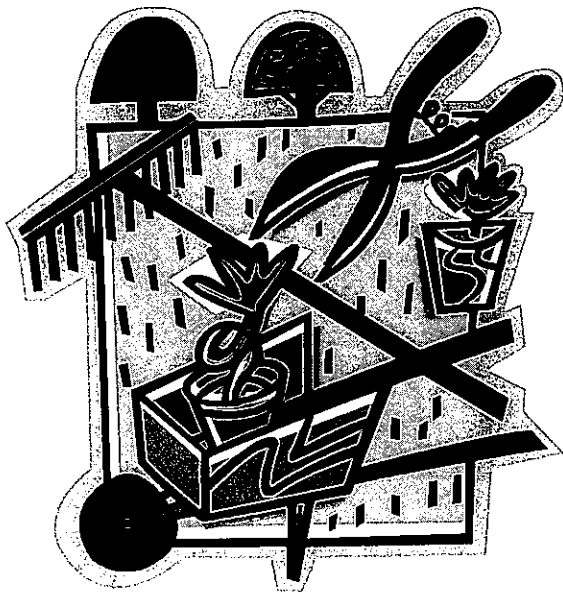
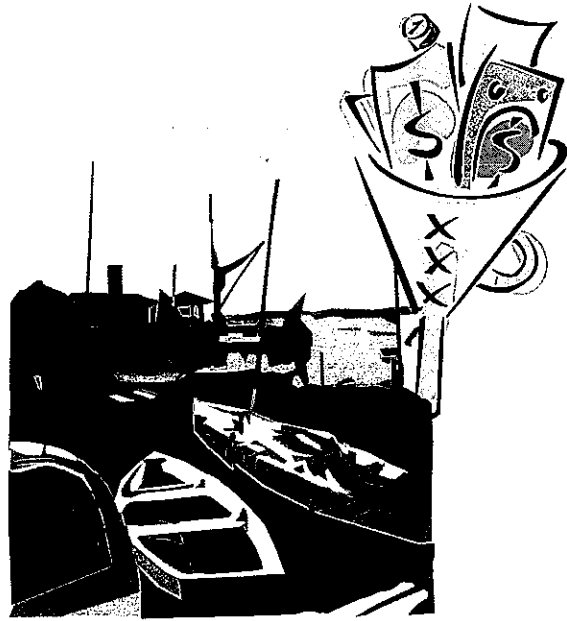


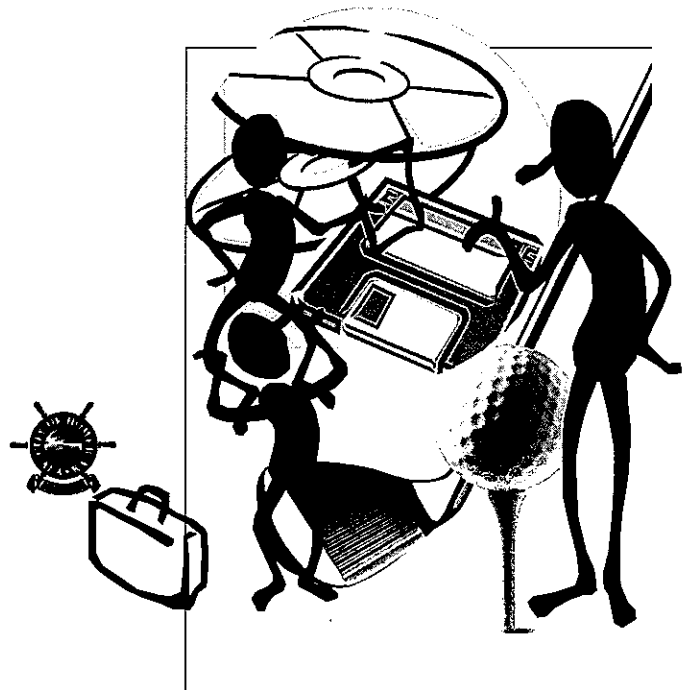
City Council
Tuesday May 29, 2012
Monday



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

Produced and
Distributed by the City Clerk's Office -5/23/2012-rk



2012 May-June

- Tuesday 29th:** **CITY COUNCIL** Committee of the Whole 5:00 p.m. and Regular Meeting 6:00 p.m.
- Monday 4th:** **CITY COUNCIL** Worksession 5:00 p.m.
- Tuesday 5th:** **LIBRARY ADVISORY BOARD** Regular Meeting 5:00 p.m.
WATER & SEWER TASK FORCE Regular Meeting 5:15 p.m.
- Wednesday 6th:** **KACHEMAK DRIVE PATH COMMITTEE** 5:30 p.m.
- Thursday 7th:** **KAREN HORNADAY PARK COMMITTEE** 5:30 p.m.
- Monday 11th:** **CITY COUNCIL** Committee of the Whole 5:00 p.m. and Regular Meeting 6:00 p.m.
- Tuesday 12th:** **ECONOMIC DEVELOPMENT ADVISORY COMMISSION** Regular Meeting 6:00 p.m.
- Thursday 14th:** **KACHEMAK DRIVE PATH COMMITTEE** 5:30 p.m.
- Tuesday 19th:** **WATER & SEWER TASK FORCE** Regular Meeting 5:15 p.m.
- Wednesday 20th:** **PLANNING COMMISSION** Worksession 5:30 Regular Meeting 7:00
- Thursday 21st:** **PARKS & RECREATION ADVISORY COMMISSION** Regular Meeting 5:30 p.m.
- Monday 25th:** **CITY COUNCIL** Worksession 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 5:30 p.m. with the exception of
December
Planning Commission 1st and 3rd Wednesday 7:00 p.m.
Port and Harbor Advisory Commission 4th Wednesday 6:00 p.m.
Transportation Advisory Committee Quarterly 3rd Tuesday 5:30 p.m.
Public Arts Committee Quarterly 3rd Thursday 5:00 p.m.
Lease Committee Quarterly 2nd Thursday 3:00 p.m.
Permanent Fund Committee Quarterly 2nd Thursday 5:15 p.m.

MAYOR AND CITY COUNCILMEMBERS AND TERMS

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

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



COMMITTEE OF THE WHOLE
5:00 P.M. TUESDAY
MAY 29, 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 BEAUREGARD BURGESS
CITY ATTORNEY THOMAS KLINKNER
CITY MANAGER WALT WREDE
CITY CLERK JO JOHNSON

MEETING NOTICE
COMMITTEE OF THE WHOLE AGENDA

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

CALL TO ORDER
PLEDGE OF ALLEGIANCE
AGENDA APPROVAL

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



REGULAR MEETING
6:00 P.M. TUESDAY
MAY 29, 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 BEAUREGARD BURGESS
CITY ATTORNEY THOMAS KLINKNER
CITY MANAGER WALT WREDE
CITY CLERK JO JOHNSON

MEETING NOTICE REGULAR MEETING AGENDA

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

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE

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

2. AGENDA APPROVAL

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

3. PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

4. RECONSIDERATION

5. CONSENT AGENDA

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

- A. Homer City Council unapproved Regular Meeting minutes of May 14, 2012. City Clerk. Recommend adoption. Page 11
- B. **Memorandum 12-086**, from Deputy City Clerk, Re: Liquor License Location Transfer for Homer Liquor and Wine Company. Page 27

- C. **Memorandum 12-083**, from Mayor, Re: Appointment of Nantia Krisintu to the Economic Development Advisory Commission. Page 37

6. **VISITORS**

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

A. Borough Report

B. Commissions/Board Reports:

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

8. **PUBLIC HEARING(S)**

A. **Port and Harbor Revenue Bond Project**

- B. **Resolution 12-037**, A Resolution of the City Council of Homer, Alaska, Amending the City of Homer Fee Schedule for Port and Harbor Fees for the Purpose of Repaying a Revenue Bond and Contributing to the Port and Harbor Enterprise Reserves. City Clerk/Port and Harbor Advisory Commission. Page 43

- C. **Resolution 12-038**, A Resolution of the City Council of Homer, Alaska, Amending the Port of Homer Terminal Tariff No. 600 for the Purpose of Repaying a Revenue Bond and Contributing to the Port and Harbor Enterprise Reserves. City Clerk/Port and Harbor Advisory Commission. Page 53

- D. **Ordinance 12-19**, 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 2011 in the Amount of \$32,687.50, and Authorizing the City Manager to Execute the Appropriate Documents. City Manager. Introduction May 14, 2012, Public Hearing and Second Reading May 29, 2012. Page 59

- E. **Ordinance 12-20**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2012 Operating Budget by Appropriating and Transferring \$3,000 from the General Fund Reserve (Fund Balance) to the Public Arts Committee for the Baycrest Overlook Improvement Gateways Project. City Manager. Introduction May 14, 2012, Public Hearing and Second Reading May 29, 2012. Page 75

9. ORDINANCE(S)

10. CITY MANAGER'S REPORT

- A. City Manager's Report
- B. Bid Report Page 89
- C. Games Report
- D. Records Inventory Report
- E. Other

11. CITY ATTORNEY REPORT

12. COMMITTEE REPORT

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

13. PENDING BUSINESS

14. NEW BUSINESS

- A. **Memorandum 12-088**, from City Clerk, Re: Restaurant Designation Permit for Don Jose. Page 91

15. RESOLUTIONS

- A. **Resolution 12-047**, A Resolution of the City Council of Homer, Alaska, Awarding Engineering Design Services Term Contracts for Port/Harbor/Marine Projects to the Firm of PND Engineers, Inc, of Anchorage, Alaska, and to R&M Consultants, Inc. of Anchorage, Alaska and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Public Works Director. Page 103

Memorandum 12-084 from Public Works Director as backup. Page 105

- B. **Resolution 12-048**, A Resolution of the City Council of Homer, Alaska, Authorizing the City Manager to Apply for and Accept a U.S. Fish and Wildlife Service Learning Landscape Grant, with a 50% in-kind matching requirement up to \$25,000 for the Purpose of Completing Landscaping Improvements and Karen Hornaday Park Playground, for Karen Hornaday Park and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Public Works Director Page 107

Memorandum 12-085 from Public Works Director as backup. Page 109

- C. **Resolution 12-049**, A Resolution of the City Council of Homer, Alaska, Approving the Jack Gist Recreational Park Land Use Agreement and Permit between the City of Homer and the Jack Gist Recreational Park Association. City Manager/Public Works Director

Page 113

Memorandum 12-087 from Public Works Director as backup. Page 115

- D. **Resolution 12-050**, A Resolution of the City of Homer Authorizing the Initiation of a Special Service District in the Lillian Walli Estate Subdivision Identified as HM 0880017 T06S R14W S24 Lillian Walli Estate Subdivision Lots 39 - 42, and 51 -77, for the Purposes of Preparing the Lots Owned by the City of Homer for Sale and Further Residential Development. Wythe.

Page 129

- 16. COMMENTS OF THE AUDIENCE**
17. COMMENTS OF THE CITY ATTORNEY
18. COMMENTS OF THE CITY CLERK
19. COMMENTS OF THE CITY MANAGER
20. COMMENTS OF THE MAYOR
21. COMMENTS OF THE CITY COUNCIL
22. ADJOURNMENT

Next Regular Meeting is Monday, June 11, 2012 at 6:00 p.m. and Committee of the Whole 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

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

RECONSIDERATION

CONSENT AGENDA

Session 12-14 a Regular Meeting of the Homer City Council was called to order on May 14, 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: BURGESS, HOWARD, LEWIS, ROBERTS,
WYTHE, ZAK

STAFF: ACTING CITY MANAGER PAINTER
CITY CLERK JOHNSON
DEPUTY CITY CLERK JACOBSEN
CITY ATTORNEY WELLS
ACTING FINANCE DIRECTOR MOORE
POLICE CHIEF ROBL
PORT AND HARBOR DIRECTOR HAWKINS
PUBLIC WORKS DIRECTOR MEYER
COMMUNITY & ECONOMIC DEVELOPMENT
COORDINATOR KOESTER

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: **RESOLUTIONS - Resolution 12-043**, A Resolution of the City Council of Homer, Alaska, Accepting and Approving Recommendations Submitted by the Port and Harbor Improvement Committee Regarding Capital Improvements in the Harbor and the Funding Thereof and Authorizing the City Manager to Prepare the Documents Necessary for Grant Funding, a Revenue Bond Sale, and the Fee Adjustments Necessary to Service the Bonds. Howard, Lewis, Wythe. Memorandum 12-082 from Economic Development Advisory Commission as backup.

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

Bumppo Bremicker, Chair of the Kachemak Drive Path Committee, commented in support of resolution 11-090(S). He addressed HART fund availability as one avenue for financing noting residents voted to include funding trails in the program. He said he heard vocal support for the Kachemak Drive Path and noted that one criterion, when looking at trails, is connectivity. This path will connect the two biggest trails we have now, East End Road pedestrian and bike path and the Spit bike and pedestrian path, and it will make a big difference in the number of users and in convenience of making a circular route. The committee working on this is not sure of the cost but guesses less than \$1 million and funds can be borrowed on the revenue stream and be paid back with those funds. Most of the path runs in the utility easement, there is a lot that needs to be looked at, but he thinks they have done a pretty good job of determining location and have a lot of volunteer labor that is available. He hopes the Council will support the resolution.

Beth Cumming, committee member and city resident, commented in support of resolution 11-090(S). If it is passed it will allow the beginning of implementing planning and putting it into practice for the trail. If the plan is approved she encourages starting the trail at the spit side because it can be developed one and one quarter mile down Kachemak Drive and not involve any land owners as the property is DOT and city land. She explained they have been advised that bike trails are not allowed on aviation leasing land, but have been told through two good sources that there are exceptions to that, particularly when a safety issue is involved. The remaining properties are privately owned and many have industrial type businesses. She has talked with many of them as she believes this would be to their advantage and she thinks they would tend to support a bicycle/pedestrian trail removed from the road.

Deb Lowney, city resident, commented in support of resolution 11-090(S). She emphasized that as we look around town we see people trying to use modes of transportation besides motorized vehicles through all seasons. The more that can be encouraged the better. She encourages the trail for the safety component. Kachemak Drive is a heavily used road by bikers and hikers and it is critical that we take care of that need. She agrees that it makes sense to connect the two trails on each end of Kachemak Drive and hopes Council will support the resolution.

Lindianne Sarno, city resident on Kachemak Drive, commented in support of the safety and economic benefits of the Kachemak Drive path. A dozen or so surveys came in and responses showed support of a separate path. Because Kachemak Drive connects the East End and Spit trails there is already heavy use on the road and as a resident there, she sees them daily. There is a lot of vehicle traffic with all the businesses and residents, and with no shoulder on the road it is a very dangerous place to ride bikes. It should be a priority for these reasons and because there is funding through the HART program. It isn't a huge project and could probably be built out in a year. In an economic development light, studies show that in many cities where bike and pedestrian trails are put in, traffic to businesses increases. Anchorage's path system is full of people of all ages. Basically a bike path is a long safe park. She noted that City Manager Wrede has been very positive when talking to the bike path committee about getting rights-of-way. She hopes he will give Council the facts about plans to get permission from property owners. She hopes the Council supports the project because it will be very popular, not terribly expensive, and will have good safety benefits.

Kelly Cooper, non city resident and member of the Boys and Girls Club task force, commented in support of resolution 12-046 and asked for consideration to extending the lease through December. The goal of the Boys and Girls Club is to work with the city, partnering on capital funding, grant work, and inclusion in the same building with Community Recreation. In talking with Representative Seaton, he explained putting building on the top 10 of the CIP list could result in opportunities to apply for some capital funding. There is the ability to apply for grants

through the Boys and Girls Club Kenai Peninsula Board as well. She would like to make the building and project sustainable and be able to put it to bed.

Natasha Ala, non city resident and the new executive director for the Boys and Girls Club for the Kenai Peninsula, said board president Mike Navarre sends his regrets that he could not attend tonight to voice support for the resolution. The board hopes the Council supports resolution 12-046, the club would love to stay in the building and hopes they are considered a good tenant and potential partner. Their organization can bring some resources to the city for grants and collaboration with potential capital projects. The board would be happy to meet with Council to further discuss some type of a future for the building. It is a great location for serving kids and they want to maintain a club presence in Homer.

Angie Newby, city resident and Chair of the Public Arts Committee, asked for the Council's support of Ordinance of 12-20. This is a result of talking with the City Manager and letting Council know they can get tremendous bang for their buck with the Alaska State Parks doing the planning for the Baycrest Pullout. They have \$3000 from ADF&G, and this would be a match for those funds. She noted that the city was a last resort to ask for funding, the looked with state park, maritime refuge, and under every rock and cranny they could think of. She thinks this will be a huge economic benefit to the first place that is really the crown jewel as people come in to Homer.

RECONSIDERATION

CONSENT AGENDA

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

- A. Homer City Council unapproved Special and Regular Meeting minutes of April 23, 2012. City Clerk. Recommend adoption.
- B. **Memorandum 12-074**, from Mayor, Re: Reappointment of Roberta Highland to the Transportation Advisory Committee and Angie Newby to the Public Arts Committee.

Memorandum 12-078 from Transportation Advisory Committee as backup.
- C. **Ordinance 12-19**, 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 2011 in the Amount of \$32,687.50, and Authorizing the City Manager to Execute the Appropriate Documents. City Manager. Recommended dates: Introduction May 14, 2012, Public Hearing and Second Reading May 29, 2012.

Mayor Hornaday called for a motion to approve the recommendation of the consent agenda as read.

LEWIS/ZAK SO MOVED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

VISITORS

A. Michelle Drew, Mikunda, Cottrell, & Co., Auditor's Report, 10 minutes.

Michelle Drew, auditor of record from Mikunda, Cottrell, thanked the Mayor and Council for their business and thanked the finance department and the other managers of city departments. The 2011 audit resulted in a clean audit opinion, the best opinion from an external auditor. In 2011 the city spent \$2.8 million in federal assistance and \$3 million in state financial assistance necessitating a federal and state single audit in addition to the regular audit. Those audits were completed with a clean audit opinion and reported no findings and no question cost, an excellent thing. In 2011 the city's general fund increased fund balance by \$1.1 million, better than what the city had budgeted, primarily a result of higher than expected sales tax and higher than anticipated state operating grants. On the expense side, the city under spent its budget by approximately \$200,000 with most departments coming in slightly under budget. The change in 2010 of the water and sewer enterprise fund to the utility special revenue enterprise fund resulted in a 2011 net effect was a loss of \$300,000 which includes the effects of issuance of debt in the amount of \$2.1 million, payment of debt of \$1.1 million, and capital construction costs of \$3 million. The port fund is the sole enterprise activity of the city and it incurred an \$800,000 loss which includes the effects of depreciation, \$1.4 million. If it did not have deprecation running through it the port would have shown a \$600,000 increase to fund balance. Its unreserved portion of net assets is \$62,000 which is quite low. The city administers numerous smaller funds which collectively incurred a \$1 million reduction in fund balance, primarily a result of anticipated or budgeted capital projects specifically the city hall remodel and energy efficiency projects made up the bulk of that overall use of fund balance. Ms. Drew encouraged management and Council to keep an eye on the utility fund, the port fund, and health insurance internal service funds to ensure they don't swing too far one way or the other. The financial records were in good condition with minimal journal entries to books and records presented for audit. This audit document will be submitted to the Government Finance Officers Association for review in participation of the certificate of achievement for excellence in government financial reporting, an award the city has received for numerous years.

Mayor thanked Ms. Drew and the Finance Department for their good work.

ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

- A. **Mayor's Proclamation** – Peace Officers Memorial Day May 15 and National Police Week May 13 – 19, 2012

Mayor Hornaday read the proclamation and presented it to Police Chief Robl.

- B. **Mayor's Proclamation** - National Public Works Week – May 20 – 26, 2012

Mayor Hornaday read the proclamation and presented it to Public Works Director Meyer.

- C. **Mayor's Proclamation** - National Women's Health Week - May 13 – 19, 2012

Mayor Pro Tempore Wythe read the proclamation and presented it to Jillian Rogers.

- D. **Mayor's Proclamation** – Bike to Work Week - May 14 – 18, 2012

Mayor Hornaday read the proclamation and presented it to Catriona Lowe.

- E. Borough Report

- F. 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

- G. Letter of thanks from Hospice of Homer

PUBLIC HEARING(S)

- A. **Port and Harbor Revenue Bond Project**

There was no public testimony.

- B. **Resolution 12-037**, A Resolution of the City Council of Homer, Alaska, Amending the City of Homer Fee Schedule for Port and Harbor Fees for the Purpose of Repaying a Revenue Bond and Contributing to the Port and Harbor Enterprise Reserves. City Clerk/Port and Harbor Advisory Commission.

There was no public testimony.

- C. **Resolution 12-038**, A Resolution of the City Council of Homer, Alaska, Amending the Port of Homer Terminal Tariff No. 600 for the Purpose of Repaying a Revenue Bond and Contributing to the Port and Harbor Enterprise Reserves. City Clerk/Port and Harbor Advisory Commission.

There was no public testimony.

- D. **Ordinance 12-17(S)**, An Ordinance of the City Council of Homer, Alaska, Appropriating \$30,000 from the Port and Harbor Reserves to Make Emergency Repairs and/or Replace Damaged Float Piles in the Homer Harbor and Authorizing the City Manager to Execute a Change Order to the Existing Contract with Pacific Pile and Marine to Conduct the Harbor Float Piling Repair and Replacement Work in an Amount Not to Exceed \$30,000. City Manager.

Memorandums 12-068 and 12-077 from Port and Harbor Director as backup.

There was no public testimony

Mayor Hornaday called for a motion for the adoption of Ordinance 12-17(S) by reading of title only for second and final reading.

WYTHE/HOWARD SO MOVED.

The recommendation is to vote no based on circumstances outlined in memorandum 12-077. In response to question if there is a plan B, Harbormaster Hawkins explained that in the interim they have to remove the vessels from around the affected piles and are working on a revised plan to shore up the piles until they can be replaced. This is on R & S floats, which is in the schedule for replacement if the grant and bond package is passed.

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

Motion failed.

- E. **Ordinance 12-18**, An Ordinance of the City Council of Homer, Alaska, Amending the 2012 Operating Budget to Allow for the Completion of the 2012 Streets Repaving Project Utilizing Homer Accelerated Roads and Trails Program (HART) Funds in an Amount Not to Exceed \$900,000. City Manager/Public Works Director. Introduction April 23, 2012, Public Hearing and Second Reading May 14, 2012. Memorandum 12-065 from Public Works Director as backup.

There was no public testimony

Mayor Hornaday called for a motion for the adoption of Ordinance 12-18 by reading of title only for second and final reading.

WYTHE/HOWARD SO MOVED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

ORDINANCE(S)

- A. **Ordinance 12-20**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2012 Operating Budget by Appropriating and Transferring \$3,000 from the General Fund Reserve (Fund Balance) to the Public Arts Committee for the Baycrest Overlook Improvement Gateways Project. City Manager. Recommended dates: Introduction May 14, 2012, Public Hearing and Second Reading May 29, 2012.

Memorandums 12-070 and 12-071 from Public Arts Committee as backup.

Mayor Hornaday called for a motion for the adoption of Ordinance 12-20 for introduction and first reading by reading of title only.

WYTHE/ROBERTS SO MOVED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

CITY MANAGER'S REPORT

- A. City Manager's Report

Acting City Manager Painter explained his report was intended to bring the Council up to speed on the state of the Fire Department in Homer and would be happy to answer questions.

Mayor Hornaday commended Chief Painter on a well operating fire department. They seem to be working fine with the paid and unpaid volunteers and we very much appreciate the fire department's work.

Councilmember Burgess questioned availability of funds to recapitalize the aging equipment and a budget shortfall of 50% for ambulance services. Fire Chief Painter responded that they have looked at collections regarding ambulance service. We lost some revenue when the service area took over their own operations a few years ago, but it was not a significant impact as it only accounted for 20% of overall call volume. The finance department does the ambulance billing and they have been working with finance to recoup some of the lost revenues. There isn't much room to do anything in the fee schedules. Most clientele would be covered under some type of

insurance, which is helpful in offsetting ambulance costs. They don't charge for many other services other than fire standby and contract with the division of forestry. There hasn't been much in the way of wild land season the last couple years and this season is looking hopeful for a safe wild land season, but potential is always there. They cooperate with the division of forestry so could be called to go anywhere on the peninsula.

Mayor Hornaday noted they got a report that the Governor did not veto any of Homer's projects this year. He thanked everyone who worked on that.

B. Bid Report

CITY ATTORNEY REPORT

City Attorney Wells did not have a report and there were no questions from Council.

COMMITTEE REPORT

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

PENDING BUSINESS

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

Resolution 11-090(S), A Resolution of the City Council of Homer, Alaska, Supporting ~~The Concept And~~ Construction of a Non-Motorized Pathways to Increase The Safety for Motorized and Non-Motorized Users Along Kachemak Drive Located Within the **Homer** City Limits, from the Base of the Homer Spit to East End Road. Lewis/Zak/Parks and Parks and Recreation Advisory Commission.

There was brief discussion confirming the motion on the floor from the April 23, 2012 regular meeting is as follows:

THEN MOTION ON THE FLOOR FROM SEPTEMBER 12, 2011 TO ADOPT RESOLUTION 11-090 BY READING OF TITLE ONLY WILL BE: MOTION TO ADOPT RESOLUTION 11-090(S) BY READING OF TITLE ONLY.

Councilmember Howard expressed that she is unable to support this because it has not passed through the Transportation Advisory Committee for review, she is not convinced of the priority of this trail over any others, there is no information regarding cost of maintenance, and legal costs for acquiring the rights-of-way have not been addressed. She noted rights-of-way will be no easy task when dealing with FAA, wetlands, moose habitat, private property and DOT.

There was brief discussion

VOTE: YES: ROBERTS, ZAK, BURGESS
NO: LEWIS, WYTHE, HOWARD

Mayor Hornaday voted no to break the tie.

Motion failed.

The main motion was back on the floor as follows:

LEWIS/WYTHE SO MOVED FOR THE ADOPTION OF RESOLUTION 11-090 BY READING OF TITLE ONLY.

LEWIS/WYTHE MOVED TO AMEND TO STRIKE THE WORD CONSTRUCTION.

Councilmember Lewis appreciates the concept but we are not prepared to commit the funds until we know the total cost.

It was noted for clarification that "and construction" is to be deleted from the title and line 23.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Councilmember Roberts supports the concept of the trail but does not feel the package presented is thorough or has been done completely. She reminded the committee the process for developing a trail is outlined in the transportation manual and one step is to work with the Transportation Advisory Committee. She recommended they look at that in their future.

LEWIS/ WYTHE MOVED TO STRIKE LINE 32.

Councilmember Wythe concurred that lowering of the speed limit is not appropriate as it is not a city street.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Councilmember Wythe note that the package provided has a lot of information, but as it has been pointed out there is no cost association information, one of the committee members said they were advised they would not be able to gain access through the DOT lands related to the airport, and she recalled when the City received access for many properties for water and sewer they were very specific in that that property would not be used for other purposes. There are a lot of access issues to overcome. The concept is good but a lot of work is yet to be done.

WYTHE/HOWARD MOVED TO ADD BE IT FURTHER RESOLVED ADD THEREFORE BE IT FURTHER RESOLVED THAT THE TRAILS COMMITTEE WORK WITH THE TRANSPORTATION ADVISORY COMMITTEE AND DEVELOP THE PACKAGE MORE FULLY RECOGNIZING AND IDENTIFYING WHAT ARE THE PERMITS, WHAT HAS TO GO INTO IT, AND A ROUGH COST.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Councilmember Roberts expressed concern about building a gravel path for a bike path and is interested in hearing more about that. She also noted that in discussions with Kachemak Drive residents about the water and sewer line there have been issues with getting access for water and sewer lines so she is surprised to hear that everyone on Kachemak Drive is going to give right-of-way for the bike trail where they refused to for water and sewer. She hopes in the future they can tie the two together to complete the water and sewer line as the trail is built. Councilmember Roberts added while she applauds the volunteers who want to help build the trail, she questions the liability in relation to doing the work on private property.

