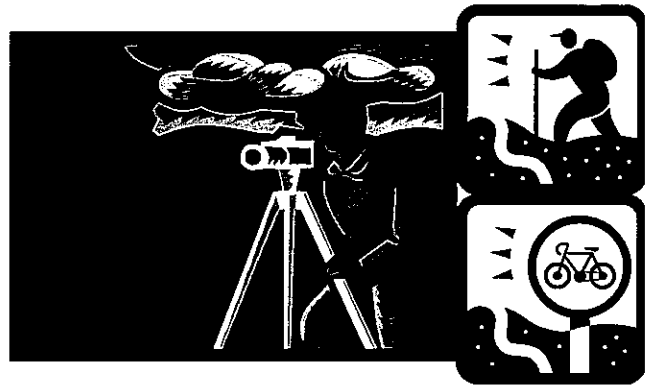
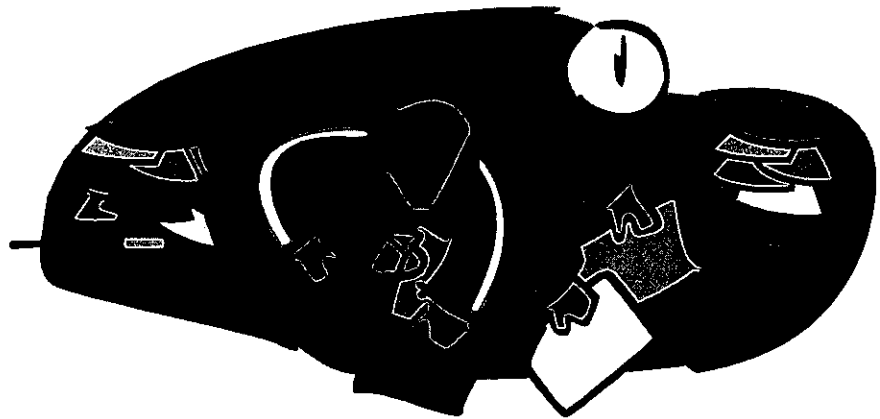


City Council
October 8, 2012
Monday



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 -10/3/2012-rk



OCTOBER 2012

- Monday 8^h** CITY COUNCIL Committee of the Whole 5:00 p.m. and Regular Meeting 6:00 p.m.
- Tuesday 9th** WATER & SEWER RATE TASK FORCE Meeting 5:15 p.m.
ECONOMIC DEVELOPMENT ADVISORY COMMISSION Regular Meeting 6:00 p.m.
- Wednesday 10th** PUBLIC ARTS COMMITTEE Special Meeting 5:00 p.m.
- Thursday 11th** LEASE COMMITTEE Regular Meeting 3:00 p.m.
KACHEMAK DRIVE PATH COMMITTEE Meeting 5:30 p.m.
- Monday 15th** CITY COUNCIL Special Meeting 6:00 p.m.
- Tuesday 16th** GAS LINE NEIGHBORHOOD MEETING 5:00 – 7:00 p.m.
Homer High School Commons.
- Wednesday 17th** GAS LINE NEIGHBORHOOD MEETING 5:00 – 7:00 p.m.
Homer High School Commons.
PLANNING COMMISSION Worksession 5:30 p.m. and Regular Meeting 6:30 p.m.
- Thursday 18th** ALASKA DAY – City Offices closed.
- Monday 22nd** Committee of the Whole 5:00 p.m. and Regular Meeting 6:00 p.m.
ABSENTEE VOTING for the General Election begins.

Regular Meeting Schedule

- City Council 2nd and 4th Mondays 6:00 p.m.
Library Advisory Board 1st Tuesday 5:00 p.m.
Economic Development Advisory Commission 2nd Tuesday 6:00 p.m.
Parks and Recreation Advisory Commission 3rd Thursday of the month with exception of December 5:30 p.m.
Planning Commission 1st and 3rd Wednesday 6:30 p.m.
Port and Harbor Advisory Commission 4th Wednesday 5:00 p.m.
Transportation Advisory Committee Quarterly 3rd Tuesday 5:30 p.m.
Public Arts Committee Quarterly 3rd Thursday 5:00 p.m.
Lease Committee Quarterly 2nd Thursday 3:00 p.m.
Permanent Fund Committee Quarterly 2nd Thursday 5:15 p.m.

MAYOR AND CITY COUNCILMEMBERS AND TERMS

- JAMES C. HORNADAY, MAYOR – 12
MARY E. (BETH) WYTHE, COUNCILMEMBER – 13
FRANCIE ROBERTS, COUNCILMEMBER – 12
BARBARA HOWARD, COUNCILMEMBER – 14
DAVID LEWIS, COUNCILMEMBER – 14
BRYAN ZAK, COUNCILMEMBER – 13
BEAUREGARD BURGESS, COUNCILMEMBER – 12

**City Manager, Walt Wrede
City Attorney, Thomas Klinkner**

**<http://www.cityofhomer-ak.gov/cityclerk> home page access, Clerk's email address is:
clerk@ci.homer.ak.us Clerk's office phone number: direct line 235-3130, other
number 435-3106.**

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



COMMITTEE OF THE WHOLE
5:00 P.M. MONDAY
OCTOBER 8, 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. 2013 BUDGET**
- 4. REGULAR MEETING AGENDA**
- 5. COMMENTS OF THE AUDIENCE**
- 6. ADJOURNMENT NO LATER THAN 5:50 P.M.**
Next Regular Meeting is Monday, October 22, 2012 at 6:00 p.m. and Committee of the Whole 5:00 p.m. A Special Meeting is scheduled for Monday, October 15, 2012 at 6:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

CALL TO ORDER
PLEDGE OF ALLEGIANCE
AGENDA APPROVAL

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



REGULAR MEETING
6:00 P.M. MONDAY
OCTOBER 8, 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

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 Special and Regular Meeting minutes of September 24, 2012. City Clerk. Recommend adoption. Page 13

- B. **Memorandum 12-151**, from Mayor, Re: Reappointment of Robert Archibald to the Parks and Recreation Advisory Commission and Terry Yager to the Lease Committee.

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6. **VISITORS**

- A. Marc Landt, **Buccaneer Energy**, 10 minutes.

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

- A. Borough Report

- B. Commissions/Board Reports:

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

8. **PUBLIC HEARING(S)**

- A. **2013 Budget**

Memorandum 12-155 from Public Arts Committee as backup.
(See 2013 Budget, Page 198 Included by the City Manager.)

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- B. **Ordinance 12-43**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a Legislative Grant in the Amount of \$100,000 for Dredging at the Nick Dudiak Fishing Lagoon. City Manager. Introduction September 24, 2012, Public Hearing and Second Reading October 8, 2012.

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- C. **Ordinance 12-44(A)**, An Ordinance of the City Council of Homer, Alaska, Amending the 2012 Operating Budget by Appropriating \$100,000 from the Fishing Hole Maintenance Fund and \$55,000 from the General Fund for the Nick Dudiak Fishing Lagoon Dredging Project. City Manager/Public Works Director. Introduction September 24, 2012, Public Hearing and Second Reading October 8, 2012.

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Ordinance 12-44(A)(S), An Ordinance of the City Council of Homer, Alaska, Amending the 2012 Operating Budget by Appropriating \$100,000 from the Fishing Hole Maintenance Fund and ~~\$55,000~~ **\$167,500** from the General Fund for the Nick Dudiak Fishing Lagoon Dredging Project. City Manager/Public Works Director.

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Memorandums 12-147 and 12-156 from Public Works Director as backup.

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- D. **Ordinance 12-45**, An Ordinance of the City Council of Homer, Alaska, Appropriating \$15,000 from the Leased Property Reserve Account for an Engineering Review and Report Regarding Code Compliance Related Improvements that Might be Required at the Homer Education and Recreation Complex (HERC Building) if There is a Change in Occupancy. City Manager. Introduction September 24, 2012, Public Hearing and Second Reading October 8, 2012.

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9. **ORDINANCE(S)**

10. **CITY MANAGER'S REPORT**

A. City Manager's Report

Page 61

B. Bid Report

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
- G. Water and Sewer Rate Task Force

13. PENDING BUSINESS

- A. **Resolution 12-079**, A Resolution of the City Council of Homer, Alaska, Accepting and Approving the Recommendations of the Kachemak Drive Path Committee, Parks and Recreation Advisory Commission, and the Transportation Advisory Committee Approving the Pursuit of a Non-Motorized Trail Along Kachemak Drive from the Base of the Homer Spit to East End Road as a City Construction Project, and Using Hart Trail Funds as a Potential Funding Source. City Clerk/Parks and Recreation Advisory Commission. (Postponed from September 10, 2012) Page 63

Resolution 12-079(S), A Resolution of the City Council of Homer, Alaska, Authorizing the Allocation of Up to \$20,000 from the Hart Fund for the Purposes of Survey Work and an Engineering Estimate to Determine the Cost of Constructing the Initial One-Half Mile of the Proposed Kachemak Drive Non-Motorized Pathway. Wythe/Parks and Recreation Advisory Commission. Page 65

Memorandum 12-142 from Kachemak Drive Pathway Committee, Parks and Recreation Advisory Commission, Transportation Advisory Committee as backup. Page 67

Memorandum 12-152 from Parks and Recreation Advisory Commission as backup. Page 71

14. NEW BUSINESS

- A. **Memorandum 12-153**, From City Clerk, Re: Travel Authorization for Mayor-Elect Wythe and Councilmembers Burgess and Zak to Attend the Alaska Municipal League 62nd Annual Local Government Conference in Anchorage, Alaska, November 12 - 16, 2012. Page 73
- B. **Memorandum 12-154**, from City Clerk, Re: Correction of Account Code on Ordinance 12-33(A)(S). Page 79

15. RESOLUTIONS

- A. **Resolution 12-083**, A Resolution of the City Council Certifying the Results of the City of Homer Regular Election Held October 2, 2012 to Elect the Mayor and Two Councilmembers. City Clerk/Canvass Board. Page 89
- B. **Resolution 12-084**, A Resolution of the City Council of Homer, Alaska, Awarding a Contract for the Nick Dudiak Fishing Lagoon Dredging Project to the Firm of Alaska Marine Excavation, LLC of Anchor Point, Alaska, and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Public Works Director. Page 91
Memorandum 12-156 from the Public Works Director as backup. Page 93
- C. **Resolution 12-085**, A Resolution of the City Council of Homer, Alaska, Supporting the Pursuit of a Rural Health Network Development Planning Program Grant from Health Resources and Service Administration for the Mobilizing for Action Through Planning and Partnerships (MAPP) of the Southern Kenai Peninsula Health Network. Roberts. Page 95

- 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, October 22, 2012 at 6:00 p.m. and Committee of the Whole 5:00 p.m. A Special Meeting is scheduled for Monday, October 15, 2012 at 6:00 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 12-27 a Special Meeting of the Homer City Council was called to order on September 24, 2012 at 4:00 p.m. by Mayor James C. Hornaday at the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of Allegiance.

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

STAFF: CITY MANAGER WREDE
CITY CLERK JOHNSON
ATTORNEY KOZIOL
ATTORNEY WELLS (telephonic)
AML/JIA EXECUTIVE DIRECTOR SMITH
POLICE CHIEF ROBL

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

The agenda was approved by consensus of the Council.

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

There were no comments of the public.

NEW BUSINESS

- A. **Memorandum 12-145**, From City Clerk, Re: Request for Executive Session Pursuant to AS §44.62.310(C)(1 & 5), Matters, the Immediate Knowledge of Which Would Clearly Have an Adverse Effect Upon the Finances of the Government Unit and Attorney-client Privilege (Attorney Koziol Update on Pending Court Case: Dietzmann vs. City of Homer).

Mayor Hornaday called for a motion to approve the recommendations of Memorandum 12-145 to meet in Executive Session with Attorney Koziol to discuss court case Dietzmann vs. City of Homer.

WYTHE/LEWIS – SO MOVED.

City Manager Wrede requested Police Chief Robl be allowed to participate in Executive Session and City Attorney Wells be allowed to participate by phone. There was no objection from the Council.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

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

WYTHE/LEWIS – SO MOVED.

There was no discussion.

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

Motion carried.

Council adjourned to Executive Session at 4:02 p.m. and reconvened the meeting at 4:53 p.m.

Mayor Pro Tempore Wythe stated Council met with legal counsel and received an update regarding the Dietzmann case.

COMMENTS OF THE AUDIENCE

Donna Rae Faulkner, city resident, thanked everyone at election time for their service. She supports Council in taking a leadership role for banning plastic bags. It is an important issue for Homer. In many places there are bans that are successful.

Jane Crossett, Homer resident, opposes the ban on plastic bags. She lives on a limited income without functional plumbing. She uses the bags to line buckets, as a catch for the bathtub drain, and to store winter clothing.

ADJOURNMENT

There being no further business to come before the Council, Mayor Hornaday adjourned the meeting at 4:56 p.m. The next Regular Meeting is Monday, October 8, 2012 at 6:00 p.m. and Committee of the Whole 5:00 p.m. A Special Meeting is scheduled for Monday, October 15, 2012 at 6:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

JO JOHNSON, CMC, CITY CLERK

Approved: _____

Session 12-28 a Regular Meeting of the Homer City Council was called to order on September 24, 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: CITY MANAGER WREDE
CITY CLERK JOHNSON
CITY PLANNER ABOUD
COMMUNITY & ECONOMIC DEVELOPMENT
COORDINATOR KOESTER
FINANCE DIRECTOR MAURAS
FIRE CHIEF PAINTER
LIBRARY DIRECTOR DIXON
PERSONNEL DIRECTOR PETERSEN
PORT AND HARBOR DIRECTOR HAWKINS
PUBLIC WORKS DIRECTOR MEYER

Council met for a Special Meeting in Executive Session on court case Dietzmann vs. City of Homer from 4:00 p.m. to 4:56 p.m. Council met as a Committee of the Whole from 5:00 p.m. to 5:46 p.m. to discuss Regular Meeting Agenda items.

