or lease of the assessed property; or

336 2. The death of both the deferred assessment applicant and the applicant's
337 surviving spouse, if any.

338
339 17.04.200 "In lieu of assessment". a. An "in lieu of assessment" must be paid for a
340 property to receive additional water or sewer service within or beyond the area within a local
341 improvement district.

342 b. An "in lieu of assessment" shall be computed on the actual cost of the additional
343 water or sewer service, and shall be paid in accordance with HCC §§17.04.090 and 17.04.100.

344 c. A property on which an "in lieu of assessment" for water or sewer service has
345 been levied in accordance with subsection (a) of this section nonetheless may be included in
346 special assessment district for the same service in the future date, and will be assessed in that
347 district. An amount not exceeding the lesser of (i) the amount of "in lieu of assessment" paid for
348 the property and (ii) the amount of the assessment levied on the property in the future special
349 assessment district shall be a credit against the amount of the assessment levied on the property
350 in the future special assessment district.

351
352 Section 2. This Ordinance is of a permanent and general character and shall be included
353 in the City Code.

354
355 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of
356 _____ 2012.

357
358

CITY OF HOMER

359
360

361
362

363

JAMES C. HORNADAY, MAYOR

364 ATTEST:

365

366

367

368 JO JOHNSON, CMC, CITY CLERK

369

370

371

372 YES:

373 NO:

374 ABSTAIN:

375 ABSENT:

376

377

378 First Reading:

379 Public Hearing:

380 Second Reading:

381 Effective Date:

382

383

384 Reviewed and approved as to form:

385

386

387

388 Walt E. Wrede, City Manager

389

390 Date: _____

391

392

Thomas F. Klinkner, City Attorney

Date: _____

MEMORANDUM 12-035

**TO: MAYOR AND COUNCIL MEMBERS
CIYT OF HOMER**

FROM: THOMAS F. KLINKNER

RE: REVISIONS TO HCC 17.04, SPECIAL ASSESSMENTS

FILE NO.: 506,742.205

DATE: MARCH 6, 2012

In anticipation of the City's use of special assessments to finance a natural gas distribution system, I have drafted an ordinance revising and updating Homer City Code Chapter 17.04, Special Assessments. An explanation of the substantive changes made by the ordinance follows. References to Code section numbers are to the section numbers in the ordinance.

17.04.010 Definitions. An obsolete reference to the Accelerated Roads Program in the present HCC 17.04.010 is eliminated. The definition of "improvement" is simplified, and expanded to include natural gas distribution systems. A statement in the definition of "record owner" in the present HCC 17.04.010 regarding the presumed legal owner of property is eliminated, as this presumption already appears in state statute.

17.04.020 Purpose of chapter. This section restates more concisely the content of the first two paragraphs of the present HCC 17.04.020.

17.04.030 Assessment authority. Subsection (a) repeats the substance of the first paragraph of the present HCC 17.04. Subsection (b) is new, and states explicitly that an improvement in a special assessment district need not be owned by the City.

17.04.040 Initiation of district. The provision in present HCC 17.04.030(a) for an application to initiate a special assessment district is eliminated as redundant. Subsection (a) restates the methods of initiating a special assessment district—petition or council resolution—that appear in present HCC 17.04.030(b) and (d). The requirement in present HCC 17.04.030(d) of a three-fourths vote for the council to initiate a district is eliminated. The provision in present HCC 17.04.030(c) for the council to find that petition is insufficient is eliminated as unnecessary—under new HCC 17.04.040(b), the city clerk performs this function. Under new HCC 17.04.040(b), the city clerk schedules the neighborhood meeting provided for in present HCC

17.04.030(a)(2)(i), and provides for the preparation of an improvement plan as in present HCC 17.04.040(a).

17.04.050 Creation of district. Under new HCC 17.04.050(a), the clerk, rather than the council under present HCC 17.04.040(b), The requirement for four weeks' publication of notice of the hearing in present HCC 17.04.040(b) is reduced to one, as this is all that state statute requires. New HCC 17.04.050(b) provides for property owners to object to creation of the district as in present HCC 17.04.050. New HCC 17.04.050(c) provides for the council to make the findings specified in present HCC 17.04.030(b) and (d). New HCC 17.04.050(d) provides for unanimous property owner waiver of the hearing and protest period as in present HCC 17.04.040(c).

17.04.060 Contract award; Approval of increased costs. New HCC 17.04.060(a) modifies present HCC 17.04.060 to provide for situations (such as natural gas distribution facilities) where the City will not contract for the improvement as owner. New HCC 17.04.060(b) provides for notice and an opportunity to object for property owners if actual construction costs will exceed the estimated cost by more than 115%, as in present HCC 17.04.060.

17.04.070 Assessment roll. This section restates the procedure for reviewing the assessment roll in present HCC 17.04.070. New HCC 17.04.070(c) incorporates the special rule for the combination of lots after formation of an assessment district that appears in present HCC 17.04.040(b).

17.04.080 Certification of assessment roll. This section restates the procedure for certification of the assessment roll in present HCC 17.04.080. In addition it provides for the recording of the confirmed assessment roll.

17.04.090 Payment. This section restates the provisions for establishing terms of payment, mailing of statements, and publication of notice of the statement mailing, that appear in present HCC 17.04.090 and 17.04.095(a).

17.04.100 Subdivision after levy of assessments. This section consolidates and restates the rules for payment of assessments where property is subdivided after assessments are levied that appear in present HCC 17.04.095(b) and (d), and in present HCC 17.04.180. Present HCC 17.04.095 is deleted as unnecessary, because assessments remain a lien on property that is sold.

17.04.110 Assessments to be liens. This section restates the provisions regarding assessment liens in present HCC 17.04.100.

17.04.120 Reassessment. This section restates the provisions for reassessment in present HCC 17.04.110.

17.04.130 Objection and appeal. This section restates the provisions regarding objection and appeal in present HCC 17.04.120.

17.04.140 Interim financing. This section restates the provisions for interim financing in present HCC 17.04.125.

17.04.150 Special assessment bonds. This section restates the provisions for special assessment bonds in present HCC 17.04.130.

17.04.160 Time limit for special assessment districts. This section restates the requirement for reauthorization of special assessment districts after five years that appears in present HCC 17.04.140.

17.04.170 Water and sewer connections required. This section restates the requirement for connection to water and sewer utility improvements that appears in present HCC 17.04.150.

17.04.180 Road improvement assessments for lots with two street frontages. This section restates and clarifies the provisions for assessment of lots with two street frontages that appear in present HCC 17.04.160.

17.04.190 Deferment of assessment payments for senior citizens. This section simplifies and restates the provisions for deferment of assessments on senior citizens' residences in present HCC 17.04.165.


17.04.200 "In lieu of assessment". This section restates the provisions for "in lieu of assessments" in present HCC 17.04.170 and 17.04.175.

CITY MANAGER'S REPORT

MANAGERS REPORT

March 12, 2012

TO: MAYOR HORNADAY / HOMER CITY COUNCIL

FROM: WALT WREDE 

UPDATES / FOLLOW-UP

1. Natural Gas: We are following through with the action plan discussed by the Council at the workshop last month. The Council has now passed a resolution in support of the \$1.00 per MCF tariff. At this meeting, two ordinances are up for introduction. One governs utilities, including gas mains, constructed within the ROWs. The other amends the Local Improvement District chapter of the code to allow for gas utility LIDs. We are discussing alternative methods for financing the distribution system build-out including one that we will do some work on in Juneau this week. I am preparing a progress report of the work Homer is doing in preparation for gas to distribute to the Governor and the Legislature. The next big step is for Council to initiate the LID process. I anticipate bringing you the first resolution starting the process in April. Enstar is in the process of providing me with cost estimates for doing distribution work in the entire town. They are also looking into whether the tariff could be amended to allow lots that front on the main transmission line to be part of an assessment district. The answer has big implications for how much each lot would pay. I covered a lot here quickly. Please don't hesitate to ask questions.
2. Customer Charge / Multi-family Dwellings: The new customer charge for residential units in multi-family dwellings which was approved by the Council last year is about to go into effect. Some of you have been contacted by apartment building owners who have expressed disapproval. It might be a good time to remind ourselves why the Council enacted this change since there appears to be some confusion and misinformation out there. Customer charges for residential units within multi-family dwellings are very common. The staff has been recommending this for a number of years and Council approved it this summer as part of setting the overall fee schedule for the next two years. Recall that the Council changed the commodity fee from commercial to residential and added the customer fee for each unit. Customer charges cover the fixed costs associated with maintaining the infrastructure. In December, the Council dropped the requirement that each unit have a separate meter and went with an administrative charge instead in part, to save money for contractors and dwelling owners. The Council made the change to customer charges for a number of reasons including:
 - Fairness: it was seen as unfair that single family homes paid a customer charge but apartments did not. Everyone benefits from the distribution system, fire hydrants etc. being maintained properly. This spreads the cost more equitably.
 - Increase Customer Base: One of the goals of the Council has been to increase the customer base to balance the budget and keep the Water

and Sewer Fund in the black. This added approximately 400 customers and significant additional revenue.

- Stable Fees: The Council did not wish to raise the basic fees for water and sewer for the next two years. The Council was able to keep fees at the current level with no increases by reducing its contribution to depreciation reserves to a minimal amount and spreading costs more equitably among the residential customer base.

NOTE: Since the last meeting, Council member Hogan has sponsored a resolution that would rescind the resolution which formally establishes the customer service charge for units in multi-family dwellings. The resolution retains the commodity charge at residential rates as opposed to restoring them to commercial rates as they were before. This will result in an estimated \$175,000 budget deficit. Also, you have been provided with a legal opinion which states that the resolution Mr. Hogan wants to rescind was adopted legally. The opinion takes no position as to whether public notice could have been improved as a matter of policy.

3. Lake Street / Refined Scope of Work: You may recall that a rebuild of Lake Street is included in the STIP. Rick Abboud has been working with DOT/PF and encouraging them to construct separated sidewalks and/or a bike trail on either side of the road. He and Carey have also suggested that a bike lane on the West side of the road would also be beneficial as an alternative. Last week we had a teleconference with DOT/Pf about Lake Street. DOT/PF stated that because of drainage, drainage infrastructure maintenance, ROW issues, and other concerns, they felt that a separated sidewalk or bike path on the West side would be problematic. They suggested a bike lane instead and asked if that was acceptable to the City. Under that scenario, Lake Street would have a sidewalk on one side and a bike lane on the other. Not ideal, but a big improvement over what we have now. We told them that would likely be acceptable but before a plan like that gets finalized, I wanted to see if Council has any objections or comments.
4. E-Mail Training: Last year the Council had a discussion with City Attorney Holly Wells about the Council's use of e-mail to conduct official, council related business. There was discussion about what is subject to disclosure as a public record and what is not. There was discussion about the possible problems with doing official business on your personnel computer, especially if that computer is not tied into the City server. I have spoken to Holly about this recently and she is ready to talk to Council about this when you are ready. There was talk about a possible training session, technological solutions, and possible code or operating manual amendments. So, Council has a lot on its plate right now but this seems like something we should address sooner rather than later. Let me know what you think and Jo and I will set something up.
5. Community Economic Development Strategy (CEDS): The Council has adopted a Community and Economic Development Strategy. We would like to begin implementing some of the objectives in the plan and are looking for a good place to start. One of Katie's responsibilities is to work with the EDC on recommendations to the Council about how to prioritize and implement the objectives in the plan. A strategic plan for implementing the CEDS is on the EDC

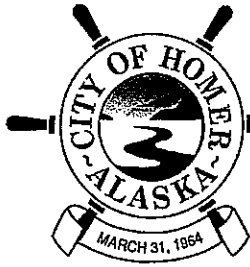
work plan. Before the Commission dives into this, it would be useful to get some feedback from the Council about what its priorities are with respect to economic development. That might help the Commission to focus its time and energy in a direction that that Council would find most helpful. If Council is interested in this approach, let me know and we'll discuss it further.

6. Juneau Trip: At the request / recommendation of the City Lobbyist, I will be travelling to Juneau Wednesday March 14th to Friday, March 16th. Linda thinks it would be a good idea to have a presence while the Senate is still working on the Capital Budget. There are two meetings scheduled in the Governor's office and meetings with key legislators. The focus will be updates on progress with the gasline and the gas distribution system, financing for the distribution system, harbor project priorities, the Deep Water Dock, and other top CIP priorities, especially the Nick Dudiak Fishing Lagoon and the Skyline Fire Station.
7. KPB Ordinance 2012-06: Mayor Hornaday inquired about the impacts this ordinance might have on Homer residents and businesses. Attached is an analysis and some background information prepared by City Planner Rick Abboud. Please let us know if you wish to discuss this further or in more detail.
8. Term Contracts: Carey has issued a request for proposals for engineering services for term contracts. The two are for engineers to provide civil (roads, trails, drainage, etc) and water and sewer engineering services. Another RFP is on the way for marine engineering. Term contracts have worked very well for us in the past. They allow us to move quickly and be more efficient because we do not have to issue an RFP every time a new project comes up. This will help us move ahead quickly on some of the capital projects we have and in some cases, provide the project management assistance we need.
9. Denali Commission Grant: The City has been waiting for months to get the "official" word that the Denali Commission grant for engineering and design of several priority (revenue bond) harbor projects has been awarded. We received that word over the past week. We expect to receive a grant agreement soon and will be bringing you an ordinance accepting the grant and appropriating the money.
10. HB 312: This is a bill that we are watching closely which could have big impacts for Homer residents if natural gas arrives in the community. Katie testified in favor at a hearing last week and Linda Anderson is working on it as well. Council has not formally expressed an opinion on this one so we want to bring it to your attention and make sure you knew that we are working on it. HB 312 would provide low interest loans to businesses and residents who wish to make the conversion to natural gas.
11. Building Art: The Public Arts Committee is implementing the memorandum that was adopted at the last meeting. The Committee has inventoried all of the public art in the City collection and is putting it on display in the various public areas at City Hall. The work is not yet complete but I think the public will be pleased when it sees it. Sometime this spring we plan to have an open house and that will be an opportunity for Homer residents to see the new expansion and renovation of the building. It will also be a good time to see the public art on display. It might be worth doing something in conjunction with First Friday.

12. Community Recreation Program: New schedules for sports activities at the High School and Middle school have been established that put a severe squeeze on Community Recreation Programs; particularly in the spring. Some of the most popular programs (most participants and most revenue) will be seriously impacted and may even have to be cancelled. The future of the program is uncertain and the current contract with the School District expires at the end of June. This has renewed interest in moving some if not all of the Community Rec. Programs to the HERC Building. It would be good if Council could have a discussion about this sometime soon.
13. Capital Projects: We are making a concerted effort to move some of the City's capital projects forward. If everything goes according to plan, we should be designing and permitting the extension of the Spit Trail this spring and summer in anticipation of construction next spring at the latest. Some work has already begun on the cruise ship improvements (the \$6 Million Legislative Grant). Progress is being made on the Beluga Slough Trail and on Karen Hornaday Park Improvements. The Deep Water Dock expansion feasibility studies should commence this summer.

ATTACHMENTS

1. Memorandum and Background Information re: KPB Ordinance 2012-06.



City of Homer

Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

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

MEMORANDUM 12-

TO: Mayor Hornaday and Homer City Council
THRU: Walt Wrede, City Manager
FROM: Rick Abboud, City Planner
DATE: March 1, 2012
SUBJ: **KBP Ordinance 2012-06** AN ORDINANCE AMENDING KPB 21.18.081, 21.18.100, AND 21.18.140 TO PERMIT CERTAIN STRUCTURES IN TIDALLY INUNDATED AREAS, AND CONDITIONALLY PERMIT CERTAIN STRUCTURES WITHIN THE HABITAT PROTECTION DISTRICT AND ADDING DEFINITIONS

Introduction

This ordinance came to the attention of the Mayor and the City Manager asked me to research how this might affect Homer. The short answer is "not much", as with most items such as this there is a much more detailed explanation.