Councilmember Burgess also supports the concept but agrees that they need to know the cost before moving forward.

Councilmember Wythe concurred and raised the issue of understanding there will be ongoing maintenance costs which also has to be considered. This is a long term expense.

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

Motion carried.

NEW BUSINESS

RESOLUTIONS

- A. **Resolution 12-039**, A Resolution of the City Council of Homer, Alaska, Accepting the 2011 Comprehensive Annual Financial Report with Audit and Financial Statements and Acknowledging the Management Letter Submitted by the City's Independent Auditor, Mikunda, Cottrell, & Co. and Authorizing the City Manager to Execute the Financial Report. City Manager/Finance.

Mayor Hornaday called for a motion for the adoption of Resolution 12-039 by reading of title only.

BURGESS/WYTHE SO MOVED.

Councilmember Wythe complemented the Finance staff on doing a great job. In her time on the Council they haven't had an exception report on the budget and she appreciates that. To the Council she encourages they continue to support ensuring the reserve fund is healthy enough to support us if we have a time of trouble.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- B. **Resolution 12-040**, A Resolution of the City Council of Homer, Alaska, Extending the City of Homer Prisoner Meal Service Contract for One Year to the Firm of Caribou Family Restaurant of Homer, Alaska, and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk.

Memorandum 12-075 from Police Chief as backup.

Mayor Hornaday called for a motion for the adoption of Resolution 12-040 by reading of title only.

BURGESS/LEWIS SO MOVED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- C. **Resolution 12-041**, A Resolution of the City Council of Homer, Alaska, Designating Community Economic Development Strategy (CEDS) Priorities and Requesting that the City Economic Development Advisory Commission Review These Priorities and Provide Recommendations Regarding Implementation Strategies Including Timetables, Responsible Parties, and Funding. Wythe.

Mayor Hornaday called for a motion for the adoption of Resolution 12-041 by reading of title only.

WYTHE/ZAK SO MOVED.

Councilmember Wythe read the list of priorities for the listening audience.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- D. **Resolution 12-042**, A Resolution of the City Council of Homer, Alaska, Requesting That the Kenai Peninsula Borough Transfer its Share of State Fisheries Business Tax Proceeds that are Collected in the City of Homer to the City of Homer to Assist It with Maintenance, Repair, and Replacement of Critical Port and Harbor Infrastructure. Howard, Lewis, Wythe.

Mayor Hornaday called for a motion for the adoption of Resolution 12-042 by reading of title only.

LEWIS/HOWARD SO MOVED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- E. **Resolution 12-043**, A Resolution of the City Council of Homer, Alaska, Accepting and Approving Recommendations Submitted by the Port and Harbor Improvement Committee Regarding Capital Improvements in the Harbor and the Funding Thereof and Authorizing the City Manager to Prepare the Documents Necessary for Grant Funding, a Revenue Bond Sale, and the Fee Adjustments Necessary to Service the Bonds. Howard, Lewis, Wythe.

Memorandum 12-076 from Port and Harbor Improvement Committee as backup.
Memorandum 12-079 from Port and Harbor Advisory Commission as backup.

Mayor Hornaday called for a motion for the adoption of Resolution 12-043 by reading of title only.

HOWARD/LEWIS SO MOVED.

Councilmember Roberts appreciated the memorandum from the Committee that explained what was going on. She questioned if the Committee has any future plans or suggestions on how to work toward getting the Harbormaster's building.

Councilmember Howard explained the Committee was in a difficult spot as they wanted to keep it on, but it isn't eligible for matching funds, and the Port and Harbor Advisory Commission

recommended removing it. There are some options to consider for the building and they will continue to look for a solution.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- F. **Resolution 12-044**, A Resolution of the City Council of Homer, Alaska, Expressing Its Intent to Initiate a Broad and Inclusive Community Review Process on the Merits of Public Financing for Construction of a Natural Gas Distribution System Within the City and Setting a Workshop Date for June 4, 2012 to Begin the Process. Burgess.

Memorandum 12-080 from Economic Development Advisory Commission as backup.

After discussion with City Attorney Wells, Councilmember Wythe was recused from participating based on a previous determination and left the room.

Mayor Hornaday called for a motion for the adoption of Resolution 12-044 by reading of title only.

BURGESS/LEWIS SO MOVED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Councilmember Wythe returned to the table.

- G. **Resolution 12-045**, A Resolution of the City Council of Homer, Alaska, Awarding the Wastewater Treatment Plant Boiler Replacement Project to the Firm of Orca Specialties, Inc. of Homer, Alaska, in the Amount of \$17,437.50 and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk/Public Works Director.

Memorandum 12-081 from Public Works Director as backup.

Mayor Hornaday disclosed that he did legal work for Orca Specialties many years back. He has no financial interest at this time. Mayor Pro Tempore Wythe found he had no conflict and could participate and there was no objection from Council.

Mayor Hornaday called for a motion for the adoption of Resolution 12-045 by reading of title only.

WYTHE/LEWIS SO MOVED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

H. **Resolution 12-046**, A Resolution of the City Council of Homer, Alaska, Authorizing the City Manager to Enter Into a New Short Term Lease with the Homer Boys and Girls Club and to Extend the Club's Occupancy of the Lower Level of the Homer Education and Recreation Complex Building (HERC) Until September 1, 2012. Burgess/Howard.

Mayor Hornaday called for a motion for the adoption of Resolution 12-046 by reading of title only.

BURGESS/HOWARD SO MOVED

LEWIS/ZAK MOVED TO AMEND SEPTEMBER 1 TO DECEMBER 31 THROUGHOUT THE RESOLUTION.

Councilmember Wythe expressed concern about extending the agreement as there have been others who may want to use the building and remove the expense from the city, which was their objective two and half years ago. She is not opposed to the summer when the cost of utilities should be negligible and offset by rent, but into the winter is not in their interest knowing their budget.

Councilmember Lewis stated his intent is to give them the ability to apply for grants and raise funds so they can pay a higher rent and cover utilities.

Councilmember Burgess added that this buys time to finish negotiations with Community Recreation in an effort to move forward with a more long term solution.

Councilmember Howard said this is it. She understands what they are trying to do, but no more after December 31 on these leap frog, short term amendments.

VOTE (Amendment): YES: HOWARD, BURGESS, LEWIS, ROBERTS, ZAK
NO: WYTHE

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

VOTE: (Main motion as amended) YES: ZAK, HOWARD, BURGESS, LEWIS, ROBERTS,
WYTHE

Motion carried.

COMMENTS OF THE AUDIENCE

Bumppo Bremicker commented it was interesting discussion regarding the Kachemak Drive Path. He acknowledged that if he heard correctly it went to the original resolution that the Council sent back to the Committee and to Parks and Recreation Commission for more work. He is unsure where they stand now. He appreciates the direction to work with the Transportation Advisory Committee. They understand there are a lot of questions but he thinks they succeeded in taking the step to get the City to help them work on it. He thinks that is what they need to move forward with sending letters to property owners and gathering information to address Council's concerns.

Kelly Cooper thanked the Council for their support and commitment to the community. She promised no more leap frogging and they will bring forward a solution.

COMMENTS OF THE CITY ATTORNEY

City Attorney Wells said she enjoys being here and hopes to come more often.

COMMENTS OF THE CITY CLERK

City Clerk Johnson had no comment.

COMMENTS OF THE CITY MANAGER

Acting City Manager Painter thanked the Council for going easy on him tonight.

COMMENTS OF THE MAYOR

Mayor Hornaday had no comments.

COMMENTS OF THE CITY COUNCIL

Councilmember Wythe stated that she is not opposed to the Boys and Girls Club, she is not opposed to trails and parks, or any of these projects, she thinks they are all great. The problem is this city has decided they don't want to collect sales tax year round on food. That in and of itself doesn't sound like an onerous thing to do, but the impact of that on the city's finances is sizable and puts the people at this table in a position to have to say we just cut our revenue by five or six hundred thousand dollars, but two years later we have yet to cut a program and every time we try to change anything with a program we have the same out crying of we need this program or all of our children will be on the streets behaving badly. She doesn't necessarily believe that is true as there are activities and programs in the community for our children. Boys and Girls Club and Community Recreation are great opportunities and she appreciates and understands all of them, but the big picture is eventually something has to go. She doesn't feel we can quit having police or fire department support, or quit plowing roads or providing a water and sewer system. In looking what has to be done to make up for the revenues that have been lost, it has to start somewhere. Every time we have this discussion, she always feels like she walks away being the bad guy because she says we can't afford to pay for all of this yet we continue taking money out of reserves to make sure these things happen. Eventually we will come to the end line and she hopes they find that place before they really get to far into the reserves.

Councilmember Lewis echoes Councilmember Wythe and that if we want certain things we have to be willing to pay for them. That is the bottom line. He congratulated the boys and girls high school soccer teams and wished the boys luck at regions. It is the boys first undefeated season since becoming a regular sanctioned sport and they have a good chance of taking regions.

Councilmember Zak commented that the water tastes great. He has never felt better about what is happening in the community. With the passage of the gas line in the capital budget they will be looking at proposal options and looking at what the savings will be for the business owners, government entities and the overall community. The Kachemak Drive path needs a little more thought put into it, and consideration by the Transportation Committee but the key points of connectivity and safety were brought up. In the future if it could be moved up on the CIP and they can continue to support it. He commented regarding the HOPP project and build week coming up at Hornaday Park, he has never seen more community energy and positive up beat people getting involved. He also commented about the Shorebird Festival and Chamber bringing so many people to the community. He is optimistic about our future and was pleased with the report from the auditors.

Councilmember Roberts said she is glad to hear the gas line in moving forward and thanked Representative Seaton for working with the city on that. She congratulated the Police Department and Public Works for their good work for the city, they are unseen but the community relies on them and she is glad to see they are celebrating them this week. She wanted to remind everyone about the HOPP building program next week and encouraged people to sign up on line and help. She has heard that people from other communities say it is an experience to be remembered.

Councilmember Howard noted that the problem with being nearly last is that she has nothing else to add.

Councilmember Burgess wanted to reiterate for the bike path people that they would like to help them move forward and let them know if they can better articulate their needs. Gas distribution to Homer is great, he looks forward to talking about what they are going to when it gets here. He commented in regard to Councilmember Wythe's comments that it is hard to be in the position to say no because we don't have the money, he respects her position and thinks we need to acknowledge if that's the case. He hopes they can find a way for her not to be recused from discussion on the gas distribution system.

ADJOURNMENT

There being no further business to come before the Council, Mayor Hornaday adjourned the meeting at 7:25 p.m. The next Regular Meeting is Tuesday, May 29, 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.

MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

Approved: _____

Office of the City Clerk

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



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

MEMORANDUM 12-086

TO: MAYOR HORNADAY AND HOMER CITY COUNCIL

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

DATE: MAY 22, 2012

SUBJECT: LIQUOR LICENSE LOCATION TRANSFER FOR HOMER LIQUOR AND WINE COMPANY

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

Type: Package Store
Lic #: 2531
DBA Name: Homer Liquor and Wine Company
Premise Address: 4306 Homer Spit Road #4, Homer, AK 99603
Owner: MSA, Inc.
Mailing Address: 369 E. Pioneer Ave., Homer, AK 99603

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

Fiscal Note: Revenues.

"WHERE THE LAND ENDS AND THE SEA BEGINS"

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



CITY OF HOMER

POLICE DEPARTMENT

4060 HEATH STREET HOMER, AK 99603-7609

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

MEMORANDUM

DATE: May 15, 2012
TO: Melissa Jacobsen, Deputy City Clerk
FROM: Mark Robl, Chief of Police *MR*
SUBJECT: Liquor License Transfer

The Homer Police Department has no objection to the liquor license transfer for the following business:

PACKAGE STORE

Homer Liquor and Wine Company-- License #2531

Owner: MSA, Inc.

Premise Address: 4306 Homer Spit Road #4

Homer, AK 99603

Mailing Address: 369 E. Pioneer Ave.

Homer, AK 99603

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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(907) 235-3130
(907) 235-8121
ext: 2224, 2226, or 2227
Fax: (907) 235-3143
Email: clerk@ci.homer.ak.us

MEMORANDUM

DATE: May 15, 2012
TO: Mark Robl, Police Chief
FROM: Melissa Jacobsen, CMC, Deputy City Clerk wj
SUBJECT: Liquor License Location Transfer for Homer Liquor and Wine Company

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

Type: Package Store
Lic #: 2531
DBA Name: Homer Liquor and Wine Company
Premise Address: 4306 Homer Spit Road #4, Homer, AK 99603
Owner: MSA, Inc.
Mailing Address: 369 E. Pioneer Ave., Homer, AK 99603

This matter is scheduled for the May 29, 2012 City Council meeting. Please respond with any objections/non-objections to this liquor license renewal by Wednesday, May 23, 2012.

Thank you for your assistance.



State of Alaska
Department of Public Safety
Alcoholic Beverage Control Board

Sean Parnell, Governor
 Joseph A. Masters, Commissioner

May 11, 2012

City of Homer
 Attn: Jo Johnson, City Clerk
 VIA Email: clerk@ci.homer.ak.us
 Cc: lingafelt@borough.kenai.ak.us
jblankenship@borough.kenai.ak.us
kring@borough.kenai.ak.us

MSA, Inc. DBA Homer Liquor & Wine Company – Package Store License #2531

- New Application Transfer of Ownership Transfer of Location
 Restaurant Designation Permit DBA Name Change

We have received an application for the above listed licenses (see attached application documents) within your jurisdiction. This is the notice as required under AS 04.11.520. Additional information concerning filing a "protest" by a local governing body under AS 04.11.480 is included in this letter.

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

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

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

Alcoholic Beverage Control Board
 5848 E Tudor Rd - Anchorage, AK 99507 - Voice (907) 269-0350 - Fax (907) 272-9412

Transfer Liquor License

Alcoholic Beverage Control Board
5848 E Tudor Rd
Anchorage, AK 99507

(907) 269-0350
Fax: (907) 272-9412
www.dps.state.ak.us/abc

License is: Full Year OR Seasonal List Dates of Operation: _____

SECTION A - LICENSE INFORMATION			FEEs #8892
License Year: <u>2011 - 2012</u>	License Type: <u>PACKAGE STORE</u>	Statute Reference Sec. 04.11. <u>150</u>	Filing Fee: \$100.00
License #: <u>2531</u>			Rest. Desig. Permit Fee: \$
Local Governing Body: (City, Borough or Unorganized) <u>CITY OF HOMER</u>	Community Council Name(s) & Mailing Address: <u>HOMER CITY COUNCIL 491 E. PIONEER AVE. HOMER, AK 99603</u>		Fingerprint (\$34.25 per person) \$
Name of Applicant (Corp/J.C./LP/LLP/Individual/Partnership): <u>MSA INC</u>	Doing Business As (Business Name): <u>HOMER LIQUOR + WINE COMPANY</u>	Business Telephone Number: <u>235-5101</u>	TOTAL: <u>\$100.00</u>
Mailing Address: <u>369 E. PIONEER AVE.</u>	Street Address or Location of Premise: <u>4306 HOMER SPIT RD #4</u>	Fax Number: <u>235-6139</u>	Email Address: <u>ALASKAMSA@GMAIL.COM</u>
City, State, Zip: <u>HOMER, AK 99603</u>			

SECTION B - TRANSFER INFORMATION	
<input checked="" type="checkbox"/> Regular Transfer <input type="checkbox"/> Transfer with security interest: Any instrument executed under AS 04.11.670 for purposes of applying AS 04.11.360(4)(b) in a later involuntary transfer, must be filed with this Application (13 AAC 104.107). Real or personal property conveyed with this transfer must be described. Provide security interest documents. <input type="checkbox"/> Involuntary Transfer. Attach documents which evidence default under AS 04.11.670.	Name and Mailing Address of CURRENT Licensee: <u>MSA INC.</u> <u>369 E. PIONEER AVE, HOMER AK 99603</u> Business Name (dba) BEFORE transfer: <u>HOMER LIQUOR + WINE COMPANY</u> Street Address or Location BEFORE transfer: <u>4241 HOMER SPIT ROAD</u>

SECTION C - PREMISES TO BE LICENSED		
Distance to closest school grounds: <u>3 MILES</u>	Distance measured under: <input checked="" type="checkbox"/> AS 04.11.410 OR <input type="checkbox"/> Local ordinance No.	<input type="checkbox"/> Premises is GREATER than 50 miles from the boundaries of an incorporated city, borough, or unified municipality. <input type="checkbox"/> Premises is LESS than 50 miles from the boundaries of an incorporated city, borough, or unified municipality. <input checked="" type="checkbox"/> Not applicable
Distance to closest church: <u>3.5 MILES</u>	Distance measured under: <input checked="" type="checkbox"/> AS 04.11.410 OR <input type="checkbox"/> Local ordinance No.	
Premises to be licensed is: <input type="checkbox"/> Proposed building <input checked="" type="checkbox"/> Existing facility <input type="checkbox"/> New building		<input type="checkbox"/> Plans submitted to Fire Marshall (required for new & proposed buildings) <input checked="" type="checkbox"/> Diagram of premises attached

Alcoholic Beverage Control Board
5848 E Tudor Rd
Anchorage, AK 99507

Transfer Liquor License

(907) 269-0350
Fax: (907) 272-9412
www.dps.state.ak.us/abc

SECTION D - LICENSEE INFORMATION

1. Does any individual, corporate officer, director, limited liability organization member, manager or partner named in this application have any direct or indirect interest in any other alcoholic beverage business licensed in Alaska or any other state?

Yes No If Yes, complete the following. Attach additional sheets if necessary.

Name	Name of Business	Type of License	Business Street Address	State	Lic #
↓ ↓ ↓ ↓ ↓	MSA INC	PACKAGE STORE	369 E. PIONEER	AK	479
	THE RUM LOCKER		276 OLSEN LN #3		2880
	GROC SHOP EAST END		3125 EAST END RD		2301
	PATEL'S		4470 HOMER SPIT RD		3176
	PATEL'S #2		3189 HOMER SPIT RD		3472

2. Has any individual, corporate officer, director, limited liability organization member, manager or partner named in this application been convicted of a felony, a violation of AS 04, or been convicted as a licensee or manager of licensed premises in another state of the liquor laws of that state?

Yes No If Yes, attach written explanation.

SECTION E - OWNERSHIP INFORMATION - CORPORATION

Corporations, LLCs, LLPs and LPs must be registered with the Dept. of Community and Economic Development.

Name of Entity (Corporation/LLC/LLP/LP) (or N/A if an Individual ownership): MSA INC		Telephone Number: 235-5101	Fax Number: 235-6139
Corporate Mailing Address: 369 E. PIONEER AVE.	City: HOMER	State: AK	Zip Code: 99603
Name, Mailing Address and Telephone Number of Registered Agent: SAME		Date of Incorporation OR Certification with DCED: 6-22-04	State of Incorporation: AK

Is the Entity in "Good Standing" with the Alaska Division of Corporations? Yes No
If no, attach written explanation. Your entity *must* be in compliance with Title 10 of the Alaska Statutes to be a valid liquor licensee.

Entity Members (Must include President, Secretary, Treasurer, Vice-President, Manager and Shareholder/Member with at least 10%)

Name	Title	%	Home Address & Telephone Number	Work Telephone Number	Date of Birth
MELVYN STRYDOM	PRES.	100	61477 SKYLINE DR. 235-9088	235-5101	5-08-54

NOTE: If you need additional space, please attach a separate sheet.

Alcoholic Beverage Control Board
5848 E Tudor Rd
Anchorage, AK 99507

Transfer Liquor License

(907) 269-0350
Fax: (907) 272-9412
www.dns.state.ak.us/abc

SECTION F - OWNERSHIP INFORMATION - SOLE PROPRIETORSHIP (INDIVIDUAL OWNER & SPOUSE)

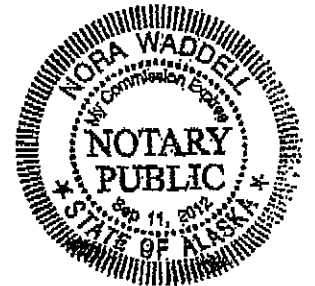
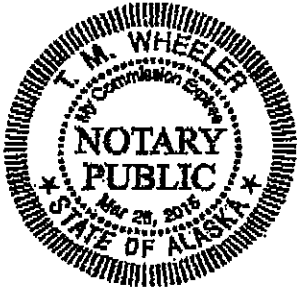
Individual Licensees/Affiliates (The ABC Board defines an "Affiliate" as the spouse or significant other of a licensee. Each Affiliate must be listed.)

Name: Address: Home Phone: Work Phone:	<i>N/A</i>	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/>	Date of Birth:	Name: Address: Home Phone: Work Phone:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/>	Date of Birth:
Name: Address: Home Phone: Work Phone:		Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/>	Date of Birth:	Name: Address: Home Phone: Work Phone:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/>	Date of Birth:

Declaration

- I declare under penalty of perjury that I have examined this application, including the accompanying schedules and statements, and to the best of my knowledge and belief it is true, correct and complete, and this application is not in violation of any security interest or other contracted obligations.
- I hereby certify that there have been no changes in officers or stockholders that have not been reported to the Alcoholic Beverage Control Board. The undersigned certifies on behalf of the organized entity, it is understood that a misrepresentation of fact is cause for rejection of this application or revocation of any license issued.
- I further certify that I have read and am familiar with Title 4 of the Alaska statutes and its regulations, and that in accordance with AS 04.11.450, no person other than the licensee(s) has any direct or indirect financial interest in the licensed business.
- I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application.

Signature of Current Licensee(s) Signature	Signature of Transferee(s) Signature
Signature <i>Melvyn Straydom</i>	Signature <i>Melvyn Straydom</i>
Name & Title (Please Print) MELVYN STRAYDOM, PRES.	Name & Title (Please Print) MELVYN STRAYDOM, PRES.
Subscribed and sworn to before me this 26 th day of March, 2012	Subscribed and sworn to before me this 27 th day of March, 2012
Notary Public in and for the State of Alaska <i>J. Muhoe</i>	Notary Public in and for the State of Alaska <i>Nora Waddell</i>
My commission expires: 3/26/2015	My commission expires: Sept. 11, 2012



STATE OF ALASKA
ALCOHOL BEVERAGE CONTROL BOARD

Licensed Premises Diagram

INSTRUCTIONS: Draw a detailed floor plan of your present or proposed licensed premises on the graph below. show all entrances and exits, and all fixtures such as tables, booths, games, counters, bars, coolers, stages, etc.

DBA: HOMER LIQUOR & WINE COMPANY

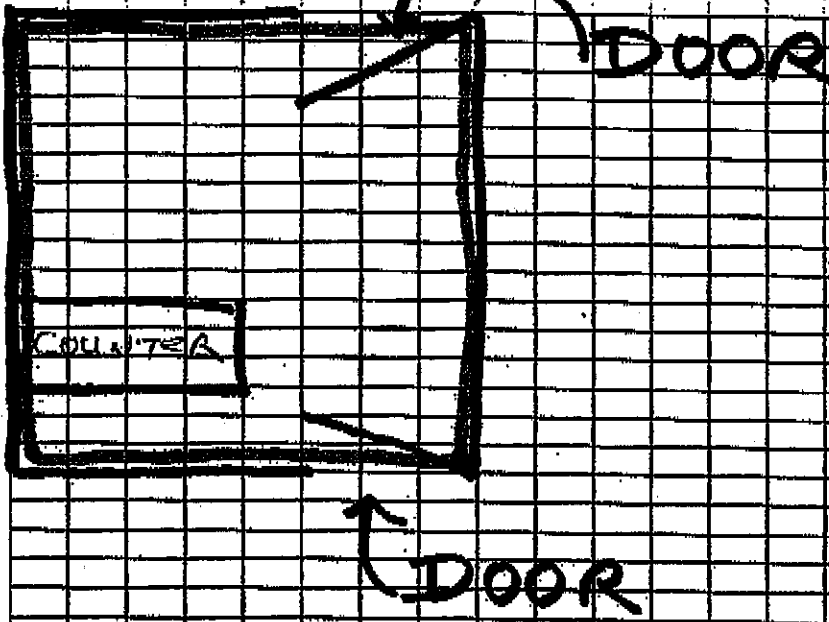
PREMISES LOCATION: 4306 HOMER SPET ROAD #4

Indicate scale by x after appropriate statement or show length and width of premises. 1 SQ. = 4 FT.

SCALE A: X 1 SQ. = 1 FT. SCALE B:

Length and width of premises in feet: 8 x 16

Outline the area to be designated for sale, service, storage, and consumption of alcoholic beverages in red. **DO NOT USE BLUE INK OR PENCIL ON THIS DIAGRAM.**





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 12-083

TO: HOMER CITY COUNCIL

FROM: JAMES C. HORNADAY, MAYOR

DATE: MAY 22, 2012

SUBJECT: APPOINTMENT OF NANTIA KRISINTU TO THE ECONOMIC
DEVELOPMENT ADVISORY COMMISSION

Nantia Krisintu is appointed to the Economic Development Advisory Commission to fill the seat vacated by Shelly Erickson. Her appointment will expire April 1, 2015.

RECOMMENDATION:

Confirm the appointment of Nantia Krisintu to the Economic Development Advisory Commission.



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 NANTIA KRISINTA Date MAY 15, 2012

Physical Address 4415 EARLY SPRING ST. City HOMER

Mailing Address SAME. Zip Code 99603

Phone 907-299-0779 Work # SAME Cell # SAME

Email Address nkrisinta@uas.alaska.edu

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 6:30 P.M. WORKSESSIONS AT 5:30 P.M.
<input checked="" type="checkbox"/>	ECONOMIC DEVELOPMENT ADVISORY COMMISSION	2ND TUESDAY OF THE MONTH AT 6:00 P.M.
<input type="checkbox"/>	LIBRARY ADVISORY BOARD	1ST TUESDAY OF THE MONTH AT 5:00 P.M.
<input type="checkbox"/>	PARKS & RECREATION ADVISORY COMMISSION	3RD THURSDAY OF THE MONTH AT 5:30 P.M.
<input type="checkbox"/>	PORT & HARBOR ADVISORY COMMISSION	4TH WEDNESDAY - JANUARY TO APRIL & SEPTEMBER TO DECEMBER AT 5:00 P.M. 4TH WEDNESDAY - MAY - AUGUST AT 6:00 P.M.
<input type="checkbox"/>	PUBLIC ARTS COMMITTEE	QUARTERLY - 2ND THURSDAY OF THE MONTH AT 5:00 P.M.
<input type="checkbox"/>	TRANSPORTATION ADVISORY COMMITTEE	3RD TUESDAY OF THE MONTH AT 5:30 P.M.
<input type="checkbox"/>	PERMANENT FUND COMMITTEE	QUARTERLY - 2ND THURSDAY OF THE MONTH AT 5:15 P.M.
<input type="checkbox"/>	LEASE COMMITTEE	QUARTERLY - 2ND THURSDAY OF THE MONTH AT 3:00 P.M.
<input type="checkbox"/>	OTHER - PLEASE ENTER THE COMMITTEE/TASK FORCE	

I have been a resident of the City for 6 mos. 7 yrs I have been a resident of the area for 15 mos. 1 yrs.

I am presently employed as:

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

- ECONOMICS / studies & Interdisciplinary BA was 2012
ETHICS
- ENTREPRENEUR TOKYO 1998-2000

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

If so when and where?