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

AGENDA APPROVAL

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

The agenda was approved by consensus of the Council with the following changes: **PUBLIC HEARINGS -2013-2018 Capital Improvement Plan & FY 2014 Legislative Requests**, Written public comment. **CITY MANAGER'S REPORT** - Kenai Peninsula Borough Local Disaster Emergency Declaration by Mayor Navarre. **PENDING BUSINESS - Mayor's Veto of Ordinance 12-36(A)**, An Ordinance of the Homer City Council, Enacting Homer City Code Chapter 5.42 Prohibiting Sellers from Providing Customers with Disposable Plastic Shopping Bags. Lewis/Burgess. Written public comment. **RESOLUTIONS - Resolution 12-082(S)**, A Resolution of the City Council of Homer, Alaska, Awarding the Contract for Snow Removal and Sanding Services 2012/13, 2013/14, and 2014/15 to the Firm of **Clark Plowing of Homer, Alaska**, in the Amount of **\$680.00 Total Trip Bid and Pursuant to the Bid Schedule Submitted** and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk/Public Works Director. Memorandum 12-150 from Public Works Superintendent as backup.

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

Mayor Hornaday displayed his cloth bag he won at the senior dance.

Brenda Dolma, city resident, supports Ordinance 12-36(A).

Deb Lowney, city resident, supports Ordinance 12-36(A). She noted the amount of trash in various areas of town. She discouraged people from picking up dog feces in the plastic bags; biodegradable bags should be used instead.

Roberta Highland, city resident, supports Ordinance 12-36(A). She opposes Resolution 12-081 as some people do not want or need natural gas. It is still a fossil fuel and still leaves a carbon footprint. She urged people to build smaller homes and wear long johns in the house.

Megan Murphy, Homer resident, supports Ordinance 12-45 as the HERC building can benefit many sectors of the community. She supports Ordinance 12-36(A) in conjunction with the Climate Action Plan.

Ralph Brosches, city resident, supports Ordinance 12-36(A).

Kevin Walker, Kachemak City resident, commented on Ordinance 12-36(A) and Resolution 12-081. He supports the ban on plastic bags. At the Kachemak City council meeting last week he learned the natural gas tariff is \$17 per ft., \$34 in Kachemak City, and \$31 in Homer. Enstar should tell us why the cost is so much greater than the tariff.

Rachel Lord, city resident, advocated for Ordinance 12-36(A). As a community we have a responsibility to know where trash goes. We should increase individual responsibility of waste management.

David Raskin, Kachemak City resident, supports Ordinance 12-36(A). Homer is dependent on ocean resources and halibut and salmon are contaminated by plastic bags. A simple solution is to use cloth bags.

Jack Wiles, Homer resident, supports Ordinance 12-36(A). The ban is for one category of plastic bags making it flexible for merchants and easy for the consumer. There are no places to recycle at McNeil, Anchor Point, or local businesses.

George Matz, Homer resident, supports Ordinance 12-36(A). He looks forward to having to change the plastic bag habit.

Billy Pepper, city resident, supports Ordinance 12-36(A).

Robert Archibald, city resident, supports Ordinance 12-36(A). He commented on Resolution 12-081 the gas pipe line that is funded by the State of Alaska and City of Homer. It will become the asset of a Canadian corporation. He is looking forward to more dialogue on the gas line.

Beth Cumming, city resident, supports Ordinance 12-36(A). We should eventually eliminate all plastics and all things dependable on petroleum, a non renewable resource.

Larry Sloan, city resident, urged Council to uphold the Mayor's veto of Ordinance 12-36(A). He opposes plastic bags because they are a blight on the landscape and degrade the environment. He suggested approaching it with a united front with everyone on board. Reintroduce it at the commission level and let it work its way up.

Sue Mauger, Homer resident, supports Ordinance 12-36(A). We are ready to get rid of plastics and the Council is not taking too much of a lead in banning the bags.

Rika Moew, city resident, supports Ordinance 12-36(A). It is either now or later. She admires the forward thinking of the Council in passing the ordinance once, consistent with the Climate Action Plan.

Sue Post, Homer resident and business owner, commented Costco has never used plastic bags and it has not affected their business. She supports Ordinance 12-36(A) and thinks it will be a great cottage industry for someone to make cloth bags.

Patrick Chandler, Homer resident, reported the Center for Alaskan Coastal Studies marine debris cleanup program removed thousands of pounds of debris from beaches, most of it plastics. He supports Ordinance 12-36(A) as a positive step with a long term effect on marine debris.

Will Slight, city resident, voiced support for Ordinance 12-36(A). He can't see viable businesses going under or anyone being burdened. Businesses will save money and the ban will enhance use of cardboard boxes. The sooner we take a small step to start, the better.

John Whittier, Homer resident, supports Ordinance 12-36(A) to create a healthy habitat and ocean. Banning plastic bags requires leadership and vision.

Kevin Kritz, city resident, supports Ordinance 12-36(A). The community of Modbury, England is similar to the size of Homer and a ban on plastic bags passed there. The ban will be successful, add revenue to the city, and makes good environmental sense.

Steve Collins, city resident, supports Ordinance 12-36(A).

Elizabeth Neumann, Anchor Point resident, supports Ordinance 12-36(A). There are no plastic bags in Portland, Oregon.

Ted Schmidt, Homer resident, mimicked Robert Archibald's comments on the gas line. The City and Borough are going to make out well with increased assessments on properties. People's finances are already stretched to the limit.

Amy Backus, city resident, supports Ordinance 12-36(A). Plastic bags have been banned in San Francisco for years.

Lee Post, Homer resident, supports Ordinance 12-36(A). Already 21 countries have banned plastic bag and 80 cities in the United States have banned bags. Homer is the first place to ban nuclear power.

Matt Tucker, Homer resident and teacher, supports Ordinance 12-36(A). Students will see progressive thinking and forward action.

Jeannie Walker, Kachemak City resident, supports Ordinance 12-36(A). She appreciates the argument that it should be education over legislation, but we have had decades of education with no impact.

Sharon Bauer, city resident, supports Ordinance 12-36(A).

Karin Marks, Homer resident and business owner, commented on Ordinance 12-36(A). Regardless of what happens there is a lot of good that has occurred. Small businesses seem to be singled out, but she will comply with the bag ordinance.

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 September 10, 2012. City Clerk. Recommend adoption.

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

WYTHE/LEWIS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

VISITORS

- A. **Old Town Neighborhood Association**, Brianna Allen and Asia Freeman, Pedestrian Safety

Asia Freeman and Brianna Allen presented a project to improve pedestrian safety in Old Town. In 1965 was the beginning of neglect to the area as infrastructure moved up the hill to safer areas of town. The community has slowly embraced the beauty of Old Town as the entrance to Islands and Ocean Visitor Center and Bishops Beach. Infrastructure is not really in place to insure safety for pedestrians and bicyclists. The narrow road has 8 ft. wide areas for walkways, not making it feasible for paths to be maintained by the City. The people's garden project is underway with a

\$5,000 grant to purchase fruit trees and edible berry bushes. Revocable pedestrian easements for pathways are being sought for people to walk safely. Murals have been painted on the Bunnell Avenue as a pull towards community, safety, and beautification.

Sharon Whytal works at the Public Health office in Old Town. She is aware of pedestrians in the area and appreciates the efforts of gentle signage. It is at a point where more attention is needed in the area. Homer has set healthy lifestyle choices as a priority and the greatest health impact is through walking.

Asked about revocable easements and if they had thought about a LID/SAD (Special Assessment District) for the sidewalks, Ms. Freeman answered the revocable easements are a good faith effort without binding people. It is an opportunity to share land with pedestrians. People will walk in a designated space. It is hoped to win landowners over to the idea of a permanent easement. The association is less interested in the idea of maintaining the existing traffic pattern. They would like main walks and side drives. As people approach the beach they will slow down. The area will have visual reminders, aesthetic enhancements, and speed deterrents.

B. Center for Alaskan Coastal Studies, Patrick Chandler, Marine Debris

Patrick Chandler, Center for Alaskan Coastal Studies, made a PowerPoint presentation on the debris on the beaches and the impact the Japan tsunami has had on marine debris. Alaska has one of the largest coastal areas with marine debris. Before tsunami debris arrived there have been a significant number of debris problems. For decades we have been getting debris from across the Pacific, Russia, China, Japan, local commercial fishing debris, and recreational debris. This year brought special concerns with tsunami debris showing up. Monitoring efforts started with NOAA and the Marine Conservation Alliance Foundation. Significant increases of Styrofoam have been found in Yakutat and Sitka.

The Alaska Department of Environmental Conservation is doing aerial surveying from Ketchikan to Dutch Harbor coastlines. They are videoing all beaches from south to north, flying at 500 to 1,000 ft. but you can zoom pictures into a 10 ft. perspective. Montague Island guards half of Prince William Sound. It has accumulated significant amounts of debris. The entire rec line is white with Styrofoam, blue board insulation and yellow polyurethane. The debris is coming from houses and buildings that were destroyed by the Japan tsunami. Hundreds of large Styrofoam buoys used as aquaculture in Japan and Korea have washed up. An incredible amount of debris is out there with a huge amount of Styrofoam. In Kachemak Bay we are seeing scattered items, including kerosene canisters. There will be disposal issues with the big influx of marine debris coming in. Container spill debris and water bottles are also common in Alaska. As a Homer project, sculptures are being made of the plastic debris to promote awareness of marine debris. Citizens may get involved in the cleanup effort through the Center for Alaskan Coastal Studies.

C. Tidal Incubator Project, Representative Paul Seaton and Kris Holderied, NOAA

Representative Seaton and Kris Holderied of NOAA presented the Tidal Incubator Project, a collaboration of various entities for tidal energy research. The Homer test site will take

advantage of Kachemak Bay's model location for such a project, including its proximity to the electric grid, shore support, Deep Water Dock, extreme tides, clear water, marine trades and research institutions. Currently the group includes the City of Homer, Kenai Peninsula Borough, NOAA Kasitsna Bay Laboratory, University of Alaska Anchorage, Dean of Department Engineering Anchorage, private industry, Kachemak Bay Research Reserve, Homer Electric Association, Department of Energy, and Homer Chamber of Commerce. They are looking forward to developing a project that will be meaningful and receive funding from the State. Most cities around Alaska are on the coast and all have docks. If we can develop something that can utilize the dock structure we will be able to integrate it in. It will be a test bed for sensors and instruments. An anchoring system on the Deep Water Dock would be an area that people could plug into. Representative Seaton suggested Council might want someone from the Economic Development Advisory Commission to be involved. It will be a very big economic generator for the City. Significant amounts of money are put into developing tidal energy.

Kris Holderied, NOAA representative, added good site characterization is required for this kind of test bed. Homer already has a lot of what they look for. Tidal currents are close to the electrical grid, we have dock infrastructure, we have backbone information that includes sea floor mapping, far field and current meter data from NOAA, and a circulation model by NOAA. Kachemak Bay Research Reserve has weather, water quality, and habitat mapping data. There are local resources and partnerships between local, State, Federal, and University folks already in play. We have the place, group of people, expertise, and information. Benefits include the development of renewal energy for coastal communities and the ability to test marine sensors for research purposes, for the oil and gas industry, and for marine science and industry needs. It could be a good growth industry by bringing good jobs to the community.

**ANNOUNCEMENTS/PRESENTATIONS/BOROUGH
REPORTS**

REPORT/COMMISSION

A. Mayor's Recognition – Homer Volunteer Fire Department, 60 years

Mayor Hornaday read and presented the recognition to Fire Chief Bob Painter.

Mayor Hornaday called for a recess at 7:39 p.m. and reconvened the meeting at 7:45 p.m.

B. Borough Report

C. Commissions/Board Reports:

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

Robert Archibald, Parks and Recreation Advisory Commissioner, reported on the numerous park projects underway. HoPP (Homer Playground Project) recently had a workday at Karen Hornaday Park spreading gravel and wood chips. Public Works has been working on drainage at the park, but it will require more funding to find a solution. There is now funding for Jack Gist Park. The Spit trail is being engineered and designed and will be a real asset for the community. Mariner Park driveway will be removed and relocated. The old Beluga Slough Trail has been removed and the new material is going in. In budget preparations he hopes Council looks at parks and recreation funding favorably.

5. Port and Harbor Advisory Commission

PUBLIC HEARING(S)

A. 2013-2018 Capital Improvement Plan & FY 2014 Legislative Requests

Mayor Hornaday opened the public hearing.

Kris Holderied, city resident, supports funding for the Pratt Museum as a high priority in the CIP. It is a crucial time for the Pratt with the new building project. The schematic design for the new building is amazing with climate control, room for research on collections, and ease of getting exhibits in the building.

Carol Swartz, area resident, supports the Pratt Museum's new facility. The project promotes economic vitality by strengthening the arts industry and promoting arts as a complement to tourism and industry. She asked that the Pratt be placed as high on the CIP as possible. At this time 22% of the project cost has been secured in cash and pledges.

Mayor Hornaday closed the public hearing.