Habitat Protection District

Beluga Slough is the only waterway that is found to be subject to this regulation in Homer. The ordinance deals with development found within 50 feet of the "mean high water line", which in Homer is the 17.4 foot tide.

The potential for development within the jurisdiction of this regulation is very low at best. But, if someone was planning to develop something subject to the regulations, they might have an opportunity to apply for a conditional use permit through the borough, while meeting all other subject regulations such as Flood Plain, Army Corp of Engineers, and local land use permits as applicable.

Conclusion

The amendment to the ordinance might allow for development opportunities not presently supported. The potential for development subject to this regulation in Homer is very limited.

Attachments

1. Proposed KPB Ordinance 2012-06



KENAI PENINSULA BOROUGH

144 North Binkley Street • Soldotna, Alaska 99669-7520

Toll-free within the Borough: 1-800-478-4441

PHONE: (907) 262-4441 • FAX: (907) 262-1892

www.borough.kenai.ak.us

MIKE NAVARRE
BOROUGH MAYOR

MEMORANDUM

TO: Gary Knopp, Assembly President
Members, Kenai Peninsula Borough Assembly

FROM: Bill Smith, Assembly Member *Bill Smith*
Mako Haggerty, Assembly Member *for MTH*

DATE: February 15, 2012

SUBJECT: Ordinance 2012-06 Amending KPB 21.18 - Anadromous Streams Habitat Protection to permit certain structures in tidally inundated areas, conditionally permit certain structures within the Habitat Protection District, and add definitions

The borough is in the process of a phased implementation of the addition of numerous streams which were added to the Anadromous Streams Habitat Protection district. Implementation Phase 2 encompassing most of the Kenai Peninsula is scheduled to take effect on May 1, 2012.

These added areas have brought to light issues with small pre-existing parcels that have seen their development rights unduly restricted due to the greater part of the parcel being in the Habitat Protection District and consequently have a limited area that could be developed. This condition has existed along the Kenai River and a few other areas for some time.

This ordinance allows, through the conditional use process, some development to occur within the Habitat Protection District when certain standards are met. By defining a conditional use for use by property owners, staff and the Planning Commission, I believe we will add a fair process allowing additional development which will relieve some of the burden for small lot property owners.

A standard of development is proposed that the parcels be served by a public sewer system to insure that waste water is properly disposed and streamside water quality is protected. A further condition brings into play city permitting processes in order to provide a more local influence on the development.

I believe it is important that borough regulations do not unreasonably restrict development rights and more particularly, do not eliminate development rights.

Your consideration of this ordinance will be appreciated.

Acre	Sq Ft	50% Sq Ft
0.01	436	218
0.02	871	436
0.03	1,307	653
0.04	1,742	871
0.05	2,178	1,089
0.06	2,614	1,307
0.07	3,049	1,525
0.08	3,485	1,742
0.09	3,920	1,960
0.1	4,356	2,178
0.11	4,792	2,396
0.12	5,227	2,614
0.13	5,663	2,831
0.14	6,098	3,049
0.15	6,534	3,267
0.16	6,970	3,485
0.17	7,405	3,703
0.18	7,841	3,920
0.19	8,276	4,138
0.2	8,712	4,356
0.21	9,148	4,574
0.22	9,583	4,792
0.23	10,019	5,009
0.24	10,454	5,227
0.25	10,890	5,445
0.26	11,326	5,663
0.27	11,761	5,881
0.28	12,197	6,098
0.29	12,632	6,316
0.3	13,068	6,534
0.35	15,246	7,623
0.37	16,117	8,059
0.38	16,553	8,276
0.4	17,424	8,712
0.41	17,860	8,930
0.42	18,295	9,148
0.43	18,731	9,365
0.44	19,166	9,583
0.45	19,602	9,801
0.5	21,780	10,890
0.6	26,136	13,068
0.7	30,492	15,246
0.75	32,670	16,335
0.8	34,848	17,424
0.9	39,204	19,602
1	43,560	21,780

Introduced by: Smith, Haggerty
Date: 02/28/12
Hearing: 04/03/12
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2012-06**

**AN ORDINANCE AMENDING KPB 21.18.081, 21.18.100, AND 21.18.140 TO PERMIT
CERTAIN STRUCTURES IN TIDALLY INUNDATED AREAS, AND
CONDITIONALLY PERMIT CERTAIN STRUCTURES WITHIN THE HABITAT
PROTECTION DISTRICT AND ADDING DEFINITIONS**

- 1 **WHEREAS**, KPB Chapter 21.18, Anadromous Streams Habitat Protection, was initially
2 adopted in 1996 to protect salmon spawning and rearing habitat; and
- 3 **WHEREAS**, initially the provisions of the ordinance only applied to portions of the Kenai
4 River; and
- 5 **WHEREAS**, through Ordinance 2000-08 the Assembly expanded the scope of this chapter to
6 apply to 10 tributaries of the Kenai River and 14 additional streams within the
7 east side of Cook Inlet; and
- 8 **WHEREAS**, through Ordinance 2011-12 the Assembly expanded the scope of this chapter to
9 apply to most of the remaining anadromous streams within the borough; and
- 10 **WHEREAS**, the development restrictions on small parcels within the Habitat Protection
11 District, including those originally regulated and some newly regulated, may
12 unduly restrict development rights on some parcels; and
- 13 **WHEREAS**, the best interest of the borough will be served by enacting a conditional use
14 process which can allow development, with appropriate standards, on small
15 parcels; and

1 WHEREAS, at its regularly scheduled meeting of _____ the Planning Commission
2 recommended _____;

3 NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI
4 PENINSULA BOROUGH:

5 SECTION 1. That KP.B 21.18.081(B) is hereby amended by adding a new provision as follows:

6

7 10. A principal structure or an addition to a principal structure may be approved
8 within the habitat protection district provided all the following standards are
9 met:

10

a. The parcel boundaries were defined prior to January 1, 2012.

11

b. The parcel is subject to a city building code and is served by a public
12 sewer system.

13

c. The parcel has an area of .3 acres or less.

14

d. On the portion of the parcel within the habitat protection district, the
15 total impervious coverage may not exceed 50% of the area able to
16 sustain native vegetation, or 5,000 square feet of area able to sustain
17 native vegetation, whichever is less.

18

e. The standard for development is to utilize suitable parcel areas outside
19 the habitat protection district as a preferred alternative to development
20 within a habitat protection district. Within the habitat protection
21 district, it is preferred to minimize impact by preserving the nearshore
22 areas which may sustain native vegetation.

1 SECTION 2. That KPB 21.18.100 is hereby amended by adding a new Section E. as follows:

2 ...

3 E. Building permits issued by a city for areas subject to tidal inundation,
4 between mean high water and mean higher high water, will constitute a
5 determination that the requirements of KPB 21.18 are satisfied and the
6 project is exempt from KPB 21.18 application.

7 SECTION 3. That KPB 21.18.140 is hereby amended by adding the following definitions:

8 ...

9 AB. "Native vegetation" means native plant communities that are undisturbed or
10 mimicked.

11 AC. "Impervious Coverage" means an area of ground that, by reason of its
12 physical characteristics or the characteristics of materials covering it, does
13 not absorb rain or surface water. All parking areas, driveways, roads,
14 sidewalks and walkways, whether paved or not, and any areas covered by
15 buildings, structures, or water shedding material such as, but not limited to,
16 concrete, asphalt, brick, stone, wood, ceramic tile, plastic sheeting or metal
17 shall be considered to be or have impervious coverage. Elevated light
18 penetrating structures meeting the requirements of KPB 21.18.071 A.2 shall
19 not be counted as impervious coverage.

20 AD. "Higher high water" The higher of the two high waters of a tidal day where
21 the tide is of the semidiurnal or mixed type. The single high water occurring
22 daily during periods when the tide is diurnal is considered to be higher high
23 water.

1 AE. "Mean Higher High Water" A tidal datum. The average of all the daily
2 higher high water recorded over a 19-year period or a computed equivalent
3 period.

4 **SECTION 4.** That this ordinance takes effect immediately upon its enactment.

5 **ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS ***
6 **DAY OF * 2012.**

Gary Knopp, Assembly President

ATTEST:

Johni Blankenship, Borough Clerk

Yes:

No:

Absent:

Office of the City Clerk

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



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MEMORANDUM - REPORT

TO: MAYOR HORNADAY AND HOMER CITY COUNCIL
FROM: MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK
DATE: MARCH 6, 2012
SUBJECT: BID REPORT

DEEP WATER DOCK FENDER REPAIR Sealed bids for the construction of Deep Water Dock Fender Repair project will be received at the Office of the City Clerk, City Hall, City of Homer, 491 East Pioneer Avenue, Homer, Alaska, until 2:00 pm, Thursday, March 15, 2012, at which time they will be publicly opened and read. The time of receipt will be determined by the City Clerk's time stamp. Bids received after the time fixed for the receipt of the bids shall not be considered. Bidders are required to be on the City's plan holder's list for their bid to be considered. To get on the list and to access bid documents contact: City Clerk, 491 E. Pioneer Avenue, Homer, Alaska 99603, (907) 235-3130.

ENGINEERING SERVICES FOR WATER AND SEWER PROJECTS AND FOR ROAD, TRAIL, AND DRAINAGE PROJECTS Proposals to provide professional engineering services for water and sewer projects and separate proposals for road, trail and drainage projects will be received at the Office of the City Clerk, City Hall, City of Homer, 491 East Pioneer Avenue, Homer, Alaska, until 4:30 pm, Friday, March 16, 2012 (Roads, Trails and Drainage) and March 30 (Water and Sewer). Proposers are required to be on the City's RFP holder's list for their proposal to be considered. To get on the list and to access the RFP contact: City Clerk, 491 E. Pioneer Avenue, Homer, Alaska 99603, (907) 235-3130.

CITY ATTORNEY REPORT

COMMITTEE REPORT(S)

PENDING BUSINESS

NEW BUSINESS

RESOLUTION(S)

CITY OF HOMER
HOMER, ALASKA

Hogan

RESOLUTION 12-018

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING THE CITY OF HOMER FEE SCHEDULE TO PROVIDE THAT A MULTIFAMILY RESIDENTIAL ACCOUNT CUSTOMER IS CHARGED ONLY A SINGLE MONTHLY SEWER AND WATER CUSTOMER CHARGE.

WHEREAS, Resolution 11-094 was introduced at the October 10, 2011 meeting of the Homer City Council; and

WHEREAS, Noticed public hearings were held for Resolution 11-094 at the October 10, 2011, November 28, 2011, and December 12, 2011 meetings of the Homer City Council; and

WHEREAS, At the December 12, 2011 meeting of the Homer City Council, Resolution 11-094(S) was substituted for Resolution 11-094, without notifying the public of the changes in the resolution which had significant impacts on a large class of citizens; and

WHEREAS, In order for local Government to maintain the trust and respect of its citizens, the spirit of the public notice process must be strictly observed.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Homer, Alaska, that the City of Homer Fee Schedule is amended as follows:

SEWER FEES:

Sewer Connection and Extension Permit Fee

Single Family/Duplex \$255

Multi-Family/Commercial/Industrial \$330

Sewer Rate Schedule.

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

Customer Classification*	Monthly Customer Charge	Charge per Gallon	Usage Charge per 1,000 Gallons of Water
Single Family Residential	\$20	\$0.00997	\$ 9.97
Multi-Family Residential	\$20	\$0.00997	\$ 9.97
Commercial	\$20	\$0.01264	\$12.64

*-Customer classification definitions for determining water rates:

44 **Single Family Residential** - A unit providing housing for one household; with less than
45 **25% of the building area used for business or commercial purposes.**

46
47 **Multi-Family Residential** - A building or lot occupied by more than one household:
48 **contained within one building or several building within one complex. Examples of multi-**
49 **family units include duplexes, four-plexes and up, apartments, condominiums, co-**
50 **housing projects, and multiple structures on one lot (where units are normally rented or**
51 **occupied for longer than one month at a time). Examples of units not considered as**
52 **multi-family include hotels, motels, B&B's seasonal rooms/cabins (where units are**
53 **routinely rented or occupied for less than one month at a time.)**

54
55 **Commercial** - Any user not defined as Residential.

56
57 **Sewer System Residential or Residential Equivalent Dischargers Who Are Not Water System**
58 **Users:**

59
60 Sewer system dischargers who are not water system users shall be charged at the rate of
61 \$54.90. Variable rate \$34.90 based on 3,500 gallons per month plus monthly customer charge
62 \$20. The City reserves the right to adjust this rate based on the characteristics of the service
63 for non-residential or non-residential equivalent users. Customers who receive septic service
64 shall be charged an additional \$6.00* per month.

65
66 **Sewer System Dischargers Who Are Members of Kachemak City LID:**
67 Kachemak City Local Improvement District (LID) members have contributed to the initial cost
68 of the sewer treatment plant and the collection system. Kachemak City LID dischargers
69 connected within the LID and the City of Homer shall bill Kachemak City in one lump sum at
70 the rate of \$60.90. Variable rate \$34.90 based on 3,500 gallons per month plus monthly
71 customer charge of \$20 plus septage cost \$6.00* per month for each residential or residential
72 equivalent discharger. Kachemak City shall be responsible for payment to the City of Homer.

73
74 Domestic sewer service customers who use large quantities of City water in addition to their
75 domestic use shall be allowed, with the Public Works Director's approval, to install an
76 additional water meter on the domestic water use line for the purpose of metering and charging
77 for domestic sewer system use. Sewer system use will be billed monthly.

78
79 The City will allow, upon approval by Public Works and a permit from the Public Works
80 Department, a second water usage meter - called a seasonal sewer meter - for each customer
81 that desires to measure the flow of City water that is not discharged to the sewer system during
82 the summer growing season, June 15 through September 15. Rates noted above do not apply.

83
84 Seasonal Sewer Meter Fee is \$211.97.

85
86

87 **WATER FEES:**

88 **Water Connection Fee**

89
90 Single Family/Duplex \$300
91 Multi-Family/Commercial/Industrial \$375

92
93 **Water Rate Schedule.**

94
95 All water utility services shall be billed according to the following schedule. This schedule is for
96 monthly water service and is in addition to any charges for connecting or disconnecting the
97 service, installation of the service or any assessment of the improvements.

98

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

99

*-Customer classification definitions for determining water rates:

100

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102

Single Family Residential - A unit providing housing for one household; with less than 25% of the building area used for business or commercial purposes.

103

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Multi-Family Residential - A building or lot occupied by more than one household: contained within one building or several building within one complex. Examples of multi-family units include duplexes, four-plexes and up, apartments, condominiums, co-housing projects, and multiple structures on one lot (where units are normally rented or occupied for longer than one month at a time). Examples of units not considered as multi-family include hotels, motels, B&B's seasonal rooms/cabins (where units are routinely rented or occupied for less than one month at a time.)

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Commercial - Any user not defined as Residential.

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PASSED AND ADOPTED by the City Council of Homer, Alaska, this 12th day of March, 2012.

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CITY OF HOMER

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JAMES C. HORNADAY, MAYOR

123

ATTEST:

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JO JOHNSON, CMC, CITY CLERK

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Fiscal Note: Annual loss \$172,000 to sewer/water revenues.

CITY OF HOMER
HOMER, ALASKA

City Clerk

RESOLUTION 11-094(S)

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, MAINTAINING THE CITY OF HOMER FEE SCHEDULE AT THE CURRENT RATES, AND AMENDING CUSTOMER CLASSIFICATIONS IN THE WATER AND SEWER RATE SCHEDULES.

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

WHEREAS, Ordinance 11-43 amends HCC 14.08.037 regarding the number of water meters per lot; and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of Homer, Alaska, that the City of Homer Fee Schedule is amended as follows:

SEWER FEES:

Sewer Connection and Extension Permit Fee

Single Family/Duplex \$255

Multi-Family/Commercial/Industrial \$330

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Commercial	\$20	\$0.01264	\$12.64

*-Customer classification definitions for determining water rates:

Single Family Residential - A unit providing housing for one household; with less than 25% of the building area used for business or commercial purposes.