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

I am interested in serving on the above because:

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

Questions regarding the Homer Advisory Planning Commission:
Have you ever developed real property, other than your personal residence? NO

If yes, briefly describe the development:

Questions regarding the Port & Harbor Advisory Commission:
Do you use the Homer Port and/ or Harbor on a regular basis? YES
If yes, is you use primarily: Commercial Recreational Both

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

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

< sorry for the messy paper - greenhouse season is upon us

VISITORS

**ANNOUNCEMENTS
PRESENTATIONS
BOROUGH REPORT
COMMISSION REPORTS**

PUBLIC HEARING(S)

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

**Port and Harbor Revenue Bond Project
Ordinances 12-19 & 12-20
Resolutions 12-037 & 12-038**

A **public hearing** is scheduled for **Tuesday, May 29, 2012** during a Regular City Council Meeting. The meeting begins at 6:00 p.m. in the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

Port and Harbor Revenue Bond Project

Ordinance 12-19 and 12-20 internet address:
<http://www.cityofhomer-ak.gov/ordinances>

Ordinance 12-19, 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 2011 in the Amount of \$32,687.50, and Authorizing the City Manager to Execute the Appropriate Documents. City Manager.

Ordinance 12-20, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2012 Operating Budget by Appropriating and Transferring \$3,000 from the General Fund Reserve (Fund Balance) to the Public Arts Committee for the Baycrest Overlook Improvement Gateways Project. City Manager.

Resolution 12-037 and 12-038 internet address:
<http://www.cityofhomer-ak.gov/resolutions>

Resolution 12-037, A Resolution of the City Council of Homer, Alaska, Amending the City of Homer Fee Schedule for Port and Harbor Fees for the Purpose of Repaying a Revenue Bond and Contributing to the Port and Harbor Enterprise Reserves. City Clerk/Port and Harbor Advisory Commission.

Resolution 12-038, A Resolution of the City Council of Homer, Alaska, Amending the Port of Homer Terminal Tariff No. 600 for the Purpose of Repaying a Revenue Bond and Contributing to the Port and Harbor Enterprise Reserves. City Clerk/Port and Harbor Advisory Commission.



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

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

Melissa Jacobsen, CMC, Deputy City Clerk

Publish: Homer Tribune – May 23, 2012

CLERK'S AFFIDAVIT OF POSTING

I, Renee Krause, CMC, Deputy City Clerk I for the City of Homer, Alaska, do hereby certify that a copy of the Public Hearing Notice for Port & Harbor Revenue Bond Project; Resolution 12-037, Amending the Fee Schedule for Portions of the Port and Harbor Fees for the Purpose of Repaying a Revenue Bond and Contributing to the Port and harbor Enterprise Reserve Fund; Resolution 12-038, Amending Portions of the Port of Homer Terminal Tariff No. 600 for the Purpose of Repaying a Revenue Bond and Contributing to the Port and Harbor Enterprise Reserve Fund; Ordinance 12-19, Appropriating a Commercial Vessel Passenger Tax Program Pass Through Grant in the Amount of \$32,687.50; and Ordinance 12-20, Amending the FY2012 Budget by Appropriating \$3,000 to the Public Arts Committee for the Baycrest Overlook Improvement Gateways Project at the City of Homer kiosks located at City Clerk's Office, Captain's Coffee Roasting Co., Harbormaster's Office, and Redden Marine Supply of Homer, on May 18, 2012 and that the Deputy City Clerk II posted same on City of Homer Homepage on May 18, 2012.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of said City of Homer this 18th day of May, 2012.

Renee Krause
Renee Krause, CMC, Deputy City Clerk I



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**CITY OF HOMER
HOMER, ALASKA**

City Clerk/
Port and Harbor Advisory Commission

RESOLUTION 12-037

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING THE CITY OF HOMER FEE SCHEDULE FOR PORT AND HARBOR FEES FOR THE PURPOSE OF REPAYING A REVENUE BOND AND CONTRIBUTING TO THE PORT AND HARBOR ENTERPRISE RESERVES.

WHEREAS, The Port and Harbor Improvement Committee was established by Resolution 11-060 to develop a Port and Harbor Improvement Revenue Bonding Plan and provide committee review and oversight throughout the implementation and completion of any approved plan; and

WHEREAS, Revenue Bonds are backed by a specific revenue stream and users pay the cost of the project and financing; and

WHEREAS, Amending the Port of Homer Terminal Tariff No. 600 to increase certain fees to harbor users is necessary for the purpose of repaying the revenue bond; and

WHEREAS, The Port and Harbor Improvement Committee appointed a Tariff Review Subcommittee that met twice and provided recommended changes to the Committee who in turn presented the recommended changes to the Port and Harbor Advisory Commission; and

WHEREAS, The Port and Harbor Advisory Commission held a public hearing regarding the proposed amendments to the Port of Homer Terminal Tariff No. 600, in which 13 people testified and the Commission proposed its amendment to the tariff rates; and

WHEREAS, Recognizing the need for maintenance for the Ice Plant, the Port and Harbor Improvement Committee recommends increasing the ice rate and monies gained to go towards Fish Dock and Ice Plant maintenance; and

WHEREAS, The Port and Harbor Improvement Committee reviewed the Commission's recommendations and recommends the amendments to the City of Homer Fee Schedule as outlined in the attached Exhibit A.

WHEREAS, The estimated proceeds may exceed the estimated repayment amount and any excess funds collected through these increases will be contributions to the Port and Harbor Enterprise Fund Reserve Account.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby amends the City of Homer Fee Schedule as outlined in Exhibit A for the purpose of repaying a revenue bond and contributing to the Port and Harbor Enterprise Fund Reserve Account.

PASSED AND ADOPTED by the City Council of Homer, Alaska, this ____ day of _____, 2012.

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CITY OF HOMER

JAMES C. HORNADAY, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

Fiscal Note: Revenue amounts increase \$252,726 in 2012 and \$496,590 in 2013.

EXHIBIT A
Resolution 12-037

PORT AND HARBOR DEPARTMENT

(The following fees have been set by legislative enactments to HCC 10, Ord. 95-18(A) and Resolutions 12-023, 10-89, 06-52, 06-04, 05-123, 04-96, 03-154(S), 03-104, 03-88, 00-39, 99-118(A), 99-101, 99-78(S), 99-30(A), 95-69 (Port/Harbor Tariff No. 600), Resolution 95-19, Resolution 01-84(S)(A), Resolution 02-81(A), Resolution 07-121, and Resolution 08-123)

Harbor Office - 235-3160

Fish Dock - 235-3162

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

Administrative cost for changing boat in slip - \$25.00

A \$30.00 per year charge will be assessed for a listing on a permanent reserved stall assignment.

Large quantity waste oil disposal (with Harbor Master approval) - \$3.25 gallon

PARKING FEES

Parking fees to be collected at Ramp 1, Ramp 2, Ramp 3 and Ramp 4 seasonally (Memorial Day through Labor Day). Parking fee is \$5 per calendar day. Posted parking time limits will be established and enforced as per Homer city code 10.04.100.

Seasonal permits for day use parking (Ramps 1-4): \$250.00.

Long Term parking permits required for Vehicles 20' or less parked in excess of seven (7) consecutive 24-hour days.

Long Term Parking annual permit (January 1st through December 31st): fee \$200.00.

Long Term Parking annual permit fee for vessel owners paying annual moorage in the Homer Harbor: fee \$100.00.

Vehicles over 20' and trailers are not eligible for long term parking permits.

Monthly parking permit for vehicles less than 20': fee \$70.00 for 30 consecutive days.

Monthly parking permit for vehicles over 20': fee \$85.00 for 30 consecutive days in a portion of Lot 9 only.

Long term parking will be enforced year around.

Parking lot restrictions for long term parking, May 1 through October 1, as depicted on attached map (Attachment A).

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

Fines, \$25.00 per calendar day, limited to \$250.00 fine per calendar year, with \$200.00 of the fine credited towards the long term parking annual permit.

Annual Moorage fee - ~~\$35.22~~ **\$37.86 (2012) \$40.50 (2013)** per lineal foot, plus \$50.00 administrative charge.

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

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

Dockage charges will be assessed based on linear foot per calendar day or portion thereof as follows: ~~at the rate of \$2.27 per foot for the length of the vessel.~~

	2012	2013
0' to 100'	\$254.13	\$338.00
101' to 200'	\$423.25	\$506.00
201' to 300'	\$677.75	\$788.00
301' to 350'	\$871.38	\$1,005.00
351' to 375'	\$961.01	\$1,098.00
376' to 400'	\$1,043.38	\$1,206.00
401' to 425'	\$1,137.26	\$1,337.00
426' to 450'	\$1,243.13	\$1,490.00
451' to 475'	\$1,327.51	\$1,604.00
476' to 500'	\$1,434.88	\$1,762.00
501' to 525'	\$1,580.26	\$1,996.00
526' to 550'	\$1,687.63	\$2,154.00
551' to 575'	\$1,806.01	\$2,334.00
576' to 600'	\$1,958.38	\$2,582.00
601' to 625'	\$2,174.26	\$2,957.00
626' to 650'	\$2,445.63	\$3,443.00
651' to 675'	\$2,711.10	\$3,917.00
676' to 700'	\$2,990.88	\$4,420.00
701' to 725'	\$3,368.76	\$5,119.00
726' to 750'	\$3,766.63	\$5,858.00
751' to 775'	\$4,188.01	\$6,644.00
776' to 800'	\$4,668.88	\$7,459.00

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

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

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

Wharfage:

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

COMMODITY

WHARFAGE RATE

Freight N.O.S.

\$7.96

(Not Otherwise Specified)

Freight at barge ramp

\$5.14

Poles, logs, cants or cut
finished lumber per M.M.

\$3.95/thousand board ft.

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

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

Petroleum products
(inbound and outbound)
Wood Chips (all grades)

~~\$.39~~/~~\$0.6363 (2012)~~ **\$0.84 (2013)** /barrel
~~\$0.0103~~ **\$0.01515 (2012)** **\$0.02 (2013)** per gallon
\$ as per contract

Seafood/fish product

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

Livestock: Horses, mules,
cattle, hogs, sheep, goats,
all other livestock

\$10.12 per head

Fowl: Any kind, crated

\$10.12 per crate

Boats: Up to and including twenty (20) feet LOA \$15.66 each

Over twenty (20) feet LOA \$1.60 per lineal ft.

(Fishing boats, pleasure craft, skiffs, dinghies and other boats moved over the docks.)

Demurrage

0.09/sq. ft.

Uplands Storage:

Land for Gear Storage-

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

Open areas, fishing gear 0.12/ sq. ft.

Open areas, non-fishing gear 0.17/ sq. ft.

Boat Trailers-

Short term storage, up to 7 days - space available basis - no fee.

Long term storage, 8 days or more - not available May 1 to Oct 1

Up to 30 feet \$ 75.00/month Oct 1 to May 1

Over 30 feet \$100.00/month Oct 1 to May 1

TIDAL GRIDS:

The City of Homer operates two tidal grids. The wooden grid is for vessels of less than 60 feet in length. The steel grid is only for use by vessels of 60 feet or greater in length. Vessels that remain on either grid after their scheduled tide may be assessed a 50% surcharge for each

unscheduled tide. Use of the steel grid shall be charged at the minimum rate applicable for a 60' boat if a boat of less length is allowed to use this grid.

- The rate per foot per tide is \$1.05 for vessels 0' - 59'
- The rate per foot per tide is \$2.55 for vessels 60' - 80'
- The rate per foot per tide is \$3.25 for vessels 81' - 100'
- The rate per foot per tide is \$3.82 for vessels 101' - 120'
- The rate per foot per tide is \$4.24 for vessels 121' - 140'

WATER:

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

ELECTRICITY (per kilowatt):

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

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

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

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

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

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

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

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

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

LABOR/PERSONNEL:

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

SPECIAL SERVICES:

Special services, including waste, bulk oil, or garbage disposal shall be billed at the City's actual cost plus 125% of city costs for services arranged for by the City but provided by others. Waste oil in quantities greater than 5 gallons, shall be charged a \$3.35 per gallon handling and disposal fee.

REGULATED GARBAGE HANDLING FEE:

Contact the Homer Harbormaster office for a list of contractors certified to handle regulated garbage at the Port of Homer. Fees will be negotiated between the contractor and vessel managers.

SEARCH AND RESCUE FEES:

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

PUBLIC LAUNCH RAMPS:

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

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

BEACHES AND BARGE RAMP:

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

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

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

The user of any beach area or the barge ramp must repair any damage to the beach or ramp and remove all debris. Failure to make such repairs and removal will result in repairs and cleanup by the harbor staff. The costs incurred by the harbor staff will be fully charged to the beach user. Labor rate for the harbor staff will be one hundred and two dollars (\$102.00) per hour per person, plus appropriate equipment rental and material costs.

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

FISH DOCK:

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

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

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

Blocking access to cranes - \$150.00/hr.
 Unattended vessels - \$150.00/hr.

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

ITEM	FEE
Annual access	\$52.00 per year
Card (private license)	(annual renewal fee)
Card replacement fee	\$15.00 per occurrence
Cold Storage	\$334.75/month
(Cold storage rate structure is for storage area of eight (8) feet by ten (10) feet	\$309/per month for two (2) consecutive months
	\$283.25/per month for three (3) consecutive months
	\$275.50/per month for nine (9) month season
	Minimum one month rental
	Inspection \$50/per hour
Bait Storage Fee (4x4x4)	
Per Day	\$5.15
Per Week	\$25.75
Per Month	\$77.25
Ice Plant Bin Storage	\$200/per month, minimum two (2) months
(Roofed over, open sided storage bins at west end of	

of ice plant building sixteen (16) feet
by twelve (12) feet)

Fish Dock crane
Minimum charge per hour for crane
Ice

\$90.64/per hour
Fifteen minutes
~~\$119.00~~ **\$124.95 (2012) \$130.90**
(2013)/per ton

Seafood Wharfage/Fish product

Setting a tariff of \$4.76 per ton of
seafood/fish product across the docks.
Regardless of species bait in quantities
greater than one ton that is loaded onto a
vessel at Fish Dock, shall be charged
seafood wharfage.

Freight NOS, Nonfish Cargo

\$14.50/per ton for cargo going over the
Fish Dock.

Fish Waste Disposal Fees/Fish Grinder

\$5.00/Tub
\$30.00/Tote

1 CITY OF HOMER
2 HOMER, ALASKA

3 City Clerk/
4 Port and Harbor Advisory Commission

5 RESOLUTION 12-038
6

7 A RESOLUTION OF THE CITY COUNCIL OF HOMER,
8 ALASKA, AMENDING THE PORT OF HOMER TERMINAL
9 TARIFF NO. 600 FOR THE PURPOSE OF REPAYING A
10 REVENUE BOND AND CONTRIBUTING TO THE PORT AND
11 HARBOR ENTERPRISE RESERVES.
12

13 WHEREAS, The Port and Harbor Improvement Committee was established by Resolution
14 11-060 to develop a port and harbor improvement revenue bonding plan and provide committee
15 review and oversight throughout the implementation and completion of any approved plan; and
16

17 WHEREAS, Revenue Bonds are backed by a specific revenue stream and users pay the cost
18 of the project and financing; and
19

20 WHEREAS, Amending the Port of Homer Terminal Tariff No. 600 to increase certain fees to
21 harbor users is necessary for the purpose of repaying the revenue bond; and
22

23 WHEREAS, The Port and Harbor Improvement Committee appointed a Tariff Review Sub-
24 Committee that met twice and provided recommended changes to the Committee who in turn
25 presented the recommended changes to the Port and Harbor Advisory Commission; and
26

27 WHEREAS, The Port and Harbor Advisory Commission held a public hearing regarding the
28 proposed amendments to the Port of Homer Terminal Tariff No. 600, in which 13 people testified
29 and the Commission proposed its amendment to the tariff rates; and
30

31 WHEREAS, Recognizing the need for maintenance for the Ice Plant, the Port and Harbor
32 Improvement Committee recommends increasing the ice rate and monies gained to go towards Fish
33 Dock and Ice Plant maintenance; and
34

35 WHEREAS, The Port and Harbor Improvement Committee reviewed the Commission's
36 recommendations and recommends the amendments to the Port of Homer Terminal Tariff No. 600 as
37 outlined in the attached Exhibit A.
38

39 WHEREAS, The estimated proceeds may exceed the estimated repayment amount and any
40 excess funds collected through these increases will be contributions to the Port and Harbor Enterprise
41 Fund Reserve Account.
42

43 NOW, THEREFORE, BE IT RESOLVED that the City Council hereby amends the Port of
44 Homer Terminal Tariff No. 600 as outlined in Exhibit A for the purpose of repaying a revenue bond
45 and contributing to the Port and Harbor Enterprise Fund Reserve Account.
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47 PASSED AND ADOPTED by the City Council of Homer, Alaska, this ____ day of____,
48 2012.
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CITY OF HOMER

JAMES C. HORNADAY, MAYOR

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ATTEST:

JO JOHNSON, CMC, CITY CLERK

Fiscal Note: Revenue amounts increase \$252,726 in 2012 and \$496,590 in 2013.

EXHIBIT A
Resolution 12-038

Rules or Category	2010	2011		2012	2013
	RATES	& CURRENT RATES		PROPOSED	PROPOSED
34.13 Wait List Fee	\$ 30.00	\$ 30.00		\$30.00	\$30.00
34.15 Waste Oil over 5 gallon per gallon	\$ 3.25	\$ 3.25		\$3.25	\$3.25
34.18b Annual Moorage Fee	\$ 34.19	\$ 35.22	15% over 2yrs	\$37.86	\$40.50
Administrative Charge	\$ 50.00	\$ 50.00		\$50.00	\$50.00
34.19					
Dockage	\$ 2.20	\$ 2.27	to Anchorage	using mid-	
			current rates	range of LOA	
			over 2 yrs		
			0' to 100'	\$254.13	\$338.00
			101' to 200'	\$423.25	\$506.00
			201' to 300'	\$677.75	\$788.00
			301' to 350'	\$871.38	\$1,005.00
			351' to 375'	\$961.01	\$1,098.00
			376' to 400'	\$1,043.38	\$1,206.00
			401' to 425'	\$1,137.26	\$1,337.00
			426' to 450'	\$1,243.13	\$1,490.00
			451' to 475'	\$1,327.51	\$1,604.00
			476' to 500'	\$1,434.88	\$1,762.00
			501' to 525'	\$1,580.26	\$1,996.00
			526' to 550'	\$1,687.63	\$2,154.00
			551' to 575'	\$1,806.01	\$2,334.00
			576' to 600'	\$1,958.38	\$2,582.00
			601' to 625'	\$2,174.26	\$2,957.00
			626' to 650'	\$2,445.63	\$3,443.00
			651' to 675'	\$2,711.10	\$3,917.00
			676' to 700'	\$2,990.88	\$4,420.00
			701' to 725'	\$3,368.76	\$5,119.00
			726' to 750'	\$3,766.63	\$5,858.00
			751' to 775'	\$4,188.01	\$6,644.00
			776' to 800'	\$4,668.88	\$7,459.00
Cruise Ship Dockage	\$ 2.20	\$ 2.27		remove	remove
Cruise Ship Service Charge	\$ 467.50	\$ 481.53		\$481.53	\$481.53
Dockage Service Charge	\$ 50.00	\$ 52.00		\$52.00	\$52.00
34.2					
Freight N.O.S.	\$ 7.96	\$ 7.96		\$7.96	\$7.96
Freight at Barge Ramp	\$ 5.14	\$ 5.14		\$5.14	\$5.14
Poles, Logs, cants or cut	\$ 3.95	\$ 3.95		\$3.95	\$3.95
Petroleum Products					
Barrel	\$ 0.37	\$ 0.39	42gal= 1 barrel	\$0.6363	\$0.84

Gallon	\$ 0.01	\$ 0.0103	to\$.02 over 2yrs	\$0.01515	\$0.02
Seafood/Fish Products	\$ 4.62	\$ 4.76		\$4.76	\$4.76
Livestock	\$ 10.12	\$ 10.12		\$10.12	\$10.12
Fowl	\$ 10.12	\$ 10.12		\$10.12	\$10.12
Boats					
Up to 20 ft. Each	\$ 15.66	\$ 15.66		\$15.66	\$15.66
Over 20 ft. per lineal ft.	\$ 1.60	\$ 1.60		\$1.60	\$1.60
34.21					
Demurrage per sq. ft.	\$ 0.08	\$ 0.09		\$0.09	\$0.09
34.22 Uplands Storage					
Open area fishing gear	\$ 0.12	\$ 0.12		\$0.12	\$0.12
Open area non-fishing gear	\$ 0.17	\$ 0.17		\$0.17	\$0.17
Fenced storage yard	\$ 0.24	\$ 0.24		\$0.24	\$0.24
Shelter Deck Storage/per month	\$ 35.00	\$ 35.00		\$35.00	\$35.00
34.23 Tidal Grids					
0 - 59'	\$ 1.02	\$ 1.05		\$1.05	\$1.05
60 - 80'	\$ 2.48	\$ 2.55		\$2.55	\$2.55
81 - 100'	\$ 3.16	\$ 3.25		\$3.25	\$3.25
101 - 120'	\$ 3.70	\$ 3.82		\$3.82	\$3.82
121 - 140'	\$ 4.11	\$ 4.24		\$4.24	\$4.24
34.25					
DWD Potable Water					
Per Thousand Gallon	\$ 37.68	\$ 38.81		\$38.81	\$38.81
Connect/Disconnect Scheduled	\$ 99.00	\$ 102.00		\$102.00	\$102.00
Connect/Disconnect Not Scheduled	\$ 135.26	\$ 139.32		\$139.32	\$139.32
Electricity					
Reserved Stall					
Meter Availability Fee	\$ 23.25	\$ 23.95		\$23.95	\$23.95
Connect/Disconnect Fee	\$ 27.96	\$ 28.80		\$28.80	\$28.80
Transient Vessel					
Meter Availability Fee	\$ 27.96	\$ 28.80		\$28.80	\$28.80
Connect/Disconnect Fee	\$ 27.96	\$ 28.80		\$28.80	\$28.80
Non-Metered Power					
Daily					
110 volt	\$ 9.90	\$ 10.20		\$10.20	\$10.20
220 volt	\$ 19.53	\$ 20.12		\$20.12	\$20.12
208 volt three phase	\$ 43.88	\$ 45.20		\$45.20	\$45.20
Monthly					
110 volt	\$ 148.22	\$ 152.67		\$152.67	\$152.67

220 volt	\$ 331.74	\$ 341.70		\$341.70	\$341.70
Towing inside Harbor					
1/2 hour	\$ 66.00	\$ 68.00		\$68.00	\$68.00
1 hour	\$ 99.00	\$ 102.00		\$102.00	\$102.00
Pumping Vessel					
Elect Pump per day	\$ 39.60	\$ 40.79		\$40.79	\$40.79
Gas Pump per hour (includes attendant)	\$ 67.93	\$ 69.97		\$69.97	\$69.97
City Personnel Labor					
per hour	\$ 99.00	\$ 102.00		\$102.00	\$102.00
per 1/2 hour	\$ 49.50	\$ 51.00		\$51.00	\$51.00
Waste oil over 5 gal - per gal	\$ 3.25	\$ 3.35		\$3.35	\$3.35
Regulated Garbage Handling	\$ 800.00	\$ 800.00		\$800.00	\$800.00
Regulated Garbage per 100 lbs.	\$ 90.00	\$ 90.00		\$90.00	\$90.00
34.26					
Passenger Fees			remove	remove	remove
34.27 Search & Rescue per hour	\$ 99.00	\$ 102.00		\$102.00	\$102.00
34.28					
Boat Launch Ramp					
Per day	\$ 12.00	\$ 13.00		\$13.00	\$13.00
Season Pass	\$ 125.00	\$ 130.00		\$130.00	\$130.00
34.29					
Beaches/Barge Ramp					
Vessels up to 50 ft. per foot	\$ 1.45	\$ 1.50		\$1.50	\$1.50
Vessels over 50 ft. per foot	\$ 1.45	\$ 1.50		\$1.50	\$1.50
34.3					
Fish Dock					
Vessels blocking cranes per hr	\$ 150.00	\$ 150.00		\$150.00	\$150.00
Unattended vessels	\$ 150.00	\$ 150.00		\$150.00	\$150.00
Annual access	\$ 50.00	\$ 52.00		\$52.00	\$52.00
Card Replacement Fee	\$ 15.00	\$ 15.00		\$15.00	\$15.00
Cold Storage Fee per month	\$ 325.00	\$ 334.75		\$334.75	\$334.75
Two consecutive months	\$ 300.00	\$ 309.00		\$309.00	\$309.00
Three consecutive months	\$ 275.00	\$ 283.25		\$283.25	\$283.25
Nine month season	\$ 250.00	\$ 257.50		\$257.50	\$257.50
Bait Storage Fee (4x4x4)					
Per day	\$ 5.00	\$ 5.15		\$5.15	\$5.15
Per week	\$ 25.00	\$ 25.75		\$25.75	\$25.75

Per month	\$ 75.00	\$ 77.25		\$77.25	\$77.25
Crane usage per hour	\$ 88.00	\$ 90.64		\$90.64	\$90.64
Ice per ton	\$ 115.50	\$ 119.00	10% over 2 yrs	\$124.95	\$130.90
Seafood wharfage	\$ 4.62	\$ 4.76		\$4.76	\$4.76
Freight non seafood per ton	\$ 14.00	\$ 14.50		\$14.50	\$14.50
Parking per calendar day	\$ 5.00	\$ 5.00		\$5.00	\$5.00
Labor Day - Memorial Day					
Fish Grinder					
Tub	\$ 4.00	\$ 5.00		\$5.00	\$5.00
Tote	\$ 20.00	\$ 30.00		\$30.00	\$30.00
Swap Request	\$ 25.00	\$ 25.00		\$25.00	\$25.00

ORDINANCE REFERENCE SHEET
2012 ORDINANCE
ORDINANCE 12-19

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 2012 in the Amount of \$32,687.50, and Authorizing the City Manager to Execute the Appropriate Documents.

Sponsor: City Manager

1. City Council Regular Meeting May 14, 2012 Introduction
 - a. KPB Ordinance 2011-19-79
 - b. KBP Grant Agreement

2. City Council Regular Meeting May 29, 2012 Second Reading

1 CITY OF HOMER
2 HOMER, ALASKA

3 City Manager

4 ORDINANCE 12-19

5
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER,
7 ALASKA, ACCEPTING AND APPROPRIATING A
8 COMMERCIAL VESSEL PASSENGER TAX PROGRAM PASS
9 THROUGH GRANT FROM THE KENAI PENINSULA
10 BOROUGH FOR FY 2011 IN THE AMOUNT OF \$32,687.50,
11 AND AUTHORIZING THE CITY MANAGER TO EXECUTE
12 THE APPROPRIATE DOCUMENTS.

13
14 WHEREAS, The State of Alaska collects revenues under the Commercial Vessel
15 Passenger Tax Program and remits proceeds to boroughs which contain ports where cruise ships
16 land; and

17
18 WHEREAS, The Kenai Peninsula Borough has received such funds for FY 2011 and
19 decided to pass those revenues through to Homer and Seward; the communities where cruise
20 ships land and utilize local infrastructure and services; and

21
22 WHEREAS, The Borough Assembly adopted KPB Ordinance 2011-19-79 which
23 appropriated funds and authorized a pass through grant to the City of Homer in the amount of
24 \$32,687.50.

25
26 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

27
28 Section 1. The Homer City Council hereby accepts and appropriates a Commercial
29 Vessel Passenger Tax Program pass through grant from the Kenai Peninsula Borough for FY
30 2011 in the amount of \$32,687.50 as follows:

31
32 Appropriation:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
460-927	KPB CVPT Pass Through Grant FY 11	\$32,687.50

33
34
35
36 Section 2. The City Manager is authorized to execute the appropriate documents.

37
38 Section 3. This ordinance is a budget ordinance only, is not permanent, and shall not be
39 codified.