B. **Ordinance 12-42**, An Ordinance of the City Council of Homer, Alaska, Approving the Purchase Agreement and Appropriating Funds in the Amount of \$106,000 for the Acquisition of Lot 75, Bunnells Subdivision. City Manager. Introduction September 10, 2012, Public Hearing and Second Reading September 24, 2012.

Memorandum 12-093 from Public Works Director as backup.

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

Mayor Hornaday called for a motion for the adoption of Ordinance 12-42 by reading of title only for second and final reading.

WYTHER/LEWIS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

ORDINANCE(S)

- A. **Ordinance 12-43**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a Legislative Grant in the Amount of \$100,000 for Dredging at the Nick Dudiak Fishing Lagoon. City Manager. Recommended dates: Introduction September 24, 2012, Public Hearing and Second Reading October 8, 2012.

Mayor Hornaday called for a motion for the adoption of Ordinance 12-43 for introduction and first reading by reading of title only.

LEWIS/WYTHER - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- B. **Ordinance 12-44**, An Ordinance of the City Council of Homer, Alaska, Amending the 2012 Operating Budget by Appropriating \$155,000 from the General Fund for the Nick Dudiak Fishing Lagoon Dredging Project. City Manager. Recommended Dates: Introduction September 24, 2012, Public Hearing And Second Reading October 8, 2012.

Memorandum 12-147 from Public Works Director as backup.

Mayor Hornaday called for a motion for the adoption of Ordinance 12-44 for introduction and first reading by reading of title only.

WYTHER/LEWIS - SO MOVED.

WYTHER/ROBERTS – MOVED TO AMEND THE TITLE AND SECTION 1 AND ADD AN ADDITIONAL ACCOUNTING LINE: APPROPRIATING \$100,000 FROM THE FISHING HOLE FUND AND THE REMAINING \$55,000 FROM THE GENERAL FUND; ON THE ACCOUNTING LINE ADD THE APPROPRIATE ACCOUNT FOR THAT MONEY THAT WAS ALREADY ALLOCATED FOR THE FISHING HOLE FUND.

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

Motion carried.

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

Motion carried.

- C. **Ordinance 12-45**, An Ordinance of the City Council of Homer, Alaska, Appropriating \$15,000 from the Leased Property Reserve Account for an Engineering Review and Report Regarding Code Compliance Related Improvements that Might be Required at the Homer Education and Recreation Complex (HERC Building) if There is a Change in Occupancy. City Manager. Recommended Dates: Introduction September 24, 2012, Public Hearing And Second Reading October 8, 2012.

Mayor Hornaday called for a motion for the adoption of Ordinance 12-45 for introduction and first reading by reading of title only.

WYTHE/BURGESS – SO MOVED.

Councilmember Wythe commented the engineering review is an important step as it will identify what updates are required for using the building for alternative uses.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

CITY MANAGER'S REPORT

A. City Manager's Report

1. Memorandum 12-148 from Community and Economic Development Coordinator, Re: 2013 Economic Outlook Forum Sponsorship
2. Memorandum 12-149 from Art Selection Committee for Public Restroom Projects, Re: Recommendation to Re-Advertise the Request for Proposals

City Manager Wrede reported the Budget 2013 will be delivered to Council this week. There are parts of the budget he is pleased about, but other parts are a struggle. He is proud to say the water/sewer budget is balanced and looking good. The Port and Harbor Enterprise Fund is doing well. Fees were raised recently to grow the depreciation fund and pay for the bond sale. Fees for operations were not raised, but continue to go up. The General Fund is a different story. He is struggling with a \$300,000 deficit to balance it. There is an astronomical increase in the cost of health care insurance. It is causing us to put some things on hold that we should be doing.

City Manager Wrede noted Katie's memo on the Economic Outlook Forum. They will be holding their forum in Homer and it will draw a lot of people from all over. He asked for Council's input in spending \$1,000 to sponsor the event. It is customary for the sponsor of the event to pay a portion of the cost. There was no input or objection from the Council.

B. Bid Report

CITY ATTORNEY REPORT

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
- G. Water and Sewer Rate Task Force

PENDING BUSINESS

- A. **Ordinance 12-36(A)**, An Ordinance of the Homer City Council, Enacting Homer City Code Chapter 5.42 Prohibiting Sellers from Providing Customers with Disposable Plastic Shopping Bags. Lewis/Burgess. (Vetoed by Mayor Hornaday September 7, 2012)

Memorandum 12-143 from City Clerk as backup.

Mayor Hornaday called for a motion to override Mayor's veto of Ordinance 12-36(A).

LEWIS/BURGESS – SO MOVED.

Councilmember Burgess reminded everyone this only restricts the use of sellers providing a very specific type of thin walled plastic bags. You can still use plastic bags for fruit, vegetables, medicine, and a host of other items. The resolution ensures retailers can use their existing supplies until they are all gone, even past the implementation date. There is plenty of time before the plastic bag ban implementation date (January 1, 2013).

Councilmember Wythe will continue to oppose the plastic bag ban, not because she is a great supporter or non supporter of plastic bags. A number of people testified tonight in opposition and they themselves said they have difficulty using a cloth bag. If you are a prominent supporter of getting rid of the plastic bag and you cannot yourself use a regular shopping bag, that to her says something. We do not need to be forced to have a conscious decision as to how we treat our environment. There is a petition signed by over 300 people and that is their point too. It is not that they are opposed to plastic bags; they are opposed to being required to do something by this Council. Every person has the choice. People do not want Council telling them what they can or cannot do.

Councilmember Roberts will continue to support banning plastic bags. She has thought about it a lot and talked about it to many people. The ordinance as written could have some changes. She would like to hear from the business community. The Climate Action Plan was passed and many of the goals in the plan are similar to the plastic bag ban. Another councilmember commented that the business community can take care of this. Two years ago Councilmember Lewis brought forward a similar ordinance to charge 25¢ per bag and there have been no changes since then.

Councilmember Howard will support the Mayor's veto. She thanked the writers of the ordinance for bringing it forward. She has pledged to her children to use cloth bags; she just doesn't like the idea of being told to do it.

Councilmember Burgess commented it is an issue of public health and greatly impacts the maritime community. He asked that a viable alternative be brought forward from the public if they have one.

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

Motion carried.

Ordinance 12-36(A) stands as adopted August 27th with an effective date of January 1, 2013.

NEW BUSINESS

- A. **Memorandum 12-146** from Deputy City Clerk, Re: Confirmation of Election Workers for the Regular City of Homer Election - October 2, 2012 and All Processes Thereof Pursuant to Homer City Code and Deemed Necessary by the City Clerk. Page 133

Mayor Hornaday called for a motion to approve the recommendations of Memorandum 12-146 to confirm election workers for the October 2nd election.

WYTHE/BURGESS – SO MOVED.

Councilmember Howard thanked the folks that step up for the duty. It requires long hours but is a necessary task.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

RESOLUTIONS

- A. **Resolution 12-081**, A Resolution of the City Council of Homer, Alaska, Accepting and Approving the Improvement Plan Submitted by the City Manager for the Proposed Natural Gas Distribution System Special Assessment District. City Manager.

Mayor Hornaday called for a motion for the adoption of Resolution 12-081 by reading of title only.

BURGESS/LEWIS – SO MOVED.

Councilmember Wythe recused herself due to her ongoing conflict of interest on the natural gas line. Mayor Hornaday excused her from participation.

City Manager Wrede reported we are on a tight time schedule to have any chance of starting construction next year. We are targeting the end of January to have the Special Assessment District (SAD) approved if Council agrees to go that direction.

Charlie Pierce, Division Manager for Enstar, answered a question posed by Councilmember Lewis: If one subdivision opposed the district, could they opt out of the city-wide SAD? Mr. Pierce answered the gas would still need to go through the subdivision that opted out to make the gas flow; therefore it would not be possible to have areas throughout the city opting out. Enstar worked with the City Planners and looked for areas that could be served and eliminated areas that were undeveloped and not served.

Mayor Hornaday called attention to Kachemak Drive with its three separate water and sewer districts. There is a group in the middle that doesn't want water and sewer services and we have to slush water back and forth.

Council adopted Resolution 12-069 on July 23rd establishing natural gas as a city-wide SAD.

Mr. Pierce was asked by Councilmember Burgess to provide assurance to the public why we are taking public funds and giving them to a private entity to build the gas line. Mr. Pierce answered Enstar is a 50 year old company and has had numerous owners over that period. He has been with Enstar for 34 years. Enstar has established a reputable record with a history of running a conservative and safe company, and using the most modern materials for construction of facilities. They follow the most stringent current DOT codes and regulations for the design and construction of any facility. Enstar has some of the best employees in the industry that provide services every day.

Councilmember Burgess asked Mr. Pierce if Enstar encountered horrible economic catastrophe and was bought out by another company that did not hold Enstar's ideals, what is the worst case scenario for the City of Homer? Mr. Pierce answered utilities are generally very consistent and predictable. You do not have to worry about a utility going broke. The Regulatory Commission of Alaska (RCA) oversees and audits their books, and approves any new ownership. The RCA has approved AltaGas Ltd., Enstar's new owner. Prior to AltaGas Ltd., Enstar was owned by Semco Energy, Inc. and still remains a subsidiary of Semco. He doesn't see any concerns. If Enstar is not here running the utility there will be an operator here running the utility and the RCA will be overseeing the rules and regulations they operate under via the tariff.

Councilmember Burgess noted the benefits of a city-wide SAD are extremely low costs to the end user and low financing rates. If it was profitable for a private entity to build the gas line they

would have already done it. The alternative is for the City to become a utility and that would be bad. We are trying to get the best of both worlds. There are checks in place to ensure a private entity follows through with the commitment. Every councilmember is committed to reviewing the contract in detail to avoid fiascos such as the Seawall and other city projects.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

City Manager Wrede announced there are three neighborhood meetings for the natural gas line scheduled for October 16, 17, and 29 at the Homer High School Commons. The natural gas website is up and running: <http://www.cityofhomer-ak.gov/naturalgas>

Councilmember Wythe returned to her seat.

- B. **Resolution 12-082**, A Resolution of the City Council of Homer, Alaska, Awarding the Contract for Snow Removal and Sanding Services 2012/13, 2013/14, and 2014/15 to the Firm of _____ of _____, _____, in the Amount of \$ _____ and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk/Public Works Director.

Resolution 12-082(S), A Resolution of the City Council of Homer, Alaska, Awarding the Contract for Snow Removal and Sanding Services 2012/13, 2013/14, and 2014/15 to the Firm of **Clark Plowing of Homer, Alaska**, in the Amount of **\$680.00 Total trip Bid and Pursuant to the Bid Schedule Submitted** and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk/Public Works Director.

Memorandum 12-150 from Public Works Superintendent as backup.

Mayor Hornaday called for a motion for the adoption of Resolution 12-082 by reading of title only.

LEWIS/WYTHE - SO MOVED.

Mayor Hornaday called for a motion to substitute Resolution 12-082(S) for Resolution 12-082.

LEWIS/WYTHE – SO MOVED.

There was no discussion.

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

Motion carried.

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

Motion carried.

COMMENTS OF THE AUDIENCE

Roberta Highland, city resident, thanked the Mayor and Council for their service. She is excited about the plastic bag situation to see what we can do with it.

Robert Archibald, city resident, commented it is an honor to be in meetings with the Mayor as he runs a tight ship. He hopes the Mayor enjoys what he does henceforth. Tough decisions were made tonight.

Larry Slone, city resident, commented Ms. Wythe spoke very well on the veto override, explaining her reasoning. Council is compelling a significant portion of the community to comply with the plastic bag ban, a very brutal means of accomplishing this task.

COMMENTS OF THE CITY ATTORNEY

City Attorney Klinkner was not present.

COMMENTS OF THE CITY CLERK

City Clerk Johnson announced absentee voting continues through October 1st at the Clerk's office during regular business hours. She encouraged everyone to get out and vote on October 2nd.

COMMENTS OF THE CITY MANAGER

City Manager Wrede had no comment.

COMMENTS OF THE MAYOR

Mayor Hornaday commented the services for Don Ronda who passed away were Sunday. There was a good turnout. We have lost a lot of city leaders since he has been here, including Leo Rhode, Hazel Heath, Bob Gervis, Harry Gregoire, and Dennis Novak. One thing they all had in common was a deep love for this funny little town at the end of the road, our cosmic hamlet by the sea.

COMMENTS OF THE CITY COUNCIL

Councilmember Wythe would like people to get out and vote. She is more interested in the volume of people participating than in the direction that they vote. We have a small turnout on a regular basis and she would like to see a larger number. As to the plastic bag ordinance, people should have the ability to choose and select. She hopes it does not turn into a bigger issue and that we can all move forward for it.

Councilmember Lewis asked everyone to get out and vote please.

Councilmember Zak reiterated the pleasure it is to serve with Mayor Hornaday. He will not look forward to losing him on the Council. He thanked the Mayor for his service, the way he runs the meetings, and what he has given to Alaska, not just Homer. He thanked the people that came out and spoke tonight and raised Council's awareness. And it took a plastic bag ordinance to do it! It was the Climate Action Plan before that we have kind of forgotten about. It raised the community's awareness and he would like hear the momentum is spreading. He is looking forward to continuing to serve.

Councilmember Roberts reminded everyone it is Homer High School homecoming weekend. It's blue and gold weekend, a homecoming game Saturday night, and a bonfire Friday night. She invited all to come and enjoy the homecoming.