Multi-Family Residential - A building or lot occupied by more than one household; contained within one building or several building within one complex. Examples of multi-family units include duplexes, four-plexes and up, apartments, condominiums, co-

45 housing projects, and multiple structures on one lot (where units are normally rented or
46 occupied for longer than one month at a time). Examples of units not considered as
47 multi-family include hotels, motels, B&B's seasonal rooms/cabins (where units are
48 routinely rented or occupied for less than one month at a time.)

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53 Users:

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

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

73
74 The City will allow, upon approval by Public Works and a permit from the Public Works
75 Department, a second water usage meter - called a seasonal sewer meter - for each customer
76 that desires to measure the flow of City water that is not discharged to the sewer system during
77 the summer growing season, June 15 through September 15. Rates noted above do not apply.

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79 Seasonal Sewer Meter Fee is \$211.97.

80
81
82 **WATER FEES:**

83 Water Connection Fee

84
85 Single Family/Duplex \$300

86 Multi-Family/Commercial/Industrial \$375

87
88 Water Rate Schedule.

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

*-Customer classification definitions for determining water rates:

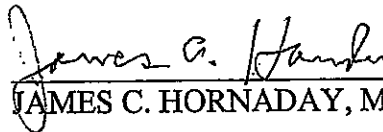
Single Family Residential - A unit providing housing for one household; with less than 25% of the building area used for business or commercial purposes.


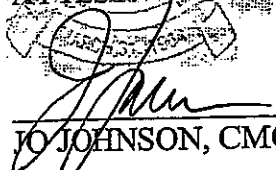
Multi-Family Residential - A building or lot occupied by more than one household: contained within one building or several building within one complex. Examples of multi-family units include duplexes, four-plexes and up, apartments, condominiums, co-housing projects, and multiple structures on one lot (where units are normally rented or occupied for longer than one month at a time). Examples of units not considered as multi-family include hotels, motels, B&B's seasonal rooms/cabins (where units are routinely rented or occupied for less than one month at a time.)

Commercial - Any user not defined as Residential.

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

CITY OF HOMER


JAMES C. HORNADAY, MAYOR


ATTEST:

JO JOHNSON, CMC, CITY CLERK

Fiscal Note: Revenue amounts not defined in CY2012 budget.

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**CITY OF HOMER
HOMER, ALASKA**

City Manager/Parks and
Recreation Advisory Commission

RESOLUTION 12-019

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING THE OVERALL KAREN HORNADAY PARK PROJECT BUDGET, INCLUDING A NEW ALLOCATION OF FUNDS FOR BALL FIELD IMPROVEMENTS, NORTHERN PARKING LOT IMPROVEMENTS, AND DAY USE AREA IMPROVEMENTS.

WHEREAS, Ordinance 12-06 authorized future amendments to the Karen Hornaday Park Project Budget be made by resolution; and

WHEREAS, At their regular meeting of February 16, 2012 the Parks and Recreation Advisory Commission discussed and voted on a total project budget and a new allocation of funds:

- \$50,000 for preliminary engineering to include road realignment, a bridge over Woodard Creek and drainage improvements (Ordinance 11-22)
- \$5,000 for drainage improvements (Ordinance 11-22 and Resolution 11-006)
- \$50,000 for ball field improvements (\$10,000 Ordinance 11-22 and \$40,000 Resolution 12-019)
- \$55,000 for playground improvements (\$5,000 Ordinance 11-22 and \$50,000 Ordinance 12-06)
- \$55,000 Northern parking lot improvements (Resolution 12-019)
- \$90,000 Improvements to day use area (Resolution 12-019)

Total Budget: \$305,000 (\$250,000 from Legislature and \$55,000 from Council)

WHEREAS, The commission further recommended all improvements be made in accordance with the Karen Hornaday Park Master Plan.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, hereby approves the Karen Hornaday Park Project Budget by allocating funds as follows:

- \$50,000 for preliminary engineering to include road realignment, a bridge over Woodard Creek and drainage improvements (Ordinance 11-22)
- \$5,000 for drainage improvements (Ordinance 11-22 and Resolution 11-006)
- \$50,000 for ball field improvements (\$10,000 Ordinance 11-22 and \$40,000 Resolution 12-019)
- \$55,000 for playground improvements (\$5,000 Ordinance 11-22 and \$50,000 Ordinance 12-06)
- \$55,000 Northern parking lot improvements (Resolution 12-019)

47 -\$90,000 Improvements to day use area (Resolution 12-019)
48
49 Total Budget: \$305,000 (\$250,000 from Legislature and \$55,000 from Council)
50
51 PASSED AND ADOPTED by the Homer City Council this 12th day of March, 2012.

52
53 CITY OF HOMER
54

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56
57 JAMES C. HORNADAY, MAYOR
58

59
60 ATTEST:

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64 JO JOHNSON, CMC, CITY CLERK
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66 Fiscal Note: Phase I Improvements of \$305,000: \$250,000 appropriated by Legislative Grant and
67 \$55,000 appropriated by Council via Ordinance 11-22.

Office of the City Clerk

Jo Johnson, CMC, City Clerk

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



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MEMORANDUM 12-036

TO: MAYOR HORNADAY AND CITY COUNCIL
THRU: WALT WREDE, CITY MANAGER
FROM: PARKS AND RECREATION ADVISORY COMMISSION
DATE: FEBRUARY 22, 2012
RE: RECOMMENDATION TO CITY COUNCIL FOR DAY USE IMPROVEMENTS AT KAREN HORNADAY PARK IN ACCORDANCE WITH THE MASTER PLAN.

BACKGROUND

At the regular meeting on February 16, 2012 the Commissioners discussed the recommendations presented by Ms. Katie Koester, Economic and Community Development Coordinator at the January 5, 2012 Special Meeting.

The following is an excerpt from the minutes of that discussion and resulting recommendation.

Pending Business

B. Review and Recommendations to Council on Additional Funding Allocations for Karen Hornaday Park.

Chair Bremicker next asked about recommending an allocation for Day Use Area. He read from the recommendation proposed by Ms. Koester; Repair and Improve Existing Shelter, Add Amenities, Turf Area and Drainage, etc.

BREMICKER/BRANN - MOVE TO RECOMMEND CITY COUNCIL ALLOCATE \$90,000 FOR DAY USE IMPROVEMENTS AS RECOMMENDED BY STAFF IN ACCORDANCE WITH THE MASTER PLAN.

A discussion on what the improvements entailed and clarification on the use of the funds and how staff developed their recommendation ensued.

VOTE. YES. BRANN, ARCHIBALD, LOWNEY, BREMICKER

Motion carried.

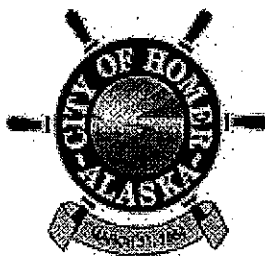
Recommendation

Approve the Allocation for Day Use Improvements at Karen Hornaday Park in Accordance with the Master Plan.

Office of the City Clerk

Jo Johnson, CMC, City Clerk

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



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MEMORANDUM 12-037

TO: MAYOR HORNADAY AND CITY COUNCIL

THRU: WALT WREDE, CITY MANAGER

FROM: PARKS AND RECREATION ADVISORY COMMISSION

DATE: FEBRUARY 22, 2012

RE: RECOMMENDATION TO CITY COUNCIL FOR IMPROVEMENTS TO BALL FIELDS, DUGOUT AND RELATED AMENITIES AT KAREN HORNADAY PARK

BACKGROUND

At the regular meeting on February 16, 2012 the Commissioners discussed the recommendations presented by Ms. Katie Koester, Economic and Community Development Coordinator at the January 5, 2012 Special Meeting.

The following is an excerpt from the minutes of that discussion and resulting recommendation.

Pending Business

B. Review and Recommendations to Council on Additional Funding Allocations for Karen Hornaday Park.

Chair Bremicker introduced the item by title and opened the floor for discussion.

Discussion proceeded and included an explanation of the recommendations presented to the commission at the January 5, 2012 special meeting by Ms. Koester; a laydown consisting of priority listed improvements submitted by Mr. Needham on behalf of the Little League organization for the ball fields and dugouts; and input from the commissioners. After lengthy discussion the following motions were made and passed by the Commissioners.

Commissioner Lillibridge had to leave the meeting at 7:50 p.m. for work.

BREMICKER/BRANN - MOVED TO RECOMMEND CITY COUNCIL ALLOCATE \$40,000 TO LITTLE LEAGUE FOR NEEDED IMPROVEMENTS TO FIELDS AND DUGOUTS AT KAREN HORNADAY PARK AND THAT ALL IMPROVEMENTS FOLLOW THE MASTER PLAN.

Brief discussion ensued on allocating the funds, recommending that the Little League seeks out grants to stretch this money; that the expenditures follow the master plan. It was acknowledged that this amount should give the organization on getting a good start on completing the list. The Commissioners requested that the Little League keep in communication with the commission through the committee.

VOTE. YES. BRANN, ARCHIBALD, LOWNEY, BREMICKER

Motion carried.

Mr. Needham thanked the Commissioners and will definitely keep in communication with the Commission.

Recommendation

Approve the Allocation for the Needed Improvements with the Ballfields, Dugouts and Related Amenities at Karen Hornaday Park in Accordance with the Master Plan.

Office of the City Clerk

Jo Johnson, CMC, City Clerk

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



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MEMORANDUM 12-038

TO: MAYOR HORNADAY AND CITY COUNCIL
THRU: WALT WREDE, CITY MANAGER
FROM: PARKS AND RECREATION ADVISORY COMMISSION
DATE: FEBRUARY 22, 2012
RE: RECOMMENDATION TO CITY COUNCIL FOR IMPROVEMENTS TO
NORTHERN PARKING LOT AT KAREN HORNADAY PARK

BACKGROUND

At the regular meeting on February 16, 2012 the Commissioners discussed the recommendations presented by Ms. Katie Koester, Economic and Community Development Coordinator at the January 5, 2012 Special Meeting.

The following is an excerpt from the minutes of that discussion and resulting recommendation.

Pending Business

B. Review and Recommendations to Council on Additional Funding Allocations for Karen Hornaday Park.

Chair Bremicker opened discussion on the parking lot improvements. He noted that it may be a tad time consuming addressing each recommendation separately but he opined that it was easier to address concerns, questions and possible comments on each item than as a whole.

Commissioner Archibald brought up the question of saving some of the funds for matching grants and what assurance did the Commission have that City Council will match the Land and Water Conservation Fund. Ms. Koester stated she was assured by the City Manager that they will be able to get additional match funding from Council and in the interest of assisting the Commission in allocating these funds, it was believed that this would give them more money in the end. The City Council and State Legislative body would like to see this existing funding used and as time goes by there may be more demands on these funds by other user groups.

BRANN/BREMICKER - MOVED TO ALLOCATE \$55,000 FOR NORTHERN PARKING LOT IMPROVEMENTS AS OUTLINED IN THE STAFF RECOMMENDATION AND FURTHER DEVELOPMENT IN THE AREA WILL BE IN ACCORDANCE WITH THE MASTER PLAN.

Discussion clarified the \$50,000 originally allocated by Ordinance 11-22; concerns that there is nothing addressing the road alignment and removal of fill by the creek area; if the parking lot is changed, how would the city proceed with the road change. It was noted that if the road is relocated it would be moved further east and that area would need more improvements; using removed materials for future use. Further clarification was given on the location of the improvements in question.

VOTE. YES. BRANN, ARCHIBALD, LOWNEY, BREMICKER.

Motion carried.

Recommendation

Approve the Allocation for the Northern Parking Lot Improvements at Karen Hornaday Park in Accordance with the Master Plan.

Office of the City Clerk

Jo Johnson, CMC, City Clerk

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



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MEMORANDUM 12-039

TO: MAYOR HORNADAY AND CITY COUNCIL

THRU: WALT WREDE, CITY MANAGER

FROM: PARKS AND RECREATION ADVISORY COMMISSION

DATE: FEBRUARY 22, 2012

**RE: RECOMMENDATION TO CITY COUNCIL TO COMPLETE THE
RECOMMENDATIONS OUTLINED IN ORDINANCE 11-22**

BACKGROUND

At the regular meeting on February 16, 2012 the Commissioners expressed concerns about the proposed pedestrian bridge over Woodard Creek, trail along the same creek and the road realignment included in the Karen Hornaday Master Plan but not being considered within the current funding available.

The following is an excerpt from the minutes of that discussion and resulting recommendation.

Pending Business

B. Review and Recommendations to Council on Additional Funding Allocations for Karen Hornaday Park.

Chair Bremicker wanted to address planning for the Trail along Woodard Creek and the Bridge over Woodard Creek. If the Commission or City is to go after more funding then they need to know the costs. Commissioners commented on the road realignment, the bridge over Woodard Creek and the proposed trail along the same creek. It was noted that the group that advocated for the bridge was not in the forefront any longer but that did not rule out they would return, there are alternatives to building a trail and building a bridge other than conventional methods. It was acknowledged that there was not enough money to cover all components too. Staff further commented that the Legislative grant did not include the road realignment and the trail would be a perfect fit for the Soil & Water Conservation grant.

BREMICKER/BRANN - MOVED TO RECOMMEND CITY COUNCIL ENCOURAGE CITY STAFF TO PERFORM THE RECOMMENDATIONS OUTLINED IN ORDINANCE 11-22 IN RELATION TO THE ROAD REALIGNMENT, BRIDGE OVER WOODARD CREEK AND DRAINAGE IMPROVEMENTS.

Discussion ensued on the purpose of forwarding this recommendation to Council.

VOTE. YES. BRANN, ARCHIBALD, LOWNEY, BREMICKER.

Motion carried.

Recommendation

Encourage staff to complete engineering required for putting a bridge over Woodard Creek, Road Realignment and Drainage Improvements in accordance with the Karen Hornaday Master Plan.

1 CITY OF HOMER
2 HOMER, ALASKA

3 City Manager/Parks and Recreation
4 Advisory Commission

5 ORDINANCE 12-06
6

7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
8 AMENDING THE KAREN HORNADAY PARK PROJECT BUDGET
9 ESTABLISHED VIA ORDINANCE 11-22 BY APPROPRIATING AN
10 ADDITIONAL \$50,000 FOR PLAYGROUND EQUIPMENT AND
11 MATERIALS AND PROVIDING THAT FUTURE BUDGET
12 AMENDMENTS BE MADE BY RESOLUTION.
13

14 WHEREAS, The Homer City Council established a preliminary project budget for Phase I of the
15 Karen Hornaday Park Project through adoption of Ordinance 11-22; and
16

17 WHEREAS, HoPP, the volunteer organization working to improve the playground, has requested
18 that an additional \$50,000 be appropriated for playground equipment and materials in order to assist with
19 its fund raising and grant writing efforts and to insure that construction can begin this spring; and
20

21 WHEREAS, The Parks and Recreation Advisory Commission has considered this request and
22 recommends that an additional \$50,000 be allocated for playground equipment and materials and that this
23 amount be deducted from the \$240,000 previously budgeted as reserved and unallocated; and
24

25 WHEREAS, The Commission will be working on a final and comprehensive project budget for
26 the Council to consider and recommends that all future budget amendments be approved by resolution.
27

28 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
29

30 Section 1. The Homer City Council hereby amends the preliminary Karen Hornaday Park project
31 budget for Phase I by appropriating an additional \$50,000 for playground equipment and materials as
32 follows:
33

<u>Account</u>	<u>Description</u>	<u>Amount</u>
151-776	Engineering and Survey	\$50,000
	Ball Field Improvements	\$10,000
	Playground Improvements	\$55,000
	Reserved / Unallocated	<u>\$190,000</u>
	TOTAL	\$305,000

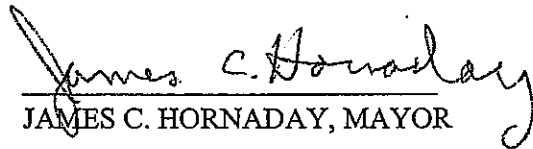
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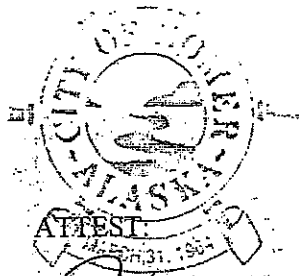
41 Section 2. Since the Council has appropriated local funds and accepted and appropriated a
42 legislative grant for this project, both actions by ordinance, all future amendments to the project budget
43 may be made by made by resolution.
44


45 Section 3. This ordinance is a budget amendment ordinance only, is not permanent in nature, and
46 shall not be codified.