40

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

43 CITY OF HOMER

44
45
46 _____
47 JAMES C. HORNADAY, MAYOR

48 ATTEST:

49
50 _____
51 JO JOHNSON, CMC, CITY CLERK

52
53 YES:

54 NO:

55 ABSTAIN:

56 ABSENT:

57
58 First Reading:

59 Public Hearing:

60 Second Reading:

61 Effective Date:

62
63 Reviewed and approved as to form:

64
65
66 _____
67 Walt E. Wrede, City Manager

68
69 _____
70 Thomas F. Klinkner, City Attorney

Date: _____

Date: _____

Introduced by: Mayor
Date: 03/13/12
Hearing: 04/17/12
Action: Enacted
Vote: 9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2011-19-79**

**AN ORDINANCE APPROPRIATING COMMERCIAL PASSENGER VESSEL TAX
PROCEEDS RECEIVED FROM THE STATE OF ALASKA IN THE AMOUNT OF
\$357,552.50 AND ALLOCATING \$324,865 TO THE CITY OF SEWARD AND
\$32,687.50 TO THE CITY OF HOMER**

WHEREAS, in the August 22, 2006 State of Alaska election, Alaska voters approved the initiative in Ballot Measure 2, enacting AS 43.52.200 – 43.52.295, which imposed a tax on travel aboard certain cruise ships travelling in Alaska waters; and

WHEREAS, the Alaska legislature has authorized the sharing of Commercial Passenger Vessel (CPV) excise tax collections with eligible ports of call in the State; and

WHEREAS, CPV excise tax collections are derived from taxes imposed on cruise ship passengers; and

WHEREAS, the City of Seward and City of Homer are eligible ports of call for receiving CPV funds; and

WHEREAS, when the eligible ports of call are cities located in a borough then the cities and the borough each receive \$2.50 for each passenger; and

WHEREAS, the total amount received by the borough from the State of Alaska for the 2011 calendar CPV programs was \$357,552.50; and

WHEREAS, the City of Seward and City of Homer have requested that funds received by the borough that are derived from cruise ship passengers in each city be appropriated to each city for port improvement projects; and

WHEREAS, the intended use of these funds by the cities of Seward and Homer will comply with AS 43.52.230(b), federal legislation and court rulings that permit the use of these funds for port facilities, harbor infrastructure, and other services provided to the commercial passenger vessels and the passengers on board those vessels;

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

SECTION 1. That the mayor is authorized to execute grant agreements and any other documents deemed necessary to expend the funds and to fulfill the intents and purposes of this ordinance.

SECTION 2. That \$357,552.50 received from the State of Alaska in FY2012 for the commercial passenger vessel excise tax collection program be appropriated from the miscellaneous grant fund balance to account 271.94910.12CPV.43011 contract services, for payment to the City of Seward in the amount of \$324,865.00 and to the City of Homer in the amount of \$32,687.50 to be used for port improvement projects.


SECTION 3. This ordinance shall become effective immediately upon enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 17TH DAY OF APRIL, 2012.

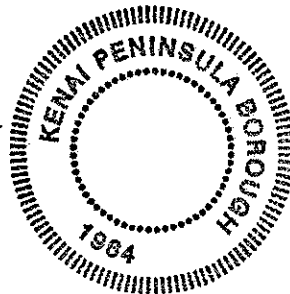


Gary Knopp, Assembly President

ATTEST:



Johni Blankenship, Borough Clerk



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



KENAI PENINSULA BOROUGH GRANT AGREEMENT

Total Grant Funds
\$32,687.50

Authorizing Ordinance
02011-19-79

KPB Account Number
271.94910.12CPV.43011

Total Grant Award
\$32,687.50

Project Title
Commercial Passenger Vessel Tax Program

Funding Source
State

Grantee		Borough Contact Person	
Name	DUNS# 040171563	Name	
City of Homer	EIN# 92-0030963	Brenda Ahlberg, Community & Fiscal Projects Manager	
Mailing Address		Mailing Address	
491 E. Pioneer Avenue		144 N. Binkley Street	
City/State/Zip		City/State/Zip	
Homer AK 99603		Soldotna, AK 99669	
Contact Person		Email	
Walt Wrede, City Manager		bahlberg@borough.kenai.ak.us	
Phone	Fax	Phone	Fax
235-8121	235-3148	714-2153	714-2377

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

Section I: The Borough shall pay Grantee for the performance of the project work under the terms outlined in this agreement. The amount of the payment is based upon project expenses incurred, which are authorized under this agreement. In no event shall the payment exceed \$32,687.50.

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

Section III: The work to be performed under this agreement begins 04/17/2012 and shall be completed no later than 06/30/2014.

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

- A. Scope of Work and Use of Funds
- Payment Method and Reporting Requirements
- Standard Provisions
- B. Financial/Progress Report
- C. Signature Authorization Form
- Certificate(s) of Insurance – *provided by Grantee*

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

Grantee	Borough
Signature: <u>Walt Wrede</u>	Signature: _____
Authorized Signatory Name and Title Walt Wrede, City Manager	Authorized Signatory Name and Title Mike Navarre, Mayor
Date: <u>5/3/12</u>	Date: _____
	Attest: Johni Blankenship, Borough Clerk

Approved as to form and legal sufficiency:

Holly Montague, Deputy Borough Attorney

FY12 KPB Grant Agreement

City of Homer - Commercial Passenger Vessel Tax Program CY2011 Funds

Scope of Work and Use of Funds

Project Description: The purpose of this Borough Grant is to provide funding through the State of Alaska Commercial Passenger Vessel Tax Program, *hereinafter* referred to as CPVT, to the City of Homer, *hereinafter* referred to as "grantee." The Grantee will use the funds for port and harbor projects impacted by cruise ship landings as governed by the Alaska Statutes (see "Source of Funds, page 2).

Project Management

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

Key Contact Information

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

Project Approval

The Assembly approved and appropriated CPVT funds from calendar year 2011 in the amount of \$32,687.50 to the grantee through KPB Ordinance 2011-19-79. Grantee shall cite KPB account number **271.94910.12CPV.43011** in correspondence and reporting forms.

Grant funds, or any earnings there from, may be spent only for the purposes of the grant project as described above. Any monies used for purposes not authorized by this agreement shall be refunded to the Borough immediately after such expenditures, with or without demand by the Borough. Request to amend the budget shall be submitted to the Community & Fiscal Projects Manager no less than ninety (90) days prior to performance period end date.

Project Performance Period

Period: The performance period shall be effective for the period commencing on April 17, 2012 and ending on June 30, 2014. The grantee must liquidate all obligations not later than June 30, 2014. The Borough shall have no obligation for payment of services rendered by the grantee which are not performed within this specified period.

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

Funding

1. Source of Funds:
 - a. This project is being funded in full through the State of Alaska Department of Commerce, Community & Economic Development, "Commercial Passenger Vessel Tax Program" (CPVT) as governed by AS 43.52.200 - 43.52.295.
 - b. All unexpended grant funds as of the end of the grant period must be returned to the Borough. Funds will be considered obligated if they have actually been expended or encumbered prior to the end date of the performance period.
2. Condition for Receipt of Funds: The grantee shall comply with AS 43.52.230 (b), federal legislation and court rulings that permit the use of these funds for port facilities, harbor infrastructure, and other services provided to the commercial passenger vessels and the passengers on board those vessels.
3. Funds, or earnings there from, shall not be expended for the purposes of lobbying activities before the Borough Assembly, the Alaska State Legislature or U.S. Congress.

Payment Terms and Reporting Requirements

1. Payments:
 - a. The Grantee will be compensated for up to and not exceeded \$32,687.50 as determined by the State of Alaska for projects identified in the City of Homer's request letter dated February 28, 2012 and approved by Kenai Peninsula Borough Ordinance 2011-19-79.
 - b. Under no circumstances will funds be released to the Grantee unless all required reporting is current.
2. Reporting Requirements:
 - a. The Borough's approval of the proposed expenditures shall not be construed to mean that the Borough is liable in any manner whatsoever if it is determined by an agency or court of competent jurisdiction that the city's project does not satisfy the statutory criteria.
 - b. Upon completion of the projects, but no later than thirty days thereafter the agreement end date, the grantee shall provide a detailed written report to the Borough administration and assembly, explaining the use of these funds and their compliance with statutory requirements.

- c. The Grantee agrees to refund any such amounts, including principal, interest, costs, fees, fines, or other charges, if it is determined by a court of competent jurisdiction that the grantee's expenditure of the funds does not meet the statutory criteria.
- d. This agreement is not to be construed as entitlement to city receiving the future allocation of the Borough's CPVT.
- e. Failure to meet the reporting requirements set forth in this agreement may result in the Borough withholding future allocations of the borough's grant of CPVT funds.

Mail OR Email Narrative and Fiscal Reports to:

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

Standards for Financial Management

Financial Management System:

1. The grantee will maintain an accounting system and a set of accounting records that at a minimum, allows for the identification of individual projects by source of revenue and expenditures related to this project.
2. All costs will be supported by source documentation. Grantee shall retain all contracts, invoices, materials, payrolls, personnel records, conditions of employment, and other data relating to matters covered by this agreement for a period of three years after the completion date of the agreement, or until final resolution of any audit findings, claims, or litigation related to the grant.
3. The grantee's accounting records will be the basis for generating financial reports which must reflect accurate and complete data. In addition, financial records must be properly closed out at the end of the project period and all reports submitted in a timely manner.

Procurement Standards

The Grantee agrees to use a competitive process when making procurements for goods and services. These standards include but are not limited to the following:

1. Grantee may use its own procurement policies provided that they adhere to the applicable standards;
2. Grantee shall maintain a code of conduct which shall govern the performance of its officers, employees or agents in contracting with or expending grant funds; and
3. All procurement transactions shall be conducted in a manner so as to provide for maximum open and free competition.

Audits and Monitoring

Audits:

1. Provisions of 2 AAC 45.010 shall apply to a Borough Grantee receiving a grant of \$100,000 or more from the Borough. An audit in compliance with 2 AAC 45.010 shall be

required on the performance of the grant conditions. Such audit report shall be due to the Borough no later than 30 days after the audit is completed, or 6 months after the expiration of the grant, whichever is sooner. A copy of a federal single audit report may be submitted to fulfill the requirements of this section.

2. An annual audited financial statement, certified by a Certified Public Accountant, shall be submitted by a Borough Grantee receiving a grant less than \$100,000 from the Borough. Such financial statement shall be due no later than 6 months from the termination of this agreement.
3. Grantees receiving less than \$100,000 from the Borough and receiving payments on a reimbursable basis are exempt from the audit requirements.

Monitoring:

1. The grantee may receive an on-site review from the Borough, or its authorized representatives, in addition to reviews from State of Alaska personnel representing the AK Department of Commerce, Community & Economic Development. Monitoring staff may review project and financial activity relating to the terms of this agreement. Upon request, the Borough shall be given full and complete access to all information related to the performance period of this agreement to ensure compliance with the project activities and consistently applied costs.
2. The grantee shall provide the Borough and its authorized representatives all technical staff, assistance and information needed to enable the Borough or the State personnel to perform its monitoring function. This assistance from the grantee includes, but is not limited to, information about the grantee's project operation, accounting and data-base systems.

Program and Financial Deficiencies:

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

Standard Provisions

1. **No Maintenance or Further Funding Responsibility:** By signing this agreement, grantee certifies that it will not ask the Borough to operate or maintain its program, except as may be otherwise agreed to in writing signed by both parties. Grantee understands, acknowledges and agrees that the Borough shall not be responsible for any services, programs, maintenance, operations, or further funding to grantee, or actions related thereto, and has not,

and will not assume any such responsibility, all of such to be the sole and exclusive responsibility of grantee.

2. **Defense and Indemnification:** The Grantee shall indemnify, defend, save and hold the Borough, its elected and appointed officers, agents and employees, harmless from any and all claims, demands, suits, or liability of any nature, kind or character including costs, expenses, and attorneys fees resulting from grantee or grantee's officers, agents, employees, partners, attorneys and suppliers' performance or failure to perform this agreement in any way whatsoever. This defense and indemnification responsibility includes claims alleging acts or omissions by the Borough or its agents, which are said to have contributed to the losses, failure, violations, or damage. However, grantee shall not be responsible for any damages or claim arising from the sole negligence or willful misconduct of the Borough, its agents, or employees. Grantee shall also not be required to defend or indemnify the Borough for damage or loss that has been found to be attributed to an independent party directly responsible to the Borough under separate written contract. If any portion of this clause is voided by law or court of competent jurisdiction, the remainder of the clause shall remain in full force and effect.
3. **Insurance:** Grantee shall purchase at its own expense and maintain in force at all times during the term of this agreement Commercial General Liability and Automobile Insurance. Such policies are to include bodily injury, personal injury, and property damage with respect to the property and the activities conducted by grantee in which coverage shall not be less than \$1,000,000 per occurrence or such higher coverage as specified by the Borough. The policy shall name the Borough as an additional insured. Borough approval shall be required for the amount of any deductible or self-insured retention.

Additionally, grantee shall purchase and maintain at its own expense worker's compensation and employers liability insurance for all employees per Alaska State Statutes who are performing work under this agreement.

Proof of Insurance: *Grantee shall deliver to the Borough certificates of insurance along with grantee's signature on this agreement. The certificates shall indicate the Borough as an additional insured. This insurance shall be primary and exclusive of any other insurance by the Borough. Failure to provide the certificate of insurance required by this section, or a lapse in coverage, is a material breach of the terms of this agreement entitling the Borough to terminate this agreement.*

4. **Relationship of Parties:** Nothing herein contained shall be deemed or construed by the parties hereto, nor by any third party, as creating the relationship of principal and agent, or of partnership, or of joint venture between the parties hereto, it being understood and agreed that neither method of computation of payment nor any other provision contained herein, nor any acts of the parties hereto, shall be deemed to create any relationship between the parties hereto other than the relationship of Borough and independent grantee of funds.
5. **No Exclusive Service; No Property Interest:** The grantee understands, acknowledges and agrees that all supplies, materials and equipment purchased with the grant funds shall be and shall remain the property of the grantee, subject to all applicable State statutes and Federal regulations.

6. **Termination.** The Borough may terminate this agreement, by written notice, when it is in the best interest of the Borough. In the event that grantee does not perform the tasks as required in this agreement, or does not submit any required reports for verification of performance, the Borough may exercise its option to terminate this agreement.
7. **Permits, Taxes and Adherence to Local, State, and Federal Laws:** Signing of this agreement does not, in any manner, excuse grantee from complying with any other law, Alaska state statute or regulation, or Borough ordinance or regulation. Grantee must in all cases adhere to all local, state and federal laws and regulations that pertain to public funds, to the services performed pursuant to this agreement, and related to wages, taxes, social security, workers compensation, nondiscrimination, licenses, permits, and registration requirements. Grantee shall pay all taxes pertaining to its performance under this agreement, and shall acquire and maintain in good standing all permits, licenses and other entitlements necessary to the performance under this agreement.
8. **Jurisdiction; Choice of Law:** Any civil action arising from this agreement shall be brought in the superior court for the Third Judicial District of the State of Alaska at Kenai. The law of the State of Alaska shall govern the rights and obligations of the parties.
9. **Non-Waiver:** The failure of the Borough at any time to enforce a provision of this agreement shall in no way constitute a waiver of the provisions, nor in any way affect the validity of this agreement or any part thereof, or the right of the Borough thereafter to enforce each and every protection hereof. No conditions or provisions of this grant agreement can be waived unless approved by the Borough in writing. Waiver by the Borough of any non-compliance by grantee, or excusing or extending performance, shall not be considered a waiver of any other rights of the Borough or a waiver of the right to terminate in the event of future breaches.
10. **No Third-Party Beneficiary:** This agreement is intended solely for the benefit of each party hereto. Nothing contained herein shall be construed or deemed to confer any benefit or right upon any third party.
11. **Environmental Requirements:** The grantee must comply with all environmental standards, to include those prescribed under State of Alaska and Federal statutes and Executive Orders.
12. **Entire Agreement:** This agreement represents the entire and integrated agreement between the Borough and grantee, and supersedes all prior, inconsistent negotiations, representations or agreements, whether written or oral. This agreement may be amended only by written instrument signed by both the Borough and grantee.



KENAI PENINSULA BOROUGH

144 North Binkley Street • Soldotna, Alaska 99669-7599
 PHONE: (907) 714-2153 • FAX: (907) 714-2377
 EMAIL: bahlberg@borough.kenai.ak.us

FROM: City of Homer
 KPB ACCOUNT: 271.94910.12CPV.43011

Contract Amount: \$32,687.50
 Ending: 06/30/2014

Financial / Progress Report

Submit Report To: Brenda Ahlberg
 Community & Fiscal Projects Manager
 Kenai Peninsula Borough
 144 N. Binkley St., Soldotna, AK 99669

Project Name: Commercial Passenger Vessel Tax Program
 Date:
 Report No.:
 Quarter From:
 To:

FINANCIAL REPORT:

Cost Category	Authorized Budget	Expenditures from Last Report	Expenditures This Period	Total Expenditures to Date	Balance of Funds
	\$ -				
Personnel		-	-		\$ -
Travel		-	-	-	\$ -
Contractual	32,687.50	-	-	-	\$ 32,687.50
Supplies		-	-	-	\$ -
Other		-	-	-	\$ -
		-	-	-	\$ -
TOTALS	\$ 32,687.50	-	\$ -	\$ -	\$ 32,687.50

Advance funding	\$ 32,687.50
Expenditures applied to advance	-
Remaining Advance Balance	\$ 32,687.50

PROGRESS REPORT: Describe activities that have occurred during this reporting period. Describe any challenges you may have experienced, any foreseen problems, and/or any special requests. Attach additional pages.

Grantee Certification: I certify that the above information is true and correct, and that expenditures have been made for the purpose of, and in accordance with, applicable grant agreement terms and conditions.

Signature: _____ Date: _____

Printed Name and Title: _____

Signature Authorization Form

Grant Program: Commercial Passenger Vessel Tax Program - State Pass Thru Funding

Agreement Number: 271.94910.12CPV.43011

Effective Date: 04/17/2012

Name of Grantee

City of Homer

DUNS# and Tax ID#

DUNS # 040171563 TAX ID# 92-0030963

Point of Contact Information

Program Manager, Chief Financial Officer, and Signatory Official must be three (3) different individuals.

Primary and Alternate Signatories: Grant Award/Amendments and Grant Reports

Program Manager Name
Individual managing the project

Brian Hawkins

PM Address

491 E. Pioneer Ave., Homer, AK 99603

PM Telephone

907-235-3160

PM Fax

907-235-3152

PM Email

bhawkins@ci.homer.ak.us

Chief Financial Officer Name
Authorized to certify financial expenditures and records

Regina Mauras

Jo Earls

CFO Address

491 E. Pioneer Ave. Homer, AK 99603

CFO Telephone

907-235-8121

907-435-3110

CFO Fax

907-235-3140

CFO Email

rmauras@ci.homer.ak.us

jearls@ci.homer.ak.us

Signatory Official Name
City Manager

Walt Wrede

Mark Robl

Signatory Official Address

491 E. Pioneer Ave., Homer AK 99603

4060 Heath St., Homer, AK 99603

Signatory Official Telephone

907-235-8121

907-235-3150

Signatory Official Fax

907-235-3140

907-235-3151

Signatory Official Email

wwrede@ci.homer.ak.us

mrobl@ci.homer.ak.us

Signatures required by each of the above-named individuals.

Project Manager

Signature and Date

Chief Financial Officer

Signature and Date

Signatory Official

Signature and Date

Walt Wrede 5/3/12

ORDINANCE REFERENCE SHEET
2012 ORDINANCE
ORDINANCE 12-20

An Ordinance of the City Council of Homer, Alaska, Amending the FY 2012 Operating Budget by Appropriating and Transferring \$3,000 from the General Fund Reserve (Fund Balance) to the Public Arts Committee for the Baycrest Overlook Improvement Gateways Project.

Sponsor: City Manager

1. City Council Regular Meeting May 14, 2012 Introduction
 - a. Memorandum 12-070 from PAC as backup
 - b. Memorandum 12-071 from PAC as backup
 - c. Minutes of April 2, 2012 PAC meeting as backup

2. City Council Regular Meeting May 29, 2012 Second Reading

1 CITY OF HOMER
2 HOMER, ALASKA

City Manager

3
4 ORDINANCE 12-20

5
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER,
7 ALASKA, AMENDING THE FY 2012 OPERATING BUDGET
8 BY APPROPRIATING AND TRANSFERRING \$3,000 FROM
9 THE GENERAL FUND RESERVE (FUND BALANCE) TO
10 THE PUBLIC ARTS COMMITTEE FOR THE BAYCREST
11 OVERLOOK IMPROVEMENT GATEWAYS PROJECT.
12

13 WHEREAS, The Public Arts Committee has an opportunity to move the new Baycrest
14 Hill Gateway improvement project forward with minimal funds; and
15

16 WHEREAS, Through the collaboration of the National Parks, State Parks, Kachemak
17 Bay Research Reserve, U.S. Fish and Wildlife, Homer Chamber of Commerce, Pratt Museum,
18 and Alaska State Department of Transportation, it is possible to make the Baycrest Hill an
19 outstanding gateway to the community; and
20

21 WHEREAS, The Public Arts Committee requests \$3,000 to contribute to the partners
22 who will work together to make the Baycrest Hill an outstanding gateway to the community.
23

24 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
25

26 Section 1. The Homer City Council hereby amends the FY 2012 Operating Budget by
27 appropriating and transferring \$3,000 from the General Fund Reserve (Fund Balance) to the
28 Public Arts Committee for the Baycrest Overlook Improvement Gateways Project as follows:
29

30 Appropriation / Transfer From:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
100-100	General Fund Reserves	\$3,000

34 Transfer to:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
156-367	Public Arts Committee Baycrest Overlook Improvement Gateways Project	\$3,000

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

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

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46
47

CITY OF HOMER

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JAMES C. HORNADAY, MAYOR

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ATTEST:

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JO JOHNSON, CMC, CITY CLERK

57
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YES:
NO:
ABSTAIN:
ABSENT:

62
63
64
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66

First Reading:
Public Hearing:
Second Reading:
Effective Date:

67
68

Reviewed and approved as to form:

69
70
71

Walt E. Wrede, City Manager

Thomas F. Klinkner, City Attorney

72
73
74

Date: _____

Date: _____

75
76
77

Office of the City Clerk

Jo Johnson, CMC, City Clerk

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



491 E. Pioneer Avenue
Homer, Alaska 99603-7624
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Extension: 2224

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

MEMORANDUM 12-070

TO: MAYOR HORNADAY AND CITY COUNCIL

FROM: ANGIE NEWBY, CHAIR, PUBLIC ARTS COMMITTEE

THROUGH: WALT WREDE, CITY MANAGER

DATE: APRIL 10, 2012

RE: BAYCREST OVERLOOK IMPROVEMENT GATEWAYS PROJECT

The Public Arts Committee has an extraordinary opportunity to move our new Baycrest Hill project forward. Baycrest Hill is another part of our overall gateway project. You all remember that the beautiful airport diorama photo display which was an outgrowth of the original Gateway concept. Through the efforts of PAC member Marianne Aplin, we received an incredible display with an estimated value of \$35000, for zero City dollars. This was collaboration between partners at the National Parks, State Parks, the Kachemak Bay Research Reserve and USF&W.

These same folks plus the Homer Chamber of Commerce, Pratt Museum and Alaska State DOT have agreed to work together again on making the Baycrest Hill an outstanding gateway to our community. We have met to review how we start the process of visioning, planning and design of interpretative material that will eloquently be the voice of our Homer story. State Parks have offered the services of their planning staff as project facilitators and designers for a bare bones fee of \$6000. Joe Meehan, Lands and Refuge Manager for ADF&G has stepped forward with \$3000 towards that effort. The public Arts Committee has voted unanimously to request a match for the remainder \$3000 from the City of Homer. This project will have a major economic development impact since the Baycrest Hill access to Homer is the primary way we draw people into our magical Cosmic Hamlet by the Sea. In addition, it will provide a signage format for other locations including the Port of Homer. The members on this Baycrest subcommittee are all decision makers in their agencies and include Joe Meehan, Lands and Refuge Manager for ADF&G, Joel Hard, Lake Clark National Park Superintendent, Terry Thompson, Reserve Manger of KBRR, Roger MacCampbell, Kachemak Bay State Park Ranger, Monte Davis, HCOC Executive Director, Chris Post, Alaska DOT Project Manager, Rygil Christianson, Director of Education at the Pratt Museum, Marianne Aplin, Visitor Center Manager at Alaska Islands and Oceans, Louie Flora, from Rep. Paul Seaton's office, and Angie Newby, current PAC Chair.

"WHERE THE LAND ENDS AND THE SEA BEGINS"

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

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 12-071

TO: MAYOR HORNADAY AND CITY COUNCIL
FROM: PUBLIC ARTS COMMITTEE
THROUGH: WALT WREDE, CITY MANAGER
DATE: APRIL 10, 2012
RE: REQUEST FOR SUPPORT AND FUNDING CONTRIBUTION FOR THE
BAYCREST OVERLOOK IMPROVEMENT GATEWAYS PROJECT

On February 24, 2012 the committee formed to work on the Baycrest Hill Overlook Gateways Project met to discuss the initial steps to get this project off the ground. Participating in the meeting were representatives of various state and federal agencies plus the Homer Chamber of Commerce and Public Arts Committee. Joe Meehan with the Alaska Department of Fish and Game Division of Wildlife Conservation was able to find in his budget half of the funding for the required Interpretive Site Development Plan. At that meeting the other members stated that upon careful review of their respective budgets they were unable to find the funds necessary to provide the remaining \$3000. A motion was made and seconded to submit a request to the Public Arts Committee and the City of Homer to see if they can find in their budget the funding necessary to get this project started.

During the April 2, 2012 Special Meeting the committee moved and seconded a motion to request City Council approve a request to fund the remaining amount needed to complete the interpretive site plan required for the project. Following is the excerpt from the minutes of that meeting:

PENDING BUSINESS

- A. *Gateways Project – Baycrest Hill Status Update*
1. *Emails Regarding the project*

Chair Newby introduced the item for discussion. She noted the series of emails included in the packet. She commented on the interest from Representative Seaton's office and that is very promising to have his support of this project.

Ms. Aplin provided a brief report on the progress of the project and explained the current roadblock that they are encountering with funding. She provided the members of the sub-committee were in attendance at the last meeting on February 24, 2012. These are Monte Davis, Chamber of Commerce; Joe Meehan, Alaska Department of Fish & Game Division of Wildlife Conservation; Chris Post, Department of Transportation; Terry Thompson, Kachemak Bay Research Reserve; a ranger

"WHERE THE LAND ENDS AND THE SEA BEGINS"

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(name not provided) representing Joel Hard, Lake Clark National Park and Preserve and Rijil Christianson, The Pratt Museum. The committee requires \$3000 more to complete the interpretive site plan before they can proceed to the next phase. Mr. Meehan has found \$3000 to contribute. No other partners are able to come up with the remaining funds needed to get this project started at this time. The sub-committee approved a motion to submit a request for funding from the City of Homer.

APLIN/MILLER – MOVED TO SUBMIT A REQUEST TO CITY COUNCIL TO APPROVE THE REQUEST FOR \$3000 TO COMPLETE THE INTERPRETIVE SITE PLAN FOR THE BAYCREST OVERLOOK GATEWAYS PROJECT.

Ms. Aplin explained that this site plan is required for the project and none of the other partners can fund that amount this year. She also noted that they recently have new members the Kachemak Land Trust and the Kachemak Bay Conservation Society.

VOTE. YES. NON-OBJECTIONS. UNANIMOUS CONSENT.

Motion carried.

Chair Newby commented that the subcommittee members have exhausted all of the possibilities for funding and maybe later on in the project there will be additional opportunities to find funding from outside sources.

There was no further discussion.

RECOMMENDATION

Approve the request of \$3000 to provide the funding necessary to start the improvements on the Baycrest Hill Overlook Gateways Project.

Session 12-02 A Special Meeting of the Public Arts Committee was called to order at 5:15 P.M. on April 2, 2012 by Chair Angie Newby in Cowles Council Chambers located at City Hall, 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMITTEEMEMBERS FELLOWS, APLIN, MILLER, NEWBY AND WOLFE

STAFF: DEPUTY CITY CLERK KRAUSE

The Public Arts Committee met in a Worksession prior to the Special meeting. They discussed the regular agenda items. Committee member Miller was not present for the Worksession but did attend the Special Meeting.