Councilmember Burgess sent a special thank you to city staff for working so hard on putting the natural gas line packet together. Staff has been putting in some serious long hours. Your City is working really hard to make sure the public is informed and your voice is heard in the process. Please use them and understand how hard they are working for us. Mayor Hornaday is synonymous of what he thinks of when he thinks of a mayor. For as long as he has lived here Mayor Hornaday has been mayor. There are some large shoes to fill.

Councilmember Howard had no comment.

ADJOURNMENT

There being no further business to come before the Council, Mayor Hornaday adjourned the meeting at 8:32 p.m. The next Regular Meeting is Monday, October 8, 2012 at 6:00 p.m. and Committee of the Whole 5:00 p.m. A Special Meeting is scheduled for Monday, October 15, 2012 at 6:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

JO JOHNSON, CMC, CITY CLERK

Approved: _____



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

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

MEMORANDUM 12-151

TO: HOMER CITY COUNCIL

FROM: JAMES C. HORNADAY, MAYOR

DATE: OCTOBER 2, 2012

SUBJECT: REAPPOINTMENT OF ROBERT ARCHIBALD TO THE PARKS AND RECREATION ADVISORY COMMISSION AND TERRY YAGER TO THE LEASE COMMITTEE.

Robert Archibald is reappointed to the Parks and Recreation Advisory Committee. His appointment will expire October 31, 2015.

Terry Yager is reappointed to the Lease Committee. His appointment will expire October 31, 2015.

RECOMMENDATION:

Confirm the reappointments of Robert Archibald to the Parks and Recreation Advisory Commission and Terry Yager to the Lease Committee.

Fiscal Note: N/A

Jo Johnson

From: Robert Archibald [robert.e.archibald@gmail.com]
Sent: Wednesday, September 26, 2012 4:56 PM
To: Jo Johnson
Subject: Reappointment Letter from Robert Archibald
Attachments: Mayor and City Council.doc

Dear Homer City Clerk,
Please consider this a request to be reappointed to the Homer Park and Recreation Commission.


Sincerely
Robert E. Archibald

P.O. Box 2460
Homer, Alaska
99603

Sept 24, 2012

TO THE HONORABLE MAYOR
CITY COUNCIL

Request that my position of
the fence committee be renewed


Terry Upton

SEP 24 2012 10:34 AM

VISITORS

**ANNOUNCEMENTS
PRESENTATIONS
BOROUGH REPORT
COMMISSION REPORTS**

PUBLIC HEARING(S)

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

**2013 Budget
Ordinances 12-43, 12-44(A), and 12-45**

A **public hearing** is scheduled for **Monday, October 8, 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.

2013 Budget

Ordinance 12-43, 12-44(A), and 12-45 internet address:
<http://www.cityofhomer-ak.gov/ordinances>

Ordinance 12-43, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a Legislative Grant in the Amount of \$100,000 for Dredging at the Nick Dudiak Fishing Lagoon. City Manager.

Ordinance 12-44(A), An Ordinance of the City Council of Homer, Alaska, Amending the 2012 Operating Budget by Appropriating \$100,000 from the Fishing Hole Maintenance Fund and \$55,000 from the General Fund for the Nick Dudiak Fishing Lagoon Dredging Project. City Manager/Public Works Director.

Ordinance 12-45, An Ordinance of the City Council of Homer, Alaska, Appropriating \$15,000 from the Leased Property Reserve Account for an Engineering Review and Report Regarding Code Compliance Related Improvements that Might be Required at the Homer Education and Recreation Complex (HERC Building) if There is a Change in Occupancy. City Manager.



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

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

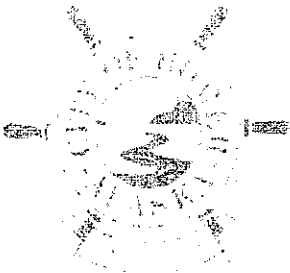
Jo Johnson, CMC, City Clerk

Publish: Homer Tribune October 3, 2012

CLERK'S AFFIDAVIT OF POSTING

I, Renee Krause, CMC, Deputy City Clerk I for the City of Homer, Alaska, do hereby certify that a copy of the Public Hearing Notice for Ordinance 12-43, An Ordinance Accepting and Appropriating a Legislative Grant in the Amount of \$100,000 for Dredging at the Nick Dudiak Fishing Lagoon; Ordinance 12-44(A), An Ordinance Amending the 2012 Operating Budget by Appropriating \$100,000 from the Fishing Hole Maintenance Fund and \$55,000 from the General Fund for the Nick Dudiak Fishing Lagoon Dredging Project; Ordinance 12-45, An Ordinance Appropriating \$15,000 from the Leased Property Reserve Account for an Engineering Review and Report Regarding Code Compliance Related Improvements that Might be Required at the Homer Education and Recreation Complex (HERC Building) if There is a Change in Occupancy 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 September 28, 2012 and that the City Clerk posted same on City of Homer Homepage on September 26, 2012.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of said City of Homer
this 26th day of September, 2012.



Renee Krause
Renee Krause, CMC, Deputy City Clerk I

Public Arts Committee

491 E. Pioneer Avenue
Homer, Alaska 99603-7624

(907) 235-8121



MEMORANDUM 12-155

TO: MAYOR HORNADAY AND CITY COUNCIL
THROUGH: WALT WREDE, CITY MANAGER
FROM: PUBLIC ARTS COMMITTEE
RE: 2013 BUDGET REQUESTS AND NARRATIVE
DATE: SEPTEMBER 20, 2012

At the August 9, 2012 Regular Meeting and a Special Meeting on September 25, 2012 the Public Arts Committee members spent considerable time discussing the 2013 budgetary needs.

A cumulative request and narrative has been included on the required Budget Request Form issued by the finance department.

It was determined that due to many fiscal responsibilities before the city the Committee did not want to add additional conflict or burdens for Council to consider and have decided to "partner" their efforts jointly with the Parks and Recreation Advisory Commission, Parks Maintenance and Public Works on Uniform Signage for Parks, Trails, Beaches and Recreational Areas.

This has been a long standing item on the Public Arts Committee Strategic Plan.

Attached are the related excerpts of those respective meeting discussions.

RECOMMENDATION

Approve Budget Request for 2013.

ORDINANCE REFERENCE SHEET
2012 ORDINANCE
ORDINANCE 12-43

An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a Legislative Grant in the Amount of \$100,000 for Dredging at the Nick Dudiak Fishing Lagoon.

Sponsor: City Manager

1. City Council Regular Meeting September 24, 2012 Introduction
 - a. Project Number & Budget Form
2. City Council Regular Meeting October 8, 2012 Public Hearing and Second Reading
 - a. Project Number & Budget Form

1 CITY OF HOMER
2 HOMER, ALASKA

3 City Manager

4 ORDINANCE 12-43

5
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER,
7 ALASKA, ACCEPTING AND APPROPRIATING A
8 LEGISLATIVE GRANT IN THE AMOUNT OF \$100,000 FOR
9 DREDGING AT THE NICK DUDIAK FISHING LAGOON.

10
11 WHEREAS, The Nick Dudiak Fishing Lagoon is filling in with sand and gravel and
12 shallower depths are a contributing factor in the recent decline in survival rates for salmon smolt
13 stocked by ADF&G; and

14
15 WHEREAS, The Fishing Lagoon provides important recreational and economic benefits
16 to the community and restoring its productivity and salmon returns has been a top Capital
17 Improvement Priority for the City in recent years; and

18
19 WHEREAS, In the spring of 2012, the City was awarded a Legislative Grant in the
20 amount of \$100,000 to restore the Lagoon to its original design depth and contours.

21
22 NOW, THEREFORE, BE IT ORDAINED by the City of Homer:

23
24 Section 1. The Homer City Council hereby accepts and appropriates a Legislative Grant
25 in the amount of \$100,000 to restore the Nick Dudiak Fishing Lagoon to its design depth and
26 contours as follows:

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
151-779	Dredging / Nick Dudiak Fishing Lagoon	\$100,000

27
28
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31
32 Section 2. This ordinance is a budget amendment only, is not of a permanent nature, and
33 shall not be codified.

34
35 ENACTED BY THE HOMER CITY COUNCIL this ___ day of _____,
36 2012.

CITY OF HOMER

JAMES C. HORNADAY, MAYOR

41
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46 ATTEST:

47
48
49 _____
50 JO JOHNSON, CMC, CITY CLERK

51
52
53 YES:

54 NO:

55 ABSENT:

56 ABSTAIN:

57
58 First Reading:

59 Public Hearing:

60 Second reading:

61 Effective Date:

62
63 Reviewed and approved as to form:

64
65 _____
66 Walt Wrede, City Manager

Thomas F. Klinkner, City Attorney

67
68 Date: _____

Date: _____

**CITY OF HOMER
PROJECT NUMBER & BUDGET FORM**

This section to be completed by Finance

Special Project Number ~~#15-932~~ 151-779 DATE 19 Sept 2012
 GL Activity Task Number _____ DATE 18 Sept 2012

Project Name: FISHING LAGOON IMPROVEMENTS
 Project Start Date: 9/1/2012 Project End Date: 12/31/2012

Project Description:
Return the Fishing Lagoon to its original depth

Funding Source:
\$100,000 - State Legislative Grant; \$155,000 - General Fund

Other Comments:
9-19-2012 As per Laurie Moore this is a General fund project so need to issue a General fund Special Project number

RECEIVED
 SEP 18 2012
 CITY OF HOMER
 FINANCE DEPT.

Codes	Expense Description	Project Budget	
		Grant Budget	Local Match (if Required)
5101/2	Project -Salaries & Benefits	_____	_____
5202	Materials	_____	_____
5210	Professional Services	_____	_____
	Project Management	_____	_____
	Inspection	_____	_____
5212	Engr / Arch / Design	_____	_____
5216	Postage / Freight	_____	_____
5227	Advertising	_____	_____
5261	Construction	\$ 100,000.00	\$ 155,000.00
5262	Contingency	_____	_____
5901	c/o Equipment, Furnishing >\$1,000	_____	_____
5903	c/o Buildings & Improve >\$1,000	_____	_____
TOTAL		\$ 100,000.00	\$ 155,000.00

Resolution: P Ordinance: P

Approvals

<u>Carey Meyer</u> Requesting Department/Project Manager	<u>9/18/12</u> Date
<u>Bernie Moulton</u> Finance Department	<u>9/18/2012</u> Date
<u>Will Hall</u> City Manager	<u>9/18/2012</u> Date

This section to be completed by Finance

Project Number/Budget Scanned & E-mailed to:

City Clerk: <u>9/18/2012</u> <u>[Signature]</u> Date & Initial	Requesting Dept: <u>9/18/2012</u> <u>[Signature]</u> Date & Initial
Clerk: <u>9/19/2012</u> <u>[Signature]</u> Date & Initial	Laurie Moore: <u>9/19/2012</u> <u>[Signature]</u> Date & Initial

Scanned to "Y" drive: _____

ORDINANCE REFERENCE SHEET
2012 ORDINANCE
ORDINANCE 12-44

An Ordinance of the City Council of Homer, Alaska, Amending the 2012 Operating Budget by Appropriating \$155,000 from the General Fund for the Nick Dudiak Fishing Lagoon Dredging Project.

Sponsor: City Manager

1. City Council Regular Meeting September 24, 2012 Introduction
 - a. Memorandum 12-147 from Public Works Director as backup
 - b. Project Number and Budget Form

2. City Council Regular Meeting October 8, 2012 Public Hearing and Second Reading
 - a. Ordinance 12-44(A) as amended by Council September 24
 - b. Memorandum 12-147 from Public Works Director as backup
 - c. Project Number and Budget Form
 - d. Memorandum 12-156 from Public Works Director as backup
 - e. Ordinance 12-44(A)(S)

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**CITY OF HOMER
HOMER, ALASKA**

City Manager/
Public Works Director

ORDINANCE 12-44(A)

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING THE 2012 OPERATING BUDGET BY APPROPRIATING \$100,000 FROM THE FISHING HOLE MAINTENANCE FUND AND ~~\$155,000~~ \$55,000 FROM THE GENERAL FUND FOR THE NICK DUDIAK FISHING LAGOON DREDGING PROJECT.

WHEREAS, The Lagoon has accumulated material that has reduced its depth significantly; and

WHEREAS, A State legislative grant in the amount of \$100,000 has been awarded to the City for the removal of this material; and

WHEREAS, An additional \$155,000 will be required to complete the removal (see Memorandum #12-147); and

WHEREAS, The sale of the removed material will ultimately reduce the cost of the project by \$125,000 if the material can be sold for use off of the Spit; and

WHEREAS, The completion of this project benefits the entire community (not just Harbor users).

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

Section 1. The FY 2012 Operating Budget is hereby amended by appropriating \$100,000 from the Fishing Hole Maintenance Fund and ~~\$155,000~~ \$55,000 from the General Fund for the Nick Dudiak Fishing Lagoon Dredging project.

Expenditure:

From Accounts:

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
<u>156-397</u>	<u>Fishing Hole Maintenance</u>	<u>\$100,000</u>
<u>100-100</u>	<u>General Fund</u>	<u>\$ 55,000</u>

To Account:

151-779	Nick Dudiak Fishing Lagoon Dredging	\$155,000
---------	-------------------------------------	-----------

47 Section 2. This ordinance is a budget amendment only, is not of a permanent nature and
48 is a non code ordinance.

49
50 Section 3. The material generated by this project can be sold for use off the Spit.

51
52 PASSED AND ADOPTED by the Homer City Council this ____ day of
53 _____, 2012.