47
48 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 27th day of February, 2012.

49
50 CITY OF HOMER

51
52
53 
54 JAMES C. HORNADAY, MAYOR

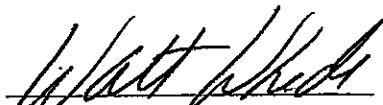


55
56
57 
58
59 J. JOHNSON, CMC, CITY CLERK

60
61
62 YES: 6
63 NO: 0
64 ABSTAIN: 0
65 ABSENT: 0

66
67 First Reading: 2/13/12
68 Public Hearing: 2/27/12
69 Second Reading: 2/27/12
70 Effective Date: 2/28/12

71
72 Reviewed and approved as to form:

73
74 
75
76 Walt E. Wrede, City Manager

77
78 _____
79 Thomas F. Klinkner, City Attorney

80
Date: 2/31/12 _____

Date: _____

1 CITY OF HOMER
2 HOMER, ALASKA

3 City Manager/Parks & Recreation
4 Advisory Commission

5 ORDINANCE 11-22
6

7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER,
8 ALASKA, ESTABLISHING A PRELIMINARY PROJECT
9 BUDGET AND AUTHORIZING EXPENDITURES FOR PHASE I
10 IMPROVEMENTS TO KAREN HORNADAY PARK.
11

12 WHEREAS, The City of Homer received an FY 2010 state legislative grant in the
13 amount of \$250,000 to be used for Phase I improvements to Karen Hornaday Park (Ordinance
14 11-06); and
15

16 WHEREAS, The City Council also appropriated \$55,000 in Stimulus funding toward
17 improvements at the park (Ordinance 10-23A), bringing the total amount available for the project
18 to \$305,000; and
19

20 WHEREAS, The Parks and Recreation Advisory Commission has deliberated on the best
21 use of the funding and forwarded a recommendation to the City Council to allocate an
22 appropriate amount of funding for preliminary engineering to include road realignment, a bridge
23 over Woodard Creek, and drainage improvements; as well as \$10,000 for ballfield improvements
24 and \$5,000 for playground improvements; and
25

26 WHEREAS, The Commission also wanted to keep some of the funding in reserve as a
27 possible match for future grants and/or to fund additional Phase I improvements.
28

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

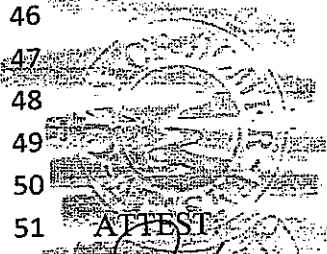
31 Section 1. The Homer City Council hereby establishes a preliminary budget and
32 authorizes the expenditure of funds for improvements to Karen Hornaday Park as follows:
33

34 Expenditure:
35

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
37 151-776	Engineering / Survey	\$ 50,000
38	Ball Field Improvements	\$ 10,000
39	Playground Improvements	\$ 5,000
40	Reserved / Unallocated	<u>\$240,000</u>
41	TOTAL	\$305,000

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

44
45 ENACTED BY THE HOMER CITY COUNCIL this 13th day of June, 2011.



CITY OF HOMER

James C. Hornaday
JAMES C. HORNADAY, MAYOR

51 ATTEST
52 [Signature]
53
54 JO JOHNSON, CMC, CITY CLERK

55
56
57 YES: 6
58 NO: 0
59 ABSENT: 0
60 ABSTAIN: 0

61
62
63 First Reading: 05/24/11
64 Public Hearing: 06/13/11
65 Second Reading: 06/13/11
66 Effective Date: 06/14/11

67
68
69 Reviewed and approved as to form:

70
71 [Signature]
72
73 Walt Wrede, City Manager

[Signature]
Thomas F. Klinkner, City Attorney

74
75 Date: 6/16/11

Date: 6-22-11

Session 12-03, a Regular Meeting of the Parks and Recreation Advisory Commission was called to order by Chair Bumpo Bremicker at 5:38 p.m. on February 16, 2012 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS BRANN, BREMICKER, ARCHIBALD, LILLIBRIDGE
TELEPHONIC: COMMISSIONER LOWNEY
STAFF: PARKS MAINTENANCE COORDINATOR ANGIE OTTESON
COMMUNITY AND ECONOMIC DEVELOPMENT COORDINATOR KATIE KOESTER
RECREATION SPECIALIST MIKE ILLG
DEPUTY CITY CLERK I RENEE KRAUSE

APPROVAL OF THE AGENDA

Chair Bremicker called for a motion to approve the agenda.

LILLIBRIDGE/BRANN – MOVED TO APPROVE THE AGENDA AS PRESENTED.

There was no discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

APPROVAL OF MINUTES (*Minutes are approved during Regular Meetings.*)

A. Meeting Minutes for January 19, 2012 Regular Meeting

Chair Bremicker requested a motion to approve the minutes.

BRANN/ARCHIBALD – MOVED TO APPROVE THE MINUTES AS WRITTEN.

There was no discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PUBLIC COMMENTS REGARDING ITEMS ON THE AGENDA

Wayne Aderhold, city resident, commented on the Campground Host Volunteer Program and that he is in favor of any kind of citizen involvement and protecting the campgrounds and even trails. He believes that if you don't get control in the beginning and take care of the problems they can spiral out of control. He is all for it and he would gladly be involved if it came to the Library Trail. He acknowledged the Police are busy and agreed that setting up a program similar to a Neighborhood Watch would be beneficial to the community. He supports the Commission fully in these efforts.

Phil Needham, representing the Little League, advocated for funding to conduct improvements to the ballfields and amenities. Mr. Needham provided some history on the buildings, the number of kids that participate yearly in Little League; scholarships are given each season too. There are approximately 20 teams and at one time they had nine teams in town. As time goes by P.E. is not as important in the schools anymore and kids today are getting less exercise and play than they used to; he listed the benefits to playing baseball. He provided a prioritized list of the estimated repairs needed.

Chris Donatch, former president of the Little League, commented on the need for funding and the service that the Little League provides. She noted that they try to keep the cost low; they have interest from teams to come to Homer but have refused to come down and play due to safety hazards. She noted that they have 32 businesses supporting the association. Each year there are always costs for equipment and travel. The repairs have been piecemeal. These fields are in use for eight weeks in the season. They have sought grants as well but have not received any. They even started an afterschool program.

Mike Hayes, current President, Little League, commented that the Homer Little League Constitution is the local league shall be implant firmly into the minds of the children of the community the ideals of good sportsmanship, honesty, loyalty, courage and respect for authority, so that they may be well adjusted, stronger and happier children and will grow to be good, decent, healthy and trustworthy citizens. All directors, officers and members shall bear in mind that the attainment of exceptional athletic skill or the winning of games is secondary in the molding of future citizens is of prior importance.

Angie Otteson responded to questions from the commissioners regarding a formal agreement between the City of Homer and Little League. Mr. Illg commented on an agreement process with outside users groups starting with Jack Gist Park and that it is still a work in progress with the Attorney and the Public Works Director. There are some outstanding concerns between neighboring property owners and the park.

Commissioner Archibald reminded those present that the Parks and Recreation maintenance budget in miniscule in comparison to the overall needs and that it was nice to hear from the Little League folks.

Beth Cumming, resident, commented on Karen Hornaday Park and implementation of Phase I, she broke it down into three sections, first - \$90,000 for Day Use Area, she recalled a comment that the restroom does not need to be replaced, but the roof needs to be repaired and should be addressed in the next few months; the picnic shelter roof needs repairs also; she did not know where the \$90,000 amount came from; she believes everyone should be on the same page; she hopes they don't vote to distribute anymore funds because there needs to be more conversation; she opined that Phase I came about from city employees and Mayor Hornaday and she appreciates the recent Commission involvement but thinks there should be a round table approach; the \$55,000 for northern parking improvements she believed addressed the area between the picnic shelter and red shed and that this area should be grassed in, called Homer Break up and lived with; She commented on \$50,000 for preliminary engineering and what the commission previously designated it for.

There were no further comments from the audience.

VISITORS

A. Devony Lehner, Homer Soil & Water Conservation District, Diamond Creek Management Plan

Ms. Lehner provided a laydown of information and status update on the development of the Management Plan for Diamond Creek. Homer Soil & Water has been tasked with developing this management plan over this summer. She noted that there will be numerous opportunities for public and city input on the plan. She provided a history on how this recreational area started and how the City of Homer was involved and what will be included in the management plan.

Ms. Lehner responded that the plan must be completed by the federal fiscal year, a draft will be provided to the City for refinement in accordance with the public input the city receives down the road. It was noted that the property is owned by the City but not within the City Limits. Ms. Lehner will make sure the commission is informed on the progress of Homer Soil & Water. She responded that she was not aware of a formal agreement between the City of Homer and Homer Soil & Water.

There was no further discussion.

B. Mike Illg, Recreational Coordinator - Recreational Needs Assessment & Presentation

Mr. Illg provided a PowerPoint presentation on the benefits of recreation to a community. He noted that the Community Recreation program is currently operating in partnership with the High school and there are more and more restrictions being placed on the availability of school facilities for Community Recreation uses.

Mr. Illg informed the Commission that recreation, parks, and leisure services have become important social institutions in contemporary North America. It is important to develop adequate mission statements, identify goals plan, organize, and carry out programs and develop and maintain facilities. Some ways to fund recreation is the following:

- General Taxes: Basic General Fund from property/sales taxes
- Special Taxes: Specific taxes to support Parks & Rec, ex. taxes on alcohol, bed tax, fuel tax, etc.
- Millage tax: Specific tax leveled against assessed value of residential or commercial property.
- Bonds: Used for major capital purchases such as land or facility. Allows deferred payments to be spread out over a certain number of years.
- Government Grants: Federal and State grants such as Land & Water Conservation, Community Development Block Grants or state trails grants.
- Foundation Grants: Grants from non-profit charitable foundations to support specific programs/goals/projects; ex. Rasmussen Foundation, Homer Foundation.
- Fees & Charges: Provides an important source of income to support Parks & Rec. It includes: entrance fees, admission fees, rental fees, user fees, license/permit fees and special service fees.

Mr. Illg explained that a Recreational Needs Assessment, as related to a recreation program planning, deals with the recreational needs and wants of the local population. A needs assessment considers the physical or natural resources and the balance in supporting the criteria for passive and active recreation types. An example of the recreation standard is one soccer field per 10,000 people. Needs assessment is a process of adopting a standard, take an inventory of areas and facilities, determining population and Then looking at existing and future needs areas and facilities. Briefly defined, needs represent the physical, emotional, social, intellectual, and other drives or other duties that individuals may have that can be met through leisure activities. Needs assessments contribute to the efficient delivery of services to the people in the community or region by an organization. Organization personnel may have a good grasp of the needs and desires of the residents. Every few years studies should be conducted to obtain demand data from client and potential clients.

The use of various strategies and techniques include focus groups, citizen advisory boards, key communicators, survey forms, individual and household surveys, program/service evaluation by participants and participation patterns. Mr. Illg provided a draft Step by Step process to conduct a Needs Assessment.

Mr. Illg responded to commissioners questions regarding future use of the HERC building in a recreational capacity. He did not hit on the economic benefits to a city when they have a great recreational program. He stated that the Commission requesting a Needs Assessment be performed and that will require some funding as he doesn't have the expertise and experience in gathering and disseminating information.

There was a brief discussion on the HERC building and possible future uses, summer use, existing problems and inviting user groups to inform the Commissioners on their progress. The commission requested data from Mr. Illg regarding cancelling programs because of School District priorities.

There was no further discussion.

RECONSIDERATION

There were no items scheduled for reconsideration.

STAFF AND COUNCIL REPORTS/COMMITTEE REPORTS/BOROUGH REPORTS

A. Community Recreation Report -- Mike Illg

Mr. Illg reported that they are working with some groups to sponsor some recreational programs for youth, and requests to use the HERC for private parties.

B. Spit Parks and Recreation Committee Report -- Tricia Lillibridge

Commissioner Lillibridge distributed a Draft Flyer for the proposed "Meet the Trucks" event at Mariner Park and the next Spit Parks and Recreation meeting is scheduled for February 28th, 2012 at 3:30 p.m. in the conference room at City Hall. She welcomed the audience to attend as they were looking for additional members for the committee.

C. Kachemak Drive Path Committee Report -- Dave Brann

Commissioner Brann reported that there was still work being done on preparing for a path design and information packet that he is working on with Kevin Walker; he is still pursuing signage along Kachemak Drive and permission to cross airport property. He is working with the City Manager on getting letters sent to the Property Owners regarding input on the proposed path. He has had a teleconference with Ms. Bilon on the proposed path.

D. Karen Hornaday Park Committee Report -- Robert Archibald

Commissioner Archibald reported that at the recent meeting the discussed the improvements and needs of Little League, Vice Chair, Ralph Broshes was elected; discussed the Camp Host Program that there are negatives and positives; the Committee passed a recommendation which is included in the packet tonight, that there should be no additional improvements until engineering and design services are procured specifically for the road, parking, creek trail and drainage issues directly affecting those areas. The committee did discuss funding and the participation of all the user groups it was noted the funding is out there and managing the parks takes money;

Commissioner Lillibridge requested the Little League submit their stats on letterhead so it can be used to by the commission in support of the needed funding.

Commissioner Lowney recommended a copy of the Park Master Plan be displayed on a bulletin board during the HoPP build week, this will let the public know what needs to be done, what benefits there are, and what more is planned for the park.

PUBLIC HEARINGS

No public hearings were scheduled.

PENDING BUSINESS

A. Recommendation to City Council to Establish a Campground Host Program

Chair Bremicker introduced the item into the record.

The commission entertained a brief discussion on the benefits of having this program and getting it implemented this year at Karen Hornaday Park.

BRANN/LILLIBRIDGE – MOVED TO RECOMMEND CITY COUNCIL ESTABLISH THE VOLUNTEER HOST PROGRAM FOR THE CITY OF HOMER PARKS AND CAMPGROUNDS WITH THE FIRST HOST TO BE ESTABLISHED AT KAREN HORNADAY PARK CAMPGROUND NO LATER THAN THE 2013 SEASON AND SOONER IF POSSIBLE.

There was a brief discussion on changing the motion to have it implemented this year and why that may be too restrictive and not get council approval. It was additionally noted by staff that there were multiple considerations and liabilities to consider including compensation or stipend. It was agreed that they may be able to have camp hosts without offering any compensation. Staff commented that the preferred time period would be the whole season or a minimum of four week commitment especially if there was a required training to be conducted.

VOTE. YES. BRANN, ARCHIBLAD, LILLIBRIDGE, LOWNEY, BREMICKER

Motion carried.

B. Review and Recommendations to Council on Additional Funding Allocations for Karen Hornaday Park

Chair Bremicker introduced the item by title and opened the floor for discussion.

Discussion proceeded and included an explanation of the recommendations presented to the commission at the January 5, 2012 special meeting by Ms. Koester; a laydown consisting of priority listed improvements submitted by Mr. Needham on behalf of the Little League organization for the ball fields and dugouts; and input from the commissioners. After lengthy discussion the following motions were made and passed by the Commissioners.

Commissioner Lillibridge had to leave the meeting at 7:50 p.m. for work.