The members of the committee took a brief tour of City Hall to view the artwork that Committee member Wolfe hung with assistance from Staff member Renee Krause.

AGENDA APPROVAL

The agenda was approved by consensus of the committee.

PUBLIC COMMENTS REGARDING ITEMS ON THE AGENDA

There were no comments.

RECONSIDERATION

There were no items for reconsideration.

APPROVAL OF MINUTES (*Minutes are only approved during regular meeting.*)

There were no minutes for approval.

VISITORS

There were no visitors scheduled.

STAFF & COUNCIL REPORT/COMMITTEE REPORTS/BOROUGH REPORTS

A. Staff Report 12-02 dated March 29, 2012

Chair Newby opened discussion on the staff report and inquired about further information on the Teleconference with NEA.

Ms. Krause noted that the Baycrest project may qualify for the \$10,000.00 one to one match grant. Ms. Miller and Ms. Newby will try to attend. Ms. Miller will RSVP in the morning.

There was a brief discussion on holding an Open House for the City Hall. Ms. Krause will check with City Staff to see when would be the best time. It may be as late as June for this event. There was a brief discussion that the renovated city hall is more for residents than visitors this time. Residents are the prime audience. Ms. Aplin and Ms. Wolfe stated that this was important enough not to piggy back on another event. It was acknowledged that this was to be coordinated with all departments, advertised and marketed in advance. It was recommended that this be held on May 18, 2012, Friday, 4:00 p.m. to 6:00 p.m. Staff will check with Administration to make sure this would be okay.

Chair Newby noted that her report to City Council was included in the packet. She summarized the report for the committee members.

There was no further discussion.

PUBLIC HEARING

There were no items for public hearing.

PENDING BUSINESS

- A. Gateways Project – Baycrest Hill Status Update
 - 1. Emails Regarding the project

Chair Newby introduced the item for discussion. She noted the series of emails included in the packet. She commented on the interest from Representative Seaton's office and that is very promising to have his support of this project.

Ms. Aplin provided a brief report on the progress of the project and explained the current roadblock that they are encountering with funding. She provided the members of the sub-committee were in attendance at the last meeting on February 24, 2012. These are Monte Davis, Chamber of Commerce; Joe Meehan, Alaska Department of Fish & Game Division of Wildlife Conservation; Chris Post, Department of Transportation; Terry Thompson, Kachemak Bay Research Reserve; a ranger (name not provided) representing Joel Hard, Lake Clark National Park and Preserve and Rijil Christianson, The Pratt Museum. The committee requires \$3000 more to complete the interpretive site plan before they can proceed to the next phase. Mr. Meehan has found \$3000 to contribute. No other partners are able to come up with the remaining funds needed to get this project started at this time. The sub-committee approved a motion to submit a request for funding from the City of Homer.

APLIN/MILLER – MOVED TO SUBMIT A REQUEST TO CITY COUNCIL TO APPROVE THE REQUEST FOR \$3000 TO COMPLETE THE INTERPRETIVE SITE PLAN FOR THE BAYCREST OVERLOOK GATEWAYS PROJECT.

Ms. Aplin explained that this site plan is required for the project and none of the other partners can fund that amount this year. She also noted that they recently have new members the Kachemak Land Trust and the Kachemak Bay Conservation Society.

VOTE. YES. NON-OBJECTIONS. UNANIMOUS CONSENT.

Motion carried.

Chair Newby commented that the subcommittee members have exhausted all of the possibilities for funding and maybe later on in the project there will be additional opportunities to find funding from outside sources.

There was no further discussion.

- B. Status Update on the Artwork Display

Chair Newby introduced the item for discussion.

Ms. Wolfe commented on the process and that the results have been very satisfying. She noted for the record that 95% of the artwork owned by the city is sister city related and there is a lack

of Homer or Alaskan artwork. She further commented on research into the Photographic Diorama by Alan Parks was not given to the City of Homer it has been "on loan". The photos are only proofs and she will be working with Mr. Parks on this project. He will be submitting a proposal on what is required, timeline and cost. Mr. Parks approved of the location along the downstairs hallway which is a high traffic area. There is also an acetate overlay with the signatures of many that were in the photos.

Chair Newby noted that they will then have to submit another request to City Council for funding.

Alan Parks noted that this was a 100 year picture which has been in the Council Chambers for 15 years. So this is historical also.

Committee members thanked Ms. Wolfe for her time and discretion in handling this matter.

Next the committee addressed the status update on the Airport Welcome to Homer letters. Ms. Fellows reported that Sherman who did the letters for Islands & Ocean and he wanted \$150.00 - \$175 per letter depending on the metal chosen. Bay Welding does not do this type of work; the business recommended in Sterling is not open yet; Ms. Fellows will look into the costs for painting letters. Painting the letters in place should be a viable option. Ms. Krause noted that she has sent requests for price quotes to three companies listed online and has not received responses yet. She should have an update at the next meeting. Ms. Krause stated that the Procurement Policy must be followed and there were questions regarding security issues. City Manager Wrede is the acting Airport Manager. Ms. Krause noted that Mike Riley could be contacted for information on access. Chair Newby added that all quotes should be in writing and submitted to Ms. Krause at the Clerk's Office.

Chair Newby commented that it would be nice to have this completed before the summer season ends this year.

There was a brief discussion on color selection of the letters and it was recommended that a bright color and anything but brown would be good.

There was no further discussion.

NEW BUSINESS

A. Budget 2012 -- Amendments

Chair Newby introduced the item for discussion.

Ms. Krause added this item to the agenda since discovered that in reviewing the budget for Public Arts Committee Council approved \$5000 instead of \$4000. She wanted to give the Committee the opportunity to amend the budget line items.

The committee agreed by consensus to leave the money for now as a surplus and once they have some costs back for the letters and the photos they can make adjustments then.

B. Review and Approve Recommendations for Rack Card Design and Production

Chair Newby introduced the item for discussion and acknowledged that hard efforts of the staff.

A discussion ensued on the benefits to online versus local, ready artwork of adequate quality, free services for first time orders, a la carte for maps, etc. Prices do not seem out of range from Printworks and the question is that there is an additional cost for non-camera ready work, map also. Staff stated that she

could have mock ups ready for view at the next meeting for approval and will contact local services.

Additional comments were noted that inclusion of artwork outside of City Hall and quantity decided on for first printing was 1500.

C. Letter Received Re: Placement of City Owned Artwork in City Hall

Chair Newby introduced the item and commented that they discussed this letter during the artwork placement. Ms. Krause explained that this letter went directly to council and the City Manager stated that he had forwarded the letter to the committee to be addressed.

Chair Newby offered to respond to the letter and will address her response to council acknowledging the personal/public work space, the fact that 95% of the City's collection is Sister City related and the difficulties surrounding the emotional issues involved in artwork.

The committee discussed the possibility of negative comments by the public on the sister city artwork and felt that likely there were questions regarding the choice of Japanese art instead of Homer/Alaskan influenced art. The committee opined that this would have been an opening and used as an information or teaching opportunity on the Sister City program that the City is involved in and that during the hanging process department personnel were assured that this was a temporary placement until something more representative of Homer could be found.

Ms. Wolfe did note that she has shown the two pieces that were going to be donated and recommended as possible replacements for the main upstairs reception area and Ms. Swisher approved of either piece as appropriate.

There was no further discussion.

INFORMATIONAL ITEMS

- A. Alaska Council on the Arts NES Challenge America Fat Track Grant Opportunity – An Opportunity for \$10,000 One to One Match
- B. February 2012 ASCA Communique

There was no discussion on the informational materials.

COMMENTS OF THE AUDIENCE

There was no audience present.

COMMENTS OF THE COUNCILMEMBER *(If one is assigned)*

There was no council member present.

COMMENTS OF THE CITY STAFF

Ms. Krause stated that it was a good meeting and the committee has done a great job.

COMMENTS OF THE CHAIR

Chair Newby really appreciates all the efforts on all these projects and thanked Ms. Wolfe for the time and efforts in the hanging the artwork. They did not realize all that would be involved.

COMMENTS OF THE COMMITTEE

Ms. Wolfe responded to Ms. Fellows question regarding the Mural on Heath Street that she will be contacting Jean since she was the original coordinator and has been involved in previous re-touchups. She has the original children who now have children of their own and it would be a great project to have those same participants. Ms. Fellows volunteered to assist Ms. Wolfe in the project.

Ms. Wolfe informed the committee about the new mural at Paul Banks Elementary and it will be unveiled on Friday April 6th. This project had full support of the faculty and parents.

Ms. Aplin thanked Ms. Wolfe and Ms. Krause for all their work.

Ms. Miller and Ms. Fellows had no additional comments.

ADJOURN

There being no further business to come before the Committee, Chair Newby adjourned the meeting at 6:15 p.m. A worksession is scheduled for 4:00 p.m. prior to the meeting. The next Regular Meeting is scheduled for Wednesday, May 16, 2012 at 5:00 p.m., City Hall, Cowles Council Chambers 491 E. Pioneer Avenue, Homer, Alaska.

RENEE KRAUSE, CMC, DEPUTY CITY CLERK I

Approved: _____

ORDINANCE(S)

CITY MANAGER'S REPORT

Office of the City Clerk

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



491 E. Pioneer Avenue
Homer, Alaska 99603
(907) 235-3130
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Email: clerk@ci.homer.akus

MEMORANDUM - REPORT

TO: MAYOR HORNADAY AND HOMER CITY COUNCIL
FROM: MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK WJ
DATE: MAY 23, 2012
SUBJECT: BID REPORT

DEEP WATER DOCK FENDER REPLACEMENT PROJECT: Sealed bids for the construction of Deep Water Dock Fender Replacement 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, Friday, June 22, 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. Bid documents will be available on May 29, 2012

BELUGA SLOUGH TRAIL RECONSTRUCTION PROJECT: Sealed bids for the construction of Beluga Slough Trail Reconstruction 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, June 21, 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.

NOTICE OF SALE

Notice is hereby given that a 110-foot steel-hull dredge barge located at Homer, Alaska, will be sold by the City of Homer to the highest bidder, as is, together with any equipment, gear, furniture, apparel, fixtures, tackle, boats, machinery, anchors, or other appurtenances. The Barge is located on the City of Homer title owned tidelands on the beach adjacent to the Northstar Terminal on the Homer Spit. There is no known license or registry number. The City Harbor impounded the Barge on November 4, 2011. The last known owner is Merrill McGahan, whose last known address is: P.O. Box 7005, Nikiski, Alaska 99635. A bidder's packet and bidding instructions are available at Homer City Hall, Office of the City Clerk, 491 E. Pioneer Avenue, Homer, AK 99603, phone (907) 235-3130. Sealed bids will be received at the office of the City Clerk until 3:00 p.m., Monday, June 11, 2012, at which time they will be publicly opened and read.

Notice is hereby given that the 22' sailing vessel Water Rat, AK 8194H, located on the uplands at the Homer Small Boat Harbor in Homer, Alaska, will be sold by the City of Homer to the highest bidder as is, together with its equipment, gear, furniture, apparel, fixtures, tackle, boats, machinery, anchors and all appurtenances. The Water Rat is a 22' fiberglass recreational sailboat with a 7 1/2' beam and a 4' draft. A bidder's packet and bidding instructions are available at Homer City Hall, Office of the City Clerk, 491 E. Pioneer Avenue, Homer, AK 99603, phone (907) 235-3130. Sealed bids will be received at the office of the City Clerk until 3:00 p.m., Monday, June 11, 2012, at which time they will be publicly opened and read.

CITY ATTORNEY REPORT

COMMITTEE REPORT(S)

PENDING BUSINESS

NEW BUSINESS

Office of the City Clerk

Jo Johnson, CMC, City Clerk

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



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MEMORANDUM 12-088

TO: MAYOR HORNADAY AND CITY COUNCIL

FROM: JO JOHNSON, CITY CLERK

DATE: MAY 15, 2012

SUBJECT: LIQUOR LICENSE/RESTAURANT DESIGNATION PERMIT FOR DON JOSE

The Alcoholic Beverage Control Board recently contacted me to sign a Restaurant Designation Permit for Don Jose from July 2007. Generally the restaurant designation permit is approved with the application or renewal of a liquor license. In checking our files from 2007 there was not a restaurant designation permit filed.

The ABC Board supplied a letter to substantiate their request. The restaurant designation permit would be effective on the date Council approves it; it is not retroactive.

RECOMMENDATION:

Approve the Restaurant Designation Permit for Don Jose.



State of Alaska

Department of Public Safety

Alcoholic Beverage Control Board

Sean Parnell, Governor
Joseph A. Masters, Commissioner

May 10, 2012

Homer City Council
Attn: Jo Johnson
491 East Pioneer Ave.
Homer, AK 99603

Re: Restaurant Designation Permit for Don José

Dear Jo Johnson:

While cleaning up some files I came across an unprocessed Restaurant Designation Permit for Don José's from July 2007. Research showed that we charged the licensee but apparently we never submitted the form to Homer for approval.

If possible I would like to request that you process the application at your earliest convenience. I understand the council meets on May 29th.

Please contact our office if you have any questions.

Sincerely,

SHIRLEY A. GIFFORD
Director

Maxine Andrews
Business Registration Examiner
Direct line: 907-269-0358
Email: maxine.andrews@alaska.gov

ANTOJITOS

1. CHIP-N-DIP.....\$8.95
Melted cheese on tortilla chips with guacamole.
1/2 order.....\$5.75
2. NACHOS SUPREME.....\$8.95
Tortilla chips with melted cheese, ground beef, beans, onions, pico de gallo, sliced jalapenos and dress.
1/2 order.....\$5.75
3. FIESTA COMBINATION.....\$9.95
Nachos rancheros, tort. taquitos, mild jalapenos, melted cheese, tofrito wings, beans, sour cream, guacamole and pico de gallo.
4. QUESADILLA.....\$6.95
A griddled flour tortilla stuffed with cheese. Served with guacamole and sour cream.
Choice of beef, chicken, pork, spinach or vegetable.....\$7.95
5. BUFFALO CHICKEN WINGS.....\$8.25
Tender chicken drumsticks golden fried and drenched with spicy sauce, served with blue cheese dressing.
6. TAQUITO BITES.....\$6.95
Beef taquitos, served with fresh salsa, sour cream and guacamole.
7. CEVICHIE.....\$10.95
Fresh marinated halibut in the best mixture of spices and the freshest lime juice you'll ever taste.
8. CALAMARI STRIPS.....\$9.95
Coburn's extra breaded and deep-fried to perfection, served with cocktail sauce and lemon sauce.



LUNCH

Lunch is served Monday through Friday, 11:00 am to 3:00 pm.
Please choose from these lunch specials below or enjoy any item from our dinner menu.

LUNCH COMBINATIONS

All lunch combinations served with both rice and beans

1. ENCHILADA/TACO.....\$7.95
2. ENCHILADA/TOSTADA.....\$7.95
3. ENCHILADA/TAMALES.....\$7.95
4. CHIMICHANGA.....\$7.95
5. FLAUTAS.....\$7.95
6. CHILE RELLENO.....\$7.95
7. TAQUITOS RANCHEROS (2).....\$7.95
8. ENCHILADAS (2).....\$7.95
9. TACOS (2).....\$7.95
10. TACOS CARNE ASADA (2).....\$9.95



CARMEN'S SPECIALS

1. HALIBUT TACOS.....\$13.95
One tortilla filled with striped halibut, sautéed in Cajun spices, and topped with lettuce. Served with rice and black beans.
2. VEGETARIAN CHILI DINNER.....\$8.95
One oven roasted flour tortilla filled with sautéed vegetables (zucchini, cauliflower, bell peppers, green onions and carrots). Served with rice and black beans.
3. SPINACH ENCHILADA.....\$9.95
Two corn enchiladas filled with spinach, onion, tomato and served with rice, black beans and sour cream.
4. SHRIMP TACOS.....\$13.95
Two flour tortillas filled with sautéed shrimp, green peppers and tomatoes.
5. VEGETARIAN QUESADILLA VERACRUZ.....\$9.95
Whole wheat flour tortilla filled with cheese, black olives, green onion, green paprika, spinach and mushrooms. Served with sour cream, white rice and black beans.

COMBINACIONES

We prepare our sauce and meats in hand-cut enchiladas and chiles rellenos fresh daily.
NO SUBSTITUTIONS PLEASE

1. ENCHILADA AND TACO.....\$10.95
Your choice of a beef, chicken or cheese enchilada and crispy or soft beef or chicken taco.
2. TACOS (2).....\$10.95
Crispy or soft corn tortillas filled with your choice of chicken or beef. Served with grated cheddar and jack cheese, lettuce, and mild salsa.
3. CHILE RELLENO, TACO.....\$10.95
4. CHILE RELLENO.....\$8.75
A fried chile stuffed with jack cheese, dipped in batter and fried to a golden buff.
5. CHILE RELLENO, TOSTADA.....\$11.95
6. BEEF TAMALIES (2).....\$11.95
Corn masa, filled with chunky beef seasoned in chile colorado, steamed in a corn husk unit tender. Topped with cheese and chile colorado sauce.
7. ENCHILADA, TAMALES.....\$11.95
8. TOSTADA.....\$10.95
Two corn tortilla shells with your choice of beef or chicken, beans, lettuce, cheese, salsa and sour cream.
9. ENCHILADA, TOSTADA.....\$10.95
10. FLAUTAS.....\$10.95
Two large taquitos filled with beef or chicken and covered with lettuce, sour cream and guacamole.
11. TAQUITOS.....\$10.95
Three crisp rolled corn tortillas filled with chicken or beef. Covered with sour cream, guacamole, lettuce and salsa.
12. HUEVOS RANCHEROS.....\$10.95
Two fried eggs served on a fried tortilla and covered with our special ranchera sauce. Served with rice, beans and tortillas.



MACHO COMBOS

1. MEXICAN COMBINATION.....\$13.95
A beef, chicken or cheese enchilada, chicken or beef taco and chile relleno. Served with rice and beans.
2. EL PATRON.....\$13.95
Beef taco, cheese enchilada and two taquitos. Served with rice and beans.
3. PRESIDENCIAL.....\$13.95
Mild chicken chimichanga, chile relleno and tamale. Served with beans and rice.
4. DON JOSE'S.....\$13.95
Chile relleno stuffed with beef and cheese, tamales and chicken taquitos. Served with rice and beans.

GOURMET SPECIALTIES

All gourmet dinners served with Mexican rice and refried beans.

1. SCALLOPS MAZZATLAN.....\$15.95
Sautéed scallops with tomatoes, fresh onions and peppers. Served with (2) tortillas.
2. CAMARONES ALA DIABLA.....\$15.95
Prawns sautéed in butter, fresh garlic and hot peppers (mild, hot). Served with (2) tortillas.
3. CAMARONES RELLENOS.....\$15.95
Prawns and Dungeness crab cooked to perfection with onions, garlic, and tomatoes.
4. MIXED SEAFOOD ENCHILADA.....\$15.95
Four tortillas stuffed with shrimp, scallops and Dungeness crab. Topped with our special sauce and our delicious sour cream.

SIZZLING FAJITAS

When sizzling fajitas you have your own fajitas. Like most Mexican dishes, that's the way they were intended to be eaten. Simply take the fajitas right from the grill and place in the tortillas. Now let your creativity run wild as you top it off with your favorite garnishes such as guacamole and pico de gallo.

1. FAJITAS SUPREMAS.....\$14.95
Tender chicken, beef and succulent shrimp grilled with tomatoes, green bell peppers and onions.
2. HALIBUT FAJITAS.....\$16.95
3. SHRIMP FAJITAS.....\$15.95
4. SCALLOP FAJITAS.....\$15.95
5. CHICKEN FAJITAS.....\$14.95
6. STEAK FAJITAS.....\$14.95
7. SEAFOOD FAJITAS.....\$14.95
With shrimp and scallops

ENCHILADAS DINNERS

Served with Mexican rice and refried beans.

1. ENCHILADAS.....\$11.95
Your choice of beef, chicken or cheese enchilada. Topped with enchilada sauce and garnished with sour cream.
2. ENCHILADAS RANCHERAS.....\$11.95
Cheese enchiladas smothered with ranchero sauce and melted cheese. Garnished with sour cream and olives.
3. ENCHILADAS VERDES.....\$11.95
Your choice of beef, chicken or cheese. Smothered in tomatillo sauce and melted cheese. Garnished with sour cream and olives.
4. MICHOACANTRIO.....\$12.95
Chicken, beef and cheese enchiladas topped with our three special sauces and sour cream.
5. CRAB OR SHRIMP ENCHILADA.....\$14.25
Prepared as they are in the heart of Veracruz. A tortilla stuffed with our special shrimp and sautéed crab meat. Topped with ranchera sauce and melted cheese. Garnished with sliced tomatillo, olives and our sour cream.



FAVORITOS MEXICANOS

Served with authentic refried beans and Mexican-style rice. For \$1.00 add a tossed salad.

1. CARNE ASADA.....\$14.95
Thinly sliced steak charbroiled and served with guacamole, onions and (3) tortillas.
2. DON JOSE'S SPECIAL.....\$14.95
Two delicious flour tortas filled with steak, guacamole and onions.
3. MEXICAN STEAK.....\$14.95
Steak sautéed in its own juice with mild sauce, onions, and spices. Served with (2) tortillas.
4. NEW YORK Y MAS.....\$16.95
Delicious New York steak with shrimp or mushrooms charbroiled to your liking. Served with your choice of enchilada, chile relleno or tamale.
5. CHILE VERDE.....\$14.95
Tender pieces of pork cooked in our special Don Jose's verde sauce. Served with (2) tortillas.
6. CHILE COLORADO.....\$14.95
Tender pieces of tender beef simmered in a red chile sauce. Served with (2) tortillas.
7. CAMARONES RANCHEROS.....\$15.95
Jumbo shrimp sautéed with mild Panchera sauce, onions, peppers and house spices. Served with (2) tortillas.
8. CARMEN SPECIAL.....\$14.95
A four tortas filled with chile verde, beans and cheese with a chile relleno. Topped with sour cream and black olives.
9. CARNITAS.....\$14.95
Tender pork carnitas served with guacamole, pico de gallo, served with (2) tortillas.
10. ARROZ CON POLLO.....\$13.95
Tender strips of boneless chicken, onions and green chiles topped with spanish salsa, jack cheese and served over Mexican-style rice. Served with (2) tortillas.



BURRITOS
With rice and beans add \$2.50.

- A LA CARTE BURRITO GRANDE**.....\$9.95
Don Jose's chile verde, cheese, lettuce, guacamole, rice and beans. All inside a four tortilla topped with special Ranchera sauce and sour cream.
- BURRO CARNITAS**.....\$9.95
Pork carnitas in Mission style and beans, topped with melted cheese and pico de gallo.
- DELUXE BURRITO**.....\$8.95
A beef and bean soft rolled burrito topped with Ranchera sauce, melted cheese, lettuce, sour cream and our house sauce.
- BURRITO COLORADO**.....\$8.95
Tender pieces of beef cooked in a tasty chile Colorado sauce with beans and wrapped in a flour tortilla. Topped with melted cheese and sour cream.
- BURRITO DE POLLO**.....\$8.95
Tender pieces of fried chicken and beans wrapped in a flour tortilla. Topped with Ranchera sauce, melted cheese and sour cream.
- BURRITO DE CARNE ASADA**.....\$9.95
Large flour tortilla filled with rice and strips of grilled beef covered with Don Jose's chile verde sauce, melted cheese, lettuce and guacamole.
- BEAN AND CHEESE BURRITO**.....\$6.95
Four tortilla filled with beans and cheese, topped with melted cheese and garnished with lettuce and sour cream.

CHIMICHANGAS
With rice and beans add \$2.50

- SABROSA SEAFOOD CHIMI**.....\$12.95
Big deep-fried burrito with shrimp, scallops and Doritos® with tomatoes, onions, garlic and Spanish rice. Garnished with avocado, cheese and homemade sour cream.
- CHIMI DEEP FRIED**.....\$10.95
Deep-fried burrito filled with beans, your choice of beef, chicken or chile verde. Topped with enchilada sauce and garnished with sour cream and guacamole.

A LA CARTE

- FLAUTAS**.....\$6.95
Two large flour tortillas filled with chicken or beef and covered with lettuce, sour cream and guacamole.
- TAQUITOS**.....\$6.95
10 crispy corn tortillas, beef or chicken, with sour cream and guacamole.
- TACO**.....\$2.75
Crispy or soft, chicken or beef.
- BEEF TAMALE**.....\$3.00
- CHILE RELLENO**.....\$3.25
With beef or chicken add.....\$1.75
- ENCHILADA**.....\$3.00
Cheese, beef or chicken.
- MEXICAN-STYLE RICE**.....\$3.00
- REFRIED BEANS**.....\$3.00
- SOUR CREAM**.....\$1.25
- GUACAMOLE**.....\$4.50
- TORTILLAS**.....\$1.50
Flour or corn (6)
- FRENCH FRIES**.....\$3.00
- CHICKEN SOUP (CUP)**.....\$4.95
Bowl.....\$4.95
- CHIPS & SALSA**.....\$4.50
Small Salsa.....\$2.00
Large Salsa.....\$4.00
- CRAB ENCHILADA**.....\$9.00
- SHRIMP BURRITO**.....\$9.00
Tortilla shell with honey dressing.



ENGLADAB Y TOSTADAS

- TOSTADA GRANDE**.....\$9.95
Salsa, beans, lettuce, cheese, tomato, onion, sour cream and guacamole.
- SALAD**.....\$3.95
Spicy beef, shredded lettuce, cheddar & jack cheese, tomatoes, onions and bell peppers. Served in a giant tortilla shell with ranch dressing.
- PALERMO SHRIMP OR CHICKEN**.....\$10.95
Shrimp or chicken, tomato and hard-boiled egg with tossed fresh lettuce and Thousand Island dressing.
- GARDEN SALAD**.....\$4.50
Fresh tossed salad with your choice of salad dressing.
- CHICKEN SALAD**.....\$9.95
Cold chicken, steak, served in a flour tortilla shell with honey dressing.

CHILDREN'S SENIOR CITIZENS
Children 12 and under and senior citizens.

- TAGO**.....\$6.75
Beef or chicken. Served with rice and beans. Topped with whipped cream.
- ENCHILADA**.....\$6.75
Beef, chicken or cheese. Served with rice and beans.
- BEEF TAMALE**.....\$6.95
Served with rice and beans.
- BURRITO**.....\$6.95
Your choice of chicken or beef. Served with rice and beans.



AMERICAN
Includes French Fries

- HAMBURGER**.....\$6.95
- CHEESEBURGER**.....\$7.25
- MUSHROOM BURGER**.....\$7.05
- GRILLED CHEESE**.....\$5.95
- BACON CHEESEBURGER**.....\$8.95
- BACON MUSHROOM CH. BURGER**.....\$8.95



ITALIAN
Even though we are known as a Mexican restaurant, we have been serving Italian food for the past 12 years. In our effort to satisfy your palate we offer a few Italian dishes. Please give us the opportunity to serve you in this area and you will be amazed.

CALZONE

- STUFFED CALZONE**.....\$9.95
Stuffed with mozzarella cheese, ricotta cheese, and pepperoni. Served with pizza sauce.
- MEXICAN CALZONE**.....\$9.95
Stuffed with beans, ricotta cheese, jalapeno, bacon, onions and tomatoes. Served with pizza sauce on the side.



PIZZA
HOMEMADE PIZZA

- PEPPERONI**.....\$10.95
- HOUSE SPECIAL**.....\$15.00
Pepperoni, sausage, mushrooms and green peppers.
- EXTRA SPECIAL**.....\$14.95
Pepperoni, sausage, Canadian bacon, hamburger, green peppers, mushrooms and black olives.
- CHEF'S MISTAKE!**.....\$15.95
Extra crust, pepperoni, sausage, Canadian bacon, green peppers, mushrooms and black olives.
- MEXICAN PIZZA**.....\$14.95
Cheese, beans, onions, jalapeno, pimientos, cheese, bacon, tomatoes and Mexican sausage (jalisco).
- MEDITERRANEAN PIZZA**.....\$13.95
Tomatoes, onions, garlic and basil leaves.
- VEGETARIAN PIZZA**.....\$13.00
Onions, green peppers, mushrooms, black olives and tomatoes.