54
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56 CITY OF HOMER

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61 _____
62 JAMES C. HORNADAY, MAYOR

63 ATTEST:

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67 _____
68 JO JOHNSON, CMC, CITY CLERK

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71 YES:
72 NO:
73 ABSENT:
74 ABSTAIN:

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77 First Reading:
78 Public Hearing:
79 Second reading:
80 Effective Date:

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83 Reviewed and approved as to form:

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85 _____
86 Walt Wrede, City Manager

87 _____
88 Thomas F. Klinkner, City Attorney

89 Date: _____
90

Date: _____

CITY OF HOMER
HOMER, ALASKA

City Manager/
Public Works Director

ORDINANCE 12-44(A)(S)

AN ORDINANCE OF THE CITY COUNCIL OF HOMER,
ALASKA, AMENDING THE 2012 OPERATING BUDGET BY
APPROPRIATING \$100,000 FROM THE FISHING HOLE
MAINTENANCE FUND AND ~~\$55,000~~ \$167,500 FROM THE
GENERAL FUND FOR THE NICK DUDIAK FISHING
LAGOON DREDGING PROJECT.

WHEREAS, The Lagoon has accumulated material that has reduced its depth significantly; and

WHEREAS, A State legislative grant in the amount of \$100,000 has been awarded to the City for the removal of this material; and

WHEREAS, An additional ~~\$155,000~~ \$267,500 will be required to complete the removal (see Memorandum #12-147 & Memorandum #12-156); and

WHEREAS, The sale of the removed material will ultimately reduce the cost of the project by \$125,000 if the material can be sold for use off of the Spit; and

WHEREAS, The completion of this project benefits the entire community (not just Harbor users).

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

Section 1. The FY 2012 Operating Budget is hereby amended by appropriating \$100,000 from the Fishing Hole Maintenance Fund and ~~\$55,000~~ \$167,500 from the General Fund for the Nick Dudiak Fishing Lagoon Dredging project.

Expenditure:

From Accounts:			
<u>Account No.</u>	<u>Description</u>		<u>Amount</u>
156-397	Fishing Hole Maintenance		\$100,000
100-100	General Fund		\$ 55,000 <u>\$167,500</u>
To Account:			
151-779	Nick Dudiak Fishing Lagoon Dredging		\$155,000 <u>\$267,500</u>
	<u>Fishing Lagoon Improvements</u>		



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

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

MEMORANDUM 12-147

TO: Walt Wrede, City Manager
 FROM: Carey Meyer, Public Works Director
 DATE: September 18, 2012
 RE: **Nick Dudiak Fishing Lagoon Dredging
 Appropriation/Funding Recommendations**

During the last legislative session, \$100,000 was appropriated in the form of a grant to the City for the dredging of the Fishing Lagoon. The City had originally requested \$255,000, the estimated cost of returning the Lagoon to its original depth. Public Works, with the assistance of the Harbormaster, has prepared a plan and submitted for the required environmental permits to allow for the work to proceed this Fall.

We estimate that to return the Lagoon to its original depth, approximately 25,000 CY of material will need to be removed. At \$10.20/CY the total cost of the project is \$255,000.

Total Project Cost =	\$255,000
Legislative Grant =	<u>\$100,000</u>
Additional Appropriation Required =	\$155,000

Not all of this additional required funding will be needed. The 25,000 cubic yards of material can be sold at \$5 per yard, which will generate approximately \$125,000 (especially if the Council authorizes the use of the material off the Spit).

Additional Funding Required =	\$155,000
Revenue from Sale of Material =	<u>\$125,000</u>
Actual Additional Funds Required =	\$ 30,000

Although \$155,000 needs to be appropriated for the project; only \$30,000 will ultimately need to be spent to complete this project. The construction contract will be offered to potential bidders with the ability for the successful bidder to take ownership of the material as part of the bid price (which would reduce the contract amount significantly, but still require some additional City funding)

Recommendations: The City Council pass an ordinance amending the 2012 Operating Budget appropriating \$155,000 from the General Fund for the completion of the Nick Dudiak Fishing Lagoon Dredging project.

52

**CITY OF HOMER
PROJECT NUMBER & BUDGET FORM**

This section to be completed by Finance

Special Project Number ~~115-932~~ 151-779 DATE 19 Sept 2012
~~18 Sept 2012~~

GL Activity Task Number _____

Project Name: FISHING LAGOON IMPROVEMENTS

Project Start Date: 9/1/2012 Project End Date: 12/31/2012

Project Description:
Return the Fishing Lagoon to its original depth

Funding Source:
\$100,000 - State Legislative Grant; \$155,000 - General Fund

Other Comments:
9-19-2012 AS per Laurie Moore this is a General fund project so need to issue a General fund special Project number A

RECEIVED
 SEP 18 2012
 CITY OF HOMER
 FINANCE DEPT.

Codes	Expense Description	Project Budget	
		Grant Budget	Local Match (if Required)
5101/2	Project -Salaries & Benefits	_____	_____
5202	Materials	_____	_____
5210	Professional Services	_____	_____
	Project Management	_____	_____
	Inspection	_____	_____
5212	Engr / Arch / Design	_____	_____
5216	Postage / Freight	_____	_____
5227	Advertising	_____	_____
5261	Construction	\$100,000.00	\$155,000.00
5262	Contingency	_____	_____
5901	c/o Equipment, Furnishing >\$1,000	_____	_____
5903	c/o Buildings & Improve >\$1,000	_____	_____
TOTAL		\$ 100,000.00	\$ 155,000.00

Resolution: ? Ordinance: ?

Approvals

Carey Meyers Requesting Department/Project Manager Date 9/18/12
Deanna Moulton Finance Department Date 9/18/2012
[Signature] City Manager Date 9/19/2012

This section to be completed by Finance

Project Number/Budget Scanned & E-mailed to:

City Clerk: 9/18/2012 [Signature] Date & Initial
 City Clerk: 9/19/2012 [Signature] Date & Initial

Requesting Dept: 9/18/2012 [Signature] Date & Initial
 Laurie Moore 9/19/2012 [Signature] Date & Initial

Scanned to "Y" drive: _____



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

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

MEMORANDUM 12-156

TO: Walt Wrede, City Manager

FROM: Carey Meyer, Public Works Director

DATE: October 3, 2012

RE: **Nick Dudiak Fishing Lagoon Dredging
Construction Contract Award Recommendations**

Public Works recommends that a non-competitively bid, negotiated, sole source contract be awarded for the completion of the widely supported dredging of the Nick Dudiak Fishing Lagoon.

The City's Procurement Policy and Procedures Manual authorizes negotiated procurement following unsuccessful efforts to obtain competitive bidding; when utilizing an existing government contract; or when approved by the City Council as in the best interests of the City.

Dredging of the Fishing Lagoon cannot be completed during normal summer construction windows. This work has to be completed when fish are not present, when other Kachemak Bay critical habitat wildlife are not present, and when winter weather does not negatively impact cost and productivity. Costs can be greatly reduced if the proper equipment has already on the Spit. The bids for mobilization for the Corps annual (2010 -2012) dredging contract ranged from \$190,000 to \$480,000 just to mobilize the necessary equipment onto the Spit.

Public Works evaluated two approaches to completing the work – *land-based operations* (construct a cofferdam across the lagoon opening, pump out the lagoon, and remove material utilizing dozers/backhoes), and *barge-based suction dredging operation* (similar to how the entrance to the small boat harbor/USCG berth is dredged annually).

The Corps of Engineers and the Alaska Department of Fish and Game have indicated agreement with the decision to utilize the barge-based suction dredging operation in an October timeframe recommended by Public Works. The decision by Public Works was based on belief that a barged-based operation would reduced the potential for sediment transported into Kachemak Bay and minimize negative impacts to wintering eiders and other endangered species.

Two barged based dredging operations currently have the equipment on the Spit that can accomplish the work in the timeframe established - the Contractor finishing the annual Corps of Engineers harbor entrance dredging contract (Alaska Marine Excavation, LLC) and a Contractor storing their equipment in the English Bay barge basin. These two contractors are in the best position to accomplish the work as scheduled and at a reasonable cost.

Using contractors already mobilized on the Spit is in the best financial interest of the City.

The Corp's Contractor has provided Public Works with a quote to complete the lagoon dredging work (at a lower unit cost than the negotiated bid for this year's Corps annual dredging work). Negotiated bid unit prices for this year's Corps annual dredging work per cubic yard ranged from approximately \$21 to \$17. The bid per cubic yard provided by the Contractor for the Fishing Lagoon dredging work is \$13.50. The lump sum mobilization bid proposed by the Contractor is \$5,000.

The other Contractor was contacted, but did not show interest in providing a bid to complete the proposed dredging work.

The City Council should approve the award of a non-competitively bid, negotiated, sole source contract to complete the proposed dredging for the following reasons:

- Environmental permits require barge-based dredging in October,
- Public Works was unsuccessful in obtaining competitive bids from Contractors in a position to effectively complete the work within the established timeframe,
- The proposed sole source Contractor's unit price bid is consistently lower than the Corps of Engineer's negotiated bid for similar annual dredging maintenance contract work,
- It is in the best financial interest of the City to take advantage of equipment already mobilized to the site.

Recommendations: The City Council pass a resolution awarding the contract to dredge the Nick Dudiak Fishing Lagoon to Alaska Marine Excavation, LLC of Anchor Point, Alaska in the amount of \$367,500 and authorize the City Manager to execute all appropriate documents.

ORDINANCE REFERENCE SHEET
2012 ORDINANCE
ORDINANCE 12-45

An Ordinance of the City Council of Homer, Alaska, Appropriating \$15,000 from the Leased Property Reserve Account for an Engineering Review and Report Regarding Code Compliance Related Improvements that Might be Required at the Homer Education and Recreation Complex (HERC Building) if There is a Change in Occupancy.

Sponsor: City Manager

1. City Council Regular Meeting September 24, 2012 Introduction
2. City Council Regular Meeting October 8, 2012 Public Hearing and Second Reading

1 CITY OF HOMER
2 HOMER, ALASKA

3 City Manager

4 ORDINANCE 12-45

5
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER,
7 ALASKA, APPROPRIATING \$15,000 FROM THE LEASED
8 PROPERTY RESERVE ACCOUNT FOR AN ENGINEERING
9 REVIEW AND REPORT REGARDING CODE COMPLIANCE
10 RELATED IMPROVEMENTS THAT MIGHT BE REQUIRED
11 AT THE HOMER EDUCATION AND RECREATION
12 COMPLEX (HERC BUILDING) IF THERE IS A CHANGE IN
13 OCCUPANCY.

14
15 WHEREAS, The Homer City Council has been discussing and seeking recommendations
16 on alternative uses for the HERC Building for several years, since the Kachemak Bay Campus,
17 Kenai Peninsula College vacated the facility and moved into its new building; and

18
19 WHEREAS, The City has received numerous proposals and inquiries about renting or
20 leasing space within the facility and some of the proposed uses constitute a change in occupancy
21 under the relevant building and fire codes; and

22
23 WHEREAS, The Parks and Recreation Advisory Commission has recommended that the
24 City Community Recreation Program be relocated into this facility and some of its activities may
25 constitute a change in occupancy; and

26
27 WHEREAS, Before the City makes any decisions about possible new uses and
28 occupancies at the facility, it would be beneficial to better understand what code compliance
29 improvements would be required and what they might cost.

30
31 WHEREAS, An engineering review of existing building reports and if necessary, an
32 inspection of the facility is appropriate and warranted.

33
34 NOW, THEREFORE, BE IT ORDAINED by the City of Homer:

35
36 Section 1. The Homer City Council hereby appropriates \$15,000 from the Leased
37 Property Reserve Account for the purpose of obtaining an engineering review and report
38 regarding code compliance related improvements that might be required at the HERC building in
39 order to accommodate new uses and occupancies as follows:
40

41 Expenditure:

42	<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
43	156-396	HERC Engineering Study	\$15,000

44

45 Section 2. This ordinance is a budget amendment only, is not of a permanent nature, and
 46 shall not be codified.

47

48 ENACTED BY THE HOMER CITY COUNCIL this ____ day of _____, 2012.

49

50 CITY OF HOMER

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54 _____
 JAMES C. HORNADAY, MAYOR

55 ATTEST:

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58 _____
 59 JO JOHNSON, CMC, CITY CLERK

60

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62 YES:

63 NO:

64 ABSENT:

65 ABSTAIN:

66

67 First Reading:

68 Public Hearing:

69 Second reading:

70 Effective Date:

71

72 Reviewed and approved as to form:

73

74 _____

75 Walt Wrede, City Manager

76 _____

77 Thomas F. Klinkner, City Attorney

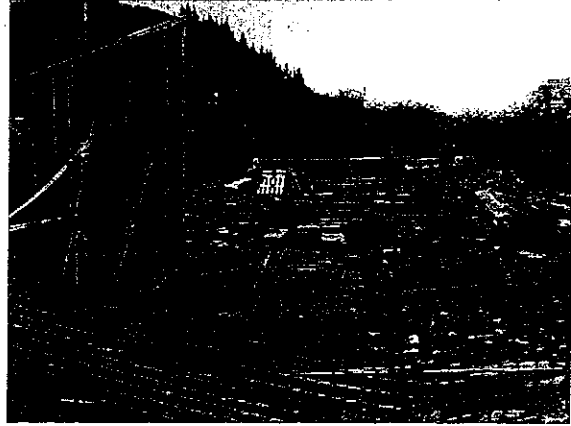
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79 Date: _____

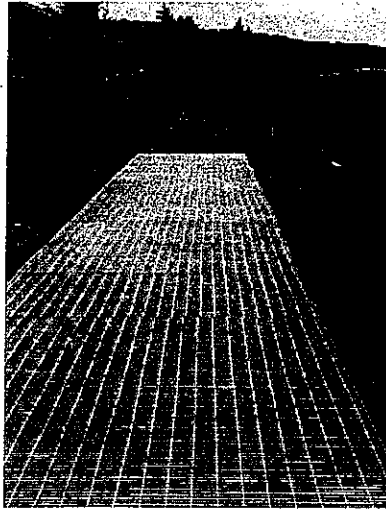
80 Date: _____

ORDINANCE(S)

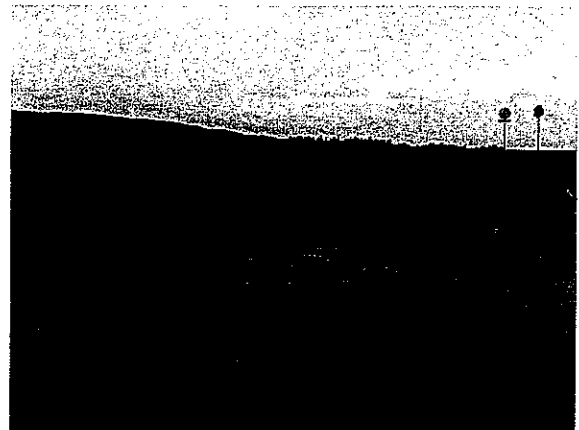
CITY MANAGER'S REPORT



This is all that is left of the "red shed" at Karen Hornaday Park. Once removed, excavation will begin to provide a gravel parking area.