BREMICKER/BRANN - MOVED TO RECOMMEND CITY COUNCIL ALLOCATES \$40,000 TO LITTLE LEAGUE FOR NEEDED IMPROVEMENTS TO FIELDS AND DUGOUTS AT KAREN HORNADAY PARK AND THAT ALL IMPROVEMENTS FOLLOW THE MASTER PLAN.

Brief discussion ensued on allocating the funds, recommending that the Little League seeks out grants to stretch this money; that the expenditures follow the master plan. It was acknowledged that this amount should give the organization on getting a good start on completing the list. The Commissioners requested that the Little League keep in communication with the commission through the committee.

VOTE. YES. BRANN, ARCHIBALD, LOWNEY, BREMICKER

Motion carried.

Mr. Needham thanked the Commissioners and will definitely keep in communication with the Commission.

Chair Bremicker next opened discussion on the parking lot improvements. He noted that it may be a tad time consuming addressing each recommendation separately but he opined that it was easier to address concerns, questions and possible comments on each item than as a whole.

Commissioner Archibald brought up the question of saving some of the funds for matching grants and what assurance did the Commission have that City Council will match the Land and Water Conservation Fund. Ms. Koester stated she was assured by the City Manager that they will be able to get additional match funding from Council and in the interest of assisting the Commission in allocating these funds, it was believed that this would give them more money in the end. The City Council and State Legislative body would like to see this existing funding used and as time goes by there may be more demands on these funds by other user groups.

BRANN/BREMICKER - MOVED TO ALLOCATE \$55,000 FOR NORTHERN PARKING LOT IMPROVEMENTS AS OUTLINED IN THE STAFF RECOMMENDATION AND FURTHER DEVELOPMENT IN THE AREA WILL BE IN ACCORDANCE WITH THE MASTER PLAN.

Discussion clarified the \$50,000 originally allocated by Ordinance 11-22; concerns that there is nothing addressing the road alignment and removal of fill by the creek area; if the parking lot is changed, how would the city proceed with the road change. It was noted that if the road is relocated it would be moved further east and that area would need more improvements; using removed materials for future use. Further clarification was given on the location of the improvements in question.

VOTE. YES. BRANN, ARCHIBALD, LOWNEY, BREMICKER.

Motion carried.

Chair Bremicker next asked about recommending an allocation for Day Use Area. He read from the staff recommendation proposed by Ms. Koester, Repair and Improve Existing Shelter, Add Amenities, Turf Area and Drainage, etc.

BREMICKER/BRANN - MOVE TO RECOMMEND CITY COUNCIL ALLOCATE \$90,000 FOR DAY USE IMPROVEMENTS AS RECOMMENDED BY STAFF IN ACCORDANCE WITH THE MASTER PLAN.

A discussion on what the improvements entailed and clarification on the use of the funds and how staff developed their recommendation ensued.

VOTE. YES. BRANN, ARCHIBALD, LOWNEY, BREMICKER

Motion carried

Chair Bremicker wanted to address planning for the Trail along Woodard Creek and the Bridge over Woodard Creek. If the Commission or City is to go after more funding then they need to know the costs. Commissioners commented on the road realignment, the bridge over Woodard Creek and the proposed trail along the same creek. It was noted that the group that advocated for the bridge was not in the forefront any longer but that did not rule out they would return, there are alternatives to building a trail and building a bridge other than conventional methods. It was acknowledged that there was not enough money to cover all components too. Staff further commented that the Legislative grant did not include the road realignment and the trail would be a perfect fit for the Soil & Water Conservation grant.

BREMICKER/BRANN - MOVED TO RECOMMEND CITY COUNCIL ENCOURAGE CITY STAFF TO PERFORM THE RECOMMENDATIONS OUTLINED IN ORDINANCE 11-22 IN RELATION TO THE ROAD REALIGNMENT, BRIDGE OVER WOODARD CREEK AND DRAINAGE IMPROVEMENTS.

Discussion ensued on the purpose of forwarding this recommendation to Council.

VOTE. YES. BRANN, ARCHIBALD, LOWNEY, BREMICKER.

Motion carried.

NEW BUSINESS

Commissioner Archibald requested the Commission suspend the rules to reverse the order of items due to the late hour.

The commission agreed by consensus to suspend the rules.

A. Review and Recommendations for the 2012 Land Allocation Plan

Chair Bremicker thanked staff for including directions on how to proceed with the recommendations.

Staff provided a brief summary of what action the commission need to take and that there will be a Joint Worksession at 4:00 p.m. with City Council and Commissions, Committees and Board on the 2012 Land Allocation Plan.

Discussion ensued on various city owned parcels and made the following recommendations:

BRANN/LOWNEY - MOVED TO RECOMMEND PARCEL NUMBER 17719209, PAGE C-5, BE RETAINED FOR GREEN SPACE RECREATIONAL USES AND NOT BE CONSIDERED FOR LAND TRADE AND CHANGE THE ZONING AS REQUIRED.

There was a brief discussion that this would be a good spot for soccer fields or some similar sports field.

VOTE. YES. BRANN, LOWNEY, BREMICKER, ARCHIBALD

Motion carried.

BRANN/ARCHIBALD - MOVED TO RECOMMEND THAT PARCEL NUMBER 18103117, PAGE B-5, BE IMPROVED AS RECOMMENDED IN THE SPIT COMPREHENSIVE PLAN, THAT THE CAMPGROUND BE UPGRADED AND IMPROVED AND PROHIBIT DREDGE SPOILS FROM BEING PLACED ON THE PARCEL.

There was a brief discussion.

VOTE. YES. LOWNEY, ARCHIBALD, BREMICKER, BRANN

Motion carried.

LOWNEY/BREMICKER - MOVED TO FURTHER RECOMMEND THAT PARCELS USED FOR RECREATIONAL PURPOSES OR INTENT ON THE HOMER SPIT HAVE THE ZONING CHANGED FROM MARINE INDUSTRIAL TO OPEN SPACE RECREATIONAL, TO INCREASE THE DIVERSITY OF THE HOMER SPIT.

There was a brief discussion on the possible opposition and the value that recreation brings to the Spit and the City as a whole.

VOTE. YES. LOWNEY, BREMICKER, BRANN, ARCHIBALD

Motion carried.

BREMICKER/ARCHIBALD - MOVED TO RECOMMEND PARCEL NUMBER 17910001, 17911005 PAGE E-25 BE OFFERED FOR SALE TO A CONSERVATION GROUP OR SIMILAR PURPOSE AND THE FUNDS RECEIVED DESIGNATED FOR IMPROVEMENTS TO EXISTING RECREATIONAL FACILITIES.

There was a brief discussion.

VOTE. YES. BRANN, ARCHIBALD, BREMICKER, LOWNEY

Motion carried.

ARCHIBALD/BRANN – MOVED TO RECOMMEND PARCEL NUMBERS 18101030, 18101032 AND 17940107, PAGE E-25 REMAINS AS PREVIOUSLY DESIGNATED.

There was a brief discussion on the benefits that the proposed Pedestrian Bike path would be for part of this area.

VOTE. YES. BRANN, ARCHIBALD, LOWNEY, BREMICKER

Motion carried.

MOVED TO RECOMMEND PARCEL NUMBERS 1810108 AND 1810114, PAGE C-11, HAVE CLARIFICATION ON DESIGNATION FOR APPROPRIATE RECOMMENDATION TO BE MADE.

There was a brief discussion.

VOTE. YES. BRANN, ARCHIBALD, BREMICKER, LOWNEY

Motion carried.

BRANN/ARCHIBALD – MOVED TO RECOMMEND PARCEL 17717406 AND 17717407, PAGE C-10, BE RETAINED AS OPEN VIEW SPACE AND PUBLIC BEACH ACCESS AND NOT BE SOLD.

There was a brief discussion on the lack of beach access in this area.

VOTE. YES. BRANN, ARCHIBALD, LOWNEY, BREMICKER

Motion carried.

BREMICKER/BRANN – MOVED TO SELL PARCEL NUMBER 17908050, PAGE C-8, TO A CONSERVATION GROUP OR SIMILAR PURPOSE AND RETAIN FUNDS FOR USE IMPROVEING EXISTING RECREATIONAL FACILITIES.

There was a brief discussion.

VOTE. YES. BREMICKER, LOWNEY, BRANN, ARCHIBALD

Motion carried.

BRANN/ARCHIBALD - MOVED TO RECOMMEND PARCEL NUMBER 17520009, PAGE C-6, BE MAINTAINED AND DESIGNATED AS A PUBLIC TRAIL AND BEACH ACCESS ROUTE.

There was a brief discussion.

VOTE. YES. ARCHIBALD, LOWNEY, BREMICKER, BRANN

Motion carried.

ARCHIBALD/LOWNEY – MOVED TO RETAIN PARCEL 17504003, PAGE E-8, FOR FUTURE PARK EXPANSION.

There was a brief discussion .

VOTE. YES. ARCHIBALD, BRANN, LOWNEY, BREMICKER

Motion carried.

B. Review and Recommendations for a Pocket Park on the Corner of Klondike and Kachemak Way

Chair Bremicker introduced the item for discussion.

Commissioner Archibald was concerned that the property owner is not aware of the proposal. Discussion was entertained on inviting the property owner to comment at a future meeting.

Chair Bremicker stated he has looked at the location and it would be a nice spot for a bench, in front of the spruce trees but anything more than that or on the other side would be intrusive to the property owner. The commission made comments on contacting the Property owner; getting the actual property lines; installing a nice cedar fence; concerns on acceptability; maintenance and access to that property. There is potential for public use with the college, city hall, and galleries nearby. Consideration should be given to requesting the college to consider maintenance if created.

BREMICKER/BRANN - MOVED TO RECOMMEND INVITING THE LANDOWNER AND STAFF TO ADDRESS THE CONCERNS OF THE COMMISSION ON CREATING A POCKET PARK ON THE CORNER OF KLONDIKE AND KACHEMAK WAY.

There was no further discussion.

The motion was approved by consensus of the commission.

INFORMATIONAL MATERIALS

A. Memorandum dated January 25, 2012 Re: Recommendation to Approve Resolution Expressing Support for the Homer Playground Project

B. Memorandum dated January 25, 2012 Re: Recommendation to Approve a Request from Homer Playground Project for Additional Funding

There was no discussion on the informational materials.

COMMENTS OF THE AUDIENCE

Lindianne Sarno, resident, hopes that whatever happens to the creek that the commission keeps looking at preserving the creek and watershed and that there is no erosion and that it is protected.

COMMENTS OF THE COUNCIL MEMBER (if one is assigned)

None.

COMMENTS OF STAFF MEMBERS

Mike Illg thanked the commissioners for their time and efforts.

Ms. Krause praised the commissioners on their expediency through a very long agenda.

COMMENTS OF THE COMMISSION

Commissioner Brann thanked Ms. Krause for the motions it really saved time in word-smithing and appreciated Commissioner Lowney for hanging in there on the phone for the whole meeting and he appreciated hearing about the Diamond Creek property.

Commissioner Archibald commented it was a really interesting evening, Bumpo runs a tight ship and earlier he was a little deflated since he was involved in the beginning with the Woodard Creek project, you just have to move on and there are more funds out there.

Commissioner Lowney commented that she was getting familiar with the operations of the commission, she is glad to be a part of it and the commissioners are very supportive, in reference to being a little deflated, she is totally amazed at the levels of dedication of the user groups, she doesn't feel that anyone is giving up and that they stick with the master plan and see it through to completion and restore Woodard Creek and no one has lost momentum even without the funds.

Commissioner Lowney would like to see the needs assessment, and information on the HART funds for the road realignment for the March agenda and thanked the Chair.

COMMENTS OF THE CHAIR

Chair Bremicker thanked the commissioners for their hard work; lots of things dealt with tonight and praised the Staff for all their assistance and contributions.

ADJOURN

There being no further business to come before the Commission Chair Bremicker adjourned the meeting at 9:15 p.m. The next regular meeting is THURSDAY, MARCH 15, 2012 at 5:30 p.m. at the City Hall Cowles Council Chambers.

RENEE KRAUSE, CMC, DEPUTY CITY CLERK I

Approved:

1 CITY OF HOMER
2 HOMER, ALASKA

3 City Clerk/
4 Library Director

5 RESOLUTION 12-020
6

7 A RESOLUTION OF THE CITY COUNCIL OF HOMER,
8 ALASKA, AMENDING THE HOMER PUBLIC LIBRARY
9 POLICIES FOR COMPUTER USE AND INTERNET SAFETY.
10

11 WHEREAS, The Library Advisory Board reviewed and approved amendments to the
12 Computer Use and Internet Safety Policies /addition of fees for overdue items, photocopies,
13 interlibrary loan fee, replacement/repair of items, and improper return of digital devices; and
14

15 NOW, THEREFORE, BE IT RESOLVED that the City Council hereby amends the
16 Homer Public Library Policies for Computer Use and Internet Safety as follows:
17

18 **HOMER PUBLIC LIBRARY**
19 **COMPUTER USE POLICY AND INTERNET SAFETY POLICY**
20

21 To fulfill our mission of providing public access to information resources and opportunities for
22 lifelong learning, the Homer Public Library offers free access to the Internet and other
23 computer resources. ~~Computer resources allow all members of the community to participate~~
24 ~~equally in the Information Age. Please read the following policy carefully as it~~ **The following**
25 **policy** discusses the Library's rules and regulations regarding computer and Internet use in the
26 Library and compliance with federal law. Your cooperation is appreciated.
27

28 **Statement of Responsibility:**

29 The Homer Public Library does not control the accuracy, authoritativeness, or suitability of
30 information on the Internet and is not responsible for its content. The Library does not endorse
31 any products, sites, or material on the Internet. Patrons' use of the Internet is at their own risk.
32 In no event will the Homer Public Library or the City of Homer be responsible for any loss or
33 damage arising from the use of the Internet or any of the Library's computer resources.
34

35 Library staff ~~choose links to the library's home page that follow generally accepted library~~
36 ~~practices.~~ **follows generally accepted library practices to choose** links to the Library's home
37 page. The Library is not responsible for changes in content of the sources to which it is linked,
38 or for the content of sources accessed through secondary links. The Library is not responsible
39 for any online breakdowns by the Internet provider(s), or for any virus downloaded by any user.
40

41 **Access:**

42 The Homer Public Library affirms the right of every individual to have access to constitutionally
43 protected material. Internet and computer resources, like all other library information, are
44 provided equally to all library users free of charge.
45

46 The Library also affirms the right and responsibility of parents to determine and monitor their
47 own children's use of all library materials and resources.

48
49 The Homer Public Library is guided by the following statements from the American Library
50 Association on access to information:

- 51 • **The Library Bill of Rights.**
- 52 • **Freedom to Read Statement.**
- 53 • **Interpretation of the Library Bill of Rights: Free Access to Libraries for Minors and**
54 **Access to Electronic Information Services and Resources.**

55
56 ~~Use is limited to patrons in good standing. Patrons who have restricted status on their library~~
57 ~~cards will not be able to access the library computers until they have cleared all fines and/or~~
58 ~~fees from the records and their library cards have been unrestricted by library staff.~~

59
60 ~~No more than two people may view a computer screen at a time.~~

61
62 **Internet access is available at the Library in three ways:**

- 63 • **With a guest pass, available at the front desk.**
- 64 • **With a current library card in good standing (free of fines and fees).**
- 65 • **Wireless Internet, available during Library open hours. (Note: The wireless network**
66 **shuts down fifteen minutes before closing time.)**

67
68 **Legal and Ethical Use:**

69 All existing library policies and local, state, and federal laws apply to users of the library's
70 computer resources. Violation of any laws or regulations may result in loss of library privileges
71 (**Homer City Code Section 1.48.070**), or possible civil or criminal penalties. The Library
72 recognizes that electronic information on the Internet may contain material that is
73 inappropriate or offensive to children and patrons of all ages. The Library requires that all
74 Library patrons using the Library's Internet connection do so within ~~the~~ **these** guidelines of
75 appropriate and acceptable use.