EACH ADDITIONAL ITEM.....\$1.00

ITEMS - Pepperoni, Italian sausage, mushrooms, Canadian bacon, hamburger, green pepper, fresh tomatoes, pineapple, black olives, onions, jalapeno.

DESSERTS

- FLAN**.....\$4.00
Homemade vanilla custard with burnt sugar topping and whipped cream.
- SOPAPILLAS**.....\$7.95
Serves four.
- DEEP FRIED ICE CREAM**.....\$5.95
Vanilla ice cream with a crispy crust topped with strawberries, chocolate syrup and whipped cream.

BEBIDAS

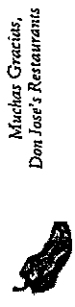
- SOFT DRINKS**.....\$1.75
Pepsi, Pepsi Next, Mountain Dew, Diet Pepsi, Sprite, and Iced Tea.
- Refills on soft drinks -
- COFFEE**.....\$1.75
- MILK**.....\$2.00
- HOT COCOA**.....\$1.75

Don Jose's
MEXICAN RESTAURANT & CANTINA



"Two Locations To Serve You Better"
Served Since 1982
ANCHORAGE HOMER
279-5111 235-7963

The Ramos family along with their professional and courteous employees, would like to welcome you to Don Jose's Restaurants. The first Don Jose's was established in Homer by the Ramoses in 1982. The Casa Ramos and Don Jose's are a family style business and we take pride in our personal and hospitable service. We also care about the quality of food served to you, as if you were guests at our homes. We are proud to be part of your community and we hope to make your evening with us enjoyable and comfortable.



Muchas Gracias,
Don Jose's Restaurants

Complimentary Basket of Chips Served per Table.
Any Extra or refills - \$1.75
We reserve the right to refuse service to anyone.
(Not responsible for items left on premises)
15% gratuity added for parties of six or more.



STATE OF ALASKA
ALCOHOLIC BEVERAGE CONTROL BOARD
APPLICATION FOR RESTAURANT DESIGNATION PERMIT - AS 04.16.049 & 13 AAC 104.715-794
FEE: \$50.00

The granting of this permit allows access of persons under 21 years of age to designated licensed premises for purposes of dining, and persons under the age of 19 for employment. If for employment, please state in detail, how the person will be employed, duties, etc. (13 AAC 104.745).

This application is for designation of premises where: (please mark appropriate items).

- 1 Under AS 04.16.010(c) Bona fide restaurant/eating place.
- 2 Persons age 16 to 20 may dine unaccompanied.
- 3 Persons under 16 may dine accompanied by a person 21 years or older.
- 4 Persons between 16 and 19 years may be employed. (See note below).

LICENSEE: DON JOSES LLC

D/B/A: DON JOSES MEXICAN RESTAURANT

ADDRESS: 127 W PIONEER AVE HOMER AK 99603

- 1. Hours of Operation: 11 AM to 11 PM Telephone # 907 235-7963
- 2. Have police ever been called to your premises by you or anyone else for any reason? Yes No
If yes, date(s) and explanation(s).

3. Duties of employment: SERVING FOOD AND BEVERAGES

4. Are video games available to the public on your premises? NO

5. Do you provide entertainment: Yes No If yes, describe.

6. How is food served? Table Service Buffet Service Counter Service Other*

7. Is the owner, manager, or assistant manager always present during business hours? Yes No

*** A MENU AND A DETAILED LICENSED PREMISES DIAGRAM MUST ACCOMPANY THIS APPLICATION ***

This permit remains in effect until the liquor license is transferred OR at the discretion of the Alcoholic Beverage Control Board. (13 AAC 104.795)

I certify that I have read AS 04.16.049, AS 04.16.060, 13 AAC 104.715-795 and have instructed my employees about provisions contained therein.

[Signature]
Applicant(s) signature

Subscribed and sworn to before me this 7 day of May, 2007

[Signature]
Notary Public in and for Alaska

Application approved (13 AAC 104.725(e))
Governing Body Official

Date: _____

My Commission expires Notary Public 2010

JANICE G. KNIGHT
State of Alaska
My Commission Expires Dec. 25, 2010

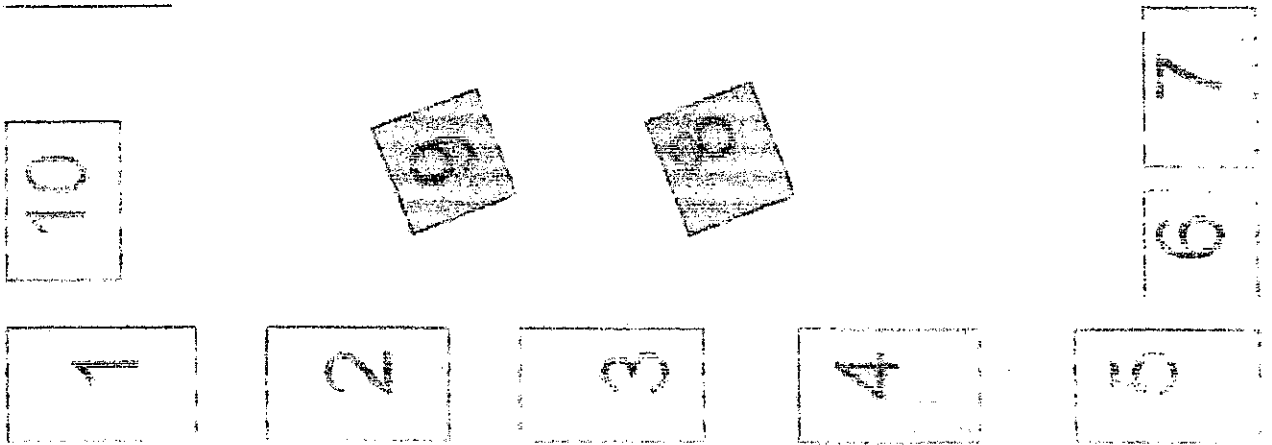
Director, ABC Board

Date: _____

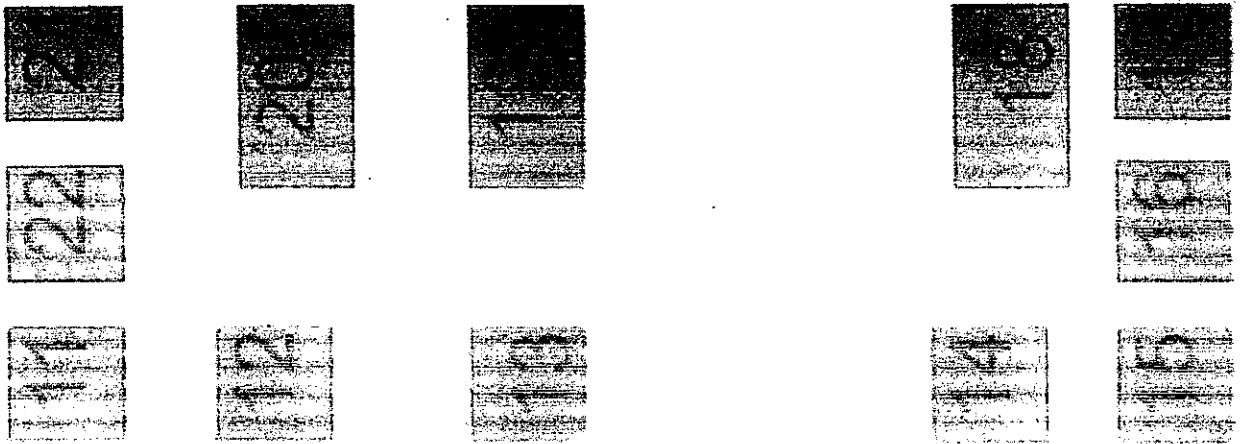
NOTE: AS 04.16.049(c) requires that written parental consent and an exemption by the Department of Labor must be provided to the licensee by the employee who is under 19 years of age. Persons 19 and 20 years of age are not required to have the consent or exemption.

* Describe how food is served on back of form.

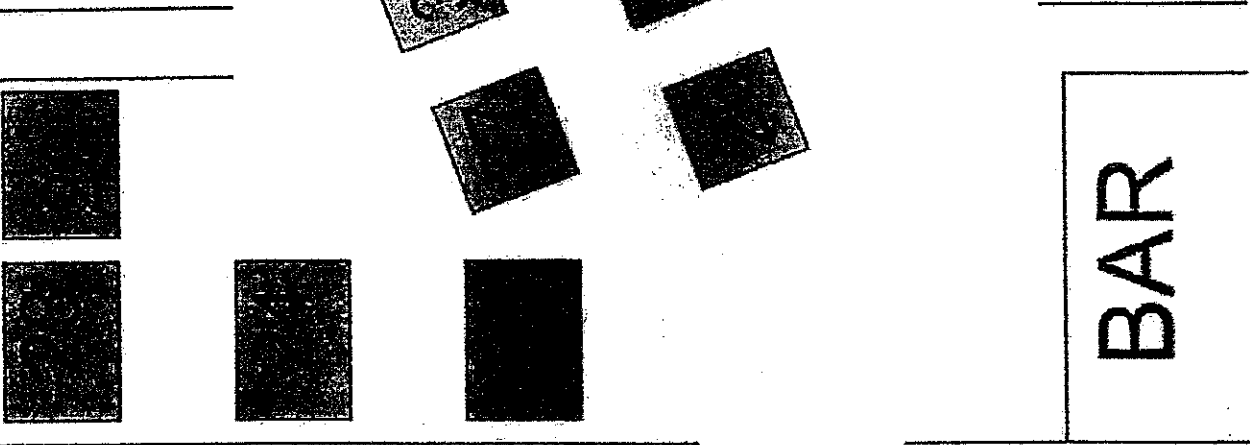
Section 1



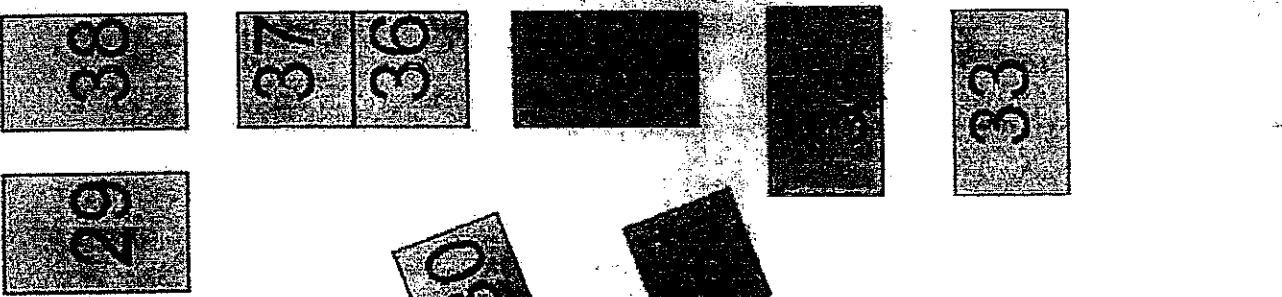
Section 2



Section 3



Section 4



BAR

KITCHEN

Jo Johnson

From: Jo Johnson
Sent: Thursday, May 10, 2012 3:59 PM
To: 'Andrews, Maxine R (DPS)'
Subject: RE: Restaurant Designation Permit for Don José

Thanks Maxine and I will forward the designation once it is approved.

Jo Johnson

From: Andrews, Maxine R (DPS) [<mailto:maxine.andrews@alaska.gov>]
Sent: Thursday, May 10, 2012 3:41 PM
To: Jo Johnson
Subject: RE: Restaurant Designation Permit for Don José

No need to be retroactive, just from date of the approval.

Maxine Andrews, Business Registration Examiner
Alcoholic Beverage Control Board
5848 E Tudor Road
Anchorage, AK 99507
(907)269-0358 desk
(907) 272-9412 fax

maxine.andrews@alaska.gov

From: Jo Johnson [<mailto:JJohnson@ci.homer.ak.us>]
Sent: Thursday, May 10, 2012 3:31 PM
To: Andrews, Maxine R (DPS)
Subject: RE: Restaurant Designation Permit for Don José

Maxine,

Thanks for the letter of explanation. What date are we asking Council to approve the restaurant designation permit?
Would it be retroactive to May 2007 or our meeting date?

Jo Johnson

From: Andrews, Maxine R (DPS) [<mailto:maxine.andrews@alaska.gov>]
Sent: Thursday, May 10, 2012 3:25 PM
To: Jo Johnson
Subject: RE: Restaurant Designation Permit for Don José

Jo,

The letter explaining the 5 year delay is attached. Let me know if you require anything else.

Maxine Andrews, Business Registration Examiner
Alcoholic Beverage Control Board
5848 E Tudor Road
Anchorage, AK 99507
(907)269-0358 desk
(907) 272-9412 fax

maxine.andrews@alaska.gov

From: Jo Johnson [<mailto:JJohnson@ci.homer.ak.us>]
Sent: Thursday, May 10, 2012 11:53 AM
To: Andrews, Maxine R (DPS)
Subject: RE: Restaurant Designation Permit for Don José

Maxine,
I can add it to our next council agenda, May 29th. Since it is an unusual request for the Council I will need a letter from you explaining the 5-year delay and requesting City Council approval. Please provide that by May 22nd.

Thanks,

Jo Johnson

From: Andrews, Maxine R (DPS) [<mailto:maxine.andrews@alaska.gov>]
Sent: Thursday, May 10, 2012 11:42 AM
To: Jo Johnson
Subject: RE: Restaurant Designation Permit for Don José

Yes it does require city council approval. I found the form here and if appeared that we never sent it to Homer for approval. Can you process it now. The licensee paid for the permit and probably believes they were issued one.

Maxine Andrews, Business Registration Examiner
Alcoholic Beverage Control Board
5848 E Tudor Road
Anchorage, AK 99507
(907)269-0358 desk
(907) 272-9412 fax

maxine.andrews@alaska.gov

From: Jo Johnson [<mailto:JJohnson@ci.homer.ak.us>]
Sent: Thursday, May 10, 2012 11:40 AM
To: Andrews, Maxine R (DPS)
Subject: RE: Restaurant Designation Permit for Don José

Maxine,
In checking our records it does not appear the Council approved a restaurant designation permit after the May 7, 2007 (notary date) listed on the application. Doesn't this require City Council approval? Beverage dispensary licenses for Don Jose were approved on 2/12/07, 3/09/09, and 1/10/11.

Thanks!

Jo Johnson

City Clerk
City of Homer
491 E. Pioneer Ave.
Homer, AK 99603
907-235-3130 Fax 907-235-3143

PUBLIC RECORDS LAW DISCLOSURE: Most e-mails from or to this address will be available for public inspection under Alaska public records law.

From: Andrews, Maxine R (DPS) [<mailto:maxine.andrews@alaska.gov>]
Sent: Thursday, May 10, 2012 10:29 AM
To: Jo Johnson
Subject: Restaurant Designation Permit for Don José

Jo,
Please process the attached RDP.

Maxine Andrews, Business Registration Examiner
Alcoholic Beverage Control Board
5848 E Tudor Road
Anchorage, AK 99507
(907)269-0358 desk
(907) 272-9412 fax
maxine.andrews@alaska.gov

RESOLUTION(S)

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**CITY OF HOMER
HOMER, ALASKA**

City Manager/Public Works Director

RESOLUTION 12-047

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A RESOLUTION OF THE CITY COUNCIL OF HOMER,
ALASKA, AWARDING A TERM CONTRACT FOR
PORT/HARBOR/MARINE PROFESSIONAL ENGINEERING
SERVICES TO PND ENGINEERS, INC. OF ANCHORAGE,
ALASKA AND TO R&M CONSULTANTS, INC, OF
ANCHORAGE, ALASKA AND AUTHORIZING THE CITY
MANAGER TO EXECUTE THE APPROPRIATE
DOCUMENTS.

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WHEREAS, In February 2012, Public Works issued an RFP for port/harbor/marine projects, in accordance with the City's Procurement Manual; and

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WHEREAS, Seven proposals were received, reviewed, and scored by a review committee; and

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WHEREAS, Based on the scoring of the committee, PND Engineers, Inc. of Anchorage, Alaska and R&M Consultants, Inc. of Anchorage, Alaska were determined to be the most qualified firms.

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NOW, THEREFORE, BE IT RESOLVED that the City Council awards a term contract for professional engineering services for port/harbor/marine projects to PND Engineers, Inc. of Anchorage, Alaska, and R&M Consultants, Inc. of Anchorage, Alaska, and authorizes the City Manager to Execute the appropriate documents.

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PASSED AND ADOPTED by the City Council of Homer, Alaska, this 29th day of May, 2012.

CITY OF HOMER

JAMES C. HORNADAY, MAYOR

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ATTEST:

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JO JOHNSON, CMC, CITY CLERK

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Fiscal Note: Each project completed under this term contract will have a separate account number/project number associated for engineering/design.



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

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

MEMORANDUM 12-084

TO: Walt Wrede, City Manager
 FROM: Carey Meyer, Public Works Director
 DATE: May 22, 2012
 RE: **Term Contract –Professional Engineering Services
 Port/Harbor/Marine Projects
 RFP Scoring Results and Award Recommendations**

In April of 2011, the City Council passed Resolution 11-043 authorizing the City Manager to “prepare and issue a set of RFP’s” ... “one for civil work, one for water and sewer, and one for *port and harbor*”. Term contracts increase the City’s efficiency and productivity, especially now when there are harbor projects scheduled for design in the next few years. These port and harbor projects may include:

- Ramp 3 Gangway and Approach Replacement
- Harbor Float Replacement
- Extension of Potable Water – Various Floats
- Upgrade System 5 – Vessel Shore Power/Water
- Harbor Entrance Erosion Control
- Deep Water Dock Expansion
- Various Dock/Harbor Maintenance/Damage Repair projects

The intent of the Public Works Director, with the support of the City Manager, was to select two multi-disciplined firms which together could respond quickly, professionally and cost effectively to any potential port and harbor project. These term contracts will run for three years, with the ability to be extended another two.

In April 2012, Public Works issued an RFP for professional engineering services for port and harbor projects, in accordance with the City’s Procurement Manual. 7 proposals were received. The proposals were reviewed and scored by a committee comprised of Port/Harbor and Public Works employees in accordance with the following criteria:

A.	Proposed Project Manager	30 points
B.	Proposed Project Team	45 points
C.	References	10 points
D.	Cost	<u>15 points</u>
	Maximum Score	100 points

Based on the scoring of the committee, PND Engineers, Inc and R&M Consultants, Inc., both of Anchorage, Alaska were determined to be the most qualified firms to complete the types of projects anticipated.

Recommendations: The City Council pass a resolution awarding a term contract for professional engineering services for port/harbor/marine projects to PND Engineers, Inc of Anchorage Alaska and R&M Consultants, Inc., of Anchorage, Alaska,

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**CITY OF HOMER
HOMER, ALASKA**

City Manager/Public Works Director

RESOLUTION 12-048

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT A U.S. FISH & WILDLIFE LEARNING LANDSCAPE GRANT WITH 50% IN-KIND MATCHING REQUIREMENT UP TO \$25,000 FOR THE PURPOSE OF COMPLETING LANDSCAPING IMPROVEMENTS AT KAREN HORNADAY PARK PLAYGROUND.

WHEREAS, The Parks and Recreation Advisory Commission has identified landscaping as a priority in implementing the Karen Hornaday Park master plan; and

WHEREAS, The City has been offered a "Learning Landscape" grant in the amount up to \$25,000 through U.S. Fish & Wildlife; and

WHEREAS, Center for Alaskan Coastal Studies (CACs), Homer Soil and Water Conservation District, the Homer Playground Project (HoPP), and other organizations have expressed interest in providing in-kind labor/material contributions for the matching portion of the grant as outlined in Memorandum 12-085.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, authorizes the City Manager to make a formal U.S. Fish & Wildlife "Learning Landscape" grant application and execute a grant agreement for the completion landscaping at Karen Hornaday Park Playground in the amount of up to \$25,000, 50% of which will be matched with labor/material in-kind contributions from participating organizations and individuals.

PASSED AND ADOPTED by the City Council of Homer, Alaska, this 29th day of May, 2012.

CITY OF HOMER

JAMES C. HORNADAY, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

Fiscal Note: N/A



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

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

MEMORANDUM 12-085

TO: Walt Wrede, City Manager

FROM: Carey Meyer, Public Works Director

DATE: May 22, 2012

RE: **Karen Hornaday Park – U.S. Fish & Wildlife Learning Landscape Grant Recommendation to Authorize Grant Application and Acceptance**

The Parks and Recreation Advisory Commission has identified landscaping as a priority in implementing the Karen Hornaday Park master plan. The Public Works desires to pursue a cooperative agreement with the U.S. Fish & Wildlife Service for 50% match grant funding up to \$25,000 for the installation of landscaping at the Karen Hornaday Park playground.

The City will work with the Center for Alaskan Coastal Studies (CACS) and the Homer Playground Project (HoPP) to plan and implement *Learning Landscape* improvements at Karen Hornaday Park, obtain in-kind matching funds and donations. Volunteers with HoPP will work with schools and other partners to design the landscape project consisting of a series of planting beds each with an educational theme. HoPP will seek out donations of plant materials, landscaping materials, recruit volunteers, and with the goal of establishing low-maintenance landscaping that incorporates native vegetation.

Landscape work associated with the day use area such as soil tillage, grading, drainage, top soil, seeding, pathways, benches and work being completed at the new playground will qualify for in-kind match funds. See attached preliminary budget showing anticipated in-kind contributions.

The landscaping project will have a focus on local native plants with such themes as 'Pollinators,' 'Edible Plants,' 'Economic Benefits of Plants,' 'Exotic Beauty of Native and Non-native Plants,' 'Plants of the Beach Dunes,' 'Wetland Habitat Plants' and other themes to be developed.

The project will involve the community and schoolchildren. The project site was selected because of its public access and ease of bringing school groups to the park. Karen Hornaday Park is open to the public year-round. The park is frequented by families, school groups and tourists. A series of highly visible pocket gardens will be placed at the entrances to the new playground, adjacent sitting areas and in the day use area.

HoPP volunteers will design the planting beds or “pocket gardens” identify sources for plant material and begin to layout the gardens during the summer of 2012. CACS will lead the educational component of this project through the design and installation of interpretative signs which will raise awareness about the need for pollinators, describe how parts of edible plants are used and have been traditionally foraged, etc. The City of Homer’s “Adopt-a-Park” volunteers and Hornaday Campground hosts may assist with annual maintenance.

Other Partners: The following partners have offered assistance:

- Alaska Plant Materials Center
- Cooperative Extension Service Habitat Specialist
- Homer Soil and Water Conservation District
- State of Alaska Div. of Forestry and Plant Nursery
- Homer Area Nurseries
- Gee Denton, Homer Landscape Designer
- Homer Lions Club
- Individuals – Plant Specialists

Recommendations: The City Council pass an resolution authorizing the City Manager to make a formal U.S. Fish & Wildlife “Learning Landscape” grant application and execute a grant agreement for the completion landscaping at Karen Hornaday Park Playground in the amount of up to \$25,000; 50% of which will be matched with labor/material in-kind contributions from participating organizations and individuals.

ESTABLISHMENT OF LEARNING LANDSCAPE STATIONS						
Budget						
Item	Quantity	Cost Per Unit	Grant Request	Non-Fed Cash Match	Non-Fed In-kind	Total
Landscape/Habitat Planning and Design						
Landscape Designer	40 hrs	\$ 45.00			\$ 1,800.00	\$ 1,800.00
Partnership Coordinator and school coordinator	20 hrs	\$ 25.00			\$ 500.00	\$ 500.00
Review Team - 4 persons - 5 hrs ea.	20 hrs	\$ 25.00			\$ 500.00	\$ 500.00
Design Implementation						
On-site Layout of Habitat Stations	5 hrs	\$ 45.00			\$ 225.00	\$ 225.00
Construction Details	8 hrs	\$ 45.00			\$ 360.00	\$ 360.00
Research Plant Materials and Sources	20 hrs	\$ 25.00			\$ 500.00	\$ 500.00
Construction Details						
Habitat Way' / Accessible Pathway - drain rock/ground cloth with 4" compacted crushed rock	250 lin ft	\$ 60.00			\$ 15,000.00	\$ 15,000.00
habitat station border material - boulder rock/logs	80 rocks	\$ 60.00		\$ 4,800.00		\$ 4,800.00
Tiller rental	8 hrs	\$ 40.00	\$ 320.00			\$ 320.00
benches	4	\$ 120.00			\$ 480.00	\$ 480.00
Water source development		lump sum			\$ 1,800.00	\$ 1,800.00
Planting Materials						
Detailed Plant List from Design -						
180 perennials ,	130	180	10			
shrubs,	20	130	25			
trees	20	150	\$ 7,750.00	\$ 300.00		\$ 8,050.00
Wetland cuttings & plants	300	\$ 1.50			\$ 450.00	\$ 450.00
Soil and soil amendments	18 yds	\$ 50.00	\$ 900.00			\$ 900.00
Delivery of Materials / Soil	2 trips	\$ 200.00	\$ 400.00			\$ 400.00
Landscape Fabric	100'	\$ 1.50	\$ 150.00			\$ 150.00
Stakes	4 bundles	\$ 20.00	\$ 80.00			\$ 80.00
Wood Chips	40 yds	\$ 30.00			\$ 1,200.00	\$ 1,200.00
Educational / Interpretive						
Intrepretive Specialist / Native Plant Specialist - work on theme, message, school outreach, teacher/student workshops	100 hrs	\$ 45.00	\$ 4,590.00			\$ 4,590.00
Design six interp/educ panels	40 hrs	\$ 45.00	\$ 1,800.00			\$ 1,800.00
Fabricate six panels w frames and posts	6	\$ 1,500.00	\$ 9,000.00		\$ 2,000.00	\$ 11,000.00
Install panels - cement	20	\$ 45.00			\$ 900.00	\$ 900.00

Labor / Project Mgmt.						
Volunteer Services - design, materials, construction, outreach, education/interp.	200 hrs	\$ 25.00			\$ 5,000.00	\$ 5,000.00
Student volunteers involvement	40	\$ 15.00			\$ 600.00	\$ 600.00
City Engineer project mgmt.	40 hrs	\$ 65.00			\$ 2,600.00	\$ 2,600.00
Park Staff - volunteer mgmt.	40 hrs	\$ 35.00			\$ 1,400.00	\$ 1,400.00
Team - Final Report and Teacher's Guide	30 hrs	\$ 25.00			\$ 750.00	\$ 750.00
Total			\$ 24,990.00	\$ 5,100.00	\$ 36,065.00	\$ 66,155.00

1 CITY OF HOMER
2 HOMER, ALASKA

3 City Manager/Public Works Director

4 RESOLUTION 12-049

5
6 A RESOLUTION OF THE CITY COUNCIL OF HOMER,
7 ALASKA APPROVING THE JACK GIST RECREATIONAL
8 PARK LAND USE AGREEMENT AND PERMIT BETWEEN
9 THE CITY OF HOMER AND THE JACK GIST
10 RECREATIONAL PARK ASSOCIATION, AND
11 AUTHORIZING THE CITY MANAGER TO EXECUTE THE
12 APPROPRIATE DOCUMENTS.

13
14 WHEREAS, The Public Works Department has seen the need for an agreement between
15 the City and park users at all City parks that defines the responsibilities of the City and the users;
16 and

17
18 WHEREAS, The Jack Gist Recreation Park Association and the Public Works
19 Department cooperatively prepared a draft agreement applicable to the Jack Gist Recreational
20 Park; and

21
22 WHEREAS, The City Attorney has reviewed and approved a final agreement; and

23
24 WHEREAS, On May 17, 2012, the Parks and Recreation Advisory Commission held a
25 public hearing and recommended approval of said final agreement by the City Council.