The existing Beluga Slough Trail has been removed and the Contractor is installing the new elevated trail. Completion expected before snow fall.



The new access driveway into the Mariner Park is complete.

CITY ATTORNEY REPORT

COMMITTEE REPORT(S)

PENDING BUSINESS

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**CITY OF HOMER
HOMER, ALASKA**

City Clerk/Parks and
Recreation Advisory Commission

RESOLUTION 12-079

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, ACCEPTING AND APPROVING THE RECOMMENDATIONS OF THE KACHEMAK DRIVE PATH COMMITTEE, PARKS AND RECREATION ADVISORY COMMISSION, AND THE TRANSPORTATION ADVISORY COMMITTEE APPROVING THE PURSUIT OF A NON-MOTORIZED TRAIL ALONG KACHEMAK DRIVE FROM THE BASE OF THE HOMER SPIT TO EAST END ROAD AS A CITY CONSTRUCTION PROJECT, AND USING HART TRAIL FUNDS AS A POTENTIAL FUNDING SOURCE.

WHEREAS, The Homer City Council has adopted the Homer Non-Motorized Transportation and Trail Plan, Homer Area Transportation Plan, Climate Action Plan, HART Policy Manual and included the Kachemak Drive Rehabilitation/Pathway on the Capital Improvement Plan; and

WHEREAS, The Parks and Recreation Advisory Commission established a committee to specifically address possible solutions to the hazards presented to non-motorized and motorized users of Kachemak Drive; and

WHEREAS, The Homer City Council adopted Resolution 11-090(A), directing the Kachemak Drive Path Committee (KDPC) to work with the Transportation Advisory Committee (TAC) to more fully develop the project; and

WHEREAS, The KDPC forwarded a memorandum via the Parks and Recreation Advisory Commission, which the TAC subsequently recommended for approval to the City Council, for the Kachemak Drive Path to become a City of Homer project rather than a State of Alaska project and to use HART Trail funds to leverage additional funding.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, supports the design and construction of a separated pathway along Kachemak Drive as a City construction project.

BE IT FURTHER RESOLVED that the City Council of Homer, Alaska, further supports utilizing HART Trails funds for this project.

PASSED AND ADOPTED by the Homer City Council this 10th day of September, 2012.

CITY OF HOMER

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JAMES C. HORNADAY, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

Fiscal Note: \$200,000, HART Account No. 165-375 for Trails.

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**CITY OF HOMER
HOMER, ALASKA**

RESOLUTION 12-079(S)

Wythe/Parks and Recreation
Advisory Commission

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, AUTHORIZING THE ALLOCATION OF UP TO \$20,000 FROM THE HART FUND FOR THE PURPOSES OF SURVEY WORK AND AN ENGINEERING ESTIMATE TO DETERMINE THE COST OF CONSTRUCTING THE INITIAL ONE-HALF MILE OF THE PROPOSED KACHEMAK DRIVE NON-MOTORIZED PATHWAY.

WHEREAS, The City of Homer has adopted the Homer Non-Motorized Transportation and Trails Plan, Homer Area Transportation Plan, Climate Action Plan, HART Policy Manual and has included the Kachemak Drive Rehabilitation/Pathway in the Capital Improvement Plan (CIP); and

WHEREAS, The Parks and Recreation Advisory Commission (PRAC) established a committee to specifically address possible solutions to the hazards presented to non-motorized and motorized users of Kachemak Drive; and

WHEREAS, The Homer City Council adopted Resolution 11-090(A), directing the Kachemak Drive Path Committee (KDPC) to work with the Transportation Advisory Committee (TAC) to more fully develop the project; and

WHEREAS, The PRAC, KDPC and TAC mutually agree that the construction of the Kachemak Drive Non-Motorized Pathway would provide a safety zone for pedestrians and a safer driving zone for the vehicle traffic on Kachemak Drive; and

WHEREAS, The PRAC, KDPC and TAC further recommend that the City of Homer consider taking the responsibility for the construction and maintenance of the Kachemak Drive Non-Motorized Pathway; and

WHEREAS, The construction of the first section of the proposed Kachemak Drive Non-Motorized Pathway, from the intersection of Kachemak Drive and Spit Road, approximately one-half of a mile up Kachemak Drive towards the parking area at the crest of the hill, would provide immediate safety benefits for pedestrians, cyclists and motorists; and

WHEREAS, The first step towards determining the feasibility of constructing this initial one-half mile section of the proposed path requires surveying and an engineering estimate which is anticipated to cost not more than \$20,000.

46 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska,
47 authorizes the allocation of up to \$20,000 for the purposes of survey work and an engineering
48 estimate to determine the cost of constructing the initial one-half mile of the proposed Kachemak
49 Drive Non-Motorized Pathway and authorizes the City Manager and staff to proceed as required
50 to complete these activities.

51
52 BE IT FURTHER RESOLVED that the commitment of these funds in no way binds the
53 City of Homer to the construction of either the initial one-half mile of pathway, or any other
54 segments of the proposed Kachemak Drive Non-Motorized Pathway. The contribution is made
55 solely as a good faith show of support for the construction of the Kachemak Drive Non-
56 Motorized Pathway.

57
58 PASSED AND ADOPTED by the Homer City Council this 8th day of October, 2012.

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60 CITY OF HOMER

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64 JAMES C. HORNADAY, MAYOR

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66 ATTEST:
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69
70 JO JOHNSON, CMC, CITY CLERK

71
72 Fiscal Note: \$20,000 from HART, Trails Fund, Acct. No. 165-375.



City of Homer

Planning & Zoning

491 East Pioneer Avenue

Homer, Alaska 99603-7645

Telephone (907) 235-3106

Fax (907) 235-3118

E-mail

Planning@ci.homer.ak.us

Web Site www.ci.homer.ak.us

MEMORANDUM 12-142

To: Mayor Hornaday, Homer City Council
From: Kachemak Drive Pathway Committee, Parks and Recreation Advisory Commission,
Transportation Advisory Committee
Through: Julie Engebretsen, Planning Technician
Date: August 30, 2012

Summary: Request for the Kachemak Drive Trail to become a City of Homer construction project, and use HART funds to help pay for it.

Introduction

There is a long held desire in the community for a trail along Kachemak Drive. The project is currently in the City Capital Improvement Plan (CIP), and one of the top 15 projects. In the CIP, the project is categorized as one the City expects the State to construct.

The Parks and Recreation Advisory Commission formed the Kachemak Drive Path Committee, which has been meeting regularly since December 2010. The Committee, via the Commission, forward two resolutions to Council in 2011. The City Council approved Resolution 11-90(A) in May 2012, asking for more information and a recommendation of the Transportation Advisory Committee.

The Parks and Recreation Advisory Commission, (P&R) and the Kachemak Drive Pathway Committee have subsequently worked hard to better define the project, and explore the idea of the City building the trail.

The Project

The project consists of approximately 3.5 miles of separated path, adjacent to Kachemak Drive. Most of the trail would be an eight foot wide compacted gravel trail, similar in design to the Homer Spit Trail.

The project would be split into phases for design and construction. The first phase would be from the end of the current Spit Trail at Kachemak Drive, east along Kachemak Drive to the long term airport parking lot. The City and the State are the only two property owners in this section and it's the most heavily traveled section of road. All three advisory bodies feel this first phase is the most important for public safety.

The remainder of the trail would follow utility easements where possible. Property owners would need to grant trail easements to the City for most of the route. Requesting easements from property owners could take years and not all property owners may want to grant easements. This could affect the location and design of the trail.

Question #1. Should the City design and build this trail? Or should it be left to the state?

- The state will not build this trail in the near future. It has been a project on the CIP for some time, and no action has been taken by the state. The state has limited right of way, and has shown no interest in acquiring more right of way in order to build a trail.
- This is an important project and merits the City's efforts to build it, rather than waiting on the state.
- A city project means city staff time, and city taxpayer expense, rather than state employees and state funds.
- The City Council's approval is required if this is to become a city rather than a state project.

Requested Action 1: City Council approval of the City pursuing construction of the trail

Question #2: If the City builds this trail, how will it be paid for?

HART Trail funds can be used to provide matching grant funds, pay for design, or pay for the whole project. This is a large project that will likely be planned and constructed in phases; its not necessary at this point to identify all funding sources. Staff always looks for grants and other funding sources to leverage Homer taxpayer dollars.

Requested Action 2: Approve the concept of using HART funds. Budget requests will follow the ordinance process.

Other information requested via Resolution 11-090(A)

Costs and funding

Costs - Project costs are likely to exceed \$2,080,000. Some sections will likely be substantially more expensive than others. As with any project, design alternatives will be considered in those areas. The initial proposal is to use HART funding for project design, and then use HART funding to leverage grants and other outside funding sources.

Per Carey Meyer:

18,750 LF of 10' wide gravel Kachemak Drive Trail should cost \$85/LF

Design Cost =	\$ 150,000
Construction Cots =	\$ 1,600,000
Contingency (15%) =	\$ 240,000
Inspection Costs =	\$ 60,000
Administration Costs =	\$ 30,000
Total Project Cost =	\$ 2,080,000

Funding - There are several possible sources of funding for this project including grants, state legislative appropriations, and sales tax revenue via the HART program. As with any project, once design work is completed, the project is more likely to be successful with grant and legislative funding. With Council approval, HART funds can be used to initiate and leverage additional monies for this project.

This project will likely need to be completed in phases and may take several years. It has taken over ten years to build water and sewer along Kachemak Drive to date. The city would likely take the same approach with the trail: design the whole project, and implement it in stages as funding and easements are in place. The section between Homer Spit Road and the airport parking is considered "Phase One" and is the highest priority.

Maintenance

At this time, the City of Homer provides minimal winter maintenance on trails (with the exception of the Spit Trail). In the summer, City maintenance is generally limited to trash removal and brush clearing. Staff and volunteer efforts will be needed to accomplish summer maintenance.

Permitting

Acquiring federal, state and local permits for a trail is time consuming, and can be costly. But its not insurmountable. Please consider the permit process as part of the project cost. One of the first steps in this project will be a scoping letter to the various agencies, to find where the problem areas and issues are. The trail can be designed with these issues in mind.

Examples of permits

- Army Corps of Engineers
- State of Alaska Right of Way

What this project will take if the City Council approves this project becoming a city project:

Design Phase – funded via HART funds and other grants as available

1. Permitting. The first step is a scoping letter to the various agencies. They will provide comments about their concerns. With their comments early in the design process, the city can incorporate their concerns. This will smooth the official permit process later in the project.

Cost: Staff time.

2. Design. Basic design work to determine the exact route and easements needed.

Cost: Engineering design contract for cost estimating and easement requirements.

3. Easement acquisition. Request easements from property owners.

Cost: significant staff time, recording fees, possibly some easement purchases

Construction Phase – funding via Hart funds and grants

1. Acquire permits

2. Contract with an engineering firm for engineer cost estimates and bid drawings

3. Acquire construction funds

4. Issue bid documents

4. Build!

Attachments:

Resolution 11-90(A)

Excerpt of the Transportation Advisory Committee minutes of August 21, 2012

Office of the City Clerk

Jo Johnson, CMC, City Clerk

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



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

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

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

MEMORANDUM 12-152

TO: MAYOR HORNADAY AND CITY COUNCIL
FROM: PARKS AND RECREATION ADVISORY COMMISSION
THROUGH: RENEE KRAUSE, CMC, DEPUTY CITY CLERK
DATE: SEPTEMBER 21, 2012
RE: SUBSTITUTE RESOLUTION 12-079(S) REQUESTING FUNDS FOR SURVEYING AND ENGINEERING A SECTION OF THE PROPOSED KACHEMAK NON-MOTORIZED PATHWAY

Background

The Parks & Recreation Advisory Commission reviewed the substitute Resolution 12-079(S) at the regular meeting on September 20, 2012.