76
77 The following are unacceptable:

- 78 • Any use of electronic information which results in the harassment of others;
- 79 • Use of electronic information networks which violates a Federal or State law;
- 80 • Unauthorized duplication of protected software or licensing agreements, including but
81 not exclusively, "hacking;"
- 82 • Destruction, damage to, or unauthorized alteration of the Library's computer
83 equipment;
- 84 • Behaving in a manner that is disruptive to others;
- 85 • Accessing child pornography;
- 86 • Any unauthorized disclosure, use and dissemination of any personal identification
87 information regarding minors.

- 88 • *Display of sexually explicit images at any computer in the library in public view is*
89 *prohibited and may result in loss of library privileges and possible civil or criminal*
90 *penalties.*

91
92 The Library reserves the right to classify any action, access, or operation on the Internet
93 inappropriate and ban its use by patrons.

94
95 All Internet users should avoid disclosing personal information over the Internet to preserve
96 their own personal safety. Library Internet users are prohibited by law from disclosing, using,
97 or disseminating personal information regarding minors without written authorization of the
98 parent or legal guardian of the minors involved.

99
100 **Access by Minors (under age 18):**
101 Parents or legal guardians must assume responsibility for deciding which library resources are
102 appropriate for their own children. Parents or legal guardians should guide their children in use
103 of the Internet and inform them about materials they should not use.

104
105 ~~To help in the safe and effective use of the Internet by minors, the library has links to websites~~
106 ~~recommended for children.~~ **The Library contains resources on its website and in its collection**
107 **to assist youth and parents in assessing the benefits and risks of Internet use for children. To**
108 **help minors use the Internet safely and effectively, the Library also posts links to websites**
109 **recommended for children.**

110
111 When using electronic mail or other forms of direct electronic communication, the Library urges
112 minors to keep in mind the following safety guidelines:

- 113 • Never give out identifying information such as home address, school name, or
114 telephone number.
115 • Let parents or guardians decide whether personal information such as age, marital
116 status, or financial information should be revealed.
117 • Never arrange a face-to-face meeting with someone via the computer without parents'
118 or guardians' approval.
119 • Never respond to messages that are suggestive, obscene, threatening, or make you
120 uncomfortable.
121 • Have parents or guardians report incidents to the **National Center for Missing and**
122 **Exploited Children** at 1-800-843-5678 if they become aware of the transmission of child
123 pornography.
124 • Remember that people online may not be who they say they are.
125 • Remember that everything you read may not be true.

126
127 ~~The Internet Circle of Safety is a valuable resource which helps teach the benefits and risks of~~
128 ~~Internet use to their children. The Library has a link to the website~~
129 ~~(<http://www.akla.org/safety/index.html>) on our homepage. Internet Circle of Safety DVDs are~~
130 ~~available for checkout, and free handouts and bookmarks are available at the Library.~~

131 **Privacy and Confidentiality:**

132 Internet and other computer use in the library will be considered protected by the
133 confidentiality of library records under Alaska Statutes Section 40.25.140. Any information that
134 identifies Internet users with specific materials or subject matters is considered confidential.
135 Such records shall not be made available to any agency of local, state or federal government
136 except pursuant to such process, order or subpoena as may be authorized under the authority
137 of federal, state, or local law relating to criminal, civil or administrative discovery procedures or
138 legislative investigatory power. Homer Public Library resists the issuance or enforcement of
139 any such process, order or subpoena until such time as proper showing of good cause has been
140 made in a court of competent jurisdiction.

141
142 While the Library is sensitive to a patron's need for privacy in using all library resources, the
143 Library cannot guarantee a patron's privacy while using our computer resources. All patrons
144 are expected to respect the privacy of others.

145
146 Patrons should be aware that the Library's wireless network is not encrypted and while
147 connected their device will not be isolated from other users or potential eavesdroppers.
148 Patrons are advised to refrain from connecting any device, especially those containing
149 sensitive data, without first fully securing their device. While connected patrons should avoid
150 performing tasks that are considered confidential without first creating a strongly encrypted
151 and secure connection to the remote computer, service or webpage. In no event will the
152 Homer Public Library or the City of Homer be responsible for any loss or damage arising from
153 unauthorized access to a patron's device or communications on the Internet.

154
155 The library reserves the right to take appropriate action to insure compliance with this policy.

156
157 PASSED AND ADOPTED by the City Council of Homer, Alaska, this 12th day of
158 March, 2012.

159
160

CITY OF HOMER

161
162
163
164

JAMES C. HORNADAY, MAYOR

165
166
167
168

ATTEST:

169
170
171

JO JOHNSON, CMC, CITY CLERK

172
173
174
175

Fiscal Note: N/A

Office of the City Clerk

Jo Johnson, CMC, City Clerk

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



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MEMORANDUM 12-040

TO: MAYOR HORNADAY AND HOMER CITY COUNCIL

FROM: LIBRARY ADVISORY BOARD

DATE: FEBRUARY 21, 2012

SUBJ: REVISIONS TO THE HOMER PUBLIC LIBRARY POLICIES

The Library Advisory Board discussed and approved the following updated policy at the regular meeting on February 7, 2012. The excerpt from those minutes follows:

February 7, 2012 Regular Meeting
PENDING BUSINESS

A. Policies and Procedures – Internet Policy

Ms. Dixon provided a copy that showed the strike outs and additions to the Internet Policy.

There was a brief discussion on the changes.

The Internet Policy was approved by consensus of the Board.

Chair Faulkner inquired about the Fines and Fee Policy status. She understood that these were completed also and requested they be presented to City Council at the next meeting since the Board approved these in January. Chair Faulkner explained the history on updating the Library Policies for the benefit of the newest member.

Chair Faulkner expressed the desire to providing the policies as they are finished and if Council complained then batch them in higher numbers.

Ms. Krause inquired if the Fee Schedule was changed to accommodate the new Library Fees. Ms. Dixon did not know about a Fee Schedule changes. Ms. Krause will check with the City Clerk on that, but did state that these will probably be on the agenda for the last meeting, February 27, 2012. Ms. Dixon stated she would not be in attendance at that meeting. Chair Faulkner requested Boardmember Schroeder to attend that council meeting to address any questions from Council.

There was no further discussion.

RECOMMENDATION

Recommend Approval of the Revised Homer Public Library Policies in accordance with Homer City Code 1.48.050 (a).

1 CITY OF HOMER
2 HOMER, ALASKA

3 City Manager/Parks and
4 Recreation Advisory Commission

5 RESOLUTION 12-021
6

7 A RESOLUTION OF THE CITY COUNCIL OF HOMER,
8 ALASKA, APPROVING THE ESTABLISHMENT OF A
9 CAMPGROUND HOST PROGRAM IN CITY PARKS AND
10 AUTHORIZING THE CITY MANAGER TO EXECUTE THE
11 APPROPRIATE DOCUMENTS AND INITIATE THE
12 PROGRAM.
13

14 WHEREAS, Campground Hosts are a becoming a vital and important part of recreational
15 resource management programs enriching the quality of the public's recreation experience;
16 facilitating the recreating public by being present in the campground and day use areas to
17 disperse information; assisting in maintenance of the recreation sites and acting as a deterrent for
18 vandalism and unlawful acts; and
19

20 WHEREAS, A Campground Host Program offers benefits with minimal to no impact to
21 the overall budget and revenues of the city; and
22

23 WHEREAS, The Parks and Recreation Advisory Commission introduced and discussed
24 having a campground host program for the City of Homer at their meeting on December 8, 2011
25 and February 16, 2012; and
26

27 WHEREAS, The Parks and Recreation Advisory Commission recommend establishing
28 this program for the 2012 camping season to reap the benefits for managing the recreational
29 resources of the City.
30

31 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska,
32 hereby approves the establishment of a Campground Host Program and authorizes the City
33 Manager to execute the appropriate documents and initiate the program.
34

35 PASSED AND ADOPTED by the Homer City Council this 12th day of March, 2012.
36

37 CITY OF HOMER
38

39 _____
40 JAMES C. HORNADAY, MAYOR

41 ATTEST:
42

43 _____
44 JO JOHNSON, CMC, CITY CLERK
45

46 Fiscal Information: N/A

AGREEMENT REGARDING VOLUNTEER LIABILITY AND INDEMNITY

The City of Homer ("City") encourages and supports volunteers. As a volunteer, I have an important role in providing services and programs to the public.

I want to serve and to help the City by working as a Campsite Host volunteer. After I become a volunteer, the City will provide me with support, supervision, training, and supplies for me to accomplish my assigned tasks.

While I am serving as a volunteer, the City will provide me with the same protection from civil liability that it provides to City employees. Except as stated below, the City will indemnify and hold me harmless from personal liability for damages and penalties which allegedly arise from my acts or omissions in the course and scope of my service as a volunteer for the City. However, the City's obligation to indemnify and hold me harmless does not apply to any of the following: (1) my criminal misconduct; (2) claims against me by or on behalf of the City; (3) punitive damage awards; (4) damages resulting from my acts or omissions done maliciously or with willful intent to cause harm; or (5) damages resulting from my bad faith conduct.

In consideration of the above, I do freely, voluntarily, and without duress, agree to the following:

1. Waiver, release and indemnity. Except to the extent that I am entitled to indemnity from the City as described above, I (1) release, waive, discharge and covenant not to sue the City and its present and former officers, employees and agents from any and all liability to me for death, personal injury or property damage resulting from my activities as a volunteer for the City; and (2) agree to indemnify and hold harmless the City and its present and former officers, employees and agents from any and all claims by others for death, personal injury or property damage resulting from my activities as a volunteer for the City.

2. Medical treatment. I release and discharge the City from any claim or liability arising from any first aid, medical treatment, or service rendered to me.

3. Insurance. With regard to my service as a volunteer, the City is not providing me with any life, health, medical or disability insurance coverage. IT IS MY RESPONSIBILITY AS A VOLUNTEER TO PROVIDE MY OWN LIFE, HEALTH, MEDICAL AND DISABILITY INSURANCE. I understand that while serving as a volunteer for the City I may not be eligible for workers' compensation, or covered by the City's workers' compensation insurance.

4. Photographic release. I grant the City the right to use photographic images and video or audio recordings of me serving as a volunteer for the City, including royalties, proceeds or other benefits from the use of the photographs or recordings.

5. Background check. I agree to the City obtaining a criminal history check on me before my appointment as a volunteer, and agree to provide the City with identifying information that is necessary for this purpose.

6. Discrimination laws. In serving as a volunteer I will comply with City, state and federal laws that forbid discrimination in employment, education, housing, public accommodation, law enforcement or public service based on a person's religion, race, color, national origin, age, sex, marital status or disability.

7. In-kind service. The City may be eligible for grants that require the City to match grant funds, including with in-kind services. I agree that the City may use my volunteer time as an in-kind service match for grant funding.

8. Interpretation. I agree that the releases that I have given above are intended to be as broad and inclusive as permitted by the laws of Alaska. This agreement will be governed by and interpreted according to the laws of Alaska. If any part of this agreement is ruled invalid by a court, the other parts will remain valid and continue to be in effect.

VOLUNTEER

DATE(S) VOLUNTEERING

LOCATION

Print Name

Signature

CAMPGROUND HOST - VOLUNTEER PROGRAM

POLICY

The City of Homer encourages the use of volunteers as Campground Hosts at all City campgrounds. A Campground Host must comply with all State and federal Laws and Homer City Code provisions applicable to the City owned park or recreational area to which the Volunteer Host is assigned . Campground Host Policy and Procedure Volunteer Program and 23.01-02 Supplement City of Homer Campground Host Program - establishes the process of application and approval for campground hosts.

Hospitality is the most important function of Campground Hosts. Their duties include, but are not limited to the following:

- Extend a warm welcome to campground visitors.
- Maintain a friendly presence
- Provide answers to questions and information regarding local attractions
- Assuring visitors a comfortable enjoyable stay and enhance the quality of their outdoor-recreation experience.

Campground Host duties will supplement the city staff.

The Parks Maintenance Coordinator is the City employee responsible for overseeing the Campground Host Program. This employee is designated as such by the Public Works Director or City Manager. The Parks Maintenance Coordinator needs to be available and knowledgeable of the services and activities to be provided by the Campground Host. The Parks Maintenance Coordinator is responsible for the following:

- Collecting the Campground Host Activity Report on a weekly basis
- Ensuring the Expenditure & Cash reports are completed and provided to Administrative Support for processing.
- Completing an evaluation of the Campground Host's performance upon the Host's departure and submitting to Personnel to be included in the Host's file.
- Receiving the Host's feedback on the Host's experience, including any needed major repair or replacement of campground fixtures and equipment.

PROCEDURE

Number of Campground Hosts

Normally, one Campground Host couple or family at a time will be assigned to a campground . Two Campground Host couples or families may be assigned to a campground with approval by the Public Works Director or City Manager of a written request by the Parks Maintenance Coordinator explaining the factors supporting the request. Factors such as the following may justify a second Campground Host:

- Campground occupancy rate
- Unique campground configuration
- Large numbers of special events

Timetables

Campground Hosts are required in campgrounds during the prime camp season months of June, July August and September. Hosts on-site during the months of May and October, while beneficial are optional to campground management. The Parks Maintenance Coordinator may recommend to the Public Works Director or City Manager that Hosts be assigned to a campground beyond the prime months of the camp year, based upon a specific need at that campground.

Selection and Application Process

Campground Host applications may be submitted from September 1st through April 30th prior to the camping season. No applications will be accepted from May 1 through August 31st.

- Applicants must be at least 21 years of age.
- Applicants must submit a Volunteer Campground Host Application and Volunteer Release and Waiver of Liability Form.
- An application must be submitted for each person who will reside at the Campground Host site for more than three days.

- Applicant(s) interviews and selection will be conducted by the Parks Maintenance Coordinator, Personnel, Public Works Director, City Manager or other person as designated.
- Personnel staff will complete the criminal history background check on the applicant(s).
- Once an "approval to hire" comes back from the criminal history check, the Parks Maintenance Coordinator will be advised and has 60 days to notify the potential host of his/her/their assignment. A criminal history check does not have to be repeated unless the applicant returns the following year or the unit supervisor/manager thinks it necessary to do one before that.
- The Personnel office will notify the Parks Maintenance Coordinator and subsequently the Public Works Director or City Manager of any problem discovered during criminal history checks.
- Hosts may not begin service until the required forms are on file and the criminal history check is conducted.
- Unsuccessful applicants must be notified in writing by Personnel.
- A new application is needed for each calendar year.
- Individuals chosen to serve as Hosts are not guaranteed selection for a succeeding year.

Employees are not eligible to be Campground Hosts. Campground Hosts who have an immediate relative (parent, sibling, child) serving as a full-time or seasonal employee assigned to a specific park cannot serve as Host.

Volunteer Release and Waiver of Liability Form

A copy of the Volunteer Release and Waiver of Liability Form will be provided to the Parks Maintenance Coordinator to keep on file for the individual parks.

Training

All Hosts are required to attend a Campground Host Training Program within the first two weeks of the date of their acceptance into the host program. Failure of Hosts to conform to minimum training requirements will result in termination of Host assignments.

Length of Service

All Campground Host schedules are assigned by the Parks Maintenance Coordinator based on the needs of the Park or recreational area and request of the host.

- The intent is to schedule a Host for no less than four consecutive weeks at a time.
- Hosts wishing to serve another season are to complete the Volunteer Campground Host Application and submit it to Personnel.
- Campground Hosts scheduled for more than eight continuous weeks, at a particular park or recreational area in a single season are limited to a maximum term of three consecutive years at that park.
- Exceptions to the minimum or maximum time periods must be recommended by the Parks Maintenance Coordinator and approved by the Public Works Director or City Manager.

Scheduling

Being a Campground Host represents a major commitment of time. A minimum of 20 to 25 hours per week is to be contributed to each park or recreational area by the Campground Host.

Campground Host on-duty and off-duty hours shall be mutually agreed upon by the Host and the Parks Maintenance Coordinator. Hosts are required to provide services based on their units' needs, including weekends and holidays. On-duty and off-duty hours should be posted in a visible location at the Host site.