26
27 NOW, THEREFORE, BE IT RESOLVED that the City Council authorizes the City
28 Manager to execute the Jack Gist Recreational Park Land Use and Permit and implement the
29 conditions of the agreement.

30
31 PASSED AND ADOPTED by the City Council of Homer, Alaska, this 29th day of May,
32 2012.

33
34
35 CITY OF HOMER

36
37
38
39 _____
40 JAMES C. HORNADAY, MAYOR

41 ATTEST:

42
43 _____
44 JO JOHNSON, CMC, CITY CLERK

45
46 Fiscal Note: N/A



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

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

MEMORANDUM 12-087

TO: Parks and Recreation Commission

FROM: Carey Meyer, Public Works Director *CSM*

THRU: Walt Wrede, City Manager

DATE: May 11, 2012

RE: **Jack Gist Park – Users Agreement Approval**

Public Works, at the direction of the City Council, has been preparing an agreement that would establish a formal understanding between the City and the users of Jack Gist Park. The proposed agreement is between the City and the Jack Gist Recreational Park Association (JGRPA).

The JGRPA was formed to, among other things, work with the City to develop and maintain recreational opportunities at the park property to the benefit of varied user groups and the community; and to schedule and coordinate the use of all sport fields and assist with construction and maintenance on park property.

Currently, the main users of the park fields are the Homer Softball Association, Mariner High School Softball, and the Homer Disc Golf Association. These organizations are members of the JCRPA.

Attached is the proposed agreement. It has been reviewed and approved by the City Attorney.

Also attached are maps of the park showing the existing softball fields and the proposed disc golf course. One map shows the original layout of the disc golf course and the other map shows the current modified layout (that adjusts the course and provides a buffer along the south side of the park to minimize potential impacts to adjacent property).

Also attached is a summary of the volunteer and fund raising efforts in support of disk golf users at the park

Recommendations: The Parks and Recreation Commission pass a resolution approving the agreement between the City and the Jack Gist Recreational Park Association and recommend City Council authorize the City Manager to execute the agreement.

18121

LAND USE AGREEMENT AND PERMIT

This LAND USE AGREEMENT AND PERMIT ("Agreement") is entered into by and between the City of Homer, Alaska ("City"), a municipal corporation, and the Jack Gist Recreational Park Association ("JGRPA"), an Alaskan nonprofit corporation, this ___ day of August, 2011.

RECITALS

WHEREAS, the City owns real property known as Lot 2 of the Jack Gist Subdivision, more fully described in Exhibit A ("Park Property"); and

WHEREAS, JGRPA was founded, in part, to work with the City to develop and maintain recreational opportunities at the Park Property to the benefit of varied user groups and the community; and

WHEREAS, the City intends to authorize JGRPA, within limits set by the City, to schedule and coordinate the use of all sport fields on the Park Property and assist with construction and maintenance on Park Property; and

WHEREAS, written authorization from the City will be required on all decisions affecting the use of the Park Property;

NOW, THEREFORE, in consideration of the mutual agreements and considerations described herein, the receipt and sufficiency of which are hereby acknowledged, the City and JGRPA agree as follows:

I. AGREEMENT

1. NONPROFIT STATUS. JGRPA certifies that JGRPA is organized as a nonprofit corporation in Alaska in good standing and warrants that it will remain organized as a nonprofit organization in good standing during the term of this Agreement and any renewal terms.

2. LAND USE AGREEMENT AND PERMIT. Subject to the conditions and limitations of this Agreement, the City hereby grants permission to JGRPA to schedule sport field use and to maintain and operate the facilities, fields, and parking lots on Park Property for the enjoyment of the public as more specifically provided for in Section 5 of this Agreement. The City may revoke the permit granted under this Agreement immediately and without notice. Through this Agreement the City conveys no interest in the Park Property and this permit is issued to allow JGRPA to use Park Property only for authorized purposes specifically identified in this Agreement or approved in writing by the City. The permit represents a nonexclusive privilege authorizing special use of the City's land. The City reserves the right to permit other land use activities in the permit area. A breach of any provision of this Agreement will result in termination of the Agreement and revocation of this permit and may result in a claim for damages by the City and other criminal and civil penalties as applicable under law.

3. EQUIPMENT AND FACILITIES. All current and future structures, facilities, signage, fences, and dug outs shall be City property with the exception of easily removable and mobile equipment owned by JGRPA or any other corporation, entity, non-profit or for-profit public or private group or association, whether organized or unorganized using Park Property (hereafter referred to as "User Group"). Equipment owned by JGRPA or another User Group may not be removed from Park Property without sixty (60) days prior written notice given to the City based on a site restoration plan approved by the City. The City shall have the option to purchase the equipment prior to the removal of such equipment from Park Property.

4. TERM AND RENEWAL. The term of this Agreement will commence on the date that it is executed by both parties. Unless the Agreement is terminated by either party or the permit revoked by the City, the term of this Agreement will expire three (3) years after the date the Agreement is executed, or three (3) years after the date a renewal term commences. The term of this Agreement and any successive term may be extended for a renewal term of three (3) years if (a) JGRPA provides a written notice of request for renewal to the City before the expiration of the previous term; and (b) the City gives its consent to the renewal in writing.

5. SPECIFIC USES PERMITTED OR REQUIRED BY JGRPA.

A. JGRPA shall develop an annual schedule of games and events to occur on Park Property, including but not limited to, adult and youth softball games and practices, softball tournaments and clinics, and disc golf games and tournaments. JGRPA must attempt to schedule the fields and other facilities giving equal opportunity to all User Groups with due respect to traditional and seasonal demands of each Group. The annual schedule must be approved by the City prior to being finalized and the City shall place the final schedule on its website for public access. The City may reserve dates for City sponsored event and activities;

B. JGRPA shall supervise all User Groups to ensure that Park Property is used consistent with City intent and the best interest of the community;

C. JGRPA shall meet with the City to consult regarding any and all schedules, activities, parties, and other donated labor and materials prior to activity commencements;

D. JGRPA shall supervise use of the parking lots by all User Groups to ensure that Park Property and City parking procedures are used and the parking lots are properly maintained;

E. JGRPA shall notify all participants of the inherent risks of parking near the sports fields and inform these participants of the risk assumed by the participant when he or she utilizes the Park Property parking lots; and

F. JGRPA shall maintain Park Property and ensure that the Property complies with all applicable health and safety standards. JGRPA's maintenance responsibilities shall include, but not be limited to:

- i. dragging the infields prior to games,
- ii. chalking base/foul lines,
- iii. repairing infield/outfield divots or damages,
- iv. watering the sporting fields,
- v. performing minor fence repairs, and
- vi. performing routine litter pick up and disposal on Park Property after all games and events.

Any and all construction projects must be pre-approved in writing by the City and JGRPA must comply with any and all conditions imposed upon such construction by the City.

G. JGRPA may store equipment on Park Property and provide User Groups with equipment storage facilities.

6. CITY MAINTENANCE. The City may close Park Property on a daily basis if needed to control vandalism or inappropriate off-hours usage. The Park Property is not maintained in the winter by the City. The City shall provide JGRPA with keys to the Park Property at the beginning of summer but all sets of keys provided to JGRPA must be returned to the City at the end of the season. The City shall provide waste receptacles for garbage during the summer months and shall empty these receptacles as needed but JGRPA shall enforce the "leave no trace behind" principle with its User Groups. The City shall provide 1 to 2 portable toilets on Park Property from May 1st through September 15th as funding permits. JGRPA shall be required to provide additional portable toilets as needed at its own expense. There is currently no sewer, water or electrical capabilities on Park Property. JGRPA may provide generators, water holding tanks, storage units, and additional portable toilets at its own expense.

7. OVERNIGHT USE. Park Property is intended to be a day use park and any special requests for overnight camping must be approved by the City at least thirty (30) days prior to the special event. The City may allow JGRPA to provide a caretaker or volunteer host to reside in the park in a temporary trailer or recreation vehicle under an approved volunteer or caretaker agreement with the City.

8. FEES AND DONATIONS. JGRPA may charge reasonable fees to or solicit donations from all User Groups and members to support maintenance efforts on Park Property and to fund operational obligations such as insurance and maintenance supplies. These fees are the responsibility of JGRPA to manage under the fiscal obligations of its board of directors. Should JGRPA dissolve its non-profit status,

change its status associated with the Park Property, or terminate this Agreement, then the funds and assets earned for Park Property shall be used to resolve any outstanding expenses of JGRPA and any remaining funds and assets shall be donated to the City for use on the Park Property. JGRPA shall be allowed to solicit fee sponsors or recognize donors and hang banners of team sponsors, supporters, and/or donors on Park Property. Banners must be removed once the summer season is over or no later than September 30th. All signs/banners must be approved by the City for content and placement.

9. DEFENSE AND INDEMNIFICATION. JGRPA will indemnify, defend, save and hold harmless the City, its elected officials and appointed officers, agents and employees from any and all claims, suits, demands, actions or liability, including without limitation costs and attorneys' and other professional fees, resulting from personal injury, death or property damage arising out of JGRPA activities or events or the occupancy or use of Park Property by JGRPA and its participants, spectators or others who are on or near Park Property in connection with JGRPA events or activities and/or the events or activities of User Groups scheduled or sanctioned by JGRPA on Park Property. However, this provision will not apply to any claim to the extent the claim arises from the gross negligence or intentional or willful act of the City or its officers, agents or employees. This defense and indemnification obligation includes claims alleging acts or omissions by the City and its officers, agents, contractors and employees which are said to have contributed to the loss, failure, violation or damage. JGRPA's indemnification obligation under this section will survive the termination of this Agreement.

10. LIABILITY INSURANCE. JGRPA shall purchase special event general liability insurance coverage at its own expense during any activity or event conducted by JGRPA or any other User Group on Park Property or JGRPA shall require any and all User groups to purchase such insurance prior to conducting any activity or event on Park Property. The policy purchased by JGRPA or any of its User Groups shall name the City as an additional insured with respect to the activities conducted on Park Property. The minimum limit of coverage will be not less than One Million Dollars (\$1,000,000) per occurrence and Two Million Dollars (\$2,000,000) aggregate. The general liability insurance will include bodily injury, personal injury, and property damage with respect to the Property and the activities conducted by JGRPA or any other User Group. JGRPA shall deliver to the Director certificates of insurance required by this section no later than seven (7) days before each activity or event on Park Property. This insurance shall be primary and exclusive of any other insurance held by the City. Failure to provide insurance as required by this section, or a lapse in coverage, is a material breach of this Agreement and permit, and the City may revoke the permit.

11. TERMINATION AND REVOCATION.

A. By City. The City may terminate the Agreement and revoke the permit granted hereunder immediately without cause and without notice.

B. By JGRPA. JGRPA may terminate the Agreement only on condition that it provides written notice of termination to the City no later than fifteen (15) days prior to the date JGRPA intends to terminate the Agreement.

12. VACATION AND REMOVAL OF PROPERTY. No later than thirty (30) days after expiration of the term or upon expiration of a renewal term or after the date on which the City terminates this Agreement under Section 4 or 11 of this Agreement, JGRPA shall vacate the Park Property after removing all equipment and property that it or one of the User Groups has placed or caused to be placed on the Property. If any chattel, improvement, materials or other property of JGRPA is not removed within the time required by this section, then it becomes property of the City and may otherwise be disposed of by the City without obligation to JGRPA.

13. NOTICES. At the signing of this Agreement, JGRPA shall provide City with the names of two (2) contact persons with authority for activities and events under this Agreement and addresses and telephone numbers for such contact persons that the City may use to communicate and give notices to JGRPA. All written notices given by JGRPA to the City shall be either hand delivered or mailed to the Director at the following address: City of Homer, Public Works Director, 3575 Heath Street, Homer, Alaska 99603. Mailed notices shall be deemed given when they are sent as determined by the postmark date.

14. RELATIONSHIP OF THE PARTIES. No employment or agency relationship is created by this Agreement. JGRPA personnel, members, participants or volunteers and the personnel, members, participants or volunteers of any of its User Groups, will at all times be considered agents or employees of JGRPA and not of the City. JGRPA will assume full responsibility for the actions or inactions of JGRPA User Groups, personnel, members, participants or volunteers, and JGRPA will be solely responsible for the supervision, direction and control of such persons or groups.

15. PERMIT FEES AND TAXES. No permit fees will be assessed. All applicable taxes or assessments shall be paid by JGRPA.

16. ASSIGNMENT. Neither this Agreement nor the permit granted by its terms may be transferred or assigned without the City's prior written consent.

17. SEVERABILITY. Any provision or clause of this Agreement that is deemed invalid by a court or otherwise by law will not affect the validity of the remainder of the Agreement.

18. GOVERNING LAW AND VENUE. This Agreement and the rights and obligations of the parties hereunder shall be construed in accordance with the laws of the State of Alaska. Any legal proceeding in connection with this Agreement will be in the trial courts of the State of Alaska, Third Judicial District at Homer. It is understood that consultation and negotiation are the preferred first option for resolving all disputes arising under this Agreement.

19. NO WAIVER. A waiver by the City of any provision or clause of this Agreement will not be construed as a continuing waiver of such provision or clause, or a waiver of any other provision or clause of this Agreement. Any waivers of the permit conditions will be in writing and signed by both parties.

20. NO PARTNERSHIP. No provision of this permit shall be construed to create a partnership or joint venture or any other arrangement between the City and JGRPA under which the City would be liable for the debts, losses or liabilities of JGRPA.

21. INTEGRATION. The parties intend this Agreement to be the complete and exclusive expression of their agreement and the permit granted to JGRPA. No representations or promises not contained in this document have been made by the City. No modification to this Agreement may be made unless in writing and executed by both parties.

22. INTERPRETATION. This Agreement has been submitted to the scrutiny of all parties and their counsel if desired, and it will be interpreted in accordance without consideration to or weight given to its being drafted by any party or its counsel. This Agreement will be interpreted according to its fair meaning and intent and not for or against either party.

CITY: CITY OF HOMER:

By: _____

Title: _____

PERMITEE: JACK GIST RECREATIONAL PARK ASSOCIATION (JGRPA)

By: _____

Title: _____

ATTEST:

Jo Johnson
City Clerk

STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on this _____ day of August, 2011, before me, the undersigned Notary Public, personally appeared Walt Wrede, known to me to be the City Manager of the CITY OF HOMER, a municipal corporation organized and existing under the laws of the State of Alaska, and he acknowledged to me that he executed this instrument on behalf of said corporation for the uses and purposes therein set forth.

IN WITNESS WHEREOF I have hereunto set my hand and seal the day and year first herein above written.

Notary Public for Alaska
My Commission expires: _____

STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on this _____ day of August, 2011, before me, the undersigned Notary Public, personally appeared _____, known to be the _____ of JACK GIST RECREATIONAL PARK ASSOCIATION, who executed the within and foregoing instrument, and acknowledged before me that said instrument was his/her free and voluntary act and deed for the uses and purposes therein set forth.

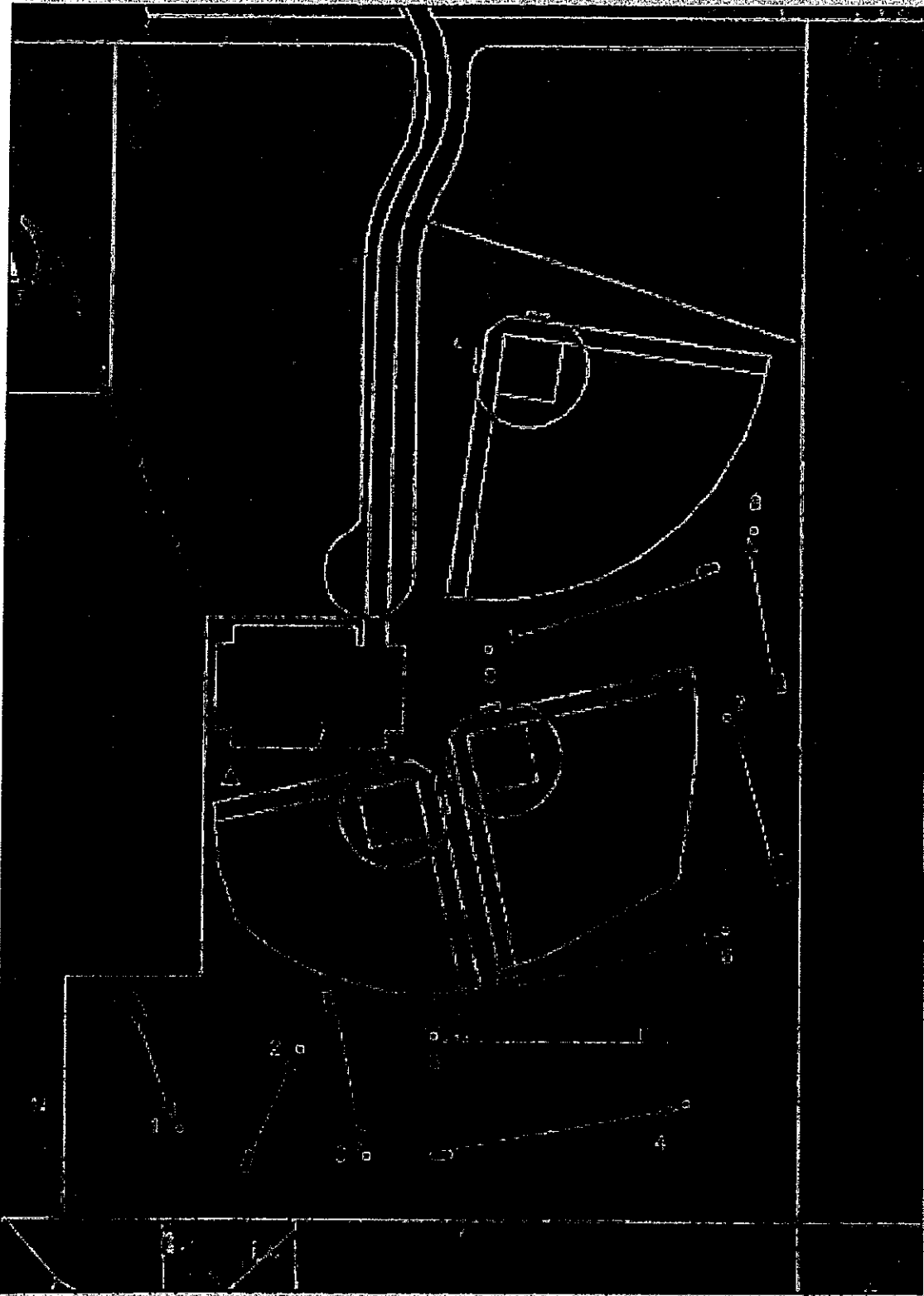
IN WITNESS WHEREOF I have hereunto set my hand and seal the day and year first herein above written.

Notary Public for Alaska
My Commission expires: _____

EXHIBIT A

LAND USE AGREEMENT AND PERMIT

Lot 2 of JACK GIST SUBDIVISION, a subdivision situated in the SW $\frac{1}{4}$ of the north $\frac{1}{4}$ of sec. 15, T. 6 S, R. 13 W, S.M., ALASKA, according to Plat 99-63 filed in the Homer Recording District, Third Judicial District, State of Alaska

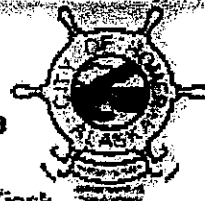


0 50 100 200
 Feet

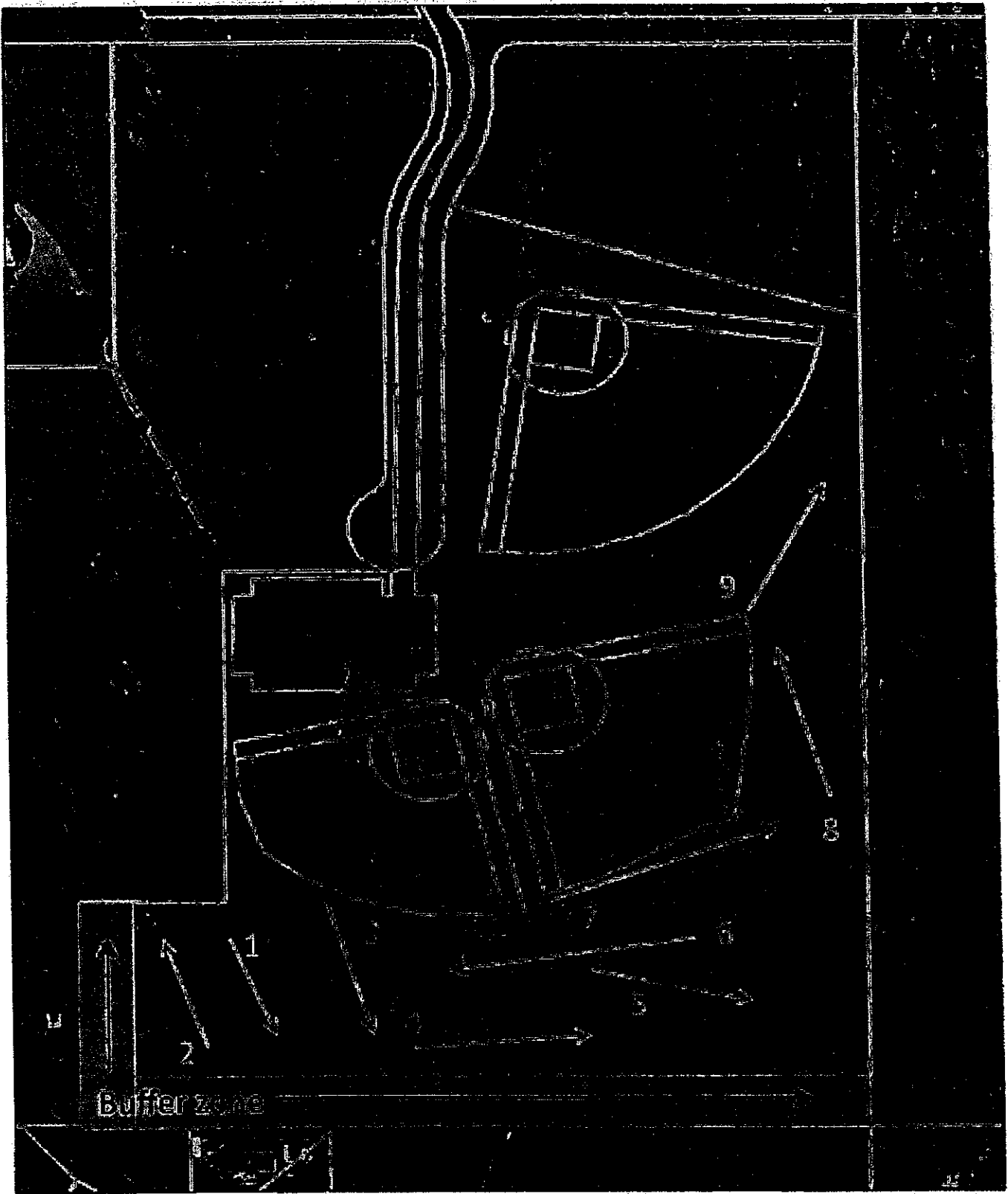
The property lines have not been surveyed.
 This graphic is for general planning purposes only
 and is not intended for any construction activities.

**Jack Gist Park
 Proposed Disc Golf Course**

- ⊙ - Baskets
- ▭ - Tee Pads
- △ - Information Kiosk



ORIGINAL DESIGN



0 50 100 200
 Feet

The property lines have not been surveyed.
 This graphic is for general planning purposes only
 and is not intended for any construction activities.

**Jack Gist Park
 Disc Golf Course**



CURRENT MODIFIED DESIGN

Jack Gist Park Disc Golf Course Summary of Volunteer Efforts

Volunteers

Last summer 10 volunteers worked over 100 hours picking up garbage, clearing brush, and pruning branches in preparation for the installation of a disc golf course at Jack Gist Park.

Volunteers:

Kurtis Schoenberg	Thad Gunther
Jud Hancock	Hiram Lohr
Chris Gordon	Matt Vitorisky
Matt Forney	Matt Alward
Edan Badajos	Zoe Andyke

Fundraising

The Jack Gist Recreational Park Association raised over \$3000 in sponsorship and donations and now has nine disc golf baskets ready for installation as soon as the ground thaws.

Alaska Disc Golf Association provided five baskets valued at \$1500

Moose Pretzel Disc Golf Club provided one basket valued at \$300

Bulletproof Nets donated \$500

Homer's Jeans donated \$250

Homer Hounds donated \$250

The Female Athlete and Team Store provided shipping valued at \$300

Hancock Construction and Tyson Alward have committed to providing labor and equipment this summer for the installation of the disc golf course.

Using the donated funds, the Jack Gist Recreational Park Association purchased three baskets, nine ground sleeves, and nine locking collars.

Proposed schedule for summer 2012:

May – finish trash pick-up, brush clearing, and pruning branches

June – install baskets, grand opening tournament

Course Design

The proposed course layout has been modified and now includes a buffer area around the southwestern corner of the park. See attached map.

CITY OF HOMER
HOMER, ALASKA

Wythe

RESOLUTION 12-050

A RESOLUTION OF THE CITY OF HOMER AUTHORIZING THE INITIATION OF A SPECIAL ASSESSMENT DISTRICT IN THE LILLIAN WALLI ESTATE SUBDIVISION IDENTIFIED AS HM0880017 T06S R14W S24 LILLIAN WALLI ESTATE SUBDIVISION LOTS 39 - 42 AND 51 -77, FOR THE PURPOSES OF PREPARING THE LOTS OWNED BY THE CITY OF HOMER FOR SALE AND FURTHER RESIDENTIAL DEVELOPMENT..

WHEREAS, The City of Homer received possession of lots 57, 58, 59, 60, 65, 66, 67, and 70 in the Lillian Walli Estate Subdivision, plat location HM0880017 T06S R14W S24, through the tax foreclosure processes; and,

WHEREAS, Constructing roads and water and sewer utilities in this subdivision is in the public interest and advances council priorities because it would increase the tax base, promote in-filling, and provide more customers for the water and sewer utility; and

WHEREAS, The subdivision agreement addresses completion of water, sewer and road facilities prior to development; and

WHEREAS, It is desirable to have these properties sold and returned to the tax rolls; and

WHEREAS, Pursuant to HCC 17.04.040 (a)(1) A special assessment district may be initiated by a resolution approved by a vote of not less than three-fourths of the council.

NOW THEREFORE BE IT RESOLVED that the Homer City Council does hereby authorize the initiation of a Special Assessment District to include HM0880017 T06S R14W S24, Lillian Walli Estate Subdivision Lots 39 - 42 and 51 -77, for the purposes of preparing the lots owned by the City of Homer for sale and further residential development.

BE IT FURTHER RESOLVED that pursuant to HCC 18.04.030 the proceeds from such foreclosure property sales shall be allocated to the funding of depreciation after satisfying delinquent taxes, assessments and/or City costs.

PASSED AND ADOPTED by the City Council of Homer, Alaska, this 29th day of May, 2012.

CITY OF HOMER

JAMES C. HORNADAY, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

Fiscal Note: Various Administrative Costs

AGREEMENT

THE CITY OF HOMER, hereinafter the "City", a municipal corporation, and Ero Steve Walli and John Robert Gibson, hereinafter the "Owner(s)", enter into the following agreement this 16th day of May, 1988.

The parties to this agreement shall accept notices at the following addresses:

OWNER(S)	CITY
Ero Steve Walli, Executor	Phil C. Shealy
John Robert Gibson, Co-Executor	City Manager
	City of Homer
	491 E. Pioneer Ave.
	Homer, Ak. 99603

The public rights of way and the real property which is the subject of this agreement, hereinafter the "subdivision", is located in the City of Homer and more particularly described as:

Lillian Walli Estate, located in the E1/2, NE1/4, Sec. 24, T.6S., R.14W., S.M. HRD (Area = 76.277 acres) PLAT 88-16

In consideration of the provisions contained in Chapter 22.10, Section 22.10.050 a., the Owner(s), their successors and assigns agree that no request for a building permit or additional utility connections will be made until improvements (roads, water, sewer, drainage and other utilities), are completed and accepted by the City. Owner(s) further agree to include a specific caveat in each and every contract with, or conveyance of land to subsequent property owners to the effect that no building permits or utility connections shall be made to the property described therein until all improvements are completed and accepted by the City.