BRANN/LILLIBRIDGE – MOVED TO AMEND THE RESOLUTION TO CHANGE “ONE THIRD MILE” TO “ONE HALF MILE.”

The commission reviewed the resolution and amended lines 11, 37, 41, 46 and 51 from “one-third mile” to “one half mile” to represent the correct distance of the proposed Kachemak Drive Non-Motorized Trail requested to be surveyed.

This amendment was approved by consensus of the Commission.

LILLIBRIDGE/LOWNEY – MOVED TO APPROVE RESOLUTION 12-079(S) AS AMENDED AND FORWARD TO CITY COUNCIL FOR APPROVAL AT THE NEXT CITY COUNCIL MEETING.

There was no discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

RECOMMENDATION

Approve the Amended Resolution 12-079(S)

NEW BUSINESS

Office of the City Clerk


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



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

MEMORANDUM 12-153

TO: MAYOR HORNADAY AND HOMER CITY COUNCIL

FROM: JO JOHNSON, CMC, CITY CLERK 

DATE: OCTOBER 2, 2012

SUBJECT: TRAVEL AUTHORIZATION FOR MAYOR-ELECT WYTHE AND COUNCILMEMBERS BURGESS AND ZAK TO ATTEND THE ALASKA MUNICIPAL LEAGUE 62ND ANNUAL LOCAL GOVERNMENT CONFERENCE IN ANCHORAGE, ALASKA, NOVEMBER 12 - 16, 2012.

Mayor-elect Beth Wythe and Councilmembers Beauregard Burgess and Bryan Zak would like to attend the Alaska Municipal League (AML) 62nd Annual Local Government Conference in Anchorage, Alaska, November 12 - 16, 2012.

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

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

Cost estimates for travel include round trip airfare from Homer to Anchorage at \$210.00 and room rates at \$100.00 per night. Per diem is \$58.00 per day, for three meals.

For FY 2012 Council budgeted \$3,500 for transportation and \$2,500 for subsistence. To date \$1,340.21 has been expended from Transportation Acct. No. 100.100.5236, leaving a balance of \$2,159.79; and \$328.96 has been expended from Subsistence Acct. No. 100.100.5237, with a balance of \$2,171.04 remaining.

RECOMMENDATION:

Discuss the travel and if approved allocate funds for transportation.

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

[Home Page](#) [About Us](#) [Annual Conference](#) [Services](#) [Legislative](#) [Affiliates](#)

62nd Annual AML Local Government Conference & Newly Elected Officials Training General Informtion November 12-16, 2012 The Hotel Captain Cook ~ Anchorage, AK

Cultivating Partnerships, Strengthening Communities

This year's theme is Cultivating Partnerships, Strengthening Communities.

During these challenging economic times, it is more important than ever that Alaska's municipalities partner with those people, agencies and industries that work to make Alaska a better place. We may all have different methods to accomplish this goal, but we all strive for the same result.



This coming year, let's work on bringing a spirit of partnership to our dealings with the state, the federal government and the businesses that help our communities be successful.

Policy Statement, Priorities & Resolutions

An important part of the Annual Local Government Conference is to discuss and approve the 2013 AML Policy Statement and Legislative Priorities, adopt Resolutions, and create consensus on key legislative issues. AML members are invited to comment and/or propose amendments to the Policy Statement, Legislative Priorities and Resolutions during the four "policy sections" on Wednesday, November 14th from 3:15p.m. - 5:00 p.m. The process is completed at the 62nd Annual Business Meeting on Friday, November 16th at 9:30 a.m. where the entire membership will review and adopt the 2013 documents. For complete policy & resolutions guidelines click [HERE](#).

Exhibitors & Sponsor

Exhibitors and sponsors make it possible to keep registration costs down for our members. Please take some time to visit the exhibitors during the conference. Sponsors will be recognized with signage and special ribbons on their badge for those in attendance. Please take a few moments to thank them for their support. For information on becoming an exhibitor or sponsoring an event click [HERE](#) or click [HERE](#) for an Exhibitor Application or [HERE](#) for a Sponsorship Application.

Training & Networking

AML provides the best training in the state on issues facing municipal leaders. The conference also offers networking opportunities between communities and municipal officials. Preconference events for AML Affiliate Associations begin Saturday, November 10, 2012. The 62nd Annual Conference begins Wednesday,

November 14 at 9:30 a.m.

For workshop descriptions click [HERE](#)

AML Board Of Director Elections

Interested in becoming more involved in the Alaska Municipal League? Why not run for a seat on the Board of Directors. For information on which seats are open and how to qualify, click [HERE](#). To obtain a Declaration of Candidacy form click [HERE](#).

Newly Elected Officials

Building a solid leadership foundation begins with AML's Newly Elected Officials (NEO) Seminar. It is one of Alaska's most highly regarded training programs for local leaders. Officials who would like a refresher course and those who are newly elected to office are invited to attend. A \$50 discount is offered for NEO participants who also attend the Local Government Conference.

17th Annual Awards of Excellence

There are several categories of awards; People awards to recognize local government officials who have demonstrated a commitment to excellence in local government both within their own communities and on a statewide level; and Community Awards to showcase your area and let others know how you have solved a problem or improved local government. Click [HERE](#) for Awards Application.

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Alaska Municipal League 62nd Annual Local Government Conference Preliminary Program

Saturday, November 10

9:00 a.m. – 5:00 p.m. Clerks Nuts & Bolts

Sunday, November 11

8:00 a.m. – 5:00 p.m. Clerks Conference
12:00 p.m. – 5:00 p.m. Planners Advanced Training

Monday, November 12

9:00 a.m. – 5:00 p.m. NEO Training
8:00 a.m. – 4:30 p.m. Clerks Conference
8:00 a.m. – 5:00 p.m. Finance Officers Conference
8:00 a.m. – 5:00 p.m. Planners Conference
8:00 a.m. – 5:00 p.m. Assessors Conference
8:00 a.m. – 5:00 p.m. Attorneys Conference
1:00 p.m. – 5:00 p.m. Managers Meeting

Tuesday, November 13

9:00 a.m. – 5:00 p.m. NEO Training
8:00 a.m. – 5:00 p.m. Clerks Conference
8:00 a.m. – 5:00 p.m. Finance Officers Conf.
8:00 a.m. – 5:00 p.m. Planners Conference
8:00 a.m. – 5:00 p.m. Assessors Conference
8:00 a.m. – 5:00 p.m. Attorneys Conference
8:00 a.m. – 5:00 p.m. Managers Meeting
9:00 a.m. – 4:00 p.m. Mayors Meeting
4:00 p.m. – 5:30 p.m. AML Board Meeting

Wednesday, November 14

7:00 a.m. – 8:30 a.m. AMLIP Breakfast
8:00 a.m. – 5:00 p.m. Exhibitors
9:30 a.m. – 11:30 a.m. AML Opening Ceremonies
12:00 p.m. – 1:15 p.m. Opening Day Lunch
Keynote:
Dr. Lowell Catlett "Imagining the World of 2020"

1:30 p.m. – 2:45 p.m. Concurrent Sessions

- Creating Vibrant Communities for Tomorrow
- Scalable Federal Engineering Solutions
- Understanding & Controlling Energy Costs in Alaskan

Thursday, November 15

7:30 a.m. – 8:45 a.m. AMLIA Breakfast
8:00 a.m. – 5:00 p.m. Exhibitors

9:00 a.m. – 10:15 a.m. Concurrent Sessions

- Basics of How to Lobby the Legislature
- Investment Policy & Asset Allocation for Local Governments
- Resilient Communities
- Broadband Report
- Alaska Stand Alone Pipeline

10:30 a.m. – 11:45 a.m. Concurrent Sessions

- Basis & Legislative Research Techniques
- Arctic Issues
- Health Care Issues
- Emergency Preparedness
- Cultivating Financial Partnerships to Strengthen Your Communities

12:00 p.m. – 1:15 p.m. Second Day Luncheon

1:45 p.m. – 3:30 p.m. Concurrent Sessions

- PERS.....again
- Playgrounds "Dirty Dozen" & Key Elements of Playground Design

3:30 p.m. Drawing with Vendors

6:00 p.m. – 7:00 p.m. AML President's Reception & ACoM Silent Auction

7:00 p.m. – 9:00 p.m. Awards Banquet

Friday, November 16

8:30 a.m. – 9:30 a.m. Gourmet Breakfast & Board of Directors Elections
9:30 a.m. – 11:00 a.m. Annual Membership Meeting

Public Buildings

- Fish or Cut Bait
- AMLJIA

2:45 p.m. – 3:15 p.m. Ice Cream Social w/Exhibitors

3:15 p.m. – 5:00 p.m. Concurrent Sessions

Policy Statement Changes & Resolution Submission

- Revenue & Finance
- Land Use, Resources & Econ. Development
- Education, Local Governmt. & Public Services
- Public Works & Infrastructure

5:00 p.m. – 5:30 p.m. Resolution Committee

5:30 p.m. – 6:00 p.m. Nominating Committee

6:00 p.m. – 7:30 p.m. Host Municipality Reception

Key to abbreviations

- NEO=Newly Elected Officials
- AML=Alaska Municipal League
- AMLIP=Alaska Municipal League Investment Pool
- AMLJIA=Alaska Municipal League Joint Insurance Association
- AIDEA=Alaska Industrial Development & Export Authority

Workshop Descriptions

Preliminary Agenda Subject to Change.
Please check back often for updates.

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

MEMORANDUM 12-154

TO: MAYOR HORNADAY AND HOMER CITY COUNCIL

FROM: JO JOHNSON, CMC, CITY CLERK 

DATE: OCTOBER 2, 2012

SUBJECT: CORRECTION OF ACCOUNT CODE ON ORDINANCE 12-33(A)(S).

Accounting Supervisor Laurie Moore has notified me the account number supplied for the Steam/Boiler Unit on Ordinance 12-33(A)(S) is incorrect. The correct account number for Public Works Reserves is 156-395. The ordinance should be corrected to reflect the correct account number for accounting purposes.

RECOMMENDATION:

Approve the correction of Account No. 156-390 for the Steam/Boiler Unit to Account No. 156-395 from the Public Works Reserves.

Jo Johnson

From: Laurie Moore
Sent: Tuesday, September 25, 2012 3:05 PM
To: Jo Johnson
Cc: Regina Mauras
Subject: Ordinance 12-33(A)(S)

Hi Jo,

The account code for the PW portion of the steamer/boiler is incorrect. The ordinance states account #156-390 (actually Library reserves) it should be 156-395 (Public Works Reserves). Not sure if that makes a difference since the intent was the PW reserves.

Laurie

Laurie Moore

Accounting Supervisor

City of Homer, Alaska

Ph - 1-907-435-3113

E-mail - lmoore@ci.homer.ak.us

Fax - 1-907-235-3140

"It is our responsibilities, not ourselves, that we should take seriously."

Peter Ustinov

British actor and writer

Notice: Emails to and from this address are subject to disclosure under the Alaska public records law

CITY OF HOMER
HOMER, ALASKA

City Manager/
Finance Director

ORDINANCE 12-33(A)(S)

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING THE FY 2012 OPERATING BUDGET, INCLUDING APPROPRIATIONS TO THE GENERAL FUND AND THE PORT AND HARBOR FUND AND FUNDING NEW PROJECTS FROM VARIOUS RESERVE ACCOUNTS, APPROPRIATING \$10,567 FOR THE HOMER HOCKEY ASSOCIATION ZAMBONI BATTERIES, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPROPRIATE DOCUMENTS.

WHEREAS, The City's expenses increased the first half of FY 2012; and

WHEREAS, The Homer Hockey Association has experienced similar expenses; and

WHEREAS, The Homer Hockey Association is a major contributor to the City's economy; and

WHEREAS, The City Manager and Department Directors believe it is in the best interest of the City to increase the FY 2012 operating budget to account for these increases:

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer City Council hereby appropriates to the General Fund from the Fund Reserve; a line item description of appropriations is attached and incorporated herein. The Homer City Council hereby appropriates to the General Fund from the fund reserve and to the Port and Harbor Fund, from the port and Harbor Reserve Fund as follows:

General Fund	279,560.00
Port and Harbor Fund	5,000.00

Section 2. The Homer City Council hereby amends the Library Reserve Fund, Public Works Reserve Fund, Water and Sewer Reserve Fund, and the Port and Harbor Reserve Fund for the following additional projects as follows:

Library Software		
156-390	Library Reserves	31,750.00
Steam/Boiler Unit		
156-390	Public Works Reserves	16,666.66

47	256-378	Water Reserves	16,666.67
48	256-379	Sewer Reserves	<u>16,666.67</u>
49			50,000.00
50			
51		Design & Engineering for harbor improvement projects	
52	456-380	Port and Harbor Reserves	\$125,000*

53
54 Section 3. The Homer City Council hereby amends the General Reserve Fund for the
55 following additions:

56			
57	100-350-5814	Homer Hockey Association	10,567.00

58
59 Section 4. The City Manager is authorized to execute the appropriate documents.

60
61 Section 5. This is a budget amendment ordinance, is temporary in nature, and shall not be
62 codified.

63
64 ENACTED BY THE HOMER CITY COUNCIL this 27 day of August, 2012.