Additional days off and other changes in scheduling will be subject to the Public Works Director or City Manager approval.

Hosts may not be scheduled to relieve paid employees on breaks.

Uniforms

No uniforms are required or provided to Campground Hosts.

Budget

The Parks Maintenance Coordinator is required to track expenditures of each Host on the Volunteer Host Expenditure and Cash Report Form. This form must be kept with all verifying receipts in the administrative files, in compliance with City records retention schedules. In addition, copies of the expenditure reports must be submitted upon request to the Parks Maintenance Coordinator at the end of season.

Campsite

The Park Maintenance Coordinator will designate the Campground Host site in each campground. There will be no charge for the Campground Host's use of this site and campground facilities. The site is to be in a highly visible area, such as a location near the campground entrance or across from a campground restroom building. The Campground Host site should not be located on a high demand campsite. Campground Hosts must provide their own camping unit, equipment, and personal items.

The Host campsite must be kept neat and clean at all times.

The Park Maintenance Coordinator will provide the Host campsite with the following:

1. "Campground Host" sign
2. Bulletin Board or Eraser Board.
3. "On Duty/Off Duty" sign
4. Display rack or table for brochures, maps, etc.
5. Electricity (if available), Water (if available)

Visitors to Host's Campsite

Guest visits and lengths of stay must not interfere with the Host's duties. The only people, who may reside on the Host campsite for more than 3 days, are those on the application.

Recreation Passports

Campground Hosts are not required to have Recreation Passports for their vehicles when at their assigned parks; however a good example should be set for our guests. Any visitors to the Hosts are expected to follow Policy regarding entrance fees.

Equipment

Campground Hosts will be provided the required equipment necessary to provide the required maintenance and janitorial services at the park or recreational area they are hosting.

Duties

Campground Hosts duties will supplement the staff by assisting and directing visitors to a campsite, explaining camping fees, collecting camp fees, assisting with camping activities, supply visitors with information, light maintenance and repair of facilities and trash pickup and removal; cleaning of restrooms and campsites as they are vacated. Specific Host duties can vary with assignment, include but are not limited to janitorial, building and/or grounds maintenance.

The following Campground Hosts activities contribute to the 30 weekly service hours for Hosts:

- Periodic Tour and Inspection of Campground
- Maintain Bulletin Board at Host site with local activities listed
- Assist in "Green Initiatives" efforts (i.e. recycling programs)
- Create and/or Update Local Attractions/Services Directory.
 - Points or places of recreational interest within/outside the park
 - Camping supply outlets outside the park
 - Faith-based organization locations
 - Maps of the local area and local phone books
 - Hospital/medical resources nearby and contact information
 - Emergency responder services and contact information
 - Weather service providers in the area
 - Emergency evacuation plans for the park

Activity Report

Hosts are required to complete a weekly Volunteer Campground Host Activity Report to be provided to the Parks Maintenance Coordinator

Parks Maintenance Coordinator will provide a summary monthly to Public Works Director and City Manager for inclusion in his reports to City Council.

Liability

While a volunteer is serving in the capacity of a Campground Host, he/she has the same immunity from civil liability as a Department employee.

Injuries/Accidents

At the time of an injury/accident, volunteers must notify the Parks Maintenance Coordinator and Personnel. Medical cases will be reviewed on an individual basis by the Personnel Director. Reports will be filed the same as for paid employees.

Prohibited Acts

1 Volunteers will not operate city vehicles or equipment (trucks, gators, golf carts, etc.) without Public Works Director approval.

- 2 Campground Hosts have no law enforcement authority. Infractions of City Code and/or State and Federal law and policies are to be reported to the Homer Police Department as soon as possible.
- 3 Personal gifts and gratuities will not be accepted.

Departure

All equipment and specified items must be returned when the volunteer assignment has ended.

Evaluations may be completed by the Campground Host and Parks Maintenance Coordinator as frequently as desired but must be done at the completion of the agreed upon assignment. Completed evaluations are to be kept in the Personnel Office and available upon request by the Public Works Director or City Manager or his/her designee.

PARKS AND RECREATION ADVISORY COMMISSION
SPECIAL MEETING
DECEMBER 8, 2011

Session 11-11, a Special Meeting of the Parks and Recreation Advisory Commission was called to order by Chair Bumpo Bremicker at 5:38 p.m. on December 8, 2011 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS LILLIBRIDGE, BRANN, ARCHIBALD AND BREMICKER

ABSENT: COMMISSIONER CUMMING (EXCUSED)

STAFF: DEPUTY CITY CLERK I RENEE KRAUSE

APPROVAL OF THE AGENDA

Chair Bremicker requested a motion to approve the agenda.

BRANN/ARCHIBALD – SO MOVED.

The agenda was approved by consensus of the Commission.

APPROVAL OF MINUTES (*Minutes are approved during Regular Meetings.*)

There were none to approve.

PUBLIC COMMENTS REGARDING ITEMS ON THE AGENDA

There were no comments from the public present.

VISITORS

There were no visitors scheduled.

RECONSIDERATION

There were no items scheduled for reconsideration.

STAFF AND COUNCIL REPORTS/COMMITTEE REPORTS/BOROUGH REPORTS

There were no reports included for this special meeting.

PUBLIC HEARINGS

No public hearings were scheduled.

PENDING BUSINESS

A. Review and Updating the Strategic Plan for 2011-12

Chair Bremicker requested guidance from Staff on how to proceed with making changes to the existing plan. Staff recommend reviewing the plan and delete completed items, then discuss adding items under each section or create new.

PARKS AND RECREATION ADVISORY COMMISSION
SPECIAL MEETING
DECEMBER 8, 2011

The commission reviewed and discussed making changes to the Mission Statement and determined that the word "advocate" should be inserted before in.

The following additional changes to the 2012 Strategic plan was discussed and agreed upon by the Commission:

- Remove the goals under 3-5 Year Period, list under new heading General Goals of the Commission
- Change "retaining" to "obtaining" and add the word "additional" in the first goal listed
- Delete "Keep on top of" replace with "Receive notification"
- Add "Identify and" preserve areas of natural beauty and access
- Delete "Preserve Beach access" replace with "Receive Notification"
- Add Report on City cemetery maintenance costs, future land use, budget origination funds derived and originated, how many plots, costs where does that money go.
- Raise Public Awareness of Parks and Recreation Opportunities on the Homer Spit

Under 3-5 Year Projects – Revised category

- Advocate for a Parks and Recreation Department – get information on each city on the Peninsula that has a Parks and Recreation Department and Commission
- Establish Campground Host Program at Karen Hornaday Park

The commissioners entertained a brief discussion on having a campground host for the park.

Staff commented on the current format and recommended a few changes in the goals and objectives and projects.

Rename 1-2 Year Period to Projects

- add "pedestrian path" to the first item
- Move 2nd item to the 3-5 year projects heading. Revisit later in the year.
- Add to 3rd item, support playground improvements
- Revise 7th item to read, "Create an overall uniform sign design for the city parks and recreation areas.
- Add new item, Review Town Center Plan to identify short term projects

Under Actions of the Commission

- Add Educate other city commissions, committees and boards
- Staff to send notices of commission projects

BRANN/ARCHIBALD – MOVED TO DIRECT STAFF TO MAKE THE REVISIONS TO THE STRATEGIC PLAN FOR REVIEW AT THE JANUARY 19, 2012 MEETING.

There was a brief discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

There was no further discussion.

NEW BUSINESS

There was no new business on the agenda.

INFORMATIONAL MATERIALS

There were no informational materials.

COMMENTS OF THE AUDIENCE

There were no audience comments.

COMMENTS OF THE COUNCIL MEMBER (if one is assigned)

None.

COMMENTS OF STAFF MEMBERS

Ms. Krause stated that the revised draft Strategic Plan will be on the January agenda for further comments and revisions.

COMMENTS OF THE COMMISSION

There were no comments from the commissioners.

COMMENTS OF THE CHAIR

Chair Bremicker requested that elections be on the January agenda.

ADJOURN

There being no further business to come before the Commission Chair Bremicker adjourned the meeting at 7:05 p.m. The next regular meeting is THURSDAY, JANUARY 19, 2012 at 5:30 p.m. There will be a SPECIAL MEETING on DECEMBER 8, 2011 at 5:30 p.m. at the City Hall Cowles Council Chambers.

RENEE KRAUSE, CMC, DEPUTY CITY CLERK I

Approved:

Session 12-03, a Regular Meeting of the Parks and Recreation Advisory Commission was called to order by Chair Bumpo Bremicker at 5:38 p.m. on February 16, 2012 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS BRANN, BREMICKER, ARCHIBALD, LILLIBRIDGE
TELEPHONIC: COMMISSIONER LOWNEY
STAFF: PARKS MAINTENANCE COORDINATOR ANGIE OTTESON
COMMUNITY AND ECONOMIC DEVELOPMENT COORDINATOR KATIE KOESTER
RECREATION SPECIALIST MIKE ILLG
DEPUTY CITY CLERK I RENEE KRAUSE

APPROVAL OF THE AGENDA

Chair Bremicker called for a motion to approve the agenda.

LILLIBRIDGE/BRANN – MOVED TO APPROVE THE AGENDA AS PRESENTED.

There was no discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

APPROVAL OF MINUTES (*Minutes are approved during Regular Meetings.*) A. Meeting Minutes for January 19, 2012 Regular Meeting

Chair Bremicker requested a motion to approve the minutes.

BRANN/ARCHIBALD – MOVED TO APPROVE THE MINUTES AS WRITTEN.

There was no discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PUBLIC COMMENTS REGARDING ITEMS ON THE AGENDA

Wayne Aderhold, city resident, commented on the Campground Host Volunteer Program and that he is in favor of any kind of citizen involvement and protecting the campgrounds and even trails. He believes that if you don't get control in the beginning and take care of the problems they can spiral out of control. He is all for it and he would gladly be involved if it came to the Library Trail. He acknowledged the Police are busy and agreed that setting up a program similar to a Neighborhood Watch would be beneficial to the community. He supports the Commission fully in these efforts.

Phil Needham, representing the Little League, advocated for funding to conduct improvements to the ballfields and amenities. Mr. Needham provided some history on the buildings, the number of kids that participate yearly in Little League; scholarships are given each season too. There are approximately 20 teams and at one time they had nine teams in town. As time goes by P.E. is not as important in the schools anymore and kids today are getting less exercise and play than they used to; he listed the benefits to playing baseball. He provided a prioritized list of the estimated repairs needed.

Chris Donatch, former president of the Little League, commented on the need for funding and the service that the Little League provides. She noted that they try to keep the cost low; they have interest from teams to come to Homer but have refused to come down and play due to safety hazards. She noted that they have 32 businesses supporting the association. Each year there are always costs for equipment and travel. The repairs have been piecemeal. These fields are in use for eight weeks in the season. They have sought grants as well but have not received any. They even started an afterschool program.

Mike Hayes, current President, Little League, commented that the Homer Little League Constitution is the local league shall be implant firmly into the minds of the children of the community the ideals of good sportsmanship, honesty, loyalty, courage and respect for authority, so that they may be well adjusted, stronger and happier children and will grow to be good, decent, healthy and trustworthy citizens. All directors, officers and members shall bear in mind that the attainment of exceptional athletic skill or the winning of games is secondary in the molding of future citizens is of prior importance.

Angie Otteson responded to questions from the commissioners regarding a formal agreement between the City of Homer and Little League. Mr. Illg commented on an agreement process with outside users groups starting with Jack Gist Park and that it is still a work in progress with the Attorney and the Public Works Director. There are some outstanding concerns between neighboring property owners and the park.

Commissioner Archibald reminded those present that the Parks and Recreation maintenance budget in miniscule in comparison to the overall needs and that it was nice to hear from the Little League folks.

Beth Cumming, resident, commented on Karen Hornaday Park and implementation of Phase I, she broke it down into three sections, first - \$90,000 for Day Use Area, she recalled a comment that the restroom does not need to be replaced, but the roof needs to be repaired and should be addressed in the next few months; the picnic shelter roof needs repairs also; she did not know where the \$90,000 amount came from; she believes everyone should be on the same page; she hopes they don't vote to distribute anymore funds because there needs to be more conversation; she opined that Phase I came about from city employees and Mayor Hornaday and she appreciates the recent Commission involvement but thinks there should be a round table approach; the \$55,000 for northern parking improvements she believed addressed the area between the picnic shelter and red shed and that this area should be grassed in, called Homer Break up and lived with; She commented on \$50,000 for preliminary engineering and what the commission previously designated it for.

There were no further comments from the audience.

VISITORS

A. Devony Lehner, Homer Soil & Water Conservation District, Diamond Creek Management Plan

Ms. Lehner provided a laydown of information and status update on the development of the Management Plan for Diamond Creek. Homer Soil & Water has been tasked with developing this management plan over this summer. She noted that there will be numerous opportunities for public and city input on the plan. She provided a history on how this recreational area started and how the City of Homer was involved and what will be included in the management plan.

Ms. Lehner responded that the plan must be completed by the federal fiscal year, a draft will be provided to the City for refinement in accordance with the public input the city receives down the road. It was noted that the property is owned by the City but not within the City Limits. Ms. Lehner will make sure the commission is informed on the progress of Homer Soil & Water. She responded that she was not aware of a formal agreement between the City of Homer and Homer Soil & Water.

There was no further discussion.

B. Mike Illg, Recreational Coordinator - Recreational Needs Assessment & Presentation

Mr. Illg provided a PowerPoint presentation on the benefits of recreation to a community. He noted that the Community Recreation program is currently operating in partnership with the High school and there are more and more restrictions being placed on the availability of school facilities for Community Recreation uses.

Mr. Illg informed the Commission that recreation, parks, and leisure services have become important social institutions in contemporary North America. It is important to develop adequate mission statements, identify goals plan, organize, and carry out programs and develop and maintain facilities. Some ways to fund recreation is the following:

- General Taxes: Basic General Fund from property/sales taxes
- Special Taxes: Specific taxes to support Parks & Rec, ex. taxes on alcohol, bed tax, fuel tax, etc.
- Millage tax: Specific tax leveled against assessed value of residential or commercial property.
- Bonds: Used for major capital purchases such as land or facility. Allows deferred payments to be spread out over a certain number of years.
- Government Grants: Federal and State grants such as Land & Water Conservation, Community Development Block Grants or state trails grants.
- Foundation Grants: Grants from non-profit charitable foundations to support specific programs/goals/projects; ex. Rasmussen Foundation, Homer Foundation.
- Fees & Charges: Provides an important source of income to support Parks & Rec. It includes: entrance fees, admission fees, rental fees, user fees, license/permit fees and special service fees.

Mr. Illg explained that a Recreational Needs Assessment, as related to a recreation program planning, deals with the recreational needs and wants of the local population. A needs assessment considers the physical or natural resources and the balance in supporting the criteria for passive and active recreation types. An example of the recreation standard is one soccer field per 10,000 people. Needs assessment is a process of adopting a standard, take an inventory of areas and facilities, determining population and Then looking at existing and future needs areas and facilities. Briefly defined, needs represent the physical, emotional, social, intellectual, and other drives or other duties that individuals may have that can be met through leisure activities. Needs assessments contribute to the efficient delivery of services to the people in the community or region by an organization. Organization personnel may have a good grasp of the needs and desires of the residents. Every few years studies should be conducted to obtain demand data from client and potential clients.

The use of various strategies and techniques include focus groups, citizen advisory boards, key communicators, survey forms, individual and household surveys, program/service evaluation by participants and participation patterns. Mr. Illg provided a draft Step by Step process to conduct a Needs Assessment.

Mr. Illg responded to commissioners questions regarding future use of the HERC building in a recreational capacity. He did not hit on the economic benefits to a city when they have a great recreational program. He stated that the Commission requesting a Needs Assessment be performed and that will require some funding as he doesn't have the expertise and experience in gathering and disseminating information.