Owner (s) shall indemnify and hold the City harmless against any claims made by subsequent property owners for failure to construct water, sewer, road or other utility services to their respective lots, in conformance with City standards.

CITY OF HOMER

OWNERS

Phil C. Shealy
Phil C. Shealy
City Manager

Ero Steve Walli
John Robert Gibson

5/16/88
Date

May 16, 1988
Date

RECEIVED

JUL 25 1988

Form 7b-4-88


City of Homer
Planning & Zoning

STATE OF ALASKA)
) ss
THIRD JUDICIAL DISTRICT)

Before me, the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn as such, this day personally appeared Phil C. Shealy to me known and known to me to be the person(s) described in and who executed the above instrument and he acknowledged to me that he signed the same freely and voluntarily for the means and purposes therein mentioned.

WITNESS my hand and notarial seal this 16th day of May, 1988.

(S E A L)

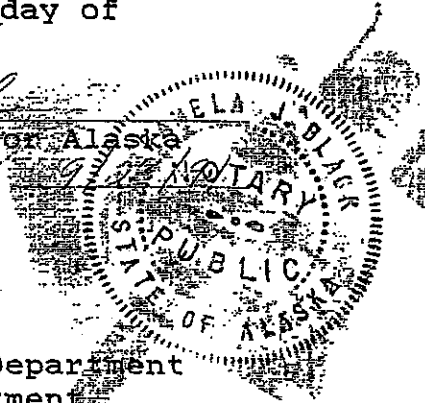
Pamela J. Black
Notary Public in and for Alaska
My Commission Expires: 12/31/91


STATE OF ALASKA)
) ss
THIRD JUDICIAL DISTRICT)

Before me, the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn as such, this day personally appeared Ers S. Wallis & John R. Gibson to me known and known to me to be the person (s) described in and who executed the above instrument and they acknowledged to me that they signed the same freely and voluntarily for the means and purposes therein mentioned.

WITNESS my hand and notarial seal this 16th day of May, 1988.

(S E A L)

Pamela J. Black
Notary Public in and for Alaska
My Commission Expires: 12/31/91


DISTRIBUTION OF THIS AGREEMENT:

- Original - City Clerk
- Copies - Public Works Department
- Finance Department
- Planning Department
- Engineering Project File
- Inspector

8 8-1 5.5.5
13-

RECORDED ~~FILED~~
HOMER RECORDING
DISTRICT

MAY 19 3 39 PM '88

REQUESTED BY City of Homer
ADDRESS Homer, Ak 99603

Return to: City Clerk
491 E. Pioneer Ave. Form 7b-4-88
Homer, Ak 99603

AGREEMENT FOR ASSUMPTION OF PRO RATA
SHARE OF ASSESSMENTS AND RESPONSIBILITIES
UNDER DEVELOPMENT AGREEMENT, CITY OF HOMER

1 THIS AGREEMENT, made the 16th day of NOVEMBER , 1988,
2 by and between the CITY OF HOMER, a first class Alaskan
3 municipality, hereinafter called City, and all persons having an
4 interest in certain real property hereinafter described, and
5 referred to as "The Walli Tract", hereinafter referred to
6 collectively as "the Walli Interests".

7 WITNESSETH:

8 WHEREAS, the Walli Interests have subdivided the Walli
9 Tract, hereinafter described into 75 lots for the purpose of sale
10 to individual purchasers, and

11 WHEREAS, the Walli Interests acknowledge that assessments
12 for the construction of water and sewer utilities by the City
13 which benefit a portion of the Walli Tract, are a first lien
14 against said property in the total sum of \$249,657.00, and

15 WHEREAS, the Walli Interests have requested that the City
16 allow payment of the aforesaid assessments by applicable
17 individual owners of lots within the Walli Subdivision, Plat No.
18 88-16 filed in the Homer Recording District on February 17, 1988
19 on a pro rata basis, and

20 WHEREAS, Ero Steve Walli and John R. Gibson, as executors,
21 signed a development agreement with the City of Homer, which is
22 recorded in Book 0183 pages 424 and 425 Homer Recording District,
23 the terms of this Development Agreement being incorporated herein
24 by this reference, designating themselves responsible for street,
25 drainage, water, storm drain, sanitary sewer, street signs,
26

1 street lighting, underground power and monumentation improvements
2 to the Walli Estate, and

3 WHEREAS, Ero Steve Walli and John R. Gibson also represented
4 in said development agreement with the City of Homer that no
5 building permit and/or request for utility connection will be
6 submitted to the City for any lot within the subdivision until
7 such time that the improvements are completed and accepted by the
8 City of Homer.

9 NOW, THEREFORE, in consideration of the premises and the
10 mutual benefits derived herefrom, the parties agree as follows:

11 1. Pro-rata Assessment. The City agrees to allow pro rata
12 assessment of individual lots in the Walli Subdivision subject to
13 all terms and conditions of this agreement.

14 2. Property Descriptions. The Walli Tract is described as
15 follows:

16 Tracts A, B, C, D and Lots 1 to 77 of Plat No. 88-16,
17 filed in the Homer Recording District, Third Judicial
18 District, State of Alaska, prepared by Henning Johnson,
19 Registered Professional Land Surveyor, approved by the
20 Kenai Peninsula Borough on the 16th day of May, 1988.

21 3. Acknowledgment of Assessments. The parties acknowledge
22 that the total amount of the assessments for water and sewer
23 utilities now due on the Walli Subdivision properties included in
24 the Sterling Highway Improvement District above described, is
25 \$249,657.00. The parties further acknowledge and agree that the
26 pro rata share of such assessments which are attributable to and
are a lien on individual lots is listed in the Schedule of
Assessments hereby incorporated by this reference and a copy
thereof attached hereto marked as Exhibit A.

LAW OFFICES OF HAHN, JEWELL & STANFILL
431 WEST SEVENTH AVENUE, SUITE 212
ANCHORAGE, ALASKA 99501 • TELEPHONE 279-1544
HOMER, ALASKA • TELEPHONE 235-8709

1 4. Guaranty. The Walli Interests agree to remain liable
2 for payment of pro rata share of assessments as described above
3 in the event of default in any payment of such assessments to the
4 City by the individual owners of property in the Walli
5 Subdivision as listed in Exhibit A.

6 5. Priority of Assessment Liens. The Walli Interests
7 acknowledge that the pro rata share of assessments referred to
8 above are a lien against the above described property, having
9 priority against all other liens thereon except municipal tax
10 liens, pursuant to Alaska Statutes 29.46.080(c).

11 6. Assumption of Responsibilities Under Development
12 Agreement. The Walli Interests hereby assume responsibilities
13 for performance of all conditions of the Development Agreement
14 signed by Ero Steve Walli and John R. Gibson, Executors, with the
15 City of Homer, excluding the owners of Tract A, C and D of the
16 above described property. The following named Heirs are
17 specifically referred to under this paragraph as having accepted
18 responsibility under the development agreement attached hereto as
19 Exhibit B: John R. Gibson, Ero Steve Walli, Carolyn Platt, Pat
20 W. Miller, David Gibson, Cheryl Gay Ford and Robin White.

21 7. Default. In the event of default on the part of the
22 Walli Interests, delinquent assessments shall be subject to
23 foreclosure under the Alaska Statutes and the Homer Municipal
24 Code. Failure to perform all conditions and comply with all
25 requirements of the Development Agreement described in the
26 preceding Paragraph shall constitute a material breach of this
Agreement.

8. Assigns and Successors. This agreement shall be binding upon and inure to the benefit and burden of the heirs, assigns and successors in interest of the parties hereto.

9. Recordation. Upon execution, this agreement shall be recorded in the Homer Recording District.

IN WITNESS WHEREOF, the parties have hereunto set their hands the day and year first above written.

CITY

CITY OF HOMER

By Philip C. Shealy
Philip C. Shealy
City Manager

WALLI INTERESTS

Lillian May Miller
LILLIAN MAY MILLER

Robert J. Walli
ROBERT JOHN WALLI

Ero Steve Walli
ERO STEVE WALLI

John R. Gibson
JOHN R. GIBSON

Carolyn Platt
CAROLYN PLATT

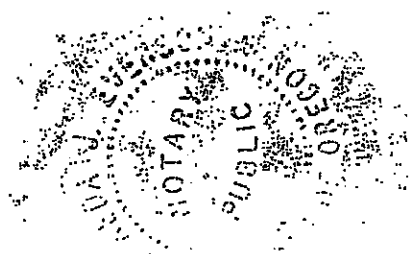
David Gibson
DAVID GIBSON

Robin M. White
ROBIN WHITE

Cheryl Gay Ford
CHERYL GAY FORD

Pat W. Miller
PAT W. MILLER

LAW OFFICES OF HAHN, JEWELL & STANFILL
431 WEST SEVENTH AVENUE, SUITE 212
ANCHORAGE, ALASKA 99501 • TELEPHONE 279-1544
HOMER, ALASKA • TELEPHONE 235-8709



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NOTARY CERTIFICATE

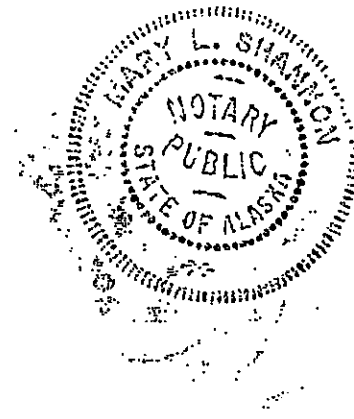
STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

THIS IS TO CERTIFY THAT on the 16th day of November, 1988, before me, the undersigned Notary Public in and for Alaska, duly commissioned and sworn as such, personally appeared Phil C. Shealy known to me to be the City Manager of the City of Homer, Alaska and he acknowledged to me the execution of the foregoing instrument for and on the behalf of the City of Homer and further acknowledged to me that said instrument was signed by him on behalf of the City of Homer.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year in this certificate first above written.

Mary L. Shannon

Notary Public in and for Alaska
My Commission Expires: 10/14/91



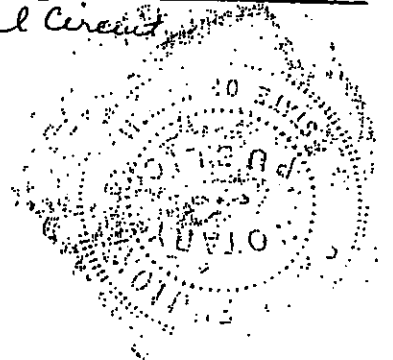
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Hawaii
STATE OF ALASKA)
County of Kenai) ss.
~~THIRD JUDICIAL DISTRICT~~)

THIS IS TO CERTIFY that on the *10th* day of *November* *Hawaii*, 1988, before me, the undersigned Notary Public in and for Alaska, duly commissioned and sworn as such, personally appeared *Cheryl Gay Ford*, known to me to be the individual named herein and she acknowledged to me the execution of the above and foregoing instrument to be hir free and voluntary act and deed for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year in this certificate first above written.

Carol Fujish
Notary Public in and for Alaska *Hawaii*
My Commission Expires: *2-2-90*
7th Judicial Circuit



LAW OFFICES OF HAHN, JEWELL & STANFILL
431 WEST SEVENTH AVENUE, SUITE 212
ANCHORAGE, ALASKA 99501 • TELEPHONE 279-1544
HOMER, ALASKA • TELEPHONE 235-8709

1 STATE OF ALASKA)
2) ss.
3 THIRD JUDICIAL DISTRICT)

4 THIS IS TO CERTIFY that on the 5th day of October
5 1988, before me, the undersigned Notary Public in and for Alaska,
6 duly commissioned and sworn as such, personally appeared
7 *Robert J. Walli*, known to me to be the individual named
8 herein and he acknowledged to me the execution of the above and
9 foregoing instrument to be his free and voluntary act and deed
10 for the uses and purposes therein set forth.

11 IN WITNESS WHEREOF, I have hereunto set my hand and affixed
12 my notarial seal the day and year in this certificate first above
13 written.



14 *Linda Eason*
15 Notary Public in and for Alaska
16 My Commission Expires: _____
17 *acting Postmaster*

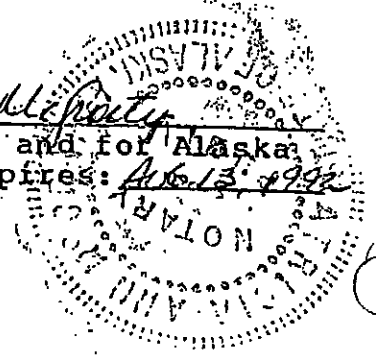
18 LAW OFFICES OF HAHN, JEWELL & STANFILL
19 431 WEST SEVENTH AVENUE, SUITE 212
20 ANCHORAGE, ALASKA 99501 • TELEPHONE 279-1544
21 HOMER, ALASKA • TELEPHONE 235-8709
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1 STATE OF ALASKA)
2) ss.
3 THIRD JUDICIAL DISTRICT)

4 THIS IS TO CERTIFY that on the 23rd day of September
5 1988, before me, the undersigned Notary Public in and for Alaska,
6 duly commissioned and sworn as such, personally appeared
7 John R. Gibson, known to me to be the individual named
8 herein and he acknowledged to me the execution of the above and
9 foregoing instrument to be his free and voluntary act and deed
10 for the uses and purposes therein set forth.

11 IN WITNESS WHEREOF, I have hereunto set my hand and affixed
12 my notarial seal the day and year in this certificate first above
13 written.

14 *Patricia Ann McPhee*
15 Notary Public in and for Alaska
16 My Commission Expires: *Aug 13, 1992*



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LAW OFFICES OF HAHN, JEWELL & STANFILL
431 WEST SEVENTH AVENUE, SUITE 212
ANCHORAGE, ALASKA 99501 • TELEPHONE 279-1544
HOMER, ALASKA • TELEPHONE 235-8709

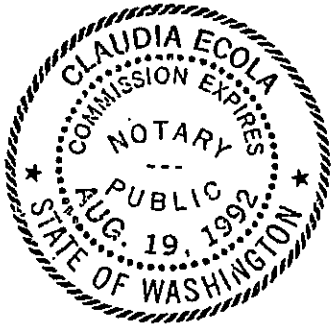
1 STATE OF ALASKA *Wa ce*
2 County of *King ce*) ss.
3 THIRD JUDICIAL DISTRICT)

4 THIS IS TO CERTIFY that on the *7th* day of *November*,
5 1988, before me, the undersigned Notary Public in and for Alaska,
6 duly commissioned and sworn as such, personally appeared
7 *PAT W Miller*, known to me to be the individual named
8 herein and he acknowledged to me the execution of the above and
9 foregoing instrument to be his free and voluntary act and deed
10 for the uses and purposes therein set forth.

11 IN WITNESS WHEREOF, I have hereunto set my hand and affixed
12 my notarial seal the day and year in this certificate first above
13 written.

Claudia Ecola

14 Notary Public in and for ~~Alaska~~ *Washington*
15 My Commission Expires: *8-19-92* *ST*



431 WEST SEVENTH AVENUE, SUITE 212
ANCHORAGE, ALASKA 99501 • TELEPHONE 279-1544
HOMER, ALASKA • TELEPHONE 235-8709

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STATE OF ~~ALASKA~~ OREGON)
) ss.
THIRD JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on the 13th day of October 1988, before me, the undersigned Notary Public in and for ~~Alaska~~, Oreg, duly commissioned and sworn as such, personally appeared Carolyn Platt, known to me to be the individual named herein and he acknowledged to me the execution of the above and foregoing instrument to be hir free and voluntary act and deed for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year in this certificate first above written.

Caprina J. Emerson
Notary Public in and for Alaska
My Commission Expires: 7-23-89



STATE OF OREGON,

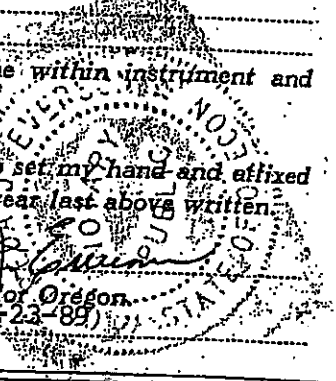
County of Clackamas } ss.

On this 13th day of October, 19 88, before me, the undersigned, a notary public in and for said county and state, personally appeared the within named Carolyn Platt

known to me to be the identical individual described in and who executed the within instrument and acknowledged to me that she executed the same freely and voluntarily

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written

Caprina J. Emerson
Notary Public for Oregon
My commission expires 7-23-89

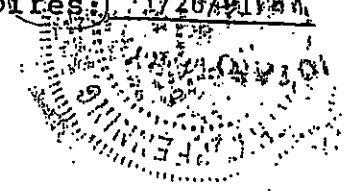


STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on the 18th day of October 1988, before me, the undersigned Notary Public in and for ~~Alaska~~ OREGON, duly commissioned and sworn as such, personally appeared ROBYN M. WHITE, known to me to be the individual named herein and he acknowledged to me the execution of the above and foregoing instrument to be his free and voluntary act and deed for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year in this certificate first above written.

Cathy T. [Signature]
Notary Public in and for ~~Alaska~~ OREGON
My Commission Expires: 1/26/91

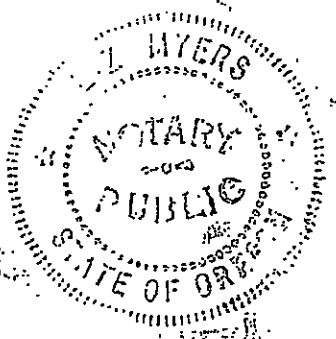


STATE OF OREGON

County of Clackamas
before me, the undersigned a notary public in and for said county and state, personally appeared the within name Robyn m. white known to me to be the identical individual described in and who executed the within instrument and acknowledged to me that she executed the same freely and voluntarily. On this 14th day of October 1988

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

J.B. Myers
Notary public for Oregon
My Commission expires 05-03-91



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STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on the 30th day of September 1988, before me, the undersigned Notary Public in and for Alaska, duly commissioned and sworn as such, personally appeared LILLIAN MAY MILLER, known to me to be the individual named herein and he acknowledged to me the execution of the above and foregoing instrument to be his free and voluntary act and deed for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year in this certificate first above written.



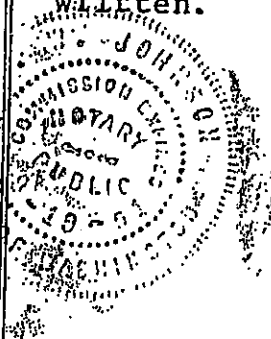
Peggy A. Burgin
Notary Public in and for Alaska
My Commission Expires 1-24-91

LAW OFFICES OF HAHN, JEWELL & STANFILL
431 WEST SEVENTH AVENUE, SUITE 212
ANCHORAGE, ALASKA 99501 • TELEPHONE 275-1544
HOMER, ALASKA • TELEPHONE 235-8709

1 STATE OF ALASKA)
2) ss.
3 THIRD JUDICIAL DISTRICT)

4 THIS IS TO CERTIFY that on the 11th day of Oct.
5 1988, before me, the undersigned Notary Public in and for Alaska,
6 duly commissioned and sworn as such, personally appeared
7 David Gibson, known to me to be the individual named
8 herein and he acknowledged to me the execution of the above and
9 foregoing instrument to be his free and voluntary act and deed
10 for the uses and purposes therein set forth.

11 IN WITNESS WHEREOF, I have hereunto set my hand and affixed
12 my notarial seal the day and year in this certificate first above
13 written.



John S. O'Connell

Notary Public in and for ~~Alaska~~ Washington
My Commission Expires: 9-19-91

431 WEST SEVENTH AVENUE, SUITE 212
ANCHORAGE, ALASKA 99501 • TELEPHONE 279-1544
HOMER, ALASKA • TELEPHONE 235-8709

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1 STATE OF ALASKA)
2) ss.
3 THIRD JUDICIAL DISTRICT)

4 THIS IS TO CERTIFY that on the 23rd day of September
5 1988, before me, the undersigned Notary Public in and for Alaska,
6 duly commissioned and sworn as such, personally appeared
7 Ero Steve Walli , known to me to be the individual named
8 herein and he acknowledged to me the execution of the above and
9 foregoing instrument to be his free and voluntary act and deed
10 for the uses and purposes therein set forth.

11 IN WITNESS WHEREOF, I have hereunto set my hand and affixed
12 my notarial seal the day and year in this certificate first above
13 written.

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Patricia Ann McQuinn
Notary Public in and for Alaska
My Commission Expires: AUG 13, 1992

LAW OFFICES OF HAHN, JEWELL & STANFILL
431 WEST SEVENTH AVENUE, SUITE 212
ANCHORAGE, ALASKA 99501 • TELEPHONE 279-1544
HOMER, ALASKA • TELEPHONE 235-8709

WALLI SUBDIVISION
 SCHEDULE OF PRO RATA SHARE OF
STERLING HIGHWAY IMPROVEMENT DISTRICT ASSESSMENTS.

Property Owner	Lot Description	Pro Rata Assessment Amount	
		Water	Sewer
Robert John Walli	Tract A	\$7,684.00	\$7,684.00
Ero Steve Walli	Tract B	\$7,684.00	\$7,684.00
John R. Gibson			
Carolyn Platt			
David Gibson			
Robin White			
Cheryl Gay Ford			
Pat W. Miller			
John R. Gibson	Lots 2	\$1,499.46	\$1,499.46
	57	\$1,499.46	\$1,499.46
	58	\$1,499.46	\$1,499.46
	59	\$1,499.46	\$1,499.46
	60	\$1,499.46	\$1,499.46
	61	\$1,499.46	\$1,499.46
	63	\$1,499.46	\$1,499.46
	64	\$1,499.46	\$1,499.46
	65	\$1,499.46	\$1,499.46
	66	\$1,499.46	\$1,499.46
	67	\$1,499.46	\$1,499.46
	70	\$1,499.46	\$1,499.46
Ero Steve Walli	Lots 6	\$1,499.46	\$1,499.46
	18	\$1,499.46	\$1,499.46
	19	\$1,499.46	\$1,499.46
	20	\$1,499.46	\$1,499.46
	21	\$1,499.46	\$1,499.46
	22	\$1,499.46	\$1,499.46
	23	\$1,499.46	\$1,499.46
	24	\$1,499.46	\$1,499.46
	25	\$1,499.46	\$1,499.46
	49	\$1,499.46	\$1,499.46
Carolyn Platt	Lots 5	\$1,499.46	\$1,499.46
	26	\$1,499.46	\$1,499.46
	27	\$1,499.46	\$1,499.46
	28	\$1,499.46	\$1,499.46
	29	\$1,499.46	\$1,499.46
	30	\$1,499.46	\$1,499.46
	31	\$1,499.46	\$1,499.46
	32	\$1,499.46	\$1,499.46
	33	\$1,499.46	\$1,499.46

LAW OFFICES OF HAHN, JEWELL & STANFILL
 431 WEST SEVENTH AVENUE, SUITE 212
 ANCHORAGE, ALASKA 99501 • TELEPHONE 279-1544
 HOMER, ALASKA • TELEPHONE 235-8709

1			34	\$1,499.46	\$1,499.46
			35	\$1,499.46	\$1,499.46
2	David Gibson	Lots	4	\$1,499.46	\$1,499.46
			39	\$1,499.46	\$1,499.46
3			40	\$1,499.46	\$1,499.46
			41	\$1,499.46	\$1,499.46
4			42	\$1,499.46	\$1,499.46
			43	\$1,499.46	\$1,499.46
5			44	\$1,499.46	\$1,499.46
			45	\$1,499.46	\$1,499.46
6			46	\$1,499.46	\$1,499.46
7	Robin White	Lots	1	\$1,499.46	\$1,499.46
			47	\$1,499.46	\$1,499.46
8			48	\$1,499.46	\$1,499.46
			71	\$1,499.46	\$1,499.46
9			72	\$1,499.46	\$1,499.46
			73	\$1,499.46	\$1,499.46
10			74	\$1,499.46	\$1,499.46
			75	\$1,499.46	\$1,499.46
11			76	\$1,499.46	\$1,499.46
			77	\$1,499.46	\$1,499.46
12					
13	Cheryl Gay Ford	Lots	3	\$1,499.46	\$1,499.46
			50	\$1,499.46	\$1,499.46
14			51	\$1,499.46	\$1,499.46
			52	\$1,499.46	\$1,499.46
15			53	\$1,499.46	\$1,499.46
			54	\$1,499.46	\$1,499.46
16			55	\$1,499.46	\$1,499.46
			56	\$1,499.46	\$1,499.46
17			62	\$1,499.46	\$1,499.46
			68	\$1,499.46	\$1,499.46
18	Pat W. Miller	Lots	7	\$1,499.46	\$1,499.46
			8	\$1,499.46	\$1,499.46
19			9	\$1,499.46	\$1,499.46
			10	\$1,499.46	\$1,499.46
20			11	\$1,499.46	\$1,499.46
			12	\$1,499.46	\$1,499.46
21			13	\$1,499.46	\$1,499.46
			14	\$1,499.46	\$1,499.46
22			15	\$1,499.46	\$1,499.46
			16	\$1,499.46	\$1,499.46
23			69	\$1,499.46	\$1,499.46
24					
25					
26					

LAW OFFICES OF HAHN, JEWELL & STANFILL
 431 WEST SEVENTH AVENUE, SUITE 212
 ANCHORAGE, ALASKA 99501 • TELEPHONE 279-1544
 HOMER, ALASKA • TELEPHONE 235-8709

CITY OF HOMER
DEVELOPMENT PERMIT APPLICATION

A. PERMIT PROCESS FEE: \$250.00

In accordance with Section 11.20.070 d), a development fee is required for private projects to cover cost of inspection and administration of the project. The fee will be applied to those costs based on the minimum required development fee of not less than \$250.00, which shall be paid at the time the application is submitted.

B. PERMITTEE'S NAME: Ero Steve Walli
(Owner/Developer) Ero Steve Walli
COMPANY NAME: Lillian Walli Estate
ADDRESS: P. O. Box 1266, Homer, Alaska 99603
TELEPHONE: 235-8313

C. PROJECT NAME: Lillian Walli Estate
(Subdivision/Streets)
Linstrang Way, Hillside Place, Cheryl Lane, Fairview Avenue, Ero Court,
Shelley Avenue, Robert Avenue and Lillian Drive

D. IMPROVEMENTS TO BE DEVELOPED:
 Street(s) Sidewalk(s) Drainage
 Water Sanitary Sewer Storm Drain
 Street Signs Street Lighting Under-
ground Power, Phone, CATV Monumentation
Other _____

E. PLAT TITLE: Lillian Walli Estate

_____ Preliminary Plat or Final Plat

Ref. if applicable: Date Recorded _____ KPB File No. 86-355
COMMENTS: Recordation subject to development agreements with the
City of Homer as per HMC, Section 22.10.050 (a) (c)

F. APPLICATION, PLAT, DESIGN CONCEPT AND PRELIMINARY LAYOUT
FORWARDED TO PUBLIC WORKS DEPT. FOR REVIEW.

Patricia J. Black _____ Date 5/16/88
Planning Dept. Representative

Distribution: Steve Walli _____; Planning Dept.; PWD Project
Developer File

8 8 - 3 8 8 9
66

Form 1-4/88

RECORDED-FILED:
HOMER RECORDING:
DISTRICT.

Nov 28 9 39 AM '88

REQUESTED BY City of Homer
ADDRESS Homer

6



6

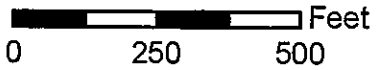
C

L Walli Estates Special Assessment District



Legend

-  Subject Lots
-  Parcels



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