65
66 CITY OF HOMER

67
68 James C. Hornaday
69
70 JAMES C. HORNADAY, MAYOR

71 ATTEST:

72
73 [Signature]
74
75 JO JOHNSON, CMC, CITY CLERK

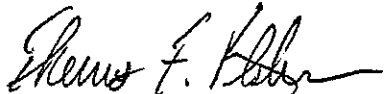
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80 YES: 6
81 NO: 0
82 ABSENT: 0
83 ABSTAIN: 0

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86 First Reading: 7/23/12
87 Public Hearing: 8/13/12
88 Second reading: 8/27/12
89 Effective Date: 8/28/12
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92

93 Reviewed and approved as to form:

94 
95
96 Walt Wrede, City Manager

97
98 Date: 8/29/12
99


Thomas F. Klinkner, City Attorney

Date: 8-31-12

100 Note: \$110,000 for design and engineering for harbor improvement projects is listed in
101 Ordinance 12-39(S).
102

CITY OF HOMER
2012 - Mid year Budget Amendment(s)

General Fund:

Operating Expens	Department	2012 Budget	Expenses through 6/30/12	Budget Amendment Request	Justification
Overtime (5105)					
100-120	Finance	2,500.00	8,446.04	7,500.00	Required due to staffing shortages
100-149	Airport	2,050.00	2,855.61	4,000.00	Winter Weather - Harsh Winter
100-161	Dispatch	34,070.00	27,849.12	22,000.00	Required due to staffing shortages
100-171	General Maintenance	1,700.00	2,418.84	3,100.00	Winter Weather - Harsh Winter
100-174	Winter Roads	11,400.00	32,713.48	20,000.00	Winter Weather - Harsh Winter
100-176	Motor Pool	1,000.00	1,245.77	1,300.00	Winter Weather - Harsh Winter
Fuel (5203)					
100-114	Leased Property	28,000.00	27,001.57	28,000.00	Boys & Girls Club not considered at Budget Time
100-145	Library	26,014.00	18,885.82	10,000.00	Cost increased in 2011, not captured in 2012 Budget
100-149	Airport	24,000.00	20,746.09	16,000.00	Cost increased in 2011, not captured in 2012 Budget
100-171	General Maintenance	14,000.00	7,831.98	2,000.00	Harsh Winter
100-176	Motor Pool	90,660.00	70,974.36	50,000.00	Harsh Winter
Veh/Boat Maint (5207)					
100-176	Motor Pool	120,000.00	85,173.79	25,000.00	Unexpected heavy equip. maintenance
Bldg & Ground Maint (5209)					
100-145	Library	500.00	5,125.00	3,560.00	
100-171	General Maintenance	10,000.00	10,491.54	5,000.00	Window Replacement & Office Imp
Prof & Spec Svcs (5210)					
100-170	Public Works	2,000.00	1,856.67	1,700.00	Additional Licensing Requirements
Rents & Leases (5214)					
100-174	Winter Roads	15,000.00	12,925.00	10,000.00	Snow Hauling Truck Rental
Communications (5215)					
100-130	Planning	400.00	392.07	400.00	
100-140	City Hall	15,000.00	12,293.64	15,000.00	Costs increased in 2011, not captured in 2012 Budget
100-145	Library	2,617.00	3,068.98	3,400.00	
100-170	Public Works	20,000.00	12,580.04	5,000.00	
Electric (5217)					
100-114	Leased Property	9,000.00	9,824.85	10,000.00	Boys & Girls Club not considered at Budget Time
100-145	Library	23,742.00	14,004.35	6,300.00	Cost increased in 2011, not captured in 2012 Budget
100-171	General Maintenance	23,000.00	13,011.35	3,000.00	Cost increased in 2011, not captured in 2012 Budget
Tools/Equipment (5231)					
100-176	Motor Pool	3,000.00	4,614.32	2,000.00	Specialty tools needed for newer vehicles and equipment
Computers & Related (5233)					
100-113	Information System	15,000.00	2,488.99	15,000.00	Tablet Purchase (See Back up information)
Snow Removal (5244)					
100-140	City Hall	3,500.00	5,535.00	6,500.00	Increased due to winter conditions
100-145	Library	6,280.00	5,610.00	3,800.00	Increased due to winter conditions

279,560.00

RESOLUTION(S)

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**CITY OF HOMER
HOMER, ALASKA**

City Clerk/Canvass Board

RESOLUTION 12-083

A RESOLUTION OF THE CITY COUNCIL CERTIFYING THE
RESULTS OF THE CITY OF HOMER REGULAR CITY
ELECTION HELD OCTOBER 2, 2012 TO ELECT THE
MAYOR AND TWO COUNCIL MEMBERS.

WHEREAS, In compliance with the Homer City Code 4.35, the Canvass Board of the City of Homer has opened, counted and tallied the votes on absentee ballots, including special needs ballots, found to be valid and made determination on questioned ballots, and has opened, counted and tallied those questioned ballots found to be valid, cast in the Regular City Election held on October 2, 2012; and

WHEREAS, The total number of voters voting in the City Election was _____ and reflects the number of voters, not the number of votes cast or ballots counted; and

WHEREAS, In accordance with Homer City Code 4.35, the Canvass Board of the City of Homer has opened and inspected the precinct reports, Election Central Logs and entered the results of the absent and questioned ballots on the Certification of Election along with the results of the precinct counts.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby certifies the results of the Regular City Election held October 2, 2012, as presented in the Canvass Board's Certificate of Election, attached as Exhibit A, in accordance with the Homer City Code; and

BE IT FURTHER RESOLVED the following candidate is declared elected to Office of Mayor having received at least 40% of the votes cast for a two-year term of office:

MAYOR (TWO-YEAR TERM)

BE IT FURTHER RESOLVED that the following candidates are declared elected to Office of Councilmember, having received at least 40% of the votes cast for a three-year term of office:

COUNCILMEMBERS (TWO THREE-YEAR TERMS)

BE IT FURTHER RESOLVED that the Canvass Board's Certificate of Election (Exhibit A) be attached permanently as part of this Resolution.

47 PASSED AND ADOPTED by the Homer City Council this 8th day of October,
48 2012.

52 CITY OF HOMER

56 _____
57 JAMES C. HORNADAY, MAYOR

58 ATTEST:

61 _____
62 JO JOHNSON, CMC, CITY CLERK

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65 Fiscal Note: N/A

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**CITY OF HOMER
HOMER, ALASKA**

City Manager/
Public Works Director

RESOLUTION 12-084

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, AWARDED A CONTRACT FOR THE NICK DUDIACK FISHING LAGOON DREDGING PROJECT TO THE FIRM OF ALASKA MARINE EXCAVATION, LLC OF ANCHOR POINT, ALASKA, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPROPRIATE DOCUMENTS.

WHEREAS, The City received a State Legislative grant in the amount of \$100,000; and the City Council has appropriated an additional \$267,500 to complete the work required to return the Nick Dudiack Fishing Lagoon to its original depth; and

WHEREAS, Public Works has been unsuccessful in obtaining multiple competitive bids from contractors positioned to complete the work within the timeframe established by the required environmental permits (see Public Works Memorandum 12-157); and

WHEREAS, A bid was received from Alaska Marine Excavation, LLC of Anchor Point, Alaska; the unit prices being lower than their negotiated bid for this year's similar Corps of Engineer's annual maintenance dredging work near the entrance to the Small Boat Harbor; and

WHEREAS, Award of a non-competitively bid, negotiated, sole source contract for this work is in the best financial interest of the City and consistent with the City's Procurement Policy and Procedures Manual (see Public Works Memorandum 12-157); and

WHEREAS, This award is not final until written notification is received by the firm from the City of Homer.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, approves the award of the contract for the Dudiack Fishing Lagoon Dredging Project to the firm of Alaska Marine Excavation, LLC, of Anchor Point, Alaska, in the amount of \$367,500 and authorizes the City Manager to execute all appropriate documents necessary to complete work required to return the Lagoon to its original depth.

PASSED AND ADOPTED by the Homer City Council this 8th day of October, 2012.

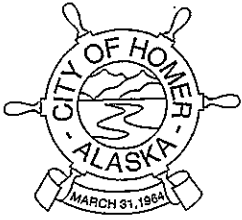
CITY OF HOMER

JAMES C. HORNADAY, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

Fiscal Note: \$367,500, Acct. No. 151-779, Fishing Lagoon Dredging



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

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

MEMORANDUM 12-156

TO: Walt Wrede, City Manager

FROM: Carey Meyer, Public Works Director

DATE: October 3, 2012

RE: **Nick Dudiak Fishing Lagoon Dredging
Construction Contract Award Recommendations**

Public Works recommends that a non-competitively bid, negotiated, sole source contract be awarded for the completion of the widely supported dredging of the Nick Dudiak Fishing Lagoon.

The City's Procurement Policy and Procedures Manual authorizes negotiated procurement following unsuccessful efforts to obtain competitive bidding; when utilizing an existing government contract; or when approved by the City Council as in the best interests of the City.

Dredging of the Fishing Lagoon cannot be completed during normal summer construction windows. This work has to be completed when fish are not present, when other Kachemak Bay critical habitat wildlife are not present, and when winter weather does not negatively impact cost and productivity. Costs can be greatly reduced if the proper equipment has already on the Spit. The bids for mobilization for the Corps annual (2010 -2012) dredging contract ranged from \$190,000 to \$480,000 just to mobilize the necessary equipment onto the Spit.

Public Works evaluated two approaches to completing the work – *land-based operations* (construct a cofferdam across the lagoon opening, pump out the lagoon, and remove material utilizing dozers/backhoes), and *barge-based suction dredging operation* (similar to how the entrance to the small boat harbor/USCG berth is dredged annually).

The Corps of Engineers and the Alaska Department of Fish and Game have indicated agreement with the decision to utilize the barge-based suction dredging operation in an October timeframe recommended by Public Works. The decision by Public Works was based on belief that a barged-based operation would reduced the potential for sediment transported into Kachemak Bay and minimize negative impacts to wintering eiders and other endangered species.

Two barged based dredging operations currently have the equipment on the Spit that can accomplish the work in the timeframe established - the Contractor finishing the annual Corps of Engineers harbor entrance dredging contract (Alaska Marine Excavation, LLC) and a Contractor storing their equipment in the English Bay barge basin. These two contractors are in the best position to accomplish the work as scheduled and at a reasonable cost.

Using contractors already mobilized on the Spit is in the best financial interest of the City.

The Corp's Contractor has provided Public Works with a quote to complete the lagoon dredging work (at a lower unit cost than the negotiated bid for this year's Corps annual dredging work). Negotiated bid unit prices for this year's Corps annual dredging work per cubic yard ranged from approximately \$21 to \$17. The bid per cubic yard provided by the Contractor for the Fishing Lagoon dredging work is \$13.50. The lump sum mobilization bid proposed by the Contractor is \$5,000.

The other Contractor was contacted, but did not show interest in providing a bid to complete the proposed dredging work.

The City Council should approve the award of a non-competitively bid, negotiated, sole source contract to complete the proposed dredging for the following reasons:

- Environmental permits require barge-based dredging in October,
- Public Works was unsuccessful in obtaining competitive bids from Contractors in a position to effectively complete the work within the established timeframe,
- The proposed sole source Contractor's unit price bid is consistently lower than the Corps of Engineer's negotiated bid for similar annual dredging maintenance contract work,
- It is in the best financial interest of the City to take advantage of equipment already mobilized to the site.

Recommendations: The City Council pass a resolution awarding the contract to dredge the Nick Dudiak Fishing Lagoon to Alaska Marine Excavation, LLC of Anchor Point, Alaska in the amount of \$367,500 and authorize the City Manager to execute all appropriate documents.

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**CITY OF HOMER
HOMER, ALASKA**

Roberts

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RESOLUTION 12-085

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, SUPPORTING THE PURSUIT OF A RURAL HEALTH NETWORK DEVELOPMENT PLANNING PROGRAM GRANT FROM HEALTH RESOURCES AND SERVICE ADMINISTRATION FOR THE MOBILIZING FOR ACTION THROUGH PLANNING AND PARTNERSHIPS (MAPP) OF THE SOUTHERN KENAI PENINSULA HEALTH NETWORK.

WHEREAS, Mobilizing for Action through Planning & Partnerships (MAPP) of the Southern Kenai Peninsula (SKP) community efforts have been underway since November, 2008; and

WHEREAS, The mission of MAPP of the SKP is to improve community health and quality of life through community strategic planning and collective impact; and

WHEREAS, MAPP of the SKP offers a direct benefit to individuals, families, organizations, and businesses within the City of Homer and Southern Kenai Peninsula; and

WHEREAS, MAPP of the SKP has primarily been funded through Service Area Board funds to assist in conducting a Community Health Needs Assessment and to develop partnerships and workgroups to address priority health outcomes; and

WHEREAS, Health Resources and Service Administration (HRSA) funds would provide administrative costs that are otherwise difficult to procure; and

WHEREAS, HRSA funds would be utilized to formalize the MAPP of SKP health network and carry out strategic planning activities in order to (a) achieve MAPP of SKP network efficiencies; (b) expand access to, coordinate, and improve the quality of essential health care services; and (c) strengthen our rural health care system as a whole; and

NOW, THEREFORE, BE IT RESOLVED that the Homer City Council supports the pursuit of a Rural Health Network Development Planning Program grant from the Health Resources and Service Administration for the MAPP of SKP.

BE IT FURTHER RESOLVED that the City of Homer endorses the MAPP of the SKP collaboration as an essential element for ensuring a framework for community strategic planning and community health improvement through shared goals and collective impact.

PASSED AND ADOPTED by the Homer City Council this 8th day of October, 2012.

CITY OF HOMER

JAMES C. HORNADAY, MAYOR

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ATTEST:

JO JOHNSON, CMC, CITY CLERK

Fiscal Note: N/A

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