There was a brief discussion on the HERC building and possible future uses, summer use, existing problems and inviting user groups to inform the Commissioners on their progress. The commission requested data from Mr. Illg regarding cancelling programs because of School District priorities.

There was no further discussion.

RECONSIDERATION

There were no items scheduled for reconsideration.

STAFF AND COUNCIL REPORTS/COMMITTEE REPORTS/BOROUGH REPORTS

A. Community Recreation Report – Mike Illg

Mr. Illg reported that they are working with some groups to sponsor some recreational programs for youth, and requests to use the HERC for private parties.

B. Spit Parks and Recreation Committee Report – Tricia Lillibridge

Commissioner Lillibridge distributed a Draft Flyer for the proposed "Meet the Trucks" event at Mariner Park and the next Spit Parks and Recreation meeting is scheduled for February 28th, 2012 at 3:30 p.m. in the conference room at City Hall. She welcomed the audience to attend as they were looking for additional members for the committee.

C. Kachemak Drive Path Committee Report – Dave Brann

Commissioner Brann reported that there was still work being done on preparing for a path design and information packet that he is working on with Kevin Walker; he is still pursuing signage along Kachemak Drive and permission to cross airport property. He is working with the City Manager on getting letters sent to the Property Owners regarding input on the proposed path. He has had a teleconference with Ms. Biloan on the proposed path.

D. Karen Hornaday Park Committee Report – Robert Archibald

Commissioner Archibald reported that at the recent meeting the discussed the improvements and needs of Little League, Vice Chair, Ralph Broshes was elected; discussed the Camp Host Program that there are negatives and positives; the Committee passed a recommendation which is included in the packet tonight, that there should be no additional improvements until engineering and design services are procured specifically for the road, parking, creek trail and drainage issues directly affecting those areas. The committee did discuss funding and the participation of all the user groups it was noted the funding is out there and managing the parks takes money;

Commissioner Lillibridge requested the Little League submit their stats on letterhead so it can be used to by the commission in support of the needed funding.

Commissioner Lowney recommended a copy of the Park Master Plan be displayed on a bulletin board during the HoPP build week, this will let the public know what needs to be done, what benefits there are, and what more is planned for the park.

PUBLIC HEARINGS

No public hearings were scheduled.

PENDING BUSINESS

A. Recommendation to City Council to Establish a Campground Host Program

Chair Bremicker introduced the item into the record.

The commission entertained a brief discussion on the benefits of having this program and getting it implemented this year at Karen Hornaday Park.

BRANN/LILLIBRIDGE – MOVED TO RECOMMEND CITY COUNCIL ESTABLISH THE VOLUNTEER HOST PROGRAM FOR THE CITY OF HOMER PARKS AND CAMPGROUNDS WITH THE FIRST HOST TO BE ESTABLISHED AT KAREN HORNADAY PARK CAMPGROUND NO LATER THAN THE 2013 SEASON AND SOONER IF POSSIBLE.

There was a brief discussion on changing the motion to have it implemented this year and why that may be too restrictive and not get council approval. It was additionally noted by staff that there were multiple considerations and liabilities to consider including compensation or stipend. It was agreed that they may be able to have camp hosts without offering any compensation. Staff commented that the preferred time period would be the whole season or a minimum of four week commitment especially if there was a required training to be conducted.

VOTE. YES. BRANN, ARCHIBLAD, LILLIBRIDGE, LOWNEY, BREMICKER

Motion carried.

B. Review and Recommendations to Council on Additional Funding Allocations for Karen Hornaday Park

Chair Bremicker introduced the item by title and opened the floor for discussion.

Discussion proceeded and included an explanation of the recommendations presented to the commission at the January 5, 2012 special meeting by Ms. Koester; a laydown consisting of priority listed improvements submitted by Mr. Needham on behalf of the Little League organization for the ball fields and dugouts; and input from the commissioners. After lengthy discussion the following motions were made and passed by the Commissioners.

Commissioner Lillibridge had to leave the meeting at 7:50 p.m. for work.

BREMICKER/BRANN - MOVED TO RECOMMEND CITY COUNCIL ALLOCATES \$40,000 TO LITTLE LEAGUE FOR NEEDED IMPROVEMENTS TO FIELDS AND DUGOUTS AT KAREN HORNADAY PARK AND THAT ALL IMPROVEMENTS FOLLOW THE MASTER PLAN.

Brief discussion ensued on allocating the funds, recommending that the Little League seeks out grants to stretch this money; that the expenditures follow the master plan. It was acknowledged that this amount should give the organization on getting a good start on completing the list. The Commissioners requested that the Little League keep in communication with the commission through the committee.

VOTE. YES. BRANN, ARCHIBALD, LOWNEY, BREMICKER

Motion carried.

Mr. Needham thanked the Commissioners and will definitely keep in communication with the Commission.

Chair Bremicker next opened discussion on the parking lot improvements. He noted that it may be a tad time consuming addressing each recommendation separately but he opined that it was easier to address concerns, questions and possible comments on each item than as a whole.

Commissioner Archibald brought up the question of saving some of the funds for matching grants and what assurance did the Commission have that City Council will match the Land and Water Conservation Fund. Ms. Koester stated she was assured by the City Manager that they will be able to get additional match funding from Council and in the interest of assisting the Commission in allocating these funds, it was believed that this would give them more money in the end. The City Council and State Legislative body would like to see this existing funding used and as time goes by there may be more demands on these funds by other user groups.

BRANN/BREMICKER - MOVED TO ALLOCATE \$55,000 FOR NORTHERN PARKING LOT IMPROVEMENTS AS OUTLINED IN THE STAFF RECOMMENDATION AND FURTHER DEVELOPMENT IN THE AREA WILL BE IN ACCORDANCE WITH THE MASTER PLAN.

Discussion clarified the \$50,000 originally allocated by Ordinance 11-22; concerns that there is nothing addressing the road alignment and removal of fill by the creek area; if the parking lot is changed, how would the city proceed with the road change. It was noted that if the road is relocated it would be moved further east and that area would need more improvements; using removed materials for future use. Further clarification was given on the location of the improvements in question.

VOTE. YES. BRANN, ARCHIBALD, LOWNEY, BREMICKER.

Motion carried.

Chair Bremicker next asked about recommending an allocation for Day Use Area. He read from the staff recommendation proposed by Ms. Koester, Repair and Improve Existing Shelter, Add Amenities, Turf Area and Drainage, etc.

BREMICKER/BRANN - MOVE TO RECOMMEND CITY COUNCIL ALLOCATE \$90,000 FOR DAY USE IMPROVEMENTS AS RECOMMENDED BY STAFF IN ACCORDANCE WITH THE MASTER PLAN.

A discussion on what the improvements entailed and clarification on the use of the funds and how staff developed their recommendation ensued.

VOTE. YES. BRANN, ARCHIBALD, LOWNEY, BREMICKER

Motion carried

Chair Bremicker wanted to address planning for the Trail along Woodard Creek and the Bridge over Woodard Creek. If the Commission or City is to go after more funding then they need to know the costs. Commissioners commented on the road realignment, the bridge over Woodard Creek and the proposed trail along the same creek. It was noted that the group that advocated for the bridge was not in the forefront any longer but that did not rule out they would return, there are alternatives to building a trail and building a bridge other than conventional methods. It was acknowledged that there was not enough money to cover all components too. Staff further commented that the Legislative grant did not include the road realignment and the trail would be a perfect fit for the Soil & Water Conservation grant.

BREMICKER/BRANN - MOVED TO RECOMMEND CITY COUNCIL ENCOURAGE CITY STAFF TO PERFORM THE RECOMMENDATIONS OUTLINED IN ORDINANCE 11-22 IN RELATION TO THE ROAD REALIGNMENT, BRIDGE OVER WOODARD CREEK AND DRAINAGE IMPROVEMENTS.

Discussion ensued on the purpose of forwarding this recommendation to Council.

VOTE. YES. BRANN, ARCHIBALD, LOWNEY, BREMICKER.

Motion carried.

NEW BUSINESS

Commissioner Archibald requested the Commission suspend the rules to reverse the order of items due to the late hour.

The commission agreed by consensus to suspend the rules.

A. Review and Recommendations for the 2012 Land Allocation Plan

Chair Bremicker thanked staff for including directions on how to proceed with the recommendations.

Staff provided a brief summary of what action the commission need to take and that there will be a Joint Worksession at 4:00 p.m. with City Council and Commissions, Committees and Board on the 2012 Land Allocation Plan.

Discussion ensued on various city owned parcels and made the following recommendations:

BRANN/LOWNEY - MOVED TO RECOMMEND PARCEL NUMBER 17719209, PAGE C-5, BE RETAINED FOR GREEN SPACE RECREATIONAL USES AND NOT BE CONSIDERED FOR LAND TRADE AND CHANGE THE ZONING AS REQUIRED.

There was a brief discussion that this would be a good spot for soccer fields or some similar sports field.

VOTE. YES. BRANN, LOWNEY, BREMICKER, ARCHIBALD

Motion carried.

BRANN/ARCHIBALD - MOVED TO RECOMMEND THAT PARCEL NUMBER 18103117, PAGE B-5, BE IMPROVED AS RECOMMENDED IN THE SPIT COMPREHENSIVE PLAN, THAT THE CAMPGROUND BE UPGRADED AND IMPROVED AND PROHIBIT DREDGE SPOILS FROM BEING PLACED ON THE PARCEL.

There was a brief discussion.

VOTE. YES. LOWNEY, ARCHIBALD, BREMICKER, BRANN

Motion carried.

LOWNEY/BREMICKER - MOVED TO FURTHER RECOMMEND THAT PARCELS USED FOR RECREATIONAL PURPOSES OR INTENT ON THE HOMER SPIT HAVE THE ZONING CHANGED FROM MARINE INDUSTRIAL TO OPEN SPACE RECREATIONAL, TO INCREASE THE DIVERSITY OF THE HOMER SPIT.

There was a brief discussion on the possible opposition and the value that recreation brings to the Spit and the City as a whole.

VOTE. YES. LOWNEY, BREMICKER, BRANN, ARCHIBALD

Motion carried.

BREMICKER/ARCHIBALD - MOVED TO RECOMMEND PARCEL NUMBER 17910001, 17911005 PAGE E-25 BE OFFERED FOR SALE TO A CONSERVATION GROUP OR SIMILAR PURPOSE AND THE FUNDS RECEIVED DESIGNATED FOR IMPROVEMENTS TO EXISTING RECREATIONAL FACILITIES.

There was a brief discussion.

VOTE. YES. BRANN, ARCHIBALD, BREMICKER, LOWNEY

Motion carried.

ARCHIBALD/BRANN – MOVED TO RECOMMEND PARCEL NUMBERS 18101030, 18101032 AND 17940107, PAGE E-25 REMAINS AS PREVIOUSLY DESIGNATED.

There was a brief discussion on the benefits that the proposed Pedestrian Bike path would be for part of this area.

VOTE. YES. BRANN, ARCHIBALD, LOWNEY, BREMICKER

Motion carried.

MOVED TO RECOMMEND PARCEL NUMBERS 1810108 AND 1810114, PAGE C-11, HAVE CLARIFICATION ON DESIGNATION FOR APPROPRIATE RECOMMENDATION TO BE MADE.

There was a brief discussion.

VOTE. YES. BRANN, ARCHIBALD, BREMICKER, LOWNEY

Motion carried.

BRANN/ARCHIBALD – MOVED TO RECOMMEND PARCEL 17717406 AND 17717407, PAGE C-10, BE RETAINED AS OPEN VIEW SPACE AND PUBLIC BEACH ACCESS AND NOT BE SOLD.

There was a brief discussion on the lack of beach access in this area.

VOTE. YES. BRANN, ARCHIBALD, LOWNEY, BREMICKER

Motion carried.

BREMICKER/BRANN – MOVED TO SELL PARCEL NUMBER 17908050, PAGE C-8, TO A CONSERVATION GROUP OR SIMILAR PURPOSE AND RETAIN FUNDS FOR USE IMPROVEING EXISTING RECREATIONAL FACILITIES.

There was a brief discussion.

VOTE. YES. BREMICKER, LOWNEY, BRANN, ARCHIBALD

Motion carried.

BRANN/ARCHIBALD - MOVED TO RECOMMEND PARCEL NUMBER 17520009, PAGE C-6, BE MAINTAINED AND DESIGNATED AS A PUBLIC TRAIL AND BEACH ACCESS ROUTE.

There was a brief discussion.

VOTE. YES. ARCHIBALD, LOWNEY, BREMICKER, BRANN

Motion carried.

ARCHIBALD/LOWNEY – MOVED TO RETAIN PARCEL 17504003, PAGE E-8, FOR FUTURE PARK EXPANSION.

There was a brief discussion .

VOTE. YES. ARCHIBALD, BRANN, LOWNEY, BREMICKER

Motion carried.

B. Review and Recommendations for a Pocket Park on the Corner of Klondike and Kachemak Way

Chair Bremicker introduced the item for discussion.

Commissioner Archibald was concerned that the property owner is not aware of the proposal. Discussion was entertained on inviting the property owner to comment at a future meeting.

Chair Bremicker stated he has looked at the location and it would be a nice spot for a bench, in front of the spruce trees but anything more than that or on the other side would be intrusive to the property owner. The commission made comments on contacting the Property owner; getting the actual property lines; installing a nice cedar fence; concerns on acceptability; maintenance and access to that property. There is potential for public use with the college, city hall, and galleries nearby. Consideration should be given to requesting the college to consider maintenance if created.

BREMICKER/BRANN - MOVED TO RECOMMEND INVITING THE LANDOWNER AND STAFF TO ADDRESS THE CONCERNS OF THE COMMISSION ON CREATING A POCKET PARK ON THE CORNER OF KLONDIKE AND KACHEMAK WAY.

There was no further discussion.

The motion was approved by consensus of the commission.

INFORMATIONAL MATERIALS

A. Memorandum dated January 25, 2012 Re: Recommendation to Approve Resolution Expressing Support for the Homer Playground Project

B. Memorandum dated January 25, 2012 Re: Recommendation to Approve a Request from Homer Playground Project for Additional Funding

There was no discussion on the informational materials.

COMMENTS OF THE AUDIENCE

Lindianne Sarno, resident, hopes that whatever happens to the creek that the commission keeps looking at preserving the creek and watershed and that there is no erosion and that it is protected.

COMMENTS OF THE COUNCIL MEMBER (if one is assigned)

None.

COMMENTS OF STAFF MEMBERS

Mike Illg thanked the commissioners for their time and efforts.

Ms. Krause praised the commissioners on their expediency through a very long agenda.

COMMENTS OF THE COMMISSION

Commissioner Brann thanked Ms. Krause for the motions it really saved time in word-smithing and appreciated Commissioner Lowney for hanging in there on the phone for the whole meeting and he appreciated hearing about the Diamond Creek property.

Commissioner Archibald commented it was a really interesting evening, Bumpo runs a tight ship and earlier he was a little deflated since he was involved in the beginning with the Woodard Creek project, you just have to move on and there are more funds out there.

Commissioner Lowney commented that she was getting familiar with the operations of the commission, she is glad to be a part of it and the commissioners are very supportive, in reference to being a little deflated, she is totally amazed at the levels of dedication of the user groups, she doesn't feel that anyone is giving up and that they stick with the master plan and see it through to completion and restore Woodard Creek and no one has lost momentum even without the funds.

Commissioner Lowney would like to see the needs assessment, and information on the HART funds for the road realignment for the March agenda and thanked the Chair.

COMMENTS OF THE CHAIR

Chair Bremicker thanked the commissioners for their hard work; lots of things dealt with tonight and praised the Staff for all their assistance and contributions.

ADJOURN

There being no further business to come before the Commission Chair Bremicker adjourned the meeting at 9:15 p.m. The next regular meeting is THURSDAY, MARCH 15, 2012 at 5:30 p.m. at the City Hall Cowles Council Chambers.

RENEE KRAUSE, CMC, DEPUTY CITY CLERK I

Approved:

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

